

**Concluding comments of the Committee on the Elimination of
Discrimination against Women: Republic of Korea**

Third and fourth periodic reports

347. The Committee considered the third and fourth periodic reports of the Republic of Korea (CEDAW/C/KOR/3 and CEDAW/C/KOR/4) at its 400th and 401st meetings, on 7 July 1998 (see CEDAW/C/SR. 400 and 401).

Introduction by the State party

348. The representative noted that the fourth report had been produced by a consultative body, comprising representatives from 25 non-governmental organizations, and by 7 women's policy specialists and that the Republic of Korea had ratified the amendment to article 20 of the Convention in August 1996.

349. The representative stated that ratification of the Convention had impacted significantly on the lives of Korean women. The comments of the Committee members on the second report in 1993 had provided substantial guidance in implementing women's policies, particularly in respect to women's participation in decision-making and the elimination of gender-discriminatory laws relating to citizenship.

350. The representative described several major legal reforms, including the Equal Employment Opportunity Act 1987, the Mother-Child Welfare Act 1991, the 1993 Punishment of Sexual Violence and Protection of the Victim Act, the 1995 Women's Development Act and the 1997 Prevention of Domestic Violence and Protection of the Victim Act. Amendments to the Nationality Act had been enacted in 1997 and the Republic of Korea's reservations to article 9 would soon be withdrawn.

351. The representative described Government efforts to make the Convention widely known, including a 1994 symposium observing the tenth anniversary of the country's ratification of the Convention, and the publication of annotations to the Convention in 1996.

352. The representative noted that, since February 1998, the Government had made it a policy priority to promote women's rights as an integral part of human rights. It had established the Presidential Commission on Women's Affairs and had introduced the Master Plan in Women's Policies (1998? 2002), which aimed to increase the participation of women in all sectors of Korean society. The Government also planned to increase the ratio of women in Governmental committees to 30 per cent by the year 2002.

353. The representative noted the significant impact of the Fourth World Conference on Women and that the Beijing Platform for Action actively contributed to the further empowerment of women. In follow-up to the Conference, the Government had identified ten policy priorities for the advancement of women, including the expansion of child-care facilities, the upgrade of child-care services, and the establishment of a women's information network.

354. The representative emphasized that increased participation by women in politics was a prerequisite for the enhancement of women's social status and further democratic development of the society. A female public employee target system had been instituted in 1995 to facilitate the recruitment of a prescribed number of women into the public sector each year and ratios of women employees were expected to rise from 10 per cent in 1996 to 20 per cent by the year 2000.

355. The representative noted the impact of the economic crisis and its potential adverse affects on Korean women, particularly low-income female-headed households, and indicated that the Government intended to increase its efforts to provide a safety net for these families and prevent the breakdown of the family unit. It also intended to strengthen its programmes to enhance women's economic activities.

356. The representative indicated that gender equality in recruitment, placement and promotion had not been realized and that, while laws and regulations designed to achieve equal employment were already in place, the entry of women into the workforce had not proceeded as rapidly as expected.

357. In concluding her presentation, the representative stated that, although Confucian ideology still hindered the complete realization of gender equality, it was a matter of time before the traditions of the past would give way to full gender equality, representative democracy and shared prosperity. She expressed confidence that, with the benefit of equal protection under the law, Korean women would emerge as contributing partners in the process of nation-building and write their own chapter in the global gender-equality renaissance of the twenty-first century.

Concluding comments by the Committee

Introduction

358. The Committee welcomes the high-level delegation of the Republic of Korea and commends the Government for its reports and particularly the well-structured and comprehensive fourth periodic report, which generally complied with the Committee's guidelines, and provides a broad range of information and data on the situation of women in Korea and the political will of the Government to advance the status of women. The Committee appreciates the exhaustive replies of the Government to questions posed by experts which amplified the written reports. The Committee also appreciates the input of non-governmental organizations to the preparation of the reports.

Positive aspects

359. The Committee welcomes the definitive steps taken by the Government towards the advancement of women and the measures taken to integrate a gender perspective into policies and programmes.

360. The Committee welcomes the establishment and strengthening of the proactive national machinery for women, in particular, the Presidential Commission on Women's Affairs.

361. The Committee welcomes the Government's close collaboration with non-governmental organizations to combat domestic violence through the introduction of protective legislation, in addition to the creation of sexual and domestic violence prevention and victim protection centres, emergency shelters and awareness-raising campaigns to encourage the reporting of and official response to domestic violence and other forms of sexual harassment.

362. The Committee notes with satisfaction that the Government's efforts to implement the Beijing Platform for Action through the preparation of a national plan for the advancement of women and identification of ten priorities in that respect. The Committee commends the 1995 enactment of the Women's Development Act and the Women's Development Fund endowed with US\$ 70 million to support the implementation of the Beijing Platform for Action and the Women's Development Plan.

363. The Committee notes with appreciation the adoption and revision of numerous laws and legal provisions in order to bring domestic legislation in line with the Convention, in particular, the 1998 Prevention of Domestic Violence Act, Protection of the Victim Act and the 1995 Law for the Advancement of Women, which aims to address the issues of gender equality in a comprehensive way. The Committee welcomes the amendments of the National Act in 1997 and the news that the Government is considering the withdrawal of its reservation to article 9 of the Convention.

364. The Committee commends the Government on a wide range of policies, strategies and measures in social and economic areas and underlines, in particular, the achievements in the area of education, including the introduction of non-traditional career orientation for women.

365. The Committee commends the fact that discrimination against women is defined in a number of articles of the constitution, as well as the Equal Opportunity Act 1989. It also commends the fact that maternity benefits for working women and preferential benefits for specific classes of workers for the purpose of redressing discriminatory conditions is not viewed as discriminatory.

Factors and difficulties affecting the implementation of the Convention

366. The Committee notes the negative impact of the economic crisis, and particularly the policies and positions of the International Monetary Fund, which are aggravating the situation for Korean women.

367. The Committee notes the persistence of entrenched paternalistic male values and traditional stereotyping of women's role. In spite of amendments to the civil code, discriminatory provisions remained, such as the prohibition of marriages between individuals with common surnames.

Principal areas of concern and recommendations

368. The Committee is concerned with the reservations entered by the Government of Korea to the Convention.

369. The Committee urges the Government to review its reservations to the Convention with a view to their withdrawal before the year 2000.

370. The Committee is concerned that the reports contain insufficient information on the actual impact of laws and policies on women's lives.

371. The Committee recommends that subsequent reports provide detailed information on the implementation and enforcement of laws and policies. The Committee also recommends that subsequent reports include a comparative analysis of the progress achieved since the previous reports through, *inter alia*, statistical data disaggregated by sex.

372. The Committee notes with concern that, although the constitution contains a definition of discrimination, the definition does not include discrimination with both the

purpose or effect as specified in article 1 of the Convention. The Committee also notes that the Equal Opportunity Act 1989 does not include a full definition of discrimination, which also includes discrimination on the basis of religious beliefs, political preferences, age or disability.

373. The Committee recommends the inclusion in the constitution and all relevant legislation of a definition of discrimination which reflects that in article 1 of the Convention. It also recommends that the Government disseminate information, ensure the provision of legal aid and undertake all necessary measures to increase legal literacy among women. The Committee also recommends that the establishment of the National Human Rights Commission be expedited and the provision of remedies for discriminatory practices.

374. The Committee is concerned that violence against women is still pervasive in Korean society.

375. The Committee recommends that the Government intensify its efforts to combat violence against women through, *inter alia*, the introduction of comprehensive measures, including gender-sensitive training of the judiciary, health personnel and law enforcement officials. It also recommends the provision of adequate shelters and the incorporation of models of non-violent forms of conflict resolution in education and the media.

376. The Committee is concerned about the under-representation of women in politics and decision-making structures, including the judicial system. It emphasizes the importance of fostering a political environment conducive to women's promotion in all sectors of public and private life.

377. The Committee recommends the provision of more governmental support in order to increase women's political participation and political education, raise public awareness about women leaders, continue promoting targets and quotas, introduce incentives to encourage a minimum quota of 30 per cent representation of women in political parties and the drafting of policies to increase the participation of women in the judicial system. It also recommends that the Government encourage the private sector to introduce quotas for women, particularly in non-traditional areas.

378. The Committee is concerned about the situation of women in the labour market and emphasizes the current Asian economic crisis and its impact on the situation of women. The Committee raises the following concerns:

- (a) Sexual harassment in the workplace;
- (b) Insufficient social protection of female workers in the private sector;
- (c) Occupational segregation, including concentration in traditional female occupations;
- (d) Lack of employment opportunities for highly qualified women, as well as the wage differential between women and men;
- (e) Insufficient support to women entrepreneurs, particularly in non-traditional areas;
- (f) Situation of women in agriculture, especially of elderly women and in rural areas;
- (g) Early lay-off and an increase in the number of part-time women workers.

379. The Committee recommends:

(a) Provision of statistical data on the growing number of part-time workers in social protection schemes;

(b) Implementation of the principle of equal pay for work of equal value and recognition of women's unpaid work;

(c) Provision of equal social protection for women in both the public and private sectors including extension of paid maternity leave to the private sector to bridge the gap between the working conditions in these sectors;

(d) Ratification of International Labour Organization conventions, especially Conventions 110 and 111;

(e) Elimination of gender-restrictive recruitment and advertisements;

(f) Awareness-raising campaigns and training programmes to encourage the reporting and elimination of sexual harassment in the workplace.

380. The Committee expresses concern at the situation of rural women, in particular in regard to their under-representation in decision-making/leading public and private positions.

381. The Committee encourages the Government to give full attention to the needs of rural women and to ensure that policies and programmes benefit them in all areas, including in regard to their recognition as agricultural workers, so as to benefit from the rights under the Employment Standard Act, and access to decision-making, health and social services. The Committee also recommends more studies on the situation of rural women, and the collection of statistical data to inform policies in this area. The Committee also recommends that the Government facilitate access to credit for rural women.

382. The Committee's further concerns include:

(a) The status and role of the national machinery, including the Commission on Women's Affairs, its authority and budget;

(b) The differential minimum age of marriage of women and men;

(c) The high rate of abortion;

(d) The discriminatory impact of existing inheritance laws;

(e) The provision of inadequate information on the numbers of women using health facilities, especially those with HIV/AIDS and sexually transmitted diseases, in the report.

383. The Committee recommends that the Government of Korea provide further information in its next periodic report describing measures taken to address these concerns.

384. The Committee recommends that the Government give special attention to the realization of the right to social security provided by the 1955 Unemployment Insurance Scheme to disabled women, and that the policy to provide a variety of programmes for

older women, including the promotion of their health, not be jeopardized by the present economic crisis.

385. The Committee recommends that that special attention be given by the Government, and if necessary special measures be introduced, to prevent adverse consequences for women as a result of the present economic crisis.

386. The Committee requests the wide dissemination in the Republic of Korea of the present concluding comments in order to make the Korean people, and particularly the Government, administrators and politicians, aware of the steps that have been taken to ensure de facto equality for women and the further steps required in that regard. The Committee also requests the Government to continue to disseminate widely, and in particular to women's and human rights organizations, the Convention, the Committee's general recommendations and the Beijing Declaration and the Platform for Action.