
Committee on the Elimination of
Discrimination against Women
Sixth session

20 March - 10 April 1987

Excerpted from: Supplement No. 38 (A/42/38)

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

Initial report

130. The Committee considered the initial report of the Republic of Korea (CEDAW/C/5/Add.35) at its 87th and 91st meetings, on 31 March and 2 April 1987 (CEDAW/C/SR.87 and 91).

131. The representative of the Republic of Korea, in introducing the country report, stated that in the preparation of the report special attention had been paid to the Government's policies for eliminating discrimination against women in all forms and to the family law of the Republic of Korea. She said that the introductory part of the report reviewed the constitutional principles of the Government, the institutional and legal framework to enhance women's status at both

governmental and private levels and the problems related to the family law, which had been alleged to contain discriminatory provisions. She stated that under the Constitution, amended in 1980, equality of treatment and equality of opportunities for all, regardless of sex, had been emphasized. She outlined the institutional machineries that existed, including the Women's Development Institute and the National Committee on Women's Policies, which was the co-ordinating body to review policies and develop strategies for the advancement of women in the Republic of Korea. She said that the Long-Range Plan for Women's Development had been adopted by the Government to integrate women's development into the national development programme. The Guidelines for the Elimination of Discrimination against Women, also adopted by the Government, contained concrete countermeasures against possible barriers to women and those had the same effect as domestic laws.

132. The representative stated that the second part of the report covered specific information on the articles of the Convention, and the institutional arrangements to eliminate discrimination were explained in detail. She referred to the national family law, which contained some tradition-bound provisions handed down from feudalistic society that seemed to be contrary to the spirit of the Convention. However, a revised proposal to that Law had been submitted to the National Assembly which would eliminate sexual discrimination in property inheritance and also allow women to become the head of the family, contrary to the present law. She reported that a draft of the Equal Employment Law had also been prepared for the purpose of boosting the welfare of female employees. She further reported that those programmes had been included in the Sixth Five-Year Socio-Economic Development Plan.

133. In conclusion, the representative emphasized that the Government of the Republic of Korea would pursue, as in the past, a positive and consistent policy against discrimination against women in all forms and continue every effort to fulfil its obligations under the Convention.

134. The members of the Committee expressed appreciation for the report of the Republic of Korea and commended the progress made to eliminate discrimination of women. However, in view of the reservations that had been made concerning articles 9 and 16 of the Convention, many experts expressed doubts as to whether there was a real commitment to eliminate all kinds of discrimination against women in the Republic of Korea. They also expressed their concern with the reservations, which some of them considered to be incompatible with the Convention. The Committee urged the Government to consider a withdrawal of the reservations as soon as possible.

135. Although some advancement had been made, the considerable problems to overcome tradition in family law were recognized. Although the experts noted the establishment of various organizations and committees, they expressed concern over the aims and direction of those bodies and wondered if having the Prime Minister as Chairman was entirely beneficial. There was concern that the rapid industrialization of the country, although increasing women's participation in education and training programmes, would not lead to greater equality between women and men. Freedom of speech and therefore the ability of women's movements to act freely was queried. Generally, more statistical data were requested to make comparisons possible.

136. Information was requested on laws for the protection of women in the criminal court, e.g. in the case of rape or other sexual offences.

137. More details were sought on the three sectors of the Long-Range Plan for Women's Development and the Five-Year Socio-Economic Development Plan, mentioned in the report, as the inclusion of those documents would have been useful. It was asked if the Government had taken any concrete measures on the improvement of women's capabilities. The absence of decentralized organizations for equality work was regretted.

138. It was asked whether temporary special measures to accelerate women's de facto equality had been considered, as they were not mentioned in the report.

139. Experts wanted to know whether the Government had taken any special measures aimed at protecting maternity and to improve the status of women as a whole, and what the practical effects were of the new laws that had been enacted in that field. Data were requested on child-care facilities, and it was asked whether they were free and where they were located and what measures had been taken to protect women and children.

140. It was asked if the Republic of Korea had any plans or movements concerned with changing the consciousness of men and society as a whole. The progress that had been made was noted, and details were requested on the family education courses, particularly whether they were available to all and the exact curriculum. It was asked if anything was being done to modify traditional gender roles, whether anything was being done to overcome the preference for sons and if there was any encouragement for men to contribute to household duties to ease the double burden of their working wives.

141. In the report, it was stated that the Long-Range Plan for Women's Development, drafted by the Women's Development Institute, offered some measures to seek a reasonable division of responsibilities between women and men, in order to create a harmonious home milieu and to encourage the self-development of each family member. It was asked what those measures were and what the definition of "reasonable" was.

142. Concern was expressed, since it was felt that there was so great an emphasis on the reproductive role of women that the "private aspect" of a woman, her life as a person, was not at all stressed and that menstruation was regarded as an illness. It was asked why mother and child were always dealt with as a unit.

143. Questions were also asked as to the meaning of the concepts "family education", "health of the household", "work against morality" and "utilization of women".

144. Concern was expressed with regard to prostitution in the country. Interest was shown in the vocational rehabilitation programme for prostitutes, and more information was requested, particularly on the duration of the programme, the numbers of participants and whether women were monitored until otherwise employed. It was asked about the social problems of prostitution, whether it had been brought under control and if any research had been carried out and, finally, whether the prostitution areas had been eliminated. Experts inquired whether action had been taken against the sex tourism that seemed to be going on in the Republic of Korea and whether it was also oriented against the clients. They also asked whether the law penalized not only the client but also the prostitute and, if so, why. Attention was drawn to the counselling centres mentioned in the report, and it was

stated that a distinction should be made between prostitution and violence against women in the family.

145. Clarification was sought on the representation in Parliament by women and the number elected to public bodies as well as the number of women ministers. A question was asked about the difference between organizations registered with the Government and those that were not. Other questions were on the aims of women's organizations and on co-ordination problems between the many women's organizations.

146. It was asked how many women held diplomatic posts.

147. Concerning the reservation to article 9 of the Convention, details were requested on the legal situation regarding nationality and of planned government action to remove the obstacles to the implementation of that article.

148. Concern was expressed regarding the figures stated for the number of co-educational schools and the progressive drop in the participation of women at higher levels of education, and more details were requested on the remaining types of schools and whether equality in education was indeed a fact. It was asked if there were any plans to abolish the separated system of education and if there were any universities or colleges that were not open to women. Details about the curriculum of the home economics courses were sought.

149. It was asked if all occupations were open to women, and concern was expressed that the protective legislation prevailing from the patriarchal system was equivalent to discrimination and impeded the free participation of women in the labour market. Details were requested with respect to the civil service, particularly the incidence of women in the armed forces. It had been stated in the report that 39 per cent of the work-force were women, and it was queried what they did, what pay they received and how many were in qualified posts. Details on the Equal Employment Law presently being enacted, and more statistical information and background facts in general were requested, particularly with regard to daily and weekly working hours, retirement age and numbers of working wives and mothers. It was asked how women and men managed to combine family obligations with work outside the home, as there did not appear to be sufficient child-care facilities. Information was requested on equal pay policies and average earnings as well as on unemployment rates for women and men. Information was also requested with regard to sexual harassment in the country.

150. The contribution of women to the high growth rate of the gross national product (GNP) of the country was not reflected in the report. Information was sought on the conditions of service and safety as regards working conditions for women in the manufacturing industry, since they constituted the majority of the workers within that industry. It was asked whether employers were free to dismiss workers without any justified grounds. Concern was expressed on the negative impact on workers in labour-intensive industries, and it was asked what protection was offered to them.

151. Details were requested on the measures taken to improve health services for women and children and on conditions under which they operated, for example whether they were free to all women and whether access was available to all.

152. More information was requested on family planning services, sex education and health programmes and on the rate of abortion and the legal provisions in that context. Statistics on the current birth rate and the incidence of mother and infant mortality were also requested.

153. It was asked whether adultery on the part of the husband was admitted and what the relationship was between an illegitimate child and the wife of the natural father.

154. Experts asked what the prospects were to withdraw the reservations with regard to family law. They wanted to know the Government's intentions to reform that law, in which direction reforms would be made and how soon action would be taken. Further clarification was sought on the rights of women under the present law, in particular details on freedom to marry and divorce and the custody of children. Details on the kind of cases brought before the Family Court were also requested.

155. In responding to the questions raised, the representative from the Republic of Korea began by providing details of the National Committee on Women's Affairs. She reported that the 20-member Committee comprised public officials at ministerial level and the President of the Korean Women's Development Institute (KWDI). The Committee was chaired by the Prime Minister or his designated deputies, as necessary, and more than half of the members were women. There were two other important government offices concerned with women's affairs. Those were the Bureau of Family Welfare (Ministry of Health and Social Affairs), which was connected with the promotion of women's status in general, and the Women's Affairs Guidance Office (Ministry of Labour), which dealt with women's labour conditions. She reported on the government-supported KWDI, whose manifold functions included research, the development of education, training programmes for working women and teaching materials and support of non-governmental women's organizations.

156. The representative listed the recent achievements of those organizations such as the enhancement of general consciousness with regard to women's status and issues and the improvement of job opportunities and labour conditions for women workers.

157. In response to the general concern voiced by the experts with regard to the reservations made by the Republic of Korea upon ratification, the representative explained that the domestic laws of the country, in particular the Law on Nationality, the Civil Code and the Conflict of Laws Act, conflicted with the provisions of articles 9 and 16 of the Convention. However, as had been reported, the Government was making efforts to change the domestic laws in order to make them compatible with the Convention.

158. With regard to article 3 of the Convention, the representative explained that the Long-Range Plan for Women's Development concentrated on the development of women's potential capabilities, the promotion of working women's welfare, upgrading their skill training and increasing job opportunities for women.

159. She stated that the Long-Range Plan had been incorporated into the sixth Five-year Socio-Economic Development Plan and would therefore be carried out in parallel to the National Development Plan during 1987-1991. The period from 1992 to 2000 would be a period of consolidation.

160. As requested, she explained that the phrase "utilization of the female work-force" meant the development of women's full potential so as to enhance job opportunities for women, and it did not mean exploitation. She elaborated that the principles of co-operation, harmony, humanization and comprehensiveness, mentioned in the Long-Range Plan, were meant to narrow the gap between sexes, classes, regions, employers and employees and promote equality between women and men, and enhance women's status in general, on the part of Government as well as other non-governmental organizations concerned.

161. It was explained that the Guidelines for Elimination of Discrimination against Women were a set of standard rules for government, private enterprises and the general public, with the purpose of the substantial and satisfactory implementation of the Long-Range Plan on a wide basis. She also reported that the Government had enacted the Legal Aid Act.

162. As requested, she explained various concepts with regard to article 5. The "family education" mentioned in the report meant the education of children in family relations and etiquette by their parents, carried out in parallel with school education, before the children reached adulthood.

163. The concept of "health of household" meant the well-being of family members, with special emphasis on the mother-child relationship. The concept of "work against morality" indicated jobs which went against the common-sense meaning of morality, such as prostitution.

164. The current family law in the Republic of Korea contained discriminatory articles that reflected male-preference attitudes, but that law had been partially revised following pressure by women's organizations. Further amendments were currently being presented to the Government.

165. The representative reported that, although prostitution was legally prohibited, total eradication remained a problem and, as of 1986, 10,000 women were officially known to be prostitutes. She reported that sex tourism was not a serious problem in the Republic of Korea because tourism itself was not a major source of revenue.

166. The required vocational training and guidance was provided by the rehabilitation programme for prostitutes, and details were given on the Counselling Centres and Job Guidance Centres for women which had been established throughout the country. She regretted that some women returned to prostitution, but the Government was making great efforts to reduce those numbers and maintain the women in useful employment.

167. The representative said that there had been five women ministers since 1948 and the number of female civil servants currently working at the level of deputy-director and above represented 1.1 per cent of the total high-ranking civil servants. She reported that in the judiciary sector women lawyers formed only 0.5 per cent of the total.

168. She informed the Committee that military service was compulsory for men for a period of three years, while for women it was voluntary; the highest-ranking woman officer was at the level of colonel and no women had been promoted beyond that rank.

169. The experts were informed that women's organizations registered with the Government received subsidies and administrative support, whereas unregistered ones received only the latter.

170. The representative reported that three women held middle-level diplomatic positions.

171. She explained that the curriculum in elementary and secondary schools was the same as in other countries and that recently many secondary schools had started courses on sex education. Education was compulsory until the sixth grade. She reported that most universities and colleges, except military academies and police colleges, were co-educational, but only 30 per cent of high schools and 50 per cent of secondary schools were co-educational. A few universities admitted only women students. Over 30 universities currently had women's studies courses as part of the general education course. The Government was urging the gradual expansion of the co-educational system at all educational levels in order to contribute to the removal of prejudices and provide equal opportunities for women and men.

172. The representative stated that, in 1985, 5.4 per cent of the total female work-force were engaged in professional, technical and administrative fields, 9.8 per cent did clerical jobs and 35.3 per cent were in the sales and services sector. Those in the primary sector accounted for 27.6 per cent, and the manufacturing and transport sector employed 21.4 per cent of the total female work force. The total number of unemployed women was 124,000 in 1984, with 15.2 per cent between 20 and 25 years of age and 37 per cent in the 15 to 19 age group.

173. The draft Equal Employment Law provided for equality in job opportunities, placement, promotion, in-service training and retirement and made provisions for extended maternity leave and child-care facilities. The purpose of that law was to provide and enforce equality in employment, and under it a new machinery, the Equal Opportunity Promotion Committee, would be established to monitor the enforcement of the law and deal with complaints and labour disputes.

174. The retirement age of women in professional jobs was reported as the same as that of men but it was lower in blue-collar jobs. The representative reported that, in cases where female workers had been compelled to retire against their will and had taken the case to court, favourable rulings had been received. It was hoped that the new legislation on equal employment would redress those malpractices. She reported that salaries of female workers were generally lower, being half that of male workers in the primary sector but tending to be equal in white-collar jobs.

175. The experts were informed that women in the Republic of Korea worked an average of eight hours a day, but were encouraged to work overtime voluntarily. Insurance coverage was the same for women and men.

176. The representative reported that dormitory facilities and educational courses were provided free of charge by employers in the manufacturing sectors to enable female workers to complete their secondary education. The representative gave data concerning child-care centres and stated that most of those were located near the working areas so as to be convenient for women workers.

177. The Government of the Republic of Korea was going ahead with the present industrialization process, and female workers would play an important role, even more so after certain bans were revised to increase job opportunities for women.

178. The representative stated that, in view of the gravity of the population problem in the Republic of Korea, the Government had pursued a family planning policy for the last two decades. However, abortion was legally banned except on medical grounds. The birth rate in 1986 was at 2.3 per cent and the death rate 0.63 per cent.

179. Additional information was provided on the Maternal and Child Health Act and the Maternal and Child Health Centres, which had been established in both rural and urban areas.

180. The representative answered questions as regards to the freedom of marriage, grounds for divorce and the custody system in case of divorce. She said that men of 18 and women of 16 could enter into matrimonial engagement with the consent of the parents or guardians. The bases for divorce were itemized, and the rate of divorce in the Republic of Korea was 2 per cent.

181. According to the present family law, the parental lineage between legitimate mother and illegitimate child was deemed to be the same as that of the child of the father's spouse. It was hoped that the clause would be revised to remove the discriminatory element against women.

182. The representative concluded by saying that the signing of the Convention had enabled the Government of the Republic of Korea and the non-governmental organizations to make great efforts to change the situation created by long tradition. Although only a beginning had been made, it was hoped that substantial progress would be achieved in the next four years, and that it would be reflected in the second periodic report to be presented to the Committee.

183. The Committee thanked the representative for her detailed replies and commended the efforts being made to improve the status of women in the Republic of Korea and to modify existing laws that discriminated against women. The experts reiterated their concern over the reservations made to two articles of the Convention.

184. It was hoped that the imbalance in the representation of women in the legal profession would be corrected. More data were requested on actual weekly working hours of women in the Republic of Korea, and experts requested clarification of the situation, under the male-lineage laws, if there was no son in the family.