



## Convention on the Elimination of All Forms of Discrimination against Women

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### Committee on the Elimination of Discrimination against Women

Thirty-ninth session

23 July-10 August 2007

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

1. The Committee considered the fifth and sixth periodic reports of the Republic of Korea (CEDAW/C/KOR/5 and CEDAW/C/KOR/6) at its 801st and 802nd meetings, on 31 July 2007 (see CEDAW/C/SR.801 (B) and 802 (B)). The Committee's list of issues and questions is contained in CEDAW/C/KOR/Q/6, and the responses by the Republic of Korea are contained in CEDAW/C/KOR/Q/6/Add.1.

#### Introduction

2. The Committee expresses its appreciation to the State party for its fifth and sixth periodic reports, which followed the Committee's guidelines for the preparation of periodic reports. The Committee notes the quality of the reports, which are informative and takes into account the general recommendations of the Committee. The Committee also expresses its appreciation to the State party for its written replies to the list of issues and questions raised by the pre-session working group and for the oral presentation and further clarifications offered in response to the questions posed orally by the Committee.

3. The Committee commends the State party for its high-level delegation, headed by the Minister of Gender Equality and Family, which included representatives of different government departments, including the Ministry of Foreign Affairs and Trade, the Ministry of Justice, the Ministry of Labour and the Ministry of Government Administration and Home Affairs, with expertise in a broad range of areas covered by the Convention. The Committee appreciates the constructive dialogue that took place between the delegation and the members of the Committee.

4. The Committee commends the State party for the withdrawal of its reservation to article 9 in August 1999.

5. The Committee congratulates the State party for its accession, on 18 October 2006, to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.



**Positive aspects**

6. The Committee notes with appreciation that, since the consideration of its fourth periodic report (CEDAW/C/KOR/4) in 1998, the State party has enacted and revised numerous laws and legal provisions aimed at eliminating discrimination against women and promoting gender equality and at achieving compliance with the State party's obligations under the Convention. In particular, it welcomes the adoption of the amendment of the Civil Act abolishing the family head system, which was a prime example of gender discrimination in the Republic of Korea.

7. The Committee welcomes the efforts of the State party to strengthen the national machinery for the advancement of women, as reflected in the significantly increased financial resources of the Ministry of Gender Equality and Family, as well as the existence of the Women's Policy Coordination Committee, senior gender policy coordinators and the women's policy teams within line ministries.

8. The Committee commends the efforts of the Government to incorporate gender perspectives into all government policies and its introduction of a gender-sensitive budget policy in 2006.

9. The Committee congratulates the State party on the establishment, in 2001, of the National Human Rights Commission, which provides for investigation and remedies for human rights violations based on 18 different factors, including gender.

**Principal areas of concern and recommendations**

**10. While recalling the obligation of the State party to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It calls upon the State party to submit the present concluding comments to all relevant ministries and to Parliament so as to ensure their full implementation.**

11. While welcoming the amendment to the Civil Act in 2005, which will become effective on 1 January 2008, paving the way towards the lifting of the State party's remaining reservation to the Convention, the Committee remains concerned that no clear timeline has been established to withdraw the reservation to article 16, paragraph 1 (g), of the Convention.

**12. The Committee urges the State party to expedite its efforts towards the withdrawal, within a concrete time frame, of its reservations to article 16, paragraph 1 (g), of the Convention.**

13. While acknowledging the direct applicability of the Convention in the domestic legal system and the legislative framework for women's de jure equality, the Committee expresses its concern about the lengthy planning process for the elimination of discrimination against women and the slow pace of progress in the effective implementation of all the provisions of the Convention, including in the area of women's political participation and employment, despite the different laws and policies that are in place. The Committee is also concerned that the lack of examples of any court cases invoking the Convention since its ratification in 1984

indicates that the Convention, the Optional Protocol and the general recommendations of the Committee are not sufficiently known by lawyers, judges and prosecutors, and by women themselves.

**14. The Committee calls upon the State party to strengthen and speed up the implementation of existing laws and policies by: setting clearly defined and time-bound targets, immediate as well as long-term; effectively monitoring and assessing impact, trends over time and progress towards realizing goals and objectives and results achieved; and by taking corrective action as necessary. It also recommends that the State party ensure the effective enforcement of existing laws, including by enhancing available remedies and their use. It also calls upon the State party to provide training for lawyers, judges and prosecutors about the Convention and the procedures under its Optional Protocol and to enhance women's knowledge of their rights and capacity to claim them.**

15. While noting that the 1987 Equal Employment Act covers direct and indirect discrimination and provides for the equal treatment of women and men in the workplace, and also noting that the National Human Rights Commission Act covers a number of discriminatory acts on the basis of gender, the Committee is concerned that a definition of discrimination against women in accordance with article 1 of the Convention, encompassing both direct and indirect discrimination and covering all areas of the Convention, has yet to be applied through its prohibition in relevant domestic laws and made applicable to both public and private sectors.

**16. The Committee recommends that the State party embody in its Constitution or in other appropriate legislation a prohibition of discrimination against women, encompassing both direct and indirect discrimination, in line with article 1 of the Convention and covering all areas of the Convention, and that it be made applicable to the private sector. It encourages the State party to enhance its awareness-raising efforts with respect to the nature of discrimination against women and the Convention's concept of substantive equality among Government officials, legislators, judges and lawyers and the general public in order to accelerate the practical realization of the principle of equality of women and men, in accordance with article 2 (a) of the Convention.**

17. While welcoming the amendments to the Act on Prevention of Domestic Violence and Protection of Victims and the Act on the Punishment of Sexual Violence and Protection of Victims, the Committee regrets that marital rape has not been criminalized. The Committee remains particularly concerned that under the Act on the Punishment of Sexual Violence and Protection of Victims the crime of sexual violence is prosecuted only upon complaint by the victim. The Committee also expresses its concern about the low rates of reporting, prosecutions and convictions of cases of violence against women. It is concerned about the lack of information and data provided about the prevalence of all forms of violence against women.

**18. The Committee calls upon the State party to address violence against women as a violation of women's human rights and to make full use of the Committee's general recommendation 19 in its efforts to address all forms of violence against women. It urges the State party to intensify its awareness-raising efforts with regard to the unacceptability of all such violence, including domestic violence and requests the State party to criminalize marital rape and to eliminate the requirement of a victim's complaint in order to prosecute**

crimes of sexual violence. The Committee calls upon the State party to ensure that all women, including rural women, who are victims of domestic violence have access to immediate means of redress and protection, including protection orders, and access to a sufficient number of safe shelters, as well as to legal aid. It calls upon the State party to ensure that public officials, especially law enforcement personnel, the judiciary, health-care providers and social workers, are fully familiar with relevant legal provisions and are sensitized to all forms of violence against women, and that they are capable of providing adequate support to victims. It urges the State party to collect data and to conduct research on the prevalence, causes and consequences of all forms of violence against women, including domestic violence, and to use such data as the basis for further comprehensive measures and targeted intervention. It invites the State party to include statistical data and the results of measures taken in its next periodic report.

19. The Committee is concerned about the persistence of trafficking and exploitation of prostitution and by the lack of data about these phenomena. While welcoming that victims of forced prostitution are entitled to rescue, protection and rehabilitation, the Committee is concerned that so-called voluntary prostitutes are subject to prosecution under the law, while first-time clients of prostitutes do not face punishment if they attend the “John School” programme, designed to educate such first-time offenders. The Committee is further concerned about the continued widespread phenomenon of *Wonjokyuje*, in which adolescent girls engage in a sexual relationship with older men for money.

20. The Committee urges the State party to fully implement article 6 of the Convention, to collect and analyse data from the police and international sources and to prosecute and punish traffickers and those who exploit prostitution. The Committee calls upon the State party to increase its efforts at international, regional and bilateral cooperation with countries of origin, transit and destination in order to prevent trafficking. The Committee also encourages the State party to consider ratifying the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementary to the United Nations Convention against Transnational Organized Crime. The Committee further calls upon the State party to review its law on prostitution in order to ensure that women in prostitution are not criminalized. The Committee recommends the State party take measures to facilitate the reintegration of prostitutes into society and to provide rehabilitation and economic empowerment programmes for women and girls exploited in prostitution. The Committee also recommends the State party provide adolescent girls with educational programmes to stop *Wonjokyuje*.

21. While noting the elaboration of a draft law to regulate marriage brokers, the Committee expresses its concern about the increased number of international marriages, which may lead to foreign women being trafficked into the Republic of Korea for purposes of marriage and exploitation. It is also concerned at the prevalence of domestic violence in such marriages.

22. The Committee urges the State party to speedily enact the draft law to regulate the activities of marriage brokers and to develop additional policies and measures to protect foreign women from exploitation and abuse by marriage brokers and traffickers, and by their spouses. The Committee

**recommends the State party provide women with viable avenues of redress against abuse by their husbands and permit them to stay in the country while seeking redress. The Committee further recommends the State party make foreign women aware of their rights and avenues of redress, including measures available for protection and prevention against domestic violence.**

23. While noting the adoption of laws and plans to increase women's participation in public and political life, such as the Political Party Act and the five-year plan for expansion of women managers in public positions, the Committee is concerned that women continue to be underrepresented in politics, especially in decision-making in many areas, including in the National Assembly, in the Government at all levels, the judiciary, the foreign service, academia and the private sector.

**24. The Committee encourages the State party to intensify its efforts and to take sustained measures, including further temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, in order to accelerate the increase in the representation of women in elected and appointed bodies in all areas of public life, including in academia and the private sector. It also recommends that the State party expand its current training programmes on leadership and negotiation skills for current and future women leaders. It further recommends the State party continue its efforts to raise awareness of the importance of women's full and equal participation in decision-making at all levels for society as a whole. It requests the State party to carefully monitor the effectiveness of measures taken and results achieved and to report thereon in its next periodic report.**

25. The Committee notes with concern the persistence of patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men in the family and in society, especially in rural areas, which are reflected in women's academic and professional choices, their limited participation in public and political life and in their disadvantaged position in the labour market. The Committee is also concerned that these stereotypes are a root cause of violence against women.

**26. The Committee calls upon the State party to take sustained and systematic measures to overcome persistent and deep-rooted stereotypes that are discriminatory to women. Such measures should include awareness-raising and public educational campaigns, aimed in particular at men and boys, including women and girls, with a view to eliminating stereotypes associated with traditional gender roles in the family and in society, in accordance with articles 2 (f) and 5 (a) of the Convention. The Committee calls upon the State party to specifically target rural areas in the implementation of such measures and to regularly monitor and evaluate their impact. The Committee calls on the State party to further encourage diversification of the educational choices of boys and girls, bearing in mind their subsequent opportunities and chances in the labour market. It also calls upon the State party to address stereotypes, the unequal power relations between women and men and women's position of inferiority, which perpetuate discrimination against women, including violence against women. The Committee recommends that the State party encourage the media to project a positive image of women and of the equal status and responsibilities of women and men in the private and public spheres.**

27. While welcoming the measures aimed at improving the situation of women in the labour market, such as the comprehensive plan for the development of women's resources, the female employment expansion measures and the amended Equal Employment Act, the Committee is concerned about the serious disadvantages women face, including the concentration of women in certain low-wage sectors, the high percentage of women in non-regular work, the various flexible forms of work, such as outsourcing and contracting out, and the related lack of job security and benefits, as well as the significant wage gap between men and women. The Committee is also concerned about the insufficient compliance with existing labour legislation and about the practices of companies that circumvent the law denying women workers job security. In particular, the Committee is concerned about the lack of effective monitoring mechanisms and complaints procedures for women to claim their rights. It is also concerned that women may be reluctant to seek remedies for cases of sexual harassment at the workplace.

**28. The Committee urges the State party to accelerate and ensure equal opportunities for women and men in the labour market. It calls on the State party to introduce temporary special measures, in accordance with article 4, paragraph 1, of the Convention and its general recommendation 25. It encourages the State party to take measures to eliminate occupational segregation, in particular through education and training. The Committee further urges the State party to diligently monitor the situation of women in the labour market and to increase the number of women in regular work by ensuring that enterprises provide more opportunities for women to gain access to full-time and regular employment and by extending benefits to non-regular workers, the majority of whom are women. The Committee calls upon the State party to enforce the provisions of the Equal Employment Act in regard to equal pay for work of equal value. The Committee also calls upon the State party to ensure that effective monitoring mechanisms are in place to achieve compliance with existing legislation, and that there are procedures in place for women to file complaints of violations of their labour rights. The Committee calls upon the State party to ensure availability of remedies and to make women aware of their rights and of available remedies in order that they can have access to justice and can claim their rights. The Committee also calls upon the State party to take effective measures to support the reconciliation of family and work responsibilities and to promote the sharing of domestic and family responsibilities between women and men.**

29. The Committee expresses its concern about the fact that many women depend on working members of their families for access to health services and about the high rate of abortion among women between the ages of 20 and 24. The Committee is also concerned about the possible inadequate protection of women's reproductive health and rights in the use of biotechnology.

**30. The Committee requests the State party to monitor the access of all women to health services and to take appropriate action. It urges the State party to strengthen measures aimed at the prevention of unwanted pregnancies including enhanced programmes of sexual and reproductive health education, and to specifically target women between the ages of 20 to 24. The Committee recommends that the donation or harvest of eggs from women for reproductive or research purposes be legally regulated, in order to protect human rights of women involved in the application of biotechnology, and regularly monitored in**

terms of both quality of care and the observance of legal and ethical standards. The Committee calls upon the State party to amend without delay the Act on Bioethics and Biosafety to include a requirement of informed, free and written consent in cases of donation or harvest of eggs for reproductive or research purposes. The Committee also calls on the State party to make full use of the Committee's general recommendation 24 on women and health as a framework in the development of gender- and age-sensitive health policies and programmes.

31. The Committee expresses its concern about the feminization of poverty in certain groups of women, particularly the prevalence of poverty among female-headed households.

32. **The Committee requests the State party to analyse the situation and to take concrete measures to address the problem of the feminization of poverty comprehensively in its national development plans and policies. It requests the State party to monitor the effectiveness of measures taken and results achieved and to report thereon in its next periodic report.**

33. The Committee is concerned that the Civil Act fails to ensure equality for women in the dissolution of marriage, as reflected in the lack of women's rights to an equal share of assets accumulated during marriage if those assets have been registered in the name of one spouse only.

34. **The Committee recommends that the State party review the Civil Act and make necessary amendments, in the light of article 16 of the Convention and the Committee's general recommendation 21 on equality in marriage and family relations, in order to give women equal rights to assets accumulated during the marriage.**

35. While noting that an amendment to the Civil Act to bring the legal age of marriage into compliance with the Convention is before the National Assembly, the Committee notes with concern that the minimum legal age of marriage remains at 16 for females and 18 for males.

36. **The Committee urges the State party to work towards the speedy enactment of the amendment of the Civil Act to raise the minimum legal age of marriage for girls to 18 in order to bring it into line with article 16, paragraph 2, of the Convention, the Committee's general recommendation 21 and the Convention on the Rights of the Child.**

37. **The Committee urges the State party, in its implementation of the obligations under the Convention, to utilize fully the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

38. **The Committee also emphasizes that full and effective implementation of the Convention is indispensable for the achievement of the Millennium Development Goals. It calls for the integration of a gender perspective and the explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.**

39. **The Committee notes that the adherence of the State party to the seven major international human rights instruments<sup>1</sup> enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the Government of the Republic of Korea to consider ratifying the treaty to which it is not yet a party, namely, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

40. **The Committee requests the wide dissemination in the Republic of Korea of the present concluding comments in order to make the people, including government officials, politicians and parliamentarians, and women's and human rights organizations aware of the steps that have been taken to ensure de jure and de facto equality of women and of the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".**

41. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention, which is due in January 2010.**

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<sup>1</sup> The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.