

REPUBLIC OF KOREA

Critical Issues on the Seventh Periodical Report on the Convention on the Elimination of All Forms of Discrimination against Women

Prepared and Submitted by
Korean Women's Association United

Korean Women's Association United

KWAU is an umbrella organization composed of 6 regional sections and 27 member organizations, striving to achieve gender equality, democracy, and peaceful reunification in the Korean peninsula by facilitating cooperation and collective actions among different women's groups. Since its establishment in 1987, KWAU has worked to reform legal and institutional systems and carry out advocacy movements at the policy level regarding a range of issues concerning women, and movements related with women workers, political and economic justice, democracy, and peace and reunification of the Korean Peninsula.

Please refer to the attached list of associated organizations of KWAU.



KWAU
KOREAN WOMEN'S ASSOCIATION UNITED

Korean Women's Association United
94-59 Women Center 501,
Yeouido-dong, Yeongdeungpo-gu,
Seoul, ROK 150-037
www.women21.or.kr

Republic of Korea

Critical Issues on the Seventh Periodical Report on CEDAW

Overview

This critical issue report is prepared to present a brief note for the CEDAW Pre-session scheduled for 25th to 26th October 2010. The report covers the 5 most critical areas of concerns on the 7th periodical report of Republic of Korea on the implementation of CEDAW. The critical areas are selected based on the collected review documents of 5 women NGOs¹. The final shadow report will cover all the required areas and issues in more detail.

Overall evaluation on the 7th periodical report revealed the following insufficiencies:

- Insufficient background information on the organizational change(Clause 333) and legislation amendments(Clause 19, 22)²;
- Not mentioning the gap between the enactment of several gender related legislations and the changes/effectiveness in the real condition(Particularly, Clause 11, 22, 26, 34, 45, 53, 57, 71, 94, 97); and
- Omitting the overall data to compare the presented record of government practices, which might reveal the limitations of the policies benefiting only small number of people who have access to the resources (Clause 34, 52, 57, 60, 65, 72, 94, 95, 97, 123).

Above all, the critical issues we concerns the most are as follows.

- **Work-Family Reconciliation:** The current work-family reconciliation policy is mainly focused on increasing female members' labor flexibility.
- **Abortion Rights:** Abortion when it is inevitable for social and economic reasons should be legally permitted with practical sex education.
- **Non-regular/Part-time Workers:** The government should take necessary step to regulate the increase of non-regular female workers and part-time employment and to adopt realistic measures for their maternal protection.
- **Sexual/Domestic Violence:** Mainly focusing on the recent child sexual violence cases, the government reinforced its judicial power for punishment on child sex offenders, with no improved efforts to tackle the fundamental problems of the measures on sexual/domestic violence against women.
- **Gender Responsive Budgeting:** The first gender budget report conducted in 2009 revealed insufficiencies in its scope of the targeted budget, analytical method, and review process for budget reform.

¹ KWAU submitted an official statement on the draft of the 7th government report on CEDAW in cooperation with 4 member organizations on the 12th of December 2009.

² Please refer to the respective Clauses in 'the Seventh Periodic Report under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women' dated January 2010.

Critical Issue 1: Work-Family Reconciliation

Please Refer to the Government Report: Article 11, Clause 96-97

The fundamental goal of the work-family reconciliation policy should be redirected to supporting family members to equally share burdens of care and opportunities for work. The current government policy is mainly focused on increasing female members' labor flexibility.

The current government policy slightly increased childcare leave wage compensation from 500,000 KRW (fixed amount) to the maximum 1,000,000 KRW or 40 percent of one's wage. This increase is still ineffective considering the fact that almost 64 percent of female workers are non-regular workers who do not have access to childcare leave at all. More seriously, the government is promoting part-time works for mothers who do not want full-day childcare leave. In the long term, promoting part-time works for mothers will further reinforce M-curve pattern of female employment, gendered division of labor, and employment/wage gap. Further it will strengthen the stereotype that the childcare responsibility is mainly on mothers.

Regarding childcare support, the government recently announced the 2nd Basic Plan on the Low Fertility (2011-2016) which included introducing 'autonomous private childcare centers'. This move is overlooking citizens' demand for public childcare facilities and the equal opportunities for qualified childcare services whether they are public or private. Currently only 11 percent of children in childcare facilities is using public centers in 2009³. If the government promotes more private childcare centers with almost no restriction, it will expand the childcare service divide among children from different income households.

As alternative measures, we recommend the following amendments:

- Increasing the minimum amount of childcare leave wage compensation to the level of minimum wage⁴;
- Allowing part-time works for mothers only when the transferring from full-time to part-time position is flexible without discrimination on the position; and
- Increasing the number of public childcare facilities first and administering private facilities as corporate bodies with increased government subsidy.

<Maternity and Childcare Leave in Korea, 2009>

	Mother	Father
Maternity Leave	Less than 15 weeks (90 days) Maximum 1,350,000 KRW	3 days Unpaid
Childcare Leave	Before one's child aged 6 (maximum 12 months per child) 500,000 KRW per month (fixed amount)	

³ 2009 Childcare Statistics, released by the Ministry of Health and Welfare in 2010.

⁴ Approximately 903,000 KRW for 2011, released by the Ministry of Employment and Labor in 2010.

Critical Issue 2: Abortion Rights

Please Refer to the Government Report: Article 2, Clause 22

Abortion on demand for one's social and economic reasons should be legally permitted with practical sex education. Abortion is clearly stated as 'crime' in the current criminal law and the permitted cases is limited to genetic psychological disability, contagious disease, rape, close kinship pregnancy, seriously damaging mother's health. Consequently, abortion in Korea is illegalized in 2009.

For the past 60 years, Korean government permitted abortion with no specific regulation. Only recently when the low-fertility issue became serious social problem, the government declared regulating abortion and started to control OB/GYN clinics through amendment of "Act on Maternal and Child Health" in 2009. Without having the rights for one's body, women are again treated as tools for reproduction and mobilized for the nation's population policy. Due to the government's abrupt legal modification, people can no longer find clinics for the procedure. Even if they can find one, the cost is extremely expensive. Many people are traveling to foreign countries with no guarantee of safety.

In order to solve this problem, we urge the following measures:

- Among 30 OECD countries, 23 countries are permitting abortion on social and economic grounds. Korean government should take a realistic measure to allow the first stage abortion (before 12 weeks of pregnancy) and the mid-stage abortion (12 to 24 weeks of pregnancy) when the mother requests due to her social and economic condition.
- Further, the government should prepare holistic sex-education program providing relevant information on contraception.

Critical Issue 3: Female Non-regular and Part-time Workers

Please Refer to the Government Report: Article 11, Clause 92, 93, 94, 95

Government should take necessary steps to regulate the increase of non-regular female workers and part-time employment and to adopt realistic measures for those non-regular female workers' maternal protection.

There have been numerous cases of mass dismissal, replacement, and outsourcing of contract workers just before and after the enactment of the 'Act on Protection for Short-Term and Part-Time Workers' in 2007. According to the government release, non-regular workers' ratio takes up 64.9 percent of the total female workers in 2007.

Those contract female workers are not qualified for maternity leave and wage compensation when their contracts end during pregnancy. The government's subsidy for non-regular female workers' maternity leave is entirely up to the employer's choice, which is far from effective to promote female non-regular workers' use of maternity leave.

In respect to the 'Affirmative Action for Women's Employment (AAWE)' adopted in 2007, the government report did not include analysis on the female-male employment ratio by contract types and their wage differences. This means that the AAWE measure's effectiveness is limited only to the small number of regular female workers. The current affirmative action which does not include non-regular and part-time female workers is not effective considering the high ratio of female non-regular employment.

As alternative measures, we recommend the following actions:

- Preparing improvement measures to regulate 'indirect discrimination' caused by the sex segregated division of occupations, and 'indirect employment (outsourcing and subcontract)' which are not included in the 'Act on Protection for Short-Term and Part-Time Workers';
- Revising effectiveness of the Affirmative Action for Women Employment with relevant statistical analysis on the female-male employment ratio by contract types and their wage differences, and considering gradual reinforcement of effective regulations on the targeted enterprises; and
- Banning employment contract cancelations during the non-regular female workers' pregnancy and maternity leave, and modifying the current legal basis to ensure non-regular female workers eligible to maternity leave wage compensation even after the expiration of their employment contracts.

Critical Issue 4: Sexual and Domestic Violence

Please Refer to the Government Report: Article 5, Clause 53, 54, 55, 56

Considering the importance and seriousness of the sexual and domestic violence issue in Korea, this critical issue paper covers only partial elements. The full data analysis on the issue will be provided in the final shadow report.

The 7th government report conceals the fact that the rate of reported sexual and domestic violence incidences is still very low. Mainly focusing on the recent child sexual violence cases, the government has reinforced its judicial power for punishment on child sex offenders, with no improved efforts to tackle the fundamental problems of the measures on sexual/domestic violence against women.

The government document is misinterpreting the number of ‘reported’ sexual violence⁵ as the number of total ‘committed’ cases. Another government report in 2008 disclosed the ratio of the reported case of sexual violence was 2.3 percent in 2008⁶. Similarly, the filed cases of domestic violence was 13,334 in 2008 according to the 7th report Table 16, which takes up only one fourth of the total Hotline counseling cases, 40,000 in the same year. This low rate of reporting and filed cases of sexual and domestic violence exposes the current context of Korean society where sexual and domestic violence is still regarded as family and private issues and the relevant legal measures and practices are restricted.

Secondly, there were several heinous child sexual violence cases in Korea in 2008 and 2010. The government adopted several criminal punishment measures including extending criminal record registration and public opening period to 20 years, residence monitoring for the criminal record, extending maximum sentence to 30 years, electric anklet(maximum 30 years) and chemical castration for habitual criminals. These punishment measures were charged as political makeshifts to alleviate the public sentiment. Since there was no practical policy for resocialization and treatment of the sex offenders, the reinforcement of punishment measures is criticized by the public as disseminating ‘politics of violence and phobia.’

As alternative measures, we recommend the following actions:

- Making continuous efforts to eradicate sexual and domestic violence against women with relevant resource allocation;
- Providing long and short-term resocialization and treatment programs for sex offenders;
- Amending ‘Elementary and Middle School Education Law’ to promote safety education programs for students; and
- Promoting community safety activities to protect the children who stay alone at home after school.

Critical Issue 5: Gender Responsive Budgeting

Please Refer to the Government Report: Article 3, Clause 34

The first government report on Gender Responsive Budgeting collected in 2009 revealed insufficiencies in its scope of the targeted government budget, analytical method, and review process for budget reform.

⁵ 13,634 cases in 2007, 17178 cases in 2008, from Table 10 Number of Sexual Violence Crimes Committed, ‘Seventh Periodical Report under Article 18 of the CEDAW(January 2010)’

⁶ Ministry of Gender Equality

The government collected its first Gender Responsive Budget documents submitted by 29 government bodies with 195 projects. The total amount of covered budget was 7,314.4 billion won which was only 2.5 percent of the total government budget of the year 2009. The submitted report which only covered projects conducted in 2009 is lacking relevant analysis on the reported sex segregated data and the exposed gender inequity. Nor it includes goals or plans for necessary budget reform which should be directed through official review process.

To overcome these problems, we recommend the following improvements:

- Strengthening gender impact analysis of the gender budget system to include analysis on the cause and effect of the exposed inequity in budget allocation;
- Expanding the scope of targeted projects and budget, particularly to include top prioritized national projects requiring exceptional high budget;
- Preparing uniformed criteria for the sex segregated data collection;
- Presenting specific goals and strategies to improve the exposed inequity; and
- Obligating parliamentary review process for necessary budget reform.

Contact Information

Ms. Jiwoon Lee
Director, International Solidarity Center
Korean Women's Association United
Tel. 82-2-313-1632
Fax. 82-2-313-1649
Email: jiunwm@hotmail.com

Annex

Member Organization of KWAU

6 Regional Sections

- ◎ Kyunggi Women's Association United <http://www.kgwomen21.or.kr>
- ◎ Kyungnam Women's Association United <http://cafe.daum.net/gnwomen>
- ◎ Gwangju-Jonnam Women's Association United <http://www.gjw.or.kr/gjwau>
- ◎ Daegu-Kyungbuk Women's Association United <http://www.daeguwomen21.or.kr>
- ◎ Busan Women's Association United <http://www.busanwomen.or.kr>
- ◎ Jonbuk Women's Association United <http://www.jbwomen.or.kr>

27 Member Organizations

- ◎ Kyungnam Women's Association <http://cafe.daum.net/gnwomen>
- ◎ Korean Association of Christian Women for Women Minjung <http://www.kwm1986.or.kr>
- ◎ Daegu Women's Association <http://www.daeguwomen21.or.kr>
- ◎ Daejun Women's Association <http://www.tjwomen.or.kr>
- ◎ Busan Counseling Center Against Sexual Violence <http://www.wopower.or.kr>
- ◎ Busan Women Education Center <http://www.feminedu.or.kr>
- ◎ National Solidarity for the Solution for Sexual Trafficking <http://jkyd2004.org>
- ◎ The Korean Catholic Women's Community for a New World <http://cafe.daum.net/kcwc>
- ◎ Seumter
- ◎ Suwon Women's Association <http://www.swa.or.kr>
- ◎ Korea Women's Center for Social Research
- ◎ Ulsan Women's Association <http://www.ulsanwomen.org>
- ◎ Jeju Women's Association <http://www.jejuwomen.org>
- ◎ Jeju Women's Human Rights Solidarity <http://www.jwr.or.kr>
- ◎ The National Association of Parents for Charm/education <http://www.hakbumo.or.kr>
- ◎ Chungbuk Women's Association <http://www.hakbumo.or.kr>
- ◎ Women Making Peace <http://www.peacewomen.or.kr>
- ◎ Pohang Women's Association <http://www.phwomen.wo.to>
- ◎ Korea Sexual Violence Relief Center <http://www.sisters.or.kr>
- ◎ Korea Women Workers Association <http://www.kwwnet.org>
- ◎ Korean Womenlink <http://www.womenlink.or.kr>
- ◎ Korea Women's Studies Institute <http://www.kwsi.or.kr>
- ◎ Korean Association of Women Theologians <http://www.kawt.co.kr>
- ◎ Korea Women's Hotline <http://www.hotline.or.kr>
- ◎ Korea Differently Abled Women United <http://www.kdawu.org>
- ◎ Korea Women Migrants' Human Rights Center <http://www.wmigrant.org>
- ◎ Hamjumo <http://cafe.daum.net/hamjumo>