

NGO REPORT

On the Occasion of the Consideration of the 7th Periodic Report of the Government, REPUBLIC OF KOREA July 2011

Submitted by

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CONTENTS

I. Organizations that Participated in this Report

II. Preface P

 preface 3

III. Executive Summary E

 Executive Summary 4

IV. Implementation of CEDAW at the National Level

1. Women’s Reproductive Health W

 Women’s Reproductive Health 5

2. Marriage Immigrant Women M

 Marriage Immigrant Women 14

3. Discrimination Against Sexual Minority Women D

 Discrimination Against Sexual Minority Women 23

4. Sexual Violence Against Women and Children S

 Sexual Violence Against Women and Children 33

5. Underrepresentation of Women in Public Institutions U

 Underrepresentation of Women in Public Institutions 39

v. Implementation of CEDAW at the Local Level :Case of Chungbuk

Province

1. Women’s Political Participation W

 Women’s Political Participation 43

2. Women’s Economic Participation W

 Women’s Economic Participation 48

3. Violence Against Women V

 Violence Against Women 50

4.....	D
disabled Women Situation	51
5.....	I
Immigrant Women	53
VI.....	R
Recommendations	55

INDEX:

Participating NGO’s Role in the Report Preparation	59
Contact Information	60

I. Organizations that Participated in this Report

1. Korea Center for United Nations Human Rights Policy (KOCUN)
2. Network for Glocal Activism/School of Feminism (NGA)
3. Lesbian Counseling Center (LCC)
4. Migrant women & Multicultural Families Center (Eulim, Associate organization with Solidarity with Migrants)
5. Naeil Women`s Center for Youth (TACTEEN NAEIL)
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8. Cheongju Women’s Hotline
9. Chungbuk Women's Association
10. Chungbuk Differently-Abled Women United
11. Chungbuk Women Migrants Human Rights Center
12. Cheongju YWCA Women Counseling Center
13. Chungbuk Women Human Rights Counseling Center Neulbom
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II. Preface

Our work of this NGO report started with a motivation to review measures, policies and legislations taken by a local government, Chungbuk provincial government and women issues faced by vulnerable groups in all parts of country in compliance with CEDAW Convention.

This NGO Report has been prepared by thirteen non-governmental organizations and an attorney in the Republic of Korea as a supplement to Republic of Korea' Seventh Periodic Report to the UN Committee on the Elimination of Discrimination against Women(The CEDAW Committee). The participating organizations of this Report are experts in their areas of work, and two workshops were held for constructive discussions and consultations.

This NGO Report constitutes in two parts. First, several thematic issues especially in relation to discrimination against vulnerable groups, including migrant women, sexual minorities and children, were raised. Secondly, given that local government's compliance with CEDAW has not been given enough attention by the state, NGOs or by the CEDAW Committee in previous sessions of CEDAW, the implementation of CEDAW Convention at the local level was reviewed, through a sample case of Chungbuk province.

This NGO Report is intended to supplement the Korean government report, providing information with critical but objective views on the implementation of the Convention in the Republic of Korea both at the national and provincial levels.

Hopefully the Report will be useful to the Committee, and also to those in Republic of Korea, in government sectors and in civil society concerned with assessing the progress made in implementing CEDAW.

III. Executive Summary

Implementation of CEDAW at the National Level

Women's Reproductive Health

As growing number of women are working in low-income irregular job, Korea's gender gap in wage is twice than the average among OECD countries. In a recent research conducted of 1,181 women in 2010, 80% answered they adjusted their work schedule because of childbirth and 40% of women rearranged their pregnancy plans because of work. For irregular workers, 12.3% have gone through induced abortion to avoid layoffs or termination notices. Given this unstable working environment, women's reproductive health is threatened by lack of fundamental change in employment policies.

Meanwhile, the state party report presents that the abortion rate has decreased since 2005, there are no credible statistics existed regarding the abortion rates. Without actual measures to address multifaceted issues such as the lack of sex education, the gender inequality of the social environment, the low practice of birth control, and the social stigma as a single parent, the current abortion policy endangers many women by cornering them to have illegal surgery, thus threatening their reproductive health. The reform of current abortion law would not only decriminalize women who had abortion but should strengthen the right to have access to medical procedures of abortion with systematic medical information and counseling provided. Most of all, in order to reduce any unwanted pregnancies, there needs to be an expansion of sex and reproduction education targeted to youth and adults. There also needs to be efforts made to spread a culture of gender equality.

Marriage Immigrant Women

With the amendment of the Nationality Act in 2004, even if there is a divorce or the spouse is dead or missing before acquiring citizenship, application for Simple Naturalization is possible if the fault lies in the Korean spouse or the foreigner has to nurture a child born from the marriage. However, there is a distinction between being qualified for applying naturalization and being accepted as naturalized Korean citizens. Many of the migrant spouses endure this

period to be qualified even though they are being violated of their rights from domestic violence. The basic measure that needs to be taken is forbidding commercial international marriage matchmaking business. If naturalization or stable status of residence is provided right upon their marriage, the Korean families would not try to control the migrant spouse using the unstable status of residence as a weapon.

Sexual Minority Women

ROK's sexual minority women have not been the subject of right and/or object of protection so far. Invisibility of and stigmatization against sexual minority women are like the flip sides of coin in ROK, because stigmatizing tendency makes sexual minority people be afraid of coming out and standing up for their rights on the one hand, and the very invisibility caused by this hostile tendency makes getting rid of current homophobia very hard on the other hand. To stop this vicious circle, we desperately need institutional transformation among many other measures for securing rights of sexual minority women. First, ROK government should officially prohibit and punish discrimination and violence based on sexual orientation and gender identity by establishing a comprehensive Anti-Discrimination Act. Second, ROK government should legally secure particular type of same-sex partnership which would fit to ROK's situation. Third, ROK government should secure safety and self-support opportunity of sexual minority women victims who suffer from sexual violence, domestic violence, sex trafficking by establishing and supporting counseling systems and shelters. Fourth, ROK government should secure sexual minority women's rights to education and to work by making and sharing guidelines for making LGBT friendly environment at schools and workplaces. Last but not least, ROK government should survey the need of sexual minority women to establish relevant policies about the agenda. Presently, ROK even lacks this most basic step of supporting any marginalized group of people.

Sexual Violence against Women

A sexual offense in the current law is established upon filing of complaints by victims, except for the adolescents between 13 and 19 years of age or minors below 13. Thus, an adult woman of 19 years or above should file a complaint in order to press charges against sexual offence. In this process, the victim is often pressured to drop the charges in various social environments, for example in teacher-student relationship, or persuasion from acquaintances, which can be in itself a secondary violence against the victims. Although the recognition of

importance of preventive education on sexual violence against children increases, there has been little progress in practice regarding violence against adult women. Also, education program for victims of child prostitution is strongly characterized by punishment rather than rehabilitation. It is also little progress has been made in legislative efforts preventing violence against women and children. While a few members of National Assembly submitted a resolution to call upon ratification of Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, it has not been enacted yet

Underrepresentation of Women in Public Institutions

There are 286 public institutions under various ministries in Korea, employing a total of 247,793. The role and influence of public institutions in Korea are critical as they are delegated to perform business functions and execution functions of the government in order to achieve public good. It is regrettable, however, that the extreme under-representation of women in these public institutions has not received enough attention. Despite the acts and guidelines stipulating the target percentage for women in managerial positions, women are seriously under-represented in high-ranking positions in Korean public institutions, ranging from zero percentage to 10% for the most depending on the positions, and the recent statistics show that this phenomenon has been getting worse.

For resolving this under-representation of women, especially in managerial positions, in public institutions, some corrective measures are recommended. Temporary special measures such as quota system are required so that enough numbers of women are appointed in managerial positions as well as in the recruiting committees of the public institutions. A mentoring system for women is also needed. Lastly, building a data base for women professionals and utilizing this as a pool for potential candidates of managers in the public institutions shall be beneficial.

Implementation of CEDAW at the Local Level: Chungbuk Province

Chungbuk Province (North Chungcheong Province), located in the center of the Republic of Korea, is one of the 16 local governments, and is comprised of three cities and nine counties. The total number of population in the Province was 1,547,720 in 2010, of which the female population was 49.6%. The total number of economically active women in Chungbuk was

318,000 in 2010. Of these, women farmers comprise 50.6% of the total rural labor force.

In Chungbuk Province, prior to the local election in June 2010, there was a policy agreement with the candidates to promote "quality of life" of women through realization of gender equality. At that time, the candidate who is now elected as the governor, promised to implement policies such as appointment of female director general for women's policy and open recruitment of head of women's bureau, yet after inauguration, he eliminated Health, Welfare and Women Bureau and open recruitment.



Not to mention that there is no professional expert on women's policy, the Chungbuk Provincial government's will to push ahead gender-sensitive policy has been passive at best. In addition, there is little progress in preparation for the establishment of Gender-impact Assessment Center planned to be enforced by 2013 due to elimination of the responsible organization. Furthermore, Chungbuk Women's Three Year Policy Action Plan was laid out without considering opinions from the women's groups. Overall, there is a general lack of governance.

Chungbuk province is comprised of three cities and nine counties. Yet, women-related facilities are concentrated only in the cities. Furthermore, the total number of economically active women in Chungbuk was 318,000 (41.4%) out of total women population (768,000) in 2010. Of these, Women farmers comprise 50.6% of the total economically active women in the province. However, women farmers are excluded from the 4th Chungbuk Gender Development Three year Action Plan and no concrete programs for them are provided.

The Central government and Chungbuk Provincial government must recognize the reality of increasing violence against women. Particularly, there should be detailed provincial-level

surveys on the situation of violence against women who are more vulnerable to violence than ordinary women, such as disabled or immigrant women, and detailed protection and education on their rights should be conducted based on surveys.

Thanks to hunger strikes by the field activists, the provincial government is now supporting disabled women's groups in Chungbuk. Since July 2005 to the present (2011), the provincial government has allocated 60 million Korean Won and 98 million Korean Won to finance care providers being sent to the homes of women with disabilities who are rearing children. Among Chungbuk province's three cities and nine counties, there are only three places (city of Cheongju, Boeun county, Jeungpyeong county) where programs for supporting the disabled women's right to raise children are provided. Especially, due to the increasing number of marriages and childbirth of the intellectually disabled women, emerging issues of rights and problems of childcare require specialized support.

In Chungbuk province, the number of married immigrant women has increased by 15% from 2009 to 2010. Subsequently, the demand for counseling has also increased, whereas there is a lack of counseling specialists. There is no hotline number or translation assistance available in Chungbuk province for those who are particularly in need of support for problems such as communication and violence issues in the early days of marriage. With respect to the issue of gradually increasing cases of domestic violence against immigrant women, fundamental causes of the problems and the consequences of violence should be examined. Ultimately, policies should aim at protecting the rights of immigrant women, not at preserving a family.

IV. Implementation of CEDAW at the National Level

1. Women's Reproductive Health

(1) Women's Unstable Employment Environment and Violation of Reproductive rights (Article 11)

According to the research on 'Distribution of Employment by Gender and by Age Group' in 2009, the percentage of temporary jobs for men became higher at the age of 60, whereas for women the employment rate drops at the age of 30-34, and the percentage of temporary positions became higher after the age of 35, showing a traditional M curve. Also, regardless of temporary or permanent positions, 20% of women replied that they received pressure from their boss to quit at the time of childbirth. As a result, one third of women whose employment career was interrupted because of childbirth did quit the job even at the stage of planning to have a child.

In 2008, the percentage of men on paternal leave was only 1.2%. In 2009, the practice of maternal leave of female temporary workers was 12.2% and after the post-delivery break, the number of temporary workers continuing their work for more than a year was 72.0%, showing that 28% of women with irregular jobs have a hard time maintaining their employment due to pregnancy.

In a research conducted of 1,181 women in 2010, 80% answered they adjusted their work schedule because of childbirth and 40% of women rearranged their pregnancy plans because of work. For irregular workers, 12.3% have gone through induced abortion to avoid layoffs or termination notices.

According to the Ministry of Health and Welfare's survey on national consciousness in 2009, 47% of married women demand a 'strengthening of pregnancy/childbirth/child care support system' as measures to prevent abortion. However, the Korean government's 'Comprehensive Plan to Prevent Illegal Artificial Abortion' neglects the reality and demands of women,

suppressing women's right to decision on pregnancy & childbirth and operates a call center for receiving 'Reports on Abortion Conducting Agencies'.

Assessment of the Government's Report

The government's report demonstrates the quantitative increase of women's employment but in reality, the government's employment policy is causing instability of women's employment. Currently, Korea's gender gap in wage is twice than the average among OECD countries. This is due to a large number of women working in low-paid jobs. According to a research done in 2009, the percentage of women working in places of less than 10 people was 61.6% whereas the percentage of men was only 26.3%. In addition, 66.5% of low-income workers work in places with no social insurance coverage. Therefore they do not benefit from social security.

The Korean government announced the 'Second Basic Plan Regarding Low Fertility Rate and Aging Society', which introduced a change in the policy of maternity benefits. Previously, after the three month maternity leave with a full pay, a monthly set amount of 500,000 won was given during maternal leave period up to one year after childbirth. The new policy provides 40% of one's income before maternity leave. This is an unrealistic proposal for low-income irregular women workers who do not even have social security. Giving 15% of maternity leave payment after returning to work results in reduced wages during maternal leave. Due to current circumstances, the government's support policy for work-family balance has not been effective. Most women in unstable working environment are not guaranteed of maternity leave or maternal leave payment. This leads to the increase of abandoning the idea of pregnancy or having induced abortion.

Despite this reality, there is no fundamental change in the employment policy and the Korean government's solution to low fertility rate is creating additional suffering for women going through pregnancy that includes hardened living situations. This violates article 11.2 of the CEDAW Convention which prohibits discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work.

[Recommendations]

The Korean government should implement policies that create job opportunities in a stable working environment so that women workers would no longer be threatened when they plan pregnancy & childbirth. During maternity leave and parental leave, adequate financial support should be provided to sustain the basic standard of living, and the maternity and parental leave insurance should cover all women.

In addition, a wide range of assistance should be provided, such as incentives ensuring employment after childbirth for women in unstable employment, ensuring maternal leave and payment by allowing women workers to submit an application to the employment support center in advance, thus preventing layoffs due to pregnancy or unreasonable pressure from companies, increasing the rate of social security coverage for women in work places.

Most of all, women go through additional suffering of economic difficulties and violations of their reproductive rights. There needs to be an immediate stop of current regulations and punishments that violate women's 'reproductive rights' and 'right to health'. They should also provide stable, permanent working conditions and create policies that would heighten living conditions.

(2) Women's Reproductive Health (Article 12)

Since the end of 2009, the increase of regulating and punishing abortion has been a threat to women's reproductive health. Korea has defined abortion as a crime in the criminal law, allowing limited abortion only for specific reasons in the Mother and Child Health Act. However, it does not permit the majority of abortions that occur due to socioeconomic reasons. This threatens women's reproductive health provided in article 12 of the CEDAW Convention.

Since the end of 2009, the pro-life medical association of doctors who are against abortion has been established. There has been a spread of national campaigns that press charges against doctors who perform abortion. Women found it more difficult to find hospitals that perform abortions. There has been a 20-30% increase of surgery costs (from \$5,000 to \$6,000), and abortion tour packages to Japan and China have been introduced. In June 2010, there was a sexual assault crime against a woman searching for a hospital to have an abortion

by a person impersonating hospital staff. Many women are forced to go to illegal abortion clinics and thus their reproductive health is threatened.

The enforcement of regulations and punishments of abortion is also affecting judicial decisions. Punishments against doctors and women have officially begun. For example, in September 2010, doctors who performed abortion surgeries were sentenced to 6 months of imprisonment, 1 year of probation and their licenses were suspended for a year. In October, 2010, a woman suspicious of having an abortion was charged by her husband and sentenced to a fine. The actions being taken are more strictly compared to the past when there were hardly any charges against abortion and even if there were, it was customary to give probations. There has been an increase of abortion cases submitted to court; 5 cases in 2007, 5 cases in 2008, 4 cases in 2009 whereas the number of cases increased to 17 in 2010 when regulations started taking place.

Assessment of the Government Report

The Korean government report compared the statistics of 2002 and 2005, asserting that the abortion rate has decreased but since then, there has not been an official government statistics. As a result, there is a lack of accurate information of current abortion rate.

The Korean government has not taken actual measures that would reduce abortion such as contraception and sex education, but focuses only on policy purposes intended to regulate and punish abortion. In November 2009, the Presidential Council for Future and Vision proposed regulation of abortions as an alternative plan to solve low fertility. Since 2010, the Ministry of Health and Welfare established a 'Pregnancy Crisis Counseling Center' to report medical agencies that perform illegal abortion. In March 2011, the medical clinics of the local government have pressed criminal charges against local clinics that perform abortion. These strict measures show that regulations and punishments on a governmental level have been rapidly increasing.

The Korean government also formed 'a social organization to prevent induced abortion' with nongovernmental organizations to eradicate abortion, but women organizations asserted that this organization only threatens women's reproductive health and therefore do not participate.

However, the government has continued to manage the organization excluding women's organizations.

[Recommendations]

The problem of abortion is due to many reasons including the lack of sex education, the gender inequality of the social environment, the low practice of birth control, and the social stigma as a single parent. Without actual solutions to address these issues, the current abortion policies endanger many women by cornering them to have illegal surgery, thus threatening their reproductive health. The current law which puts women as potential criminals should be revised. Alternatives would be abolishing abortion under criminal law or including socioeconomic reasons for allowing abortion under the Mother and Child Health law.

The reform of current abortion law would not only decriminalize women who had abortion but should strengthen the right to have access to medical procedures of abortion. Women should be provided with systematic medical information and counseling. For low-income women, the cost of having surgery should not be high as this limits their right to access medical procedures.

Most of all, in order to reduce any unwanted pregnancies, there needs to be an expansion of sex and reproduction education targeted to youth and adults. There also needs to be efforts made to spread a culture of gender equality.

2. Marriage Immigrant Women: Unstable Residence Status and Human Rights Violations

For several years, international marriages have taken place one out of every ten Koreans and they are mostly between Korean men and foreign women. In 2010, 10.5% of all marriages were international marriage and 76.7% were between Korean men and foreign women. Examining the nationalities of foreign women who marry Korean men since 2000, most of them were from poorer countries than Korea such as China, Vietnam, Philippines, and Uzbekistan. On the other hand, Korean women tend to marry someone from a richer country than Korea such as Japan and the United States.

<Table1> Marriage with a Foreigner by Nationality

Unit (case, %)

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	%	compared to the last year
Korean men + Foreign women	6,945	9,684	10,698	18,751	25,105	30,719	29,665	28,580	28,163	25,142	26,274	100	1,132
CHN	3,566	6,977	7,023	13,347	18,489	20,582	14,566	14,484	13,203	11,364	9,623	36.6	-1,741
VIE	77	134	474	1,402	2,461	5,822	10,128	6,610	8,282	7,249	9,623	36.6	2,374
PHI	1,174	502	838	928	947	980	1,117	1,497	1,857	1,643	1,906	7.3	263
JPN	819	701	690	844	809	883	1,045	1,206	1,162	1,140	1,193	4.5	53
CAM	1	2	2	19	72	157	394	1,804	659	851	1,205	4.6	354
THA	240	182	327	345	324	266	271	524	633	496	438	1.7	-58
USA	231	262	267	322	341	285	331	376	344	416	428	1.6	12
MGL	64	118	194	320	504	561	594	745	521	386	326	1.2	-60
UZB	43	66	183	328	247	332	314	351	492	365	317	1.2	-48
NEP	2	2	21	22	32	16	33	82	159	316	202	0.8	-114
RUS	70	155	236	297	315	234	203	152	110	139	119	0.5	-20
Etc.	658	583	443	577	564	601	669	749	741	777	894	3.4	117
Korean women + foreign men	4,660	4,839	4,504	6,025	9,535	11,637	9,094	8,980	8,041	8,158	7,961	100	-197
CHN		210	222	263	1,190	3,618	5,037	2,589	2,486	2,101	2,617	2,293	28.8
JPN	2,630	2,664	2,032	2,250	3,118	3,423	3,412	3,349	2,743	2,422	2,090	26.3	-324
USA	1,084	1,113	1,204	1,222	1,332	1,392	1,443	1,334	1,347	1,312	1,516	19	-332
CAN	150	164	172	219	227	283	307	374	371	332	403	5.1	204
GBR	64	69	86	88	120	104	136	125	144	166	178	2.2	71
AUT	78	78	90	109	132	101	137	158	164	159	194	2.4	12
GER	82	94	81	94	109	85	126	98	115	110	135	1.7	35
PAK	36	63	126	130	100	219	150	134	117	104	102	1.3	25
Etc.	326	372	450	723	779	993	794	922	939	936	1050	13.2	-2

The phenomenon of the increase of marriage between Korean men and foreign women started emerging after 1995. International marriages of Korean men were due to the increased educational level of Korean women who stay single, as well as the campaign in the rural

communities such as 'Matchmaking for Single Farmers.' The rapid increase of international marriages of Korean men is deeply related to the increase of commercial international marriage brokerage agencies. The following data shows the 10 year - process of international marriages by nationalities.

Immigrant women who come through the matchmaking agencies suffer not only from language, cultural differences but also from discrimination towards being from a poor country and violence (mental, physical, economic) of the spouse. This occurs frequently. However, in the case of foreign spouse, they cannot imagine a divorce before obtaining citizenship so they endure the mental or/and physical violence. Some would choose ultimately to commit suicide. There have been two cases during the last ten months where they were murdered by the Korean husband.

Most married immigrant women have high expectations of married life in Korea when they come in but soon realize that the information given by the matchmaking companies was an illusion, making it impossible to maintain marriage. In addition they also experience language, cultural differences, and unbearable psychological, physical abuse from their families who treat them as assets that cost a fortune (about 10 million won to 12 million won).

Legal Matter

With the amendment of the Nationality Act in 1998, application for Simple Naturalization is accepted only when the foreign spouse has lived in Korea for at least 2 years after marriage, or has a Korean residence for more than a year after getting married to a Korean spouse for 3 years. In addition, the F4 visa is only given when a foreign wife resides with her Korean spouse, so if there is a divorce before acquiring citizenship, she has to leave the country. Korean husbands abuse this law and inflict mental and physical violence on their foreign wives.

With the amendment of the Nationality Act in 2004, even if there is a divorce or the spouse is dead or missing before acquiring citizenship, application for Simple Naturalization is possible if the fault lies in the Korean spouse or the foreigner has to nurture a child born from the marriage. However, there is a distinction between being qualified for applying naturalization and being accepted as naturalized Korean citizens. Many of the migrant spouses endure this

period to be qualified even though they are being violated of their rights from domestic violence. According to a study by Eulim in 2008, out of the 109 married migrants, the most urgent need was stabilizing one's stay(59 people, 45%).

<Table2> Question: What do you think is the most urgent task needed in Korean life? (Mulple choices)

	Vietnam	China	Indonesia	Philippines	Thailand	Total	%
Qualification for nationality	40	17	-	2	-	59	44.7
Job opportunities	-	6	-	2	-	8	6.1
Child education	10	8	2	-	-	20	15.2
Learning Korean	25	12	1	-	1	39	29.5
Settle conflict in marriage/in-laws	-	6	-	-	-	6	4.5
Etc	-	-	-	-	-	-	-
Total	75	49	3	4	1	132	100%
%	56.8	37.1	2.3	3.0	0.8		

As mentioned above, the status of sojourn for foreign spouses who have not yet acquired Korean citizenship is fully dependent on the Korean spouse. There are many cases where foreign spouses experience frustration as the Korean husband, who fears that they would run away after receiving citizenship, refuses visa extension or won't cooperate with the nationality application process. There are numerous complaints from women about how the husband controls the finances even when the women financially supports the family. Some are even terrified that they would be forced to leave the country if they divorce a violent spouse with no citizenship. Some Korean spouses abuse this fear.

The Matter of Qualification of a Divorced Spouse

In 2004, the government approved the qualifications for citizenship even for divorce cases where; the Korean spouse died or gone missing, there is a need for nurturing a child born from the marriage, providing evidence when the Korean spouse is at fault such as abuses of domestic violence. However, it is still difficult for the foreign spouse to obtain citizenship alone when the husband is dead or missing or when she does not have custody of the child.

Proving evidence of continuous of abuse for stay

It is not an easy task for the foreign spouse to prove the Korean husband's fault within the 2-year period of her stay in Korea. The most prominent way of proving the inflictions is the court ruling regarding divorce. However, proving the violations in court as a migrant woman who is not familiar with either Korean or Korean law is difficult. The evidence for continuous violations that the court requires is to "have a written diagnosis from the hospital, report to the police, and record every time there is a wrongful treatment from the husband or in-laws." There are cases where these women come to the counseling center feeling frustrated of having to record and collect every evidence, which can cause serious conflicts in marriage.

Case1) Do I have to get diagnosis if I got beaten by my husband?

I have two daughters. I am physically and emotionally exhausted because my children are young. My husband does not even know how hard child care is, and just complains and gets angry at the dirty and the house not being organized. I feel drained after spending the day with my 3 years old and 10 months old children. I cannot also wash dishes after dinner because the children may wake up to the watering noise. My husband gets angry when I wake up in the middle of the night. Yesterday, my mother-in-law who lives downstairs came up and nagged me. So I frowned a little and that caused her to tell on my husband of my behavior and he was so angry he slapped me in the cheek. This happened in the mist of my pregnancy. Should I get a written diagnosis from the hospital?

- 25 years old Vietnam women, 4 years of marriage but hasn't obtained citizenship.

Case2) My wife is recording and taking pictures every time we fight

It has been 3 months of my marriage with a Vietnamese wife. Every day is a struggle. I needed a woman who can take good care of my kid(3 years old) from my previous marriage. I specifically mentioned in Vietnam that I had a child but she said she never heard of it. We mostly fight because of my child. However, my wife is writing every little detail in her notebook and also taking pictures. How can I live with someone so calculative and scary? She even called the police and ran away from home. I would rather file for divorce than live like this. - Korean husband

Case3) Calling the police after every fight

Counselor: Why didn't you do anything after Min called to report a beating from her husband?

Police: She drives us crazy. She reports every trivial detail, even issues of packing her suitcase for moving out. We cannot do anything else if she requires us to act upon her every call.

Requesting a Court Ruling to Prove the Husband is at Fault

The Ministry of Justice requires a court ruling to prove the husband's fault when a divorced migrant woman wants an extension of status of sojourn. It is difficult to even file for divorce when the migrant women are unfamiliar with Korean and Korean law. When the length of the marriage is short, the court does not see domestic violence as 'continuous act of violence and harm', so the usual sentence is divorce of mutual fault. A Chinese woman filed for compensation asserting that she was treated not as a wife but a housemaid for a year and 9 months into her marriage. Her husband said he can give up to 5 million won of compensation but the court adjusted the amount, saying that 3 million won was more than enough. (She also did not get her visa extended). Another Chinese women suffered domestic violence but had no evidence. She passed out after losing the divorce case and emergency 911 had to be called. Even if the case is won, the extension plea can also be denied if the amount of compensation is too little. Normally, the conditions for stable status of sojourn are when the compensation amount is ten million won.(This is the guidelines of the Ministry of Justice in 2010, organizations for immigrant women claimed for information disclosure but the Ministry of Justice refused to reveal information.) However, in order to receive a ruling of compensation worth ten million won for immigrant women under 2 years of marriage, she needs to get severely beaten by her husband, breaking something or even being beaten to death.

Case4) Heu ung(False name, 23)

A year and seven months ago, she married a Korean man through a marriage matchmaking company. The husband was remarried and lived with his mother and two children. Heu ung tried her best to be a good stepmother and daughter-in-law. It was when she had to transfer money to her family in Vietnam. She couldn't ask her husband for money so she worked in a factory receiving a salary of 8 hundred thousand won. She gave 2 hundred thousand won to

the mother-in-law, 30 thousand won allowance to each child and bought chicken and pizza. But the mother-in-law wanted to be in charge of all her money and this caused many problems. During a fight where the mother-in-law wanted her out of the house, Heu ung accidentally shut the door and the mother-in-law's fingers got caught in the door. However, the mother-in-law sued her for causing pain and filed for divorce. Heu ung came to Eulim for advice and won the divorce case by counteraction. She received 8 million won for compensation, but the Immigration Office gave Heu ung visa that lasted only for 3 months. Heu ung wanted to live in Korea because she had to earn money to pay hospital bills for her sick mother. She eventually remarried through the marriage matchmaking company.

Difficult to Prove the Husband is Guilty so Either Endure or Go Back Home

The migrant women are the target for diverse domestic violence. Husbands give many excuses for hitting their wives such as 'She never listens!' 'She is so stubborn!' 'She deserves it!'. It wasn't because she was ignoring the husband or the mother-in-law. She couldn't respond to her husband's demands because she didn't understand Korean language. However, her impatient husband resolved to beating. In addition to the physical violence, she was emotionally abused and had to hear insults. They assumed they bought a wife by paying to the brokerage agencies so they often say "Do you know how much it cost me to bring you here?" and "Expensive bitch". After the closing of the case, the husband or the mother-in-law usually screams at the woman "Give me my 15 million won that cost me to bring you here!" These women cannot maintain their marriage due to mental abuse but are terrified that they would be sent home if they become divorced so they endure the pain. If suffering becomes too much, they run away from home being undocumented migrants or choose to divorce him and go back home.

Case5) My husband was remarried. I was 3 months in pregnancy but he did not want the child because he already had a child with his ex-wife. He got angry and kicked my stomach, forcing me to take all the painkillers I normally take. I was in sorrow. I couldn't live like this. Can't I even have a baby with my husband? <Vietnamese woman 23 years old)

This Vietnamese woman stayed at the shelter but decided to go back to Vietnam. She had thoughts of staying in Korea but she wasn't determined to fight for the divorce and the status of sojourn when she hasn't even lived in Korea for more than a year.

Refusal of Status of Residence Due to a Divorce Caused by the Husband's Change of Heart

In addition, the husband has international marriage, fantasizing of a foreign wife wrongly informed by the marriage matchmaking company. However, there have been cases of husbands demanding divorce after being married due to reasons such as "My wife is lazy" "She doesn't clean herself" "I decided to get back together with my ex-wife" "I wanted someone to take care of my mother who has Alzheimer's disease but she passed away while my wife was waiting for her visa so I no longer need a foreign wife" "I needed someone to take care of my child from my previous marriage but she does not take good care as if it was her own child. I am so worried that I cannot leave the child with her and go to work." "I have difficulty in moving (in a wheelchair) so I needed someone to take care of me but she keeps wanting to earn money. I want to divorce her because I feel she would run away." The Korean government takes no responsibility for women who were abandoned by their husbands who had a change of heart. The Korean government requires "self-evidence of violence". However, how can these women who aren't familiar with laws or policies and aren't fluent in Korean prove that they were suddenly abandoned because their husband had a change of heart?

In addition, the government sees a change of heart as an individual matter so if divorce happens, they don't allow the stay of a foreign spouse. In order to prove their sufferings, their bodies have to be severely damaged or broken. In other words, to prove the violence and suffering, the migrant woman needs to be "severely hurt or dead or kill."

Excessive Power of the Officer in Charge

If there are no children, the officer in charge of the Immigration Office can issue a 3-month visa to clear the marriage when a divorced foreign spouse asks for an extension of stay. If she wants a one-year extension, she must prove the Korean spouse is at fault. They demand a court ruling as proof. A Mongolian woman was under severe mental stress, trying to commit suicide twice because the husband cheated on her. She finally had a divorce by agreement, but her extension request was denied by the Immigration Office because she didn't have a court ruling. She was denied repeatedly when she went to the Immigration Office alone, but she got a one year extension of stay through Eulim as her reference. There are cases where unnecessary trials occur for an extension of stay. The Ministry of Justice also gives the

officer in charge too much authority so unless applying for an extension(for permanent residency, application for nationality), it is totally up to the decision of the officer in charge. Many victims are discouraged by going to the Immigration Office alone and getting rejected by hearing the word "No."

Case6) Denial of the extension of stay because husband did not come

R was kicked out by because of the conflict between her mother-in-law. The husband suggested that 'they live together after his mother passes away'. For a year, they lived as a weekend couple without the mother-in-law knowing. In March 2009, she went to the local administration office to get a family certificate requested by the store she worked for, but she realized that the husband secretly filed for divorce without her and she now was divorced. It has been 6 months since the finishing of paperworks, but the husband was still seeing, eating and sleeping with her. R was so stunned that she made an appeal with the help of the center and won the case. But the husband refused her visa extension. R went to the Immigration Office for visa extension but the Immigration Office officer said that unless the husband comes with her, they cannot issue visa extension. The center raised R's case to the media with R's approval. The Ministry of Justice accepted the visa extension on the condition that the Center will stand as her reference.

Screening Process is Too Long

Even when applying for citizenship in good marital condition, the screening process for citizenship takes 24 months to 26 months with cases where there are no children in the marriage. During this period, if there are any problems with the husband and ends up having a divorce, the request for citizenship is denied. Even if they accept divorced women, the process takes more time.

[Recommendations]

The law and institutions are the factors that hinder the equal relationship in multicultural families. In Eulim, many women come in tears because the Korean family will not agree(to stand as reference) so they cannot apply for naturalization. Non-cooperation with the application in fear of the foreign spouse running away is a direct violation of human rights. If naturalization or stable status of residence is provided with marriage, the Korean families would not try to control the migrant spouse using the unstable status as a weapon.

Permanent residency should be given to the married immigrant as soon as they enter the country. If they are divorced, they should not be demanded to give evidence to prove the husband is at fault. Instead, the country should provide evidence of the husband's fault and if they fail, they should allow the migrant women to stay in the country. There cannot be cases where the women endure human rights violations(domestic violence, abuse, imprisonment) due to status of sojourn.

There is also a problem of giving too much authority to the Ministry of Justice Immigration Office's officer in charge. There needs to be legal institutions of just treatment that can be applied to all.

The basic measures that need to be taken is forbidding commercial international marriage brokerage business. Unless the marriage brokerage business is stopped, the revision of institutions will not be effective and ensuring human rights of Asian migrant women will still be far.

3. Discrimination Against Sexual Minority Women :

On the Discrimination against Lesbians, Bisexual Women, and Transgender People

Discrimination against sexual minority women in ROK—lesbians, bisexual women and transgender—is based on the androcentric biases, blood family oriented construction of society, conservative sexual norm, and hierarchical binary of gender norm which are deeply rooted throughout the society around the axes of Confucian patriarchy and heterosexism. LCC regards the foundation of discrimination against women is also the foundation of discrimination against lesbian, bisexual women, and transgender people and vice versa. Hence comes the report below.

Part 1 – Overview: Discrimination against Sexual Minority Women in ROK and the Problem of the Government Report

Erasure-Invisibility, Stigmatization, and Discrimination that Lesbians, Bisexual Women, and Transgender People Experience

Since the year 1993 when the first movement of gay rights activism began in ROK, sexual minorities in ROK started to become more and more visible as LGBT organizations, community, social awareness raising practices, media coverage, and coming-outs of public figures have kept growing. However, ROK's only legal basis for securing sexual minorities

rights is the one term in the National Human Rights Commission Act which articulates the prohibition of discrimination based on “sexual orientation.” Without any more institutional support, sexual minorities in ROK have been living in the dead zone of basic rights needed for equal living. The strong tendency to consider only cis-gendered heterosexual people as normal and to ignore and stigmatize all different kinds of gender non-conformity and sexuality does not let sexual minorities live as either subject of right or object of protection.

Furthermore, double standard for women which simultaneously deprives women of sexual subjectivity and objectifies women as men’s sexual tool for their own satisfaction does not leave much leeway for women to be imagined out of the picture of hierarchical relationship of heterosexual monogamy. Underrepresentation and more invisibility of lesbians compared to gay men as homosexual in the ROK society is the one instance which elaborates this well. For example, whereas gay men have gained a lot more visibility while being unjustly stigmatized as the culprit of HIV/AIDS and thus become overrepresented, lesbians have been denied their being altogether by the phallic norm of sexuality. Ironically saying, the degree of invisibility of lesbians has been so serious that even lesbians’ becoming the target of hatred has been impossible.

However, this serious invisibility has not worked as protection for sexual minority women. Sexual minority women of ROK have been tormented by multilayered discrimination and violence under sexism, homophobia and transphobia which have intensified one another. Moreover, this tendency has grown stronger as society in general has become more used to assuming diverse types of gender non-conforming women simply as lesbians (or just as perverts). Even regardless of self gender identification or expression (for example, even cis-gendered women not looking a bit masculine), people have been treated as erratic and deviant if they do not get married to opposite gender after certain age and/or are being involved in special relationship with person of their own gender. In this way, we can see the entanglement of issues of discrimination against women who go against the grain and the ones against lesbians.

Bisexual women have easily lacked proper recognition and support from both society more in general and LGBT community. Unjust charges of promiscuity (overabundance of sexual desire) and opportunism (have heterosexual normalcy as their back to go back to whenever

they want to) have burdened bisexual women in many ways. There have been not much discourse and practice focusing on bisexual women in LGBT activism in ROK either. Mostly, lesbian issues have subsumed the particular issues of bisexual women and thus not paid enough attention to the latter. We need more detailed and focused articulation and practice about the experience of discrimination which bisexual women have gone through.

Transgender people's experience as women issue also needs more comprehensive approach from diverse angles. Though transgender people themselves and allies have launched out researches and practices on the issue organizing its community, we still lack resources and infrastructures to depend on. There exist many transgender issues in need of attention: stigmatization of people who cannot easily pass as either gender, different types of suffering compared to cis-gendered people when they try to deal with their sexual orientation, difficulties of using gender segregated public spaces such as restroom, locker room, dormitory, schools which are not coed, and prison to name a few, serious inconvenience caused by inconsistency of their self-identified gender and the gender read in IDs, hardships of getting gender reassigned ID officially, lack of legal-medical support system for sex reassignment operation, hormone therapy, and ongoing counseling, to list a few. Unfortunately, we do not have enough pages to delve into transgender agenda here.

Therefore we would rather concentrate on the issues of sexual violence and hate violence which transgender people (both FTM people and MTF people) experience being regarded as imperfect, deviant women, women in need of correction, required to prove their ability and/or availability for male-centered heterosexual intercourse. These types of violence signal the patriarchal, androcentric and misogynist norm of ROK society which have long been the basis of discrimination and violence against women.

Not only self-identified transgender people but also other diverse gender nonconforming people including lesbians, bisexual women and cis-gendered heterosexual women could experience similar kinds of hate violence as the former could. Traditionally required gender role, expression, and body for women in ROK constructed in the perspective of heterosexism and androcentrism have played as violent normativity imprisoning all women (and people regarded as women even against their self-identification) in the very narrow possibility of self realization. This signals that women issue is sexual minorities issue and vice versa. Enough

reason for ROK as State Party to consider and include the experience of sexual minority women in serious manner on the process of implementing the Convention to the full scale.

Erasure-Invisibility of Sexual Minority Women on the ROK's Current Government Report

The current ROK report on implementation of the Convention does not cover the any issue of sexual minority women except for the mention on page 7 of National Human Rights Commission Act which states the prohibition of discrimination based on 'sexual orientation.'

As the goal of this Convention is to stop "any distinction, exclusion or restriction made on the basis of sex" as it reads in the Article 1, the Convention could and should be interpreted as the one which would also play the role of ending the discrimination against sexual minority women. However, according to the government report, it is obvious that ROK government has failed to consider sexual minority women as included in the category of women. This could be read as major symptom of sexual minority women's invisibility throughout ROK society and governmental perspective.

LCC calls for ROK government to include sexual minority women's agenda in discourse and practice on women's rights. LCC also ask CEDAW to strongly recommend to ROK government to establish and implement relevant policies about sexual minority women's agenda. As ROK is not only a State Party of the Convention but also one of the countries who voted for the resolution of UNHRC on ending the human rights violation based on the sexual orientation and gender identity on June 17th, 2011, it should take responsibility to actively work on sexual minority women's agenda.

The current government report comprises agendas such as raising social awareness, supporting victims of sexual violence, domestic violence and sex trafficking (prostitution, sex work), securing rights to making family, education, work, health and access to diverse social infrastructures. For ending discrimination against sexual minority women and guaranteeing rights to them, the above mentioned agendas should become more inclusive comprehending particular natures of experience sexual minority women have been through. Plus, special policies against hate violence should be coming into practice.

Part 2 – Remarks and Recommendations about the Convention on the Elimination of All Forms of Discrimination against Women (Henceforth the Convention)

Article 2: ROK government should put its effort to the full into establishing and implementing policies concerning sexual minority women.

ROK government has never established and implemented any policy on sexual minority women nor surveyed on actual living condition of the latter. Anxiety of sexual minority people concerning stigmatization and discrimination targeted towards them would make comprehensive survey difficult but the factor should not be the excuse for governmental neglect of the agenda. ROK government should take full responsibility as a State Party of both the Convention and the UNHRC resolution against violation of human rights based on sexual orientation and gender identity.

ROK government has its shameful history of ruling out the “sexual orientation” clause from the list of individual causes of discrimination of the original version of Anti-Discrimination Bill when it first tried to establish the comprehensive Anti-Discrimination Act back in 2007, influenced by the strong protest against the Bill from some right wing conservative groups. This should never be repeated.

[Recommendations]

- 1) ROK government should acknowledge its official responsibility for ending discrimination against sexual minority women to the public as a State Party of both the Convention and the UNHRC resolution against violation of human rights based on sexual orientation and gender identity.
- 2) ROK government should remobilize its all efforts to legislate comprehensive Anti-Discrimination Act which includes the items of sexual orientation (sexual identity) and gender identity on the list of individual causes of discrimination. ‘Gender identity’ as an individual item should be included in the list along with the ‘gender’ to make transgender people visible in the Anti-Discrimination Act.

Article 1, 13, 16: ROK government should put its effort to the full into taking measures concerning the diverse social rights of sexual minority women, e. g. rights to making

family and to housing.

Social welfare system of ROK and relevant budget plan have been established mostly around the nuclear family unit based on heterosexual marriage. Therefore considerable number of people who live outside the frame of so-called normal family, e. g. single women, single parent families, same-sex couples, and others living in different forms of families, are marginalized from the institutional support. In this sense, most sexual minority women get much less benefit from the state about taxpaying, insurance, pension, loan, and housing than others who live following the social norms of family and marriage. Many sexual minority people also suffer not being able to designate their closest person who is not one of their family members as their legal guardian in the situation of hospitalization and/or surgical operation.

Presently, ROK does not even acknowledge de facto marriage of same-sex couples not to mention any form of legal partnership of same-sex couples. This not only violates the rights to pursue happiness of many same-sex couples but also drives the people into socially and economically vulnerable status. Considering the tendency of feminization of poverty, this situation particularly impacts women couple among other sexual minorities.

[Recommendations]

- 1) ROK government should acknowledge and establish relevant policies for different forms of families not limited to the so-called normal family based on heterosexual marriage.
- 2) ROK government should guarantee legal status of same-sex couples by any particular form which is considered most fit for the ROK society (may it be 'partnership,' 'civil union,' or 'marriage,' and so forth) after collecting diverse opinions from the people concerned and the relevant organizations.
- 3) ROK government should be careful not to secure particular group of people in the expense of ignoring and excluding others social rights.

Article 5, 10, 11: ROK government should put its effort to the full into taking substantial measures to secure sexual minority women's rights to education and to work preventing and punishing any violation of those rights.

Sexual minorities including lesbian, bisexual women, and transgender people who transgress gender norms are not protected in the education system in ROK. ROK's educational system reproduces the cis-gender centered heterosexual normativity throughout all the aspects of pedagogy and does nothing about violence against sexual minorities who have been tormented and humiliated by bullying based on hatred. Teachers and school authority even punish sexual minorities and thus deprive of the latter the right to education.

Work places are hostile to sexual minorities, too. Different types of gender nonconforming people, including lesbian, bisexual women, transgender people, and unmarried single people are constantly harassed, undervalued in performance evaluation, discriminated against promotion opportunity based on their sexual and gender non-normativity. This severely violates the right to work of sexual minorities considering these people cannot even resort to any governmental support.

[Recommendations]

- 1) ROK government should make comprehensive anti-discrimination training including training against sexual harassment-violence and hate violence be mandatory for curriculum of all public/private education.
- 2) ROK government should reexamine the discriminatory assumptions existing in educational contents and revise the contents completely so that it can deliver the value of diversity and equality.
- 3) ROK government should make comprehensive anti-discrimination training including training against sexual harassment-violence and hate violence be mandatory for everybody in every workplace where there are employee(s).
- 4) ROK government should establish concrete measures to support people who suffer from discrimination and to disadvantage the authorities who violated sexual minorities' rights in the field of education and work.

Article 6: ROK government should put its effort to the full into supporting sexual minority women victims of sexual violence, domestic violence, sex trafficking (prostitution, sex work), and hate violence concerning the particular natures of these women's experience as stigmatized beings.

Sexual minority women in ROK are vulnerable to violence against women including rape, domestic violence and sex trafficking (prostitution, sex work) and are also threatened by the hostility and hatred toward them. Violence against sexual minority women usually accompanies the threat to “out” their sexual and/or gender identity which sexual minorities would really want to avoid because of expected stigmatization against themselves. Under the certain threat, most sexual minority women could only suffer the violence against them and not even able to report the crimes dreading the disclosure of their identities as sexual minority. Many sexual minority women share this fear to be outed which does not let them to ask for help even under constantly tormenting environment.

Another two big issues are, first, there does not exist any particular addendum which could deal with same-sex rape, and second, there is no way of punishing hate violence which harms victim in multiple ways. Plus, traditional family value of ROK which gives older adults in the household a lot more moral authority makes domestic violence based on ignorance and hatred toward non-normative sexual and/or gender identity keep happening in the name of correction and love. ROK has reproduced biases and violence against sexual minority people leaving these serious problems untouched. Now it is time to change.

[Recommendation]

- 1) ROK government should expand the object of rape which has been limited to woman in ROK penal code to person so that punishment for rape could be applied to vaster range of crimes committed to sexual minority people.
- 2) ROK government should eliminate the ROK Military Penal Code Article 92 which regulates and punishes same-sex intercourse regardless of consent or coercion of the act so that reproduces the deeply rooted biases against homosexuality and take measures to distinguish the necessity of preventing and punishing sexual violence between same sex people and the necessity of acknowledging consented sexual practice between same sex people.
- 3) ROK government should provide support system for sexual minority victims who have suffered from confinement, beating, unwanted hospitalization at mental facility, coerced treatment intended for correction, coerced marriage, and deprivation of social networking including the opportunity of being educated in school by their family

members.

- 4) ROK government should provide support system for victims of domestic violence in same sex partnership who cannot easily get help from outside the relationship because of the nature of their relationship as the one which could easily be stigmatized.
- 5) ROK government should recognize the economically vulnerable status of sexual minority women who does not have many options for their living after being deprived of opportunity of education and work. This kind of vulnerability leads these women into sex industry (sex trafficking, prostitution, sex work) and easily harms their mental/physical health. ROK government should prevent this inflow of sexual minority women into sex industry by providing them proper opportunity to make living without losing or giving up their own sexual and/or gender identity.
- 6) ROK government should take concrete measures to let sexual minority victims of sexual violence, domestic violence and sex trafficking (prostitution, sex work) feel less afraid to report their suffering under violence concerning the “outing” of their identity.
- 7) ROK government should support NGOs which work for sexual minority women making them run without much worry of by actual funding and giving incentives. ROK government should also recognize that there is no shelter for sexual minority women currently in ROK compared to other types of shelters for victims and put its effort to support establishment and running of shelters particularly for sexual minority victims who are in need of those safe places.
- 8) ROK government should make comprehensive anti-discrimination training including training on sexual minorities’ rights be mandatory both for current and prospective civil servant including police and prosecutor.
- 9) ROK government should sentence aggravated punishment to the perpetrators of hate violence against sexual minority people.

Article 12: ROK government should put its effort to the full into comprehensively guaranteeing sexual minority women the rights to health which would secure proper access to medical diagnosis, treatment, and support according to individual sexual minority women’s own gender identity, health status and sexual practice.

Sexual minority women in ROK cannot easily get proper medical diagnosis and treatment because of the deeply rooted social norm has affect gynaecology to be heterosexist so that

only work for cis-gendered heterosexual women who have sex with cis-gendered heterosexual men and function as reproductive body. This medical custom has badly affected the health of many sexual minority women who could not have dared to consult doctors dreading to be opened as lesbian, bisexual or transgender and thus to be ill-treated.

Also, ROK's medical situation in general does not provide proper diagnosis, counseling, treatment, therapy for sexual minority people who suffers from depression, manic-depression, and suicidal impulse to name a few because of the discrimination so unjustly committed against them. ROK's clinical approach to mental sufferings of sexual minority people is limited to attempts for correction rather than helping these people out to be more self-confident as they are.

Transgender people suffer from high cost of hormone therapy and sex reassignment surgery, lack of follow-up measures, medical malpractice, and humiliation from the medical staff who are supposed to support them on the process. This has resulted from the reality in that ROK lacks systematic supports for transgender people.

[Recommendations]

- 1) ROK government should make medical institutions educate their current and prospective experts on diverse health issues of sexual minority women not limited to reproductive aspects of women's body.
- 2) ROK government should urge the education of clinical psychologist and psychiatrist should include training for understanding the sufferings of sexual minority people to help them in their position not to correct them according to the norm of society.
- 3) ROK government should examine the medical need of transgender people comprehensively and establish proper procedure for transgender people who want for example, hormone therapy, sex reassignment surgery, and counseling. Also, ROK government should find the way to lessen the burden of cost for transgender people who suffer from very high cost of all the procedures they are in need of desperately.

4. Sexual Violence against Women and Children

According to current law, sexual offense is established upon filing of complaints by victims except for the adolescents aged over 13 to under 19 in Korea. Thus, there is a great possibility that charges against sexual offence will often be dropped due to pressures from different social statuses, for example in teacher-student relations, or persuasion from acquaintances, which could result in secondary violence against the victims.

In addition, current education program for the victims of child prostitution needs to be reformed because it is strongly characterized by punishment rather than rehabilitation. While End Child Prostitution and Pornography and Trafficking of Children for Sexual Purpose (ECPAT) and many other international organizations have clearly defined sex trade of adolescence under aged 18 trafficking, the government of Republic of Korea has taken any appropriate measures to provide preventive programs and to protect children from sex trade, trafficking and pornography on the Internet where 80-90% of youth prostitution occur. Although the UN convention against Transnational Organized Crime and its Protocols was submitted to the National Assembly, it has not been enacted. The relationship between the Act and associated existing legislations also has to be clarified.(refer to the table 7)

Although there has been an increasing recognition of importance of prevention education on sexual violence against children, there has been little progress in practice. According to the 2008 study from the Ministry of Gender Equality and Family, only 11.6% of parents provided Child Sex Abuse (CSA) prevention education to their children while about 25% rarely or never provided such education.

On the other hand, only 16.5% of teachers provided regular CSA prevention education to their students. Majority of teachers were providing CSA prevention education irregularly or only when relevant incident had occurred. Both parents and teachers responded that they do not know how to provide CSA prevention education and that they have difficulties finding appropriate resources and time.

Thanks to the reform of the Act on Prevention of Domestic Violence, integral approach to domestic violence, sexual violence and prostitution has been adopted. In 2009, Korea Legal Aid Center for Family Relations developed sexually-responsive manuals for violence

prevention in schools. However, there is a greater possibility of reducing hours dedicated to the subject due to the integration of the topics in practice.

In primary and secondary schools including classes for handicapped students, NGOs are providing sexual education, CSA prevention education and prostitution prevention education curriculum both on line (60 hours) and off-line (30 hours). The Ministry of Science and Technology announced that it will include topics on prevention of prostitution and reflect gender-equality related contents for prevention of sexual violence in secondary school curriculums. Yet, there is no mandatory sexual education program in training programs for teachers, and thus there is a great confusion among students due to the lack of uniformity in their teachers' approaches to the topic.

While there is a lack of relevant data on the issue, CSA is emerging as a major social problem. Despite the government's efforts, there is a serious lack of data or studies partly due to the fact that incidences of CSA are significantly underreported. Because of the lack of understanding and support, victims of CSA do not report the incidents to the authorities and keep them as shameful memories until they finally recognize themselves as victims upon receiving sexual education in adolescence. In cases of incest, victims who reveal them to their family after they become adults are even blamed by their family members.

Among the 2,680 people who participated in education program for school managers and those who have reporting mandate in 2008, 29.6% responded that it is difficult to report incidents of sexual violence because victims fear other people from learning about it. Others have responded that it is difficult to report because of the refusal from the guardians (20.2%), because the victim and the assaulter belong to the same organizations (10.4 %) and because the victims fear penalization (5.4%).

Currently, Korean government is providing financial support and most of the shelters are operated by NGOs. Shelters for adolescents, immigrant workers, and victims of prostitution are operated along with counseling centers. Still, there are no such support facilities and counseling service provided in different languages other than Korean for immigrant women.

According to the statistics below, sexual offenses against child and juvenile have continued increasing annually, while the age of victims among youth has gotten younger. Accordingly the age of youth victims admitting to shelter have lowered as well. Given the circumstance, what makes matter worse is the fact that the numbers of sex offenders who are arrested for their crime are less than 1% and so as for act of seducing advertisement of sex trade. It is only less than 2-4% for those who are arrested for youth prostitution.

<Table 1> Incidences of Child/Adolescent Sexual Abuse Crimes in Korea (1999-2008)

(Unit: Persons)

		1999	2002	2005	2008
Sexual Abuse Crimes	Number of Cases	8,830	11,688	13,631	16,234
	Number of Cases per 100,000 Persons	18.9	24.5	28.3	33.4
Adolescent Sexual Abuse	Number of Cases	2,071	2,509	3,842	4,192
	Number of Cases per 100,000 Persons	4.4	5.27	8.0	8.6
	Number of Cases per 100,000 Adolescents	34.0	46.0	74.6	79.4
Child Sexual Abuse	Number of Cases	478	595	785	1,194
	Number of Cases per 100,000 Persons	1.0	1.25	1.6	2.5
	Number of Cases per 100,000 Children	5.5	7.0	10.0	16.9

Note:1. Adolescent refers to a person aged from 13 to 20; A child refers to an individual aged 12 or younger.

2. Source for crime statistics: "Crime Analysis", Supreme Prosecutors` Office Source for demographic statistics: Korea National Statistical Office

<Table2> Number of Youth Sexual Abuse Cases Received by Counseling Centers (2004-2009)

(Unit : Number of Cases,%)

Year	Number of Counseling Cases		Age of Victims		
			Under 7	7 to Under13	13 to Under19
2004	Total	23,284	1,063	2,450	6,071
		100%	4.6%	10.5%	26.1%
2005	Total	27,241	1,018	2,885	6,528

		100%	5.2%	11.9%	27%
2006	Total	27,286	1,106	2,971	6,176
		100%	4.1%	10.9%	22.6%
2007	Total	25,443	694	2,479	6,202
		100%	2.7%	9.8%	24.4%
2008	Total	27,636	1,194	4,127	7,758
		100%	4.3%	14.9%	28.1%
2009	Total	33,659	944	4,375	10,287
		100%	2.8%	13.0%	30.6%

Source: Ministry of Gender Equality and Family (2009) "2009 Performance Report of Sexual Violence Counseling Centers and Protection Facilities"

Note: Number of Sexual Violence Counseling Centers for 2004(124units), 2005(172units), 2006(202units), 2007(202units), 2008(196units), 2009(199units)

<Table 3> Number of Sexual Violence Victims Admitted to Protection Facilities

(Unit: Number of Cases,%)

Year	Seciton	Total	Under 7	7 to Under14	14 to Under20	over 20
2005	total	290	17	37	95	141
		100%	5.9	12.8	32.7	48.6
	disabled person	76	1	6	26	43
		100%	1.3	7.9	34.2	56.6
2006	total	353	29	35	123	166
		100%	8.2	9.9	34.9	47
	disabled person	80	-	2	37	41
		100%	-	2.5	46.3	51.2
2007	total	355	23	38	150	144
		100%	6.5	10.7	42.3	40.6
	disabled person	97	1	4	46	46
		100%	1	4.2	47.4	47.4
2008	total	437	21	60	160	196
		100%	4.8	13.7	36.6	44.9
	disabled person	112	0	12	51	49
		100%	0	10.7	45.5	43.8
2009	total	312	13	33	125	141
		100%	4.2	10.6	40.1	45.2
	disabled person	90	0	3	33	54
		100%	0	3.3	36.7	60

(Source: Ministry of Gender Equality and Family (2009) "2009 Performance Report of Sexual Violence Counseling Centers and Protection Facilities"

<Table 4> Statics of Crackdown on Prostitution (2011, National Police Agency)

(Unit: persons, percentage)

Year	Number Arrested	Action		Number of Sex Trade Criminals (By Type)		
		Detention	No Detention	Brothel Owners & Related	Clients	Sex Worker
2010	31,247	583 (1.9%)	30,664 (98.1%)	4,437 (14.2%)	21,436 (68.6%)	5,374 (17.2%)
2011.5	7,318	84 (1.1%)	7,234 (98.9%)	1,474 (20.1%)	4,251 (58.1%)	1,593 (21.8%)

<Table 5> Statistics of Crackdown on the Advertisement of Prostitution

(Unit: persons, percentage)

Year	Number Arrested	Action		Types				
		Detention	No Detention	Flyers Leaflet	Sign	Sign Board	Banner	Etc.
2010.10~12	478	2 (0.4%)	476 (99.6%)	395 (82.6%)	37 (7.7%)	26 (5.4%)	2 (0.4%)	18 (3.8%)
2011.1~5	876	3 (0.2%)	874 (99.8%)	719 (82.1%)	108 (12.3%)	22 (2.5%)	2 (0.2%)	25 (2.9%)

Source National Police Agency

<Table6> Statistics of Crackdown on the Youth Prostitution

(Unit: persons, percentage)

Year	Number Arrested	Action Taken		Number of Sex Trade Criminals (By Type)		
		Detention	No Detention	Clients	Sex Shop Owner & Related	Sex Worker (Youth)
2010	1,345	56 (4.2%)	1,289 (95.8%)	972 (72.3%)	164 (12.2%)	209 (15.5%)
2011.5	661	13 (2%)	648 (98%)	469 (71%)	49 (7.4%)	143 (21.6%)

Source 2011, National Police Agency

< Table7> Statistics on Different Means of Youth Prostitution

(Unit: persons, percentage)

Year	Total	On-Line	Saloon, Pub	Ticket Teahouse	Sports Massage	Etc.
2010	528	414 (78.4%)	14 (2.7%)	4 (1%)	4 (1%)	92 (17.4%)
2011.5	166	149 (89.8%)	2 (1.2%)	1 (0.6%)	2 (1.2%)	12 (7.2%)

Source 2011, National Police Agency

< Table 8> Follow-Up Actions for Victims of Youth Prostitution

(Unit: persons, percentage)

Year	Total	Transferred to Prosecutors' Office	Transferred to Shelters	Transferred to Guardians
2010	209	109 (52.2%)	17 (8.1%)	83 (39.7%)
May, 2011	143	75 (52.4%)	16 (11.2%)	52 (36.4%)

Source 2011, National Police Agency

[Recommendations]

Based on Article 5 of CEDAW

Strengthen prevention education against sexual violence and harassment (as time for education and instructors concerned)

Based on Article 6 of CEDAW

Requests abolition of requirement of filing by victims in sexual crimes.

Demands review of law on prostitution in order to ensure that women in prostitution are not criminalized

Ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children

Current education program for the victims of child prostitution needs to be reformed because it is strongly characterized by punishment rather than rehabilitation.

Holistic policies and action plan at national level need to be taken to prevent child prostitution and child trafficking.

Preventive measures to prevent sex trade on the Internet, human trafficking, and pornography need to be taken.

5. Underrepresentation of Women in Public Institutions

It is not possible to achieve democratic governance without equal participation of men and women in decision-making processes. Despite the myths of gender equality, Korean women face a wide gap between the excellent legislation on record and the difficult realities facing them.

The role and influence of public institutions in Korea are as critical as those of government agencies in terms of their public functions including policy making and their implementation. There are 286 public institutions in Korea defined under the Act for Operation of Public Institutions (“the Act”), including 27 public enterprises, 83 quasi-government institutions and 176 other public institutions. The role of these public institutions is immensely important since they are delegated to perform enterprise functions and execution functions of the government in order to achieve public good.

<Table 1> Number of public institutions and their employees

Types	Number of institutions	Employees (Year 2010)
Public enterprises	27	75,442
Quasi-governmental institutions	83	66,940
Other institutions	176	105,411
Total	286	247,793

Source Ministry of Family and Gender Equality

Based on the Act, the government has introduced the Guideline for Operating Public and Quasi-public Enterprises (“the Guideline”). For example, Article 5 of the Guideline recommends establishing the target quota for women in managerial positions and Article 20 provides that public institutions should make efforts to achieve 30% female ratio for appointments of non-standing members of board of directors. Yet, there has been little progress. Despite the introduction of the Guideline, recent statistics indicates that the problem of under-representation of women in high-ranking positions in public institutions is getting worse.

The government was relatively successful in introducing gender-sensitive policies such as a five-year plan for expanding appointments of women in governmental positions above rank 4 (director and deputy director level) and Gender Equality Employment Initiative (Minimum target rate for one gender to reach at least 30%) within government agencies.¹ Nevertheless, it is regrettable that there has been little attention paid on the issue of gender inequality in public institutions other than government agencies such as public and quasi-public enterprises. It is now time to bring changes in public institutions as well.

As of 2011, the gender ratios for standing women members on the boards in 286 public institutions are as the following. There are 9 women heads of institutions (3.4%), 6 women directors (1.5%), and 1 woman auditor (1.1%) in total. Overall, the total percentage of women on the boards of public institutions is 2.1%. To be more specific, with respect to permanent director positions, there are no women in public enterprises, 4 in quasi-government institutions (4.8%), 5 in other public institutions (3.2%), which add up to 9 in total (3.4%). As for the women standing executive directors, there are none in public enterprises, 4 in quasi-governmental public institutions (2.8%) and 2 in other public institutions (1.8%), comprising 1.5% of the total. As for the women auditors, there are none in public enterprises and 1 in a quasi-governmental institution (5.3%), constituting 1.1% of the total auditors in public institutions. (Table 2)

With respect to non-standing members on the boards of public institutions, there are no women heads in public institutions, 208 women executive directors (10.5%), and 11 women auditors (5.3%), comprising 9.9% of the total. Broken up into details, there are 6 women executive directors in public enterprises (3.5%), 90 in quasi-governmental institutions (13.7%) and 112 in other public institutions (9.6%), constituting 228 in total (10.5%). As for women auditors, there are none in public enterprises, 4 in quasi-governmental institutions (7.7%), and 7 in other public institutions (4.5%). The ratio of women in non-standing board positions is slightly higher than that of standing positions. (Table 2)

¹ For advancement of women into the managerial positions in public offices, the *5-Year Plan for Expansion of Women Managers* has been in force since 2003. With the introduction of this system, which has the target of 10 percent by 2006, the ratio of grade 5 or higher female government officials was 4.8 percent in 2001, but increased to 7.4 percent in 2004.

With respect to non-standing members on the boards of public institutions, there are no women heads in public institutions, 208 women executive directors (10.5%), and 11 women auditors (5.3%), comprising 9.9% of the total. Broken up into details, there are 6 women executive directors in public enterprises (3.5%), 90 in quasi-governmental institutions (13.7%) and 112 in other public institutions (9.6%), constituting 228 in total (10.5%). As for women auditors, there are none in public enterprises, 4 in quasi-governmental institutions (7.7%), and 7 in other public institutions (4.5%). The ratio of women in non-standing board positions is slightly higher than that of standing positions. (Table2)

<Table 2> Women Representation in Public Institutions

Unit: person

Types	No	Standing executive director						%	Non standing executive director						%
		Head		Director		Auditor			Head		Director		Auditor		
		Total	Female	Total	Female	Total	Female		Total	Female	Total	Female	Total	Female	
Public enterprises	27	27	0	105	0	18	0	0	0	0	170	6	0	0	3.5
Quasi-governmental institution	83	83	4	117	4	32	1	3.1	0	0	657	90	52	4	13
Other institution	176	157	5	113	2	41	0	2.3	19	0	1162	112	157	7	8.9
Total	286	267	9	389	6	91	1	2.1	19	0	1989	208	209	11	9.9

Source: Ministry of Family and Gender Equality

According to the statistics from the Ministry of Gender Equality and Family, from 2007 to 2010 the percentage of female standing members of the boards in public institutions ranged from 1.9% to 2.3%, while it fluctuated from 9.7% to 12.6% for non-standing positions. However, the ratio of women in standing positions on the boards in public enterprises was extremely low (0%), and that for non-standing position was also as low as 4.8%. As of 2011, there has not been much change; the percentage of women is 0.0% for standing positions and 3.5% for non-standing positions on the boards of public enterprises respectively.

These statistics regarding the under-representation of women in senior management of public institutions suggests that the revision of the Guideline in 2007 was not effective. It also implies that the discrepancy between the increasing overall employment rate for women in public institutions-from 19.7% to 35.3% during the last 5 years- and the under-representation of women in senior management of public institutions would cause huge problems in the operations of the public institutions in the future.

[Recommendations]

First, there should be a legislation requiring target ratio for women in senior management of public institutions. The Ministry of Strategy and Finance should implement long-term policy measures to enforce the public institutions to reach the target.

Second, there should be a quota assigned for recruiting committees for board members in public institutions. Since current members of recruiting committees are dominated by men, demanding appointment of women in the recruiting committees is necessary in order to achieve gender balance and ensure transparency in the recruiting process.

Third, there needs to be a mentoring program for women to encourage sustainable supply of female candidates for senior management since women tend to be isolated from the existing male dominated networks and challenged by the lack of female role models.

Lastly, it is desirable to build a database of female professionals and utilize it as a pool for potential candidates for managerial positions in public institutions. Recently a resolution has been passed at the cabinet meeting, establishing a target of 40% ratio for female members in government committees and 20% for female professionals listed in national human resource database. The Korean Institute for Gender Equality Promotion and Education under the Ministry of Gender Equality and Family is preparing to launch such a program in order to achieve the target.

V. Implementation of CEDAW at the Local Level [Chungbuk province]

1. Women's Political Participation

During the 2nd and the 3rd local administrations, Chungbuk province implemented open recruitment policy for women's policy specialists, and operated organization specializing in women's policy. The 4th administration created Health, Welfare and Women's Bureau specialized in women's policy was created, and maintained open recruitment policy for the head of women's bureau position. However, the policy was abused to appoint non-specialist through favoritism and the position was dominated by men.

During the 5th administration, on the other hand, welfare and women were separated; open recruitment policy for the head of women's bureau was abolished and reformed into Bureau of Culture, Women and Environment bureau. As a result, women's policy was regressed to that of prior to the 2nd administration. It was revealed that the Governor of the fifth wave lacked gender-sensitive consciousness and has no will to fulfill gender responsive policy.

On the other hand, the Governor of Chungbuk province during his candidacy promised during the policy agreements with civil societies, to establish organization specialized in women policy and to implement open recruitment policy for the head of such organization. Yet, after assuming office, the governor dissolved the Bureau of Health, Welfare and Women and abandoned open recruitment policy.

Due to the factors such as the absence of women's policy specialists, lack of will to carry out gender-sensitive policies, as well as elimination of the organization in charge of implementing the policy, there is little progress in preparation for the establishment of Gender-Impact Assessment Center due to be enforced by 2013. Furthermore, *Chungbuk Women's Three Year Policy Action Plan* was set up without hearing opinions from local women's groups. Overall, there is general lack of governance.

Gender ratio of various committees in Chungbuk province, cities and counties is as the charts below. Although all provincial, city and county committees have women's participation close to or higher than 30%, there are several committees with less than 5% or no female members out of 90 committees in reality.

In addition, gathering a variety of opinions and participation by the residents is structurally limited by multiple appointments of certain members to serve in as many as six committees.

Especially members representing women are scarce and operation of committees is focused on formality and expediency.

Chungbuk province's ordinances relevant to women's policy are unsatisfactory. Presently, there are only five relevant ordinances, such as 'Ordinance on Support for Women's Business', 'Ordinance on Promotion of Women Farmers', 'Ordinance on Appointment of Female Members in Committees', 'Basic Ordinance for Development of Women', 'Ordinance on Operation of Gender Development Center' Particularly, ordinance related to implementation of gender-sensitive policy has not been enacted.

There are only two women's policy researchers assigned within Center for Women's Development, which greatly limits the research capacity of the center. The center is also operated at the level of programs by existing women's organizations.

<Table 1> Gender ratio of provincial committee members (Chungbuk province)
(unit: person, %) (2010.12.31)

	Total			Appointments		
	Total	Women	%	Total	Women	%
Ministry of Gender Equality and Family Concentrating Management Committee (30 Committees)	415	117	28.2	308	112	36.4

*Source: Chungbuk province, Women's Policy Department

<Table 2> Overlapping appointments of female members in provincial committees

Number, committees served	Number, Members	Profession	Notes
Total	112		Multiple appointments of professional women to relevant committees
6	1	Tax Accountant	
3	7	Appraisal and assessment manager 2 Tax Accountant 2 Professor 2 Women's Groups 1	
2	9	Professor 5, Architect 2, Women's Groups 2	
1	95		

*Source: Chungbuk province, Women's Policy Department

<Table 3> Gender ratio of committee members in city and counties

(unit: person, %) (2010.12.31)

Cities & Counties	Total			Appointments		
	Total	Women	%	Total	Women	%
618 Committees	8,077	1,975	24.5	5,996	1,827	30.5

*Source: Chungbuk province, Women's Policy Department

<Table 4> Gender ratio of civil servants by rank in local governments

(unit: person, %)

	Rank 4 & higher, Total	Rank 4 & higher, Women	Ratio (%)	Notes
Total	122	8	6.6	
Chungcheongbuk province	67	6	9.0	
Cheongju city	13		0.0	
Chungju city	8		0.0	
Jecheon city	5		0.0	
Cheongwon county	4	1	25.0	
Boeun county	3		0.0	
Okcheon county	4		0.0	
Yeongdong county	3		0.0	
Jeungpyeong county	3	1	33.3	
Jincheon county	3		0.0	
Goesan county	3		0.0	
Eumseong county	3		0.0	
Danyang county	3		0.0	

*Source: Chungbuk province, Women's Policy Department

As indicated in <Table 4>, there is no female local civil servant of rank 4 or higher in 10 local governments, except for Chungbuk province, Cheongwon county and Jeungpyeong county. There is a huge gap between central and local government; yet, the gap also varies depending on the will of leaders of the local governments.

<Table 5> Gender ratio for executive board members of public institutions

(unit: person, %)

	Total			Appointments		
	Total	Women	%	Total	Women	%
12 Institutions	149	6	4.0	77	6	7.8

*Source: Chungbuk province, Women's Policy Department

Especially when establishing public institutions, associated institutions, business and groups voluntarily constitute the board of directors. Thus, women are often underrepresented in the board, comprising less than 10 %. This can be significantly improved depending on the will of the leaders of local governments.

<Table 6> Gender ratio for members of Chungbuk-do provincial, city and county legislatures
(unit: person, %)

	Total	Women	Ratio (%)	Notes
Total	162	29	17.9	Excluding four education members
Chungbuk province	32	3	9.40%	
Cheongju city	26	5	19.6	
Chungju city	19	5	25.7	
Jecheon city	13	5	38.4	
Cheongwon county	12	3	25	
Boeun county	8	1		
Okcheon county	8	1		
Yeongdong county	8	1		
Jeungpyeong county	7	1		
Jincheon county	7	1		
Goesan county	8	1		
Eumseong county	8	1		
Danyang county	7	1		

*Source: combined from respective legislative's websites.

In Chungbuk province, there is no female local government leader in three cities and nine counties. Of 31 members of provincial assemblies, there are only three women members, which is less than 10%. Of the four education committee members, there are no women. Of the total of 131 members of city and county assemblies, there are 26 female members, which is approximately 20%.

Although women's political participation is gradually increasing from 3.2% in 2002 to 20% in 2010, women are still heavily shadowed by men's choices due to male-centered political party structures and party nomination policies. Thus, experts who are able to reform gender sensitive policies face significant challenges entering the local assemblies.

Government support and regulation reforms are needed so that political parties can implement programs for educating women and promoting women's participation in political parties

<Table 7> Gender ratio for Chungbuk Office of Education professionals and faculties

(unit: person, %)

	Faculties			Principal			Deputy-Principal		
	Total	Women	Ratio	Total	Women	Ratio	Total	Women	Ratio
Elementary Schools	4,823	3,669	78%	254	31	12.20%	259	64	20.5%
Middle School	2,810	1,804	64%						
High School	2,550	1,142	45%						
Total	10,183	6,615	62.30%						

*Source: Chungbuk Office of Education

At Chungbuk Provincial Office of Education, 44 out of 100 professional positions are occupied by women. Whereas women comprise 78% of the total faculties in elementary schools 64% in middle schools and 45% in high schools, women comprise 12.2% of the principals and 20.5% of the deputy-principals of primary and secondary schools,. Of 10,183 faculties working in primary and secondary schools, there are 6,615 women, which is 62.3% of the total. However, the percentage of women working in managerial positions such principal and deputy-principal are only 12% and 20% respectively.

Presently, there is no target gender ratio assigned for appointment of women in managerial positions in primary and secondary schools.

2. Women's Economic Participation

In 2008, the percentage of women participating in economic activities was 49.2% on average, which was much less than the national average of 50.0%. Chungbuk province has the second lowest rate of women's participation in economic activities in the nation, which indicates Chungbuk province fall significantly behind from the general standard. In addition, comparing the gender ratio for economic participation within Chungbuk province, 72.4% for men and 49.2% for women, suggests a marked disparity between the two. (data: national statistical portal database, National Statistical Office)

Policies to encourage women's economic activities in Chungbuk province

In order to encourage women's economic participation, Chungbuk province has implemented several policies including development of female workforce; strengthening of vocational training, career headquarters and employment centers; improvement of career development centers for female college students, establishment of support system for the employment of female senior citizens, and provision of professional management training for women farmers. (the 4th Chungbuk Gender Development Three year Action Plan)

- As of 2010, the number of economically active women reached 318,000, which comprises 41.4% of the total female population, and is gradually increasing.

(unit: thousands person)

	2007	2008	2009	2010
Population economically active	297	301	313	318

Despite the fact that women farmers comprises as high as 50.6% of the total economically active female population, the 4th Chungbuk Gender Development Three year Action Plan does not include any concrete programs for women farmers.

[Limitations]

Currently, most of the women seeking employments are hired as non-regular workers or highly overqualified for the positions available for them. Yet, despite such unstable employment conditions and intensified polarization of job opportunities, there is no government support or measures taken to address this problem. Thus, it is urgent to create jobs that can provide just and fair treatment for women.

Spread of non-regular positions can not be solved by Chungbuk province's efforts alone. Still, Chungbuk province should pay more attention and take measures to solve the problems such as polarization of female workers due to the spread of non-regular positions, and the issues of women experiencing difficulties in places where there are no labor rights.

3. Violence Against Women

Chungbuk province local government's measures for implementation of the Convention

From 2008 to 2010 (The 3rd Three-Year Action Place)

Declared directional transition from policies for protection of the victims of gender-based violence to policies for recognition of rights. Although support institutions for women's rights agree with such a directional change, even the protection of the victims is insufficient.

Promised to establish basic database and conduct surveys on sexual harassment, adolescent sexual behavior and sexual consciousness, new forms of prostitution and sexual exploitations, domestic violence against disabled women. Established plans for educational contents development such as prevention manuals for through utilization of basic resources

In addition, the local government was passive in cooperating with NGOs in discussing ways to implement policies. Local government cooperates with NGOs in order to oversee implementation of central government's guidelines and policies. Yet, the local government significantly lacked efforts to establish specific policy goals suitable for local conditions and accomplish them. If NGO was a protector of victims of violence for this period, it should further its efforts to expand its role through close cooperation with GO.

From 2011 to 2013 (The 4th Three-Year Action Place)

Surveys on children vulnerable to violence (underprivileged children, from working couples etc.), establishment of safe supervision in school zones and protection measures (newly launched)

Enactment of ordinance regarding Consultative Committee for Elimination against Violence against Children and Women is scheduled in early 2011. Although violence prevention district associations are operating in localities, it was executed as a part of central government's guidelines and thus can not be seen as Chungbuk province's own efforts. Currently, relevant ordinance has been drafted and closer cooperation between GO and NGOs on the issue of violence against women will be achieved once the law is enacted.

[Challenges for Implementing the CEDAW Convention]

Preparing this report, CWAU learned that although there is no specific article on dealing with violence in CEDAW, the Committee defined gender-based violence as a form of discrimination, and recommended that States should include in their reports information on violence and on measures introduced to deal with it in General Recommendation No. 19 (1992). We also learned that UN General Assembly adopted Declaration on the Elimination of Violence against Women (1993) afterwards.

In addition, CWAU learned that central and local governments are required to make efforts to suppress violence against women based on the Convention, and women have rights to be free from violence (human rights). Surely, general public and women were not fully aware of their own rights due to the lack of education on women's rights. Saving violence victims requires active promotion and education for women and children who are the targeted victims of violence. In this way, they can be aware of their rights and seek protection from the available instruments. Furthermore, we inspected whether professionals who participate in legal procedures for saving and protecting women from violence, including lawyers (judges, prosecutors and law enforcement officers), teachers, and medical practitioners, are adequately educated on the contents of the Convention. We have concluded that central government and Chungbuk province government must recognize that victims of violence against women are continuing to increase. The government should not remain at the current level of providing protections for the victims but further their efforts to expand intervention in accordance with the view of securing women's rights. Especially, they should conduct detailed surveys on underprivileged women who are particularly vulnerable to violence such as disabled women or immigrant women to reinforce the lack of objective data, and provide appropriate protection and rights education.

4. Disabled Women Situation

Thanks to the hunger strikes by the field activists, the government is providing support for the disabled women's groups in Chungbuk province. Since July 2005 to the present (2011), the government has assigned 60 million Korean Won from the budget for the past five years and 98 million Korean Won to finance sending helpers to the homes of disabled women who are rearing children. Dawool (Chungbuk Disabled Women's Solidarity) is dispatching six care providers to 40 families in a week on average.

In addition, whereas there are three cities and nine counties in Chungbuk province, there are only three places (Cheongju city, Boeun county and Jeungpyong county) where programs for supporting disabled women's rights to raise children are operating. For example, Cheongju city provides 1.5 million Korean Won allowances for women with disability grade 1 or 2, 1 million Korean Won for women with disability grade 3 or 4, and .7 million Korean Won for those with disability grade 5 or 6. On the other hand, Boeun county and Jeungpyong city provides 1 million Korean Won for women with disabilities regardless of their disability grades.

At a provincial level, Chungbuk province is independently providing financial assistance to normal families having second and third children for a year (10 thousand Korean Won and 20 thousand Korean Won respectively). For disabled women and immigrant women, it is extended to two years.

[Limitations and recommendations]

The Convention on the Rights of Persons with Disabilities was passed unanimously on December 13th, 2006. The Convention came to be effective since April 4th, 2008 as more than twenty states ratified it. Although Korean government signed the Convention on March 20th, 2007, it claimed that it would postpone the signing of the optional protocol which mandates a State party to recognize the competence of the Committee on the Rights of Persons with Disabilities to consider complaints from individuals or groups. However, it should be noted that ratifying the optional protocol to the Convention on the Rights of Persons with Disabilities is to fully manifest South Korea's will to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity. It is also a

proclamation of the State's promise to advance its efforts to ensure human rights of disabled people. South Korean government should ratify the Convention not merely via declaration but by signing and ratifying the optional protocol to fulfill its responsibilities.

In addition, the Anti-Discrimination against and Remedies for Persons with Disabilities Act enacted in 2007, has a separate section on prohibition of discrimination against women with disabilities, which indicates that there have been significant suppression and harsh treatment of women with disabilities. More importantly, women's rights should not remain as mere words but be fully realized in daily lives of disabled women.

Currently, there are five dispatching bases for childcare assistants. By 2013, three more bases will be added according to 'Chungbuk Gender Development Three year Action Plan'. However, there needs to be an accurate survey to fully understand the demand for such services prior to the expansion. Particularly, it is urgent to provide specialized support with considerations of the different issues associated with intellectually disabled women's rights to childcare and other problems that are emerging from the increased number of marriages and childbirths.

5. Immigrant Women

The number of immigrants from international marriage is 10,311 out of 1,573,981, which comprises 0.66% of the total population. (Marriage migrants): 5,664, multi-ethnic children 4,647)

<Table1>Resident Foreigners in Chungbuk province

(unit : persons)

	Total	Male	Female
Chungbuk-province	24,453	14,701	9,752

Source 2010, Korea Immigration Service, Ministry of Justice

<Table 2>The Number of immigrant spouses

(units : persons)

	'06	'07	'08	'09	'10

Immigrant Spouses	1,563	3,358	3,939	4,927	5,664
Children	1,482	2,288	2,584	3,715	4,647

The number of immigrant spouses increased by 15% and that of multi-ethnic children increased by 25% compared to the previous year. (34%p increase per year on average) International marriages started to increase in the rural areas but it is increasing more rapidly in urban areas since the 2000s. 47.1% (Cheongju city 24.7%, Chungju city 14.5%, Jecheon city 7.9%) reside in the cities

Absence of interpretation services and emergency support centers

In 2010, the number of international marriages increased by 15% from the previous year. Of 1,768 counseling cases of immigrant women, the number of personal counseling was 1,386, comprising 78.4% of the total. Despite the need for support for communication and violence problems in the early stages of marriages, there is no interpretation support or emergency hotline services currently provided in Chungbuk province. Although there is Emergency Support Center Hotline 1366, the Hotline is unable to provide all services necessary for the immigrant women who are victims of violence such as rescue to the crime scenes, professional interpretation services, and counseling. Overall, there is inadequate support for immigrant women in emergencies except for the interpretation service from the multicultural support centers.

<Table 3>Number of Supporting Institutions

(unit: persons)

	Total	Counselors	
		Multicultural Support Centers	Other Institutions
Chungbuk province	44	14	30

Source 2010, Multicultural Support Center Report

Besides the 14 support agents working in the multicultural support centers, comprising 31.2%, counseling workforce constitutes 68.2%.

Prevention of prostitution of foreign women

According to the record from Cheongju Immigration Office, there are 31(29 female and 2 male) foreigners admitted with ‘Arts/Entertainment Visa’ (E6). In reality, there is a much greater number of female foreigners currently working in prostitution industry. Yet, the total number is unknown due to the lack of data.

Protection of rights of migrant women

There is increasing number of immigrant women (international students, immigrant workers etc.) along with the increase of international marriages.

Despite the higher risks and vulnerability of such women to crimes compared to men, no comprehensive survey on them has been conducted and no data is available for relevant organizations. In addition, there are no shelters or protection facilities available for female foreign workers in Chungbuk province.

Support for multicultural families

Since the enactment of the Support for Multi-Cultural Families Act in March 2008, the number of multicultural family support centers has continued to increase in Chungbuk province. Currently, there are 12 centers that provide information, language education, and psychological/emotional support operating in Chungbuk province.

[Challenges]

At a memorial service for a victim of domestic violence on June 2nd, immigrant women demanded the government to implement policies that can address the fundamental causes of domestic violence and their consequences. Such policies should be aimed at protecting human rights of immigrant women instead of focusing on maintaining the marriages on surface. We should look for ways to prevent violence against immigrant women who are left out from protection.

IV. Recommendations

to the Government of the Republic of Korea for measures to be taken to eliminate all forms of discrimination against women

Article 2

1. There shall be an affirmative action to ensure the rights of sexual minorities institutionally and legally.
2. The Government shall legislate against discrimination including gender perspective as soon as possible.
3. The Government shall ratify the optional protocol to the Convention on the Rights of Persons with Disabilities to ensure human rights of disabled women substantially.

Article 5

1. There needs to be detailed surveys on underprivileged women such as disabled women or immigrant women to reinforce the lack of objective data, and provide appropriate protection and rights education.
2. Appropriate protection and rights education of violence victims shall be provided.
3. The Government shall cooperate closely with NGO and shall make efforts to establish specific policy goals suitable for local conditions and accomplish them.
4. It is urgent to provide specialized support for intellectually disabled women on marriages and childbirths.
5. There shall be naturalization or stable status of sojourn provided with marriage for marriage migrants, and commercial international marriage matchmaking business shall be forbidden.

Article 6

1. There shall be an understanding of inadequate and discriminative environment that leads sexual minority women to sexual prostitution and appropriate actions shall be needed.
2. It is urgent to set up shelters for sexual minorities who run away from home due to their sexual identity or severe family violence, and financial and administrative support for related NGOs is beneficial.
3. There shall be an additional clause of same-sex sexual violence in the Act on the Prevention of Sexual Assault and Protection, etc. of Victims Thereof.
4. Criminal investigators shall receive education on awareness of same-sex sexual violence, and the legal installation of confidential investigation of victims is necessary.
5. Additional punishment clause on sexual crimes via outing should be added since they

make ill use of social weakness of the victims.

6. The Government should ratify Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.
7. The requirement of an offense subject to complaint in sexual crimes should be abolished.
8. There shall be reexamination of acts on sexual prostitution so that women are not punished.

Article 7

1. There shall be the legislative mandate requiring the women management target system in public institutions.
2. There shall be the women quota system for the management recruiting committees in public institutions.
3. The operation of mentoring system for women manager in public institutions is needed to encourage the sustainable supply of women manager candidates.
4. Building the data base for women professional and operation of this as the pool for the potential candidates of managers in the public institutions shall be beneficial.

Article 10

1. The Government should operate education for schools and companies on sexual minorities and prevention of discrimination against them with sexuality and sexual violence prevention education.
2. There shall be support for related organizations to make training programs for family with sexual minorities.

Article 11

1. The Government shall implement policies that create job opportunities in a stable working environment so that women workers would no longer be threatened of pregnancy
2. Financial support shall be provided during maternity leave and there shall be an establishment of policies to increase the number of candidates for receiving maternity leave payment.

3. A wide range of assistance shall be provided such as; an incentive policy ensuring employment after childbirth for women in temporary positions, ensuring maternal leave of absence and payment by submitting an application to the employment support center in advance thus preventing layoffs due to pregnancy or unreasonable pressure from companies, increasing social security for women in work places.
4. There needs to be an immediate stop of current regulations and punishments that violate women's 'reproductive rights' and 'right to health' and stable, permanent working conditions and policies that would heighten living conditions are needed.

Article 12

1. Education for non-biased treatment of sexual minority women shall be needed during the training of medical team.
2. Alternatives such as abolishing abortion under criminal law or including socioeconomic reasons for allowing abortion under the Mother and Child Health law are available.
3. Women, especially of low-income class should have stronger rights to access to medical procedures of abortion.
4. Women shall be provided with systematic medical information and counseling.
5. There needs to be an expansion of sex and reproduction education targeted to youth and adults in order to reduce any unwanted pregnancies and there also needs to be efforts made to spread a culture of gender equality.

Article 13

1. The Government shall set up the committee for fact-finding surveys on rights of sexual minorities, and use this data to make policies for sexual minority women.
2. The Government shall declare solemn pledge to protect sexual minority women legally in housing and medical policies.

Article 14

1. There shall be concrete programs for women farmers in Gender Development Action Plan in local level.

INDEX:

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Korea Center for United Nations Human Rights Policy (KOCUN) provided training about CEDAW and NGOs role, coordinated the reports from the participating NGOs and provided English translation in part and publication of the report.

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Chapter IV. 3 Discrimination Against Sexual Minority Women

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Chapter V. 2 Women's Economic Participation

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**Chungbuk Women Human Rights Counseling Center Neulbom and
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Chapter V. 3 Violence Against Women

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Chapter V. 4 Disabled Women's Situation

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