

Questions Submitted to the Pre-Session Working Group of the CEDAW

I . CEDAW and the Obligations of States Parties, etc. (Part 1)

Question

The CEDAW Committee recommended that the Korea government ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children as well as the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, with the objective of protecting the rights of migrant women and women victimized by trafficking for prostitution. What is the reason for the delay in the ratification of the above Protocol and Convention and what is the Korean government's plan regards the ratification thereof?

1. Obligations of the State Party related to implementation (Articles 2 and 3)

Question 1-1-1

Please analyze in a periodic report the impact and contribution of each legislative action on the promotion of women's rights and explain how each

statute is an implementation of which specific Article of the Convention.

Note: Whereas Article 3 of the Convention obligates all states parties to take appropriate measures including legislative action for the full development and advancement of women, the ROK report merely lists the status of legislation of laws related to women.

Question 1-1-2

It appears that a state party is required to enact a general and comprehensive statute aimed at preventing gender discrimination. Is there a plan for such legislation in Korea

Note: There are growing concerns that the Korean government's policy efforts to prevent gender discrimination have weakened considerably subsequent to the abolition of the Gender Discrimination Prevention Act.

Question 1-1-3

The rate of implementation of the gender-sensitive budgeting scheme newly introduced in Korea in 2010 is merely 3% due to the lack of awareness and commitment by the relevant government ministries. Is there a countermeasure?

2. Tentative special measures (Article 4) to prevent discrimination against women

Question 1-2-1

A more positive action is believed to be necessary to address the under-representation of women in policy-making processes. Is there a plan to address this?

Note: According to the report submitted by Korean government, despite the quota to hire more women public officials in management positions, the ratio of women in high-ranking positions account for merely 2.1% of the total, followed by 3.3%, 7.1% and 13.5% for Grades 3, 4 and 5 public officials, respectively, showing that the representation of women in higher positions of public service remains very low. Despite targets and quota systems to hire women professors, scientists and engineers, the ratio of women professors in national and public universities stands at 11.6% as of 2008 while the number of scientists and engineers hired by government-funded research institutes account for merely 12.8% as of 2008, indicating the lack of achievement by the target and quota system.

3. Changes in social and cultural behaviors (Article 5)

Questions 1-3-1

What is the reason behind the continued rise in sexual violence against children and what are Korean government's countermeasures?

Note: Sexual violence committed against children is a serious issue as it infringes upon the right of the child victim to sexual self-determination and leaves the child with serious mental and physical aftereffects. Despite the unfortunate consequences, the tally continues to rise in the Republic of Korea and based on the annual trend in the incidence of sexual violence on children grew considerably between 2005 and 2008, from 10 cases for every 100,000 children to 16.9 cases for every 100,000, marking a 69% increase in incidence.

Question 1-3-2

There are concerns that the introduction of strong punitive policies such as the use of traceable electronic anklets, disclosure of personal information and chemical castration to suppress repeat offenders of sexual crimes against children may contravene the double jeopardy rule or the prohibition of cruel and unusual punishment. Also, acts of sexual violence against children are frequently committed by acquaintances. Is there a preventive plan?

Question 1-3-3

Please provide concrete evidence to support that maintaining rape as an offense subject to prosecution only by complaint of the victim has protected the victim's honor. Also, it seems that a general legislative enhancement is necessary to be introduced to the current law stipulating matters regarding rape as it narrowly defines the conditions that constitute rape, such as the victim being restricted to female and that sexual penetration must have occurred. What is the Korean government's opinion on this?

Note: Since its examination in 2007, the CEDAW Committee recommended ROK to abolish the provisions that constitute rape as an offense subject to prosecution only by complaint. Although the provisions limiting offenses subject to prosecution solely by complaint have been abolished for cases involving juvenile victims, the provisions remain valid for adult women and the period for filing such complaint is one year, which is excessively short.

Question 1-3-4

Is there a plan to outlaw marital rapes?

Note: The court ruling which recognized marital rape, as presented in the ROK Government Report, was a lower court decision. The Supreme Court as well as the prevailing public outlook is still reluctant to recognize the sexual self-determination rights of wives. Leaving this up to legal interpretation will make it harder for marital rape to be recognized.

Question 1-3-5

Please describe in detail efforts and activities carried out to date to rectify and improve traditional gender roles and stereotypes in the country and the actual results.

Note: In 2007, the CEDAW Committee recommended the ROK government to carry out public awareness and educational campaigns targeting women, girls, men and boys alike to educate

and promote understanding of the public, as a means to eradicate traditional gender roles and stereotyping.

Question 1-3-6

In view of the fact that prior prevention and avoidance of recurrence is an integral part of addressing sexual harassment, is there a countermeasure?

Note: According to an analysis by the National Human Rights Commission of Korea, sexual harassment in the workplace is concentrated in the smaller business places, usually by middle managers or employers, in the form of physical and verbal sexual harassment. Despite this, it is discernible that victims fail to report or take action due to a lack of information and thus are either left exposed to the continuous risk of sexual harassment or ultimately quit their jobs after reporting the issue. This vicious cycle continues to inflict serious damage on women in the work place.

Question 1-3-7

What plan is there to redress sexual violence prevalent in the sports community?

Note: A fact-finding survey conducted by the National Human Rights Commission on the human rights situation of student sports players (respondents included 1,139 girls and boys in middle and high schools as of 2008) revealed alarming facts about the level of sexual abuse in the sports community. 63.8% of all respondents replied that they had suffered from sexual harassment, sexual molestation or rape.

4. Trafficking of Women and Exploitation of Women in Prostitution (Article 6)

Question 1-4-1

Please provide detailed explanation on any policy efforts in place and actual achievements in regards to the protection of foreign women in Korea.

Note: The CEDAW Committee in 2007 recommended that preventive measures and relief measures, among others, to be formulated to protect the rights of foreign women in Korea.

Question 1-4-2

What are the measures taken or in place to protect foreign wives of Korean men and to eradicate the commercialization of international marriage through brokers.

Note: There are occasional reports of foreign wives of Korean men ending up as sexual slaves or domestic slaves in the household, and that the level of exploitation and abuse such as domestic violence is at a serious level. It is our understanding that foreign women are often exposed to abuses by international marriage brokers who do not provide accurate information regarding their prospective Korean husbands.

Question 1-4-3

Please describe in detail efforts made by Korean government to prevent overseas and cyber prostitution and any specific achievements.

Note: According to a US State Department Report on the status of human trafficking issued in 2009, Korean men are the primary customers of child (juvenile) sex tourism in South East Asia and the Pacific Islands. Despite this, the Korean government has no single record of punishing any such perpetrators that have gone on overseas trips for child prostitution. It is also alarming that the number of cases of prostitutions brokered in cyberspace multiplied by 417 fold compared to 2008, and these involve only those number of cases uncovered.

Question 1-4-4

Please provide data or documents, if any, to support successful cases of escape from prostitution by women in the sex industry and achievement of enabling their self-support.

Question 1-4-5

There are issues raised about the attitudes and perspectives of investigators working on prostitution cases who give the burden of proof to women during investigations and court proceedings. Does the Korean government have a plan of action to redress this? Also, what is the status of progress and results in regards to the reexamination of laws governing the sex trade to prevent women in the sex trade from being subject to punishment by law?

Note: The CEDAW Committee expressed its concerns over the fact that despite enactment of the Prostitution Prevention Act, the so-called 'voluntary' prostitutes are objects of criminal prosecution and requested that the Korean government reviews its laws related to prostitution so that women in the prostitution industry are not subjected to punishment by law.

Question 1-4-6

Please explain whether the Korean government keeps separate statistical data on sexual violence, domestic violence, prostitution, human trafficking, among related matters and on the situation of violence against women in socially vulnerable groups such as migrant women, elderly women and rural women in farming and fishing occupations.

Note: The CEDAW Committee expressed its concern over the lack of information and data compiled on the status of all forms of violence against women in relation to the gender-sensitive statistics of 2007.

II. Equality in Civil and Political Rights (Part 2)

1. Equality in Political and Public Life at the National Level (Articles 7 and 8)

Question 2-1-1

What are the Korean government's measures to address the underrepresentation of women in the political and public spheres?

Note: ROK ranked 61st out of 109 countries in the Gender Empowerment Measure (GEM) announced by UNDP in 2009; 115th in the Gender Gap Index (GGI) announced at the World Economic Forum in 2009. As for the GGI, ROK ranked 97th in 2007, 108th in 2008 and 115th in 2009, and moving lower over the years.

- The CEDAW Committee continued to express its concern over the underrepresentation of women in the political domain and encouraged the Korean government to formulate measures to increase women's representation in various political spheres, such as introducing temporary special measures. The overall representation of women in Korea in the political spheres is extremely weak, with very little growth in the number of parliamentarians, not a single women mayor or governor in any region and very low proportion of women leaders represented in local governments.

- The ratio of women managers in 2007 was 1.5% for government-invested institutions, 6.9% for government subsidiary institutions and 12.1% for private enterprises. The ratio of women in various committees led by the public sector, which actually should be leading the private sector, is actually on a trend of continual decline.

III. Equality in Economic, Social and Cultural Rights (Part 3)

1. Equality in Employment and Labor Rights (Article 11)

Question 3-1-1

Please explain in detail progress and achievements as well as any obstacles regarding the implementation of the recommendation of the CEDAW Committee to achieve gender equality in employment.

Note: The CEDAW Committee in 2007 recommended the Korean government to exert efforts toward expanding equal opportunity in the labor market, abolishing occupational segregation, monitoring conditions related to women in the labor market, providing social benefits to irregular workers and converting more of them into regular employees, implementing the principle of equal pay for work of equal value, among others, recommending the preparation of an effective monitoring mechanism and to set a procedure for legal action against labor

rights violations. Despite this, the report submitted by the Korean government only lists the related statutes and the current status of the issues to be addressed.

Question 3-1-2

What are the Korean government's position and measures to expand the employment of women?

Note: According the National Statistics Office, the number of economically active women in 2009 declined by 91,000 persons year on year and the number of women employed was reduced by 142,000 persons year on year while the number of economically active males for the same period increased by 120,000 and the number of employed men increased by 126,000 persons, indicating the adverse effect of the economic downturn affected women more severely. With the share of women's participation in economic activities being 24% lower than men, there is reason to believe that the continuation of this situation will likely inflict serious adverse effects on the general social status of women in the country.

Question 3-1-3

Please describe the current status of female irregular workers, their working conditions and any measures and achievements to improve the situation.

Note: As of 2009, 65.5% of women workers were working on the basis of part-time or irregular employee status. By age, the proportion of irregular female workers begins to show a trend of increase in the 30s age group and peak at the 50s and 60s age group with 80-90%. In 2008, the average wage received by women workers with irregular status was merely 26.7% of their male counterparts with regular employment status and one out of every four were reportedly receiving wages well below the minimum wage. Women with irregular job status suffer from inadequate maternity protection and their rate of subscription to the National Pension and Employment Insurance schemes are low.

Question 3-1-4

What in the Korean government's view is the cause of the large gender-based

wage discrepancy and is there a specific policy to redress the imbalance?

Note: According to a Labor Ministry survey on the working status of women, the wage level of women workers as of 2009 is merely 66.5% of men. This figure is one of the lowest among OECD countries.

Question 3-1-5

What is the Korean government's position on the concerns that the Government's commitment to the implementation of affirmative action on employment has weakened? Please state whether incentives and support measures are in place to promote the achievement women employment targets and quotas, and any data which identifies the status of employment type by gender.

Note

- The Korean government's report to be submitted to CEDAW merely describes the legal grounds and instruments for affirmative action for women's employment while not including reports on actual achievements and benefits of such measures.
- Recently, the Act on Equal Employment and Support for Work-Family Reconciliation has been revised to the effect that the function of the Committee on Affirmative Action, which examines the implementation plan and achievements of the affirmative action plans, is replaced by the Employment Policy Deliberative Council. As affirmative action would be only one of many agenda items administered by the Employment Policy Deliberative Council, there are concerns over the weakening of the government's policy commitment toward implementation of affirmative action to improve the situation of women's employment in the country.

Question 3-1-6

Please present measures to improve the status of women working in part-time jobs, in terms of gender ratio, average working hours and wage level, among others.

Note: The Korean government is planning on expanding part-time jobs in the so-called 'purple job' category, as part of its women employment policies but such is a cause for concern as it may lead to the perpetuation of job insecurity and entrenchment of the perception that women's jobs are peripheral.

Question 3-1-7

What are the Korean government's measures to guarantee and promote work-family life balance for both men and women? Also, what is the Korean government's plan to ensure that child-raising remains a concern and responsibility of the public domain?

Note

- The CEDAW Committee in 2007 requested the Korean government to adopt measures to facilitate the sharing of domestic chores and other responsibilities in the family between men and women and promote work-life balance. Despite this, according to data of the NSO, working women are spending 3 hours and 27 minutes on average on domestic work per day while men spend only 42 minutes on average, showing that balancing work and family life is still a burden that falls predominantly on women.

- A ROK 7th periodic report to be submitted to CEDAW states that legislation has been enacted to help women forced to give up their careers. What should be the priority, however, is to help them with child rearing, which is the core motive for married women to give up their careers. A social fact-finding survey was conducted on women residing in Seoul at or above the age of 15 which showed that the biggest obstacle to women in getting a new job is the burden of raising a child (49.9%). This is a 16.7% increase compared to the same survey conducted in 1998. Despite this, the budget for establishing public and national childcare facilities in 2010 was cut by 55.4% relative to 2009.

2. Questions regarding Equality in Access to Health Facilities (Article 12)

Question 3-2-1

What is the progress on improving women's accessibility to health services and what is the progress on extending sexual and reproductive education programs to reduce the incidence of unwanted pregnancies? Given the CEDAW Committee's General Recommendation No. 24 adopted in 2007 that calls for the development of gender-sensitive and age-sensitive health policies and

programs, please indicate whether the Korean government has a plan to reflect the Committee recommendation in its future public health policies and programs.

Note:

- In 2007, the CEDAW Committee voiced concern over the heavy reliance on employed family members by women in their use of medical services and the high rate of abortions in the age group of early 20s, requesting that the government monitor women's access to health services and take appropriate measures to address the situation. In particular, the CEDAW Committee has requested intensified efforts to prevent unwanted pregnancies among women in their early 20s by promoting sex and reproduction education programs, among other measures.

- Note that the Korean government 7th periodic report to be submitted to CEDAW merely mentions a few number of policies related to pregnancy and giving of birth as well as the occurrence of chronic diseases based on women's lifecycle.

Question 3-2-2

The CEDAW Committee's General Recommendation No. 24 requests revision of the legislation which outlaws abortion. What is the Korean government's position and plan on this?

Note: While in the past the Korean authorities have turned a blind eye to abortions to encourage a lower birth rate, now there is a general mood that abortion will be unconditionally punished, in response to the issue of low birth rate in Korea. As a result, women who have no choice but to have abortions for reasons such as poverty, spousal relations, new marriages, insecure social status, among others, are left to leave the country for other countries such as China to receive abortive surgery as more and more clinics refuse to perform the surgery.

Question 3-2-3

Is there data and statistics on women farmers and the status of their participation in the decision-making process in agricultural cooperatives? If so, what is the substance of such data. Also, please describe in detail the "general welfare

function specialized for women” in regards the Center for Women Farmers.

Question 3-2-4

Given that rural women are not protected under the Labor Standard Act, what is the government’s specific action plan to protect women against accidents and illness occurring during the course of their economic activities in the farming, fisheries and livestock raising industries. What plan is there to ensure equality in health and medical services, national pension and social security benefits to older women the majority of whom are concentrated in rural areas?

Question 3-2-5

The Korean government’s 7th periodic report to be submitted to CEDAW does not contain information on the situation of human rights status of women in various socially vulnerable classes such as the elderly women, female heads of family, single-parent heads of family, unmarried mothers, women North Korean defectors, among others. In future reports, please include detailed status report on the human rights situations of women in these groups.

IV. Equality in the Law & Family Life (Part 4)

1. Questions regarding Equality in Family Law (Article 16)

Question 4-1-1

What is the Government’s plan to overcome the concerns over the paternalistic values entrenched in and the exclusion of benefits to children of multicultural families without Korean nationality, in regards the Support for Multicultural Families Act?

Note: The Korean government supports foreign women married to Korean men in Korea based on the Support for Multicultural Families Act. However, there are limitations to this law based on the male-dominated family ideology in the country, such as restricting the benefits only to female foreign spouses. Moreover, there are also concerns over the fact that the Support for Multicultural Families Act does not include children of multicultural families that do not have Korean nationality.

Question 4-1-2

Please provide more details on the status of migrant women in the country, including the ratio of international marriages and their divorce rate in the context of the total marriage statistics in the country.

Note: According to NSO data of 2008, the number of international marriages in Korea recorded 36,204 cases and 11,255 cases of divorce between international couples showing the rate of one of every three couples in an international marriage divorce. However, the Korean government's 7th periodic report to be submitted to CEDAW does not provide detail information as to the ratio of international marriages to the total marriage figure nor any statistics indicating the current situation of foreign women married to Korean men such as their divorce rates.

V. Others

1. Questions regarding Collaboration with Women's Activist Groups

Question 5-1-1

Please provide information on the status of the Korean government's collaboration with women's groups and status of the government's collaborative projects and sponsorships.

Note: During examination of the previous Korean government's periodic report to be submitted to CEDAW, the government's collaboration with Women groups was assessed very positively. However, there have been discernible developments such as the withdrawal of government subsidy to women groups for simply having participated in an anti-government candle-light demonstration, regardless of whether the objective of the financial subsidy has been achieved and the court subsequently ruled for the withdrawal to be cancelled.

2. Overall Assessment

Question 5-2-1

The CEDAW Committee had recommended the use of the 2007 Beijing Declaration and Platform for Action and to inform the actions taken to date to secure legal and substantial equality for women and to publicize widely the actions necessary in the future to public officials, politicians and the public at large. Please describe the Korean government's specific efforts to this end.