

# Republic of Korea: Submission to the Committee on the Elimination of Discrimination against Women (CEDAW Committee) for the Adoption of the List of Issues

Pre-Sessional Working Group of the 69<sup>th</sup> Session, 24-28 July 2017

*The Korea Women's Associations United (KWAU) is an umbrella organization of 7 chapters and 28 member organizations that work on gender equality, democracy, and peace by facilitating solidarity and collective actions among women's groups in the Republic of Korea. This written submission has been prepared to present KWAU's views and concerns for the attention of the CEDAW Committee for its adoption of the List of Issues with regard to the 8<sup>th</sup> periodic report of the Republic of Korea.*

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## **I. Governance system for gender equality policies**

**Article 2, 3 (SPR paras. 12-13, 44-47; CEDAW/C/KOR/CO/7 paras. 16-17)**

**Policy coordination mechanism:** The Ministry of Gender Equality and Family (MOGEF) accounts for only 0.18% of the entire government budget as planned for the year 2017. MOGEF is in charge of the policies related to gender mainstreaming and women's rights (for example, support for victims of gender-based violence and for those women who have career breaks), as well as youth and family. The execution of such gender equality policies, however, have been criticized for various reasons, including: 1) policy impacts largely depend on the level of awareness and sensitivity held by bureaucratic officers in charge; 2) there is no proper policy feedback procedure in place, due to the lack of an inter-ministerial coordination and integration mechanism; and 3) the scope and coverage

of gender mainstreaming tools used, such as gender-impact assessments and gender-responsive budgeting, is significantly limited. In this respect, women's organizations have suggested the establishment of an overarching presidential body (tentatively, named as the 'Gender Equality Committee') to improve the national coordination mechanism on gender equality policies. Such Committee should aim to realize gender mainstreaming by coordinating and integrating relevant roles of various central and local government bodies and other public institutions from a gender equality perspective. MOGEF's mandate and functioning also needs to be further expanded and strengthened.

**Participation of women's organizations:** Although the term 'gender equality' is often used in the text of various policy documents, the government's narrow and misleading interpretation of 'gender' on the basis of biological sex dichotomy overlooks unequal power relations and the focus of substantive equality. Such perspectives on the part of previous two consecutive governments led to the downsizing of budgets related to the implementation of gender equality policies and for the empowerment of women's organizations. Genuine participation of women's organizations, particularly the most marginalized and vulnerable groups of women and girls, must be guaranteed in the process of formulating and implementing government's policies for gender equality, and their autonomous work should be adequately supported by the government, including with financial assistance.

**Suggested questions:**

- ✓ ***With reference to paragraph 44 and 45 of the State party's periodic report, please provide further details on the impact and effectiveness of gender mainstreaming strategy and tools such as gender-impact assessments and gender-responsive budgeting. Also, please indicate what measures the State party is considering to further strengthen the national machinery for gender equality, particularly, with respect to enhancing coordination among different government ministries and to improving the mandate and functioning of the Ministry of Gender Equality and Family (MOGEF).***
- ✓ ***Please provide information on specific measures that the State party has taken in order to guarantee genuine participation of women's organizations in the formulation and implementation of gender equality policies, including financial assistance.***

## **II. Women's representation in political and public life**

**Articles 4, 7, 8 (SPR paras. 51-56, 77-82, 83-84; CEDAW/C/KOR/CO/7 paras. 24-25)**

**National and local elections:** The Republic of Korea ranked 106<sup>th</sup> out of 190 countries in terms of the rate of women members in the National Assembly (Inter-Parliamentary Union, 2016). There are 51 women out of 300 members of the National Assembly, accounting for only 17%. Among these 51 women members, 26 were elected from the Single-Member Districts (SMD), and the other 25 were through the Proportional Representation System (PRS), which is deemed as one of the effective ways to improve women's political participation in national parliaments. While the Public Official Election Act stipulates that the list of PRS should have 50% of gender quotas, the lack of punitive provisions puts at risk the effective enforcement of such requirement. Also, PRS is applied only to 47 seats (15.7%) out of the total 300 national parliamentary seats. Meanwhile, the status of women leaders

in local elections is much worse. There is no female leader elected among the 17 metropolitan governments across the country. Out of 225 local governments, there are only 9 female leaders elected, accounting for only 4%. The rate of women members in the metropolitan and local assemblies are 14.3% and 25.3% respectively.

**Public officials:** As of January 2017, only 2 women were appointed to ministerial positions out of the total 22 ministries (9.1%), which made the Republic of Korea ranked 142<sup>nd</sup> out of 186 countries, in terms of the rate of women public officials at ministerial levels (Inter-Parliamentary Union & UN Women, 2017). There has been progress recently with the new government of President Moon Jae-In, who appointed 6 women to ministerial positions, as of July 2017. The proportion of women public officials in central and local governments is 49.4% and 36.6% respectively. However, the rate of women at senior managerial levels is very low. In the central government, the rate of women officials with Level 5 or higher is 19.8%, and those with Level 3 or higher is 6.3%. In the local governments, the rate of women officials with Level 5 or higher is recorded at merely 13.5% (Ministry of Personnel Management, 2016). Although the gender quotas system (pre-set targets) for women public officials was introduced in early 2000s, since there are no punitive and enforcement measures in place, the system has produced little effect as indicated in the aforementioned data.

**Public education institutions:** The proportion of women professors at public universities is 14.2% (Ministry of Planning and Finance, 2015). While the ratio of women teachers to the total number of teachers in primary and secondary schools is recorded at 67%, the rate of women at managerial levels such as a vice-principal remains only at 34.3% (45.7% in primary schools, 27.9% in middle schools, and 11.9% in high schools) (Korean Education Statistics Service, 2015).

**Public media entities:** Media is instrumental in creating an enabling environment towards achieving gender equality. In particular, media must refrain from producing and reinforcing gender stereotypes and bias. As of March 2017, there are no women out of five members in the Korea Communications Commission (KCC) and out of nine members in the Korea Communications Standards Commission (KCSC), both of which should play a critical role in regulating the media content. The Korean Broadcasting System (KBS), a public broadcasting service, has 2 women out of the total 11 executive members, accounting for 18%. As for the other public broadcasting services such as MBC or EBS, there are no women executive members at all.

**Suggested questions:**

- ✓ ***With reference to paragraph 53 and 54 of the State party's periodic report, please explain why the overall representation of women in the political spheres remains extremely low, despite the legal provisions of electoral gender quotas as stipulated in the Public Official Election Act, the Political Fund Act, and the Political Parties Act.***
  
- ✓ ***Please indicate whether the State party has established concrete action plans with a clear time frame towards achieving gender parity in the government and public sectors, including the cabinet, public officials at managerial levels, public education institutions, and public media entities.***

**III. Women's economic empowerment and labour rights**

**Gender gap in economic participation:** According to the Global Gender Gap Index (GGGI), the Republic of Korea ranked 123<sup>rd</sup> out of 144 countries in terms of economic participation and opportunity (World Economic Forum, 2016). A huge gender gap has been driven by the low level of women's economic empowerment in the private sector. Among the 200 listed enterprises, the rate of women executives is only 2.34%. 86.5% of those enterprises have no women executive members (Korea Corporate Governance Service, 2015). The government must strengthen relevant legal and policy frameworks, including by reinforcing a range of affirmative action such as quotas, incentives and benchmarks in the private sector.

**Gender wage gap and non-regular workers:** As of 2017, 41% of all women workers are concentrated in non-regular jobs while 26.4% of all men workers are in non-regular jobs. Among those women with non-regular jobs, part-time workers are 50.1% (Statistics Korea & MOGEF, 2017). Further, the Republic of Korea has continued to be top-ranked in terms of gender wage gap, and women earn only 63.3% of the men's wages (OECD, 2015). Supposing that the average monthly wage of male regular workers is 100, female regular workers receive 69.4; male non-regular workers receive 53.1; and female non-regular workers merely receive 35.8 (Korea Labor and Society Institute, 2016). The government must take a comprehensive and urgent action to reduce the proportion of non-regular women workers and to narrow down gender disparity in wages, particularly by raising the statutory minimum wage. Permissible grounds for non-regular employment should be limited by law. Further, non-regular women workers are often excluded from social security benefits. Currently, wages during maternity or childcare leave are paid only for those who have taken out employment insurance for a certain period of time. In this respect, it should be noted that only 30% of non-regular women workers have employment insurance. That is, in cases of pregnancy or childbirth, those non-regular women workers with no employment insurance are not paid for the period of maternity or childcare leave, or would face the termination of their employment contract.

**Unpaid care and reproductive work:** Women's pregnancy, childbirth and childcare should be affirmed as women's reproductive rights. Further, the current gender-based division of labour must be changed to ensure that unpaid care and domestic work is equally shared and recognized, reduced and redistributed (UN Commission on the Status of Women, Agreed Conclusions, 2016). Some policy measures are being undertaken by the government to encourage men to take part in care work, however, there is a rampant understanding that care work is unpaid and to be done by women. Meanwhile, the types of family composition have varied rapidly. Social customs and norms that have taken care work for granted is also changing. The value of unpaid care and reproductive work should be fully recognized, and the government needs to make vigorous efforts towards redefining and redistributing the roles of care and domestic work in the Korean society among individuals, family/household, market and the government.

**Sexual harassment in the workplace:** In August 2012, a young woman in her 20s, who was working as a part-time worker at one small-sized pizza shop, committed suicide after she had been raped and threatened by the shop owner. The measures that the government has taken to address sexual harassment in the workplace must be greatly improved: 1) protection of victims and the punishment of perpetrators must be carried out in a more swift manner; 2) clear responsibility needs to be established by law on the part of business owners, who should be required to let victims take a paid leave of absence and to support medical treatment and consulting services on the request of victims; 3) while awareness-raising education on the prevention of sexual harassment is mandatory by law, its content is often too formal and ineffective, and the supervision over such education programs by the

government must be enhanced.

**Suggested questions:**

- ✓ *With reference to paragraph 92 of the State party's periodic report, please provide information on specific measures that the State party has taken in response to the highest gender wage gap when compared to the other OECD countries. Also, please explain concrete steps that the State party has taken in order to reduce the proportion of non-regular women workers.*
- ✓ *With reference to paragraph 38, 39, 40 and 108 of the periodic report, please provide information on measures that the State party has taken to make maternity and childcare leave accessible to all women workers, including those non-regular workers with no employment insurance, and to protect women workers from the termination of their employment contract during maternity leave.*
- ✓ *Please provide information on policy measures taken by the State party in order to enhance the recognition of the value of unpaid care and reproductive work, as well as to promote the redistribution of the roles of care and domestic work among individuals, family/household, market and the government in the Korean society, as a way to implement the 2030 Agenda and Sustainable Development Goal 5.4.*
- ✓ *With reference to paragraph 41, 69, 71 and 72 of the periodic report, please provide information on measures that the State party has taken to prevent sexual harassment in small enterprises where most of female part-time workers are employed.*

#### **IV. Sexual and Reproductive Health and Rights (SRHR)**

Article 2, 12 (SPR paras. 118-123; CEDAW/C/KOR/CO/7 paras. 34-35)

**Abortion and the access to quality medical service:** It is deeply troubling that since the CEDAW Committee's previous concluding observations in 2011, the government has yet to take the necessary measures to remove punitive provisions of the Criminal Code imposed on women who undergo an abortion. On the contrary, in September 2016, the Ministry of Health and Welfare (MHW) announced its plan to amend the enforcement decree of the Medical Act, which would toughen the punishment of doctors who perform abortion operations. MHW's attempt was encountered with massive rallies of women's organizations and feminist groups, and the amendment plan was withdrawn. Currently, it is estimated that around 300,000 women undergo an abortion each year, 95% of whom get surgical operations illegally, that is, with being exposed to unsafe medical facilities (Gyeonggi Research Institute, 2015). In line with the International Conference on Population and Development (ICPD) Beyond 2014, the government must take necessary measures to deliver quality medical service for SRHR as part of the national health insurance coverage.

**Awareness-raising and education on SRHR:** The government has dealt with SRHR in terms of fertility and sanitation. In the government's policy framework, women's body has been objectified as a means of population control, therefore, SRHR has been narrowly interpreted as issues of pregnancy, childbirth and maternal health of married couples. In 2015, the Ministry of Education introduced

'National Standard on Sexual Education', the content of which only reinforces sex-role stereotypes and discriminatory gender norms. For instance, the education program based on this National Standard mainly describes male and female reproductive organs. It also excludes sexual diversity and various types of family. Against the strong resistance from women's and human rights organizations, such education programs based on the National Standard have been introduced to every school since March 2017. The government must repeal the current National Standard on Sexual Education, and undertake quality sexual education programs that encompass a broad range of SRHR issues, including methods of contraception and sexual diversity, as part of the regular curriculum in the public education system.

**Suggested questions:**

- ✓ ***With reference to paragraph 35 of the Committee's previous concluding observations in 2011, please explain what specific measures the State party has taken with a view to removing the punitive provisions of the Criminal Code imposed on women who undergo an abortion.***
- ✓ ***Please provide information on steps that the State party has taken in order to provide comprehensive and quality service on SRHR as part of the National Health Insurance coverage, to be in line with the ICPD Beyond 2014.***
- ✓ ***Please provide information on the 'National Standard on Sexual Education' introduced by the Ministry of Education in 2015, including its objectives, content, as well as on how it addresses issues of gender stereotypes, sexual diversity, among others.***

## **V. Emerging forms of gender-based violence**

**Article 2, 5 (SPR paras 6-8, 12-36, 57-65.; CEDAW/C/KOR/CO/7 paras. 14-15, 20-21)**

**Sexual violence in the digital space:** An increasing number of cyber sexual violence is deeply concerning, such as the release of intimate videos with no consent, sexual images/videos of women taken by hidden cameras, and even rape videos with an intention of threatening victims. It is also reported that some men users plotted gang-rapes in a porno chat website. The government must take urgent measures to address such situation in a more systemic manner, including by undertaking data collection and analysis on various forms of sexual violence being committed in the cyber space and by providing comprehensive support, such as legal, psychosocial and financial assistance for victims. Further, the government must enact a comprehensive Anti-Discrimination Act with no further delay, which will serve as a legal basis to address hate crimes against women and social minorities.

**Stalking as a serious crime:** In the existing legal framework, stalking is classified as a minor offense, which is subject to fines up to 80,000 KRW (approximately 75 USD). Cases are reported that stalking lead to violent crimes, including killings. The government must establish a comprehensive legal and policy framework to prevent stalking crimes, including by strengthening the protection for victims and intensifying the penalties against perpetrators.

**Data collection on violence against women:** Currently, there are mainly two data clusters produced by the government in regard to the situation of violence against women: Crime Statistics of the Korean National Police Agency (KNPA) and the Fact-Finding Survey conducted by the Ministry of Gender Equality and Family (MOGEF) every three years. However, since there is no proper policy feedback procedure in place, these data are not being maximized to analyze the structural root causes of various emerging forms of gender-based violence, such as dating violence, stalking, and misogynistic killings.

**Suggested questions:**

- ✓ *Please provide information in detail on the cases of sexual violence in the digital space. Please clarify whether the existing laws and regulations are enough to bring perpetrators to justice and to provide adequate protection for victims, and if not, what additional measures the State party is considering in order to prevent such violence.*
- ✓ *With reference to paragraph 21(f) of the Committee's previous concluding observations in 2011, please provide updated information on the steps the State party has taken to collect comprehensive data on structural causes of violence against women and to establish an effective policy feedback procedure.*
- ✓ *With reference to paragraph 15 of the Committee's previous concluding observations in 2011, please explain what measures the State party has taken with a view to adopting a comprehensive Anti-Discrimination Act with no further delay.*

## **VI. Gender equality training and awareness-raising**

Article 5, 10 (SPR paras. 66-28, 85-91; CEDAW/C/KOR/CO/7 paras. 12-13, 28-29)

**Gender discriminatory social norms and practices:** According to the Global Gender Gap Index (GGGI) across four key areas of health, education, economy and politics, the Republic of Korea ranked 116<sup>th</sup> out of 144 countries (World Economic Forum, 2016). While law, policies and institutions towards achieving gender equality have continued to be developed and advanced, the gap between law and the reality has yet to be reconciled. Gender social norms in the Korean society have been sturdily built up based on the deeply embedded culture of patriarchy and militarism. Women are struggling with sex-role stereotypes and gender discriminatory practices in language, attitude and behaviors on a daily basis. Particularly in recent years, numerous content and expressions with misogynistic nature have been widespread in the mass media and online. Such content and expressions in the cyber space often lead to real-life violent crimes against women, including sexual assault and even killings. Urgent and special attention must be paid to these social phenomena, and the government must take necessary measures to monitor and regulate misogynistic content in the mass media and online. Media outlets, both offline and online, should be required to introduce relevant guidelines and disseminate them widely in an effort to address and prevent misogynistic practices.

**Mandatory gender equality training:** In accordance with the Gender Equality Framework Act and other relevant laws, government and public institutions are obliged to provide mandatory trainings on the prevention of violence against women. Private companies are also required by law to conduct

education programs on the prevention of sexual harassment. There is a critical need to further improve or transform such training and education programs: 1) trainings have been carried out in the form of collective audience gathering or by distributing hand-out materials only; 2) participation of senior managerial officials is significantly low; 3) there is no monitoring and evaluation mechanism in place to ensure the quality of trainings and measure the outcome and effectiveness. The government must strengthen supervision over the content and methodologies of such training and education programs, in partnership with women's organizations. Mandatory trainings on the prevention of violence against women, which are administered by the Ministry of Gender Equality and Family (MOGEF), should cover a broader scope of manifestations related to gender discrimination, as well as their structural root causes, to be in line with universal human rights standards and gender-related principles, especially the CEDAW Convention.

**Awareness-raising in schools:** Gender equality education has yet to be formally integrated into regular curricula in primary and secondary schools, which hinders the opportunity and space to enhance gender awareness and sensitivity among students in a more systematic manner. Gender education programs in schools are administered by different legislations, ministries and agencies. As such, it is necessary for such education programs to be monitored and evaluated in a holistic manner. The government should reorganize and develop a system of gender equality education as part of the regular curriculum at public schools.

**Suggested questions:**

- ✓ ***With reference to paragraph 22 and 69 of the State party's periodic report, please provide comprehensive data on the impact and effectiveness of preventive education on sexual harassment, sexual violence, domestic violence, and sexual exploitation and prostitution. Also, please provide information on the means and processes of monitoring and evaluating education programs with a view to ensuring the quality of curricula and trainers from a gender equality perspective.***