

## REPUBLIC OF KOREA

### CEDAW A/42/38 (1987)

130. The Committee considered the initial report of the Republic of Korea (CEDAW/C/5/Add.35) at its 87<sup>th</sup> and 91<sup>st</sup> meetings, on 31 March and 2 April 1987 (CEDAW/C/SR.87 and 91).

131. The representative of the Republic of Korea, in introducing the country report, stated that in the preparation of the report special attention had been paid to the Government's policies for eliminating discrimination against women in all forms and to the family law of the Republic of Korea. She said that the introductory part of the report reviewed the constitutional principles of the Government, the institutional and legal framework to enhance women's status at both governmental and private levels and the problems related to the family law, which had been alleged to contain discriminatory provisions. She stated that under the Constitution, amended in 1980, equality of treatment and equality of opportunities for all, regardless of sex, had been emphasized. She outlined the institutional machineries that existed, including the Women's Development Institute and the National Committee on Women's Policies, which was the co-ordinating body to review policies and develop strategies for the advancement of women in the Republic of Korea. She said that the Long-Range Plan for Women's Development had been adopted by the Government to integrate women's development into the national development programme. The Guidelines for the Elimination of Discrimination against Women, also adopted by the Government, contained concrete countermeasures against possible barriers to women and those had the same effect as domestic laws.

132. The representative stated that the second part of the report covered specific information on the articles of the Convention, and the institutional arrangements to eliminate discrimination were explained in detail. She referred to the national family law, which contained some tradition-bound provisions handed down from feudalistic society that seemed to be contrary to the spirit of the Convention. However, a revised proposal to that Law had been submitted to the National Assembly which would eliminate sexual discrimination in property inheritance and also allow women to become the head of the family, contrary to the present law. She reported that a draft of the Equal Employment Law had also been prepared for the purpose of boosting the welfare of female employees. She further reported that those programmes had been included in the Sixth Five-Year Socio-Economic Development Plan.

133. In conclusion, the representative emphasized that the Government of the Republic of Korea would pursue, as in the past, a positive and consistent policy against discrimination against women in all forms and continue every effort to fulfill its obligations under the Convention.

134. The members of the Committee expressed appreciation for the report of the Republic of Korea and commended the progress made to eliminate discrimination of women. However, in view of the reservations that had been made concerning articles 9 and 16 of the Convention, many experts expressed doubts as to whether there was a real commitment to eliminate all kinds of discrimination against women in the Republic of Korea. They also expressed their concern with the reservations, which some of them considered to be incompatible with the Convention. The Committee urged the Government to consider a withdrawal of the reservations as soon as possible.

135. Although some advancement had been made, the considerable problems to overcome tradition in family law were recognized. Although the experts noted the establishment of various organizations and committees, they expressed concern over the aims and direction of those bodies and wondered if having the Prime Minister as Chairman was entirely beneficial. There was concern that the rapid industrialization of the country, although increasing women's participation in education and training programmes, would not lead to greater equality between women and men. Freedom of speech and therefore the ability of women's movements to act freely was queried. Generally, more statistical data were requested to make comparisons possible.

136. Information was requested on laws for the protection of women in the criminal court e.g. in the case of rape or other sexual offences.

137. More details were sought on the three sectors of the Long-Range Plan for Women's Development and the Five-Year Socio-Economic Development Plan, mentioned in the report, as the inclusion of those documents would have been useful. It was asked if the Government had taken any concrete measures on the improvement of women's capabilities. The absence of decentralized organizations for equality work was regretted.

138. It was asked whether temporary special measures to accelerate women's de facto equality had been considered, as they were not mentioned in the report.

139. Experts wanted to know whether the Government had taken any special measures aimed at protecting maternity and to improve the status of women as a whole, and what the practical effects were of the new laws that had been enacted in that field. Data were requested on child-care facilities, and it was asked whether they were free and where they were located and what measures had been taken to protect women and children.

140. It was asked if the Republic of Korea had any plans or movements concerned with changing the consciousness of men and society as a whole. The progress that had been made was noted, and details were requested on the family education courses, particularly whether they were available to all and the exact curriculum. It was asked if anything was being done to modify traditional gender roles, whether anything was being done to overcome the preference for sons and if there was any encouragement for men to contribute to household duties to ease the double burden of their working wives.

141. In the report, it was stated that the Long-Range Plan for Women's Development, drafted by the Women's Development Institute, offered some measures to seek a reasonable division of responsibilities between women and men, in order to create a harmonious home milieu and to encourage the self-development of each family member. It was asked what those measures were and what the definition of "reasonable" was.

142. Concern was expressed, since it was felt that there was so great an emphasis on the reproductive role of women that the "private aspect" of a woman, her life as a person, was not at all stressed and that menstruation was regarded as an illness. It was asked why mother and child were always dealt with as a unit.

143. Questions were also asked as to the meaning of the concepts “family education”, “health of the household”, “work against morality” and “utilization of women”.

144. Concern was expressed with regard to prostitution in the country. Interest was shown in the vocational rehabilitation programme for prostitutes, and more information was requested, particularly on the duration of the programme, the numbers of participants and whether women were monitored until otherwise employed. It was asked about the social problems of prostitution, whether it had been brought under control and if any research had been carried out and, finally, whether the prostitution areas had been eliminated. Experts inquired whether action had been taken against the sex tourism that seemed to be going on in the Republic of Korea and whether it was also oriented against the clients. They also asked whether the law penalized not only the client but also the prostitute and, if so, why. Attention was drawn to the counselling centres mentioned in the report, and it was stated that a distinction should be made between prostitution and violence against women in the family.

145. Clarification was sought on the representation in Parliament by women and the number elected to public bodies as well as the number of women ministers. A question was asked about the differences between organizations registered with the Government and those that were not. Other questions were on the aims of women’s organizations and on co-ordination problems between the many women’s organizations.

146. It was asked how many women held diplomatic posts.

147. Concerning the reservation to article 9 of the Convention, details were requested on the legal situation regarding nationality and of planned government action to remove the obstacles to the implementation of that article.

148. Concern was expressed regarding the figures stated for the number of co-educational schools and the progressive drop in the participation of women at higher levels of education, and more details were requested on the remaining types of schools and whether equality in education was indeed a fact. It was asked if there were any plans to abolish the separated system of education and if there were any universities or colleges that were not open to women. Details about the curriculum of the home economics courses were sought.

149. It was asked if all occupations were open to women, and concern was expressed that the protective legislation prevailing from the patriarchal system was equivalent to discrimination and impeded the free participation of women in the labour market. Details were requested with respect to the civil service, particularly the incidence of women in the armed forces. It had been stated in the report that 39 per cent of the work-force were women, and it was queried what they did, what pay they received and how many were in qualified posts. Details on the Equal Employment Law presently being enacted, and more statistical information and background facts in general were requested, particularly with regard to daily and weekly working hours, retirement age and numbers of working wives and mothers. It was asked how women and men managed to combine family obligations with work outside the home, as there did not appear to be sufficient child-care facilities. Information was requested on equal pay policies and average earnings as well as on unemployment rates for women and men. Information was also requested with regard to sexual harassment in the

country.

150. The contribution of women to the high growth rate of the gross national product (GNP) of the country was not reflected in the report. Information was sought on the conditions of service and safety as regards working conditions for women in the manufacturing industry, since they constituted the majority of the workers within that industry. It was asked whether employers were free to dismiss workers without any justified grounds. Concern was expressed on the negative impact on workers in labour-intensive industries, and it was asked what protection was offered to them.

151. Details were requested on the measures taken to improve health services for women and children and on conditions under which they operated, for example whether they were free to all women and whether access was available to all.

152. More information was requested on family planning services, sex education and health programmes and on the rate of abortion and the legal provisions in that context. Statistics on the current birth rate and the incidents of mother and infant mortality were also requested.

153. It was asked whether adultery on the part of the husband was admitted and what the relationship was between an illegitimate child and the wife of the natural father.

154. Experts asked what the prospects were to withdraw the reservations with regard to family law. They wanted to know the Government's intentions to reform that law, in which direction reforms would be made and how soon action would be taken. Further clarification was sought on the rights of women under the present law, in particular details on freedom to marry and divorce and the custody of children. Details on the kind of cases brought before the Family Court were also requested.

155. In responding to the questions raised, the representative from the Republic of Korea began by providing details of the National Committee on Women's Affairs. She reported that the 20-member Committee comprised public officials at ministerial level and the President of the Korean Women's Development Institute (KWDI). The Committee was chaired by the Prime Minister or his designated deputies, as necessary, and more than half of the members were women. There were two other important government offices concerned with women's affairs. Those were the Bureau of Family Welfare (Ministry of Health and Social Affairs), which was connected with the promotion of women's status in general, and the Women's Affairs Guidance Office (Ministry of Labour), which dealt with women's labour conditions. She reported on the government-supported KWDI, whose manifold functions included research, the development of education, training programmes for working women and teaching materials and support of non-governmental women's organizations.

156. The representative listed the recent achievements of those organizations such as the enhancement of general consciousness with regard to women's status and issues and the improvement of job opportunities and labour conditions for women workers.

157. In response to the general concern voiced by the experts with regard to the reservations made

by the Republic of Korea upon ratification, the representative explained that the domestic laws of the country, in particular the Law on Nationality, the Civil Code and the Conflict of Laws Act, conflicted with the provisions of articles 9 and 16 of the Convention. However, as had been reported, the Government was making efforts to change the domestic laws in order to make them compatible with the Convention.

158. With regard to article 3 of the Convention, the representative explained that the Long-Range Plan for Women's Development concentrated on the development of women's potential capabilities, the promotion of working women's welfare, upgrading their skill training and increasing job opportunities for women.

159. She stated that the Long-Range Plan had been incorporated into the sixth Five-year Socio-Economic Development Plan and would therefore be carried out in parallel to the National Development Plan during 1987-1991. The period from 1992 to 2000 would be a period of consolidation.

160. As requested, she explained that the phrase "utilization of the female work-force" meant the development of women's full potential so as to enhance job opportunities for women, and it did not mean exploitation. She elaborated that the principles of co-operation, harmony, humanization and comprehensiveness, mentioned in the Long-Range Plan, were meant to narrow the gap between sexes, classes, regions, employers and employees and promote equality between women and men, and enhance women's status in general, on the part of Government as well as other non-governmental organization concerned.

161. It was explained that the Guidelines for Elimination of Discrimination against Women were a set of standard rules for government, private enterprises and the general public, with the purpose of the substantial and satisfactory implementation of the Long-Range Plan on a wide basis. She also reported that the Government had enacted the Legal Aid Act.

162. As requested, she explained various concepts with regard to article 5. The "family education" mentioned in the report meant the education of children in family relations and etiquette by their parents, carried out in parallel with school education, before the children reached adulthood.

163. The concept of "health of household" mean the well-being of family members, with special emphasis on the mother-child relationship. The concept of "work against morality" indicated jobs which went against the common-sense meaning of morality, such as prostitution.

164. The current family law in the Republic of Korea contained discriminatory articles that reflected male-preference attitudes, but that law had been partially revised following pressure by women's organizations. Further amendments were currently being presented to the Government.

165. The representative reported that, although prostitution was legally prohibited, total eradication remained a problem and, as of 1986, 10,000 women were officially known to be prostitutes. She reported that sex tourism was not a serious problem in the Republic of Korea because tourism itself was not a major source of revenue.

166. The required vocational training and guidance was provided by the rehabilitation programme for prostitutes, and details were given on the Counselling Centres and Job Guidance Centres for women which had been established throughout the country. She regretted that some women returned to prostitution, but the Government was making great efforts to reduce those numbers and maintain the women in useful employment.

167. The representative said that there had been five women ministers since 1948 and the number of female civil servants currently working at the level of deputy-director and above represented 1.1 per cent of the total high-ranking civil servants. She reported that in the judiciary sector women lawyers formed only 0.5 per cent of the total.

168. She informed the Committee that military service was compulsory for men for a period of three years, while for women it was voluntary; the highest-ranking woman officer was at the level of colonel and no women had been promoted beyond that rank.

169. The experts were informed that women's organization registered with the Government received subsidies and administrative support, whereas unregistered ones received only the latter.

170. The representative reported that three women held middle-level diplomatic positions.

171. She explained that the curriculum in elementary and secondary schools was the same as in other countries and that recently many secondary schools had started courses on sex education. Education was compulsory until the sixth grade. She reported that most universities and colleges, except military academies and police colleges, were co-educational, but only 30 per cent of high schools and 50 per cent of secondary schools were co-educational. A few universities admitted only women students. Over 30 universities currently had women's studies courses as part of the general education course. The Government was urging the gradual expansion of the co-educational system at all educational levels in order to contribute to the removal of prejudices and provide equal opportunities for women and men.

172. The representative stated that, in 1985, 5.4 per cent of the total female work-force were engaged in professional, technical and administrative fields, 9.8 per cent did clerical jobs and 35.3 per cent were in the sales and services sector. Those in the primary sector accounted for 27.6 per cent, and the manufacturing and transport sector employed 21.4 per cent of the total female work force. The total number of unemployed women was 124,000 in 1984, with 15.2 per cent between 20 and 25 years of age and 37 per cent in the 15 to 19 age group.

173. The draft Equal Employment Law provided for equality in job opportunities, placement, promotion, in-service training and retirement and made provisions for extended maternity leave and child-care facilities. The purpose of that law was to provide and enforce equality in employment, and under it a new machinery, the Equal Opportunity Promotion Committee, would be established to monitor the enforcement of the law and deal with complaints and labour disputes.

174. The retirement age of women in professional jobs was reported as the same as that of men but it was lower in blue-collar jobs. The representative reported that, in cases where female workers had been compelled to retire against their will and had taken the case to court, favourable rulings had

been received. It was hoped that the new legislation on equal employment would redress those malpractices. She reported that salaries of female workers were generally lower, being half that of male workers in the primary sector but tending to be equal in white-collar jobs.

175. The experts were informed that women in the Republic of Korea worked an average of eight hours a day, but were encouraged to work overtime voluntarily. Insurance coverage was the same for women and men.

176. The representative reported that dormitory facilities and educational courses were provided free of charge by employers in the manufacturing sectors to enable female workers to complete their secondary education. The representative gave data concerning child-care centres and stated that most of those were located near the working areas so as to be convenient for women workers.

177. The Government of the Republic of Korea was going ahead with the present industrialization process, and female workers would play an important role, even more so after certain bans were revised to increase job opportunities for women.

178. The representative stated that, in view of the gravity of the population problem in the Republic of Korea, the government had pursued a family planning policy for the last two decades. However, abortion was legally banned except on medical grounds. The birth rate in 1986 was at 2.3 per cent and the death rate 0.63 per cent.

179. Additional information was provided on the Maternal and Child Health Act and the Maternal and Child Health Centres, which had been established in both rural and urban areas.

180. The representative answered questions as regards to the freedom of marriage, grounds for divorce and the custody system in case of divorce. She said that men of 18 and women of 16 could enter into matrimonial engagement with the consent of the parents or guardians. The bases for divorce were itemized, and the rate of divorce in the Republic of Korea was 2 per cent.

181. According to the present family law, the parental lineage between legitimate mother and illegitimate child was deemed to be the same as that of the child of the father's spouse. It was hoped that the clause would be revised to remove the discriminatory element against women.

182. The representative concluded by saying that the signing of the Convention had enabled the Government of the Republic of Korea and the non-governmental organizations to make great efforts to change the situation created by long tradition. Although only a beginning had been made, it was hoped that substantial progress would be achieved in the next four years, and that it would be reflected in the second periodic report to be presented to the Committee.

183. The Committee thanked the representative for her detailed replies and commended the efforts being made to improve the status of women in the republic of Korea and to modify existing laws that discriminated against women. The experts reiterated their concern over the reservations made to two articles of the Convention.

184. It was hoped that the imbalance in the representation of women in the legal profession would

be corrected. More data were requested on actual weekly working hours of women in the Republic of Korea, and experts requested clarification of the situation, under the male-lineage laws, if there was no son in the family.

## **CEDAW A/48/38 (1993)**

405. The Committee considered the second periodic report of the Republic of Korea (CEDAW/C/13/Add.28 and Corr.1) at its 224<sup>th</sup> meeting, on 28 January (see CEDAW/C/SR.224).

406. The Committee considered that the report gave a good overview of legal and administrative developments in the Republic of Korea in terms of women's rights since the submission of the initial report, testifying to the continued commitment of the Government to eliminate discrimination against women. However, the remarkable development of the economy, which had brought an increasing number of women into the economically active group, had yet to bring about a corresponding advancement in terms of women's political role and their participation in decision-making.

407. In her introductory statement, the representative briefly described the contents of the second periodic report and the developments that had been achieved or attempted. She informed the Committee that the report had been formulated according to the general guidelines regarding the form and content of reports and the initial report that had been reviewed by the Committee at its sixth session. The second periodic report dealt mainly with the progress of the implementation of the Convention and also with the questions unanswered at the time the initial report was submitted. The second periodic report had been prepared jointly by the ministries and non-governmental organizations concerned with women's affairs.

408. The representative said that the introductory part of the report mentioned the institutional framework, the progress made in achieving de jure and de facto equality, and the policies to abolish the discrimination faced by women in the Republic of Korea.

409. In addressing the status of women in her country, the representative pointed out that as a result of industrialization, women had become actively involved in economic activities and, since the revision in 1989 of the Equal Employment Opportunity Act enacted in 1987, women no longer faced such discrimination as restrictive recruitment, wage differentials and limited opportunities for promotion.

410. She said that since the inauguration of the Republic of Korea in 1945, women had enjoyed the same political rights as men; however, their participation in the national decision-making process was still unsatisfactory. Yet their participation in the civil service, education and the mass media was gradually improving. She explained that women were very active in non-governmental organizations, in accordance with the freedom of association guaranteed by the Constitution. Most importantly, she claimed, the revision of the Family Law in 1989 had been a significant breakthrough in providing the same status to women as men, especially in the area of property rights.

411. The representative said that the main provisions of the Convention had not only been integrated into the Constitution but had also become the legal basis for the advancement of women in the country. The Committee noted that the Government still maintained reservations to the Convention and hoped that, in the future, a sustained effort would be made to withdraw those reservations.

412. In replying to the questions that had been submitted by the pre-session working group, the representative highlighted specific measures aimed at accelerating the process of achieving de facto equality.

413. Those measures included the abolition of the sex-segregated recruitment system for government employees, the establishment of Family Welfare Divisions in cities, provinces and districts; the inclusion of women's studies in courses for the training of civil servants and teachers to enhance social consciousness of equality and end traditional prejudices against women, and the Decree of the Prime Minister intended to increase the proportion of female participants in policy-making committees of the Government to 15 per cent by the year 2000.

#### Questions related to specific articles

##### Articles 2-4

414. In answer to a question, the representative said that the Ministry of Political Affairs II was in charge of women's affairs, particularly those related to women's participation in various social, economic and political activities. It surveyed public opinion and made policy recommendations concerning the status of women. It also liaised with the departments concerned with coordinating and implementing various programmes on women.

415. The Committee praised the Government of the Republic of Korea for the fact that a number of special laws concerning women's interests had been enacted or revised. Such laws included the Equal Employment Opportunity Act of 1987, the revised Family Law of 1989 and the revised Equal Employment Opportunity Act of 1989 to regulate the question of equality between men and women. The Committee noted that the revised Labour Standard Act (art.56) stipulated: "no female . . . shall be authorized to work between the hours of 22.00 and 6.00 or on holidays unless otherwise approved by the Minister of Labour". According to article 57 "an employer shall be forbidden to place any female 18 years or older on overtime work for a period exceeding two hours a day, six hours a week and 150 hours a year, even if provided for in a collective bargaining agreement". The Committee asked what kind of exceptions the Ministry of Labour had decided to authorize with regard to those provisions. In response, the representative said that article 56 (Prohibition of night and holiday work) had been amended, in March 1989, to read "unless otherwise approved by the Minister of Labour with the consent of the employee". She explained that the right of the female employee had been expanded in that the consent of the employee preceded the authorization of the Minister of Labour.

416. In reply to another question concerning the extent to which the Minister of Labour's advice had been followed that 20 industries with over 1,000 women workers should establish day-care centres at the workplace, the representative said that, in September 1992, the total number of day-care centre in the Republic of Korea was 4,366 of which 27 facilities were in the workplace, and 41 were in the process of being established. Government and non-profit organizations subsidized the establishment of those centres. The percentage of each age group being accommodated was as follows: 24,370 (20.2 per cent) children below three years of age and 95,857 (79.8 per cent) children between three and five years of age.

## Article 5

417. With regard to the measures taken to abolish the traditional stereotype of women in the mass media, education and employment, the representative informed the Committee that, in the field of mass media, the Government was sponsoring a programme entitled “The World of Professions” on the newly established Public Education Broadcasting Station to encourage girl students to acquire a healthy and enlightened attitude towards careers.

418. In the field of education and employment, she said that a long-term strategy to eliminate sexual discrimination was important, providing education at an early age to change traditional attitudes towards women. The Government also operated special programmes for high-school girl students to promote desirable attitudes towards careers. In 1990, the Government had adopted a Model Career Guidance Programme for middle-school girl students, which had been disseminated to the education committees in cities and provinces.

419. Since 1990, coeducation was widely practiced in all primary schools: 54.3 per cent of all middle schools and 38.7 per cent of all high schools were coeducational.

420. With regard to the nature and extent of the problem of violence against women, the representative said that her Government had been a sponsor of the draft resolution on violence against women in all its forms adopted by the Commission on the Status of Women at its thirty-sixth session and subsequently adopted by the Economic and Social Council as resolution 1992/18. The Government had accordingly adopted various measures, including public awareness programmes; mass media information on the role of education and the community; provision of shelter houses for battered women, counselling centres for the victims of sexual violence in the workplace, guides and a manual for counsellors and hot lines at police stations; and the dissemination of brochures, pamphlets and stickers.

## Article 6

421. In reply to a question on the specific penalties or terms of imprisonment for offenders under the Prostitution Prevention Act and the Enforcement Decree on the Prevention of Prostitution, the representative said that, according to the Act, any person found guilty of prostitution, or of inciting another to commit such an act, could be fined up to 30,000 won (US\$ 40) or be punished by imprisonment. In addition, those who provoked or forced others into prostitution, or a husband who provided his wife for such purposes, could be fined up to 100,000 won (US\$ 133) or be imprisoned for a maximum term of one year.

422. Regarding the operation of the rehabilitation centres for prostitutes, the number of prostitutes who had benefited and whether any follow-up was provided until they found employment, the representative explained that prostitution was prohibited by the Prostitution Prevention Act and three women’s vocational guidance centres were in operation to prevent the occurrence of prostitution and to reinstate prostitutes in society through technical and cultural training. She provided statistics.

## Article 7

423. The Committee noted that it was stated in the second periodic report that there were 60 women legislators, but only 26.7 per cent had been elected from electoral districts, while the remaining 73.3 per cent occupied seats in the National Assembly as a result of the national representation system. Clarification of the national representation system and the electoral system was sought. The representative explained that there were two categories of constituency to elect members to the National Assembly, namely, the local electoral districts and the national electoral districts. The allocation of seats to national electoral districts was proportional for each political party that gained five or more seats in the general election for the local constituencies. In cases where there were political parties that had obtained no seat or that had gained five or fewer seats in the general election for local constituencies, but had obtained a number of votes exceeding 0.3 per cent of the total valid votes, then one seat would be allotted preferentially to each of those political parties.

424. The Committee noted that, in the last National Assembly, only 6 out of a total of 299 deputies were women, and in the election of 24 March 1992 the number of female parliamentarians had further dropped to 3. Members asked what was preventing women from attaining high positions and what had been done to ensure their equal representation. The representative said that in the Thirteenth National Assembly, for the term 1988-1991, all the parliamentarians had been elected in the national electoral districts. However, no female candidates in the local electoral districts had been successful. Since the composition of the parliament depended on the political parties and three of the four main parties had merged, the number of female parliamentarians representing the parties in the electoral districts had accordingly decreased.

425. Concerning public affairs, she said that the level of women in politics and in decision-making had not changed significantly. Women were poorly represented in decision-making positions in the Government. In terms of cultural and social activities, the consumers' movement and some women's organizations had been successful, although some women's organizations suffered from financial difficulties.

#### Article 8

426. In answer to a question on the percentage of women in the diplomatic corps and what had been done to increase female participation in higher positions in the international field, the representative stated that there were 58 women in the diplomatic corps, representing 4.9 per cent of the total at the end of 1992. The Government was developing a training programme to expand female participation in the international field.

#### Article 9

427. In connection with the withdrawal of the reservation to article 9, the representative said that the public hearing on that matter had been completed and the revision process was under way.

#### Article 10

428. Replying to a question concerning an assessment of the Sixth Five-Year National Socio-

Economic Development Plan, 1987-1991, with regard to women's issues, the representative outlined the major problems that had been identified by the Committee on the Seventh Plan, such as the lack of equality in education and sex-segregated training. A different educational environment had been created for each sex because of traditional sex roles and prejudices. The differences covered curricula, textbooks, choice of fields of study, educational and vocational guidance, opportunities to study science and technology, training in women's institutions, and teachers' lack of awareness of gender issues.

429. As girl students accounted for only 1.4 per cent of the student body of technical vocational schools, members wished to know whether there were any data on the number of girl students attending vocational high schools, according to the subjects that they specialized in, and whether measures were being taken to encourage more girls to follow technical vocational training or to study technology at universities. They also wished to know how many scholarships and fellowships had been granted to girls to encourage them to follow careers in non-traditional fields. The representative indicated that male students constituted the majority of students specializing in engineering, agriculture and science, while females were highly represented in commercial high schools. She provided statistics on vocational high-school enrolment by gender. She indicated further that the Government had established a girls' high school to encourage more girls to pursue technical vocational training and that the number of such schools would be increased. One women's university was in the process of establishing a college of engineering.

#### Article 11

430. The Committee noted that the revised Equal Employment Opportunity Act included the principle of equal pay for equal work regardless of the workers' sexual identity. Members asked whether that principle had been put into practice and whether there had been difficulties in applying it. The representative said that, in 1991, the Government had furnished all industries with guidelines for eliminating sexual discrimination in employment in order to help ensure the strict enforcement of the Act; however, employers had not abandoned many discriminatory practices. There were no concrete standards for determining discrimination nor were there concrete guidelines for determining the equal nature of work.

431. Asked about the percentage of divorced and separated women in the labour force, the representative said that, in 1988, the marriage rate was 62.7 per 1,000 persons and the divorce rate was 1.7 per 1,000 persons in the labour force; however, the divorce rate had risen to 1.8 per 1,000 persons in 1990 while the marriage rate had remained unchanged.

432. The question was raised whether efforts had been made to procure employment for women who had lost their jobs in the traditional labour-intensive manufacturing trade, as it was transferred elsewhere. The representative stated that the Government was shifting the emphasis of its vocational training to the professional and technical fields after recognizing the changed structure of the industry, which was expanding the opportunities for retraining female workers who had lost their jobs in the labour-intensive sectors. In 1991, the Government had opened a vocational training school for women, which provided courses on office automation, metal crafts, electronics, machine design and fashion design.

433. She provided statistic in answer to a question on the unemployment rate of women according to industrial sector.

434. Asked whether women workers were being trained to perform in traditional occupations, the representative said that, in order to promote women's advancement into non-traditional fields, the Government had founded the An Sung Vocational Training Centre for Women, which provided training programmes for technicians. The Government and some women's organizations were also concentrating their efforts on developing non-traditional occupations for women.

435. In answer to the question whether the Government encouraged women's education for employment that would give them higher pay and status, the representative referred to the Model Career Guidance Programme. The Government was also trying to increase high-tech vocational training and in-service training.

436. Regarding welfare, the representative said that the Government provided selective welfare programmes for the less privileged, based on the principle that the family was primarily responsible for welfare and that the social security system was secondary to the family. The Government's social welfare was based on selection, while the women's welfare programme was focused on children and the less privileged.

## Article 12

437. The representative said that, in April 1989, the Maternal-Child Welfare Act was enacted to support fatherless families and unwed mothers. Under the Act, the Government had constructed 77 maternal and child-health centres to improve the health of mothers and children.

438. Asked whether abortion was legally permitted and, if so, under what circumstances, the representative explained that, according to the Criminal Act, abortion was prohibited. Offenders were fined 10,000 won (US\$ 12) or imprisoned for up to one year. However, abortion was allowed in exceptional cases under the Maternal and Child Health Act.

439. In answer to a question concerning the family planning policy of the Republic of Korea, the representative said that the country had had comparative success in controlling its population by means of family planning. As a result, the rate of population increase had dropped to 0.96 per cent in 1992 from 3 per cent in 1960; while the total fertility rate had dropped to 1.6 per cent from 6 per cent in the same period. Major family planning programmes included social support programmes, government-supplied contraceptive services and sterilization operations. One of the reasons for the country's success was the activities of the women's groups.

440. Replying to a question on the effects of AIDS on the situation of women and on the action taken to cater to the needs of those women who were sero-positive, the representative said that, under the AIDS Prevention Act of December 1987, regular medical check-ups were provided for vulnerable groups of the population, all donated blood was tested, and education and counselling were provided for those who were infected. At 31 December 1992, there were 245 sero-positive persons, including 27 women, of whom 11 were commercial sexual workers, but since 1989 no further cases had been reported. Out of 10 reported cases of AIDS, 8 had been fatal.

### Article 13

441. Members noted that the Government of Korea “had emphasized the protection of fatherless families” and asked how widespread the problem was and what the main reasons were for the single mothers that had led to the enactment of the Maternal-Child Welfare Act. The representative explained that the main reasons for the single mothers were death of spouse (75 per cent), divorce (12 per cent), abandonment by spouse (3 per cent) unknown whereabouts of spouse (3 per cent) and unmarried mothers (3 per cent). The problems of fatherless families were mainly poverty, child education, and mental insecurity. According to the Maternal-Child Welfare Act, low-income female-headed families with children of 18 years or younger were entitled to protection. She said that the Government had been providing such families with the means to raise and educate their children (including middle and high schools and vocational training). From 1992, such families had priority over others in the allocation of permanent rental apartments.

### Article 15

442. Asked whether women could obtain a bank loan or conclude contracts without the consent of their husbands, she said that anyone who had an income or who owned property was qualified to obtain a bank loan in the Republic of Korea. The consent of the husband was not necessary in order to conclude a contract.

443. In answering a question on the prospect of changing the law concerning inheritance so that women farmers could inherit land from their deceased husbands and not be bypassed because of their sex, the representative said that the Family Law provided for the equal status of women in the family, especially regarding property. Both wife and husband had an equal right to property acquired after marriage, and had the right to ask for an equal division of such property. In accordance with the revised Family Law, the Government had revised the inheritance law in 1990 and had increased the inheritance tax allowance for spouses, based on the recognition that an unemployed spouse and especially a housewife also had significant property rights. Accordingly, women farmers could inherit land from their deceased husbands.

### Article 16

444. Regarding the State party’s reservation to article 16, paragraph 1 (g), the representative indicated that it was the custom to use the paternal name as the family name and there was rarely any objection to that custom; however, when the revision of the Family registration Act began, that custom could change.

445. In answer to a question about the equal right of the husband and wife with regard to property based on the extent of their contribution to the accumulated assets, even if the wife had never worked outside the home, the representative explained that, in accordance with the revised Family Law, the Government had revised the provisions on family registration, tax, and domestic litigation to re-establish the relationship between family members.

446. According to the draft of the bill revising the Family Law, the custody of children upon divorce would be decided on by the court. A question was raised as to whether that provision

constituted discrimination against mothers. The representative indicated that the custody of the children upon divorce was determined either by the couple's mutual agreement or the court in accordance with the current family code. That meant that if the wife could not achieve her wish on the basis of mutual agreement, she could go to court.

447. Asked whether there was a criterion or jurisprudence on who was to have custody of the children, the representative said that, according to article 837 (divorce and responsibility for fostering and education of the children), in the absence of an agreement on matters concerning fostering and education, the Family Court could decide on matters necessary for such fostering and education by taking into consideration the age of the children, the property status of the father and mother and any other circumstances. The Family Court could also at any time change such provisions or take any other proper disposition.

### Concluding observations

448. Members thanked the representative for the detailed answers that had been provided to the questions. Additional clarification was sought on a number of points, including the participation of women in political life, the measures envisaged to encourage women to take a more active part in the economic sector, and the provisions on family rights, education and health. Other members expressed their concern that the second periodic report lacked statistics and information on labour laws, especially in view of the country's high rate of economic growth, on the coordination of the different bodies dealing with women's issues and on the practice of sterilization, which seemed to be a widespread phenomenon. The Committee also expressed its concern about the reservations to the Convention made by the Government of the Republic of Korea, and hoped that it would consider withdrawing those reservations.

449. In expressing her appreciation for the detailed answers, the Chairperson said that there were still some obstacles discriminating against women in the Republic of Korea, such as family laws, traditions and discrimination at the workplace. She hoped that the third periodic report would be better and would include all the necessary information and statistical data that had been requested by the Committee.

450. In her final reply, the representative of the Republic of Korea indicated that her Government would attempt to withdraw the reservations. On the participation of women in decision-making, she assured members that the Republic of Korea would do its utmost to improve the situation of women. Other details were provided on such issues as maternity leave, the functioning of the national machinery and family law.

## **CEDAW A/53/38/Rev.1 (1998)**

347. The Committee considered the third and fourth periodic reports of the Republic of Korea (CEDAW/C/KOR/3 and CEDAW/C/KOR/4) at its 400<sup>th</sup> and 401<sup>st</sup> meetings, on 7 July 1998 (see CEDAW/C/SR.400 and 401).

### Introduction by the State party

348. The representative noted that the fourth report had been produced by a consultative body, comprising representatives from 25 non-governmental organizations, and by 7 women's policy specialists and that the Republic of Korea had ratified the amendment to article 20 of the Convention in August 1996.

349. The representative stated that ratification of the Convention had impacted significantly on the lives of Korean women. The comments of the Committee members on the second report in 1993 had provided substantial guidance in implementing women's policies, particularly in respect to women's participation in decision-making and the elimination of gender-discriminatory laws relating to citizenship.

350. The representative described several major legal reforms, including the Equal Employment Opportunity Act 1987, the Mother-Child Welfare Act 1991, the 1993 Punishment of Sexual Violence and Protection of the Victim Act, the 1995 Women's Development Act and the 1997 Prevention of Domestic Violence and Protection of the Victim Act. Amendments to the Nationality Act had been enacted in 1997 and the Republic of Korea's reservations to article 9 would soon be withdrawn.

351. The representative described Government efforts to make the Convention widely known, including a 1994 symposium observing the tenth anniversary of the country's ratification of the Convention, and the publication of annotations to the Convention in 1996.

352. The representative noted that, since February 1998, the Government had made it a policy priority to promote women's rights as an integral part of human rights. It had established the Presidential Commission on Women's Affairs and had introduced the Master Plan in Women's Policies (1998-2002), which aimed to increase the participation of women in all sectors of Korean society. The Government also planned to increase the ratio of women in Governmental committees to 30 per cent by the year 2002.

353. The representative noted the significant impact of the Fourth World Conference on Women and that the Beijing Platform for Action actively contributed to the further empowerment of women. In follow-up to the Conference, the Government had identified ten policy priorities for the advancement of women, including the expansion of child-care facilities, the upgrade of child-care services, and the establishment of a women's information network.

354. The representative emphasized that increased participation by women in politics was a prerequisite for the enhancement of women's social status and further democratic development of the society. A female public employee target system had been instituted in 1995 to facilitate the

recruitment of a prescribed number of women into the public sector each year and ratios of women employees were expected to rise from 10 per cent in 1996 to 20 per cent by the year 2000.

355. The representative noted the impact of the economic crisis and its potential adverse affects on Korean women, particularly low-income female-headed households, and indicated that the Government intended to increase its efforts to provide a safety net for these families and prevent the breakdown of the family unit. It also intended to strengthen its programmes to enhance women's economic activities.

356. The representative indicated that gender equality in recruitment, placement and promotion had not been realized and that, while laws and regulations designed to achieve equal employment were already in place, the entry of women into the workforce had not proceeded as rapidly as expected.

357. In concluding her presentation, the representative stated that, although Confucian ideology still hindered the complete realization of gender equality, it was a matter of time before the traditions of the past would give way to full gender equality, representative democracy and shared prosperity. She expressed confidence that, with the benefit of equal protection under the law, Korean women would emerge as contributing partners in the process of nation-building and write their own chapter in the global gender-equality renaissance of the twenty-first century.

#### Concluding comments by the Committee

##### Introduction

358. The Committee welcomes the high-level delegation of the Republic of Korea and commends the Government for its reports and particularly the well-structured and comprehensive fourth periodic report, which generally complied with the Committee's guidelines, and provides a broad range of information and data on the situation of women in Korea and the political will of the Government to advance the status of women. The Committee appreciates the exhaustive replies of the Government to questions posed by experts which amplified the written reports. The Committee also appreciates the input of non-governmental organizations to the preparation of the reports.

##### Positive aspects

359. The Committee welcomes the definitive steps taken by the Government towards the advancement of women and the measures taken to integrate a gender perspective into policies and programmes.

360. The Committee welcomes the establishment and strengthening of the proactive national machinery for women, in particular, the Presidential Commission on Women's Affairs.

361. The Committee welcomes the Government's close collaboration with non-governmental organizations to combat domestic violence through the introduction of protective legislation, in addition to the creation of sexual and domestic violence prevention and victim protection centres, emergency shelters and awareness-raising campaigns to encourage the reporting of and official response to domestic violence and other forms of sexual harassment.

362. The Committee notes with satisfaction that the Government's efforts to implement the Beijing Platform for Action through the preparation of a national plan for the advancement of women and identification of ten priorities in that respect. The Committee commends the 1995 enactment of the Women's Development Act and the Women's Development Fund endowed with US\$ 70 million to support the implementation of the Beijing Platform for Action and the Women's Development Plan.

363. The Committee notes with appreciation the adoption and revision of numerous laws and legal provisions in order to bring domestic legislation in line with the Convention, in particular, the 1998 Prevention of Domestic Violence Act, Protection of the Victim Act and the 1995 Law for the Advancement of Women, which aims to address the issues of gender equality in a comprehensive way. The Committee welcomes the amendments of the National Act in 1997 and the news that the Government is considering the withdrawal of its reservation to article 9 of the Convention.

364. The Committee commends the Government on a wide range of policies, strategies and measures in social and economic areas and underlines, in particular, the achievements in the area of education, including the introduction of non-traditional career orientation for women.

365. The Committee commends the fact that discrimination against women is defined in a number of articles of the constitution, as well as the Equal Opportunity Act 1989. It also commends the fact that maternity benefits for working women and preferential benefits for specific classes of workers for the purpose of redressing discriminatory conditions is not viewed as discriminatory.

#### Factors and difficulties affecting the implementation of the Convention

366. The Committee notes the negative impact of the economic crisis, and particularly the policies and positions of the International Monetary Fund, which are aggravating the situation for Korean women.

367. The Committee notes the persistence of entrenched paternalistic male values and traditional stereotyping of women's role. In spite of amendments to the civil code, discriminatory provisions remained, such as the prohibition of marriages between individuals with common surnames.

#### Principal areas of concern and recommendations

368. The Committee is concerned with the reservations entered by the Government of Korea to the Convention.

369. The Committee urges the Government to review its reservations to the Convention with a view to their withdrawal before the year 2000.

370. The Committee is concerned that the reports contain insufficient information on the actual impact of laws and policies on women's lives.

371. The Committee recommends that subsequent reports provide detailed information on the implementation and enforcement of laws and policies. The Committee also recommends that subsequent reports include a comparative analysis of the progress achieved since the previous

reports through, *inter alia*, statistical data disaggregated by sex.

372. The Committee notes with concern that, although the constitution contains a definition of discrimination, the definition does not include discrimination with both the purpose or effect as specified in article 1 of the Convention. The Committee also notes that the Equal Opportunity Act 1989 does not include a full definition of discrimination, which also includes discrimination on the basis of religious beliefs, political preferences, age or disability.

373. The Committee recommends the inclusion in the constitution and all relevant legislation of a definition of discrimination which reflects that in article 1 of the Convention. It also recommends that the Government disseminate information, ensure the provision of legal aid and undertake all necessary measures to increase legal literacy among women. The Committee also recommends that the establishment of the National Human Rights Commission be expedited and the provision of remedies for discriminatory practices.

374. The Committee is concerned that violence against women is still pervasive in Korean society.

375. The Committee recommends that the Government intensify its efforts to combat violence against women through, *inter alia*, the introduction of comprehensive measures, including gender-sensitive training of the judiciary, health personnel and law enforcement officials. It also recommends the provision of adequate shelters and the incorporation of models of non-violent forms of conflict resolution in education and the media.

376. The Committee is concerned about the under-representation of women in politics and decision-making structures, including the judicial system. It emphasizes the importance of fostering a political environment conducive to women's promotion in all sectors of public and private life.

377. The Committee recommends the provision of more governmental support in order to increase women's political participation and political education, raise public awareness about women leaders, continue promoting targets and quotas, introduce incentives to encourage a minimum quota of 30 per cent representation of women in political parties and the drafting of policies to increase the participation of women in the judicial system. It also recommends that the Government encourage the private sector to introduce quotas for women, particularly in non-traditional areas.

378. The Committee is concerned about the situation of women in the labour market and emphasizes the current Asian economic crisis and its impact on the situation of women. The Committee raises the following concerns:

- (a) Sexual harassment in the workplace;
- (b) Insufficient social protection of female workers in the private sector;
- (c) Occupational segregation, including concentration in traditional female occupations;
- (d) Lack of employment opportunities for highly qualified women, as well as the wage differential between women and men;

- (e) Insufficient support to women entrepreneurs, particularly in non-traditional areas;
- (f) Situation of women in agriculture, especially of elderly women and in rural areas;
- (g) Early lay-off and an increase in the number of part-time women workers.

379. The Committee recommends:

- (a) Provision of statistical data on the growing number of part-time workers in social protection schemes;
- (b) Implementation of the principle of equal pay for work of equal value and recognition of women's unpaid work;
- (c) Provision of equal social protection for women in both the public and private sectors including extension of paid maternity leave to the private sector to bridge the gap between the working conditions in these sectors;
- (d) Ratification of International Labour Organization conventions, especially Conventions 110 and 111;
- (e) Elimination of gender-restrictive recruitment and advertisements;
- (f) Awareness-raising campaigns and training programmes to encourage the reporting and elimination of sexual harassment in the workplace.

380. The Committee expresses concern at the situation of rural women, in particular in regard to their under-representation in decision-making/leading public and private positions.

381. The Committee encourages the Government to give full attention to the needs of rural women and to ensure that policies and programmes benefit them in all areas, including in regard to their recognition as agricultural workers, so as to benefit from the rights under the Employment Standard Act, and access to decision-making, health and social services. The Committee also recommends more studies on the situation of rural women, and the collection of statistical data to inform policies in this area. The Committee also recommends that the Government facilitate access to credit for rural women.

382. The Committee's further concerns include:

- (a) The status and role of the national machinery, including the Commission on Women's Affairs, its authority and budget;
- (b) The differential minimum age of marriage of women and men;
- (c) The high rate of abortion;

(d) The discriminatory impact of existing inheritance laws;

(e) The provision of inadequate information on the numbers of women using health facilities, especially those with HIV/AIDS and sexually transmitted diseases, in the report.

383. The Committee recommends that the Government of Korea provide further information in its next periodic report describing measures taken to address these concerns.

384. The Committee recommends that the Government give special attention to the realization of the right to social security provided by the 1955 Unemployment Insurance Scheme to disabled women, and that the policy to provide a variety of programmes for older women, including the promotion of their health, not be jeopardized by the present economic crisis.

385. The Committee recommends that that special attention be given by the Government, and if necessary special measures be introduced, to prevent adverse consequences for women as a result of the present economic crisis.

386. The Committee requests the wide dissemination in the Republic of Korea of the present concluding comments in order to make the Korean people, and particularly the Government, administrators and politicians, aware of the steps that have been taken to ensure de facto equality for women and the further steps required in that regard. The Committee also requests the Government to continue to disseminate widely, and in particular to women's and human rights organizations, the Convention, the Committee's general recommendations and the Beijing Declaration and the Platform for Action.