



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Pre-session working group

Thirty-ninth session

23 July-10 August 2007

List of issues and questions with regard to the consideration of periodic reports

Republic of Korea

1. The pre-session working group examined the fifth and sixth periodic reports of the Republic of Korea (CEDAW/C/KOR/5 and CEDAW/C/KOR/6).

General

2. Please provide information as to which ministries and other Government bodies were involved in the preparation of the reports, the extent of consultations with non-governmental organizations, and whether the reports were adopted by the Government and presented to the National Assembly prior to their submission to the Committee.

Constitutional, legislative and institutional framework and status of the Convention

3. Please provide information on any plans to withdraw the reservation to article 16 (g) of the Convention on the Elimination of All Forms of Discrimination against Women, as well as on the anticipated timetable for its withdrawal.

4. In its previous concluding comments, the Committee expressed concern that although the Constitution contained a definition of discrimination, the definition did not encompass both purpose or effect of discrimination, as specified in article 1 of the Convention.¹ According to the fifth periodic report, the equal rights guaranteed under the Constitution are protected in concrete ways in the political, economic, social and cultural fields of life by relevant laws, including the Gender Discrimination Prevention and Relief Act, the Labor Standards Act and the Equal

¹ See *Official Records of the General Assembly, Fifty-third Session, Supplement No. 38* (A/53/38/Rev.1), part two, chap. IV, sect. B, para. 372.

Employment Act (para. 13). The sixth report notes that the Gender Discrimination Prevention and Relief Act was abolished in June 2005. Kindly indicate the reasons for the abolishment of the Act, and whether it has been replaced with a new Act. Furthermore, does the Government intend to introduce legislation that will define and explicitly prohibit discrimination against women, as defined by article 1 of the Convention?

5. Please describe the current status and progress achieved in the implementation of the Second Basic Plan for Women's Policies (2003-2007) (CEDAW/C/KOR/6, sect. 3.1). The response should include information on the impact of these policies towards practical realization of the principle of equality of women and men.

Violence against women

6. The report notes that sexual violence crimes increased by 7.6 per cent to 11,223 from 2003 to 2004 (CEDAW/C/KOR/6, sect. 6.5). The Committee against Torture expressed concern about the prevalence of domestic violence and other forms of gender-based violence, including marital rape, in the Republic of Korea and noted the low rate of indictments, resulting in part from settlements and agreements made in the investigation process (CAT/C/KOR/CO/2, para. 17). Please specify the steps taken in response to this concern. Kindly indicate the reasons for the increase in sexual violence crimes, and whether gender-sensitivity training is mandatory and provided systematically to judicial and law enforcement officers and other public officials on all forms of violence against women to ensure that they can respond in a gender-sensitive manner.

7. According to the report, the number of complaints of sexual harassment at the workplace has increased every year. Women's organizations and labour organizations have called for the revision of the Equal Employment Act. The report states that there is also the opinion that the penalty for sexual harassment at the workplace is too lenient. Another flaw of the current law is that there are no provisions on sexual harassment by the employer (CEDAW/C/KOR/5, para. 69). Please clarify whether the amended Equal Employment Act of March 2006 responds to these concerns, including the provision of sanctions in cases of sexual harassment in the workplace. Please also provide information on the impact of this Act, and in particular, how its implementation is monitored, the number of complaints, and their results, as well as any legal and medical services provided to the victims of sexual harassment.

Trafficking and exploitation of prostitution

8. The Committee against Torture expressed regret about the absence of statistical data on the number of women and children trafficked for purposes of prostitution and the absence of information on any compensation and rehabilitation provided to victims (CAT/C/KOR/CO/2, para. 18). Please provide updated statistical data and information, including on the type and scope of services available to victims of trafficking. Please also describe the impact of the Act on the Punishment of Procuring Prostitution and Associated Acts, which went into effect in September 2004 (CEDAW/C/KOR/6, sect. 2.1.4).

9. According to information available to the pre-session working group, there is an increasing number of foreign women who are victims of the sex trade, due to such factors as human trafficking. Please provide updated information on the

number of foreign women and girls who are victims of trafficking and the sex trade, the measures taken by the Government to assist and support these women and girls and updated data on how many traffickers and pimps have been prosecuted in the past five years. Please elaborate on the findings of the research study commissioned by the Government on prostitution by foreign women (2003) (CEDAW/C/KOR/6, sect. 6.3), and describe its impact, in particular how this research is being used as a basis for policymaking.

10. In its concluding comments, the Committee on the Rights of the Child expressed concern at reports of the widespread phenomenon of *Wonjokyuje* in which adolescent girls engage in a sexual relationship with older men for money (CRC/C/15/Add.197). Please provide information on steps taken to address this situation.

Participation in political and public life

11. The report notes that only a few women public officers are working at the managerial level (CEDAW/C/KOR/6, sect. 7.4) despite the 10 per cent target set by the five-year plan for employment of women managerial-level public officers. Please indicate what measures the State party intends to take in order to meet its target, including temporary special measures, in line with article 4, paragraph 1, of the Convention and the Committee's general recommendations Nos. 25 and 23.

12. According to the fifth and sixth periodic reports, despite a steady increase in the number of women in politics, women continue to be underrepresented in decision-making in many areas, in particular in regional councils (3.1 per cent), city/county/district councils (1.9 per cent), the judiciary (7 per cent) and foreign service (women officers in the fifth rank or above, 5.4 per cent). The Committee, in its previous concluding comments, recommended that the State party provide more support in order to increase women's political participation, including the drafting of policies to increase the participation of women in the judicial system. Please describe the main factors that lead to the lower representation of women in decision-making. What measures is the State party implementing in order to increase the number of women in the various levels and branches of Government, including the adoption of temporary special measures?

13. According to the fifth periodic report, the low representation of women in local Government and councils reflects the lack of voters' interest in women candidates and the passive stance of parties in supporting them (CEDAW/C/KOR/5, para. 113). The sixth periodic report notes that political parties have made visible improvement in supporting women's participation in politics, including the opening of leadership centres for women (CEDAW/C/KOR/6, sect. 7.1). Please indicate what measures the Government has taken to address the issue of lack of voters' interest in women candidates and describe the impact of such measures.

Stereotypes and education

14. According to the fifth periodic report, although such discriminatory practices as fetal sex differentiation are illegal, detection and punishment is difficult, since these practices take place covertly in hospitals (CEDAW/C/KOR/5, para. 44). Please provide updated data on sex ratio at birth by the order of birth in both urban and rural areas. Please also provide information on the impact of Government efforts to

address the attitudes of male preference mentioned in the report (CEDAW/C/KOR/5, para. 44).

15. The report notes that great improvement has been made in the review of gender-discriminatory elements and gender stereotypes in textbooks and curricula. However, a gender-based division of roles in adult characters, absence of female role models in history, mathematics and science textbooks, and gender prejudice in supplementary teaching materials are subject to future improvement (CEDAW/C/KOR/6, sect. 10.1.1). Please provide information on proactive measures that have been taken, or are envisaged, to realize these improvements, including information on whether the State party has conducted the review of supplementary teaching materials, and the results of such a review.

16. The report notes that in the case of higher education, 43.7 per cent of women in the appropriate age bracket are enrolled, compared to 74.9 per cent for men. The female enrolment rate remains lower than that of males by 30 per cent, indicating that a gap still exists between men and women in opportunities for higher education (CEDAW/C/KOR/5, para. 133). In addition, in their concluding observations, the Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child also expressed their concerns about the issue of significantly fewer women than men attending higher education. Kindly provide information on strategic measures taken to ensure equal access to, and opportunities for women in higher education.

Employment

17. In its previous concluding comments, the Committee recommended the implementation of the principle of equal pay for work of equal value and recognition of women's unpaid work, provision of equal social protection for women in both the public and private sectors and elimination of gender-restrictive recruitment and advertisements.² Please provide information on the impact of measures taken in response to the Committee's previous recommendations.

18. The report notes that women are still concentrated around low income and low-level posts and there has been little change in gender segregation in occupation. It also notes that in 2000, there were 5.2 million women waged workers, of whom 73.3 per cent were on non-regular employment and had limited access to employment insurance or national pension (CEDAW/C/KOR/5, paras. 161, 162, 173 and 174). What strategies has the State party put in place, or plans to adopt, in order to further improve the current situation? Please also provide information on the situation of women workers in non-regular employment and measures taken to ensure their rights to pension, health benefits and job security.

19. The report shows that women's labour force participation was 49.9 per cent in 2004 (CEDAW/C/KOR/6, table 11-1) and notes that the discontinuity in employment due to marriage and childbirth remains the prevailing pattern in women's economic activities in the Republic of Korea (CEDAW/C/KOR/5, para. 158). Please provide an assessment of the impact of provisions of enhanced maternity protection and workplace childcare facilities (CEDAW/C/KOR/6, sects. 11.4 and 11.5) on women's participation in the labour market.

² Ibid., para. 379.

20. The report notes that the ratio of women at the managerial level in both public and private sectors showed a staggered movement from 5 per cent in 2004 to 6 per cent in 2005 (CEDAW/C/KOR/6, sect. 11.2). According to the report, the March 2006 amendment to the Equal Employment Act introduced an affirmative action to eliminate invisible barriers; companies that failed to meet a certain level of women employees had to create an action programme to increase employment of women and report it to the Government (CEDAW/C/KOR/6, sect. 11.2). Please indicate what this “certain level” is, and kindly provide information on the impact of this amendment on women’s employment in both the public and private spheres.

Health

21. The fifth periodic report included information on maternal mortality and infant mortality rates for 1990, 1995 and 1996 (CEDAW/C/KOR/5, para. 192). Please provide updated information on the rates of maternal and infant mortality, including urban and rural differences.

22. The report indicates that the frequency of induced abortion among women between the ages of 20 and 24 was far greater than that of other age groups (CEDAW/C/KOR/6, table 12.6). What steps are being taken to ensure that women and men, including adolescents, have access to age-appropriate reproductive health and family planning information and to affordable contraceptive methods?

23. The Committee previously expressed concern about the inadequate information on the numbers of women using health facilities, especially those with HIV/AIDS and sexually transmitted diseases.³ Please provide information on the availability of antiretroviral medication and psychosocial services for women with HIV/AIDS and their children. Kindly indicate whether existing programmes to combat HIV/AIDS integrate a gender perspective and whether specific measures for prevention are in place that target women.

Rural women and migrant women

24. Please provide an assessment of the impact of the first basic plan on improving quality of life in rural areas and promoting rural development (2005-2009) (CEDAW/C/KOR/6, sect. 14.4). Please also provide more information on the implementation of the Special Act on Improving Quality of Life in Rural Areas and Promoting Rural Development (CEDAW/C/KOR/6, sect. 14.4), and its impact on rural women’s life.

25. According to the report, only a few women farmers were able to benefit from the initiatives of the five-year plan for fostering women farmers (CEDAW/C/KOR/6, sect. 14.2). Kindly indicate what efforts have been made to enhance women’s land ownership and to ensure that more women farmers benefit from these initiatives.

26. The Special Rapporteur on violence against women, its causes and consequences noted the abuse of migrant workers in the Republic of Korea (E/CN.4/2003/75/Add.1, para. 1172). The fifth and sixth periodic reports do not provide any information on the situation of migrant women, including their number and country of origin. Please include information and statistics on the profile of

³ Ibid., para. 382 (e).

migrant women and girls, the occupations in which they are concentrated and their nationalities, and indicate what measures are in place to protect them from violence and exploitation.

Marriage and family relations

27. According to the report, the family head succession system, whereby the family head is succeeded by paternal lineage, was abolished by the Constitutional Court's decision on the system's non-conformity with the Constitution. The report indicates that the amendment of the Civil Act would go into effect in January 2008 (CEDAW/C/KOR/6, sect. 16.1). Please provide further information on the content of the amendment, in particular, the issue of the head-of-family system (*hoju*). Please also indicate what awareness-raising initiatives are being taken or contemplated to publicize this amendment and to change stereotyped attitudes and behaviour patterns that are discriminatory to women.

28. According to the report, a male may get married when he reaches 18 years of age, and a female at 16 years of age (CEDAW/C/KOR/5, para. 270). Both the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child previously expressed concern about the differential minimum age of marriage of women and men⁴ (CRC/C/15/Add.197, para. 27). Have any steps been taken by the Government to raise the minimum age of marriage for girls to 18 years in order to bring it in line with article 1 of the Convention on the Rights of the Child, article 16 of the Convention on the Elimination of All Forms of Discrimination against Women and the Committee's general recommendation No. 21 on equality in marriage and family relations?

Optional Protocol

29. Please describe Government measures planned or in place to publicize the Optional Protocol and encourage its use.

⁴ Ibid., para. 382 (b).