



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

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

Republic of Korea

The pre-session working group examined the seventh periodic report of the Republic of Korea (CEDAW/C/KOR/7).

Legal status of the Convention and legislative and institutional framework

1. Please indicate whether the State party has established a clear time frame for the withdrawal of its reservation to article 16.1 (g) of the Convention.
2. Please provide further detail on efforts undertaken towards embodying, in the constitution and other appropriate legislation, the prohibition of discrimination (in line with article 1 of the Convention) covering all areas of the Convention and making it applicable to the private sector.
3. Please indicate whether — after its signature of the instrument — the State party has identified a time frame for proceeding with the ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

National machinery for the advancement of women

4. Please comment on concerns that changes in the competencies of, and financial resources for, the Ministry of Gender Equality have negatively affected women's substantive enjoyment of equal rights. In this regard, please provide information on whether such changes will impact on the efforts of the State party to consistently apply a gender perspective to legislation and programmes.
5. With reference to paragraphs 34 to 37 of the report, please provide information on the low implementation rate of the gender-sensitive budgeting scheme which was recently introduced by the State party and please indicate measures envisaged to

enhance the awareness and commitment by relevant government ministries with regard to the scheme. In this regard, please elaborate on the outcome of the first gender-responsive budgeting report (2009) in terms of the scope of the targeted government budget, the analytical method and the review process for budget reform. Please also provide information on the expected results of the “National Finances Act” which mandates the Government to submit gender-responsive budgets and accounts beginning in the 2010 fiscal year, as referred to in paragraph 14 of the report.

Temporary special measures

6. Please indicate how institutional arrangements concerning the “Committee on Affirmative Action”, which examines the implementation and achievements of affirmative actions plans, will impact on present and future affirmative action programmes, as referred to in paragraphs 92 and 93 of the periodic report. Also, with reference to paragraph 93 of the periodic report, provide information on the effectiveness of the “Affirmative Action for Women’s Employment” initiative and indicate how it applies to non-regular and part-time female workers.

7. Please indicate whether the State party intends to utilize temporary special measures, in line with article 4, paragraph 1, of the Convention and the Committee’s general recommendation No. 25 (2004) on temporary special measures, and introduce the requirement that, with regard to directly elected seats, 50 per cent of candidates for each political party should be women.

Stereotypes and cultural practices

8. Please describe the impact and results of public awareness-raising campaigns to eliminate discriminatory traditional stereotypes and prejudices about the roles and responsibilities of women in society, as referred to in paragraph 26 of the Committee’s previous concluding observations (CEDAW/C/KOR/CO/6).

Violence against women

9. With reference to paragraphs 20 and 51 of the report and paragraph 18 of the Committee’s concluding observations, please provide statistical data, disaggregated by sex, indicating the results/impact of measures taken by the State party in the implementation of the “Act on the prevention of domestic violence and protection of victims” and the “3rd Basic Plan for Women Policies (2008-2012)”.

10. Please indicate the measures taken by the State party to improve the rate of mandatory reporting of domestic violence and provide information on the measures taken to bring perpetrators to trial and conviction, with reference to paragraphs 53 to 56 of the report.

11. With reference to paragraph 135 of the report, please indicate the steps taken to amend the law of the State party with a view to defining the offence of rape more broadly. The State party report seems to indicate that establishing “marital rape” as a crime is subject to legal interpretation. As this would make it harder for marital rape to be recognized, please indicate whether the State party intends to revise existing legislation with a view to criminalizing “marital rape” with reference to paragraphs 17 and 18 of the Committee’s concluding observations. In addition, please indicate measures taken to encourage victims to report cases of rape, especially marital rape, to the police.

12. Please also demonstrate to what extent the increase in reporting of both sexual violence cases and sexual harassment cases can be explained through better awareness of such issues, as opposed to a simple increase of such incidents in society. Please also indicate the type of assistance provided to victims of all forms of violence against women, in accordance with the Committee's general recommendation No. 19 (1992) on violence against women.

Trafficking and exploitation of prostitution of women

13. Please provide data on the number of women victims of trafficking identified during the reporting period. Please also indicate whether the State party intends to introduce a system of data collection with regard to trafficking which categorizes cases by nationality of the victim. Does the State party intend to adopt a formal system which would proactively identify victims of trafficking among vulnerable groups?

14. With reference to the table at page 64 of the report and paragraph 20 of the Committee's concluding observations, please indicate whether the State party intends to review its law on prostitution with a view to preventing women in the sex trade from being criminalized. With reference to paragraph 60 of the report and paragraph 19 of the Committee's concluding observations, please also provide statistical information regarding the impact of the "John School" programme on preventing recidivism.

15. According to some reports, Korean men are the primary customers of child (juvenile) sex tourism in South-East Asia and the Pacific Islands. With reference to paragraph 62 of the report, please describe in detail efforts made by the Korean Government to prevent and punish overseas and cyber prostitution and indicate any specific achievements.

16. With regard to women migrant workers who have entered the country under an E-6 entertainment work scheme, please indicate (in light of paragraph 26 of general recommendation No. 26 (2008) on women migrant workers) how the State party intends to make in situ monitoring of establishments where these women work more rigorous and efficient (with reference to paragraphs 63, 64, 66 and 67 of the report). With regard to foreign women employed in entertainment establishments and who are alleged victims of trafficking, please provide information as to whether foreign women victims of the prostitution industry who have already lost their E-6 visa status risk being deported when filing a complaint at the labour office or police station.

17. Please elaborate on any training activities that have been undertaken with a view to sensitizing law enforcement officers to the rights and situation of women victims of exploitation or prostitution. In this regard, please comment on reported concerns that since the definition of trafficking is linked to prostitution, the authorities have not been able to sufficiently address the situation of E-6 visa workers who do not work as prostitutes but have still been trafficked for sexual exploitation.

18. Please elaborate in greater detail on ways and means of monitoring international marriage brokerage agencies with a view to protecting foreign wives (with reference to paragraphs 11, 57 and 143 of the report). Please also indicate whether there is a screening process in place to identify and register women victims of trafficking through such brokerage agencies.

Participation in political and public life and decision-making

19. With reference to paragraph 73 of the report and paragraph 24 of the Committee's concluding observations, please explain why, regardless of measures taken through the "Political Fund Act" and "Political Parties Act", the overall representation of women in the political sphere remains extremely low, both in government (national or local) and in parliament. Please indicate what measures the State party is considering in order to rectify this situation.

20. With reference to paragraph 44 of the report, please explain why, despite expanding the application of the rule under the amended Equal Employment Act to private enterprises with 500 or more employees, female representation at the executive and managerial level remains very low.

21. Please provide information on what sustained measures the State party is taking to increase the number of women diplomatic officials within the Ministry of Foreign Affairs and Trade.

Nationality

22. Please indicate whether the State party intends to maintain the requirement of the male spouse's support for foreign wives applying for Korean nationality, as this could constitute an inequality in favour of Korean male spouses.

Education

23. Does the State party see a correlation between the better performance of male secondary school students in math and sciences, their choice of academic university programmes, and the higher employment rate of male university graduates? What measures are in place with a view to bridging the gender gap at each of these stages?

24. Please provide information on what measures the State party is envisaging with a view to increasing the proportion of female teachers at high-school level and of female professors at both public and private universities.

Employment

25. Reports indicate that in recent years the number of economically active women has declined and that the number of employed women has also decreased. With reference to paragraph 37 and subsequent paragraphs of the periodic report and paragraphs 27 and 28 of the Committee's concluding observations, please clarify which additional measures the State party is considering to increase the participation of women in economic activities and to address the adverse effect of the economic downturn affecting women more severely. Also please provide statistical information on gender-based wage discrepancy and information on measures envisaged to redress this imbalance.

26. With reference to paragraphs 95 to 97 of the periodic report, please indicate whether the State party is considering legislation with a view to making childcare leave accessible to female non-regular workers and to protecting such workers from employment contract cancellations during pregnancy and maternity leave. Please also clarify the rationale behind the reported significant budget cuts in 2010 for establishing public and national childcare facilities, following a period of budget expenditure in support of the expansion of such facilities and to subsidize parents with childcare costs (with reference to paragraphs 96 to 98 of the report).

Health

27. With reference to paragraphs 105 to 110 of the report and paragraph 30 of the Committee's concluding observations, please provide statistical data indicating the progress achieved in improving women's access to health services and in extending sexual and reproductive education programmes to reduce the incidence of unwanted pregnancies, in particular targeting women between the ages of 20 to 24. With reference to paragraphs 22 and 107 of the report, what are the plans and position of the State party with respect to the Committee's general recommendation No. 24 (1999) on article 12 of the Convention (women and health), which requests revision of legislation outlawing abortion? With reference to paragraph 29 of the Committee's concluding observations, please also provide information on the change in the number of women that depend on working members of their families to access health services since the State party's last periodic report.

Rural women

28. Please provide information on results achieved through implementing the "work assistant programme for women farmers" since it was diffused nationwide. Also with reference to paragraph 132 of the periodic report, please elaborate on the modalities and results of the similar system for farm households afflicted with accidents and disease, which was adopted nationwide in 2007.

Disadvantaged groups of women

29. Please provide information about the intention of the State party to mitigate the requirements for migrant women victims of domestic violence to apply for naturalization. In this regard and in light of the Committee's general recommendation No. 26, please indicate measures taken by the State party with a view to protecting female migrant workers, who have reported incidents of sexual harassment, against dismissal, loss of regular status or any other reprisals.

30. With reference to paragraphs 8, 48, 101 and 124 of the report, please provide information on the employment rate of women with disabilities, including part-time work, and indicate how this rate compares to that of employed men with disabilities and of persons without disabilities.

Marriage and family relations

31. Please provide information on the impact of the 2008 "Support for Multi-Cultural Families Act".

32. Please provide statistical information regarding the ratio of international marriages and their divorce rate in the context of the overall marriage statistics in the country, with reference to paragraphs 137 to 142 of the periodic report.

33. Please indicate measures adopted to strengthen the protection of the rights of foreign female spouses, inter alia by ensuring that their legal resident status in case of separation/divorce does not depend entirely on proof that the end of the relationship is to be attributed to the Korean spouse. In this regard, please provide information on whether migrant women who have a child with Korean men are entitled to residency rights regardless of their marriage status.