



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**
Forty-ninth session
Summary record of the 988th meeting

Held at Headquarters, New York, on Tuesday, 19 July 2011, at 3 p.m.

Chair: Ms. Ameline (Vice-Chair)
later: Ms. Pimentel (Chair)

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In the absence of Ms. Pimentel, Ms. Ameline, Vice-Chair, took the Chair.

The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Seventh periodic report of the Republic of Korea (continued) (CEDAW/C/KOR/7; CEDAW/C/KOR/Q/7 and Add.1)

1. *At the invitation of the Chair, the members of the delegation of the Republic of Korea took places at the Committee table.*

Articles 7 to 9 (continued)

2. **The Chair** invited the delegation to resume its replies to questions raised at the previous meeting.

3. **Ms. Paik** Hee Young (Republic of Korea) said that 3 of the 17 ministers in the cabinet of the Republic of Korea were women. Ten per cent of the Government subsidy allocated to political parties had to be used to promote female candidates. In 2010, the Government had spent 3 billion won to support 150 non-governmental organizations (NGOs), but that amount as well as the number of organizations supported changed every year.

Articles 10 to 14

4. **Ms. Zou** Xiaoqiao said that she would like to know what measures the Government had taken to rectify discrepancies in the choice of college majors between male and female students and to encourage female students to choose non-traditional subjects. She also asked what mechanism was in place to monitor the fulfilment of the mandatory requirement of 10 hours of sex education per year in schools.

5. **Ms. Patten** said that it would be useful for the Committee to know whether the Government was developing and promoting employment services for women who were entering or re-entering the workforce, particularly vulnerable women, such as the elderly and migrants. She asked whether the Government was addressing systemic occupational segregation in the private sector. Given the expanding informal sector, it would be useful to obtain additional information about efforts aimed at protecting women, who constituted up to 63 per cent of the non-regular workforce.

6. She asked whether measures were being taken to narrow the significant income gap between men and women, and whether the Government intended to readjust the minimum wage in order to alleviate the feminization of poverty, given that women accounted for a large segment of the low-income bracket. She wondered whether the Government intended to review its policy of granting “business-friendly” incentives to large corporations on the expectation that they would hire more women, as that policy had not achieved the desired effects.

7. **Mr. Bruun** said that no real progress had been achieved in women’s employment since the presentation of the previous report, owing primarily to the configuration of the labour market, which included a large proportion of women holding non-regular jobs. He asked whether the Government planned to take stronger measures to increase employment opportunities for women, since its affirmative action programmes had not been very effective.

8. Turning to the principle of equal pay for work of equal value, and noting that the State party had been criticized by the International Labour Organization (ILO) for adopting legislation that characterized the work performed by women as “slightly different” from that performed by men, he asked whether the Republic of Korea still stood by that strict definition. The State party could not avoid its obligation to offer maternity leave to non-regular workers by paying subsidies to employers to enable them to continue employing pregnant women. He wondered whether the Government planned to introduce other measures to ensure that non-regular workers’ right to maternity leave was not compromised. He sought assurances that freedom of association through labour unions would be guaranteed, considering the pending court cases of women who had been dismissed from their jobs because they were members of labour unions. He also asked whether the Government planned to introduce criminal sanctions for sexual harassment at the workplace, as well as a quota system to facilitate the employment of women with disabilities, migrant workers, refugees and asylum-seekers.

9. **Ms. Schulz** said that the report (CEDAW/C/KOR/7, para. 97) and the responses to the list of issues and questions (CEDAW/C/KOR/7/Q/Add.1) contradicted each other concerning whether maternity leave was accessible to both regular and non-regular female workers, a question that should be clarified. She

requested an explanation for the dramatic increase in non-regular employment, as she was unsure how that could possibly benefit the country.

10. Lastly, the Government was designing a plan that would facilitate part-time work for women, to enable them to fulfil their family responsibilities. Given that such a plan would only reinforce the patriarchal system, she asked whether the Government would consider measures to create effective equality of opportunity and treatment as between men and women workers with family responsibilities, in accordance with ILO Convention No. 156, which the Republic of Korea had ratified in 1981.

11. *Ms. Pimentel took the Chair.*

12. **Ms. Arocha Domínguez** said that, according to the statistics presented in the annexes to the report, while women enjoyed an average life expectancy that exceeded that of men by six years, their quality of life was inferior. She asked whether special programmes were in place to alleviate illness among women and improve their living conditions, especially of older women. She sought information about the incidence of cervical cancer and breast cancer in the Republic of Korea and their impact on the death rate of women.

13. In its concluding comments on the fifth and sixth periodic reports (CEDAW/C/KOR/CO/6), the Committee had recommended that the donation or harvest of eggs from women for reproductive or research purposes be legally regulated, in order to protect human rights of women involved in the application of biotechnology, and regularly monitored in terms of both quality of care and the observance of legal and ethical standards. It had also called upon the State party to amend without delay the Act on Bioethics and Biosafety to include a requirement of informed, free and written consent in cases of donation or harvest of eggs for reproductive or research purposes. The Committee would like to know whether those recommendations had been implemented.

14. It was unclear why sex education was mandatory but did not appear to be part of the school curriculum. The statistics provided in the report were outdated and somewhat dubious, pointing to a decline in the use of contraceptive methods as well as abortions, even though sex education had been made mandatory. An explanation of that apparent contradiction would be appreciated, along with more details about strategies for the prevention of unwanted pregnancies.

15. **Ms. Murillo de la Vega** said that the problems of sexual violence, child pornography and child abuse were exacerbated by images portrayed in advertisements. She wondered whether the Government envisaged any special programmes to raise awareness of the negative impact of such portrayals. The Republic of Korea attracted a large number of plastic surgery patients, but there were reports that many of the procedures were performed by unauthorized persons in private clinics. She wondered what the Government was doing to regulate those clinics and the advertisements that attracted such patients.

16. Suicide was one of the leading causes of death among women, owing in part to social pressures leading to feelings of failure. She wished to know whether there were courses offered in medical school to help prevent depression and reduce the rate of suicide among women. Lastly, she asked whether there were guidelines in place for marriage brokerage agencies in order to prevent abuse and violence against women who had been brought into the country as “mail-order brides”, and whether single women faced discrimination because of their status as single women.

17. **The Chair**, speaking in her capacity as an expert, said that she would like more information about the Anti-Discrimination against and Remedies for Persons with Disabilities Act and how it benefited women with disabilities, as well as evidence to support the Government’s assertion that it had engaged in public relations and educational campaigns to prevent the spread of HIV infections. She asked for statistical data on Government efforts to improve the health of underprivileged women in order to bridge the health gap between rich and poor women.

18. **Ms. Hayashi** said that the Government of the Republic of Korea should be commended for ratifying the Optional Protocol and for enacting legislation to prevent discrimination against short-term and part-time workers. Nonetheless, she wished to know whether those workers were entitled to pension benefits and whether the benefits were the same for men and women. She also wished to know what proportion of the State budget was allocated to the support of business start-ups, especially among women.

19. **Ms. Patten** requested clarification whether a widowed or divorced migrant woman received benefits only if she was caring for children or other family

members. She wondered what measures the Government had taken to promote equality between male and female farmers, rectify the imbalance in land ownership between men and women, and improve women's access to credit in order to facilitate female entrepreneurship.

20. **Ms. Rasekh** requested additional information about health insurance services and pension and disability payments for older women and any innovative farm machinery that had been put in place to reduce the burden of physical work on women. While commending the Government for adopting a policy of ensuring that women comprised up to 20 per cent of the participants of the Young Farmers Initiative programme, she wondered why that percentage could not be much higher. Lastly, given the information that 0.8 per cent of the total budget for agriculture went to women farmers, she wished to know what proportion went to their male counterparts.

21. **Mr. Lee In-il** (Republic of Korea), referring to the disparity in the choice of college majors between men and women, said that female students were less represented in the "hard" sciences than in other areas, and that female graduates were 5 per cent less successful in gaining employment overall. Those disparities were being addressed by school curriculums that countered gender stereotyping. The mandated 10 hours of sex education were being fulfilled universally, but the quality was not always guaranteed. Textbooks and teacher-training manuals were being revised to eliminate the negative portrayal of women, and female success stories, such as that of the country's first astronaut — who happened to be a woman — were being publicized in order to encourage other women to entertain similar aspirations.

22. **Ms. Cho Kyung Sun** (Republic of Korea) said that non-regular work became part of her country's labour landscape when companies started seeking flexible working arrangements in order to cope with uncertainties in the business environment. Nonetheless, the business community had voluntarily set up a group to raise awareness and ensure that regular and non-regular workers were treated equally.

23. With regard to employment insurance, any business with one or more employees was required to provide coverage to all its workers. All public agencies and institutions were required to share information in order to ensure that all companies met that

requirement. The Government would also step up efforts to encourage businesses to subscribe to the employment insurance scheme by, among other things, reducing the cost.

24. The allegation that women were discriminated against because they were members of labour unions was entirely false. The Government-appointed committee reviewing the minimum wage had voted to increase it by 6 per cent in 2012 compared with 2011, in order to reflect the increase in inflation. In addition, businesses with 50 employees or more were required to hire a specific quota of persons with disabilities and were offered incentives if they exceeded that quota.

25. **Mr. Shin Yong-Beom** (Republic of Korea) said that the measures taken to boost female employment had been effective, because the proportion of female workers in the labour force had risen from 30.7 per cent in 2001 to 34.7 per cent in 2006. The Government had also held discussions with women's groups, labour unions and community leaders to raise awareness of gender equality. The wage gap between men and women was not due solely to gender considerations, but to other factors such as the employee's history, seniority and position.

26. In order to prevent disruptions to women's careers owing to pregnancy and childbirth, women were legally entitled to childcare leave, whether they were regular employees or not. To enhance maternity protection, the Government had adopted a subsidy system for continued employment of non-regular workers after pregnancy or childbirth. In addition, to ensure that women could resume their positions upon returning from leave, the Government would include that leave period in calculating the worker's length of service with her employer. Lastly, under the Equal Employment Act, any employee who filed a complaint of sexual harassment at the workplace was protected against dismissal and the accused was liable to up to three years' imprisonment.

27. **Ms. Paik Hee Young** (Republic of Korea) said that the difficulty of reconciling work and family responsibilities applied to both men and women and could be ascribed to the country's exceedingly long working hours. The Government was well aware of the importance of family life and therefore intended to establish a framework that would ensure that both male and female workers were involved in child-rearing.

28. Lastly, the Government would step up its efforts to enhance the quality of life of women in general, and elderly women in particular, and any data on abortion and the incidence of the different types of cancer on women's death rate would be submitted to the Committee if they became available.

29. **Mr. No Okgeun** (Republic of Korea) said that the Act on Biosafety and Bioethics provided that women could donate eggs on a volunteer basis in order to treat illnesses, and only three times in their lifetime. The Act had been amended in 2008 to require the donor to undergo a health exam and provide written consent. The Centre for Disease Control under the Ministry of Health monitored compliance with the Act.

30. **Ms. Cho Jin Woo** (Republic of Korea) said that the Government's health insurance and pension programmes aimed to provide universal coverage, regardless of an individual's particular situation. Such benefits were allocated by household; any person without a separate income, including spouses, was recognized as a dependant. With their increasing participation in the workforce, about half of women were eligible for coverage under their own name, although actual coverage was lower. Women in the agricultural sector were covered regardless of whether or not they were farmers.

31. All hospitals and physicians performing plastic surgery were subject to the regulations of the Ministry of Health and Social Welfare, which included a requirement to inform patients about the potential side effects of any surgical procedure. The Government had not issued any guidelines as to when plastic surgery should or should not be performed.

32. Any actions in response to the high rates of suicide and depression among women would be handled by the Ministry of Health, rather than by the Ministry of Gender Equality and Family; information on any relevant programmes would be submitted to the Committee in writing.

33. The increasing number of young women in the workforce and the consequent challenge of balancing work with raising children had led to the decrease in the number of married women. There did not appear to be discrimination against single women.

34. Funds to support agricultural populations were distributed to family farms rather than to individuals. Although women represented a larger proportion of

that population, the heads of families were usually men, and were therefore the titular recipients of such funds. The large number of elderly women in rural areas was part of the larger issue of the aging agricultural population, with younger generations preferring urban life. Owing to their longer life expectancy, many elderly women were left alone as heads of households in rural areas, and the Government had undertaken various measures to assist them in response.

35. **Ms. Paik Hee Young** (Republic of Korea) said that the requested data on HIV would be provided in writing. The higher HIV morbidity rates among low-income groups was a matter of concern. A Government survey on health had found that women and low-income groups had consistently lower health outcomes. Policy development in the future would fully consider such distinctions.

36. In view of the large numbers of women farmers, the Government was undertaking research projects to adapt farm equipment to better fit women's needs.

37. Households headed by women, including unemployed women, were provided with benefits, including childcare allowances and benefits to support access to education.

38. **Ms. Cho Jin Woo** (Republic of Korea) said that legislation existed banning discrimination against persons with disabilities, which was enforced by the Ministry of Health, although there was not a specific system in place to protect women with disabilities. The Centre for Women with Disabilities, managed by the Ministry of Gender Equality, offered employment assistance, life skills training, counselling and other specialized services.

39. **Ms. Paik Hee Young** (Republic of Korea) said that women would make up more than 20 per cent of the recipients of funds to promote farming among youth. The quota was a measure aimed at involving women as a priority.

40. Any Korean could register under the national pension scheme, without prejudice to sex. However, differences did exist in terms of the amounts of payments given to men and women, given that individuals who had earned an income received an additional sum.

41. **Ms. Kang Sun Hye** (Republic of Korea) said that a divorced woman could receive social benefits

regardless of whether she had had children or was supporting her ex-husband's family. If she was not employed, she would receive benefits through the social insurance network.

42. **Ms. Halperin-Kaddari** questioned whether the country's marital property regime was in line with article 16 of the Convention, as it appeared that, upon dissolution of a marriage, the law did not ensure that both parties were left in an equal position, particularly in cases when the woman had not worked outside of the home, with marital property generally being distributed to the person registered as the owner. That was a matter of concern, as a survey conducted by alternative sources had revealed that in 75 per cent of marriages, joint property was registered only under the husband's name. She requested official data on distribution of marital property to compare to that figure. More information on the legal actions available to protect women's right to marital property would also be appreciated, as the existing measures appeared to be insufficient. She wished to know whether in divorce cases, the default division of property was equal and whether the definition of property included intangible assets such as pension rights and future earning potential. Details on post-divorce spousal support available to women would also be appreciated. It remained unclear whether or not divorce was granted on a fault-based system. If so, were the criteria for establishing fault different for men than for women?

43. The delegation had stated that a foreign woman could gain residence if she had had a child with a Korean citizen. However, it was unclear whether a foreign woman stood to lose custody of her children if a marriage ended while her legal status was unresolved.

44. **Ms. Hayashi** wished to know whether migrant women could retain residency rights after divorcing a Korean spouse if a divorce was granted on a no-fault basis. She also wished to know how long a married migrant woman had to wait before acquiring Korean citizenship, in addition residency rights, and the number of such women who had been granted that status. She wondered whether foreign women had access to legal aid in their native languages.

45. **Ms. Hwang Eun Young** (Republic of Korea) said that, while no explicit provision for an equal division of marital property was provided in divorce law, the spouse that was not registered as an owner could file

for equal division of properties accumulated during the marriage, and his or her contribution to the acquisition of assets could also be taken into account during a suit. In addition, jurisprudence had been building in support of a default equal division of marital property. From a strictly legal perspective, the at-fault rule existed, but in cases when it was difficult to assign fault, the divorce was granted without a ruling on who was responsible. In cases when one party was clearly at fault, he or she was held responsible.

46. In immigrant marriages, foreign women could easily obtain residency status if they had had children with or had been married to a Korean spouse for a given period of time. Complications could arise if the marriage had lasted only a short period of time. However, if the divorce was filed owing to domestic violence, the term of residency was extended to ensure an appropriate resolution.

47. **Ms. Cho Jin Woo** (Republic of Korea) said that many immigrants attempted to gain Korean citizenship through marriage. If a woman wished to divorce and return to her home country before obtaining citizenship, she could request legal assistance and obtain a lawyer. If the divorce was mutually agreed without designating a party at fault, proceedings were simple and the woman would be free to leave the country.

48. **Ms. Hwang Eun Young** (Republic of Korea) said that, although the law did not stipulate how property should be divided proportionally, a basic assumption of divorce proceedings was that both parties had equal rights to property accumulated during the marriage, including future earning potential. With regard to intangible assets, such as pensions, the person legally designated as the recipient of such assets had prior rights. However, the general trend in the courts was to acknowledge the contributions of spouses who had stayed at home to the earning power of the working spouse.

49. **Ms. Halperin-Kaddari** wished to know how the designation of fault or "responsibility" for a divorce affected division of property, child custody and other outcomes of the proceedings. It remained unclear whether a foreign woman stood to lose custody of her children if her residency status was unresolved. She also wished to know whether a foreign woman could take her child if she decided to leave the country

following a divorce and what criteria guided such decisions.

50. **Ms. Arocha Domínguez**, noting that the Government authorized abortion in cases when a woman “or her spouse suffers from any eugenic or genetic mental handicap or physical disease as prescribed by the Presidential Decree” (CEDAW/C/KOR/Q/7/Add.1), wondered what criteria determined which women with disabilities could access abortions. Women with disabilities needed to be able to make informed decisions about their health, including with regard to their sexuality.

51. **Ms. Schulz** said that the sorts of labour laws in effect in the reporting State, which relied on the good will of the private sector for compliance, had been shown to be inefficient in other countries. She wondered whether the Government intended to introduce civil mechanisms, such as mandatory compensation for women workers who had faced discrimination, in addition to criminal penalties, in order to improve implementation.

52. Details on the types of tax incentives being considered in order to increase employment of women with disabilities would be welcome.

53. It was unfortunate that the data on the impact of the Government’s affirmative action plans had not been disaggregated by regular and non-regular workers, and she hoped that such distinctions would be accounted for in future reporting.

54. **Mr. Bruun** said that, given the obvious division of women into non-regular work and men into regular work, the reporting State should clarify whether the policy aiming to change the status of non-regular workers to regular workers was in effect. Alternative sources had informed the Committee that the Government planned to extend deadline to effect the conversion from two years to four years. Furthermore, the Government’s policy in support of part-time employment was cause for concern, as part-time work was generally temporary in nature and could actually lead to an increase in non-regular work.

55. **Ms. Hwang Eun Young** (Republic of Korea) said that in cases when both parties agreed to a divorce, the procedure was simple. In cases when a single party filed for divorce, the court determined which spouse was responsible for the dissolution of the marriage.

Being found at fault could place a party at a disadvantage in terms of division of property.

56. Custody of a child born to a foreign spouse was determined by the parents, with the court deciding custody matters in cases of disagreements. Korean courts did not automatically give priority to either mothers or fathers when determining custody, including in cases involving migrant parents. Statistics on which parties had obtained custody would be provided to the Committee. Migrant spouses were not at a legal disadvantage.

57. **Mr. No Okgeun** (Republic of Korea) said that a woman with certain genetic, mental or physical conditions could request an abortion at a hospital by explaining her situation. Physicians were required to substantiate the claims and provide the service if the appropriate criteria were met.

58. **Ms. Cho Kyung Sun** (Republic of Korea) said that incentives and subsidies were offered to employers that had exceeded a 2.7 per cent rate of employment of persons with disabilities. Greater incentives were offered for hiring persons with severe disabilities.

59. Anyone who had worked under a non-regular contract for a period of two years was required to be hired as a regular worker. The Government had been conducting on-site inspections to increase compliance with that policy.

60. **Mr. Shin Yong-Beom** (Republic of Korea) confirmed that statistics on affirmative action would be disaggregated into type of employment in the future. Employers were subject to the possibility of civil procedures in addition to criminal prosecution in cases of discrimination against women.

61. **Ms. Cho Jin Woo** (Republic of Korea) said that the Centre for Women with Disabilities placed a special emphasis on sexuality education, which was one of services the Ministry of Health did not have capacity to provide. There were also counselling centres for survivors of sexual violence that specialized in services for women with disabilities.

62. **Ms. Paik Hee Young** (Republic of Korea) said that the Government was fully aware that access to adequate employment conditions was critical to women’s autonomy, and the situation of non-regular workers was a matter of particular concern. The Government’s employment policy was focused on fostering fair compensation for all types of work. The

working hours were long and the employment options slim for both sexes. The increasing number of women in a demanding workplace had left both mothers and fathers struggling to balance work and family life. The Government was attempting to accommodate the needs of families by making working hours and the workplace itself more flexible.

63. **The Chair**, concluding the Committee's consideration of the State party's report, commended the presence of two parliamentarians and expressed hope that the judicial branch would also be represented at the next constructive dialogue. She encouraged the State party to address the Committee's recommendations, which would be issued soon.

64. **Ms. Paik Hee Young** (Republic of Korea) affirmed the Government's dedication to tackling discrimination through legal and institutional measures, taking into account the Committee's recommendations. That included addressing new forms of discrimination, such as exploitation of migrant women. In order to adequately implement policy, Government goals and initiatives needed to be re-evaluated. In addition, cooperation with civil society and the private sector must be improved in order to benefit women.

The meeting rose at 5.00 p.m.