

# SOUTH KOREA

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## Introduction

### *The Ratification and Reservation of CEDAW*

The Republic of Korea became the 90th country to ratify the *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW) on December 27th, 1984. At that time, the traditional patriarchal ideology had been prevailing in our society. For example, the *Family Law* acknowledged discrimination between man and woman, husband and wife, and the first son and the others. Due to the male-dominant and authoritative family system, women had to move their family register to the husband's family right after the marriage, and due to the paternal lineage system, women without sons had to suffer from emotional and material disadvantages in their families.

Also women had occupied only the low-waged, simple, and auxiliary jobs, and their average wage was merely 45.2 per cent (1985) compared to that of men's. Due to the absence of facilities for maternity protection and child care, women-laborers had to take full responsibilities for pregnancy, childbirth, and child care. As a result, stereotyped ideas of gender roles became dominant; while men earn money women must stay at home, and women can work only when single.

Nevertheless, the Korean women went on struggling against the gender discrimination during the 1980's. In 1985, a lawsuit against a semi-government company which had retired women much earlier than men was first brought in, and in the following year the leading women's movement groups raised official objection to the bylaws of various companies forcing women to retire upon marriage.

Through this process, women's demands for maternity protection, job security, and child care facilities became pressing issues, and the women's movement for gender equality could be strengthened.

In this social atmosphere, the Korean government ratified CEDAW with reservations of the Article 9 and Items c, d, e, g under the Article 16 Clause 1, which were almost repealed with the amendment of the *Family Law* on March 15th, 1991 (Article 9 and Item 16-1-g were still reserved). The reservation of the Article 9 was repealed with the 1997 Nationality Law amendment, which recognized the maternal lineage as well as the paternal lineage. So the Item "g" under the Article 16 Clause 1 is the only reservation now. The government has already promised the freedom of choosing family names in the near future, but has not presented any definite plans.

Currently, women's non-governmental organizations including The Korea Women's Associations United (KWAWU) are making plans for activities in 1999 in order to abolish the family headship system which is against the Article 16(g) of the CEDAW, the only reservation by the Korean government. We plan to campaign to get the

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recommendation by the CEDAW committee to lift all reservations by the year 2000 accepted by the Korean government.

### Efforts of the Korean Government Toward Implementing the CEDAW

#### (1) Reforms of women-related laws and policies

The amendments of various gender discriminating articles of the women-related laws have been carried out by the Government. In 1990, the *Family Law* was amended under the spirit of the gender equality, e.g., the Family Register Law and tax laws were revised and the Domestic Litigation Act was newly legislated.

The last amendment of the *Family Law* changed the family headship system from inheritance to succession, and eliminated gender discrimination of inheritance. In the case of divorce, property sharing rights were newly made to ensure the women's economic rights, and the divorced women were newly given the right to exercise parental authority. However, the demands of the women's Non-Governmental Organizations

(NGO's) that the ban on the same-clan marriages and the family headship system should be abolished were not carried through. Also, the follow-up measures taken by the Government to compliment the amendment of the family register law, tax laws, and the procedure of the family affairs suit were not so satisfactory; the rise of the tax reduction rate for spouses was the only observable action. The recognition of the fundamental gender equality and the values of domestic labor were not established. The ban on the same-clan marriages was abolished in June of 1997, but the family headship system is still in power.

Also, the *Equal Employment Act* in 1987, the *Child Care*

*Act* in 1991, *Act on the Punishment of Sexual Assault Crimes and for the Protection of the Victims* in 1993, *Act on the Prevention of Domestic Violence and for the Protection of the Victims* in 1997, and the *Act against Gender Discrimination and for the Victim Assistance* in 1999 were legislated by the Government.

The *Equal Employment Act* which was enacted on October 30th, 1987, was the first action taken by the Government after the ratification of the CEDAW. But this law was insufficient to realize substantial gender equality in employment, since the 'equal pay for equal work' article was reserved in spite of the low women's wage compared to men's at that time (about 48 per cent of men's wages). The articles related to sexual harassment or indirect discrimination were also reserved. Given the weak and limited government agencies and the insufficient penal regulations, its actual effectiveness could not be anticipated. The legislation of the *Equal Employment Act* to implement the CEDAW was significant but with only a few outcomes, and was insufficient to bring the substantial equality in employment. The inclusion of the articles on sexual harassment and indirect discrimination in the Act was possible on January 6th, 1999, after more than a decade's struggle of the Women's NGO's in Korea.

It has been a slow and laborious process to get the *Act on the Punishment of Sexual Assault Crimes and for the Protection of the Victims* and the *Act for the Prevention of Domestic Violence and the Protection of the Victim* to be legislated, mainly due to the patriarchal views emphasizing the faults of the victims rather than that of the perpetrators, and also to the lack of the government's will to change these views. The Women's NGO's had to draft the bills and lobby the members of the parliament on the importance of their legislation. Thus, we can say that the enactment of the laws would have been impossible, if we had just depended on the initiative of the policy-makers without large-scale campaigns and struggles of the women's NGO's. Furthermore, due to the government's insufficient efforts to publicize the Acts after the legislation, neither victims nor per-

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petrators, nor the executive bodies have been able to properly tackle their own situations.

## (2) The Responsible Agencies on Women-related Policies

After the ratification, the Korean government promised to lay emphasis on constructing a foundation so that the women's equal opportunity to participate and display one's ability in all areas of society is solidly supported. Accordingly, in 1988, the Ministry of Political Affairs II (MOPA II) was established for the purpose of promoting women's status and realizing gender equality. It was in charge of planning and coordinating policies on women. So all the women-related laws and drafts of policies of each department were to pass through the MOPA II.

But the responsibilities of the newly established MOPA II were not limited to planning and coordinating policies on women; the matters related to children, youths, the old, and the culture and art areas were also under the jurisdiction of MOPA II. To make it worse, the MOPA II did not have the proper authority for formulating long-term policies for women. Compared to other departments which was staffed by at least 150 people, to MOPA II only 42 personnel and 0.007 per cent (1992) of the total budget were assigned, so it was almost impossible to carry out the tasks of planning and coordinating women-related policies. As a result, with no power to draft bills or to take necessary administrative measures, the function of MOPA II was limited to developing the counter-measures and major policies for tackling the women's issues raised through the public talks and mass media, and to coordinating the conflicting policies between related Ministries.

Upon the establishment of the new government through the election on December 18th, 1997, the women's circles in Korea demanded that the Ministry of Women's Affairs should be newly organized, but in vain. Instead, the Presidential Commission on Women's Affairs (PCWA) was set-up.<sup>1</sup>

## (3) Public Relations Activities on the Convention

In 1990, the Government published a

handbook containing the original English text, its Korean translation, and the reports on the Convention, and in 1996 it published and distributed a pamphlet explaining the Convention and the Committee. But the coverage was limited only to a small number of women, and active efforts were not made to inform the CEDAW to the general public.

On the other hand, NGOs didn't receive sufficient information from the government, and thus had no opportunity to inform the public of the Convention. The main cause of this was the fundamental impossibility of any kind of cooperation between the Government and the NGOs which had monitored and criticized government policies under the militaristic and authoritative regimes. But with the advancement of democracy and the increasing demands of the people for the more open information flow, cooperation between the Government and the NGOs is gradually improving.

Another reason for its low publicity was that our society has long been relatively closed and the freedom of the press has not been secured. So the public concerns for the international conventions was not possible until the latter half of the 1990's. For example, for this report, we examined the courses of how people were informed of the Convention. The final results show that before the ratification of the the CEDAW, only the few who participated in UN or international conventions were informed about the CEDAW. And after the ratification only a small number of woman activists came to know about the CEDAW through newspapers and government booklets.

The women activists in Korea could realize the importance of the CEDAW and recognize the need for its propagation when two activists from KWAW attended a monitor training program co-hosted by UNIFEM and IWRAW. With this as

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momentum, KWAU started to advocate the importance of the CEDAW and of making a shadow report among the NGO's. Returning home, the two participants organized an educational training program about the CEDAW for the 28 member organizations of KWAU, and topics and contents for the Shadow Report were discussed and selected. In July, 1998, at the 19th session of the CEDAW, Korean shadow report was submitted with the 4th official report of our Government.

The growing concerns of the NGO's for the CEDAW made the Government convene a meeting inviting NGO representatives to deliberate on the submitted report on July 24th, 1998 for the first time since the ratification. Through this meeting, many women's NGO's were able to know the contents of the government report and understand the importance of making a Shadow Report.

Until now, the Government did not put active efforts into publicizing and offering the full information needed for the NGO's to monitor the implementation of the CEDAW. But through the help of international organizations like UNIFEM and IWRAW Asia-Pacific, edu-

cational training on the CEDAW was carried out, and as women activists started to actively spread the information, the Government had no choice but to inform the NGO's of the Government's implementation of the CEDAW. But the Korean government has still not publicized the CEDAW Committee's concluding comments, nor has it announced any planned action in response to it.

#### (4) The CEDAW report and participation of NGOs

After the ratification, the Korean government submitted the initial report in 1986, the second one in 1989, the third one in 1994, and the 4th one in 1998. Dr. Kim Young-chung, the CEDAW committee member (was head of the Korea Women's Development In-

stitute at that time) who presented the first report in 1986 could receive the report on the day of her presentation. In an interview, Dr. Kim said that she didn't even know who had written the report and was not able to properly answer the questions raised by the other committee members. As shown in this instance, the Korean government made the anonymous report as if it had nothing to do with 'other' NGO's.

The second report, which was submitted in 1989, was not much different from the first. In 1994, an experts' meeting was held in preparation for the third report for the first time. It was in the process of preparation for the 4th report which was submitted in July 1998 that the government included seven representatives from women's NGO's in their review meeting. But Ms. Shin Heisoo, Chairperson of the International Relations Committee, KWAU who participated in that process, said that the review meeting was held only once as a formal act, just before the preparation of the report. In addition, her request that the report should include concrete informations about how the laws are applied in reality was not reflected in the actual report. For example, the government did not include the statistics related to the implementation of the Equal Employment Act. So we do not know how many cases of violations were detected and what were the government's actions to rectify the cases, etc.

Meanwhile, KWAU prepared a Shadow Report for the review meeting of the 4th Korean government's report which was to be held in parallel with the 19th session of the CEDAW, and pointed out that the report did not address the negative effects of the International Monetary Fund (IMF) policies on women's status. The Government's response to the shadow report was rather positive. In her keynote speech of the main session, Dr. Yoon Hoo-jung, Chairperson of the Presidential Commission on Women's Affairs reported the "Impact of the IMF Agreement on Korean Women". This was the first event in the history of modern Korea to change the way of interactions between the Government and NGO's. KWAU was already aware of the importance of the CEDAW and making a Shadow Re-

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port, ever since Ms. Shin Heisoo (President of Korea Women's Hot Line) had attended the CEDAW training program hosted by IWRAW Asia-Pacific in 1993. But we had to wait five years until the next submission period to share our concern for the CEDAW since the women's NGO's need for the cooperation on this issue was not strong enough to jointly make a shadow report at that time.

After five years, in 1998, Korean women's groups were able to organize NGO movements to secure the implementation of the CEDAW in Korea. Ms. Cho Young-sook, policy-director and Ms. Yoon Jung-sook, member of the international relations committee from KWAU participated in the training program 'Invitation to participate in "From Global to Local: A Convention Monitoring and Implementation Project" (hosted by IWRAW in New York 15-26 January 1998) and learned the methods of getting informations and writing reports needed for making the Shadow Report. Returning home, KWAU carried out an educational training program on the CEDAW for about 30 women's organizations, and informed the content of the *Convention* and its significance through our newsletters. As a result, the women's NGOs' awareness of the CEDAW grew, and a taskforce to make the shadow report was formed. This was how the first Shadow Report came about.

#### (5) The Cases of the Domestic Reforms Based on the CEDAW

In the 1990's, many members of various NGO's in Korea have attended in UN conferences and other international conventions due to the Government's open door policy, and during the course Korean people have recognized the importance of the CEDAW. As a result, the movements calling for reform of the gender discriminating system have been expanded.

In 1994, based on the CEDAW, 'Women's Solidarity for a Quota System' was formed by the eighty women's NGO's. They urged the adoption of a quota system in the public sector, which could be applied to employment, promotion, and job training in the parliament and the government, and still have actively taken for the affirmative actions.

In 1997, the patriarchy system that had been persisted since the establishment of the modern constitution in 1948 was revised to both mother's and father's lineage system through the amendment of the nationality law. This revision makes it possible for women to get the same rights in acquisition of Korean nationality as men do. As a result, a foreign husband of a Korean woman and a child born between them can obtain the Korean Nationality.

This was brought about by the urge of the women's movement leaders to government and the government's acceptance that the current naturalization law violated the CEDAW and several other international conventions based on the ideal of gender equality as well. Due to the increase of intermarriages, women called for the improvement of the status of women and security of the naturalization of a child born of intermarriage.

In 1998, based on the CEDAW, a quota system for women was called for the clear statement in the regulations of the political party. In September 1998, the representative of KWAU, Chi Eun-hee, participated in a forum to draft bills for the "political reform" provided by the ruling party. She urged the government ought to adopt a quota system for women immediately, which is international obligation in accordance with the government's ratification of the CEDAW. As a result, the ruling party decided to instigate a quota system for women in their regulations to enliven the spirit of quota system.

Currently in 1999, the Korean government intends to establish a national institute for the protection of human rights. On planning the Committee for the protection of human rights, it was ensured that 30 per cent of attendance would be women and human rights for women would be considered seriously based on the CEDAW.

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### 3. Evaluation of the Government's Implementation of CEDAW<sup>2</sup>

Since the ratification of the CEDAW the Korean government<sup>3</sup> has had been obliged to take active measures to establish the legal and the actual gender equality in every corner of society, such as economics, culture, and especially the political arena. Therefore it was inevitable for the government to legislate for gender equality and against sexual discrimination and to implement its own policies. Since the announcement of the ratification in 1985, there have been 4 shifts of the government.

From 1985 till 1992, Korea was under a military regime. In 1992, a civilian government was established, but there were still various authoritarian elements within. In 1998, Mr. Kim Dae-jung, leader from the opposition party who had taken part in the long struggles for democracy became a President. The policies for women were not considered seriously at the level of Government until the uprising of the movement for democratization and women's movement for gender equality in 1987. However, the reforms under the militaristic and authoritarian government were mostly done for maintaining the political status quo and by the pressure from the women's movement.

As a result, the *Equal Employment Act*, the *Special Act for the Punishment of Sexual Violence and Protection of the Victim*, the *Prevention of Domestic Violence and Protection of the Victim Act*, etc. which were legislated during the regime, did not sufficiently reflect the demands of women's NGO's. Furthermore, with the lack of publicity, educational efforts and articles for the punishment in case of violations against the Acts, there have been continuous request for the amendment of the laws. Still it is very hard to avoid the

criticism that government tried to soothe the ruffled feathers of the women's groups and get international applause with the legislation of the *Acts* rather than to make it substantial in content for the establishment of gender equality and to assure their will against sexual discrimination.

Such conventional behaviors of Government are much improved now, but not changed completely. In January 1999, the *Anti-Gender Discrimination and Victim Assistance Act* was passed. The women's NGO's which called for its legislation have emphasized the need of strengthening the power of the Presidential Commission on Women Affairs. They claimed the quasi-judiciary power including correction order ought to be given to the Presidential Commission on Women Affairs. However, the Government only allowed the correction order for the Presidential Commission on Women Affairs. The Government failed to prove their strong will against sexual discrimination, and thus caused discontent among the women's circle.

As mentioned above, the reforms related to women's issues have mostly been carried out superficially. It is well proven that the Gender Empowerment Measure of Korean women ranked at the 83rd place according to the 1998 UNDP Human Development Report, even though there have been reforms and improvements in policies as well as systems by the government since the ratification of the CEDAW.

On the occasion of the 10th anniversary of the ratification in 1994, the Government hosted a symposium about the CEDAW and the National Policy on Women. It was the first official evaluation done by the government. Kim Young-chung (the vice president of Korean Red Cross) who was a key note speaker said that "The Korean Society has enacted many reforms related to women such as legislation of the *Equal Employment Act* and the *Special Act for the Punishment of Sexual Violence and Protection of the Victim*, but still have many problems in establishing actual gender equality. Especially, the traditional values deeply rooted in our society which justifies sexual discrimination against women, the gap between regulations and its practice,

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and low participation of women in politics as well as in official positions in society are the key problems.”

In the legislative area, it is said that legal equality has been established in the provisions of laws, however, the realization of its spirit is different matter. It is also pointed out that this was due to the exclusion of women from the policy-making process. To tackle this issue, tentative special measures are required not to mention the active political participation of women.

The judiciary has also shown many improvements during the last 10 years. The cases which belonged to the sexual discrimination against women such as women’s early retirement and women’s immediate retirement upon marriage have gone through considerable changes, but it was pointed out that the majority of the laws are not being applied in reality. It was pointed that detailed provisions for the *Special Act for the Punishment of Sexual Violence and Protection of the Victim*, and for the property division right should be legislated, and active administrative measures should be taken for the *Equal Employment Act* to bring substantial changes in reality.

In the area of administration, with the establishment of an institute for gender equality (the Presidential Commission on Women’s Affairs), various policies have been made rather actively. But the weak point is that the institute does not have enough authority to carry out the policies, and therefore, there are limits in making them be applied in the actual decision-making process. Therefore, it was noted that the authority to pursue the established policies should be given to PCWA.

As explained above, though the Government’s continuous efforts to improve our legislative systems and institutions has to be highly evaluated, it was noted that those were not sufficient enough to actualize the goal of gender equality because of the absence of actual measures.

#### The Tasks for the Implementation of the CEDAW

(1) As noted in the CEDAW Committee’s concluding comments, the Korean Govern-

ment has already made many efforts for institutional and legislative reforms to eliminate discrimination against women. However, there is a great gap between the laws and the realities, which is being widened even more because of the current economic crisis. Meanwhile, the government is continuing to reserve Article 16 Clause 1(g), which could be interpreted as the lack of the Government’s will to eliminate traditional patriarchal ideology and institutions. Concrete measures to eliminate patriarchal values and stereotyped gender-role ideology through which the discriminative gender system is reproduced, must be taken by the government.

(2) As the world financial crisis has deepened and the whole societies are under the turmoil of restructuring, a new shape of patriarchal ideology and stereotyped gender-role ideology are re-emerging as a new discourse in Korea. In this process, issues of poverty right of women population are emerging. Though the Government have provided guidelines against gender discrimination in the process of re-structuring, because the responsible agencies do not have enough power and resources to supervise, they have been unable to prevent women workers from the unfair layoffs. As for this, Government did not prepare for efficient ways to take sanctions against the default of Labor laws. Consequently, the CEDAW must have a compulsory means to make the implementation of it inevitable. In other words, the government should take readily measures against various types of discrimination in any circumstances, and sanctions against the violation of the laws.

(3) According to the current government system, the implementation of the CEDAW is primarily the responsibility of the Presidential Commission on Women’s Affairs and the wom-

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en's policy sections of the six Ministries as well. It is encouraging to see that PCWA has been equipped with enough power, the financial resources and personnel compared to the Ministry of Political Affairs II. With the passing of the *Anti-Gender Discrimination and Victim Assistance Act* on January 6th, 1999, it became possible for the victims of gender discrimination and sexual harassment to move PCWA that the case be rectified and PCWA was given the authority to investigate the situation. As a result, PCWA has the authority to investigate the companies and facilities filed and to recommend the rectification of the situation.

Since the request of the women's NGO's that PCWA should be given the authority to order the rectification was not carried through, and thus without the quasi-judiciary power which can enforce the elimination of gender discriminative practices, they would face the limits to implementation of the CEDAW. Consequently, in order to eliminate discrimination against women in Korean society in which patriarchal ideology prevails, the authority to order rectification ought to be given to PCWA, if not, Ministry of Women's Affairs which takes the responsibility for policy-making for women needs to be newly established within the government.

(4) It was noted that the insufficient publicity was another reason for inefficient implementation of the CEDAW. This led the public to pay little attention to the demands of the women's organizations to eliminate gender discriminative practices in our society. At the same time, it makes difficult for women's organization to give birth to monitoring professionals. As the government did not encourage the participation of women's organization in carrying out the CEDAW, human resources for publicity and education were not developed. In order for NGOs to be able to perform various training programs of the CEDAW, a new understanding is urgently required on the part of the government of its role to provide concerned ngo's informations and financial support. We need to build a network among NGO's which is consisted of trained professionals to observe the implementation of the CEDAW. Financial support for

this is also required.

(5) It is necessary to develop methods and techniques to make the CEDAW to have the same force as the domestic laws. In addition to this, the support for the training programs are needed in order to bring up legal professionals well versed in the CEDAW so that they could give legal interpretations and render a decision in conjunction with the domestic laws.

(6) As explained above, the Korean Government's progress in women-related policy building was not the result of the government's own initiative either to comply with the CEDAW or to pursue policies to achieve the goal of gender equality, but that of the NGO's continuous demand and powerful lobbying. So far, women's NGO's have been the primary users of the CEDAW. We demanded amendment of the *Family Law* based on the CEDAW. Furthermore, for the legislation of the *Special Act for the Punishment of Sexual Violence and Protection of the Victims and the Prevention of Domestic Violence and Protection of the Victim Act*, KWAU drafted the bills. Consequently, as the power that made it possible to legislate new laws and to amend women-related laws came from the women's movement organizations and from the women activists, we think that there must be active government support for our activities.

### Conclusion

As we have examined above, the ratification of the CEDAW itself did not directly bring necessary reforms for the elimination of gender discrimination. The women's movement was the one that contributed most to achieving the goals of gender equality and heightening the status of women in Korea. The CEDAW was a vehicle used to achieve our goals of women's liberation.

Now the key issue is the widening gap between the laws and actual women development. To overcome this gap, the Government must open their mind and be willing to cooperate with women's movement groups. To accomplish the goal of gender equality, the government must have a strong will to implement the CEDAW, and respect the monitoring



role of NGO's to oversee their activities. Also, they must acknowledge that the NGO's, especially the women's movement groups, has been the driving force for the improvement of the women's status in Korean society, and must expand the government support for the movement at full scale.

Lastly, the activities of UNIFEM and IRAW Asia-Pacific has been a big support to each country implementing the CEDAW, and I think much more activities are needed in the future.

### Summary

The Republic of Korea became the 90th country to ratify the CEDAW on December 27th, 1984. At that time, the traditional patriarchal ideology had been prevailing in our society. Women had occupied only the low-waged, simple, and auxiliary jobs. In 1985, women's average wage was merely 45.2 per cent compared to that of men's. Due to the absence of facilities for maternity protection and child care, women-laborers had to take full responsibilities for pregnancy, childbirth, and child care. As a result, stereotyped ideas of gender roles became dominant; while men earn money women must stay at home, and women could work only when single.

In this social atmosphere, the Korean government ratified the CEDAW with reservations of the Article 9 and Items c, d, e, g under the Article 16 Clause 1, which were almost repealed with the amendment of the Family Law in 1990 but the Article 9 and Item 16-1-g were still reserved. The reservation of the Article 9 was repealed with the 1997 Nationality Law amendment, which recognized the maternal lineage as well as the paternal lineage. So the Item 'g' under the Article 16 Clause 1 is the only reservation now. The government has already promised the freedom of choosing family names in the near future, but has not presented any definite plans.

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ported. Accordingly, in 1988, the Ministry of Political Affairs II(MOPA II) was established for the purpose of promoting women's status and realizing gender equality.

The amendments of various gender discriminating articles of the women-related laws have been carried out by the Government. *The Equal Employment Act* in 1987, the Family Law amendment in 1990, the *Child Care Act* in 1991, *Act on the Punishment of Sexual Assault Crimes and for the Protection of the Victims* in 1993, *Act on the Prevention of Domestic Violence and for the Protection of the Victims* in 1997, and the *Act against Gender Discrimination and for the Victim Assistance* in 1999 were legislated by the government.

From 1985 until 1992, Korea was under a military regime. The policies for women were not considered seriously at the level of government until the uprising of the movement for democratization and women's movement for gender equality in 1987. However, the reforms under the militaristic and authoritarian government were mostly done for maintaining the political status quo and by the pressure from the women's movement. As a result, most of the Acts which were legislated during the regime, did not sufficiently reflect the demands of women's NGO's. Furthermore, with the lack of publicity, educational efforts and articles for the punishment in case of violations against the Acts, there have been continuous request for the amendment of the laws. Still it is very hard to avoid the criticism that government tried to soothe the ruffled feathers of the women's groups and get international applause with the legislation of the Acts rather than to make it substantial in content for the establishment of gender equality and to assure their will against sexual discrimination. It is well proven that the Gender Empowerment Measure of Korean women ranked at the 83rd place according to the 1998 UNDP Human Development Report, even though there have been reforms and improvements in policies as well as systems by the government since the ratification of the CEDAW

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nize the need for its propagation when two activists from KWAU attended a monitor training program co-hosted by UNIFEM and IWRAP Asia-Pacific. With this as a momentum, Korean Women's Associations United (KWAU) started to advocate the importance of the CEDAW and of making a Shadow Report among the NGO's. Returning home, the two participants organized an educational training program about the CEDAW for the 28 member organizations of KWAU, and topics and contents for the shadow report were discussed and selected. In July, 1998, at the 19th session of the CEDAW, Korean Shadow Report was submitted with the 4th official report of our Government.

The growing concerns of the NGO's for the CEDAW made the government convene a meeting inviting NGO representatives to deliberate on the submitted report on July 24th, 1998 for the first time since the ratification. Through this meeting, many women's NGO's were able to know the contents of the Government report and understand the importance of making a shadow report.

Until now, the Government did not put active efforts into publicizing and offering the full information needed for the NGO's to monitor the implementation of the CEDAW. But through the help of international organizations like UNIFEM and IWRAP, educational training on the CEDAW was carried out, and as women activists started to actively spread the information, the government had no choice but to inform the NGO's of the Government's implementation of the CEDAW. But the Korean government has still not publicized the CEDAW Committee's concluding comments, nor has it announced any planned action in response to it.

Concludingly, as noted in the CEDAW Committee's concluding comments, the Korean Government has already made many efforts for institutional

and legislative reforms to eliminate discrimination against women. However, there is a great gap between the laws and the realities, which is being widened even more because of the current economic crisis. As the world financial crisis has deepened and the whole societies are under the turmoil of restructuring, a new shape of patriarchal ideology and stereotyped gender-role ideology are re-emerging as a new discourse in Korea. In this process, issues of povertization of the women population are emerging. Though the Government have provided guidelines against gender discrimination in the process of re-structuring, because the responsible agencies do not have enough power and resources to supervise, they have been unable to prevent women workers from the unfair layoffs. As for this, Government did not prepare for efficient ways to take sanctions against the default of Labor laws. Consequently, the CEDAW must have a compulsory means to make the implementation of it inevitable. In other words, the Government should take readily measures against various types of discrimination in any circumstances, and sanctions against the violation of the laws.

Meanwhile, the Government is continuing to reserve Article 16 Clause 1(g), which could be interpreted as the lack of the government's will to eliminate traditional patriarchal ideology and institutions. Concrete measures to eliminate patriarchal values and stereotyped gender-role ideology through which the discriminative gender system is reproduced, must be taken by the government.

It was noted that the insufficient publicity was another reason for inefficient implementation of the CEDAW. This led the public to pay little attention to the demands of the women's organizations to eliminate gender discriminative practices in our society. At the same time, it makes difficult for women's organization to give birth to monitoring professionals. As the government did not encourage the participation of women's organization in carrying out the CEDAW, human resources for publicity and education were not developed. In order for NGOs to be able to perform various training programs of the CEDAW, a new understanding is urgently re-

**The Government is continuing to reserve Article 16 Clause 1(g), which could be interpreted as the lack of the government's will to eliminate traditional patriarchal ideology. Concrete measures to eliminate patriarchal values must be taken by the Government.**

quired on the part of the Government of its role to provide concerned NGO's informations and financial support. We need to build a network among NGO's which is consisted of trained professionals to observe the implementation of the CEDAW. Financial support for this is also required.

As we have examined above, the ratification of the CEDAW itself did not directly bring necessary reforms for the elimination of gender discrimination. The women's movement was the one that contributed most to achieving the goals of gender equality and heightening the status of women in Korea. CEDAW was a vehicle used to achieve our goals of women's liberation.

Now the key issue is the widening gap between the de jure and de facto equality. To overcome this gap, the Government must open their mind and be willing to cooperate with women's movement groups. To accomplish the goal of gender equality, the Government must have a strong will to implement the CEDAW, and respect the monitoring role of NGO's to oversee their activities. Also, they must acknowledge that the NGO's, especially the women's movement groups, has been the driving force for the improvement of the women's status in Korean society, and must expand the government support for the movement at full scale.

Lastly, the activities of UNIFEM and IWRAP has been a big support to each country implementing the CEDAW, and I think much more activities are needed in the future.

Two greatest difficulties to completing CEDAW Impact Study Questionnaire

1.Lack of documentation of CEDAW Ratification Process.

There is no Government department monitoring the CEDAW implementation until now. Therefore the Government hesitates to speak about the CEDAW implementation. So it's difficult for me to gathering information to the governmental side. When CEDAW was ratified in 1984 South Korea was under a dictatorship; information about the ratified process and implementation is not accessible.

2.Problem to translate the report.

Most of Korean NGOs have the same problem; they cannot speak English very well so it

is difficult to share their experiences with the international community. In this case, it is difficult to find an adequate translator (one who is familiar with the Women's movement and English fluency). It took two months after Korea version of report was completed to translate to English.

The Presidential Commission on Women's Affairs (PCWA) [<http://www.pcwa.go.kr/ehmt/01/01start.html>] works under the direct supervision of the President and was established as the executive branch on February 28, 1998, when the government structure law was amended. The Commission plans and implements women's policies. It also advises the President on relevant issues pertaining to the advancement of women. The Chairperson of the Commission is Guiwon Kang. The 15 members of the PCWA secretariat include the Chairperson, Deputy Ministers from 6 different Ministries, as well as members from academia and various NGOs.

In 1998, Gender Equality Offices were installed in the Ministry of Justice, Government Administration and Home Affairs, Education, Agriculture and Forestry and Health and Welfare. These offices network with PCWA

The *Gender Discrimination Prevention and Relief Act* was enacted in February 1999 and give PCWA quasi-judicial authority to investigate gender discrimination cases as well as to be able to prescribe appropriate corrective measures. Possible measures include: cessation of discriminatory practices, restoration and damage compensation, planning and training for the prevention of reoccurrences, and publication of actual cases in the newspaper.

The PCWA celebrates Women's Week during the first week of July each year. PCWA uses the mass media, via campaigns and advertisements to enhance public awareness and to promote gender equality.

**The women's movement was the one that contributed most to achieving the goals of gender equality and heightening the status of women in Korea. CEDAW was a vehicle used to achieve our goals of women's liberation.**

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The PCWA presented the 3<sup>rd</sup> and 4<sup>th</sup> combined CEDAW report to the CEDAW committee in July 1998.

The *Women Enterprise Assistance Act* was enacted in February 1999. The Act provided for the formation of the Women Enterprise Promotion Committee, which promotes the purchasing of goods and services of women entrepreneurs by the public sector, as well as the Korean Women Entrepreneurs Association, whose members are provided with financial support and special tax treatment.

The *Sexual Equality Employment Act* was revised in February 1999. The amendments prohibited indirect forms of sexual discrimination in employment, in the hopes of preventing sexual harassment in the workplace. The revisions also included guidelines for disciplinary actions that can be taken against offenders. The *Act* requires the corporations conduct employee-training sessions on sexual harassment.

Abolition of gender discrimination in school curricula was announced in December 1997 in the Seventh National Curriculum. These changes will take effect in 2002. The existing skills industry courses for boys and the home economics course for girls, will be combined to create a skills home economics course to be studied by all students.

### Endnotes

#### <sup>1</sup>Financial and Institutional Measures

##### *1. Budget Allocation for Women's Policies*

It is quite difficult to estimate exactly what proportion of women-specific policies/programs are in the Government budget because budget allocation is made on the basis of the functions of different Government ministries without any gender implication. Therefore, only a rough estimate can be made by adding up the expenses paid by the Government for the implementation of the Master Plan on Women's Policies. In 1998, the Government spent a total of about 230 billion won or 3.8 per cent of the annual budget for the Master Plan.

The Women's Development Act mandates

the central and local governments to secure necessary budget for women's development programs and contains provisions on the formation, operation, and usage of the Women's Development Fund. The Government aims to raise a total of 100 billion won for the Fund. The Fund has to be used to support projects beneficial to women and activities of women's organizations, establishment and operation of public facilities for women, international alliance for the women's cause, and other programs pursuing gender equality. Many women's organizations have come up with creative projects and have applied to receive financial support from the Fund. Interests on the principal finances the programs and projects for the enhancement of women's interest.

The Government has contributed a total of 5 billion won for three years since 1997. Despite the current economic difficulties, the Government allocated 5 billion won for the Fund in 1999.

All local governments have enacted ordinances for the formation of their own local Women's Development Funds and seek contributions. The Seoul Metropolitan Government and Kyunggi Province plan to raise a total of 10 billion won each for the Fund; North Cholla province, 6 billion won; South Chungchong province, 5 billion won; and other local governments are also trying to raise two to three billion won for their Funds. Although administrative bodies are still in the process of raising the Fund, financial supports have already been granted to some women's development programs.

##### *2. Institutional Measures for the Advancement of Women*

###### *A. Enhancement of Governmental Organizations on Women's Affairs*

The Presidential Commission on Women's Affairs was established in 1998, which replaced the Ministry of Political Affairs (II) in the process of government restructuring. The Presidential Commission on women's affairs is under the direct supervision of the President. With the dedicated support from the President, the Commission has greatly contributed to the formation of policies to ad-

dress urgent women's issues, such as the unemployment of women in the economic crisis in 1998

The Presidential Commission on Women's Affairs, which has its own secretariat, is represented by 15 members including the Chairperson and Commissioner, deputy ministers from 6 Ministries, and non-standing members from the academia and NGOs. Major functions of the Commission include comprehensive planning and coordination of women's policies; development of measures to imply the Women's Development Act; policy formation for the promotion of gender equality and advancement of women; provision of expert opinions to the President on women's issues; and the monitoring of the implementation of women's policies in the central and local governments.

In 1998, the Gender Equality Offices were newly installed in each of the five major Ministries (Ministries of Justice, Government Administration and Home Affairs, Education, Agriculture and Forestry, and Health and Welfare). In the case of the Ministry of Labor, the department for female workers which had been in existence took on the responsibilities of the Gender Equality Offices. The Gender Equality Offices were designed to develop women's policies and coordinate them for effective implementation. At the level of the central government, a network of cooperation is formed with these offices and the Presidential Commission on Women's Affairs.

### ***B. Women's Development Act***

As an extension of the constitutional provisions for gender equality and women's advancement, the Government introduced the *Women's Development Act* in December 1995. The Act was meant to strengthen the institutional and financial foundation for the development of women and to achieve tangible results in every aspect of the society (i.e. political, economic, social, and cultural aspects). *The Act* requires the establishment of national basic plans for women's policies every five years. *The Act* ultimately provides a legitimate basis for the Government to give preferential treatment to women in areas where few or no women are engaged. The

*Act* has further created the Women's Development Fund and has mandated the Government to support women's organizations.

### **C. Gender Discrimination Prevention and Relief Act**

*The Gender Discrimination Prevention and Relief Act* was enacted in 1999. The Act is one of the most significant outcomes of women's movement since the Beijing Conference. This Act aims to achieve gender equality in all sectors of society by prohibiting gender discrimination in employment, education, use of goods, services and facilities, and the enforcement of laws and regulations.

Under the *Act*, the Presidential Commission on Women's Affairs is given the authority to investigate cases of gender discrimination and to prescribe corrective measures. The Commission is required to submit an annual report to the National Assembly of the results of its investigations, corrective measures and other related activities. The Commission can make public announcement of the results and give advice on corrective measures or reform. It can also impose penalties on the parties interfering with the investigation without justifiable reasons. Among the corrective measures that can be administered by the Commission are remedies, such as immediate cessation of discriminatory practices, restoration, and damage compensation, planning and training for the prevention of recurrence, and publication of actual cases in the newspaper.

### ***D. Women Entrepreneurs Support Act***

*The Women Entrepreneurs Support Act* was legislated in 1999. The Act encourages the central and local governments to provide support for women who start new businesses as well as those who are already doing good business. Under this *Act*, the government agencies extend preferential treatment to corporations headed by women in purchasing goods or services.

*The Act* also stipulates the establishment of the Korea Women Entrepreneurs Association. This Association may set up the Comprehensive Support Center for Women's Corporations, which provides a wide range of

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services including information service, training, education, counseling, etc. The Government will provide financial resources necessary to build and operate the Center and levy taxes on profits as prescribed in the Tax Exemption Regulation Act.

### *E. Revision of the Equal Employment Act*

The *Equal Employment Act* was revised in February 1999 to incorporate demands for the prohibition of indirect forms of sexual discrimination in employment and the prevention of sexual harassment in the workplace. Regarding the indirect forms of discrimination, the *Act* defines the following as discriminatory practices: to have the readiness for frequent transfer as a condition of employment; to employ a differentiated personnel management system which discriminates women in duty assignment and promotion in ranks; and to provide welfare benefits only to those employees who are the heads of their households.

With regard to sexual harassment, employers are required to take preemptive measures against sexual harassment in the workplace. In order to make the work environment safer, they must offer sexual harassment prevention programs to employees and take disciplinary actions against the harassers, such as transfer to another department. Also the victims of sexual harassment in the workplace should not be given any unfair treatment from the employer. The victims have the right to ask their employers or the local labor affairs offices to intervene and resolve disputes in accordance with the dispute settlement procedures as stipulated by the law. They can also ask the Equal Employment Committee for mediation.

Following the revision of the *Act*, the Ministry of Labor has already distributed the Guidelines for the prevention of sexual harassment. Corporations are also taking an active stance on this matter, declaring 'a war against sexual harassment in the workplace', reinforcing preventive measures, and executing employee training. The establishment of the *Equal Employment Act* has drawn the attention of the public to the issue of sexual harassment and the seriousness of which has

hitherto been obscured in the conventional culture of Korea's patriarchal and male-oriented workplace.

### *F. Measures against domestic violence and the Special Act for the Punishment of Domestic Violence*

In 1996, a comprehensive plan for the prevention of domestic violence was announced, and each governmental Ministry has carried out the required measures. In December 1997, the *Special Act for the Punishment of Domestic Violence* and the *Prevention of Domestic Violence and Protection of the Victim Act* were newly legislated.

The *Special Act for the Punishment of Domestic Violence* mandates probation of the committer of violence for rehabilitation. It also requires heads of medical institutions or counseling centers, or other parties who come to learn of an incidence of domestic violence to inform local law enforcement agencies. The notified agencies should take necessary actions to prevent future recurrences. If necessary, these agencies can ask the court to impose temporary isolation or approach prohibition against the abuser.

*The Prevention of Domestic Violence and Protection of the Victim Act* enables the central and local governments to create legal and regulatory instruments necessary to accomplish its objective, secure necessary budget to fight against domestic violence, and protect victims. More specifically, the Government can subsidize the expenses for the establishment and operation of facilities providing counseling and protection for the victims of domestic abuse.

### **G. Others**

The Government has been seeking just solutions for the victims of Japanese sexual slavery during World War II, which has, for half a century, been left unresolved. At the same time, the Government has continually urged its Japanese counterpart to investigate into the tragedy brought on by the Japanese army during World War II and to disclose the results of the investigation. In 1993, the *Victims of Military Sexual Slavery Livelihood Protection Act* was introduced to provide for

the basic livelihood of the victims. The Government offers subsidies for living expenses and medical care and priority in long-term housing rentals. In addition, a lump-sum grant of 43 million won and a monthly allowance of half-million won are allocated for each person. As of 1998, a total of 152 victims have benefited from this Act.

In 1997, the *Nationality Law* was revised to eliminate sexually discriminating elements. Before the amendment, Korean citizenship was given to a child only in the case where his/her father was a citizen of Korea at the time of the child's birth. The revised law grants Korean citizenship to a child if either parent is a citizen of Korea at the child's birth. Moreover, the elements that had restricted the rights of women to select their nationality are eliminated. Following the amendment of the Law, the Government plans to remove the reserve position on Article 9 of the *Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)*. [available at <http://pcwa.go.kr/ehtm/02/b2.doc>].

### **Korean Women's Political Participation: Current Situation and tasks**

The social status of women is a key measure of the quality of life in today's societies, and women's participation in society is becoming accepted as the global trend and norm. In particular, women in the political sector are expected to play a determining role the development of nations in the 21st Century. In an age of globalization and information, future prosperity will be guaranteed only to those societies which are able to mobilize the potential and resources that lie within the female population

In Korea, legislative and institutional reforms have steadily been promoted since the early 1980s to erase the traditional barriers against women's social advancement. Despite the new laws, however, the level of women's political participation in Korea remains at the world's lowest. Women's groups have exerted great efforts to expand women's presence in the political sector, but the results have not been tangible. The reasons have been many, as are the measures required to overcome the situation. We will briefly review the present

situation of Korean women in politics and the future strategies.

#### **1. The Electoral System**

The National Assembly is a unicameral legislature of the nation, elected every four years. There are 299 Members of the National Assembly: 253 Members elected directly from single-member electoral districts and 46 Members appointed by their parties as proportional representatives. At the local level, local councils are elected directly by voters; the provincial council elections combine the direct balloting in single-member electoral districts and proportional representation. Party endorsements are allowed in the elections for the National Assembly and provincial councils, but banned for local councils.

#### **2. The Level of Women's Political Participation.**

There are 11 women Members in the current 15th National Assembly, which is 3.68 per cent of the total membership of 299: three were elected by voters in electoral districts, and eight are proportional representatives. The level is even lower for provincial councils (1.6 per cent including proportional representatives) and slightly higher for local councils (5.94 per cent). Through the June four local elections, 41 women were elected to provincial councils, accounting for 5.94 per cent of the total 690. The previous election in 1995 had produced 5.76 per cent. Of the 41, only 14 were directly elected by voters, representing a mere 2.27 per cent of the total. The 27 proportional representatives account for 36.49 per cent of the available slots. In the local councils, 56 were elected, or just 1.6 per cent of the total 3,490, again representing little progress from the 1.56 per cent of 1995.

#### **3. Barriers and Cures**

The low level of women's political participation in Korea is primarily due to the traditional nature of the society, which continues to regard politics as a realm to be dominated by men. Secondly, the political parties are not supportive of women candidates.

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Thirdly, the electoral system works against women. Fourthly, policies to facilitate women's political participation have been lacking. Finally, women themselves have been indifferent to politics and naive in their political consciousness.

To overcome these barriers and activate women's role in the political sector, the following conditions must be fostered. First, a culture of genuine gender equality must be nurtured. Second, the electoral system should be reformed to better represent the voices and aspirations of women. Third, the political parties should adopt affirmative action measures - quotas and such - to promote women candidates. Fourth, education programs and political training for women must be expanded. Fifth, women's organizations should continue to join forces in promoting women into politics and public service. [available at <http://www.kiwp.or.kr/emenu33.html>]