



Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
6 March 2023

Original: English
English, French and Spanish only

Committee on the Elimination of Discrimination against Women

List of issues and questions in relation to the ninth periodic report of the Republic of Korea*

Visibility of the Convention and the Optional Protocol thereto

1. Please provide information on efforts to give visibility to the Convention and the Committee's general recommendations, so that they are made an integral part of the training of judges, lawyers, prosecutors, police officers and other law enforcement officials, and to raise awareness among all women, in particular women belonging to disadvantaged groups, about their rights under the Convention and the procedures that they may follow under the Optional Protocol to claim violations of their rights. Please also provide information on the measures taken to disseminate the Committee's previous concluding observations (para. 11).¹

Women's rights and gender equality in relation to the coronavirus disease pandemic, recovery efforts and global crises

2. Please describe efforts made and mechanisms put in place to respond to the coronavirus disease (COVID-19 pandemic and its long-term impact, and ways to apply these in the State party's response to current and future crises, such as armed conflict, food insecurity, the energy crisis and other relevant areas. Please provide information on strategies taken to ensure that gender equality and women's empowerment are a fundamental requirement in addressing such crises, and in elaborating adequate responses, such as policies, assistance programmes, recovery efforts and the consolidation of the rule of law. Please also provide information on measures taken to ensure the equal and meaningful participation of women in these processes, and that such crises will not lead to a reversal of progress made in the protection and promotion of women's rights.

Legislative framework and definition of discrimination against women

3. In the light of the Committee's previous recommendations (para. 13) and information provided in its follow-up report ([CEDAW/C/KOR/FCO/8](#), para. 2), please provide updated information on actions taken to expedite the development and

* Adopted by the pre-sessional working group on 1 March 2023.

¹ Unless otherwise indicated, paragraph numbers refer to the Committee's previous concluding observations on the eighth periodic report of the State party ([CEDAW/C/KOR/CO/8](#)).



adoption of a comprehensive anti-discrimination law that prohibits discrimination against women, including direct, indirect and intersecting forms of discrimination affecting disadvantaged groups of women, such as women living in poverty, women belonging to ethnic, racial, religious and sexual minority groups, women with disabilities, women refugees and asylum-seekers, stateless and migrant women, rural women, single women, adolescent girls and older women, as defined in article 1 of the Convention and in line with the Committee's general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention.

National human rights machinery

4. In the light of the Committee's previous recommendations (para. 17), please provide more detailed information about the human, financial and technical resources provided to the Gender Equality Committee and whether it has a clear mandate to coordinate the State party's national machinery for the advancement of women. Please also provide detailed information on reports concerning an October 2022 reform bill on restructuring the Government, under which the Ministry of Gender Equality and Family would be abolished in favour of the establishment of an office of population, family and gender equality, under the Ministry of Health and Welfare, including how efforts to ensure gender equality will be guaranteed. In addition, please indicate how the coordination and integration of the implementation of the national action plan for Security Council resolution [1325 \(2000\)](#) on women and peace and security, which normally falls under the responsibility of the Ministry of Gender Equality and Family, will be maintained.

National human rights institutions

5. In view of the Committee's previous recommendations (para. 19), please detail the steps taken by the State party to reinforce the gender equality and women's rights mandate of the National Human Rights Commission of Korea and to ensure sufficient human, financial and technical resources to strengthen its functions regarding gender-based discrimination.

Temporary special measures

6. Please provide detailed information on temporary special measures in place to ensure the equal representation of women in all spheres, in particular in high-level public posts, including high-level positions in governmental bodies, public schools and academia at all levels.

Stereotypes

7. In view of the Committee's previous recommendations (para. 37), please indicate what steps the State party is taking to address negative stereotypes in all spheres. Please also describe measures being taken to revise its national school sex education guidelines by eliminating discriminatory gender stereotypes, in particular with regard to the prevention of sexual violence and how certain types of families, such as families headed by single mothers, are portrayed.

Gender-based violence against women

8. In the light of the Committee's previous recommendations (para. 23), please clarify the status of the bill to amend the Act on Special Cases concerning the Punishment, etc. of Crimes of Domestic Violence, including whether it provides for the punishment of the perpetrator for violation of a restraining order or a protection order, and if its applicability is extended to same-sex couples, families headed by same-sex couples and all women, regardless of their sexual orientation or gender

identity. Please clarify whether a specific national action plan on domestic violence is envisaged. Please also provide details on measures taken to abolish the system of suspending charges in home protection cases on the condition of undergoing counselling or training on domestic violence, and to prohibit the use of reconciliation and mediation in such cases. In addition, please inform the Committee about efforts made:

(a) To amend article 297 of the Criminal Code to define rape on the basis of consent, and specifically criminalize marital rape;

(b) To ensure that perpetrators of gender-based violence are criminally punished under statutory sanctions, and adopt a policy of mandatory arrest for crimes of domestic violence in cases in which restraining orders are breached;

(c) To prevent the abuse of criminal proceedings precipitated by the bringing of false charges against victims of sexual abuse, including by ensuring free legal representation for their defence, and prohibit the use of the victim's sexual background as evidence in judicial proceedings;

(d) To strengthen preventive measures against online sexual violence, including by enacting legislation that explicitly criminalizes such new forms of sexual violence against women and girls;

(e) To establish an effective system of management and oversight for cases of sexual harassment in the workplace, in particular concerning small and medium-sized enterprises, with a focus on prevention, and ensure strict compliance with the amendment of 2017 to the Equal Employment Opportunity and Work-Family Balance Assistance Act providing for mandatory disciplinary measures against perpetrators;

(f) To ensure stricter punishment of perpetrators of sexual and psychological violence in public institutions, including schools, universities and the military, take steps against the reinstatement of perpetrators in their professional functions and provide for stricter confidentiality to facilitate reporting and counselling;

(g) To provide adequate financial resources to centres for women "defectors" from the Democratic People's Republic of Korea in order to provide for effective psychotherapy and counselling, including in cases involving those who have experienced sexual violence;

(h) To support women and girl victims of gender-based violence living in shelters, especially women and girls with disabilities, to live in the community independently, including through specific policies, guidelines and budget allocations for this purpose;

(i) To collect data on women and girls with disabilities who are victims of gender-based violence, disaggregated by type of disability and type of violence.

Trafficking and exploitation of prostitution

9. Please provide information on the implementation of a national action plan on trafficking in persons. In view of the information provided in paragraph 81 of the State party's ninth periodic report (CEDAW/C/KOR/9), please provide details explaining how the Prevention of Trafficking in Persons, etc. and Victim Protection Act, which took effect in January 2023, addresses the issue of early identification of victims of trafficking and how it provides support for and protection of victims of trafficking, including foreign women and girls who require special protection and assistance. In the light of the Committee's previous recommendations (para. 25), please indicate what steps have been taken:

- (a) To revise the current E-6-2 visa regime and strengthen the monitoring of entertainment companies that recruit foreign women;
- (b) To grant the G-1 visa to all female victims of trafficking, regardless of their willingness or ability to cooperate with the prosecutorial authorities;
- (c) To design and implement policies that address the structural causes of women “defectors” from the Democratic People’s Republic of Korea being forced into prostitution;
- (d) To ensure that all cases of trafficking are promptly investigated, that perpetrators of trafficking in and abduction of women and girls are effectively prosecuted and adequately punished, and that sanctions are commensurate with the gravity of the offence and the number of suspended criminal sentences is reduced;
- (e) To adopt an approach centred on victims and human rights in efforts to combat trafficking and exploitation of prostitution with regard to women and girls;
- (f) To design and implement exit programmes for women who wish to leave prostitution.

“Comfort women”

10. In follow-up to the Committee’s previous recommendations (para. 27) and in the light of reports that claims against the Government of Japan for the payment of damages to women and girls who were forced into sexual slavery by the military of Japan before and during the Second World War have been dismissed by the courts, please explain how, in the framework of the bilateral agreement of 28 December 2015 between the State party and Japan, the State party ensures that the rights to truth, justice and redress of the victims/survivors and their families are fully upheld, including through rehabilitation and fair and adequate compensation to be afforded without delay.

Participation in political and public life

11. In view of the Committee’s previous recommendations (para. 29), please provide information on efforts to effectively increase the number of seats in the National Assembly and on provincial and local government councils that are held by women.

12. In the light of the Committee’s previous recommendations (para. 31) and the indications provided in paragraph 91 of the State party’s report, please update the Committee on the abolishment by the Korea National Police University of “sex-segregated recruitment” practices. Please also provide statistics on the number of female police officers by grade, including at the inspector level and above.

Nationality

13. Recalling the Committee’s previous recommendations (para. 35), please indicate what measures have been put in place:

- (a) To ensure that the naturalization process for migrant women married to male nationals of the Republic of Korea is significantly shortened and is, in any event, concluded within the maximum length of legal residency in the State party;

- (b) To enforce the abolishment of the legal requirement of a sponsorship letter from a citizen of the Republic of Korea when applying for extension of residency.

14. In the light of information provided in paragraphs 96 and 97 of the State party report regarding deliberations on measures to put in place a birth registration system for foreign children, please update the Committee on the current situation with regard

to registering the birth of a non-Korean child, including whether a system for such registration is being integrated into the bill amending the Act on Registration of Family Relations.

Education

15. In view of the information provided in paragraph 100 of the State party's report, please describe in more detail the efforts put in place under the fourth plan for fostering and supporting women scientists and technicians (2019–2023) to promote science, technology, engineering and mathematics education for girls in elementary and middle schools and support their aspirations towards future careers in those fields.

16. In the light of the Committee's previous recommendations (para. 37), please provide information on measures taken to revise the national school sex education guidelines to provide information on sexual and reproductive health and rights in an age-appropriate, evidence- and rights-based and scientifically accurate manner. Please also provide details on how the 2022 Curriculum Amendment bill addresses issues such as gender discrimination, gender stereotypes and sexual diversity.

Employment

17. Please describe measures put in place to effectively implement the 2019 Act on Promotion of Economic Activities and Prevention of Career Interruption of Women. In the light of the Committee's previous recommendations (para. 39), please also provide information on:

- (a) The enforcement of the Equal Employment Act to implement the principle of equal pay for work of equal value;
- (b) The protection of female short-time workers under the Labour Standards Act and the Act on the Protection of Fixed-Term and Part-Time Workers;
- (c) Awareness-raising campaigns and efforts to expand benefits and enhance incentives for sharing child-rearing responsibilities between parents.

Health

18. In view of the Committee's previous recommendations (para. 41), please inform the Committee of measures in place to review health legislation and policies, in particular in relation to the sexual and reproductive health and rights of women, and to take corrective action, if required, in order to advance substantive gender equality in the health sector to include all women subject to intersecting forms of discrimination. Please indicate what steps have been taken to ensure that lesbian, bisexual, transgender and intersex women have the right to access medical services, including national health insurance coverage, and are not subjected to involuntary medical interventions.

19. In the light of the information in paragraph 125 of the State party's report that abortion has been decriminalized, and the reference in paragraph 126 of the report to alternative legislation pending before the National Assembly, please update the Committee on the current status of legislation related to abortion and provide clarifications as to how, when and under which circumstances abortion is currently allowed.

Climate change and disaster risk reduction

20. Please provide details on the outcome of the State party's environmental policy, which was aimed at reducing fine dust by 30 per cent by 2022. In the light of the Committee's previous recommendations (para. 15), please explain what steps the

State party has taken or is taking to review its energy and climate change policies in order to ensure that they do not have an adverse impact on the life and health of women and girls. In this regard, please also indicate what steps have been taken to include the views of women and girls themselves in these reviews.

Rural women

21. In view of the Committee's previous recommendations (para. 45), and in the light of general recommendation No. 34 (2016) on the rights of rural women, please describe measures put in place to improve the situation of rural women, including by supporting implementation of the findings of the research project sponsored by the Korea Maritime Institute aimed at improving the participation and empowerment of women in the fisheries industry. Please also describe measures adopted to increase the number of women appointed as directors in fisheries and agricultural cooperatives and to ensure that women's voices are heard and gender concerns are fully considered.

Marriage and family relations

22. In the light of the Committee's general recommendation No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution and in view of the Committee's previous recommendations (para. 47), please provide information on:

(a) Legislative measures taken to incorporate a rule of equal distribution of marital property upon the dissolution of a marriage or de facto union;

(b) Steps taken to ensure that victims of domestic abuse seeking divorce are not forced to undergo reconciliation attempts or mediation with their aggressors prior to a divorce being granted;

(c) Mandatory training for members of the judiciary on the requirement to take gender-based violence in the domestic sphere into account in child custody cases, and to give priority to the prosecution of crimes over family reconciliation, in order to adequately punish gender-based violence against women and prevent its recurrence.

23. In view of the Committee's previous recommendations (para. 47) and the information provided in paragraphs 176 and 177 of the State party's report, please update the Committee on the current status of the bill to amend article 781 of the Civil Act to abolish the patrilineal surname principle, under which a child may assume the mother's surname only when the father so agrees at the time of marriage.
