



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

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## Committee on the Elimination of Discrimination against Women Nineteenth session

### Summary record of the 399th meeting

Held at Headquarters, New York, on Tuesday, 7 July 1998, at 10 a.m.

*Chairperson:* Ms. Bustelo Garcia del Real (Vice-Chairperson)

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*In the absence of the Chairperson, Ms. Bustelo Garcia del Real, Vice-Chairperson, took the Chair.*

*The meeting was called to order at 10.50 a.m.*

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

*Third and fourth periodic reports of the Republic of Korea (CEDAW/C/KOR/3 and CEDAW/C/KOR/4)*

1. *At the invitation of the Chairperson, Ms. Yoon Hoo-jung, Ms. Chang Pil-wha and Ms. Chang Sung-Ja (Republic of Korea), took places at the Committee table.*

2. **Ms. Yoon** Hoo-jung (Republic of Korea), introducing her country's third and fourth periodic reports (CEDAW/C/KOR/3 and CEDAW/C/KOR/4), said that two key enactments in favour of women were the Equal Employment Opportunity Act and the Mother-Child Welfare Act. Family law had been reformed in 1990, and an Act to punish sexual violence and protect its victims had been adopted in 1993. The Women's Development Act of 1995 addressed the issues of gender equality and the social participation and welfare of women in a systematic manner. The Nationality Act had been amended, and an Act on the Prevention of Domestic Violence and Protection of the Victim adopted in 1997.

3. The Convention had changed the lives of Korean women, extending their participation in decision-making and doing away with discriminatory laws on citizenship. A symposium had been held in 1994 to familiarize the public with the scope and aims of the Convention and a set of annotations to the Convention had been published in 1996.

4. The newly inaugurated Government was seeking to promote women's rights as an integral part of human rights. Its aim was to create a society in which both sexes would participate equally in all the political, social, economic and cultural spheres of life. It had introduced a range of policies for the next five years to develop opportunities for women; those policies would be integrated into the national policy agenda. Efforts would be made to increase the presence of women in all areas of society, in order to guarantee equal participation in national development.

5. Implementation of those policies would be monitored by the newly established Presidential Commission on Women's Affairs (PCWA). The Commission comprised deputy ministers from six ministries alongside civilian experts, and made its decisions on a democratic basis through dialogue between Government authorities and civil society. There were three women ministers in the new Cabinet, and a woman had recently been nominated as ambassador to the Russian Federation. The Government planned to increase the ratio of women in government committees to 30 per cent by the year 2002. Its five-year plan for women, the Master Plan in Women's Policies, included 20 priority policies and 147 specific programmes.

6. The new Government continued to provide monthly support grants to women who had been victims of sexual enslavement during the period of Korea's colonial domination by Japan. In May 1998, each victim had been paid US\$ 26,000.

7. The Beijing Platform for Action had had a significant impact on women's policies in the Republic of Korea. As a follow-up to the Beijing Conference, the Government had identified 10 priority policies for the advancement of women, including the expansion of childcare facilities and the improvement of childcare services, the introduction of after-school centres for children, lunch programmes and the establishment of a women's information network. The Women's Development Act provided the legal basis for institutional and financial measures to promote women's equality. In 1995 the Government had introduced a female employee target system, the aim being to increase the numbers of women in public service to 20 per cent by 2000. The Nationality Act had been amended in November 1997, and as a result Korea's reservation to article 9 of the Convention would be withdrawn. The reservation to article 16 would remain, since Korean couples traditionally kept their original family names after marriage.

8. The Prevention of Domestic Violence and Protection of the Victim Act placed responsibility for creating mechanisms to prevent domestic violence and protect its victims on State and local government organs. They were expected to set up counselling centres, provide custodial care for victims, and support privately-run facilities.

9. Initiatives to narrow the gap between de jure and de facto equality, and to increase public awareness of gender equality, included the celebration of Women's Week in July and of a "month of gender equality" in October, and the distribution of Korean-language versions of the Convention and of the Beijing Platform for Action.

10. The economic crisis and subsequent implementation of IMF-sponsored adjustment programmes had placed severe strains on the economy in recent times and women had been particularly hard hit. Government measures to increase the participation of women in the economy were seen as an effort to soften the impact on women. While the Equal Employment Act of 1989 and the Infant and Childcare Act of 1991 had helped eliminate some of the obstacles to women's participation in the workforce, the lack of crèche facilities in workplaces and of vocational training for women continued to keep women in the age group 25 to 34 out of the workforce. Gender equality was far from being achieved in recruitment, appointment and promotion. In the country's top 50 companies, only 0.7 per cent of senior management posts were held by women in 1997. Moreover, many companies, when forced to lay off workers, preferred to dismiss women rather than men. The Government had therefore introduced penalties for employers who did so. The Ministry of Labour was monitoring companies where an exceptionally high rate of dismissals occurred among women. Steps would be taken to protect women working in part-time jobs and under manpower leasing contracts, since those employment patterns were expected to become more common as a result of the restructuring of the labour market.

11. The economic crisis was also expected to place additional strain on families, and the Government would step up its efforts to prevent family breakdown and protect the human rights of women within families.

12. Her Commission endeavoured to support women's organizations seeking to increase women's presence in the political arena, which was still largely reserved to men. Greater participation in politics by women was a prerequisite to further democratic development of society as a whole.

13. **Ms. Chang Pil-wha** (Republic of Korea), replying to the questions posed in the report of the pre-session working group (CEDAW/C/1998/II/CRP.1/Add.5), explained, in connection with question 8, that the

Presidential Commission on Women's Affairs (PCWA), which had taken over responsibility for women's issues from the Ministry of Political Affairs (II) and the National Committee on Women's Policies, reported directly to the President. A special unit on women's policies had been set up in the Ministries of Justice, Government Administration and Home Affairs, Education, Agriculture and Forestry, Health and Welfare, and Labour. Each of those ministries had appointed female experts to head the women's policy units. There was also a new unit to facilitate the implementation of women's policies in central and local government, and to improve cooperation among them. Non-governmental organizations played an active role in decision-making and policy implementation.

14. Turning to questions 9 and 14, she said that under article 11 of the Constitution, any woman who had suffered de jure or de facto discrimination could make a complaint or lodge an appeal under administrative law, seek compensation under the Civil Code, or file a criminal charge. Complaints under the Equal Employment Act, which provided for equal treatment in recruitment and employment and for equal pay, could be lodged with the Employment Equality Committee or with the courts. The number of complaints had fallen from 1,409 in 1993 to 575 in 1997. The Supreme Court had the power to decide, on application, whether any particular ordinance or regulation was constitutional. A woman discriminated against by the act or omission of an administrative body, or by the law, could file a constitutional petition. In the near future the Government would set up a national Human Rights Commission.

15. With reference to question 10, she explained that a definition of discrimination could be found in a number of legal instruments: the constitution itself (articles 11, 31 and 32), the Basic Employment Policy Act (articles 17 and 19), the Labour Standards Act (article 5), the Employment Security Act (article 2), the Trade Union and Labour Relations Adjustment Act (article 9), the General Act on education, the National Public Service Act (article 35), the Local Public Service Act (article 33), the Basic Women's Development Act (article 13) and the Livelihood Protection Act (article 26).

16. In reply to question 11, she said that the fundamental principle of equality was enshrined in article 11 of the Constitution. The reference to sex,

religion and social status in that article should be interpreted as merely examples of the areas in which discrimination was banned; therefore, discrimination on any grounds whatever was strictly forbidden.

17. Turning to the questions posed in connection with article 2 of the Convention, she replied first to questions 12 and 13. No law could be enacted, or executive action taken, which offended against the principle of gender equality. However, some discriminatory elements remained in law and in traditional practices, and the Government was endeavouring to eliminate them.

18. Concerning questions 15 and 87, she said that the Labour Standards Act had been revised in February 1998 to cover workplaces with four or fewer employees. Under the amended Act, the regulations due to come into force in 1999 were those relating to notice of dismissal, wages, the mode of reimbursement for wage claims, holidays, protection of minors, pre- and post-natal leave, employment contracts, medical benefits, funeral expenses in the event of industrial accidents, and compensation for accidents. In 2001 regulations would come into force to govern shutdowns, disability and compensation for the relatives of industrial accident victims.

19. In response to question 18 on remaining discriminatory provisions in the Family Law, she cited the prohibition of marriage between persons who shared a common surname and origins, as mentioned in paragraph 26 of the fourth report and the stipulation giving a husband the sole right to deny that he was the natural father of a child.

20. While reform of the remarriage prohibition and "family head" system had met with resistance, a 1989 amendment to the Civil Code had weakened the power of the head of the family making it possible for women to be considered heads of households. Various alternatives were being examined that would abolish the system altogether.

21. With regard to question 19 and the composition of the Gender Equality Promotion Committee, she said that in addition to a chairperson, who was currently the head of the Presidential Commission on Women's Affairs, there were eight private sector specialists who were selected on the recommendation of the chairperson. The legislative mechanism on sexual harassment to which reference was made in question 20, was still at the planning stage.

22. Turning to questions 21, 23 to 26 she said three women had been appointed at the ministerial level, namely, the Chairperson of the Presidential Commission on Women's Affairs, the Minister of Culture and Tourism and the Minister of Health and Welfare. Apart from the activities outlined in paragraphs 38 to 40, the Ministry of Political Affairs (II) had improved the status of women in Korea by establishing the Five-Year Master Plan in Women's Policies (1998-2002).

23. With respect to the implementation of the Beijing Platform for Action, she said the Women's Development Fund, which had a target budget of \$70 million, would strengthen capacity-building, support service and training facilities, and promote international cooperation on women's rights.

24. She pointed out that the seventh Five-Year Economic and Social Development Plan (1992-1996) prescribed policies specifically designed to assist women and to broaden women's participation in society. The Five-Year Master Plan in Women's Policies for the period 1998-2002 consisted of 20 policy priorities and 147 specific programmes aimed at fostering family welfare and establishing a social structure which guaranteed gender equality in the development process.

25. In response to questions 27, 28, 29 and 31, she said that the low number of women entering the public sector was attributable to a low level of social participation of women in general. That situation was the result of inadequate Government support and social misconceptions about the competence of female public employees. The measures to expand childcare facilities and institute special training programmes were encouraging women to participate in the public sector.

26. Private sector employers were given tax incentives for recruiting and promoting women. The Government was trying to encourage private companies to set targets similar to those set for the participation of women in governmental committees, and in the public sector.

27. The committees to which reference had been made in question 32, were the Broadcasting, Review and Audience Committees, and the Committee on Cable Television. The Broadcasting Committee promoted social responsibility, objectivity and quality in broadcasting systems. The nine members who were chosen for their expertise in broadcasting, scholastic

achievements and moral integrity, were appointed by the President. Members of the Review Committee were experts in mass media and broadcasting and members of the political opposition and other organizations and were appointed by the Chairperson of the Broadcasting Committee, with the agreement of the other members. Comprised of four sub-committees, the Review Committee as a whole assisted the Broadcasting Committee in its review process. The Audience Committee reviewed broadcasting schedules excluding news programmes. Its 10 to 15 members represented a variety of audience groups, including parents and consumer advocacy groups and women's organizations. The function of the Committee on Cable Television was to promote and enhance ethical standards and quality in the cable television system. The members were appointed by the Minister of Culture and Tourism.

28. Responding to questions 30, 33 and 34, she said de facto discrimination against women was passed on through traditional Korean cultural practices. Turning to questions 17 and 35, she said that the aim of the Women's Development Act was to realize the constitutional ideals on gender equality by enhancing women's status in all spheres of life.

29. Responding to question 36, she cited statistics on the number of sex crimes brought before the courts since 1993. In 1997, 7,860 sex crimes were reported and 4,042 arrests were made. Regarding questions 38 to 40 she said that psychological violence was characterized under the Special Act for the Punishment of Domestic Violence as a form of domestic violence, and a victim could bring legal charges against family members. There were 27 shelters and 38 counselling centres for battered women.

30. Concerning questions 42 to 51, she said that as of December 1997 there were 5,218 female prostitutes. The underutilization of the protective guidance facilities was due in part to the fact that, under the amended Law Prohibiting Prostitution, women arrested for prostitution were no longer obliged to undergo job training at such facilities but did so only if they chose to. Furthermore, public awareness campaigns had been inadequate. Rehabilitation programmes included personality education, protective guidance through clinical social work and preparation for college and university entrance exams. Only 17 prostitutes figured among the total of 776 HIV-positive patients. Under

the 1987 Acquired Deficiency Syndrome Prevention Act, prostitutes must undergo HIV testing twice a year.

31. Persons who forced juveniles into prostitution were sentenced to less than 10 years in prison. In the past, the penalties for prostitutes and their clients had usually not been strictly imposed. However, according to new guidelines introduced on 30 April 1998 for the clients of underage prostitutes, all such clients were to be tried and sentenced to prison terms or community service. Statistical data for 1997 showed that 184 persons had been arrested on charges of abduction or inducement to prostitution, and the laws cited in paragraphs 79 and 80 of the fourth report were very strictly enforced.

32. Turning to questions 52 to 61, she said that women's voting rights, as protected by article 7 of the Convention, were guaranteed in much the same manner as men's. The Government had worked hard to mainstream gender perspectives into development planning. In May 1998, the Presidential Commission on Women's Affairs had adopted specific measures to increase the ratio of women in the committees and other government agencies and had moved the deadline for achievement of the 30 per cent ratio of women up, to 2002. In addition it had drawn up a list of professional women in a variety of fields for recommendation to government agencies.

33. With regard to questions 55 to 61 she said that the reasons for the low level of participation of women in politics were cited in paragraph 105 of the fourth report. The Presidential Commission had appealed to political parties to allocate more than 50 per cent of proportional representation seats to women in local autonomous elections held on 4 June 1998. As a result women had taken 38 per cent of those seats. There was still need for legislative and institutional reform and for an expansion of training to prepare women for political roles.

34. The total number of new cadets in military academies was 450 and boarding facilities had been refurbished to accommodate the needs of female cadets.

35. As far as questions 62 to 64 were concerned, she said that the number of Koreans in international organizations was indeed low, but one of the main reasons was that the Republic of Korea had joined the United Nations only in 1991. The Government was

trying to promote the participation of all qualified Koreans regardless of gender.

36. Recruitment at all levels of the foreign service was based on competition. Affirmative action measures were applied through the “female public employee target system”; as a result, women had accounted for 10 per cent of the new recruits in 1996. That ratio was expected to rise to 20 per cent by the year 2000.

37. Regarding questions 65 to 68, she explained that as of 14 June 1998, Korean nationality was granted to anyone born to a national (men or women) of the Republic of Korea, anyone who had been acknowledged by a parent who was a national of the Republic of Korea, or anyone who had been granted Korean citizenship by the Ministry of Justice — or whose citizenship had been restored by that Ministry. Under the current Nationality Act, a woman who married a Korean man was free to choose her nationality and could become a naturalized Korean after 2 years of marriage.

38. In response to questions 69 to 81, she said that in the past educated women had been frowned upon; now, however, equal importance was given to the education of girls and boys. The Government was taking steps to encourage more women to pursue university studies. While women were not explicitly influenced in their choice of studies, they tended to prefer the liberal arts and humanities. However, as could be seen from table 17 of the fourth report, things were changing and they were becoming increasingly interested in the social and natural sciences.

39. Both formal and extracurricular guidance programmes were provided to all secondary-school students. Gender bias among teachers appeared to be declining, there were more female leaders of student organizations and girls participated in school sports activities. The guidelines for the national curriculum approved in 1997 stressed the need to guard against gender bias in compiling textbooks, and in-service teacher training would emphasize equality. Sex education began in the first year of junior high school and the topic was also included in some other formal and extracurricular courses. Sex education in secondary school included extensive explanations of issues concerning AIDS and contraception.

40. In 1997, drop-out rates for girls and boys in junior high school had been 1.31 and 1.2 per cent, respectively, while the rates for those in high school

had been 2.05 and 2.85 per cent, respectively. Students usually dropped out because of difficulties in adapting to school life, which stemmed from weakened family relations and school curricula that focused on college preparation. Primary education was free throughout the country, but secondary education was free only in rural areas. Women had equal opportunities to obtain scholarships, and female scholarship recipients outnumbered males, as shown by table 23 of the fourth periodic report.

41. **Ms. Chang** Sung-Ja (Republic of Korea), replying to questions 82-109, said that the Equal Employment Act and the Labour Standards Act established penalties for employers who dismissed female workers unfairly and that such dismissals could be reported to local labour offices, which took prompt measures to protect working women's rights. Administrative guidelines encouraged employers to adopt reasonable and fair criteria when circumstances forced them to dismiss employees. Female-headed households that met certain conditions were eligible for loans and subsidies to finance childcare, secondary-school education and the costs of finding a job. In 1997, those measures had benefited 22,000 people. To provide a social safety net for households headed by unemployed women, the coverage of the Employment Insurance Act would be expanded in 1999 to include companies with fewer than five workers. Moreover, public works suitable to women had been developed, and a programme to employ female heads of household in that area would be launched in August 1998.

42. The Republic of Korea had ratified International Labour Organization (ILO) Convention No. 100 on equal pay for work of equal value, and had included provisions related to that Convention in the Labour Standards Act. The forthcoming amendment of that Act and of the Equal Employment Act to cover all companies, including those with fewer than five workers, would remove obstacles to the Government's ratification of other conventions concerning female workers. The first basic plan for the welfare of working women (1994-1997) had introduced, *inter alia*, equal opportunity; recruitment targets for female civil servants; parental leave for public officials; tighter requirements concerning non-discrimination in recruitment and appointment; expanded childcare facilities and assistance; parental leave for fathers; a system to promote parental leave and re-employment of female workers; promotion of the industrialization

of the female workforce; protective regulations for short-term workers; and selective working hours. The basic plan for 1998 to 2002 would include measures to develop the occupational skills of female workers; job-search services; assistance in coordinating work and housework; and projects to enhance equality of opportunity.

43. Parental leave promotion grants were paid to employers when the working mother or father of a child aged one year or less requested parental leave. That provision currently applied to employers with at least 50 employees; later in 1998, it would be expanded to include employers with at least five employees. Under the Equal Employment Act, employers were required to grant such leave and to provide childcare and nursing facilities, with support from the Government. The Act also provided that the State and local governments could set up education, childcare, housing and other facilities for working women. The Labour Standards Act gave women the right to 60 days of paid maternity leave and two 30-minute nursing breaks a day for mothers of children aged one year or less. Violations of those provisions were punishable by imprisonment for up to two years or a fine of up to 10 million won. Violations of the parental leave provisions of the Equal Employment Act were punishable by a fine of up to five million won. Employers received guidance to help them comply with those provisions.

44. Employers were required to pay equal wages for work of equal value in the same business. In establishing criteria for determining what constituted work of equal value, employers were required to take the views of worker representatives into account. However, the introduction of a rational and objective system of job appraisal was hindered by the fact that the country's wage system was seniority-based and not job-based. Therefore, gender-based wage discrimination was being prevented at the enterprise level through inspections and examination of employment policies. Discussions on how to distribute the costs of maternity leave equitably among social partners had begun in 1996 and would be concluded after the current financial crisis had subsided.

45. Under the Labour Standards Act, the dismissal of a female worker within three months of the end of her maternity leave was punishable by imprisonment of up to five years or a fine of up to 30 million won. There was no legislation specifying which jobs were considered hazardous to pregnant women. However,

article 72 of the Labour Standards Act provided that failure to grant a pregnant worker's request to perform less strenuous tasks was punishable by imprisonment of up to two years or a fine of up to 10 million won.

46. Employers with at least 300 female workers were required to provide childcare facilities or to pay childcare allowances. In December 1997, there had been 153 such facilities, whose operation and maintenance were monitored by the Ministry of Health and Welfare and the Ministry of Labour. Although there were no penalties for employers who did not provide childcare facilities, the Government offered tax incentives to those who did. Working women could also make use of local childcare facilities, which were more widely available than workplace facilities. The Government provided assistance for childcare both directly, through tuition reductions for low-income families and tax exemptions for such costs, and indirectly, through financial support for the installation, staff salaries and educational materials of such facilities.

47. Adoptive parents were entitled to the parental leave mentioned in paragraph 163 of the fourth periodic report, but such leave was without pay. Flexible working hours were available to all workers, subject to the employer's consent. Women currently accounted for 20 per cent of those enrolled in public occupational training institutions. Special courses for housewives were offered in those institutions. Moreover, flexible training modules and temporary childcare facilities had made training courses more accessible to women workers. Financial support was provided to private occupational training institutions that offered courses for women. The country's 25 working women's centres offered short-term occupational training and job placement services to married women whose family responsibilities prevented them from enrolling in ordinary occupational training; the number of those centres was expected to increase to 42 by the year 2002.

48. In addition to parental leave promotion grants and financial support and tax incentives for the establishment of childcare facilities in the workplace, the Government provided subsidies to employers who re-employed, within five years, female workers who had left their jobs to start a family. The Government had disseminated a booklet explaining the Equal Employment Act, and had designated October of each year as "Equal Employment Month", during which

special ceremonies, awards, recruitment seminars and symposiums promoted gender equality. There had been no significant decrease in the number of gender-restrictive recruitment advertisements since 1992; most such advertisements were placed by companies with fewer than 100 workers. Awareness-raising and guidance efforts therefore targeted companies in that category. The Government had designated 6 July as Female Entrepreneurs' Day and was developing a comprehensive master plan for accelerating women's entrepreneurship. The National Assembly was currently considering a bill on support for women entrepreneurs and their businesses.

49. Sanitary leave was intended to protect women's health by preventing them from working too much during their menstrual period. Women who did not take sanitary leave were entitled to a payment equivalent to the amount of wages corresponding to the days of unused leave. The law on persons with disabilities was currently under revision in the National Assembly, and would include provisions banning discrimination against women with disabilities. The Government was also conducting a survey on the welfare needs and health conditions of women with disabilities. Beginning in May 1998, the Government had instituted shelters and counselling offices as a major programme of the country's welfare centres for the disabled. Local autonomous bodies had special programmes to assist married women with disabilities in their daily activities and to provide matchmaking services for unmarried women with disabilities. Childcare centres and short-term shelters supported the social activities of women with disabilities. The Employment Promotion Agency for the Disabled offered career development and vocational training for such women, and research and development had been conducted on sheltered employment for women with severe disabilities.

50. In December 1997, some 300,000 older women had been living below the poverty line. A non-contributory pension system had been introduced to help maintain the income of older women in need. The Government also planned to introduce a pension-sharing system to secure pension rights for divorced women and a contribution postponement system under which the contributions of women on maternity leave could be levied retroactively. It would also encourage full-time housewives and women who ran businesses with their husbands to join the national pension programme through the adjustment of the contribution

rate from 9 per cent to 3 per cent, which was the rate applied in rural areas. By the end of 1996, the number of women receiving old-age, disability or survivor's pensions had increased, but the total number of women receiving benefits under the national pension scheme had decreased.

51. Public medical insurance was universal. Statutory medical insurance benefits covered the cost of medical care, including diagnosis, drugs and other means of treatment, surgery, hospitalization, nursing care and maternity benefits. Other benefits that could be provided under certain conditions included funeral expenses, maternity allowances and reimbursement of excess co-payments. Part of the cost of medical care was borne by the insured. Certain costs, such as those for the treatment of minor complaints, cosmetic surgery and excess hospital room charges, were not covered by the public insurance scheme.

*The meeting rose at 1 p.m.*