

**National Review of
the Implementation of the Beijing Declaration
and Platform for Action (BPfA)+25
<Republic of Korea>**

NGO Parallel Report

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Written by

Daejeon Women's Associations United	cafe.daum.net/djwomen2012 djwomen2012@hanmail.net
Korea Cyber Sexual Violence Response Center	http://cyber-lion.com/ kcsvrc@cyber-lion.com https://www.facebook.com/kcsvrc @kcsvrc
Korea Sexual Violence Relief Center	www.stoprape.or.kr ksvrc@sisters.or.kr https://www.facebook.com/ksvrc1991 @stoprape
Korean Women Workers Association	http://kwwnet.org/ kwwa@hanmail.net https://www.facebook.com/kwwa1987/ @kwwnet
Korea Women's Associations United	http://women21.or.kr/ kwau@women21.or.kr https://www.facebook.com/kwau38/ @kwau38
Korea Women's Hot Line	http://hotline.or.kr/ hotline@hotline.or.kr https://www.facebook.com/kwhotline/ @kwhotline
Korean Hanbumo Association	http://www.hanbumonet.com hanbumo20@daum.net https://www.facebook.com/hanbumo20/
Korean Womenlink	http://www.womenlink.or.kr minwoo@womenlink.or.kr https://www.facebook.com/womenlink1987/ @womenlink
Kyunggi Women's Associations United	http://cafe.daum.net/kgwomen21 https://www.facebook.com/kgwomen
Kyungnam Women's Associations United	http://www.gwau.or.kr/
National Solidarity against Sexual Exploitation of Women	https://jkyd2004.org/about/?lang=en https://m.facebook.com/jkyd2004/?ref=settings @jkyd2004
South Korean NGOs' Coalition for Enactment of Anti-discrimination Law	https://equalityact.kr/ equalact2017@gmail.com https://www.facebook.com/equalact2017/ @equalact2017
Rainbow Action against Sexual Minority Discrimination	http://lgbtact.org/ https://www.facebook.com/lgbtactkr/ @rainbowactionkr
Women Making Peace	http://www.peacewomen.or.kr/ adminwmp@gmail.com https://www.facebook.com/koreawmp/
Women Migrants Human Rights Center of Korea	http://www.wmigrant.org/wp/ wmigrant@wmigrant.org https://www.facebook.com/wmigrant/ @wmigrant
Women with Disabilities Empathy	https://wde.or.kr/ wdc214@gmail.com https://www.facebook.com/womenwithdisability/ @wde_gonggam

Coordinated by

Korea Women's Associations United (KWAU) (support@women21.or.kr, kwau@women21.or.kr)

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Contents

Foreword	1
B. Education and Training of Women	3
Education for Women with Disabilities.....	3
C. Women and Health	4
Criminalization of Termination of Pregnancy	4
Improvement in Health of Women with Disabilities	5
Improvement in Health of Women with HIV/AIDS.....	5
D. Violence against Women / I. Women and Human Rights	6
Gender-based Violence against Women	6
Support System for Sexually Abused Women with Disabilities	8
Intimate Partner Violence	8
Prostitution and Human Trafficking	10
Sexual Violence in a Cyberspace.....	11
Enactment of a Comprehensive Anti-Discrimination Law	13
The Framework Act on Healthy Families and relevant policies on families	13
Multiple Forms of Discrimination against Migrant Women.....	14
Discrimination Based on Sexual Orientation and Gender Identity: LGBTI Women and Persons	16
E. Women and Armed Conflict	16
Women and Military Conflicts	16
F. Women and Economy	18
Gender Equality at Work	18
Poverty of Single-Parent Families and Child Maintenance	21
H. Institutional Mechanisms for the Advancement of Women	21
National Machineries for Advancement of Women’s Rights	21
Gender Mainstreaming Policy at Local Level	23
Gender Equality Policy at Local Level – Gyeongsangnam-do	23
G. Women in Power and Decision-Making	24
Women’s Representation in Politics	24
Women’s Representation in Decision-Making positions in the Public Sector	25
Women’s Representation of Women in Gyeonggi-do	27
J. Women and Media	28

Foreword

This report was drawn up by Korean civil society organizations promoting the rights of women to review the current status of government's implementation in the Critical Areas of Concern of Beijing Platform for Action (BPfA) during last 5 years for the preparation of the 25th anniversary of BPfA. The report was prepared as a part of 'Policy Advocacy Project for National Implementation Review of Beijing Platform for Action' from April to June 2019 with the support of APWLD. It was a collaborative work with women's organizations, grassroots organizations, human rights organizations, and network groups which cover diverse regions and agendas. Korea Women's Association United (KWAU) took on roles of drawing up the report together with coordination and revision throughout the processes.

Contents of this report include the assessment of government's implementation, gaps and obstacle, and proposal with regards to field of women and health, violence against women, human rights, women in armed conflict, women and the economy, institutional mechanism for the advancement of women, and women in power and decision-making among 12 critical areas of concern of Beijing Platform for Action with focus on current issues in Korean society. Also, it has incorporated the voices of women including migrant women, women with disabilities, single-parent women, LGBTI women, and women with HIV/AIDS who face the intersectional and complex discrimination on daily basis, and local communities including Gyeonggi, Daejeon, and Gyeongnam provinces.

Although South Korea is a country which achieved the democracy by the people and unprecedented economic development, there are a considerable number of tasks yet to be completed when it comes to gender equality and human rights of women. Particularly, the huge gender gap in various sectors of politics, economy, and society is a key area of concerns. According to the Gender Gap Index of the World Economic Forum in 2018, Korea ranked 115th among 149 countries. Ever since OECD has announced the statistics in 2000, Korea has been the indisputable No.1 in the gender wage gap presenting that of 36.7% in 2018. As of 2019, the ratio of women member of the National Assembly is 17% and the ratio of high-ranking government officers is a mere 6.7% (2018). Although new administration has kicked in after the impeachment of president though candlelight vigil by the people in 2017, much effort still needs to be put into for the dissolution of solid gender-discriminatory social structure and culture based on patriarchy. The nationwide #MeToo movement which started from early 2018 reveals the severity of gender-based discrimination and violence widely spread to daily lives of women at home, workplace, society, and cyberspace. On the other side of development in information technology, we must keep in mind that it is also being used as a tool for violence against women and a considerable number of women is exposed to a new type of sexual violence in cyberspace.

General observation based on this review is as follows. Women have been making visible various human rights agendas spread among daily lives of women through continuous and passionate movement for the last 5 years urging the government to come up with the policies. As a result, there have been several signs of significant progress relevant to the government's implementation of the Beijing Platform for Action.

In details, there have been improvements in terms of the legal and policy frameworks to eradicate gender-based violence and particularly after the #MeToo movement in 2018, various laws and policies have been proposed responding to various forms of sexual violence against women. The new administration, which took office in May 2017, filled 30 percent of the first Cabinet with women ministers to enhance women's representation in the public sector. In addition, there are other key

achievements include raising the minimum wage and establishing a gender equality policy division within the major ministries. Furthermore, the Korean Constitutional Court declared the crime of abortion on Criminal Law to be unconstitutional in April 2019, which became a major footstone to secure the sex and reproductive rights of women in the future as it terminates the long history of considering women's body as the tool of population policy.

However, there are numerous tasks to be completed for the realization of comprehensive gender equality. Moreover, the government lacks political willingness and effort to clarify the gender equality as major vision and goal of national policies and integrate and reflect the gender perspectives to establishment and implementation of national policies in all sectors. This leads to a lack of a system together with a lack of human and physical resources to promote comprehensive gender equality policies that cover all government ministries, central and local government. The gender-discriminatory social structure still prevalent in daily lives and lack of gender sensitivity in legislative and administrative officers implementing policies act as the main reason why gender equality and human rights of women related law and system are not effectively practiced on the ground. Under the situation where resistance of some men's group and conservative forces against gender equality policies of the Ministry of Gender Equality and Family (MOGEF) and other ministries, and activities of women's organizations are ever-growing, the government still does not display an willingness regardless of the fact that it has duties to actively lead social consensus toward the gender equality and human rights of women. We urge the government to accept the proposals presented in this report to accelerate the implementation of policies for gender equality and women empowerment. Also, we expect this report to be utilized as a beneficial input in the regional and global processes celebrating the 25th anniversary of BPfA that will take place until 2020, spread and inform international society the current status of gender equality in Korea and the assessment on government's implementation of BPfA.

B. Education and Training of Women

Education for Women with Disabilities

1. Introduction

<Table 1> Education Level of Persons with Disabilities (Unit: %)

Section	Women	Men	Total
No Education	19.1	4.0	10.4
Elementary School	36.5	20.5	127.3
Middle School	14.5	18.3	16.7
High School	20.9	37.6	30.4
College or Higher	9.0	19.7	15.1
Total	100.0	100.0	100.0

*Source: Seonghee Kim (2018),

(Original Source: Ministry of Health and Welfare, 2017 National Survey on Persons with Disabilities)

A total number of women with disabilities in Korea is 1,089,578 which occupies 42% of total persons with disabilities (2018 Statistics on Persons with Disabilities). It was revealed that women with disabilities have a lower level of education and employment rate compared to men with disabilities, as indicated in the Table 1 above. While the rate of men's labor force participation is 49.7%, the rate of women's is 24.4% (Seonghee Kim, 2018).

2. Assessment of Government's Implementation

According to the national report, the government has conducted the counseling on difficulties women with disabilities go through at each stage of their lifecycle, provided general information on the law, medical care, housing, employment, and others, and executes custom-made empowerment training by running education support center for women with disabilities (42 locations).

Based on the article 6 on women with disabilities of the UN Convention on Rights of Persons with Disabilities (CRPD), the government has designated 20 locations of the Eulim Center for Women with Disabilities for the empowerment of women with disabilities with the MOGEF as the authority in charge. It has provided services including custom-made counseling for each stage of the lifecycle, empowerment training, liaison with local social welfare institutions, and follow-up sessions. However, the tasks were transferred to the Ministry of Health and Welfare in 2015 and rearranged to 'Education for Women with Disabilities' in 2017 without any consultation with CSOs which are working on the issues of women with disabilities. Therefore, the objective 'empowerment of women with disabilities' has become ambiguous and the goal of comprehensive support for the lives of women with disabilities faded as well. Also, there has been a dramatic decrease in the project budget for the education center as well. Organizations working for the issues of women with disabilities have been urging the Seoul Metropolitan Government and the Ministry of Health and Welfare so that the project can be run according to the original objectives, but their voices have not been heard.

3. Recommendations

- The Ministry of Health and Welfare shall clarify the goal of comprehensive support for empowerment and guarantee of human rights for women with disabilities while performing the projects for education for women with disabilities and the projects shall be carried out

according to the above goal. Also, it is necessary to expand the personnel (minimum 3 per center) and support the labor cost of education support centers for the stability in counseling and education.

C. Women and Health

Criminalization of Termination of Pregnancy

1. Introduction

Article 27 of Criminal Act prohibits the termination of pregnancy in all cases other than pregnancy by rape, substantial risk to the life of the pregnant, and abortion based on the grounds of eugenics within 24 weeks of pregnancy. On 11 April 2019, the Korean Constitutional Court has declared the anti-abortion law to be non-conforming to the constitution thus the unconstitutionality of anti-abortion law has been recognized. However, the effect of current law maintains until the revision of the law. In addition, there has been an increase in public support for the abolition of anti-abortion law. In 2017, about 230,000 citizens signed a petition requesting the abolition of anti-abortion law and introduction of abortion pills to the Blue House.

2. Assessment of Government's Implementation

While the government has been implementing policies to prevent the termination of pregnancy and intensify the relevant penalties, it has been neglecting the health and reproductive rights of women who terminate the pregnancy. It is also confirmed through the fact that there is no mention of the anti-abortion law in the national report for the review. Regardless of the recommendation by the Committee on Elimination of Discrimination against Women (CEDAW) (2011, 2018) on decriminalization of abortion, the government has not been taking any measures on the issue. Even after the ruling of the Korean Constitutional Court, it is holding off the introduction of abortion pills on the ground that the revision of relevant laws has yet to take place. However, the introduction of medicines is necessary measures for the rights of women's health who are going through the abortion now, apart from the revision of the anti-abortion law. Postponing the introduction is like abandoning the duties and responsibilities of the government.

3. Gaps and Obstacles

The underlying cause of the issue is the perspectives of the government which views women's body as a reproductive tool in the designing and implementation of policies in term of pregnancy and abortion. That is, the government considers the resolution of population crisis as a major goal rather than an increase in health and quality of life for women. Thus, policies for women have been centered around the protection of motherhood and support for childbirth under the guise of policies for women.

Also, there are a few groups which insist on maintaining the anti-abortion law on the grounds of misunderstanding on women's experience and gender-discriminating view which suggests the termination of pregnancy is the result of sexual promiscuity, irresponsibility, or lack of respect for life. The stance of the government was rather complacent trying to cool-off the social conflict instead of clearly setting up the policy direction to promote gender equality and human rights via communication with the public.

4. Recommendations

- Decriminalization of the abortion followed by the deletion of Article 27 (Crime of Abortion) in the Criminal Act
- Guarantee the introduction of abortion pills and universal access to safe termination of pregnancy
- Increased accessibility to contraception, the establishment of policies to guarantee sex and reproductive rights including but not limited to the revision of Mother and Child Health Act

Improvement in Health of Women with Disabilities

1. Assessment of Government's Implementation

There is no expertise and understanding on agenda for the improvement in health of women with disabilities. The agenda for the improvement in health of women with disabilities only focuses on pregnancy and childbirth. One-time childbirth grant policy cannot resolve structural discrimination and alienation experienced by women with disabilities in terms of sexual and reproductive health and rights. Furthermore, there is no place including school, local community, and facilities that provides information and comprehensive sexuality education necessary for women with disabilities to lead their lives as the main agent that exercises one's own rights to sex.

2. Recommendations

- The government must establish a policy roadmap to secure comprehensive sexual and reproductive health and rights of women with disabilities at all stages of the lifecycle, moving beyond the limited focus on pregnancy and childbirth.
- It shall become mandatory to provide comprehensive education and information on sexuality and health accessible to all persons with disabilities and adequate for all types of disabilities and housing.
- There needs to be an expansion of medical service and public postnatal care center accessible by women with disabilities.
- Close cooperation with civil society organizations is necessary in order to establish and implement policy to secure comprehensive rights of women with disabilities.

Improvement in Health of Women with HIV/AIDS

1. Introduction

There are two sources of the statistics on female HIV/AIDS cases in Korea: the HIV/AIDS reporting status managed by the Ministry of Health and Welfare; and the causes of mortality statistics produced by Statistics Korea. According to the 2017 statistics managed by the Ministry of Health and Welfare, there are 12,320 Koreans living with HIV/AIDS and of these, 93 percent are men and 7 percent are women. As of 2017, an estimated 102 individuals across the country became newly infected with HIV/AIDS (Among them, 50 persons are Koreans and 52 are foreigners).

2. Assessment of Government's Implementation

While the government is producing minimal statistics on persons with HIV/AIDS, no policy has been established and implemented accordingly. Especially, although women with HIV/AIDS are exposed

to diverse forms of gender-based violence, social stigma as well as limited access to jobs and poverty, there is no policy for them.

Women workers in women-dominated occupations, such as entertainment establishments, are specifically targeted for mandatory HIV testing and report submission in accordance with the Article 8 of the Prevention of Acquired Immunodeficiency Syndrome Act. In addition, the Article 18 of the Act prohibits persons with HIV from getting such jobs. Furthermore, criminalization of perceived intentional HIV transmission and infection exposure in line with the Article 19 of the Act is a violation of human rights as it considers pregnant women with HIV as a potential criminal. Currently, women with HIV/AIDS are burdened with a high medical cost for the childbirth and prevention of direct infection. Although they are the women in need of social protection and security, they are discriminated even in the process of admission and release from shelters just because they are persons with HIV.

3. Recommendations

- End the Discrimination: Stop mandatory HIV testing; review the feasibility in restricting the occupation for the improvement in the system; stop discriminatory actions against persons with HIV in shelters; stop mandatory STD testing; abolish the law that punishes persons with HIV; stop discriminatory actions in hospitals; and stop the mandatory epidemiological survey
- Improve system for assistance: Improvement in medical cost aid, support the childbirth and prevention of direct transmission; improvement in the National Basic Livelihood Security System; support housing; activate the self-support group for women with HIV and encourage their participation; and improvement in coordination with a childcare support system
- Strengthen the counseling and treatment for youth; increase the accessibility to sex education; improvement in legal gender change for transgender women; improvement in sex-reassignment surgery; and support medical cost for non-Korean citizens with HIV/AIDS

D. Violence against Women / I. Women and Human Rights

Gender-based Violence against Women

1. Introduction

While the rate of filing complaints by the victims of sexual abuse is increasing, the victims are experiencing secondary damage in the investigation and judicial processes. 24.6 percent among 540 victims of sexual abuse who had filed criminal charge said that they experienced secondary damage during the criminal proceeding (Korea Sexual Violence Relief Center (2012), 2008-2009 Counseling Statistics). The legal standard continues to require the presence of strong violence, threat, and the victim's resistance in order to prove that an adult woman was raped, and the burden of proof still lies on the rape victim¹.

Fear of sexual violence decreases the women's quality of life. In the 2016 National Survey on Sexual

¹ Korea Sexual Violence Relief Center, 2017 Counseling Statistics (In the 12.1% of cases, there was a presence of violence and threat at the serious level, in 43.5% of cases there was no violence and threat at the serious level and in 44.3% of cases, it was not possible to check if there existed a violence and threat at the serious level.)

Violence, 64.5% of women and 8.6% of men have answered that they ‘fear sexual assault when they are alone in a taxi or public restroom.’

2. Assessment of Government’s Implementation

Prosecution changed its manual to postpone the investigation on false appraisal until the investigation on the sexual abuse case is closed, when the victim who reported the sexual abuse is accused of false appraisal by the defendant (Prosecutor’s Manual on Sexual Abuse Investigation, renewed on May 8, 2019). Since #MeToo movement in Korea in 2018, approximately 150 revision bills related to sexual abuse have been proposed and among them, so far 13 laws have been passed in the National Assembly. The government initiated the Government-Wide Council for the Extermination of Sexual Abuse, Sexual Harassment, and Digital Sexual Crime, which is constituted of 12 offices and civilian experts, to establish a comprehensive solution for sexual abuse and monitor the implementation.

However, despite the recommendations by the CEDAW Committee (2018), 9 revision bills, related to the corpus delicti of rape, are still pending in the 20th National Assembly and are not even being discussed within the Assembly. In addition, the government has so far not expressed its clear position on this matter.

3. Gaps and Obstacles

There is a necessity to establish a practical and effective education program to prevent sexual violence and change gender-discriminatory social norms, culture and daily behaviors. However, at present, most of the education programs continue to exist only in a formal way. Moreover, the budget for the support of the victims of sexual violence is insecure as it is not included in the general budget of the MOGEF but is incorporated in the Crime Victims Support Fund of the Ministry of Justice. Besides, in the budget for 2019, the budget related to #MeToo movement constitutes only 0.01 percent of total amount.

4. Recommendations

- Amend laws to define rape based on the absence of consent to ensure the realization of the right to sexual self-determination and sexual integrity
- Introduce a Rape Shield Law in criminal proceedings requiring the defendant to obtain court authorization to introduce evidence of the complainant’s past sexual behavior and the court to halt proceedings whenever the past sexual behavior of a complainant is brought up without court authorization
- Actively respond to charges filed against victims of sexual violence: When false accusation claims and defamation claims are filed against victims of sexual violence, their legal rights as sexual victims (the right to request private proceedings, the right to company with a person in confidential relationship, and etc.) should be applied *mutatis mutandis*. Moreover, aggravated punishment should be applied to defendants who file such claims. The court should assess justification defenses for fact statement defamation (an accusation that constantly threatens the rights of sexual violence victims) with a more lenient standard
- Rather than merely emphasizing the individual’s role in crime prevention, expand effective sexual violence prevention education that focuses on empowering women and designing policies for safe cities and rural areas; Actively include women’s voices in the policy-making process

Support System for Sexually Abused Women with Disabilities

1. Assessment on The Government's Implementation

The Ministry of Justice provides the legal aid by public defenders to victim of sexual abuse. For children and persons with disabilities, it supports communication through a statement assistant. However, main actors in charge of supporting the sexually abused victim have a lack of understanding of the disability status of the victim thus sexually abused women with disabilities are not provided with proper legal support. Lack of understanding on disability by a statement assistant on the field sometimes leads to no/or little reflection of victim's trait on the investigation processes.

Since the details of statement assistant training or refresher courses by the Ministry of Justice are not open to the public, it is difficult to properly assess the selection and training process. Also, there are many cases where public defenders for victims do not provide proper legal aid because the Ministry of Justice does not offer education or information to better understand the victims with disabilities.

2. Recommendations

- It is necessary to supplement procedures of pre-trial interviews so that a statement assistant can understand the trait of victims with disabilities and assist their communication. Also, the current status of providing the victims with the public defenders shall be monitored and relevant training shall be provided so that public defenders can provide proper legal aid to victims with disabilities.

Intimate Partner Violence

1. Introduction

There is no law that explicitly describes principles and definitions of the international law on gender-based violence against women in Korea. In response to voices of women's rights organizations that demand establishing comprehensive policies and legislations from gender perspective and responding to various types of violence against women, the Framework Act on the Prevention of Violence against Women was enacted in 2018. However, the concept and the range of gender-based violence are narrowly defined in the Act.

There is no government's crime statistics on female killings and violence crimes committed by intimate male partners. According to the analysis of the Korea Women's Hot Line on incidents reported in the media, 561 women were killed or threatened to be killed for 3 years (2015~2017) by their intimate male partners. At least, one woman on 2 days is victimized by intimate partner violence.

Domestic violence is being left virtually unpunished. Of reported domestic violence cases, the rate of handling cases with urgent temporary ad hoc measures by police is about 3%; the rate of indictment is less than 10%; the rate of detention is less than 1%. About 40% are handled as home protection cases, not criminal cases. Despite more than 80% of home protection cases are falling under bodily injury or assaults cases, more than 40% were handled with no action. Even after receiving protective dispositions, most of the protective dispositions involved counseling, training, or community service. Only less than 1% is disposed with restraining order or custody restriction enforcement (statistics are based on reports of the Ministry of Justice, the National Police Agency, and the Court Administrative Office).

2. Assessment of Government's Implementation

(1) Progress

The government established the comprehensive framework for policies to prevent various types of violence against women and to support victims by enacting the Framework Act on the Prevention of Violence against women. The government also established the legal basis to set up supporting systems in consideration of characteristics of victimization and to support the self-reliance allowances when victims leave shelters, by amending the Act on the Prevention of Domestic Violence and Protection, etc. of Victims. In addition, some policies were established to improve on-site police response to domestic violence, dating violence, and stalking, following the recommendations from the Committee for Police Reform that reflected women's organizations' demands.

(2) Challenges

The Framework Act on the Prevention of Violence against Women was enacted without addressing important contents, which include the fact that violence against women is caused by gender-based unequal power relationship and gender discriminatory culture, the obligated responsibilities of the government and other related parties for eradicating combating violence against women, and the judicial procedures from gender perspective.

Various UN human rights treaty bodies, including the UN Human Rights Committee (2015), the Committee Against Torture (2017), and the CEDAW Committee (2018), have recommended the Act on Special Cases Concerning the Punishment, etc. of Crimes of Domestic Violence shall be revised to abolish the system of dispute resolution procedures (reconciliation and mediation) for domestic violence including suspending indictment on condition of counseling. However, the Act has not yet been revised. A long-term framework is still absent to fully support various types of domestic violence victims. Most government policies for supporting victims are targeted only to certain groups of victims like residents of shelters, focusing on providing temporary means of support.

There has been pre-announcement of the bill for the punishment of stalking crimes by the government (May 2018). However, the proposed bill does not reflect characteristics of stalking crimes that often occur in intimate partner relationships, by narrowly defining stalking as a continuous and repetitive approaching behavior. Also, it cannot address victimization of people surrounding a first target victim.

3. Gaps and Obstacles

Intimate partner violence against women is still considered as an individual issue or a conflict between equally powered man and woman rather than a gender-based violence. Thus, the government's policy approach is based on individual perpetrator's psychological and behavior correction. The current laws and policies on domestic violence, which act as a policy model for regulating intimate partner violence such as dating violence and stalking, define their targets narrowly as heterosexually married couples or blood-oriented family. As the main purpose of the current laws and policies on domestic violence is to 'maintain and restore the family,' domestic violence is handled exceptionally unlike other criminal cases.

The government's policies on support for victim are conditional and narrowly targeted to victims who are proven sufficiently to be protected like financially deficient victims. In addition, the government

narrowly interprets the meaning of self-reliance as economic independence only.

4. Recommendations

- The Act on Special Cases concerning the Punishment, etc. of Crimes of Domestic Violence should be amended so that its purpose is to ensure the safety and human rights of victims and their various types of families. Intimate partner violence perpetrators should be criminally punished under statutory sanctions. In addition, the amendment should extend its applicability to same sex couples or families, and all women regardless of their sexual orientation or gender identity.
- It is necessary to immediately enact the legislation for adequately punishing and preventing stalking which encompasses characteristics of gender-based violence against women within intimate relationships.
- The government should develop a long-term policy to support victim's self-reliance which incorporates emotional, social, and economical aspects of their lives.

Prostitution and Human Trafficking

1. Introduction

According to the Korean Institute of Criminology (KIC), the size of the Korean prostitution market is estimated to be 30 trillion to 37.6 trillion won (approximately 26-32 billion US dollars). In Korea, there still exists 42 prostitution blocks nationwide. With the advancement of information technology, the sex industry has expanded to include the websites for prostitution brokerage, SNS, and online random chatting applications. It is difficult to regulate such new types of prostitution with existing laws. Most of the women in prostitution enter the business with economic difficulties, face mental health problems including depression, and have an experience of forced administration of various injections, and diet pills (MOGEF, 2016, National Survey on Prostitution).

According to Act on the Protection of Children and Youth against Sexual Offenses, abused children and youth in prostitution are classified as the 'Children and Youth Involved' rather than the victim. Furthermore, they will be subject to protection disposition under Juvenile Act rather than the recipient of support for victims. Therefore, even when abused children and youth report to the authority in charge of the sexual violence against them, it is registered as the cases of prostitution. Then, the perpetrator receives a light punishment and abused youth won't be able to receive support for the damage done.

2. Assessment of Government's Implementation

The government has established the Prostitution Blocks Eradication Plan and currently been promoting to close down all prostitution blocks. However, there is a lack of substantial measures to protect and support the prostituted women by providing housing, securing a basic livelihood, and offering jobs.

Korea is prohibiting the prostitution as it is prescribed as the violence against women and sexual exploitation according to Anti-Prostitution Act. In addition, according to the law, victims of sex trafficking and prostituted women are not being punished. However, there is a narrow interpretation of the 'prostituted women' as those who were sexually exploited under the coercion. Therefore, on the site, many women are classified as 'voluntary prostitute' and punished accordingly. Such law has

been a huge obstacle in protecting and supporting the women in prostitution on the site.

The current government has chosen to refer children and youth flown into prostitution as ‘Abused Children and Youth’ rather than ‘Children and Youth Involved’ in Act on Protection of Children and Youth from Sexual Offenses. It is significant progress that such change was chosen as a national task and started its promotion and implementation. The MOGEF is putting effort to recognize the severity of sexual exploitation of children and youth and expand the protection and support system. The Ministry of Justice, however, still views sexually exploited children and youth as the target of guidance rather than the victim. Such a passive stance of the Ministry of Justice has become a core obstacle in solving the sexual exploitation of children and youth done in new ways and spaces like online.

E-6-2 Visa has been used as a channel for human trafficking and sexual exploitation of migrant women. There is an increase of E-6-2 visa holders coming in through US military camp towns, entertainment districts in small to mid-sized cities, and clubs serving foreigners in port areas. Recently, there has been an influx of Thai women (with visa exemptions) into Thai massage parlors and are increasingly exposed to sexual exploitation. Similarly, there have been cases where women from different countries were smuggled into the domestic sex industry with short-term tourism and medical tourism visas, etc. Although sexually exploited foreign women are considered as either perpetrator or undocumented immigrant and forced to return home, the government has not been taking any concrete measures to address such issues. Particularly, a comprehensive law on human trafficking based on Palermo Protocol has not been enacted yet. Thus, it is difficult to arrange adequate protection for human-trafficked or sexually exploited women and policy to prevent such crime.

Due to a light punishment for those who buy sex (fine, in case of the first-time offender, 16-hour education) and a social atmosphere which considers the prostitution as a petty crime, policies to lower the prostitution demand are not being implemented properly.

4. Recommendations

- According to the recommendations by the CEDAW Committee (2018), there shall be a strong punishment for a broker, human trafficker, and sex buyers to eradicate all types of the sex industry.
- Decriminalize prostituted women and provide comprehensive support (exit programs) for the prostituted women including housing, livelihood, and job; establish consistent investigation process to secure expertise in a crackdown on prostitution/sex industry and arrangement of a special division
- Grasp the current status of increased sexual exploitation experienced by migrant women; protect human rights of and provide damage relief support for the prostituted women of foreign nationality; introduce the comprehensive law on human trafficking that prescribes strong punishment for human trafficking

Sexual Violence in a Cyberspace

1. Introduction

There has been a dramatic increase in sexual violence in cyberspace and the volume of illicit filming with the advancement of internet technology and the universal supply of smartphones. According to

the statistics by the Supreme Prosecutor's Office, illicit filming via cameras or other equipment is the crime of which its proportion among sexual violence most increased during last 10 years. Although the crime accounted for 4.6% of the entire sexual violence in 2008, it gradually increased to 24.9% in 2015, 17.9% in 2016, and 20.2% in 2017.

The tally of damage reports on the distribution of illicitly filmed material from January to August 2018 was 164. Among them, only 52 cases (66 criminals) were apprehended. There were cases where the police disregarded the damage reports by making excuses such as "We cannot catch them unless you can specifically identify the perpetrator." The rate of arrest compared to reporting is a mere 32%.

A considerable number of women have been bringing up the issue of violence and misogyny in cyberspace and issue of illicit filming to urge the government to come up with countermeasures. Since 2015, women have gained influence online under the name *Megalia*, an online community which counterattacked pre-existing discrimination, violence against women, and particularly the violence and misogyny in cyberspace. It has enabled rapid progress in online based activism. For instance, women gathered six times in 2018 to denounce gender-biased investigation and biased ruling in courts regarding illicit filming and its distribution. With online-based feminists as its center, total of 360,000 women have participated in these rallies.

2. Assessment of Government's Implementation

As the crime of the illicit filming and its distribution has become a major social issue, the government has introduced the Comprehensive Plan for Prevention of Damage by Digital Sex Crimes in 2017 and established a national-level support system for victims. However, there should be practical implementations. Also, a comprehensive support system that goes beyond simply deleting sexual films distributed without consent is urgently needed.

Regardless of the recommendation by the CEDAW Committee (2018) to come up with preventive measures for online sexual violence, there is an insufficient level of online platform regulations and legislative revisions to punish perpetrators. Current laws on punishment of sexual violence do not incorporate all types of damages by cyber sexual violence and thus the level of regulations and punishments for the use of an online platform is very weak. Despite investigations on the distribution of illicitly filmed videos by online businesses, an industry of selling violence against women in cyberspace remains. Specifically, blocking access to illegal porno websites that circulate illicitly filmed videos and some other measures have been taken but it was just for a certain period of time. Thus what we need is fundamental measures such as closing these websites down and sentencing the owner/operator, etc.

3. Gaps and Obstacles

There is a lack of national vision for the termination of violence and hatred against women in cyberspace. The government remains indifferent to the illicit film industry and the prostitution industry that utilized cyberspace and are now huge conglomerates. Also, the rate of arrest for cybercrime is low due to a lack of expertise in investigatory institutions which should counteract to cybercrimes (which change in various ways due to the traits of cyberspace).

4. Recommendations

- In order to terminate the violence and hate speech against women in cyberspace, the government shall establish a vision at the national level and arrange and implement the fundamental law and policies. In particular; 1) reinforce the relevant laws to punish online platform business that industrializes violence and exploitation against women and burden them with social responsibilities; 2) input human and physical resources nationwide for cybercrime investigations and strengthen the capacity and expertise in conducting the investigations

Enactment of a Comprehensive Anti-Discrimination Law

1. Assessment of Government's Implementation

Various UN human rights treaty bodies, including CEDAW Committee, have repeatedly recommended that the government enact a comprehensive anti-discrimination law for the full enjoyment of rights prescribed in the UN conventions and covenants without discrimination. However, the government and the National Assembly so far haven't shown willingness to take up such recommendations and to enact the law, replying that "there are currently ongoing social controversies surrounding various issues related to the anti-discrimination law, including sexual orientation and gender identity and other causes of discrimination". This indicates that the government merely regards human rights as the subject for social consensus or negotiation. The enactment of the anti-discrimination law was also excluded from the 100 National Policy Tasks of the current administration. While the enactment of anti-discrimination continues to be delayed, various forms of human rights violations and discrimination against social minorities, including hate speeches, especially by conservative religious groups and far-right parties have been worse, such as storming in the public hearings related to the anti-discrimination law and disrupting the proceedings of the meetings. However, the government neither disclosed details of its research on the legislation nor conducted any public campaign to raise public awareness of the legislation. Furthermore, there has been no attempt to build a cooperative relationship with civil society for the enactment the law.

2. Recommendations

- Immediately enact a comprehensive anti-discrimination law applicable to gender-based hate speech, discrimination on grounds of sexual orientation and gender identity, online-based or digital sexual violence and harassment, and also extensively in private sector

The Framework Act on Healthy Families and relevant policies on families

1. Assessment of Government's Implementation

The Framework Act on Healthy Families, which views families formed by heterosexual marital relations to be 'healthy families,' serves as an impediment in establishing policies that support families of various forms. For instance, it is prescribed that a family is considered as a basic unit of society, formed by marriage, blood or adoption (same Act, Article 3, para. 1) and that all citizens shall recognize the social importance of marriage and childbirth (same Act, Article 8). Furthermore, the Act reinforces existing myths, social prejudices, and discrimination against families that do not meet the criteria for 'healthy families,' including single-parent families, by classifying them as 'families in

crisis' or 'disadvantaged families.' The government should take action to fundamentally revise the Act and make relevant legal and policy frameworks that embrace families of various forms and guarantee the right to form a family.

2. Recommendations

- It is necessary to fundamentally revise the Framework Act on Healthy Families and to provide comprehensive legal and policy framework that embraces families of various forms and guarantee the right to form a family.

Multiple Forms of Discrimination against Migrant Women

1. Introduction

As of December 2018, there are 2,367,607 foreigners residing in Korea and 46% or 1,078,760 of them are women. Women of foreign nationalities differ in their residence types: 21% are people of Korean heritage (230,922), 12% take part in the Employment Permit System (Essential Skills Work Visa) (124,146), 9.6% have a marriage migrant visa (102,841), and etc. A total of 288,234 foreigners have married Korean citizens (among them 85% are women, approximating 250,000). 129,028 of this total are naturalized citizens and 159,206 of the foreigners hold residential visas. Among the Culture and Entertainment visas, there are 2,233 Hotel and Adult Entertainment Visa (E-6-2) holders, and 1,896 of them are women. Among 274,727 Non-professional Employment Visa (E-9) holders of the Employment Permit System, 8.4% (23,431) are women and it demonstrates a low percentage of female representation. However, in the field of agriculture (E-9-3), 33.5% (10,554) are women out of 31,462, which is a relatively high percentage of female representation.

The Korean government has provided a legal basis for domestic foreign policies through various legal enforcement including: Act on the Employment of Foreign Workers (2003); Clause for Foreign Female Victims within the Act on the Prevention of Commercial Sex Act (2004); Marriage Brokers Business Management Act (2007); Framework Act on Treatment of Foreigners Residing in the Republic of Korea (2007); Multicultural Families Support Act (2008), etc.

2. Assessment of Government's Implementation

(1) Progress

The government guarantees basic labor rights including minimum wages for migrant workers through the introduction of the Employment Permit System based on the Act on the Employment of Foreign Workers. It operates 10 nationwide migrant workers (counseling) support centers to offer counseling to migrant workers seeking aid.

The government established 217 multicultural family support centers in each city, province and district around the nation to support the livelihood of multicultural families. The Danuri Call Center 1577-1366, a call center for multicultural family support, is available 24 hours for consultation in various native languages. In addition, the government operates 28 shelters for migrant women who are victims of violence, and 5 migrant women counseling centers are due to open in 2019, as well as 1 shelter for foreign female victims of sexual trafficking. In addition, the government issues a marriage migrant visa (F-6) for foreigners married to Koreans and offers a simplified naturalization process for

foreigners married to a Korean spouse over general naturalization.

(2) Challenges, Gaps and Obstacles

As the scope of multicultural families is limited to conjugal relations where at least one spouse is a Korean citizen, families where both spouses are foreigners are excluded from various support. The UN Committee on the Elimination of Racial Discrimination has recommended the expansion of multicultural families to include the latter, but it has not been implemented. The government's social welfare policy is solely reserved to foreign parents who raise children of Korean nationality. As a result, foreign families, including children of foreign nationalities, are excluded from social security. In Korea, the registration of a family relationship is available for a child born in relation to a Korean national, so there cases continue to arise where foreign children are not registered at birth.

The stay and naturalization process for married migrants is substantially dependent on the Korean spouse. Therefore, there have been cases where a lack of cooperation from the spouse has led to difficulty in prolonging the stay or obtaining naturalization. The most inquired category at the Danuri Call Center 1577-1366 is consultation on stay and nationality (15,902 cases out of 150,983 are to do with stay or nationality, which is 10.5%). In 2017, 1,334 migrants who arrived on a marriage migrant (F6) visa became unregistered, and in 2018, this number increased to 1,161, demonstrating the instability of stay for many of these migrants. With 30% of the naturalization applications for marriage migrants being rejected, naturalization remains difficult. In particular, migrant women who are divorced or widowed to a Korean spouse are required to take a written test for naturalization, which is exempt for those who live together with their spouse. The various UN human rights treaty bodies, including CEDAW (2018) and CERD (2018), have repeatedly recommended the government shall take actions to stabilize stay of marriage migrant women, but such recommendations have not been taken up by the government.

The Employment Permit System restricts foreign workers from changing workplaces. Hence, there are limitations in the change of workplace for migrant women workers who are victims of gender violence. As the main target of the Employment Permit System is male workers, maternity rights protection such as pregnancy and childbirth for female workers is insufficient. In the agricultural sector, where 30% of female workers are employed, employers' health insurance coverage rates are remarkably low. In addition, the workers' safety is at risk due to poor living conditions staying at unauthorized vinyl houses, deduction of dormitory fees from their salary, and etc.

Migrant women who are victims of sexual exploitation and trafficking work in the Korean sex industry through various routes, including, with the E-6-2 visa (see 'Prostitution and Human Trafficking' p10~11).

3. Recommendations

- Expand the scope of multicultural families to include families where both spouses are of foreign nationality so that long-term foreign residents, families and their children may access social welfare and support; Enforcement of a universal registry system for all children born within South Korea, including children of foreign parents is also necessary.
- Streamline and stabilize marriage migrant women's stay and naturalization procedures; Abolish institutional discrimination against single marriage migrant women
- Abolish Employment Permit System restrictions that restrain workers from moving between

workplaces; Establish safe dormitory standards; Expand health insurance to include foreign nationals. Protection of maternity rights for migrant women workers

- Protect rights for foreign victims of sex trafficking and provide their damage relief support

Discrimination Based on Sexual Orientation and Gender Identity: LGBTI Women and Persons

1. Assessment of Government's Implementation

LBTI women and persons in Korea cannot enjoy the rights in the Convention wholly due to discriminatory social climate, laws, and practices. Article 92-6 of the Military Criminal Act is the only legal clause in the country stipulating punishment for consensual sexual acts between the same sex. On August 4, 2015, the MOGEF requested the deletion of the clause that “Sexual minorities, too, must be guaranteed human rights equally and participate and be treated equally in all fields” from the Daejeon Basic Ordinance on Gender Equality, stating that it was outside the legislative purpose of the Framework Act on Gender Equality. Subsequently, the Daejeon Metropolitan Council amended to exclude the clause. In other words, the Ministry's stance was that the Framework Act on Gender Equality “[did] not include or stipulate concepts or policies related to sexual minorities.” However, this goes against UN agencies' position on intersectionality among women. The Life Partnership Bill, which would grant to two non-married persons sharing housing and livelihood the right to access social welfare including property issues before and after cohabitation, the right to medical self-determination, public housing, and National Health Insurance, and addresses issues of domestic violence in cohabiting relationships, was prepared. However, this draft bill was not proposed in the National Assembly. Despite many hate crimes against LGBTI persons reported, there's no segregated statistical data on the number of complaints about such crimes, investigations, prosecutions, and convictions of perpetrators, as well as on redress provided to victims.

2. Recommendations

- Adopt targeted laws, policies and programs to tackle the discrimination against LGBTI persons
- Denounce attacks on the human dignity and integrity of LGBTI persons, including by raising public awareness of their rights in partnership with civil society
- Adopt measures to prevent hate crimes against LGBTI persons and ensure investigations, prosecutions, convictions and reparations.

E. Women and Armed Conflict

Women and Military Conflicts

1. Introduction

There had been an escalating war crisis on the Korean Peninsula until 2017 due to North Korea's nuclear tests and missile launches. However, the peninsula is undergoing dramatic changes nowadays, as the military tensions between North and South Korea have been eased through three rounds of inter-Korean summits and one round of North Korea-U.S. summit in 2018 and as the hostile Pyongyang-Washington relationship is advancing toward dialogue through denuclearization negotiations.

Meanwhile, the competition and conflicts between the United States and China over hegemony in Northeast Asia have led to increasing military conflicts and spending in the region including the Korean Peninsula. This situation has become obstacles to human security for the residents on the peninsula, particularly women's security. The government set the First National Action Plan to implement the United Nations Security Council Resolution 1325 in May 2014 and drew up the Second National Action Plan in May 2018 involving nine government ministries.

2. Assessment of Government's Implementation

(1) Progress

The revision of the Framework Act on Gender Equality in December 2017 has laid the legal foundation for the implementation and assessment of the UNSCR 1325 National Action Plan. This can be viewed as a progress in institutionalizing the implementation of the plan. In addition, the Ministry of Unification filled 23.3% of its Senior Civil Service Corps with female officials in order to expand women's participation in the decision-making for the Korean Peninsula Peace Process. The UNSCR 1325 National Action Plan aims to achieve women's participation ratio of 40% within government committees in the fields of national defense, reunification and diplomacy.

The Ministry of Foreign Affairs launched the Action with Women and Peace initiative in June 2018 in order to contribute to addressing the issue of gender-based violence in conflict, providing support for Rohingya refugees (\$1 million) and survivors of sexual violence in Central African Republic (\$1 million). In addition, the Korea International Cooperation Agency (KOICA) newly created the "gender-based violence in conflict" section in 2018 within its civil society-government cooperation projects and is carrying out three projects to support woman refugees.

The Ministry of National Defense newly set up a gender equality committee in 2018 and a gender equality division in 2019. The Ministry is also providing gender awareness education for Peacekeeping Operations (PKO) personnel before and after their overseas deployment. As of 2018, women accounted for 16.6% of PKO personnel.

(2) Challenges

The cooperation between the government and civil society for the implementation, monitoring and assessment of the UNSCR 1325 National Action Plan is not being conducted on a governance level. In particular, implementation reporting meetings involving civilian advisors are held just twice a year as a formality.

While legal and systemic foundations have been laid for the implementation of women, peace and security-related policies, no budget has been allocated for effective implementation. Particularly, no gender-responsive budget is allocated in the Inter-Korean Cooperation Fund. In addition, women's participation is almost nonexistent in major negotiation processes including the denuclearization negotiations and inter-Korean talks. A model for women's meaningful participation has yet to be developed.

3. Gaps and obstacles

Lack of a government-wide institution responsible for the implementation, monitoring and assessment

of the UNSCR 1325 National Action Plan 1) creates limits in the binding force for the implementation of the plan, and 2) results in insufficiency in each government ministry's pursuit of agendas or projects specialized in women, peace and security.

Moreover, there is a lack of analyses of the Korean Peninsula's division and conflicts from gender perspectives, while the Korean Peninsula peace process-related policies also lack gender awareness and perspectives. Therefore, specialized competence in the women-peace sector has yet to be built.

4. Recommendations

- In order to ensure effective implementation of the UNSCR 1325 National Action Plan, it is suggested 1) that a government-wide institution encompassing all relevant ministries be set up, and 2) that the ministries be required by law to allocate relevant budgets.
- In order to expand female involvement in inter-Korean talks and denuclearization negotiations, Women and Facilitation/Gender and Mediation programs should be developed and models for meaningful female participation should be explored.
- Inter-Korean women's exchanges and cooperation should be regularized on civil society and government levels. Gender perspectives should be introduced in Korean Peninsula peace process-related policies to create a vision of achieving gender equality on Korean Peninsula.

F. Women and Economy

Gender Equality at Work

1. Introduction

South Korea ranked 115th among 149 countries in the World Economic Forum's 2018 Gender Gap Index, last among the 29 member economies of the Organization for Economic Cooperation and Development (OECD) in Economist magazine's 2019 Glass-Ceiling Index, and has constantly ranked first in the OECD's gender wage gap with 36.7% since the OECD started announcing the statistics. The indicators result from the concentration of all gender discriminations that women face in the labor market (including gender discriminations during recruiting processes, gender-based separation of occupational categories and duties, unstable employment situations such as the concentration of women employment for irregular positions or small-sized businesses, discriminations in work assignments and wages, discriminations in promotions, disadvantages stemming from pregnancy, birth, and childrearing, undervaluing of care work, aesthetic labor forced upon women, and sexual harassment in workplaces).

2. Assessment of Government's Implementation

(1) Progress

The previous two conservative administrations aggravated the overall employment environment for women by abolishing division specializing in employment equality within the Ministry of Employment and Labor and regional Employment and Labor Offices, failing to perform labor supervision on gender discrimination or take corrective measures, and adopting women's employment policies that strengthened the gender stereotypes. The current administration, since taking power in

May 2017, included "establishing a discrimination-free employment environment" into its key policy agendas in its roadmap for women's labor policy, and has introduced several laws and systems for addressing the issue of gender discrimination in employment. They include the expansion of workplaces subject to affirmative actions, "submission of wage statuses between man and woman workers, "; the wage disclosure system for gender equality; the increase of pays during maternity and childcare leaves; the policy of encouraging male childcare leaves; the strengthening of education for preventing sexual harassment in workplaces; and reemployment assistance service for women whose careers have been interrupted by marriage or childbirth.

(2) Challenges

The government's policy on women's labor is absolutely short of resolving gender discrimination in employment. The government is still focusing on preventing "career interruptions" caused by pregnancy, childbirth and child rearing and promoting reemployment. Although policies of expanding part-time jobs in the name of supporting work-family compatibility aggravated the quality of women's employment during the past conservative administrations, the new administration remains stuck in such a point of view. Education or reemployment assistance services for career-interrupted women are concentrated on women's occupational categories or women-related work, leading them to low-wage and simple jobs.

Affirmative actions and the wage disclosure system may help grasp the actual condition of wage discriminations to a certain extent, the measures per se are not enough to resolve low wages and pay discrimination facing many women. Moreover, submission of employment situations implemented as part of an affirmative action measure is not effective enough, as it is left up to each business's voluntary will, while the measure lacks incentives or punitive provisions depending on the results.

Only workers registered with employment insurance for longer than a certain period of time can benefit from maternity and childcare leaves. There still are blind spots where woman workers find it difficult to take advantage of the system, as they have a high rate of irregular employment and a low rate of social security registration. Many male employees cannot take advantage of those leaves because low income replacement rates and threats of discrimination in promotions or other opportunities.

The legal mandatory education for the prevention of sexual harassment is overly formal and ineffective in terms of the content and methods. The implementation is often left up to the autonomy of employers and lacks proper supervision.

3. Gaps and Obstacles

The government has been implementing policies that regard women as a labor force that can be intermittently utilized at cheap prices, on the premise that "women work secondarily at their extra time outside of family care as the persons responsible for taking care of their families." The government's policies remain superficial, even though addressing the rampant gender discriminations in employment requires the establishment and implementation of a comprehensive labor policy that penetrates women's lifetime through in-depth analysis of gender discrimination issues based on the clear vision of gender equality.

While legal and policy frameworks for promoting gender equality in employment are in place, a

majority of laws and regulations are actually ineffective or not functional due to competent authorities' lack of commitment to achieving gender equality and enforcing them. Although rampant gender discriminations occur at workplaces, proper supervision and punishments are absent.

Although women workers are concentrated on legal blind spots, there is a lack of measures against the situation. The Labor Standards Act is not applied to workers at workplaces with less than five employees, while irregular employees find it difficult to take maternity or child care leaves. Domestic workers and those employed in various care businesses are not recognized as workers, while short-time workers excluded from legal rights and social security entitlements.

4. Recommendations

- Strictly implement the Labor Standards Act and the Equal Employment Act: In particular, it is essential to adopt and implement a discrimination correction system that would properly identify and correct gender discrimination cases and to revive the gender equality administrative systems such as establishing a division specializing in employment equality within the Ministry of Employment and Labor and the Ministry's regional offices.
- Increase the effectiveness of affirmative actions: It is necessary to create a new provision for evaluating the quality of women's employment in information that enterprises are required to submit. The information should include the separate statistics of regular and irregular employees by gender; the proportion of women in new hires; the proportion of sections less than 30% of whose personnel are women; the ratio of women to men in promotions; the current state of employees taking maternity or childcare leaves; and the definition of managerial positions. In addition, it should be made mandatory for enterprises to submit all information on their affirmative action measures taken. Provisions on incentives or punitive measures depending on the results of businesses' implementation plans should be made.
- Establish the policy frameworks that would strictly enforce the principle of equal pay for work of equal value, just as the Fair Pay Act or the Equal Pay Certification system in the United States, Britain and Iceland: In order to define equal work not as the "same" work but as work of "equal value," it is necessary to modify law and systems on equal pay for work of equal value in accordance with the International Labor Organization (ILO) Convention No. 100 (the Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value, or Equal Remuneration Convention)².
- Adopt a system for comprehending the actual labor situation of social services workers in terms of the total number of employees, wages, and working conditions and for ensuring their proper treatments and management: Care works are a low-wage area where most of the workers are women. Even workers in government-provided care services areas, including the social services voucher system, receive less than minimum wage or left in insecure employment conditions. In addition, the government should ratify the ILO Domestic Workers Convention, to which it agreed at the time of the adoption of the convention, and ensure that woman workers in care businesses are guaranteed the rights as workers through enactment of relevant law or the application of the Labor Standards Act.
- Make sure that sexual harassment at workplace is a crime and implement strict managerial

² The Committee of Experts on the Application of Convention and Recommendations (CEACR) of International Labor Organization (ILO), accordingly with Equal Remuneration Convention (No.100), urged the Korean government in 2013 to take the necessary steps to bring the Equal Employment Opportunity and Work-Family Balance Assistance Act into fully conformity with the Convention so as to ensure that men and women receive equal remuneration not only for work of a similar nature but also for work that is entirely different but nevertheless of equal value, and that the scope of comparison between men and women extends beyond the same establishment or enterprise.

supervision and case handling so that the issue can be dealt with in a proper manner: it is also necessary to perform strict managerial supervision of the content and methods of education for the prevention of sexual harassment.

Poverty of Single-Parent Families and Child Maintenance

1. Assessment of Government's Implementation

According to the 2015 National Survey on Single-Parent Families by the MOGEF, the average monthly household income of single-parent families is less than half of the average income of all households. Poverty among single-parent families is directly linked to child poverty and serves as a key obstacle to the healthy development of a child. While the payment rate of child maintenance by non-custodial parents is only 11.6%³, existing enforcement measures for payment are not being properly implemented. According to Article 4 of the Act on Enforcing and Supporting Child Support Payment (regarding the State party's responsibilities and obligations to support custodial parents), there is an urgent need to introduce a policy whereby the government can collect child maintenance from a non-custodial parent through enforcement measures after paying it to a custodial parent instead, especially for those who cannot handle complex litigation procedures by themselves or who cannot rely on the private support system. The policy has yet to be implemented, even though it was the campaign promise of the incumbent President who took office in 2017.

2. Recommendations

- Provide effective measures to increase payment rate of child maintenance and introduce a policy through which the government collects child maintenance from a non-custodial parent through enforcement measures after providing it to a custodial parent instead

H. Institutional Mechanisms for the Advancement of Women

National Machineries for Advancement of Women's Rights

1. Introduction

General revision from the Framework Act on Women's Development to the Framework Act on Gender Equality was completed in 2015. Accordingly, the council for women's policy coordination with the prime minister as its chairperson was restructured into the Gender Equality Committee under the prime minister.

The First Basic Plan on Gender Equality Policy (2015~2017) and the Second Basic Plan on Gender Equality Policy (2018~2022) have been established. The MOGEF has become the authority in charge of gender equality. Gender Equality Policy Officers have newly been appointed into gender equality division in 8 government ministries and institutions in April 2019. The central and local governments have been conducting gender mainstreaming policies including 1) gender impact analysis and assessment and 2) gender responsive budget each year.

³According to the 2015 Survey on Single-Parent Families by the MOGEF, the percentages of cases in which custodial parents have received child maintenance by non-custodial parents regularly, irregularly and in a lump sum in the last year are 11.6%, 3.7% and 0.8%, respectively.

2. Assessment of Government's Implementation

(1) Progress

Frameworks for many laws and system have been arranged as a formality in the name of implementing the gender equality policies including the enactment of the Framework Act on Gender Equality, establishment of Gender Equality Committee and the MOGEF, and the appointment of gender equality policy officers in 8 government ministries and institutions, etc.

(2) Challenges

General revision from the Framework Act on Women's Development to the Framework Act on Gender Equality was completed in 2015. In addition, the Framework Act on Gender Equality and government policy based on it excessively focused on unsubstantial equality between women and men based on biological sex and simply including men into the policy rather than improvement in unequal power dynamics between men and women prevalent in our society.

The First Gender Equality Committee established in July 2015 is being operated formatively holding its meeting only once a year. It has not been fulfilling its responsibilities of reviewing and revising all gender equality policies in earnest. Also, the government is not showing the willingness to establish a Gender Equality Committee directly under the President's Office, one of the National Policy Tasks to resolve the above problems.

Gender equality policy officers are appointed in only 8 out of 18 government ministries and institutions. Also, local governments have not established a division specializing in gender equality policy.

Due to a lack of division and government officers dedicated exclusively to gender impact analysis and assessment, the system does not lead to the actual outcome of the policy improvement. Also, insufficient numbers of professional personnel have been assigned to permanent cooperation in gender responsive budget system.

3. Gaps and Obstacles

The concept and vision of 'Gender Equality' from the Framework Act on Gender Equality are focused on unsubstantial equality based on biological sex. Also, the government lacks the gender perspectives in promoting gender equality policies. In addition, the central and local governments lack the willingness and blueprint to build a framework for gender equality policies.

4. Recommendations

- Revision from Framework Act on Gender Equality to Framework Act on Inclusive Gender Equality which enables substantially gender-equal society
- Set up Gender Equality Committee directly under the president which accompanies independent secretariat and accordingly change the gender equality promoting systems of central and local governments
- Assign gender equality policy officers in all government ministries and set up an independent division to carry on such responsibilities within local government.
- Strengthen gender impact analysis and assessment and gender-responsive budgeting system

in all units of local government and assign adequate human, financial, and technical resources

Gender Mainstreaming Policy at Local Level

1. Assessment of Government's Implementation

There are two gender mainstreaming strategies at the local level including gender impact analysis and assessment and gender responsive budget. After the introduction of two systems in the early 2010s, the number of projects that incorporates gender impact analysis and assessment and gender responsive budget increased gradually. However, they are not being implemented consistently and systematically due to bureaucratic administration system; a lack of a comprehensive system to promote these two strategies; a lack of gender equality sensitivity of government officers; and a lack of participation from diverse actors including women in promoting the system. Therefore, both gender impact analysis and assessment and gender responsive budget do not lead to actual policy improvement and there is a lack of policy tools to systematically monitor them.

2. Recommendations

- Establish a comprehensive promotion system and introduce a systematic monitoring system for gender mainstreaming strategies of local governments
- Establish gender governance that secures significant participation of various actors including women in promoting the gender mainstreaming strategies of local governments

Gender Equality Policy at Local Level – Gyeongsangnam-do

1. Assessment of Government's Implementation

Gyeongsangnam-do (Gyeongnam) has long been ruled by conservative parties and it is the region with deeply rooted patriarchal customs and male-dominant culture. Therefore, a foundation to promote gender mainstreaming policy at the local level has not been arranged properly. A lack of willingness in chief of the local government, a lack of awareness on gender equality in government officers and members of the local council, and change-resistant bureaucratic culture of government officers have been main obstacles in promoting the gender equality policies. Particularly, 'Fund for Gender Equality' allotted to each local government based on Framework Act on Gender Equality was discontinued in 2015 in Gyeongnam region for the first time nationwide.

As a result of the local election in 2018, however, the candidate from the progressive party who proposed a specific pledge on women's policy was elected as a governor. Afterward, 'special women advisor' was appointed for the local government and the first Gyeongnam Basic Plan on Gender Equality Policies (2018~2022) was set up at the end of 2018. The vision of the Basic Plan is 'new Gyeongnam Province towards gender equality', which is considered to be more advanced than the previous policies. In the process of designing the Basic Plan, the Gyeongnam government established the gender-governance with civil society and held a series of consultation meetings with diverse stakeholders to gather public opinions. The objectives of the Basic Plan include specific goals for achieving substantial gender equality, such as jobs for women and women's safety. In addition, changes have been made to promote gender equality policies including the establishment of the research institute for women's policy, the re-composition of 'Fund for Gender Equality', and

strengthening the position of Gender Equality Committee.

Meanwhile, the rate of women's participation in local government committees including policy review committee and the ratio of women officers at decision-making levels are low. Also, there is no or very limited budget for policy to realize substantial gender equality including the eradication of violence against women and the spread of gender equality culture. Therefore, it is difficult to expect an effective policy implementation.

2. Recommendations

- Increase the participation of women in all local government committees and decision-making levels
- Strengthen the education and expand the relevant budget to improve gender awareness of the policymakers, implementing government officers, and local residents
- Promote and expand the budget for gender mainstreaming policies in the field of economy, care, and welfare that reflect gender perspectives
- Expand the budget to establish and implement effective policies for women

G. Women in Power and Decision-Making

Women's Representation in Politics

1. Introduction

Women hold only 17 percent of the seats in the 20th National Assembly (53.2 percent in PR (proportional representation) seats and 10.3 percent in SMD (single-member districts) seats). As of June 2019, there are only 5 women chairpersons among total 24 permanent and special committees in the National Assembly, accounting for only 20.8 percent. In addition, there has been so far no women chairperson or vice-chairperson in the National Assembly.

The rate of women members in the municipal and local assemblies are respectively 19.4 percent (71.3 percent in PR seats and 13.3 percent in SMD seats) and 30.7 percent (97.1 percent in PR seats and 20.7 percent in SMD seats). In addition, women leaders in the municipal and local assemblies account for only 3.5 percent and 0 percent respectively.

2. Assessment of Government's Implementation

(1) Progress

There has been gradual progress in women's representation in the National Assembly from 15.7 percent in 2012 to 17 percent in 2016. The gender quotas in PR electoral system is being implemented well, as it is shown that more than 50 percent of the PR seats in both the National Assembly and the local councils are held by women. In addition, the Public Official Election Act (Article 47 para.5) stipulates that political parties should nominate at least one female candidate for municipal or local councils in every electoral district, and this has led to the gradual increase in women's representation in local councils.

(2) Challenges

50 percent of gender quotas in the PR list in both the general and local elections are mandatory. However, a legal provision on 30 percent of gender quotas on recommendations of candidates for SMD elections doesn't have any enforcement measures or punitive provisions. Therefore, the proportion of women candidates and women elected in SMDs elections are significantly lower compared to those in PR elections. Although the CEDAW Committee repeatedly recommended (2011, 2018) that the State party shall make the gender quotas in SMDs elections mandatory, the law has been amended yet.

There are very low percentages of women at decision-making positions in politics, including chairpersons and vice-chairpersons of the National Assembly, chairpersons in permanent and special committees in the National Assembly, as well as heads of municipal and local governments.

3. Gaps and Obstacles

Key barriers to women's political representation include 1) the lack of political willingness of the National Assembly and the government to improve institutional systems to enhance women's political representation, including the law revision to make the gender quotas in SMDs mandatory; 2) strong gendered hierarchies in political areas, such as increase in the rate of men politicians from local, municipal to the national politics, as well as male dominance in high-level decision-making positions in politics (chairpersons and vice-chairpersons of the National Assembly, chairpersons in permanent and special committees in the National Assembly, heads of municipal and local governments); 3) exclusion of women from the candidate nomination process within the political parties for SMDs elections.

4. Recommendations

- The government should take actions to make political reforms in a gender-sensitive way, including 1) increasing the PR seats and introducing PR system linked with districts in the National Assembly with a view to strengthening the representation of minority groups; and 2) making the gender quotas in SMDs mandatory and introducing enforcement measures to impose gender quotas on political parties.
- Political parties should establish the institutional system and make efforts to enhance women's political representation, including 1) nominating candidates who meet the gender-sensitive criteria; 2) nurturing future women politicians; and 3) nominating women in the key decision-making positions in both the National Assembly and local councils.

Women's Representation in Decision-Making Positions in the Public Sector

1. Introduction

In 2017, the government established the First Basic Plan for Balanced Personnel Management (2018-2022) which includes the specific targets for female high-rank public officials and female managers in public institutions as well as the promotion policies for substantive gender equality in the public sector. The rate of women public officials in high-level positions is very low (4.5% in 2014, 6.7% in 2018). The proportion of women officials at senior managerial levels (Level 4 or higher) in the central government was 11.0% in 2014 and 17.5% in 2018, while the rate of those in local governments (Level 5 or higher) was 11.5% in 2014 and 15.0% in 2018. The proportion of women principals and

vice principals has be increased from 30% in 2014 to 42.7% in 2018. Women ministers among 18 government ministries and institutions account for 22.2% as of June 2019.

The percentage of women commissioned members in the central government committees was increased from 31.7% in 2014 to 41.9% in 2018. The rate of women mangers in public institutions was recorded at 11.7% in 2014 and 17.9% in 2018.

2. Assessment of Government's Implementation

(1) Progress

The government has established the policy framework for enhancing women's representation in the public sector, such as the First Basic Plan for Balanced Personnel Management, and monitors the policy implementation. In line with this, there has been progress in women's representation. In particular, the proportion of women principals and vice principals in schools has rapidly increased to more than 40 percent. In addition, the President has expressed his political will to enhance women's representation particularly by pledging to fill 50 percent of his cabinet with female ministers within his term.

(2) Challenges

In the First Basic Plan for Balanced Personnel Management, the targets for the proportions of women in decision-making positions in the public sector have been set too low, considering that the percentage of women government officials is already recorded at 50.6 percent. In particular, the target for the rate of women public officials in high-level positions is 10% by 2022 (6.8% in 2018, increase merely by 3.2%); the target for the proportion of women officials at senior managerial levels (Level 4 or higher) is 21% by 2022 (15.7% in 2018, increase merely by 5.3%) for five years. Furthermore, there are no practical implementation plans to achieve these targets, except for monitoring.

In 2019, the Ministry of Gender Equality conducted a survey on the gender ratio of members on government committees and recommended that committees, where the rate of male members is below 40%, should increase men's participation⁴. However, its survey results are only based on the numbers of commissioned members. This undermines the original aim of the affirmative action stipulated in the Framework Act on Gender Equality, focused on enhancing women's participation in decision making positions which are mostly comprised of men.

3. Gaps and obstacles

The targets set by the government to enhance women's representation in decision-making positions in the public sector are low. In addition, there is lack of the government's commitment to achieve such goals and relevant practical measures.

The Framework Act on Gender Equality (Article 21) stipulates that in organizing various committees the State and local governments shall ensure that any particular gender does not exceed 6/10 of the number of members commissioned. This provision, which only applies to the commissioned members, however, serves as an obstacle to enhancing women's substantial representation, as in practice it is

⁴ In the case of the Economic, Social and Labor Committee, for instance, there is one male member among 4 commissioned members; however, only 4 members are women among the whole 17 members of the Council including both commissioned and ex officio members.

being implemented in a perfunctory manner, rather than in a way that reflects its original aims of enhancing women's representation.

4. Recommendations

- In order to enhance women's representation in decision-making positions in the public sector, the annual goals and targets for the proportions of women in decision-making positions should be raised and effective implementation plans should be introduced. Furthermore, the open recruitment system for government officers should be expanded.
- The Article 21 of the Framework Act on Gender Equality should be revised: the government should implement the laws and policies on gender equality in a way it properly reflects the original aims of affirmative actions to enhance women's substantial representation.
- The government should take practical actions to achieve gender parity in the cabinet within the current President's term, which was his campaign promise.

Women's Representation of Women in Gyeonggi-do

1. Assessment of Government's Implementation

Women's representation in the local council of the Gyeonggi-do province has been increasing gradually. Women members in the Gyeonggi-do metropolitan assembly are 32 out of 142 occupying 22.5%. This is an improvement from 15.5% in 2014. Also, in the case of Gyeonggi-do local assemblies, the proportion of women members increased from 31.3% in 2014 to 39.5% in 2018. Among them, the rate of women member elected through PR electoral system was 94.5% in 2014 and 100% in 2018 thus it can be said that PR system played a major role in increasing the political representation of women.

However, there seems to be a gender-based hierarchy in the political domain as the chairperson and vice chairperson of the National Assembly are all men and there are only three women chairpersons among total 14 permanent and special committees. Also, the ratio of women members is high in fields such as family, health, and welfare which are traditionally considered as the domain of women. The ratio of women is considerably low in the Strategy and Finance Committee that reviews the major budget and Culture, Sports, and Tourism Committee and Urban Infrastructure Committee with a huge budget. It signifies that the stereotypes of gender-based roles are still in play at the local council.

In the process of a local election, women candidates experience diverse types of discrimination compared to men candidates. Women candidates are often excluded from local district candidate nomination by the political parties and women are placed under a very unfavorable situation in the local election due to lack of human network and funding compared to men candidate that arises from informal institutions prevalent in the nomination process.

2. Recommendations

- Provide education and empowerment programs to the council members and allocate the relevant budget for them in order to raise awareness on gender equality and eradicate stereotypes on gender-based roles within the council
- Build governance between women politicians and local women's organizations
- Establish the legal and policy frameworks for gender equality at the local level and introduce

measures for effective implementation

J. Women and Media

1. Introduction

Since the mid-2000s, numerous content and expressions with misogynistic nature have become widely spread in the mass media and online, especially in the male-dominated online communities. Such content and expressions in the cyber space lead to threatening women's online activities and reinforcing discrimination against women both online and in real life. The National Survey on the Gender Equality Situation (MOGEF, 2016) revealed that 78.2 percent of respondents considered the expression of misogyny online as a serious social issue. According to another survey, conducted in 2016 by the Korea Press Foundation right after the murder near the Gangnam Station⁵, 74.6 percent of respondents agreed that online misogyny exists, and it is the result of rampant gender-discrimination in Korean society. However, little attention has been paid to devising practical policy measures to address such issues, such as providing relevant education, guidelines and introducing regulations on media.

2. Assessment of Government's Implementation

The Second Basic Plan for Gender Policy emphasizes the importance of media policy, setting up the 'improvement of gender discrimination in mass media' as a task (Task 1-1). However, relevant policies remain almost unchanged from the past, centering on 'providing gender equality guidelines for online users and service providers and strengthening of gender discrimination monitoring.'

Meanwhile, the Korea Communications Commission conducted a Gender Impact Assessment and Analysis of the 'rules concerning deliberation on broadcasts' in 2015. Upon a request by the MOGEF for policy improvement, the commission established a deliberation system that actively applied Article 30 of the rule on gender equality. Such a move is expected to have positive impacts on broadcasting producers' gender sensitivity.

While the government's awareness that the media's roles should be enhanced in order to improve the gender-discriminatory culture has been expanded, the establishment of a practical support structure, personnel assignment and budget expansion has been almost nonexistent.

3. Gaps and Obstacles

Media-related authorities, including the Korea Communications Commission (terrestrial broadcasters, general programming channels and news channels), the Ministry of Culture, Sports and Tourism (games, webtoons, newspapers, etc.) and the Ministry of Science and ICT (pay TV, information and communication technology, etc.), have low interest in gender equality issues. In addition, there are obstacles to diffusing the guidelines due to online-based sexist backlashes and online platforms' view-

⁵ On 17th May 2016, a young woman was brutally killed by an unknown man inside a unisex toilet in a main commercial district near the Gangnam station in Seoul, Korea. The perpetrator, aged in his 30s, stated during the police investigation that he killed the woman because women have always looked down on him.

based profit structure.

4. Recommendations

- It is necessary to implement active media policy that takes changing media environments into consideration. It is necessary for competent ministries, the MOGEF, the media, women's studies researchers, women's groups to collaborate in developing a "gender-equal media strategy" and to establish a structure and allocate budgets and personnel in order to be able to actively respond to changing media environments.
- It is necessary to set up gender equality committees and gender equality policy officer positions in media-related authorities so that the ministries and organizations can play proper roles in pursuing gender equality in the field of media.