



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

Distr.: General
16 February 2011

Original: English

**Committee on the Elimination of Discrimination
against Women**

Pre-session working group

Forty-ninth session

11-29 July 2011

**Responses to the list of issues and questions with regard to
the consideration of the seventh periodic report**

Republic of Korea*

* The present document is being issued without formal editing.



Legal status of the Convention and legislative and institutional framework**Question 1: Please indicate whether the State party has established a clear timeframe for the withdrawal of its reservation on Article 16.1(g) of the Convention**

The Republic of Korea maintains a reservation on Article 16. 1(g) of the Convention, “the right to choose a family name,” as the review process, which aims to identify whether the Convention is compatible with national laws, is underway.

Korea does not discriminate between women and men on matters concerning domestic life, yet at the time of the ratification, the reservation on Article 16.1(g) was made, mainly due to the effects of the previous *Civil Act*, under which a child was to follow the family name of the father, with the exceptions of an abandoned child or a child whose father is unknown. However, the amendment of the *Civil Act* in 2005 has enabled a child to follow the mother’s family name, provided that both parents consented at the time of their marriage. As such, in regard to deciding a child’s family name, a more gender-equal practice has been put in place.

On the other hand, while a fraction of the countries maintaining similar measures have also held reservations on the concerned article, others have not deferred their approval. As such, there is a discord in state practices regarding the interpretation of the Convention. The Government of Korea plans to conduct a research on the practices of the countries that are maintaining reservations on Article 16.1(g) of the Convention. Furthermore, the Government will continue the domestic negotiation to gradually consider the possibilities of withdrawal of the reservation.

Question 2: Please provide further detail on efforts undertaken towards embodying, in the constitution and other appropriate legislation, the prohibition of discrimination (in line with Article 1 of the Convention) covering all areas of the Convention and making it applicable to the private sector.

As a part of the legislative efforts, the Ministry of Justice of Korea submitted an Anti-Discrimination bill in common law form to the National Assembly in December 2007. However, owing to the expiration of the 17th Session of the National Assembly on May 2008, the bill failed to pass.

Meanwhile, in accordance with CEDAW and the recommendations of other international institutions on the construction of a secure legal basis for the prevention of discrimination, the Government instituted a Special Subcommittee on Anti-Discrimination Laws on April 2010, with the aim to reexamine the effectiveness of 90 pre-existing laws on discrimination as well

as the prospects of establishing a comprehensive anti-discrimination act. The Special Subcommittee, consisting of various ministerial experts, legal professionals, and specialists from human rights organizations, is holding discussions on the definition of and the causes behind discrimination, the domains in which it is manifested, the measures to resolve the issue, international standards for the protection of human rights, national legal precedents, and relevant case studies. The sessions were concluded at the end of 2010 and, upon reviewing the findings of the Subcommittee, the Government will decide on various Anti-Discrimination initiatives and prepare a concrete legislation on the matter.

The term “discriminatory act of violating the right of equality” in Article 2 Paragraph 4 of the National Human Rights Commission Act prescribes gender as one of the 19 explicitly stated grounds under which discrimination is prohibited by law. Article 30 Paragraph 1, moreover, gives the National Human Rights Commission of Korea the authority to investigate claims of discriminatory actions taken by businesses, social institutions, and individuals.

* A discriminatory act is defined as any of the following acts committed, without a rational reason, on the grounds of gender, religion, disability, age, social status, region of origin, state of origin, nation of origin, physical condition such as features, marital status, race, skin color, thoughts or political opinions, family form or family surroundings, pregnancy or birth, criminal record of which the effective term of the punishment has expired, sexual orientation, academic career, medical history, etc. (a) Any act of favorably treating, excluding, discriminating against or unfavorably treating particular persons regarding the employment (including recruitment, appointment, training, posting, promotion, payment of wage and any other money or supplementary commodity, financing, age limit, retirement, dismissal, etc.); (b) Any act of favorably treating, excluding, discriminating against or unfavorably treating particular persons regarding the supply or use of goods, services, means of transportation, commercial facilities, land and residential facilities; (c) Any act of favorably treating, excluding, discriminating against or unfavorably treating particular persons regarding the education, training, and use of educational facilities or vocational training institutions; and (d) Any act of sexual harassment.

* An act of favorable treatment for the purpose of remedying an existing discrimination, however, is not deemed discriminatory, thus allowing by law temporary special measures for women.

Question 3: Please indicate whether – after its signature of the instrument – the State party has identified a timeframe for proceeding with the ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementary

to the United Nations Convention against Transnational Organized Crime.

The Government of Korea is pushing to ratify 3 protocols, including the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, in connection with the ratification of the United Nations Convention against Transnational Organized Crime. In preparation for the ratification of the aforementioned convention and protocols, the amendments of existing domestic laws need to be proceeded. Therefore, the Government is pushing the administration plans to enact legislation, amend existing laws, and enforce the necessary legal codes, to comprehensively conform national practices to be commensurate with international standards by the end of 2012.

National machinery for the advancement of women

Question 4: Please comment on concerns that changes in the competencies of and financial resources for the Ministry of Gender Equality have negatively affected women's substantive enjoyment of equal rights. In this regard, please provide information on whether such changes will impact on efforts of the State party to consistently apply a gender perspective to legislation and programs.

For the stated purpose of systematically addressing a wide range of women's issues, as well as improving the state of gender equality in Korea, the Ministry of Gender Equality was established on January 29th, 2001, and was subsequently reorganized as the Ministry of Gender Equality and Family on June 23rd, 2005, when matters related to family welfare were included under the ministry's purview. Though authority over family issues was briefly transferred to the Ministry of Health and Welfare on February 29th, 2008, the mandate of the Ministry of Gender Equality and Family was restored on March 19th, 2010, to spearhead the initiatives concerning women, children, and families.

Accompanying the restoration of the ministry's responsibilities, on March 19th, 2010, the number of staff was expanded from 100 to 211, and the budget increased by 217.6% from US\$ 87 million to US\$276 million. As the pivotal governmental institution on issues of gender equality and related affairs, the ministry's position has been strengthened and will continue to play a focal role in the promotion of women's rights, stabilization of gender policies, support of women's economic advancement, and securing of a family-friendly working environment.

Question 5: With reference to paragraphs 34 to 37 of the seventh periodic report (the report), please provide information on the low implementation rate of the gender-sensitive budgeting scheme which was recently introduced by the State party and please indicate measures envisaged to enhance the awareness and commitment by relevant government ministries with regard to the scheme. In this regard, please elaborate on the outcome of the first gender responsive budgeting report (collected in 2009) in terms of the scope of the targeted government budget, the analytical method, and the review process for budget reform. Please also provide information on the expected results of the “National Finances Act” which mandates the government to submit gender responsive budgets and accounts beginning in the 2010 fiscal year as referred to in paragraph 14 of the report.

According to the Gender-responsive Budgeting Scheme, 195 projects from 29 institutions were selected and implemented based on pre-defined criteria for purposes of supporting initiatives that espouse gender-equality or generate benefits for women. The year 2010 was notably the first year in which the gender sensitive budgeting Policy was instituted and incorporated into the functions of the Government.

Through the amendment of the National Fiscal Act on April 2010, not only general accounts but also funds can be included in the category of Gender-responsive Budgeting Scheme, thereby enlarging the scope of organizations and projects to be involved. The Government also plans to expand the current gender-sensitivity training programs for public officials and to set up agenda items by conducting the appropriate forums for discussion of the budget, to continue enlarging the extent of participating institutions and target initiatives.

On the other hand, to facilitate the implementation of the Gender-responsive Budgeting Scheme, ministerial officials responsible for drafting the budgets and the target projects were specially educated. The Korean Institute for Gender Equality Promotion and Education, an affiliate of the Ministry of Gender Equality and Family, regularly provides gender-responsive training with the aim to improve the gender-sensitivity level of government officials. (510 people in 2008; 909 people in 2009).

Furthermore, in 2008, the joint public-private gender-responsive budgeting T/F was established to promote the understanding of the Gender-responsive Budgeting Scheme. The T/F is headed by the director-generals of the Ministry of Strategy and Finance and the Ministry of Gender Equality and Family, and composed of 18 specialists responsible for overseeing the discussions on how procedures concerning the preparation and administration of the gender-responsive budget should be demonstrated and presented. In 2009, the T/F conducted supplementary reviews of each ministry's gender-responsive budgetary proposal. Additionally, a Gender-responsive Budgeting Consulting

Team, consisting of 12 experts selected based on their policy area specialization, was formed with a mandate to provide information and troubleshooting services necessary for the proper submission of the Gender-responsive Budgeting Report.

The 2010 Gender-responsive Budgeting Report submitted to the National Assembly was synthesized by collecting the individual submissions of each ministry. Each ministry's Gender-responsive Budgeting Report was composed of a general overview and the explanations of the executed initiatives. The general overview consisted of the ministry's objectives based on "the goal of gender-equality and use of resources for such ends," and a Gender-responsive Budgeting Chart that provides the basic information on projects and budgetary estimates. Meanwhile, the documentations of the explanations of the initiatives detailed the aims, targets, and prospective effectiveness of the specific ministerial initiatives, as well as graphic representations of gender-disaggregated data on the beneficiaries of gender-responsive budgetary activities during the previous 3 years.

The 2010 Gender-responsive Budgeting Report was the first to be submitted to the National Assembly. As such, the 2010 Gender-responsive Budgeting Analysis and Assessment Report, which analyzed and evaluated the flaws of the current budgetary policies, was additionally prepared and submitted to ensure a stable and effective administration of the Gender-responsive Budgeting Scheme in the future. The contents of the 2010 Gender-responsive Budgeting Analysis and Assessment Report encompassed the analysis of the overall budgetary status alongside each ministerial submission's size, state, and analysis of the principal initiatives. In addition, it represented various activities by their measured effects on professionals, minors, and other targets of sponsored projects. These statistics, in conjunction with the discussed points for improvement and growing consensus on the importance of the Gender-responsive Budgeting, will be reflected in the preparation of next year's submissions. The 2010 final report on closing accounts is expected to be submitted to the National Assembly on May 2011.

The National Fiscal Act has prescribed the legal basis for the Gender-responsive Budgeting Scheme, and its contents have made the implementation of Gender-responsive Budgeting obligatory. In this regard, the Act consolidates that all the ministries, including the Ministry of Strategy and Finance, have not only expressed their collective resolve to proactively improve gender equality, but also committed themselves to both applying and buttressing the Gender-responsive Budgeting Scheme.

Temporary special measures

Question 6: Please indicate how institutional rearrangements concerning the “Committee on Affirmative Action”, which examines the implementation and achievements of affirmative actions plans, will impact present and future affirmative action programs as referred to in paragraphs 92 and 93 of the report. Also, with reference to paragraph 93, provide information on the effectiveness of the “Affirmative Action for Women’s Employment” and indicate how it applies to non-regular and part-time female workers.

In 2008, the Committee on Affirmative Action was renamed the Expert Committee on Affirmative Action and conjoined with the Employment Policy Commission, headed by the minister of employment and labor, as an affiliated special advisory committee. While the chair of the Expert Committee on Affirmative Action was changed from a vice-ministerial level position to the deputy minister of employment policy, the Committee's size and structure, as well as the matters under its purview, were not affected. Consequently, this had no significant impact on the county's affirmative action program.

Upon the implementation of affirmative action, the female employment rate in the private sector rose on average from 30.7% in 2006 to 34.12% in 2010. The percentage of female managers increased more dramatically from 10.2% in 2006 to 15.09% in 2010.

Data on female workers

- Female Employment Rate (%):
30.7('06)→32.3('07)→33.56('08)→34.01('09)→34.12('10)

- Employment Rate of Female Managers (%):
10.2('06)→11.2('07)→12.51('08)→14.13('09)→15.09('10)

The current institution utilizes the annual average employees, reported by their positions and occupations. The institution does not differentiate its application in accordance with the type or regularity of employment.

Question 7: Please indicate whether the State party intends to utilize special temporary measures, in line with article 4 paragraph 1 and the Committee’s General Recommendation 25, and to introduce the requirement that, with regard to directly elected seats, 50 percent of candidates for each political party should be women.

Article 47 Clause 3 of the Act on Elections for Public Offices encourages the political participation of women by providing that women make up over 50% of the political party candidates for proportional representation in both the National Assembly and the local councils. In regard to the placement on the official list of candidates, parties are required to allocate the odd number slots with female candidates. Those that breach the aforementioned standard and procedure, either before or after registration, will have their electoral

applications denied (Clause 8, Article 49) or invalidated (Paragraph 2, Clause 1, Article 52).

In regard to the nominations for regional seats in regular elections, in both the National Assembly and the provincial and city councils, the law stipulates that political parties shall work to recommend women to compose at least 30% of each district's nominees (Clause 4, Article 47).

In addition, according to the amendment of the Act on Elections for Public Offices, which was passed on January 25th and March 12th 2010, when presenting the nominees for the regional seats in local councils between provincial and city council general elections, and city, county, and district council regional elections, at least one female per electoral region must be nominated (Article 47.5). Infringing upon this regulation will result in the invalidation of a party's registration in a particular region (Article 52.2).

Stereotypes and cultural practices

Question 8: Please describe the impact and results of public awareness-raising campaigns to eliminate discriminatory traditional stereotypes and prejudices about the roles and responsibilities of women in society, as referred to in paragraph 26 of the sixth periodic report (the previous report).

To increase the nationwide support for the advancement of women and gender equality, July 1st-7th has been designated as Women's Week on the basis of Article 14 of the Women's Development Act. Both national and local governments, as well as civic groups, have honored the occasion in diverse ways, including national, regional, and privately-organized ceremonies, media campaigns, and awards presented to individuals or groups that have championed the principles of gender equality.

Through the education and promotional work of gender equality, general public awareness and practices have been improved. To continue fostering the social framework necessary for individuals to pursue personal and professional development without discrimination, the Korea Institute for Gender Equality Promotion and Education has consistently provided education on gender sensitivity.

Apart from such efforts, to encourage gender equality within the family unit, the "'Let's enjoy Chuseok (Korean word for the Thanksgiving holiday) together!'" campaign was instituted to encourage women to participate in the holiday festivities on a fair and equal basis. Moreover, during *Chuseok* and *Sul-nal* (Korean word for lunar New Year holiday) holiday seasons, the websites of the central ministries and 16 city and district governments featured pop-up windows and banners with public service messages.

The Government of Korea, in conjunction with various civic groups, has been active in implementing gender equality awareness campaigns for the purpose of reducing prejudiced views of gender roles while promoting positive gender stereotypes. In 2008, 9 such joint efforts were initiated, including the "Saturday Single-mother Gender Awareness Classroom" project. Another 6 were undertaken in 2009, including the "Next Generation Leadership Promotion Project for a Gender Equal Society." Finally, 4 were implemented in 2010, including the campaign, "Let's Begin! Towards non-discriminatory Media!"

Violence against women

Question 9: With reference to the report (paragraphs 20 and 51) and the previous report (paragraph 18), please provide sex disaggregated statistical data indicating the results/impact of measures taken by the State party in the implementation of the "Act on the prevention of domestic violence and protection of victims" and the "3rd Basic Plan for Women Policies (2008-2012)".

Statistics on Exclusive Centers for Child Victims of Sexual Violence (Unit: person)

<i>Year</i>	<i>Total</i>	<i>Females</i>	<i>Males</i>
2009	1,292	1,143	149

Data: Sunflower Child Center (Exclusive Center for Child Victims) in Korea

One-stop Support Centers for Female Victims of Violence (Unit: Person)

Year	Victims by Type											
	Total		Sexual Violence		Domestic Violence		School Violence		Prostitution		Other	
	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male
2009	10,471	0	7,140	0	2,348	0	116	0	177	0	690	0

Data: Ministry of Gender Equality and Family (2009), internal data

**Statistics on Counseling Centers for Victims of Sexual Violence
(Unit: person)**

Year	No. of Facilities	Counseling Services Rendered				
		Total	Sexual Violence Victims Counseled		Recipients of Other Counseling Services	
			Male	Female	Male	Female
2006	202	119,655	0	57,865	0	61,790
2007	202	124,591	0	58,628	0	65,963
2008	196	145,247	0	69,115	0	76,132
2009	199	155,902	0	67,221	0	88,681

Data: Ministry of Gender Equality and Family (2006~2009), internal data

**Statistics on Protection Facilities for Victims of Sexual Violence
(Unit: person)**

Year	Total	Psychological and Emotional Support		Investigatory and Legal Support		Medical Support		Educational Support		Self-reliance Support	
		Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
2006	14,405	0	9,530	0	247	0	2,000	0	2,069	0	559
2007	18,317	0	12,871	0	347	0	2,309	0	2,332	0	458
2008	15,998	0	9,713	0	394	0	2,286	0	1,109	0	2,496
2009	14,570	0	8,165	0	417	0	2,626	0	789	0	2,573

Data: Ministry of Gender Equality and Family (2006~2009), internal data

**Statistics on Comprehensive Support for Victims and Offenders of Domestic Violence
(Unit: person)**

Year	Cases	Protection Facility (including children)	Emergency Rescue Hotline Call 1366	Legal	Treatment and Recovery	Vocational Training	Medical	Treatment and Correction Program
2006	167,362	4,556	164,181	3,557	2,955	365	-	4,469
2007	167,623	4,999	160,899	3,783	3,145	471	546	4,085
2008	158,781	4,962	158,635	3,812	3,468	506	3,692	4,902
2009	140,016	4,463	190,859	3,818	3,392	562	3,788	5,317

Data: Ministry of Gender Equality (2006~2009), internal data

Question 10: Please indicate measures taken by the State party to improve the rate of mandatory reporting of domestic violence and provide information on measures taken to bring perpetrators to trial and conviction with reference to paragraphs 53 to 56 of the report.

To promote the responsible reporting of domestic violence, the Government imposed on the directors of educational and medical institutions, as well as

support facilities for the disabled the obligation to report domestic violence cases. (Article 4, Special Procedure Act on the Punishment of Domestic Violence). In addition, emergency hotlines and counseling centers for victims of domestic violence have been opened.

The current temporary measure in response to a reported case of domestic violence takes approximately 7~8 days to protect the victims. As such, a tendency to avoid reporting crimes has been noticed. In this regard, the Government is carrying out a legal basis that will enable the investigating authorities to take emergency measures, contingent upon the approval of the victim in cases that the investing authorities deem the reoccurrence of the domestic violence to be possible. The preferred timeframe is to apply and receive the consent to execute this temporary measure from the court within 48 hours of submitting a request. In doing so, the possibility of violating human rights would be minimized.

Efforts are being made to institutionalize a special investigation unit to address domestic violence cases, which would streamline the process behind not only the preparation of cases, but the arrest and conviction of the offenders.

With 18 one-stop centers for medical and law enforcement services established nationwide since August 2005, a qualified network of counselors, policewomen, and nurses, among other professionals, is now available around the clock, all year round to help the victims of domestic and sexual violence. To further facilitate the reporting of crimes and the provision of aid, a total of 36 one-stop support centers are expected to be in operation by 2014.

Article 20 of the Special Procedure Act on Punishment of Sexual Violence states that, in cases where minors are sexually abused, the statute of limitations is suspended until the victim comes of age. Furthermore, in cases where scientific evidence, such as DNA, is available, the period may be extended by 10 years. In response to domestic violence, temporary emergency measures are executed to separate the assailant and the victim, and repeat offenders of sexual or domestic violence may be detained for questioning or further investigation. In addition, medical and legal support is also available to victims, and in cases of domestic abuse, various countermeasures are also available, such as the suspension to indictment pending counseling and the transference of a case to civil court as a matter of family protection. Such actions may be taken as is needed to balance the goals of punishing the offender and restoring the family.

Through the amendment of the Act on the Protection of Children, Youths from Sexual Violence on April 15th, 2010, crimes against minors such as rape, coerced sexual molestation, attempted crime, sexual relations, and workplace coercion are subject to prosecution without charges necessarily being filed by the victim (Article 16). Additionally, cases where a minor or guardian's consent was attained through coercion or force may be punished with a

maximum of 7 years of limited penal servitude (Article 17). For those who uncover the abuse against children, ready means of reporting offenses to the proper authorities have been established. In the process of acquiring the licenses and certifications needed for employment in pre-schools, schools, welfare facilities for children, welfare facilities for the disabled, tutoring service institutions, and other institutions concerning children and youth, the prevention and reporting of sexual abuse against children and youth are a mandatory part of the training received by candidates. (Article 23)

Question 11: With reference to paragraph 135 of the report, please indicate the steps taken to amend the State party's law with a view to defining the offense of rape more broadly. The State party report seems to indicate that establishing "marital rape" as a crime is subject to legal interpretation. As this would make it harder for marital rape to be recognized, please indicate whether the State party intends to revise existing legislation with a view to criminalize "marital rape" with reference to the previous report (paragraphs 17 to 18). In addition, please indicate measures taken to encourage victims to report cases of rape, especially marital rape, to the police.

As stated in previously submitted reports, recent precedents and scholars in law express a view to define the offense of rape more broadly. In the context of legal interpretations of cases of marital rape, judicial precedents from local courts have been established.

Rape as dictated in Korea's criminal code constitutes a crime because it violates the victim's right to sexual self-determination. Hence, the rape of a spouse constitutes a crime without any additional criminal deeds and may be penalized. As such, through the interpretation and adjustment of legal precedents, rape remains a prosecutable offense when committed among married couples, and the introduction of new laws specifically concerning marital rape is currently not being pursued separately.

Question 12: Please also demonstrate to what extent the increase in both reporting of sexual violence cases and sexual harassment cases filed can be explained through better awareness of such issues, as opposed to a simple increase of such incidents in society. Please also indicate assistance provided to victims of all forms of violence against women, in accordance with General Recommendation 19.

There are multiple causes for the increase in the number of filed sexual violence and sexual harassment cases. First of all, there has been an increase in the number of victims who have voluntarily come forward to charge their assailants. Furthermore, there has been an increase in sexual crimes specifically targeting children or sexual violence cases involving multiple offenders, for which legal action is not contingent on the victim's approval. Lastly, the ever-changing nature of the social environment, mainly due to the

increased use of the Internet, has contributed to the increase in categories/types of sexual violence.

However, the increase in the rate of prosecutions on crimes that were stipulated as an offense subject to complaint is recognized as a positive sign that society has a heightened awareness of sexual violence and sexual harassment issues. It is an indication that stigmas concerning female victims of sexual violence, which had been substantial sources of concern in the past, are gradually lessening and consequently, the notion that female victims of sexual violence are simply victims of crime has also become widely acknowledged.

The following is the assistance provided to victims of all forms of violence against women, in accordance with General Recommendation No. 19 of the Convention.

a. Victims of sexual violence

In the cases of sexual violence (including sexual violence against children), prosecutors who were mandated to investigate the cases are being sent in to handle them from the early stages of the investigation to the hearing process and execution of a sentence. In order for a quick response to the crime, a system to command the on-site investigation has been established. The system allows the conduction and coordination of the actions of judicial police officers in real-time. Additionally, judicial proceedings such as trial activities have been initiated to ensure that rational sentences corresponding to the crimes are drawn. For those at risk of becoming repeat offenders, electronic surveillance device indicating their location, supervision of treatments received, Internet notifications, and similar measures may be mandated.

As an added means to prevent secondary harm against victims, it is mandatory to complete a video investigation with the victims and their trusted relations. The videotaped statement can be adopted as evidence and submitted to the Department of Justice. To further assist the victims of sexual and domestic violence, the system for close collaboration between victims support centers and like support groups has been strengthened. In doing so, the processes and institutions behind the provisions of the victim relief fund, the specialization of coordinated investigations, the application for victim compensation, and the use of public health for treatment have become more effective.

Meanwhile, Article 27 of the Act on the Punishment of Sexual Violence Crimes and Protection of Victims stipulates that the minister of gender equality and family, special self-governing province governors, city mayors, county governors, and heads of municipal bodies are responsible for dedicating and preparing the required number of national and public hospitals, public health centers, and medical treatment facilities to treat victims of sexual violence. As of the end of 2009, 318 such facilities are in operation.

In addition, Article 28 of the aforementioned Act prescribes that any designated medical facilities should provide medical treatment, including physical and mental treatment, for the victims. The costs for such treatment are supported by the Government.

**Trends in Support for Victims of Sexual Violence Crimes
(Unit: person)**

Year	2006	2007	2008	2009
Number	5,217	7,340	8,376	8,834

Data: Ministry of Gender Equality and Family, 2006~2009

Note: 1) Data shows the number of victims of sexual violence who have received treatment with the Government's support.

b. Victims of human trafficking and sexual exploitation

The following are the laws and policies applicable to crimes involving human trafficking and sexual exploitation.

Punishments for Human Trafficking and Related Sexual Exploitation

Under the Act on Punishment of Sexual Violence Crimes and Protection of Victims, rape, forced sexual assault, sexual molestation, the trafficking of women for purposes of prostitution or overseas transfer, the transfer of trafficked persons, and the acceptance or hiding of trafficked persons will face additional punishment.

Those who have committed to arrange sexual trafficking or prostitution as owners or managers of prostitution establishments, patrons, or pimps, or those who force others into prostitution will face prosecution under the Act on Punishment of Arranging Sexual Traffic.

Those who committed the aforementioned crimes on children and youth, namely sexual abuse, sex trafficking, and child abuse, will be indicted under criminal codes, including the Criminal Act, the Act on the Protection of Children and Youths from Sexual Violence, the Child Welfare Act, and the Act on the Punishment of Sexual Violence Crimes and Protection of Victims.

The distribution of harmful media or pharmaceutical substances to youth or the admission of youth into any places that are recognized as unsuitable for youth will be prosecuted under the Youths Protection Act.

Those found guilty of human trafficking will face additional punishment under the Act on the Aggravated Punishment, Etc of Specific Crimes.

Furthermore, human trafficking may be punishable under the Labor Standards Act, the Internal Organs, etc. Transplant Act, and the Employment Security Act, when applicable. To reinforce intelligence on illicit activities and to

prevent overseas sex trafficking, the Government has denied the passports of foreign offenders while strengthening ties with overseas investigative agencies and consulates.

Apart from the existing laws and services to protect married migrant women who are victims of sexual and domestic violence, the Ministry of Justice's international investigation department and 10 associated ministries, with participation from the American Embassy, jointly hosted the "Conference on Countermeasures and Institutions against Human Trafficking."

c. Victims of sexual harassment

Sexual harassment is currently prosecutable under Article 10 of the Act on Punishment of Sexual Violence Crimes and Protection of Victims.

Article 10 of Act on the Punishment of Sexual Violence Crimes and Protection of Victims

(Disgraceful Conduct by Occupational Power)

(1) Any person who commits by a deceptive scheme or by force a disgraceful conduct against any person under his protection or supervision for business, employment, or other relations shall be punished by imprisonment for not more than two years or a fine not exceeding 5 million won. (equivalent to US\$ 4,348)

(2) If a person who takes care of any person held in custody under the Act commits a disgraceful conduct against the person, he shall be punished by imprisonment for not more than three years or a fine not exceeding 15 million won. (equivalent to US\$13,043)

(3) If any head or employee of a facility aimed for the protection, education, etc. of the disabled commits adultery by a deceptive scheme or by power with a disabled person who is subject to his protection and supervision, he shall be punished by imprisonment for not more than seven years. Where he commits a disgraceful conduct against such a disabled person, he shall be punished by imprisonment for not more than five years or a fine not exceeding 30 million won. (equivalent to US\$ 26,087)

d. Victims of abortion

For purposes of eliminating illegal abortion, the Act on Maternal and Child Health states that a doctor may conduct an induced abortion operation only in the exceptional cases that the Act permits it as a legally induced abortion. But the use of surgical procedures or pharmaceuticals for purposes of birth control and gender selection will be strictly prosecuted. Hospitals and doctors who violate the Act by conducting an illegal induced abortion operation shall have both their practice and licenses suspended.

e. Victims of domestic violence

To eradicate domestic violence, temporary measures shall be actively taken in order to separate the domestic violence offender from the victim, for purposes of protecting the human rights of the victim and her family members. An investigation shall take place for those who repeatedly commit domestic violence. The offenders, once placed in custody, will face punishment in court. Also considering the special characteristics of domestic violence cases, a variety of resources, including a stay of prosecution following consultations and transference of a case to civil court, are available for the pursuit of domestic peace and stable recovery. Moreover, through victim support centers, financial as well as legal support is provided to those that are in need.

For purposes of rehabilitating domestic violence offenders, according to the Act on the Prevention of Domestic Violence Crimes and Protection of Victims, the prosecution may pursue a stay of indictment and, at the court's discretion, seek community service, mandatory classes, probation, and placement under custody, treatment, or counseling as viable alternatives to regular sentencing. Meanwhile, the Sunflower Child Center was established to provide physical and psychological treatment to children victimized by sexual violence.

The domestic violence counseling center's treatment and rehabilitation program provides individual consultation, group consultation, and marital consultation.

The probation office's education program includes courses on developing communication skills, understanding domestic violence, understanding family relations, exploring the circumstances behind domestic violence, cultivating non-violent behavior, overcoming obstacles to non-violence, and re-cultivating family relations.

f. Victims of other forms of violence against women

For purposes of providing civic aid to the victims of sexual violence and similar offenses, all 57 public prosecutors' offices in the country have independently appointed victim support officers to provide legal aid and to help victims navigate through the state-sponsored support policies and procedures. In cases where a court convicts an offender for committing bodily harm, manslaughter, rape, theft, mugging, fraud, blackmail, embezzlement, professional malpractice, or similar crimes, the presiding authority or victim may apply for a compensation for either direct material damages and medical costs or any compensations incurred.

Trafficking and exploitation of prostitution of women

Question 13: Please provide data on the number of women victims of trafficking identified during the reporting period. Please also indicate whether the State party intends to introduce a system of data collection with regard to trafficking which categorizes cases by nationality of the victim. Does the State party intend to adopt a formal system which would proactively identify victims of trafficking among vulnerable groups?

During the 2006-2009 period, statistics on the number of confirmed victims of female trafficking were not reported.

However, based on the information collected from January 1st through November 30th, 2010, a total of 205 people were victims of crimes of kidnapping and inducement (56 males and 149 females).

Statistics on Victims of Crimes of Kidnapping and Inducement (Unit: person)

Year	Total	Males	Females
2006	127	44	83
2007	155	52	103
2008	259	76	183
2009	298	63	235
2010.1.~11.	205	56	149

Data: Ministry of Gender Equality (2006~2010)

The current law does not feature human trafficking as a separate crime, and such offenses, according to criminal codes, may be designated under “buying or selling a female,” “kidnapping or inveigling for profit,” “transporting a kidnapped or purchased person out of the Republic of Korea.”

Depending on the nationality of the victims, the procedures and systems to collect and classify data and research victims, as well as the procedures to actively investigate the most vulnerable human trafficking victims have not yet been introduced. However, it would be proactively reviewed further upon the introduction of an improved system for data collection on trafficking.

Question 14: With reference to the report (table on page 64) and the previous report (paragraph 20), please indicate whether the State party intends to review its law on prostitution with a view to prevent women in the sex trade from being criminalized. Please also provide statistical information regarding the impact of the “John School” program on

preventing recidivism, with reference to paragraph 60 of the report and paragraph 19 of the previous report.

The Act on the Punishment of Procuring Prostitution and Associated Acts and the Act on the Prevention of Prostitution and Protection of Victims Thereof enacted on September 23rd, 2004, distinguished the female prostitute as a "victim" and stated that victims, by principle, are not to be punished, but protected. Currently, protection is being provided at counseling centers, and no concrete plans are in place to amend the relevant laws concerning the legal treatment of female prostitutes.

The following shows the statistics on the present conditions after the introduction of the John School. In cases where a subject did not complete the John School curriculum, the prosecutor in charge was notified and a decision was reached on whether to indict the offender or give an additional opportunity to complete the required coursework.

**Numbers of Offenders of Crimes of Sexual Trafficking
Unit: person)**

Year	Those who completed the John School education	Those who failed to complete the John School education
2005	2,214	131
2006	11,217	558
2007	15,124	1,255
2008	17,956	1,855
2009	34,762	2,715
2010(30, October)	12,864	517
Total	94,137	7,031

Data: Ministry of Gender Equality, (2005~2010)

The Ministry of Justice published an analysis report based on the survey results of 1385 non-prosecuted offenders who completed the John School program at one of the 22 probation offices in the country in 2006. The statistical T-tests were conducted on collected data, awareness of and attitudes concerning prostitution, reproach of prostitution and its purveyors, acknowledgement of the victims of prostitution, discernment of the dangers and losses associated with prostitution, and the degree of self-awareness and personal responsibility felt over the issue. According to the test results, the program was found to be statistically significant.

Question 15: According to some reports, Korean men are the primary customers of child (juvenile) sex tourism in Southeast Asia and the Pacific Islands. With reference to paragraph 62 of the report, please describe in detail efforts made by the Korean Government to prevent and punish overseas and cyber prostitution and indicate any specific achievements.

The Government made specific efforts to prevent and punish overseas and cyber prostitution, first by establishing the "Special Team for Prevention of Overseas Prostitution" to assist the efforts of prosecutors and police in cracking down offenses while collaborating with foreign agencies to establish joint investigations and information-sharing systems.

According to the "Guideline for Overseas Prostitution and Efforts to Eradicate the Problem," issued to embassies abroad on November 23rd, 2010, the Ministry of Foreign Affairs and Trade, in regard to averting and collecting data on illicit prostitution abroad, has emphasized the need to cooperate with foreign governments for the effective prosecution of prostitution. Consequently, the efforts to punish overseas prostitution have been strengthened by utilizing the resources available to diplomatic offices, resident law enforcement officials, culture and tourism officials, and foreign press offices. As part of Korea's efforts to develop effective information-sharing systems, the country's situation has been openly shared with the concerned parties at meetings of regional consular representatives to discuss the matter of prostitution. The prevention of prostitution abroad will be pursued in the future in a similar way, but with greater intensity.

As evinced by Korea's Passport Act, for the individuals who have committed illicit acts in foreign countries and tarnished the nation's image abroad, the passport issuance to these individuals may be restricted for a period of at least 1 year and not more than 3 years, depending on the nature of their offense. Of the numerous acts that warrant such penalties, prostitution is considered the gravest of offenses.

At least once a year, the central government targets a number of groups, such as local public officials, the police, military, and student groups, to receive education on the prevention of overseas prostitution.

To form a public consensus on the resistance of overseas prostitution, the Government initiated diverse public campaigns through the media, including the "Stop Prostitution Abroad" video contest, a festival, and a government-produced and distributed DVD. Additionally, the illegal nature of prostitution, its effects on the national image, and the need for a healthy gender-equal culture was conveyed through leaflets, posters, television broadcasts, subway advertisements, and radio service announcements.

To crackdown on Internet prostitution, the Ministry of Gender Equality and Family, the National Police Agency, and the Ministry of Information and Communication, among others, have established a collaborative system for the monitoring of pornographic sites and associated businesses. Such systems are part of a comprehensive, multi-pronged effort to collect information and crackdown on such crimes. In particular, a system was introduced in order to help prosecute those who solicit sex with youth online, for which offenders may be punished by imprisonment for not more than 1 year or a fine not

exceeding 10 million won (equivalent to US\$ 8,696). To improve the enforcement of such policies, a number of initiatives such as the easy-to-operate "Youth Keeper" reporting system, developed and installed on computers in schools and Internet cafes nationwide to prevent minors from being solicited, have been implemented.

Moreover, in April and September 2010, the National Police Agency made concerted efforts to crackdown on overseas prostitution.

**Numbers of Arrests of Prostitution Offenders
(Unit: Persons)**

Type and Measure	Type			
	Total	Prostitution Broker, etc.	Brothel Proprietors	Clients of Prostitution
2010. Oct	58	38	20	0

Question 16: With regard to women migrant workers who have entered the country under an E-6 entertainment work scheme, please indicate (in light of the Committee's General Recommendation 26 – paragraph 26) how the State party intends to make in situ monitoring of establishments where these women work more rigorous and efficient (with reference to paragraphs 11, 57, and 143 of the report). With regard to foreign women employed in entertainment establishments and who are alleged victims of trafficking, please inform on whether foreign women victims of the prostitution industry and who already have lost their E-6 visa status risk being deported when filing a complaint at the labor office or police station.

In regard to entertainment management companies and labor contracting businesses, the Government made efforts to be involved at the initial screening and inspection procedures by conducting a survey upon the preliminary issuances of visas. When the desertion rate of certain companies is unusually higher than others, the businesses' treatment of foreign women may become suspicious. In such cases, special attention is given to these companies through more frequent inspection. Additionally, an annual crackdown period is set for entertainment establishments, and severe sanctions are levied where businesses are found guilty of illegal employment practices.

When foreign victims of forced prostitution and females who have already lost their E-6 visa status report their cases to the authorities, once the victim's case is confirmed, their stay within the country without restrictions to employment is guaranteed until their cases have been verified and the proper assistance procedures completed. Specifically, Article 11 of the Act on the Punishment of Procuring Prostitution and Associated Acts protects victims from both eviction and loss of legal protections, while the Act on Special Cases Concerning Expedition secures their right to apply for compensation.

Question 17: Please elaborate which training activities have been undertaken with a view to sensitising law enforcement officers about the rights and situation of women victims of exploitation of prostitution. In this regard, please comment on reported concerns that since the definition of trafficking is linked to prostitution, the authorities have not been able to sufficiently address the situation of E-6 visa workers who do not work as prostitutes, but have still been trafficked for sexual exploitation.

To support the law enforcement officials to be fully aware of the rights and situations of women victims of exploitation of prostitution, the Legal Research and Training Institute was mandated to provide regular educational training on the special characteristics of offenders of exploitation of prostitution as well as training on the protection of victims of such crimes to judicial officials. Specialized professional courses concerning crimes targeting juveniles and women are available for prosecutors, while specialized working-level courses are provided to investigators.

Each year, the Ministry of Gender Equality and Family provides educational training on the prevention of exploitation of prostitution to government officials, police officers, military personnel, and others who are responsible for preventing the aforementioned crime. These training programs aim to increase the sensitivity on the issues as well as to inspire the will to effectively take actions to help the victims.

The Government focuses on improving the gender sensitivity of the police officers at the management-level, with clear purposes to support police officers in effectively performing their duties, ensure that law enforcement officials utilize the education to boost a gender sensitive perspective in recognizing legislations and policies dealing with sexual crimes, and expand social consensus on gender equality in society. According to the latest legal interpretations provided by the Ministry of Government Legislation, the judiciary and the National Assembly, as public institutions representing those who lead society, have also received education on the prevention of prostitution.

In regard to the cases of sexual exploitation of workers who hold the E-6 visa, foreign workers, like female Korean nationals, are protected from being victims of prostitution, through the active monitoring of potentially illicit activities. When an entertainment establishment applies for a visa to use entertainers, the requisite certification or career validation issued by the authorities of the nation concerned must be provided alongside a valid “performance recommendation” to be verified by the Korea Media Rating Board. Moreover, during the issuance process, individual interviews are conducted with the consulate. By satisfying such requirements, the Government aims to strongly prevent the sexual exploitation of E-6 visa holders.

The withholding of passports and visas for purposes of detaining foreigners is prohibited. Meanwhile, counseling offices where those who have experienced prostitution and like abuses of human rights can seek consultations are being operated in the Foreigner Guide Centers (1345) and immigration centers nationwide. When victims of such offenses surface, their stay in Korea shall be secured, without restrictions to their employment, until whatever necessary aid is granted.

Question 18: Please elaborate on ways and means of monitoring international marriage brokering agencies with a view to protecting foreign wives. Also, please indicate whether there is a screening process in place to identify and register women victims of trafficking through such brokering agencies.

The Ministry of Justice's immigration information system (ICRM) and diplomatic offices' e-consul system has been utilized when surveying and issuing visas to foreign spouses in order to better regulate the operations of international marriage brokering agencies. Additionally, the reporting of counterfeit marriages and falsified information, as well as the illicit soliciting of marriage for immigration purposes, is being prevented through both visits to international marriage brokering agencies and an increased scrutiny of business practices.

The Immigration Control Act, amended on May 14th, 2010 and implemented on November 15th, 2010, states that if it is deemed necessary, immigration officials shall conduct visitations to, question the practices of, and request records from international marriage brokering agencies. The Act is expected to strengthen the monitoring of international marriage brokering agencies as well as the protection of the human rights of foreign wives.

According to the Marriage Brokerage Control Act, international marriage brokering agencies are obligated to provide the past marital history, health evaluation, occupational data, criminal record, and other relevant information of each partner, translated in the language of the persons concerned and readily available for viewing. In the event that such information is not submitted or is falsified by those seeking matchmaking services, the agency is required to reject that individual's application.

International marriage brokering agencies are required to comply with local criminal and administrative legislations. Furthermore, individuals with a history of human trafficking will be denied from engaging in such business. Meanwhile, the operational agencies that have committed offenses falling under reasons for disqualification will have their registrations and licenses voided by the Government.

Participation in political and public life and decision-making

Question 19: With reference to paragraph 73 of the report and paragraph 24 of the previous report, please explain why regardless of measures taken through the “Political Fund Act” and the “Political Parties Act,” the overall representation of women in the political sphere remains extremely low, in both government (national or local) and parliament. Please indicate what measures the State party is considering to rectify this situation.

The representation of women in the political sphere remains low mainly due to Korea’s traditional and patriarchal perception based on Confucianism, which considers the domains of politics and civil service as being suitable for only men. Consequently, women’s entry into these areas was suppressed. In politics, through the continuous amendments of the Public Official Election Act, the Political Parties Act, and the Political Fund Law, the number of women participating in politics has increased. However, women continue to remain comparatively under-represented in politics

In order to resolve the problem of low representation of women, efforts have to be made to find and nurture a young generation of female politicians. Furthermore, in the cooperation with women’s organizations and civic groups, the Government has targeted the promotion of women’s participation in politics by creating a clean and fair political culture to support female election candidates and securing public consensus on the necessity of women’s participation in politics.

Also, before introducing the Gender Equality Employment Initiative in 1995, there was no formal policy promoting women’s entry into public service. Since implementing the aforementioned initiative, however, women have accounted for an ever-increasing proportion of civil servants. In 2009, women comprised 46.1% of the civil servants in the Government, and through the “Five-year Plan for Employment of Female Manager Level Public Officers Above Rank 5 (2002-2006),” the number of female administrators above rank 5 (deputy director level) rose from 4.8% in 2001 to 11.3% in 2009. To raise the number of female administrators above rank 4 (director level), the central government pushed forward the “Five Year Plan of Female Manager Level Public Officers above Rank 4 (2007-2011).” As a result, the rate of female civil servants above rank 4 has increased from 5.4% to 6.8% between the years 2006 and 2009.

Question 20: With reference to paragraph 44 of the report, please explain why despite expanding the application of the rule under the amended Equal Employment Act to private enterprises with 500 or more employees, the composition of women at the executive and managerial level remains low.

The Affirmative Action under the amended Equal Employment Act expanded the application of the rule from enterprises with over 1,000 full-time employees to private enterprises with 500 or more employees in 2009. Despite expanding the application of the rule, however, for the program to be effective in promoting advancement in places of employment, the policy should be maintained and observed in the long-term.

For women to be promoted to executive and managerial positions, individuals need to continuously develop their career. Yet in the case of Korea, the dual burdens of childcare and domestic work are major reasons for the low percentage of women who maintain long-term steady careers. According to the results from the Ministry of Gender Equality and Family's "Women's Resource Panel Research" conducted in 2008, when comparing those in line for a promotion versus those who achieve one, there is a significant gap in the success rates of women starting at the managerial level. As a result, the disparity between female and male employees begins to emerge at this level.

Percentage of Females among Persons in Line for Promotions and Promoted Persons
(unit: %)

	Total	Deputy Section Chief→Manager	Manager→Deputy Department Head	Deputy Department Head →Head of Department	Head of Department →Executive
Promotion candidates	16.1	15.5	9.8	7.3	4.1
Promoted	11.4	12.9	5.6	6.1	3.1

Data: Ministry of Gender Equality, 2008. Women's Resource Panel Research.

Question 21: Please provide information on what sustained measures the State party is taking to increase the number of women diplomatic officials within the Ministry of Foreign Affairs and Trade.

Women account for 25% of the entire diplomatic service, and nowadays comprise approximately 50% of the new recruits through the Foreign Service Exam.

New Recruitments through the Foreign Service Exam
(Units: Person, %)

Year	Recruited women	Total recruited	Percentage of women
2000	6	30	20.0%
2001	11	30	36.7%
2002	16	35	45.7%
2003	10	28	35.7%
2004	7	20	35.0%
2005	10	19	52.6%
2006	9	25	36.0%

2007	21	31	67.7%
2008	23	35	65.7%
2009	20	41	48.8%
2010	21	35	60.0%

Following the balanced personnel management regulation, when hiring new recruits, granting promotions, or advancing personnel to senior-level positions in all public departments, the Government is attentive to female candidates. Accordingly, based on the Gender Equality Employment Initiative, successful applicants of both genders should compose at least 30% of the new recruits. Moreover, based on the Employment of Female Manager Level Public Officers Initiative, in terms of promotions and the advancement to senior-level positions, women should compose a minimum of 10% of the managerial-level public officers above rank 4 by December 2011. To realize these objectives, a 5-year plan to increase female executives is currently being implemented.

Nationality

Question 22: Please indicate whether the State party intends to maintain requirement of the male spouse's support for foreign wives applying for Korean nationality, as this could constitute an inequality in favor of Korean male spouses.

In regard to the rights and treatment of foreign spouses, at no point in acquiring Korean nationality, including the application for citizenship, review, and approval, is a husband's sponsorship required. At the time of the application, if the husband is not asked for and marital relations have been severed, the woman is not culpable for severing those connections and can apply for citizenship. During the review, for purposes of validating whether normal marital relations have been maintained, the spouse's presence may be called for. However, such procedures are part of the basic evaluation process for all married persons seeking naturalization, and as such, equally apply to foreign husbands.

Assuming that a foreign woman fulfills the requirements for naturalization, the lack of spousal support will not derail her acquisition of citizenship. However, attention has been called to instances where the foreigner lacks the required linguistic aptitude to complete the administrative process, and as a result, becomes dependent on the husband's aid. In response to such cases, measures have been taken to provide the necessary translation and administrative support through civic organizations.

Education

Question 23: Does the State party see a correlation between the better performance of male secondary school students in math and sciences, their choice of academic university programs, and the higher employment rate of male university graduates? What measures are in place to bridging the gender gap at each of these stages?

In the past in Korea, male students achieved higher academic standards in mathematics and science than female students. But this performance gap has been significantly minimized as of late due to cultural and institutional reforms.

~ PISA (Science) Difference in Academic Performance between Male and Female Student in Korea

~ PISA(2006) : Male Students (521 points) < Female Students (523 points) (Statistically Insignificant)

~ PISA(2003) : Male Students (546 points) > Female Students (527 points) (18 points / Gender difference between two sexes being no. 2 in the world)

~ PISA(2000) : Male Students (561 points) > Female Students (542 points) (19 points / no. 1 in the world))

~ PISA(2006) OECD standard : Male Students (501 points) > Female Students (499 points) (Statistically Significant)

In regard to the choice of college major, while gender differences exist and the employment rate of post-graduate men is generally higher, such outcomes partly result from the differences in individual preference and aptitude, not just social and cultural factors such as the recruitment practices of companies and gender preconceptions. Though a direct correlation is not verifiable, as scores in math and the sciences can be expected to impact ones' interests and aspirations, male and female performances in these subjects will likely influence the choice of major and the employment rate.

Employment Rate of Four-Year University Graduates (Unit: %)

	2006	2007	2008
Male students	69.8%	70.5%	71.2%
Female students	64.4%	65.3%	66.5%
Difference	5.4(%p)	5.2(%p)	4.7(%p)
Total	67.1%	68.0%	68.9%

Data: Statistical Yearbook of Education (2006~2008), Employment Statistics Yearbook of Tertiary School Graduates (2006~2008),

In each phase of early childhood, primary, and secondary education, the Ministry of Education, Science, and Technology has focused on reducing

gender stereotypes and prejudices by revising educational materials and emphasizing gender equality in the training of educators.

In 2002, the Government promulgated the Act on Supporting Women in Science and Technology to encourage women's participation and gradually increase women's representation in the field of science and technology. Meanwhile, the 'Recruitment Target for Women Scientists' and related policies have led to a 0.8% rise in the ratio of female scientists employed at government-affiliated research institutions, from 12% in 2006 to 12.8% in 2008. Such efforts to reduce gender inequality in education and career development will be continued in the prospective future.

Question 24: Please provide information on what measures the State party is envisaging to increase the proportion of female teachers at the high school level and of female professors in both public and private universities.

The Ministry of Education, Science, and Technology aimed to raise the proportion of female professors teaching nationwide by instituting the 3-year "Effort to Promote Women's Participation and Advancement in Colleges" starting in 2004. The year 2010 marks the third cycle of the program.

The Gender Equality Employment Committee for University Teaching Staff advisory group, created under the Ministry of Education, Science, and Technology, has been acting as a counseling group and review mechanism for increasing the employment of women professors. Furthermore, each university is required to submit an annual women's professorship target rate. Based on these submissions, the Ministry of Education, Science, and Technology conducts performance evaluations through a variety of methods such as on-site assessments and quality and quantity assessments. The results of these evaluations impact the level of administrative and financial support received by the educational institutions.

As shown in the chart below, among Korea's educators, the employment rate for women teachers in secondary education is consistently high. Moreover, the slightly low employment rate for women teachers in high schools results from the undesirability of women teachers, as guiding high school students is considered as more difficult.

**Gender Ratio of New Teaching Appointments in Secondary Education
(Units: Person,%)**

Year	Male	Female	%
2008	891	2774	75.7%
2009	1028	2816	73.3%
2010	683	1849	73.0%

Data: Ministry of Education, Science and Technology, (2008~2010), internal data

Note: The data only shows the gender ratio of new teaching appointments for public secondary schools.

**Statistics on Secondary School Female Teachers
(Units: Persons,%)**

	High School(A)			Middle School (B)			(High + Middle School) (A+B)		
	Total	Female	%	Total	Female	%	Total	Female	%
Total	126,424	56,055	44%	108,783	71,467	65.7%	235,207	127,522	54.2%
National School	1,186	457	39%	388	247	63.7%	1,574	704	44.7%
Public School	70,942	38,193	54%	89,031	62,987	70.7%	159,973	101,180	63.2%
Private School	54,296	17,405	32%	19,364	8,233	42.5%	73,660	25,638	34.8%

Data: Korean Educational Development Institute, (2010)

Note: Data submitted is based on the data extracted on 1 April 2010.

Employment

Question 25: Reports indicate that in recent years, the number of economically active women has declined and that the number of employed women has been reduced. With reference to the report (paragraphs 37 and following) and previous report (paragraphs 27 and 28), please clarify additional measures the State party is considering to enhance the participation of women in economic activities and to address the adverse effects of the economic downturn affecting women more severely. Also, please provide statistical information on gender-based wage discrepancy and provide information on measures envisaged to redress this imbalance.

To promote women's pursuit of economic activities, the Government plans to promote the reconciling of work and family and, in turn, increase work positions for women. For example, a part-time labor model is being developed for the public sector. In regard to private businesses, consultations as well as

labor cost support will be used to create decent part-time employment opportunities.

To enhance vocational training and employment support of women with interrupted careers, educational programs specially suited to women are being developed, and the number of Women's Reemployment Support Centers is expected to be increased from 77 in 2010 to 90 in 2011.

To support the reconciliation of work and family, the flexible use of maternity leave, spousal post-childbirth leave with pay, extension of leave periods, and like policies are being improved. Furthermore, the allowance given during childcare leave has been revised from a flat to a fixed rate. These changes are expected to raise the overall pay received by women. While employment policies related to overtime pay and the saving of vacation days are a given, the introduction of a work system compatible with the family situation, such as an increase in the number of days available for childcare based on the accumulated number of hours worked overtime, is also being examined. The Government also plans to provide more support for the establishment of childcare facilities in the workplace and easing the regulations on the installation of such facilities.

In the midst of the economic crisis, the Government expanded women-targeted employment opportunities in the social service sectors in order to alleviate the employment situation of women with comparatively greater economic difficulties. In particular, the Ministry of Gender Equality and Family implemented a supplementary project worth US\$ 4.5 million, with the aim to create and maintain women's employment opportunities as well as to stabilize the livelihoods of the most vulnerable classes such as care workers, foreign migrant wives, and North Korean women defectors.

While expanding vocational training programs that meet the specific needs of unemployed women, the Government provided the living expenses for those enrolled in the programs. Subsidies and employment promotion benefits, moreover, have been occasionally used to encourage the filling of vacant positions in small and medium-sized enterprises.

Though a worker of a particular gender may not be favored for any rational reasons, past hiring practices have often been unfair to women. To promote a labor market and a general social environment in which women are not unjustly disadvantaged, the Government has been actively monitoring recruitment practices and job opening advertisements since 2000. In addition, April 1st-7th has been designated and being commemorated as "Gender Equality in Employment Week" to achieve gender equality in employment. To expand the social consciousness of gender equality in employment, the Government rewards companies and individuals that have excelled in practicing gender equality, by providing incentives as well as press coverage of exceptional cases in the employment of women.

To lessen the wage disparities between male and female workers, a checklist was devised for the self-evaluation of businesses and the increase in the extent to which they follow the principle of "equal pay for work of equal value." Furthermore, to alleviate gender segregation in occupation, when selecting trainees for occupational training in vocations with low female participation, women are given preferential treatment. Lastly, to prevent gender discrimination in the wage, guidance and supervision is being provided annually to over 1,000 companies in which women constitute a major percentage of the employees.

**Trends in Employment by Gender
(Units: Won, %, Year, Age)**

		2009	2008	2007
Total Monthly Wage	Male	2,546,113	2,527,490	2,380,637
	Female	1,692,533	1,681,358	1,581,625
	Female/Male	66.5	66.5	66.4
Average Years of Service	Male	7.1	6.7	6.7
	Female	4.4	4.1	4.1
	Female/Male	62.0	61.2	61.2
Average Age	Male	40	39.4	39.4
	Female	35.5	35.0	34.4

Data: Ministry of Employment and Labor, "Survey Report on Employment Conditions by Labor Type" (2007~2009).

**Note: (1) Data submitted excludes businesses with under 5 employees,
Total monthly wage = fixed wage + additional pay.**

(2) US \$ 1=1,150 won

**Wages by Gender
(Units : Won, %)**

Year	Gender	(A)+(B/12) Average monthly wage	(A) Total monthly salary	Fixed wage	Additional wage	(B) Special pay rendered
2009	Total	2,710,362	2,270,303	2,114,525	155,777	5,280,702
	Males	3,072,303	2,546,113	2,360,707	185,406	6,314,284
	Females	1,952,162	1,692,533	1,598,822	93,771	3,115,543
	Female/Male	63.5	66.5			
2008	Total	2,722,131	2,258,684	2,095,289	163,694	5,561,367
	Male	3,081,886	2,527,490	2,332,112	195,378	6,652,747
	Female	1,949,472	1,681,358	1,586,657	94,701	3,217,365
	Female/Male	63.3	66.5			

2007	Total	2,577,070	2,127,430	1,967,831	159,599	5,395,680
	Male	2,919,240	2,380,637	2,192,242	188,395	6,463,237
	Female	1,839,499	1,581,625	1,484,097	97,528	3,094,492
	Female/Male	63.0	66.4			

Data: Ministry of Employment and Labor

Notes: (1) Data includes amounts of special pay rendered. Data submitted extracted from businesses with over 5 employees; fixed wages include base wages, age pay, longevity pay, efficiency pay, allowance wage, commodity price allowance, commutation allowance, additional salary, and holiday pay.

(2) US \$ 1=1,150 won

Question 26: With reference to paragraphs 95 to 97 of the report, please indicate whether the State party is considering legislation with a view to making childcare leave accessible to female non-regular workers and to protecting such workers from employment contract cancellations during pregnancy and post childbirth leave. Please also clarify the rationale behind the reported significant budget cuts in 2010 for establishing public and national childcare facilities, following a period of budget expenditure in support of the expansion of such facilities and to subsidize parents with childcare costs (with reference to paragraphs 96 to 98 of the report). In this regard, please elaborate on the “2nd Basic Plan on the Low Fertility (2011-2016)” which promotes autonomous private childcare centers and indicates measure envisaged by the State party to address the childcare service divide it might cause among children from different income households (with reference to paragraphs 96 to 97 of the report)

Childcare leave and maternity leave are accessible to both regular and non-regular female workers and, by law, cannot be rescinded.

~ Post-childbirth and for a 30-day period afterwards, a woman's leave cannot be a reason for her termination. (Labor Standards Act, Article 23): In the event of a violation, a sentence of up to 3 years or a fine of 30 million won (equivalent to US\$ 26,087) shall be applied.

~ Dismissal or unfair treatment stemming from childcare leave shall be prohibited, and during the period of childcare leave, termination is prohibited. (Act on Gender Equality in Employment and Work-Family Reconciliation, Article 19 Clause 3): Sentence of up to 3 years and 20 million won fine (equivalent to US\$ 17,391).

~ At the end of the childcare leave or the maternity leave, upon returning to the employment, the workplace treatment must be identical or equivalent (Labor Standards Act, Article 74 Clause 5, Act on Gender Equality in

Employment and Support for Work-Family Reconciliation, Article 19 Clause 4): Fine of up to 5 million won (equivalent to US \$ 4,378).

To support non-regular female workers retain their employment and protect their motherhood, the "temporary childbirth leave and continued employment support fund" has been in effect since July 1st, 2006, and is expected to continue being effective through the reform of the existing system in 2011.

System reform schedule in 2011: (Present) Labor contracts concluded upon the expiration of the contracted employment or dispatch period → (Post-reform) Labor contracts concluded upon the expiration of the contracted employment or dispatch period, or within 1 month of childbirth.

Moreover, for temporary workers, the fear of being disadvantaged upon the renewal of their contracts dissuades them from using their childcare leave. As such, in cases where the employer and worker consent, options are being explored to extend the contracted work period to at least the length of the childcare leave, by reforming the Act on Gender Equality in Employment and Support for Work-Family Reconciliation.

The reasons behind the reported budget cuts for establishing national and public childcare facilities in 2010 were, firstly, the decrease in the demand for local government projects related to the expansion of public childcare facilities from 196 locations in 2008 to 165 in 2009. Secondly, by securing a revised supplementary budget of US\$5,300 in 2009 for the remodeling and construction of 132 childcare facilities, the demand for local public childcare projects in 2010 has already been met. Lastly, in regard to supporting the establishment of national public childcare facilities, because of an increased emphasis on the relatively low cost in remodeling childcare facilities, the budget on the establishment of facilities in 2010 significantly declined.

Support for Establishing Childcare Facilities in 2010 (Unit: thousand US\$)

	Construction of national public childcare facilities	Remodeling of apartment-based childcare facilities
Budget	172	21

Data: Ministry of Health, Welfare and Family, internal data

Note: * For apartment-based childcare facilities, the local government receives the lease free of charge and uses public funds to support operations.

The Government has been gradually expanding the support for childcare expenses in order to alleviate the burden of childcare costs, which is recognized as one of the main reasons behind the low fertility rate. The Government has been providing full support for childcare costs to only the households in the bottom 50% of income earners. However the

aforementioned system became a constant cause for bringing up the issue of the need to enhance the support system for middle-class households, particularly double-income households, as the middle-income households receive a comparatively smaller benefit from the policy.

In 2011, excepting the households with an income-level of above 30%, middle-income households as well as ordinary households are eligible to receive the full childcare costs. For multicultural families, the Government covers all the childcare expenses, regardless of the household's level of income, to provide a fair starting point in the life of the children from multicultural families, as those children often face difficulties in developing social skills and language skills in the Korean society. Lastly, to significantly minimize the burden of parents regarding childcare expenses, the Government expanded the provision on childrearing costs. Thus second-quartile income households with children under 36 months that do not go to childcare facilities are eligible to receive the Government's subsidy. (The Government subsidizes 100,000 won (equivalent to US\$ 87) a month for a family with a 2-year old child, while a household with 1-year old child can receive 150,000 won (equivalent to US\$ 130) and a household with an infant baby (age zero) can receive 200,000 won (equivalent to US\$ 174). This policy package is expected to greatly alleviate the burden of childcare expenses from individual families.

Health

Question 27: With reference to paragraphs 43 to 47 of the report and paragraph 30 of the previous report, please provide statistical data indicating progress achieved in improving women's accessibility to health services and in extending sexual and reproductive education programs to reduce the incidents of unwanted pregnancies, particularly targeting women between the ages of 20 to 24. With reference to paragraphs 22 and 107 of the report, what are the State party's plans and position with respect to CEDAW's General Recommendation 24 which requests a revision of legislation outlawing abortion? With reference to paragraph 29 of the previous report, please also illustrate the change in the number of women that depend on working members of their families to access health services since the State party's last periodic report.

According to the Criminal Act articles 269 and 270, the induced abortion operation is prohibited and matters that are related to the legal definition, verification, and punishment of illegal termination are contained within the criminal codes. However, articles 14 and 15 of the Mother and Fatherless Child Health Act state the limits of tolerance for induced abortion while article 28 defines the exclusions to the application of criminal laws.

*** Article 14 and 15 of the Mother and Fatherless Child Health Act**

Article 14 : Limits to Legal Abortion

- Where she or her spouse suffers from any eugenic or genetic mental handicap or physical disease as prescribed by the Presidential Decree;
- Where she or her spouse suffers from any infectious disease as described by the Presidential Decree;
- Where she is impregnated by rape or quasi-rape;
- Where pregnancy is taken place between blood relatives or matrimonial relatives who are legally or matrimonial relatives who are unable to marry by law; and
- Where the maintenance of pregnancy injures or might injure the pregnant woman for health or medical reasons

Article 28.(exclusions to the application of the criminal code) Any person who undergoes an induced abortion operation pursuant to the provision of this Act shall not be punished regardless of the provisions of Article 269 (1) and (2), and Article 270 (1) of the Criminal Act.

The below data indicates the number of women that depend on the working members of their families to access health services

Statistics on the Subscription to the National Health Service (Unit:person)

	2006	2007	2008	2009
Total Members	10,415,340	11,174,872	11,616,958	12,145,781
Total Dependents	18,029,693	18,249,552	18,799,619	19,266,959
Female Dependents	10,651,365	10,776,816	11,059,177	11,277,509

Data: Ministry of Health, Welfare and Family, (2006-2009)

Rural Women

Question 28: Please provide information on results achieved through implementation of the “work assistance program for women farmers’ since it was diffused nationwide. Also, with reference to paragraph 132 of the report, please elaborate on the modalities and results of a similar

system for farm households inflicted with accidents and diseases, which was adopted nationwide in 2007.

In 2000, the Government adopted the work assistant program for women farmers, an initiative for women farmers who must stop working due to childbirth. An assistant is dispatched and works on behalf of the woman farmer. Pregnant and expectant women farmers can apply to the program, and the assistance period currently ranges from 30 to 90 days.

Research was conducted on households that used the assistance program in 2002, and the satisfaction rate was quite high (86%) while the level of effectiveness was measured by perceived stability (33.2%), burden of pregnancy (29.5%), sustainability of operations (26%), and faith in the national policy (10.7%).

Following the depopulation and aging in rural areas, when farmers suffer an accident, illness, or other misfortunes that render farming and domestic work unsustainable, the work assistant program for women farmers was tested as a pilot project in 2006 and spread nationwide in 2007 to support the stability of such families.

In times of crisis, work assistants for women farmers can serve as proxy laborers for a maximum of 10 days, and 70% of an assistant's daily payroll cost is paid from the state coffers. Before 2007, only individuals who owned farmland below 3ha in area and were under the age of 65 qualified for such services. The qualification requirements have progressively shifted to reflect the demographic aging in rural areas. In 2008, those under 69 years and owning 5 ha or less qualified, and for 2009 and 2010, the age limit shifted to 70 and 75 years, respectively. In 2010, 5.5 million won (equivalent to US\$ 4,783) was spent on 15 thousand farming families.

Housework helpers have been employed to support the basic livelihoods of the elderly, multicultural, disabled, and vulnerable rural families for a maximum of 12 days. While 70% of the assistant costs are paid from public funds, the remaining 30% is paid by the National Agricultural Cooperative Federation. In 2006, only singles and couples over 65 years of age were eligible. In 2007, however, aging households over 65 were also included. Moreover, 2009 marked the inclusion of multicultural families, and in 2010, a total of 15,000 families received 1 million won (equivalent to US \$ 870) in aid. The Government plans to constantly reform the aforementioned system by reflecting the system user's opinions in order to improve the satisfaction level of clients who use the service.

Disadvantaged groups of women

Question 29: Please inform about the State party's intention to mitigate the requirements for migrant women victims of domestic violence to apply for naturalization. In this regard, and in light of the Committee's General Recommendation 26, please indicate measures taken by the State party with a view to protect female migrant workers – have reported incidents of sexual harassment – against dismissal, loss of regular status, or any other reprisals.

The Government recognizes that migrant women are especially vulnerable to domestic violence. Considering that the majority of victims have difficulties adapting to life in Korea, the Government plans to examine the easing of naturalization requirements for such individuals. For migrant women victimized by domestic violence, such records do not constitute a disadvantage when applying for citizenship. Furthermore, when marital relations have been severed due to domestic violence, such persons are guaranteed to retain equal rights as any migrant spouse.

Article 14, clause 2 of the Act on Gender Equality in Employment and Support for Work-Family Reconciliation states that no employers shall dismiss or take any other disadvantageous measures against any worker who has been damaged with regard to sexual harassment on the job or claimed damages for sexual harassment. Employers that violate this regulation may be sentenced to a maximum of 3 years and a fine of 20 million won (equivalent to US\$ 17,391). The above provision applies not only to Korean citizens, but female guest workers and, as such, does not discriminate against migrant women.

Additionally, if a worker seeks remedial actions for sexual harassment by clients or miscellaneous third-parties, employers are required to explore the available options such as a change in the workplace environment or relocation. Workers cannot be dismissed for reporting such offenses or refusing to accept sexual favors.

In the case where a business owner dismisses or otherwise renders unfavorable treatment to a victim of sexual harassment in the workplace, or an employee who reports such misconduct, apart from the aforementioned criminal statute, the worker may apply for support to the rural labor council within 3 months of the incident. Following the proceeds of the investigation of the matter, the determination of the appropriate course of action, and the implementation period, the worker may be reinstated or receive a percentage of the former wages during unemployment.

Moreover, Article 4 of the National Human Right Commission Act states that the above laws are applicable to both Korean citizens and foreigners in Korean territory. Also, Article 55 clause 1 states that no worker can be dismissed,

transferred, receive disciplinary action, or be disadvantaged in regard to rank or treatment for reasons of petitioning, giving statements, submitting materials, or answering to the Council. As such, when migrant women choose to submit sexual harassment cases with the National Human Rights Commission, the Commission protects them from being disadvantaged in the future.

Question 30; With reference to paragraphs 8, 48, 101, and 124 of the report, please provide information on the employment rate of women with disabilities, including part-time work, and indicate how this rate compares to that of employed men with disabilities and of persons without disabilities.

**Employment Rates of Disabled Women and Men in 2008
(Unit:%)**

Employment rate of the disabled	Employment rate of disabled women	Employment rate of disabled men	Total employment rate of the non-disabled
37.65	23.72	47.58	58.4

Data: Ministry of Health, Welfare and Family (2008) Fact Finding Survey of Persons with Disabilities

Note: Data was extracted from the end of 2008, a survey data on the disabled takes place every 3 years.

Marriage and family relations

Question 31: Please provide information on the impact of the 2008 "Support for Multi-Cultural Families Act"

Following the enactment of the "Support for Multi-Cultural Families Act" on September 22nd, 2008, to help migrant spouses quickly adjust and achieve a stable life, as well as to allow the children of multicultural families to grow in a healthy environment, the Government increased the number of multicultural family support centers to 159 as of October 2010. Furthermore, a relevant survey research was conducted to design the policies that specifically satisfy the needs of multicultural families. Additionally, the "Policy Committee for Multi-cultural Families" was installed under the Prime Minister's leadership on December 2009 to supervise and coordinate the Support Initiative for Multi-cultural Families, thereby further strengthening the legal and policy footing for the social integration of multicultural families.

Question 32: Please provide statistical information regarding the ratios of international marriage and their divorce rates in the context of the overall marriage statistics in the country

The number of international marriages in 2009 was 33,300, accounting for 10.8% of the total of 309,759 marriages.

Trends in International Marriages
(units: number, %)

	2006	2007	2008	2009
Total number of marriages	330,634	343,559	327,715	309,759
Number of international marriages	38,759	37,560	36,204	33,300
Distribution Ratio(%)	11.7	10.9	11.0	10.8
■ Foreign wife + Korean husband	29,665	28,580	28,163	25,142
■ Korean wife + Foreign husband	9,094	8,980	8,041	8,158

Data: Statistical Yearbook of Dynamic Demography (2009)

The below data represents the statistics on the divorce rate of international marriages. The data collected is based on the nationality of foreign wives or husbands at the time of the divorce. However, it has to be noted that after the marriage, the foreign wives or husbands will be naturalized as Korean citizens, and thus their marriage or divorce would be classified as that of Koreans.

Divorce Rate in International Marriage
(unit : number, %)

	2006	2007	2008	2009
Total number of divorces	124,524	124,072	116,535	123,999
Number of international divorces	6,136	8,671	11,255	11,692
Distribution Ratio (%)	4.9	7.0	9.7	9.4
■ Foreign wife + Korean husband	3,933	5,707	7,962	8,300
■ Korean wife + Foreign husband	2,203	2,964	3,293	3,392

Question 33: Please indicate measures adopted towards strengthening the protection of the rights of foreign female spouses, inter alia by ensuring that their legal resident status in case of separation/divorce does not depend entirely on the proof that the end of the relationship is to be attributed to the Korean spouse's fault. In this regard, please provide information on whether migrant women who have a child with Korean men are entitled to residency rights regardless of their marriage status.

The legal resident status of the foreign wives in Korea have been ensured not only in the cases of separation/divorce in which it has been proved that the end of the relationship is due to the Korean spouse's fault, but also in the cases of the spouse's death or disappearance, or for purposes of supporting a child or family. Under the prescribed circumstances, the foreign wife can remain in Korea with residence status, since she needs to remain in the family. Furthermore, after a certain period of time, she can acquire permanent resident status as well as Korean citizenship, with a view to strengthening the

protection of the rights of these foreign wives. This indicates that the proof of failure of the marital relationship attributed to the Korean husband may not be the only precondition for the acquisition of legal resident status of foreign wives.

To prove the events of a divorce, the end of a marriage, foreign wives can request officially recognized women's organizations in Korea for a confirmation, and submit this to the Government. The Government acknowledges the receipt from a reputable women's organization and utilizes this as a basis of its judgment. Moreover, to support the social adjustment of multicultural families in Korea, married immigrant women are entitled to permanent resident status regardless of their marital status. A married migrant woman can obtain permanent resident status if she raises her child born from her marriage to a Korean spouse or if the authority judges that the woman is entitled to residency rights based on humanitarian grounds. /end/
