

1. 당사국은 혼인과 가족관계에 관한 모든 문제에 있어 여성에 대한 차별을 철폐하기 위한 모든 적절한 조치를 취하여야 하며, 특히 남녀 평등의 기초 위에 다음을 보장하여야 한다.

(가) 혼인을 할 동일한 권리

(나) 자유로이 배우자를 선택하고 상호간의 자유롭고 완전한 동의에 의해서만 혼인을 할 권리

(다) 혼인증 및 혼인을 해소할 때의 동일한 권리와 책임

(라) 부모의 혼인상태를 불문하고 자녀에 관한 문제에 있어 부모로서의 동일한 권리와 책임 : 모든 경우에 있어서 자녀의 이익이 최우선적으로 고려되어야 함

(마) 자녀의 수 및 출산간격을 자유롭고 책임감있게 결정할 동일한 권리와 이 권리를 행사할 수 있게 하는 정보, 교육 및 제 수단의 혜택을 받을 동일한 권리

(바) 아동에 대한 보호, 후견, 재산관리 및 자녀입양 또는 국내 법제상 존재하는 개념 중에 유사한 제도와 관련하여 동일한 권리와 책임 : 모든 경우에 있어서 자녀의 이익이 최우선적으로 고려되어야 함

(사) 가족성(姓) 및 직업을 선택할 권리를 포함하여 부부로서의 동일한 개인적 권리

(아) 무상이든 혹은 유상이든간에 재산의 소유, 취득, 운영, 관리, 향유 및 처분에 관한 양배우자의 동일한 권리

2. 아동의 약혼과 혼인은 아무런 법적 효과가 없으며, 혼인을 위한 최저연령을 정하고 공공등기소에 혼인등록을 의무화하기 위하여 입법을 포함한 모든 필요한 조치를 취하여야 한다.

267. 헌법 제36조 제1항은 「혼인과 가족생활은 개인의 존엄과 양성의 평등을 기초로 성립되고 유지되어야 하며, 국가는 이를 보장한다」고 규정하여 혼인과 가족생활 영역에서의 남녀평등을 강조하고 있다. 여성발전기본법 제24조는 「국가 및 지방자치단체는 민주적이고 평등한 가족관계를 확립시키기 위하여 노력하여야 한다」고 규정함으로써, 남녀평등한 가족관계를 위한 국가 및 지방자치단체의 의무를 상기시키고 있다.

혼인

268. 민법 제815조에 의하면 당사자간에 혼인의 합의가 없는 경우에 그 혼인은 혼인신고가 되었더라도 무효이다.

269. 민법 제정당시부터 가부장제의 핵심 제도로서 그 폐지여부에 대해 논란이 많았던 동성동본 금

혼제도가 폐지되었다. 헌법재판소는 동성동본 혼인 금지 조항인 민법 제809조 제1항에 대해 1997년 7월 헌법불합치 결정을 내리고, 이 조항은 98년 12월까지 개정해야 하며 99년 1월이후에는 그 효력을 상실하고, 법개정때까지 그 조항의 적용을 중지해야 한다고 결정하였다. 헌법재판소는 동성동본 금혼제도는 헌법에 보장된 인간의 존엄과 행복추구권에 반하고 혼인의 자유와 평등권에 어긋나며, 이 제도는 족벌적-가부장적 대가족 중심의 사회와 자급자족 원칙의 농경사회에서 유래된 것이라고 규정하였다. 이는 1993년 한국여성단체협의회와 한국가정법률상담소가 이 조항의 위헌여부를 헌법재판소에 제기한 후 5년에 걸친 심의결과이다. 헌법재판소의 결정에 따라 예비부부와 기존의 동성동본 부부들은 「혼인특례법」 없이도 자유로이 혼인신고를 할 수 있게 되었고, 그들의 자녀도 혼인의 자녀가 아닌 적출자로서 보호받게 되었다.

부부권

270. 혼인증 부부는 동거하며 서로 부양하고 협력하여야 한다. 동거장소는 부부의 합의에 따라 정하며, 합의가 이루어지지 않는 경우에는 가정법원이 정한다. 또 부부는 일상의 가사에 대해 서로 대리권이 있다. 부부의 공동생활에 필요한 비용의 부담은 당사자간에 특별한 약정이 없으면 부부가 공동으로 부담한다.

자녀에 대한 권리

271. 혼인증 부부는 그 자녀에 대해 친권을 공동으로 행사한다. 그러나 의견이 일치하지 않는 경우에 3 가정법원이 정한다. 혼인외의 자녀가 인지된 경우와 이혼한 경우에는 부부가 협의하여 친권을 행사할 자를 정하고, 협의할 수 없거나 협의가 이루어지지 않는 경우에는 가정법원이 정한다.

272. 친권자는 자녀를 보호하고 양육할 권리의무가 있고, 미성년자인 자녀의 법정대리인이 되어 자녀의 특유재산을 관리한다. 친권자인 부모는 유언으로 미성년자의 후견인을 지정할 수 있다. 이혼한 부부는 그 자녀의 양육에 관한 사항을 협의로 정하며, 협의되지 아니하거나 협의할 수 없는 때에는 가정법원이 정한다.

입양

273. 양자가 될 자가 15세미만인 때에는 법정대리인이 입양승낙을 하여야 하고, 후견인이 피후견인을 양자로 하는 경우에는 가정법원의 허가를 얻어야 한다. 배우자 있는 자가 양자를 할 때에는 배우자와 공동으로 하여야 하며, 배우자 있는 자가 양자가 될 때에는 다른 일방의 동의를 얻어야 한다.

출산

274. 모자보건법은 모성의 생명과 건강을 보호하고 건전한 자녀의 출산과 양육을 도모하는 것을 목

적으로 한다. 동법 제7조는 국가와 지방자치단체는 모자보건사업 및 가족계획사업에 관한 사항을 관장하기 위해 모자보건기구를 설치 운영하도록 규정하고 있으며, 제14조는 인공임신중절수술의 허용한계를 규정하고 있다. 이에 대한 세부 내용은 제 12조 1에 언급한 바와 같다.

#### 가족 성(姓)

275. 가족 성에 관한 조항에 관해서는 비준을 유보하고 있다. 우리나라에서 법은 가족 성에 대하여 규정하고 있지 않다. 부부는 성불변의 원칙에 따라 각자의 성을 칭한다. 자녀의 성에 관하여는 민법에 규정이 있다. 민법 제781조는 자녀는 아버지의 성을 따르고 아버지를 알 수 없는 자녀는 어머니의 성을 따르도록 규정하고, 부모 둘다를 모르는 자녀는 성을 창설할 수 있지만, 성창설후 아버지나 어머니를 알게 된 경우에는 다시 아버지나 어머니의 성을 따라야 한다고 규정하고 있다. 또 호적예규는 혼인외의 자라도 아버지의 성을 알 수 있는 경우에는 아버지의 성을 따를 수 있다고 규정하고 있다. 즉, 우리나라는 성(姓)에 대해서는 관습상·법률상 성불변주의(창설금지)와 부자동성(父子同姓)주의이다.

276. 자녀의 성에 대한 부자동성주의는 자녀가 모두 아버지의 성을 칭함으로써 부계혈통을 이어가는데 기여하고, 대를 이을 남아를 선호하게 하여 출생성비불균형의 원인의 하나가 되었으며, 아버지의 성을 따르는 가족이 정상이라는 사회관념을 낳아 어머니의 성을 따르는 가족을 비정상적인 특수가족으로 보아 이러한 가족에 대한 사회의 차별의식을 야기시키고 있다.

277. 이에 대하여 한국여성단체연합은 1997년 3월 세계여성의 날을 맞아 자녀이름에 엄마성도 함께 물려주자는 취지의 부모성 같이쓰기 1백인 선언을 하였다. 여성단체의 이러한 부모성 같이쓰기 운동에 대해 찬성하는 견해도 있지만, 성이 변하는 것에 대해 반대 견해도 만만치 않다. 부모 두성이 합쳐짐으로써 이상한 의미의 단어가 되는 문제, 계속 합쳐지다가 성만 길어지는 문제, 친족관계 파악의 어려움 등, 다양한 문제점도 제기되고 있다.

#### 직업선택

278. 헌법은 제15조는 모든 국민은 직업선택의 자유를 가진다고 규정하고 있다. 모든 국민은 자신이 원하는 직업을 자유로이 선택하고 이에 종사하거나, 수행하고 있거나 종사하고 있는 직업을 언제든지 자유로이 포기하거나 그 직업에서 이탈할 자유가 있다.

#### 부부재산제 및 여성의 가사노동 가치

279. 부부의 재산에 관하여 민법은 제830조에서 부부별산제를 채용하여 부부 일방이 혼인전부터 가진 고유재산과 혼인중 자기의 명의로 취득한 재산은 그 특유재산으로 하고, 그 특유재산은 부부가 각자 관리·사용·수익하도록 하였다. 그리고 부부의 누구에게 속한 것인지 분명하지 아니한 재산

은 부부의 공유재산으로 추정하고 있다.

280. 여성발전기본법 제24조 제2항은 국가 및 지방자치단체는 가사노동에 대한 경제적 가치를 정당하게 평가하여 이를 법제도나 시책에 반영하도록 노력하여야 한다고 규정하고 있다.

281. 부부별산제를 보완하고 여성의 가사노동가치를 인정하기 위하여 민법은 제839조의 2에 재산분할청구권 제도를, 제1009조의 2에 상속개시시 기여분 제도를 규정하고 있다.

282. 여성의 가사노동을 인정받는 방법으로 하나로 배우자의 상속세 및 증여세의 면제를 위하여 여성단체들은 1993년에 '남녀평등한 세계개혁을 위한 여성단체모임'을 구성하고, '배우자가 상속한 재산에는 세금을 일절 폐지한다, 결혼후 이룬 재산은 아내의 기여도를 인정하여 공제한도를 크게 늘린다, 이혼시 분할받은 재산에 대해서는 증여세를 매기지 않는다' 등을 제시한 바 있다.

283. 가정내에서 배우자의 재산형성 기여도를 평가하여 제도적으로 반영시키는 방안에 대하여는 제 2조 (나)호에 언급하고 있다.

#### 미성년자의 혼인

284. 미성년자가 혼인할 경우에는 부모의 동의를 받아야 한다. 부모가 이혼한 경우에 이혼한 어머니도 미성년 자녀의 혼인에 대해 동의권을 가진다. 부모가 모두 동의권을 행사할 수 없는 때는 후견인의 동의를 얻어야 하고, 후견인이 없거나 또는 동의할 수 없을 때에는 친척회의 동의를 얻어야 한다. 이것은 미성년자를 경솔한 혼인에서 보호하자는 취지이다. 이들의 동의가 없는 혼인신고는 수리되지 않는다.

#### 혼인적령

285. 민법은 남자 만18세, 여자 만16세로 혼인적령을 정하고 있다. 이것은 조혼의 폐해를 방지하려는 데 그 취지가 있다. 부적령의 혼인은 각 당사자 또는 그 법정대리인이 취소할 수 있다.

#### 혼인등록

286. 혼인은 호적법이 정한 바에 따라 신고함으로써 법률상 성립한다. 혼인신고를 하지 않으면 부부관계를 몇 십년 지속해도 법률상 혼인으로 인정되지 않는다. 당사자쌍방과 성년자인 증인 2명이 연서한 혼인신고서를 당사자의 본적지 또는 주소지, 현재지에 신고해야 한다. 호적공무원이 혼인신고서를 수리함으로써 혼인은 법률상 성립한다.

## Introduction

1. The Republic of Korea, being a State Party to the Convention on the Elimination of All Forms of Discrimination Against Women, in accordance with the provision under Article 18 of the said Convention, has submitted to the Secretary-General of the United Nations its first and second reports in 1986 and 1989 respectively and the reports were duly reviewed by the Committee on the Elimination of Discrimination against Women in 1991 and 1993. While Korea's third report was submitted in 1994 and remains unreviewed to date, this fourth report, prepared in accordance with the Committee's general guideline, addressing the issues raised during the review of the second report, and covering the major actions taken in the past four years to fully implement the Convention, especially in terms of legislative and institutional measures, is herewith being submitted. In the process of constructing this report, a consultation body was formed which was constituted with NGOs and 7 women's policy specialists. The consultation body as well as 25 women's organizations gathered their opinions. This report presents the Governmental policy actions and other measures directed toward advancing women's status and gender equality in linkage with the various Articles of the Convention. In doing so, it has endeavored to convey the situation of Korean women as objectively as possible by delineating those areas where actions have so far been insufficient and/or inadequate.

### National Objectives in Women's Policy

2. Since the submission of its third report in 1994, the Government of the Republic of Korea took definitive steps toward advancing women's status. It did so by focusing its gender policies on realizing an egalitarian society where women are respected and can participate in all aspects of national life on an equal basis with men and on utilizing their capacities to the full extent.

### National Machinery for Women

3. Since the establishment of the Ministry of Political Affairs (II) in 1988 to monitor and coordinate the activities related to women's policy, the women's machinery within the government structure has expanded considerably, and effective coordination took place between the various responsible agencies. The function of the National Committee on Women's Policy, chaired by the Prime Minister, has also been strengthened and non-governmental representation in it has widened. In 1994, women's focal points were established in all the Ministries and Offices for the sake of effective pursuit of women's goals and objectives. In the same year, the National Assembly established the Special Committee on Women to facilitate the legislation of gender-related laws and their implementation. At the same time, administrative units dedicated to women's affairs were established in all the self-governing bodies at the local level, thus creating a nation-wide action system dedicated to the advancement of Korean women.

### National Plan for the Advancement of Women

4. Having duly recognized the necessity for an overall and integrated national plan that can facilitate the implementation of existing and emerging women's policies in a systematic manner, the Government included a separate sector on women in its 7th Five Year Economic and Social Development Plan (1992-1996), as it had done in the 6th Plan. (1987-1991) The first and second Basic Plans for Working Women (1994-1997 and 1998-2001 respectively) and the Three Year Plan for Child Care Service Expansion (1995-1997) are also under implementation. Subsequent to the Fourth World Conference on Women, the Government, in October 1995, identified Ten Policy Priorities for the Advancement of Korean Women. Along with the above, to facilitate an integrated and coherent implementation of women's policy, a comprehensive Five-year Basic Plan in Women's Policies (1998-2002) is currently under preparation in collaboration with all the substantive Ministries concerned. The Local Autonomous Bodies of all levels are also engaged in formulating their respective women's policy implementation plans within the overall framework of the Basic Plan, thus to evolve a nation-wide, closely inter-linked infrastructure for realizing the national and international mandates in the women's field.

### Legal Provisions for Women

5. To lay down the foundation for realizing substantive gender equality, many gender discriminatory elements were removed from various existing laws and others were newly enacted. Following the 1990 amendment to the Family Law to provide a new legal framework for establishing egalitarian relationships in the family, the Family Registry Act, the Inheritance Tax Act and the Domestic Dispute Litigation Act, among others, were amended to render them consistent with the revised Family Law. The Punishment of Sexual Violence and Protection of Victim Act, legislated in 1993, and a new law, the Prevention of Domestic Violence and Protection of the Victim Act, also went into force in 1998. The most notable legislative actions during the report period, was the 1995 passage of the Basic Law for the Advancement of Women aimed at addressing issues of gender equality, women's social participation and their welfare in a consistent and systematic manner. Along with these, the Nationality Act was amended in November 1997 to remove elements discriminatory to women. Because of this amendment, one of Korea's two reservations on the Convention, i.e. the Article 9, will soon be withdrawn, leaving the Article 16 still on reservation.

### Dissemination Activities on the Convention

6. Since its entry into the Convention and parallel to its submission of successive reports on its implementation, the Government has devoted much efforts to inform the Korean public on its substance. In 1984, "A Comparative Analysis of the National Laws and Convention on the Elimination of All Forms of Discrimination Against Women," was

carried out and, in 1990, a booklet containing the Convention in English, along with its Korean translation, and the Government's first two reports to the Committee was published and distributed nation-wide. This was followed by the symposium in 1994 on "The United Nations Convention on the Elimination of All Forms of Discrimination Against Women and Korean Policy on Women." This was in observance of the 10th anniversary of the country's ratification of the Convention. The symposium was held regarding the implementation of Convention on the Elimination of All Forms of Discrimination Against Women in Korea to a close scrutiny in its legislative, judiciary and administrative dimensions. It also identified policy and programme issues that needs to be subsequently addressed. In 1995, another volume of informational material was published containing eight international conventions related to women, including the Convention on the Elimination of All Forms of Discrimination Against Women, in their original and translated versions. This was followed by the 1996 publication of annotations on the Convention and information notes on CEDAW. These materials are being utilized by public employee training institutions and various levels of social education establishments to sensitize such personnel as public prosecutors, police officers, prison administrators and guards, and others concerned with human rights with particular reference to gender equality.

### Serious Obstacles to Gender Equality

7. The most serious stumbling block on the road to gender equality and women's participation in decision-making positions are male-centered institutional practices and decision making structures in social, economic and political domains. Also, operational within this overall framework are: the entrenched paternalistic and authoritarian male values; the traditional notion of gender roles that women have internalized thereby inhibits their initiatives; their alienation from the socio-economic mainstream that has led, inter alia, to isolation from the information mainstream as well; and underdevelopment of women's leadership capabilities and lack of opportunities for doing so, which are essential if they are to occupy major decision-making positions.

### Plans for the Future

8. Face to face with the year 2000, the Government of Korea will continue its efforts to implement the Beijing Declaration and the Convention on the Elimination of All Forms of Discrimination Against Women to break down the gender discriminatory institutional mechanisms and customary practices. Concomitantly, having been re-elected as a member of the Commission on the Status of Women in 1997, Korea shall actively contribute to the global effort in advancing women's status and well-being. Moreover, it shall maintain a close linkage with concerned organizations of the United Nations as it collaborates in the implementation of the various action agenda that have stemmed from the United Nations Conference on Environment of 1992, Conference on Population of 1994 and the Social Development Summit of 1995. Actions to be taken at the national level

are contained in the First Five-year Basic Plan in Women's Policies (1998-2002). The further content of the Plan shall be discussed in the portion of this report covering Article 3.b. The Government recognizes that, without the cooperation and pressure from the non-governmental organizations (NGOs), it cannot effectively implement its policies for women. Accordingly, it plans to strengthen its cooperative ties with the NGOs, especially in areas where progress has been least satisfactory so far, e.g. placement of women in national and local decision-making positions, and to render both the governmental and non-governmental efforts on behalf of women more effectively.

## ARTICLE 1

### Definition of Discrimination

9. The Equal Employment Opportunity Act, as it is currently in force, defines "discrimination" as follows.

Article 2, Clause 2 (Definition)

- 1) "Discrimination" refers to unfair measures on the part of the employer with regards to personnel recruitment and the establishment of working conditions on the bases of gender, pregnancy, marriage and/or familial status.
- 2) "Maternity benefits for working women are not regarded as discrimination in this law.
- 3) "Preferential treatment of specific workers by the national government, local self-governing bodies or employers for the purpose of redressing existing discriminatory conditions is not viewed as discrimination in this law.

## ARTICLE 2

### Status of Women under the Constitution

10. The Korean Constitution, in the Article 11, Clause 1 stipulates, "All citizens are equal before the law. No one shall be subjected to political, economic, social or cultural discrimination based on one's sex, religious affiliation or social status". It thus lays down the fundamental principle of gender equality in all aspects of life. This principle finds explicit and concrete elaborations in the Constitution's various Articles bearing on a wide range of life sphere of the Korean people.

11. Concerning political participation, the Articles 24 and 25 state, "All citizens shall have the right to vote under such conditions as specified by law," and "All citizens shall have the right to hold public office under such conditions as prescribed by law." These, thus, guarantee equal opportunities for women and men with respect to public life. For the economic sphere, the Article 32, Clause 4 specifies that "Women's labour shall be protected through special measures and they shall not be subjected to unjust discrimination in terms of employment, wage and working condition," thus providing for the special needs of female workers and forbidding prejudicial treatment of them in the employment context.

12. Further, by stipulating in its Article 34, Clause 3 that "The State shall endeavor to promote the welfare and rights of women," the Constitution obligates the State to promote the advancement of women's status. Regarding family life, the Article 36, Clause 1 guarantees gender equality in marriage and family relationships by stipulating that "Marriage and family life shall be entered into and sustained on the basis of individual dignity and equality of the sexes, and the State shall do everything in its power to achieve that goal".

13. The Women's Development Act, the Basic Labor Act, and the Equal Employment Act concretely guarantee equal rights of women in their political, economic, social, and cultural sphere. Various redress measures are designed in order to prevent infringement of the women's rights.

### The Women's Development Act

14. In December 1995, the Republic of Korea, with a view to realizing the ideologies of gender equality and advancement of women's status in political, socio-economic and cultural spheres of national life and to lay the foundation for women's policies, has enacted the Women's Development Act. Introduced shortly after the Fourth World Conference on Women in a climate of heightened awareness of and interest in women's

issues, this Act provides for:

1. time-bound affirmative actions to redress certain Korean women's disadvantages (Article 6);
2. the expansion of women's opportunities for participation in policy-making and in politics (Article 15);
3. expanded opportunities for women to serve in public offices (Article 16);
4. equal employment opportunities and an improved maternity protection (Articles 17 & 18);
5. the promotion of gender equality through child education at home and school and through social education (Articles 19-21);
6. the promotion of women's welfare (Article 22);
7. the expansion of child care facilities (Article 23);
8. the establishment of gender-equal family relationships (Article 24);
9. the prevention of sexual and domestic violence (Article 25);
10. an economic assessment of domestic family work (Article 26);
11. the promotion of women's international cooperation (Article 27);
12. the promotion of gender sensitivity in the mass media (Article 28), etc., and goes on to establish the responsibilities of the State and Local Autonomous Bodies vis-a-vis the above.

15. Moreover, the Act provides for the formulation of the Five-year Basic Plan in Women's Policies on an on-going basis. (Article 7)

### Status of Women under the Labour Standard Act

16. The Labour Standards Act, first enacted in 1953, revised in 1989 and again in 1997, lays down the basic conditions of labour. The Article 5 of this Act, stipulating that "Employers shall not subject women to discriminatory treatment, sets forth the principle of equal treatment of workers regardless of their sex and contains maternity protection provisions." These women-specific provisions echo the Article 32, Clause 4 of the Constitution that stipulates, "Female workers shall be given special protection and shall not be subjected to unfair treatment in employment and working conditions."

17. Protective provisions for women include: prohibition of women's labour in hazardous work environments (Article 63), night work and work on public holidays (Article 68); limitation of overtime work (Article 69); prohibition of underground labour (such as inside coal mines) (Article 70); the provision of return-home travel grant (Article 74), as well as maternity protection regulations such as menstrual leaves (Article 71), pre and post-natal leaves (Article 72), protection of pregnant workers (Article 30, Clause 2 & Article 59, Clause 4), time out for baby feeding (Article 73).

18. Previously, the Labour Standards Act was applied to a limited number of work places. Since its revision on 29 March 1989, i) it is now applicable to all business/industrial establishments with five or more employees (certain of the regulations are applicable to establishments with four or less employees); ii) the penalties for non-compliance have been stiffened; iii) the employer is required to grant menstrual leaves even without his or her employees' requests them; and iv) to obtain over-time or night work from female employees, the employer now needs the consent of the workers whereas previously he/she needed only the permission of the Minister of Labour.

19. In order to encourage its speedy implementation, the revised Labour Standards Act stipulates a fine of up to five million won (US \$6,250) for violation of the equal treatment for equal work clause and up to 5 year imprisonment or up to 30 million won (US \$37,500) fine for violation of the maternity rights protection clause.

#### The Equal Employment Act (EEA)

20. This Act was introduced in 1987 in order to realize the principle of gender equality in employment opportunities and working conditions as stipulated in the Constitution and to protect motherhood as well as to develop women's occupational potentials and, thereby, advance their socio-economic conditions. With the passage of this Act, the principles of gender-equal treatment of workers and maternity protection have been codified and it has now become possible to impose sanctions against an employer for gender discrimination in the processes of recruitment and appointment.

21. While the EEA was the country's first legal instrument for enforcing equal treatment for equal work regardless of one's gender, and for the protection of working women's maternity rights, there was a need to make these provisions, as well as the non-discriminatory recruitment and employment requirements explicit. The Act was therefore revised in April 1989 and again in August 1995. The 1989 revision defined gender discrimination in employment in specific terms. Namely, women will not be unfairly treated in employment situations for reasons of their sex, marital and/or familial status, and pregnancy and the principle of "equal pay for equal work" will be strictly upheld. The revision also extended the maternity leave to one year and made the leave period to be counted as part of a consecutive employment period. Further, the Act shifted the burden of proof from the employee to the employer in the event of labour dispute, as well as stiffened the penalties for non-compliance by way of ensuring the Act's implementation.

22. As for the 1995 amendment, under the Article 6, the employer is forbidden to resort to such personal variables as appearance, height, weight, other physical characteristics and personal attributes irrelevant to job performance as qualification criteria in personnel recruitment. The same Article goes on to: require the employer to consult with the

representative(s) of the employees, including those of women employees, in setting the "equal work" criteria (Clause 2); prohibit discrimination in the award of financial and other benefits above and beyond the regular wage or salary (Clause 3); prohibit discrimination in training opportunities, placement and promotion based on marital status, pregnancy and child delivery (Clause 7); provide for paternity leaves in cases where both of the spouses are employed (Clause 11); and require the establishment of an equal employment committee in leu of the existing Labour Dispute Arbitration Committee, thus expanding the latter's function to embrace the arbitration of the EEA related disputes. (Clause 16)

23. To strengthen the Act's power of enforcement, the revised version stipulates penalties of imprisonment up to two years or a fine of up to 10 million won (approx. US \$6,700) for employers violating the provisions regarding wage, resignation, retirement and dismissal (Article 23) and a fine of up to 5 million won (approx. US \$3,350) for violations of recruitment, training, placement, promotion and child care leave provisions.

#### Legislation of the Family Law

24. The Family Law that had contained many gender discriminatory elements has been revised in January 1990 and put in force in January 1991. Major features of the amendment includes:

- an adjustment in the kinship boundary (Civil Code Article 777),
- abolition of the distinction between natural and adoptive parent-child relationships (Articles 773 & 774),
- the transition from the family head inheritance system to succession system (Article 778 and onward),
- child visiting rights by divorced parents who are without child custody rights (Article 837 Clause 2),
- the right to request the division of assets by either of the marital partners, such as in divorce proceedings (Article 839 Clause 2),
- recognition of the right of a full-time housewife to part of family assets (Article 1008 Clause 2), and
- awarding of property to special category relations (e.g. off-spring(s) outside marriage. (Article 1057, Clause 2).

The newly amended Family Law represents a radical departure from the old as it places men and women on an almost equal status and provides a legal framework for evolving a family system and tradition centered on truly gender-equal relationship between the marital partners. Further details in this connection are available in the third report of the Korean Government and in the portion of the present section covering the Article 16. (h) of the Convention.

25. The foregoing notwithstanding, the amended version of the Family Law still

contained some discriminatory elements from the point of Korean women as a whole. Accordingly, the Government has launched a special committee composed of civil law experts and responsible government officials and entrusted it with the task of reviewing the Family Law. The major outcomes of the review are likely to be the abolitions of the remarriage prohibition period (Civil Code Article 811) and the "family head" system.

26. The prohibition of marriage between a man and a woman originating from an identical ancestral root, a subject of intense debates over many years, was ruled inconsistent with the provisions of the Constitution by the Constitutional Court in July 1997. The Civil Code Article 809, Clause 1 that pertains to the prohibition is therefore to be amended no later than December 1998 and shall lose its power after January 1999. Further, pending the amendment of the relevant Article, its application is to be ceased. The Court's ruling was based on the argument that the prohibition, though once valid in the traditional agrarian society with an extended family system governed by patriarchal/authoritarian values, is contrary to the provisions of the current Korean Constitution that guarantees each individual's right to pursue happiness in ways congenial to oneself, and the freedom and gender-equal right to marriage.

#### Amendments of Income and Inheritance Tax Laws

27. Taking into consideration that both of the marital spouses contribute to the creation of family assets even if one or the other of them do not earn income from outside, the Government amended the Inheritance Tax Act in 1994 to raise the exemption upper ceiling for gift and/or inheritance between marital partners and put it in effect since 1996. By this amendment, inherited assets equivalent to one billion Won (approx. US \$850,000) or less are subject to exemption, and in the case of assets received in gift from the spouse, up to 50 million Won (approx. US \$42,500) became exempt from taxation.

28. In December 1996, the Inheritance Tax Act was amended once more to allow exemption up to three billion Won worth of assets inherited from the marital partner and up to five billion Won in the case of gift assets. This amendment went into effect in 1998. In October 1997, taxation on assets representing the portion for a divorced or divorcing partner after the division of property previously under co-ownership was ruled unconstitutional. Consequently, such taxation will no longer be practiced hence forward.

29. As far as the measures and/or procedures for redressing infringed rights are concerned, there is no gender-based discrimination or differentiation. However, to safeguard individual citizens from potential occurrences of such infringement, various committees have been established and endowed with "watch-dog" and arbitration functions.

#### The Gender Equality Promotion Committee

30. In 1996, under the mandate of the Basic Law for the Advancement of Women, the Government has established the above Committee preliminary to taking corrective measures with reference to various gender-discriminatory elements in current laws, institutional arrangements, administrative measures and practices and, thus, to promote gender equality.

31. The Committee is composed of ten members with appropriate expertise and/or experience and is under the purview of the Minister of Political Affairs (II). It examines, investigates and otherwise review instances of gender discrimination reported by individuals or organizations, and set in motion the steps to address them if and when necessary.

32. As of 1997, the Committee is in the process of developing a guideline for eradicating gender discrimination in all sectors of society. The guideline will be in two parts: for the public sector and the private sector. When completed, it will be used as the standard framework for examining the cases/situations of gender discrimination.

#### The Equal Employment Committee

33. Problems arising from violations of the Equal Employment Act (EEA), whether in relation to recruitment, wage, training, placement, promotion, retirement or re-employment, must first be dealt with a body established within the place of employment in accordance with the requirement of the Act. When the problems cannot be solved by such a body, the relevant local labour administrator has the authority to either help settle them himself/herself or to refer them to the Equal Employment Committee for arbitration. Currently there are six Equal Employment Committees under the competence of an equal number of Local Labour Offices (Taegu, Pusan, Incheon, Kwangju and Daejeon), each Committee being composed of 15 members representing respectively the interests of employees, employers and the public at large. The Committees meet when the need for arbitration arises. However, since the latest EEA amendment, the Committee's role vis-a-vis gender discrimination has been minimal, there having been only one instance of the Committees' meeting on such matter.

#### Admission of Women to the Military Academies

34. By virtue of the December 1995 amendment of the Military Academies Act and the regulations governing its implementation introduced in March 1997, the Korean military academies that, previously, functioned as the training organizations for combat commanders widened their perspective to include women who will serve the military in various professional capacities. Under the Act, the Air Force Academy admitted 20 young women in December 1996 and the Army Academy will begin to do so from 1998 onward.



Currently, the ratio of women admitted to the academies is approximately 10% of the total number of cadets.

#### Expanded Admission of Women into Public Employee Training Institutions

35. While the various specialized public employee training institutions such as the Police Academy, the Rail Transportation College, the Tax Affairs Institute, etc. do not bar the entry of female students, they had followed a quota system that, in effect, became gender discrimination at the quota's upper ceiling. For this reason the Government has been adjusting the ceiling upward from 1996 onward by stages. The ratio of women admitted to the Tax Affairs Institute will increase from 20% in 1997 to 50% by the year 2000, that for the Rail Transportation College from 3% to 50% and that for the Police Academy from 4% to more than 10% over the same period.

#### Measures to Prevent Sexual Harassment of Women at Work

36. Voluntary efforts on the part of the private sector business/industrial establishments to prevent sexual "teasing" and outright abuse of women have continued during the report period. In November 1995, for instance, the Keum Ho Group published its guidelines for preventing sexual harassment among its employees, as did the Hyundai Group and Seoul National University. Means have been sought to regulate sexual abuse of women through the amendments of the Punishment of Sexual Violence and Protection of Victim Act and the EEA, but the impact was minimal. In this connection, the Korea Women's Development Institute (KWDI) undertook studies on "Legal Measures Against Sexual Abuse of Women at Work" (v. KWDI study series 1997, p. 210-1) and "Curriculum Development for Changing the Gender-Discriminatory Cognition and Practices at Work" (KWDI study series 1996, pp. 200-222), and the study reports made available to business/industrial establishments and other organizations concerned with addressing the issue.

37. The Prostitution Prevention Act had previously sought to prevent women from engaging in prostitution and to rehabilitate those who have already done so. Since this law was blatantly discriminatory in that it took issue only with women, not with their male partners. A broad coalition of women's organizations staged a vigorous protest and, in 1996, the Act was amended to cover both men and women who are partners in the sex trade.

## ARTICLE 3

### <1> National Machinery for Women

#### Ministry of Political Affairs (II)

38. In 1988, the Government designated the Ministry of Political Affairs (II) as the governmental body responsible for the advancement of women's status in Korea and appointed female Ministers. At first, the Ministry was in charge of matters relating to children, youth and senior citizens as well but, since June 1990, it concentrated on women's affairs, which made coherent formulation and implementation of women's policies and programmes possible.

39. The Ministry is responsible for women's policy studies and development, coordination of all the activities on the part of substantive Ministries that have bearing on women. Further, all substantive Ministries and Offices are required to consult with the Ministry when drafting laws, policies and programmes that have implications for women, particularly with reference to the issue of gender-equality.

40. During the 1990s, the Ministry focused on strengthening its integrative and/or coordinating role vis-a-vis the activities of the various substantive Ministries. An important aspect of this function is reflected in the fact that, in accordance with the stipulations of the February 1994 the amendment of the regulations governing the National Committee on Women's Policy, each of the substantive Ministries submits a work plan for women every three years for its review and endorsement to the Committee. Also, many Ministries has designated women's unit to facilitate collaboration with the Ministry for Political Affairs (II).

#### National Committee on Women's Policies

41. The Committee was established in 1983 by an Executive Decree as an advisory body under the Office of the Prime Minister. When government ministries formulate policies for the advancement of women, the policies are subject to review by the Committee. It has the highest advisory authority on women's policies and reviews all the major legislations, strategies, policies and programmes stemming from government ministries and agencies and it also advises the Prime Minister. The committee also proposes its own policies and programmes to the Prime Minister. Indirectly, it has a monitoring function and also provides reference to the activities of various government agencies that deal with women issues.

42. The Committee is chaired by the Prime Minister, with the Deputy Prime Minister for Finance and Economy, the Minister of National Unification, and the Minister of Political

Affairs (II) serving as co-vice chairpersons. Other permanent members are the Ministers of Foreign Affairs; Home Affairs; Justice; Education; Culture and Sports; Agriculture, Forestry and Fisheries; Health and Welfare; Labour and General Administration (ex-Officio), and individual experts from outside the government appointed by the Prime Minister. The civilian members represent diverse interests in the non-governmental sector and have expertise on women's affairs.

#### The Gender-Equality Promotion Committee

43. The establishment of the Gender-Equality Promotion Committee has been mandated under the Article 11 of the Basic Law for the Advancement of Women.

#### Special Committee on Women in the National Assembly

44. The National Assembly has established in June 1994 the Special Committee on Women. Composed of 20 Members of the Assembly, it reviews matters relating to the rights and welfare of women. During 1996, it examined seven agenda items inclusive of those relating to the punishment of sexual violence and protection of sex violence victims and prevention of domestic violence, and forwarded its consensus reports to appropriate standing committees for necessary legislative action.

#### Administrative Machinery for Women in Government Ministries

45. Policies and programmes for women are formulated and implemented by many Ministries within their respective areas of competence and/or purview and in consultation with the Ministry of Political Affairs (II) and the National Committee on Women's Policies.

46. The Ministry of Health and Social Affairs has the Women's Welfare Division, which is part of the Office of the Social Welfare Policy. The Office of the Family Welfare Examiner who has an overall charge of women's affairs in the field of social welfare. Major responsibilities of the Women's Welfare Division include programme planning, programme development and distribution, and supervision or management of institutional facilities for disadvantaged women.

47. The Ministry of Labour has, within its Labour Standards Bureau, the Division for Women and Minors, placed under the charge of Women Guidance Officer, who is directly under the Vice Minister. The two entities work together to address women's issues arising in the labour field. The Division for Women and Minors in particular takes responsibility for improving working conditions for women and minors, their protection and guidance in the context of their work, and the promotion of female workers' well-being and advancement.

#### Government-Supported Research Institute on Women

48. The Korean Women's Development Institute (KWDI) was established in 1983 to carry out studies and research on women, provide education and training to develop women's resources, and assist women's organizations in their activities. The Institute was transferred in 1991 from the administrative purview of the Ministry of Health and Welfare to the Ministry of Political Affairs (II) for the sake of strengthening the Government's hand in the area of women's policy formulation and implementation.

49. In December 1995 and September 1997 respectively, the Women's Information Center and the Social Education Center were established within the KWDI. The former Conducts researches, produces and disseminates pertinent information materials for the purpose of supporting women-related policy and programme development, while the latter engages in strategic training of women, especially to fill the needs for women leaders in the non-traditional areas of occupation or professions.

#### <2> National Plans for the Advancement of Women

50. In order to integrate the women's policy into the National Development Plan, the Government, in follow-up of the inclusion of a women's sector in the 6th Five Year Economic and Social Development Plan, provided a separate section for women in the 7th Five Year Plan (1992-1996) as well. The major areas of focus in the Plan included education, employment, culture, social participation, social services and international cooperation.

51. The Basic Law for the Advancement of Women mandates the formulation and implementation of a Women's Basic Policy Implementation Plan. The Government is therefore currently drafting the first plan for the 1998-2002 period. It will be providing the main direction for efforts in the women's field during the period. In December 1997, the Ministry of Political Affairs (II) carried out consultations and coordination activities with other sectoral Ministries and held public hearings on the Plan. These activities entailed visiting many provincial areas to receive local feedbacks.

52. The city and provincial administrations and other self-governing entities will implement their respective programmes within the Plan's overall framework, and thus render the nation-wide endeavors in the women's field systematically.

#### The Ten Policy Priorities for the Advancement of Korean Women

53. As part of the follow-up on the outcome of the Fourth World Conference on Women (Beijing), the Government identified ten priority concerns in October 1995 and has embarked on their operations. The ten areas of concern in question are as shown in

Table 1.

(Table 1) Ten Policy Priorities for the Advancement of Korean Women

Policy Issues	Specific Activities
1. Expansion of child care facilities and qualitative upgrading of service	<ul style="list-style-type: none"> <li>• Vitalization of child care cooperatives</li> <li>• Develop effective modalities for utilizing religious facilities for child care</li> </ul>
2. Introduction of After-school child guidance system	<ul style="list-style-type: none"> <li>• Expand after-school child guidance system for all elementary schools</li> </ul>
3. Universalization of school lunch programme	<ul style="list-style-type: none"> <li>• Expand the existing school lunch programme to all elementary schools</li> </ul>
4. Establish the target for raising the ratio of female public employees	<ul style="list-style-type: none"> <li>• Introduce the means to promote recruitment of female public employees through competitive examination</li> <li>• Abolish the ceiling for female admission into public employee training institutions</li> <li>• Expand the female participation ratios in the various government committees</li> </ul>
5. Introduction of a public sector female employment incentive system	<ul style="list-style-type: none"> <li>• Introduce incentives for public sector employment of women</li> </ul>
6. Establishment of a maternity cost social sharing system	<ul style="list-style-type: none"> <li>• Introduce a social cost-sharing system for the remuneration of female employees during their maternity leave periods through social insurance.</li> <li>• Expand the target business/industries liable for the child care leave promotion grant.</li> </ul>
7. Expansion/improvement of women's resource development infrastructure	<ul style="list-style-type: none"> <li>• Strengthen job training in the junior high and high school curricula</li> <li>• Strengthen job training for women for re-entry into the labor market.</li> </ul>
8. Establishment of information network on/for women	<ul style="list-style-type: none"> <li>• Establish women's information center</li> <li>• Establish women's information network</li> </ul>
9. Enactment of the Basic Law for the Advancement of Women.	<ul style="list-style-type: none"> <li>• Enact the Basic Law for the Advancement of Women.</li> </ul>
10. Promotion of gender equality through the mass media	<ul style="list-style-type: none"> <li>• Expand women's participation in broadcast media-related committees</li> <li>• Prepare the mass-media gender discrimination standard index</li> <li>• Production/distribution of women related public interest media materials</li> </ul>

### <3> Government Budget for the Advancement of Women

54. The Ministry of Political Affairs (II) has established the Women's Development Fund under the mandate of the Basic Law for the Advancement of Women, which will support actions to implement the Platform for Action for the Advancement of Women adopted at the Fourth World Conference on Women. The target size of the Fund is 100 billion Won by the year 2001, 10 billion Won having been already allocated in 1997 and 1998.

55. Some of the specific work to be undertaken with the Fund include those related to: realizing gender equality in the civil society at large; strengthening women's capabilities for socio-economic and political participation; the establishment and operation of service and training facilities for women; international cooperation in the women's field; women's voluntary service activities, etc. The establishment of the Fund is highly significant in that it will make the substantive realization of the provisions of the Basic Law possible for the Advancement of Women. The fact that the 1997 portion of the government allocation for the Fund was on a priority basis reflects the definitive commitment that the Government has for gender equality and woman's advancement.

### <4> Efforts of Local Autonomous Bodies

56. Since the introduction of the Local Autonomy System in 1995, the local government machineries for women have been undergoing restructuring. The Metropolitan City of Seoul has established the Office of Women's Policy Aide, which has the overall responsibility for the City's administration of women's affairs, as well as established the Women's Policy Advisory Committee to advise the Mayor on the same. Similarly, other local self-governing bodies are also in the process of establishing research and development oriented organs dedicated to the advancement of women.

57. At the same time, the local self-governing bodies are moving toward establishing their own women's funds, again under the mandate of the Basic Law. This foretells the emergence of women's policies and programmes that can incorporate local women's needs and realities.

## ARTICLE 4

### <1> Special Measures for the Advancement of Women's Status

58. The Article 6 of the Basic Law for the Advancement of Women, by stipulating that "the State and Local Autonomous Bodies may take time-bound affirmative actions in areas where women's participation is severely limited, in accordance with pertinent legal provisions ..." has strengthened the legal basis for giving women special advantages in selected areas, such as in relation to public sector employment and political participation.

59. As a definitive move to address the gender imbalance among the public sector employees, the government instituted a female public employee target system which allows a set ratio of women to be recruited into the public sector each year regardless of the ratio of women who actually pass the competitive public employee examinations. This system will be in effect till the year 2000 and the target female ratios will rise to 20% by the year 2000 from the 10% base in 1996. The application of this system, however, is confined to the civil service examinations for the administrative and foreign service personnel and to the open recruitment examinations for the 7th level administrative, public security and foreign affairs personnel.

60. Because of the above system, the ratio of women passing the relevant examinations increased to 9.0% in 1996 from 4.7% in 1995. The number of women who have been recruited into public service above and beyond those who actually passed the examinations were two in the case of administrative civil service, one in the case of foreign service, and 16 in the case of open recruitment examinations for the 7th level public employees. (Table 2)

(Table 2) Female Recruits for the Public Sector Since the Introduction of Female Public Employee Target System

(Unit : persons, %)

Category	Before the System						After the System				Remark
	1994			1995			1996				
	Total recruited	Of which, female	Female ratio	Total recruited	Of which, female	Female ratio	Total recruited	Of which, female	Female ratio		
Adm.	250	15	6.0	183	19	10.4	192	19	9.9	+ 2 Prsns	
Foreign	35	3	8.6	35	2	5.7	41	4	9.8	+ 1 Prsn	
7th level	598	21	3.6	334	5	1.5	383	25	6.2	+16 Prsns	
Total	883	39	4.4	552	26	4.7	612	48	7.8	+19 "	

Source: Ministry of Political Affairs (II), unpublished data, 1997

61. While the target system was applied in the recruitment of civil service personnel, the public sector business/industries were encouraged to resort to a "public sector female employment incentive system," which allows a five point advantage for female applicants over their examination scores just as men who have completed the military service. This particular incentive system has been in effect since 1996 at 106 public sector establishments such as government subsidized agencies, government investment and reinvestment agencies, and public sector legal bodies.

62. Because the application of the incentive system is left to the discretion of each establishment concerned, its impact has been less than in the case of the target system. In 1996, only 15 out of the total 106 public sector business/industrial establishments (14.2%) took advantage of this system. Nevertheless, the system is worthwhile in that it leaves open the possibility of extending a positive measure for women to a broader segment of the business/ industrial community of the country. (Table 3)

(Table 3) Coverage of Public Sector Female Employment Incentive System (As of August 1996)  
(Unit: establishments, %)

Category	Target org/agency(A)	Implementing org/agency(B)	Ratio(B/A)
Gov investment org/agency	18	4	22.2
Gov re-investment org/agency	34	5	14.7
Gov subsidized org/agency	54	6	11.1
Total	106	15	14.2

Source : Ministry of Political Affairs (II), Ministry of Interior, 1997.

63. Although the public sector's participation in the female employment incentive system has been not very active, the Korea Airport Management Corporation broke down the past inertia for the first time. At its 1997 recruitment posts, 20% were allocated to women. This move represented a remedial measure for the very low level female representation ratio among its employees, which had stood at 3.7% of the total 377 persons newly recruited during the 1990s.

64. The introduction of the female employment incentive system was an outcome of consistent and sustained efforts on the part of women's NGOs. Specifically, they advocated the implementation of the Beijing Platform for Action, whose overall underlying theme was empowering women and letting them participate in decision-making, with 30% as the target up till the year 2000. They formed a coalition among themselves during the

1996 general election for the National Assembly demanding a quota system for women's representation in all public sector business/industries and in the Assembly itself. They advocated for 30% female representation in the recruitment, promotion and personnel training by all public sectors, according to the United Nations target for female participation in national and international development.

#### <2> Special Measures for Protecting Working Women

65. The Labor Standards Act stipulates "Special Measures for Protecting Women" to ensure their safety as mothers and/or prospective mothers, as was discussed further in the portion of this report covering Article 2.b.

## ARTICLE 5

66. Article 21 of the Basic Law for the Advancement of Women stipulates the duty of the State and that of the Local Autonomous Bodies to endeavor to enlist all public sector training institutions, social education agencies and business/industrial establishments in providing gender equality consciousness raising training. To eliminate socio-cultural factors underlying gender discrimination and fixed notions of gender roles, the Government took the following measures.

#### Consciousness-raising Education on Gender Equality

67. As part of a broader Governmental effort to breakdown the traditional and irrational prejudices against women, various public sector training institutions have carried out training activities for public employees of all levels. In 1991, 4,905 persons underwent such training in 27 separate courses while, in 1995, 18,468 persons did so in 185 separate courses, showing a marked increase of activities in the subject area during the 1990-1995 period. As in 1995, 33 out of the 45 national or public sector training institutions had in operation 185 courses between them, and 76 of the courses were on regular bases. The non-regular courses are in decline, however, as a proportion of the total number of courses in question.

68. Beyond the public sector actions in the subject area, numerous women's NGOs also engaged in a wide variety of gender equality consciousness-raising training, the most typical of which have been done were those by the KWDI's Social Education Institute for Women and the Women Link's Center for Women Workers.

69. In 1996, special emphases were given to identifying the issues and difficulties in gender equality consciousness training and to developing specific programmes that address those with effect. The programmes developed were distributed to 45 national and public sector training institutions and 19 government-invested organizations/agencies. The 1997 focus was developing and distributing more and varied teaching materials to similar bodies.

70. Since 1992, the Government has developed and distributed a "social education programme for women" designed to promote awareness of gender equality and to empower women. The KWDI's Social Education Institute was established in 1997 within the framework of the Korea Women's Development Institute to vitalize women's capacity building activities.

71. In the seven Local Autonomous Bodies, including the metropolitan cities of Seoul, Pusan and Taegu and the provinces of Kangwon, Choongchung South, Choongchung

North and Chulla South, a "Lecturer Bank" was established to secure qualified personnel for gender awareness education and to prepare and distribute educational materials. Each of the Banks having 60-70 university professors and other experts on call, the combined frequency of their lectures totalled 11,445 sessions between 1984 and 1996 and 1,386,971 persons attended the lectures.

#### Improvement of Gender Equality Consciousness Through Mass-Media

72. The Broadcasting Committee, established to oversee the media activities, has been active in promoting gender equality. On 15 February 1985, the Committee had found it necessary to dispatch a written warning to all the broadcasting systems against gender discriminatory representation in their media contents and, in 1990, has established an "Audience Grievance Committee" that has been highly receptive to a wide range of redress demands from individual or corporate media monitors. Meanwhile, the Korea Broadcasting Corporation (KBS) has produced public interest advertisements on gender equality for a distribution to all television networks in the country.

73. The KWDI also was similarly active in producing a movie, videos and slides and distributing them to all pertinent public sector organizations/agencies free of charge, or renting them out to schools, women's organizations and individuals. A total of 40 separate pieces of such materials were produced during 1984 and 1997. On their utilization side, up till 1992, there were 10,800 instances of rentals and 1.8 million viewers. More recently (1995-1996), the sales and/or rentals of the media materials occurred 3,000 times. Some women's NGOs also produced similar materials. The Women's Hotline (Korea), for instance, produced a play as well as a video under the title "Out of the Trap" for nation-wide distribution and the Women's Culture and Art Project staged the play "One's Own Room."

74. The Ministry of Political Affairs (II) has endeavored to integrate the gender issues associated with the mass media into women's policy. The Ten Priority Agenda for Broadening Women's Social Participation, made public in October 1995, and the Basic Law for the Advancement of Women enacted in the same year, containing provisions vis-a-vis the media-related gender issues, offers the legal basis for policy action in the subject area. As a first step toward responding to these mandates the "TV Gender Discrimination Indicators" were developed and are being widely used in 1996.

## ARTICLE 6

#### Laws Prohibiting Prostitution

75. The Republic of Korea prohibits prostitution and sexual exploitation of women by law. The Law Prohibiting Prostitution, as amended in January 1995 and in force since January 1996, stipulates a year's imprisonment or up to three million Won fine for prostitutes and their customers and five years' imprisonment or up to five million Won fine for those who provide facilities for or arrange prostitution. Further, a prison term of up to five years or a fine of up to 15 million won will be placed on panders who rely on threats, violence, deceit and/or threat of dismissal from a legitimate job. Thus, the latest amendment of the Law stipulates considerably more stringent penalties for all parties connected with prostitution and takes particular care to prohibit forcible subjugation of persons for prostitution purposes.

#### Protection of Women in Prostitution

76. To prevent women fleeing domestic hardships from falling into prostitution and to provide guidance to women in prostitution away from it, the Government has established 30 counselling centers around the country and 62 easy-access counselling store-fronts in the vicinities of railway stations, bus terminals, military bases and other high-density prostitution areas. At present, these facilities are staffed with 406 counsellors. Women found to possess rehabilitation potentials through the counselling process are trained in job skills at vocational training institutes and guided back to the mainstream of society.

77. Prior to the January 1996 amendment of the Law, women caught in prostitution were held in protective custody and underwent obligatory job training at vocational guidance facilities. Subsequent to the amendment, however, the "vocational guidance facilities" came to be called the "protective guidance facilities" and residency in them are optional rather than compulsory.

78. The residents of the protective guidance facilities receive free room and board and have access to occupational training as well as to preparatory classes for the equivalency tests for the various levels of schools and to personal development-oriented counselling service. One period of residency at any of the facilities is six months, extendable up to six more months. In 1996, there were 470 new entrants at 12 separate facilities, which represents a low utilization rate. With more active dissemination of information concerning the services available at the facilities, however, the rate of new entrants has been on the rise. (Table 4)

(Table 4) Women under Protective Guidance

(Unit: establishment, persons)

Type of facility	Year	No. of facility	No. of persons at facility	Total no. of women discharged	Circumstance of discharge			Persons at year-end
					Placed in jobs	Returned home	Other	
Occupational guidance	1992	21	2,908	3,106	605	2,095	406	954
	1993	23	2,907	2,721	592	1,734	395	1,140
	1994	22	2,326	2,667	569	1,603	495	799
	1995	21	1,827	2,067	452	1,322	293	559
Protective guidance	1996	12(1)	419(51)	487(51)	70	82(8)	307(51)	284(34)

Note: The figures in ( ) represent those held at temporary guidance facilities.

The category "Other" included 176 (36) persons who left with relatives; 63 persons who married, and 68 (7) others.

Source: Ministry of Health and Social Welfare, Status of Women's Welfare Facilities, 1996.

### Laws Concerning the Trafficking in Persons

79. There are two major legal instruments that address the problem of human trade in Korea. One is the prohibition of "the crime of induction and exploitation of the weak" (Criminal Code Chapter 31, Articles 287-296) and the other the Prostitution Prevention Act. Other pertinent laws include the Criminal Code Chapter 25, Articles 257-265 on the crime of injury and violence to others; Chapter 32, Articles 297-306 on the crime of rape and other unseemly acts; Chapter 29, Articles 276-286 on the crime of arrest (deprivation of physical freedom) and incarceration; the Law for the Punishment of Violent Acts; the Law for Heavier Punishment of Specific Crimes; the Occupational Stability and Employment Promotion Act; the Juvenile Protection Act; and the Child Welfare Act.

80. The Criminal Code, Chapter 31 on the crime of exploitation and induction of the weak constitutes the pillar of legal provisions against trafficking in person. Article 288, Clause 2 of the same Chapter on the crime of trafficking in women, especially, stipulating one or more years of imprisonment for exploitation of or trafficking in women for purposes of profit, bribery, employment in prostitution trade, etc., is typical of such legal provisions in Korea. The Law for Heavier Punishment for Specific Crimes, in its Article 5, Clause 2, also stipulates five or more years of imprisonment for improper sexual behaviour, adultery, abduction or induction of persons for profit, and trading in women to employ them in prostitution.

### Measures to Eliminate and Prevent Sexual Violence

81. The Government has formulated measures to root out sexual violence in 1992 and their implementation is under way with almost the entire government Ministries participating,

and the Ministries of Political Affairs (II), Legal Affairs, Education, taking the lead roles. Major features of the measures are as follows:

- o People's movement to prevent and eliminate sexual violence (Political Affairs (II))
- o Protection of the victims of sexual violence and those who report such to the authorities (Legal Affairs)
- o Strengthening of sexual violence prevention education in the elementary to high school curricula (Education)
- o "Clean-up" of unhealthy and/or harmful environment for youths and the legislation of the Youth Protection Act (Culture and Sports)
- o Operation of the sexual violence victim reporting centers and shelters for the victims (Health and Social Welfare)
- o Establishment and operation of counselling service and telephone lines specifically for women victims of sexual violence within police stations (National Police Bureau)

### Laws against Sexual Violence

82. The Punishment of Sexual Violence and Protection of Victim Act was enacted in January 1994 and amended in July 1997 to address specifically the ills of sexual violence within and without the domestic context. Further, the Article 25, Clause 1 of the Basic Law for the Advancement of Women, in force since July 1996, imposes responsibility on all Local Autonomous Bodies for preventing sexual violence and protecting the victims of such violence in accordance with laws and regulations concerning the matter. Also, the Criminal Code, as amended on 29 December 1995, has imposed harsher penalties for sexual violence than before.

83. The Punishment of Sexual Violence and Protection of Victim Act is a special law that holds the State responsible for preventing the crime and for protecting the victims of the crime, requires it to establish protective shelters for the latter and to take institutional and procedural measures designed to safeguard the interest of the same in the process of crime investigation and court proceeding, and to strengthen the penalties for the crime.

84. The Law also treats sexual violence against disabled persons and minors as crimes to be dealt with more harshly under the Law for Heavier Punishment of Specific Crimes. The specifics of the pertinent amendment are as follows:

- o Expansion of the range of punishable sexual acts against disabled persons and strengthening of protective measures for the same.
- o introduction of new provisions under which rape and other forcible sexual acts against minors under the age of 13 are treated as specific crimes punishable with heavier penalties.

- o Inclusion of penalty for disclosure of the identity and privacy of the victim.
- o Introduction of the obligation on the part of personnel of juvenile protection facilities to report immediately cases of third party complaint to investigating authorities.

### The Protection Programme for Sexual Violence Victims

85. A number of counselling centers are in operation for the benefit of women victims of sexual violence. Establishing a counselling center is an easy matter since individuals and/or organizations in position to fulfill certain standard requirements for doing so can start operation by simply reporting it. In October 1997, there were 35 such centers around the country and, in addition, the various city and county level women's centers also carry counselling functions for women victims of sexual violence.

86. Up till October 1997, three protective shelters for women victims of sexual violence have been established under government auspices. The costs of operating the shelters, including the staff and expert salaries, building maintenance, etc. are being met from the government budget.

(Table 5) Counselling for the Victims of Sexual Violence

Category Year	No. of Centers	No. of Counselling Provided			Outcomes			
		Total	To the Victims	To the Guardian	Return Home	Admitted into Shelter	Referral for Treatment	Others
1995	12	3,245	1,868	1,377	276	52	242	2,675
1996	23	10,093	5,489	4,604	1,621	279	1,044	7,149

Source: Ministry of Health and Social Welfare, Unpublished data.

87. The Government has designated seven organizations, including the KWDI, as training institutions for the counsellors of the victims of sexual violence and trained 240 persons (120 public employees plus 120 private sector personnel) each year on average during the last several years. As of October 1997, the total number of counsellors trained were 910. The Government plans to expand its support to all aspects of activities related to the prevention of sexual violence and protection of the victims of such violence.

### Protecting Female Children from Violence, Abuse and Sexual Exploitation

88. Female children are protected from violence, abuse and sexual exploitation and other forms of mistreatment under the Article 287 of the Criminal Code that stipulates an imprisonment of up to 10 year for exploitation and induction of minors, and under Article

242 of the same Code that calls for up to three years in prison or up to 15 million Won in fine for trafficking in minors for profit. Also, the Article 34 of the Child Welfare Act contains specific penalties for: involving children in promiscuous or indecent acts or engaging them as intermediaries for such acts; employing children under 14 of age at adult-oriented "entertainment" establishments; letting children to beg; and abusing or mistreating children under one's guardianship. Along with these, the Punishment of Sexual Violence and Protection of the Victim Act treats rape of children under 13 years of age and other forcible engagement of them in indecent acts as crimes requiring the imposition of heavier penalties.

### Measures against Domestic Violence

89. The Government has formulated comprehensive measures for the prevention of domestic violence in 1996 and charged all the substantive Ministries concerned with the responsibility for their implementation. Moreover, in December 1997, the Domestic Violence Punishment Special Act and the Prevention of Domestic Violence and Protection of the Victim Act passed the legislature. The comprehensive measures against domestic violence, including these legislative actions, are being dealt with as a cross-sectoral agenda of the Government, the Ministry of Political Affairs (II), Office of Public Information, Ministries of Interior, Legal Affairs, Education, Culture and Sports, Health and Social Welfare, etc. being the substantive Ministries directly involved. Major features of the measures are:

- Elimination of violence and violent images from the mass media and more stringent control of the spread of such media materials (Office of Public Information; Ministry of Culture and Sports)
- Expansion of domestic violence prevention centers, temporary shelters and protection facilities for the victims (Ministry of Health and Social Welfare)
- Strengthening of educational and informational activities aimed at changing the socio-cultural milieu that induces and/or provokes violence (Ministry of Political Affairs (II))
- Strengthening of the domestic violence reporting and response system (The National Police Bureau)
- Establishment of a collaboration mechanism between the domestic violence reporting centers, counselling agencies, shelters and/or protection facilities, the police stations and hospitals with a view to evolving a nation-wide emergency response system vis-a-vis domestic violence.

Further specifics of the legal instruments are as follows:

### The Special Act for the Punishment of Domestic Violence



90. Providing for a special criminal proceeding for domestic violence cases, this law seeks to help restore domestic peace and stability by holding the offenders in protective custody and subjecting them to corrective training. Major features of the law are as follows:

91. Under this law, domestic violence is of the same nature as injuries, violent acts, physical incarceration and imprisonment such as defined in the Criminal Code but are subject to heavier penalties based on the Law for Heavier Punishment of Specific Crimes. The Act also makes reporting incidences of domestic violence obligatory on the part of heads of medical and counselling establishments and others who come to know such cases in their lines of duty. Further, under the same Act, the victim of domestic violence may bring suit against the perpetrator even when he/she is a close family member.

92. Police officers, upon receipt of a report on domestic violence in progress, must present themselves at the scene of crime and take appropriate measures as required by pertinent laws; in the event that further violence can possibly occur despite the emergency measures taken by the police, the prosecutor may request a court order to separate the offender from the victim or the rest of the family, or forbid the offender from approaching the (potential) victim, or take other temporary measures as necessary; and the court may isolate the potential victim, entrust the same to medical or custodial care facilities, etc. in order to protect the potential victim as well as to facilitate the process of investigation and situation analysis.

93. If and when custodial care is deemed necessary, the court may limit or prohibit the offender from approaching the potential victim, limit the exercise of parental rights, or order the same to a period of social service, behaviour correction classes, or hold under custody for observation purpose. The Act also stipulates compensation of medical costs, loss of property, and custodial care costs through speedy legal proceeding.

#### The Prevention of Domestic Violence and Protection of the Victim Act

94. Aimed at promoting domestic stability and peace through prevention of domestic violence and protection of the victims, this law holds the State and Local Autonomous Bodies responsible for creating the necessary legal and institutional mechanism and securing the necessary resources for that purpose.

95. It requires the State and Local Autonomous Bodies to establish and operate domestic violence counselling centers and custodial care facilities for the victims and to provide support to similar facilities/services under private auspices.

#### Programmes for the Victims of Domestic Violence

96. The Government has established and manages facilities dedicated to temporary protection of mothers and their children whose health and development may be jeopardized due to violence on the part of their husbands/fathers. They spend one month in physical and psychological recuperation at the shelters. They can stay one more month if necessary. In December 1997, there were seven such facilities, mostly in large cities.

97. On the non-governmental side, some women's and religious organizations also operate shelters for domestic violence victims free of charge. The two "Rest Houses", under the management of the Women's Hotline since 1987 are typical of those. There are altogether ten NGO-run shelters in operation.

#### Protection and Support of the Comfort Women

98. While the issue concerning the women who were forcibly inducted into sexual service for the Japanese soldiers during WWII has come to gain better attention owing, in part, to the activities of the United Nations Human Rights Commission, the Korean Government, on its part, has called for as rigorous an investigation into its historical truth as possible and endeavors itself to find just solution for the victims of unmentionable barbarism yet to be addressed half a century after the event.

99. The Government has carried out a large scale investigative survey in 1992. Also, as an act of self-cure of past injury, the Former Comfort Women's Livelihood Stabilization Act was enacted in June 1993. According to this Act, the eligible women are entitled to monthly livelihood assistance under the Livelihood Protection Act (the senior citizens' allowance are included) and medical assistance available under the Medical Assistance Act. Homeless people will have priority on long-term housing rentals. A lump sum grant of five million Won and a monthly grant of 500,000 Won will be provided to each person. In addition, up to 1.08 million Won of dental grant is also available per person. From 1993 to January 1998, the total number of eligible women are 186 and 31 have passed away. A total of 155 persons were the beneficiaries of these provisions.

## ARTICLE 7

### Women's Voting Rights and Electoral Eligibility

100. The Korean Constitution, particularly the Article 11, Clause 1 stipulates guarantees for equal political participation on the part of all citizens and prohibits discrimination of any form in this connection. The Article 24 of the same constitution provides that "All citizens shall have the right to vote under conditions prescribed by law", and under Article 25, "All citizens shall have the right to hold public office under conditions prescribed by law". The Constitution, thus, does not restrict women from participating in the electoral process as either voters or candidates for public offices. All men and women 20 years or more of age are entitled to exercise their voting rights; all men and women 40 or more years of age are qualified to be candidates for the Presidency; and all men and women aged 25 or more years are qualified to stand for election for the National Assembly.

### Women Voters

101. In the latest Presidential election, held on 18 December 1997, the number of eligible women voters numbered 16,418,262 or approximately 50.8% of the total eligible voters.

### The Legislature

102. During the 12th National Assembly (1985-1988), there were eight women among the total 276 Representatives (2.9%); in the 13th Assembly (1988-1992) six women among the 299 Representatives (2.0%); in the 14th (1992-1996) seven among the 299 Representatives (2.3%); and in the 15th Assembly (1996-2000) nine among the 299 Representatives (3%). (Table 6)

(Table 6) Number of Representatives in the National Assembly  
(Unit : Persons, %)

Assembly	Total Number of Representatives	Congress Women		Elected Congress Women		Appointed Congress Women	
		Total No.	%	Number	%	No.	%
12th (1985~1988)	276	8	2.9	2	1.1	6	6.5
13th (1988~1992)	299	6	2.0	0	0.0	6	8.0
14th (1992~1996)	299	7	2.3	1	0.4	7	11
15th (1996 - 2000)	299	9	3.0	2	0.8	7	15.2

Source: KWDI, A Study on Women Candidates for the National Assembly, 1996.  
Central Election Management Committee, 12th-15th National Assembly Elections Almanac, 1985, 1992 and 1996 issues.

103. The first simultaneous elections for the Local Autonomous Assemblies, held on 27 June 1995, sent 71 women to the District level Assemblies, which represented 1.6% of the total 4,541 persons elected and 0.7% increase over the result of the 1991 election for the same Assemblies. Women elected to the Larger Area (Provincial or City) Assemblies numbered 56 or 5.8% of the total 972 persons elected or appointed (as proportional representatives) to them, showing a 4.9% increase over the 1991 election result. As for the heads of autonomous entities at the large area level, one single woman representing 0.4% of the total number of such heads was elected to one of such posts. An important factor underlying the increase in the proportion of women in decision-making positions was the exemplary manner in which the women elected to the Local Autonomous Assemblies in the past election have participated and contributed in their respective activity areas and the interest aroused on the part of the various political parties vis-a-vis women's direct political participation as a result of the tireless advocacy carried out by women's organizations for such participation. In June 1995, for instance, with four major categories of election for the Local Autonomous Bodies pending, the Korea National Council of Women, the Korean Federation of Women's Organizations and scores of other women's organizations joined force in establishing 20% female representation as the target for the Local Assemblies and demanded, in collaboration with the women's focal points within the various political parties, that all the "proportional representation seats" at the Assemblies be filled entirely with women. (Table 7)

(Table 7) Number of Local Assembly Members and Heads of Local Autonomous Governments  
(Unit : Persons, %)

Category	Local Assembly Members & Government Heads	Female Local Assembly Members & Heads of Government	Ratio
Dist Assembly	4,541	71	1.7
Larger Area Assem	972 (Incl 97 Prop Repts)	56 (Incl 43 Prop Repts)	5.8
Heads of Dist Governments	230	1	0.4
Heads of Large Area Gov.	15	0	0.0
Total	5,758	128	2.2

Source: KWDI, Measures to Support Political Participation of Women in the Political Parties, 1996.

104. The Public Office Election and Electoral Corruption Prevention Act, as amended in April 1995, introduced a gender-specific proportional representation system and led to 42 seats or 43.3% of the total 97 proportional representation seats going to women. In the case of the District Assembly election, 34.4% of the women candidates were elected. These indicate that women's direct political participation is on the rise.

105. Among the reasons associated with the low level of political participation by Korean women are: the paternalistic tradition that discourages women's social participation as a whole; social misconception regarding the abilities of women politicians; women's less than positive awareness of the importance of their political participation; and inadequate support from the political parties. Taking into consideration the view on the part of some quarters that the existing divisions of electoral districts are unfavourable to women, the Government, in accordance with the provisions under the Article 15, Clause 2 of the Basic Law for the Advancement of Women that require "the State and Local Autonomous Bodies to endeavor, through diverse means, to strengthen their support for the expansion of women's political participation," has embarked on formulating the necessary measures for doing so.

#### The Executive Branch

106. Since appointing a woman as Minister of Commerce and Industry in 1948 when the first post-independence Cabinet was formed, only five women had occupied Ministerial posts until the Ministry of Political Affairs (II) was assigned to take charge of women's affairs in 1988 and women were successively appointed as its Ministers. In 1993 when the present Government took office, three women were included in its first Cabinet, as Ministers of Political Affairs (II), Health and Social Affairs and Environment respectively. Women had constituted 12.5% of 24 member Cabinet. By the end of 1997, only the Minister of Political Affairs (II) and the Vice Minister for the same Ministry are women. (Table 8)

(Table 8) Women Ministers

(Unit: Persons, %)

	Total No. of Ministers	No. of Women Ministers	Ratio
1985	23	1 (Health and Social Affairs)	4.3
1993	24	3 (Pol(II), Env'ment, Health&SocWel)	12.5
1994	24	2 (Pol(II), Education)	8.3
1997	21	1 (Pol(II))	4.8

Source: Ministry of General Affairs, unpublished data, 1997.

107. As in December 1996, women public employees constitute, at 253,917 persons, 27.8% of the total 913,104 public employees, showing a 3.3% increase over the 1991's 24.5%. However, women public employees who are in above 5th rank constitute only 2.5% and the majority is in the low rank. (Table 9)

(Table 9) Women Public Employees at the Executive Branch, by Grade (1996)

(Unit : Persons, %)

Category	Total Female		Female National		Female Local	
	Government Employee		Government Employee		Government Employee	
	No.	Ratio	No.	Ratio	No.	Ratio
General Service	56,157	19.5	11,646	13.0	44,511	22.3
(Grades 1-5)	(685)	(2.5)	(231)	(1.9)	(454)	(2.9)
(Grades 6-9)	(53,832)	(21.7)	(10,944)	(14.8)	(42,888)	(24.6)
Research Service	1,640	13.3	471	13.5	1,169	13.2
Technical	44,797	24.1	21,477	26.5	23,320	22.2
Special	138,731	34.8	138,377	36.9	354	1.6
Political Affrs	3	0.8	2	2.1	1	0.4
Excepted Service	6,365	42.7	550	15.6	5,815	51.1
(>Grade 5)	(266)	(8.8)	(24)	(2.8)	(242)	(11.3)
(<Grade 6)	(6,099)	(51.3)	(526)	(19.8)	(5,573)	(60.4)
Labour Service	4,121	43.8	3,096	90.4	1,025	17.1
Total	250,174	27.9	175,148	31.7	75,026	21.8

Source: Ministry of General Affairs, Annual Report, 1997.

108. To raise the proportion of female civil servants at higher levels, the Government has introduced a female quota system. The detail was mentioned in the Article 4.a. Further, in order to eliminate gender discrimination in promotion, training opportunities and other personnel management processes, the "Female Government Employee Personnel Practice Guideline" was prepared in 1993 and implemented ever since. Also, in an effort to strengthen female government employees capabilities, special training programmes, including oversea's studies, are being carried out. At the same time, efforts are continuing to increase the proportion of women at the various public employee training institutions such as the Tax Affairs Institute, the Rail Transportation College and the Police Academy.

#### The Judiciary

109. Among the judges, who are special category government employees, there were 72 women or 5.6% of the total 1,292 judges in 1996, registering a modest increase over 1992's 3.7% (42 women) and 1995's 4.9% (61women). As for prosecutors, there were 16 women among the total 1,006 such personnel in 1996, which represented a mere 1.6%. (Table 10)

(Table 10) Female Judges and Prosecutors

(Unit: Persons, %)

Year	Judges			Prosecutors		
	Total	Female	Ratio	Total	Female	Ratio
1992	1,133	42	3.7	858	-	0.0
1993	1,113	46	4.1	911	6	0.7
1995	1,239	61	4.9	946	10	1.1
1996	1,292	72	5.6	1,006	16	1.6

Source: Ministry of General Affairs, Annual Report, 1997.

110. With reference to lawyers at large, the number of women among them stood at 62 or 1.9% of the total 3,338 lawyers in the country as of August 1997. Lately, however, there has been a sudden increase in the number of women passing the National Examination for the judiciary sector, forecasting a marked rise in the proportion of female lawyers in the near future.

#### Government Committees/Commissions

111. Under the Prime-ministerial directive of 1989, the Government has engaged in a major effort to increase the representation of women in the various governmental committees and commissions. The Ministry of Political Affairs (II) has facilitated this effort by devising the means for implementation and enlisting active collaboration of the various Ministries and Local Governments. The target for female representation in those bodies has been set for 30% by the year 2005. Expanding women's social participation being one of the ten priority agenda proposed by the Globalization Committee, those committees/commissions unable, for any reason, to arrive at the target will be placed under a special management to regularly monitor their progress. At the same time, they will be supported in their efforts to identify and/or develop women experts capable of participating in the committees/commissions in question.

112. In September 1997, there were 1,186 government committees/commissions with a combined total of 17,450 members. Of these committees/commissions, 914, composed of 15,031 members, were under special management, their combined female representation ratio being 11.1%. (Table 11)

(Table 11) Female Representation Ratios in Government Committees/Commissions

Category	Total No. of Comms.	Comms. unable to reach 30% target	Comms. under spec. management	Composition of Comms. under special management						
				Total		Ex-officio		Appointee		Female ratio among appointees (%)
				Total	Female	Total	Female	Total	Female	
Total	1,186	272	914	15,031	1,404	4,784	153	11,269	1,251	11.1
Central government	310	111	199	4,148	346	1,022	22	3,126	324	10.4
City/Province	876	161	715	10,883	1,058	2,740	131	8,143	927	11.4

Source: Ministry of Political Affairs (II), unpublished data, 1996.

#### Women's Organizations

113. Korea guarantees the rights of all citizens to join non-governmental organizations by law and through institutional arrangements. The central objective of women's non-governmental organizations has been advancing the rights and interests of women. This objective has been pursued over the years through actions aimed at developing women's potentials, promoting their legal and substantive statuses, nurturing wholesome families, advocating rational consumption, supporting voluntary service, networking among organizations for specific purposes, and international cooperation. As of 1996, there were approximately 4,500 such organizations.

114. With the promotion of intra- and inter-organizational technical cooperation at both the national and international levels, the women's organizations are gradually emerging as centers of expertise, especially in such areas as the environment, consumerism, health, social services, youth, family management, media monitoring, alternative culture, policy watch, etc.. The Government has been extending support to women's organizations contributing to the solution of such social and/or women's issues as yet outside the range of governments attention since their actions not only complement the Government's role but also promote their participation in the larger society. The Women's Development Fund, expected to reach 100 billion Won (approximately US \$100 million by October 1997 exchange rate) by the year 2001, is expected to be the major source for such support.

ARTICLE 8

115. The Korean Government of has ensured the participation of female representatives in the proceedings of the United Nations General Assembly, the Economic and Social Council and numerous other international conferences convened by the United Nations and other international organizations. The Government plans to step up its efforts in this respect so as to promote Korean women's direct participation in decision-making at the international level. The Ministry of Political Affairs (II) has actively advocated the inclusion of women in various delegations to international conferences. It is also running three inter-linked training courses designed to identify and develop female experts for international cooperation. The Korean Government was elected to the Commission on the Status of Women in 1994 and re-elected in 1997, to serve on the Commission till the year 2001. In 1996, Madam Yung-Jung Kim, the former Minister of Political Affairs (II) was elected to serve on the CEDAW Committee and, in 1997, Madam Yun-Sook Lee, the current Minister for the same portfolio was appointed as a Special Emissary to India on the occasion of the State funeral for Mother Teresa.

116. By July 1997, a total of 1,239 persons were in foreign service and 47 of them were women. Indicating a 3.8% female ratio in the service, it represents an 1.1% increase over the 1992 ratio of 2.7%. (Table 12)

(Table 12) Women in Foreign Service

(Unit: Persons, %)

Year	Total in Foreign Service	Women in Foreign Service	Female Ratio in Foreign Service %
1992	1,193	32	2.7
1997	1,239	47	3.8

Source: Office of General Affairs, Annual Report of the Office of General Affairs, 1997.

ARTICLE 9

117. With the November 1997 amendment of the Nationality Act of the country aimed at eliminating gender discriminatory elements from the Act, however, the Government is now in a position to withdraw its reservation on the Article 9 via due process. The crux of the amendment was to allow both the male and female lines of kinship as valid ground for awarding the Korean citizenship.

118. Before the amendment, citizenship was recognized for children whose fathers or grandfathers are Koreans. Under the amended Act, children of either men or women with Korean citizenship can be recognized as Koreans. In other words, a child needs to have either a Korean father or a Korean mother to be awarded the Korean citizenship. The tradition of recognizing only the paternal line of kinship holds no longer.

119. In addition, the amended Act removed those elements that infringe upon women's equal rights to acquiring Korean citizenship as well as widened options for minors to either acquiring or choosing their own nationality. The same gender-equal principle was made to apply to foreigners interested in acquiring Korean citizenship.

ARTICLE 10

Constitutional Provisions on Education and the Education Act

120. The Constitution as well as the Education Act guarantee equal access to education regardless of one's gender. The Article 31 of the Constitution and the Article 3 (learning right) and 4 (equal access to education) of the Basic Education Act clearly states that all citizens have equal rights to education based on their abilities and aptitude and should not be discriminated based on their gender.

Equal Access to Education

121. The Article 31, Clause 2 of the Constitution and Article 8 of the Basic Education Act stipulate six years of primary education and three years of junior high school as universal compulsory education. As of 1997, the elementary school education was free of charge while the junior high school education was free at counties and islands as well as in remote areas. The scope of free middle school education is being extended to the rest of the country. Furthermore, under the Child Care Act which was amended in November 1997, pre-school children are entitled to free care and training for one year prior to entering the elementary school. The cost entailed in that care is to be born jointly by the State and Local Governments.

122. In 1995, the average years of education among Koreans were 9.37 for women and 11.18 years for men. Thus, the average years of education for men are 1.83 years longer than those of women. These figures represented 0.68 year more than 1990 for females and 0.54 year more for males, showing a slight closing of the gender-gap during the five year period.

123. The overall trend in the population composition by educational attainment has been for the lower education strata, viz. the elementary and middle school graduates, to decrease in proportion while the upper education strata, viz. high school and college/university graduates, to increase. By gender, however, the female ratio was greater than that of male among the lower education strata while the opposite was true among the higher education strata. The female ratios among the high school and college/university graduates were 28.4% and 8.3% respectively in 1990, and 34.8% and 13.1% respectively in 1995, showing a closing of the gender gap over the five year period. (Table 13)

(Table 13) Population Composition by the Level of Educational Attainment  
(Among the population aged 25 years or more)

(Unit: %)

Year		Below Grad	Primary	Mid Schl Grad	High Schl Grad	Above Coll/Univ
		1990	F	43.0	20.3	28.4
	M	23.3	17.6	38.9	20.1	
1995	F	35.0	17.1	34.8	13.1	
	M	17.8	14.2	41.4	26.6	

Source: National Statistical Office, Social Indicators of Korea, 1997.

124. The kindergarten enrollment ratio of girls was 31.4% in 1990 and 40.3% in 1997, showing sharper increase than that of boys. Under the amended Child Care Act that provides for cost-free child care for one year prior to elementary school, kindergarten enrollment is likely to increase drastically in the years immediately ahead. At the primary school level where cost-free compulsory education is in force, the enrollment ratios for girls and boys are almost identical, at 98.9% for the former and 98.4% for the latter. As for the middle school level where cost-free and compulsory education is partially in force at present, the enrollment was 100% or more for both sexes. Similar trend was held at the high school level as well where the female enrollment ratio was 94.3% and that of male was 95.0% in 1997. The female enrollment rate for college/university rose from 24.0% in 1990 to 50.9% in 1997 but still lagged considerably behind that of male's (50.0% to 85.7%). The ratio of female students stands at 50% of males. (Table 14)

(Table 14) Enrollment Ratios by the Level of School and Gender

(Unit: %)

Year	Kindergarten		Primary School		Middle School		High School		College/Univ	
	F	M	F	M	F	M	F	M	F	M
1990	31.4	31.8	102.2	101.3	98.5	97.9	85.4	90.5	24.0	50.5
1995	39.9	40.0	100.3	99.9	101.8	101.4	91.3	92.4	38.9	70.3
1997	40.3	39.6	98.9	98.4	101.3	100.8	94.3	95.0	50.9	85.7

Note: "College/Univ" includes two year technical and teachers colleges as well as four year universities.

Enrollment Ratio = (Number of students/Age of Enrollment Population) × 100

Age of Enrollment Population : Kindergarten 4-5 years old, Primary School 6-11 years old,  
Middle School 12-14 years old, High School 15-17 years old,

College 18-21 years old

Source: Ministry of Statistics, "Future Population Estimate," 1990, 1995, 1997

"Total Residence Population Survey," 1990, 1995, 1997

Ministry of Education, "Education Statistics Annual," 1990, 1995, 1997.

125. The advancement rate from the primary to the middle levels is nearly 100% for both girls and boys at present. As for the advancement from high school to college/university, the female ratio is 57.7% while the ratio for men is 62.4%. Thus,

women's access to higher education has expanded dramatically. The overall advancement rate to higher education is 81.4%, female students' advancement rate is 83.5% which is higher than that of male's. On the other hand, female students' advancement rate to higher education from commercial high schools is 25.9% (the overall rate is 29.2%) while that of male is 33.0%. (Table 15)

(Table 15) Advance Rates to Higher School Levels

(Unit: %)

Year	Primary to Middle Schl		Middle to High Schl		High Schl to Coll/Univ	
	F	M	F	M	F	M
1990	99.8	99.8	95.0	96.3	32.4	33.9
1995	99.9	99.9	98.4	98.6	49.8	52.8
1997	99.9	99.9	99.4	99.4	57.7	62.4

Note 1: "Coll/Univ" includes two year technical and teachers colleges as well as the four year colleges/universities.

Note 2: Advance rate = (Number advancing to next level from graduates of a given year/Number of total graduates of the given year) × 100.

Source: Ministry of Education, "Education Statistics Annual," 1990, 1995, 1997.

126. Opportunities for women to enter government officials' training institutions have been greatly expanded, as discussed under Article 2. (d).

#### Access to a Wider Range of Field of Study and Training Opportunities

127. As of 1997, the comparative student attendance ratios between the "general" and technical/ vocational high schools were 56.2% : 43.8% for girls and 61.4% : 38.6% for boys, showing a higher male ratio for the "general" high schools that are, in fact, largely preparatory for universities. The study areas of girls at technical/vocational high schools broke down to 26.0% in the commerce stream and 3.2% in the industry stream, which represented a marginal increase over the 1985 distributions of 28.4% for the former and 0.1% for the latter. These figures were remarkable for their stark comparison with the corresponding male distributions at those schools that, in 1997, registered at 5.9% for commerce and 23.4% for industry. To counter this "girls in commerce; boys in industry" trend that prevails in the country, the Government has established and is operating ten technical or industry-oriented high schools for girls, beginning with the Mirim Computer High School established in 1991. Further, during 1995~1997, four commercial girls' high schools with 21 classes have been converted to industrial/technical schools and, by opening all the industrial/ technical high schools for girls, as well as for boys, the proportion of girls entering the latter schools is expected to rise sharply in the coming years. This trend was already evident in the fact that, between 1995 and 1997, the number of girls attending industrial/technical high schools rose from 32,367 at 92 schools to 43,403 at 98 schools, marking a 34% rise. (Table 16)

(Table 16) High School Student Distribution by Streams of Study

(Unit: Persons, %)

Year	Gender	Total	General	Technical/Vocational			
				Agriculture	Industry	Commerce	Other
1990	F	1,073,179(100.0)	60.1	0.5	0.3	27.5	11.6
	M	1,210,627(100.0)	68.4	2.9	15.6	6.3	6.8
1995	F	1,038,596(100.0)	53.7	0.7	2.4	27.7	15.5
	M	1,119,284(100.0)	61.5	1.3	22.2	6.1	8.9
1997	F	1,128,098(100.0)	56.2	0.7	3.2	26.0	13.9
	M	1,208,627(100.0)	61.4	1.2	23.4	5.9	8.1

Source: Ministry of Education, Education Statistics Annual, 1990, 1995, 1997.

128. At the 15 science high schools, the first of which was established in 1983 to provide special education for youths with high scientific potentials, there were 1,028 girls in 1997, accounting for 26.7% of the total number of youths in attendance. This also represents an increase of more than 10% over 1990's 16.1%, and in absolute numbers, nearly ten times of the 120 girls who were at such schools in 1990.

129. The technical or teachers colleges and other junior colleges play a significant role in training young women in diverse occupational fields. According to the 1997 distribution of women in such colleges by field of studies 6.5% were in humanities, 26.5% in social science, 27.8% in natural science, 16.8% in medicine, 14.8% in arts and sports, and 7.5% in education, showing a decline in such traditionally feminine fields as humanities and education on the one hand and significant representations in the scientific fields on the other.

130. Similar trends could be found at the four year college/university level in that majors in social and natural sciences have been on the increase while those in humanities and education have been decreasing. Here, however, those entering medicine and pharmacology declined although these are preeminently scientific. This is in part due to intense competition in those fields. As part of the national effort to train outstanding female scientists, an engineering college for women was established for the first time in 1996 at a women's university (Ewha Women's University in Seoul), offering majors in electronics, architecture, environmental engineering, etc. within a framework of four departments. Having started with 260 women, in the 1997 school year, 4,150 out of the total 7,175 additional students to be admitted to the university will be majoring in electronics, computer science, industrial design, etc. Overall, 22.5% of all young women entering the eight women's universities this school year, or 3,250 out of the total 14,440, will be majoring in science and technology. (Table 17)

(Table 17) Distribution of Female College/University Students by Major Fields

Category	(Unit: %)							
	1985		1990		1995		1997	
	Junior Coll.	Univ	Junior Coll.	Univ	Junior Coll.	Univ	Junior Coll.	Univ
Humanities	2.4	25.6	4.6	24.5	6.4	22.9	6.5	22.3
Soc Sci	17.7	14.6	21.6	17.2	26.4	20.7	26.5	23.3
Nat Sci	24.3	19.9	25.3	27.0	27.0	28.6	27.8	28.8
Med/Pharma	26.1	5.2	21.8	4.8	16.7	4.6	16.8	4.5
Arts/Sports	12.8	13.2	15.2	13.2	15.6	12.5	14.8	12.1
Education	16.6	21.5	11.6	13.2	7.8	10.8	7.5	8.9
Total	87123 (100.0)	25008 (100.0)	119345 (100.0)	296129 (100.0)	214310 (100.0)	378418 (100.0)	277658 (100.0)	463739 (100.0)

Note: "University" means four year universities.

Source: Ministry of Education, Education Statistics Annual, 1985, 1990, 1995, 1997.

131. Job training opportunities for women are under Article 11.

### Education Outcomes

132. In Korea, the junior high and high school completion rates are close to 100% for both girls and boys. As of 1996, 98.2% of the girls and 97.4% of the boys enrolled at junior high schools graduated and 95.8% of the girls and 93.2% of the boys did so from high schools. These figures have remained more or less unchanged since 1992 perhaps because the upper-most completion margin may have been already reached. In this overall context, girls' completion rates have consistently been slightly higher than that of boys. In the case of colleges and universities, female completion rates fell from 94.2% in 1990 to 90.8% in 1996 but remained higher than that of male. (Table 18)

(Table 18) Completion Rates by the Levels of Schools (Unit: %)

Year	Middle School		High School		University	
	M	F	M	F	M	F
	1980	89.8	98.4	90.4	98.4	90.4
1985	93.6	100.0	89.3	94.7	89.3	94.7
1990	97.7	97.3	92.0	96.0	71.2	94.2
1996	97.4	98.2	93.2	95.8	75.4	90.8

Note: "University" includes junior colleges and teachers colleges as well as the four year colleges/universities.

Source: Ministry of Education, Education Statistics Annual, 1980, 1985, 1990, 1996.

133. Among the bachelor's, master's and doctoral degrees holders, the proportion of women were 37.0%, 23.8% and 13.3% respectively in 1990, and 40.6%, 30.3% and 18.6% in 1997, registering considerable increases for all the three categories. In case of bachelor's degree holders, the proportion of women has been more than 40% since 1995. (Table 19)

(Table 19) Number of Degree Holders and the Female Ratio

Year	(Unit: Persons, %)					
	Bachelor		Master		Doctoral	
	Total	Fem. Ratio	Total	Fem. Ratio	Total	Fem. Ratio
1995	180,664	41.4	27,398	28.4	4,107	16.9
1997	192,465	40.6	30,355	30.3	4,792	18.6

Source: Ministry of Education, Education Statistics Annual, 1995, 1997.

134. Of all the high school graduates in 1997, 68.4% of the boys and 76.3% of the girls found employment. Compared to the job placement rates of 1990 graduates, these represented a marked increase, especially for the boys whose placement rates have been consistently lower than those of girls.

135. In case of college/university and graduate school graduates, males still have better access to employment, although gender discrepancy has been narrowing in this regard. More specifically, of the junior college graduates in 1990, 68.2% of women and 78.6% of men had found employment whereas, in 1997, 74.4% of the former and 77.1% of the latter did so. For the university graduates, the placement rates were 39.7% for women and 65.1% for men in 1990, and 52.5% for women and 68.7% for men in 1997. As for those who have finishing graduate schools were concerned, 62.0% of the women and 85.7% of the men found employment in 1990, and 75.4% of the women and 92.4% of the men in 1997 respectively, registering a fairly high level of placement for all but mainly for men. (Table 20)

(Table 20) Degree Holders' Graduates Job Placement Rates, by the Levels of Schools (Unit: %)

Year		High School	Junior College	University	Graduate Schl
		1990	F	60.2	68.2
	M	42.6	78.6	65.1	85.7
1995	F	74.3	70.9	50.0	69.2
	M	64.3	79.3	69.2	91.5
1997	F	76.3	74.4	52.5	74.5
	M	68.4	77.1	68.7	92.4

Note: "University" includes four year colleges and universities only.

Source: Ministry of Education, Education Statistics Annual, 1990, 1995, 1997.



### Curriculums and Examinations

136. In form and substance, the primary school curriculums are entirely genderless. The same was to hold for the middle school curricula but did not in that, in the selection of optional "practice" courses such as "family · skills", girls tended to choose "family" and boys to choose "skills", in a clear gender-differential choice of paths. In the 6th revised curricula that went into effect in 1995, therefore, the "family · skills" course was divided into two independent courses of "skills · industry" and "family" and required all students to take both courses, eliminating the gender-differential element from the curriculum structure. At the high school level, gender-differential elements still remain in the "practical" part of the curricula. These, however, are to be dealt with in the 7th revised curricula which will come in effect 2002. The new curricula expect to reintegrate the two separate "practice" courses into a single course entitled "skills · family" and make it part of the basic courses that must be taken by all students. Girls and boys alike, therefore, "must" take the "skills" as well as the "family" elements of the re-integrated course at the junior high and high school levels. Further, such elective courses as agro-science, industrial skills, business management, marine science, home science, information age and computer will become open to all students without regards to gender removing all the discriminatory elements from the curriculum structure and content.

### The Ratio of Female Teachers

137. The number and proportion of female teachers have been increasing at all levels of schools, but especially at the primary and secondary levels. The ratios of female teachers at the primary and secondary school levels rose from 50.1%, 46.5% and 22.1% respectively in 1990 to 58.7%, 51.8% and 30.5% respectively in 1997. However, female ratios among school principals and head masters have consistently been lower than the overall female teacher ratios. Specifically, the female proportions among the primary, middle and high school principals stood at 2.5%, 6.3% and 4.0% respectively in 1990, to change to 4.2%, 6.8% and 4.3% in 1997. In the case of head masters, the female proportions were 4.4%, 5.6% and 1.5% respectively at the three levels of schools in 1990 and 7.2%, 6.7% and 1.5% respectively in 1997, showing a small increase. (Table 21)

(Table 21) Number and Proportion of Female Teachers, by School Levels and Position  
(Unit: Persons, %)

Year	Level of School	Principal	Head Master	Master Teachers	Teachers	Total
1990	Primary	159( 2.5)	311( 4.4)	5,672(19.4)	62,001(66.3)	68,604(50.1)
	Middle	136( 6.3)	139( 5.6)	2,649(17.2)	37,991(55.4)	41,718(46.5)
	High	64( 4.0)	27( 1.5)	829( 5.4)	20,045(27.3)	21,229(22.1)
1995	Primary	222( 3.9)	427( 6.6)	7,716(29.0)	67,061(68.5)	76,995(55.6)
	Middle	181(7.6)	165( 6.1)	4,092(23.4)	43,407(57.7)	49,778(48.8)
	High	66( 3.7)	36( 1.8)	1,313( 7.4)	21,772(28.3)	23,660(22.2)
1997	Primary	260( 4.6)	460( 7.2)	8,807(32.7)	71,862(72.1)	81,389(58.7)
	Middle	165( 6.8)	182( 6.7)	4,870(26.7)	45,471(61.0)	50,688(51.8)
	High	79( 4.3)	31( 1.5)	1,719( 8.8)	24,763(28.5)	24,592(30.5)

Source: KWDI, Annual Statistics on Women, 1996.

Ministry of Education, Education Statistics Annual, 1990, 1995, 1997.

138. As of 1996, the female ratio among all the faculty members of the institutions of higher learning, including junior colleges, regular colleges and universities and graduate schools, registered at 14.3%. Among the female faculty members, 18.9% were full-time instructors, 15.5% assistant professors, 11.8% associate professors, 11.9% professors and 7.6% presidents of colleges and universities. These ratios showed no significant change from the corresponding figures of 1990, which were 20.1%, 16.0%, 13.9%, 8.9% and 8.1% respectively.

### Co-Education

139. Primary education has been co-educational ever since it became compulsory education. The rate of co-educational middle schools have rapidly increased and reaches 58.4% in 1997. At the high school level, co-educational schools take up 46.1%. As for colleges and universities, with many formerly women's institutions opting for co-education, 92.7% of them were co-educational in 1997, as compared to 1990's 85.5%. (Table 22)

(Table 22) Rate of Co-education by the Levels of Schools

(Unit: No. of schools, %)

Year	Middle School			High School			University		
	Co-ed	Women's	Men's	Co-ed	Women's	Men's	Co-ed	Women's	Men's
1990	1,343 (54.3)	535 (21.6)	596 (24.1)	651 (38.7)	490 (29.1)	542 (32.2)	190 (84.8)	31 (13.8)	3 (1.3)
1995	1,536 (57.2)	548 (20.4)	599 (22.3)	814 (44.5)	505 (27.6)	511 (27.9)	259 (90.9)	25 (8.8)	1 (0.3)
1997	1,588 (58.4)	541 (19.9)	591 (21.7)	872 (46.1)	514 (27.2)	506 (26.7)	293 (92.7)	21 (6.7)	2 (0.6)

Note: "University" includes junior colleges and education universities.

Source: Ministry of Education, op. cit.

### Text Books and Curricula

140. Biases still remained in the gender roles depicted in the text books and other teaching materials. Therefore, a guideline for preparing such materials was developed and has been in use, as well as introduced a standard for monitoring and reviewing such materials. The KWDI is now engaged in analyzing the gender role representations in the texts, illustrations, photographs and other types of images in the text books that have been based on the 6th Revised Curricula outline. When completed, the study will elucidate the extent to which progress has been made toward bias-free teaching materials.

### Sex Education and Career Guidance

141. To inculcate junior high and high school youths' appropriate understanding of and attitude toward sex, the Ministry of Education has strengthened sex education components in the 6th Revised Curricula and developed and distributed level-specific guidance materials. The Seoul City Office of Education, for its part, has prepared a text book for sex education and distributed it to all junior high schools in 1997, as well as appointed teachers to specialize in such education. Similar text books for high school use are awaiting completion as well. These steps expect to render sex education at the junior high and high school levels systematic, and the designation of a number of experimental schools for testing the efficacy of these measures are likely to set the future direction of sex education. Organizations outside the school system, such as the Korean Federation of Family Planning, KWDI, etc. are also active in training teachers to engage in sex education and providing guidance to the primary and secondary school principals, student guidance teachers, etc. regarding the problem of sex violence and its prevention.

142. Recognizing the necessity of early guidance to steer young girls away from the gender-fixed notion of career choices, the Ministry of Education has endeavored to

develop and distribute career guidance programmes and materials to primary and middle schools, as well as to the broadcast media, particularly the educational television system and the EduNet.

### Gender-Equality Awareness Training

143. Under the Articles 19 and 20 of the Basic Law for the Advancement of Women, the Government, has provided guidelines for incorporating gender consciousness-raising components in all the training programmes for teachers, viz. the qualifying training, general training, in-service training in 1993. As a result, a total of 13,965 teachers and education administrators have underwent such training in 1993 and their number increased to 23,635 in 1994 and to 24,287 in 1996. Similar training was carried out more intensively by KWDI for primary and middle school teachers, heads of pre-school education establishments and educational experts. The total number trained since 1984 was 1,094 persons.

144. There being no gender-differential data on scholarship recipients at the junior high and high school levels, it is not possible to provide a female ratio of them. In case of higher education institutions, the general trend has been for the number of tuition exempted students to decrease and the recipients of scholarships to increase. In 1990, the female ratio of scholarship recipients was 6.2% while that of male was male's 4.8% and that among the tuition exempted students 5.8% as compared to the male's 4.6%, indicating that somewhat larger proportion of female students either received scholarships or were exempted from paying tuitions than male students. The trend continued in 1996 when 7.4% of women and 4.6% of men were awarded scholarships and 4.1% of women and 3.3% of men were exempted from paying tuitions. At the graduate school level, however, a larger proportion of men received scholarships while slightly larger proportions of women were exempted from tuitions. (Table 23)

(Table 23) Scholarship and Tuition Exemption Ratios by Gender

(Unit: %)

Year	Type of Education Subsidy	University			Graduate School		
		Females/ Total No. of Students	F	M	Females/ Total No. of Students	F	M
1990	Scholarships	36.7	6.2	4.8	17.6	3.6	4.9
	Tuition Exempt	41.1	5.8	4.6	20.3	8.4	5.8
1996	Scholarships	46.9	7.4	4.6	25.5	4.3	5.1
	Tuition Exempt	45.2	4.1	3.3	27.5	5.9	5.4

Note: "University" includes junior colleges and teachers universities.

Source: Ministry of Education, Op. cit.

145. The Education Act which was enacted in 1949 stipulated compulsory education for primary school from June 1, 1950. The seventh constitutional amendment formed a

constitutional basis to extend compulsory education up to junior high school level. Because compulsory education for junior high school requires enormous amount of public fund, it's being slowly expanded from islands and remote areas ('86) to military bases ('92). Also, primary school enrollment rate for female students is 100%. In 1997, 99.9% of the primary school graduates enrolled in junior high school. Due to a fervor for education, illiteracy has been almost eliminated. However, in order to enhance sentence comprehension capabilities more effective, various measures are necessary. Those measures include raising sense of duty to teachers, reducing the class size, developing teaching and study methods, introducing Educational Engineering, and improving other academic assessments. Thus, gender discrimination in the educational opportunity does not exist in Korea and there is no difference in the literacy rate between men and women.

146. Numerous continuing education programmes for adults exist in Korea and the most typical of those are the Open University and the University on Air. The female participation ratio at such institutions has been steadily increasing. The female ratio for the University on Air, for instance, was 57.2% in 1997 and that for the Open University was 21.9%, showing nearly 6% rise since 1990. In 1997, the female ratio among those who applied for the comprehensive examination designed to award bachelor's degrees to qualified "self-study scholars" and to certify them to move onto the next level of study, such as at the graduate level was 51.9% of the total applicants and 52.9% of the women who took the examination and passed them successfully. The passage rate for women is 40.4% and that of men is 38.9%.

147. The "social education", a wide-spread form of adult education in Korea, is an excellent medium for reducing gender disparities in many areas. Women are receiving diverse occupational and skills trainings through those programmes and developing leisure, hobby or cultural oriented interests and proficiency. For those who are without access to formal education, social education also provides officially recognizable equivalency education. In order to provide women from low income background trainings in small business management and job skills, as well as to provide cultural programmes, the Government, since the 1960s, has established a large number of Women's Centers and Women's Welfare Centers throughout the country. They numbered 35 in 1985, 38 in 1990 and 61 in 1996. Also, KWDI, social education institutes of various universities, cultural centers and non-governmental women's organizations, etc. actively engage in continuing education for women. As of December 1997, there were 156 university affiliated social educational institutes offering over 960 different courses and, in June 1997, 177 cultural centers were offering diverse leisure and culture oriented courses to mostly housewives. As for women's organizations, in 1994, well over 4,000 of them, including 62 registered ones, were running adult education programmes aimed at promoting women's rights and improving their abilities. In addition, in 1997, there were 58,134 private institutes offering social education to 3,537,673 persons and the female ratio was 50.4%.

148. The junior high school student drop-out rates were 1.01% for girls and 1.04% for boys in 1996, showing no significant difference. At the high school level, however, a considerably large number of boys dropped than girls out. Rather than economic reasons, weakening of family functions, college preparation centered education, flourishing pleasure oriented popular culture played a large role in leading to voluntary drop-outs. Cognizant of the tendency for drop-outs to become involved in anti-social or criminal acts, the Government is increasing the number of "alternative schools" and moving towards linking formal education with aspects of mass culture that appeal to youths through the establishment of "specialized high schools" such as popular song schools and cartoon schools and, thus, offer chances for their return to school and to be trained in their respective areas of career interests. Girls and boys will have equal access to these opportunities.

149. The Article 11 mentions opportunities for girls and women who have not finished their formal education to receive vocational training as well as formal educations.

150. Sports and physical education has been a male-oriented area but there is no formal restriction to women's participation in it within the official education system. According to available statistics, female ratios at sports junior high schools and sports high schools were 27.9% and 19.5% respectively in 1990, and 29.7% and 28.7% respectively in 1997, showing a trend in mild increase. As for the female ratio among sports and/or physical education majors at four year colleges and universities, it was 29.5% in 1990 and same for 1997.

151. The September 1995 passage of the Promotion of People's Health Act has laid the ground for a more effective pursuit of health education. As part of government efforts in this connection, it has prepared and distributed a variety of audio-visual education/information materials on family planning, AIDS, diseases associated with aging, etc. to a large number of health education agencies, business/industrial establishments and all levels of schools. It is also frequently informing and guiding the public at large on the basic health rules and practices through the mass media. Further, many lectures on health subjects are available for women through the nation-wide network of public health clinics, women's centers, and social education facilities.

152. As a result of the nation-wide family planning programme since 1962, population growth rate in Korea fell from 3.0% in 1960 to 1.01% in 1995. Owing to the sustained family planning education and information activities carried out over the past decades, people's attitudes to and methods of contraception have undergone changes toward a more sophisticated and socially acceptable direction. For example, of the 1995 cases of contraceptive surgeries, the male representation ratio was 72.8% while the female representation was only 27.2%, indicating 3/4th of all contraceptive surgeries to have been for men rather than women. Considering the more serious side effects that women can

suffer from the use of temporary devices, this shift in trend, from the female to male responsibility is highly desirable.

## ARTICLE 11

153. The Article 32, Clauses 1 and 2 of the Korean Constitution stipulates that all citizens shall have both the rights and obligations for work, and Clause 4 of the same Article provides for special protection of women and minors. These Constitutional tenets have found specific expressions in the Basic Law for the Advancement of Women and the Equal Employment Act (EEA). The details on these provisions are under the Article 2 (b).

154. On 9 December 1991, the Republic of Korea became a member of the International Labour Organization (ILO), the only organization of the 16 UN agencies that Korea had not joined as a member previously. In June 1996, Korea was elected to its governing board and has begun the process of active participation and contribution in its work. Subsequent to Korea's entry into this Organization, the Government tries to protect the rights of Korean workers and to expand its scope of cooperation with international agencies in the field.

### Economically Active Female Population

155. Transition of Korean business/industries toward a high-tech footing, continued growth orientation of its economy and women's increasing interest in socio-economic participation combined themselves to boost the size of economically active female population to 8,568 persons in 1996, registering a 1,059 person increase over the 1990 figure. In terms of their economic activity participation rate however, no significant progress has been made, the 1996 figure standing at 48.7% as compared to 1990's 47.0%. (Table 24) With the low participation rate among the 25~34 age group, the three major age categories of women in economic activity form the now familiar "M" on the distribution curve and signify a serious period of interruption in women's working life due to marriage, child delivery and care, etc. (Table 25) Since such interruption in women's economic participation stands in the way of their growth in occupational expertise and maturity as well as obstruct their employment stability, leading to loss of competitiveness and wage income, the Government has been pursuing the policy measures that will enable women to combine their dual roles without undue constraints.

(Table 24) Economically Active Population and Participation Rate (Unit: 1,000 persons, %)

Year	Economically Active Population		Economic Participation Rate	
	M	F	M	F
1990	11,030	7,509	74.0	47.0
1996	12,620	8,568	76.1	48.7

Source: National Statistical Office, Economically Active Population Annual, 1986, 1997.

(Table 25) Economically Active Female Population and Participation Rate, by Age Group  
(Unit: 1,000 persons, %)

Category	1990		1996	
	Economically Active Female Population	Economic Participation Rate	Economically Active Female Population	Economic Participation Rate
Total	7,509	47.0	8568	48.7
15-19Yrs	392	18.7	258	13.6
20-24	1,255	64.6	1324	66.0
25-29	836	42.5	1023	51.1
30-34	933	49.6	964	49.1
35-39	841	58.0	1182	60.1
40-44	808	60.7	1035	65.6
45-49	729	63.9	787	62.2
50-54	656	60.0	628	57.2
55-59	481	54.4	651	57.3
60 plus	578	26.5	806	29.2

Source: Op. cit., 1991, 1997

#### Female Employees

156. Along with the increase in the economically active population, the number of women who are employed has also increased from the 1991 figure of 7.34 million to 8.43 million persons in 1996, registering a 12.3% gain. The female ratio among the total number of employees was 40.6% in 1996.

#### Female Employees by Industrial Sectors

157. As of 1996, the distribution of female employees by industrial sector was: approximately 5.57 million or 66.1% in the social overhead and service sector; 1.72 million or 20.4% in mining and manufacturing; and 1.14 million or 13.5% in agriculture, forestry and fisheries. This pattern of distribution represents a marked shift in women's sectoral affiliation from the primary and secondary to the tertiary. Specifically, between 1990 and 1996, the primary and secondary sectors lost 474,000 and 363,000 female employees respectively while the tertiary sector gained nearly 1.78 million female employees.

(Table 26)

(Table 26) Employees by Industrial Sector  
(Unit: 1,000 persons, %)

Industry		1990	1996
Primary	Sub-total	3,237(17.9)	2,405(11.6)
	Male	1,742(16.3)	1,264(10.3)
	Female	1,495(20.3)	1,141(13.5)
Secondary	Sub-total	4,990(27.6)	4,701(22.6)
	Male	2,909(27.2)	2,983(24.2)
	Female	2,081(28.2)	1,718(20.4)
Tertiary	Sub-total	9,857(54.5)	13,657(65.8)
	Male	6,057(56.6)	8,083(65.6)
	Female	3,800(51.5)	5,575(66.1)
Total	Total	18,085(100.0)	20,764(100.0)
	Male	10,709(100.0)	12,330(100.0)
	Female	7,376(100.0)	8,434(100.0)

Note: In ( ) are the employee ratios.

Source: Economic Planning Board, Economically Active Population Annual, 1986;

National Statistical Office, Op. cit., 1997.

#### Female Employees by Occupational Categories

158. In 1996, approximately 2.8 million women or 33.1% of all female employees were in service-oriented occupations, followed by 2.25 million or 26.7% in manufacturing and other production oriented occupations, 1.32 million or 15.7% in clerical work, 1.07 million or 12.7% in agriculture/ forestry/fisheries, 969 thousand or 11.5% in expert or high-skill occupations, and 25 thousand or 0.3% in legislative and governance work. In the cases of legislative/governance and experts and high-skill employees, the 1985 figures of 0.28% and 10.9% increased to 0.3% and 11.5% respectively in 1996. (Table 27)

(Table 27) Female Employees by Occupational Category

(Table: 1,000 persons, %)

Occupational Category	1993	1995	1996
Legislative/Governance	32(0.4)	23(0.3)	25(0.3)
Expert/High-Skill	823(10.6)	896(10.9)	969(11.5)
Clerical	1,123(14.5)	1,277(15.5)	1,323(15.7)
Service	2,278(29.5)	2,631(32.0)	2,791(33.1)
Agri/Forest/Fishery	1,132(14.6)	1,110(13.5)	1,073(12.7)
Technical/Assembly	1,273(16.5)	1,096(13.3)	1,069(12.6)
Labourer	1,078(13.9)	1,191(14.5)	1,184(14.1)
Total	7,739(100.0)	8,224(100.0)	8,434(100.0)

Source: Economic Planning Board, Op. cit. 1986., National Statistical Office, 1997.

### Support for Women's Employment

159. In order to promote women's entry into employment and to support the employed, the Government has formulated two successive basic plans for the welfare of working women and has been implementing them. The policy tasks emanating from the plans include the development of women's job capacities, support to ameliorate women's burden in carrying their dual roles, and the realization of the goal of equal employment opportunity.

160. In order to stimulate women's growth in occupational capabilities, the Government has been drastically expanding job training opportunities for them. There are three major categories of occupational training in effect in the country according to the training host. Training under public or government sponsorship, training by and within business/industrial establishments, and training by officially recognized private institutions. For the first category, the State, Local Autonomous Bodies, or certain public organs, such as Korea Industrial Manpower Management Corporation, undertake the responsibility, while for the second category, the employers with more than pre-established number of employees are required to provide training opportunities either independently or in a consortium with other employers. The last category of training is provided by officially registered legal bodies and individuals interested in training activities for either service or business purposes. The number of female trainees by training host is as follows. (Table 28) The Government plans to expand the scope of its training activities for women by 30% till the year 2005.

(Table 28) Number of Trainees by Gender, Training Host  
(Unit: 1,000 persons, %)

Category		1990	1996
Total	Total	67,702(100.0)	218,992
	F	10,526(15.5)	34,077(15.6)
Public Sector	Total	24,441(100.0)	41,377
	F	1,668(6.8)	5,174(12.1)
At Place or Work	Total	25,690(100.0)	151,303
	F	4,665(18.2)	22,367(14.8)
Recognized body	Total	17,571(100.0)	26,312
	F	4,193(23.7)	6,536(24.8)

Source: Ministry of Labour, Women and Employment, 1990, 1996.

161. To facilitate high-level skills training for women, the Government established the Ansong Technical College for Women in 1991. A two year junior college is dedicated to producing well-trained multi-function technicians, the college offers courses in machine design, micro-measurements, information technology, electronics design and operation, fashion design, jewelry crafts, etc. through six separate departments. Each department has 40 or so women under training.

162. Since 1993, the Government began establishing training facilities for married women having difficulty in accessing regular educational institutions to acquire high-level job skills. It did so at the rate of three or so facilities per year so that, in 1997, there were altogether 17 facilities. These establishments offer trainings such as computer technology and blue-print drafting that are well suited to more or less home-bound women and it takes six months to complete a full training course. In 1995, 4,188 women underwent the training in 39 different job categories at the facilities. In addition, 38,698 women were helped to find employment, various social services were provided to 17,482 women in support of their employment, and social education was given to 8,178 women.

163. As indicated elsewhere, working women with children less than one year are entitled to take child care leaves, as well as their husbands. (Labour Standards Act Article 11) In a step to firmly establish the child care leave (parental leave) system, the recently legislated Employment Insurance Act provides for 30 or more days of child care leaves above and beyond the 60 day paid maternity leave around the time of child delivery. Moreover, the Act awards promotional grants to employers who keep their female employees on payroll as insured persons for more than 30 days after the expiration of their maternity or child care leaves. These provisions under the Employment Insurance Act have been in effect for business/industrial concerns with 70 or more employees since July 1995. The disbursement of the child care leave promotion grants in the second half of 1995 was limited to 494 instances involving 57 million Won, but the cumulative total up to November 1996 stood at 4,058 instances involving 1,500 million Won, denoting an eight or more times increase in the number of relevant cases and 26 times increase in money terms. Nevertheless, the progress made so far in establishing the child care leave as a routine practice for employment of women is still far short of desired target largely due to

the financial burden that falls on the employer. Consequently, since 1998, the Government plans to expand the coverage of the promotion grants to business/industrial establishments with 50 employees or more.

164. To encourage women to return to employment after marriage, child-birth, child care, etc., employers taking their female employees back within five years after resignation for those reasons are being awarded a grant of up to one million Won since 1997.

165. The Government engages in vigorous efforts to place women in jobs through 46 employment stabilization agencies and directly manages three "Human Resource Banks". The latter is to be increased to 16 by 1998. In 1996, the number of women placed in jobs by both the public and private sector employment agencies totalled approximately 1.22 million.

166. Child care facilities in support of women in employment and women's socio/economic participation in general are under Article 11.2 (c).

#### Measures for Gender Equality in Employment

167. The Equal Employment Act, first legislated in December 1987 to realize gender equality in employment, underwent substantial amendments in 1995 to accelerate the process of women's economic participation and to upward adjust their working conditions. The details are as presented under the Article 2. (a).

168. Over the period of 4-5 years subsequent to the legislation of the Act, the Government has engaged in intensive public information and educational activities with both employers and employees as the priority target and, from 1990 onward, equally intensive administrative guidance has been provided to ensure its appropriate implementation. Also, in 1990, a large scale review of personnel regulations and practices of private colleges/universities, hospitals, hotels, etc, were conducted to screen out gender discriminatory elements from them. In 1991, the practice of gender differential recruitment of high school graduates by the banking establishments was abolished since it represented an important first step toward a pervasive structural gender discrimination. Furthermore, in 1992, 169 enterprises, including both the primary and secondary financial institutions of the country, which had been selected as "special guidance" targets, and 30 largest business/ industrial groups were subjected to governmental review regarding their personnel practices and corrective actions were carried out at all concerns applicable during the first half of 1993. This line of efforts continued and were expanded to cover lesser enterprises, i.e. establishments with 300 or more employees in 1994; those with 150 or more employees by 1996; those with 100 or more employees in 1997; and establishments with less than 100 employees in 1998.

169. The Seoul District Court set a new precedent in terms of legal action on the infringement of the EEA when, in May 1995, it imposed one million Won fines on all business/industrial concerns that published gender restrictive recruitment advertisements. The Act was amended subsequently to prohibit the application, in all aspects of recruitment process, of not only gender restriction but other personal particulars unrelated to the performance of the work for which new employees are being sought, viz. appearance, height, marital status, etc. Through the amendment, the applicable fines were adjusted upward.

#### Measures in Support of Female Entrepreneurs

170. To support women in their economic activities, the Government established the Female Entrepreneurs' Day to be observed on the 6th of July every year. Awarding exemplary entrepreneurs of both sexes in terms of gender non-discrimination is part of a diverse range of observance activities. Financial support from the Structural Reform Fund, worker securement assistance in the context of labour shortage (e.g. placement of extra foreign trainees), facilitation of market development, and other more indirect support measures have been implemented in recent years. In support of female entrepreneurs, a law aimed at accelerating women's entrepreneurship, which includes are presently under preparation, the Basic Law for Women's Economic Participation, the a tax exempt business fund.

#### Equal Pay for Equal Work

171. The Equal Employment Opportunity Act of 1989 stipulates in the Article 6, Clause 2 that "An employer shall provide equal pay for equal value of work within the same enterprise. The criteria on equal value work are the degrees of technique, effort and responsibility involved, working conditions and other related factors in the process of work." Thus the equal pay for equal work principle has become a matter of law. Korea's entry into the ILO Convention on Gender Equal Remuneration (No. 100) in 1997 further strengthened the legal basis for realizing the mandate for equal pay for equal work. Since Korea has in force a tenure-based remuneration system, a equal pay for equal-tenure principle, as well as an equal pay for equal work principle, are currently operational, at least in theory.

172. At the practical level, gender discrepancy in average remuneration is still under consideration despite the steady progress made during the past decade. In 1995, the average monthly wage for women was 61.5% of men's showing 8.1% rise from 1990's. The factors associated with the persistence of gender-based wage differentials are the differences in educational background, age and the length of tenure. (Table 29)

(Table 29) Average Monthly Wage by Gender

(Unit: 1,000 Won)

Category	1990	1995
Male Wage (A)	727	1,361
Female Wage(B)	388	790
(B)/(A) %	53.4	58.0

Source: Ministry of Labour, Report on Wage Structure  
Baseline Survey, 1997.

### Paid Leaves for Employees

173. Since the paid-leaves are entirely the employer's responsibility, they find the cost of maternity leaves a heavy burden. The employers therefore have tended to avoid the extra cost by not employing women. To address this situation, the Government is taking steps to socialize the cost of maternity leave via a tripartite social insurance scheme.

#### Type of Employee Leaves :

- Annual leave: 10 day basic leave with pay, one extra day to be added for each year of employment from the third consecutive year.
- Monthly leave: One day each month, 12 days per year, with pay.
- Sanitary leave (for women): One day per month, 12 days per year, with pay.
- Pre- and post-natal leaves (for women): 60 days, with pay.

### The Right to Social Security

174. Various social security measures are in force in Korea to provide its citizens with safeguards against the risks of aging, illness, accident and death.

175. Added to the above in 1995 was the Unemployment Insurance scheme, which, as an integral part of its function, provides parental leave promotion grants for the purpose of allowing the leave system to take root which is included in the Article 4.

### Protection of and Support to Physically and Mentally Disabled Women

176. According to the 1995 survey of the situation of disabled persons by Korea Institute for Health and Social Affairs, a research arm of the Ministry of Health and Welfare, 45.7% of the total disabled population of the country or over 470 thousand persons are female, representing 1.1% of the total Korean population. Compared to the disabilities of males who mostly suffer malfunctions of arms and legs, those of females are due largely to aging and chronic illness, including particularly the aural and visual dysfunctions.

177. In order to promote the employment of disabled persons, the Government has legislated the Disabled Person Employment Promotion Act in January 1990. Based on this law, discrimination in recruitment against disabled persons whose physical condition will have no bearing on job performance is prohibited and, to ensure substantive equality for disabled persons, requires the State and Local Autonomous Bodies to constitute over 2% of their new recruits with disabled persons. Further, it requires business/industrial establishments with more than 300 regular employees to constitute 2% of their total employees with disabled persons. Lastly, disabled persons are exempt from various taxations and have cost-free access to public utilities.

### Protection of and Support to Older Women

178. Owing to the country's relative affluence and progress in the medical field, the proportion of aged population in Korea has steadily increased. In 1995, the older population in the 65 plus age category constituted 5.7% of the total population or 2,657 thousand persons. Of those, women were 1,670 thousand persons or 62.9% of the total elderly persons. As it currently stands, social services for older people do not correspond to their gender differential needs. This is due to the fact that previously social services for the elderly were geared to those in the lowest income stratum. Through the Basic Plan for the Implementation of Women's Policy a variety of programmes for older women, including those to promote their health, is to be undertaken.

179. More generally, the Government legislated the Older People's Welfare Act in June 1981 aiming at sustaining their earning powers through job placement based on the operation of older human resource banks and the establishment of communal workshops to engage older people in productive work with respect to their capabilities. In December 1991, this measure was strengthened through the legislation of the Older People's Employment Promotion Act, which inter alia requires employers of more than 300 persons to constitute 3% or more with older people. Also, from 1997, the Old Age Assistance coverage was expanded to include those who are 65 years or more in age instead of the previous 70 years or more. Through the 1997 amendment of the Older People's Welfare Act, persons aged 65 years or more and belonging to the low income bracket will be beneficiaries of non-contributory pensions beginning from July 1998.

### Protection of Working Women

180. In support of single women in low income strata, the Government has constructed and is managing low rental apartments throughout the country. As of 1995, there were 8,335 such housing units in 83 different localities and a total of 24,000 persons were occupying them. Because the rentals for the apartments are very low, they in fact carry an indirect income transfer function for the occupants. By providing single women with fairly comfortable and safe life environment, this provision also serve to protect them from



social and physical risks that they might encounter should they reside in other low rental areas.

181. The Article 30, Clause 2 of the Labour Standards Act stipulates that female employees cannot be fired during the leave period and within 30 days subsequent to that leave period. The EEA, on its part, under the Article 8 and Clause 2, prohibits employers from entering into employment contracts that include marriage and pregnancy as part of the reasons for women to withdraw from employment, and the Article 11, Clause 1 of the same Act requires the employer to grant child care leaves to parents with children under one year. Further, Article 23 of the Act, by stipulating penalties for those employers in infringement of those provisions, helps to stabilize women's employment, while the Article 72 of the Labour Standards Act provides for 60 day pre- and post-natal leaves with pay.

#### Status of Day Care Facilities and Children in Day Care

182. In support of wholesome development of children and expanded social participation by women, the "Infant and Childcare Act" and the "Three Year Plan (1995-1997) for Child Care Facility Expansion" have been under implementation. As a result, the number of such facilities has increased 1990's 1,919 to 15,375 in 1997, registering 74.7% average growth rate per annum, and the number of children receiving care rose from 48,000 in 1990's to 403,000 in 1996, showing an average annual growth rate of 102.5%. As of 1997, there were altogether 15,375 such facilities providing care to 521,000 children. (Table 30)

(Table 30) Day Care Facilities by Sponsorship Type

(Unit: Facilities, Persons)

Category	1991년	1995	1997
Public	503 (37,017)	1,029 (78,831)	1,158 (89,002)
Private	1,217 (36,099)	4,125 (170,142)	8,172 (358,245)
Workplace	19 (712)	87 (2,388)	158 (5,245)
Home	1,931 (15,613)	3,844 (42,116)	5,887 (68,467)
Total	3,670 (89,441)	9,085 (293,747)	15,375 (520,959)

Note: "Child Care Facilities" include only those that are either officially licensed by or registered with the Government.

Source: Ministry of Political Affairs (II), White Paper on Women, 1997.

#### Support to Child Care Facilities

183. The Government investments in support of child care facilities and services have been 41.9 billion Won in 1991, 177.4 billion Won in 1995, and 292.4 billion Won in 1997, which meant an average annual growth rate of 28.5%. Also, between 1994 and 1997, a total of 750 billion Won have been disbursed on loans for the construction and operation of child care facilities by private and business/industrial concerns, at 8% annual interest rate, up to 900 million Won per loan and payable within 5 or 10 years.

184. For the children of the families eligible for the Livelihood Protection Assistance and female-headed families, the entire costs of their care at any of the facilities are government subsidized. For those of the families with 1.1 million Won or less monthly income, 50% of the costs are subsidized. Also, financial assistance is provided to 3,997 facilities under the sponsorship of national, public or non-profit non-governmental bodies, each facility receiving 43 million Won per year on average.

185. As a means to accelerate the process of child care service expansion, the Government has taken steps to make explicit in all pertinent laws the requirement for establishing child care facilities by concerned bodies, and endeavors to enlist greater participation of the non-governmental sector through tax exemption or deduction. In December 1991, for instance, the Tax Deduction Act and the Income Tax Act Implementation Decree were amended to expand the scope of tax exemption for child care service activities, and in May 1992, the Building Construction Act Implementation Decree was amended to relax the regulations relating to the establishment of child care facilities. Since September 1995, when the Child Care Act Implementation Decree was amended, business/industrial establishments employing 300 or more women are required to establish child care facilities where the women actually work and to bear 50% of the child care costs. Moreover, under the provisions of the Child Care Act as amended in December 1997, all pre-school children are entitled to cost-free care and education for one year before entering the primary school.

186. The Article 72, Clause 2 of the Labour Standards Act prohibits employers from demanding overtime work to pregnant women and requires transferring them to less strenuous job functions, should they request it, thus protecting the health and well-being of pregnant employees and their infants to be born. Further details on these have been given under Article 2 (b).

## ARTICLE 12

187. There are two major programmes for women in the health field: mother-child health service (MCH) and family planning. The former encompass: services to pregnant women and women in child-birth, as mandated by the Mother-Child Health Act; protective provisions for the maternity of working women under the Medical Insurance and Labour Standards Acts; prohibition of unauthorized abortion; and special protection of pregnant women in prison. Also, by virtue of the People's Health Promotion Act of May 1995, much of governmental efforts in the health field will be toward the preventive and educational, indirectly contributing to women's health. Owing to these measures, recent health indicators show significant progress in women's health.

### Women's Average Life Expectancy

188. Average life expectancy among Koreans stood at 73.5 years in 1995 and is increasing. In the same year, female life expectancy at birth was 77.4 on average and 7.8 years longer than male's 69.6 years. The number of women aged 65 years or more was 4.9% of the total population in 1980 but increased to 7.2% in 1995. It is expected to reach 8.4% by the year 2000.

### Death Rate for Mother and Infant

189. The maternity death was 4.2 (out of 10,000) in 1980, 3.4 in 1985, and 3.0 in 1992. The infant mortality was 36.8 (out of 1000) in 1980, 13.3 in 1985, and 9.9 in 1993.

### Birth Rate

190. Because the extensive family planning programme was carried out under government sponsorship, the population growth rate decreased from 2.17% in 1970 to 1.01% in 1995 and the average number of births per woman from 4.3 in 1974 to 1.71 in 1996. In view of this change, since June 1996, the government's population policy shifted from population control to the improvement of its quality and the promotion of family welfare. Great deal of information and educational activities directed at preventing abortion, which is not only dangerous to women's health but has led to marked imbalance in the sex ratio of the population.

### Family Planning

191. Successful family planning in Korea shortened women's life-span for child bearing and rearing and had great impact in terms of their health and social participation. Despite the high contraception practice rate among them and their spouses, the rate of abortion

was reportedly as high as 49% of child-bearing aged between 15 and 44 years. This was largely due to inappropriate use of contraceptive devices, which, in turn, was attributable to inadequate education and guidance.

192. The proportion of married women who have had undergone abortion was 16% of total married women in 1968, 53% in 1985, and 49% in 1993. In 1968, urban women carried out abortions twice as male as rural women but this regional difference has been narrowing since to converge on an identical level in 1993.

193. The Korean Penal Code, in Chapter 27, Articles 269 and 270, stipulates penalties against abortion and thus legally protects the lives of fetus. Specifically, it imposes up to a year of imprisonment or up to 1,000,000 Won in fine on women who carry out abortion through the use of drugs and other means, or those who assist in abortion at the request or with the concurrence of women desirous of it. For the medical doctors and related personnel who bring about abortion(s) with or without the concurrence of pregnant women, the penalties are stiffer, i. e. up to two to three years of imprisonment. The exceptional cases of pregnant women who are allowed to undergo-abortion under the Article 14 of the Mother-Child Health Act include those whose healths will be seriously jeopardize; one of the prospective parents suffer from genetic or hereditary mental disorder, physical defect and/or infectious disease; pregnancy was brought about by rape and other criminal acts; or the prospective natural parents are legally forbidden to marry each other. During the 1995 amendment of the Criminal Code, arguments were presented by certain sectors of the Korean society to abolish the crime of abortion but did not receive majority support. The argument in favour of the right of the unborn child to life was far more acceptable to the Korean public at large. The penalties under Chapter 27, Articles 269 and 270 of the Criminal Code therefore remain.

194. The Government, Local Autonomous Bodies and concerned non-governmental organizations, such as the Korea Planned Parenthood Federation, have been active in implanting appropriate sex ethics among students, workers of business/industrial establishments or factories, etc. with a view to assisting them to avoid unwanted pregnancy and parenthood and, so, prevent unauthorized abortions.

### Imbalance in Sex Ratio

195. While Korean families have come to have far less children than before their traditional "male preference" value has strengthened, if anything, to create a serious imbalance in the sex composition of the country's population. To take 1970 as the starting point, that year's male sex ratio was 109.5. It increased to 115.3 in 1994, to decrease slightly in 1995 to 113.4. The male sex ratio being projected at 123.4 in 2010, the imbalance is expected to become a serious social issue when today's children reach marriable ages.

196. The medical technology that enables sex differentiation in an early stage of pregnancy as well as the culturally dominant male preference value, has been a strong contributory factor to abortion that has led to a serious sex ratio imbalance in Korea. A total of 47 billion Won is estimated to go into expenses related to abortion every year. To address this situation, the Government put into force regulations prohibiting sex tests and penalizing any medical and health personnel not abiding by them with revocation of licence. It has also established a "Sex Culture Research Center" within the Korean Planned Parenthood Federation infrastructure, as well as established multi-functional counselling centers in affiliation with the nation-wide public health clinics, to carry out pertinent research over a sustained period of time and to provide education and guidance aimed at altering the traditional gender prejudice among Koreans.

#### The Mother-Child Health (MCH) Programmes

197. An extensive activities aimed at protecting and promoting the health of pregnant and lactating mothers and their infants have been carried out under the mandate of the 1986 Mother-Child Health Act. Under this law, MCH agencies were established at the national and local levels and charged with the task of overseeing the health conditions of the target group on a regular basis and carrying out immunization. As a result, Korea's infant mortality rate has steadily declined and expects to decline further. Major features of the MCH programme since 1986 included: mother-child basic health diagnosis; standard immunization of infants; hereditary metabolism malfunction tests of newborn babies; special health supervision of rural mothers and infants; promotion of institutional-based deliveries.

#### Measures for AIDS Patients

198. As of December 1997, there were 96 AIDS patients and 747 HIV Positive persons. Of those, 94 were women and 18 of them have died. (Table 31)

(Table 31) Status of AIDS Contamination, by Year.

(Unit: Persons)

	Total	'85-'92	1993	1994	1995	1996	1997	Decreased
Total infected	747	245	78	90	108	102	124	M: 653(127)
(Women)	(94)	(27)	(7)	(12)	(19)	(12)	(17)	F: 94(18)
AIDS patients among infected	96	10	6	11	14	27	33	

Source: Korea AIDS League Reports, 1992~1997.

199. As part of its effort to prevent the spread of AIDS and to effectively manage and treat AIDS patients, the Government has enacted the "Acquired Immunity Deficiency

Syndrome Prevention Act" in November 1987. At the same time, it has instituted a compulsory registration system for all those who are subjects of venereal disease management, which include those in prostitution. HIV tests are being carried out on a regular basis.

#### Protection and Management of Female Drug-Addicts

200. With reference to medical measures, 22 new medical facilities, along with the necessary personnel, have been established for identifying and treating addicts, and in November 1997, the construction of a comprehensive treatment center with 200 beds was due to be completed for the treatment and rehabilitation of addicts. These measures will benefit women, as well as men, suffering from drug addiction.

201. The legislation and enforcement of the People's Health Promotion Act in 1995 was, in part a response to the serious implication of drug by women. Aimed at strengthening measures to prevent illness, improve dietary practices and other health promotional activities, public information and education at schools, social education establishments, places of employment and all governmental health institutions constitute the major components of such activities, and the issues of drug abuse, AIDS, venereal disease, contraception, fetus sex test, etc. are being dealt with in the context of those activities.

## ARTICLE 13

### The People's Pension

202. First introduced in 1986 and amended in 1989, the People's Pension covers the risks of old age, illness and death primarily based on the prospective pensioners' contributions. At the initial stage of its implementation, the scheme was applicable to business/industrial concerns with 10 or more regular employees but, in 1992, it was extended to concerns with five or more regular employees. The coverage was further extended to agro-business and fisheries sectors and self-employed persons in those sectors and, from 1998, 8.9 million self-employed urban population will be brought under the scheme as well.

203. Prospective participants in the Pension scheme are Korean citizens between 18 and 60 years of age who reside in the country. As of 1996, there were over 1.9 million female participants constituting 25.7% of the total 7.43 million participants. While the number of female participants have been on the increase, ratio-wise, they are still a small minority. (Table 32)

(Table 32) Status of People's Pension Participants  
(Unit: Persons, %)

	1994	1995	1996
F	1,499,074 (27.5)	1,891,688 (26.1)	1,911,211 (25.7)
M	3,945,744 (72.5)	5,365,706 (73.9)	5,514,489 (74.3)
Total	5,444,818(100.0)	7,257,394(100.0)	7,425,700(100.0)

Source: The People's Pension Management Corporation, People's Pension Statistics Annual, 1997.

204. The Pension benefits are of four categories: old age pension, disability pension, disability lump sum grant, and survivor pension. As of 1997, there were 459,715 women beneficiaries constituting 46.5% of total 987,888 beneficiaries. The proportion of female beneficiaries has been on the increase recently.

### Medical Insurance

205. Since July 1989, all Korean citizens other than those protected by the non-contributory Medical Assistance programme were brought under the medical insurance scheme. The scheme is divided into three categories: the Employee Medical Insurance that covers the employees of the organized business/industrial sector; the Public Employee and Private School Employees' Medical Insurance that covers the national and local government employees and staff members of private educational institutions; and the Area

Medical Insurance for residents of both urban and rural areas not covered under the first two categories. In 1996, over 22.3 million women were beneficiaries of the scheme and there has been no significant gender discrepancy in the benefit provisions of the scheme, whether structurally or practically. (Table 33)

(Table 33) Medical Insurance Beneficiaries, by Insurance Type and Gender  
(Unit: Persons)

		Total	Employee Med Insurance	Public Emp'yeer/ Priv Schl Med Ins	Area Med Insurance
1994	F	21,642,669	8,195,775	2,432,362	11,014,532
	M	21,615,394	8,220,036	2,351,949	11,043,409
1995	F	21,991,409	8,319,331	2,448,778	11,223,300
	M	22,024,491	8,424,733	2,366,368	11,223,390
1996	F	22,312,139	8,454,897	2,489,656	11,367,586
	M	22,291,177	8,579,861	2,391,326	11,319,940

Source: Medical Insurance Federation, Medical Insurance Statistics Annual, 1996.

### Livelihood Protection Programme (Public Assistance)

206. The Government enacted the Livelihood Protection Act in 1982 to maintain the minimum standard of living for the low-income population. The beneficiaries of this measure numbered 1.159 million in 1996, of which 285 thousand were the beneficiaries "at home," 798 thousand were employable beneficiaries, and 76 thousand residential beneficiaries. The Livelihood Protection measure covers daily subsistence, medical expenses in the event of illness or accident, and education grants for children up to the secondary level.

207. In 1996, over 117 thousand out of the total 179.5 thousand household heads protected "at home" under the Livelihood Protection programme, or approximately 65.3%, were women, indicating the number of female-headed households among the programme beneficiaries were about double the number of male household heads. Of the employable beneficiaries that numbered just over 285 thousand, women were 136 thousand or 47.7%. These figures indicate that the livelihood burden among the low income households tend to be heavier for women than for men. An important factor contributing to the feminization of poverty in Korea has been the increase in the proportion of aged female population.

### Medical Protection (Assistance)

208. The Medical Protection is a form of public assistance to individuals and families unable to meet medical costs independently. Beneficiaries of Category I include: the recipients of Livelihood Protection Assistance, either at home or in residential settings; victims of natural and other forms of disasters; citizens of special merit by virtue of their contribution to national interest or to cultural development; wounded military or police veterans and their families; political refugees from North Korea; and carriers of AIDS and other sexually transmitted diseases. Beneficiaries of Category II are basically self-sufficient but have difficulty in meeting unexpectedly large medical bills.

209. In 1996, there were 731 thousand women or 56.7% of the total persons benefitting from the Medical Protection programme. The number of women beneficiaries under this programme has been increasing every year due largely to the increase in the number of older women whose medical needs are greater than those of younger people.

#### Mother-Child Welfare Programme

210. The Korean government provides financial assistance to female-headed households under the mandate of the Mother and Child Household Welfare Act, Livelihood Protection Act, and the Law of Special Treatment of Contributors to National Interest. The female-headed households receiving protection based on these laws numbered 43,768 in 1997 covering a total of 124,691 persons. As of 1996, the specifics of the benefits to female-headed households were as follows.

- For the female-headed households of four and with monthly income of less than 1972 thousand Won, children's education grant up to high school and support costs of children of six years in age or younger.
- Low rental apartments to female-headed households without housing.  
(on permanent basis)
- Long term and low interest loans to small business of up to 10 million Won each.
- Shelters for homeless female-headed families for up to three years of stay, extendable for additional two years. While residing in the shelter residency, the families receive living expenses, education grants, job training costs, etc. In 1997, there were 1056 families at 39 separate shelters. When these families leave the shelters, if necessary, they can register as low income female-headed households and become eligible for the benefits available to that category of families described above.

#### Bank Loans

211. Bank loans are normally available to those with financial credibility and sufficient collateral. Therefore gender-related guidelines and regulations governing loan transactions do not exist in the country. In reality, however, since the level of women's economic

participation and ownership of assets is considerably lower than that of men, the former is disadvantaged in their access to loans and credits. Specific figures in this regard are unavailable because there is no gender breakdown in the country's financial data.

212. With adequate collateral, however, it is not necessary for women to obtain their spouses' written permission or signature on the documents of transaction. In applying for credit cards, both women and men are required to present proof of income tax and property tax payments or of good credit rating in their past financial dealings.

#### Sports and Cultural Life

213. Women are not subject to any discrimination in all aspects of cultural life including sports. As an indicator of this, there has been no significant gender gap in the utilization of theaters and exhibition halls. In a survey of women's leisure activity, 45.4% reported sleep and miscellaneous household work, and 24.4% television viewing, which were higher than the proportions of men who did so. On the other hand, more proportions of men than women spent their leisure time in skill-crafts, competitive games and sports.

214. With reference to information media accessing, in the case of newspapers, 39.1% of women readers paid primary attention to the "social (social issues, people, etc)" page and 26.3% to the cultural, while 42.0% of men readers took primary interest in the political page and 17.7% primarily to the sports page. In the case of TV programmes, the programmes preferred by women were serial drama (54.5%) and recreation (11.2%) while those preferred by men were news (52.7%) and sports (19.1%). As for the extent of computer utilization, both men and women resorted to the device for business purposes, electronic games and recreation, and information management, in the order of importance.

#### Rural Female Population

215. Korea's sustained pursuit of industrialization policies since the 1960s has brought about rapid decrease in rural population. Between 1970 and 1996, it changed from over 14 million to considerably less than 5 million, that is, to mere 27.8% of the base year. As for rural female population, it also decreased from 1970's well over 9 million to somewhat less than 2.5 million in 1995, the latter figure nevertheless representing 51.8% of the total rural population of the year concerned. The proportion of senior citizens aged 60 years or more was 28.6% of the total in 1996, showing the aging of rural population together with their feminization.

#### Agricultural Production by Women

216. Decrease of rural population, attributable mostly to the out-migration of young men and male adults to urban centers, agriculture became increasingly feminized and women's contribution to agricultural production increased. Specifically, the proportion of female agricultural workers rose from 43.4% in 1985 to 47.4% in 1996 and the weight of their work from 47.3% in 1990 to 47.7% in 1996.

#### Expansion of Health Services

217. The Medical Insurance scheme was extended to rural areas since 1988, providing a formal basis for raising the health and medical care service standards for rural people. The process toward that general direction began in 1980 when the Special Act for the Health and Medical Services for Agricultural and Fishing Communities were adopted and health and medical facilities and personnel were established or placed respectively in the communities concerned. As of 1995, there were 2,665 medical facilities of various categories and 13,737 medical personnel in place at those facilities. Since 1986, rural women have had access to government sponsored diagnostic services, especially with reference to "women's diseases", and "farmer's syndrome". Up till 1996, 54,364 women received such diagnostic services.

#### Establishment and/or Expansion of Child Care Facilities

218. A total of 1,048 child care facilities were established in 1996 caring for 52,604 infants and pre-school children. Having designated rural areas as child-care service paucity areas, efforts to both expand the number of facilities and to improve their service quality will continue in the years ahead. A new initiative in this connection has been the provision, since 1995, of the operating cost of vehicles for transporting children to and

from the child-care centers.

#### Expansion of Welfare Facilities for Senior Citizens

219. The number of "Older People's Pavilion", a typical leisure time gathering place for the elderly in most rural communities and selected urban districts, increased from 1992's 14,347 to 17,875 in 1995 as the rural aged population increased from 593 thousand to 729 thousand during the same period.

#### Education of Rural Women

220. With the increased participation of women in agriculture and related production activities, their needs for agricultural skills have also increased and led to their greater participation in pertinent training. In the case of agro-management design training, 112 thousand in 1996 and 116 thousand women participated in 1997.

221. Even so, the ratio of women skilled in the use of agricultural machinery and related instruments is still very low so that their burden of physical labour remains heavy. To address this issue, the Agricultural Guidance Centers (AGC) across the country are engaged in training women for the use and maintenance of such machineries and in accident prevention. The AGC trained 5,391 women in 1996, and 5,247 women in 1997 respectively.

222. The provincial Rural Area Development Institutes are open to all rural women and provide skill trainings in food processing, storage, improvement of housing and work environment, management of household accounts, traditional culture transfers, income supplement technologies, computer utilization, and consciousness raising. The participants in these training activities numbered 107,000 in 1992, 192,975 in 1996 and 235,000 in 1997. Through the Rural Women Leadership Program, 1,168 were trained in 1996 and 3,282 in 1997.

#### Development of Women Farmers

223. With the 1994 amendment of the Agricultural Cooperatives Act, women's participation in the cooperatives became active. In 1993, 160,479 women participated in them, representing 8.2% of the 1,956,159 participants. In 1996, their number increased to 239,368 accounting for 11.9% of the 2,010,315 participants. In some cooperative units, women were elected as directors and auditors of the boards.

224. As the result of introducing a system to credit women with extra points in the process of selecting the "Agricultural Successors" in 1994, the female portion among the Successors increased to 8.6% in 1996 from 1992's 2.4%. In 1997, there were 823

women designated as such, accounting for 9.7% of the total of 8,526.

#### Rural Women's Organizations

225. As of 1995, there were 23,704 Associations embracing 957 thousand members. Major features of the Association activities included family health improvement, creation of "wholesome" families, environment protection, rationalization of life patterns and habits, raising household income, and collective projects beneficial to their communities.

226. The Life Improvement Associations aimed at improving the status of rural women and nurturing women Agricultural Successors provide a variety of learning opportunities that will strengthen women's abilities for participation in the affairs of their communities and the rural society at large. The members of the Associations select their own issues to be addressed and take concrete steps to actually do so, e. g. undertaking supplementary income raising projects, protection and improvement of life environment, and development of direct marketing routes. Showing a brisk pace of increase every year, in 1997, there were altogether 172 Associations embracing 59,939 members.

227. Non-governmental organizations are also actively involved in promoting the status and rights of women in agriculture. Among the more typical organizations are the Federation of Korean Women in Agriculture, Gathering of Housewives Thinking of Home Villages, and All Korea Federation of Women Farmers' Associations. The Korean Women Farmer Research Center is dedicated to developing professional women farmers and promoting the welfare of rural villages.

#### Income Generating Activities by Rural Women

228. The Farming and Fishery People's Pension System significantly contributes to the livelihood security of the rural people, particularly that of rural women whose longevity can be a challenge to their average abilities for income maintenance.

229. Since 1990, the Rural Women for Job programme has been in effect. Designed to support women in the villages to raise non-farming income through utilization of agricultural products of their communities and other resource conditions of their area, women mostly opt for the processing agricultural products. In terms of government-funded projects, 139 million Won were disbursed to nine projects in 1995 (15.4 million Won per project) and 180 million Won to nine projects in 1996 (20 million Won per project), and 200 million Won to ten projects in 1997. The government support was for establishing communal workshops, acquiring production equipments, producing wrapping papers, developing parceling designs.

#### Improvement of Life and Farming Environment of Rural Women

230. The programme to improve living conditions of rural women and reduce their household workload was initiated in 1983 and in 1995, a total of 133.7 billion Won was loaned out to 126 thousand households. In 1996, the amount of loan was 42 billion Won to 15 thousand households and 43.8 billion Won to 12.5 thousand households. In one of the outcomes of this programme, hours spent on household work by rural women decreased by 20~40%, freeing some of their time for leisure and self-development activities.

231. Between 1995 and 1997, 542 health supervision centers, 567 mid-work rest hall in the plastic houses, 781 communal rest houses for rural people were established across the country. Also, 168 thousand pieces of agricultural machineries were distributed. Since 1996, various work-out and other facilities, such as exercise room, rest area, sauna, and cultural space were established. The government sponsored these facilities and as a result, 80 facilities in 1996 and 82 in 1997 were funded.

## ARTICLE 15

232. The Article 11 of the Korean Constitution stipulates that "All citizens are equal before the law and no one shall be subjected to discriminatory treatment based on one's gender. . . ."

233. To realize the above ideology of gender equality in practical life situation, the Women's Development Act enacted in December 1995.

234. Further, the Article 14 of the Constitution stipulates that "All citizens shall have the freedom of domicile and mobility". All Koreans, regardless of their gender, are therefore free to live where they choose, to move to other places of their choice without interference from the State authorities, or not to change domicile against their wishes.

## ARTICLE 16

235. As the Article 36, Clause 1 of the Constitution discusses, "Marriage and family life must be based on the dignity of the individuals concerned on and gender equality between the marital partners, to be sustained on the same bases, and the State must ensure that they be so." The Article 24 of the Basic Law for the Advancement of Women, on its part, stipulates that "the State and the Local Autonomous Bodies must endeavor to firmly establish democratic and equitable family relationships". These are definitive legal instruments upon which the Korean society can move toward the realization of gender equal family relationships and gender equal culture.

### Marriage

236. By the provisions under the Civil Code, Article 815, a marriage not consented to by any one of the parties directly concerned is null and void even if the marriage may have been officially registered.

### Rights of Marital Partners

237. During marriage, the marital partners will live together, support each other and cooperate with each other. They will decide on the place of residence by mutual agreement and hold representation rights for each other in household affairs. Expenses for their joint life are bearable by any of the parties and may be shared if without specific agreements.

### Parental Rights to Children

238. During marriage, the spouses will jointly exercise their guardianship rights vis-a-vis their offspring(s). If and when differences arise regarding their up-bringsings, the Family Court may intervene. Further, if and when off-spring(s) outside wedlock is (are) recognized, or when the marriage is dissolved, the parties concerned will decide who is to exercise guardianship for the off-spring(s) through mutual agreement. If and when agreement cannot be reached, the Family Court may intervene.

239. The guardian has the right and duty to protect off-spring(s) and is entitled to act as the latter's representative in court proceeding in order to protect independent asset(s) of the same. A parent, with the guardianship right to his/her off-spring(s) may designate a guardian for them in his/her will to protect the minors after his/her death. A divorced couple may decide on matters relating to the up-bringing of their child(ren) through consultation. If and when such is not possible, the Family Court may intervene.



### Adoption

240. The Adoption of minors (15 years or less) must be with the consent of their legal representative. When a minor's trustee wishes to adopt his/her ward, he/she must obtain the authorization of the Family Court. Should either of the marital partners wishes to adopt a child, he/she must do it jointly with the other party, and if and when either of the marital partners is to be adopted, he/she must have the consent of the other party.

### Childbirth

241. The Mother and Child Welfare Act is intended to promote mother's health and childbirth as well as childcare. The Article 7 stipulates the establishment of Mother and Child Welfare organization to implement Mother and Child Welfare Programe and Family Planning Program. The Article 14 stipulates the scope of abortion rights.

### Surname

242. This is a matter regarding which Korea is still in reserved status. Up to now, there is no law or formal regulation that governs this matter in the country. Only, by traditional practice, Korean couples keep their respective pre-marital family names according to the customary "surname unchangeability" principle. As far as the surname for off-spring(s) is concerned, the Article 781 of the Civil Code recognizes the paternal surname, the maternal surname to be used only when the former is either unknown or unavailable. In the event that neither of the parental surnames is known, the off-spring concerned may adopt its own surname but must revert to either of the parental surnames should it become known subsequently. Also, in the case of children out of wedlock, the off-spring(s) may adopt the paternal surname if it is known even though the off-spring has not been entered into the paternal family registry. In short, as far as family names are concerned, Korea adheres to the two customary principles of "surname unchangeability" and "identical surname for father and son."

243. The above principles have supported the male blood-line succession system for the past millennia and created the all pervasive male preference culture in the Korean society, which, to date, acts as the most serious obstacle to the attainment of gender equality.

244. In a move to address this fundamental institutional and structural biases against the females, the Korea Federation of Women's Organizations published in March 1997, on the Women's Day, a One Hundred Persons' Declaration demanding alternate use of maternal surnames. The public response to this move was mixed. As a whole, however, the problem that might arise as people attempt to combine the two parental surnames such as creating a long unrecognizable terminologies, siblings of the same parents with different surnames from each other was readily recognized. Thus, the move in question

did not appear to arouse serious public attention.

### Choice of Occupation

245. The Article 15 of the Constitution guarantees for all Korean citizens the freedom to choose their own occupations and/or careers, to undertake activities in the fields of their own choosing, and to leave the occupation at their own discretion.

### Property Rights of Marital Spouses and the Value of Domestic Work

246. The Article 830 of the Civil Code recognizes separate ownership of properties by marital spouses. For instance, property owned by either of the spouses from before marriage may remain under the same ownership without any part of it needing to be transferred to the other spouse. Also, property acquired by either of the spouses under his or her ownership title also may remain under that title even though the acquirement was during their marriage, and entirely at the disposal of the title holder. That part of the property for which there is no clearly established ownership may be deemed the spouses' common property.

247. In an effort to have the value of women's unpaid housework recognized as part of the family property acquired during marriage, women's NGOs formed in 1993, the "Women's Organizations for Gender Equal Tax System" and demanded tax exemptions for property inherited or received in gift by women from their spouses. They argued for: the abolishment of all taxes for property inherited from their spouses; the raising of the upper ceiling of tax exemptible portion of property acquired during marriage in view of the wife's contribution to that property; and tax exemption on property divided between divorcing marital partners.

### Marriage of Minors

248. Youths under the age of 18 must have parental consents for their marriage. In cases where the parents are divorced, the divorced mother, as well as the divorced father, have the right to consent. If and when parents are unable to make their position known, the minor must obtain the consent of his/her legal guardian or trustee. In the absence or unavailability of a guardian or a trustee, the minor needs to have the consent of the kinship council. These legal provisions are aimed at protecting youths from untoward marriages. Marriage registration unaccompanied by one or another of the above categories of guardian consent will not be accepted by concerned authorities.

### Marriageable Age

249. Under the Civil Code, the minimum marriageable age for males is 18 and that for is

females 16. This regulation is aimed at preventing the socio-economic and physical risks that can often attend at the very early stage of marriage. A marriage between partners of unmarriageable ages can be annulled by either of the partners themselves or their lawful representatives.

#### Marriage Registration

250. A marriage becomes valid by registering as stipulated by the Family Registration Act. Unregistered marriage is not legally recognized even if two people consorted with each other for ten years or longer. The registration must be with the proper authorities and carry signatures of two or more witnesses. The marriage becomes officially valid when the responsible official accepts the registration document.