

<Table 27> Status of MCH Activities

(Persons)

	1980	1985	1992
Registration of Pregnant Women & Women with Infants	318,227	283,700	82,935
Registration of Infants	651,775	527,765	350,708
Child Delivery Assistance	-	17,685	3,632
Diagnostic Services to Pregnant Women & Women with Infants	-	-	35,011
Diagnostic Services for Infants	-	-	36,976
Basic Immunization (Cost-free)	-	17,418,000	5,780,000

Source: Ministry of Health & Social Affairs, Unpublished data, 1993

Abortion

167. The Criminal Code of the Republic of Korea prohibits abortion and stipulates up to one year of imprisonment or a fine of up to 10,000 Won (US\$12) for the women concerned and for those who perform abortion. Exceptions are made in the cases specified in Article 14 of the Mother-Child Health Act. The exceptional cases are:

- . Where one or both of the spouses carry genetic or hereditary deficiencies of either physical or mental nature which the Presidential decree stipulates.
- . Where one or both of the spouses carry communicable diseases which the Presidential decree stipulates.
- . Where pregnancy occurred as a result of rape or "quasi-rape".
- . Where pregnancy occurred from relationships between parties who may not enter into marriage under the law.
- . Where continuation of pregnancy and child delivery will endanger the life of the woman concerned.

168. The Government undertakes sex education projects for youths, including students and workers, in collaboration with local self-governing bodies and the Korean Planned Parenthood Federation (KPPF - a non-governmental public education and service organization) to establish sexual morality and provide guidance

for enlightened parenthood. It also makes efforts to prevent artificial abortion by distributing accurate knowledge on contraceptive methods, especially to members of the reserved army and civil defense corps members.

Article 13

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to family benefits;

169. A variety of social security measures protect the people against unanticipated risks in life and help maintain their minimum standards of living. The measures are as follows:

The National Pension Scheme

170. The National Pension Act, first proclaimed on 31 December 1986 and revised on 31 March 1989, aims at sustaining income in old age, illness and disability and at the death of breadwinners, based primarily on the contributions of the scheme participants themselves.

171. The scheme began its implementation on 1 January 1988 with the private business/industrial establishments employing more than 10 full-time workers as the initial sector for coverage and, in 1992, it was extended to establishments with more than 5 full-time employees.

172. With all the Korean nationals aged 18 through 60 as subjects, the scheme is designed to cover three major population groups: the formal sector employees whose subscription in the scheme is partially subsidized by their employers; the farmers and fisheries workers in the rural areas; and the voluntary but continuous independent subscribers among the urban informal sector. As of November 1993, there were altogether 5,127,000 subscribers (5,077,000 in the formal sector, 40,000 in the agricultural and fisheries sectors and 10,000 in the urban informal sector) and the scheme is run by the National Pension Management Corporation under the Ministry of Health and Social Affairs.

173. The National Pension allowances include Old Age Pension, Disability Pension, Survivor's Pension, and One-Time Lump Sum Payment. The first is payable to persons who contributed 20 years or more when they reach 60 years of age through the time of their death; the second to the disabled when disability occurs and as long as the condition lasts; and the third to the survivors of the scheme participants who contributed more than a year.

174. The scheme will be extended to the agricultural and fisheries sector during the Five-Year Plan for the New Economy (1993-1997) and expects to become universal early in the 21st century.

Medical Insurance

175. The Medical Insurance Act, first legislated on 16 December 1963, saw its implementation by stages until, on 1 July 1989, its coverage became universal except for the 2,370,000 persons or so of low-income background who are eligible for the national Medical Protection (Assistance) instead.

176. There are three groupings of participants in the Insurance scheme: those in the employer-subsidized formal sector medical insurance unions; government officials and private school teachers or faculty members in the public employees' and educational employees' medical insurance unions; and farmers, fisheries workers and urban small businessmen in the regional medical insurance unions.

177. The Insurance provides two types of benefits. One is statutory and covers medical and rehabilitation costs stemming from or related to illness, injury, child delivery, recuperative nursing, etc. on the part of the insured and their dependents. The other is optional and covers the costs of prosthesis, child delivery expenses other than direct medical costs, and the share of the insured in compensation cases. Thus, the Insurance is a flexible scheme capable of adapting to the financial circumstances of the insured.

178. In the case of the medical insurance unions in the formal sector, the participants are charged monthly contributions at the rates determined by the unions themselves within the 3-8% bounds of the participants' monthly base salaries and

the employer is responsible for 50% of the contributions. In the public employees' sector, the share of the insured is 3.8% of the monthly base salary and the insured and the government contribute on 50-50 basis. In the private education sector, the insured contributes 50% of the premium, the school foundation 30%, and the government 20%. For farmers and fisheries workers in the regional insurance unions, the Government subsidizes 50% of the premium and the entire administrative/managerial costs in a special measure to reduce the burden of the rural sector in accessing medical care.

Medical Protection (Assistance)

179. The Medical Protection system was first introduced in 1977 to ensure that those unable to participate in the Medical Insurance, such as the recipients of Livelihood Protection benefits (public assistance) and others in poor financial conditions, could also receive adequate medical care. The system consists of two categories. Category One covers the recipients of public assistance either at home or in institutions, the victims of natural disasters, persons under the governance of the North Korean Repatriate Protection Act and their family members. The services available under this Category include medical treatment of illness or injury and child delivery service over a set period of time at designated medical facilities.

180. Category Two is for basically self-sufficient persons who nevertheless are unable to bear the extra financial burden of medical costs independently. The services available under this Category are the same as those under Category One except that the recipients are directly responsible for 20% of the costs involved. In 1993, there were 2,366,000 persons benefitting under the Medical Protection provisions.

181. To secure funds for the Medical Protection program, each city and province has established a Medical Protection Fund that draws from the national government treasury as well as from local sources.

Livelihood Protection Measure (Public Assistance)

182. The Government enacted the Livelihood Protection Act in 1982 to help maintain a minimum standard of living for the low-income group. The beneficiaries

of this measure numbered 2,310,000 in 1988 (5.4 % of the total population) and 2,001,000 (4.5%) in January 1993, showing nearly one percent decline in the number of persons requiring public assistance, despite the yearly upward adjustments of the eligible level of income during the intervening years. Of the total beneficiaries of the measure, 64.8% were women in 1993, showing clearly the largely feminine composition of the poor.

183. 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.

Mother-Child Welfare Programmes

184. The Mother-Child Welfare Act was enacted on 1 April 1989 to help support low-income female-headed families. Based on this law, the Mother-Child Welfare Committee was established at the national level and in every city and province by April 1991, and was charged with the responsibility of deliberating on the programmes for fatherless families.

185. According to a survey on the status of fatherless families conducted by the Ministry of Health and Social Affairs, there were 244,710 persons in 75,889 fatherless families in 1989 but the number decreased to 170,561 persons in 55,772 fatherless families by 1992. Of interest in this regard is that the number of fatherless households under the protection of the Mother-Child Welfare Act has increased from 35,922 (54.6% of all mother-child families) in 1990 to 40,514 (72.6%) in 1992. <Table 28>

186. Under the Mother-Child Welfare Act, the fatherless families may receive protective care at the mother-child protection facilities over a period of three to five years, during which they are provided with livelihood and prepared for their eventual return to society as self-supporting social units. When the families leave the facilities, 1.5 million won (US\$1,875) each is granted for establishing independent households. For those to whom the mother-child facilities are inaccessible for one reason or another, or those whose capacity for independent living is weak after leaving such facilities, there are three mother-child self-support facilities where they are provided with free housing. As of 1992, the number of mother-child protection

facilities was 39 and those receiving care in them 2,697. Since 1992, all fatherless families with incomes under a certain level have become entitled to low-cost and permanent rentals of apartments especially constructed for low-income families. Also, in 1993, the education grant that previously covered up to middle school, was extended to cover up to high school.

<Table 28> Mother-Child Protection Status

(Household, Persons, %)

	1989	1990	1991	1992
Target Housholds	75,889	65,755	58,922	55,772
Target Population	239,272	207,370	184,186	170,561
Households Protected	35,790	35,922	38,888	40,514
(Rate of Protection)	(47.2)	(54.6)	(66.0)	(72.6)

Source: Ministry of Health & Social Affairs, Unpublished data, 1993.

(b) The right to bank loans, mortgages and other forms of financial credit

Bank Loans

187. 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.

188. 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.

189. Under the provisions of the Mother-Child Welfare Act of April 1989, women with children under 18 years of age receive special consideration when taking out loans for small business, children's education and medical care.

(c) The right to participate in recreational activities, sports and all aspects of cultural life.

190. Women are not subject to any discrimination in all aspects of cultural life including sports.

Article 14

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of this Convention to women in rural areas.

191. Policies for rural women have been provided under Article 14-2. The current status of rural women is as follows:

Rural Female Population

192. Rural population has been declining since the 1970s due to the country's urbanization and industrialization policies. During the 1985-1992 period, rural male population decreased by 1,483,000, from 4,246,000 to 2,763,000, and rural female population by 1,331,000, from 4,275,000 to 2,944,000. Continuous decline of rural population, especially among young men, has left rural areas with aged and female population, and accelerated women's participation in the rural economy as mainstream farmers. The female proportion among agricultural workers has increased from 41.7% in 1970 to 43.4% in 1985, and to 50.8% in 1990.

Labour Inputs of the Farm Households

193. The level of work inputs on the part of the farming households has declined from 2,016 hours in 1985 to 1,412 hours in 1992. The female ratio of farm labour inputs stood at 42.8% (as compared to 57.2% of male ratio) in 1985 and at 48.1% (as compared to 51.9% of male ratio) in 1992, showing a marked increase in women's work load.

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right

(a) To participate in the elaboration and implementation of development planning at all levels:

194. Taking into view the increasing work load of rural women, the Government has included in the Sixth Five-Year Economic and Social Development Plan (1987-1991) activities for training them in the use of agricultural machinery. During the Plan period, over 5,000 women received such training each year.

195. The Government has been carrying out projects to cultivate young people as the banner carriers for modern and high-tech based agriculture of the country. Under those projects, many "agricultural successors" received training in agricultural management and technology and, since the Sixth Plan period, an increasing number of women underwent similar training.

(b) To have access to adequate health care facilities, including information, counselling and services in family planning;

(c) To benefit directly from social security programmes:

Health Facilities

196. The Government enacted the Special Law on Medical and Health Services for Farming and Fishing Villages in the 1980s and extended proper medical and health facilities and services to rural areas, including services related to family planning. A large number of public health doctors and related personnel were placed in areas hitherto without their services and funds well provided for newly constructing or expanding the necessary facilities in providing quantities of medical equipment.

197. Under the said Law, approximately 4,000 public health doctors and those on public health scholarships were active in the farming and fishing villages as of 1991 and, in order to facilitate the rural people's access to health services, many new facilities were established at numerous rural localities. In 1992, 2,039 public health personnel were serving at 2,039 rural public health facilities.

198. Public health personnel other than doctors are certified nurses or midwives who received training of up to 24 weeks under the auspices of the Ministry of Health and Social Affairs. They perform preventive health activities and casual medical treatment. The public health workers are mostly women and engage in community affairs, not only to promote health standards but to contribute to the overall community development as well.

199. With the extension of the Medical Insurance scheme to the farming and fishing villages in 1988, medical service demands increased by leaps and, in response, the health facilities of 15 counties were turned into proper hospitals, thus up-grading the counties' capabilities in meeting the areas' medical needs.

(d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;

Illiteracy among Rural Women

200. Data on illiteracy among rural women is unavailable in Korea. General remarks on female illiteracy have been given under Article 10 (e).

Training of Rural Women on Household Science and Technology

201. With rapid changes in the socio-economic and cultural conditions of the Korean society, including the rural society, new roles are expected of women in general and rural women in particular. Accordingly, many training programmes designed to orient the rural women in their emerging roles and to inculcate in them new knowledge and skills needed in the rapidly changing agricultural economy of the country are being carried out under various auspices.

202. Such training consists of four types: leadership training carried out at the national level, special education for women at the provincial level, task oriented training at the city and county levels, and seasonal (winter) training also at the city and county levels. The training contents are related to various aspects of life science, including food preparations, clothing and shelter, home management and labour hygienes, and environment. <Table 29>

203. To carry out the above training activities effectively, household science practice centers were established and made the learning process experiential rather than academic. The centers are furnished with various equipments and facilities needed for learning new technologies and skills and for acquiring proper codes of conduct demanded in the developing social context of the country.

<Table 29> The State of Adult Education Program for Rural Women
(Persons, Million Won)

Classification	No. of trainees	Budgets (\$)	No. of trainees ('93. Plan)
Provincial RDAs	1,379	77,500	1,000
County RGOs	107,041	621,250	99,000
Total	108,420	698,750	100,000

Source: Rural Development Administration, Unpublished Data, 1993.

Note: RDA = Rural Development Administration.

RGO = City/County Rural Guidance Office.

(e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self-employment:

(f) To participate in all community activities:

(g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes:

Women's Guidance Programmes

204. Based on the Prime Ministerial Directive 141 regarding the Women's Guidance Council proclaimed on 8 July 1977, the Government has carried out a series of training programmes with the members of the Saemaetul Women's Clubs as the principal target. The training contents centered around family planning, cultural development, income generation and household economy, improvement of rural life styles and life environment, etc.

205. The Women's Guidance Programmes have been under the management of the Women's Guidance Council headquartered in the Ministry of Health and Social Affairs. Besides the Central Council, there are 15 city and provincial Councils and 276 more Councils in smaller cities, counties and districts. The members of the Councils are public officials in related government posts and other concerned parties in the professional fields. Each Council holds 4 annual meetings to discuss work plans, coordinate with other pertinent organs, recommend cooperative actions among the same and evaluate the results of actions taken.

206. There are about 88,000 village-based Women's Clubs across the country. Each Club provides education on family planning and other health matters, campaigns on wholesome family life and environment protection; guides life styles including in the areas of food intake, clothing, housing and hygiene; promotes cooperation in income generating activities and savings schemes; and develops other joint activities relevant to the interest of their community. The Women's Clubs work closely with concerned local administration, providing necessary inputs for the work of the latter.

Women's Centers

207. Women's Centers have been in operation since the 1970s under the ordinance of local administrations. Their work has been aimed at offering women improved opportunities for self-development, building economic bases among low-income women, and promoting women's welfare in general and their social participation in particular.

208. There were only 36 Women's Centers across the country during 1987-1990, but as in June 1993, 51 Centers were in operation. Local administrations in poor financial conditions receive support from the central government for the construction of Women's Centres.

209. Women's Centers carry out skills training directed toward women's economic empowerment, hobby-building, cultural development and child care. Job skills training include dress-making, beauty care, handicraft, cooking for mass feeding (such as at factories and schools), computer operation, Korean dress-making, furniture design and production, etc. Approximately, 48,000 women receive training yearly. Hobby-building and cultural development courses include flower arrangement, calligraphy, photography, music, sports and gardening. Annually 40,000 women take these courses. Counseling is provided most often in connection with employment and family problems. Run-away women or women requiring protection are also counseled. Annually, approximately 46,000 cases receive attention. Some of the Women's Center services, such as day care and accommodation facilities, are available not only to the trainees but to the local residents as well.

Income Generating Activities

210. With rural women's needs for secondary income rising, many work projects, other than basic farming, suitable for their capabilities have been developed and widely implemented. Supported financially and technically by the government sector, those projects contributed to the household income of the participating women and helped to instill in them a sense of confidence vis-a-vis their roles in the family and the community.

211. The projects gathered momentum in 1990 when they became part of a larger demonstration project under the central government auspices and a subsidy of eight million won (US\$10,000) was granted to five individual projects per year. The local authorities are also actively involved in the projects so that their future prospects are highly optimistic. The Government plans to expand the scope of the projectse by stages in the years ahead. <Table 30>

212. Most project activities are concerned with producing goods with clear local colors such as indigenous crafts, arts and food items, and with processing agricultural raw materials. Their products are popular among urban dwellers so that the project participants easily earn one or two million won (US\$1,250~2,500) per year.

<Table 30> The Status of Non-farm Income Generating Programs for Rural Women

Fund Source	'90 - '92 accomplishment			'93 Plan	
	Number of groups	Partici-pants	Budgets (\$)	Number of groups	Budgets (\$)
RDA	15	221	150,000	6	60,000
Provincial RDAs	144	3,112	718,125	71	735,000
Total	159	3,333	868,125	77	795,000

Source: Rural Development Administration, Unpublished Data, 1993.

(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

Projects to Improve Rural Housing and Environment

213. The projects began in 1983 to change unsanitary and inconvenient rural housing and environment and so reduce rural women's household labour drawing from the farming and fishing village development loans. <Table 31>

<Table 31> The Status of Rural Life Environmet Improvement Projects

Year	Amount of project (\$)	Amount of bank loan (\$)	Amount of bank loan per farmhouse (\$)
'83 - '89	56 (Thousand houses)	15,750,000	250 - 625
'90 - '91	23	34,500,000	1,500
'92	9.5	18,375,000	1,750 - 2,625
'93(plan)	7.5	19,686,000	2,625
Total	96	88,312,000	

Source: Rural Development Administration, Unpublished Data, 1993.

214. Major of the specific housing improvements made were in the traditional kitchens and toilets, which reduced rural women's household labour by 20-40%. Creating clean and sanitray life environment was very close to the hearts of rural housewives and well supported by their spouses.

Article 15

1. States Parties shall accord to women equality with men before the law.

2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.

3. States Parties agree that all contracts, and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.

4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

215. The Constitution stipulates equalizing all citizens' opportunities in political, economic, social, cultural and other aspects of life and ensuring fair improvement of their life conditions. Article 11, Item 1 of the Constitution in particular provides that all citizens are equal before law and are not subject to discrimination in political, economic, social and cultural spheres of life irrespective of gender, religion or social status. These are the fundamental principles for gender equality which have existed ever since the promulgation of the Constitution in 1948. These principles cum constitutional mandates obligate lawmakers and law enforcement agencies alike to uphold human equality in general and gender equality in particular as statutory imperatives and adjudge all laws, regulations and customary mores inconsistent with them as null and void.

216. Equal rights of all citizens to participate in all aspects of life, as guaranteed by Article 11, Item 1 of the Constitution, provides the foundation for realizing basic human rights everywhere and always. The principle of equal rights governs not only the realm of private life of individuals but the spheres of political, economic and cultural endeavours and thus demand human dignity to be upheld and human

value preserved for all time. Most importantly, it implies that women as well as men are the subjects, not objects, in the exercise of equal rights and in the pursuit of social goals consistent with those rights.

Article 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

(a) The same right to enter into marriage;

(b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;

(c) The same rights and responsibilities during marriage and at its dissolution;

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

217. Article 36, Item 1 of the Constitution stipulates that marriage and family life must be entered into and maintained based on individual dignity and gender equality and the State shall do everything in its power to achieve that goal. The Constitution thus explicitly recognizes the equality of men and women in marriage and family life and provides institutional guarantees for individual dignity, freedom to and in marriage, and gender equality.

218. The Family Law enacted in 1958 contained many clauses regarding marriage, divorce and inheritance that violated human dignity and gender equality. As a result of far-reaching revisions of the Law in January 1990, much of the discriminatory elements have been removed and the revised version went into force on 1 January 1991. The major provisions of the revised Family Law was presented under Article 2 (b) of the present report.

Engagement, Marriage and Divorce

219. By law, adult men and women are free to get engaged to be married. Men aged 18 or more and women aged 16 or more can engage to be married without

parental or guardian's consent. Cancellation of engagement can be effected by conveyance of such wish to the other party.

220. With regards to marriage, it is stipulated that men aged 18 or more and women aged 16 or more can marry, but minors can do so with parental consent. Marriages take effect by registering them in accordance with the Family Registration Act.

221. A married couple may decide on the place of residence by mutual agreement, and the spouses hold representation rights for each other in household affairs. Expenses for the couple's life are bearable by both of the parties and may be shared if without specific agreements.

222. Divorce can be effected by couple's mutual consent, and a divorce by consent takes effect upon registration with the Family Court and its affirmation in accordance with the Family Registration Act.

(d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children: in all cases the interests of the children shall be paramount

(e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights:

(f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation: in all cases the interests of the children shall be paramount:

Parental Rights to Children

223. Under the revised Family Law, upon divorce, child-rearing responsibility is determined based on consultation and agreement between the parents and the parent without child-rearing responsibility is granted the right to see the child or children.

224. Previously the Family Law had given the father prior custody rights for children. This was changed in the revised Family Law to grant equal rights to both parents. While in matrimony, both parents are to exercise equal guardianship rights and, in disagreement, the Family Court may intervene at the request of one or both of the spouses. When either of the spouses recognizes a child or children born in his/her extra-marital relationship(s), or when the spouses are divorced, they may jointly decide custody arrangements for children and, in disagreement, the Family Court may intervene at the request of one or both of the parents. The father or the mother holding the custody right may act on behalf of the child or children concerned in courts of law.

Lawful Guardians

225. Persons qualified to be legal guardians are limited to the parents, up-to eight steps removed blood relatives and up-to four steps removed in-laws on either paternal or maternal side. Thus elements of gendre discrimination that existed in

the previous Family Law with regards to the range of relatives qualified for guardianship have been removed.

(g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation:

227. This clause has been reserved from ratification.

(h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

Property Rights

228. The Inheritance and Gift Tax Law as revised in 1990 and again in 1994 substantially raised the level of exemption applicable to the assets and property inherited or received in gifts from the spouse.

229. The revised Family Law stipulates that property agreement entered into prior marriage cannot be changed during marriage and when one of the spouses entrusted with the management of the other's property mismanages, it the latter can request the return of the management right. In case the spouses' joint property is mismanaged, either of them has the right to request division of the property. As for the property under the ownership of either of the spouses from before marriage or that acquired during marriage under the legal title of either of the spouses belong solely to the spouse with the ownership title and their management and disposal are under the discretion of that spouse. Property concerning which prior ownership agreement does not exist may be divided between the spouses.

여성에게 대한 모든 형태의 차별 철폐에 관한 협약

본 협약 당사국은,
국제연합헌장이 기본적 인권, 인권의 존엄과 존중을 보장하고 있음을 인정하고
모든 형태의 차별 철폐를 위하여 노력하고

유엔 여성차별철폐협약 全文(국·영문)

차별을 포함한 어떠한 종류의 차별도 없게 하고 모든 형태의 차별 철폐를 위하여 노력하고
모든 형태의 차별 철폐를 위하여 노력하고

국제인권규약 당사국을 모든 경제적, 사회적, 문화적, 교육적, 직업적 및 기타 분야의
모든 형태의 차별 철폐를 위하여 노력하고

국제연합 및 전문기구의 후원하에 체결된 남녀평등의 협정을 이행하는 데
모든 형태의 차별 철폐를 위하여 노력하고

국제연합 및 전문기구에 의해 체결된 남녀평등의 협정을 이행하는 데
모든 형태의 차별 철폐를 위하여 노력하고

그러나 이러한 노력에도 불구하고 여전히 어떤 형태의 차별이 계속 존속하고
있음을 우려하고

여성에게 대한 차별은 국제법과 모든 인권의 존엄성의 존중원칙에 위배되며, 여성
의 남성과 동등한 조건하에 국가의 정치적, 사회적, 경제적 및 문화적 생활에 참
여하는 데 방해가 되어, 사회와 가정의 번영과 발전을 지연시키고 있다. 모든 국가와
인류에 대한 불사멸 없이 여성의 잠재력과 완전한 개발을 더욱 어렵게 할 수
있다고

공정한 경제와 여성은 건강, 번영, 교육, 훈련 및 직업 기회와 기타의 필요에

1979년 12월 18일 제34차 유엔총회 제38차 회의에서 채택
1981년 1월 3일 제36차 유엔총회 제41차 회의에서 채택
1981년 1월 3일 제36차 유엔총회 제41차 회의에서 채택
1981년 1월 3일 제36차 유엔총회 제41차 회의에서 채택

여성에대한모든형태의차별철폐에관한협약*

본 협약 당사국은,

국제연합헌장이 기본적 인권, 인간의 존엄과 가치 및 남녀평등권에 대한 신뢰를 재확인하고 있음에 유의하고,

세계인권선언은 차별이 허용될 수 없다는 원칙을 확인하고 있으며, 모든 인간은 자유롭게 그리고 존엄과 제반 권리에 있어 평등하게 출생하며 성에 기인한 차별을 포함한 어떠한 종류의 차별도 받지 아니하고 동 선언에 규정된 모든 권리와 자유를 누릴 권리가 있다고 선언하고 있음에 유의하고,

국제인권규약 당사국은 모든 경제적, 사회적, 문화적, 시민적 및 정치적 권리를 향유할 남녀의 평등권을 보장할 의무를 지고 있음에 유의하고,

국제연합 및 전문기구의 후원하에 체결된 남녀권리의 평등을 촉진하는 제 국제협약을 고려하고,

국제연합 및 전문기구에 의해 채택된 남녀권리의 평등을 촉진하는 결의, 선언 및 권고에도 유의하고,

그러나 이러한 제도에도 불구하고 여성에 대한 광범위한 차별이 계속 존재하고 있음을 우려하고,

여성에 대한 차별은 권리평등 및 인간의 존엄성의 존중원칙에 위배되며, 여성이 남성과 동등한 조건하에 국가의 정치적, 사회적, 경제적 및 문화적 생활에 참여하는데 장애가 되며, 사회와 가정의 번영의 증진을 어렵게 하며, 그들 국가와 인류에 대한 봉사여 있어 여성의 잠재력의 완전한 개발을 더욱 어렵게 함을 상기하고,

궁핍한 상황하에서는 식량, 건강, 교육, 훈련 및 취업 기회와 기타의 필요에

* 1984. 12. 27. 유엔사무총장에게 비준서 기탁
1985. 1. 26. 대한민국에 대하여 효력발생(협약제9조와 제16조제1항 중 (다), (라), (바), (사)호는 대한민국에 대한 적용을 유보함)
개정 1991년 3월 15일 조약제1041호(협약 제16조제1항중 (다), (라), (바)호의 유보철폐)

있어 여성이 가장 혜택받기 어려운 점을 우려하고,

형평과 정의에 기초를 둔 신 국제경제질서의 수립이 남녀 평등을 도모하는데 크게 기여할 것임을 확신하고,

인종격리정책, 모든 형태의 인종주의, 인종차별, 식민주의, 신식민주의, 침략, 외국의 점령 및 지배와 국내문제에 대한 간섭 등의 제거가 남성과 여성의 권리의 완전한 향유에 필수적임을 강조하고,

국제 평화와 안전의 강화, 국제긴장의 완화, 국가의 사회적, 경제적 체제에 관계없이 국가간의 상호 협력, 전반적이고 완전한 군비축소, 특히 엄격하고 효과적인 국제적 통제하의 핵군축, 국제관계에 있어서의 정의 평등 및 호혜의 원칙의 확인, 외국의 식민 지배와 외국의 점령하에 있는 인민의 자결권 및 독립권의 실현 그리고 국가주권 및 영토보전에 대한 존중 등이 사회 진보와 발전을 촉진하며 결과적으로 남성과 여성사이의 완전한 평등의 성취에 기여할 것임을 확신하고,

국가의 완전한 발전과 인류의 복지 및 평화를 위해서는 여성이 모든 분야에 남성과 평등한 조건으로 최대한 참여하는 것이 필요함을 확신하고,

현재까지 충분히 인식되지 못하고 있는 가정의 복지와 사회의 발전에 대한 여성의 지대한 공헌, 모성의 사회적 중요성 및 가정과 자녀양육에 있어서의 부모의 역할을 명심하며, 또한 출산에 있어서의 여성의 역할이 차별의 근거가 될 수 없으며, 아동의 양육에는 남성, 여성 및 사회전체가 책임을 분담해야 함을 인식하고,

남성과 여성 사이에 완전한 평등을 달성하기 위하여는 사회와 가정에서의 여성의 역할뿐만 아니라 남성의 전통적 역할에도 변화가 필요함을 인식하고,

여성에 대한 차별의 철폐에 관한 선언에 명시된 제 원칙을 이행하며, 이러한 목적으로 모든 형태 및 양태에 있어서의 차별을 철폐하는 데 필요한 조치를 취할 것을 결의하면서, 다음과 같이 합의하였다.

제 1 부

제 1 조 본 협약의 목적을 위하여 “여성에 대한 차별”이라 함은 정치적, 경제적, 사회적, 문화적, 시민적 또는 기타 분야에 있어서 결혼여부에 관계없이 남녀 동등의 기초 위에서 인권과 기본적 자유를 인식, 향유 또는 행사하는 것을 저해하거나 무효화하는 효과 또는 목적을 가지는 성에 근거한 모든 구별, 배제 또는 제한을 의미한다.

제 2 조 당사국은 여성에 대한 모든 형태의 차별을 규탄하고, 여성에 대한 차별을 철폐하기 위한 정책을 모든 적절한 수단을 통해 지체없이 추진하기로 합의하며, 이러한 목적으로 다음을 약속한다.

(가) 남녀평등의 원칙이 헌법 또는 기타 적절한 입법에 아직 규정되지 않았다면, 이를 구현하며 법 또는 기타 적절한 수단을 통해 동 원칙의 실제적 실현을 확보할 것

(나) 여성에 대한 모든 차별을 금지하는 적절한 입법 및 기타 조치를 채택하고 필요한 경우 제재를 포함시킬 것

(다) 남성과 동등한 기초위에서 여성의 권리에 대한 법적 보호를 확립하며 권한있는 국내법정과 기타 공공기관을 통하여 여성을 여하한 차별행위로부터 효과적으로 보호하도록 확보할 것

(라) 여성에 대한 여하한 차별 행위 또는 관행에 따르는 것을 삼가하며 공공당국과 기관이 동 의무와 부합되게 행동하도록 확보할 것

(마) 여하한 개인, 조직 또는 기업에 의한 여성 차별도 철폐되도록 모든 적절한 조치를 취할 것

(바) 여성에 대한 차별을 구성하는 현행 법률, 규칙, 관습 및 관행을 수정 또는 폐지하도록 입법을 포함한 모든 적절한 조치를 취할 것

(사) 여성에 대한 차별을 구성하는 모든 국내형사법 규정을 폐지할 것

제 3 조 당사국은 여성이 남성과 동등하게 인권과 기본적 자유를 행사하고 향유하는 것을 보장하기 위한 목적으로 모든 분야, 특히 정치적, 사회적, 경제적

및 문화적 분야에서 여성의 완전한 발전 및 진보를 확보해 줄 수 있는 입법을 포함한 모든 적절한 조치를 취하여야 한다.

제 4 조 1. 남성과 여성사이의 사실상의 평등을 촉진할 목적으로 당사국이 채택한 잠정적 특별조치는 본협약에서 정의한 차별로 보지 아니하나, 그 결과 불평등한 또는 별도의 기준이 유지되어서는 결코 아니된다. 기회와 대우의 평등이라는 목적이 달성되었을 때 이러한 조치는 중지되어야 한다.

2. 당사국이 모성을 보호할 목적으로 본 협약에 수록된 제 조치를 포함한 특별조치를 채택하는 것은 차별적인 것으로 보아서는 아니된다.

제 5 조 당사국은 다음을 위하여 모든 적절한 조치를 취하여야 한다.

(가) 일방의 성이 열등 또는 우수하다는 관념 또는 남성과 여성의 고정적 역할에 근거한 편견, 관습 및 기타 모든 관행을 없앨 목적으로, 남성과 여성의 사회적 및 문화적 행동양식을 수정할 것

(나) 사회적 기능의 하나로서의 모성에 대한 적절한 이해와 자녀의 양육과 발전에 있어서 남녀의 공동책임에 대한 인식이 가정교육에 포함되도록 확보하되, 모든 경우에 있어서 자녀의 이익이 최우선적으로 고려되도록 할 것

제 6 조 당사국은 여성에 대한 모든 형태의 인신매매 및 매춘에 의한 착취를 금지하기 위하여 입법을 포함한 모든 적절한 조치를 취하여야 한다.

제 2 부

제 7 조 당사국은 국가의 정치적 및 공적생활에서 여성에 대한 차별을 철폐하기 위하여 모든 적절한 조치를 취하여야 하며, 특히 남성과 동등한 조건으로 다음의 권리를 여성에게 확보하여야 한다.

(가) 모든 선거 및 국민투표에서의 투표권 및 선거에 의해 선출되는 모든 공공기관에의 피선거권

(나) 정부정책의 입안 및 동 정책의 시행에 참여하며 공직에 봉직하여 정부의 모든 직급에서 공공직능을 수행할 권리

(다) 국가의 공적, 정치적 생활과 관련된 비정부 기구 및 단체에 참여할 권리

제 8 조 당사국은 여성이 남성과 동등한 조건으로 또한 아무런 차별없이, 국제적 수준에서 그들 정부를 대표하며 국제기구의 업무에 참여할 기회를 확보하기 위한 모든 적절한 조치를 취하여야 한다.

제 9 조 1. 당사국은 여성이 국적을 취득, 변경 또는 보유함에 있어 남성과 동등한 권리를 부여하여야 한다. 당사국은 특히 외국인과의 결혼 또는 혼인중부에 의한 국적의 변경으로 처의 국적이 자동적으로 변경되거나, 처가 무국적으로 되거나 또는 부의 국적이 처에게 강제되지 아니하도록 확보하여야 한다.

2. 당사국은 자녀의 국적에 관하여 남성과 동등한 권리를 여성에게 부여하여야 한다.

제 3 부

제 10 조 당사국은 교육분야에서 여성에게 남성과 동등한 권리를 확보하기 위하여, 특히 남녀 평등의 기초위에 다음을 확보할 목적으로 여성에 대한 차별을 철폐하기 위한 모든 적절한 조치를 취하여야 한다.

(가) 도시 및 시골의 각종 교육기관에서 취업과 직업 보도, 학문의 혜택 및 학위취득에 있어서의 동등한 조건; 이러한 평등은 취학전교육, 일반교육, 기술교육, 전문교육 및 고등기술 교육에서 뿐만 아니라 모든 형태의 직업훈련에서 확보되어야 함.

(나) 동일한 교과과정, 동일한 시험, 동일 수준의 자격요건을 가진 교수진, 동일한 학교건물 및 장비의 수혜

(다) 모든 수준 및 모든 형태의 교육에 있어서 남성과 여성의 역할에 관한 고정관념을 제거하기 위해 본 목적을 달성하는데 기여할 수 있는 남녀공학 및 기타 형태의 교육을 장려하며, 특히 교과서와 교과과정의 개편 및 교수방법의 개선을 기함

(라) 장학금 기타 연구장려금의 혜택을 받을수 있는 동일한 기회

(마) 성인용 및 문맹자용 교과과정을 포함한 계속교육과정, 특히 교육에 있어

서의 남녀간의 격차를 가능한 한 조속히 감소시키기 위한 교과과정의 혜택을 받을수 있는 동일한 기회

(바) 여학생 중퇴율의 감소 및 일찌기 학업을 포기한 소녀 및 여성을 위한 교과과정의 마련

(사) 스포츠와 체육교육에 적극적으로 참여할 수 있는 동일한 기회

(아) 가족계획에 관한 정보 및 조언을 포함하여 가족의 건강과 복지를 확보하는데 도움을 주는 구체적인 교육정보의 수혜

제11조 1. 당사국은 고용분야에서 남녀 평등의 기초위에 동일한 권리 특히 다음의 권리를 확보할 목적으로 여성에 대한 차별을 철폐하기 위한 모든 적절한 조치를 취하여야 한다.

(가) 모든 인간의 불가양의 권리로서의 근로의 권리

(나) 동일한 채용기준의 적용을 포함한 동일한 고용기회를 보장받을 권리

(다) 직업과 고용의 자유로운 선택권, 승진, 직장안정 및 역무에 관련된 모든 혜택과 조건을 누릴 권리, 그리고 견습, 고등직업 훈련 및 반복훈련을 포함한 직업훈련 및 재훈련을 받을 권리

(라) 수당을 포함하여 동등한 보수를 받을 권리 및 노동의 질의 평가에 있어 동등한 처우와 동등한 가치의 노동에 대한 동등한 처우를 받을 권리

(마) 유급휴가를 받을 권리 및 사회보장, 특히 퇴직, 실업, 질병, 병약, 노령 및 기타 노동 무능력의 경우에 사회보장에 대한 권리

(바) 건강보호에 대한 권리 및 생식기능의 보호조치를 포함한 노동조건외 안전에 대한 권리

2. 당사국은 결혼 또는 모성을 이유로 한 여성에 대한 차별을 방지하며 여성의 근로에 대한 유효한 권리를 확보하기 위하여 다음을 위한 적절한 조치를 취하여야 한다.

(가) 임신 또는 출산휴가를 이유로 한 해고 및 혼인여부를 근거로 한 해고에 있어서의 차별을 금지하고, 위반시 제재를 가하도록 하는 것

(나) 종전의 직업, 선임순위 또는 사회보장 수당을 상실함이 없이 유급 또

는 이에 상당하는 사회보장급부를 포함하는 출산휴가제를 도입하는 것

(다) 특히 아동보육 시설망의 확립과 발전의 촉진을 통하여, 부모가 직장에서 책임 및 사회생활에의 참여를 가사의 의무와 병행시키는데 도움이 될 필요한 사회보장 혜택의 제공을 장려하는 것

(라) 임신중의 여성에게 유해한 것이 증명된 유형의 작업에는 동 여성에 대한 특별한 보호를 제공하는 것

3. 본조에 취급된 문제와 관련한 보호적 입법은 과학적 및 기술적 지식에 비추어 정기적으로 검토되어야 하며, 필요하다면 개정, 폐기 또는 연장되어야 한다.

제12조 1. 당사국은 남녀 평등의 기초위에 가족계획에 관련된 것을 포함한 보건사업의 혜택을 확보하기 위하여 보건분야에서의 여성에 대한 차별을 철폐하기 위한 모든 적절한 조치를 취하여야 한다.

2. 본조 제1항의 규정에도 불구하고, 당사국은 여성에 대해 임신 및 수유기 동안의 적절한 영양 섭취를 확보하고 임신, 해산 및 산후조리기간과 관련하여 적절한 역무제공을 확보하여야 하며, 필요한 경우에는 무상으로 이를 제공하여야 한다.

제13조 당사국은 경제적, 사회적 생활의 다른 영역에 있어 남녀 평등의 기초위에 동일한 권리, 특히 다음의 권리를 확보할 목적으로 여성에 대한 차별을 철폐하기 위한 모든 적절한 조치를 취하여야 한다.

(가) 가족급부금에 대한 권리

(나) 은행대부, 저당 및 기타 형태의 금융대부에 대한 권리

(다) 레크레이션 활동, 체육과 각종 문화생활에 참여할 권리

제14조 1. 당사국은 시골여성이 직면하고 있는 특수한 문제와 화폐로 표시되지 않는 경제 부문에서의 노동을 포함하여 시골여성이 가족의 경제적 생존을 위하여 수행하는 중요한 역할을 고려하여야 하며, 시골여성에게 본 협약의 제 조항의 적용을 확보하도록 모든 적절한 조치를 취하여야 한다.

2. 당사국은 남녀 평등의 기초위에 시골여성이 지역개발에 참여하며 그 개발

에 따른 이익을 향유할 수 있도록 보장하기 위하여 시골여성에 대한 차별을 철폐하기 위한 모든 적절한 조치를 취하여야 하며, 특히 시골여성에 대하여 다음의 권리를 확보하여야 한다.

- (가) 모든 수준에서 개발계획의 작성 및 실시에 참여하는 것
- (나) 가족계획에 대한 정보, 상담 및 서비스를 포함한 적절한 보건시설의 혜택을 받는 것
- (다) 사회보장 계획으로부터 직접적인 혜택을 받는 것
- (라) 기술적 능력을 향상시키기 위하여 기능적 문자 해독능력에 관한 것을 포함한 모든 형태의 공식, 비공식 훈련 및 교육과, 특히 지역사회교육 및 특별교육의 혜택을 받는 것
- (마) 취업 또는 자가경영을 통한 경제적 기회에 있어 평등한 혜택을 받을 수 있도록 자조집단 및 협동조합을 결성하는 것
- (바) 모든 지역사회활동에 참여하는 것
- (사) 농업신용 및 대부, 매매시설, 적절한 공업기술의 혜택을 받으며, 토지 및 농지개혁과 재정착계획에 있어 동등한 대우를 받는 것
- (아) 적절한 생활조건, 특히 주거, 위생시설, 전력 및 용수 공급, 운송 및 통신등과 관련한 생활조건을 향유하는 것

제 4 부

- 제15조 1. 당사국은 여성에 대하여 법앞에서의 남성과의 평등을 부여하여야 한다.
2. 당사국은 민사문제에 있어서, 여성에게 남성과 동등한 법적능력 및 동능력을 행사할 동일한 기회를 부여하여야 한다. 특히, 당사국은 계약을 체결하고 재산을 관리할 동등권을 여성에게 부여하여야 하며 법원과 법정의 절차상 모든 단계에서 여성을 동등히 취급하여야 한다.
3. 당사국은 여성의 법적 능력을 제한하는 법적 효과를 가지는 모든 계약과 기타 모든 종류의 사적문서를 무효로 간주하는데 동의한다.

4. 당사국은 사람의 이전에 관한 법과 그들의 주거 및 주소 선택의 자유와 관련하여 남성과 여성에게 동일한 권리를 부여하여야 한다.

제16조 1. 당사국은 혼인과 가족관계에 관한 모든 문제에 있어 여성에 대한 차별을 철폐하기 위한 모든 적절한 조치를 취하여야 하며, 특히 남녀 평등의 기초위에 다음을 보장하여야 한다.

- (가) 혼인을 할 동일한 권리
 - (나) 자유로이 배우자를 선택하고 상호간의 자유롭고 완전한 동의에 의해서만 혼인을 할 동일한 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 국내법제상 존재하는 개념중에 유사한 제도와 관련하여 동일한 권리와 책임: 모든 경우에 있어서 아동의 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 양 배우자의 동일한 권리
2. 아동의 약혼과 혼인은 아무런 법적 효과가 없으며, 혼인을 위한 최저 연령을 정하고 공공등기소에 혼인등록을 의무화하기 위하여 입법을 포함한 모든 필요한 조치를 취하여야 한다.

제 5 부

- 제17조 1. 본 협약의 이행상 행하여진 진전을 심의할 목적으로 여성에 대한 차별철폐위원회(이하 위원회라 함)를 설치하며, 위원회는 협약의 발효시에는 18인, 그리고 35번째 당사국이 비준 또는 가입한 후에는 23인의 본협약의 규율분야에서 높은 도덕적 명성과 능력을 갖춘 전문가로서 구성한다. 동 전문가는 당사국에 의해 그들의 국민중에서 선출되어 개인 자격으로 봉사하여야 하며, 선출에 있어서는 공평한 지리적 배분과 주요 법체계 및 상이한 문명형태가 대표될 수 있도록 고려되어야 한다.
2. 위원회의 구성원은 당사국에 의해 지명된 자의 명부중에서 비밀투표로 선출한다. 각 당사국은 그 국민중에서 1인을 지명할 수 있다.
3. 최초선거는 본 협약의 발효일로부터 6개월 후에 행한다. 국제연합 사무총장은 최소한 각 선거 3개월이전에 당사국에 서한을 발송하여 2개월 이내에 그들의 지명자를 제출해 줄 것을 요청하여야 한다. 사무총장은 이렇게 지명된 전원의 명단을 알파벳 순으로, 그들을 지명한 당사국을 명시하여, 작성하여 당사국에 송부하여야 한다.
4. 위원회 구성원의 선거는 사무총장에 의해 소집되어 국제연합본부에서 열리는 당사국 회의에서 행한다. 당사국의 3분의 2가 정족수를 구성하는 동 회의에서 참석 및 투표한 당사국 대표의 최 다수표 및 절대 다수표를 획득한 피 지명자가 위원회 구성원으로 선출된다.
5. 위원회의 구성원은 4년 임기로 선출된다. 그러나 최초선거에서 선출된 구성원중 9인의 임기는 2년으로 만료되며 최초선거후 즉시 동9인 구성원의 명단을 위원회 의장이 추천으로 선정한다.
6. 위원회의 추가 구성원 5인의 선거는 35번째 비준 또는 가입후 본조 제2항, 제3항 및 제4항의 규정에 따라 행한다. 동기회에 선출된 추가 구성원중 위원회 의장이 추천으로 선정한 2인의 임기는 2년으로 만료된다.
7. 불시의 공석을 보충하기 위하여, 자국의 전문가가 위원회 구성원으로서의

기능을 종료한 당사국은 위원회의 승인을 조건으로 그 국민중에서 다른 전문가를 임명하여야 한다.

8. 위원회 구성원은, 위원회 책무의 중요성을 고려하여 총회가 승인하고 결정하는 조건에 따라 국제연합 재원으로부터 보수를 받는다.
9. 국제연합 사무총장은 본 협약에 따른 위원회 임무의 효율적 수행을 위하여 필요한 직원 및 시설을 제공한다.

제18조 1. 당사국은 그들이 본 협약의 규정을 실시하기 위하여 채택한 입법, 사법, 행정 또는 기타 조치와 이와 관련하여 이루어진 진전에 대한 보고서를 위원회가 심의하도록 국제연합 사무총장에게 제출할 의무를 진다.

즉,

(가) 관계국에 대하여 발효한 후 1년 이내에 제출하며

(나) 그 이후에는 최소한 매 4년마다 제출하며 위원회가 요구하는 때는 언제든지 제출한다.

2. 보고서에는 본 협약상 의무의 이행정도에 영향을 주는 요인 및 애로점을 지적할 수 있다.

제19조 1. 위원회는 자체의 의사규칙을 채택하여야 한다.

2. 위원회는 2년 임기의 자체직원을 선출하여야 한다.

제20조 1. 위원회는 본 협약 제18조에 따라 제출되는 보고서를 심의하기 위하여 매년 2주를 넘지 않는 기간동안 정규로 회합한다.

2. 위원회 회의는 국제연합본부 또는 위원회가 정하는 다른 편리한 장소에서 정규로 개최된다.

제21조 1. 위원회는 경제사회이사회를 통하여 그 활동에 관한 보고서를 매년 국제연합총회에 제출하며, 당사국으로부터 접수한 보고서 및 정보에 대한 심사를 기초로 하여 제안 및 일반적 권고를 할 수 있다. 동 제안 및 일반적 권고는 당사국으로부터의 논평이 있는 경우 이와 함께 위원회의 보고서에 수록하여야 한다.

2. 사무총장은 위원회의 보고서를 참고용으로 여성지위위원회에 송부하여야 한다.

제22조 전문기구는 본 협약 규정중 그 활동 범위에 속하는 규정의 시행에 대한 심의에 참가할 권한이 있다. 위원회는 전문기구에 그 활동범위에 속하는 분야에서서의 협약의 시행에 관한 보고서를 제출하도록 권유할 수 있다.

제 6 부

제23조 본 협약상 어떠한 것도 아래에 포함될 수 있는 남녀평등의 달성에 더욱 이바지하는 규정에 영향을 미치지 아니한다.

(가) 당사국의 법령, 또는

(나) 동국에 대하여 발효중인 여하한 기타 국제 협약, 조약 또는 협정

제24조 당사국은 본 협약상 인정된 권리의 완전한 실현을 달성할 목적으로 국가적 수준에서 모든 필요한 조치를 취할 의무를 진다.

제25조 1. 본 협약은 모든 국가의 서명을 위하여 개방된다.

2. 국제연합 사무총장은 본 협약의 수락자로 지정된다.

3. 본 협약은 비준되어야 한다. 비준서는 국제연합 사무총장에게 기탁되어야 한다.

4. 본 협약은 모든 국가의 가입을 위하여 개방된다. 가입은 국제연합 사무총장에게 가입서를 기탁함으로써 이루어진다.

제26조 1. 본 협약의 개정요구는 국제연합 사무총장에 대한 서면통고의 방법으로 당사국이 언제든지 행할 수 있다.

2. 국제연합총회는 동 요구가 있으면 이에 대하여 취할 조치를 결정한다.

제27조 1. 본 협약은 국제연합 사무총장에게 20번째의 비준서 또는 가입서가 기탁된 날로부터 30일후에 발효한다.

2. 본 협약은 20번째의 비준서 또는 가입서가 기탁된 후에 본 협약을 비준하거나 가입한 각 국가에 대하여는 비준서 또는 가입서가 기탁된 날로부터 30일 후에 발효한다.

제28조 1. 국제연합 사무총장은 비준 또는 가입시에 각국이 행한 유보문을 접수하고 이를 모든 국가에 회람시켜야 한다.

2. 본 협약의 대상 및 목적과 양립하지 아니하는 유보는 허용되지 아니한다.

3. 유보는 국제연합 사무총장에 대한 통고로서 언제든지 철회할 수 있으며, 사무총장은 이를 모든 국가에 회람시켜야 한다. 그러한 통고는 접수된 날에 발효한다.

제29조 1. 본 협약의 해석 또는 적용에 관한 둘 또는 그 이상 당사국간의 분쟁이 직접 교섭에 의해 해결되지 아니하는 경우 그들 중 하나의 요구가 있으면 중재재판에 회부되어야 한다. 중재재판 요구일로부터 6개월 이내 당사국이 중재재판 구성에 합의하지 못하면 동 당사국중 일방은 국제사법재판소 규정에 부합하는 요청에 의해 동 분쟁을 국제사법재판소에 회부할 수 있다.

2. 각 당사국은 이 협약의 서명, 비준 또는 가입시에 동국이 본조 제1항에 기속되는 것으로 보지 않는다고 선언할 수 있다. 타당사국은 그러한 유보를 행한 당사국에 대하여는 전항에 기속되지 아니한다.

3. 본조 제2항에 따라 유보를 행한 당사국은 국제연합 사무총장에 대한 통고로서 언제든지 동 유보를 철회할 수 있다.

제30조 본 협약은, 아랍어, 중국어, 영어, 불어, 노어 및 서반아어본이 동등히 정본이며, 국제연합 사무총장에게 기탁된다.

이상의 증거로, 정당히 권한이 주어진 하기 서명자는 본 협약에 서명하였다.

Convention on the Elimination of All Forms of Discrimination against Women

The States Parties to the present Convention,

Noting that the Charter of the United Nations reaffirms faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women,

Noting that the Universal Declaration of Human Rights affirms the principle of the inadmissibility of discrimination and proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, including distinction based on sex,

Noting that the States Parties to the International Covenants on Human Rights have the obligation to ensure the equal right of men and women to enjoy all economic, social, cultural, civil and political rights,

Considering the international conventions concluded under the auspices of the United Nations and the specialized agencies promoting equality of rights of men and women,

Noting also the resolutions, declarations and recommendations adopted by the United Nations and the specialized agencies promoting equality of rights of men and women,

Concerned, however, that despite these various instruments extensive

discrimination against women continues to exist,

Recalling that discrimination against women violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries, hampers the growth of the prosperity of society and the family and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity,

Concerned that in situations of poverty women have the least access to food, health, education, training and opportunities for employment and other needs,

Convinced that the establishment of the new international economic order based on equity and justice will contribute significantly towards the promotion of equality between men and women,

Emphasizing that the eradication of apartheid, of all forms of racism, racial discrimination, colonialism, neocolonialism, aggression, foreign occupation and domination and interference in the internal affairs of States is essential to the full enjoyment of the rights of men and women,

Affirming that the strengthening of international peace and security, relaxation of international tension, mutual cooperation among all States irrespective of their social and economic systems, general and complete disarmament, and in particular nuclear disarmament under strict and effective international control, the affirmation of the principles of justice, equality and mutual benefit in relations among countries and the realization of the right

of peoples under alien and colonial domination and foreign occupation to self-determination and independence, as well as respect for national sovereignty and territorial integrity, will promote social progress and development and as a consequence will contribute to the attainment of full equality between men and women,

Convinced that the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields,

Bearing in mind the great contribution of women to the welfare of the family and to the development of society, so far not fully recognized, the social significance of maternity and the role of both parents in the family and in the upbringing of children, and aware that the role of women in procreation should not be a basis for discrimination but that the upbringing of children requires a sharing of responsibility between men and women and society as a whole,

Aware that a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality between men and women,

Determined to implement the principles set forth in the Declaration on the Elimination of Discrimination against Women and, for that purpose, to adopt the measures required for the elimination of such discrimination in all its forms and manifestations,

Have agreed on the following :

PART I

Article 1

For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

Article 2

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake :

(a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle ;

(b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women ;

(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination ;

(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall

act in conformity with this obligation ;

(e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise ;

(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women ;

(g) To repeal all national penal provisions which constitute discrimination against women.

Article 3

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

Article 4

1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards ; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity

shall not be considered discriminatory.

Article 5

States Parties shall take all appropriate measures :

(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women ;

(b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

Article 6

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

PART II

Article 7

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right :

(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies ;

(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government ;

(c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

Article 8

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

Article 9

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.

2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

PART III

Article 10

States Parties shall take all appropriate measures to eliminate discrimina-

tion against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women :

(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas ; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training ;

(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality ;

(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods ;

(d) The same opportunities to benefit from scholarships and other study grants ;

(e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women ;

(f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely ;

(g) The same opportunities to participate actively in sports and physical education;

(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

Article 11

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to work as an inalienable right of all human beings;

(b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;

(c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;

(d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;

(e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;

(f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures;

(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;

(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;

(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;

(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

Article 12

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.

2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connexion with preg-

nancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

Article 13

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- (a) The right to family benefits;
- (b) The right to bank loans, mortgages and other forms of financial credit;
- (c) The right to participate in recreational activities, sports and all aspects of cultural life.

Article 14

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of this Convention to women in rural areas.

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right;

(a) To participate in the elaboration and implementation of development planning at all levels;

(b) To have access to adequate health care facilities, including information, counselling and services in family planning;

(c) To benefit directly from social security programmes;

(d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, *inter alia*, the benefit of all community and extension services, in order to increase their technical proficiency;

(e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self-employment;

(f) To participate in all community activities;

(g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;

(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

PART IV

Article 15

1. States Parties shall accord to women equality with men before the law.

2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts

and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.

3. States Parties agree that all contracts, and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.

4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

Article 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women :

(a) The same right to enter into marriage ;

(b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent ;

(c) The same rights and responsibilities during marriage and at its dissolution ;

(d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children ; in all cases the interests of the children shall be paramount ;

(e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights ;

(f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation ; in all cases the interests of the children shall be paramount ;

(g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation ;

(h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

PART V

Article 17

1. For the purpose of considering the progress made in the implementation of the present Convention, there shall be established a Committee on the Elimination of Discrimination against Women (hereinafter referred to as the Committee) consisting, at the time of entry into force of the Convention, of eighteen and, after ratification of or accession to the Convention by the thirty-fifth State Party, of twenty-three experts of high moral standing and competence in the field covered by the Convention. The experts shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical

distribution and to the representation of the different forms of civilization as well as the principal legal systems.

2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.

3. The initial election shall be held six months after the date of the entry into force of the present Convention. At least three months before the date of each election the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.

4. Elections of the members of the Committee shall be held at a meeting of States Parties convened by the Secretary-General at United Nations Headquarters. At that meeting, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

5. The members of the Committee shall be elected for a term of four years. However, the terms of nine of the members elected at the first election shall expire at the end of two years ; immediately after the first election the names of these nine members shall be chosen by lot by the Chairman of the Committee.

6. The election of the five additional members of the Committee shall be held in accordance with the provisions of paragraphs 2, 3 and 4 of this article following the thirty-fifth ratification or accession. The terms of two of the additional members elected on this occasion shall expire at the end of two years, the names of these two members having been chosen by lot by the Chairman of the Committee.

7. For the filling of casual vacancies, the State Party whose expert has ceased to function as a member of the Committee shall appoint another expert from among its nationals, subject to the approval of the Committee.

8. The members of the Committee shall, with the approval of the General Assembly, receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide, having regard to the importance of the Committee's responsibilities.

9. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

Article 18

1. States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the present Convention and on the progress made in this respect :

(a) Within one year after the entry into force for the State concerned ; and

(b) Thereafter at least every four years and further whenever the Committee so requests.

2. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Convention.

Article 19

1. The Committee shall adopt its rules of procedure.
2. The Committee shall elect its officers for a term of two years.

Article 20

1. The Committee shall normally meet for a period of not more than two weeks annually in order to consider the reports submitted in accordance with article 18 of the present Convention.
2. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee.

Article 21

1. The Committee shall, through the Economic and Social Council, report annually to the General Assembly of the United Nations on its activities and may make suggestions and general recommendations based on the examination of reports and information received from the States Parties. Such suggestions and general recommendations shall be included in the report of the Committee together with comments, if any, from States Parties.
2. The Secretary-General shall transmit the reports of the Committee to

the Commission on the Status of Women for its information.

Article 22

The specialized agencies shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their activities. The Committee may invite the specialized agencies to submit reports on the implementation of the Convention in areas falling within the scope of their activities.

PART VI

Article 23

Nothing in this Convention shall affect any provisions that are more conducive to the achievement of equality between men and women which may be contained :

- (a) In the legislation of a State Party ; or
- (b) In any other international convention, treaty or agreement in force for that State.

Article 24

States Parties undertake to adopt all necessary measures at the national level aimed at achieving the full realization of the rights recognized in the present Convention.

Article 25

1. The present Convention shall be open for signature by all States.

2. The Secretary-General of the United Nations is designated as the depositary of the present Convention.

3. The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

4. The present Convention shall be open to accession by all States. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 26

1. A request for the revision of the present Convention may be made at any time by any State Party by means of a notification in writing addressed to the Secretary-General of the United Nations.

2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such a request.

Article 27

1. The present Convention shall enter into force on the thirtieth day after the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.

2. For each State ratifying the present Convention or acceding to it after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or accession.

Article 28

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.

2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.

3. Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary-General of the United Nations, who shall then inform all States thereof. Such notification shall take effect on the date on which it is received.

Article 29

1. Any dispute between two or more States Parties concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

2. Each State Party may at the time of signature or ratification of this Convention or accession thereto declare that it does not consider itself bound by paragraph 1 of this article. The other States Parties shall not be bound by that paragraph with respect to any State Party which has made such a reservation.

3. Any State Party which has made a reservation in accordance with paragraph 2 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

Article 30

The present Convention, the Arabic, Chinese, English, French, Russian and Spanish texts of which are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned, duly authorized, have signed the present Convention.