

programs for social education of women, and the operation of private institutes for women's education. Financial resources should also be allocated for the training of teachers and textbook development on sex education. In addition, budget should be prepared to expand the school lunch program to secondary schools. The government has pledged 100 percent of high schools would have the school lunch program by 1999. The pledge must be realized.

4. Political Participation of Women

■ Article 4 : Acceleration of Equality between Men and Women : 1

■ Article 7 : Political and Public Life : b

Reforms of election system is crucial to expand women's political participation. The number of elected metropolitan-level councillors should be reduce to the half, while the proportional councillors should be increased 50 percent and 30 percent of the seats should be allotted to women.

■ Article 3 : Development and Advancement of Women

The Ministry of Political Affairs II has been a marginalized organization in the cabinet, due to its insufficient financial and human resources. To be an effective government machinery responsible for women's policies, it should have strengthened mandates and policy coordination authority and sufficient human and financial resources.

The newly formed Special Committee on Women, however, is not reflecting the demands of women's groups for adequate power and resources. Considering the nature of women's policies, the Special Committee should be involved in all government policies that affect women's lives.

The Committee should be mandated to exercise coordination, cooperation, and supervision over women's policies by the central and local administrations, instead of simple planning and coordination functions. But the chair of the Committee with the minister's status do not have a voting right in the cabinet meeting, while the Committee is mostly composed of non-standing members.

The Special Committee on Women does neither have the quasi-judicial authority to conduct inspections and to enforce penalties and correction orders in cases of the infringement of women's rights, nor the quasi-legislative authority to enact special ordinances and regulations. The Special Committee on Women should further be mandated to initiate guidance and supervision over government machineries and local administrations pertinent to women's policies.

5. Gender Equality in Education

■ Article 2 : Education : c

For the expansion of gender equality education, it is instrumental to increase

women's participation in education curricula development and authorization process up to 30 percent. In addition, textbook review guidelines must be formulated to evaluate the gender perspective of the textbooks and curricula. These guidelines should be utilized in endorsing authorization to the national textbooks.

6. Women Farmers

■ Article 14 : Rural Women

Despite their long working hours for agricultural production, they are perceived as full-time housewives rather than agricultural workers. This makes them difficult to be entitled with appropriate social status as agricultural producers. Their participation in production organizations, such as agricultural, fishery and stockbreeders' cooperatives is limited. Thus there must be policies for women farmers, who account for the half of agricultural production in Korea, to recognize and support them as a major force of agricultural production.

Main Body

1. Women's Employment

■ Article 1 : Definition of Discrimination against Women

1-1. Narrowly defined discrimination against women in the Equal Employment Law

The Article 2-2 of the Equal Employment Law, enacted in 1989, stipulates "discrimination refers to unfair measures on the part of the employer with regards to personnel recruitment and working conditions on the basis of gender, marital status, familial status, or pregnancy." Since the enactment of this Act, however, employees have adopted a new placement and employment system, not punishable under the present Act, in order to divide men and women in their jobs and wages.

For example, a newly introduced placement system has several separate promotion courses with different wages, promotion opportunities and career management. This system places women employees to the lowest course, thus limiting women's chance for better wages and promotion. Moreover, though casual employment itself may not be discrimination against women, it can be definite discrimination when most women are employed as casual workers, and this results in a serious deterioration of their working conditions.

The fundamental aims of the Equal Employment Law is not only to provide equal opportunities but to realize actual equality between men and women in employment. Therefore, indirect discrimination, which results in actual discrimination against women, must also be regulated by the Law. It is an international trend to define discrimination not only as direct discrimination, but also as any act that results in the discrimination against workers of a specific sex. But the Korean government is not regulating such indirect discrimination against women. Though this has continuously been pointed out by women's NGOs, the government has not been incorporating such demands in formulating economic deregulation policies.

Therefore, a new clause should be included in the Article 2-2 of the Equal Employment Law, stipulating "discrimination also refers to any regulation or measure on the part of the employer to adopt a placement or employment system which results in the disadvantage of workers of certain gender."

■ Article 2 : Obligations to Eliminate Discrimination : b, f

1-2. Women's status in the Labor Standards Act

The current Act is applicable to only workers employed in companies with five or more employees. 62.7 percent of working women are employed in business with less than five workers, thus excluded from the benefits not only of the Labor Standards Act, but also of the Equal Employment Law, the Industrial Accident Insurance Act and the Employment Insurance Act.

Women's organizations and trade unions have demanded that the Labor Standards Act should be applied to the companies with less than five employees. And as a result of their work, the Enforcement Ordinance of the Act was revised in February 1998, and from January 1999, workers in small business will also be covered by the Act.

However, not all the provisions of the Act will be applied from the beginning, showing the limitation of the government's will. For example, provisions on industrial accident and remedies are discussed to be applied from 2001, while the provisions on lump-sum retirement benefits, working hours, paid leaves, and maternity protection are to be applicable from 2001.

1-3. Women's status in the Equal Employment Law

The Equal employment Law was first enacted in 1989, and went through revisions in April 1989 and August 1995, respectively. The most serious weakness of the present Law is the lack of provisions to impose sanctions against and prevent indirect discrimination and sexual harassment at workplace.

Since 1994, women's organizations and trade unions have formed a joint committee, urging and sending petitions to the government to include a provision on indirect discrimination and sexual harassment. Such appeals, however, were not reflected in the second revision of the Law.

Some of the demands from women's groups though were included in the revision, such as the prohibition of qualification criteria in personnel recruitment (such as appearance, height, weight and other physical characteristics) irrelevant to job performance, the inclusion of men workers to be eligible for parental leave, and the prohibition of discrimination in welfare opportunities, such as housing grants.

Building the basis for the maternity cost social sharing system and linking the punishment of violations of the Labor Standards Act and the Equal Employment Law were not incorporated in the second revision.

1-4. Ratification of international conventions

In 1991, Korea joined the International Labor Organization and in 1996 was elected to its governing board. The Korean government, however, has not ratified most important parts of the ILO Convention, pertinent to women's issues. Korea has signed the ILO Convention on Gender Equal Remuneration (No. 100) which is about equal pay for equal work of men and women. But, No. 45(women's employment in mines), No.

111(discrimination against women in employment and placement), No. 103(night labor of women in the industrial sector), No. 156(equal opportunity and treatment to workers with family responsibilities), No. 171(night labor), No. 175(part-time labor), and No. 177(labor in domestic industry) are remaining unsigned.

The first Basic Plan for the Welfare of Working Women was announced to legislate an act on the protection of domestic workers in 1996, and to ratify No. 45 in 1995, and No. 89 in 1997. In the second Basic Plan for the Welfare of Working Women, the attitude of the government was changed, stating that further ratification of the Conventions and revisions of the domestic laws or formulation of urgent measures would carefully be considered. This clearly indicates the reluctance of the Korean government to fully ratify international conventions.

■ Article 2 : Obligations to Eliminate Discrimination : c

1-5. Strengthening the mandate of the Equal Employment Committee

Equal Employment Committees were organized in local labor offices of six major cities, in accordance with the Equal Employment Law, but without much functioning. This is because any party involved in a gender discrimination conflict can reject the arbitration proposals made by the Equal Employment Committee. Thus, it is instrumental to strengthen the authority of the Committee up to a quasi-judicial body to initiate independent investigation and to enforce correction measures.

1-6. Introduction of an equal employment inspector system

In 1990, each labor inspector was allocated with 443 companies. In such circumstances, inspections in the companies with less than 300 workers often become perfunctory, while inspections in the companies with less than 50 workers are rarely carried out. Such workload is not only technically impossible for the labor inspectors to carry out, but also they possess little awareness and knowledge on equal employment matters. True, nominal discrimination against women workers has been reduced, but indirect discrimination is on a rise. Women's organizations have long advocated the introduction of an equal employment inspector system for effective implementation of related laws, but with no success.

■ Article 4 : Acceleration of Equality between Men and Women : 1,2

1-7. Women's advance in public offices

The Globalization Committee has set the Ten Policy Priorities to enhance social participation of Korean women, and included a female public employee target system

and a public sector female employment incentive system. The two were implemented as the first special interim measures undertaken by the Korean government.

The female public employee target system is to set the ratio of women to be recruited into the public sector(the 5th level of administrative and foreign affairs personnel, and the 7th level of administrative and public security personnel) each year. The target female ratios are set to 10 percent in 1996, 13 percent in 1997, 15 percent in 1998, 18 percent in 1999, and to 20 percent in 2000.

In reality, however, only 2 women passed the public administration examinations in 1996 and 4 women in 1997. In case of the foreign affairs examinations, 1 woman was passed in 1996. In 1996 16 women passed the 7th level of public employee examination, while it was reduced to 14 in 1997. This is far from the anticipated results of introducing the target system. Such disappointing records are attributable to the low target ratio and the narrow application of the target system. Since there is not much difference in the target ratio and the ratio of women who actually pass the examinations, the target ratio should be upward adjusted.

Besides, the public sector female employment incentive system is not a genuine affirmative action for women to enhance their advancement in the public sector, as it is a counter measure to the additional points given to men who have finished their military service. Moreover, the system is applicable to only 14.2 percent of 106 government invested institutions, while local public institutions are excluded from this application.

Therefore, the incentive system should be extended to all public institutions and public corporations, and follow-up measures to provide support to these institutions and corporations must be accompanied. In addition, the target ratio system and the incentive system must be utilized as one of the criteria of management assessment in the public corporations.

■ Article 11 : Employment : 1 - a, b, c, d, e, f

1-8. The premises of the governmental labor policy : the division of labor based on gender and labor market flexibility

The Korean government initiated a number of women's policies, such as the enactment of the Equal employment Law in 1987, the First Basic Plan for the Welfare of Working Women in 1994, the Ten Policy Priorities for the Advancement of Korean Women, the legislation of the Basic Law for the Advancement of Women in 1996, and the Second Basic Plan for the Welfare of Working Women in 1998.

All these accomplishments have reflected the demands from women's organizations for equal employment, maternity protection, and increased women's participation in economic activities. However, these policies are not without problems. First of all, these policies are based on the social customs and practices that divide the role of men(to work socially) and women(to take care of domestic labor and childrearing).

In addition, with the flexible labor market drive, women workers are more and more becoming part-time, interim contract, and casual workers, thus being marginalized labor force. While there are few follow-up measures to ensure the actual realization of equal employment and maternity protection, the government is rather taking deregulation policies in the labor standards that protect the rights working women. Thus women workers have perfunctory equality, but their maternity rights are not protected.

1-9. Increasing casualization of women workers

With the labor market flexibility drive by the government and business, women workers are faced with serious job insecurity and social marginalization. In 1997, 47.2 percent of working women were substitute, part-time, interim contract, and casual workers. This reflects the overall labor strategy of the employee to reduce wage costs, to facilitate labor control and to weaken organized labor.

The ratio of full-time workers in the female working population employed in companies with more than 10 workers is in a rapid decline; 35.3 percent in 1987, 30.6 percent in 1992, 29.7 percent in 1995, and 29 percent in 1996. If we look at the ratio of female casual labor force across industrial sector, it accounts for 50 percent in manufacturing, accommodation, finance, insurance, and service. It reaches almost 80 percent in health and social welfare sector. Though they work the same hours on the same job, they are discriminated in their wages and welfare benefits. The employer can always fire them in case of pregnancy or child delivery. And they are the first to be laid off in economic difficulties.

The government should strengthen inspections into such workplaces to secure the working conditions of female casual workers. Women's organizations have asked the government to introduce penalties in case of employing casual workers for the job requiring the same work of a full-time employee, but with no success.

Since the Korean economy fell under the IMF system, dismissals and substitute labor system have been institutionalized with the pressure from the international financial capital. Insecurity among women workers is on the rise as they are the first to be dismissed and to be transferred to part-time status. Moreover, as the substitute labor system is to be introduced to the jobs of computer assistants, educational instructors, secretary, typists, kindergarten teachers, and nursing assistants, which are the jobs women mostly hold, their insecurity will be even more serious.

1-10. The problems of part-time work

In Korea there is no working system which you set the working hours according to your specific conditions. The government and the employers have advocated the part-time work, believing that it would result in increased participation of women in economic activities. In reality, however, part-timers work the same working hours as

full-timers, but receiving only 50-70 percent of the wage of full-timers. Women part-timers, accounting for 78.3 percent of all part-time workers (according to a survey by the Labor Ministry), are used as substitute workers in sales, service, and even finance sector.

In the 1997 amendment of the Labor Standards Law, a new provision on "short time worker" was included, allowing part-time workers to be entitled with same protection of full-time workers, in proportion to their working hours. But because part-timers are usually classified as casual labor force, the provision is not applied to them. In addition, there is no ceiling of the part-time labor in the Labor Standards Law, allowing the possibility to be abused by the employers.

1-11. Insufficient vocational training opportunity for women

To break down the division of labor based on gender and to advance economic empowerment of women, increased vocational opportunities for women are more than vital. 89.5 percent of Korean women workers have received no vocational training. Women accounted for 17.4 percent in the 1997 admission to functional colleges, and for 8.1 percent in the admission to vocational colleges. These figures clearly show that vocational training in Korea is male-oriented. Moreover, training fields for women are substantially limited to textile, beauty art and electronics.

To provide vocational training and career guidance, the government has commissioned the running of the House of Working Women to private institutions. The government support, however, covers only one third of the rent and operation costs, undermining the effectiveness of such facilities. Assistance to such facilities must be increased to textbook development, instructors, and the development of new fields for women.

More fundamentally, gender dividing perspectives should be eliminated to provide women with wider access to vocational training and employment opportunities. A more comprehensive policy, including the development of new training fields for women and introduction of a quota system in public and private vocational training institutions, must be accompanied. Also, research on the prospects of the demand and supply of female labor force, and trends in women's employment and career should be carried out, while the vocational training and career guidance programs at schools should be operated in conjunction with vocational training after women's entry into the labor market. In addition, the qualification of counselling personnel should be upgraded, whereas counselling for highschool graduates and college graduates must be specified. An administrative body to take charge of all these tasks should be established.

1-12. Strengthening administrative guidance for equal employment

Since 1991, the Labor Ministry has conducted administrative guidance to evaluate the

implementation of the Equal Employment Law. As a result of their activities, predomination of female tellers, gender discriminatory recruitment conditions, and unfair rules of employment were corrected.

The guidance, however, was focused on the banking and finance sector, and largely on the conglomerates. Moreover, it failed to produce desirable results, by lacking the incentives to the complying companies, or penalties to the non-complying companies. In order to fundamentally eradicate gender discriminatory customs and practices, the guidance should be expanded to the public sector and the number of the inspectors must be increased. In addition, workers should be asked to submit papers on eliminating discrimination in recruitment, interviews, employment, wages, placement, promotion, education and training opportunities, retirement, dismissal, and lay-offs.

1-13. Realization of equal pay for equal work

Though the current Labor Standards Law stipulates the provision of same payment for the same work, the criteria are based on the degrees of technique and responsibility involved in the work. But most Korean companies use the age of workers and consecutive employment period as their criteria of setting the wages. Also, the guidelines to assess the degree of technique and responsibility are vague, resulting in little effectiveness of this provision. To realize actual equal pay for equal work, any form of unfair and discriminatory wage system based on gender must be prohibited.

Also, the fact that women workers are paid 61.5 percent of the wage of male workers is directly attributed to gender discrimination against women in every aspect of employment. Thus it is crucial to address women's concentration in the low rank positions and discrimination against women in the placement and promotion opportunities.

1-14. Socialization of maternity protection and childcare

Maternity protection does not only serve a social function by providing wholesome workforce to business, society and the state, but also is a fundamental premise for the realization of equality between women and men. Maternity protection in Korea, however, is far behind the ILO standards. Korean working women are entitled with 60 day paid maternity leave around the time of child delivery and with 1 hour lactation time per day. Pregnant workers are prohibited from overtime work, and they can ask the employer for a transfer to a less strenuous job. But they are allowed to do night labor.

The Korean government has announced a plan to extend the maternity leave to 12 weeks and to allow 1 day paid leave for medical tests by 2002. Even this plan is behind the guidelines of the ILO's convention for maternity protection. More serious problem is that all the costs related to the maternity protection are liable to the individual or the company. There is no concept of social sharing of the maternity protection costs. This

issue has constantly been raised by women's NGOs, making the government include the maternity protection issue in the Ten Policy Priorities. However, there has been no specific policy follow-ups.

Due to the government's three Year Plan to expand childcare facilities, the number of facilities has drastically increased. But the state sponsored or public childcare facilities cover only 21 percent of the cared children. Parental leave is for 1 year in Korea, and the law does not clearly indicate if it should be paid by the employer or not. Thus only a few number of companies are providing paid parental leave, when specified by the collective bargaining.

The government is said considering to allow a divided usage of the parental leave period and a reduced working hour system by 2000. In developed countries, workers are eligible for childrearing benefits and for parental leave for much order children than in Korea. Thus any measure without institutionalizing stronger social welfare system may result in the marginalization of female labor force. What needs to be implemented is to mandate paid maternity leave and to extend the period. The payment during the maternity leave should be covered by a social welfare system.

The ILO has adopted convention No. 156 on equal opportunity and treatment of workers with family responsibilities, recommending the introduction of a family care leave system. This is applied only to the public employees in Korea, but not to the private sector, yet. This system should be applied to all sectors, while the leave period should be included in the consecutive employment period. The leave should not cause any discrimination in placement and promotion.

Maternity protection and childcare support are essential elements for women to maintain both the family and social life and to be economically empowered. Concrete policies and measures must be followed as soon as possible.

1-15. Strengthening the measures to prevent occupational diseases (addiction to toxic materials, sinews and bones diseases, and overwork death syndrome)

With intensifying labor intensity, increased repetition of simple labor, overburdened workload, and increased usage of toxic materials, workers are becoming more likely to suffer occupational cancer, sinews and bones diseases, psychological pressure, and the overwork death syndrome. Comprehensive measures must be taken and administration should be established to prevent occupational diseases that directly affect the health and maternity rights of women workers.

In particular, legal and institutional arrangements to secure industrial health and safety are required to be implemented to small sized industries. Inspection of the usage of toxic materials, expansion of the industries with compulsory inspection, the right of workers to agree to the introduction of a new material or a change in the manufacturing process, the improvement of working processes, the management of working environment, early finding of any disease by effective health check, and the

development of rehabilitation programs are urgently needed to be implemented. The government has the responsibility to create an industrial environment which guarantees the quality of labor to the working population.

1-16. Prohibition of sexual violence at workplace and preventive measures

To prevent sexual harassment at workplace, the Korean government only recommends the development of education guidelines and its utilization in the industry. This is far from effective measures to prevent various forms of sexual harassment that are taking place at workplace. More serious steps must be taken to secure women's right to work in a safe environment.

The current Special Act on the Punishment of Sexual Violence mandates the punishment of "sexual harassment by the authority in work relations." Sexual harassment at workplace, however, includes physical, verbal, visual harassment and rape as well. Also, supervisors, male co-workers, business acquaintances and even customers are potential offenders. Sexual harassment is not only human rights violation against women, but also makes the working environment insecure. Sexually harassed women workers are even laid off or forced to quit the job. Penalties for sexual harassment and its preventive measures, thus, are critical issues to guarantee women's right to work and equal employment.

In advanced countries, sexual harassment has been regarded as gender discrimination in employment and legal sanctions have been institutionalized since the 1970s. Thus the employers should be mandated to provide sexual harassment prevention education to their employees and not to take any unfair measure to the victim of sexual harassment. For this, a new provision on the punishment and prevention of sexual harassment at workplaces must be included in the Equal Employment Law.

2. Violence Against Women

■ Article 6 : Suppression of Exploitation of Women

2-1. Regarding the amended Special Act for the Punishment of Sexual Violence and Protection of the Victim

The Punishment of Sexual Violence and the Protection of the Victim Act was amended on July 22, 1997, toward a positive direction. However, the definition of sexual violence still remained as crimes of rape and sexual abuse and as an offense subject to complaint, while provisions for the punishment of sexual harassment was not included. The Act needs to be re-amended in a near future.

A. Definition of sexual violence

A provision on the definition of sexual violence should be included. Sexual violence crimes are now defined as "crimes of rape and sexual abuse," according to the Criminal Code. And to be recognized as a victim of rape, one must resist to the extent of "risking one's life." If the victim happens to kill the offender in the process of resistance, the victim will be accused of murder; if the victim does not resist fully, s/he will not be able to accuse the offender. Therefore, sexual violence should be defined as "crimes forcing sexual relation without consent" in order to respect the victim's self-determination of sexual relations. The same definition must be applied to the Criminal Code.

B. Complete abolition of the provision on "an offense subject to complaint"

In the 1997 amendment of the Special Act for the Punishment of Sexual Violence and Protection of the Victim, rape and sexual abuse against children under 13 years old are defined as crimes requiring the imposition of heavier penalties and the victim may bring suit against the perpetrator even when s/he is a close family member. It was argued, however, other sexual violence cases should remain as an offense subject to complaint to protect the victim's human rights.

However, it is not easy for the victims themselves to report the crime because they are afraid of being blamed for their indecent behavior, insufficient resistance, or by the ideology of chastity. Fear of revenge is also one of the reasons why they hesitate to report the case. Thus, defining some sexual violence cases as an offense subject to complaint does not defend the human rights of the victim, but rather increases the number of unrevealed offenders. This provision must be abolished and anyone should be allowed to bring suit against the perpetrator, only if it is not against the will of the victim.

C. Extension of the complaint period

Sexual violence subject to complaint is required to be reported within 1 year since the victim has identified the offender. Because sexual violence leaves long lasting mental and physical aftereffects, it is not proper to restrict the complaint period to 1 year. Kim Bunam had no choice but to kill her father, who had abused her since her childhood, knowing the complaint period had already ended. This case clearly shows the need to extend the period.

D. Inclusion of a provision on sexual harassment

A provision on the punishment of sexual harassment should be included in the Act. Many have suggested it is not proper that the cases of sexual harassment are dealt by the Criminal Code because sexual harassment infringes not only women's right to work but also the general human rights of women. Not including a provision on sexual harassment in the Special Act on Sexual Violence seems to reflect men's reluctance to recognize sexual harassment as crimes of sexual violence.

E. Improved protection and support for the victims

There must be special protection measures for the victims of sexual violence committed by close relatives because they show more severe aftereffect than the victims of other sexual violence cases. Victims of repeated and chronic sexual violence show distrust against people and at the same time they feel self-reproach for having accused their family member. Moreover, when the offender is one's father, the victim is deprived of home to live and even financial support to continue education.

The current Act, however, does not have any provisions to provide specific support to such victims of sexual violence by close family members. There are orphanages and group homes, but the people who are running such facilities hold bias against the victims of sexual violence and often hurt the victims who need care and protection. Therefore, there must be governmental measures to provide long-term shelters and education fellowships for the children victims of sexual violence by their close family members. They need not only immediate obstetrical and gynecological treatment but also long-term mental care and treatment, and all the costs should be covered by medical insurance.

F. Confidentiality of the victim's identification and privacy

All persons related with the case of sexual violence, such as prosecutors, judges, public employees, press reporters and others, must be defined as persons responsible for keeping confidential the victim's identification and privacy, and subject to punishment when they do not abide by the provisions. When considering that the victims are often reluctant to report the case of sexual violence due to the fear of being retaliated by the offenders, the inclusion of such provision is vital.

The current Act stipulates that public employees involved in the investigation and court proceeding of sexual violence cases should not disclose the privacy of the victim.

But there is no indication of any punishment in case of violation of this provision. Journalists and reporters are not even included in the provision. However, there have been not a few cases when reporters entering police stations have revealed the privacy and identification of victims by peeping the written evidence. And as the result, the victims have been disadvantaged and humiliated.

Moreover, because of the press release on sexual violence cases, the victims had often to quit their job or move out to another place. Some victims have even showed serious anxiety problems. Thus there must be a new provision defining such cases as violating the victim's human rights.

■ Article 5 : Sex Roles and Stereotyping

2-2. Problems of the attitude of law enforcement officials in charge of sexual violence cases

A number of improvement in legal institutions on sexual violence has been followed since the legislation of the Special Act for the Punishment of Sexual Violence. But for the effective enforcement of the Act, awareness change of police officers and prosecutors, who are in charge of executing the law, must also be accompanied.

Korean victims often say that they are not just raped once, but twice or three times in the process of bringing suit to punish the offenders. This testimony is pointing out the problems in the attitude of police officers and prosecutors. Prosecutors, who act as legal representative of the victim of sexual violence, and police officers, who are to play an important role in the law suit against the perpetrators by collecting evidence, are rather humiliating the victims, making them give up legal aid.

The general perception often presumes that indecent behavior of the victim might have caused sexual violence. This is to blame the victim for being raped, not recognizing the victim as victimized, but to suspect the fact itself. Prosecutors and police officers who are expected to stand on the point of the victim in dealing with the sexual violence cases are not free from such social bias. They tend to suspect the testimony of the victims and treat them as though the victims wanted the sexual relations.

When a 15 year old girl was raped by a man of some 30 years old, who ran a gymnasium, policemen asked questions such as "Was it not you who wanted the sexual relation?" and "Were not you going to ask for money to the man if you got pregnant?" The girl testified that she felt insulted and humiliated and rather felt like committing a suicide. The prosecutors, too, are not focusing on the deeds of the offenders but on the behavior of the victims.

When a 41 year old women, raped and robbed, was questioned at the prosecutor's office, the prosecutor forced her to sign a paper that if she were to tell a lie, she would willingly be charged for a false accusation. The interrogation began after she signed the

paper, and she felt like she were the offender. There are also cases that the victims of sexual violence are charged for a false accusation.

Furthermore, the victims are insulted and humiliated by the questions directed to them, and this makes the punishment of the perpetrators difficult. Sometimes the victims are forced to make an unwanted conciliation with the offenders.

With the amendment of the Special Act for the Punishment of Sexual Violence, the victim of sexual violence can be accompanied by a person in trustful relationship, during the interrogation and legal procedures. This will help to change the widespread atmosphere of blaming the victim for being victimized. But this is not enough.

Police officers and prosecutors in charge of sexual violence crimes should compulsorily take advanced level of education on gender equality and on how to support the victims. If their perceptions and biases are not altered, there will be no change in the low rates of reporting of sexual violence incidence. And if the perpetrators of sexual crimes are not punished properly, the rates of sexual violence will also remain high.

2-3. Education on sexual violence must be provided to police officers and prosecutors.

From July 1, 1998, the Domestic Violence Punishment Special Act and the Prevention of Domestic Violence and Protection of the Victim Act will come into force. But prior to the enforcement of the Acts, education on sexual violence should be carried out for public employees, police officers and other law enforcement officers.

Korean society has been generous in cases of domestic violence. Korean men, brought up in patriarchal Confucian culture, have regarded their children and wives as their properties rather than independent human persons. Such social prejudice has generously allowed abusive fathers and husbands.

Police officers were not exceptions. They treated domestic violence as minor private affairs, not presenting themselves at the scene of crime and take appropriate measures even upon the receipt of a report on violence in progress. In 1995, a woman called Kim killed her abusive husband when she failed to get assistance from the police even after she had asked for a help several times. In the intermediate appeal, she was ruled a suspended sentence. Should police officers have taken active and immediate measures, she might not have to commit a murder.

Passive attitude of police officers has been pointed out as the most serious problem in domestic violence prevention. A special television program on this matter was even aired in May 1998. Prior to the implementation of the Domestic Violence Punishment Special Act and the Prevention of Domestic Violence and Protection of the Victim Act, thus, it is instrumental to provide education programs to police officers and prosecutors to make them take appropriate measures. The responsibility of such education falls on the government.

2-4. Publicity activities and early rooting-down of the Domestic Violence Punishment

Special Act and the Prevention of Domestic Violence and Protection of the Victim Act

In January 1998, a national survey on domestic violence was conducted for the first time. It was the first survey in the national scale, though there had been a few in the regional level. Kim Jeyop, professor of Yonsei University, surveyed 1,500 adults for his "Study on Domestic Violence in Korea," and found out 31.4 percent of married couples experienced violence by their spouse. This figure leads to an estimation that about 4 million out of 13 million married couples in Korea are experiencing violence more than once a year.

The survey also revealed that almost one third of all husbands (27.9 percent) exercised violence more than once a year. 8 women among 100 married women were severely beaten by their husband. The results of this survey is frightening when considering the figures are the minimum, not the maximum estimation.

Despite of the seriousness of the problem, Korean society has paid little attention to this matter, not recognizing the wife beating as a social problem. With the legislation of the Domestic Violence Punishment Special Act and the Prevention of Domestic Violence and Protection of the Victim Act in 1997, legal sanctions against domestic violence became possible. However, without changes in the public awareness, social norms and practices, domestic violence will never be eliminated.

Domestic violence is not easily revealed to others. Without the caring and reporting of the neighboring residents, it hardly seems to exist. Without breaking the social bias that women are beaten for their own fault, social support for the beaten wives will never be institutionalized.

Therefore, to make the Domestic Violence Punishment Special Act and the Prevention of Domestic Violence and Protection of the Victim Act root down early in Korean society, publicizing and educating the content of the Acts are necessary steps to be taken. Emphasis on the importance of sexual and domestic violence education for the youth is never enough.

2-5. Domestic violence counselling centers and protection facilities

With the implementation of the Prevention of Domestic Violence and Protection of the Victim Act, the government has the responsibility to establish and operate domestic violence counselling centers and protection facilities. The government, however, is reluctant to draft budget for these facilities, insisting on the fiscal constraints due to the current IMF system. So, legislations exist but no changes in reality.

If the government is not to provide appropriate counselling and protection for the victims of violence, there is no reason to even legislate the Prevention of Domestic Violence and Protection of the Victim Act. If the victims cannot get any support and protection, they will not report the crimes, and domestic violence will remain concealed.

In addition, the operation of such facilities should be rearranged to meet the actual

needs of the victims. The government should establish 24-hour emergency shelters, and provide short and long term-protection and co-habitation with not only pre-school and elementary school children, but also with teenage children.

2-6. Economic crisis and violence against women

After the economic crisis, "encouraging the pride of husband" for the frustrated laid-off fathers became a social cliché. It is women, however, who are the first victims of economic crisis in male-centered Korean society. Women employees are the first to be laid off and abuses against women in the family are in rapid increase.

Kwangju Women's Hot Line reported that they counselled 519 cases on loss of job and family conflict in the period of January-March 1998, compared to 192 cases in the October-December period last year. This is almost a threefold rise.

Seoul Women's Hot Line indicated that calls from working women, abused by male co-workers or supervisors who vent their anger to the female workers are in an increase since the imposition of the IMF system. Beaten wives and violence against women at workplace are not new stories, but they are becoming serious social problem with intensifying social stress and pressures.

There are reports that men are abusing their wives, saying "I was fired because of you" or "Look, my friend's wife is making a lot of money. You, go out and make some money." Such cases clearly show the link between the economic crisis and deterioration of women's human rights. Human rights are just the basic rights to live. Affirmative actions to protect the human rights of women, the social minors, must be enforced more firmly when society is in crisis.

3. Budget for Women's Policies

■ Article 2 : Obligations to Eliminate Discrimination : a, b, c, d, e, f

3-1. Problems in the principles of the government budget drafting

The most challenging problem in the government's drafting and implementing of women's policies is the lack of understanding on the importance of women's policies. Sometimes it seems like the government is dealing with women's policy to minimize international criticism. Legal and institutional outlook has reached a certain level, but the budget allocation to realize gender equality and women's empowerment, the aims of such institutions, always falls on the bottom in the budget priorities.

In accordance with the Basic Law for the Advancement of Women, which has come in effect since July 1996, the government revises the Basic Plan of Women's Policies every five year. City and provincial administrations are also required to draw up annual implementation plans. However, the core reason why we are witnessing little "advancement of women," despite the legislation of the Basic Law for the Advancement of Women, is the lack of government's will to secure necessary resources for the implementation of women's policies.

The government budget for women's policies is divided as the followings: (1) the Health and Welfare Ministry's Women's welfare budget (2) Budget for the Special Committee on Women, directly responsible to the president (3) the Labor Ministry's budget for working women, and (4) Budget for women in the Ministries of Justice, of Education, of Agriculture and Forestry, of Trade and Industry, and of Environment.

3-2. Problems of the 1998 Budget for Women's Policies

The government has allocated the national budget for 1998 as the followings: 13.2 billion won for the Special Committee on Women, 15.2 billion won for women's policies by the Health and Welfare Ministry, and 14 billion won for Labor Ministry's budget for working women. This comes to 42.3 billion won, accounting for 0.06% of the general account budget of 6,890 billion won.

When the budget for the Special Committee on Women is closely examined, the Committee is left with 3.1 billion won only because 5 billion won is for the Women's Development Fund and 5.1 billion won is for the Korean Women's Development Institute. Even out of 3.1 billion won, the Committee can spend 2 billion won only for actual women's projects.

The Health and Welfare Ministry's budget for women's policies is focused on women who needs urgent protection and support, such as financial support for women's organizations, for mother and child protection centers, career guidance facilities for women, and financial assistance for female-headed households.

The Labor Ministry's budget for working women is subdivided to several items, such as the establishment and operation of House of Working Women, short term vocational training facilities, workplace childcare facilities, and equal employment projects.

3-3. Proposals to increase the budget for women's policies

A. Special Committee on Women

A-1. Coordinating role of the Committee should be strengthened and necessary financial resources should be secured to facilitate the coordination in women's policies of various government bodies and to implement urgent tasks for women, such as affirmative actions.

A-2. To reach the budget target of the Women's Development Fund, which is 100 billion won, by the year 2001, annual plans must be prepared and followed. In 1997 and 1998 the government allocated only 5 billion won respectively. This must be increased to 20 billion won in 1999 to meet the target size of the Fund and to guarantee the realization of the Women's Development Fund.

B. Health and Welfare Ministry

B-1. Health check prior to a childbirth must be covered by the medical insurance, while the cost of the childbirth must be paid by the government.

B-2. Students attending humanities high schools should also be eligible for the education grants for the children of the low-income female-headed families.

B-3. The budget for the counselling centers and protection facilities for the victims of sexual and domestic violence should be increased.

C. Labor Ministry

C-1. Increased investment to the House of Working Women (support for the rent and new constructions) and financial support for the purchase of the equipment necessary for short-term vocational training.

C-2. A paid parental leave of less than 1 year for female and male workers with child(ren) under 3 years old should be introduced, while the costs should be paid by the government, even partially.

D. Education Ministry

D-1. Research on gender equality and programs for social education of women should be included in the curriculum revision. Financial support to the private institutes for

women's education should be increased.

D-2. Allocation of budget for the training of teachers and textbook development on sex education.

D-3. Budget should be allotted to expand the school lunch program to secondary schools. The government has pledged 100 percent of high schools would have the school lunch program by 1999. The pledge must be realized.

4. Women's Participation in Political Life and Decision-Making Process

■ Article 4 : Acceleration of Equality between Men and Women : 1

■ Article 7 : Political and Public Life : b

4-1. Disappointing reality of women's political participation

If we compare the political and social status of Korean women with international standards, we can easily understand why affirmative actions for women in Korea are so much emphasized. According to the 1997 Human Development Index, an annual report produced by the UNDP, Korea is ranked to 34th in the Gender-related Development Index, and to 73rd in the Gender Empowerment Measure. Women's representation in the National Assembly accounts for only 3 percent (9 legislators out of total of 299), ranking the 94th in the world (IPU, *Women in Parliament*, 1997).

Despite the endless efforts of Korean women for political participation, especially since the re-introduction of local elections in 1992 after three decades' halt, women's advances to the national and local representation have been minimal.

In 1991 when the first local elections were held, elected women accounted for 0.9 percent. This figure was somewhat increased in the second local elections in 1995. Local representation is divided to the metropolitan-level and the district-level, and the former incorporates proportional representation system. Thus, there are more women at the metropolitan-level councils than the district-level.

In the 1995 local elections, 72 district-level women councillors were elected, representing 1.6 percent of the total 4,541 councillors. At the metropolitan-level, 13 women were elected and 42 women took the seats in accordance with the proportional representation system, making 55 metropolitan-level women councillors in total (5.7 percent). We also witnessed the election of one female mayor.

In the third local elections of last June, increased women's advancement in local representation was expected. But at the same time there were pessimistic prospects as well, due to the conservative drive accompanied by the economic crisis and intensified competition among candidates with the revised election laws. And this was proved true. 236 women candidates ran for this elections. If the women candidates who failed in the party nomination process are included in the calculation, the number of women candidates will be much greater. Anyway, women accounted for 2.35 percent of the total of 10,020 candidates.

140 women ran for the district-level councils, 37 women for the elected metropolitan-level councils (20 from the ruling coalition, 13 from opposition parties, and 4 independent candidates), 51 women for proportional metropolitan-level councils (28 from the ruling coalition, and 23 from opposition parties), and 8 women for the head of local administration.

Among them, 97 women won in the elections. No women was elected for the head of local administration, showing worse record than the 1995 local elections. 56 women were elected to the district-level councillors, accounting for 1.6 percent of the total of 3,490, which is quite similar figure to that of 1995.

Among 616 elected metropolitan-level councillors, there were 12 women from the ruling party and 2 women from the opposition party, accounting for 2.27 percent. The total number of proportional metropolitan-level councillors is 74 and 27 are women among them, showing 36.5 percent. If we take a closer look at the figures, women were 12 (37.5 percent) among 32 councillors from the ruling party, 13 (44.8 percent) among 29 from the Grand National Party, 2 (15.4 percent) among 13 from the New Democratic Coalition.

Thus among 690 metropolitan-level councillors in total, women are accounting for 5.9 percent only. Compared to the figure of 5.7 percent in the 1995 local elections, this is hard to prove any improvement.

4-2. A quota system existing only in the government papers

In the presidential elections of December 1997, Kim Daejung, presidential hopeful at the time, had pledged for the realization of a quota system to increase women's representation in the central and local decision-making bodies. He promised as follows : 1. 30 percent of women's quota in every election candidacy; 2. 30 percent of women's quota in all governmental committees; 3. 30 percent of women's participation in party politics; and 4. more than 4 women ministers in the new cabinet and 20-30 percent of women in major policy-making positions.

So far, Kim Daejung, now the president of Korea, has not shown sincere commitment to fulfill his promises in the personnel appointment of the new government. The 6 chief secretaries to the president are all men, while there are only 4 women among 32 secretaries. There are 2 women ministers out of 17 ministers.

The National Assembly is not very different in this aspect. 11 women legislators out of total of 299 account for 3.68 percent.

Since 1995, KWAU and other 90 women's organizations have joined "the Women's Solidarity for the Introduction of a Quota System," to campaign for enhanced women's participation in political arena. The Women's Solidarity urged the political parties to adopt : 1. 30 percent of women's nomination; 2. 2/3 of metropolitan-level councillors should be women, at least to maintain the ratio of women in the 1995 local elections; and 3. at least one seat of the appointed deputy head of local administration should be woman.

And as a result of the meeting with the presidents of each political parties, women's organizations were promised 30 percent of women's nomination, 50 percent in proportional representation and affirmative nomination in case of the seats previously held by women. Political parties, however, continued to hesitate nominating women

candidates. In response, women's groups held a rally in front of the party buildings, demanding the actual realization of the quota system. Despite all the efforts of women's NGOs, however, there has been little improvement in political participation of Korean women.

4-3. Ways to overcome the problems of political under-representation

Since 1995 women legislators and administrators at all level have proven their competence, and this has been recognized by their electorate as well. Thus expectations for the local elections in June of this year were higher than ever. Although candidates with competence should be nominated, the nomination process was distorted by the negligence of the central party and unfair and corrupted nomination process. And the result were often against the opinion of the electorate.

This is why KWAU is urging for the reforms of election system in order to enhance women's political participation. The number of elected metropolitan-level councillors must be halved, while the proportional representation should be increased 50 percent. And women should take 30 percent of the proportional representation, if the government is serious to make a breakthrough in women's political empowerment.

■ Article 3 : Development and Advancement of Women

4-4. National machinery for women

A. Current situation

Women's NGOs have criticized the under-functioning of the Ministry of Political Affairs II as the main national machinery for women's policy, due to its insufficient financial and human resources, and have proposed the establishment of the Ministry of Women. The new government, however, abolished the Ministry of Political Affairs II as a part of the 1998 Government Organizations Restructuring Plan, and transferred its functions to the Special Committee on Women, directly responsible to the president. Women's policy officers were newly appointed in six ministries, such as the Ministry of Justice, the Ministry of Public Administration and Autonomy, the Ministry of Education, the Ministry of Health and Welfare, the Ministry of Agriculture and Forestry, and the Ministry of Labor.

Women's organizations have asked for the establishment of the Ministry of Women because the Ministry of Political Affairs II, responsible for women's policies, has been marginalized in the cabinet, with little mandates, personnel, budget and policy coordination authority.

The newly formed Special Committee on Women is not reflecting the demands of women's groups for adequate power and resources. Being an administrative body run by unanimity and being directly responsible to the president, the Special Committee is

neither a quasi-legislative nor a quasi-judicial institution to be able to enact regulations or to inspect and enforce the implementation of women's policies. Its status seems rather of a consultative body. True though the Committee will have easier access to important information and administrative policies and thus will be able to exert influence to the president, since it is directly responsible to the head of the administration.

The Special Committee is composed of a chair, with minister's status but without a voting right in the cabinet meeting, one general secretary, and 13 non-standing members, including 7 civilian members. The secretariat consists of 40 persons and 2 billion won is allocated for its budget. This is far from the expected government machinery responsible for the overall women's policies.

B. Future tasks

B-1. The Special Committee on Women should have strengthened coordination authority in women's policies of various ministries.

B-2. The Special Committee on Women should have quasi-judicial authority to conduct inspections and to enforce penalties and correction orders in cases of the infringement of women's rights.

B-3. The Special Committee on Women should have quasi-legislative authority to enact special ordinances and regulations.

B-4. The Chair of the Special Committee on Women should be entitled with the same status of a Minister.

5. Gender Equality in Education

■ Article 10 : Elimination of discrimination against Women in Education

5-1. Insufficient measures for gender equality education

Education is one of the most critical means for making gender equality. According to a research paper of the Korean Women's Development Institute in January 1998, Korean textbooks for school children rarely describe men participating in domestic work. Moreover, the curricula are not fully reflecting the actual interests of female and male students, and as a result, providing little manual training to female students compared to male students.

To address this problem, many have proposed increased women's participation in the textbook reviewing and curriculum development. However, women accounted only for 20 percent in the 6th curriculum and textbook development team. In some cases, there was no woman at all in the team. It is instrumental, thus, to increase women's participation in such processes up to 30 percent. In addition, textbook review guidelines must be formulated to evaluate the gender perspective of the textbooks and curricula. These guidelines should be utilized in endorsing authorization to the national textbooks.

Gender equality is internalized since childhood. This is why the role of teachers and instructors are so much emphasized. Many of the education professionals in Korea, however, still hold male-centered perspective. Regular education programs on gender equality should be provided to both female and male teachers, from kindergartens to secondary schools.

It is also important to lead social elites and professionals to hold gender equality perspective. So far women's policies have focused on implementing affirmative actions to eliminate discrimination against women, recognizing them as a social minority. Now, the emphasis should be placed on the equal relations between men and women. For this, the social elites should be encouraged to take the initiatives of advocating gender equality culture.

5-2. Future tasks

A. Ways to increase gender equality perspective in education curricula and to develop a gender-conscious curriculum

A-1. Including gender equality philosophy and the changes in women's status and roles

A-2. Revising education curricula to reflect the actual interests of female and male students

A-3. Gender equality education to teachers and instructors

A-4. Opening a women's studies course in highschool education

B. Gender equality in textbook development and in the authorization process

- B-1. Increasing women's participation in the textbook and curricula development
- B-2. Preparing gender equality guidelines in authorizing national textbooks

6. Women Farmers

■ Article 11 : Rural Women

6-1. Understanding the rural women's reality

The dismantlement process of the agricultural sector since the 1960s was accompanied by rapid out-flow of rural population to urban areas. As a result, working population in agriculture became aged and feminized.

According to a survey by the Agriculture and Forestry Ministry, rural female population was 2.48 million out of total 4.85 million, accounting for 51.5%, as of the end of 1996. Among 3.29 million agricultural workers, female population was 1.66 million, representing 50.4%.

Moreover, as the agricultural production has changed from rice crops to vegetables, cash crops, and stock farming, the workload for female farmers is more increasing. Today female labor for agricultural production of a household is accounting for 48.2%.

Women farmers worked 3 hours and 35 minutes a day during the busiest farming season in 1966. This was tripled in 1979, showing 9 hours and 46 minutes, and again to 11 hours and 21 minutes in 1986. Due to such overburdened labor, most women farmers suffer from osphyalgia, shoulder ache, and neuralgia, Chronic women's diseases and farmer's syndrome, and even vinyl plastic house syndrome because of their increased labor in the plastic houses came to follow their list of diseases. They also suffer from many other unknown illness.

Women farmers work equally with men farmers in the field, but when they are home, women take most responsibility of domestic labor, child birth and child rearing. Therefore, policy formulation for rural women should be based on the recognition that women farmers are equal to men farmers in agricultural production. Policies for women farmers should deal with the cooperative work in agricultural production, social sharing of domestic labor and active welfare support for female agricultural workers.

6-2. Realities of women farmers

Though women farmers account for the half of the agricultural production, they are excluded from the ownership of the production means, such as land, capital and farming machinery. They are further inhibited from exercising their rights in the farm management and ignored in the government policy priorities.

Despite their long working hours for agricultural production, they are perceived as full-time housewives rather than agricultural workers. This makes them difficult be entitled with appropriate social status. In agricultural production, too, they are not recognized as equal managers of production, but rather as supplementary workers without much salaries. Women farmers are not only improperly paid for their labor, but

also excluded from decision-makings on crop items, the purchase of farming machinery, and land purchase and sale. Their husbands dominate all important decision makings.

Moreover, the mechanization level in dry-field farming, in which women farmers spend most hours of work, is very low. Even the machineries are designed for men, not women, thus contributing to low productivity. The labor of women farmers is further underestimated by traditional values and widespread discrimination against women.

Women farmers are also deprived of equal opportunities in training and education, loans for machinery purchase, agricultural grants, and participation in the agricultural cooperatives.

They are further not allowed to fully participate in social activities of local communities. In contrast to the increased women's share in agriculture and related production activities, their participation in production organizations, such as farming teams, agricultural cooperatives, and agricultural corporations, is extremely limited. Women are thus excluded from educational opportunities, information sharing and decision makings, which they deserve.

Women farmers are not only excluded from organizations related to agricultural production, but further from the general community organizations. Rural communities have not allowed any other organizational activities of women, except housewives' club.

With the amendment of the Agricultural Cooperatives Act in 1995, multiple membership was introduced, allowing women's participation in the agricultural and fishing cooperatives. But the conditions attached to the multiple membership, violating the aims and principles of the cooperatives, are laying the major obstacles to women's active participation in the cooperatives activities. Women's representation in the decision-making positions and processes is still minor.

All this show that Korean women farmers are holding underestimated social status both in their production organizations and in the rural communities, compared to their actual role and contribution.

Furthermore, in the restructuring of the agricultural sector, new production entities, such as farming companies and corporations are rapidly emerging. However, because women are excluded from such organizations, they are rather falling as reserve labor force.

With increasing pressure from women's organizations, the Agriculture and Forestry Ministry has set up the Women Farmers Policy Consultation Committee, but without much outcomes. The newly introduced multiple membership in agricultural cooperatives has neither produced much success.

True, there has been rapid advancement of women's social status in Korean society. The Welfare Plan for Working Women, the Ten Tasks for Increased Social Participation of Women, the Basic Law for the Advancement of Women, and the Prevention of Domestic Violence and the Protection of the Victim Act are the examples of such advancement.

The peculiar conditions of women farmers, however, have often been neglected.

Because agriculture is classified as self-employment, women farmers are not seen as working women, depriving them of the opportunity to be covered by the Welfare Plan for Working Women.

Politically as well, the representation of women farmers in the policy making processes, not only of the overall government policies but also of agricultural policies that immediately affect their lives, has been almost nonexistent. We hope the new administration will take the initiatives to address this problem.

Korean women farmers are located at the bottom of social strata due to social negligence of farmers and patriarchal values and practices in Korean society. Women farmers are burdened with overwork and they are suffering from various health problems, while their rights, social status, and welfare are not ensured. Rather than holding a pride as the guardians of national food security, they are overwhelmed by discontent, wishing to escape from their harsh realities.

6-3. Economic crisis and women farmers

It was women farmers who suffered the most by the agricultural policy of the Kim Youngsam government. Agricultural restructuring favored farmers of size, while precipitating the collapse of small farmers who counted for the majority in rural population. In this process the status of women farmers was further undermined. They were forced to seek jobs other than agricultural production to maintain their income level. More women are becoming agricultural wage workers, or holding secondary jobs as low wage workers in construction or service sector.

It needs not to be repeated that agriculture has been the most greatly affected sector since the economic crisis. And it is women farmers who are at the forefront of the impact. Their life has been changed in many aspects.

First their economic situation is rapidly deteriorating. With the increase of gas price, farmers had to cur off electricity generated by gas in the plastic houses and the stock farms, just watching the cash crops and stock animals die. Also, with the government austerity measures, as suggested by the IMF, budget for the agricultural subsidies were significantly reduced, decreasing the grants for farmers as well. Agricultural cooperatives are pressuring farmers to pay back the borrowed money.

To make the situation worse, the prices for agricultural appliances and fertilizers are rapidly rising, precipitating the collapse of petty farmers. Even the sales of agricultural products are now in decrease due to reduced consumption. Farmers are now at a crossroad to continue or to give up farming.

Even the side jobs as wage workers in the service sector are hard to find nowadays as corporations fall into bankruptcy and the jobless population is overflowing from the laid-off urban population. Tenancy is also becoming hard to get and the rent is rising with similar reasons mentioned above.

With the massive bankruptcy and lay-offs, women farmers are unable to maintain

two jobs, one in agriculture and another outside of agriculture, which are required to maintain their living. It is not difficult to predict that their wage and income from agricultural production will significantly be reduced.

Even in case of full time women farmers, faced with scarce agricultural capital, they will try to reduce production costs and to grow multiple items for their own subsistence. Their burden of physical labor will be heavier than before.

The ongoing economic crisis in Korea will delay the advancement of social status of women farmers, aggravating their reality of low income and overwork.

6-4. Suggestions

A. Establishing government machineries at all levels (city, district and county) to implement policies for women farmers and to draw up pertinent budget.

B. Nurturing women Agricultural Successors and professional women farmers

B-1. Increasing the number of agricultural cooperative corporations with women membership to be 50 percent of all cooperative corporations by 2002

B-2. Agricultural skill training and management education

B-3. Support to independent organizations of women farmers

B-4. Legislations and institutions to support human resource of women farmers

C. Advancing social status and participation of women farmers

C-1. 30 percent of the committee members related to the agricultural sector should be women.

C-2. Joint entitlement of married couples on their property acquired after their marriage.

C-3. 30 percent of the boarding staff and the representatives of agricultural cooperatives should be women.

D. Welfare policies for women farmers

D-1. Introducing life-long health care system for women farmers, at public health centers.

D-2. The costs involved with women farmers' childbirth should be paid by the government and the benefits for 90 days of the maternity leave period should be provided.

D-3. Cultural programs for women farmers at women's centers at all level of communities

D-4. Improvement of educational opportunities in agricultural and fishing communities : universalization of secondary school education, school lunch program, and after-school child guidance program.

<여성차별철폐협약 NGO 보고서 요약본>

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한국여성의전화연합

한국여성노동자회협의회

한국여성민우회

전국여성농민회총연합

<소개>

이 보고서는 유엔여성차별철폐협약의 제3,4차 한국정부 보고서에 대한 NGO의 shadow Report이다. 이 보고서는 1987년 조직되어 현재 28개 여성단체들의 연합체인 한국여성단체연합(KWAU)이 회원단체인 한국여성민우회, 한국여성의전화연합, 한국여성노동자회협의회, 전국여성농민회총연합 등의 회원단체들과 함께 준비하였다. 우선 여성의 정치참여 및 여성정책전담기구, 교육 등에 관한 보고는 한국여성단체연합이 총괄하였다. 여성고용문제에 관해서는 한국여성민우회와 한국여성노동자회협의회에서 공동으로 준비하였다. 여성에 대한 폭력문제는 한국여성의전화연합이, 여성농민의 현실에 관해서는 전국여성농민회총연합이 준비하였다.

지난 10년간 여연은 여성의 지위향상과 권익보호를 위한 활동을 주도해 왔다. 1989년 가족법 개정, 1990년 탁아입법 제정, 1989년 남녀고용평등법 제정과 1995년의 개정, 1993년 성폭력특별법 제정과 1997년의 개정, 1996년 일본군 성노예문제에 대한 UN 인권위원회 제52차 공식권고문 채택, 1997년 가정폭력방지법 제정을 위한 활동에 여연은 언제나 앞장서 왔다. 이 보고서는 여연의 지난 10년 간의 활동에 근거하여 90년대 이후 정부에서 추진해온 여성정책의 문제점과 과제를 여성차별철폐협약에 의거해서 지적하고자 한다.

서술방식은 사례와 통계를 통하여 여성지위 향상을 위한 정부의 법과 제도상의 노력에도 불구하고 사실상의 평등이 이루어지고 있지 않은 현실을 지적하고자 한다.

이번 보고서는 다음의 6가지 분야를 중심으로 정리하였다. 1) 여성고용문제 2) 여성에 대한 폭력문제 3) 여성관련 예산문제 4) 여성의 정치참여와 여성정책 전담기구문제 5) 남녀평등의식 확산을 위한 교육의 문제 6) 개선되지 않은 여성농민의 현실 등이다.

특히 한국보고서가 검토되는 1998년 이후 여성의 현실은 정부보고서가 언급하고 있는 상황과는 상당한 차이를 보이는 점에 주목하고자 한

다. 지난 97년 11월 이후 한국의 경제위기는 정부개혁과 재벌개혁을 통한 구조조정을 요구받고 있다. 그러나 정부와 기업은 경제적 어려움을 우선적으로 노동자에게 전가시키고 있으며, 그 중에서 여성노동자를 우선적 정리해고 대상자로 선정하여 여성의 노동권을 박탈하고 있다. IMF program은 지난 10년간 정치, 경제, 사회적으로 여성이 확보해온 권리를 위협하고 있다. 성별역할분담론이 다시 등장하고 있으며 실직당한 남성들에게 여성의 위안을 강조하는 새로운 형태의 가부장제이데올로기가 등장하고 있다.

사회적안전망이 마련되어 있지 않은 상태에서 경제위기에 따른 급격한 실업증가는 사회적으로 폭력을 증가시키고 있다. 또한 성평등의식을 높이내기 위한 정부의 노력부족으로 인해 여성들은 경제적 고통과 함께 가정과 사회에서 폭력의 대상자가 되고 있다.

90년 이후 한국의 민주주의가 진전되었다는 평가에도 불구하고 지금껏 여성의 정치적 참여는 향상되지 않고 있어 법적 평등수준에 비추어 여성들이 실감하는 사실상의 평등은 여전히 낙후되어 있는 문제점을 제기하고자 한다.

아울러 경제위기 하에서 위협받고 있는 여성들의 지위를 보장하기 위한 특별한 여성정책의 수립이 절실히 요구되고 있음을 지적하고자 한다.

<요약>

1. 여성고용문제

■ Article 1 : Definition of Discrimination Against Women

- 남녀고용평등법 제2조의2(정의)에 현행 '근로자에 대하여 직접적인 조치에 의하지 아니하더라도 결과적으로 특정성의 근로자에게 현저히 불리하게 적용하게 될 인사제도 또는 고용형태를 도입하거나 적용하는 규정이자 조치도 차별로 본다'는 조항을 신설하여 '차별 정의'를 포괄적으로 개정해야 한다.

■ Article 2 : obligations to eliminate discrimination : b, f

- 근로기준법은 상시 5인 이상의 사업장에 근무하는 노동자만 적용받고 있다. 그러나 여성노동자의 62.7%가 5인미만 사업장에 근무하고 있어 대다수 여성노동자들은 근로기준법, 남녀고용평등법, 산업재해보상보험법, 고용보험법 등의 적용에서 제외되고 있다. 여성계와 노동계의 요구에 따라 98년 2월 개정된 근로기준법 시행령 개정에 따라 99년 1월부터 5인미만 사업장에서 근로기준법이 2001년까지 단계적으로 적용될 예정이다. 따라서 여성관련 규정을 전면 적용하여 IMF program 하에서 어려움을 겪고 있는 여성노동자들을 위한 법적 보장이 당장 실

시되어야 한다.

- 현행 남녀고용평등법에서 간접차별 및 직장내 성희롱 규제와 예방을 위한 조항이 신설되어야 한다.

- ILO 협약 중 여성관련 부분에 대한 비준이 전면적으로 이루어져야 한다.

■ Article 4 : Acceleration of Equality between Men and Women :

1, 2

- 여성의 공직참여 확대를 위해 공무원채용목표제의 목표비율을 상향조정해야 한다. 공기업에 대한 여성고용인센티브제 적용대상을 확대해야 한다. 이를 위해 공기업 경영평가항목의 하나로 할당제 실행여부 및 실적이 포함되도록 해야 한다.

■ Article 11 : Employment : 1 - a, b, c, d, e, f

- 정부의 여성노동정책 방향이 성별역할분업과 노동시장의 유연성 강화에 기초해 있다. 즉 육아와 가사는 여성의 임무라는 관행에 기초하여 노동시장의 필요성에 따라 여성노동자는 파트타임, 계약직, 임시직 등 비정규직화 주변화되어 가고 있다. 특히 IMF program 하에서 정리해고와 근로자파견법을 입법화 함으로써 여성들은 일차적으로 해고되는 여성우선해고가 진행되고 있다. 아울러 정규직을 비정규직 여성노동자로 대치하여 고용불안은 한층 심화되고 있다. 따라서 이에 대한 정부의 대책 수립이 요구된다.

- 노동시장의 성차별분리구조를 개선하고 여성의 경제세력화를 위해서는 여성에 대한 직업훈련의 확대가 절실하다. 따라서 직업훈련기관 여성 입학 할당제 도입, 여성의 인력개발 및 취업알선을 위한 종합대책이 마련하고, 이를 위한 정부의 여성직업훈련 전담 행정체계가 구축되어야 한다. 특히 IMF 하에서 실직된 여성노동자들을 직업훈련 정책이 수립되어야 한다.

2. 여성에 대한 폭력

■ Article 6 : Suppression of Exploitation of Women

- 1997년 개정된 성폭력특별법은 성폭력의 정의가 여전히 강간과 추행에 관한 죄로 규정하여 반항을 하여 강간이 성립되지 않을 경우 처벌을 어렵게 하고 있다. 따라서 성폭력의 정의를 '동의하지 않은 성을 침해한 범죄'로 정의해 피해자의 성적 자기결정권을 존중해야 하고 형법의 강간죄도 같은 내용으로 해석되어야 한다.

- 성폭력 범죄 신고에 있어서 친고죄를 완전히 폐지하고 본인의 의사에 반하지 않는 차원에서 고소, 고발 할수 있도록 해야 한다. 또한

고소기간을 1년 이내로 제한하고 있는 현행 조항을 폐지해야 한다.

- 성폭력특별법에 성희롱에 대한 처벌조항이 신설하여 성희롱도 범죄임을 명시해야 한다.

- 후유증이 어떠한 성폭력보다 심각한 친족 성폭력피해자를 위한 국가적인 대책이 마련되어야 한다.

- 성폭력범죄의 수사 또는 재판에 관계하는 공무원과 관계자, 언론기관이 피해자의 신원과 비밀을 누설할 시 처벌할 수 있는 벌칙조항이 마련되어 피해자의 인권보호가 이루어져야 한다.

■ Article 5 : Sex Roles and Stereotyping

- 강간피해자에게 책임을 묻는 경찰과 검찰의 인식이 바뀌지 않는 한 강간범죄 신고율은 낮을 수 밖에 없고 강간범죄가 제대로 처벌되지 않는 한 강간범죄 발생율을 여전히 높을 수 밖에 없다. 따라서 성폭력을 담당하는 경찰, 검찰의 의식변화를 위한 양성평등교육, 성폭력 피해자 지원에 관한 교육 등이 이루어져야 한다.

- 1998년 7월 1일부터 '가정폭력범죄의 처벌 등에 관한 특례법'과 '가정폭력방지 및 피해자 보호 등에 관한 법률' 시행을 앞두고 가정폭력과 관련하여 경찰관, 사법관계자에 대한 교육을 실시해야 한다. 아울러 가정폭력방지법률에 대한 대국민 홍보 및 조기정착을 위한 정부의 노력이 필요하다.

3. 여성관련 예산

■ Article 2 : Obligations to Eliminate Discrimination : a, b, c, d, e, f

- 1998년 정부의 여성정책 관련 예산을 살펴보면 여성특별위원회 132억, 보건복지부 여성관련 152억원, 노동부의 근로여성관련 예산 140억원을 합하여 423억원으로 정부의 98년 일반회계 예산 68조9004억 대비 0.06%에 불과하다.

- 여성정책주무부서인 여성특별위원회 예산의 내역을 보면, 여성발전기금 50억, 한국여성개발원 출연금 51억, 여성특위에서 순수하게 집행하는 예산은 31억원이며 이 중, 사업비는 20억원에 불과하다. 여성특별위원회는 시급한 여성정책을 담당하기 위해서는 조정기능이 강화되어야 하고 그에 따른 예산이 확충되어야 한다. 여성발전기금의 경우 2001년까지 1000억을 조성하기 위해서 연도별 계획을 수립해야 하는데 97년 50억을 출연한 후 98년에도 여전히 50억 출연이 결정되었다. 따라서 99년 예산에는 200억원 이상으로 대폭 상향 조정되어야 목표액을 달성할 수 있으며, 이에 근거해서 여성발전기본계획도 충실히 이행할 수 있다.

- 보건복지부는 출산전 건강진단에 관한 의료보험 적용과 출산시 본인부담금 제외를 실시하고 이를 국고에서 지원해야 한다. 저소득 모자 가정 자녀교육비 지원을 확대해야 한다. 성폭력·가정폭력 피해자를 위한 상담소와 보호시설에 대한 예산을 확대해야 한다.

- 노동부는 일하는여성의집에 대한 확대 투자 및 단기직업훈련기관의 특성을 살릴 수 있도록 기능장비 구입 등 운영비 지원을 확대해야 한다. 3년 미만의 영유아를 가진 남녀근로자가 1년 이내의 유급육아휴직을 사용할 수 있는 제도를 도입하고 국가예산에서 육아휴직비용의 일부를 보조해야 한다.

- 교육부는 교과과정 개정시 양성평등에 관한 연구 및 여성사회교육 프로그램 개발, 민간여성사회교육기관을 지원해야 한다. 성교육을 활성화하기 위해 교사연수 및 교재개발을 위한 예산을 신규로 책정해야 한다. 학교급식을 중등학교까지 확대하는 예산을 책정해야 한다. 99년 상반기까지 고등학교 학교급식을 100% 추진하겠다고 한 약속을 이행해야 한다.

4. 여성의 정치참여

■ Article 4 : Acceleration of Equality between Men and Women : 1

■ Article 7 : Political and Public Life : b

- 여성의 정치참여를 확대하기 위해서는 선거제도가 개혁되어야 한다. 광역의회의 경우 지역구 선출직은 의원정수를 절반으로 줄이고, 비례직을 50%로 확대해야 한다. 그리고 비례직의 30% 이상의 여성할당을 실시해야 한다.

■ Article 3 : Development and Advancement of Women

- 그동안의 여성정책담당기구는 권한, 인력, 예산, 정책조정수단을 충분히 갖지 못한 정부내의 주변적 조직이었다. 따라서 여성정책을 제대로 수행할 수 있는 충분한 권한과 인력과 예산이 보장된 여성정책전담기구가 되어야 한다. 그러나 신설된 여성특위는 그동안 여성계가 요구해 온 충분한 권한, 인력, 예산 및 정책조정수단을 갖고 있지 못하다. 따라서 여성특위는 여성정책이 그 특성상 모든 관련부처의 업무와 연관되어 있으므로, 여성에게 영향을 미치는 모든 국가정책에 관한 여성정책적 영향력을 가져야 한다. 단순한 기획과 통합만으로는 부족하며, 관련부처에 대하여 여성정책에 관한 조정·협력·감독권, 지방여성정책의 지원·감독권 등이 있어야 한다. 그러나 여성특별위원장은 국무위원이 아니므로 국무회의에 참여해서 발언권만 있고 의결권은 없는 상태이다. 위원구성도 비상임위원중심이다. 기능에서도 특위의 가장 큰 장점

으로 여겼던 차별사례의 분쟁조정과 처분 등의 준사법적 기능과 행정 기능, 아울러 규칙을 제정할 수 있는 준입법적 기능이 빠져있다. 또한 각 부처의 여성정책관련조직과 지방자치단체의 여성정책관련조직에 대한 지휘, 감독권이 보장 되어야한다.

5. 교육에서의 남녀평등

■ Article 2 : Education : c

- 성평등교육의 확산을 위해서는 교육과정의 개발 및 심의 과정을 포함하여 교과서 개발과 심의, 선정에 이르는 전 단계에 걸쳐 최소 여성의 참여가 30%가 되어야 한다. 덧붙여 교육내용의 성형평성을 점검할 수 있는 심의기준을 개발해 국정교과서는 물론 2종교과서 검정시에 성형평성 심의 결과를 적극 활용해야 한다.

6. 여성농민

■ Article 14 : Rural Women

- 여성농민들은 과중한 노동에도 불구하고 농업생산자로서 보다는 농가주부로 인식되어 사회적 생산자로서의 역할에 맞는 여성농민의 사회적 지위를 인정받지 못하고 있다. 또한 농·수·축협 등 각종 협동조합에서도 여성농민들의 조합참여를 가로막고 있다. 따라서 실질적인 농업생산의 절반을 담당하고 있는 여성농민을 농업 생산인력의 주축으로 육성하는 정책이 수립되어야 한다.