

Korean Women's Association United (KWAU)

Review of Korea Women's Human Rights

1. Introduction

As a former CEO and candidate of an opposition party won the 17th presidential election of South Korea in 2007, efficiency and market-driven political philosophy are becoming predominant in the name of pragmatism. Particularly, government ministries are eliminated or consolidated in an effort to address public distrust of government and under the pretext of efficiency. The new administration now wants to combine the Ministry of Gender Equality & Family and the Ministry of Health & Welfare and to reduce the ministry responsible for gender affairs to a toothless committee within another ministry. This is a huge setback for Korean women's human rights considering the ministry has been shaping regulations for gender equality and improving their effectiveness.

1-1. Elimination of a Government Ministry Dedicated to Women Affairs

The Ministry of Gender Equality was first established in 2001 and expanded the scope of its responsibility by taking over childcare matters in 2004 and family policies in 2005. Now, the ministry is soon to be disbanded as a proposal for reorganization of government bodies is submitted to the National Assembly in January 21, 2008. The ministry started from a special commission under president and then, minister without portfolio before it was finally raised to an independent ministry with enforcement authority, responsible for coordination among different ministries and offices, gender impact assessments, gender-sensitive budgeting and egalitarian education. Considering that Korea is in the stage where policies for gender equality are taking root and bearing fruit, consolidating a ministry leading such efforts with another ministry covering general welfare services is equal to throwing away the vision and philosophy for realization of a more equal society. The elimination will have huge impact on social development and empowerment for women at the time when support for caring labor is increasingly called for as Korea is heading for an aged society with falling birth rates and the ministry needs to lay out comprehensive policies in response to changes in women and family lives more than ever.

2. Core Requirements for Korean Women's Human Rights

2-1. More Regular Women Workers and No Discrimination across Employment Types

Though more women want to work, only 54.7% of women aged 15 ~ 64 actually landed a job in 2006, 6 percent points lower than 60.8%, the average of OECD member countries. According to

a survey of Korea National Statistical Office in August, 2006, among those working women, 67.6% have non-regular jobs and suffer from low-paying insecure employment. They did not have quality jobs and vocational training. The average wage of such non-regular female workers was only 43% that of their regular male counterparts. Considering only 5% of working women are organized, more assistance is needed to make equal pay for equal work accepted as a social norm for women regardless of workplace size or employment type.

Korean government enacted laws to ensure 90-day maternity leave with costs covered by public employment insurance in 2005, strong improvement of working conditions in workplaces with more than 1,000 employees and enforcement of anti-discrimination law for non-regular workers in July, 2007. The government must do more, however, because these measures benefit only 30% of working women who have regular jobs. The law to protect non-regular workers has been effective since 2007, but any official remedy against discrimination can be sought only by individual workers who claim to be discriminated against on the ground that he or she has no permanent position. Even such a procedure is followed, the authorities compare employment practices of the employer a complaint is filed against and those of its competitors in the same industry, not general business practices. Therefore, the law must be expanded to become more effective, and be revised to prevent massive layoff or labor outsourcing often used by businesses which do not want to recruit regular workers. Criteria for equal-pay-for-equal-work (i.e. gender-sensitive job assessment model and guidance) and anti-discrimination regulations need to be devised to reduce inequality across different genders, employment types and business sizes. Care workers and other unofficial workers need to be legally recognized as workers. Considering that 26.6% of women workers are employed by businesses hiring fewer than 5 people, the Labor Standard Act currently only applicable to workplaces with 5 or more employees need to be revised to benefit all workers.

2-2. Human Rights for Victims of Domestic Violence and Punishment of Aggressors

Victims of domestic violence are not fully protected in Korea despite their rights to be safe against aggression (under Final Comment No. 11 in 88th Session of UN Human Rights Committee), to choose a place to live as a human being and to lead a stable life. This is because i) violence at home is culturally a matter of privacy, ii) legal and institutional safeguards for the victims are poor, iii) the awareness is low in the police, iv) the aggressor is often allowed to stay at home while the victim is driven away under the existing legal system, and v) public services focus on counseling for the victims rather than punishment of the perpetrators, resulting in only 14.9% of prosecution among the arrested for domestic violence in 2003. Now relevant authorities must put more efforts on i) a campaign to raise awareness that domestic

violence is a crime, ii) appropriate injunction based on judgment of danger the harmer puts on the victim, and iii) guarantee of security for the victim.

2-3. Overall Revision of the Health Family Act

The Health Family Act seems to emphasize “Family” in its English title, but the Korean equivalent connotes “Healthy Home”, dividing “healthy homes” and “unhealthy homes”. The act suggests that a traditional family with a couple of man and woman and their children is healthy while other family types are not, creating discrimination against the unconventional families. In particular, Article 3 stipulates that a family can be formed only by marriage, blood relationship and adoption. The law must be revised because it excludes cohabitation, foster family, unwed parenthood or other non-traditional families.

2-4. Revision of Civil Law for Joint Ownership and Fair Split of Community Property

Among Korean couples, 76.2% register their homes in husband's name, and when couples file a divorce only 20 ~ 40% wives leave marriage with at least some asset. It is widely believed that financial control must belong to men, breadwinners, while women's caring labor are not valued, therefore, women have no say for property. In consideration of such reality, civil law needs to be amended to guarantee women community property and property split during marriage.

2-5. Legal Revision for More Political Representation of Women

Korean women's participation in political activities is at the lowest level in the world as the national assembly had had fewer than 10 women lawmakers until 17th election, which produced seats for 43 women. However, among them, only 10 were elected while the rest obtained uncontested seats guaranteed in proportion to votes their parties garner. The figures show that the country is far from fair representation of women under the current political environment. However, it is unavoidable that women have to seek their political position mainly from proportion representation rather than constituent contest polls for a while. Such representation also can be used as an important tool to change Korea's political landscape marred by regionalism and to initiate a reform so that parties more focus on policies. Currently, a bill to quota 30% of elected seats to women is only collecting dust in the assembly.

2-6. More Support for Families with Single Mothers

Women lead 21.9% of all Korean households and they account for 24% of all women workers. Out of such families with single mothers, 21% live in poverty line, 3 times higher than such poor families with male breadwinners. Therefore, financial aid for poor families with one or two members needs to become realistic and to focus particularly, on medical treatment, housing,

education and other areas where poor women need most assistance. In addition, considering that though single mothers are highly motivated to work they remain poor, the support for such women should go to childcare, education for children, housing, medical services, job opportunities and basic household expenses during vocational training period. This will help those women get out of poverty and policies design to help those women have more effect.

2-7. Mandatory & Comprehensive Training for Women's Human Rights

Despite laws and regulations against sexual violence, victim's rights are not fully protected (Refer to Table 1) due to low awareness of women's human rights among the public. An effort to improve the situation requires training among teachers educating the next generations, police officers investigating sexual violence, lawyers enforcing applicable laws and other relevant experts. Even though laws are created to prevent domestic violence, sexual assault and human trafficking and to punish aggressors, they are not sufficiently enforced. Classes on human rights at schools remain perfunctory. More efforts are needed to encourage schools to provide education badly needed to prevent violence and to enhance human rights. Human right education needs to be more comprehensive to meet various needs: prevention of violence against women, improvement of awareness of gender equality, etc.

2-8. Gender-sensitive Perspective in Policies for Women with Disability and Better Support for Those Women

Women with disability are different from their male counterparts in terms of gender, severity/type of disability, age and socioeconomic status. However, policies for the disabled are gender-blind and designed to treat men and women alike. In order to resolve problems associated with disabled women and to prevent their status from deteriorating, relevant policies and programs must consider and accommodate unique needs of the women. Their quality of life needs to be improved with various socioeconomic considerations and more effective laws and regulations. Furthermore, lack of education is a root cause of limitations in choice of jobs, discrimination and inequality in personal wealth, social status and marriage and lifelong poverty. Therefore, education must become mandatory for such women and different education opportunities need to be provided across life cycle of the women: i.e. basic education, classes to prepare public education eligibility test, capability-enhancing training, etc. (Refer to Table 2)

2-9. Elimination of Discrimination against Migrant Women Who Arrive in Korea for Marriage or Job Opportunities

120,000 foreign women who migrate to Korea suffer from unfair wages, lack of maternity protection, poor housing and little right to health. Despite such violation of human rights, those

women decide to remain silent in fear of being deported. Women from third countries married to Korean men amount to around 120,000. They often have different skin color and ethnicity, and came form poorer countries, suffering from racial, class and gender discrimination. In addition, 50,000 kids of foreign wives and women workers are deprived of schooling on the ground of mixed blood.

Applicable laws need to be amended to guarantee foreign women access to legal procedures regardless of legality of their entry into Korea. Stay must be guaranteed for foreign victims of sex violence so that they can recover from the violence, and livelihood and medical treatment also need to be provided to those women over the period. Fraudulent marriage for a trafficking purpose by marriage brokers should be cracked down on, stay should be allowed for divorced foreign women due to their spouse's abuse and foreign divorcees should be given rights to live in Korea and job opportunities so that they will not fall into the trap of trafficking. If migrant women are admitted to public shelters for battered women, basic livelihood support needs to be provided, at least partially, if they are not Korean citizens. The women workers, though undocumented, should be allowed to form or join a labor union and their children, opportunities for higher education, regardless of the status of their stay.

<Table 1>

Sexual crimes are often not reported. The report rate was only 6.1% in 1998 according to a study by Korea Institute of Criminal Justice Policy. Sex offence such as rape or sexual harassment often does not lead to prosecution.

<Prosecution of Rape and Sexual Harassment in 2000 and 2005> (Unit: Cases, %)

	Year	Reported	Prosecuted	Non-prosecuted	Referred to Other Authorities	Prosecution Rate
Rape	2000	2,120	385	1,607	62	18.2
Semi-rape	2005	1,873	283	1,442	45	15.1
Sexual Harassment	2000	1,933	411	1,444	29	21.3
Semi-sexual harassment	2005	3,554	1,205	2,224	60	34.0

Source: p. 486~9, annual crime statistics, Prosecutor's Office (2006)

(http://icic.sppo.go.kr/kor/manual/manual_list.jsp)

There is only one court ruling where sexual violence was recognized between a married couple in 2004.

<Table 2>

A 2005 survey shows that 62.5% of disabled women never go beyond middle school.

<Educational Background of Women with Disability> (Unit: %)

Education	The Disabled						Total Population		
	Year of 2000 (1)			Year of 2005 (2)			Total	Women	Men
	Total	Women	Men	Total	Women	Men			
No Schooling	0.7	0.6	0.7	0.9	0.8	1.0	1.1	1.0	1.2
No Education	21.7	37.0	12.2	15.6	27.8	7.4	5.1	8.0	2.2
Elementary School	30.4	31.5	29.6	30.2	34.7	27.1	19.4	21.6	17.2
Middle School	14.3	11.2	16.2	16.7	13.7	18.6	13.6	14.4	12.8
High School	24.4	15.5	29.9	26.0	17.9	31.4	34.7	34.4	34.9
College and Above	8.6	4.2	11.3	10.6	5.0	14.5	26.1	20.6	31.7
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Source; (1) 2000 survey of the disabled, Ministry of Health and Welfare (2001)

(2) 2005 survey of the disabled

(3) 2000 Census, Korea National Statistical office