

Korean NGO Statement to the CEDAW Committee

30th July 2007

Thank you Madam Chair,

I present to you the Korean Shadow Report prepared with the participation of nine NGOs. My colleague and I will highlight 5 cross-cutting issues.

1. Female labor and poverty issues

: Challenges facing women workers and the deepening feminization of poverty

Female casual workers account for approximately 70% of female workers and the income of female casual workers is only about 41% of the income of male regular workers (Based on 2006 data from: National Statistical Office, Woman's life in statistical point of view 2007). The most serious thing is that businesses recruit men as regular workers and women as casual workers from the start, making it impossible to compare working conditions between men and women. This fact means that the 'Equal employment ACT' does not protect women's rights because it is written to ensure that men and women working under the same employment conditions receive the same treatment. This data shows that women and men often do not work in the same conditions.

In addition, female casual workers are often fired or outsourced to economize the production cost or to disregard the labor law. We evaluate this situation hinders women from exercising 'the right of equal employment' in the article 11 of CEDAW.

The deterioration of working conditions for women has deepened the feminization of poverty. As of 2000, female-headed households were 3 times poorer than male-headed households (Seok, Jae Eun, 2003). However, the problem of female poverty was ignored in the government's anti-poverty policy. This reflects a lack of a gender sensitive perspective of poverty in Korean society.

We would like to recommend that the Korean government

- make policy to prevent discrimination against female casual workers ; and
- make a gender sensitive poverty policy and appropriate budget allocations to prevent the feminization of poverty.

2. Promoting the rebirth of additional point system to the discharged soldiers.

By 1998, when discharged soldiers applied for some levels of the civil service exam, additional points were granted to them because of their status as discharged soldiers. This strongly affected the result of the exam. In 1998, the judiciary ruled that this policy was against the Constitution. But some Assembly members again wrote a similar law. It was passed by the Subcommittee on the Deliberation of Bill of the National Defense Committee in this June. Under the Korean government's conscription system, more than 70% of the male populations have been enrolled in the army. Because soldiers are given these additional points, approximately 10% of women who would have made the cut off do not. This law violates many of CEDAW's Articles (1, 2, 3, 7, 11, 15).

We would like to recommend that the Korean Assembly and government

- drop the Assembly Bill that gives 'additional points to the discharged soldiers'; and
- express government's opposition to the bill to the assembly

3. Anti prostitution issues

: Lack of efforts to support of victims of prostitution and the problem of legal execution that punishes women

It is a positive fact that the law prohibiting sale of sex has been passed but the facilities that assist women engaged in prostitution are still inadequate: they are not yet fully systematized as to their networks and infrastructure, and these women have not been given a practical, alternative plan to make a living. The Prostitution Act distinguishes between "victims of forced prostitution" and "person who have committed prostitution" and then only grants immunity to those women who were victimized in the process of prostitution. This system where female victims are required to prove

that they were coerced into prostitution is compromising the protection of those women.

We would like to recommend that the Korean government

- systematize the facilities to support victims of prostitution; and
- grant immunity to all women in prostitution, no longer distinguishing between "victims of forced prostitution" and "person who has committed prostitution"

4. Issues of Human Trafficking : International Marriage Brokerage System

About 25% of local Korean governments operate the "International marriage subsidy program for farmers and fishermen" since some Korean women avoid marrying men in farming and fishing areas. This Program encourages international marriage by guaranteeing profits to agencies and these marriages take on human trafficking character. The agency often furnishes incorrect information to the woman about the man and then restricts her ability to say "no" because she is held in debt bondage. Such a situation hinders women from exercising the "right freely to choose a spouse" in Article 16 of CEDAW.

We would like to recommend that the Korean government

- make an effort to abolish the "International marriage subsidy program for farmers and fishermen"; and
- establish a strong law to punish the international marriage brokerages who violate women's human rights.

5. Sexual violence issues: Regulation problem which makes difficult to punish sexual criminal & slight penalty to sexual violence

Under the current law, sexual violence can be indicted only by the accusation of victim. Therefore, secondary damage happens when the guilty party threatens victim to cancel the accusation. Because of that, the rate of indictment to rape and indecent assault is around 20%. Also, wife rape is not acknowledged as a crime and slight penalty is sentenced to the sexual criminal. These all contributed to let the criminal do the same crime. For example, in 2005, a criminal suspended jail sentence, committed a crime raping a child and kill her who lived in the neighbor. In 2006, Senator Yeun-Hee Choi who sexually violated woman reporter was deferred sentence so he could maintain his qualification of senator.

We would like to recommend the Korean government and the judicature

- abolish 'a crime indictable only upon complaint' on sexual crime and to acknowledge wife rape as a crime.
- educate police man, prosecutor and judge on gender sensitive perspective.