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## **Committee on the Elimination of Discrimination against Women**

### **Concluding observations on the eighth periodic report of the Republic of Korea\***

1. The Committee considered the eighth periodic report of the Republic of Korea (CEDAW/C/KOR/8) at its 1576<sup>th</sup> and 1577<sup>th</sup> meetings (see CEDAW/C/SR.1576 and 1577), held on 22 February 2018. The Committee's list of issues and questions is contained in CEDAW/C/KOR/Q/8 and the responses of country are contained in CEDAW/C/KOR/Q/8/Add.1.

#### **A. Introduction**

2. The Committee appreciates the submission by the State party of its eighth periodic report. It also appreciates the State party's follow-up report (CEDAW/C/KOR/CO/7/Add.1) and its written replies to the list of issues and questions raised by the pre-sessional working group, as well as the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue.

3. The Committee commends the State party's high level delegation which was headed by Ms. Chung Hyun-back, Minister for Gender Equality and Family. The delegation also included representatives of the Ministry of Foreign Affairs, the Ministry of Gender Equality and Family, the Ministry of Justice, the Ministry of Education, the Ministry of Health and Welfare, the Ministry of Employment and Labour, the Ministry of Personnel Management, the Korean National Police Agency, the Permanent Mission of the Republic of Korea to the United Nations Office and other international organizations in Geneva, and interpreters.

#### **B. Positive Aspects**

4. The Committee welcomes the progress achieved since the consideration in 2011 of the State party's seventh periodic report (CEDAW/C/KOR/7) in undertaking legislative reforms, in particular the adoption of:

(a) The Multicultural Families Support Act, revised in 2017, designed to aid migrant women in creating social support networks;

(b) The Framework Act on Gender Equality in 2014;

(c) The Act on the Prevention of Sexual Assault and Protection, etc. of Victims Thereof, revised in 2012 and 2014;

(d) The Labour Standards Act, revised in 2012 and 2014, extending maternity leave to women experiencing miscarriage or stillbirth prior to the sixteenth week of pregnancy;

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\* Adopted by the Committee at its sixty-ninth session (19 February-9 March 2018).

(e) The Equal Employment Opportunity and Work-Family Balance Assistance Act, revised in 2012 and 2014, raising the age limit for childcare leave from a child, including an adopted child, to under the age of nine; encouraging parents to take childcare leave; and requiring employers to receive sexual harassment prevention education along with their employees with sanctions for non-compliance;

(f) The Act on the Prevention of Sexual Trafficking and Protection, etc. of Victims Thereof, revised in 2012 and 2014;

(g) The Act on the Prevention of Domestic Violence and Protection, etc. of Victims, revised in 2012, 2013, and 2014;

(h) The Act on Special Cases Concerning the Punishment, etc. of Sexual Crimes, revised in 2011, 2012, 2013 and 2014.

5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as:

(a) The Mid-term Sectoral Strategy (2016-2020) of the Korea International Cooperation Agency;

(b) The Second Basic Plan for Gender Equality Policies (2018-2022).

6. The Committee welcomes the fact that, in the period since the consideration of the previous report, the State party has acceded, in 2015, to the Palermo Protocol.

## C. Parliament

7. **The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see the statement by the Committee on its relationship with parliamentarians, adopted at the forty-fifth session, in 2010). It invites the National Assembly, in line with its mandate, to take the necessary steps regarding the implementation of the present concluding observations between now and the submission of the next periodic report under the Convention.**

## D. Principal areas of concern and recommendations

### Reservations

8. The Committee takes note that continuing negotiations among relevant Ministries of the State party regarding the withdrawal of its reservation to article 16, paragraph 1 (g), of the Convention will conclude in 2018.

9. **The Committee recalls its previous recommendation (CEDAW/C/KOR/CO/7, para. 11) and its statement on reservations, adopted at its nineteenth session, in 1998, considers that the reservation to article 16 paragraph 1 (g), of the Convention is incompatible with the object and purpose of the Convention and that it is therefore impermissible and should be withdrawn.**

### Visibility of the Convention, Optional Protocol and the Committee's concluding observations and general recommendations

10. The Committee takes notes of the efforts of the State party to disseminate the Committee's previous concluding observations (CEDAW/C/KOR/CO/7), including tabling them in the National Assembly, and other awareness-raising efforts regarding the Convention and its Optional Protocol. It is, however, concerned that such efforts have not targeted law enforcement officials, prosecutors and the judiciary, and that women themselves are not aware of their rights under the Convention or of the complaints procedure under the Optional Protocol and thus lack the capacity to claim their rights.

11. **The Committee reiterates its previous recommendation (CEDAW/C/KOR/CO/7, para. 13) and encourages the State party to:**

(a) **Ensure the dissemination of the present concluding observations, the Convention, its Optional Protocol and the Committee's general recommendations among all stakeholders, including Government and law enforcement officials, prosecutors and the judiciary;**

(b) **Raise awareness among all women, targeting in particular women belonging to disadvantaged groups about their rights under the Convention, and the procedures under the Optional Protocol for to them to claim violations of their rights;**

(c) **Promote capacity-building programmes for all stakeholders as stated above on the rights under the Convention.**

#### **Definition of discrimination against women, discriminatory laws**

12. The Committee notes with concern that the State party has yet to adopt a comprehensive anti-discrimination law, as recommended by the National Human Rights Commission of Korea in 2006 and 2016. The Committee notes the information provided by the State party during the dialogue that action against discrimination, including on the grounds of sexual orientation and gender identity, was going to be taken and that the adoption of a general anti-discrimination law would be covered by the third national action plan for 2017-2021. It also notes with concern that a separate law on the prevention of discrimination based on gender has not been enacted since the repeal of the Gender Discrimination Prevention and Relief Act in 2005. The Committee further notes that, in 2015, the Ministry of Gender Equality and Family requested the Daejeon Metropolitan Council to remove provisions related to lesbian, bisexual, transgender and intersex persons from its Basic Ordinance on Gender Equality.

13. **Reiterating its previous concluding observations (CEDAW/C/KOR/CO/7, para. 15), the Committee recommends that the State party adopt a comprehensive anti-discrimination law that prohibits discrimination against women, including direct, indirect, and intersecting forms of discrimination affecting disadvantaged groups of women, such as women living in poverty, women belonging to ethnic, racial, religious and sexual minorities, women with disabilities, women refugees and asylum seekers, stateless and migrant women, rural women, single women, adolescents and older women, as defined in article 1 of the Convention and in line with general recommendation No. 28 (2010) on the core obligations of States parties under article 2.**

#### **Extraterritorial State obligations**

14. The Committee commends the State party for its efforts to mainstream gender into its international cooperation programmes. It takes note of its environmental policies, particularly those aiming to reduce fine dust by 30% by 2022. It is, however, concerned that its energy policies relating to fossil fuel and coal fired power plants, which result in greenhouse gas and other emissions, negatively affect women, especially pregnant women, as they increase woman and child mortality.

15. **The Committee recommends that the State party review its energy and climate change policies to ensure that these do not impact adversely on women's and girls' life and health.**

#### **National machinery for the advancement of women**

16. The Committee welcomes the establishment of the Gender Equality Committee, in 2015, operating under the Prime Minister, its reinvigoration in 2017, and the State party's plans to convert it into an overarching coordination body under the President. It also welcomes the designation, in 2015, of Gender Equality Policy Officers in 47 central administrative organizations and 17 municipal and provincial government entities. The Committee is, however, concerned that merging gender equality and family affairs in one Ministry for Gender Equality and Family may directly or indirectly entrench discriminatory stereotypes about the roles and responsibilities of women and men in the family and in society. Furthermore, the Committee is concerned that the Permanent Cooperative Body on Gender-responsive Budgeting involving the Ministry of Strategy and Finance lacks a legal framework and is equipped with only ten officials.

17. **Recalling its general recommendation No. 6 (1988), the Committee recommends that the State party:**

(a) **Establish the Gender Equality Committee at the Office of the President and equip it with the necessary human, financial and technical resources and a clear mandate to coordinate the State party's national machinery for the advancement of women;**

(b) **Strengthen its mechanism on gender impact and analysis, at all levels of local government, by equipping it with adequate human, financial and technical resources;**

(c) **Enact a legal framework for the effective functioning of the Permanent Cooperative Body on Gender-responsive Budgeting involving the Ministry of Strategy and Finance and provide it with the necessary human, financial and technical resources.**

#### **National Human Rights Institutions**

18. The Committee is concerned that the newly created Gender Equality Division in 2018 is not equipped to deal with the sharply increasing number of petitions concerning discrimination against women.

19. **The Committee recommends that the State party reinforce the gender and women's rights mandate of the National Human Rights Commission of Korea and allocate sufficient human, financial and technical resources to strengthen its functions regarding gender-based discrimination.**

#### **Temporary special measures**

20. The Committee is concerned that the State party has been among the lowest ranks in the glass ceiling index of the 29 countries of the Organisation for Economic Co-operation and Development (OECD) and that the five-year plans to enhance women's representations in the public sector implemented since 2002 have yielded limited results regarding women's high-level participation in the public sector. The Committee notes the modest targets in the Plan for 2022 of 10 per cent of women employment ratio for level 2 and above and 21 per cent for level 4 (division head level) and above. It is further concerned that, in 2015, there were merely 28.7 per cent women principals at elementary schools, 23.2 per cent at middle schools, and 9.5 per cent at high schools, and that, in 2015, 14.2 per cent of women professors at public and national universities.

21. **The Committee recommends that the State party make use of temporary special measures, with a clear time frame, in line with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) to ensure the equal representation of women in high-level public posts, including public schools and academia at all levels and public and national universities.**

#### **Gender-based violence against women**

22. The Committee notes the efforts of the State Party to combat gender-based violence, including by establishing emergency hotline centres providing interim shelter to victims, increasing social awareness of domestic violence as a crime, and the measures taken to strengthen prevention and protection. It welcomes the amendment to the Act on Special Cases Concerning the Punishment etc. of Sex Crimes, which removed the requirement for victims of sexual violence to file a complaint in order to have their cases investigated and prosecuted. However, the Committee notes with concern:

(a) That the current definition of rape in article 297 of the Criminal Code requires proof of "means of violence or intimidation", and that the Committee's previous recommendations to specifically criminalize marital rape in legislation, rather than only in case law (CEDAW/C/KOR/CO/7, para. 21(e)), were not implemented;

(b) The increase from 160,272 of reported domestic violence cases in 2013 to 264,528 in 2016; the increase from 494 in 2012 to 19,834 in 2016 of home protection cases

of domestic violence under the Act on Special Cases concerning the Punishment, etc. of Crimes of Domestic Violence;; the fact that 43.4 per cent of a total of 16,868 home protection cases in 2015 did not entail any criminal punishment, as the primary purpose of the Act is to maintain and restore the family; and that violators of restraining orders are only subject to administrative fines;

(c) The social stigma attached to, and the institutional prejudice against, sexual violence victims, which deters women and girls from filing reports with the police, including the widespread misconception, generated also by men's organizations, that sexual violence reports are false; the bringing of defamation charges against victims who report to authorities or notify confidants of sexual violence offences, and the consideration of the victims' sexual background as evidence in judicial proceedings, which leads to secondary victimization and silencing of victims;

(d) The significant increase over the past ten years in online sexual violence crimes, the low ratio of prosecutions and the lenient sanctions imposed on perpetrators, that the plans to have the Korea Communications Standards Commission delete and block criminal content upon request by law enforcement agencies will only serve as a post-facto and not preventive measure, and the fact that they have not been implemented yet so that victims of such crimes have to resort to costly "digital undertakers" to have such content removed online;

(e) The more than 2,100 complaints of sexual harassment in the workplace received by the Ministry of Employment and Labour from 2012 to 2016, resulting in a disproportionately low number of prosecutions (83 between 2012 and 2015 out of 1,674 cases), including prosecutions for adverse measures taken by employers against sexual harassment victims prohibited by article 14, paragraph 2 of the Equal Employment Opportunity and Work-Family Balance Assistance Act, due to the fact that harm to the victim has to be proven for prosecutions failing which the case is settled with payment of a fine for negligence; and insufficient monitoring of the State party's policies to prevent and protect against sexual harassment in the workplace;

(f) The high prevalence of sexual violence against women in public institutions such as schools, including by teachers themselves, universities and the military;

(g) The reportedly insufficient services of counseling and psychological therapy centers and shelters for women "defectors" from the Democratic People's Republic of Korea.

**23. The Committee refers to its previous recommendations (CEDAW/C/KOR/CO/7, para. 21), and, taking account its general recommendation No. 35 (2017), updating general recommendation No. 19, and recalling Sustainable Development Goal 5.2, recommends that the State party strengthen its efforts to combat gender-based violence against women, and:**

(a) **Amend article 297 of the Criminal Code so as to place the lack of free consent of the victim at the centre of the definition, and specifically criminalize marital rape;**

(b) **Amend the Act on Special Cases Concerning the Punishment, etc. of Crimes of Domestic Violence, to ensure that the safety of the victims and their families becomes its primary purpose, by, *inter alia*, extending its applicability to single sex couples or families, and all women regardless of their sexual orientation or gender identity; abolishing the system of suspending charges in home protection cases on condition of counselling or training for domestic violence and prohibiting the use of reconciliation and mediation in such cases; ensuring that perpetrators are criminally punished under statutory sanctions; and adopting a policy of mandatory arrest for crimes of domestic violence in case of breach of restraining orders;**

(c) **Take all necessary measures to prevent the abuse of criminal proceedings by bringing false charges against victims of sexual abuse, including by ensuring free legal representation for their defense, and prohibit the victim's sexual background to be used as evidence in judicial proceedings;**

(d) **Strengthen preventive measures against online sexual violence, including by enacting legislation that explicitly criminalizes such new forms of sexual violence against women, considering penalizing with considerable financial sanctions online platforms and online distributors that fail to delete or block criminal content from their platforms, and swiftly implement the State party's plans to have the Korea Communications Standards Commission delete and block such criminal content, including upon request by victims;**

(e) **Establish an effective system of management and oversight for cases of sexual harassment in the workplace, in particular by small and medium-sized enterprises, with a focus on prevention, and ensure that the 2017 amendment to the Equal Employment Opportunity and Work-Family Balance Assistance Law providing for mandatory disciplinary measures against perpetrators is strictly complied with;**

(f) **Ensure stricter punishment of perpetrators of sexual violence in public institutions, including schools, universities, and the military; take steps against the reinstatement of perpetrators in their professional functions; and provide for stricter confidentiality to facilitate reporting and counselling;**

(g) **Provide adequate financial resources to centres for women "defectors" from the Democratic People's Republic of Korea in order to provide for effective psychotherapy and counselling, including in cases where they experienced sexual violence.**

#### **Trafficking and exploitation of prostitution**

24. The Committee welcomes the ratification of the Palermo Protocol and the adoption of a new article 296.2 of the Criminal Code, establishing limited universal jurisdiction for crimes of trafficking in persons. The Committee acknowledges the efforts made in providing support services to foreign women who are victims of trafficking. Nevertheless, the Committee remains concerned at:

(a) The absence of a comprehensive law on trafficking in human beings and that aspects of trafficking in human beings remain scattered across sectoral legislation;

(b) The situation of migrant women who enter the country on E-6-2 visa granted to work in the entertainment industry, who often become victims to trafficking and exploitation of prostitution, are vulnerable to sexual harassment, sexual violence and other crimes, and are being deported, unless they actively engage in legal proceedings against their perpetrators, as well as the situation of women "defectors" from the Democratic People's Republic of Korea, forced into prostitution to provide for their families;

(c) The low prosecution and conviction rates in cases of trafficking in women and girls, lenient sentences for perpetrators, and the lack of disaggregated data on victims;

(d) The lack of a victim-centred approach to trafficking and exploitation of prostitution, given that women engaging in prostitution without coercion are subjected to criminal punishment, including following sting operations by police officers who stage as sex purchasers, and that children, including girls, exploited for prostitution are not classified as victims and are subject to treatment and correctional education as "protective juveniles";

(e) The lack of information on exit programmes for women who wish to leave prostitution.

25. **The Committee reiterates its previous concluding observations (CEDAW/C/KOR/CO/7, para. 23), and recommends that the State party:**

(a) **Enact a comprehensive law on trafficking in human beings which complies with the standards under the Palermo Protocol of support for and protection of victims of trafficking, including for foreign women and girls victims of trafficking who require special protection and assistance on issues such as residence, stay and returning to their home countries;**

(b) **Revise the current E-6-2 visa regime and strengthen the monitoring of entertainment companies who recruit foreign women, including in-situ visits to establishments where the women under the E-6-2 visa scheme work; take measures to ensure that the G-1 visa regime is applied to all women victims of trafficking, regardless of their willingness or ability to cooperate with the prosecution authorities; and design and implement policies based on research of their living conditions which address the structural causes of women “defectors” from the Democratic People’s Republic of Korea being forced into prostitution;**

(c) **Take adequate measures to increase the number of convictions of perpetrators of trafficking and abduction of women and girls, and take legislative measures to reduce the rate of suspended criminal sentences;**

(d) **Adopt a victim- and human rights-centred approach in its efforts to combat trafficking and exploitation of prostitution of women and girls;**

(e) **Design and implement exit programmes for women who wish to leave prostitution.**

#### **“Comfort women”**

26. The Committee recalls its concluding observations concerning Japan (CEDAW/C/JPN/CO/6, paras. 37 and 38, and CEDAW/C/JPN/CO/7-8, paras. 28 and 29) and welcomes the additional steps taken by the State party since the publication, on 27 December 2017, of the results of the review of the bilateral agreement between the State party and Japan of 28 December 2015. It further notes the State party’s intention to implement follow-up measures based on a victim-centred approach, and the opposition of victims/survivors and their families to the Reconciliation and Healing Foundation established under the bilateral agreement to distribute 1 billion yen received from Japan.

27. **The Committee recommends that the State party:**

(a) **Ensure that, in the implementation of the bilateral agreement announced jointly with Japan in December 2015, the State party takes due account of the views of the victims/survivors and their families;**

(b) **Ensure that the rights to truth, justice and redress of the victims/survivors and their families are fully upheld, including rehabilitation and fair and adequate compensation to be afforded without delay.**

#### **Participation in political and public life**

28. The Committee notes with concern that only 17 per cent of the Members of the 2016 National Assembly are women (compared to 15.7 per cent in the 2012 National Assembly), whereby the ratio is 53.2 per cent for the 47 members elected on the basis of proportional representation (2012: 51.9 per cent), compared to only 10.3 per cent of the 253 local constituency-based Parliamentarians (2012: 7.7 per cent). It is particularly concerned that the provisions of the Public Official Election Act, which require political parties to nominate at least 30 per cent women candidates for elections to the National Assembly, are not accompanied by enforcement mechanisms, so that only 10.5 per cent of candidates were women in the 2016 general elections. The Committee is further concerned that despite the requirements of the Public Official Election Act for political parties to nominate at least one woman candidate for elections to the provincial or local government councils in every local constituency (excluding countryside districts), only 8.2 per cent and 14.41 per cent of women were elected to the provincial and local councils, respectively, in the latest 2014 elections.

29. **The Committee recommends that the State party consider increasing the ratio of the number of seats in the National Assembly subject to proportional representation vis-à-vis the local constituency-based seats to increase the number of women Members of Parliament, and to introduce mandatory and enforceable gender quotas, subject to fines, for political parties for the nomination of**

**candidates for the National Assembly and provincial and local government council elections.**

30. The Committee notes with concern that, in 2017, women accounted for only 10.9 per cent of the total police force in the State party (2015: 9.9 per cent), due to “sex-segregated recruitment practices”, and that only 5.7 per cent of them are in managerial positions, due to reported gender discriminatory placement and promotion policies, and that the National Police Agency reportedly revoked its decision taken upon recommendation of the National Human Rights Commission of Korea and the Police Reform Commission to give priority to the recruitment of women regular police officers.

**31. The Committee recommends that the State party take the necessary steps to abolish “sex-segregated recruitment” of police officers and take measures to increase the number of women police officers, including at the inspectors level and above.**

**Women, peace and security**

32. The Committee welcomes the adoption of the first National Action Plan on Women, Peace and Security in 2014.

**33. The Committee recommends that the State party maintain its dedication to ensuring the effective implementation of Security Council resolution 1325 (2000) on women and peace and security and subsequent resolutions in addressing human rights abuses against women in conflict and post conflict situations and women’s significant participation in peace building, in line with the Committee’s general recommendation No. 30 (2013).**

**Nationality**

34. The Committee is concerned at:

(a) The absence of a universal, compulsory birth registration system in the State party, which puts children of undocumented migrant women, in particular unmarried migrant women, at risk of statelessness, due to the persisting gender-discriminatory social stigma attached to single mothers, and the failure by the National Assembly to adopt a draft law on the registration of children born to foreign parents, for lack of social consensus;

(b) The difficulties faced by migrant women married to Korean men and the length of the naturalization process;

(c) Immigration officers at times still requesting migrant women applicants to furnish a Korean citizen’s sponsor letter for the extension of legal residency, despite a legal amendment in 2012 removing such a requirement.

**35. The Committee recommends that the State party:**

(a) **Adopt and implement the necessary laws and procedures for the registration of children born to foreign parents, including compulsory birth registration by hospitals and health care professionals;**

(b) **Expedite the implementation of the necessary measures to ensure that the naturalization process for migrant women married to Korean men is significantly shortened, and in any event concluded within the maximum length of legal residency in the State party;**

(c) **Strictly enforce the abolishment of the legal requirement of a sponsor letter of a Korean citizen when applying for extension of residency, including through capacity building and training of immigration officers.**

**Education**

36. The Committee welcomes the steps taken by the State party to increase the number of women students enrolling in non-traditional fields of study such as science and technology. The Committee is further concerned that the new national School Sex



Education Guideline of February 2015, implemented in every school as at March 2017, focuses on fertility and sanitation, reportedly entrenches gender discriminatory stereotypes in the prevention of sexual violence, and depicts a negative image of certain types of families such as single-mother families.

**37. The Committee encourages the State party to consider implementing more effective measures, including temporary special measures, such as quota for educational institutions, targeted grants or loans for women and girls aspiring to enrol in non-traditional fields of study. The Committee recommends that the State party revises its national School Sex Education Guideline by eliminating discriminatory stereotypes and providing information on sexual and reproductive health and rights in an age-appropriate, evidence-based and scientifically accurate manner.**

### **Employment**

38. The Committee is concerned about the persistence of the gender pay gap (35.4 per cent in 2016), which remains the widest among all OECD countries. Furthermore, the Committee is concerned that 70.2 per cent of short-time workers are women and that there is no, or limited, protection under labour laws, such as the Labour Standards Act and the Act on the Protection of Fixed-Term and Part-Time Workers, while these women workers are only optionally able to enroll in the national pension scheme as an individually insured person and in employment insurance only after three months of continuous employment.

**39. The Committee reiterates its previous concluding observations (CEDAW/C/KOR/CO/7, paras. 31 and 33), and recommends that the State party:**

**(a) Strictly enforce the Equal Employment Act to implement the equal pay for work of equal value principle, in particular by drastically increasing the capacity of the Ministry of Employment and Labour to investigate cases of gender pay gaps; strictly impose sanctions for violations of the principle of equal pay for work of equal value; and introduce a wage notification system for public and private companies;**

**(b) Enhance protection of women short-time workers under the Labour Standards Act and the Act on the Protection of Fixed-Term and Part-Time Workers;**

**(c) Continue to conduct awareness-raising campaigns and expand benefits, such as raising the benefit level for both maternity and paternity leave so as to enhance the incentives to share child rearing responsibilities between parents.**

### **Health**

40. The Committee welcomes the efforts to improve health care services for women, including expanding social and health care services for older women with low income. It is however concerned that the State party's policies on sexual and reproductive health and rights narrowly focus on the health of married and pregnant women and family health. The Committee is further concerned that transgender persons' access to medical services is reportedly restricted and that intersex persons are reportedly subjected to irreversible sex assignment, sterilization or "genital normalizing surgery" without their informed consent.

**41. The Committee recommends that the State party review its health legislation and policies, in particular in relation to sexual and reproductive health and rights of women, and take corrective action, if required, in order to advance substantive gender equality in the health sector to all women subject to intersecting forms of discrimination. The Committee further recommends that the State party ensure transgender persons' right to access medical services, including National Health Insurance coverage, and that intersex persons are not subjected to involuntary medical interventions.**

42. The Committee expresses its concern that, even though abortion is legal under certain circumstances, including in cases of rape and incest, under the Mother and Child Health Act, it remains a punishable offence under the Criminal Code. In addition, the Committee is concerned that in September 2016, the Ministry of Health and Welfare reportedly defined abortion in violation of the Mother and Child Act as an unethical medical practice, subjecting health care professionals to criminal punishment and medical

license suspension. It, however, welcomes that this policy measure was later withdrawn. In that regard, the Committee takes note of the information provided by the State party that the constitutionality of the criminalization of abortion is currently before the State party's Constitutional Court.

**43. The Committee reiterates its previous recommendation (CEDAW/C/KOR/CO/7, para. 35) and, in view of the fact that unsafe abortion is a leading cause of maternal mortality and morbidity, calls on the State party to legalize abortion in cases of rape, incest, threats to the life and/or health of the pregnant woman, or severe foetal impairment, and to decriminalize it in all other cases, remove punitive measures for women who undergo abortion, and provide women with access to quality post-abortion care, especially in cases of complications resulting from unsafe abortions.**

#### **Rural women**

44. The Committee notes the efforts of the State party to incorporate gender equality policies in the Fourth Five-Year Framework Plan to Cultivate Female Farmers (2016-2020), to recognize women as co-owners of their farms on equal terms with their husbands, expand women farmers' participation in the National Pension scheme, and improve their vocational capabilities. It is concerned, however, at the very low rate of women directors in regional fisheries (5.7 per cent at the end of 2017) and agricultural cooperatives, despite legal requirements to appoint at least one woman director if their membership reaches a 30 per cent threshold, which is an indication of the small membership of women in such cooperatives.

**45. In line with the Convention and general recommendation No. 34 (2016) on the rights of rural women, the Committee recommends that the State party continue to improve the situation of rural women through appropriate measures, including by implementing the findings of the research project sponsored by the Korea Maritime Institute aimed at improving women's participation and empowerment in the fisheries industry. The Committee further recommends that the State party take strong measures for the appointment of more women as directors in the fisheries and agricultural cooperatives, to ensure women's voices are heard and gender concerns fully considered.**

#### **Marriage and family relations**

46. The Committee is concerned that article 781, paragraph 1, of the Civil Code maintains the patrilineal principle as it stipulates that a child may assume his or her mother's surname only when the father agrees at time of marriage. The Committee is further concerned that, upon divorce, marital property is divided according to each of the spouses' relative contribution, unless they agree otherwise in a contract. The Committee is further concerned that a reconciliation procedure is mandatory even in cases of divorce based on domestic violence, and that the ideology of preservation of the intact family leads to awarding visitation rights and child custody to abusive fathers. It is further concerned at the lack of social and economic protection to women in de facto unions.

**47. The Committee calls on the State party to amend article 781, paragraph 1, of the Civil Code to abolish the patrilineal principle in order to bring its laws in line with article 16, paragraph 1 (g), of the Convention. Recalling its previous recommendation (CEDAW/C/KOR/CO/7, para. 39), the Committee further recommends that the State party take legislative measures to incorporate a rule of equal distribution of marital property upon dissolution of a marriage or de facto union, in line with the Committee's general recommendation No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution. The Committee further calls on the State party to ensure that victims of domestic abuse seeking divorce are not forced to undergo reconciliation attempt or mediation with their aggressors prior to granting divorce; that members of the judiciary receive adequate mandatory training on the requirement to take gender-based violence in the domestic sphere into account in child custody cases and to give priority to the prosecution of crimes over family reconciliation, in order to adequately punish gender-based violence against women**

and prevent its recurrence. The Committee further recommends that the State party considers extending social and economic protection to women in de facto unions.

#### **Beijing Declaration and Platform for Action**

48. The Committee calls upon the State party to use the Beijing Declaration and Platform for Action, in its efforts to implement the provisions of the Convention.

#### **2030 Agenda for Sustainable Development**

49. The Committee calls for the realization of substantive gender equality, in accordance with the provisions of the Convention, throughout the process of implementation of the 2030 Agenda for Sustainable Development.

#### **Dissemination**

50. The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official language of the State party, to the relevant State institutions at all levels (national, regional, local), in particular to the Government, the ministries, the National Assembly and the judiciary, to enable their full implementation.

#### **Ratification of other treaties**

51. The Committee notes that the adherence of the State party to the nine major international human rights instruments<sup>1</sup> would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and the International Convention for the Protection of All Persons from Enforced Disappearance, to which it is not yet a party.

#### **Follow-up to concluding observations**

52. The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 13, 23 (b) and (d), and 25 (b) above.

#### **Preparation of the next report**

53. The Committee requests the State party to submit its ninth periodic report, which is due in March 2022. The report should be submitted on time and should cover the entire period up to the time of its submission.

The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (see HRI/GEN/2/Rev.6, chap. I)).

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<sup>1</sup> The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.