

**Written Answers submitted by the Republic of Korea
for CEDAW**

<Women's representation in politics>

1. The Government of the Republic of Korea already puts into practice a far-reaching policy scheme to increase the ratio of female representatives while stipulating that candidate registration be nullified if the quota of female candidates for proportional representation is not fulfilled in local elections. The Legislation and Judiciary Committee, together with the Special Committee on Constitutional Amendment and Political Reform, of the National Assembly, is currently in the process of reviewing the bills aimed at enhancing the women's political representation and at improving the effectiveness of the recommendation system of female candidates for proportional representatives in parliamentary elections. Accordingly, the National Assembly reached an agreement to amend the Public Official Election Act in December 2017 as part of its continued effort to improve the situation.

<Single-parent family allowance>

2. In accordance with the Single Parent Family Support Act, the Government of the Republic of Korea provides aid, such as childcare allowance, school supplies expenses, and living allowance, for childcare and stable livelihoods of low-income single-parent families. Single parents aged 24 or younger are entitled to childcare allowance, study allowance to take the national qualification exam for primary and secondary school, high school expenses, self-reliance allowance, and other benefits. At the same time, the government provides low-income single-parent households with preferential rights to public rental housing as well as opportunities for preferential college admission and various tax breaks, among others. By capitalizing on the 42 regional outlets of the nationwide Integrated Microfinance Support Center, the government offers low-interest loans needed for launching their own business and supporting their livelihood, in order to facilitate the financial life of low-incomers.
3. On top of that, the Child Support Agency was installed to make sure custodial parents receive child support payment from non-custodial

parents (obligors for child support), in accordance with the Act on Enforcing and Supporting Child Support Payment enforced in March 2015. A constant and comprehensive child support payment service is available once the parents apply for it. Low-income single-parent families will be given an emergency childcare allowance for up to nine months from the government if they still fail to collect the fund in time from the non-custodial parent. Furthermore, a program to support visitation rights is in place to improve relationship between non-custodial parents and children. Relevant campaigns and education programs are conducted to raise the sense of responsibility for child rearing, thus laying out the foundation for the voluntarily fulfilling of child support responsibilities.

<Regional cooperation for gender equality policy>

4. As previously mentioned in the November 2017 report, the Gender Equality Policy Officers and Gender Equality Policy Personnel are working with local governments to establish a cooperative system develop relevant policies. In 2017, the government provided gender-responsive training to the Gender Equality Policy Officers and Personnel three times to improve their competence. To boost cooperation between central ministries and local governments, the Working Committee of the Gender Equality Council discusses current issues and coordinates policy efforts. In addition, local governments hold forums to broaden the foundation for gender equality polies in hopes of strengthening the network among regional public servants in charge of gender equality policies. They also operate a permanent regional cooperative system at central and local levels (e.g., meetings of central and local Gender Equality Policy Officers) and prepare a regional delivery system, in order to further deepen regional cooperation for gender equality policies.

<The National Action Plan for UNSCR 1324 on Women, Peace and Security>

5. The Government of the Republic of Korea is working on the 2nd National Action Plan (NAP). In order to strengthen the review process of the NAP's implementation, the government plans to hold meetings on a regular basis with civil society and actively monitor its implementation. An annual report on Korea's achievements in this regard will be released

in hopes of making sure that the government and civil society continue to work together. With regard to the establishment of the 2nd NAP, the government already held a public hearing and held meetings between nine government officials and nine private-sector advisers in December 2017.

<Article 20>

6. The Government of the Republic of Korea will go through inter-ministerial consultation and confirm its position on the amendment of Article 20 with the United Nations, within 2018.

<Employment>

7. Any short-time worker who makes money is required to enroll in the National Pension as an individually insured person; and if any short-time worker who works fewer than 15 hours a week has continued to work for at least three months to make his/her living, he/she is required to enroll in employment insurance.
8. We admit that there is a need to minimize the part where short-time workers are excluded from the Labor Standards Act and the Act on the Protection of Fixed-Term and Part-Time Workers.
9. However, we need to take a cautious approach, considering any side effects of the introduction of a law to protect short-time workers, such as employers' business difficulties and the ensuing business shutdown and more dismissals of employees. As such, we need to find ways to improve the situation based on the results of fact-finding surveys and discussions among workers, employers and experts.

<Minimum wage>

10. Korea has the minimum wage system in place since December 1986 with the enactment of the Minimum Wage Act.
11. The Minimum Wage Act applies to any employer hiring at least one worker, and any worker, male and female, is thus covered by the Minimum Wage System.

<Preventive or Supportive Measures for Victims of Domestic

Violence During the Divorce Process>

12. A victim of domestic violence may divorce an offender by either applying to the Family Court for "judicial divorce" or resorting to "divorce by agreement" by agreeing to the terms of divorce with his/her counterpart.
13. As for "judicial divorce," the victim may choose a legal counsel to represent him/her at the court.
14. A victim of domestic violence who wish to divorce an offender by "judicial divorce" must undergo a conciliation hearing process administered by the Family Court. However, the court may proceed with the litigation without going through the conciliation hearing if the court recognizes the grounds on which such process cannot take place.
15. Even if a conciliation hearing process takes place, the court may allow a victim of domestic violence to designate a legal counsel to attend a trial on behalf of him/her, or to accompany assistants to the courtroom.
16. "Divorce by agreement" requires both parties to take a mandatory reconsideration period spanning from one to three months which begins upon the expression by either party of the wish of divorce. However, it is in the court's capacity to reduce or exempt the divorced parties from the requirement of reconsideration period, if the court considers that there is a risk of intolerable suffering borne unilaterally by the victim, or if the court recognizes the urgency of the need for divorce.
17. The court renders a decision in the case where the divorcing couple cannot reach an agreement on the parenting arrangements. The court must seek an opinion of a child aged more than 13 years old prior to making decisions on the parenting arrangements. However, the court may not seek an opinion of the child concerned under exceptional circumstances where there are reasonable grounds for assuming that seeking the child's opinion would compromise the child's best interests.
18. The criminal court which deliberates on domestic violence cases may issue a victim protection order against a domestic violence offender,

including eviction, isolation, a restraining order, and restrictions on the exercise of parental authority. Also, the court may issue a protective order against an offender, including probation and restrictions on a domestic violence offender's access to the victims or family members.

<Measures Available to Avoid Concealment of One's Property in the Course of a Divorce Settlement>

19. A divorced spouse has the right to claim for a division of property against the former spouse. If no agreement is reached for a division of property, the Family Court determines the amount and method of the division.
20. The Family Court, in accordance with the "Prior Disposition" regulation, may issue an order to prevent a party from disposing of the current property until the Family Court makes its decision on the case, either ex officio or upon request of the other party. Moreover, the party may request the court to render a provisional attachment order against the other party's property.
21. The Family Court in charge of property division cases, in accordance with the "Property Statement" regulation, may order a party to submit a property list stating his/her property status. In addition, when deemed difficult to settle a case claiming division of property, the Family Court, either ex officio or upon request by a party, may inquire the property under the title of the other party, in accordance with the "Property Inquiry" regulation.
22. Furthermore, when a party files the action for divorce disposing his/her property, knowing that such act may obstruct the other party's exercise of a claim for property division, the other party may file a lawsuit demanding a revocation of such deceptive act and recovery therefrom with the Family Court.

<Definition of Rape under the Criminal Act>

23. Article 297 of the Criminal Act of the Republic of Korea defines rape as "sexual intercourse by means of violence or intimidation".

24. The Supreme Court of Korea ruled that "in order to constitute the crime of rape, the violence or intimidation exercised by the perpetrator must render the victim incapable of resisting" and considers "all the circumstances as whole such as the context the violence or intimidation arose, the relationship between the victim and the perpetrator, the circumstances during and after the sexual intercourse in addition to the degree and details of the violence or intimidation".
25. Under the Korean law which categorizes sexual intercourse committed against the victim's will by the victim's social status and types of the situation in which the act was committed, punishments are stipulated for crimes of sexual violence including quasi-rape and sexual intercourse by abuse of occupational authority. Refer to Annex 1 for punishments for sexual violence including rape.
26. Under the current domestic law, a prosecutor is responsible for proving the presence of the elements of crimes for the crime of rape, which includes violence and intimidation, and whether the act was committed against the victim's will.

Annex 1 : Punishments for Sexual Violence Including Rape.

<Annex 1>

Article 297 (Rape) A person who, by means of violence or intimidation, has sexual intercourse with another shall be punished by imprisonment for a limited term of at least three years.

Article 297-2 (Imitative Rape) A person who, by means of violence or intimidation, inserts his/her sexual organ into another's bodily part (excluding a genital organ), such as mouth or anus, or inserts his/her finger or other bodily part (excluding a genital organ) or any instrument into another's genital organ or anus shall be punished by imprisonment for a limited term of at least two years.

Article 299 (Quasi-Rape, Quasi-Indecent Act by Compulsion) A person who has sexual intercourse with another or commits an indecent act on another by taking advantage of the other's condition of unconsciousness or inability to resist shall be punished in accordance with Article 297, 297-2, or 298.

Article 302 (Sexual Intercourse with Minor, etc.) A person who, through fraudulent means or by the threat of force, has sexual intercourse or commits an indecent act on a minor or feeble-minded person, shall be punished by imprisonment for not more than five years.

Article 303 (Sexual Intercourse by Abuse of Occupational Authority, etc.)

(1) A person who, by means of fraud or by the threat of authority, has sexual intercourse with another who is under his/her protection or supervision for his/her business, employment or other relationship, shall be punished by imprisonment for not more than five years, or by a fine not exceeding 15 million won.

(2) A person who has sexual intercourse with another held in his/her custody according to an Act shall be punished by imprisonment for not more than seven years.

Article 305 (Sexual Intercourse or Indecent Acts with Minor) A person who has sexual intercourse with another who is under 13 years of age or commits an indecent act on such person shall be punished under Article 297, 297-2, 298, 301, or 301-2.

