
**A study for Effectiveness Enhancement of Women and
Family-Related Legislations(VI) : How to modify legislations
for gender-mainstreaming**

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This study aims to examine the development processes and achievements of the legislations for gender-mainstreaming in Korea, and then make suggestions for how to modify the current legislations in order to enhance their effectiveness. Gender-mainstreaming is generally understood as "(re)organization, improvement, development, and evaluation of the whole processes of policies in order that gender-equality perspectives can be applied in all the levels and stages of those policies." In the 1995 World Conference on Women in Beijing, the UN adopted gender mainstreaming as a new major strategy for gender equality. Since then, the member countries have introduced and implemented various policy measures according to the UN recommendations. Since the mid-2000s, the Korean government has introduced the gender-mainstreaming strategy. The four key tools of the strategy include gender impact assessment,

gender-sensitive budgets, gender-sensitive statistics, and gender sensitivity training for public officials. Legal provisions for gender impact assessment were written in the 2002 「Framework Act on Women's Development」, the 「Act on Gender Impact Assessment」 was legislated. the 「National Finance Act」 and 「Local Finance Act」 included clauses for gender-sensitive budgets, and the 「Statistics Act」 included clauses for gender-sensitive statistics.

These legislations for gender mainstreaming have contributed to stable operation of gender mainstreaming policies, and to increase of financial support for gender impact assessment and gender-sensitive budgets. Those legislations have also had positive influences in implementation systems of gender equality policies. Gender sensitivity of public officials have been notably improved, and structural bases for cooperation between gender specialists and public officials have been made.

However, those policies for gender mainstreaming have also been criticized in some aspects. First, the development of legal bases and implementation systems has not led to as much actual and meaningful change in the systems and the policies as expected. The increase of the numbers of legislations and systems has not necessarily been followed by significant improvement in the systems and policies. Second, the gender-sensitive budget system does not have strong legal bases, which has caused a multitude of difficulties in implementing related policy measures. In addition, since the gender-sensitive budget programs and the gender impact assessment measures not only have different legal grounds but also are directed and carried out by different ministries and departments, the effects of the programs and measures are fairly weak and limited. Third, the overall operation systems have hardly been harmonious enough to make solid changes. In order for the gender mainstreaming policies to be successfully implemented, the respective roles of the institutions that take overall responsibilities and those that actually conduct the programs and policy measures should be very clear and specified. All in all, the current coordination

systems for gender mainstreaming are less than satisfactory.

This study investigates the achievements and limitations of the gender mainstreaming strategies that have been carried out since 2002, and suggests some solutions to how to further enhance the effectiveness of those strategies by strengthening legal and institutional grounds.

This study is composed of five chapters. Chapter I introduces the research purposes. Chapter II explains the major contents of the legislations for gender mainstreaming. The legislations include the 「Basic Act on Gender Equality」, the 「Act on Gender Impact Assessment」, the 「National Finance Act」, and the 「Local Finance Act」. Chapter III looks into the achievements and present situations of gender-sensitive budgets and gender impact assessment. Chapter IV analyzes the results of the FGI of the gender specialists on the achievements and challenges for further development of gender-sensitive budgets, gender impact assessment, and the overall gender mainstreaming legislations. Based on those research results, chapter V makes suggestions for enhancing the effectiveness of the current gender mainstreaming legislations.

The suggestions can be summarized as follows.

Firstly, in order to comprehensively and systematically implement gender-sensitive budget programs, the legal grounds should be reinforced. We suggest a legislation of 'Act on Gender-Sensitive Budget and Settlement,' which should regulate gender-sensitive budgets and settlements only. Yet, considering the length of the time needed and the expected difficulties in coordinating ideas between concerned parties for an independent legislation, revision of the current 「National Finance Act」 can be a reasonable alternative for the time being.

Secondly, the coordination between gender impact assessment programs and gender-sensitive budgets should be adjusted. Although there have been some efforts for this, the timing has still not been well matched between the completion of gender impact assessment plans and the budgetary documents. It is necessary that the plans should be completed and submitted before the budgetary

documents are finalized. Moreover, there have been many occasions where the gender impact assessment plans for certain areas are completed, but fail to find specific assessment projects, which leads also to failure of writing up gender-sensitive budgetary documents. Therefore, regarding the submission deadline of gender impact assessment plans, a clause should be added in the 「Act on Gender Impact Assessment」 that should say “legislation or revision of related acts should be completed before the examination by the Legislation Office, and related projects should be completed by the end of March of the pertinent year”(article 7).

Thirdly, organization for implementation of gender-sensitive budgets should be expanded. For this, the 「National Finance Act」 should be revised to establish a Deliberation Committee for Gender-Sensitive Budget/Settlement. The Committee, as a Ministry of Economy and Finance-affiliated body, should examine and adjust operations and developments of the overall gender-sensitive budget system including budgets and settlements of specific programs, directions of the gender-sensitive budget system, criteria and methods of the system, recommendations for improvement, etc. Establishing a 'standing consultative group for gender-sensitive budgets and settlements' under the Ministry of Economy and Finance could be another desirable way, which could enhance the effectiveness of the gender-sensitive budget system by giving more power to the existing standing consultative group. Also, independent departments and job positions for gender-sensitive budgets should be established in the Ministry of Economy and Finance so that the Ministry can perform the genuine role as a control tower for the gender-sensitive budget system. For this, revision of the 「Directive on Organization of the Ministry of Economy and Finance and Its Affiliated Agencies」 is needed. Legalization of gender-sensitive budget/settlement support organizations is necessary, too. More specifically, in order to make a better gender-sensitive budget system, the Center for Gender-Sensitive Budget of the KWDI, which has been doing related

consultations for the government, needs to be officially designated as the body taking full charge. The role of the National Assembly in examining gender-sensitive budgets/settlements should also be strengthened. Building a standing subcommittee for gender-sensitive budget/settlement in the National Assembly Budget Settlement Committee(NABSC) could be a reasonable way for that. Building of the subcommittee does not require any further legislation: it can be done only through agreement between the members of the NABSC. Fourthly, the overall operation system of gender impact assessment needs to be reformed. First of all, the assessment quality should be improved, and incentives for the assessors should be introduced. Some of the major problems we found out from this research are that too many meaningless projects have been repeatedly conducted, that determining indicators for 'gender analysis of policy environment' is highly difficult, and that certain assessment factors tend to be less applied for local municipalities. To prevent from producing redundant projects, the current quantity-focused assessment indicators need to be changed to quality-based ones. Regarding indicators for the 'gender analysis of policy environment,' gender-related issues in each project area should be elaborately specified and listed so that gender stereotypes and specificities shown on a daily basis can be easily checked. Government workers doing the gender impact assessment jobs have made complaints that their workload is overwhelming with little compensation. Providing reasonable incentives to those public officials in charge is needed to make the gender impact assessment system work more effectively.

Lastly, the role of the Gender Impact Assessment Committee and the expertise and governance of the Analysis and Assessment Officers should be expanded by law. Appointing the Officers only among the government officials as part of job rotation does not guarantee job competence for the Assessment. Therefore, hiring outside gender specialists should be considered. In addition, participation of members of civil society in the Assessment should be encouraged.

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Participation of civilians in monitoring how the results of the gender impact assessment lead to improvement can contribute to the effectiveness of the gender impact assessment system.