

Abstract

Study on Enhancing Effectiveness of Laws concerning Women and Family: Suggestions for Gender–Sensitive Reform of Political Laws

Seon–young Park

Ki Taek Jeon

Hyeon–seung Ko

Soo Hyun Kwon

Eun Hee Kim

This study aims to examine the impact of institutions designed to increase women’s political participation and seek suggestions to improve them. Such institutions include gender quotas, funds to develop women in politics, and subsidies for women candidates

for public offices. A further aim is to analyse the ways in which the current electoral system and political institutions are centred on men and the dominant political parties, and explore proposals for reform.

With these aims in mind, this study is composed of six parts. In the first chapter, the research purpose, contents and methods are described. The second chapter examines the process in which the gender quota, the fund to develop women in politics, and the subsidy for women candidates for public offices have been introduced and developed, with a focus on the changes and revision process of public electoral law and political finance. The third chapter explores types of institutionalization by dividing them into legal institutionalization and the institutionalization of political parties, and examines overseas legal institutions and lessons for increasing women's political representation. In the fourth chapter, the impact made by the introduction of gender quota on women's political representation are examined, as are the current situation and operation of the fund to develop women in politics and the subsidy for women candidates for public offices. The fifth chapter makes an analysis of the results of FGI with stakeholders, interviews with individuals and advisory meetings with experts, in order to understand the ways in which the current electoral system and candidate selection system have impacted women's political participation and representation, and to seek alternatives. Finally, in the sixth chapter, recommendations are put forward for gender-sensitive reform of political laws to increase women's political representation, based upon the above research results.

The results of this research are as follows. Firstly, the current gender quota should be revised to select women for district seats

of the National Assembly by converting the relevant article from 'recommendation' to 'obligation' in the Public Official Election Act, and to revise the act to legalize measurements for enforcement, such as reduction of national subsidies, if violated. Also, the proportion of the gender quota should be strategically expanded to disallow one sex to occupy more than 60 per cent of seats.

Secondly, a gender quota for the election for governors in local governments should be introduced. At present, there are too few women heads of local governments: there are no women governors at the metropolitan or provincial level, only eight at the municipal level (3.5 per cent), and there were only thirty five women candidates amongst the total 749 candidates (4.67 per cent) for the heads of the municipal governments. In order to increase the proportion of women leaders of local government, the scope of the current gender quota should be expanded to include elections for the heads of the local governments to secure gender diversity of candidates. During selection of election candidates for metropolitan or provincial governments, parties must be barred from forming lists of candidates of only one sex, and if violated institutional reforms could be made to nullify the registration of the candidate list. As for the candidates for municipal governments, it is recommended that women candidates should make up more than 30 per cent of the total number of party candidates, and that the proportion and the enforcement thereof can be expanded in future.

Thirdly, it is necessary to strengthen the accountability of political parties for women's political representation. Through a revision on the Political Party Act, it is recommended to stipulate

the equal participation of women and men in the political party candidate selection process for public elected offices, and to have that stipulation included into the party constitutions and regulations. Also, there is a need for gender equality training for candidates as a preventive measure against the perpetration of sexual harassment and violence by elected officers, which have frequently occurred. Further, gender data on the positions – such as party leader, party officers, paid party staff – of each party, and researchers of research institutes, should be disclosed to the public on the party homepage.

Fourthly, it is necessary that the Political Party Act be revised to ease the prerequisites for the establishment of political parties and to guarantee political activities in order to make a gender-sensitive reform of the electoral system. Alleviating the current prerequisites for the establishment of political parties, the requirement that the party headquarters be located in the capital city should be removed and the requirement for at least one thousand party members in five metropolitan cities or provinces should be reduced to more than five hundred party members in one metropolitan city or province, so as to enable a local political parties to be set up. Finally, the clause in the current Political Party Act concerning cancellation of party registration should be removed, as it has been ruled unconstitutional by the Constitutional Court.

Fifthly, it is necessary to revise the Public Official Election Act reduce the required election deposit and expand the scope of election campaigns. The election deposit should be reduced and its refund system improved, and candidates for proportional representation seats should be authorised to run the election

campaigns like those candidates for district seats. Further the restraints placed upon freedom of speech of both constituents and candidates in the 180 days before the election are very problematic. Freedom of speech for constituents must to be maintained. Furthermore, the institution of election campaigns, which has been designed upon one particular family norm, need to be revised to reflect changing family norms and compositions.

Lastly, it is necessary to legislate to prevent violence against women in politics. Both direct and indirect violence was directed against women candidates who publicly identified themselves as feminists, in the elections in 2018 and 2020. This is an outcome of a male-centred culture which encourages a negative perception of women who challenge political power, and since such culture threatens the equal opportunity of women to participate in politics, society needs to prepare for measures to counter gender-based political violence. The Public Official Election Act should be revised in order to prevent violence against women candidates from taking place in the time of election campaigns, and the National Assembly Act and the Local Autonomy Act should be revised to prohibit sexual harrassment and violence against women partipating in parliamentary activities and to enforce a preventive obligation.

Research areas: representation, law and plan, gender-based
violence and safety

Keywords: women's political representation, gender quota, women's
political empowerment, political laws