

Abstract

Legislative Agendas on Women and Families for the 21th National Assembly

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With the launch of the 21st National Assembly in 2020, there have been demands for legislative activities related to women and families, including a follow-up legislation according to the decision on the criminality of abortion as unconstitutional. In response to the aggravating situation of low-fertility rate and ageing, there have also been demands for a wide range of legislative activities for Korea to achieve a fundamental change toward a gender equal society in the areas of labor and family. Moreover, the “me-too” movement has made it even clearer that

violence against women falls under gender-based violation, ranging from violence between intimate relations to illegal recording of others, sexual harassment, and stalking in schools, workplaces, and religious organizations, and other types of violence combined with hierarchical abuse of power and digital technologies. As such gender-based violence threatens women's daily lives, institutional improvements are needed together with a shift in the benefit and protection of the laws. Although Korea has made considerable progress to implement gender mainstreaming, including gender impact assessment and gender sensitive budget, the nation still has limitations in creating changes in its unequal gender relations, and thus needs to make the gender mainstreaming system effective and review the implementation system for gender equality policy. And much is expected of the 21st National Assembly to play an important role in legislative activities. In this context, the purpose of this study is to review the 21st National Assembly's legislative environment related to women and families at its starting point and based on the review, to propose legislative agendas on women and families that should be addressed in the assembly.

Section II of this study analyzes the current situations the 21st National Assembly faces as women and family-related legislative environment, including the aggravation of low-fertility rate and ageing, the widening of gender inequality in the labor market, changes in the family structure and awareness, the diversification and digitalization of gender-based violence, and demands for new legal systems to guarantee women's rights to reproductive health after the decision on abortion as unconstitutional. Then, the section presents legislative directions that the lawmakers should hold fast to when conducting legislative activities related to

women and families.

Section III proposes the following six legislative agendas and details that the 21st National Assembly should pursue in line with the legislative directions related to women and families as presented in section II.

First, for agendas to resolve inequality in the labor market and to promote women's economic activity, it is proposed that the Act on Promotion of Economic Activities of Career-interrupted Women, Etc. be wholly amended to prevent women's career breaks and to promote their economic activities; that the Act on Equal Employment and Support for Work-family Reconciliation (the "Equal Employment Act," for short) be amended to prevent gender-based discrimination in employment; that the Equal Employment Act be separately legislated to support for work-family balance and to reinforce the prohibition of gender-based discrimination in employment; that a special act be established to narrow the gender wage gaps; that an act be legislated to make domestic workers official and to improve the quality of their jobs.

Second, for agendas for the inclusion of family diversity, it is suggested that the criteria for decision on the surname of a child be improved; that the Act on Registration of Family Relations (henceforth "the Act") be amended to improve the report of a child's birth by an unmarried father; that the Act be amended to abolish the term "extramarital child" that distinguishes legitimate and illegitimate children; that the Act be amended to strengthen the fulfillment of child-rearing responsibilities; that the Framework Act on Healthy Homes be wholly amended to establish the act as the framework act on family policies and to delete the provision on the scope of family centered on marriage and blood relations;

that a law be made to approve the relation of a life partner (tentatively), and that the family act be amended to guarantee the status of a life partner as the bereaved family.

Third, for agendas on the diversification and digitalization of gender-based violence, it is proposed that the Criminal Act be amended to introduce crimes of adultery without consent; that the Act on Special Cases Concerning the Punishment, etc. of Crimes of Domestic Violence be amended to reinforce the punishment of domestic violence and to secure the effectiveness of domestic violence response system; that a penal provision on the punishment of online grooming be introduced to ban sexual exploitation of children and youth; that the Act on the Punishment of Intermediating in Sex Trade and Associated Acts be wholly amended to protect the human rights of commercial sex workers and to prevent the proliferation of sex trade; that a law be made to protect victims of human trafficking; that criminal and other laws be amended to thoroughly prepare for the diversification of sexual crimes according to technological development; and that “an Act on Special Cases Concerning the Punishment of Crimes of Stalking” be enacted to punish stalking and to ensure the protection of its victims.

Fourth, for agendas to guarantee women’s rights to sex and reproduction, it is proposed that the related law be amended to remove the barriers to terminate a pregnancy and that a law be prepared to guarantee women’s reproductive health.

Fifth, for agendas to reinforce the implementation of gender equality policy, it is suggested that an “Act on the Prohibition of Gender-Based Discrimination” be legislated and that the Framework Act on Gender Equality be amended to effectively and practically operate the system of gender equality policy officers.

Lastly, for agendas to practically employ the gender mainstreaming tools, it is proposed the related law be amended to increase the usefulness of gender budget and settlement systems and that the Gender Impact Analysis and Assessment Act be amended to strongly link gender impact assessment and gender sensitive budget.

Keyword : Women's Labor, Gender-Based Violence, Family Diversity, Sex and Reproduction, Gender Equality, Gender Mainstreaming, Legislative Agendas