

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

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I . Introduction

☐ Purpose and Necessity of Research

- This study presents the 8th year outcomes of research to enhance the effectiveness of laws concerning women and family, and to improve laws on political relations in order to increase women's political participation.
- In order to address the issue of women's low political representation, South Korea has introduced a gender quota, incentives for the nomination of women candidates, and the Women's Political Development Fund. However, since the two dominant political parties have shown little interest in enhancing women's political participation themselves, these institutions have struggled to fulfill their mission. The current electoral and candidate nomination

institutions also have a tendency to disincentivize women from running for elections to a greater extent than men, and to create barriers for women subjects, who have become more political since 2018, to participate in politics.

- It is necessary to have a dual strategy for legislation to enhance women's political participation. Firstly to increase the number of women in the formation of the National Assembly, which requires a strengthening of the gender quota; and secondly to shift political party and election systems that favour major parties to better enable women to have their own political mobilization, so as to increase women's political empowerment.
- In this context, the study presented here examines the impacts that institutions introduced for enhancing women's political participation — such as gender quota, incentives for nomination of women candidates, and Women's Political Development Fund — have had on women's political representation, and draws some suggestions for improvement. The ways in which the current election system and major parties create bias in favour of men, and the obstacles for women's political empowerment and how to tackle them are also explored.

☐ Research Contents

- The first chapter explains the purpose, contents, and methods of this research. The second chapter looks at the changes that have been made to the institutions introduced for increasing women's political representation — such as gender quota, incentives for nomination of women candidates, and Women's Political Development Fund —

based on the reform process of the Public Office Election Act and the Political Fund Act. The third chapter analyses the impacts the introduction of gender quota has had on women's political participation and examines how incentives for nomination of women candidates and the Women's Political Development Fund have been implemented and their effects on women's political representation. The fourth chapter makes presents the results of focus group interviews(FGI), individual interviews, and consultant meetings with experts, and explores the ways in which the current election and candidate nomination systems have influenced women's political participation and representation, and how they can be improved. The fifth and final chapter makes specific gender-sensitive suggestions for political relation laws based on the above research outcomes, in order to increase women's political participation.

□ Research Methods

- Firstly, a review of the available literature on the effects of the gender quota has been made, and a gender analysis on election and candidate nomination systems both domestically and overseas has been performed. Secondly, official statistical data produced by the National Election Commission and available secondary data has been collected and analysed in order to examine trends in the general and local elections since the quota was introduced, and what impact the proportional representation and open-primary systems have had on women. Thirdly, FGIs and individual interviews with stakeholders have been conducted in order to explore how the current system has affected women's political participation and representation. Fourthly, meetings with experts have been arranged

to seek advice on research directions and on the development of questionnaires for in-depth interviews, and for policy suggestions.

II . The Current Legal Institutions and their Development for the Enhancement of Women's Political Institutions

- Since the millenium, South Korea has introduced and developed gender quotas in proportional representation as well as in constituency seats for the National and Local Assemblies through the Public Office Election Act, and created the Women's Political Development Fund, a subsidy for nomination of women, through the Political Fund Act.
- These efforts have led to an increase in the proportion of women in the assemblies, and yet the rate of increase of female representatives in the National Assembly has been slow.

1. Overview of the South Korean Electoral System

A. National Assembly Elections

- The current general election system is a Mixed-Member Proportional Election System(MMP), based on First-Past-the_Post(FPTP) in Single-Member Districts(SMDs) and a parallel proportional representation(PR) system, with each elector having one vote in their SMD and one PR vote. Only some PR seats are allocated according to polling rates.

- SMD elections in South Korea have been held since the 1st Republic, although there has been a change from the bicameral system in the 2nd Republic to a medium constituency system in the 4th Republic.
- In contrast, the system for proportional representation had its legal foundation in the reform of the Constitution and the National Assembly Member Election Act of the 3rd Republic, although the term ‘nation-wide district’ was used instead of PR, and the seats were allocated according to the total polling rates of each party in all local districts. In 2000, the term ‘proportional representation’ was first used, and from 2004 a parallel PR system was introduced where a separate vote for a party is made to elect the PR members of parliament, leading to a one-person two-votes system. The parallel PR system allocates seats in proportion with the polling rates of each party, with a threshold of 3 per cent of the total voting rate or five seats in the local districts. In 2020, a quasi-MMP system was newly introduced for 30 PR seats, where half are allocated using a MMP rule, while the previous PR rule remains for the remaining 17 PR seats.

B. Elections for Local Councils (Upper and Lower Levels)

- While the local electoral system had a legal foundation in the 1st Republic of South Korea, it was discontinued at the start of the Korean War and in the following military dictatorship, with elections for local councils were only restored in 1991, and elections for the heads of local governments following in 1994.

- Upper level local council elections have an electoral system similar to that of the National Assembly, with the council elected in combination of SMDs and parallel PR seats.
- At the lower level, there is a medium-constituency electoral system with a range of two to four councilors per constituency.

2. The Development Process of Current Legal Institutions for Increasing Women's Political Representation

- In South Korea, political gender quotas have been enacted and developed since 2000 to increase women's presence in the National Assembly and Local Councils, by ensuring more women candidates are nominated by the political parties.

A. Gender Quota for Proportional Representation

- At the national level, a gender quota for PR was introduced as 30 per cent quota for women in PR seats, through the reform of the Political Party Act in 2000. This was increased to a 50 per cent quota in 2004, and in 2005 the Public Office Election Act was reformed to introduce a zipper system in which the odd-number positions of candidate lists were to be allocated to women. In 2018 this system was made obligatory — if the proportion of women or the candidate list zipper system are violated the candidate registration is rendered invalid by a reform of the Public Office Election Act.

- For local council elections a 30 per cent gender quota for PR seats was similarly introduced by the reform of the Political Party Act in 2000. Thereafter, the Political Party Act was reformed again to expand the size of the quota to 50 per cent in the upper level local elections, and parties were required to include women in every candidate list. In 2005, the reform of the Public Office Election Act made it apply to PR candidate nomination in lower level local council elections. In 2006, 10 per cent of seats were selected through PR based upon a political party candidate nomination system, and the gender quota in the PR system was set at 50 per cent. As in national elections, a zipper system is applied to lower level local councils elections, and enforcement measures are included to block registration of candidate lists if it is not followed.

B. Gender Quota for Local Constituencies

- The Public Office Election Act was reformed in 2005 to stipulate that “political parties should make efforts to nominate women candidates in more than 30 per cent of the total number of local constituencies nationwide, for the elections of the National Assembly and Local Councils due to the end of one’s term of office”. This recommendation of a 30 per cent gender quota remains intact as of 2020.
- Regarding the gender quota for local constituencies in local council elections, the Political Party Act was reformed in 2002 to stipulate that efforts should be made to meet a 30% quota of female candidates. The 2010 reform of the Public Office Election Act recommended that “more than one women should be nominated as

a candidate for either the upper or lower level of local council elections within each local constituency“. Afterwards an obligatory clause was added to reinforce this measure, where violation results in rejection of the candidate list, rendering the candidate registration invalid.

C. Subsidy for Nomination of Women Candidates

- A subsidy for the nomination of women candidates is awarded to political parties that comply with the quota recommendations in order to encourage them to find and foster women politicians.
- Originally introduced for the upper level of local council elections, the subsidy was expanded to cover National Assembly elections with the reform of the Political Fund Act in 2004. In 2006, a new clause on the use of the subsidy was added to the reform of the Political Fund Act, which stipulated that if the subsidy for nomination of women is not used to cover the election costs of women candidates, but for some other purpose, the National Election Commission will collect double the amount of the original subsidy. If collection is not possible, then the subsidy to be granted to the party in future will be reduced.

D. Women's Political Development Fund

- The fund for women's political development is an institution to support the cost of finding and fostering women politicians.
- The fund was introduced with the reform of the Political Fund Act in 2004. It is stipulated that political parties which receive the

subsidy should divide it as follows: 50 per cent of the total subsidy for the central party, 30 per cent to policy research institutes, 10 per cent to party branches, and 10 per cent spent directly on women's political development.

III-1. The Impact of the Change of the Electoral System on Women's Political Representation

- This chapter examines women's participation in successive national and local elections in order to see how effective the gender quota have been, and provides an analysis of the ways in which the changes in the institutions related to the PR system and gender quotas have affected women's political representation.

1. The National Assembly between 1996 and 2020

- Examining the trend of candidates' gender in national elections between 1996 and 2020, the number and proportion of women candidates have increased. Specifically, the increase in the proportion of women candidates has been driven by the introduction of PR system: while the proportion of women candidates prior to the introduction of the PR system in the national elections of 1996 and 2000 were merely 1.5 and 3.2 per cent respectively, the proportion of women candidates in the 2004 election in which the PR system was introduced jumped to 11.5 per cent overall, with women candidates comprising 5.6 per cent of the local constituency candidates and 48.1 per cent of PR candidates. The increasing trend in the proportion of women candidates continued in every election

except that of 2012, and reached its peak in 2020, where women candidates accounted for 26.7 per cent of local constituency candidates and 54.8 per cent of PR candidates. The total number of women candidates for the local constituencies in the 2020 general election was 209, which corresponds to 0.83 women candidates per constituency on average — a more than ten-fold increase on the equivalent figure for the 1996 election.

- The number and proportion of women who win election also show an increasing trend. For instance, while women accounted for only 0.8 per cent of elected candidates in 1996 and only 2.2 per cent in 2000, this figure jumped to more than 13 per cent in 2004, followed by 13.7 per cent in 2008, 15.7 per cent in 2012, 17.0 per cent in 2016, and 19.0 per cent in 2020. The proportion of women elected for local constituency seats remained below 10 per cent until 2012, but exceeded 10 per cent in 2016 and 2020.
- The proportion of women PR candidates who won election exceeded 30 per cent by 2016. In several cases, successful PR candidates continued their political career to run for election in local constituencies, suggesting that PR system provides a critical foothold for women to grow into senior politicians. The increase in the proportion of women among elected candidates has been limited to a large extent by the small proportion of PR seats, which make up only 47 of the total 300 seats (15.7 per cent). There increase in proportion of women elected to local constituency seats has been much slower.

2. Local Councils between 1995 and 2018

- The proportion of women candidates in the upper level of local council elections has been increasing, from 4.4 per cent in 1995 to 5.2 per cent in 1998, 9.4 per cent in 2002, 10.7 per cent in 2006, 16.4 per cent in 2010, 18.4 per cent in 2014, and 22.1 per cent in 2018. Much of this increase is due to the 50 per cent gender quota for PR seats, which was introduced in 2002, and the zipper system which allocates women to all odd number positions in candidate lists in 2005. This led to an increase in the proportion of women PR candidates from 24.6 per cent in 2002 to 60 per cent in 2006.
- A similar phenomenon is seen in the lower level of local council elections. The proportion of women candidates was less than 3 per cent in 1995 and 2002, but after the introduction of PR system and gender quota for the local constituency seats, it rose to 12.6 per cent in 2006 and 19.0 per cent in 2010. The proportion of women candidates for PR seats in 2018 went up to 90 per cent, and for the local constituencies it made a steady increase to 14.1 per cent in 2014 and 18.7 in 2018.
- The proportion of women amongst those elected to the upper level of local councils also increased from 5.6 per cent in 1995 to 5.9 per cent in 1998, 9.2 per cent in 2002, 12.1 per cent in 2006, 14.8 per cent in 2010, 14.3 per cent in 2014, and 19.4 per cent in 2018. Since the gender quota was introduced for the upper level of local councils, the proportion of women amongst those elected for PR seats is more than 65 per cent. Also, whereas the proportion of women elected to constituency seats was less than 5 per cent prior to the introduction of gender quota for these seats, it increased to

8.1 per cent in 2010, 8.2 per cent in 2014, and 13.3 per cent in 2018.

- Similarly, the proportion of women amongst those elected to the lower level of local councils was less than 3 per cent in 1995 and 2002, and steadily increased to 15.1 per cent in 2006, 21.7 per cent in 2010, 25.3 per cent in 2014, and 30.8 per cent in 2018. Since the introduction of the PR system for the lower level of local councils, the proportion of women amongst those elected for PR seats remains high at more than 80 per cent. Also, while the proportion of women among those elected to constituency seats was less than 5 per cent prior to the introduction of gender quota, it rose to 10.9 per cent in 2010, 14.6 per cent in 2014, and 20.7 per cent in 2018.

3. The Effects of Institutional Changes

- In order to study the effect of the PR system on women, this study performed a binomial logistic regression analysis on whether type of seat (constituency or PR) has an impact on the election chances of men and women candidates, and found with a statistical significance that women candidates for PR seats are more likely to be elected than those for constituency seats, in both elections for the National Assembly and the upper level of local councils.
- This study further demonstrates that the introduction of institutions related to gender quota — such as the subsidy for nomination of women and the zipper system — have helped increase women's political representation in the National Assembly and local councils at both upper and lower levels.

III-2. The Current Situation of the Financial Support System for the Enhancement of Women's Political Representation

- This chapter analyses the ways in which the subsidy for nomination of women and Women's Political Development Fund have enhanced women's political representation. It is found that the financial support measures have been treated as an isolated measure for women, not leading to universal change, and that gender analyses have not been applied to the overall process of election management, including the maintenance of election costs and deposits.
- It is necessary to find practical ways to better target financial support at specific issues, and also consider introducing a candidate support measure considering both the age and gender of candidates in order to help female political actors in their twenties and thirties sustain a political career.

1. Financial Support for the Enhancement of Women's Political Representation

- There are two types of financial support measures that can be introduced to expand women's political representation: one is financial support for political parties in relation to gender quotas, designed to encourage them to nominate women candidates through positive measures of financial reward as well as negative measures of financial sanction; and the other is financial support for candidates partially covering election costs, which aims to increase the supply of women candidates by encouraging more women to run

for elections. In South Korea both the subsidy for the nomination of women and the Women's Political Development Fund are measures aimed at political parties, and belong to the former type.

- International institutions recommend allocation of a certain portion of public subsidies to foster women's political participation, and 30 out of 180 countries provide direct support through public funds to increase gender equality, which is in an increasing trend.

2. Overview of the Account Structure of Political Funds and Election Cost Expenditure

- Financial support for the activities of political parties in publicly managed elections are declared in the Constitution of Republic of Korea (Articles 8-3 and 116-2) and specified in Political Relations Act. The institutions which provide financial support for women's political participation and representation have been created in this institutional context. According to the National Election Commission, the total expenditure for the 2020 national election was around 410 billion won, whereas about 1.063 trillion won was spent for the 2018 local elections. As of 2018, the subsidy for the nomination of women and the disabled accounted for only 0.3 per cent of the total expenditure from public resources.
- The average expenditure per candidate for constituency seats was about 14 million won in the 2020 national election, and about 7 million won in the 2018 local election.
- Research on the expenditure of candidates for the 2020 general election showed that they mostly relied on personal assets and

donations to cover election costs, and the proportion of public subsidies or party support was very low.

3. Subsidy for the Nomination of Women and the Women's Political Development Fund

- While the subsidy for the nomination of women is financial support for women candidates, it is given not directly to the candidates, but rather through the political party. The amount of subsidy given to the party depends on the proportion of women candidates they nominate for local constituency seats in national and local elections. Approximately 1.4 billion won was awarded in total in the eight nation-wide elections between 2008 and 2020. The total sum granted in each election varies; the largest sum was awarded in the 2008 national election, whereas the smallest was in 2020 national election.
- The Women's Political Development Fund stipulates that more than 10 per cent of subsidies granted by the government are to be used directly for women's political development, such as enhancing women's political participation, the development of women's policies, and the fostering of women politicians. The total government subsidies granted to political parties between 2004 and 2019 was 55.9 billion won, of which 10 per cent have been allocated to the Women's Political Development Fund.

IV. Contents Analysis of In-depth Interviews: Impacts of the Candidate Nomination and Election System on Women's Political Representation, Problems and Suggestions

1. Overview

- Political institutions related to candidate nomination and election are the outcome of mediation between different stakeholders' interests. The research presented here has been designed to comprehend the ways in which they are formally and informally gendered and how they affect women.
- An analysis has been performed on the concrete ways in which the changes in election and candidate nomination systems — including the reform of the electoral system made prior to the 2020 general election — have affected women's political participation and women's representation, from a feminist institutionalist perspective. Feminist institutionalism is a theoretical framework which analyses gendered patterns at the stage of institutional establishment and implementation, and identifies how institutions have reproduced and changed the gendered power distribution. The framework is useful for understanding how informal patriarchal norms interact with formal institutions, and lead to gender-asymmetrical policy outcomes.

A. Research methods

- Focus group interview(FGI) and individual interviews

- This research combines FGI and individual interview methods to analyse the gendered features and effects of the new candidate nomination and election system, exploring the specific features of informal norms and practices that are invisible at the formal institution level, particularly through the experiences of women actors, so as to identify what effects they have on women's behaviour and women's political representation.
- The best qualitative research method has been selected having considered the diverse features and situational differences of women actors participating in the political sphere. For instance, FGI have been used with young women candidates to identify common shared experiences as young female politicians, and individual interviews have been used with women members of the major parties, to identify differences in experience between political parties, and in informal norms and practices.
- Criteria to select interviewees
 - In order to see the impact and effect of institutions on different actors, interviewees have been selected by gender, the level of parliament, political party, age, type of seat, and success in elections.
 - This research has focused on the gendered features and effects of institutions, so that the primary criterion for selection is gender. Since most existing studies on candidate nomination and election systems have focused on men's experiences and views, the interviews have been confined to women only.

- Since the South Korean election system applies different regulations to the National Assembly and local council elections, gendered features of candidate nomination and election may vary depending upon the levels of parliament. Therefore, this research considers the National Assembly and local councils as two separate categories.
- Interviewees include women candidates and those involved in party politics from the two major parties and also the progressive Justice Party. Female feminist candidates in their twenties in extra-parliamentary parties or standing as independents have also been included, so as to further explore the institutional effects on their election experiences.
- South Korea has a low level of youth representation and also the youth discourse has tended to be dominated by male figures. Given such gendered nature of youth politics, this research has focused on the gendered experiences of young female candidates from small and extra-parliamentary parties.
- If the same interviewee has stood both as a constituency and a PR candidate in separate elections, she is included in both samples, since there is a large difference in the election campaigns for constituency and PR seats.

2. Research Outcomes — Summary of Interview Responses

- A. Expansion of the system to nominate women candidates and its limitations
 - 1) Insignificant gender quota for nominating women in constituency seats

- The higher the level of parliament, the more reluctant parties are to nominate women. It is likely this is because positions in higher levels of parliament provide more power and entitlement, and the established male group of politicians do not want to see their share challenged.
- Regarding institutional changes to improve the gender quota, suggestions include making the gender quota obligatory or to shifting subsidy mechanism for nomination of women candidates from incentives to include disincentives. One interviewee has pointed that the subsidy is not directly for nominating women: although it is widely believed to be granted according to the rate of women candidates nominated, it is in fact determined by the number of seats in the National Assembly. Another interviewee said that the current incentives have not make an substantial contribution to increasing nomination rate of women candidates, and so argued that it is necessary to introduce stronger disincentives for violating the quota, such as invalidating candidate registration or reduce existing subsidies.
- In order to increase the rate of women elected to constituency seats, it is necessary for their political parties to make greater efforts; for instance, women members in the National Assembly could build a network to support women running for election, and a pool of talented women to support their political career. Since local constituency candidates tend to rely on male-centred networks, this provides an obstacle for women to get involved in political activities, and so the proportion of constituency elections won by women candidates is very low. In this situation, if women are

strategically shortlisted as candidates by the central party, local party members tend to strongly fight against the party decision and the woman nominated as candidate. Therefore, a gender quota is not sufficient, and greater efforts to support women who run for election and to foster women candidates are required.

- Legal enforcement of the gender quota to nominate 30 per cent of constituency candidates as women is the most clear-cut way to increase women's political representation, and yet resistance and backlash against the quota are growing more explicit. Nevertheless, discourses around the gender quota need to be developed and diversified, which suggests a need for greater social mobilization outside of parliament.

2) Power of chairpersons of local committees in candidate selection for local councils

- Most current and former women local councilors belonging to the Minju Party (formally the Democratic Party, the current ruling party as of 2021) and the People Power Party (formally the Future Korea Party) strongly agree that the chairpersons of local committees and party cooperation committees have a critical influence on the candidate selection process. In the current circumstances these positions are mostly held by men and hence there are concerns that women candidates might be disadvantaged as they are excluded from traditional male politicians' networks. Also, concerns were raised that chairpersons select women candidates for PR seats based upon their political interests rather than the candidates' strengths, and therefore undermine the purpose and meaning of the PR system.

- Hence, further discussions on how women are and ought to be nominated as candidates in local council elections are needed for better gender representation.
- Furthermore, the number of PR seats is currently too small to make gender quota effective. One interviewee suggested that a large increase in PR seats even only for the lower level of local councils could ensure the purpose of PR and make the council more accountable.

3) Effectiveness of incentives for women candidates

- The incentive system to nominate candidates mean that incentives are given to the party when they nominate those who are unlikely to win due to institutional discrimination, such as women, the youth, the disabled, and so forth.
- While there was disagreement on whether the incentive system for women is working effectively, there was consensus that it is useless in cases when women fail in the candidate evaluation prior to party competition or when women have to compete with a strongly established male candidates.

4) Gap between the gender balance of party candidate nomination and gender equal nomination

- Whilst both the Minju and Future Korea parties have gender balance written in the formation of their candidate nomination bodies through party constitutions and regulations, they do not lead to gender equal nomination. This is because it is hard for political

parties to put gender equal nomination or gender equal candidate evaluation ahead of winnability as a strategy or principle.

- In contrast, the Justice Party made a decision to prioritize women and young candidates in the PR list, which resulted in two women in their twenties and thirties entering the National Assembly in 2020. This decision was influenced by the strong demands and activities of women and feminists in the Justice Party.
 - In order to accomplish gender equal nomination, there is a need for actors who have strong willpower to pursue and accomplish this goal in the supreme committee of a party; gender balance in a candidate nomination body alone is insufficient. Also necessary are organizational cooperation between women, and a discursive strategy within the party in order to set gender equal nomination as a primary goal.
- 5) Financial costs for party nomination campaigning that weigh differently on women candidates
- The burden of costs for party campaigning on women candidates vary by party, the level of parliament, age, personal assets, and so forth.
 - In general, the more senior the position, the greater the amount of fundraising that is permitted. Local council candidates at both upper and lower levels are banned from fundraising. Candidates for the National Assembly are permitted to fundraise, and many reported that while the costs of the campaign are burdensome, it does not hinder them from running for election. On the contrary, although

local councilors at the lower level report that the costs of party competition are small, it seems formidable for them to challenge for higher level elected positions, such as the head of the local government or the upper level of local councils.

- One interviewee pointed out that due to the opacity of the candidate nomination process for open-primary competition, she was unable check how an opinion poll used in the nomination process was conducted. Further, although open-primary competitions based on opinion-poll research were introduced in the name of more democratic elections, they can actually work against women who have less recognition and smaller networks than male counterparts at the local level.
- Women members of the local councils think that the cost for daily political activities — such as legislative practice, local events, and activism on behalf of party members — is a bigger problem than the cost for candidate nomination. In order to guard against cronyism at the lower level of local councils, councillors must be prohibited from doing additional outside business, and so the remuneration for a parliamentary position needs to be more realistic.
- In contrast to the two main parties, politicians affiliated to smaller parties have found that the cost of election is the biggest burden, as it is often hard for small party candidates to get pay back the money spent on election such as lost deposits, which often end up as personal debt.

B. Ways in which the electoral system excludes political minorities

1) Criteria for election campaigns based on traditional family structure

- Single, youth, and women candidates point out the Public Election Act (Article 60.3), which states that a candidate, his/her spouse, and all lineal descendents may participate in the preliminary election campaign without counting towards the number of formal election campaigners, as an example of an irrational election campaign rule. If the candidate has a spouse and lineal descendents, the candidate can get a help from them regardless of their numbers; in contrast, without a spouse and descendents, candidates are only allowed to designate one person as a formal election campaigner on their behalf. This person can not be paid, and therefore it is sometimes hard for a single candidate to recruit them.

2) Bias towards the dominant parties in the electoral campaign system

- Existing election laws are excessively regulated and diverse election campaign methods are banned except for those expressly permitted by election law, which favours dominant party candidates who can usually afford the high cost of a traditional election campaign.
- One interviewee suggested that election laws need to be completely renovated by allowing adverts including permission for campaign videos, relaxing formal election campaigner-related regulations, permitting door-to-door campaigning, and removing regulations related to participation in TV debates.

3) Political finance systems to reinforce the reality of economic inequality

☐ Election finance system that benefits only dominant party candidates

○ The South Korean political finance system — which includes public party subsidies, subsidies for elections, fundraising, subsidies for nominating women, subsidies for nominating the disabled, election deposits, and so on — is institutionalized in such a way to give advantage to the two dominant parties and male candidates, and thereby women candidates who are independent or belong smaller parliamentary or extra-parliamentary parties have the biggest burden and pressure from election costs.

☐ The election cost reimbursement system feels remote to young women in small parties

○ Women candidates in dominant parties who can more easily get reimbursement of election expenditure even when they lose tend to be relatively less concerned with election costs; in contrast, independent candidates or those belonging to small parliamentary or extra-parliamentary parties struggle to receive any reimbursement under the current election finance system, and therefore highlight election costs as a problem which hinders them from running.

○ Many young women candidates view institutions related to election finance as restrictions on freedom of political participation. These include the rule that only constituency candidates who get more than a 10 per cent share of the vote can apply for reimbursement, the

rule that politicians who are currently not in office are not allowed to organize fundraising committees or accept donations, that companies collaborate to increase the costs for print, transport and other services during the election period, and the rule that donations given without identifiable personal information should be returned to the government.

- One interviewee suggested that reimbursement of election costs should be shifted from an ex post to ex ante provision, and also that the deposit should be substantially reduced. In order to realize the purpose of the publically managed election system, political finance needs to be reformed so as to minimize the effects of material and economic disparities between political parties and candidates on election results. A gender perspective should be incorporated into the reform process.
- Subsidy for nomination of women candidates has differential impact by political party
- Party staff who have been engaged in supporting women candidates have said that the political party made good effects to support women candidates and think that the political party subsidy has significantly helped women candidates. However, some members of the National Assembly reported that as the number of women candidates has increased, the funding allocated to each candidate has reduced, and was now too little. Also, as the subsidy limits items of expenditure, this reduces its usefulness.
- Candidates in small parliamentary parties recognize that the support granted to political parties through the subsidy for the nomination

of women candidates has made a significant contribution to women's political empowerment within the party and the discourse around the target of nominating 30 per cent of women candidates. However, it is hard for small parties to see the benefits, as the criteria to allocate the subsidy is set up to the advantage of the dominant.

- Use of funds for women's political development: election support vs daily support (education and training)
- According to research analysing the details of expenditure of the Women's Political Development Fund from 2004 and 2015, there are large disparities by political party, but in general more than 40 per cent is used to cover costs associated with employing women party staff. The rest is used for education programmes for women party members and to support election of women candidates. One interviewee suggested that the funds should be used to build a pool of women candidates who can run for election, because placing more women into important party positions is more important than educating existing party members.
- It has been suggested that recruitment of talented women should be done continually, not only in the run-up to an election, that the importance of women's education and training should be emphasized more greatly, and that there should be greater efforts to place women in party positions. However, within parties there has been very little discourse or practical change.

C. Political participation of the feminist electorate and freedom of expression

- The Public Election Act (Article 58.2) legislates for the prohibition of various types of activity to encourage voting, and the National Election Commission can impose restrictions on diverse expressions of the electorate by declaring them in violation of the Public Election Act. For instance, a placard which read “I vote for gender equality”, made for the celebration of International Women’s Day and put up in Dongdaemun-gu district, was removed due to the request of the National Election Commission; but an identical placard put up in Dobong-gu district was not.
- In recognition of the rising feminist movement, the reform of the Public Election Act is considered very necessary to guarantee the freedom of speech and free election campaigns. Expanding freedom of speech can help make women and feminists’ voices more widely heard and push their agendas onto the table, and also enable women citizens to put their power together and put pressure on political parties, as has been successful in campaigns like the anti-spycam campaign. Also, reform is necessary to clear the route for women to develop their careers from the lower level of local councilors to higher-level positions such as the head of local governments, and to enable the establishment of more local parties to challenge the existing political parties and push the dominant parties to change.

D. Vulnerable position of young women candidates and indifferent attitude of the National Election Commission

- In the 2018 local election, gender equality policies disappeared from

the manifesto of the ruling party, and election posters of Shin Jiye — a candidate of Green party and put forward a slogan of “Feminist Seoul Mayor” — were damaged in 26 locations. Following this the National Election Commission(NEC) took no further action except allowing the request to put up new posters. In 2020, election posters of Shin Jiye(Independent, Seodaemun-gu, Seoul) and Shin Minjoo(Basic Income Party, Eunpyeong-gu, Seoul) were damaged, and a volunteer of the Women’s Party was hit by a stone during the street campaign. Those persons directly involved in these accidents all report that the NEC has taken no action.

- Violence against women in politics has a long history, and yet it is only recently that attention has been paid. Parliaments in Bolivia, Mexico, Canada, France, Switzerland, and the European Union have introduced measures to combat violence against women in politics. Similarly in South Korea, it is necessary to begin discussions to find solutions for the issues of violence against women in all levels of politics.

V. Gender-Sensitive Reform of Laws on Political Relations

1. Gender-sensitive reformulation of laws on political relations to increase women’s political representation
 - A. Suggestions for reform of the Public Election Act to strengthen the gender quota
 - 1) Legislation to enforce gender quota in local constituency

elections and to expand the size of gender quota

☐ Legislation to enforce gender quota

- It is recommended the Public Election Act be reformed to create enforcement measures to shift the current gender quota in local constituency elections from a *recommendation* to an *obligation*, and for reductions in national subsidies for the political party in question if the quota is violated. Also, the gender quota should be strategically expanded by disallowing one sex to make up more than 60 per cent of candidate nominations.

☐ Enforcement of an obligatory gender quota

- When a gender quota becomes obligatory, it is necessary to have a means of enforcement. In this regard, the invalidation of the registration of a party's candidate list and reductions in public subsidies can be considered.
- Invalidating the registration of a candidate list in local constituency elections would be similar to existing enforcement of the gender quota for PR seats. However, it may not be easy to legislate for it effectively given that South Korea's election system is FPTP.
- One method to reduce the public subsidy would be to make a shift from *incentives* to *penalties*, in which a certain amount of either *current subsidies* or *election subsidies* are reduced if the obligatory gender quota is not observed. Reduction in election subsidies risks undermining party efforts for women's political participation, and hence, the reduction of current subsidies would be more effective.

The amount of reduction must be designed to make disadvantages to the party leadership for not nominating women be bigger than the advantages.

2) Introduction of gender quota into the election for the heads of local governments

- The current proportion of local government leaders in South Korea is remarkably low. There are no women heads in metropolitan and provincial level governments, only eight in local governments (3.5%), only six women out of the total 71 candidates for the metropolitan and provincial government elections (8.45%) and only 35 out of the total 749 candidates for local government elections (4.67%) in 2018.
- In order to increase the proportion of women heads of local government, the current scope of gender quota needs to be expanded to include the elections for heads of local government and to guarantee the gender diversity of candidates. When nominating election candidates for the heads of metropolitan and provincial level governments, a reform to prohibit each political party from making the candidate list composed of a single sex is recommended, with rejection of registration of the candidate list if it is violated. As for nomination of election candidates for the heads of local government, a reform can be made to introduce a gender quota with recommendation that more than 30 per cent of the total candidates nominated by a political party be women, with aims to increase the enforcement and size of the gender quota in future.

- In order to encourage recommendation of women candidates for the heads of local government, the following reforms to the Political Finance Act are recommended. Firstly, rules for allocation of the subsidy for nominating women need to be improved so as to increase the overall number of women candidates; secondly, the previous year nationwide consumers' inflation rate should be applied to unit costs as is done for the election subsidy or other ways to increase the subsidy should be examined; and lastly, the list of items of expenditure for which the subsidy can be used should be expanded.
- B. Suggested reforms of the Political Finance Act to increase the effectiveness of the Women's Political Development Fund
 - Problems in the execution of the Women's Political Development Fund and suggestions for institutional improvement have been repeatedly raised since the beginning of its institutionalization, such as lack of awareness and knowledge about the Fund, the restrictions placed on its use, the delegation of its responsibility to women's units, the lack of direct support for candidates, the lack of an independent decision-making structure, the expansion of extra revenue items, and limitations of the party allocations of the Fund.
 - It is recommended that a new clause be added to Article 25 in the Political Finance Act about the use of the Women's Political Development Fund, and that further institutional changes are made to include an emphasis on the accountability of political parties and to secure a means to inspect how parties are using the Fund.

C. Suggested improvements to the Political Party Act to strengthen parties' accountability for women's political representation

- A major factor for the slow increase in the number of women parliament members is the passive attitude of political parties. Thus, a reform of the Political Party Act is required to stipulate in party constitutions and regulations that political parties should guarantee women's equal participation in the elected position for candidate nomination, and that candidate selection in elections for public offices is undertaken with the principle of gender equal participation. Secondly, education on gender equality should be given to candidates as a preventive measure to stop cases of sexual harassment and violence by elected public officials, which have frequently occurred. Lastly, the gender composition of all the levels of party staff, including party leaders, party cadres and party representatives, paid staff, and researchers in policy institutes should be openly displayed on the party's website.

2. Suggested improvement to laws on political relations for gender-sensitive improvement of the electoral system

- To accomplish women's political empowerment, there is a need to remake the systems of political parties and elections to be *gender-sensitive* beyond gender quota.
- A. Suggested improvements to the Political Party Act to ease the establishment of new political parties and guarantee party activism
 - In order to make it easier to establish new political parties it is

suggested that the Political Party Act be reformed to remove the condition that a party's headquarters must be placed in the capital city, and also that the current condition which requires a party to have more than one thousand registered members in more than five metropolitan cities or provinces be reduced to more than five hundred members in one metropolitan city or province, thereby allowing local parties to be established.

- The clause on the cancellation of registration of a political party in the current Political Party Act needs to be removed, as it has been ruled to be unconstitutional by the Constitutional Court.
- There is a need to close the gap between parliamentary and extra-parliamentary parties, and between dominant and small parties in terms of provision of public subsidies to ensure greater political participation in the long term.

B. Suggested improvements to the Public Election Act: reduction of election deposit and expansion of range of election campaigns

1) Reduction of the election deposit and reform of the refund system

- According to the current Public Election Act, in order to register as a candidate a person must pay a deposit, which totals 300 million won for the presidential election, 15 million won for the constituency seats of the National Assembly, 5 million won for PR seats of the National Assembly, 3 million won for elections to the upper level of local councils, 50 million won for elections of mayors and provincial governors, 10 million won for elections of heads of

local governments (district(gu), city(si), county(gun)), and 2 million won for elections of the lower level of local councils.

- Under the current system, this deposit can be refunded if the following conditions are met: for constituency seats of the National Assembly, the total amount of deposit will be refunded if the candidate wins more than 15 per cent of the vote, and half will be refunded if he or she wins between 10 and 15 per cent; for PR seats of the National Assembly, the total amount of the deposit will be refunded if at least one PR candidate of the party is elected, which requires the party winning more than 3 per cent of the total number of PR votes.
- This deposit system is a disincentive to small parties or political newcomers who often have difficulties meeting the refund conditions, leading them to abandon running for elections. It seems ideal to reduce the deposit to level based upon the cost of executive exercises. A change the system so that the deposit is charged to a political party rather than an individual candidate — such as is used in the Netherlands — can also be considered.

2) Improvement of local constituency-centred election campaigns

- In the FPTP election system, it is hard for small parties to win election in constituency seats, and the current South Korean system gives considerably greater restrictions on the election campaigning of PR candidates in comparison with those on constituency candidates. The current Public Election Act prohibits the PR candidates from making election posters, placards, speeches and holding dialogues in open public spaces, which are all allowed for

constituency candidates, and PR candidates are even banned from registering as preliminary candidates, which would allow them to do ex ante election campaigns. Examples of election campaign methods which are open to PR candidates include adverts in the form of shoulder bands, T-shirts, mascots, and accessories like stickers, the sending of text messages or emails (except on election day), and the posting of videos or articles on the internet.

- The current system needs to be changed to enable PR candidates to use more varied election campaign methods such as allowing a PR candidate to register to give a speech in each local constituency, and removing the clause prohibiting PR candidates from making public speeches.

3) Extension of the electorate's freedom of speech

- The current Public Election Act restricts the freedom of speech not only of candidates but also the electorate from 180 days before the election until the election day, through Articles 58.2 (Activities to encourage participation in votes), 59 (Period of election campaign), 90 (Prohibition of establishment of facilities), 93 (Prohibition of distribution and posting of documents and pictures), and 108 (Prohibition of opinion polling).
- These articles obstruct newly rising women's social movements from meeting political demands. Therefore, in order to enable women candidates and the female electorate to mobilize their power in the electoral process it is necessary to abolish regulations on the election campaign period, remove restrictions on the methods of election campaign, and enable door-to-door canvassing.

4) Reforming traditional family biased election regulations

- The Public Election Act allows a candidate's spouse and lineal descendents to conduct election campaigns on behalf of the preliminary candidate regardless how many they are, and therefore single and young candidates, who have more difficulty in seeking help from their families, are de facto discriminated against.
- In order to guarantee equal opportunity of all candidates and preliminary candidates, supporters who are not the spouse nor lineal descendent of a candidate should be allowed to participate an election campaigns. The number family members who can participate in a preliminary candidate's campaign — for example by handing out name cards or making public appeals for his or her support — should be limited within four, and if less than four, the preliminary candidate should be allowed to designate other supporters who can take part in the election campaign.

3. Legalization to prevent violence against women in the political sphere

- In the 2018 local election and the 2020 national election, women candidates who explicitly identified themselves as feminist became direct and indirect targets of violence. This is a result of a masculine culture with a negative view of women challenging political power, and threatens opportunities for women to participate in politics, raising such serious concerns that countermeasures in Korean society are called for.

- As can be seen in examples from Bolivia, Canada, Mexico, Switzerland, and the European Union, new institutional measures such as legalization or the establishment of special committees, regulations on the running of parliament, and an oath against violence are possible. In particular, Mexico has included articles on violence against women into the election act, the political party act, and *General law on Women's Access to a Life Free From Violence*. In South Korea, it is necessary to establish a new law on the prohibition of sexual harrassment and violence against women candidates running for public office as well as against women public officials, and create a duty of prevention with the reference to these overseas legislative examples. It is suggested that the Public Election Act be reformed to prohibit violence against women candidates during election campaigns, and the National Assembly Act and Local Government Act be reformed to prohibit sexual harrassment and violence against women in their legislative work, and to create a duty of prevention.

