

Abstract

A Study for Enhancing the Effectiveness of Women and Family related Laws (IX): Ways to Streamline Laws for Strengthening the Promotion of Gender Equality Policy

Seon-young Park

Bok-soon Park

Bok-tae Kim

Hyeon-seung Ko

Eun Hee kim

In commemoration of the 20th anniversary of the establishment of the Ministry of Gender Equality and Family, this study investigates the achievements and limitations of the ministry dedicated to gender equality policy, and then explores ways to develop a gender equality policy promotion organization and the measures related to legal

improvement for the implementation of gender equality policies and strengthening of gender mainstreaming.

For this purpose, this study consists of the followings:

Chapter I describes the purpose, contents, and method of the study.

Chapter II reviews the achievements, limitations, and tasks of the Ministry of Gender Equality and Family that exclusively deals with gender equality policy. First, this part examines the process of change in the paradigm of women policy and the transition process of the ministry. Second, this part analyzes the aforementioned achievements, limitations, and tasks through the Delphi method surveyed on experts. Then, it draws implications for ways to advance the system of gender equality policy promotion.

Chapter III investigates and analyzes cases of overseas countries' gender equality policy promotion systems in a bid to find implications. For this purpose, this chapter classifies those foreign practices according to the general status, organizational type, and organizational name in a bid to understand their current status. Then, this section sheds light on the transition processes of gender equality organizations of France, Germany and Sweden. In doing so, it analyzes the gender-equal policy implementation system of each of the central and the local government in those countries as well as the way that associates the two different layers of government systems each other in order to draw implications for Korea.

Chapter IV suggests the development of a gender equality policy promotion system by diagnosing the changed environment of the gender equality policy landscape. This chapter conducts the SWOT analysis on the Ministry of Gender Equality and Family based on the Delphi survey outcome. Then, it proposes the direction which the development of the gender equality policy should go in the ways to

develop the policy as well as the ideas to streamline relevant legal provisions.

The results of this study are as follows:

First, regarding the way to develop a gender equality policy promotion system, the function and role of the Ministry of Gender Equality and Family, a reserved organization for gender equality policy, should be restructured to secure organizational stability and strengthen its identity. It is necessary to seek a change in the promotion system, as small as possible, if such restructuring does not reflect the changes of the times, so that the ministry can restructure its function and serve its original role as consistently as possible, independent of the ideology of its umbrella government.

Also, the strengthening of functions of the integration and coordination of related policies is essential for the effectiveness and experience of the target-centered gender equality policy to be escalated. In order for gender equality policy to promote changes in gender relations, related policy integration and coordination functions should be put in place in a way that can bring in practical impacts. And the promotion system should be reorganized to increase the level of policy experience.

Second, as a way to develop a gender equality policy promotion system, the function of executing gender equality policies should be strengthened first. For that to happen, the Ministry of Gender Equality and Family needs to strengthen its function as a ministry in charge of correcting gender discrimination, such as changes in the gender discrimination structure and effective relief for victims of gender discrimination. In order for the ministry to carry out policy tasks to correct gender discrimination in Korea, where administrative organizations are composed of functions and laws, practical laws are needed to promote the policies to correct gender discrimination in all

areas and strengthen the measures to rescue victims. In addition, anti-gender discrimination act should be enacted as a way to lay the legal foundation for the ministry to promote policies that correct gender discrimination.

Gender-equal labor policy should be strengthened. The absence of this practical policy is the limitation of the ministry. It should develop and implement policies to address gender inequality and bridge gender gap in the labor market, taking into account the overall working conditions and care duty of women laborers.

Women's health policy should be a life-cycle one that considers women's biological characteristics and socioeconomic status. In addition, this policy should strengthen women's status and authority through policy interventions that are designed to change gender relations in all areas of society. The Ministry of Gender Equality and Family should be in charge of coordinating women's health policies, preparing the ground where women's health policies by life cycle effectively function.

Also, gender mainstreaming needs to be reinforced. Strengthening the foundation that promotes gender mainstreaming by ministry and agency, by way of expanding the authority of gender equality policy officers, is an actual way that produces concrete institutional outcomes of the mainstreaming. In particular, such ministries that automatically participate in the Gender Equality Committee are in need of first creating the position of a gender equality policy officer. And this policy has to be adopted by other ministries and agencies.

Next, the integration and coordination functions of gender equality policies should be strengthened. As a way to integrate policies and strengthen coordination functions, there is a dualization plan that sets implementation away from coordination functions. It is about establishing a gender equality committee under the president in

hopes of policy integration and coordination, with this committee playing as a decision maker as well as reviewer and coordinator. In addition, it suggests that the head of it should be the president or a person from the private sector, while the vice head will be shared by the Gender Equality and Family Minister and the committee's members from the private sector. If those determined topics are reported to the president, it would bring in a similar effect of the president chairing the committee. In order to strengthen gender mainstreaming and coordination functions within the government, or to serve as a control tower for the government, it is necessary to come up with measures to enforce the implementation of the committee's decisions and recommendations to other ministries and agencies. In addition, it is necessary to introduce the policy of gender equality policy officers currently put in place in eight ministries and agencies to those automatically participating in the gender equality committee, before it is gradually adopted by all of the ministries and agencies. Operating the consultative body of gender equality policy officers, which is currently controlled by the Ministry of the Gender Equality and Family, needs to be structured under the gender equality committee. And, a secretariat and other steps should be prepared so that the committee's functions are effectively performed. If the gender equality committee is granted by greater authority and reorganized into a presidential advisory committee, its coordination functions will be reinforced, with more gender experts of the private sector participating in it and with multi-dimensional organizational structure operating regular working-level administrative organizations. All of these are the benefits that are not within reach under the current gender equality committee. However, the Ministry of Gender Equality and Family and the Gender Equality Committee are at odds over status and role, and

the Presidential Gender Equality Committee has limitations in that the function and role of it may change depending on the president's will.

The implementation and coordination functions should be integrated, largely centered on the Ministry of Gender Equality and Family. If a gender equality policy coordination organization is established within one of the presidential advisory committees, conflicts are expected between the ministry and the advisory body, and the role of the advisory body may change depending on the president's political will for gender equality. An alternative to this problem is to establish a gender equality policy coordination organization under the Ministry of Gender Equality and Family. If it is organized as such, the implementation and coordination functions can be integrated. Also, this organizing idea will form a structure that can practically drive the implementation and policy coordination with other ministries and agencies regardless of the president's political will. However, in countries where central administrative organizations are governed by laws and functions, such as Korea, it is difficult for organizations with similar status to achieve policy integration and coordination between themselves. In order to efficiently promote policies and serve strong coordination functions for other ministries, it could be a solution to put the Minister of Gender Equality and Family on the same level with Deputy Prime Minister and let the minister also serve as Deputy Prime Minister. Yet, aside from the feasibility of this proposal, the question is whether a deputy prime minister can adjust different authorities of other ministers who are given the same power with the deputy minister even if the status of a minister is raised to that of a deputy prime minister. In a situation where there is a lack of specific mechanisms that allow ministries to respond to reconciliation, such

as authorities related to budget allocation, human resources, or organization structure, it is unlikely that the Minister of Gender Equality and Family will reconcile those situations even if his/her status is promoted to that of the Deputy Prime Minister. One of the main reasons for the Gender Equality Committee, already put in place, though, to fail to make a practical outcome is that the Ministry of Gender Equality and Family has not been able to integrate and coordinate policies of other ministries. For addressing this problem, a multi-faceted organizational structure where gender experts from the private sector take part in and which operates regular working-level administrative bodies can make effective outcomes.

Research areas: health, balance between work and life, law and plan, gender equality culture and awareness, labor and employment, gender violence and safety

Keywords: gender equality policy, the implementation system of gender equality policy, Ministry of Gender Equality and Family, Gender Equality Committee