

# GENDER IMPACT ANALYSIS AND ASSESSMENT ACT

Act No. 11046, Sep. 15, 2011  
Amended by Act No. 12530, Mar. 24, 2014  
Act No. 13178, Feb. 3, 2015

## Article 1 (Purpose)

The purpose of this Act is to realize gender equality in formulation and implementation of policies by providing for basic matters regarding analysis and assessment of the impact that policies of the central government and local governments have on gender.

## Article 2 (Definitions)

The terms used in this Act shall be defined as follows:

1. The term "gender impact analysis and assessment" means the analysis and assessment that the head of a central administrative agency or the head of a local government shall conduct with regard to the impact that a policy is likely to have on gender equality when the policy is formulated or implemented, hence making the policy contribute to the realization of gender equality;
2. The term "central administrative agency" means a central administrative agency under the Government Organization Act or a central administrative agency established pursuant to any other Act;
3. The term "local government" means a local government under the Local Autonomy Act or the Office of Education of a Special Metropolitan City, a Metropolitan City, a Do, or a Special Self-Governing Province.

## Article 3 (Responsibilities of State, etc.)

- (1) The State and local governments shall take measures to ensure gender equality in formulating and implementing a policy.
- (2) The State and local governments shall endeavor to ensure that the private and public cooperation system is established to enhance the effectiveness of gender impact analysis and assessment (hereinafter referred to as "analysis and assessment"). *<Newly Inserted by Act No. 13178, Feb. 3, 2015>*
- (3) The State and local governments shall recognize the importance of analysis and assessment and shall endeavor to ensure that the procedure provided for in this Act is executed properly and smoothly.  
*<Amended by Act No. 13178, Feb. 3, 2015>*

## Article 4 (Relationship to other Acts)

Except as otherwise provided for specifically in any other Act, provisions of this Act shall apply to analysis and assessment.

#### **Article 5 (Matters subject to Analysis and Assessment)**

(1) The head of a central administrative agency or the head of a local government shall conduct analysis and assessment with regard to an Act or a subordinate statute (referring to an Act, a Presidential Decree, an Ordinance of the Prime Minister, an Ordinance of a Ministry, or an Ordinance or a Rule of a local government) that he/she intends to enact or amend, or a plan, a project, etc. that is likely to have a significant impact on gender equality (hereinafter referred to as "policy subject to analysis and assessment").

(2) Matters necessary for the criteria and procedure for selection of policies under paragraph (1) subject to analysis and assessment shall be prescribed by Presidential Decree.

#### **Article 6 (Considerations in Analysis and Assessment)**

The head of a central administrative agency or the head of a local government shall conduct analysis and assessment and prepare a report on analysis and assessment, taking the following matters into comprehensive consideration:

1. Gender-based statistics categorized by gender;
2. Gender-based benefit analysis;
3. A scheme for policy improvement according to the outcomes of analysis and assessment;
4. Other matters prescribed by Presidential Decree with regard to the guidelines for analysis and assessment.

#### **Article 7 (Time to Conduct Analysis and Assessment)**

The head of a central administrative agency or the head of a local government shall conduct analysis and assessment in the course of formulation or implementation of a policy subject to analysis and assessment: Provided, That the analysis and assessment shall be conducted before the examination by the Ministry of Government Legislation on the Bill of an Act or a subordinate, where it is intended to enact or amend an Act or a subordinate statute within his/her remit.

#### **Article 8 (Preparation of Report on Analysis and Assessment, etc.)**

(1) Where the head of a central administrative agency or the head of a local government completes the analysis and assessment, he/she shall prepare a report on the analysis and assessment and shall submit it to the Minister of Gender Equality and Family, as prescribed by Presidential Decree.

(2) The Minister of Gender Equality and Family may notify the head of the competent central administrative agency or the head of the competent local government of his/her opinion on the review of the report on the analysis and assessment submitted to him/her.

#### **Article 9 (Reflection of Outcomes of Analysis and Assessment)**

(1) The head of a central administrative agency or the head of a local government shall reflect the outcomes of the analysis and assessment in the relevant policy and shall submit a report on the outcomes thereof to the Minister of Gender Equality and Family every year.

(2) The central government and each local government shall reflect the outcomes of the analysis and assessment in the preparation of the gender-sensitive budget and the gender-sensitive fund management

plan under the National Finance Act and the Local Finance Act. <Amended by Act No. 13178, Feb. 3, 2015>

#### **Article 10 (Special Gender Impact Analysis and Assessment)**

(1) The Minister of Gender Equality and Family may conduct specific analysis and assessment of the following: <Amended by Act No. 12530, Mar. 24, 2014>

1 Any Act or subordinate statute in force;

2 Any policy within the remit of a central administrative agency or a local government, which is closely related to the improvement of women's status, among policies subject to analysis and assessment under Article 5;

3 Any project closely related to the improvement of women's status, among projects executed by a public institution (referring to a public institution under Article 4 of the Act on the Management of Public Institutions; hereinafter the same shall apply).

(2) When the Minister of Gender Equality and Family intends to conduct analysis and assessment under paragraph (1), he/she shall notify the head of the competent central administrative agency, the head of the competent local government, or the head of the competent public institution that he/she plans to conduct the analysis and assessment under paragraph (1). In such cases, the head of the competent central administrative agency, the head of the competent local government, or the head of the competent public institution may omit the analysis and assessment of the policy subject to the analysis and assessment upon receipt of such notice.

(3) The Minister of Gender Equality and Family may request submission of necessary materials to the head of the relevant central administrative agency, the head of the relevant local government, or the head of the relevant public institute to conduct special gender impact analysis and assessment. In such cases, the head of the agency or government requested to submit the materials shall comply with such request, except in extenuating circumstances. <Newly Inserted by Act. 13178, Feb. 3, 2015>

(4) The Minister of Gender Equality and Family shall notify the head of the competent central administrative agency, the head of the competent local government, or the head of the competent public institution of the results of analysis and assessment conducted under paragraph (1), and the head of the agency, local government, or public institution shall reflect the outcomes thereof in the relevant policy or project upon receipt of such notice and shall submit a report on the results of reflecting such outcomes, to the Minister of Gender Equality and Family.

(5) Matters necessary for the procedure and method for analysis and assessment under paragraph (1) shall be prescribed by Presidential Decree.

#### **Article 11 (Recommendation of Improvement of Policies)**

(1) When the Minister of Gender Equality and Family considers it necessary for the realization of gender equality as a result of the special gender impact analysis and assessment under Article 10, he/she may recommend the head of the competent central administrative agency, the head of the competent local government, or the head of the competent public institution to improve the relevant policy.

(2) Upon receiving the recommendation to improve a policy pursuant to paragraph (1), the head of the competent agency, local government, or public institution shall establish and implement measures for the improvement and shall notify the Minister of Gender Equality and Family of the results thereof.

(3) Matters necessary for the recommendation to improve a policy and the establishment and implementation of measures for the improvement under paragraphs (1) and (2) shall be prescribed by Presidential Decree.

#### **Article 12 (Preparation and Submission of Comprehensive Analysis Reports, etc.)**

(1) The Minister of Gender Equality and Family shall prepare a report that reviews and comprehensively analyzes the results of analysis and assessment by each central administrative agency and each local government and the results of policy improvement (hereafter referred to as “comprehensive analysis report” in this Article) and report it to the State Council at least once a year, and submit it to the National Assembly. *<Amended by Act No. 12530, Mar. 24, 2014>*

(2) The Minister of Gender Equality and Family shall make public the comprehensive analysis reports as prescribed by Presidential Decree *<Newly Inserted by Act No. 12530, Mar. 24, 2014>*

#### **Article 13 (Establishment and Functions of Central Committee on Gender Impact Analysis and Assessment)**

(1) The Minister of Gender Equality and Family shall establish a central committee on gender impact analysis and assessment under his/her control (hereafter referred to as the "Central Committee" in this Article) to deliberate on and coordinate matters regarding the operation and improvement of systems for the analysis and assessment. *<Amended by Act No. 13178, Feb. 3, 2015>*

(2) The Central Committee shall deliberate on and coordinate the following matters: *<Amended by Act No. 13178, Feb. 3, 2015>*

1. Matters regarding the basic direction of the analysis and assessment;
2. Matters regarding the guidelines and methods for the analysis and assessment;
3. Matters regarding the recommendation of policy improvements following the outcomes of the analysis and assessment;
- 3-2. Matters regarding correlation between the outcomes of the analysis and assessment and the gender-sensitive budget or the gender-sensitive fund management plan;
4. Matters regarding the announcement of outcomes of the analysis and assessment;
5. Other matters deemed necessary by the chairperson to be deliberated on and coordinated by the Central Committee.

(3) Matters necessary for composition and operation, etc. of the Central Committee shall be prescribed by Presidential Decree. *<Amended by Act No. 13178, Feb. 3, 2015>*

#### **Article 13-2 (Establishment and Functions of Regional Committees on Gender Impact Analysis and Assessment)**

(1) The head of each local government shall establish a regional committee on gender impact analysis and assessment under his/her control (hereafter referred to as "Regional Committee" in this Article) to

deliberate on and coordinate matters regarding the operation, etc. of systems for the analysis and assessment.

(2) Matters necessary for the composition and operation, etc. of the Regional Committee shall be prescribed by ordinance of the competent local government.

#### **Article 14 (Designation of Officers Responsible for Analysis and Assessment, etc.)**

(1) In order to conduct efficient analysis and assessment, the head of the competent central administrative agency or the head of the competent local government may designate a public official under his/her control as an officer responsible for the analysis and assessment.

(2) The tasks of an officer responsible for the analysis and assessment under paragraph (1) shall be as follows: <Newly Inserted by Act No. 13178, Feb. 3, 2015>

1. Matters regarding the selection of policies to be subject to analysis and assessment;
2. Matters regarding conducting analysis and assessment and the preparation of analysis and assessment reports under Article 6;
3. Matters regarding reflecting policies resulted from the analysis and assessment, gender-sensitive budget, and the gender-sensitive fund management plan;
4. Matters regarding the formulation and implementation of improvement measures under Article 11 (2);
5. Matters regarding education for analysis and assessment under Article 15;
6. Matters regarding analysis and assessment of affiliated agencies, such as integration of and coordination on the execution of analysis and assessment and inspection of the results of performance, and other matters prescribed by Presidential Decree.

(3) Matters necessary for the designation of an officer responsible for the analysis and assessment under paragraph (1) shall be prescribed by Presidential Decree. <Amended by Act No. 13178, Feb. 3, 2015>

#### **Article 15 (Education on Analysis and Assessment)**

(1) The head of a central administrative agency or the head of a local government shall conduct educational programs for public officials under his/her control on the analysis and assessment in order to ensure the efficient performance of the analysis and assessment.

(2) Matters necessary for the scope of persons subject to education on the analysis and assessment, frequency of the education, and the submission of the results thereof shall be prescribed by Presidential Decree. <Amended by Act No. 13178, Feb. 3, 2015>

#### **Article 16 (Advice on Analysis and Assessment)**

(1) The Minister of Gender Equality and Family may provide advice to the head of a central administrative agency or the head of a local government with regard to the analysis and assessment.

(2) The Minister of Gender Equality and Family may entrust a public or private institution or organization with the execution of works for providing advice under paragraph (1).

#### **Article 17 (Gender Impact Analysis and Assessment Agency)**

(1) In order to provide support necessary for the analysis and assessment by central administrative agencies and local governments, the Minister of Gender Equality and Family may designate a national or public research institute, a research institute funded by the central government or a local government, or a private research institute specified by Presidential Decree as a gender impact analysis and assessment agency (hereinafter referred to as "assessment agency").

(2) Matters necessary for the functions of an assessment agency, the criteria and conditions for the designation of such agency shall be prescribed by Presidential Decree.

**Article 18 (Collection and Diffusion of Information on Analysis and Assessment, Training of Professional Human Resources, etc.)**

(1) In order to enhance expertise in the analysis and assessment, the Minister of Gender Equality and Family shall collect and disseminate information related to the analysis and assessment and shall prepare a scheme for training human resources specializing in the analysis and assessment.

(2) In order to collect and diffuse information related to analysis and assessment under paragraph (1), the Minister of Gender Equality and Family shall establish and operate a system for providing information related to such analysis and assessment.

(3) Matters regarding the establishment and operation of the system for providing information under paragraph (2) shall be prescribed by Presidential Decree.

**ADDENDA**

**Article 1 (Enforcement Date)**

This Act shall enter into force six months after the date of its promulgation.

**Article 2 (Transitional Measure concerning Gender Impact Analysis and Assessment Agency)**

An agency assisting in the analysis and assessment of policies pursuant to the Framework Act on Women's Development as at the time this Act enters into force shall be deemed the gender impact analysis and assessment agency under this Act.

**ADDENDUM <Act No. 12530, Mar. 24, 2014>**

This Act shall enter into force six months after the date of its promulgation.

**ADDENDUM <Act No. 13178, Feb. 3, 2015>**

This Act shall enter into force six months after the date of its promulgation.