

DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

1. Discriminatory family code

The Family Law provides that the minimum **legal age for marriage** is 18 years for men and 17 years for women.¹ The law provides that “Citizens are entitled to marry freely. Marriage shall be undertaken between a single male and a single female.”² There is no data on the prevalence of **early marriage** in North Korea. United Nations data from 2008 indicates that 0.3% of girls between 15 and 19 years of age were married, divorced or widowed, compared with 0% of men.³ In 2005, the Government reported that the average age of marriage for women was 24. Recently, the government conducted a campaign to persuade people that early marriage was not good for women’s health.⁴

The 1990 Family Law grants men and women equal **parental authority**.⁵ The Government reported that both parents have the same obligation to educate and daily care for the health and growth of their children. In the event of **divorce**, custody is decided according to mutual agreement between the two parties, in consideration of the interests of the children. When no mutual agreement can be reached, custody is decided by the court. A child under three years of age is brought up by the mother, unless there is a compelling reason for this not to happen.⁶

The Government reported that the Law on Sex Equality provides that women have equal **inheritance** rights to men with regards to property or land. They also have the same rights to have a share of property or land at the time of a divorce.⁷ However, there is no evidence of whether these laws are implemented.

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Despite these legal protections, discriminatory attitudes towards women in the family persist. For example, in 2002 the Government reported that a man is generally called the “outer householder” and a woman the “inner householder” in a family.⁸ NGOs report that women are relegated to the private sphere and responsible for reproductive and household work and expected to be subservient, while the husband has absolute authority over all family affairs as

¹ Family Law, Art 13; CEDAW (2002) p.34

² CEDAW (2002), p.34

³ UN (2012)

⁴ CEDAW (2005c), para.12

⁵ Family Law, Art 8

⁶ CEDAW (2002), p.35

⁷ Article 8 of 1946 Law on Sex Equality, in CEDAW (2002) p.12

⁸ CEDAW (2002) p.16

the household head.⁹ However, since the onset of recent economic hardship, many North Korean women have been forced to be the breadwinner for their family in addition to their household chores.¹⁰ Moreover, the Korea Institute for National Unification reports that North Korea's Family Law enacted in 1990 contains outdated male dominant elements of the family structure such as prohibited marriages, the principle of following the paternal line, and the role of breadwinner in the family.¹¹

Article 7 of the Law on Sex Equality criminalises **polygamy**.¹² There is no data on the prevalence of polygamy in practice.

In practice, it is reported that **obtaining a divorce** is difficult, as it is granted by judicial discretion. NGOs report that many people pay bribes in order to obtain a divorce, and that women without the financial means may be forced to live separately without going through legal procedures.¹³ There are additional reports that the North Korean authorities are known to take coercive measures to curb the rising divorce rate by imposing disciplinary prison labour on those who file for divorce.¹⁴

2. Restricted physical integrity

There is limited information on whether **domestic violence** is prohibited by law, although in 2005 the Government reported that it was covered by the general provisions of criminal law against violence.¹⁵ In 2005, the United Nations Committee on Discrimination against Women (CEDAW) expressed concern that expressed concern that the government was not aware of the existence of domestic violence and that, as a result, there is a lack of specific legislation to deal with all forms of violence against women, including domestic violence, and a lack of prevention and protection measures for victims.¹⁶ The United Nations reported in 2014 that domestic violence is rife within North Korean society, and victims are not afforded sufficient protection.¹⁷ Although there is no official prevalence data, a survey conducted by one NGO in 2011 found that 87% of the respondents said domestic violence was frequent, and 39% said it was very frequent in North Korea.¹⁸ NGOs report that local security agents hold the view that domestic violence is a family matter.¹⁹

In 2002, the Government reported that the Criminal Law prohibits **rape**.²⁰ However there is no information available on details of the law or how effectively it was enforced; and a recent 2014 report by the United Nations found that victims of gender-based violence are not afforded

⁹ Korea Institute for National Unification (2013), p.386

¹⁰ Korea Institute for National Unification (2013), p.41

¹¹ Korea Institute for National Unification (2013), p.386

¹² CEDAW (2002), p.11

¹³ Korea Institute for National Unification (2013), p.230

¹⁴ Korea Institute for National Unification (2013), p.230

¹⁵ CEDAW (2005c) para.36

¹⁶ CEDAW (2005a) p.6

¹⁷ UN General Assembly (2014b), p.90

¹⁸ Korea Institute for National Unification (2013), p.401

¹⁹ Korea Institute for National Unification (2013), p.402

²⁰ CEDAW (2002) p.13

protection from the State, support services or recourse to justice.²¹ The Korea Institute for National Unification reports that sexual violence is commonplace owing to the strong influence of patriarchal perceptions of male dominance in society, and that it has increased significantly since the food crisis in the 1990s.²² The US State Department reports that women in prison camps, as well as other detention facilities, are subjected to sexual assault, harassment, rape, and forced abortions by prison guards.²³

Sexual harassment is criminalized under the Penal Code, article 293, which indicates that ‘any man who forces a woman into sex, in cases where the victim works for or reports to him, will be punished with up to two years of labour training, or in serious cases, up to two years of correctional labour penalty’.²⁴ However, the US State Department reports that defectors have described how sexual harassment of women was generally accepted due to patriarchal traditions.²⁵

There is no evidence to suggest that **female genital mutilation** (FGM) is practiced in North Korea.

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According to the US State Department’s Report on Trafficking in Persons, the North Korean Government does not fully comply with the minimum standards for the elimination of **trafficking** and did not demonstrate any efforts to address human trafficking through prosecution, protection, or prevention measures.²⁶ In 2014, the United Nations reported that violations of the rights to food and freedom of movement have resulted in women and girls becoming vulnerable to trafficking and in increased engagement in transactional sex and prostitution.²⁷ North Korean women are particularly vulnerable to being trafficked as brides in rural China, and are usually sold a minimum of two times before being sold into forced marriages.²⁸ Trafficking victims that are repatriated are considered defectors and detained by Government authorities. In prison or during interrogations, women are reportedly subjected to several methods of torture, including the insertion of objects into the vagina. Women who have become pregnant in China are especially targeted in detention, and are forced to undergo abortions.²⁹

With respect to reproductive rights, **abortion** in North Korea is legal in some circumstances, but it could be undertaken only in a hospital, on the advice of a doctor and only if maintaining the pregnancy would endanger the health of the mother or the foetus or if the pregnancy was illegal because it had been caused by extramarital intercourse.³⁰ NGOs report that unsafe and illegal

²¹ UN General Assembly, p.8

²² Korea Institute for National Unification (2013), p.391

²³ US State Department

²⁴ Korea Institute for National Unification (2013), p.396

²⁵ US State Department (2013)

²⁶ US State Department (2013b)

²⁷ UN General Assembly, p.8

²⁸ UN General Assembly p.136

²⁹ UN General Assembly, p.136

³⁰ CEDAW (2005c) para.20

abortions are common.³¹ As noted above, pregnant women in detention centres reportedly were subject to forced abortions and infanticide.³² The maternal mortality rate in 2010 was estimated to be 81/100,000 live births.³³ According to the United Nations, based on 2002 data, 69% of married women were using contraception.³⁴

3. Son bias

North Korea has a male-to-female **sex ratio** at birth of 1.05 and in the working age population it is of 1.03 in 2014.³⁵

There is evidence to suggest that North Korea is a country of low incidence of **missing women** given elevated sex ratios at birth.

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The 2000 Multiple Indicator Cluster Survey for North Korea did not find a gender gap in primary school enrolments, suggesting that there is no preferential treatment of sons with respect to education.³⁶ However, according to the Government, parents are subject (on rare occasions) to pressure from their own parents to continue bearing children until they have a son.³⁷

4. Restricted resources and assets

Means of production in North Korea, including **land**, are owned by the public and the State is responsible for supplying its citizens with food, clothing and housing.³⁸ The Government reported in 2002 that working women play an important role in the agricultural production, management and the creation of the living environment of each cooperative farm. A cooperative farm is where the working people, male or female, own the land, farm machines and other production means publicly for collective management. The Government also reported that women generally participate in cooperative farm decision-making and play an important role in their settlement.³⁹ However, NGOs have noted that women in agricultural villages cannot escape from working at a farm unless they advance to college or join the military.⁴⁰

The Government reports that women and men have equal rights to **access non-land assets**.⁴¹ Within marriage, they can separately own and control property of a personal nature or, alternatively, share joint ownership of any family property.⁴² It also reported that women are

³¹ Korea Institute for National Unification (2013), p.409

³² Korea Institute for National Unification (2013), p.120 -126

³³ WHO, UNICEF, UNFPA and The World Bank (2012).

³⁴ UN (2012b)

³⁵ CIA (2014)

³⁶ Child Info (n/d/)

³⁷ CEDAW (2002) p.36

³⁸ CEDAW (2002), p.29

³⁹ CEDAW (2002), p.31

⁴⁰ NIKu, p.384

⁴¹ CEDAW (2002), p.33

⁴² CEDAW (2002), p.36

free to conclude various contracts for purchase or sale and loans in their own names under the Civil Law.⁴³ However, no information on the implementation of such laws is available.

There is no data on women's **access to financial services**, including credit or financial markets. However a 2014 United Nations report found that many women, survival-driven during the famine of the 1990s, began operating private markets. It is estimated that almost half of North Korean families rely on private trading as their only source of income, and women are the main breadwinners in 80 to 90% of households.⁴⁴ However, NGOs report that the State has imposed many restrictions on female-dominated markets, including prohibiting anyone other than women over forty years of age from trading. Gender discrimination also takes the form of women being targeted to pay bribes or fines.⁴⁵

5. Restricted civil liberties

It should be noted that the Government generally does not respect civil liberties in North Korea for either women or men.⁴⁶ Women are somewhat discriminated against with regards to their **access to public space**. Restrictions on women's movement and clothing are also in effect: for example, it is reported that in some cities women are not allowed to wear trousers or ride bicycles, based on attitudes that dictate what is "decent" for women.⁴⁷ The United Nations has reported that regulations in force until 2012 prohibiting women from riding bicycles were reintroduced in January 2013. Public safety officials were reportedly imposing fines equivalent to the cost of 4 kilograms of corn on rural women who were riding bicycles under the prior ban, but are now said to be confiscating the bicycle instead.⁴⁸

The United Nations Committee on Discrimination against Women (CEDAW) has expressed concern regarding the relatively small number of women in decision-making positions in North Korea.⁴⁹ There is no **quota** for women at the national or sub-national levels. With respect to political representation, women held 15.7% of parliamentary seats as of 2013, and approximately 4% of the membership of the central committee of the Korean Workers' Party as of 2013.⁵⁰ However, they also report that, as assembly delegates serve only symbolic purposes, these numbers do not reflect actual power: and in fact, only a very small number of women appointed to cabinet positions hold political and administrative powers and responsibilities.⁵¹ The United Nations reports that women make up just 10% of central government employees.⁵²

The United Nations reports that the complete denial of freedoms of expression and association has prevented women from collectively advocating for their rights as women have done

⁴³ CEDAW (2002), p.33

⁴⁴ UN General Assembly (2014b), p.87

⁴⁵ UN General Assembly (2014), p.8

⁴⁶ US State Department (2013)

⁴⁷ Human Rights Watch (2009)

⁴⁸ UN General Assembly (2014b), p.88

⁴⁹ CEDAW (2005), p.7

⁵⁰ OECD (2014), *Gender, Institutions and Development Database*, <http://stats.oecd.org>; Korea Institute for National Unification (2013), p.380

⁵¹ KINU (2013), p.381

⁵² UN General Assembly (2014), p.8

elsewhere in the world.⁵³ In 2005 the CEDAW Committee expressed its concern about the lack of women's human rights organizations and of an independent human rights institution to monitor the implementation of the State party's obligations under the CEDAW Convention.⁵⁴ Moreover, women deemed to be political dissidents or defectors are interned in detention centres, prisons and labour camps and subjected to numerous forms of gender-based violence, including invasive vaginal searches, and sexual violence.⁵⁵ The United Nations reports that it has recorded testimony of forced abortion as a method of punishment for treason.⁵⁶

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The Government reports that the Law on Sex Equality provides for women's equal rights with respect to employment,⁵⁷ and that the Labour Law provides for equal pay for equal work, regardless of gender.⁵⁸ Under the Labour Law, working women are entitled to **maternity leave** 60 days before and 90 days after childbirth, irrespective of the length of their service in addition to the regular and additional holidays; as well as a maternity subsidy which is equal to 100% of the basic monthly salary during maternity leave. Mothers of triplets or quadruplets receive special subsidy each month until the children finish senior secondary school.⁵⁹

⁵³ UN General Assembly p.9

⁵⁴ CEDAW (2005), p.6

⁵⁵ UN General Assembly (2014b), p.120

⁵⁶ UN General Assembly (2014b), p.123

⁵⁷ CEDAW (2002) p.11

⁵⁸ CEDAW (2002) p.23

⁵⁹ CEDAW (2002) p.24

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