

A Comparison of Women- and Family-Related Legislation between South and North Korea Basic Direction for Integration¹

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Abstract

In the fields of politics and economics, there have been various efforts directed at identifying the gaps between legislation in South and North Korea for the purpose of planning for future integration. In the areas of women and families, however, no comprehensive studies in preparation for reunification have yet been pursued. This study pursued a more systematic and comprehensive understanding of the North's laws and legislation related to women and families, and then attempted to compare them to those in the South. First, we reviewed the development process of women- and family- related legislation in the South and the North in the years since their division, particularly focusing on working women engaging in work and family life by stage of life. Second, we sorted women- and family-related laws and legislation in the South and North into six different categories: gender equality; women and work; violence against women; women's health and reproductive rights; family; and work-family balance. Each category was examined in terms of major laws and key content. Third, we compared and analyzed the legal systems of the South and the North according to these six categories, and finally presented a basic direction for the integration of the two systems focusing on women and family issues in the context of Korean reunification.

Key words: Women- and family-related legislation, Comparative legislation of South and North Korea, Preparation for reunification, Legislation of North Korea, Legislation of South Korea

¹ This article summarizes a KWDI research report (Bok-soon Park et al., 2014).

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Introduction

Since the economic crisis of the mid-1990s, many changes have been made to North Korea's laws regarding women, starting with the amendment of the Socialist Constitution in 1998. In 1999, the Law on Childcare and Education and the Socialist Labor Law were amended. Next, in the amendments of 2009 to the Socialist Constitution, an article on the protection of human rights (Article 8) was newly added as the first such substantive enactment in the North. In 2010, the Women's Rights Protection Law and the Labor Protection Law were enacted. Additionally, in a 2004 amendment of the Criminal Law an article on prostitution (then Article 261) was included, and in 2012 it was amended again to make even a one-time violation subject to criminal prosecution by raising the statutory penalties (currently Article 249). In support of gender equality, South Korea has also enacted and amended numerous laws in the years since the mid-1990s. Some of the recent changes include the renaming of the Framework Act on Women's Development to the Framework Act on Gender Equality, abolishing the "hoju (head of family) system" under the Civil Act and promoting policies to support a balanced work-family life in the face of a low birthrate and rapid population aging.

The purpose of this study is to review these changes in women- and family-related legislation in South and North Korea, analyze the current women- and family-related legal system in the North, and compare the North's system to that in the South in order to identify similarities and differences between the two Koreas and to help eventually integrate and adjust laws from a gender perspective at the time of reunification.

Development Process of the North's Legislation for Women and Families

Stipulation of the Principle of Gender Equality and Women as Socialist Workers: 1945-1950

The initial period is considered to be the post-liberation years from 1945 to 1950 when the principle of gender equality was first stipulated and women were accepted as socialist workers. This period is considered the most distinctive in the history of the North's law-making, as laws to guarantee gender equality in the North were implemented in a drastic and compressed manner.

In particular, from 1945 to 1946 the North took dramatic measures to eliminate the vestiges of both Japanese imperialism and feudal customs in its attempt to establish a socialist state. Relative to the South, the North already had a large number of reformative laws on gender equality by this period. The Land Reform Law (1946) granted women the same rights as men to receive land via redistribution (The Office of Court Administration, 1997:87; Kim Seok-hyang, 2014:15). The Labor Law for North Korean Laborers and Office

Workers (1946), from which the Labor Law stemmed, stipulated that both men and women are entitled to equal pay and equal treatment for work of equal value. Furthermore, this law also provided maternity leave and special protections for pregnant women, guaranteeing women's rights and elevating women's status (Kim Young-hee & Jang Young-ah, 2000:44-45). The Law of Equal Rights for Men and Women (1946) was the first legislation to provide legal grounds for gender equality across all sectors. According to this law, men and women are equal in all areas of life, including in the national, economic, cultural, social, and political domains. Men and women were granted equal rights to vote; run in elections; pursue work of equal value, equal pay, and social security; receive equal education; and enjoy equal treatment with respect to marriage, divorce, and family life.

In the years between 1947 to 1950, women were first accepted as socialist workers. Preceding the period of true socialist revolution, the North focused on the social integration of its production relations, and women took on roles as laborers. In 1948, the Constitution of North Korea was enacted, which provided, as examples, gender equality, equal rights to vote or run in an election, maternity protection by the State, and the protection of marriage and family life. Above all, through the enactment of the Nursery Management Regulations (1949), the Regulations on Maternity Hospitals (1949), and the Regulations on Women's Counseling Centers (1948), women were supported as socialist workers.

Dual Structure of the Priority Rule on Labor Force and Paternalism: Post-war-1971

The pertinent laws created in this second period, spanning from the post-war years to 1971, mainly address the expansion of nurseries and kindergartens to support working mothers. What is interesting, however, is that this is also the period in which North Korea emphasized paternalism. As the North experienced a severe reduction in the workforce and a deterioration of its military power after the war, it strengthened paternalism by, for example, actively encouraging women to have children while also working. Furthermore, the North suppressed women's freedom to divorce.

The following are some of the laws in the North that freed women from childcare and the education of their children while strengthening ideological education for infants and children in order to train them to become communists: the Cabinet Decision on Improving and Strengthening Nurseries and Kindergartens (1946); the Cabinet Decision on Operating Nurseries and Kindergartens as a Nationwide and National Movement and on Improving and Strengthening Childcare and Education for Children (1968); the Cabinet Decision on Constructing Nurseries and Kindergartens as a Mass Movement and Accomplishing the Teaching of Kim Il-sung, the Great Leader, on Better Public Distribution and Supply Projects for Children (1969); and the Cabinet Decision on Supplying Nurseries and Kindergartens with Sufficient Preliminary Materials (1971).

On the other hand, the Cabinet Decision on Partially Changing the Divorce Process (1956) abolished the existing divorce-by-consent system and allowed divorce only by court ruling (Lee Eun-jung, 2009:43-44). The Judicial Department Rule on Regulations on the Divorce Review Process (1956) strictly regulated divorce by court ruling, limiting the freedom to

divorce (Lee Eun-jung, 2009:43-44).

Consolidation of the Dual-Structure: 1970s-1980s

The third period, roughly stretching from the 1970s to the 1980s, is the era when the North established its state system of the “Juche (self-reliance)” ideology and socialism, starting with the adoption of the Socialist Constitution in 1972. For women, it is the period where the double burden of wage labor and labor at home was consolidated. Through the 1970s, the North systematized and established its Juche ideology, and Kim Jong-il was officially appointed as the next successor in line. Stipulating the principles of Kim Il-sung's Juche ideology as the Constitution's principles for national guidance, the Socialist Constitution (1972) was introduced. In this constitution, the “consolidation of the family” was regulated. Thereafter, laws such as the Law on Childcare and Education (1976), the Socialist Labor Law (1978), and the Regulation on Civil Cases (1982) were enacted. Under these laws, regulations on the protection of female workers, maternity care, and generalization of nurseries and kindergartens did exist and protected working women, but at the same time, the patriarchal state-family concept based on the North's succession system was highlighted, emphasizing the role of women in the home.

Return to Paternalism: 1990s-2000s

The fourth period can be considered to span from the 1990s to the 2000s, when a greater focus was placed on the family. Witnessing the collapse of communism, and the Soviet Union, the North amended its Socialist Constitution in 1992 and emphasized, for example, “our socialist way” and “a large socialist family.” Through this amendment, regulations such as the one “the State shall free women from the heavy burden of housework,” were deleted, indicating a regression in women's rights protections. North Korea's Family Law enacted in 1990 also reinforced the consolidation of family and paternalism. Since then, the North Korean Family Law has been amended a number of times, being supplemented and bringing a few changes in areas such as child support provided by a non-custodial parent, child custody, guardianship, and inheritance.

Response to International Society's Demand for Women's Human Rights: 2010-Present

Lastly, minor changes have recently been initiated in the North. It enacted the Women's Rights Protection Law in 2010, which is a positive change compared to the direction of the 1970s through 1990s when the status of women retreated. Such changes seem to be a part of the North's efforts in the face of the difficulties it has been experiencing both internally and externally corollary to growing international pressure to improve human rights.

The Development Process of the South's Legislation for Women and Families

Women in Need and the Protection of Women and Girls: Post-Liberation-1970s

The first period in the South in terms of its legislation for women and families is considered to be the years from liberation to the 1970s. During this period, little progress was witnessed in terms of policies and legislation enacted or amended for women. In the 1960s and 1970s, when the country was experiencing considerable economic growth, the issue of female employment did arise, but it did not lead to legislation. As such, laws and legislation for women mainly addressed female prostitutes, widows, and other women in need, being limited to the welfare of women and girls.

Legal and Systematic Basis for the Development of Women: 1980s

The second period is the 1980s, when a legal and systematic basis was established for the development of women. Views on women's issues began to go beyond simply women in need, and laws for women began to be discussed on a fundamental level. In 1980, a clause was introduced to the Constitution of the Republic of Korea, "marriage and family life shall be entered into and sustained on the basis of individual dignity and equality of the sexes" (then Article 34 Clause 1). In 1987, the Constitution added new clauses to protect working women in the fields of gender equality and motherhood (Article 32 Clause 4); the state's duty to promote the welfare and rights of women (Article 34); and the state's duty to achieve the goal of individual dignity and equality between the sexes in marriage and family life (Article 36 Clause 1). Also in 1987, the Equal Employment Opportunity Act was enacted in order to guarantee equal employment opportunities and treatment regardless of gender. In 1989, the Mother and Child Welfare Act was legislated to support the independence and welfare of single mothers. Furthermore, several changes were implemented to establish improved policies for women, such as the enactment of the Korean Women's Development Institute Act (1982) and the Regulations on the Standards Commission for Women's Policy (1983), while gender distinction was abolished in the Decree on the Appointment of Public Officials (1989).

Development of Legislation on Gender Equality: 1990s

The third period falls in the 1990s when, with the launch of a civilian government, additional laws and legislation addressing women, the women's movement, and women's policies were both enacted and significantly refined in terms of both quality and quantity. Women-related laws began to appear across all areas, including the family (amendment of the Civil Act and the Nationality Act), work (amendment of the Equal Employment Opportunity Act and the Labor Standards Act), politics (amendment of the Political Parties Act), social protections (amendment of the Infant Care Act), domestic violence/sexual assault/prostitution (enactment of the Punishment of Sexual Crimes and Victims Protection Act, amendment of the Prevention of Prostitution Act, and the enactment of the Act on the

Prevention of Domestic Violence and Protection of Victims, etc.), and means of remedy (enactment of the Act on the Prohibition of and Remedy for Sexual Discrimination). Particularly, in 1995, the United Nations Fourth World Conference on Women was held in Beijing and “gender mainstreaming” was adopted. This concept impacted South Korea in the late 1990s, so attention was given not just to women, but also to gender equality. With regard to the family, the Civil Act amended in 1990 brought about great changes. To briefly explain, the concept of “relatives,” which traditionally followed only the paternal line, was switched to a bilateral kinship system, a succession of family headship system was introduced in place of the inheritance of family headship which had mandated compulsory inheritance of status, and a regulation was introduced to allow for a claim for the division of property upon divorce (Han Bong-hee, 2007:200).

Abolition of the Hoju System and Gender Mainstreaming in Legislation: 2000-Present

The fourth period, reaching from 2000 to the present, clearly demonstrates a trend toward gender equality based on gender mainstreaming in South Korea. Gender mainstreaming was adopted as a major strategy for implementation in the 2nd Basic Plan for Women’s Policy in 2003, and laws began to reflect this new paradigm. Some of the major changes and expansions in women- and family-related laws include the establishment of the Ministry of Gender Equality (2001), the enactment of the Act on the Promotion of Creation of Family-Friendly Social Environment (2007), the enactment of the Act on Promotion of Economic Activities of Career-Interrupted Women (2008), and the enactment of the Child-Care Support Act (2012). In the area of the family, a decision of non-conformity with the Constitution was rendered regarding the hoju system in 2005, abolishing the hoju system and the family register system (Kim El-lim, 2009:86). Other changes include the enactment of the Framework Act on Healthy Families (2004); the amendment of the Single-Parent Family Support Act (2007, formerly the Mother and Child Welfare Act); the enactment of the Multicultural Families Support Act (2008); the enactment of the Act on the Assistance and Ensuring the Implementation of Child Support (2014); and notably from the perspective of gender mainstreaming, the implementation of “gender-sensitive budgeting” (based on the enactment of the National Finance Act in 2006) and the enactment of the Gender Impact Analysis and Assessment Act (2011).

Current Status of Women- and Family-Related Legislation in South and North

Legislation on Gender Equality

In terms of their constitutions, North Korea declares the principle of gender equality in its Socialist Constitution (Article 77), while South Korea stipulates women- and gender equality-related regulations in the Preamble, Article 10, Article 11 Clause 1, Article 32 Clause 4, Article 34 Clause 3, Article 36 Clause 1, and Article 36 Clause 2 of the

Constitution of the Republic of Korea.

As for laws on gender equality, the North maintains its Law of Equal Rights for Men and Women and the Women's Rights Protection Law. The Law of Equal Rights for Men and Women stipulates that both men and women share equal rights in the political, economic, social, and cultural domains, as well as in the home. The Women's Rights Protection Law takes this one step further and specifies the rights of women to be guaranteed, such as women's social and political rights; women's rights in the areas of education, culture, and healthcare; women's employment protection and prohibition of discrimination against women; and protection of women's bodies, as well as the inviolable rights to women's own health and lives.

In the case of the South, the existing laws on gender equality are the Framework Act on Gender Equality and the Gender Impact Analysis and Assessment Act. The Framework Act on Gender Equality was the first law in the South to legally define policies on women, women's groups, and women-related facilities. It also set forth a general direction on the basic plans and fundamental schemes for women's policies to follow so that gender equality and women's development can be reflected in the legislation and policies across all domains. The Gender Impact Analysis and Assessment Act regulates the analyses and assessments of the effects of policies on gender equality during the process of policy establishment and implementation. In other words, the Act serves as legal grounds for gender impact analyses and assessments so that policies can contribute to the realization of gender equality.

Likewise, the principle of gender equality exists in both the South and the North as an ideology of social guidance. However, unlike the South, the North has yet to establish any specific legal measures for its implementation.

Legislation on Women and Work

As for women's labor-related regulations under the constitution, the North provides special protection in its Socialist Constitution not for women, but for mothers by, for example, reducing working hours and expanding daycare centers in order to protect motherhood and promote work-family balance. Under its constitution, the South has regulations on the special protection of female workers and prohibitions on discrimination.

The North includes the prohibition of discrimination in job placement, establishment of daycare centers, and equal pay and equal treatment in respect to work of equal value under its Socialist Labor Law. This law also features special protection for pregnant workers and female workers in general. In the Labor Protection Law, regulations exist on, for example, the establishment of daycare centers and kindergartens; guarantee of breaks for nursing mothers; and the prohibition of harmful labor and night shift work for female workers.

The South also regulates its policies on female workers and motherhood under the Labor Standards Act. Some of the pertinent regulations include prohibition of gender discrimination; prohibition of women from harmful and/or dangerous work areas; restricted overtime; restricted night and holiday shifts; maternity leave; miscarriage and stillbirth

leave; menstrual leave; transitions to an easier job position; prenatal checkups; and allowing breastfeeding. Furthermore, the Equal Employment Opportunity and Work-Family Balance Assistance Act includes several pertinent regulations, such as prohibition of employment discrimination; equal pay and equal treatment in respect to work of equal value; promotion of women's work capacity and employment; active measures to improve employment; protection of motherhood; support for balanced work-family lives; and prohibition and prevention of sexual harassment in the workplace. Finally, the Act on Promotion of Economic Activities of Career-Interrupted Women mandates that central and local governments establish a comprehensive policy and consider, for example, women's life-cycle, maternity, and the characteristics of women with disabilities in order to promote the economic activities of women whose careers have been interrupted.

Legislation on Violence Against Women

The North regulates sexual assault and prostitution under its Criminal Law. In the case of sexual harassment, the North prosecutes it as "female harassment" under the People's Safety Control Law and the Administrative Punishment Law. As for prevention and punishment of violence against women, the North simply maintains regulations on punishment for prostitution and rape under the Criminal Law, so until recently the state did not intervene in domestic violence. However, the Women's Rights Protection Law enacted in 2010 stipulates the prohibition of domestic violence (Article 46).

The South regulates prostitution and all forms of sexual assault (including rape and indecent assault) under its Criminal Act. It also has special laws in addition to the Criminal Act that are intended to punish sexual crimes and protect victims (the Punishment Act on Sexual Crimes and the Preventive Act on Sexual Crimes); punish sexual trafficking and protect victims (the Punishment Act on Sexual Traffic and the Prevention Act on Sexual Traffic); and punish domestic violence and protect victims (the Punishment Act of Domestic Violence and the Prevention Act on Domestic Violence).

Here, it is evident that while the South has promulgated specialized laws for the fields of violence against women of sexual assault, prostitution, and domestic violence, the North lacks any such measures. In addition, the North tends to rely on its Women's Rights Protection Law to regulate violence against women by simply declaring women's inviolable rights to health and life.

Legislation on Women's Health and Reproductive Rights

The Socialist Constitution of the North regulates the receipt of free medical care for all North Korean citizens. The People's Public Health Law further details the regulations provided under the Constitution, such as the general free medical system, district-doctor system, preventive medical system, and free medical care for all citizens. Furthermore, the People's Public Health Law contains regulations on health protection for women and children, along with maternity benefits for pregnant women and their families, such as food, subsidies, and allocation of other resources. The Women's Rights Protection Law also

addresses women's rights in the health domain, especially health education for female students.

The Constitution of South Korea stipulates the State's endeavors to promote the welfare and rights of women and declares that the health of all citizens shall be protected by the state. More specifically, the Framework Act on Gender Equality obliges the central and local governments to make efforts to guarantee access to gender-equal healthcare and take measures to promote the health of women appropriately according to the stage of their life-cycle, such as through maternal health. Also, in the Framework Act on Health and Medical Services, the central and local governments are obligated to seek measures to promote women's health. Furthermore, the Mother and Child Health Act calls on the central and local governments to take responsibility for protecting the lives and health of mothers (pregnant or nursing women) and infants (aged five and under). Meanwhile, the current Criminal Act includes a regulation that bans abortion (Article 269), but a regulation under the Mother and Child Health Act on "Limited Permission of Induced Abortion Operation" permits induced abortion procedures under the special circumstances described.

The North has no prohibition on abortion, and while the Women's Rights Protection Law relates that the state encourages greater numbers of children, it also provides that women have the right not to bear children. It is debatable whether the right not to have children in the Women's Rights Protection Law can be interpreted as legalizing abortion, but simply based on the wording of the law, the North appears to be a step ahead in terms of women's reproductive rights.

Legislation on Family Relations and Family Support

North Korea's Family Law and Inheritance Law are the two major laws related to the family. The Family Law regulates, for example, the principle of gender equality; the principle of protecting families; the principle of protecting marriage; the principle of especially protecting the benefits to mothers and children; the principle of protecting legally incompetent persons; and the principle of guaranteeing inheritance rights over personal assets as basic principles of the law (Lee Song-nyeo, 2013:25-42).

In South Korea, Part IV (Relatives) and Part V (Inheritance) of the Civil Act comprise the major regulations on the family, and the Framework Act on Healthy Families serves as the principle law for family policy. In addition, to support the functioning of families in an era of diverse family structures, relevant laws have been promulgated such as the Single-Parent Family Support Act and the Multicultural Families Support Act.

The major difference between South and North Korea is that North Korea's Family Law, which exists independently, serves to highlight the importance of family consolidation and family laws do not exclusively remain within the private sphere but can be controlled as public laws for the state's purposes of family consolidation. On the other hand, family-related legislation in the South makes up one part of the Civil Act, which regulates private legal relations between individuals. In other words, although the Family Law and the Inheritance Law of North Korea allow that families which are unable to independently

function are eligible for social security support from the state, this regulation is actually aimed at supporting individuals—as a worker—with the inability to work rather than families.

Legislation Supporting Work-Family Balance

Maternity pay in the North is regulated under the Law on Childcare and Education and the Social Insurance Law, supporting the state's obligation as described in the Socialist Constitution to provide special protection to working mothers and create conditions conducive to women's economic activities. The South supports work-family balance through its Equal Employment Opportunity and Work-Family Balance Assistance Act by regulating policies on parental leave, reduced working hours for the childcare period, and other measures targeting child assistance, along with the Infant Care Act and the Child-Care Support Act, as part of the provision of support for childcare.

Even though the national purposes of support for work-family balance may be different, the South and the North also share similarities in that the North regulates childcare as the state's responsibility while providing parents with the freedom to choose childcare facilities. The South provides universal financial support for infants aged between 0 and 5 years, as well as child support for parents whose infants do not use nursery facilities or attend kindergartens.

Comparison of Women- and Family-Related Legislation between the South and the North

Legislation on Gender Equality

The two Koreas share the common ground of gender equality being declared a right in their constitutions. However, in the North's Socialist Constitution, gender equality is regulated separately from general equality rights by the phrase, "women shall be given the same rights as men in terms of social status and rights." On the other hand, the South guarantees gender equality through both the general equality rights clause and individual equality rights clause. Likewise, both South and North Korea guarantee gender equality in their constitutions, but there are variations in the structures. Thus, a basic direction for the integration of the two Koreas' legislation on gender equality is proposed as follows:

First, include gender equality as an independent regulation separate from equality rights. Second, designate the realization of gender equality as the goal of the state (Park Seon-young et al., 2007:139). Third, enact a Gender Equality Act as a substantial law establishing an expanded and developed version of the North's Law of Equal Rights for Men and Women, as well as integrating and developing the North's Women's Rights Protection Law and the South's Framework Act on Gender Equality as the basic law for women's policies.

Legislation on Women and Work

The constitutions of the South and the North both regulate special protection for female workers. The North's constitution obliges the state to protect motherhood and provide conditions for women to enter into society for the purpose of promoting women's involvement in the public sphere. The South's one, on the other hand, guarantees the employment rights of women by prohibiting discrimination not only against motherhood, but also, for example, in regard to women's working conditions. Focusing on the protection of mothers for the sake of their involvement in the public sphere is not protecting women, but motherhood, and is simply classifying women as mothers. For this reason, at the time of integration, it would be ideal to include protection for "female workers" as in the South, not exclusively "mothers."

Furthermore, regulations on the special protection of women within laws that address the working conditions for all workers should remain as they are, and the Equal Employment Opportunity and Work-Family Balance Assistance Act should be expanded and developed, such as through the prohibition of discrimination against female workers, prevention of sexual harassment at work, and provision of active measures to improve women's employment.

Legislation on Violence Against Women

With regard to legislation on violence against women, the greatest current distinction between the two Koreas is that in the case of the North, violence against women such as sexual assault and prostitution is generally punished under its Criminal Law and no other special laws independently exist. Furthermore, there is no regulation on the protection of victims of violence. With regard to domestic violence, the recently enacted Women's Rights Protection Law stipulates that domestic violence is forbidden. However, there is no specific law on, for example, the protection of victims or actions against offenders. The South, on the other hand, regulates punishment for violence against women such as sexual assault and prostitution through the Criminal Act and other special laws. Domestic violence is regulated by a specific law. Furthermore, special laws exist for the prevention of violence against women and the protection of its victims, such as in the case of sexual assault, prostitution, and domestic violence.

As such, differences exist over the formality of laws and their content, all of which would need to be adjusted at the time of integration. First, the North's concept of sexual harassment, which is defined as "female harassment," would need to be integrated with the South's concept of "sexual harassment at work." Second, the object of sexual crimes (the North simply acknowledges "women" as the object), statutory penalties, types of crime, etc. all need to be integrated. Third, with regard to prostitution, types of crime and statutory penalties by crime type need to be integrated. Fourth, structures regarding domestic violence need to take into consideration, for example, the difference in the scope of who is defined as the victim of domestic violence under the laws of the two Koreas.

Legislation on Women's Health and Reproductive Rights

There is no regulation in the North stating whether or not abortion is legal, but the Women's Rights Protection Law establishes a woman's freedom to give birth. In the South, on the other hand, abortion is banned under the Criminal Act, and only induced abortion procedures under special circumstances are permitted via the Mother and Child Health Act. For this reason, the two Koreas' legislative differences regarding awareness and systems of women's reproductive rights must be taken into consideration. Before that, however, the provisions of South Korea's Mother and Child Health Act that permit induced abortion procedures (Article 14) should be amended. The scope of the circumstances for induced abortion procedures must be expanded and the condition of requiring a husband's consent must be deleted.

Legislation on Family Relations and Family Support

In terms of formality, the major difference between the two Koreas' legislation on families is that the related regulations are included as part of the Civil Act in the South, while the North maintains an independent law. In terms of content, there are similarities due to the fact that the South and the North share a historical national tradition. Yet, it is also true that divergences exist stemming from the differences between capitalism and socialism. Thus, basic directions would need to be set by area within the family domain.

First, with regard to the "basic principle of a family law," both the South and North guarantee marriage and family life under their constitutions. The North, however, included this constitutional principle as a general provision of its Family Law, an independent law, in order to specify that its purpose is to construct a large socialist family through the consolidation of families. Furthermore, by means of "the principle of protecting mothers," the North is strengthening the nurturing role of mothers. For the purposes of reunification, both the South and the North must overcome the stereotype that childcare is a woman's responsibility and must regulate policies so that gender stereotypes do not coalesce in regulations.

Second, with regard to "the establishment and dissolution of marriage," the notable difference is that South uses the phrase "marital relationship" while the North uses "marriage." The similarities are that both have regulations on the freedom of marriage (mutual consent), prohibition of bigamy (monogamy), marriageable age, and prohibition of consanguineous marriage. However, in terms of the details, differences exist and consideration in this direction would need to be given at the time of integration.

Third, with regard to "support," the South has an independent chapter (Chapter VII of Relatives under the Civil Act) which regulates overall support-related rules, while the North stipulates the responsibility of family members to support relatives in dispersed provisions. In addition, the scope of private support and public support must be clearly defined prior to the integration of the respective systems of the South and North.

Fourth, both the South and North have a guardianship system to support those who lack the capacity for independent action, but the basic direction in their reunification should be

focused on the aging of society, and furthermore, on the legal system in preparation for an aging society.

Lastly, to address the issue of inheritance prior to the integration stage, the South enacted and implemented the Act on Special Cases Concerning Family Relationships, Inheritance, etc. Between Residents in South and North Korea, and acknowledges the inheritance rights of North Korean citizens. However, the South's system of absentee declaration or the declaration of a missing person may supersede a North Korean citizen's inheritance rights or succession by representation, and even if the right is approved, he or she requires permission from the Minister of Justice to send an inheritance to the North. Additionally, the amount is limited to enough to cover roughly the cost of living (Choe Keum-sook, 2014:12). As such, a systematic management system for inherited property is required. For this reason, in the process of integration, the differences in the regulations on inheritance between the two Koreas need to be adjusted.

Legislation Supporting Work-Family Balance

From the earliest days, the North has enacted laws such as the Law on Childcare and Education in an attempt to free women from the burden of childcare for the purpose of increasing the number of female socialist workers. The South supports work-family balance through a number of laws, such as the Equal Employment Opportunity and Work-Family Balance Assistance Act, the Infant Care Act, the Child-Care Support Act, and the Act on the Promotion of Creation of a Family-Friendly Social Environment. However, due to the distinct political systems in the South and North, the approaches toward support for work-family balance differ. First, for the basic direction of integration, there needs to be separate legislation entitled the Work-Family Assistance Act, apart from the current Equal Employment Opportunity and Work-Family Balance Assistance Act. Also, laws on childcare assistance must be reviewed in order to meet the demands stemming from diverse childcare needs.

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