



Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
22 July 2005

Original: English

¹¹⁰
**Committee on the Elimination of Discrimination
against Women**
Thirty-third session
5-22 July 2005

Concluding comments: Democratic People's Republic of Korea

1. The Committee considered the initial report of the Democratic People's Republic of Korea (CEDAW/C/PRK/1) at its 699th and 700th meetings on 18 July 2005.

Introduction by the State party

2. In introducing the report, the representative of the Democratic People's Republic of Korea informed the Committee that his Government had acceded to the Convention on 27 February 2001 based on the ideal of thoroughly eliminating all forms of discrimination against women and further promoting the rights of women. Soon after, in September 2001, the National Coordination Committee for the Implementation of the Convention on the Elimination of All Forms of Discrimination against Women was established. This mechanism would regularly monitor the implementation of the Convention, harmonize the country's human rights system with international standards and discharge the reporting obligations.

3. The representative indicated that while preparing the initial report, the Government of the Democratic People's Republic of Korea had found that the Convention's basic requirements had already been realized in various sectors. Through the process, a better awareness had been gained of the international trend in the protection and promotion of women's rights.

4. By way of providing the historical context of the situation of women in his country, the representative explained that as early as the 1930s, the late President Kim Il Sung had begun a programme of emancipating women completely from centuries-old feudal discrimination and oppression. The law on gender equality was promulgated on 30 July 1946, following which the Constitution, the labour law, the education law, the public health law and other legislation and regulations were adopted to consolidate the legal and institutional system to prevent discrimination and protect women.



5. The representative indicated that women had firmly occupied their social position and had been a force in the promotion of the social and economic development of the country, owing to satisfactory legislation and policies on gender equality and to preferential treatment. They enjoyed equal rights in the political, economic, labour, cultural and all other sectors.

6. Despite successive natural disasters since the mid-1990s, which had radically decreased agricultural production and had caused economic difficulty, social benefits, such as compulsory free education and universal free medical care, had been maintained at a normal level. Women's educational achievement had surpassed the secondary level and they enjoyed access to reproductive and maternity health care as well as to other health services.

7. In conclusion, the representative noted the absolute trust of women in the social system and the benevolent politics initiated by the late President Kim Il Sung and carried forward by the country's leader, Kim Jong Il. The achievement in implementation of the Convention had been possible as a result of the legislative and institutional machinery for the elimination of discrimination against women. The representative recognized that more could still be developed. He hoped that there would be open communication and cooperation between the National Coordination Committee and the Committee on the Elimination of Discrimination against Women during consideration of the initial report of the Democratic People's Republic of Korea.

Concluding comments of the Committee

Introduction

8. The Committee commends the State party for its ratification of the Convention, the timely submission of its initial report, which complies with the Committee's guidelines for the preparation of initial reports, and for the written replies to the list of issues and questions raised by the pre-session working group as well as for the oral presentation and further clarifications in response to the questions posed by the Committee.

9. The Committee commends the State party for its delegation, which was headed by the Director of the Legal Affairs Department at the Presidium of the Supreme People's Assembly and Chairman of the National Coordination Committee, and included members of the National Coordination Committee. The Committee appreciates the constructive dialogue held between the delegation and the members of the Committee.

10. The Committee notes that reservations have been made by the State party to article 2, paragraph (f), article 9, paragraph 2 and article 29, paragraph 1 of the Convention.

Positive aspects

11. The Committee notes with appreciation the Law on Sex Equality of July 1946 as an early indication of political will to achieve equality between women and men.

12. The Committee welcomes the establishment in September 2001 of the National Coordination Committee, which is responsible for overseeing the implementation of the Convention.

13. The Committee commends the State party for its policy, in force since 1972, of providing 11 years of compulsory free universal education, from which women have benefited in particular and which has resulted in full literacy.

14. The Committee welcomes the availability of such support services as nurseries, kindergartens, children's wards, kitchens in workplaces and breastfeeding breaks for working mothers, as well as the use of temporary special measures to increase the number of women in certain management positions.

Principal areas of concern and recommendations

15. While appreciating the State party's willingness to amend national legislation and subsequently consider lifting the reservations to article 2, paragraph (f) and article 9, paragraph 2, the Committee considers that the reservations to articles 2 and 9 are contrary to the object and purpose of the Convention.

16. The Committee urges the State party to expedite its efforts towards the withdrawal of reservations to the Convention within a concrete time frame.

17. While noting the explanation by the State party that the Convention takes precedence over domestic law, the status of the Convention in the case of a conflict between provisions of the Convention and domestic legislation was not sufficiently clarified.

18. The Committee requests the State party to clarify in its next periodic report the status of the Convention in relation to domestic legislation in the case of a conflict.

19. The Committee is concerned that although article 77 of the Constitution guarantees equal rights for women and men in all spheres, there is no explicit definition of discrimination against women, in accordance with article 1 of the Convention, in the State party's legislation.

20. The Committee encourages the State party to incorporate fully the definition of discrimination, encompassing both direct and indirect discrimination, in line with article 1 of the Convention, in its Constitution or other appropriate national legislation. It encourages the State party to undertake proactive measures and policies to eliminate discrimination against women and ensure de jure (formal) and de facto (substantive) equality between women and men. It also recommends that the State party carry out awareness-raising campaigns on the Convention, in particular the meaning and scope of indirect discrimination, aimed, inter alia, at legislators, the judiciary and the legal profession.

21. While welcoming the existence of the Law on Sex Equality of July 1946, the Committee is concerned that the law has not been revised in the light of the fact that the country became party to the Convention in 2001.

22. The Committee recommends to the State party that the Law on Sex Equality of July 1946 be revised in accordance with the provisions of the Convention as a matter of priority.

23. The Committee is concerned about existing discriminatory legal provisions, particularly that which establishes a minimum marriage age for females at 17 and for males at 18; and about article 7 of the citizenship law on the determination of the citizenship of a child under the age of 14. It is also concerned about existing protective legislation, which in some cases is based on the socially perceived characteristics of women and men and which may perpetuate inequality and discrimination against women.

24. The Committee urges the State party to initiate without delay a comprehensive review of all legislation, with the aim of identifying provisions that discriminate against women, and a process of law reform to bring its laws into conformity with the provisions of the Convention.

25. While the Committee notes that the people's committees address and regulate almost every aspect of people's lives, including women's lives at every level, it is concerned that the committees and their procedures may not address women's rights and needs on an equal basis with those of men. It is also concerned about the apparent lack of effective remedies for complaints of violations of the rights of women.

26. The Committee recommends that the State party ensure adequate representation of women in the people's committees and that training be given to the committees concerning women's rights to equality and the obligations under the Convention. The Committee urges the State party to put in place effective remedies for all forms of discrimination against women in line with article 2 (c) of the Convention. It also recommends that the State party establish a mechanism to monitor the effectiveness of such remedies.

27. The Committee is concerned that there are many instances of indirect and hidden discrimination against women, as evidenced by the fact that women do not choose to take on management positions because they have no time and are unwilling to participate in public and social life owing to ascribed duties in the family. The Committee is also concerned about the prevailing perception that the public and social spheres are "men's spheres".

28. The Committee urges the State party to recognize and analyse the persistence of indirect and hidden discrimination as an obstacle to the implementation of the Convention, including measures to identify where it occurs, raise awareness and be proactive in its elimination.

29. While noting the establishment of the National Coordination Committee for the Implementation of the Committee on the Elimination of Discrimination against Women as the national machinery for the advancement of women, the Committee expresses its concern that the national machinery may not have sufficient visibility, decision-making power or financial and human resources to promote effectively the advancement of women and gender equality.

30. The Committee requests the State party to ensure that the national machinery is provided with adequate visibility, power and resources to promote effectively the advancement of women.

31. The Committee is concerned about the lack of coordination between the National Coordination Committee and the Supreme People's Assembly, the Presidium of the Supreme People's Assembly and the local people's assemblies and

committees in efforts to promote gender equality and ensure the integration of gender perspectives in all areas of legislative and policy development. While noting the willingness of the National Coordination Committee to introduce a 10-year national plan of action for women, the Committee is concerned about the lack of sufficient information on the content of the plan of action; its drafting process; the actors involved; and the areas of intervention and monitoring mechanisms.

32. The Committee recommends that the State party develop, adopt and implement, at the national level, a comprehensive and coordinated plan of action to promote gender equality and ensure gender mainstreaming at all levels and in all areas through increased interaction between the National Coordination Committee and relevant Government entities at all levels. It requests the State party to involve women's groups at all stages of the process in determining the priorities and to include a comprehensive plan for monitoring its implementation, evaluating its effectiveness and making the appropriate adjustments in light of relevant findings. The Committee requests the State party to include detailed information on the content of the 10-year national plan of action for women in its next periodic report and to place it within the context of the implementation of the Beijing Platform for Action and the present concluding comments. It also urges the State party to provide gender training and to create gender focal points in the relevant entities.

33. The Committee regrets that the report did not provide sufficient updated statistical data disaggregated by sex on the situation of women in all areas covered by the Convention, such as the income levels of women and men, vertical job segregation and the impact of measures taken and results achieved.

34. The Committee calls upon the State party to begin putting in place a comprehensive system of data collection and of measurable indicators to assess trends in the situation of women and to measure progress towards women's de facto equality. It invites the State party, as necessary, to seek international assistance for the conceptual training of its officials and for the development of such data collection and analysis efforts. The Committee also requests the State party to include in its next report statistical data and analysis, disaggregated by sex and by rural and urban areas, indicating the impact of measures taken and the results achieved.

35. The Committee notes with concern the persistence of traditional and stereotyped assumptions and attitudes in respect of the roles and responsibilities of women and men, which are discriminatory against women and have a pronounced impact, particularly in the areas of education and employment as well as in other areas of their lives. For example, the Committee is concerned at the stereotyping of women, which perceives them exclusively as caregivers and homemakers and assigns them to areas such as education and employment on the basis of spheres suitable to their "characteristics". The Committee is concerned that such expectations of women have serious consequences, preventing them from accessing rights and entitlements on an equal basis with men and creating a dependency on men, husbands and family for housing, food entitlements and other services. It is also concerned that in times of economic crisis, as in the current situation of the country, women's prescribed roles and lesser entitlement intensifies their hardship and amounts to multiple discrimination.

36. **The Committee urges the State party to increase its efforts to address stereotypical attitudes about the roles and responsibilities of women and men, including the hidden patterns that perpetuate direct and indirect discrimination against women and girls in the areas of education and employment and in all other areas of their lives, in accordance with articles 2 (f) and 5 (a) of the Convention. Those efforts should include educational measures at all levels, beginning at an early age; the revision of school textbooks and curricula; and awareness-raising campaigns directed at both women and men to address stereotypes regarding the roles of women and men.**

37. The Committee expresses concern that the State party is 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.

38. **The Committee calls on the State party to conduct research on the incidence, causes and consequences of all forms of violence against women, including domestic violence, and to include the results in its next periodic report. In this regard the Committee urges the State party to find ways to make visible the existence of domestic violence, for example by training health workers to identify signs of abuse. It also recommends that the State party adopt specific legislation on domestic violence and ensure that violence against women and girls constitutes a criminal offence, that women and girls who are victims of violence have access to immediate means of redress and protection and that perpetrators are prosecuted and punished. It also urges the State party to address all forms of violence against women and girls in accordance with its general recommendation 19 on violence against women and to accord priority attention to the adoption of comprehensive measures, including the training of law enforcement agencies in effectively responding to victims of violence.**

39. The Committee is concerned about the practice of encouraging conciliation among spouses that apply for divorce, with the aim of protecting family unity, which could be detrimental to women who are victims of domestic violence and other forms of abuse.

40. **The Committee recommends that the State party conduct a comprehensive analysis of divorce cases and encourage judges to review the utilization of conciliation and to ensure that the rights of women are duly protected. The Committee recommends gender-sensitive training for legislators, the judiciary and public officials, particularly for law enforcement personnel and health service providers. It also recommends the establishment of counselling services for victims of violence and the implementation of awareness-raising campaigns and public education programmes.**

41. In the light of the widespread famine and natural disasters that have affected the country from the mid-1990s, the Committee expresses concern about the insufficient explanation provided with respect to the impact of those phenomena on women, in particular on women from rural areas, on women who are the main providers of the household and on young girls. The Committee is concerned that they may become vulnerable to trafficking and other forms of exploitation, such as prostitution.

42. **The Committee urges the State party to introduce specific poverty alleviation measures aimed at improving the situation of women to eliminate their vulnerability. The Committee recommends that the State party seek international assistance in guaranteeing that women, particularly women from rural areas, have equal access to food supplies. It urges the State party to assist women economic returnees who went abroad without valid travel permits to reintegrate into their families and society and to protect them from all forms of violations of their rights. It calls on the State party to train law enforcement officials, migration officials and border police on the causes, consequences and incidence of trafficking and other forms of exploitation so as to enable them to render support to women who might be at risk of becoming victims of trafficking or commercial sexual exploitation. It also recommends that the State party conduct nationwide awareness-raising campaigns on the risks and consequences of trafficking targeted at women and girls. The Committee further urges the State party to evaluate those phenomena and systematically compile information on them with a view to formulating a comprehensive strategy that includes measures of prevention, prosecution and punishment of offenders, as well as measures to rehabilitate and reintegrate victims. The Committee also urges the State party to intensify its efforts to deal with these phenomena through increased international, regional and bilateral cooperation. Information on the results of the research and progress made should be included in the next periodic report.**

43. While noting that women make up approximately 20 per cent of the deputies to the eleventh Supreme People's Assembly, and 30 per cent of the local people's assemblies, the Committee expresses concern that the number of women in decision-making positions remains low in politics, the judiciary and the civil service. The Committee is also concerned at the low participation of women in decision-making positions in the foreign service.

44. **The Committee recommends that the State party take measures to increase the number of women in decision-making positions in all spheres. It also recommends that women's representation in the foreign service be increased including in missions abroad. It also recommends that the State party introduce temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, to strengthen and accelerate its efforts to promote and elect women to positions of power, supported by special training programmes and awareness-raising campaigns aimed at underlining the importance of women's participation in decision-making at all levels.**

45. While recognizing that the State party has the potential for providing comprehensive coverage of health services in the country, the Committee is concerned that insufficient information has been provided on the priority focus for the provision of such services in the light of the economic crisis and that women may be affected more negatively than men. The Committee expresses concern about the insufficient information on the impact of the reproductive health policy in urban and rural areas and about the fact that the policy exclusively targets women.

46. **The Committee requests the State party to include in its next periodic report detailed information about the availability of and access to general and reproductive health services for women in all parts of the country. It also**

requests the State party to provide information on the impact of the measures taken to improve the access of women, including those from rural areas, to reproductive and sexual health programmes, in accordance with the Committee's general recommendation 24 on women and health. It also recommends that the State party target men and boys in its policy on sexual and reproductive health.

47. While welcoming the efforts of the Government to raise awareness of the risks and effects of the human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS) pandemic, the Committee expresses concern that stigma might affect the disclosure of actual cases of infection.

48. **The Committee emphasizes that the collection of reliable data on HIV/AIDS is critical in order to understand the extent of the problem, specifically the impact of the pandemic on women and men, and to ensure that women infected with HIV/AIDS are not discriminated against or stigmatized and are given appropriate assistance. The Committee urges the State party to strengthen prevention measures for HIV/AIDS among women and men; to conduct a nationwide awareness-raising campaign on the risks and effects of HIV/AIDS; to develop a comprehensive HIV/AIDS research and control programme based on partnerships with stakeholders; and ensure access to affordable antiretroviral drugs.**

49. The Committee is concerned about the insufficient explanation provided on the number and condition of women in detention.

50. **The Committee urges the State party to provide information on the number and condition of women in detention in its next report.**

51. The Committee is concerned 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 Convention.

52. **The Committee recommends that the State party provide an environment that encourages the establishment of women's (human rights) organizations, in accordance with article 7 (c) of the Convention. It also calls on the State party to create an independent human rights institution with oversight responsibilities for the implementation of the State party's obligations under the Convention.**

53. **The Committee encourages the State party to ratify the Optional Protocol to the Convention and to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee.**

54. **The Committee urges the State party to utilize fully in its implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

55. **The Committee also emphasizes that a full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals (MDGs). It calls for the integration of a gender perspective and the explicit reflection of the provisions of the Convention in all efforts aimed at the**

achievement of the MDGs, and requests the State party to include information thereon in its next periodic report.

56. The Committee notes that States' adherence to the seven major international human rights instruments¹ enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of the Democratic People's Republic of Korea to consider ratifying the treaties to which it is not yet a party, namely the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Elimination of All Forms of Racial Discrimination, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

57. The Committee requests the wide dissemination in the Democratic People's Republic of Korea of the present concluding comments in order to make the people of the Democratic People's Republic of Korea, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality for women and of the future steps required in that regard. It also requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention and its Optional Protocol, the Committee's general recommendations and the Beijing Declaration and Platform for Action, as well as the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

58. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention, which is due in 2006.

Notes

¹ The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.