**Narrative Analyses Critique of CEDAW's Stance on Gender-based Violence Against Korean Women and additional Marginalized Gendered Identities**

Nikki Malazarte

School of Social Work, Loyola University Chicago

SOWK 663: Women and Gender in a Global Context

Nov 30, 2020

**CEDAW/C/PRK/2-4 4/39 16-08798 Democratic People's Republic of Korea**

 The Democratic People's Republic of Korea (DPRK) has been continuously maintaining over a 70-year-old practice of gender equality after its liberation from the Japanese colonial rule (OECD Gender, Institutions and Development Database, p. 8). The DPRK recognizes the significance of women's position and role in the social development and well-being of families. All policies, laws, and sector specific action programs must continue to promote women's equal rights with men on the notion of a zero-tolerance of discrimination against all forms (United Nations CEDAW, p. 4). According to CEDAW/C/PRK/2-4 4/39 16-08798 (2016), DPRK advances its commitment to ensuring gender equality and non-tolerance of discrimination against women on December 22, 2010, by enacting the Law on the Protection and Promotion of the Rights of Women (p. 3). This Law entails the DPRK maintains the rational policy of ensuring full equality of women with men and the State prohibiting all forms of discrimination against women. A comprehensive analysis of all DPRK domestic laws considered favoring women's interests and needs over men as a protective factor; however, none of them related to discrimination against women (United Nations CEDAW, p. 4).

 The Law on the Protection and Promotion of the Rights of Women equips the whole society principles to in protecting women's rights, their rights to public and political life, education, culture, health care, employment, the security of person and property, marriage and family, a national guidance system for the protection and promotion of women's rights and the obligations of the institutions concerned (United Nations CEDAW, p. 4). While this Law contributes to the protection of women's rights, the inconsistent implementation of preventative and protective measures ascribes to the patriarchal views inherent in South Korean society, which highlights the faults of the victims rather than the guilt of the perpetrators (OECD Gender, Institutions and Development Database, p. 8). While CEDAW/C/PRK/2-4 4/39 16-08798 addresses discrimination against women and promotes the maintenance of women's equal rights, there is no stand-alone law or policy directly addressing gender-based violence against women and trans women in DPRK. CEDAW/C/PRK/2-4 4/39 16-08798 also seems to be limited to heterosexual married couples only. Policies covering acts of gender-based violence, including domestic violence, sexual assault, and harassment, are gender-neutral and the absence of laws addressing the concerns of honor-crimes in the country (OECD Gender, Institutions and Development Database, p. 6).

**Violence against Korean Women**

 The Research Directorate of the Immigration and Refugee Board of Canada (2009) shares violence against women in the Republic of Korea (South Korea) is a source of concern, where the persistence of patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men in the family and society perpetuate stereotypes contributing to the root cause of violence against women noted by CEDAW. CEDAW expressed concern regarding the low rates of reporting, prosecution, and sentences of violence cases against women and called for the DPRK to produce additional research to eliminate violence against women. In January of 2008, in addition to DPRK's Universal Periodic Review at the UN, the Korean Women's Association United (KWAU), in collaboration with other women's rights groups, conveyed victims of domestic violence were not fully protected in the Republic of Korea. This previous notion is due to the fact a) violence at home is reserved for the private sphere; b) lack of legal and institutional assurances for victims; c) low awareness of the police; e) the aggressor is often allowed to stay at home while the victim is driven away under the existing legal system, and f) public services focus on counseling for the victims rather than punishing the perpetrators, resulting in only 14.9% of prosecution among the arrested for domestic violence in 2003 (Canada: Immigration and…, 2009).

**Domestic Violence against Korean Women**

Despite moving towards strengthening women's rights in society, in the home, and through the enactment of CEDAW/C/PRK/2-4 4/39 16-08798, domestic violence continues to be considered a private family concern. Civil society organizations have noted that domestic violence legislation in the Republic of Korea has often been linked with promoting healthy families, which may take precedence over concerns for human rights (OECD Gender, Institutions and Development Database, p. 8). In South Korea, unfortunately, there were two primary laws adopted in 1997 and amended permanently: the Act on the Prevention of Domestic Violence and Protection of Victims (the Prevention of Violence Act) and the Act on Special Cases Concerning the Punishment of Crimes of Domestic Violence (the Punishment of Domestic Violence Act) (OECD Gender, Institutions and Development Database, p. 6). On the other hand, the Ministry of Gender Equality (MOGE) has been established in 2001 to work on preventing domestic violence and protecting its victim as well as providing services like housing provision facilities, legal assistance, medical support services including counseling, and telephone hotlines for women to begin becoming financially and emotionally independent.

**Intimate Partner Violence against Korean Women and Men**

 Intimate partner violence (IPV) is a global public health problem and a serious social concern in South Korea. According to the 2010 national survey in South Korea, the prevalence of reported IPV was 53.8%, and 81.9% of this violence was perpetrated by husbands against their wives (Lee et al., p. 1). Results of Lee et al. (2014) study portrays women were significantly more likely than men were to report IPV victimization (verbal 28.2% vs. 24.4%; physical 6.9% vs. 3.4%). Women who have reported perpetrating verbal IPV against their partner more often than men did (26.7% vs. 25.3%), while more men reported perpetrating physical violence against their wife (5.1% vs. 3.4%). A low level of satisfaction with family and life was the strongest predictor of physical victimization and perpetration in IPV among men and women. Men dissatisfied with their family relationships had 5.49 higher odds (95% CI, 2.91-10.37) of physical victimization than men satisfied with their family. Women unhappy with their family relationships had 9.46 (5.21-17.19) higher odds of physical perpetration than women satisfied with their family (Lee et al., p. 1).

 In this nationally representative study conducted by Lee et al. (2014), they identified IPV prevalence and its associated factors like alcohol intake, family, and life satisfaction. These related factors are gender-specific, especially regarding both victimization and perpetration of women and men. IPV victimization was also significantly higher among women than among men. In specific details, older men who drank and were discontented with their family and personal life were more likely to be physical IPV victims than their spouses. On the other hand, older women who drank and were discontented with their family and personal life were more likely to perpetrate physical IPV than their partner (Lee et al., p. 8). With that said, the gender-specific differences were telling due to the factors among factors related to perpetrating violence and being a victim of violence among adults in heterosexual relationships in South Korea (Lee et al., p. 1).

**Advocating for Doable Change**

 A 2013 national survey on domestic violence pinpointed the need for more active victim support services and other systems created to raise public awareness (OECD Gender, Institutions and Development Database, p. 8). Both MOGE and KDWU play an essential role in protecting women's rights and interests and educating the whole society about gender-based violence towards women, men, and Trans women with the assistance of CEDAW/C/PRK/2-4 4/39 16-08798. Workshops, trainings, and awareness-raising seminars are slowly being organized by DPRK legislators and CEDAW/C/PRK/2-4 4/39 16-08798 (OECD Gender, Institutions, and Development Database, p. 8). However, I believe the concept of gender equality must move beyond discrimination against women. Heteronormative unmarried couples and Trans women in intimate partner relationships seem to be missing from CEDAW/C/PRK/2-4 4/39 16-08798. Notions of the rights to public and political life, education, culture, health care, employment, person and property security, marriage, and family seem to be reserved for those living in the binary. It has yet to be conducted whether cohabitation of heteronormative unmarried couples and Trans women in intimate partner relationships contribute to being both a risk or/and protective factor in gender-based violence situations.

**References**

Canada: Immigration and Refugee Board of Canada. (2009, November 26). *Korea, Republic of: Domestic violence, including legislation, availability of state protection, and support services for victims.* Ref World. Retrieved November 29, 2020, from https://www.refworld.org/docid/4b7cee81c.html

Lee, M., Stefani, K. M. & Park, EC. (2014). Gender-specific differences in risk for intimate partner violence in south Korea. *BMC Public Health, 14*(415), 1-10. https://doi.org/10.1186/1471-2458-14-415

Organisation for Economic Co-Operation and Development. (2019). *Gender, institutions and development database republic of korea* [Data set and Infographic]. OECD. Retrieved November 28, 2020, from <https://www.genderindex.org/wp-content/uploads/files/datasheets/2019/KR.pdf>

United Nations CEDAW. (2016, June 1). *Convention on the elimination of all forms of discrimination against women-Democratic People's Republic of Korea.* Unite Nations CEDAW/C/PRK/2-4. file:///Users/nicolemariemalazarte/Downloads/N1615429.pdf