

# Changes in Attitudes toward Childbirth of North Korean Defector Women in Response to Changes

from North Korea 「Parenting Act」 to South Korea 「Child Care Act」

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## I . Research Background

In North Korea, after the Arduous March in the mid-1990s, laws related to women were revised to be more women's rights-friendly. In 1999, the 「Child Care and Education Act」 and the 「Socialist Labor Act」 were revised, and in 2009, the revised 「Socialist Constitution」 established a new provision on the first 'human rights guarantee clause' (Article 8) in North Korea. After that, in 2010, the 「Women Rights Guarantee Act」, the 「Child Rights Guarantee Act」, and the 「Labor Protection Act」 (hereinafter enacted in 2010) were enacted, strengthening the legal guarantee of women's and children's rights. In particular, the 「Child Care and Education Act」 enacted in 1976 was transformed into the 「Parenting Act」 in 2022, and provisions related to childcare were specifically stipulated.

In South Korea, the 「Child Care Act」 was enacted in 1991, and through several revisions, it has established itself as a universal childcare service today. The 「Women Development Basic Act」 on enacted in 1996 was comprehensively revised into the 「Framework Act on Gender Equality」 in 2014, and legal measures were taken to ensure equal rights for women in all areas. The 「Act on the Promotion of Economic Activities and Prevention of Career Interruption of Women」 was comprehensively revised in 2021, so that women are legally guaranteed to engage in economic activities without career interruptions due to childbirth.

Despite these legal changes, mass control under the party-state system in North Korea is evaluated to have weakened women's reproductive rights and health rights, and the phenomenon of North Korean women avoiding childbirth is evaluated to have demonstrated individual agency (Park, 2014: 21). Although the context is different, the phenomenon of women avoiding childbirth in South Korea is also indicated by the lowest birth rate among OECD countries. In South Korea's gender-discriminatory social structure, it has responded with resistance to childbirth.

## **II. Theoretical Focus**

1. Welfare Socialism and Welfare Capitalism: characteristics of two welfare systems in terms of childbirth (Min, 2017: 465)
2. Historical Institutionalism: theoretical discussion on the effects of institution change (from North Korea 「Parenting Act」 to South Korea 「Child Care Act」) on behavior (childbirth refusal) (Hall & Taylor, 1996; Hall & Soskice, 2001; Steinmo, Thelen & Longstreth, 1992)

## **III. Research Method**

1. Analysis Method: Literature Review + In-depth Case Study

2. Data

- 2-1. Literature Review : North Korea 「Parenting Act」 to South Korea 「Child Care Act」

- 2-2. + In-depth Case Study : Interview Transcript

- 2-1. This study aims to analyze the changes in North Korean defector women's attitudes toward childbirth due to the change from North Korea 「Parenting Act」 to South Korea 「Child Care Act」. To this end, we first compare and analyze the laws of North and South Korea based on the analytical framework of "Content Systematization of Social Welfare Act: Normative Validity and Normative Effectiveness Criteria".

<Table 1> Systematization of the content of social welfare law: Normative validity and normative effectiveness criteria

	Components	Contents
Normative validity	Rights	Degree of stipulation of the purpose
		Degree of stipulation of individual rights
	Allocation	Degree of stipulation of state responsibilities and obligations
		Degree of expansion of universality of recipients
		Degree of limitation of requirements for selection of recipients
	Benefit	Degree of limitation of requirements for component benefits
		Degree of appropriateness of types and levels of benefits
	Finance	Degree of state financial burden responsibility
Normative effectiveness system	Organization	Degree of securing and operating the delivery system and establishing the overall management system
	Manpower	Degree of legal status, authority, and responsibility of professional personnel
	Rights Relief	Degree of guarantee of administrative and legal relief procedures
	Penalty	Degree of guarantee of legal interests of penalties

2-2. Next, based on the results of this comparative analysis of laws, we will attempt an in-depth case study of North Korean defector women. This study explores how North Korean defector women, who have experienced two worlds, North Korea and South Korea, change their attitudes toward childbirth according to changes in the laws surrounding them (from North Korean law to South Korean law), and what the contextual background is.

#### ■ In-depth case study

- Interview period : 2024.10~2025.03
- Interviewee : 5 North Korean defector women (5 times per interviewee)

- Key questions

- ① Please tell us about the childcare support system and childbirth experience in North Korea.
- ② Please tell us about the childcare support system and childbirth experience in South Korea.
- ③ Please tell us about the advantages and disadvantages of the childcare support system of welfare socialism and welfare capitalism.
- ④ Please tell us how the childcare support system of welfare socialism and welfare capitalism affects childbirth promotion.
- ⑤ Please tell us whether there was (or was not) a change in attitude toward childbirth due to the change from welfare socialism to welfare capitalism, and if so, what was the background for such a change?

#### **IV. Expected Results (Implications)**

This study suggests the gap between law and reality in North Korea, a party-state system, the maladaptation of South Korean society in the process of changing from welfare socialism to welfare capitalism, the vulnerability of childbirth due to South and North Korean childcare policies, and a customized childcare support system for North Korean defector women.

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