Child Rights References in the Universal Periodic Review

Summary:
A compilation of extracts featuring child-rights issues from the reports submitted to the first Universal Periodic Review. There are extracts from the 'National Report', the 'Compilation of UN Information' and the 'Summary of Stakeholder's Information'. Also included is the 'Final Report' and 'Conclusions and Recommendations' from the Review.

Democratic People's Republic of Korea - 6th Session – 2009
7th December 2009, 14.30am - 17.30pm

National Report

23. In the DPRK, the people's committees at all levels assume direct responsibility for the ensuring of human rights. Procuratorial, judicial and people’s security organs also discharge the important functions of protecting human rights. Inter-agency organizations such as the National Coordinating Committees for the Implementation of the Convention on the Rights of the Child, and the Convention on the Elimination of All Forms of Discrimination against Women, National Coordinating Committees for UNICEF and UNFPA, and National Commission for UNESCO, and social and non-Governmental organizations such as the women’s union, youth league, the Democratic Lawyers’ Association, the bar association, teachers’ union, the Red Cross Society, the Federation for the Protection of Persons with Disabilities, Human Rights Institute, Education Fund, the Association for Family Planning and Maternal and Infant Health, Measure Committee for Demanding Compensation to “Comfort Women” for the Japanese Army and the Victims of Forcible Drafting are working for the protection and promotion of human rights in accordance with their respective missions and action programmes.


32. In the DPRK, equality is fully ensured based on unity and cooperation between persons. No citizen is discriminated on the basis of his/her race, sex, language, religion, education, occupation and position and property, and all citizens exercise equal rights in all fields of the State and public activities.

34. No person is arrested, detained or arbitrarily deprived of life, according to the Constitution and the Criminal Law, unless he/she has committed a very serious crime. Death penalty is imposed only for five categories of extremely serious penal offences and the sentence of death is not imposed for a crime committed by persons below eighteen years of age nor it is carried out on pregnant women.

41. All citizens who have reached the age of 17 have the right to elect and to be elected, irrespective of sex, nationality, occupation, length of residence, property status, education, party affiliation, political views or religion.

58. The Government has considered education as an important issue decisive for the future of the country and the nation, and has, ever since its founding, devoted great attention to its development. 77 per cent of the population was illiterate when the country was liberated from the Japanese military occupation in August 1945, and illiteracy was completely eradicated by March 1949 as a result of the primary efforts directed by the Government in this regard.

59. The Government has established and developed an advanced education system that is accessible and available to everyone. Universal primary compulsory education system and universal secondary compulsory education system were enforced from August 1956 and November 1958 respectively. Tuition fee was completely abolished at education institutions at all levels, making it possible to enforce universal secondary free and compulsory education. And 11-year universal free compulsory education system has been in force since 1972.

60. The Government has undertaken various efforts to improve the quality of the 11-year free compulsory education system despite the economic hardship that persisted since the mid-1990s. The National Action Plan for Education for All was developed in 2001 in response to the Dakar Action Plan for Education for All of the UNESCO after an extensive discussion with the Ministry of Education, ministries concerned and research institutions, the implementation of which is being actively pursued. Various measures were adopted to
encourage social support to educational work, while systematically increasing expenditure for education. Expenditure for education increased from 7.4 per cent in 2002 to 8 per cent in 2006. Currently 1,644,000 students are learning at 4,904 primary schools and 2,415,000 students at 4,801 schools.

70. The State has invariably maintained, ever since the early days of its founding, the principled stand that children are the future and the “Kings” of the country. The State secured legal guarantees for bringing up children to be reliable leaders of the future and guaranteeing their rights to the fullest possible extent through the adoption of the Constitution, the Law on Education, the Law on Public Health, the Law on Upbringing and Nursing of Children, the Social Security Law, the Law on the Protection of Persons with Disabilities, the Family Law, etc. With a view to further protecting the rights of the children the Government formulated in 1992 the National Action Plan for the Well-being of Children (1992-2000) and reviewed its implementation stage by stage. A new action plan for 2001-2010 containing follow-up measures and new goals is being implemented through various programmes.

71. All the children receive compulsory education free of charge starting from the age of six or seven under the universal 11-year free compulsory education system, giving full scope to their wishes and talents. The enrolment rate in primary school is 100 per cent, the advancement rate 99.7 per cent and the graduation rate 100 per cent.

72. Children without parents are cared in orphans, and when they reach school age, they study at orphans’ primary schools and secondary schools receiving stipends. There are, for orphans, 14 nurseries and 12 kindergartens and 17 primary and secondary schools.

73. Before 1945 (the year of the country’s liberation from the Japanese military occupation) child mortality rate was 204 per 1,000 live births, which was reduced to 11.4 in the 1980s. Children’s health which was temporarily aggravated in the mid-1990s due to successive natural disasters, has improved, with the result that under-5 mortality rate was reduced from 50 per 1,000 in 1998 to 40 in 2005. Children’s nutritional status also improved, thus reducing the low birth rate from 6.7 per cent in 2002 to 6.3 per cent in 2006. Breastfeeding rate of infants below 6 months is 98.7 per cent. Child vaccination coverage is at a high level, with the vaccination rate for mixed DPT-3 82.2 per cent, the measles 96.9 per cent, polio 99.8 per cent and tuberculosis 99.8 per cent.

74. The DPRK adopted in 2003 the Law on the Protection of Persons with Disabilities with a view to protecting the rights of persons with disabilities satisfactorily. They receive education and medical treatment, choose their occupation according to their talents and abilities, and enjoy cultural life with equal rights with others. According to the selective survey conducted in 2005 there were 3,639 children with mobility disabilities, of whom 2,176 were boys and 1,463 girls. Blind children and deaf and dumb children are learning at special schools receiving stipends, while children with other disabilities are included in the mainstream classes. Disabled soldiers’ factories and welfare service centres were set up for the purpose of creating jobs for the persons with disabilities, tonic medicine and walking aid devices are provided free and paid vacation and allowances are provided to them.

76. The DPRK pays due regard to the international cooperation in the field of human rights and attaches importance to genuinely constructive dialogues and cooperation with international human rights bodies. Accordingly, invitations were extended to the delegations of the Amnesty International, International Association against Torture and the Committee on the Rights of the Child and the team of Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences, who were given, as they wished, the opportunities to talk with the local law enforcement officials, visit the reformatory and detention facilities and inmates, thereby obtaining first-hand information on the situation of human rights in the DPRK.

88. The most serious difficulty was the worsening of the condition of food supply. In 1996 alone, 3,180,000 tons of food was in short supply, thus causing a sharp decrease in the amount of provisions. Consequently, health condition of people in general deteriorated; infant and child mortality rate and malnutrition rate increased and diseases like infants’ diarrhoea, respiratory tract infection and tuberculosis broke out.

89. Infrastructure of the national economy was devastated and numerous factories, enterprises, coal mines, mines, reservoirs and dams were seriously destroyed, making it impossible to regularize production and in particular, to provide sufficient heating to schools in the winter time and textbooks to students.

Compilation of UN information

1. In 2009, the Committee on the Rights of the Child (CRC), and the Committee on the Elimination of Discrimination against Women (CEDAW) in 2005, encouraged the Democratic People’s Republic of Korea to consider ratifying the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and its Optional Protocol. CEDAW also encouraged it to consider ratifying the International Convention on the Elimination of All Forms of Racial Discrimination, as did the Committee on Economic, Social and Cultural Rights (CESCR) in 200311, and to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

2. CRC recommended that the Democratic People’s Republic of Korea ratify the Optional Protocols to the Convention on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict. CEDAW encouraged the State to ratify the Optional Protocol to the Convention.

3. CRC recommended – as CESCR did in 200315 – the Democratic People’s Republic of Korea to consider joining the International Labour Organization (ILO), with a view to ratifying the Worst Forms of Child Labour Convention (No. 182) and the Minimum Age for Admission to Employment Convention (No. 138), and to consider ratifying the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

9. While noting the Democratic People’s Republic of Korea’s information regarding the increased budget allocations to the health and education sectors, CRC noted that these are not sufficient to achieve the Millennium Development Goals related to health and education sectors.
of children.

18. CRC noted that the principle of non-discrimination was not fully respected in practice, vis-à-vis children with disabilities, children living in institutions, and children who are in conflict with the law. CRC was further concerned that children may face discrimination on the basis of the political opinion, social origin, or other status, either of themselves, or of their parents. The Special Rapporteur expressed similar views. CRC recommended that the Democratic People's Republic of Korea monitor and ensure implementation of existing laws guaranteeing the principle of non-discrimination. CESCR recommended that the country change the present system concerning the education of children with disabilities by allowing them to be educated in the regular school system.

22. CRC was deeply concerned that children's right to life, survival and development continue to be severely violated. CRC was particularly concerned about stunting, wasting and deaths of children resulting from severe malnutrition and urged the Democratic People's Republic of Korea to make every effort to reinforce protection of the right to life and development of all children.

25. CRC recommended that the Democratic People's Republic of Korea, inter alia, include a provision in its domestic legislation prohibiting children from being subjected to torture and establishing appropriate sanctions against the perpetrators of torture; and investigate and prosecute all cases of torture and ill-treatment of children. CRC was also concerned about the reported use of corporal punishment in alternative care institutions.

28. The Secretary General noted information from UNHCR and concerns including: increased risk of smuggling and of trafficking in human beings, in particular women, for the purposes of prostitution and/or forced marriage; reports of severe punishment in case of forced return to the Democratic People's Republic of Korea; limited possibilities with respect to regularizing the stay of children born of mixed parents (one parent a national of another country); and prolonged exit procedures that have a severe impact on the well-being of citizens awaiting settlement in third countries. Unaccompanied women and children are particularly affected by those issues.

29. CRC was concerned that children who have been victims of trafficking, and subsequently return, or are repatriated, may be subject to criminal punishment. It recommended that the Democratic People's Republic of Korea ensure that trafficked children be regarded and protected as victims and not be criminalized, and that they be provided with adequate recovery and social reintegration services and programmes.

35. CRC was alarmed that many of the children placed in residential care were in fact not orphans and that a large number of children are customarily placed in residential institutions. CRC was also concerned about the situation of children whose parents are detained. CRC recommended the Democratic People's Republic of Korea further strengthen the foster care system and to set clear quality standards for existing institutions. CESCR urged the Government to strengthen its efforts to provide alternative family care for orphans and to include them in the regular school system.

45. CRC noted with concern that the labour laws do not prohibit harmful or hazardous work for children aged under 18 and recommended that the Democratic People's Republic of Korea take urgent measures to monitor and address exploitative forms of child labour. UNCT noted that the Civil Law defined children as persons below the age of 17 years.

46. CRC noted with concern the persistence of widespread poverty and that the standard of living of children remains very low in particular, with regard to access to, and availability of, food, safe drinking water and sanitation. It recommended taking steps to improve this situation. UNCT indicated that while the Democratic People's Republic of Korea claimed to have achieved 100 per cent access to safe water, this was not corroborated by field observations. CEDAW urged the Government to introduce specific poverty alleviation measures aimed at improving the situation of women to eliminate their vulnerability.

47. The Secretary-General highlighted his particular concern about the severity of the food situation the country is facing and its impact on the economic, social and cultural rights of the population. UNCT referred to WFP and FAO assessments in 2008 that the impact of food shortages has been unevenly divided and that the vulnerable population includes young children, pregnant and lactating women and the elderly. CESCR was concerned, inter alia, about the consequences of the widespread famine suffered by the country from the mid-1990s and that certain groups, in particular women, children and older persons, have been more severely affected than others.

50. CESCR expressed concern about the alarming increase in maternal mortality rates and recommended that increased attention be paid to providing adequate nutrition to children suffering from chronic malnutrition, and that Democratic People's Republic of Korea take measures to improve the conditions of maternal care, including prenatal health services and medical assistance at birth. UNCT noted that neonatal deaths are underreported. A 2008 United Nations Statistics Division source indicated that the proportion of children under 5 moderately or severely underweight in 2004 was 23.4 per cent. The Secretary General noted information from UNFPA indicating a sharp increase in the rate of maternal mortality, due primarily to consecutive natural disasters, which had a tremendous negative impact on women's nutritional status, as well as to the collapse of the national economy.

51. CESCR and CEDAW commended DPRK for its policy, in force since 1972, of providing 11 years of compulsory free universal education, and welcomed the availability of facilities for working mothers. UNCT indicated, based on field observations, that the Millennium Development Goal relating to, inter alia, net enrolment ratio in primary schools was in all probability fully achieved. The Special Rapporteur noted that the problem lay in the quality of education, which is further hampered by the decline in school facilities. Education is also a key instrument of indoctrination of the population. Children between 14 and 16 have to undergo military training, combined with ideological studies.

52. CRC recommended that the Democratic People's Republic of Korea, inter alia, increase budget allocations to the educational sector, focus on an overall improvement of the quality of education provided, ensure that the time allocated to extra-curricular activities, including agricultural work, does not interfere with the child's learning process, and take immediate measures to eliminate the burden of additional costs of schooling.
54. The Special Rapporteur noted that more restrictions and more severe sanctions had been imposed on departures from the Democratic People’s Republic of Korea; instead of the previous practice of imposing fines, prison sentences are now being applied. He further noted that women constitute the majority of asylum-seekers. They are at times accompanied by children, and many seek to reunite with spouses and families in the final asylum country.

55. CRC was concerned about children who cross the border into neighbouring countries who may face harsh treatment upon return or repatriation. It recommended that the Democratic People’s Republic of Korea ensure that no persons under the age of 18 be subjected to punishment for leaving its territory without due authorization.

56. CRC noted with appreciation the adoption of the Strategy for the Promotion of Reproductive Health (2006-2010), the Strategy for Prevention of AIDS for 2002-2007, and the Primary Health Care Strategy, the Medicine Strategy and other sector-specific strategies for 2008-2012. The Special Rapporteur noted that the country had formulated a National Programme of Action for the Well-being of Children 2001-2010, reflecting some of the MDGs. UNCT stated that despite gradual improvements in recent years, widespread food shortages, declining health system, lack of access to safe drinking water or quality education seriously hamper the fulfilment of human rights of the population.

57. UNCT indicated that health care is by law provided completely free of charge. UNCT also indicated that the existence of a network of health care institutions is a major achievement and an advantage in the provision of health services to children. However, the system has become increasingly vulnerable due to the economic difficulties faced by the country which has led especially to shortages of medicines and other supplies.

58. CRC noted with appreciation the National Plan of Action on Education for All (2003-2015), the compulsory pre-school year, and the School Assistance Fund, aimed to support the reconstruction of schools. The 2004-2006 DPRK-UNICEF Master Plan of Operations noted that economic difficulties have resulted in shortages of textbooks, school materials and fuel for heating during the winters.

59. CESCR was aware of the difficulties faced on many levels and in various areas, including food security, the high cost of rebuilding the infrastructure destroyed, and the declining attendance rate in schools, as a consequence of the natural disasters during the mid-1990s.

60. CRC recommended that the Democratic People’s Republic of Korea seek technical assistance: (a) from UNICEF to develop a comprehensive system of collection of data on the implementation of the Convention; (b) from OHCHR, UNICEF and WHO and other relevant agencies, as well as NGO partners, to implement the recommendations of the United Nations Study on violence against children, and use the recommendations of the Study as a tool for action; (c) from, inter alia, UNICEF as regards street children; (d) from UNICEF and the UN Interagency Panel on Juvenile Justice in the area of juvenile justice.

Stakeholder Compilation

1. Human Rights Watch (HRW) informed that the Democratic People’s Republic of Korea (DPRK) is a party to four main international human rights treaties: the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination Against Women and the Convention on the Rights of the Child. 2 Christian Solidarity Worldwide (CSW) urged the DPRK to ensure that its policy and practice is reflective of the international treaties which it has bound itself to.

7. Catholic Human Rights Committee/Peace Network/SARANGBANG Group for Human Rights (CHRC/PN/SARANGBANG) proposed that the DPRK make transparent the activities of its domestic human rights regime, including the National Committee for the implementation of CEDAW and the National Coordination Committee for the implementation of the CRC. They further proposed devising human rights protection functions at these institutions and expected the DPRK to: establish national human rights institutions that are independent according to international standards; participate in exchanging opinions on human rights issues with the High Commissioner for Human Rights, the Human Rights Council and the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights; and participate actively in the international community as a member.

13. CHRC/PN/SARANGBANG indicated that the DPRK has taken action in law and policy to promote women’s participation in society by acceding to CEDAW. However, they were still concerned that the DPRK emphasize women’s role in child rearing, and does not consider differences in the age for marriage between men and women as discrimination against women. CHRC/PN/SARANGBANG added that these points condone the tradition and national customs, enforcing a discriminatory gender role upon women.

14. CHRC/PN/SARANGBANG stated that the social pressure on women to give birth to children against their own will is a form of discrimination and hoped that the Government will make efforts in establishing population policies that will improve women’s rights to health and self-determination.

18. CSW said that pregnancies are generally disallowed inside prisons, and testimonies suggest that, should efforts by authorities to induce abortion not be successful, babies alive at birth are killed. Women detained for having crossed the border into a neighbouring country have suffered similar treatment. Some accounts even describe prisoners being forced to kill their newly born child. Similar information was reported by the Centre for Human Rights and Peace/Korean War Abductees Research Institute (CHR/KWARI) 36 and LFNKR/HRWF, which also indicated that North Korean women who cross the border with a neighbouring country and are found to be pregnant upon their return are commonly forced to undergo abortion.

28. For ACHR, reports presented by the authorities evade reporting on torture or abuse against children carried out by national investigative agencies or in various detention facilities. ACHR stated that there were reports on cases of children being sentenced to death, that DPRK authorities make watching public executions a compulsory participation for children in a hope to prevent juvenile
crime, and that there were reports on cases of 11 year-old children sent to forced labor camp for stealing electric wires. Custody facilities serving the purpose of protecting children without parents, or those forcibly separated from their parents, resemble rather a detention facility more than a protection facility, and children in these centres are deprived of education and exploited for labor.

29. ACHR said that, despite the fact that the minimum working age defined by law is 16 years old, it is commonly accepted that children are mobilized for agricultural work from their middle-school years (12 years old). In the poverty-stricken Northern provinces, children are mobilized as early as 8-9 years old. Children also have other “assignments” such as raising rabbits, but also are mobilized for heavy labour, such as flood damage recovery, railway maintenance and road paving.

30. According to the Global Initiative to End All Corporal Punishment of Children (GIEACPC), corporal punishment is lawful in the home and children have limited protection from violence and abuse under the Family Law, the Criminal Law and the Law on Nursing and Upbringing of Children, as these laws are not interpreted as prohibiting all corporal punishment. Government policy states that corporal punishment should not be used in schools but there is no explicit prohibition in law. In the penal system, corporal punishment appears to be unlawful as a sentence for crime for young people under 18 years. However, it has yet to confirm that it is not an element of the “public education” measures that may be imposed on children aged 15-16 (Criminal Law, article 49). There was unconfirmed information that corporal punishment appears to be unlawful as a disciplinary measure in penal institutions. GIEACPC also stated that there is no explicit prohibition of corporal punishment in alternative care settings and recommended that the Government introduce legislation to prohibit corporal punishment of children in all settings.

34. ACHR reported that discrimination based on the surveillance of family background and social origins, has been coupled since the 1990s with practices of monitoring the remaining family and children of individuals who have defected or have a history of crossing the border to a neighbouring country. Some children reported that they were compelled to abandon their homes to escape surveillance, and that other children suffered because entire families were exiled to remote mountainous areas as a punishment for the deflection or for so-called ‘anti-socialist’ behaviour of other family members.

35. ACHR indicated that since the mid-1990s, hundreds of thousands of North Koreans have crossed into a neighbouring country and that they include those fleeing political and religious persecution, and people who left because of the food shortage or other economic reasons. HRW stated that leaving the country without state permission is considered an act of treason, punishable by lengthy prison terms and even the death penalty. Some children who have crossed the border without permission have been subjected to detention and severe ill-treatment upon return. LFNKR/HRWF 77, AI 78, JC 79 and CSW 80 reported similar information.

43. HRW reported that the law governing working conditions in the Kaesong Industrial Complex (KIC) falls far short of international standards and recommended that the Government amend this law to: explicitly protect workers’ right to freedom of association and the right to collective bargaining; explicitly prohibit sex discrimination and sexual harassment; and prohibit the assignment of children under the age of 18 to dangerous or hazardous jobs. It also recommended that the Government enforce existing provisions of Labour Law effectively and allow workers to receive payment directly from their employers.

45. HRW said that the DPRK has largely recovered from a famine in the mid-late 1990s that killed millions of people, but that serious food shortages persist and vulnerable members of the population, including young children, pregnant and nursing women, the disabled and elderly, still suffer. Non-elite members of the society are almost completely dependent on markets to access food and other necessities, since the ration system is deficient. They receive rations a few times each year, typically on major national holidays and only a small minority, mostly high-ranking members of the Workers' Party and the security and intelligence forces, still receive regular rations. NKHR/KBA reported similar information and added that the soaring of food prices is causing an enormous conflict between the Government and North Korean residents. Socially powerful groups have food rations and accumulate wealth through embezzling foreign aid.

46. HRW reported that since the mid-1990s, the DPRK has received a large amount of foreign aid each year, but has consistently limited access to international humanitarian aid workers monitoring aid distribution inside the country. HRW recommended that the Government: (1) allow international humanitarian agencies, including the UN World Food Programme, to resume necessary food supply operations and to properly monitor aid according to normal international protocols, which include having access to the entire country, being able to make unannounced visits, and being able to select interviewees at random; (2) ensure that its distribution system is both fair and adequately supplied, or permit citizens alternative means to obtain food, including access to markets and aid; (3) end discrimination in government distribution of food in favour of high-ranking Workers Party officials, military, intelligence and police officers; and (4) assist young children, pregnant and nursing women, the disabled, and the elderly as priority recipients of food aid.

48. LFNKR/HRWF stated that access to hospitals and clinics is limited and that medicines and most kinds of medical treatment are unavailable, having a deleterious effect on the health of North Korean children. They urged the Government to commit to working with the international community, seeking any necessary outside expertise, so as to ensure that the country has high-quality medical facilities, stocked with suitable supplies, and staffed by qualified medical personnel available to all North Koreans.

49. ACHR mentioned that the discriminatory caste system has a profound impact on the fact that most students, belonging to lower classes, often choose not to continue their education in high school and even if they do so, they are prevented from entering university. Children who belong to the privileged class attend top schools and are not required to provide labor as well as miscellaneous fees for their education. HRW reported similar information. ACHR indicated that in all other areas, various factors contribute to low school-attendance rates, such as excessive miscellaneous fees and exploitation for labor, both on the state-run farms and as a source of private income for teachers and school authorities. LFNKR/HRWF made similar comments. Consequently, according to ACHR, it seems that both literacy rates and the overall level of academic achievement of North Korean youth have decreased in most areas except for Pyongyang and a handful of other areas. LFNKR/HRWF urged the Government to commit to
working with the international community, seeking any necessary outside expertise, to rebuild its educational system and ensure that all North Korean children receive, at minimum, appropriate free and compulsory primary education that is comparable to those of other countries.

50. HRW stated that an ideological education with an emphasis on a “military first” policy takes precedence over academic education. From an early age children are subject to several hours a week of mandatory military training and political indoctrination at their schools. It recommended that the Government respect and ensure the rights set forth in the Convention on the Rights of the Child without any discrimination and avoid the early militarization of children in schools.

Final Report

17. Fifty-two countries took the floor during the interactive dialogue. A number of countries recognized the significant achievements by DPRK in the fields of health, education, gender equality. The decision of the Government to actively participate in the universal periodic review process was welcomed, as was the decision to engage in a dialogue with the Committee on the Rights of the Child. The Government was encouraged to intensify its efforts with a view to achieve the MDGs by 2015. A number of natural disasters, which consecutively hit the country in the nineties, gravely affected the economic situation in addition to the loss of human life.

19. Japan noted certain positive steps undertaken by DPRK such as engaging in dialogue with the Committee on the Rights of the Child and cooperating with UNICEF to improve health situation and quality education for children. Japan expressed its regret that DPRK did not fully respond to the various concerns of international community including punishment against those citizens expelled or returned from abroad, public executions, the abduction issue and the issue of detention facilities. Japan was also concerned about those who are suffering.

20. The Republic of Korea noted the recent positive efforts of DPRK to engage with the Committee on the Rights of the Child and to stipulate in the Constitution that the State shall respect and protect human rights. However, it remained concerned about the detention in political prison camps and violations of the freedoms of movement, expression, thought and religion; a huge gap between the recognition of human rights in legal codes and their actual implementation, and the situations of separated families, prisoners of war and abductees. It urged the Government to take all necessary measures at the grassroots level to uphold human rights and fundamental freedoms enshrined in the Constitution and domestic laws as well as in human rights treaties such as ICCPR, ICESCR, CEDAW and CRC, to which DPRK is a party. It strongly encouraged the Government to accept the technical assistance offered by OHCHR.

24. Algeria requested more information about the Juche concept. It welcomed efforts to promote the right to education, which have achieved the MDG for primary education for all. Algeria referred to difficulties in realizing the right to food, including for children suffering from malnutrition, due to natural disasters, famine and appeal the international community to provide DPRK population with food assistance.

25. The Bolivarian Republic of Venezuela noted that DPRK has an index of 100 per cent of children attending primary school, compulsory, universal and free of charge, and at secondary school, eradicating completely the illiteracy in the country.

27. Belarus welcomed the determination of DPRK to achieve progressive realisation of material and cultural well-being of its nation. Belarus commended the efforts of DPRK in ensuring the principle of universal access to medical services and education. Belarus found it important that DPRK has continued its efforts to ensure food security in the country.

33. Australia noted DPRK's engagement with CRC, the drafting of a 2008-2010 work programme for persons with disabilities and cooperation with the UNFPA as positive developments. However, it remained disappointed by the Government’s refusal to engage with many other aspects of the United Nations system and the international community.

35. Myanmar welcomed efforts to attain the goal to build an economic power by 2012. Myanmar commended DPRK for tangible progress in ensuring the rights to education and health. It asked DPRK to further elaborate on the realization of universal free education at primary level. Myanmar encouraged DPRK to share lessons learned from its experience in training medical personnel.

40. The Islamic Republic of Iran noted the measures taken particularly in the field of economic, social and cultural rights and encouraged DPRK to intensify its efforts to achieve the MDGs. It recommended that the international community help DPRK to secure adequate food for its people. It noted with interest the special attention paid to improving the situation of women and children.

51. Vietnam acknowledged efforts for the protection of the rights of women, children, persons with disability and the elderly, and the guarantee of health and education. Vietnam expressed readiness to share its experience with DPRK related to the cooperation with international community to solve humanitarian issues and development of agriculture and the guarantee of food security.

57. Slovenia raised questions related to ratification of human rights treaties; plans for human rights education in schools, work place and legal community; human rights training for judiciary and law enforcement officials; the effect of the background of a child in access to education, food, health, jobs, marriage and party membership; measures for elimination of the use of forced abortions, measures for improvement of prison conditions.

69. India noted that DPRK was commended by some treaty-bodies for its policy of providing 11 years of free compulsory education and its primary health care strategy. Concerns have been expressed about the quality of education, the severe impact of malnutrition on children, and the shortages and disparities in access to food. India requested information about plans to establish a national human rights institution, making easier travel abroad, and regular reunions of separated families.
75. Spain mentioned that the Secretary-General noted with concern that the Government has not taken any significant initiative to end the systematic human rights violations. It requested information regarding practical measures to put an end to the early militarization of children in schools.

76. Lithuania made recommendations on implementation of international obligations, cooperation with international organisations on human rights, protection of rights of children and women, and death penalty.

82. The delegation commented on the concerns expressed about women and children suffering from continued malnutrition and in particular about violence against women and children. The country suffered from serious economic difficulties starting from the mid-1990s, causing serious deterioration of the people’s health, in particular women and children. Supply of nutritious foods, nutritional and medical care, significantly improved the situation from the early 2000s. The issue of serious malnutrition is a thing of the past. Regarding the alleged forced enrolment of children in quasi-military organizations, the delegation stated that Children’s Unions are autonomous organizations of children aged 9 to 13 through which children, with the help of their school administration board, arrange excursions, visits, field practices and other extracurricular activities. Allegations that DPRK conscripts children from and early age and militarizes them are very distorted information.

Conclusions and Recommendations

1. Ratify the Convention on the Elimination of the Worst Forms of Child Labour (ILO Convention No. 182), CED, ICERD, CAT and its Optional Protocol, the ICRMW and CRPD (Chile);

10. Consider joining ILO and accede to and implement its core conventions, in particular Nos. 29, 105 and 182, on child and forced labour (Brazil);

15. Undertake a review of national criminal and immigration legislation to ensure its compatibility with international obligations of the Government, in particular regarding the right to freedom of movement of individuals, in response to the recommendations of the Committees on Civil and Political Rights, on Economic, Social and Cultural Rights and on the Rights of the Child (Mexico);

16. Amend the Labour Law of the Industrial Complex of Kaesong and incorporate the minimum age of 18 years for work hazardous to the health, security or morality of minors (Spain);

17. Review its legal and administrative measures with a view to ensuring the dignity and better living conditions of the vulnerable groups, including women and children (Malaysia);

31. Continue the implementation of the National Action Plan of Education for All, with a view to improving the quality of the system of 11 years of compulsory, free, universal education, increasing progressively the necessary resources allocated for this purpose (Bolivarian Republic of Venezuela);

38. Ensure that the rights of women, children and persons with disabilities are more effectively realized through the implementation of the strategy for the promotion of reproductive health, 2006-2010, the national strategy for the prevention of AIDS, 2008-2012, the primary health care strategy, 2008-2012, the national action plan for the well-being for children, 2001-2010 and the comprehensive action plan for persons with disabilities, 2008-2012 (Syrian Arab Republic);

56. Respect and ensure the rights set forth in CRC of each child without discrimination of any kind (Slovenia);

57. Take necessary measures to ensure the right of a child to life and development without discrimination of any kind (Sweden);

60. Provide all children with equal opportunities to study and give them access to higher education based on their talent and individual capability (Norway);

64. In line with previous recommendations made by the Committee on the Rights of the Child, make every effort to reinforce protection of the right to life and development of all children (Germany);

66. Enhance protection of rights of women and children, in particular those in the most vulnerable situations (Lithuania);

67. Take further measures to prohibit all forms of violence against children and women (Brazil);

90. Secure the right to food for all its citizens, especially so as to secure the right to health for children (Japan);

97. Give access to food and other essential products to those who need them, taking into account the particular needs of children and pregnant and nursing women, and cooperate constructively with humanitarian agencies and other humanitarian actors by ensuring them access to all the territory (Switzerland);

98. Intensify its efforts to promote and protect the human rights of specific groups within society, such as women, children, disabled persons and the elderly, with a view to empowering them and alleviating their vulnerability (Thailand);

99. Take positive measures to further reduce infant mortality rates and maternal mortality rates (Syrian Arab Republic);

101. Work on the enhancement of the free health care programme and free primary education, obtaining the necessary assistance through international cooperation (Libyan Arab Jamahiriya);

103. Increase resources allocated to the education sector for better quality of education and encourage the authorities to continue their efforts in this area (Algeria);
13. Allow urgently the development of international operations of food distribution in the whole country; put an end to discrimination in the governmental food distribution, prioritizing children, pregnant women, persons with disabilities and senior citizens (Spain);

20. Establish a moratorium on executions with a view to the rapid abolition of the death penalty, and in the immediate future, respect minimum international standards, including the right to a fair trial, the limitation of the death penalty to the most serious crimes, as well as the non application of the death penalty to minors, pregnant women and persons suffering from mental diseases (France);

27. Abolish the practice of torture, cruel, inhuman and degrading treatment, including the collective punishment of families, as reported by the Special Rapporteur, and amend national legislation to prohibit the torture and other ill-treatment of children, as recommended by the Committee on the Rights of the Child; (Israel);

29. End collective punishment of families, especially against children (Slovenia);

30. Abolish military training for children (Slovenia);

32. Create and adopt a law that specifically addresses trafficked persons in the country and abolish all practices of penalizing trafficked women and children for unlawfully exiting the country upon their deportation back to DPRK (Israel);

33. Take immediate action to cease the practice of forced labour, including in detention facilities, and take urgent measures to ensure that children are not forced to participate in mobilization projects (United States);

34. Take effective measures against the practice of forced labour, including child labour and join ILO (Italy).