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**SUMMARY PREPARED BY THE OFFICE OF THE HIGH COMMISSIONER FOR
HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15 (C) OF THE
ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1**

Democratic People's Republic of Korea*

The present report is a summary of 12 stakeholders' submissions¹ to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review.

* The present document was not edited before being sent to the United Nations translation services.

I. BACKGROUND AND FRAMEWORK

A. Scope of international obligations

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.³

B. Constitutional and legislative framework

2. According to CSW, the DPRK's Constitution guarantees, in basic form, the human rights identified by the UN and the international system. However, the interpretation of these rights differs from internationally recognised standards. The Government argues that developmental rights take precedence over civil and political rights, and moreover, such rights are guaranteed not as rights, but awarded at the goodwill of the leadership⁴. CSW recommended that the Constitution be modernised further, human rights protected and recognised as equal, innate and inalienable.⁵

3. Amnesty International (AI) noted that fundamental rights and freedoms enshrined in the Universal Declaration of Human Rights and the treaties to which the DPRK is a party remain largely unprotected by domestic legislation.⁶ Citizen' Alliance for North Korean Human Rights/Korean Bar Association (NKHR/KBA) noted that there are still substantial discrepancies between institutional (or legal) stipulations and their practice, whereby discriminative social class policies and socio-political control continue to infringe on basic rights.⁷

4. AI called on the Government to: implement, as a matter of urgency, the recommendations of UN human rights treaty bodies and charter-based bodies, including ensuring that adequate human rights legislation is introduced and implemented; and ratify, incorporate into domestic legislation and implement in policy and practice the Convention Against Torture, the Convention on the Rights of Persons with Disabilities, the Convention on the Elimination of All Forms of Racial Discrimination and the Convention for the Protection of All Persons from Enforced Disappearances.⁸

5. HRW informed that the DPRK's laws, including its labor laws, are based on the country's state ideologies of "*juche*" (self-reliance), socialism, communism and the policies of the Workers' Party. Guiding principles or instructions from late President Kim Il Sung have legal force that supersedes the Constitution or laws.⁹

C. Institutional and human rights infrastructure

6. Life Funds for North Korean Refugees/Human Rights Without Frontiers (LFNKR/HRWF) informed that there are no national mechanisms for redress of human rights abuses. They added that there does not appear to be a civil society as such in the DPRK.¹⁰

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 Coordination 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.¹¹

D. Policy measures

8. NKHR/KBA indicated that the implementation of human rights education in the country will have to be positioned as the utmost priority.¹² CHRC/PN/SARANGBANG expressed hope that the Government will examine the country's human rights situation and improve it.¹³

II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

A. Cooperation with human rights mechanisms

9. AI mentioned that the Government continues to deny access to independent human rights monitors¹⁴ and called on it to grant access to all UN Special Procedures requesting a visit, in particular the Special Rapporteur on the situation of human rights in the DPRK, and independent monitors.¹⁵ Similar information was reported by HRW¹⁶, LFNKR/HRWF¹⁷, Open Doors International (ODI)¹⁸, Jubilee Campaign (JC)¹⁹ and CSW.²⁰

10. AI welcomed the submission of the combined third and fourth periodic report to the CRC Committee by the DPRK and its participation in the Committee's review. However, in previous years, AI has noted with concern that the Government has consistently failed to implement recommendations by this and other treaty bodies or to provide sufficient information on their implementation.²¹

B. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non discrimination

11. CSW reported that, though less explicitly than in the past, the "*seongbun*" (social status by birth) discriminatory system stands in clear violation of the principle of non-discrimination, in spite of constitutional guarantees.²² The Asia Centre for Human Rights (ACHR) indicated that discrimination based on the surveillance of the family background and social origins was institutionalized in the 1960s into a legal system that resembles the caste system in other countries.²³ HRW mentioned that the Government divides the population into different categories "core," "wavering" and "hostile" based on its assessment of an individual's political loyalty.²⁴

12. ACHR noted that this system ultimately creates gaps in the society in terms of 'good' and 'bad' citizens and their access to food, health care, university education or occupation.²⁵

According to NKHR/KBA, DPRK authorities deny the existence of any such classification. However, North Korean refugees have repeatedly confirmed both the existence of this system and its continued use.²⁶ ACHR recommended that the DPRK make available to the UN system all secret legal documents and regulations in force that have relevance to the operation of the caste system and that this system be fully abolished.²⁷ A similar recommendation was made by CSW.²⁸

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.²⁹

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.³⁰

2. Right to life, liberty and security of the person

15. AI mentioned that the death penalty is carried out in secrecy in the DPRK. Executions are typically by firing squad or hanging, and there are reports of public and extrajudicial executions. Public executions, a breach of the DPRK's own penal code, are used to set an example to others, and although there has been a reduction in the number of crimes carrying the death penalty, four of the five remaining offences are essentially political offences with such broad terms that they risk being applied subjectively.³¹

16. CHRC/PN/SARANGBANG considered to be positive the DPRK's intention, stated in its second periodic report to the HR Committee (1999) to completely abolish the death penalty and to prescribe more strictly the elements of crime for death penalty in criminal law. For these organisations, an analysis of the reality is impossible because the number of cases and charges of death penalty are not released. Moreover, DPRK's explanation is necessary regarding several reports on public executions performed, and the death penalty enforced in accordance with decrees or directions, not with the legal procedures like the Criminal Procedures Act. CHRC/PN/SARANGBANG opposed the use of the death penalty as a tool to discipline people based on fear and hoped that the DPRK release information on the number of cases, charges and methods of death penalty and take effective measures to completely abolish it.³²

17. According to CSW, DPRK defectors give testimonies of executions taking place both inside and outside the detention and prison system. Inside, the penalty has reportedly been carried out for acts such as foraging for or stealing food, attempting to escape, rioting, assaulting guards, refusing to abandon religious beliefs and criticizing the country. It has also been used as a punishment for those North Koreans, repatriated from a neighbouring country, who have had contact with South Koreans or Christians. Outside the prison system, the acts subject to execution are often simple efforts such as those to secure food.³³ AI called on the Government to immediately end public and extrajudicial executions, and to introduce a formal moratorium on executions as a first step towards abolition of the death penalty.³⁴

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.³⁵ Similar information was reported by the Centre for Human Rights and Peace/Korean War Abductees Research Institute (CHRP/KWARI)³⁶ and LFNKR/HRWF,³⁷ 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.³⁸

19. According to AI, DPRK's policy of abduction and enforced disappearance has continued since the Korean War (1950-53). Tens of thousands of North Koreans, as well as nationals from other countries, have been abducted by the DPRK. North Korean family members of suspected dissidents have disappeared or been punished under the principle of "guilt by association". In the majority of cases, the authorities have refused to acknowledge that these individuals are being detained or to provide information on their fate or whereabouts.³⁹ Similar information was provided by CHRP/KWARI.⁴⁰ AI called on the Government to: publicly condemn and immediately stop all abductions and enforced disappearances; thoroughly and impartially investigate past and current allegations of abductions and enforced disappearances; make public official, accurate and conclusive information on the fate and whereabouts of all persons subjected to abduction or enforced disappearance; and ensure that all persons subjected to abduction or enforced disappearance be free to leave North Korea in accordance with international law, unless they are charged with a recognizable criminal offence.⁴¹

20. JC noted that the Government has no restrictions on its ability to detain, imprison, or hold its citizens incommunicado in practice, despite the fact that under the penal code a prosecutor's approval is required. People are often sent to political camps without fair trial.⁴² HRW mentioned that arbitrary arrest and detention, lack of due process and torture and other mistreatment remain serious concerns.⁴³

21. NKHR/KBA said that there are various kinds of detention camps, including 6 large colonies for political detainees and facilities for detaining the increasing number of homeless and vagrants resulting from the 1990s famine. The most serious human rights abuses occur in the political prison camps, more exactly, political penal-labor colonies. Their official name is "Management Center" (*Gwalliso*).⁴⁴

22. NKHR/KBA reported that there are two kinds of punishment facility (*Guryujang*) for political detainees. The first is for preliminary examination, while the second is located within the prison camp. Detainees undergo severe physical and mental torture in both facilities, and most of those sent to the latter do not survive.⁴⁵ AI reported that prisoners in general are forced to undertake physically demanding work often for 10 hours or more a day, with no rest days.⁴⁶ CSW⁴⁷ and NKHR/KBA⁴⁸ reported similar information.

23. AI stated that prisoners are punished if suspected of lying, not working fast enough or forgetting the words of patriotic songs. It noted that due to the combination of forced hard labour, inadequate food, beatings, lack of medical care, unhygienic living conditions, many prisoners fall ill, and some have died in custody or soon after release.⁴⁹ CSW reported similar information.⁵⁰ AI called on the Government to: take immediate action to stop the use of torture and other ill-treatment of prisoners and forced labour in prison camps; ensure that international

standards are applied in the treatment of prisoners; and improve conditions in prison camps and detention facilities to meet minimum international standards.⁵¹

24. CHRC/PN/SARANGBANG proposed to the Government to carry out an independent investigation of detention facilities and to release the results. They expected the Government to enhance the supervisory function of detention facilities through an independent national human rights system.⁵² NKHR/KBA said that as the Government denies the existence of any political prison camp, it has to allow UN representatives and international NGOs to visit the following places: *Gwalliso* no. 14 Kaechon, *Gwalliso* no. 15 Yodeok, *Gwalliso* no. 16 Hwaseong, *Gwalliso* no. 18 Bukchang, *Gwalliso* no. 22 Haengyong, and *Gwalliso* no. 25 Cheongjin. They recommended that all political prison camps be dismantled, and detainees be released immediately.⁵³

25. According to NKHR/KBA, the procedures of arresting and detaining political criminals are against the principle of “*nulla poena sine lege*”. A military who has committed a mistake may be detained, for an undetermined period, in a closed labor facility. There is also a closed detention facility where only anti-government military officers are detained. In these facilities, detainees cannot be protected by the law.⁵⁴

26. NKHR/KBA stated that the arrest and detention procedures are against DPRK domestic laws and the ICCPR. The system of guilt by association, property confiscation and the withdrawal of a citizen’s registration card, which are applicable to lineal family members, are in violation of the Universal Declaration of Human Rights.⁵⁵ CSW mentioned that the Government practices the principle of guilt by association and social classification of the prisoner. Without a legal basis, up to three generations – grandparents, parents and children – related to the accused can be incarcerated.⁵⁶ HRW reported that North Korean children face discrimination and punishment on the basis of the status, activities, opinions or beliefs of their parents, or other family members, and that collective punishment is common for political offenses.⁵⁷

27. HRW stated that trafficking of North Korean women and girls to a neighbouring country persists, especially near the border, and that victims are often abducted or duped into marriage, prostitution, or sexual slavery.⁵⁸ According to JC, the Government neither acknowledges the issue of trafficking in general, nor differentiates between trafficking and illegal border crossings for economic or political reasons. The Government appears to make no effort to implement laws that would protect victims of sex and labor trafficking.⁵⁹ Similar information⁶⁰ was provided by CHRP/KWARI, which noted that the more serious cases of violence against women are mental and physical abuses that female defectors experience when they fall victim to human trafficking.⁶¹ JC recommended that the Government implement a system of identification to protect victims of trafficking and permit NGOs to be in the country to run these projects.⁶²

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.⁶³ 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.⁶⁴

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.⁶⁵

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.⁶⁶ Government policy states that corporal punishment should not be used in schools but there is no explicit prohibition in law.⁶⁷ 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.⁶⁸ GIEACPC also stated that there is no explicit prohibition of corporal punishment in alternative care settings⁶⁹ and recommended that the Government introduce legislation to prohibit corporal punishment of children in all settings.⁷⁰

31. CHRP/KWARI mentioned that the high frequency in domestic violence may be due to economic difficulties and poor awareness and that it could be improved only after economic growth and efforts to raise public awareness of this issue.⁷¹

3. Administration of justice, including impunity and the rule of law

32. CSW indicated that a tenuous separation of powers ensures that the DPRK judiciary does not function as an independent branch of the Government: all judicial appointments are made by the executive, the judiciary does not engage in judicial review of legislation, and its functions are exercised under the authority of the Supreme People’s Assembly.⁷² It noted that those accused of breaching criminal law are generally subject to formal judicial procedures, while those considered to be political offenders have no recourse to them and that the latter are removed, investigated, typically under torture, and their cases are decided by the State Security Protection Agency. There is no access to legal counsel or the possibility of challenging the legality of detention.⁷³ LFNKR/HRWF stated that there is no judicial mechanism where North Koreans can be heard by an impartial judge, and where allegations of wrongdoing by authorities can be answered.⁷⁴

33. CSW recommended a review of the political, legislative and judicial system so as to ensure a judiciary, which is “competent, independent and impartial”, and that all professionals involved in the system of justice be trained on relevant international standards.⁷⁵

4. Right to privacy, marriage and family life

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 defection or for so called ‘anti-socialist’ behaviour of other family members.⁷⁶

5. Freedom of movement

35. HRW 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/HRWF⁷⁷, AI⁷⁸, JC⁷⁹ and CSW⁸⁰ reported similar information.

36. HRW recommended the Government to allow all North Korean citizens to travel freely in and out of the country; stop punishing North Koreans who are repatriated; treat migrant and trafficked children as victims and not as criminals, and provide them with the necessary support and counselling for reintegration.⁸¹ CSW recommended that, instead of criminalising the victims, the Government focus on addressing the root causes behind the refugees’ plight.⁸²

6. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

37. HRW stated that there is no freedom of religion in the DPRK⁸³ and that the Government has persistently persecuted religious-active people, typically categorizing them as “hostile elements”.⁸⁴ CSW added that, despite stated respect for religious freedom in the Constitution, repression has been brutal⁸⁵, and that, in recent years, the Government has overtly attempted to demonstrate greater religious freedom, establishing some state-controlled religious bodies and allowing a few places of worship to function, albeit under tight restrictions.⁸⁶

38. ODI added that the possession of a bible or other religious literature is illegal and that it is forbidden to share one’s religion or to be engaged in proselytizing.⁸⁷ Similar information was provided by JC.⁸⁸ The European Centre for Law and Justice (ECLJ) noted that observers of mono-theistic religions must violate their religious views and worship or face severe punishment.⁸⁹ ODI recommended that the DPRK immediately release all prisoners of conscience and dismantle labour camps,⁹⁰ review the laws regarding religious groups and organizations, and make sure that they comply with the obligations under the ICCPR.⁹¹ CSW recommended that the Government respect the right to freedom of thought, conscience and religion as enshrined in international law.⁹²

39. HRW noted that there is no organized political opposition, independent labor unions, free media, or civil society.⁹³ JC indicated that no freedoms of press, assembly, petition, or

association were respected in practice even though guaranteed by the Constitution.⁹⁴ AI mentioned that in 2008, long distance telephone calls were reportedly blocked to prevent news of food shortages from spreading and that there were also reports that local authorities arrested individuals who watched videos from a neighbouring country or were in possession of unauthorised mobile phones.⁹⁵

40. According to LFNKR/HRWF criticism of the leadership, whether or not overt, is punished severely.⁹⁶ CHRC/PN/SARANGBANG were concerned that the realization of “Uniform guidance to publication industry” and “Singular guidance”, presented in Article 4 of the Press Law, can repress critical opinions and damage freedom of thought and conscience.⁹⁷

41. For LFNKR/HRWF elections are not free: the leadership is approved by a rubber-stamp Parliament, the members of which are chosen by the Workers’ Party. Since there is only one political party which controls all aspects of citizens’ life, dissent is not possible. The lack of freedom of assembly in public and the existence of only Party-controlled media make it impossible to express dissenting opinions; those who do so are punished severely and as a result, there is no meaningful “public life” or “political life” as such.⁹⁸ LFNKR/HRWF urged the Government to allow a variety of media and other non-State-controlled information.⁹⁹

7. Right to work and to just and favourable conditions of work

42. According to HRW, the State has full control over the labor market, including labor organizations. Under DPRK’s law, there is no concept of an employment contract, as workers are assigned to their jobs by state labor administrative agencies under the control of the Workers’ Party. The state is responsible for providing basic services such as food, health care, education and housing; in return for their labor, workers are paid a small amount of remuneration in cash or coupons to cover items such as supplementary food, clothes and furniture.¹⁰⁰ LFNKR/HRWF reported similar information¹⁰¹ and urged the Government to encourage the development of private enterprise.¹⁰²

43. HRW reported that the law governing working conditions in the Kaesong Industrial Complex (KIC) falls far short of international standards¹⁰³ 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.¹⁰⁴

44. HRW said that in some countries where North Koreans have reportedly migrated for employment, concern was expressed for workers’ basic rights, including efforts by the DPRK Government to restrict freedom of movement, expression and association, the presence of “minders”, and indirect salary payments under which large portions of salaries are allegedly recouped by agencies or by the Government.¹⁰⁵ It recommended that the DPRK join the International Labour Organization, accede to its core treaties, and invite ILO officials to investigate and discuss protection and promotion of workers’ rights, and allow thorough on-site investigations abroad, where North Koreans work.¹⁰⁶

8. Right to social security and to an adequate standard of living

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.¹⁰⁷ 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.¹⁰⁸ NKHR/KBA reported similar information¹⁰⁹ 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.¹¹⁰

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.¹¹¹ 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;¹¹² (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.¹¹³

47. According to CHRC/PN/SARANGBANG, Government's efforts to solve these problems are positive. Yet, the priority given to the military in the distribution of goods is worrisome.¹¹⁴ AI mentioned that the Government has failed to seek international cooperation and assistance needed to ensure minimum essential levels of food for the whole population.¹¹⁵ The international community and a neighbouring country should provide humanitarian aid that the DPRK should accept without conditions and fairly distribute it, with socially disadvantaged as priorities, according to CHRC/PN/SARANGBANG.¹¹⁶

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.¹¹⁷ 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.¹¹⁸

9. Right to education and to participate in the cultural life of the community

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.¹¹⁹ 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.¹²⁰ HRW reported similar information.¹²¹ 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.¹²² LFNKR/HRWF made similar comments.¹²³ 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.¹²⁴ 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.¹²⁵

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.¹²⁶ 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.¹²⁷

10. Migrants, refugees and asylum-seekers

51. HRW considered that a well-founded fear of persecution upon return turns many North Koreans abroad into refugees’ *sur place*, even if they left for mere economic reasons.¹²⁸ ACHR indicated that North Korean refugee children confirmed that being accepted to specialized vocational training schools depends upon the parents’ occupation and family background, and it is ultimately decided by the authorities.¹²⁹

III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS

52. AI welcomed DPRK’s measures to address the needs of persons with disabilities, including the drafting of an Action Plan for Persons with Disabilities for 2008-2010 and the establishment in July 2005 of the Central Committee of the Korean Federation for the Protection of Persons with Disabilities.¹³⁰

53. CHRC/PN/SARANGBANG gave credit to the DPRK for its effort in trying to improve human rights. According to these organisations, the Government has been emphasizing that its various social security policies, like the health and education systems, have ensured human rights. ‘The Law on Sex Equality’ was enacted in 1946 to stress the rights of women. However, recent food shortages, the economic crisis, military threats and economic sanctions by the international community have greatly contributed in deteriorating human rights conditions.¹³¹

54. CHRC/PN/SARANGBANG noted that militarism has heightened in the DPRK. They were also concerned over discrimination against groups such as women, the disabled and sexual minorities. The issues of right to food and civil and political rights, which have been raised several times over the years, still need improvement. CHRC/PN/SARANGBANG added that they oppose the politicization of human rights, and that the human rights in DPRK will improve through a humane process.¹³²

IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS

N/A.

V. CAPACITY-BUILDING AND TECHNICAL ASSISTANCE

N/A.

Notes

¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org. (One asterisk denotes a non-governmental organization in consultative status with the Economic and Social Council.)

Civil society

| | |
|--------------------|--|
| GIEACPC | Global Initiative to End All Corporal Punishment of Children, London, United Kingdom |
| HRW | Human Rights Watch*, Geneva, Switzerland |
| CSW | Christian Solidarity Worldwide, New Maldon, United Kingdom |
| LFNKR/HRWF | Life Funds for North Korean Refugees, Tokyo, Japan; Human Rights Without Frontiers, Brussels, Belgium |
| ECLJ | European Centre for Law and Justice, Strasbourg, France |
| NKHR/KBA | Citizens' Alliance for North Korean Human Rights, Seoul, Republic of Korea; Korean Bar Association, Seoul, Republic of Korea |
| ACHR | Asia Centre for Human Rights, Seoul, Republic of Korea |
| AI | Amnesty International*, London, United Kingdom |
| ODI | Open Doors International, AA Harderwijk, The Netherlands |
| CHRP/KWARI | Centre for Human Rights and Peace, Daegu, Republic of Korea; Korean War Abductees Research Institute, Seoul, Republic of Korea |
| JC | Jubilee Campaign, Fairfax, VA, United States of America |
| CHRC/PN/SARANGBANG | Catholic Human Rights Committee/Peace Network/SARABGBANG Group for Human Rights, Seoul, Republic of Korea. |

² HRW, p. 1.

³ CSW, p. 1, para. 5.

⁴ CSW, p. 1, para. 6.

⁵ CSW, p. 1, para. 7.

⁶ AI, p. 3, para. 2.

⁷ NKHR/KBA, p. 10.

⁸ AI, p. 6.

⁹ HRW, p. 3.

¹⁰ LFNKR/HRWF, p. 2.

¹¹ CHRC/PN/SARANGBANG, p. 10.

¹² NKHR/KBA, p. 10.

¹³ CHRC/PN/SARANGBANG, pp. 5-6.

¹⁴ AI, p. 3, para. 3.

¹⁵ AI, p. 6.

¹⁶ HRW, p. 1.

¹⁷ LFNKR/HRWF, p. 5.

- ¹⁸ ODI, p. 4.
- ¹⁹ JC, p. 6, para. 25.
- ²⁰ CSW, p. 2, paras. 8-9.
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- ²⁸ CSW, p. 2, para. 11.
- ²⁹ CHRC/PN/SARANGBANG, pp. 8-9.
- ³⁰ CHRC/PN/SARANGBANG, p. 9.
- ³¹ AI, p. 4, para. 6.
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- ³³ CSW, p. 3, para. 14.
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- ³⁹ AI, pp. 5-6, paras. 13-16.
- ⁴⁰ CHRP/KWARI, pp. 7-10.
- ⁴¹ AI, p. 7.
- ⁴² JC, p. 2, para. 5.
- ⁴³ HRW, p. 1.
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- ⁴⁶ AI, p. 3, 4, para. 4.
- ⁴⁷ CSW, pp. 2-3, para. 12.
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- ⁴⁹ AI, p. 3, 4, para. 4.
- ⁵⁰ CSW, p. 3, para. 12.
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- ⁵³ NKHR/KBA, p. 10.
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⁵⁵ NKHR/KBA, p. 7.

⁵⁶ CSW, pp. 3-4, para. 16.

⁵⁷ ACHR, p. 5.

⁵⁸ HRW, pp. 2-3.

⁵⁹ JC, p. 6, para. 18.

⁶⁰ CHRP/KWARI, pp. 5-6.

⁶¹ CHRP/KWARI, p. 5.

⁶² JC, p. 6, para. 26.

⁶³ ACHR, p. 4.

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⁶⁶ GIEACPC, p. 2, para. 1.1.

⁶⁷ GIEACPC, p. 2, para. 1.2.

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⁷² CSW, p. 4, para. 19.

⁷³ CSW, p. 4, para. 20.

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⁷⁸ AI, p. 5, paras. 11-12.

⁷⁹ JC, p. 3, paras. 7-8.

⁸⁰ CSW, p. 5, para. 25.

⁸¹ HRW, p. 5.

⁸² CSW, p. 5, para. 26.

⁸³ HRW, p. 1.

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⁸⁸ JC, p. 5, para. 20.

⁸⁹ ECLJ, p. 2.

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⁹¹ ODI, p. 4.

- ⁹² CSW, p. 5, para. 24.
- ⁹³ HRW, p. 1.
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- ⁹⁵ AI, P6, para. 17.
- ⁹⁶ LFNKR/HRWF, p. 3.
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- ¹¹⁵ AI, p. 4, para. 9.
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¹³⁰ AI, p. 6.

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¹³² CHRC/PN/SARANGBANG, p. 4.
