



# The Asia Center for Human Rights

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## **Democratic People's Republic of Korea** **Submission to the UN Universal** **Periodic Review**

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### **1. Introduction**

The present information focuses on the rights of the child in the DPR Korea and covers the following issues:

- Discriminatory policies of the DPR Korea against family background and maintaining of official classification of 'caste' system
- Systemic barriers to continue education and lack of freedom of choice of one's occupation
- Juvenile justice and detention.

## **2. The modern caste system in the DPR Korea**

Discrimination based on the surveillance of the family background and social origins was institutionalized in the DPR Korea in the 1960s into the legal system that resembles the 'caste system' in other countries and has profound implications on the child's wellbeing and perspectives related with education and occupation.

DPR Korea introduced the discriminatory system of division of the society into 3 classes: 'core', 'wavering' and 'hostile' and 52 categories and according to South Korean media source which in 2007 have published a copy of secret document of the present People's Safety Agency (Inmin-boan-seong), there is an evidence that further amendments were made in the system in 1991 after the collapse of the communist system in Europe and categories were extended to 56. The major indicator for discrimination is the citizen's political or religious leaning. Since liberation from the Japanese rule in 1945, the North Korean authorities have conducted thorough investigations to classify everyone according to their family history and loyalty to the country more than 10 times.

This system ultimately affects everyone and creates gaps in the society in terms of 'good' and 'bad' citizens and their access to food, health care, university education or occupation. Every person is aware of the system and maybe informed of the fact that his or her files contain unfavorable records, the files however are secret and there is no legal system for the North Korean citizens to have either access to them or to seek justice and redress. The family's past is continuously inherited by children and violates non-discrimination clauses in the CRC, ICCPR and ICESCR Conventions that the DPRK is a party to. Moreover, the amendments in the system have been done despite the DPRK joining the UN in 1991 and have not been discharged to confirm with the international standards.

Since the caste system in the DPRK is secret, the UN organs and other state parties remain misinformed about the full scope of discriminatory legal provisions operating in the country. Thus, it is of an utmost priority that DPR Korea makes available to the UN system all legal documents and regulations in force that in particular pertain to this issue. None of the recommendations issued by any of the UN institution will be effective or properly implemented unless the contradictory caste system in the DPRK is in force.

## **3. Systemic barriers to continue education and to choose one's occupation**

The discriminatory caste system has its profound impact on the fact that most students that belong to lower classes and categories often choose not to continue their education in high school and even if they do, they are prevented from entering university. Lack of perspectives of continuing education and of overcoming the unfavorable class stigma

causes both parents and children to view education as unnecessary, since there is virtually little chance to overcome this obstacle.

North Korean refugee children confirmed that being accepted to specialized vocation training schools is also not a matter of freedom of choice but depends upon the parents' occupation and family background and is decided by the authorities. In other words, young students are forced to inherit parents' occupation without consideration of one's talents, abilities and school's performance. Only children whose family is classified in the best categories have chance to freely continue their education and choose high-profile occupation despite their school performance.

The class stigma has indirect impact on regional discrepancies and treatment of children in schools. It is well known that those who belong to the privileged class inhabit Pyongyang or other areas deemed important by the authorities; their children attend top schools and are not required to provide labor as well as miscellaneous fees for their education.

In all other areas various factors contribute to low school-attendance rates, such as excessive miscellaneous fees which are demanded under the guise of school projects, exploitation for labor, both on the state-run farms and as a source of private income for the teachers and school authorities. Despite the fact that in North Korea, the minimum working age defined by law is 16 years old and against the country's government representatives assurances toward the UN Committee on the Rights of the Child in the past that the children labor was eradicated in the country; it is commonly accepted that children are mobilized for agricultural work from their middle-school years (12 years old) and in the most poverty-stricken provinces in the Northern areas (especially Onsong and Kyongwon counties in North Hamgyong Province) children are mobilized as early as 8-9 years old. Throughout the year children also have other "assignments" such as raising rabbits, collecting pebbles but also are mobilized for heavy labour, such as flood damage recovery, construction, well digging, railway maintenance and road paving.

The overwhelming burden for children and parents resulting from forced labor and hidden financial fees in the situation where those families are already under worse socio-economic conditions due to the class stigma, cause high drop-out rates of those children from schools (on average 60-80% in most of the areas except for Pyongyang and privileged schools). Consequently, it seems that both literacy rates and the overall level of academic achievement of North Korean youth has decreased in most areas except for Pyongyang and a handful of other areas.

In addition, the North Korean authorities should be questioned about the sources and reliability of their statistics which shows almost 100% enrollment and graduation rates. In the course of research conducted on North Korean children it was found that children not attending the school or missing classes are granted automatic promotion to the next grade and automatic graduation at the end of the school, even without having it attended. This is why the DPRK authorities are able to show those high rates on paper against the reality in the country.

These problems have led students and parents to distrust the school system; an increasingly large number of pupils are refusing education or its continuation feeling disenchanted with the present education system. This worrisome phenomenon has been found in several regions and is becoming a widespread social trend. As a result, the international community cannot expect that the attendance rate will improve thanks to provision of nutritious food and school supplies for North Korean children. There are more fundamental structural problems lying beneath the North Korean education policies and the reality of schools that need to be addressed with DPR Korea.

#### **4. Infringements on the child's personal rights and freedoms. Juvenile justice & use of torture.**

Discrimination based on the surveillance of family background and social origins, has been coupled since the 1990s with the DPRK authorities' practices of monitoring the remaining family and children of individuals who have defected or have a history of crossing the border to China or other countries. Some children reported that they were compelled to abandon their homes and hide in remote mountainous areas or at their relatives' in other provinces to escape the surveillance. Other children suffered because the entire families were exiled to remote mountainous areas as a punishment for the defection or so called 'anti-socialist' behavior of other family members.

Reports presented by the DPRK authorities entirely evade reporting on the situation of torture or abuse against children carried out by national investigative agencies, such as the *Bowibu* (Secret Police) or the People's Safety Agency (PSA, National Police), or in various detention facilities. We recommend that DPR Korea is questioned on the role, competencies and actual scope of power vested into these institutions for dealing with children and youth.

The 2007 NGO report which focused on the situation of torture in the DPRK found that five children out of the 20 interviewees confirmed having been subjected to torture between 1998 and 2003. The incidents were discovered that children were tortured in order to make them confess to political crimes they never committed or for minor offences. Arbitrary extensions of prison term, severe starving, and poor prison environment were also highlighted as some elements of torture and inhumane treatment in need of further discussion.

After the revision of its Criminal Law and Criminal Procedure Act, some of the procedures were changed to show relief, but in fact became even more enigmatic. It was reported that the children repatriated after their defection from the country experienced shorter and simplified investigations by *the Bowibu* or PSA and then confined to 'public educational correction' which is undefined and leaves room for arbitrary interpretation. Two examples in North Hamgyong Province in 2005 and 2006 showed that educational correction was implemented through beatings and other corporate punishment inflicted by teachers. Children who were sentenced to educational correction eventually quit school. Other cases showed that the investigative

agencies in Hamgyong Province used beatings. There were also reported cases of children being sentenced to death and 11 year-olds sent to forced labor camp for stealing electric wires. None of reports found single case where a legal relief or redress was sought in relation to wrongful treatment of children which may be a result of the fact that children are not granted it.

In addition, it must be added that DPRK authorities make watching public executions a compulsory participation for children in a hope to prevent juvenile crime.

It has also been found that the custody facilities which serve the purpose of protecting children without parents, fixed addresses, birth records, or those forcibly separated from their parents by the government resemble rather a detention facility more than a protection facility for children, and children accommodated in the centers are deprived of education and exploited for labor.

The separate recommendations should be addressed in terms of children who are born or accompany parents in the political prison camps (*Gwalliso*) in the DPRK. By the fact that those confined to such penitentiary institutions are deprived of the citizens' rights, the country statistics never include those children belonging to the 'political criminal' categories acquired by birth. It has been reported that young political prisoners are deprived of education, medical care and are used for slavery work. Apart from extremely rare cases of amnesty or escape, such child- prisoners die in these institutions.

### **Concluding Recommendations**

The DPRK should make available to the UN system all secret legal documents and regulations in force that have relevance to the operation of the caste system in North Korea. Furthermore, it should be recommended to the DPRK that the system is fully abolished.

The DPR Korea should be also questioned on the role, competencies and actual scope of power vested into the *Bowibu* (Secret Police) or People's Safety Agency (PSA, National Police) in the process of arresting, interrogation and punishment when dealing with children and youth. The DPRK should be asked that the independent bodies concerned with children wellbeing are monitoring such process conducted by either NSA, PSA or by teachers and party officials through the 'public education correction' measures.

The DPRK should be requested to reveal statistics on the number of child-political prisoners, their mortality rates, access to health and education and legal reasons for internment of the children born in political prison camps or sent there with their family members.