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

Democratic People's Republic of Korea

The present report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. 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), other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review. In the absence of recent information, the latest available reports and documents have been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty and/or to a low level of interaction or cooperation with international human rights mechanisms.

I. BACKGROUND AND FRAMEWORK

A. Scope of international obligations¹

<i>Core universal human rights treaties²</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>
ICESCR	14 Sep 1981	None	-
ICCPR	14 Sep 1981	Notice of withdrawal ³	Inter-State complaints (art. 41): No
CEDAW	27 Feb 2001	Yes (art.2(f), art.9(2), art. 29(1)) ⁴	-
CRC	23 Feb 2000	None	-
<i>Core treaties to which the Democratic People's Republic of Korea is not a party: OP-ICESCR⁵, ICERD, ICCPR-OP 1, ICCPR-OP 2, OP-CEDAW, CAT, OP-CAT, OP-CRC-AC, OP-CRC-SC, ICRMW, CRPD, CRPD-OP, CED.</i>			
<i>Other main relevant international instruments</i>			<i>Ratification, accession or succession</i>
Convention on the Prevention and Punishment of the Crime of Genocide			Yes
Rome Statute of the International Criminal Court			No
Palermo Protocol ⁶			No
Refugees and stateless persons ⁷			No
Geneva Conventions of 12 August 1949 and Additional Protocols thereto ⁸			Yes, except AP II and III
ILO fundamental conventions ⁹			No
UNESCO Convention against Discrimination in Education			No

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.¹⁰ 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.¹²

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.¹³ CEDAW encouraged the State to ratify the Optional Protocol to the Convention.¹⁴

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)¹⁶, and to consider ratifying the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.¹⁷

B. Constitutional and legislative framework

4. The Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea (hereinafter the Special Rapporteur) noted that some law reforms have been made to bring national security standards more into line with international ones.¹⁸ In a 2008

report to the General Assembly, the Secretary-General urged the Government to show visible signs of domestic legal reform so as to fulfil its treaty obligations and to comply with international standards.¹⁹

5. A 2006 UNICEF report noted that in 2003 a law on the protection of persons with disabilities was adopted in order to ensure equal access for persons with disabilities to public spaces, transportation and public services.²⁰

C. Institutional and human rights infrastructure

6. As of 10 July 2009, the Democratic People's Republic of Korea did not have a national human rights institution accredited by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC).²¹

7. CEDAW expressed concern that the national machinery might not have sufficient visibility, decision-making power or financial and human resources to promote effectively the advancement of women and gender equality.²²

D. Policy measures

8. The Special Rapporteur stated that the protection of human rights would require, inter alia, laws, policies, programmes based on international standards.²³ He recommended that the Democratic People's Republic of Korea abide by its international obligations, shift military expenditure to the human development sector and allocate national resources to protect human rights and human security.²⁴

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 of children.²⁵

10. CEDAW recommended developing a comprehensive and coordinated plan of action to promote gender equality and ensure gender mainstreaming at all levels.²⁶

11. In 2005, the Democratic People's Republic of Korea adopted the Plan of Action (2005-2009) for the World Programme for Human Rights Education focusing on the national school system.²⁷

II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

A. Cooperation with human rights mechanisms

1. Cooperation with treaty bodies

<i>Treaty body²⁸</i>	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CESCR	2002	28 Nov. 2003	-	Third report overdue since 2008.
HR Committee	2000	26 July 2001	30 Jul 2002	Third report overdue since 2004.
CEDAW	2002	18 July 2005	-	Second report overdue since 2006.
CRC	2007	29 Jan 2009	-	Fifth report due in 2012.

12. The Special Rapporteur recommended implementing the human rights treaties to which the Democratic People's Republic of Korea is a party, in addition to acceding to and implementing the totality of human rights instruments, and according adequate resources to ensure their implementation.²⁹ He further recommended inviting the various human rights monitoring bodies under the four treaties to visit the country.³⁰

2. Cooperation with special procedures

<i>Standing invitation issued</i>	No
<i>Latest visits or mission reports</i>	-
<i>Visits agreed upon in principle</i>	-
<i>Visits requested and not yet agreed upon</i>	The Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea requested visits in 2004, 2005, 2006, 2007 and 2009. The Special Rapporteur on the Right to Food requested visits in 2003 and 2009.
<i>Facilitation/cooperation during missions</i>	-
<i>Follow-up to visits</i>	-
<i>Responses to letters of allegations and urgent appeals</i>	During the period under review, 11 communications were sent concerning particular groups and one woman. The Government replied to 4 communications, representing replies to 36 per cent of communications sent.
<i>Responses to questionnaires on thematic issues³¹</i>	DPRK responded to none of the 15 questionnaires sent by special procedures mandate-holders during the period under review, ³² within the deadlines.

13. In 2009, the Human Rights Council extended the mandate of the Special Rapporteur for a period of one year.³³ The Democratic People's Republic of Korea has to date not accepted requests to visit the country made by the Special Rapporteur.³⁴ The Secretary-General urged the Government allow access for the Special Rapporteur and other special procedures to observe the situation of human rights at first hand, as part of its cooperation with the Human Rights Council.³⁵

3. Cooperation with the Office of the High Commissioner for Human Rights

14. The Secretary-General noted that OHCHR has not succeeded in engaging the Government of the Democratic People's Republic of Korea in a substantive dialogue on the situation of human rights in that country. The High Commissioner for Human Rights will continue to work with other United Nations agencies to strengthen the promotion and protection of human rights for all nationals of the country.³⁶ Offers of technical assistance made by the High Commissioner for Human Rights have been rejected by the Government.³⁷ The Secretary-General stressed the independent role of OHCHR and appealed to DPRK to positively consider its offer of technical assistance.³⁸

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

1. Equality and non-discrimination

15. The Special Rapporteur stated that, although less explicit than in the past, the authorities divided people into three categories: those in the elite group, the middle level, and those hostile to the authorities.³⁹ He noted that there is a great disparity between access by the elite to food and other necessities and access by the rest of the population to the wherewithal of life. This is

most evident in regard to the question of food.⁴⁰ Women who are not part of the elite are often disadvantaged in their access to food and other necessities and those who are seen as enemies are subject to persecution and marginalization.⁴¹

16. CEDAW noted with concern the persistence of stereotyped assumptions and attitudes in respect of the roles and responsibilities of women and men, which are discriminatory against women, particularly in the areas of education and employment.⁴² In 2003, CESCR expressed similar views.⁴³ CEDAW urged the Democratic People's Republic of Korea to initiate a comprehensive review and reform of all legislation to bring its laws into conformity with the provisions of the Convention.⁴⁴

17. CEDAW expressed concern that there was a lack of specific legislation to deal with all forms of violence against women, including domestic violence, and a lack of prevention and protection measures for victims.⁴⁵ CESCR expressed similar concerns in 2003.⁴⁶ The Special Rapporteur noted that violence, neglect, abuse and exploitation posed a continuing concern for women at home, outside the home, within the country and across borders. The issue of sexual violence at home had not been dealt with adequately, while women who are on the move were often abused and exploited.⁴⁷

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.⁴⁸ The Special Rapporteur expressed similar views.⁴⁹ CRC recommended that the Democratic People's Republic of Korea monitor and ensure implementation of existing laws guaranteeing the principle of non-discrimination.⁵⁰ 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.⁵¹

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

19. The Special Rapporteur noted reports of public executions, secret executions in political detention camps,⁵² and the continuing use of public executions to intimidate the public, despite various law reforms in 2004 and 2005.⁵³ While welcoming the reduction of the number of criminal offences carrying the death penalty, in 2001 the Human Rights Committee (CCPR) was concerned by acknowledged and reported instances of public executions, and recommended refraining from any public executions and working towards the abolition of capital punishment.⁵⁴

20. In March 2008, the Special Rapporteur on extrajudicial, summary or arbitrary executions together with the Special Rapporteur on the right to food and the Special Rapporteur on the question of torture, sent a joint allegation letter regarding information received on the alleged public execution of 13 women and 2 men, who were reportedly accused of planning to cross over to a neighbouring country. It was alleged that this execution was designed to dissuade people from crossing illegally. The Government did not reply to this communication.⁵⁵

21. The cases of nine disappeared foreigners that were submitted by the Working Group on Enforced and Involuntary Disappearances remain outstanding.⁵⁶ The Special Rapporteur recommended addressing the issue of abductions/enforced disappearances effectively and providing redress to victims and their families.⁵⁷

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.⁵⁸

23. The Special Rapporteur noted that there were continuing reports of violence committed by State authorities, such as torture, which is prohibited by law, and persecution of political dissidents and substandard prison conditions, despite legislative improvements. There are a large variety of detention centres ranging from those for political dissidents to those for criminals, as well as re-education camps and forced labour camps.⁵⁹ The abhorrent prison conditions result in myriad abuses and deprivations.⁶⁰ The Special Rapporteur reiterated that collective punishments were used against people and that information confirms the practice of whole families being persecuted and sent into detention when a member falls foul of the authorities.⁶¹ The Secretary-General noted that punishment of the family members of defectors has reportedly been used as a deterrent to prevent defection.⁶²

24. CCPR recommended that the Democratic People's Republic of Korea ensure that all persons deprived of their liberty are treated with humanity and with respect for the inherent dignity of the human person and that sufficient food and appropriate and timely medical care are available to all detainees.⁶³ In its follow-up response, the Government noted, inter alia, that it prohibits and controls by law torture, inhuman treatment and punishment in custody and detention. It added that strict legal day-to-day supervision and investigation is undertaken by the public prosecutor's office.⁶⁴

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.⁶⁵ CRC was also concerned about the reported use of corporal punishment in alternative care institutions.⁶⁶

26. On 20 December 2005, the Special Rapporteur on the independence of judges and lawyers sent a joint allegation letter with the Special Rapporteur on freedom of religion or belief, the Special Rapporteur on the question of torture, the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, the Special Rapporteur on trafficking in persons, especially women and children and the Special Rapporteur on violence against women, its causes and consequences, concerning allegations of trafficking of female citizens to foreign countries. Reportedly, the situation of trafficked women is exacerbated by the cruel, inhuman and degrading punishment upon their deportation back to the Democratic People's Republic of Korea, as nationals of the State commit a criminal offence if they leave the country without official permission, punishable by up to three years in a labour training camp or a detention centre.⁶⁷ Reports indicate that a considerable number of citizens clandestinely cross international borders and in case of deportation from a foreign country they face cruel, inhuman and degrading punishment upon return.⁶⁸ Reportedly, after the interrogations, the majority of persons are sent without trial or any form of judicial process to a labour training camp or a provincial detention centre.⁶⁹

27. The Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea noted that there was rampant human smuggling and trafficking where women and other groups seek to leave the country. Some fell prey to human trafficking and ended up in

forced labour, prostitution and forced marriage.⁷⁰ CRC was concerned that there were no laws that specifically address trafficking in persons in the country.⁷¹

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.⁷²

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.⁷³

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

30. According to the Special Rapporteur, the justice system lacks an independent judiciary, lawyers acting genuinely on behalf of accused persons, and juries. Even though all three elements exist in the system, they are subservient to the State and do not uphold the internationally recognized notion of the rule of law. In fact, judges operate under the direction of the Supreme People's Assembly.⁷⁴ In 2004, CESCR recommended that the constitutional and legislative provisions that may compromise or diminish the independence and impartiality of the judiciary be immediately reviewed.⁷⁵

31. CCPR recommended that the Democratic People's Republic of Korea ensure that all instances of ill-treatment and of torture and other abuses committed by State agents be promptly considered and investigated by an independent body and that a system of independent oversight of all places of detention and custody be instituted.⁷⁶ The Special Rapporteur stated that another issue needing a response is that of accountability and responsibility with regard to the impunity which has been enjoyed by those at the top and related officialdom.⁷⁷

32. CRC regretted that the Democratic People's Republic of Korea had not developed a full-fledged juvenile justice system in compliance with the Convention and other relevant United Nations standards.⁷⁸ The Special Rapporteur noted an urgent need to improve the criminal justice system affecting children, bearing in mind juvenile justice standards of a universal kind.⁷⁹

4. Right to privacy, marriage and family life

33. The Special Rapporteur stated that the right to privacy is continually infringed by the State apparatus. Neighbourhood groups are used as an instrument of social control and surveillance, creating a system of fear and mistrust.⁸⁰

34. The Special Rapporteur urged that measures should be adopted to facilitate family reunification, coupled with measures to ensure that no intimidation or other forms of coercion are used against those family members who remain in the country of origin or any other country.⁸¹ He also noted that there remain various consequences of the Korean War of 1950-53,

which have an impact on human rights, for instance the issue of missing persons and the reunification of families separated by the war.⁸²

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.⁸³ CESCR urged the Government to strengthen its efforts to provide alternative family care for orphans and to include them in the regular school system.⁸⁴

5. Freedom of movement

36. The Secretary-General noted that UNHCR continued to observe that a constant flow of nationals of the Democratic People's Republic of Korea continues to leave the country to seek protection and/or settlement elsewhere. Reportedly, the right to freedom of movement, including the right to leave the country, has been severely curtailed.⁸⁵ The Special Rapporteur said that for years there has been a constant flow of people persecuted by the authorities fleeing the country clandestinely, without travel permits.⁸⁶ In 2001, CCPR recommended that the Government eliminate the requirement of administrative permission and an exit visa as a general rule.⁸⁷

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

37. The Secretary-General noted reports that the population was being denied the freedoms of religion, opinion and expression, peaceful assembly and association, movement and access to information.⁸⁸ The Special Rapporteur noted that, while some religious ceremonies seem to be allowed, there are indications that practising religion gives rise to persecution.⁸⁹ CCPR was concerned that the practice regarding the exercise of religious freedom does not meet the requirements of article 18 of the Covenant.⁹⁰ In its follow-up response, the Government stated, inter alia, that the religionists are free to have a religious life and ceremonies according to their own religious rules at family worship centres and other facilities.⁹¹

38. The Special Rapporteur noted that freedom of expression and association and access to information were impeded by the closed nature of the State and rigid State control over the information flow and media.⁹² The reading of books from one neighbouring country is punishable as a crime of espionage. There is extensive wiretapping of telephones.⁹³ CCPR was concerned that the notion of "threat to the State security" may be used in such ways as to restrict freedom of expression; that foreign newspapers and publications are not readily available to the public at large and that journalists may not travel abroad freely.⁹⁴ In its follow-up response, the Democratic People's Republic of Korea noted, inter alia, that the freedom of expression is restricted only subject to the requirement of the Covenant and mentioned, in that regard, the threat to State security.⁹⁵

39. CCPR remained concerned about restriction on public meetings and demonstrations, including possible abuse of the requirements of the laws governing assembly.⁹⁶ In its follow-up response, the Democratic People's Republic of Korea noted, inter alia, that an assembly that obstructs State security and public order may be restricted subject to the Law on Control for People's Security.⁹⁷

40. UNCT noted that women hold approximately 20 per cent of seats in the national Parliament and 30 per cent of the People's Assemblies, and that CEDAW expressed concern over the relatively low numbers of women in decision-making positions in politics, the judiciary and the civil service.⁹⁸ The Special Rapporteur made similar comments.⁹⁹

41. The Special Rapporteur noted that there was no genuine people's participation; those who are regarded as dissidents were marginalized, discriminated against and persecuted.¹⁰⁰ CCPR considered that the fact that no regulation or legislation governing the creation and registration of political parties was envisaged, runs counter to the provisions of article 25 of the Covenant, as it may adversely affect the rights of citizens to participate in the conduct of public affairs through freely chosen representatives.¹⁰¹

42. CRC expressed concern that existing NGOs lack autonomy, which distinguishes them from state-sponsored organizations.¹⁰² CCPR was concerned about the limited number of human rights organizations in the DPRK, and the limited access that is accorded to human rights organizations from abroad.¹⁰³

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

43. CESCR expressed concern that the right to work may not be fully assured in the present system of compulsory State-allocated employment, and encouraged the Democratic People's Republic of Korea to take legislative measures to guarantee the right of everyone to choose his/her career and workplace.¹⁰⁴ UNCT noted the success of pay equality between men and women, though gender hierarchy still exists with men occupying higher-skilled positions.¹⁰⁵ CEDAW commended the Government for its use of temporary special measures to increase the number of women in certain management positions.¹⁰⁶

44. Regarding workers and migrant labourers, the Special Rapporteur highlighted the need to respect labour rights, such as fair wages, collective bargaining and freedom of association, and humane working conditions.¹⁰⁷ He noted that women have been particularly affected by the State's control over its population in the economic sphere, such as its prohibition of women under a certain age from trading and the closure of markets.¹⁰⁸

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.¹⁰⁹ UNCT noted that the Civil Law defined children as persons below the age of 17 years.¹¹⁰

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

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.¹¹¹ 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.¹¹² CEDAW urged the Government to introduce specific poverty alleviation measures aimed at improving the situation of women to eliminate their vulnerability.¹¹³

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.¹¹⁴ 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.¹¹⁵ 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.¹¹⁶

48. The Special Rapporteur recommended that the Government immediately ensure effective provision of and access to food and other basic necessities for the people, cooperate constructively with United Nations agencies and other humanitarian actors, progressively overcome disparities in access to food and other basic necessities, and build food security through sustainable agricultural development.¹¹⁷ He also noted that the elderly had been affected by the food shortages, and declining social services and medical care.¹¹⁸

49. On 17 May 2006, the Special Rapporteur on the right to food, together with the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea wrote to the Government concerning reports of governmental decisions to restrict emergency food assistance by international organizations, ban the private sale of grain and fully reinstate the Public Distribution System (PDS). During the food crisis of the 1990s, a large number of people who depended on their PDS rations died from starvation and many suffered severe malnutrition and hunger as the system broke down. The Government replied, rejecting the communication on the basis that it spread fabricated information.¹¹⁹

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.¹²⁰ UNCT noted that neonatal deaths are underreported.¹²¹ 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.¹²² 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.¹²³

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

51. CESCR¹²⁴ 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.¹²⁵ 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.¹²⁶ 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.¹²⁷ Children between 14 and 16 have to undergo military training, combined with ideological studies.¹²⁸

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.¹²⁹

10. Migrants, refugees and asylum-seekers

53. CESCR recommended that national legislation be reviewed in order to eliminate penalties against persons having travelled abroad in quest of employment and better living conditions.¹³⁰ CEDAW urged the Government to assist women economic returnees who went abroad without valid travel permits to reintegrate into their families and society and to protect them from all forms of violations of their rights.¹³¹

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.¹³² 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.¹³³

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.¹³⁴

III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS

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 2008-2012.¹³⁵ 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.¹³⁶ UNCT noted 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.¹³⁷

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.¹³⁸

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.¹³⁹ 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.¹⁴⁰

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.¹⁴¹

60. The Special Rapporteur welcomed the adoption of the 2003 law reforming the antiquated system and the former practice of incarcerating people with disabilities. He further stated that the damage caused by past State practices needed to be rectified: victims of inhumane conditions need to be assisted to recover and be reintegrated fully into society.¹⁴²

IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS

N/A.

V. CAPACITY-BUILDING AND TECHNICAL ASSISTANCE

61. The Secretary-General called upon the Government to extend free and full access to United Nations agencies and other humanitarian actors in order for them to be able to carry out their mandates. He expressed hope that through improved cooperation and dialogue, the United Nations would be able to help promote and protect human rights in the Democratic People's Republic of Korea.¹⁴³

62. 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 Convention¹⁴⁴; (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 children¹⁴⁵, and use the recommendations of the Study as a tool for action¹⁴⁶; (c) from, *inter alia*, UNICEF as regards street children¹⁴⁷; (d) from UNICEF and the UN Interagency Panel on Juvenile Justice in the area of juvenile justice.¹⁴⁸

63. CESCR recommended that the Democratic People's Republic of Korea, in its efforts aimed at the implementation of the rights under the Covenant, continue to seek international assistance and engage itself in international cooperation, and in the regional activities undertaken by international and regional agencies, including the Office of the United Nations High Commissioner for Human Rights.¹⁴⁹

Notes

¹ Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 2006* (ST/LEG/SER.E.25), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>.

² The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to Convention on the Rights of Persons with Disabilities
CED	International Convention for the Protection of All Persons from Enforced Disappearance.

³ On 27 August 1997, the Secretary-General received a notification of withdrawal from the Covenant. As the Covenant does not contain a withdrawal provision, the Secretariat of the United Nations forwarded on 23 September 1997 an aide-mémoire to the Government of the Democratic People's Republic of Korea explaining the legal position arising from the above notification. As elaborated in this aide-mémoire, the Secretary-General is of the opinion that a withdrawal from the Covenant would not appear possible unless all States Parties to the Covenant agree to such a withdrawal. The above notification of withdrawal and the aide-mémoire were duly circulated to all States Parties under cover of C.N.467.1997.TREATIES-10 of 12 November 1997 (<http://treaties.un.org/>).

⁴ Austria, Denmark, Finland, France, Germany, Ireland, Netherlands, Norway, Portugal, Spain, Sweden, and the United Kingdom of Great Britain and Northern Ireland objected to the reservations relating to article 2, paragraph (f), and article 9, paragraph 2.

⁵ Adopted by the General Assembly in its resolution 63/117 of 10 December 2008, in which the General Assembly recommended that a signing ceremony be organized in 2009. Article 17, paragraph 1, of OP-ICESCR states that "The present Protocol is open for signature by any State that has signed, ratified or acceded to the Covenant".

⁶ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

⁷ 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

⁸ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Convention relative to the Treatment of Prisoners of War (Third Convention); Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.

⁹ International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No.105 concerning the Abolition of Forced Labour, Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize; Convention No. 98 concerning the Application of the Principles of the Right to Organize and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

¹⁰ Committee on the Rights of the Child, concluding observations, CRC/C/PRK/CO/4, para. 32 (f); CEDAW, *Official Records of the General Assembly, Sixtieth session, Supplement No. 38 (A/60/38)*, para. 74.

¹¹ CESCR, *Official Records of the Economic and Social Council, 2004, Supplement No. 2, (E/2004/22)*, concluding observations, para. 540.

¹² A/60/38, para. 74.

¹³ CRC/C/PRK/CO/4, para. 75.

¹⁴ A/60/38, para. 71.

¹⁵ E/2004/22, para. 541.

¹⁶ CRC/C/PRK/CO/4, para. 61 (d).

¹⁷ *Ibid.*, para. 69.

¹⁸ A/HRC/10/18, para 18. See also A/HRC/4/15, paras. 2 and 11; A/60/306, para. 7.

¹⁹ A/63/332, para. 57.

²⁰ UNICEF, Analysis of the situation of children and women in the Democratic People's Republic of Korea, 2006, p. 44, available at <http://www.unicef.org/publications/files>.

²¹ For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/10/55, annex I.

²² A/60/38, para. 47.

²³ A/HRC/10/18, para. 53.

²⁴ A/62/264, para. 58.

²⁵ CRC/C/PRK/CO/4, para. 15.

²⁶ A/60/38, para. 50.

²⁷ See General Assembly resolution 59/113 B and Human Rights Council resolution 6/24. See also letters from the High Commissioner for Human Rights dated 9 January 2006 and 10 December 2007, see <http://www2.ohchr.org/english/issues/education/training/Summary-national-initiatives2005-2009.htm>.

²⁸ The following abbreviations have been used for this document:

CESCR	Committee on Economic, Social and Cultural Rights
CCPR	Human Rights Committee
CEDAW	Committee on the Elimination of Discrimination against Women
CRC	Committee on the Rights of the Child.

²⁹ E/CN.4/2006/35, para. 81 (a).

³⁰ Ibid., para. 81 (j).

³¹ The questionnaires included in this section are those which have been reflected in an official report by a special procedure mandate-holder.

³² See (a) report of the Special Rapporteur on the right to education (A/HRC/4/29), questionnaire on the right to education of persons with disabilities sent in 2006; (b) report of the Special Rapporteur on the human rights of migrants (A/HRC/4/24), questionnaire on the impact of certain laws and administrative measures on migrants sent in 2006; (c) report of the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/4/23), questionnaire on issues related to forced marriages and trafficking in persons sent in 2006; (d) report of the Special Representative of the Secretary-General on the situation of human rights defenders (E/CN.4/2006/95 and Add.5), questionnaire on the implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms sent in June 2005; (e) report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (A/HRC/6/15), questionnaire on the human rights of indigenous people sent in August 2007; (f) report of the Special Rapporteur on trafficking in persons, especially in women and children (E/CN.4/2006/62) and the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2006/67), joint questionnaire on the relationship between trafficking and the demand for commercial sexual exploitation sent in July 2005; (g) report of the Special Rapporteur on the right to education (E/CN.4/2006/45), questionnaire on the right to education for girls sent in 2005; (h) report of the Working Group on mercenaries (A/61/341), questionnaire concerning its mandate and activities sent in November 2005; (i) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/4/31), questionnaire on the sale of children's organs sent on July 2006; (j) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/7/8), questionnaire on assistance and rehabilitation programmes for child victims of sexual exploitation sent in July 2007; (k) report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises (A/HRC/4/35/Add.3), questionnaire on human rights policies and management practices; (l) report of the Special Rapporteur on the right to education (A/HRC/8/10), questionnaire on the right to education in emergency situations sent in 2007; (m) Report of the Special Rapporteur on the right to education (June 2009) (A/HRC/11/8), questionnaire on the right to education for persons in detention; (n) Report of the Independent Expert on the question of human rights and extreme poverty to the eleventh session of the HRC (June 2009) (A/HRC/11/9), questionnaire on Cash Transfer Programmes sent in October 2008; (o) Report of the Special Rapporteur on Violence against Women, (June 2009) A/HRC/11/6, questionnaire on violence against women and political economy.

³³ A/HRC/10/16.

³⁴ A/63/332, para. 11.

³⁵ Ibid., para. 59.

- ³⁶ Ibid., para. 58.
- ³⁷ Ibid., para. 2.
- ³⁸ Ibid., summary.
- ³⁹ A/HRC/10/18, para. 21.
- ⁴⁰ A/HRC/7/20, para. 15.
- ⁴¹ A/63/322, para. 46.
- ⁴² A/60/38, para. 53.
- ⁴³ E/2004/22, para. 522.
- ⁴⁴ A/60/38, paras. 41-42.
- ⁴⁵ Ibid., para. 55.
- ⁴⁶ E/2004/22, paras. 528, 548.
- ⁴⁷ A/HRC/10/18, para. 42. See also E/CN.4/2006/35, para. 24; A/60/306, paras. 39-40.
- ⁴⁸ CRC/C/PRK/CO/4, para. 19.
- ⁴⁹ E/CN.4/2006/35, para. 29.
- ⁵⁰ CRC/C/PRK/CO/4, para. 20.
- ⁵¹ E/2004/22, paras. 534, 555.
- ⁵² A/HRC/10/18, para. 23. See also A/63/332, para. 5.
- ⁵³ A/HRC/7/20, para. 26.
- ⁵⁴ A/56/2001, para. 86 (4), (13).
- ⁵⁵ A/HRC/10/5/Add.1, paras. 46-47
- ⁵⁶ E/CN.4/2006/56, para. 188.
- ⁵⁷ A/62/264, para. 58.
- ⁵⁸ CRC/C/PRK/CO/4, paras. 23-24.
- ⁵⁹ A/HRC/4/15, para. 13.
- ⁶⁰ A/HRC/10/18, para. 24.
- ⁶¹ A/HRC/10/18, para. 21. See also A/60/306, para. 19.
- ⁶² A/63/332, para. 5.
- ⁶³ A/56/2001, para. 86 (16).
- ⁶⁴ Follow-up response provided by the Democratic People's Republic of Korea, CCPR/CO/72/PRK/Add.1 (2002), paras. 1-3.
- ⁶⁵ CRC/C/PRK/CO/4, paras. 31, 32 (a)-(c).
- ⁶⁶ Ibid., para. 36.
- ⁶⁷ E/CN.4/2006/52/Add.1, paras. 62-63.
- ⁶⁸ Ibid., paras. 62-63.
- ⁶⁹ A/HRC/4/33/Add.1, p. 78; E/CN.4/2006/52/Add.1, para. 63.
- ⁷⁰ A/HRC/10/18, para. 42. See also E/CN.4/2006/35, para. 24; A/60/306, paras 39-40.
- ⁷¹ CRC/C/PRK/CO/4, paras. 67-68.
- ⁷² 2008 report of the Secretary General on the situation of human rights in the Democratic People's Republic of Korea, A/63/332, para. 53.
- ⁷³ CRC/C/PRK/CO/4, paras. 67-68.
- ⁷⁴ A/HRC/10/18, para. 25. See also A/63/332, para. 4.
- ⁷⁵ E/2004/22, paras. 518, 537.

⁷⁶ A/56/2001, para. 86 (15).

⁷⁷ A/HRC/10/18, para. 53.

⁷⁸ CRC/C/PRK/CO/4, paras. 70-71, 73.

⁷⁹ A/HRC/7/20, para. 40.

⁸⁰ A/HRC/10/18, para. 32.

⁸¹ A/HRC/7/20, para. 42.

⁸² A/HRC/4/15, para. 59.

⁸³ CRC/C/PRK/CO/4, paras. 34-35, 37 (f).

⁸⁴ E/2004/22, paras. 529, 550.

⁸⁵ A/63/332, para. 53.

⁸⁶ A/HRC/10/18, para. 35. See also E/CN.4/2006/35, para. 13; A/61/349, para. 21.

⁸⁷ A/56/2001, para. 86 (20).

⁸⁸ A/63/332, para. 4.

⁸⁹ A/HRC/10/18, para. 33. See also A/HRC/4/15, para. 16; E/CN.4/2006/35, para. 19; A/60/306, para. 36; A/61/349, para. 30.

⁹⁰ A/56/2001, para. 86 (22).

⁹¹ CCPR/CO/72/PRK/Add.1 (2002), paras. 4-6.

⁹² A/HRC/4/15, para. 14.

⁹³ A/HRC/10/18, para. 29.

⁹⁴ A/56/2001, para. 86 (23).

⁹⁵ CCPR/CO/72/PRK/Add.1 (2002), paras. 7-10.

⁹⁶ A/56/2001, para. 86 (24).

⁹⁷ CCPR/CO/72/PRK/Add.1 (2002), para. 11.

⁹⁸ UNCT in the Democratic People's Republic of Korea submission to the UPR, p. 3. See also United Nations Statistics Division coordinated data and analyses, available at <http://mdgs.un.org/unsd/mdg>.

⁹⁹ A/HRC/10/18, para. 40. See also, A/HRC/7/20, para. 36; E/CN.4/2006/35, para. 22; A/60/306, para. 37; A/61/349, para. 33.

¹⁰⁰ A/HRC/7/20, para. 8.

¹⁰¹ A/56/2001, para. 86 (25).

¹⁰² CRC/C/PRK/CO/4, para. 13.

¹⁰³ A/56/2001, para. 86 (11).

¹⁰⁴ E/2004/22, paras. 523, 543.

¹⁰⁵ UNCT in the Democratic People's Republic of Korea submission to the UPR, p. 3.

¹⁰⁶ A/60/38, p. 32.

¹⁰⁷ A/HRC/7/20, para. 35.

¹⁰⁸ A/HRC/10/18, para. 41. See also A/HRC/7/20, para. 13.

¹⁰⁹ CRC/C/PRK/CO/4, paras. 60-61.

¹¹⁰ UNCT in the Democratic People's Republic of Korea submission to the UPR, p. 2.

¹¹¹ CRC/C/PRK/CO/4, paras. 50-51.

¹¹² UNCT in the Democratic People's Republic of Korea submission to the UPR, p. 5.

¹¹³ A/60/38, p. 60.

- ¹¹⁴ A/63/332, para. 6.
- ¹¹⁵ UNCT in the Democratic People's Republic of Korea submission to the UPR, p. 2.
- ¹¹⁶ E/2004/22, paras. 527 and 530.
- ¹¹⁷ A/63/322, para. 62.
- ¹¹⁸ E/CN.4/2006/35, para. 31.
- ¹¹⁹ A/HRC/4/30/Add.1, paras. 20-21
- ¹²⁰ E/2004/22, paras. 532, 552-553.
- ¹²¹ UNCT in the Democratic People's Republic of Korea submission to the UPR, p. 3.
- ¹²² United Nations Statistics Division coordinated data and analyses, available at <http://mdgs.un.org/unsd/mdg>.
- ¹²³ A/63/332, para. 51.
- ¹²⁴ E/2004/22, para. 516.
- ¹²⁵ A/60/38, paras. 31-32.
- ¹²⁶ UNCT in the Democratic People's Republic of Korea submission to the UPR, p. 2.
- ¹²⁷ A/HRC/4/15, para. 33.
- ¹²⁸ A/HRC/10/18, para. 46.
- ¹²⁹ CRC/C/PRK/CO/4, paras. 52, 54 (a)-(d).
- ¹³⁰ E/2004/22, paras. 524, 544.
- ¹³¹ A/60/38, para. 60.
- ¹³² A/HRC/10/18, para. 38. See also A/HRC/7/20, para. 29; A/HRC/4/15, para. 22.
- ¹³³ A/HRC/10/18, para. 43. See also A/HRC/7/20, para. 29; A/HRC/4/15, paras. 24-27; A/60/306, paras. 26-31; A/61/349, para. 20.
- ¹³⁴ CRC/C/PRK/CO/4, paras. 56-57.
- ¹³⁵ Ibid., paras. 3 (a)-(c), 44-45.
- ¹³⁶ A/HRC/7/20, para. 39.
- ¹³⁷ UNCT in the Democratic People's Republic of Korea submission to the UPR, p. 1.
- ¹³⁸ Ibid., p. 4. See also UNICEF, Analysis of the situation of children and women in the Democratic People's Republic of Korea, Korea, 2006, p. 40, available at <http://www.unicef.org/publications/files>.
- ¹³⁹ CRC/C/PRK/CO/4, paras. 53, 55 (a)-(d).
- ¹⁴⁰ Government of the Democratic People's Republic of Korea and UNICEF Master Plan of Operations, Country Program of Operations 2004-2006, p. 4.
- ¹⁴¹ E/2004/22, paras. 517, 533.
- ¹⁴² A/HRC/10/18, para. 48.
- ¹⁴³ A/62/318, para. 44.
- ¹⁴⁴ CRC/C/PRK/CO/4, para. 18.
- ¹⁴⁵ A/61/299.
- ¹⁴⁶ CRC/C/PRK/CO/4, para. 33.
- ¹⁴⁷ Ibid., para. 65.
- ¹⁴⁸ Ibid., para. 74.
- ¹⁴⁹ E/2004/22, para. 536.