



# Convention on the Rights of the Child

Distr.: General  
25 September 2017

Original: English

---

## Committee on the Rights of the Child Seventy-sixth session

### Summary record of the 2236th meeting\*

Held at the Palais Wilson, Geneva, on 20 September 2017, at 10 a.m.

Chair: Ms. Winter

## Contents

Consideration of reports of States parties (*continued*)

*Fifth periodic report of the Democratic People's Republic of Korea*

---

\* No summary record was prepared for the 2235th meeting.

---

This record is subject to correction. Corrections should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of the present record to the Documents Management Section (DMS-DCM@un.org).

Any corrected records of the public meetings of the Committee at this session will be reissued for technical reasons after the end of the session.

GE.17-16594 (E) 220917 250917



\* 1 7 1 6 5 9 4 \*

Please recycle The recycling symbol, consisting of three chasing arrows forming a triangle.



*The meeting was called to order at 10 a.m.*

**Consideration of reports of States parties** (*continued*)

*Fifth periodic report of the Democratic People's Republic of Korea (CRC/C/PRK/5; CRC/C/PRK/Q/5; and Add.1)*

1. *At the invitation of the Chairperson, the delegation of the Democratic People's Republic of Korea took places at the Committee table.*
2. **Mr. Han** Tae Song (Democratic People's Republic of Korea) said that his Government considered the protection and promotion of the rights and welfare of children to be a top priority. During the period covered by the report, his country had adopted a series of legislative and practical measures to that end which were detailed in the report and in the written replies.
3. His Government, in its efforts to protect children's rights, had faced challenges stemming from sanctions imposed by outsiders, including the United Nations Security Council. The sanctions and the accompanying economic blockade interfered with the production not only of educational materials but also of food, thus threatening children's right to survival. Furthermore, most cooperation activities between his country and international organizations and humanitarian actors working on behalf of children were shrinking in scope or had been discontinued. The sanctions contravened the spirit of the Convention and must be lifted without delay.
4. Despite the challenges they faced, his compatriots were making strenuous efforts to carry out the five-year Strategy for the Development of the National Economy for the period 2016-2020, which would in turn facilitate the implementation of the Convention. His Government did realize, however, that there was room for improvement in that respect, especially in areas such as education and health care. His Government valued international cooperation, including technical and humanitarian assistance, and believed that such activity should not be politicized. It was committed to cooperating fully with the international community in protecting and promoting human rights, including those of children.
5. **Ms. Sandberg** (Coordinator, Country Task Force) said that the State party was to be commended for its recent progress in the protection and promotion of children's rights. Welcome developments included the ratification of the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography in 2014 and the adoption of new legislation, including the 2010 Act on the Protection of the Rights of the Child. She wished to know whether that law covered all the rights of children, including the right to freedom from violence and to protection from various forms of exploitation. She wondered whether detailed plans and strategies were in place for its implementation, whether any information in that connection was publicly available, and whether the Government had received assessments of the law's effectiveness from other bodies or associations, including non-governmental organizations (NGOs) and children's groups.
6. She would be interested to learn whether the National Programme of Action for the Welfare of Children for the period 2011-2020 was comprehensive or covered only issues related to health, food and education. For example, did it cover the protection of children from violence, trafficking and use as labour? Did the State party intend to publish information on progress in the Plan's implementation? She would also like to know whether the State party planned to appoint a high-level body to coordinate implementation of the Action Plan, and thereby the Convention, by various government entities.
7. The information in the replies about budgetary allocations for activities relating to implementation of the Convention had not indicated whether the funding for health services and education would be increased in the future. Information about the allocations for other areas, such as child protection and support for children in vulnerable situations, would also be helpful. She wondered how allocations on behalf of children were protected in times of crisis or scarce resources. If a detailed budget existed for implementation of the Action Plan, would the State party share it with United Nations agencies?

8. While the State party was to be commended for improving data collection, in many areas very little official data were publicly available. She wished to know whether the State party intended to establish a comprehensive system for collecting data on all areas of children's rights so that it could evaluate progress and plan ahead in a meaningful way.

9. The complaint mechanisms mentioned in the State party's replies seemed to be embedded in government institutions. She would like to know what the State party's timetable was for the establishment of an independent mechanism for monitoring the protection and promotion of children's rights and for handling complaints of violations. The Committee hoped that an ombudsperson for children would soon be appointed.

10. In 2014 the State party had accepted recommendations arising from the universal periodic review to disseminate international human rights standards and provide human rights education to public officials. The Committee would like to know how that work was progressing. It would also like to know whether independent organizations that monitored the protection of children's rights were encouraged to operate independently and were able to provide information that might differ from that provided by the Government without fear of reprisals.

11. She would appreciate clarification of the legal definition of a child, which should match the definition set out in the Convention — namely, every human being below the age of 18 — in order to enable all children to enjoy the Convention's protection. The Act on the Protection of the Rights of the Child still stated that childhood ended at the age of 16. Would the State party envision adjusting that definition even before completing its ongoing reform of the education system?

12. **Ms. Todorova** asked why the prohibition of discrimination contained in the Constitution and in the Act on the Protection of the Rights of the Child defined discrimination more narrowly than the Convention did. The Committee was concerned that children could suffer de facto discrimination owing to their parents' economic or social status or political views. She wondered how the *songbun* system of ascribed status influenced children's access to food and to basic services such as health care and education. Were there policies and measures in place to ensure that children whose parents belonged to different *songbun* levels or had left the country enjoyed the same life opportunities as other children? She wondered why some children attended special schools or institutions, why there were separate schools for children of non-Korean parents and to what extent children with disabilities suffered discrimination.

13. The Committee, while acknowledging the State party's efforts to improve access to education for children living in remote areas of the country, remained concerned that such children did not enjoy the same access to secondary and higher education as their peers. She would be interested to learn whether the secondary and tertiary curricula included language and computer classes and whether students at those levels had Internet access. In the light of reports of children being obliged to spend a large proportion of school time doing manual labour, the Committee would like an update on the Government's plans to prevent the forced mobilization of schoolchildren under the terms of the Act on the Implementation of Teaching Programmes of 2016.

14. The Committee would like information about the State party's efforts to improve the accessibility of school and other infrastructure for children with physical disabilities. It would also be helpful if the delegation could provide information on the measures being adopted to raise the school enrolment rate of children with sensory impairments, which stood at 8 per cent. Did such children receive any learning support? Information on the educational opportunities available to children with severe physical disabilities and those with intellectual and psychosocial disabilities was also needed.

15. It appeared that greater efforts were called for in order to ensure that lawmakers and public officials understood the principle of the best interests of the child. Were guidelines available to help those working with children or taking decisions affecting them to understand and apply the principle? It would be helpful for the delegation to provide information on the procedures to be used by judges and people's neighbourhood units in order to determine a child's best interests in given situations, such as divorce proceedings.

The State party was encouraged to provide a wide range of systematic training to sensitize all professionals who dealt with children who were faced with such situations.

16. The Committee would like to have more information on how children's views were obtained and taken into consideration, in particular in settings other than legislative bodies and schools. Did courts make use of child-friendly proceedings when dealing with juveniles and how was children's maturity level determined for the purpose of considering their views?

17. The Committee welcomed the decline in child mortality and efforts to improve the legal and strategic framework for health care for children, and she would appreciate information on the steps being taken to improve children's nutritional status.

18. **Mr. Mezmur** said that he would like to know whether all births in the State party were registered. Could parents who missed the 15-day deadline still register a birth and, if so, did they incur penalties? Were there stateless children in the State party? What was the procedure for acquiring citizenship?

19. He would appreciate information on what kinds of limitations were placed on freedom of expression and on exactly how article 16 of the Act on the Protection of the Rights of the Child restricted that freedom. The delegation was invited to provide examples of how freedom of expression was upheld in the State party and of how situations in which children were considered to have exceeded the bounds of that freedom were handled. In that context, he wished to emphasize the link between freedom of expression and freedom of association and peaceful assembly. Examples that would serve to illustrate how article 68 of the aforementioned law, which dealt with freedom of religion, was applied in the case of children would also be welcome.

20. He would appreciate hearing how violations of article 79 of the Constitution, which provided for the protection of privacy, were dealt with when they affected children. The Committee had received unconfirmed reports of phones being tapped, and he would appreciate the delegation's comments on that matter in the context of children's rights.

21. The State party was to be commended on the Supreme Court directive which established that proceedings concerning minors were not to be held in public. He would like to know more about the training provided to those involved in judicial proceedings involving minors.

22. He noted that the intra-network was installed in schools in the capital and in provincial capitals, and he would like to know how accessible it was outside those areas. He would also be interested to hear of any examples where inappropriate information had been provided to children and in what way that might have violated children's rights.

23. He wished to know whether there was an independent mechanism for the reporting of torture or ill-treatment of children. In its previous concluding observations, the Committee had recommended that the State party should undertake a comprehensive study of child abuse and neglect; he would like to know whether that recommendation had been followed up on and, if so, what the study had found. Had the State party set up a toll-free helpline for children? It was not clear from a reading of the State party's legislation whether corporal punishment was prohibited or not. The State party had accepted the recommendation made at its last Human Rights Council universal periodic review in 2014 to enact and implement legislation to prohibit corporal punishment of children in all settings, and he would like to know whether that had been done. No data had been provided on sexual abuse of children in the State party's report, so he would appreciate some information on that topic.

*The meeting was suspended at 10.45 a.m. and resumed at 11.15 a.m.*

24. **Mr. Ri Kyong Hun** (Democratic People's Republic of Korea) said that the Act on the Protection of the Rights of the Child had been adopted in response to the recommendation made in the Committee's previous concluding observations. Since its adoption, significant progress had been made in the area of children's rights. There was now a general understanding that, whereas children had previously been seen as objects of care, they were in fact rights holders and that violations of their rights would be punished.

On the question of corporal punishment, children should be fully protected, and any violations should be reported to the appropriate institution, which would then adopt suitable remedial measures.

25. The purpose of the National Plan of Action for the Well-Being of Children (2011-2020) was to promote children's well-being to the maximum extent possible. It chiefly covered children's rights in the areas of education and health. Violence and sexual abuse against children were not major social problems in his country and were not addressed in the Plan of Action. Under the Act on the Protection of the Rights of the Child, however, the commission of any such acts would be swiftly dealt with by law enforcement agencies, and any violations would be punished.

26. As described in the report and the Government's written replies to the list of issues, the State party had well-developed complaints procedures that had been set up in line with the Act on Complaints and Petitions and the relevant constitutional provisions. Those procedures were designed to protect the right of all citizens, including children, to lodge complaints. That right was additionally covered in the Act on the Protection of the Rights of the Child and, under a later amendment to the Act on Complaints and Petitions, children were to be given priority treatment in that connection. Complaints arising within the school system were registered, and the corresponding statistics were compiled at the provincial level.

27. **Ms. Sandberg** said that she would like to know whether children were aware of the complaints mechanisms available in schools and other institutions. She would be interested to know whether children were entitled to submit their complaints in any form they wished and what measures were in place to protect them from sanctions if they complained about a teacher, for example, or a law enforcement official.

28. Violence, abuse and neglect occurred in all societies and, according to reports received by the Committee, the Democratic People's Republic of Korea was no exception, even if such problems were not always visible. The Committee would like to see preventive measures included in the National Plan of Action, and she would like to encourage the State party to make an effort to raise public awareness of those issues in order to ensure children's protection.

29. **Mr. Ri Kyong Hun** (Democratic People's Republic of Korea) said that his Government would consider addressing corporal punishment in the National Plan of Action as well as in legislation.

30. Information on international human rights treaties was widely disseminated. Those instruments were covered in the curricula of primary and secondary schools, as well in tertiary educational institutions such as universities and law enforcement training academies, where students received practical instruction in how to deal with children in accordance with the Convention. The mass media also had an important role to play, and collections of human rights instruments published in book form included explanations of the principles and rights involved. The Convention, along with other human rights treaties, was also disseminated through the country's highly developed system of law education, which encompassed all levels of society, including the grassroots level, and electronically via the intra-network and local area networks

31. **Mr. Cardona Llorens** asked whether, in addition to the intra-network, children could also obtain information from the World Wide Web.

32. **Ms. Ri Hye Ryon** (Democratic People's Republic of Korea) said that children were unable to discern what information was good or bad for their development and so information from the Internet was filtered through the country's intra-network, to which all children had access.

33. **Ms. Khazova** asked whether it would be possible to make the webcast of the State party's dialogue with the Committee available to children in the Democratic People's Republic of Korea.

34. **Ms. Ri Hye Ryon** (Democratic People's Republic of Korea) said that, once the dialogue was over, the Government would inform children about the outcome of the meeting.

35. **Mr. Ri Kyong Hun** (Democratic People's Republic of Korea), referring to earlier questions regarding civil society organizations and their independence and ability to work without interference from the Government, said that numerous NGOs were active in a range of areas, including disability rights and children's rights, reproductive rights and education. They worked to raise awareness and ensure the implementation of government policies. In addition to NGOs, women and children's unions also contributed to the protection of children's rights, which was a nationwide concern. Those bodies also made recommendations to government bodies with a view to ensuring the full implementation of national policies and action plans in the field of children's rights.

36. **Ms. Ayoubi Idrissi** asked whether NGOs played a role in developing policies on the rights of the child and in drafting the State party's reports. It would also be useful to know whether children were fully represented in civil society organizations.

37. **Mr. Ri Kyong Hun** (Democratic People's Republic of Korea) said that NGOs and others were invited to provide input during the policy development process. NGOs helped to monitor the implementation of State policy and assisted the Government in its activities through their involvement, for example, in awareness-raising campaigns or by providing material and financial support in emergencies. Those tasks were carried out in strict accordance with the law and without interference from the Government.

38. The age of majority in the Democratic People's Republic of Korea was set at 16 because that was the age at which students had customarily completed their secondary education and thus become full members of society, with specific rights and responsibilities. However, the recent introduction of a 12-year education system meant that children entering primary school from 2014 onward would be 18 years old by the time they graduated from secondary school. The definition of the child would therefore be amended to bring it into line with the provisions of the Convention.

39. Under the Socialist Constitution, all citizens — including children — enjoyed the same inviolable rights, without discrimination on any grounds. Children's rights were also enshrined in the Act on the Protection of the Rights of the Child, which prohibited any form of discrimination. All children had equal access to social benefits, and specific measures had been introduced to protect the rights of children with disabilities and those living in remote areas.

40. In order to improve the living and learning conditions of children residing in institutions, a plan for the renovation and modernization of baby and children's homes and boarding schools throughout the country had been implemented in 2014-2016, and new nutritional standards and a new materials supply system had been introduced. Local people's assemblies, public health institutions and other bodies worked to promote the welfare of children in remote and rural areas. In order to ensure the equal quality of education in rural and urban areas, a number of schools and early childhood centres had been modernized, including a provincial school that currently served as a model for other institutions.

41. Following severe flooding in the northern part of the country in 2016, the Government's reconstruction efforts had prioritized child-related institutions such as schools and kindergartens. Moreover, the authorities had evacuated approximately 1,000 children who had been displaced by the flooding to a renowned children's camp. Measures had also been taken to improve the well-being of children with disabilities. The State had ratified the Convention on the Rights of Persons with Disabilities and had amended its legislation accordingly. Children with disabilities had access to special schools and classes and were provided with suitable materials, an appropriate learning environment, food and other basic necessities. Measures to raise public awareness of the contribution made to society by persons with disabilities and to promote their participation included media coverage of outstanding individuals who provided support to children with disabilities and projects undertaken by sports and cultural associations to foster the involvement of persons with disabilities while showcasing their skills and potential.

42. **The Chair** said that the issue of children living with disabilities would be discussed during the afternoon session. A number of questions remained unanswered, including those on general principles, respect for the views of the child and civil rights and freedoms.

43. **Mr. Mezmur** (Country Task Force) said that it would be useful to know whether the State party had engaged with the Government of the People's Republic of China on the issue of approximately 1,000 children outside of the territorial jurisdiction of the Democratic People's Republic of Korea who were, either de facto or de jure, stateless.

44. **Mr. Ri Kyong Hun** (Democratic People's Republic of Korea) said that provisions on nationality were set out in the Nationality Act, and the issue of citizenship fell within the sphere of responsibility of the Presidium of the Supreme People's Assembly. The State had adopted measures to prevent statelessness and dual nationality. Applications from persons wishing to become citizens of the Democratic People's Republic of Korea were submitted to the local people's security institution, which then passed the documents on for final approval by the Supreme People's Assembly. In the case of children of Chinese nationals who sought to renounce their status as citizens of the Democratic People's Republic of Korea, the parents were required to contact the Chinese consular mission in the Democratic People's Republic of Korea, or the relevant authority in China, in order to obtain a guarantee that the child would be eligible to acquire Chinese nationality. After renouncing their citizenship, such children would have to wait for up to three years to obtain their new nationality.

45. **Mr. Jang** (Democratic People's Republic of Korea) said that corporal punishment had been prohibited in schools, and a robust complaints procedure had been established for use by children in order to report cases of mental or physical abuse by teachers.

46. **Mr. Mezmur** said that he would like further information about the complaints procedure, including the types of complaints lodged and the sanctions imposed on persons found to be guilty of violations of children's rights. He also wished to know what measures had been taken to guarantee children's right to freedom of expression. What independent oversight mechanisms had been introduced to monitor the handling and investigation of cases of torture and ill-treatment involving children?

47. **Ms. Todorova** (Country Task Force) said that she would like to know what measures had been adopted to ensure that children maintained a close, personal relationship with parents who had been placed in detention or prison. What care arrangements were in place for babies or young children whose mothers had been imprisoned? She also wished to know what efforts had been made to ensure that divorced parents had equal child custody rights and that parents living abroad had regular contact with their children. On what grounds could a child be separated from his or her family and placed in institutional care? In that context, it would be interesting to know what efforts had been made to reduce the number of children living in State-run institutions and to promote alternative care arrangements, such as foster care and adoption. What steps had been taken to involve trained professionals in the decision-making process regarding children's eligibility and suitability for adoption?

48. **Ms. Skelton** (Country Task Force) said that she wished to know how many children with disabilities lived in the State party and what measures had been taken to include those children in the community and mainstream education. Was it true that legal restrictions prevented children with disabilities from living in Pyongyang and that the length of compulsory schooling for children with disabilities was shorter than it was for other children? If so, what efforts had been made to address those issues?

49. Regarding child labour, she would like to know how many hours per day primary schoolchildren spent working and what measures had been established to prevent persons from abusing the school-based labour system for their own benefit. Further information regarding efforts to prevent the forced mobilization of schoolchildren would be useful in that regard. She also wished to know how many hours per day schoolchildren spent undergoing ideological training and instruction concerning obedience to leaders. It would be interesting to know how the *songbun* social classification system influenced which schools children could attend and how children were treated by teachers. What efforts had been made to ensure that children of all socioeconomic backgrounds had free access to

education? Further information about the vocational options offered to children who did not do well academically would also be welcome. Was it true that children in labour brigades had been involved in the construction of new school buildings? Lastly, she would like to know what proportion of the national budget had been allocated to education and whether additional funding had been made available to provide the necessary resources for the extra compulsory school year that had recently been introduced.

50. **Mr. Rodríguez Reyes** (Country Task Force) said that he wished to know what measures had been adopted to lower the infant mortality rate and address the disparities in health-care provision between rural and urban areas. What steps had been taken to ensure that medicines and vaccines were readily available in all parts of the country, particularly to vulnerable or disadvantaged children? He also wished to know what efforts had been made to improve hospital infrastructure, ensure a constant water and electricity supply, and recruit sufficient numbers of paediatricians and obstetricians. Information on the policies adopted to promote breastfeeding and strengthen maternity leave provisions for working mothers would be welcome. He also wished to know what efforts had been made to address children's mental health issues, including eating disorders, depression, substance abuse, self-harming and suicidal thoughts. How many children had mental or psychosocial disabilities and what type of treatments had been made available to them? Lastly, he wished to know whether sexual and reproductive health education formed part of the national school curriculum and whether the National Strategy and Action Plan to Control Child and Maternal Malnutrition had been effective.

51. **Ms. Sandberg** said that she would be interested to learn what special protection measures had been established for children who had been returned to the country after crossing the border into China and for children born to mothers in China who had been forcibly returned to the State party. When children were returned from China, what steps were taken to identify child trafficking victims and what mechanisms were in place to ensure that children who had been trafficked were treated as victims and did not face punishment?

52. On the subject of children affected by armed conflict, she wished to know what policies had been adopted to prevent the early militarization and recruitment of children and to include peace education in the national school curriculum. Concerning child labour, she would like to know what efforts had been made to reduce the number of children working at a young age to support their families and to prohibit harmful and hazardous work for children under 18 years, particularly in the case of children working in labour brigades. As to children living on the streets, she wished to know what programmes had been introduced to support their reintegration into family and community life and to avoid their placement in institutions.

53. Regarding the administration of juvenile justice, it would be useful to know whether a specialized system had been made available for children in conflict with the law and whether their cases were dealt with by specially trained judges and prosecutors. Further clarification regarding the use of "social education" as a correctional measure for children would be welcome in that context, including information on monitoring processes in place to ensure that social education measures upheld the rights of the child. Lastly, she wished to know what measures had been established, including the use of video interviewing arrangements, to protect child victims and witnesses throughout the legal process. Had there been any reported cases of children being detained along with their parents in political prison camps?

*The meeting rose at 1 p.m.*