



Convention on the Rights of the Child

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Summary record of the 2237th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 20 September 2017, at 3 p.m.

Chair: Ms. Aho Assouma (Vice-Chair)
later: Ms. Winter

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In the absence of Ms. Winter, Ms. Aho Assouma, Vice-Chair, took the Chair.

The meeting was called to order at 3 p.m.

Consideration of reports of States parties (*continued*)

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

1. *At the invitation of the Chair, the delegation of the Democratic People's Republic of Korea took places at the Committee table.*

2. **Mr. Ri Kyong Hun** (Democratic People's Republic of Korea) said that children were asked for their consent to being adopted if they were 6 years of age or older because it was presumed that at age 6, when they began going to school, they were mature enough to formulate and express an informed opinion as to whether they wished to be adopted. Birth registration was required by law. However, parents who failed to register the births of their children within the required 15-day time frame were not penalized. It was in parents' interest to register the births of their children, as birth registration ensured that parents and their children were provided with the social services that they were entitled to.

3. **Mr. Jang Il Hun** (Democratic People's Republic of Korea) said that, contrary to what a Committee member had suggested when referring to the *songbun* system, it was by no means a policy of the Government to discriminate against people because of their economic, social or political background. Unity and equality were the bases of his country's society. Without equality, there would be no unity. Allegations that the *songbun* system was used to deny people access to health care, education and even food seemed little other than misinformation fabricated by hostile forces intent on disparaging the image and dignity of the country. There were no laws allowing a person to be discriminated against as a result of his or her family background, and it needed to be made quite clear that there was no such policy of systematic discrimination in his country. Reports that persons with disabilities were not allowed to live in Pyongyang were also completely false.

4. Nor was there any forced child labour in the Democratic People's Republic of Korea, where government officials were servants of the people. He wondered whether Committee members had ever encountered children who were forced to work by their servants.

5. **Ms. An Wol Sun** (Democratic People's Republic of Korea) said that in recent years the Ministry of Public Health had adopted a number of strategies and action plans for the promotion of children's health. They had focused on such areas as reproductive health, malaria control, newborn health, the management of childhood diseases and the reduction of maternal and child malnutrition. New institutions for the promotion of children's health, including children's homes, had also been established. Those institutions were overseen by a newly created unit of the Ministry of Public Health and were given specialized guidance by the Nursing Section of the Institute of Public Health Administration. A non-governmental organization (NGO) had been set up in 2013 to ensure that children with disabilities or living in remote areas were provided with improved services.

6. *Ms. Winter took the Chair.*

7. **Mr. Rodríguez Reyes** (Country Task Force) said that he would appreciate an explanation of the specific provisions of those strategies and action plans.

8. **Ms. An Wol Sun** (Democratic People's Republic of Korea) said that, as part of public efforts to ensure that children were properly cared for, nurseries, of which there were some 21,000, had been set up throughout the country. The highest priorities were ensuring that the children in those nurseries received nutritious food and that nursery conditions were hygienic. Child hygiene and epidemic control units made monthly visits to such facilities to ensure that hygiene standards were met. In addition, inter-agency cooperation had led to the development of new standards for the care of children living in institutions such as orphanages.

9. Efforts to combat chronic malnutrition among children had paid off, as shown by the results of nutritional surveys taken in 2009 and 2012. The rate of chronic malnutrition among children had fallen from an estimated 16.7 per cent in 2012 to 14.2 per cent in 2015.

10. There were nurseries on every large farm and within 500 metres of every large factory or other workplace; as a rule, nurseries were sited in prime locations away from rivers or major sources of noise. New nutritional standards for nurseries and kindergartens had been put in place in 2017. The Ministry of Public Health coordinated the efforts of People's Committees and other agencies responsible for providing nurseries and kindergartens with food supplies. Rice and other snacks were served to children in nurseries three times a day. There were sometimes differences between the foodstuffs available to children in facilities in urban areas and those in rural areas. In the countryside, for example, keeping goats was widely encouraged so that children would have access to a supply of fresh goat milk. Outside milking season, they were provided with soya milk. The caregivers at nurseries received proper training and were chosen carefully, and parents had the right to submit complaints if they were unhappy with the care provided to their children. Most of the country's children attended nurseries, where, in general, they received as much love as they did at home when they were with their mothers.

11. Hospitals, which had modern paediatric departments, were distributed throughout the country, and primary-health-care services were widely available. On average, the country's family physicians were responsible for treating the members of approximately 135 families each. Those doctors had access to all the information they needed about the patients under their care and were responsible for ensuring that children were vaccinated. They also provided health care and counselling to adolescents. All primary-health-care clinics were equipped to provide prenatal and postnatal care. An online connection had been established between paediatric clinics and provincial hospitals around the country and the children's hospital in Pyongyang, which provided expert advice concerning the management of childhood diseases. Ensuring that such advisory services were widely available was an example of how the Government was working to reduce maternal and child mortality. In 2014, new guidelines for the comprehensive management of childhood diseases had been adopted and, in 2015, family physicians and paediatricians had been given training in applying those guidelines. The informational material produced by the Government had contributed greatly to timely diagnoses and treatment. The implementation of recent government plans had involved the distribution to children of vitamin A and micronutrient capsules, in addition to the implementation of deworming and vaccination drives. Polio had been eradicated, vaccination drives had reached all children in the country, and the incidence of malaria had fallen considerably. In 2007, National Vaccination Day had been renamed Children's Health Day.

12. Maternity leave had recently been extended from 180 days to 240 and included two months before the expected delivery date. In some cases, women were granted additional leave to care for their children. The main reason for the extension of maternity leave had been to encourage mothers to breastfeed their children for longer periods. Trainers had been sent to all areas of the country to raise awareness about child nutrition, and doctors encouraged breastfeeding. Expectant mothers, who had traditionally tended to feed their husbands and their parents-in-law first, had been encouraged to give priority to their own needs and those of their young children. Pregnant women were entitled, by law, to perform less strenuous jobs, although they often still had to do the same amount of housework as before.

13. **Mr. Mezmur** (Country Task Force) said that, in responding to Committee members' questions, the delegation should focus on providing specific information that was not already included in the State party's written submissions.

14. **The Chair**, seconding Mr. Mezmur's view, said that she wished to invite the delegation to respond to earlier questions posed by Committee members concerning what happened to children whose parents were imprisoned, what specific grounds there were for removing children from their homes and what was meant by the acronyms "GER" and "GIR", which appeared in tables in the State party's periodic report. It would also be interesting to learn about inclusive education in the State party and about the sex education courses that were included in the curriculum. In particular, she wished to know whether the content of those courses was the same for both boys and girls and at what grade levels they were offered. In addition, she wondered whether there were any programmes to help older children deal with depression and suicidal tendencies.

The meeting was suspended at 3.50 p.m. and resumed at 4.10 p.m.

15. **Ms. An Wol Sun** (Democratic People's Republic of Korea) said that the country's medical supply system ensured that such supplies were distributed even to remote areas. All children, including those without parents, were entitled to health care under the law. More than 98 per cent of all childbirths were assisted by trained personnel. Medical facilities had access to clean water and were connected to the electricity grid. Generators were used on the rare occasions when electricity shortages led to power outages.

16. Primary responsibility for adolescent health care and health education was assumed by the Korean Association for Family Planning and Maternal and Child Health, an NGO. Family physicians also played a role in that regard.

17. **Ms. Ri Hye Ryon** (Democratic People's Republic of Korea) said that the acronyms "GIR" and "GER" stood for gross intake ratio and gross enrolment ratio, which were indicators that had been defined by the United Nations Educational, Scientific and Cultural Organization (UNESCO) and had been used to assess the impact of the Education for All National Action Plan (2005-2015). Since 2015, when an additional year had been added to primary school, there had been 12 years of compulsory education in the country.

18. Every year, students in senior secondary schools spent three weeks in the fields. The purpose of the exercise, which was an established part of the curriculum, was to enable students to put the lessons they had learned in the classroom into practice. During those three weeks, students helped farmers, planted seedlings and saplings, and learned what it meant to love their country. Requiring students to supply labour in addition to the work that they performed as part of their school curricula was prohibited by law, and there was a strict supervisory system to ensure that no such demands were placed on students. It was not true, as had been suggested by a Committee member, that children were forced to join construction brigades to help rebuild or renovate their schools. Such statements could be made only by people who did not understand the actual nature of the situation in her country.

19. **Ms. Sandberg** (Coordinator, Country Task Force) said that, in its replies to the list of issues (CRC/C/PRK/Q/5/Add.1, para. 48), the State party had said that 16- and 17-year-olds were recruited by labour brigades, where working conditions were harsh. While the State party had asserted that young people of those ages were not considered to be children under the nation's laws, it was the Committee's view that persons of those ages should not be considered adults.

20. **Ms. Ri Hye Ryon** (Democratic People's Republic of Korea) said that secondary school graduates of 16 or 17 years of age, who were not defined as children under the law, could volunteer to serve in labour brigades. They were not forced to serve. They volunteered because they wanted to make a contribution to the building of the nation.

21. **Ms. Sandberg** said that children under the age of 18 should not be working in what amounted to hazardous conditions. Noting that the State party proposed to raise the school leaving age to 18 in 2026, she wished to know whether it would consider enacting that proposal at an earlier date in order to ensure that persons under the age of 18 did not join the labour brigades.

22. **Ms. Ri Hye Ryon** (Democratic People's Republic of Korea) said that, after leaving secondary school, children could enter further or higher education but could not start working without first undergoing technical or vocational training and obtaining a licence. Working conditions were governed by the country's labour laws.

23. In response to the question on the time allocated in the school curriculum to ideological instruction, she would like to point out that every country was free to decide what to teach its young people and how they should be taught. Ideology was taught in the Democratic People's Republic of Korea because it was considered to be important, but other subjects were taught as well. Children were taught about military affairs in school because hostile foreign forces posed a threat to the country and it was considered to be the duty of every citizen, including children, to defend it. Pupils studied a wide range of subjects to ensure that they would be ready to contribute to society.

24. Since 2008, information technology and foreign language courses had been taught from the third year of primary school up to and including the final year of secondary school. Children took courses on sexual and reproductive health at school and also learned about such matters from their parents and family doctor. In collaboration with the Ministry of Public Health and the Korean Association for Family Planning and Maternal and Child Health, the Education Commission published material on matters related to sexual and reproductive health.

25. **Ms. Sandberg** said that she wished to know how the Government prevented children from being recruited into the armed forces and whether peace education was part of the school curriculum.

26. **Ms. Ri Hye Ryon** (Democratic People's Republic of Korea) said that children were not recruited into the army but could choose to join it when they left school. The age at which they normally joined was 17 or 18. Peace education was taught in schools in accordance with target 7 of Sustainable Development Goal 4.

27. **Mr. Cardona Llorens** said that he wished to know whether peace education was part of the curriculum and whether it was taught as a subject in its own right or through other subjects.

28. **Ms. Ri Hye Ryon** (Democratic People's Republic of Korea) said that, depending on the age of the children, peace education was taught through other subjects such as moral law, the Korean language and mathematics.

29. **Ms. Sandberg** said that she would appreciate it if the delegation's responses to the Committee's questions on child labour included information on children who were required to work in order to support their families. She would also be interested to hear the delegation's comments on reports that children sometimes undertook fieldwork for longer than the three weeks stipulated by law.

30. **Ms. Ri Hye Ryon** (Democratic People's Republic of Korea) said that children were prohibited by law from undertaking field practice for longer than the stipulated period. When schools committed a serious breach of that law, the authorities punished the teachers concerned by suspending, demoting or dismissing them. In less serious cases, meetings were held to reprimand teachers and inform them of the regulations. A supervisory mechanism existed in order to ensure that the regulations were enforced. The delegation was unaware of any cases in which children were required to work in order to support their families.

31. **Mr. Pak Kwang Ho** (Democratic People's Republic of Korea) said that children whose parents were sent to reform institutions were assisted by their neighbours and relatives. Unless it would be contrary to their best interests, children were entitled by law to contact their incarcerated parents at any time. All children whose parents were unable to look after them were taken into State care. One such child had been placed in a State boarding school in Pyongyang because one of his parents had died and the other had been placed in detention. The child in question had been such an excellent student that he had been invited to present flowers to the Supreme Leader at the national celebration of the Children's Union.

32. Under the Code of Criminal Procedure, women could not be arrested or detained or, if they had been sentenced, their sentences had to be suspended, if they were due to give birth within three months or if they had given birth within the past seven months. Even after the latter period had elapsed, if special circumstances so warranted, mothers would not be arrested or detained and mothers who had been sentenced could apply to have their sentence suspended for a further period.

33. Couples who wished to obtain a divorce were first required to attend counselling sessions to help them to find a way of resolving their differences. Applications for divorce were dismissed if the judge determined that there were insufficient grounds for divorce or that the decision to file for divorce had been taken impulsively. In deciding which parent should have custody of a child, the courts assessed the character and integrity of the parents, their economic circumstances and the best interests of the child, among other factors. The custody of children under the age of 3 was awarded to the mother unless circumstances

dictated otherwise. Following a divorce, the non-custodial parent was required to pay the other parent a child support allowance equal to between 10 and 30 per cent of his or her monthly income until the child reached working age. If there was any significant change in the circumstances of the parties concerned, the amount and time period for which child support was payable could be adjusted.

34. Children who crossed the border illegally and were then repatriated were not mistreated. For many years, persons living near the Chinese border had crossed that border to visit relatives in China. During the period of economic hardship in the 1990s, the number of persons crossing the border for economic reasons had increased. Although some of those persons had crossed the border illegally, they had received a warning but had not been punished, even when they had stayed abroad for several months.

35. **Mr. Cardona Llorens** said that he wished to know whether, in accordance with article 10 of the Convention, children had the right to visit parents who lived outside the country.

36. **Mr. Pak Kwang Ho** (Democratic People's Republic of Korea) said that, in certain circumstances, children enjoyed a constitutional right to visit their parents when both parents lived abroad. However, the situation was more complicated when the parents had committed offences in the country before crossing the border illegally or had committed offences abroad and had then been repatriated. As in other countries, such persons were punished by the courts. As a result of plots hatched by hostile forces, a number of children had been induced to cross the border illegally during the reporting period. Following thorough investigations of their cases, sanctions had been imposed on the adult perpetrators but not on the children. Although human trafficking did not take place in the Democratic People's Republic of Korea, the authorities of the Republic of Korea consistently hatched plots to abduct children from the border area in order to tarnish the image of the Democratic People's Republic of Korea. In one such case, the plotting of the authorities of the Republic of Korea had resulted in nine boys and girls being abducted and taken to the Republic of Korea. The children in question had been brought back home and had attended excellent schools before going on to university. In another case, 12 girls had been abducted and taken to the Republic of Korea.

37. **Ms. Todorova** (Country Task Force) said that, based on the figures provided by the delegation, each of the 41 residential centres for children recently built in the State party housed around 400 children. There was overwhelming evidence that it was in the best interests of the child to place children in family-based, rather than institutional, care. The delegation had referred to a boy placed in boarding school following the death of one of his parents and the detention of his other parent. She asked what measures had been taken to ensure that he and his surviving parent could keep in contact and that he was ultimately returned to his family of origin.

38. **Mr. Mezmur** said that he was grateful to the delegation for its responses. He wondered whether the State party had any information on the large number of children of nationals of the State party who were currently residing in China and had been unable to obtain citizenship status from the Democratic People's Republic of Korea. Did the State party have any plans to address that issue?

39. **Ms. Aldoseri** asked whether the national authorities had developed effective mechanisms for reporting violations of children's rights committed by members of the State security forces while performing their duties, whether data were kept on the various types of such violations that were committed and whether security personnel received training in how to deal with children.

40. **Mr. Pak Kwang Ho** (Democratic People's Republic of Korea) said that measures had been put in place to prevent violations of children's rights by State security officials. Furthermore, the issue was explicitly addressed in the Criminal Code and the Code of Criminal Procedure, both of which guaranteed the human rights of children in the context of criminal cases. Under the Code of Criminal Procedure, investigating officials had to be accompanied by a clerk and, under specified circumstances, two observers when carrying out interviews of minors and were required to make video recordings of all such interviews. A mechanism for reporting human rights violations by security officials had been put in

place. Individuals found guilty of such offences faced administrative sanctions, including demotion and dismissal. Where an interview had been carried out without a legal warrant, or where elements of a case had been fabricated or exaggerated, the official responsible could be sentenced to a term of corrective labour of over five years. Prosecutors' offices strictly supervised security officials who were carrying out investigations and preliminary examination procedures. Detention facilities and reform institutions were frequently inspected by prosecutors, and prosecutors were responsible for receiving complaints from child detainees and resolving them within 72 hours.

41. **Mr. Ri Kyong Hun** (Democratic People's Republic of Korea) said that reports concerning child nationals of the State party currently residing in China had not been confirmed. Such children would be free to live in China on the condition that they had obtained permission to do so from the Chinese authorities. However, any child living in China and wishing to obtain Chinese citizenship would first have to give up his or her original nationality, as Chinese law did not provide for dual nationality. An application to renounce citizenship in the Democratic People's Republic of Korea would have to be submitted to its consular services, which would then forward it to the Presidium of the Supreme People's Assembly for consideration.

42. **Ms. Ayoubi Idrissi** asked what the phrase "cross the border illegally" actually meant in the context of the State party, given that the principle of freedom of movement was enshrined in its Constitution.

43. **Mr. Pak Kwang Ho** (Democratic People's Republic of Korea) said that, under the Constitution, all citizens had the right to travel abroad freely, on the condition that they complied with the relevant provisions of the Immigration Act.

44. **Mr. Jong Song Il** (Democratic People's Republic of Korea) said that, in order to legally cross the border into China, citizens of the State party must first obtain a valid passport or travel document. Reports of large numbers of children from the State party residing in China were unsubstantiated.

45. There had been no reports of the torture or ill-treatment of children by State security personnel; such acts were strictly prohibited by law.

46. Civil society and non-governmental organizations, such as the Association for Human Rights Studies and the Korean Federation for the Protection of Persons with Disabilities, played a major role in promoting and protecting children's rights in the State party. The latter body had been heavily involved in drafting the State party report currently under consideration and had recommended that the Government should sign and ratify the Convention on the Rights of Persons with Disabilities. That recommendation had already been acted upon. The Special Rapporteur on the rights of persons with disabilities had visited the State party in early January 2017 and had met with high-ranking government officials working in the fields of education, foreign affairs and public health. The State party had taken note of her recommendations on the inclusion of persons with disabilities in society at large.

47. Since 1995, the Democratic People's Republic of Korea had received valuable humanitarian assistance in the form of food, medicine and training for medical staff from the United Nations Children's Fund (UNICEF), the World Health Organization (WHO), the World Food Programme (WFP) and the United Nations Population Fund (UNFPA). However, in recent times, levels of cooperation had fallen sharply, due in no small measure to the inhumane sanctions unilaterally imposed by the United States of America and those emanating from the Security Council.

48. **Mr. Rodríguez Reyes** asked what policies had been put in place to address the issue of HIV/AIDS in the State party.

49. **Ms. Skelton** (Country Task Force) asked whether the authorities intended to amend the country's laws to provide for inclusive education services and whether the State party's education system prepared children for responsible life in accordance with the provisions of article 29 (1) (d) of the Convention. Additional information on any plans to increase the apparently small education budget would be welcome.

50. **Ms. Todorova** said that, according to the State party report currently under consideration (CRC/C/PRK/5, para. 103), all citizens of the State party and foreign nationals were entitled to enter or leave the country upon presentation of duly issued travel documents, and minors accompanied by adults did not need to carry separate documents. In the light of the above, she wondered whether travel documents and passports were ever issued to children. Allowing undocumented minors to travel abroad would surely be dangerous. She would also like to know whether the State party planned to join the International Labour Organization (ILO).

51. **Ms. An Wol Sun** (Democratic People's Republic of Korea) said that, upon entry into the State party, travellers underwent a preliminary medical inspection, with a follow-up inspection being carried out one to two months later. Medical personnel also carried out activities designed to prevent HIV/AIDS from being introduced into the country.

52. **Ms. Ri Hye Ryon** (Democratic People's Republic of Korea) said that the Government intended to promote inclusive education for children with disabilities and would adapt the education system accordingly. Efforts were ongoing to encourage deaf-mute children to attend mainstream schools rather than specialized educational establishments. The national authorities were working to replicate the family environment in residential facilities for children, as well as to promote adoption as an alternative to institutional residential arrangements.

53. **Ms. Aho Assouma** asked whether a system for the early detection and diagnosis of fetal malformations had been put in place. She would like to know why boys aged under 15 years were not protected under article 281 of the Criminal Code, which referred only to punishment for men engaging in sexual relations with girls under 15 years of age. Information on any legal provisions of a similar nature that covered minors between the ages of 15 and 18 years would be welcome.

54. **Mr. Pak Kwang Ho** (Democratic People's Republic of Korea) said that girls matured at varying ages, but 15 years was the overall average, so that was why that age was cited in the law in question.

55. **Ms. An Wol Sun** (Democratic People's Republic of Korea) said that there was no screening system in place for the detection of fetuses with malformations.

56. **Mr. Jang Il Hun** (Democratic People's Republic of Korea) said that there were no employer associations in the State party, and membership in ILO would therefore be problematical. Moreover, the State party did not currently believe that it would be necessary or beneficial to join that organization. However, the national authorities were familiar with the contents of many ILO instruments and strictly enforced the provisions of the Worst Forms of Child Labour Convention, 1999 (No. 182).

57. **Mr. Pak Kwang Ho** (Democratic People's Republic of Korea) said that, between 2014 and 2016, social education measures had been instituted in the cases of 13 children. Those measures were applied for periods of from one to three years, did not prevent the child concerned from attending school or participating in extracurricular activities and did not constitute a punishment or involve surveillance. The children concerned were exempt from criminal responsibility and enjoyed all their civil rights. Their families, schools and other social organizations must report on their progress to the security services twice a year. When a parent had committed an offence, his or her children were not held to be guilty by association and were not punished.

58. In line with instructions issued by the Central Court, hearings related to cases involving children could be attended only by individuals who were parties in the relevant case. Under certain circumstances, children could request to testify remotely or through a proxy who would be physically present in the courtroom.

59. **Ms. Sandberg** asked how cases of children who had committed serious offences were handled.

60. **Mr. Pak Kwang Ho** (Democratic People's Republic of Korea) said that children in the State party were not exposed to negative social phenomena, such as violence or pornography, which might lead them to commit serious offences. Moreover, from an early

age, minors benefited from family and social education designed to develop sound moral principles. Consequently, there were no recorded instances of children having committed a serious offence.

61. **Ms. Ri Hye Ryon** (Democratic People's Republic of Korea) said that the education budget had been gradually increased over the past few years in order to prepare for the introduction of the 12-year compulsory education system. The Government did everything possible to ensure that children grew up in a peaceful, non-discriminatory environment. School curricula and extracurricular activities helped to inculcate concepts such as peace, gender equity and non-discrimination.

62. **Ms. Sandberg** (Coordinator, Country Task Force) said that the delegation had clarified a number of issues during what had been a quite useful interactive dialogue. However, it was hard to believe that children faced so few problems in the Democratic People's Republic of Korea. She would hope that the delegation would agree that the mere existence of legislation was not a guarantee that violations of children's rights did not occur. The Committee would have liked to receive answers to its questions on data collection because it believed that information concerning the situation on the ground was a crucial basis for action.

63. Unfortunately, there had not been enough time to discuss the issue of children's freedom of expression and their participation in the development of policies and practices; children had a great deal to contribute when they were free to speak. It was also regrettable that there had not been a greater opportunity to discuss the problem of violence. Perhaps more should be done to detect instances in which children were victims of violence in the State party so that such problems could be addressed and dealt with.

64. She hoped that when the Committee had issued its concluding observations, the authorities would look upon them favourably, take those observations as an attempt to assist them in improving the situation for children in the country and act upon them accordingly.

65. **Mr. Ri Kyong Hun** (Democratic People's Republic of Korea) said that the dialogue with the Committee had been both open and constructive and constituted a valuable contribution to efforts to promote and protect children's rights in the State party. Appropriate measures would be taken to act upon the Committee's concluding observations following due consideration. Cooperation with the Committee would continue, and the Convention would be faithfully implemented in order to safeguard the best interests of children in the Democratic People's Republic of Korea.

66. **The Chair** said that all countries were affected by issues relating to child development, and it was very important to involve children in decision-making processes. The Committee looked forward to receiving information on the implementation of its recommendations in due course.

The meeting rose at 5.55 p.m.