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on Civil and
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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT

Initial reports of States parties due in 1982

Addendum*

DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

[2 April 1984]

1. The present report is submitted as an addendum to the initial report submitted by the Government of the Democratic People's Republic of Korea to the Human Rights Committee under article 40 of the International Covenant on Civil and Political Rights.

Article 1

2. The underlying idea of the foreign policy pursued by the Democratic People's Republic of Korea is independence, friendship and peace.

3. Article 16 of the Socialist Constitution of the Democratic People's Republic of Korea stipulates that:

"The Democratic People's Republic of Korea is completely equal and independent in its relations with foreign countries."

4. The Democratic People's Republic of Korea attaches particular importance to self-determination of the people in its foreign relations.

* This report contains supplementary information submitted by the Government of the Democratic People's Republic of Korea. The initial report of the Democratic People's Republic of Korea is contained in document CCPR/C/22/Add.3.

"The State establishes diplomatic as well as political, economic and cultural relations with all countries that are friendly towards our country, on the principles of complete equality, independence, mutual respect, non-interference in each other's internal affairs and mutual benefit" (article 16 of the Constitution).

5. The Democratic People's Republic of Korea permits no foreign country to infringe upon its national interests or interfere in its internal affairs.

6. The Democratic People's Republic of Korea maintains the principle that reunification of Korea should be solved peacefully, free from outside interference, by the Korean people themselves after the withdrawal of foreign forces from South Korea. The Democratic People's Republic of Korea fully supports all the peoples in the world in their struggle for their national independence and for the creation of new societies.

7. The Democratic People's Republic of Korea stands opposed to the policy of apartheid of the racist régime in South Africa and fully supports right of peoples of Namibia and Palestine to self-determination.

Articles 2 and 26

8. The Democratic People's Republic of Korea directs special attention to the respect and protection of individual as stated in article 2 of the Covenant.

9. All citizens in the Democratic People's Republic of Korea enjoy equal rights in political, economic and cultural and all other spheres of State and public activity, irrespective of sex, race, occupation, length of residence, property status and education, party affiliation, political views and religion (articles 51 and 52 of the Constitution).

Article 3

10. "Women hold equal social status and rights with men.

"The State affords special protection to mothers and children through maternity leave, shortened working hours for mothers of large families, expanded maternity hospitals, nurseries and kindergartens and other measures" (article 62 of the Constitution).

11. The Democratic People's Republic of Korea gives great importance to the establishment of necessary conditions for the realization of principle of equal rights for men and women. To this end numerous laws have been enacted, inter alia, "Law on Equal Right for Men and Women" 30 July 1946), "Public Health Law" (3 April 1980), "Law on the Nursing and Bringing up of Children" (29 April 1976).

Article 6

12. Citizens of the Democratic People's Republic of Korea are granted rights to be protected.

13. Under the Criminal Law of the Democratic People's Republic of Korea sentence of death is excluded from the list of basic punishment. Sentence of death is considered as an exceptional punishment and may be imposed for such most serious criminal as espionage and premeditated murder.

"In extraordinary cases, exceptionally an espionage offence and an international murder may incur the reformatory labour penalty up to the term of 15 years or a death sentence according to the circumstance" (article 30 of the Criminal Law).

Article 7

14. In the Democratic People's Republic of Korea, no one is subjected to torture or to cruel, inhuman or degrading treatment or punishment.

The Criminal Law of the Democratic People's Republic of Korea states that a person who illegally put a person under restraint or forces him to make a statement and fabricates a case shall be sentenced to not more than one year reformatory labour.

15. Anyone, arrested or detained on a criminal charge, has the rights to appeal against his arrest or detention to a higher court and also the right to take his trial or to be released according to the judgement by the higher court.

Any citizen has rights to claim remedies for damages incurred during his arrest or detention, once his arrest or detention is found unlawful (Code of Criminal Procedure).

Article 9

16. The right to liberty and security of person is affirmed in the Constitution.

17. No one may be arrested except by law (article 64 of the Constitution).

18. Any one who is arrested shall be informed at the time of arrest, of the reason for his arrest and charges against him (Code of Criminal Procedure).

Article 10

19. "Penalties are aimed at re-educating criminals to refrain from repeating offences and at getting citizens to observe voluntarily the State laws and regulations" (the Criminal Law).

20. Prisoners in the Democratic People's Republic of Korea are under restraint for the time being for their own criminal acts, but they enjoy full treatment as human beings and re-educate and reform themselves.

21. The Code of Criminal Procedure provides that the accused persons shall keep their legal status on freedom and rights and be accorded treatment as citizens.

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22. The Criminal Law of the Democratic People's Republic of Korea stipulates that only those offenders who are at the age of 18 or more at the time of offence shall be subjected to legal punishment.

Article 12

23. Citizens in the Democratic People's Republic of Korea are legally ensured the right to liberty of movement and freedom to choose their residence.

24. Article 50 of the Socialist Constitution of the Democratic People's Republic of Korea states that the State effectively guarantees genuine democratic rights and liberties as well as the material and cultural well-being of all citizens.

25. Under this provision of the Constitution, citizens of the Democratic People's Republic of Korea have the right and liberty to choose and move residences within the territory of the Democratic People's Republic of Korea.

26. Citizens of the Democratic People's Republic of Korea residing in foreign countries are lawfully ensured their return home and entry into the Democratic People's Republic of Korea and this is now realized in practice.

Article 14

27. All citizens of the Democratic People's Republic of Korea enjoy equal rights and protection before laws under the Socialist Constitution of the Democratic People's Republic of Korea.

28. Article 140 of the Socialist Constitution of the Democratic People's Republic of Korea states that in administering justice, the Court is independent and judicial proceedings are carried out in strict accordance with the law.

29. Cases are heard in public.

30. The Socialist Constitution also states that the accused is guaranteed the right of defence, judicial proceedings are conducted in the Korean language and that foreign citizens may use their own languages during court proceedings, so that the accused are provided with the democratic rights in getting the adjudication of his acts.

Article 15

31. The laws of the Democratic People's Republic of Korea stipulate that no one shall incur penal liability for an act which was not subject to a penalty under the law at the time of its commission.

32. The laws of the Democratic People's Republic of Korea also provide that in case a new law abrogates the application of punishment or commutes punishment, the new law shall also be applied to the acts performed.

Article 17

33. The citizens in the Democratic People's Republic of Korea are guaranteed inviolability of the person and the home and privacy of correspondence by law.

34. Article 64 of the Socialist Constitution of the Democratic People's Republic of Korea stipulates that "citizens are guaranteed inviolability of the person and the home and privacy of correspondence".

Article 18

35. Freedom of religion is ensured in the Democratic People's Republic of Korea by the Constitution.

Article 54 of the Socialist Constitution of the Democratic People's Republic of Korea states that "citizens have freedom of religious belief and freedom of anti-religious propaganda."

Article 19, 21 and 22

36. "Citizens have freedom of speech, the press, assembly association and demonstration.

"The State guarantees conditions for the free activities of democratic political parties and social organizations" (article 53 of the Constitution).

37. Under article 55 of the Socialist Constitution of the Democratic People's Republic of Korea providing for the rights of citizens to make complaints and submit petitions, all citizens of the Democratic People's Republic of Korea are ensured freedom of speech and the right of expression of their opinions.

Article 20

38. Under the laws of the Democratic People's Republic of Korea any propaganda for war is a punishable offence.

Article 23

39. "Marriage and family are protected by the State.

"The State pays great attention to consolidating the family, the cell of society" (article 63 of the Constitution).

40. The Code of Civil Procedure also says that the marriage and family are under State protection.

Such provisions on State protection of marriage and the family gives practical State protection for citizens of marriageable age to marry their intended spouses and form families.

41. At the time of divorce, the protection of children shall be agreed upon by the would-be divorced spouses; either the mother or the father can take care of the children.

42. In case mother takes care of the children, the father will be responsible for the expenses for bringing up the children until the children have reached the labourable age.

43. Divorce has almost disappeared in the Democratic People's Republic of Korea.

Article 24

44. Article 43 of the Socialist Constitution of the Democratic People's Republic of Korea stipulates as follows:

"The State gives all the children a compulsory one-year preschool education.

"The State brings up all the preschool children in nurseries and kindergartens at State and public expense."

45. In accordance with this provision of the Constitution the "Law on the nursing and upbringing of children" was adopted at the sixth session of the fifth Supreme People's Assembly of the Democratic People's Republic of Korea on 29 April 1976, and under this law, all children in the Democratic People's Republic of Korea are entitled to the right of full State protection.

Article 25

46. "The sovereignty of the Democratic People's Republic of Korea rests with the workers, peasants, soldiers and working intellectuals.

"The working people exercise power through their representative organs - the Supreme People's Assembly and Local People's Assemblies at all levels" (article 7 of the Constitution).

47. "The organs of power at all levels from the county People's Assembly to the Supreme People's Assembly are elected on the principle of universal, equal and direct suffrage by secret ballot.

"Deputies to the organs of power at all levels are responsible to the electors for their work" (article 8 of the Constitution).

48. "All citizens who have reached the age of 17 have the right to elect and be elected, irrespective of sex, race, occupation, length of residence, property status and education, party affiliation, political views and religion.

"The citizens serving in the army also have the right to elect and be elected.

"Those who are deprived by court decisions of the right to vote, and insane persons are denied the right to elect and be elected" (article 52 of the Constitution).

49. "Citizens all enjoy equal right in the political, economic and cultural and all other spheres of State and public activity" (article 51 of the Constitution).

50. Citizens of the Democratic People's Republic of Korea have the right to participate freely without discrimination whatsoever, in the administration of the State and in the management of the economy, both directly and through their representatives.

Article 27

51. Korea is a homogeneous nation and the Democratic People's Republic of Korea has no minority. Accordingly there is no provision in the laws of the Democratic People's Republic of Korea on minorities.
