



**Economic and Social
Council**

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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
Pre-sessional working group
20-24 May 2002

**IMPLEMENTATION OF THE INTERNATIONAL COVENANT
ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**List of issues to be taken up in connection with the consideration of the second
periodic report of the DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA
concerning the rights covered by articles 1 to 15 of the International Covenant
on Economic, Social and Cultural Rights (E/1990/6/Add.35)**

I. GENERAL INFORMATION

1. According to paragraph 51 of the core document submitted by the State party (HRI/CORE/1/Add.108), the provisions of the international human rights instruments are applied either by being incorporated into domestic law and regulation, or directly. Please specify whether the provisions of the International Covenant on Economic, Social and Cultural Rights can be invoked in the courts by Korean citizens. Please provide case law, if it exists.
2. Please describe the recourse procedures available in the State party to the citizens in case their rights as provided for in the Covenant are violated.

II. ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT (arts. 1-5)

Article 2: Progressive realization of rights

3. Having in mind the provisions of article 2 (1) of the Covenant and the information contained in table 12 annexed to the core document, according to which the gross national product (GNP) and per capita income between 1993 and 1996 dropped by almost 50 per cent, please explain to what extent this dramatic fall in the availability of resources has hampered the enjoyment by Korean citizens of their rights recognized in the Covenant.

Article 2: Non-discrimination

4. Please indicate to what extent and in what manner the rights recognized in the Covenant are guaranteed for aliens residing in the Democratic People's Republic of Korea.

III. ISSUES RELATING TO SPECIFIC PROVISIONS OF THE COVENANT (arts. 6-15)

Article 6: The right to work

5. Please provide the text of article 70 of the Constitution and of article 5 of the Labour Law concerning the freedom to choose one's occupation. Please give examples of how this freedom is exercised by young people graduating from vocational schools or institutions of higher education. Has an employee the right to quit a job by notifying the employer of the termination of the labour contract?
6. Please provide more information about administrative and penal responsibility in case of the violation of "labour discipline".

Article 7: The right to just and favourable conditions of work

7. Please provide information about the pay scale applied for fixing the level of salaries in the various economic branches.

8. Please provide statistical and other information concerning the number, nature and frequency of occupational accidents and cases of occupational diseases.

9. Please provide information on the situation, in law and practice, in various sectors of activity as regards weekly rest, normal hours of work and overtime, holidays with pay and remuneration for public holidays.

Article 8: Trade union rights

10. Please explain how it is determined, and by what authority, that the forming of a given trade union may “endanger State security or social order”.

11. What are the special restrictions imposed on the exercise of trade union rights by members of the armed forces, the police or the State administration?

Article 9: The right to social security

12. Please indicate if, and under what conditions, a person can lose or could be deprived of social security benefits.

Article 10: Protection of family, mothers and children

13. Please indicate if free cohabitation, i.e. outside marriage, is tolerated and explain the legal status of children out of wedlock.

14. Please indicate under what conditions abortion is allowed and practised in the State party.

15. Please provide information on the military training of children.

Article 11: The right to an adequate standard of living

16. With reference to paragraphs 51-55 of the report, please provide information about the food shortages in the country, particularly in the rural areas. Since the cooperative farms sell the food surplus to the State, please explain how the State is helping farmers when the crops are insufficient because of natural disasters such as drought or floods.

17. Please provide detailed information about the international assistance received since 1994 by the Government of the State party in order to solve the problem of food shortages created by natural disasters.

18. Please provide information on the international assistance received by the State party in order to alleviate the housing shortage caused by natural disasters.

Article 12: The right to physical and mental health

19. Please describe the amount and forms of material assistance received from WHO, UNICEF and international governmental and non-governmental bodies for addressing health problems, especially fighting infant mortality and under-5 mortality caused by circumstances created by natural disasters.

20. Please provide information about the incidence of HIV/AIDS as well as other sexually transmitted diseases.

Article 13: The right to education

21. Please indicate whether grants or scholarships are available to Korean students who wish to study in foreign countries and to what extent foreigners have access to Korean schools.

22. Please describe the measures adopted in order to promote and protect the right of parents to ensure the religious and moral education of their children in conformity with their own beliefs.

23. Please provide information about the measures taken by the State party in order to ensure that education enables all persons to participate in a free society and promotes understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups.

Article 15: The right to take part in cultural life and to enjoy the benefits of scientific progress and the protection of intellectual property

24. Please indicate if private individuals, scientists, writers and artists have the possibility to freely engage in exchanges with counterparts in foreign countries.

25. Please indicate to what extent foreign newspapers, books and other printed materials, as well as audiovisual products, can be imported into the Democratic People's Republic of Korea and bought by private individuals.

26. Please describe the measures and initiatives taken by the authorities of the State party to promote cultural ties and exchanges with the Koreans living in the Republic of Korea.

27. Please indicate if the Korean authorities maintain restrictions on freedom of creative activities and artistic production, which are not based on "*juchê*" ideas.

28. Please explain to what extent the activity of the National Examination Committee can be reconciled with the principle of the freedom of scientific research and creative activity.

29. Please provide information on any prohibitions with regard to the right of participation in cultural activities, including the exercise of freedom of religious beliefs.