



**Convention on the
Rights of the Child**

Distr.
GENERAL

CRC/C/SR.965
3 May 2005

ENGLISH
Original: FRENCH

COMMITTEE ON THE RIGHTS OF THE CHILD

Thirty-sixth session

SUMMARY RECORD OF THE 965th MEETING

Held at the Palais Wilson, Geneva,
on Tuesday, 1 June 2004, at 10 a.m.

Chairperson: Mr. DOEK

CONTENTS

CONSIDERATION OF REPORTS BY STATES PARTIES (continued)

Second periodic report of the Democratic People's Republic of Korea

This record is subject to correction.

Corrections should be submitted in one of the working languages. They 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 this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Second periodic report of the Democratic People's Republic of Korea
(CRC/C/65/Add.24; CRC/C/Q/PRK/2; CRC/C/RESP/61)

1. At the invitation of the Chairperson, Mr. An Myong Hun, Mr. Choe Tok Hun, Mr. Ho O Bom, Ms. Jang Ryong Hui, Mr. Jong Yong Duk, Mr. Kim Yong Ho, Mr. Mun Jong Chol, Mr. Pak Tok Hun and Mr. So Se Pyong (Democratic People's Republic of Korea) took places at the Committee table.
2. Mr. SO Se Pyong (Democratic People's Republic of Korea) said that the laws enacted by the Democratic People's Republic of Korea and the measures it had taken to implement the Convention on the Rights the Child since the submission of its second periodic report were described in detail in the written replies (CRC/C/RESP/61). Moreover, the delegation from the Committee on the Rights of the Child which had visited the Democratic People's Republic of Korea in April 2004 had been able to see for itself the real situation in the country.
3. The late President Kim Il Sung had declared that children were the "kings" of the country, and that was in fact what they had become thanks to the excellent measures taken under his leadership. That was why the President lived on in the hearts of Koreans. Since it had ratified the Convention on the Rights of the Child in 1990, the Democratic People's Republic of Korea had taken a whole range of measures to ensure full observance of the rights set forth in that instrument.
4. Human rights were by their nature independent rights, and could not be replaced by anything else. All the rights set forth in the Convention were equally important and indispensable and his Government did its best to ensure that all children, including those living in remote or mountainous areas, could enjoy them.
5. The Democratic People's Republic of Korea nevertheless encountered difficulties in areas such as children's nutrition and the provision of school equipment, medical equipment and medicines as a result of the economic embargo imposed by outsiders for over half a century and the natural disasters that had affected the country in recent years. Those difficulties were gradually being overcome thanks to the emergency measures taken by the Government and the tireless efforts made within the framework of international assistance and cooperation.
6. In conclusion, he was sure that the dialogue between his delegation and the Committee would be as constructive as it was fruitful and would help his Government to make progress in implementing the Convention.
7. The CHAIRPERSON, speaking as rapporteur for the Democratic People's Republic of Korea, offered, on behalf of the Committee, his condolences to the families of the victims of the disaster that had occurred recently in the country. He thanked the State party for inviting a

delegation from the Committee to visit the country, where it had been able, among other things, to meet with representatives of the Government and national and international non-governmental organizations (NGOs). He also thanked the office of the United Nations Children's Fund (UNICEF) for helping to organize the mission.

8. The Committee welcomed the State party's written replies and second periodic report, which had been prepared in accordance with its guidelines. However, the report was largely descriptive and gave the impression that only a small number of obstacles were hindering the implementation of the Convention and that most of those obstacles were due to the natural disasters that had occurred in the mid-1990s.

9. There was no escaping the fact that those disasters and the collapse of the Soviet Union had led to a serious deterioration in the country's economic situation, as witnessed by the fall in per capita income from US\$ 1,250 in 1989 to US\$ 480 in 2002. There had subsequently been a significant reduction in the budget allocated to, inter alia, education and health. Without the massive international humanitarian assistance received by the State party, the food crisis in the country would have turned into a disaster.

10. In addition, the fact that the two parts of Korea were still officially at war and the development of nuclear weapons by the Democratic People's Republic of Korea were a source of serious international tension and sanctions, which were not conducive to foreign investment and did not encourage international organizations such as the World Bank, the International Monetary Fund or the Asian Development Bank to cooperate with the State party. Reports of serious human rights violations in the country only exacerbated the political problems.

11. However, progress had been made in some areas, as noted by UNICEF in its 2002 report. Immunization coverage, for example, had risen to 75 per cent, as compared with 35 per cent in 1995. The State party was also trying to bring its legislation into line with international norms and had taken steps to ensure that the benefits enjoyed by 30 or so categories of person in the areas of education, health and child protection were not affected by the economic reforms undertaken in July 2002.

12. The State party should engage in a constructive dialogue with other States in order to resolve the crisis over its nuclear programme and should agree to a thorough investigation, preferably by an independent body, into alleged human rights abuses in the Democratic People's Republic of Korea.

13. Ms. CHUTIKUL, co-rapporteur for the Democratic People's Republic of Korea, asked if the State party would have the necessary resources to ensure that all children had free access to the 30 or so social services it intended to maintain within the framework of the economic reforms of July 2002, particularly in the areas of health, education and the protection of women, children and the disabled.

14. The State party was to be congratulated for revising some 50 laws in accordance with the concluding observations made by the Committee in 1998, for paying greater attention to the problem of child malnutrition and for adopting a clearer policy on children, even though the policy was not explicitly governed by a rights-based approach. In that connection, she asked who would be responsible for translating into Korean the concluding observations the

Committee would make after concluding its consideration of the second periodic report of the Democratic People's Republic of Korea and for disseminating them and ensuring that the recommendations they contained were implemented.

15. It would be useful to know who sat on the National Coordination Committee for the Implementation of the Convention on the Rights of the Child, how often it met, who serviced it and set its agenda, which issues it had addressed at its most recent meetings, whether it cooperated with UNICEF and whether it had been responsible for preparing the national programme of action for 2001-2010.

16. She would like to know if NGOs, humanitarian agencies and the children themselves had been involved in drawing up that programme, and if they would be involved in evaluating it in 2006. It would also be useful to know why that programme, which was a very good one overall, paid so little if any attention to issues such as mental health and reproductive health - particularly that of adolescents - steps taken to help parents assume their responsibilities, schoolchildren with learning difficulties, psychological services to help children suffering from psychological or emotional problems, the involvement of teachers and local communities in the preparation of school curricula, the rights-based approach in general and the status of the programme and the manner in which it had been implemented.

17. It would also be useful to have some details on how the system for collecting statistical data operated, including at the local level and particularly in regions where access was difficult. The Committee would also like to have data on some specific or vulnerable groups such as children who had been repatriated from China and children who were studying in Chinese schools or in schools for exceptionally gifted children.

18. She would appreciate information on the way in which the views and feelings of the child were taken into account by parents, teachers and youth workers. In conclusion, she noted that, if children were considered "kings" in the State party, they should be able to express their views loudly and clearly, at any time and in any place.

19. Mr. FILALI said that it was unfortunate that the measures taken to follow up the Committee's previous concluding observations on non-discrimination, data collection, the best interests of the child, corporal punishment and juvenile justice were inadequate. Noting that the Democratic People's Republic of Korea had ratified only a few of the international human rights instruments, he said that such a situation was contrary to the principle of the indivisibility of human rights.

20. He was concerned that the Central Court was required to report to the Supreme People's Assembly and that judges could be held criminally responsible if their judgements were considered to be unjust. That subjugation of the judiciary to the central power could only hinder the realization of the rights set forth in the Convention on the Rights of the Child and elsewhere.

21. He would be grateful if the delegation could specify what status the Convention had in domestic legislation, since it was pointed out in the report that, in the event of any conflict, the provision most favourable to the child was applied, in accordance with the principle of the best interests of the child. As the assessment of those interests was at the discretion of the authorities, the Committee needed to know on what basis they could actually be guaranteed. It would also

be interesting to have more information on the Youth League and how it operated, particularly with regard to the extent to which children could express themselves freely as individuals within it. Lastly, he asked what the State was doing to enable children from the Chinese community to learn about their culture and practise their traditions and language.

22. Mr. CITARELLA asked for details of the measures taken to deal with the consequences of the natural disasters that had seriously damaged the country's educational and health infrastructure, particularly in the light of the reduction in annual budgetary expenditure on children in the years following the disasters. He asked if the delegation had precise figures on the allocations for health and education in 2002-2003 and on the proportion of the budget represented by that amount.

23. He would also welcome some clarification on the reasons why the marriageable age was not the same for girls as for boys, and on the age of criminal responsibility and the nature of the "public education measures" mentioned in the written replies, which were apparently applicable to young offenders from the age of 11 or 12 years. Lastly, he would like to know if there were any specific legislative provisions concerning the treatment of minorities and what measures had been taken to help disabled children.

24. Ms. SMITH asked if the regions to which access was prohibited by the authorities would soon be made accessible to NGOs and humanitarian organizations. The report pointed out that children's standard of living had begun to improve: she would therefore be grateful if the delegation could provide details of the progress made in that area and of specific measures that the Government proposed to implement in order to improve children's well-being despite the current economic problems.

25. It might seem contradictory that freedom of expression was guaranteed while people were required to exercise that freedom in a reasonable manner without disturbing public order or social harmony. She would like to know if the delegation could explain how the authorities reconciled those provisions with the development of the critical thinking that was crucial if the education system was to be improved.

26. Mr. KRAPPMANN asked if there were any organizations for young people other than the Youth League and, if so, how many children were members of them and what their aims were. According to an Amnesty International report, religious activities were harshly suppressed and many Christians had been sent to labour camps, where they were ill-treated because of their religious beliefs; he asked for information on the measures that had been taken or envisaged to guarantee freedom of religion. It would also be interesting to know how many children belonged to religious minorities, whether they received religious instruction and had access to places of worship and whether their communities were able to communicate with other groups of the same denomination outside the country.

27. He was concerned about the allegations of discrimination in education. According to young people who had left the country, admission to university mainly depended on the political beliefs and activities of the student's parents. A distinction was apparently drawn between three classes of family, the best placed being those that were active supporters of the Government.

28. Lastly, the report indicated that children had the right to submit complaints but it did not specify the procedures applicable for that purpose. It would therefore be useful if the delegation could supply more information on the complaint mechanisms available to children, the number and type of complaints submitted by them and the way in which such complaints were dealt with.

29. Ms. OUEDRAOGO asked if the Government had actually begun to draft a children's code, as recommended by the Committee. Noting that the mechanisms for monitoring the implementation of the Convention reported to various ministries, she wondered if any mechanisms had been set up to coordinate them. Similarly, as there was no independent complaints mechanism but rather a network of mechanisms in public services and judicial bodies, it would be useful to know who was responsible for consistency within the network, how staff were trained to receive and deal with complaints submitted by children and how the latter were informed about the remedies available to them.

30. She would like to know whether NGOs were represented on the National Coordination Committee, if a simplified version of the Convention had been produced and disseminated, if the rights of the child had been incorporated into school curricula and how parents had reacted to the activities to raise awareness of the Convention's provisions, particularly with regard to respect for children's views.

31. As the report contained little in the way of information on the civil rights and freedoms of children or on measures to guarantee them, she would appreciate more details in that respect, particularly with regard to the situation of children of Chinese origin and their chances of obtaining Korean nationality.

32. As children appeared to have only limited access to information, particularly to information of an ideological or spiritual nature, she would like to know what progress had been made in implementing programmes to encourage children to read and make it easier for them to do so, as well as in providing Internet access.

33. Lastly, she would like to know if there had been any evaluation of the effectiveness of legislative measures to ban corporal punishment, which was still practised by families. Informing parents and making them more aware was a far more reliable way to achieve lasting results in that area than harsh and restrictive decisions. In that connection, it would be interesting to know if those responsible for educating parents had received any special training for that purpose.

34. Ms. VUCKOVIC-SAHOVIC asked what responsibilities children had as a result of their membership of the Youth League or the Children's Union, especially, in the case of members who were in conflict with the law, towards their peers. She wondered how the judicial authorities reconciled the provisions of the Criminal Code that permitted children to be sentenced to hard labour from the age of 15 with the minimum age for admission to employment, which was 16. Lastly, she would like more information on freedom of religion, in the light of the very small percentage of the population officially recognized as believers.

35. Mr. KOTRANE said he would like to know if forced labour and child labour in dangerous or unhealthy conditions were prohibited by law and if the Democratic People's Republic of Korea was planning to join the International Labour Organization (ILO) and sign the relevant ILO conventions. Noting that the report under consideration referred the reader to the initial report on the subject of freedom of expression, he wondered if that meant that no specific measures had been taken in that field since 1995.

36. The CHAIRPERSON, speaking as rapporteur, asked for details of the status, mandate and activities of the Institute for Human Rights Research. He would also like to know if it was true that international aid to the State party had fallen recently and, if so, why. He asked if the delegation could provide clarification on the class system that had apparently existed until recently and on the process by which that system had been abolished, as well as on the fate of children whose parents were sent to centres for reform through labour and on the experiments carried out, according to some sources, in "Camp 22".

The meeting was suspended at 11.25 a.m. and resumed at 11.45 a.m.

37. Mr. SO Se Pyong (Democratic People's Republic of Korea) said that the concluding observations made by the Committee at the end of its consideration of the initial report of the Democratic People's Republic of Korea had served as a basis for the drafters of the second periodic report and that, once again, all the recommendations that the Committee would make would be studied extremely carefully.

38. There was no escaping the fact that the period covered by the periodic report had been marked by problems, with major natural disasters compounding an already difficult situation. It should not be forgotten that it was a ceasefire, not a peace treaty, that had put an end to hostilities and that all the peace proposals put forward by the Democratic People's Republic of Korea had been rejected by the other party to the conflict. The claims on the budget by the military and by disaster relief operations explained why the allocations for children had been almost halved between the 1980s and the 1990s.

39. It was as a result of those problems that, from 1999 onwards, street children had begun to appear - a phenomenon without precedent in the history of the country, which actually had an exemplary record with regard to children's education. The first measure taken - as an emergency, and thus temporary, measure - had been to pick up as many of the street children as possible and entrust them to the care of State protection institutions. As a result, there were currently far fewer children in the streets. That was just one example of the unfailing commitment of the Democratic People's Republic of Korea towards children, even in the face of extreme adversity.

40. In the event of a conflict between domestic law and an international norm, precedence was given to the one most favourable to children. If a specific case arose that was not provided for in domestic legislation, the Convention could be invoked directly. It should be stressed that, following the Committee's consideration of the initial report, the authorities had organized a conference with all the institutions concerned, at which it had been decided to amend about 30 laws in order to bring them into line with the Convention, to raise the age at which

capital punishment could be imposed from 17 to 20 years, and to enact a new law on education, the drafting of which had been entrusted to the National Coordination Committee for the Implementation of the Convention on the Rights of the Child. Although there were many who thought it unnecessary to devote a special chapter of the new law to the principle of compulsory education, which was already enshrined in other laws and observed in practice, the Committee had nevertheless decided to do just that, in order to reaffirm the validity of the principle in all circumstances.

41. The National Coordination Committee had been closely involved in drafting the bill on the protection of disabled persons, which had been adopted in June 2003. The Committee was responsible, in particular, for the inclusion of a special chapter on disabled children, which mentioned special teaching methods adapted to the capacity of those children in the light of their disability. Although some theoreticians spoke in favour of educating such children in ordinary schools, the authorities had decided to leave special institutions in place for the moment, as they believed that research had not yet established with certainty which of the two options was preferable.

42. The functions and activities of the National Coordination Committee, which had been set up in April 1999, were set out in its statutes, which authorized it, among other things, to propose legislative measures and also to take action in the field if children's rights were in jeopardy. Recently, for example, after an accidental explosion close to a primary school, members of the National Coordination Committee had gone immediately to the area and had been able to take the necessary measures, including ensuring the distribution of medicines and mobilizing the whole nation to provide assistance to the children affected by the accident.

43. The main objectives of the new national programme of action that replaced the programme for 1990-2000 were to reduce infant mortality by half, combat malnutrition and low birth weight, raise school attendance rates and reduce absenteeism, and improve the quality of the public water supply to provide drinking water in schools.

44. The Democratic People's Republic of Korea appreciated the international assistance provided, but its deepest wish was to become self-sufficient, and it was in that perspective that it was investing massively in the development of farming techniques that produced higher yields, such as double cropping, which had been introduced on a large scale after proving its worth in experiments. However, until the situation improved, the country could not do without the assistance of the international community, particularly that of UNICEF, the World Health Organization, the World Food Programme, the International Committee of the Red Cross, Caritas Internationalis and certain countries with which it was cooperating and would continue to cooperate in the near future.

45. The figure of 7.1 per cent of the State budget that had been mentioned did not include all public spending on children; in fact it only represented the education budget. It had been decided to use percentages because it was difficult to understand amounts expressed in absolute figures of a currency that had experienced major fluctuations when the authorities had strictly controlled and raised the price of commodities and salaries.

46. The authorities had paid the closest attention to the Committee's recommendations pursuant to its consideration of the initial report, and for the most part those recommendations had been implemented. It was true that the statistical indicators still did not wholly conform to those envisaged by the Committee in its general guidelines, which was one area requiring more work and also more studies and input from international experts.

47. As to the dissemination of the Convention, he invited the Committee to refer to paragraphs 36 to 46 of the report. In addition, it was welcome to consult copies of leaflets to promote greater knowledge of the rights of the child, which had been widely distributed in schools with the financial support of a number of international organizations in spite of the paper shortage in the Democratic People's Republic of Korea. Tribute should also be paid to the media for their part in the general awareness-raising campaign, especially on the occasion of International Children's Day, which was celebrated annually. It should also be noted that the first and second drafts of the second periodic report had been circulated to various organizations prior to adoption in order to enable civil society to take cognizance of the report and to put forward comments and suggestions.

48. Children could make their voices heard in two ways. First, they could complain in writing to the various mechanisms set up for that purpose within each ministry or commission. The relevant authority would inquire into the matter and take the necessary steps to resolve the problem underlying the complaint. Second, children had the option of making their opinions known through the Youth League and other youth organizations acting as an intermediary between children and the authorities. Thus, following complaints from children, it had been decided to open the universities to all, on the basis of school results, and not exclusively to children from schools for gifted pupils.

49. There was no class-based discrimination in the Democratic People's Republic of Korea. Entry to university was by examination and the general entry standard was very high. Measures to facilitate access to university studies were envisaged.

50. Ms. CHUTIKUL said that it was a matter of concern that girls accounted for only 34 per cent of university students, and noted that school curricula were still very stereotyped, with girls attending home economics lessons for example. Although all children attended school in theory, in reality the attendance ratio did not exceed 60 per cent in some areas, especially in the north-east, and absenteeism was much more widespread among girls than boys. The State party should clarify the criteria used to select entrants to No. 1 middle schools.

51. It appeared that breastfeeding was not strongly encouraged because infants at weekly nurseries could obviously not be breastfed, and in some maternity clinics the initiation of breastfeeding could be delayed by 24 hours. Moreover, staff shortages, power cuts and lack of water necessarily had an adverse impact on the quality of care given to children placed in institutions. Finally, one had to wonder whether staff really had the time to stimulate children and provide them with the affection they needed. She would like to know if the Government had given any thought to identifying other solutions to help working mothers.

52. The CHAIRPERSON, speaking as rapporteur, said that he would appreciate information about the total number of weekly nurseries. Was adoption simple or full, and did parents have a choice between the two?

53. Given that the State bore primary responsibility for the upbringing of children, he wondered whether any measures were being taken to help parents assume their responsibilities towards their children. The current situation regarding street children required clarification. In the light of the claim that no child had been arrested, detained or imprisoned “in theory”, he would appreciate it if the delegation could list exceptions.

54. Ms. OUEDRAOGO asked for clarification on the impact of efforts to disseminate the Convention, on difficulties encountered and the reaction of parents, especially regarding the provisions of the Convention dealing with respect for the views of the child. It would be interesting to know whether street children, who received shelter and food, benefited from other kinds of assistance and went to school, and whether the authorities made efforts to trace their families.

55. Ms. KHATTAB said that she was surprised by the contrast between the upbeat tone of the report and the overall situation in the country, which could be inferred from the very high rates of malnutrition and infant mortality. Was it forbidden by law to found private schools, and were Chinese schools monitored? The State party should indicate whether it planned to put a stop to the practice of collective punishments.

56. Ms. LEE said that she had noted a discrepancy between the State party’s claim that there was no discrimination in the attribution of nationality and its reservation to article 9, paragraph 2, of the Convention on the Elimination of All Forms of Discrimination against Women, under which States parties undertook to grant women equal rights with men with respect to the nationality of their children. She asked if any efforts had been made to facilitate family reunification. More details should be provided about social benefits for children with disabilities. The Committee had received reports that children could be sent to reformatories for six months without any decision by a court. Again, clarification would be welcome.

57. Ms. AL-THANI said that, while she welcomed the adoption of the Law on Protection of Persons with Disability in 2003, she nevertheless regretted certain ambiguities, especially with regard to the types of disability concerned. No strategy had been put in place to integrate disabled children into the normal school system. Was the Korean Association to Assist the Handicapped the main support structure on which disabled children had to rely?

58. The State party should indicate whether it was true that most of the deaths caused by the terrible railway accident of April 2004 were due to the inadequacy of medical treatment. The Committee would appreciate additional information about school clinics, and was concerned at the high maternal mortality rate, doubtless attributable to the large number of abortions practised by women themselves, which prompted the conclusion that contraception and sex education left much to be desired. Another matter of concern was the lack of a strategy to promote breastfeeding. Finally, had any steps been taken to improve water quality?

The meeting rose at 1.05 p.m.