

Disclaimer

The International Bureau for Children's Rights is pleased to share with the visitors of its official website this draft country profile on the status of the CRC implementation. This draft profile is the preliminary result of the ongoing research project that will eventually cover all the States parties to the Convention.

This draft is based on data that IBCR interns were able to collect from various Internet sources. As the information on the Internet is often limited and may contain inaccuracies, this profile is not meant to be complete or absolutely accurate. Still, IBCR has decided to publicize this draft profile for the purpose of awareness-raising and exchanging of information.

In the meantime, IBCR remains open to any comments, corrections and feedback readers may have. IBCR is seeking additional resources to improve this draft country profile and bring it to the expert level. The reports on Cambodia, Indonesia, Sri Lanka, Timor Leste, and Viet Nam are examples of expert level reports and are available on IBCR's official website thanks to the financial contribution of CIDA. The ultimate goal of this endeavour is to bolster international understanding of children's rights, disseminate knowledge about the CRC and assist Governments in its implementation.

DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA (NORTH KOREA)

Introduction

The Democratic People's Republic of Korea (North Korea) is a de facto dictatorship led by Kim Jong II who succeeded his father the "eternal president" in 1994.¹ The nation is said to have one of the most regressive governments in the world, one that is responsible for countless political, social and economic human rights violations.² The Government uses a classification scheme which divides the population into three main groups (core, wavering and hostile) based upon their loyalty to the nation. These classifications are used to determine access to employment, education, and medical services and therefore, have resulted in systematic discrimination and the unequal treatment of people.³

The country's weak economy and high military budget (estimated at one quarter to one third of the GDP) has caused the population to experience severe hunger and famine.⁴ The ramifications of this have been felt by some of the most vulnerable societal groups, such as women and children. For example, according to UNICEF, the infant mortality rate is estimated at 42 per 1000 births and the under-five mortality rate at 55. Moreover, nearly one third of all mothers are anemic and the proportion of underweight children increased from 21% in 2002 to 23 % in 2005.⁵ This problem is compounded by a relatively low GDP per capita which was estimated at \$1800 in 2005.⁶ The recent decision to restart its nuclear weapons program may also result in economic ramifications as the Government has strained relations with many international donors, including the United States, South Korea and Japan.⁷

In 2004 the UN Commission on Human Rights appointed a Special Rapporteur to investigate and report on the status of human rights in North Korea. However, the Government did not accept the mandate and consequently officials were not granted full access to the country. Defector and refugee reports indicate that human rights violations are systematic and grave. For example, it appears that torture, extra judicial killings, arbitrary detentions, and disappearances are commonplace. Moreover, thousands have died in concentration camps and it is reported that some 250,000 people (including children) are currently detained. While international pressure has urged the Government to show respect for human rights treaties, the leadership has largely ignored these requests viewing human rights as an affront to its revolution.

International Conventions and Treaties

- Convention on the Rights of the Child (CRC), signed: August 23, 1990; ratified: September 21, 1990

¹ "Country Reports on Human Rights Practices 2004: Democratic People's Republic of Korea", U.S. Department of State, 2005, accessible on-line at <http://www.state.gov/g/drl/rls/hrrpt/2004/41646.htm> (last accessed 10 May 2006)

² "Human Rights in North Korea", Human Rights Watch, 2004

³ Supra note 1

⁴ Ibid

⁵ "UN experts urges DPR of Korea to allow foreign food aid to reach people", Relief Web, 2005

⁶ "Rank Order - GDP - Per Capita", The World Factbook, 2006, accessible on-line at <http://www.cia.gov/cia/publications/factbook/rankorder/2004rank.html> (last accessed 10 May 2006)

⁷ "Inter Action Members Activity Report North Korea", Relief Web, Latest Updates, 2005

Children's Rights

Even though the Government has ratified the Convention on the Rights of the Child, its policies and laws are still not in conformity with this international treaty. For example, it is clear that the Government aims to indoctrinate children through its school system and allegedly there is even compulsory military training during the school day. Above and beyond these questionable political practices, simple survival is a major challenge. **Malnutrition and famine** plague the nation and correspondingly have led to the displacement of many people in search of food. Ten years ago, North Korea cut food rations to millions of citizens, particularly those classified as politically unreliable and disloyal.⁸ This campaign killed approximately two million people, nearly 10% of the population.⁹ In 2005 the Government stepped up its efforts to expel all NGOs and declared that it would no longer accept humanitarian assistance.

Harsh prison conditions also have a direct impact on the rights of children. For example, female detainees are often forced to abort their children and newborns that survive are reportedly killed shortly after birth.¹⁰ Furthermore, if a person is convicted of a political crime their entire family, including their children, may face severe consequences. For example, it is not uncommon for entire families to be detained for the political crimes of one family member. This, of course, violates the rights of individuals to be charged only with offences of which they are guilty.¹¹

According to state law, **education** is compulsory and universal for all children until the age of 15. However, due to the political classification system, many children still do not have access to the system. Those who are able to attend schools often become objects of political indoctrination as schools are one of the main institutions for the propagation of state ideology.¹² According to some reports, many school children are made to attend military training and both school aged and small children (as young as one) are put into childcare centers where they are raised and indoctrinated into the communist party line. Allegedly some schools are even made to attend public executions.¹³ Those who do not have access to the education system often live on the streets and some become prisoners of children warehouses commonly referred to as "9-27" camps. The authorities use these camps to "normalize" society - that is, to clear orphans off the streets.¹⁴ With regards to disabled children, it is stated that they have the same rights as other citizens. However, in practice they are often objects of discrimination and the Government has not take any effective measures to ensure their access to education, healthcare or social services.¹⁵

⁸ "The Politics of Famine in North Korea", United States Institute of Peace, Special Report, 1999, available on-line at <http://www.usip.org/pubs/specialreports/sr990802.html> (last accessed 10 May 2006)

⁹ "Today in North Korea", One Free Korea Website, 2005, available on-line at www.onefreetokorea.net (last accessed 10 May 2006)

¹⁰ Supra note 1

¹¹ "Concluding Observations of the Committee on the Rights of the Child: Democratic People's Republic of Korea", United Nations, 5 June 1998, para 13

¹² Supra note 1

¹³ "Democratic People's Republic, Report 2003", Amnesty International, 2006, available on-line at <http://web.amnesty.org/report2003/prk-summary-eng> (last accessed 10 May 2006)

¹⁴ "Child Warehouses Tattoo, Then Starve Orphans To Death In Kim Jong II's Genocidal War on Poverty", One Free Korea Website, 2005, available on-line at <http://www.onefreetokorea.net/> (last accessed 10 May 2006)

¹⁵ Supra note 1

It appears that some areas of **healthcare** have been ameliorated since 1998 as evidenced by an increase of vaccinations and vitamin A supplementation.¹⁶ In 2005, the first National Children Health Day was launched by the North Korea Government with the United Nation Children's Fund in order to provide vitamin A supplements and other health services to 2 million children. However, equipment and drugs are still insufficient in hospitals and other shortages related to the economic decline are apparent. Access to healthcare, like other services, is based on a classification scheme and therefore, large segments of society lack proper treatment and care. Children continue to suffer from preventable diseases and according to a 2001 comprehensive health review by the International Federation of the Red Cross, malaria has resurfaced and there are rising numbers of tuberculosis cases, digestive ailments and acute respiratory infections.¹⁷

There is a de facto fifty-year-old ceasefire between North and South Korea but a formal peace agreement has not been signed. Currently, there are 1,082,000 active Government armed forces, 4,700,000 reserves, and 189,000 paramilitary in North Korea.¹⁸ The number of **child soldiers** that actively serve in the North Korean army is unknown. However, given the growing number of reports indicating the use of military schools and paramilitary organizations, it is probably that the Government, despite their denials, recruits under aged soldiers.¹⁹ According to the Coalition to Stop the Use of Child Soldiers, children from an early age are subjected to several hours a week of military training and indoctrination. Students in high schools are also forced to receive military training and to spend two summer months in camps for military and ideological training. The country is still **heavily mined** especially in the demilitarized zone between the North and the South. Programs for demining the inflicted areas have not yet been fully undertaken.

Child labour, according to the North Korean Constitution, is prohibited under the age of sixteen. However, reports indicate that children are still forced into labour and school children are assigned to factories and farms in order to help to meet production plans.²⁰ Because food resources in the country are insufficient, many North Koreans pass the borders to China regularly thereby becoming refugees. The children among them sometimes live as **street children** in China and are consequently confronted with sexual and physical harassment and are deprived of an education.²¹

North Korea lacks any measures or protocol for the prevention of **human trafficking**. Consequently, there are several cases of young girls who have been either sold by their families or kidnapped by traffickers and then forced into prostitution and marriage. This problem is particularly evident in China – a country where many young North Korean girls seek refuge. For example, the economic crisis in North Korea has forced many people to escape to China in

¹⁶ "Analysis of the Situation of Women and Children in the Democratic People's Republic of Korea", UNICEF, 2003, available on-line at <http://www.unicef.org/dprk/situationanalysis.pdf> (last accessed 10 May 2006)

¹⁷ "EU humanitarian aid to North Korea", European Commission, 2003, available on-line at http://europa.eu-un.org/articles/sk/article_2334_sk.htm (last accessed 10 May 2006)

¹⁸ "Democratic People's Republic of Korea: Child Soldiers Global Report 2001", Coalition to Stop the Use of Child Soldiers, 12 June 2001

¹⁹ Ibid

²⁰ "The invisible exodus: North Koreans in the People's Republic of China", Human Rights Watch, 2002, available on-line at <http://www.hrw.org/reports/2002/northkorea/norkor1102.pdf> (last accessed 10 May 2006)

hopes of a better life. While some actually make it across the Chinese border, others are captured by traffickers and forced into prostitution. With a lack of prevention efforts, reports indicate an increasing number of women and children who have been victims of such practices. Those who return back to North Korea run the risk of severe punishments for having left the country without permission. Some are sentenced to prison or the gulags while others face the death penalty. In order to preserve amicable relations, the Chinese authorities send refugees back to North Korea without the opportunity to seek asylum. Children forced back to North Korea are considered as perpetrators of crimes and also punished by the Government.

Freedom of expression is not granted to the citizens of North Korea and consequently, the participatory rights of children are seldom upheld. All media are censored and people have few channels of communication to the outside world. Political crimes include any form of expression which intimate opposition to the policies of the regime. In one case it was reported that an entire family was punished because a child had accidentally destroyed a picture of Kim II Sung the “eternal president”.

In conclusion, the status of children’s rights in North Korea remains extremely troublesome as evidenced by the use of prison camps, the growing numbers of starving children, and the habitual violation of political and civil rights. The situation does not appear to be improving either. In August 2005 foreign NGOs were told to withdraw their services from the country and to stop providing food and medicine to the people.²² Presently, there is no consensus on how to address the situation²³ and accurate information regarding the status of human rights remains extremely elusive given that few international observers are permitted entry into the country. Pressure from the international community has not had any real impact on domestic policy as the Government continues with its nuclear ambitions at the expense of social services. However, poor results should not discourage the international community from promoting change and development. It is merely a sign that greater efforts and comprehensive strategies are needed in order to make the country a better place.

²² <http://www.oneworld.ca/guides/northkorea/development>

²³ Next Stop: Pyongyang by John Feffer, www.progressivetrail.org