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Human Rights Situation of Women and Children in North Korea

November 2016

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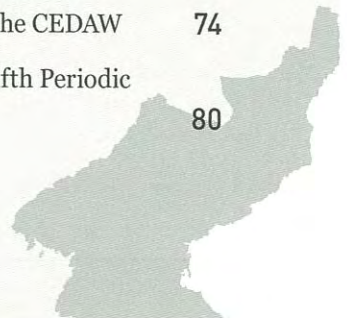
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The analyses, comments and other opinions contained in this paper are those of the authors' and do not necessarily represent the views of the Korea Institute for National Unification.

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I . Introduction

In April 2016, the Democratic People's Republic of Korea (hereinafter North Korea) submitted the State Party's Reports to the Committee on the Elimination of Discrimination against Women and to the Committee on the Rights of the Child.¹ The submission of the Reports was in accordance with the obligation under the Convention on the Elimination of All Forms of Discrimination against Women (hereinafter CEDAW) and the Convention on the Rights of the Child (hereinafter CRC) which North Korea is a State Party to.² North Korea acceded to the CEDAW in February 2001 and submitted its initial Report in September 2002. According to CEDAW, a State Party must submit a report one year after CEDAW comes into effect and every four years henceforth. After years of non-submission, North Korea has submitted a Combined Second to Fourth Periodic Report.³ In terms of the CRC, it was ratified by North Korea in September 1990, and in November 2014, North Korea also ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. According to the CRC, a State Party must submit a report two years after the CRC comes into effect, and every five years henceforth. North Korea submitted its initial Periodic Report in February 1996, its Second Periodic Report in May 2003, Combined Third and Fourth Periodic Report in December 2007, and

¹ UN Doc. CEDAW/C/PRK/2-4 (2016); UN Doc. CRC/C/PRK/5 (2016).

² CEDAW Article 18, CRC Article 44

³ North Korea states that the Combined Second to Fourth Periodic Report covers the implementation of the Convention from 2002 to 2015.

its Fifth Periodic Report this year.⁴ In the case of the CEDAW Implementation Report, North Korea's regular Report was submitted 14 years after the submission of the initial Report, and in the case of the CRC Implementation Report, the submission came after nearly a decade, and thus both Reports require close attention.

Accession to and ratification of the CEDAW and CRC, as well as submission of this year's Reports partially indicates that North Korea has adopted a relatively proactive approach towards the rights of women and children in North Korea.⁵ Such behavior is also evident in North Korea's 2009 and 2014 Universal Periodic Review. In the Report submitted to the United Nations Human Rights Council, a separate category titled 'Rights of Special Groups' addressed the rights of women and children.⁶ In particular, the 2014 Report included a significant portion detailing specific efforts taken to enhance the rights of women and children. Furthermore, recommendations which directly mention women and children account for 1/4 out of the 113 recommendations North Korea accepted in the 2014 Universal Periodic Review. If recommendations including the vulnerable class and education are included, it totals to approximately 1/3 of the recommendations.⁷ In addition, North

⁴ North Korea has stated that the Second Periodic Report covers the period from 1995 to 2000, the Combined Third and Fourth Periodic Report covers the period from 2001 to 2007, and that the Fifth Periodic Report covers the period from 2008 to 2015.

⁵ North Korea became members to the International Covenant on Civil and Political Rights (hereinafter ICCPR) and the International Covenant on Economic and Social Rights (hereinafter ICESCR) in September 1981. North Korea has not submitted a report to the ICCPR since its last on in December 1999 and to the ICESCR since its most recent second report in April 2002.

⁶ UN Doc. A/HRC/WG.6/6/PRK/1 (2009); UN Doc. A/HRC/WG.6/19/PRK/1 (2014).

Korea has emphasized that, whereas women and children in capitalist countries fall victim to social discrimination and violence, women and children in North Korea are treated as the 'flowers and kings of the country,' thereby utilizing matters of women and children as a means of propagating the superiority of the socialist system.⁸ The CEDAW and CRC implementation Reports recently submitted by North Korea also claim that women and children fully enjoy their rights. However, there exists a significant disparity between claims made by North Korea and the situation of women and children's human rights confirmed through various research.

In this respect, this research paper seeks to inspect how much of what is claimed by North Korea reflect the actual reality, with focus on the specific assertions made by the North Korean authorities. Given the length of the respective Reports, specific content has been included in the annexes, and the main portion of this paper will focus on the key issues. In terms of methodology, research on the human rights situation of women and children in North Korea was carried out through in-depth interviews on North Korean defectors, materials from international organizations, relevant publications and dissertations, North Korean media, South Korean media, among others. In order to grasp the most current situation, in-depth interviews were carried out on North Korean defectors who have most recently entered South Korea, and the results have been reflected accordingly.

⁷ UN Doc. A/HRC/27/10 (2014); UN Doc. A/HRC/27/10/Add.1 (2014).

⁸ For example, RodongSinmun article in 2016. 6. 1., the KCNA article in 2016. 6. 4., RodongSinmun article in 2016. 6. 14., and the article in 2016. 8. 5., etc.

II. Human Rights Situation of Women in North Korea

1. North Korea's Combined Second to Fourth Periodic Report (2016)

North Korea contends that “the advancement of women and protection and promotion of their rights in all fields of social life, and the progress achieved” from the period of 2002 to 2015 in the Combined Second to Fourth Periodic Report.⁹ Furthermore, it emphasized that North Korea has decided to withdraw its reservation on article 2 (f), and article 9, paragraph 2, and that it made notification thereof to the UN in November, 2015.¹⁰ It also elucidates that the Decree on Gender Equality, as a result of Decision No. 45 of the Provisional People's Committee has been guaranteed both by law and in practice since its promulgation on July 30, 1946. In addition, the Socialist Constitution and the Family Law both explicitly state that women shall be accorded equal political and social status and rights with men, and that the husband and wife shall have equal rights within the family.¹¹ Moreover, the Law on the Protection and Promotion of the Rights of Women was enacted in 2010 in order to fully ensure women's rights in all fields of social life as to elevate the status and role of women. The Report emphasizes article 2 of the above Law, which stipulates that North Korea maintains the consistent policy

⁹ UN Doc. CEDAW/C/PRK/2-4 (2016), para. 2.

¹⁰ *Ibid.*, para. 7

¹¹ *Ibid.*, paras. 9, 10.

of ensuring full equality of women with men and that the State shall prohibit all forms of discrimination against women.¹² 'All forms of discrimination' mentioned in the above article includes both direct and indirect discrimination, consistent with the definition set by the CEDAW. The Report emphasizes that in accordance with the above Law, education plans were established to increase awareness and expand the understanding of the concept of gender equality, where various measures, such as seminars and workshops, were implemented.¹³ This can be seen as North Korea's measure to address the recommendation made by the Committee on the Elimination of Discrimination against Women in 2005, which recommended North Korea to fully incorporate the definition of discrimination in line with article 1 of the CEDAW in North Korea's constitution, and to carry out campaigns to raise awareness of the Convention, including the meaning and scope of indirect discrimination.¹⁴

According to article 3 of CEDAW, State Parties have a responsibility to take measure in all fields, in particular, political, social, economic, and cultural fields, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men. Through the Law on the Protection and Promotion of the Rights of Women, North Korea has accepted the concept of discrimination

¹² *Ibid.*, para. 11.

¹³ *Ibid.*, paras. 12, 13.

¹⁴ UN Doc. CEDAW/C/PRK/CO/1 (2005), paras. 19, 20.

as set in CEDAW, and has clearly noted the obligation of the State to protect and ensure the rights of women in sociopolitical life, education, culture, employment, property, and marriage and family. The above Law reaffirms existing stipulations on women's rights and protection thereof, stated in various Laws, such as the Decree on Gender Equality, the Socialist Labor Law, the Labor Protection Law, the Criminal Law, the Family Law, and the Criminal Procedure Law. In these ways, at least from a legislative perspective, it appears that North Korean authorities have been implementing its obligations as a State Party in relatively good faith. As both administration and judiciary are grounded in law, enacting legislations are considered to be of utmost importance to implement the Convention. However, given that North Korean society has yet to move beyond a perfunctory rule of law, such legislation may not be very meaningful.

2. Major Issues

(1) Discrimination against women

- **Stereotyped attitudes towards gender roles and limited opportunities for social advancement**

The Committee on the Elimination of Discrimination against Women's Concluding Comments in 2005 expressed concern that stereotyped attitudes towards gender roles which are discriminatory against women continues to perforate various fields such as education, employment, among others. In particular, the Committee

noted with concern that women are perceived as exclusively caregivers and homemakers, and that they are assigned with employment opportunities which are deemed suitable to their 'characteristics.' The Committee recommended that North Korea increase efforts to rid such stereotyped attitudes towards gender roles, and that these efforts should include educational measures and awareness-raising campaigns.¹⁵ The Committee also expressed concern that the number of women in decision-making positions in especially political, judicial, and civil service sectors remained low, and further recommended that North Korea take measures to increase the number of women in decision-making positions in all spheres.¹⁶ In the Combined Second to Fourth Periodic Report submitted this year, North Korea emphasized that the Women's Union play a pivotal role in eliminating the stereotyped assumption of gender roles, and with the People's Committee, have been working to enhance the awareness of gender equality, and also have actively carried out activities to strength education campaigns, administrative and legislative measures.¹⁷ Furthermore, at the institutional level, all government offices were required to identify and correct cases of biases and discrimination against women.¹⁸ In terms of women's limited opportunities for social advancement, the Report stated that the Socialist Constitution and the Law on the Protection and Promotion of the Rights of Women guarantee women's sociopolitical rights, and that all women take

¹⁵ *Ibid.*, paras. 35, 36.

¹⁶ *Ibid.*, paras. 43, 44.

¹⁷ UN Doc. CEDAW/C/PRK/2-4 (2016), para 56.

¹⁸ *Ibid.*, para. 58.

park in political and public life on equal footing with men.¹⁹ Concerning employment, the Report stated that Cabinet directives issued in 2009 mandated the minimum proportion of women for each category of occupation, and that 2014 Ministry of Labor issued directives actively ensure women's participation in social life through special measures to promote de facto gender equality by ways such as guaranteeing employment, protecting nursing mothers, among others.²⁰

However, unlike North Korea's claims, it appears women's political participation remains to be considerably low. The proportion of women in national parliaments is a representative index showing the level of women's political participation. Statistics released by the Inter-Parliamentary Union (IPU) show that 112 out of 687 people, or 16.3 percent of the Deputies of the Supreme People's Assembly (SPA), which the South Korean equivalent of assemblymen, are women.²¹ The results indicate that North Korea ranks 113 out of the 191 States surveyed. The Combined Second to Fourth Periodic Report states that women account for 20.2 percent of the deputies elected for the 13th SPA.²² Based on this data, North Korea would rank 87 out of the 191 States. However, given the nature of the North Korean regime, the number of women among deputies in the SPA is not

¹⁹ *Ibid.*, paras. 75-83.

²⁰ *Ibid.*, paras. 42-50.

²¹ Inter-Parliamentary Union (IPU), Women in National Parliaments, Situation of 1st June 2015, (www.ipu.org/wmn-e/arc/classif010616.htm, Last accessed: 2016. 9. 28)

²² UN Doc. CEDAW/C/PRK/2-4 (2016), para 77.

an appropriate indicator of women's participation in political life. Although the SPA is considered to be the equivalent of South Korea's national assembly, it lacks corresponding authority, merely functioning to ratify decisions made by the Workers' Party, which possesses actual authority.

A more accurate indicator of North Korean women's participation in political life may be to observe the ratio of women holding core positions within the Workers' Party. The 7th Congress of the Workers' Party was held in May 2016 in the presence of 3,467 voting delegates and 200 delegates with the right to address. Out of these delegates, 315 were women, constituting 8.6 percent. Out of the 129 members elected to the Party Central Committee and the 106 alternate members at the Congress of the Workers' Party, there were only 4 women members (3.1 percent) and three alternate women members (2.8 percent).²³ Moreover, the five standing members, 19 members, and nine alternate members of the Political Committee elected at the 7th Congress of the Workers' Party held on May 9 were all men. In other words, not only do women hold fewer positions in the party, the ratio of women tend to decrease the farther they are from the core of authority.

It appears there are also significant limitations for women's opportunities to enhance their social status. The Report of the detailed findings of the commission of inquiry on human rights in

²³ There may be some error in the statistics as there is limited information in the case of newly elected members and alternate members.

the Democratic People's Republic of Korea published in 2014 noted that only 10 percent of central government employees were women.²⁴ In North Korea's initial Report submitted to the CEDAW in September 2002, it states that "The DPRK has been making efforts to improve the social status and role of women to the level of men by increasing the proportion of female cadres and officials in the central organs," and that 10 percent of judges were female, and 15 percent of those administrative officials were female.²⁵ In the Combined Second to Fourth Periodic Report, the figures were 11.9 percent and 16.5 percent respectively, a mere 1 to 2 percent increase in the past decade.²⁶

The problem is that it women's prospects in enhancing their social status appear to be dim even in the future. For one, there are differences in the education that boys and girls receive. Elementary and middle school is compulsory in North Korea and thus the enrollment ratio is similar for both boys and girls. However, from higher education such as university, the gap in enrollment ration appears to be high. In the initial Report submitted to CEDAW in 2002 notes that the female proportion at universities is 34.4 percent, indicating that the number of women enrolling in university is less than half the number of men.²⁷ The more recent Combined Second to Fourth Periodic Report includes figures on the elementary and middle school education. However,

²⁴ UN Doc. A/HRC/25/CRP.1 (2014), para. 314.

²⁵ UN Doc. CEDAW/C/PRK/1 (2002), para. 111.

²⁶ UN Doc. CEDAW/C/PRK/2-4 (2016), para. 89, 254.

²⁷ UN Doc. CEDAW/C/PRK/1 (2002), para. 132.

concerning women's university enrollment, it states that the figure has increased without providing specific statistics,²⁸ leading one to surmise that female opportunities for higher education have largely remained the same throughout the past decade.

The fact that women mostly work in the informal sector inhibits opportunities to elevate their social status. North Korea is experiencing a phenomenon where occupations are determined by one's gender. One distinctive trend is that whereas men take on jobs in the formal sector, women tend to work in the informal sector.²⁹ After the 'Arduous March,' a lack of materials and equipment halted factories and companies. However, men were forced to continue showing up for work in order to avoid punishment despite wages that were nowhere near sufficient in order to sustain livelihood. In their stead, women had to start leading economic lives in the informal sector. In the process, men were affiliated to the formal sector but barely earned any wages and women occupied jobs in the informal sector and were able to sustain their livelihood. Testimony given by a male defector who left North Korea in 2013 well illustrates this case.

"Women have to do about 90 percent of managing a household. This is because if men do not go to work and stay at home, if they do not have a job, they are taken away, so they are scared. Unemployment is something they search. So they have no choice but to be dragged to

²⁸ UN Doc. CEDAW/C/PRK/2-4 (2016), para. 99.

²⁹ Chang Hye-Kyung, Kim Hwasoon, Women and family policy implementation strategies in preparation for national reunification and prospects for social integration in reunified Korea (I) (Seoul: Korean Women's Development Institute, 2015), p. 124 (in Korean).

work. So they are working for free. And so they work at home and men can't earn money. They work in society and in the household; the women do it all, as well as earn the money."³⁰

Indeed, there are women who maintain their official jobs even after marriage. In many cases, they tend to have extra sources of income such as bribery or are employed by jobs that pay relatively better wages.³¹ Even in these cases, it is common for those women to come from families with power who use their blood relations or marriage relations to obtain and maintain jobs after marriage.³²

In these ways, even though women engage in labor to sustain their household economies, the fact they are employed in the informal sector means that their labor activities are not recognized. As a result, apart from a very small minority of women, most women lead economic lives with no actual opportunities to enhance their social status. The problems associated with women engaged in primarily the informal sector do not end here. Full-time house wives are considered to be employable sources of labor; despite their work in the informal sector, and are thus mobilized to do volunteering and fieldwork.³³

³⁰ Kim Hae-young et al., Study on Inter-Korean Sense of Family and Culture in Preparation for a United Korea, NRCS Cooperative Research Series 15-30-03, p.92(in Korean).

³¹ Chang Hye-Kyung, Kim Hwasoon, Women and family policy implementation strategies in preparation for national reunification and prospects for social integration in reunified Korea (I) (Seoul: Korean Women's Development Institute, 2015), p. 74 (in Korean).

³² *Ibid.*, p. 73.

³³ Lee Seung-yoon, Hwang Eun-ju, Kim Yoo-hwi, "Formal-Informal Labour Market and

Moreover, women in the informal sector are provided with no institutional protection and thus are vulnerable to irregular customs, violence, or power abuse. Furthermore, as policies on material protection such as maternity leave or nurseries only apply to those women working in the formal sector, other women in the informal sector are likely to be excluded from the scope of such policies.³⁴

- **Family lives centered on men as head of household**

North Korea's initial Report submitted to the CEDAW in September 2002 acknowledged that "there still exist such customary discriminations as calling a man the outer householder and a woman the inner householder in a family, a man becoming the head of a family, the community employing mostly females in the jobs like restaurant reception, switchboard operation, typing and the like, regarding a hard or big work as a man's job and an easy or sundry task as a woman's job etc."³⁵ Even in the recent Combined Second to Fourth Periodic Report, North Korea revealed that the practice of male superiority lingered in society and families even after the enactment of the Laws on the Protection and Promotion of the Rights of Women, ascribable to the general public's lack of understanding of the State policy and laws as well as incomplete elimination of traditional assumptions and attitudes.³⁶

Women in North Korea," *Journal of Critical Social Policy*, Vol. 48, 2015, p. 315 (in Korean).

³⁴ *Ibid.*, p. 316.

³⁵ UN Doc. CEDAW/C/PRK/1 (2002), para. 101.

³⁶ UN Doc. CEDAW/C/PRK/2-4 (2016), para. 53.

As the North Korean authority acknowledged, stereotypical assumptions of male dominance over women are deeply rooted in the average resident's mindset. One female in her 50s who escaped in 2010 stated that "women are biologically inferior to men and it is fitting for men to be officials since women should prioritize the family,"³⁷ well demonstrating the extent to which the idea of male predominance prevails over the older generation. The following testimony given by a male in his 30s who lived in Hyesan City in Yanggang Province until 2013 well illustrates North Korean residents' perception of women.

"The idea of male predominance over women is strong in North Korea. They say women are 50 percent and men are 100 percent there. So women are not 100 percent complete. So they cannot be considered a person, which is the view there."³⁸

The patriarchal aspect of North Korean society becomes clearly evident in the differences in perception between a married couples' deviation from social customs. According to one North Korean defector, men can have affairs in the process of educational projects and that is something women are reminded to understand and live with.³⁹ On the other hand, if a wife has an affair, she will be forced to divorce her husband with rarely any exception. Even worse, when divorce by trial does not go

³⁷ NKHR2015-000095 2015-05-12.

³⁸ KimHae-young et al., *Study on Inter-Korean Sense of Family and Culture in Preparation for a United Korea*, NRCS Cooperative Research Series 15-30-03, p.92(in Korean).

³⁹ Cho Jung-hyun et al., *White Paper on Human Rights in North Korea 2013* (Seoul: KINU, 2013), p. 388.

well, there have been cases where a person of the court recommended one to use the wife's affairs as reason for divorce.⁴⁰ When questioned 'what reasons will guarantee a divorce?' one woman in her 30s lived in Hyesan City in Yanggang Province before her escape in 2012 answered the following.

"Well, a woman's affair is the same as getting a divorce. A man having an affair isn't the same... it seems like the view is that men can have affairs... in these ways there are aspects where men are more favored."⁴¹

However, in recent days, there are signs that the patriarchal nature in North Korean families has somewhat ameliorated. In hearing testimonies given by recently escaped North Koreans, there are still some who think that male predominance over women is the norm,⁴² others who state that customary discrimination exists but is less so than before,⁴³ and even some who state that they did not acutely experience such discrimination or trend, and that in recent days, differentiating men from women was not so much the norm.⁴⁴ These changes cannot be ascribed to institutional factors, such as the enactment of the Law on the Protection and Promotion of the Rights of Women. Rather, it appears to be the result of women's increasing economy activity and cases of women-as-breadwinners which have subsequently

⁴⁰ *Ibid.*, p. 389.

⁴¹ North Korean defector OOO, 5 November 2012, Interviewed in Seoul.

⁴² NKHR2016000117 2016-07-26; NKHR2016000123 2016-07-26.

⁴³ NKHR2016000121 2016-07-26.

⁴⁴ NKHR2016000136 2016-08-23.

strengthened women's voice. In these ways, although women's status in the household have been increasing, as mentioned before, their activities have been unfolding in the informal sector, which is why such elevation in status has not transferred into the social sphere.

- **Double burden arising from household and social labor**

The Committee on the Elimination of Discrimination against Women's Concluding Comments in 2005 expressed concern about the persistence of indirect discrimination, as 'evidenced by the fact that women do not choose to take on management positions because they have no time and are unwilling to participate in public and social life owing to ascribed duties in the family' and urged the State Party to be proactive in its elimination.⁴⁵ The Combined Second to Fourth Periodic Report explained that various measures, such as seminars and education campaigns were carried out to eliminate gender stereotype. Furthermore, Standards of Job Assignment by Economic Sectors were laid out in consideration of women, as a temporary special measure to strengthen gender equality and indirect discrimination towards women are being overcome by ways such as making it mandatory for workplaces to set up welfare facilities and nurseries.⁴⁶

However, women's dual burden of having to manage both

⁴⁵ UN Doc. CEDAW/C/PRK/1 (2002), paras. 27, 28.

⁴⁶ UN Doc. CEDAW/C/PRK/2-4 (2016), paras. 45, 47, 55.

economic activity and housework is realistically far from improvement. According to results of an interview survey conducted on North Korean defectors by the Korea Institute for National Unification from 2011 to 2015, 93.9 percent of respondents answered that ‘women’ are responsible for housework. 78.9 percent answered that even if a woman (wife) is the breadwinner for the family, she is still responsible for housework.⁴⁷ The perception that women must carry out housework even if she is engaged in economic activity to maintain the household continues to persist. Given that both economic activity and housework are naturally assumed to be women’s job, a less than satisfactory earning sometimes leads to domestic violence. The following testimony illustrates this case.

“It (domestic violence) happens. In families where women aren’t good at selling, there is domestic violence...that the woman isn’t fulfilling her duties. “Leave, I will bring a woman who can sell better than you.” Those kinds of homes... If a woman is good at selling things, they don’t fight as much... but if they don’t have any food and do not have much, then that happens a lot.”⁴⁸

Such environment poses significant burden on women. One woman in her late 50s who escaped in 2010 pointed out that the reason why the marrying age of women in North Korea is prolonged is because “they are burdened by the thought of having

⁴⁷ Do Kyung-ok et al., *White Paper on Human Rights in North Korea 2016* (Seoul: KINU, 2016), p. 348.

⁴⁸ North Korean defector ○○○, 17 August 2011, Interviewed in Seoul. The testifier is a man in his 50s who lived in Hyesan City, Yanggang Province prior to his escape in 2010.

to feed both the husband and children.”⁴⁹

In addition to the double burden of earning money and housework, it is difficult for women to sufficiently rest during non-working hours. This is because she is required to take part in everyday activities such as daily-life reeducation meeting (saeng-hwal-chong-hwa), education, and labor mobilization, through organizations such as the Women’s Union. The following testimony regarding the situation of the Women’s Union right before her escape was given by a woman in her early 40s who lived in Musan, North Hamgyong Province until 2011.

“It (early morning mobilization) happens every day. Day after day. Then every three days or so, social mobilization... by the Women’s Union. I also took part in the Women’s Union. Then you are mobilized again, this time in the afternoon. Do you know what it was like until I came? They march. All the way to the work fields. Then it is like construction sites. Which build houses. You go there and you just pull burlap sacks. You push what little energy you have and then your body bloats. If you mix pebbles, sand, and water, you would not believe how heavy they become. You are left in the burning heat during the day but you have your tasks so you are told to finish your tasks. If you can’t, then you have to stay until you do, even if it gets to the evening time. Since you have to do it either way, you just do it swiftly, trying to stay alive.”⁵⁰

One woman in her early 50s who escaped in 2014 testified that women are mobilized for labor almost every day from 8 a.m.,

⁴⁹ NKHR2015000095 2015-05-12.

⁵⁰ North Korean defector ○○○, 25 September 2012, Interviewed in Seoul

to noon, and from 2 p.m., to 4-5 p.m., working in the fields, on train tracks, or mobilized by the People's Unit. If one is absent, she is forced to pay North Korean currency of 3,000 won.⁵¹ One woman in her late 20s who escaped in 2011 commented that street mobilization carried out in the People's Units occurred so frequently that the phrase "this street has no end" was a popular expression. They were usually mobilized to work in the fields or clean the pavement. They were forced to walk several tens of ri (a unit of distance of around 500 meters) and the labor was very arduous.⁵² However, there was no remuneration for the labor.⁵³

(2) Widespread violence towards women

● Domestic violence

The Committee on the Elimination of Discrimination against Women's Concluding Comments in 2005 expressed concern that North Korea is not aware of the existence of domestic violence, and as a result, there is a lack of measures to prevent and protect women from violence. Specifically, the Committee called for North Korea to adopt specific legislation on domestic violence and ensure the violence against women constitutes a criminal offence, and urged North Korea to find ways to ensure that victims of violence have access to immediate redress and

⁵¹ NKHR2016000143 2016-08-23.

⁵² NKHR2016000133 2016-08-09.

⁵³ NKHR2016000148 2016-09-06.

protection, and that perpetrators are prosecuted and punished.⁵⁴ Article 46 of the Law on the Protection and Promotion of the Rights of Women states that “all forms of violence on women in the family are prohibited. Local People’s Committee and offices, companies, and organizations routinely carry out employee education projects to prevent domestic violence so that acts of domestic violence do not occur in the jurisdiction or among affiliated officials,” (unofficial translation) thereby making illegal domestic violence and providing protection measure. However, the Criminal Law has not been amended with reference to the above provisions, and it appears there will not be significant changes in actual circumstances.

Among the respondents of an interview survey carried out by KINU on North Korean defectors from 2011 to 2015, 81.2 percent answered that domestic violence is a common occurrence, demonstrating its prevalence.⁵⁵ However, a more pressing problem is that the women who are victims of domestic violence still cannot seek appropriate response or protection. The victims do not even tell their neighbors and cases of report are extremely rare. North Korean residents tend to not consider domestic violence a cause to report, and think domestic violence is something to be ashamed of. The notion that women provide the cause of domestic violence appears to be deeply rooted in North Korean society.

⁵⁴ UN Doc. CEDAW/C/PRK/CO/1 (2005), paras. 37, 38.

⁵⁵ Do Kyung-ok et al., *White Paper on Human Rights in North Korea 2016* (Seoul: KINU, 2016), p. 350.

“(If a husband hits his wife) Their family can have fights. Well, the thought is that maybe she did something to deserve getting hit. It’s not like here, where if you are hit then you go to the police and report it. They don’t know that kind of things.”⁵⁶

“In all relations, in terms of violence, women tend to have bad mouths, and they don’t respect men. That’s why they are beaten. It is not only men who have faults.”⁵⁷

Even when cases of domestic violence are reported to the authorities, it is common for them to behave as if it is too troublesome to take action, eluding that family affairs should be handled within the family, further preventing victims of domestic abuse from reporting to authorities. The following is a testimony given by a woman in her mid-20s who escaped in 2015.

“When you fight, you could possible talk to the officer in charge. But if you do, their answer is predictable. Take care of your family problems amongst yourselves. Or you could talk to the People’s Unit leader and he can talk to the officer. But there is none of that (legal measures).”⁵⁸

The Women’s Union also does not offer much help in resolving problems of domestic violence. The following is a testimony given by a man in his early 30s who escaped in 2011.

⁵⁶ North Korean defector ○○○, 5 November 2012, Interviewed in Seoul. The testifier is a woman in her early 30s who lived in Hyesan City, Yanggang Province prior to her escape in 2012.

⁵⁷ North Korean defector ○○○, 1 November 2012, Interviewed in Seoul. The testifier is a woman in her early 50s who lived in Hamheung City, South Hamgyong Province prior to her escape in 2012.

⁵⁸ NKHR2016000154 2016-09-06.

“The Women’s Union doesn’t do anything like that (filing a complaint). They do, but if you tell them then it is just bringing shame to your family and you will just be forced to write a report. If the report is made open to public, then that person becomes even more embarrassed. So that just creates even more tension. That’s how it goes.”⁵⁹

There has been a case where the husband was punished after domestic violence was reported to the authorities. For example, one woman in her 30s who lived in Jongju City, North Pyongan Province before her escape in 2013 stated that after a woman in her 50s was assaulted by her husband in January 2012, the woman reported it numerous times to the Woman’s Union, Ri (unit at the village level) party secretary, and the Ministry of People’s Security (MPS) Jongju branch, after which the husband was sent to three months at a labor training camp.⁶⁰ However, this appears to be an exceptional case; unless for extreme situations where domestic violence leads to death, criminal punishment or other similar measures rarely seems to occur. North Korean women exposed to domestic violence are unable to receive any kind of protection from the State or society.

Filing for divorce to escape domestic violence is also not easily done. According to an interview survey of North Korean defectors conducted by KINU from 2010 to 2014, 75.6 percent of respondents stated that divorce is a common occurrence, illustrating the increase in trend compared to the past. Reasons for divorce

⁵⁹ North Korean defector OOO, 1 November 2012, Interviewed in Seoul.

⁶⁰ NKHR2014000188 2014-11-04.

included economic incapacity (56.6 percent), domestic trouble (17.1 percent), followed by violence (12.7 percent).⁶¹ In this respect, it appears cases of divorce due to domestic violence are not insignificant. However, according to testimonies given by North Korean defectors, divorce is only possible through a court process and more often than not, a husband's economic incapacity or domestic violence is insufficient grounds to file for divorce and usually requires bribery. In other words, the male-oriented nature of North Korean society manifests even in the court processes of getting a divorce. In this regard, it has been alleged that in recent years, there has been a trend in which marriages are not officially registered with couples opting to co-habitat instead.⁶²

- **Violence and sexual exploitation of women**

In the Combined Second to Fourth Periodic Report, North Korea has emphasized that violence and sexual exploitation of women is subject to punishment in accordance with the Criminal Law and that in order to eliminate acts stimulating sexual exploitation of women, bringing in and spreading obscene culture are punishable under the Criminal Law.⁶³ Furthermore, identities of the victims of sexual exploitation-related crimes are kept in strict confidence and are compensated in accordance with the Law

⁶¹ Do Kyung-ok et al., White Paper on Human Rights in North Korea 2015 (Seoul: KINU, 2015), p. 361.

⁶² NKHR2016000131 2016-08-09.

⁶³ UN Doc. CEDAW/C/PRK/2-4 (2016), paras. 66-70.

on Compensation for Damages.⁶⁴

In reality, sexual exploitation more likely occurs in private circumstances and victims are prone to avoid having their cases be known to public. As such, gauging the actual situation of sexual exploitation is a difficult feat. Nevertheless, the aggregate picture obtained through testimonies by North Korean defectors who held relevant information confirms numerous areas of concern, and thus this issue requires continuous observation and scrutiny.

Unlike the claims made by the North Korean authority, North Korean defectors are skeptical about the likelihood of victims of sexual exploitation receiving protection and the perpetrator receiving punishment. Even when cases are reported, it is claimed that the suspect often avoids punishment by offering money,⁶⁵ and that the act of reporting is more of an embarrassment and so more often than not, victims would avoid reporting to the authorities and prefer to keep it secret.⁶⁶ Society's perceptions towards victims of sexual exploitation are not favorable,⁶⁷ and if cases are reported, the victim would have difficulty in getting married. Thus, one testimony states that the victim did not report to the authorities in order to protect her future path.⁶⁸

⁶⁴ *Ibid.*, para. 71.

⁶⁵ NKHR2016000143 2016-08-23.

⁶⁶ NKHR2016000139 2016-08-23; NKHR2016000140 2016-08-23.

⁶⁷ NKHR2016000143 2016-08-23; NKHR2016000145 2016-08-23.

⁶⁸ NKHR2016000148 2016-09-06.

There was a case where the suspect did receive punishment. One woman in her mid-30s who lived in Samjiyon County, Yanggang Province until her escape in 2014, testified that she had witnessed a man receiving public trial for sexually assaulting a teenage girl in 2013. The suspect was allegedly sentenced to five years of correctional labor. The witness explained that the reason she thought the suspect received such punishment was because the victim's father was an employee at the County police station.⁶⁹ In other words, aside from such exceptional cases, it could be said that legal punishment against sex offenders fails to function properly.

Although not accompanied by physical violence, it appears women experience sexual abuse due to social structural factors. Employees from political authorities often require bribery in exchange for turning a blind eye towards women engaged in the informal sector, and some allegedly require sexual favor. For these women who barely maintain sustenance through working in the market, it will not be easy to refuse and resist such unreasonable demands.

Another point of concern is that there is a lack of education to prevent sexual violence. When questioned whether education to prevent sexual violence is carried out, the common response among North Korean defectors was negative. Subsequently, when North Korean women experience or witness acts of sexual violence,

⁶⁹ NKHR2014000120 2014-08-12.

or even when they are exposed to sexual violence, it appears they are unable to fully comprehend the gravity of the problem. One woman in her mid 20s who escaped in 2012 commented that North Korean officials openly commit acts of sexual violence towards women they are found of, and that she only realized that it was wrong during her stay in China upon escape. Furthermore, she commented that it was difficult to see it as a problem because women who respond favorably to officials' advances lead prosperous lives.⁷⁰ This well demonstrates the severity of the situation arising from a lack of education preventing sexual violence.

(3) Punishment and human rights violation of repatriated women

- **Punishment of human trafficking victims**

The Committee on the Elimination of Discrimination against Women's Concluding Comments in 2005 urged North Korea to introduce poverty alleviation measures aimed at improving the situation of women to eliminate their vulnerability towards exploitation, such as human trafficking. Moreover, the Committee urged North Korea to assist women economic returnees who went abroad without valid travel permits to reintegrate into their families and society and to protect them from all forms of violations of their rights.⁷¹ The 2014 Report of the commission of

⁷⁰ NKHR2014000157 2014-09-23.

⁷¹ UN Doc. CEDAW/C/PRK/CO/1 (2005), para. 42.

inquiry on human rights in the DPRK recommended that North Korea responds immediately and effectively to trafficking in women and addresses the structural causes that make women vulnerable to such violations.⁷² North Korea strictly limits the freedom of movement across borders. Therefore, in order for women to cross national borders, they inevitably resort to organized human trafficking.⁷³ Afterwards, numerous women who have become victims of human trafficking do not know who they were sold off to as they are handed over to Chinese men.⁷⁴ Although they get married and live together, for most cases they are unable to acquire a resident permit (hokou). Even in cases of domestic violence, they are unable to request adequate protection or respond appropriately due to fears of repatriation and limitations in their status.⁷⁵

The recent Combined Second to Fourth Periodic Report only emphasized that human trafficking is strictly punished in North Korea, but has not commented on the structural causes that make women vulnerable to human trafficking or on the role of the State in protecting the victims. The Report has, however, emphasized that in the case of returnees who crossed the border illegally, institutions concerned opted for educational measures instead of legal punishment, while People's Committee in the area

⁷² UN Doc. A/HRC/25/63 (2014), para. 89(i).

⁷³ NKHR2014000071 2014-06-17; NKHR201400083 2014-07-01; NKHR2015000043 2015-02-24; NKHR2015000072 2015-04-07.

⁷⁴ Do Kyung-ok et al., *White Paper on Human Rights in North Korea 2016* (Seoul: KINU, 2016), pp. 457-461.

⁷⁵ NKHR2013000210. 2014-04-01; NKHR2015000079 2015-05-12.

concerned provided them with necessary conditions for a happy life with their families.⁷⁶ However, in reality, it appears even the victims of human trafficking are punished.⁷⁷ Punishment is imposed on the grounds that these women allegedly accepted to be part of human trafficking in order to earn money in China or that many were aware that they were being trafficked. Rather than considering these groups to be victims of human trafficking, they are often considered by the North Korean authority to be 'law-breaking offenders' who have illegally crossed borders.⁷⁸

As claimed by North Korea, numerous testimonies attested that in the 2000s, women who voluntarily return from China as a result of human trafficking would go through an interrogation process, and then receive education, where they would commute for about a month. There are also testimonies that if the woman confesses, she would be released or her case would be 'grouped with others.'⁷⁹ However, most testimonies present claim that such is no longer the case, and illegal crossing of borders will be punished unconditionally.⁸⁰ Even if one does not receive the full extent of legal punishment, it appears the process of investigation is fraught with acts of cruelty that their treatment is no different

⁷⁶ UN Doc. CEDAW/C/PRK/2-4 (2016), para. 74.

⁷⁷ NKHR2016000117 2016-07-26.

⁷⁸ woman in her 40s who escaped in 2014 testified that even victims of human trafficking are not exempt from punishment if they were aware that they were being trafficked. Instead, they are allegedly punished for illegal crossing of borders. NKHR2016000148 2016-09-06.

⁷⁹ NHKR2016000131 2016-08-09; NKHR2016000129 2016-08-09; NKHR2016000143 2016-08-23.

⁸⁰ NKHR2016000143 2016-08-23; NKHR2016000134 2016-08-09.

from how criminals are treated. One North Korean defector in her mid 40s who escaped in 2014 testified what her acquaintance experienced upon her voluntary return the same year the witness escaped.

“○○○’s mother used to live in China but she missed her child so much so that she took the money she earned in China and left for North Korea. She was a smuggler so she voluntarily went to ○○○ branch of the State Security Department (SSD). The investigation organization would do too much, so if she lived in China for three years, she had to attend re-education 365 days for three years. She couldn’t endure that, she really couldn’t, so she broke open a window and ran away, back to China. Originally during the Kim Jong-il era in 2007, they said they would not punish voluntary returnees for their crime. However, in reality, this is 2014. This is not forgiven in the Kim Jong-un era. They might say they do, but once you’re in there, even those who confess are treated like that.”⁸¹

In general, the severity of punishment depends on how long one stayed in China.⁸² However, in reviewing recent testimonies by North Korean women defectors, punishment on repatriated women appears to have worsened following Kim Jong-un’s rule. One woman in her 40s who escaped in 2010 testified that during the Kim Jong-il regime, those who return after six months in China are often not severely punished.⁸³ One woman in her 20s who escaped in 2014 testified that women who committed such crimes two or three years ago would be punished with six months in a labor training camp. However, in recent days, it has been

⁸¹ NKHR2016000148 2016-09-06.

⁸² NKHR2016000131 2016-08-09; NKHR2016000133 2016-08-09.

⁸³ NKHR2016000145 2016-08-23.

alleged that even “setting a foot in China” would lead to two to three years of correctional labor.⁸⁴

- **Forced repatriation and human rights violation in the process of investigation**

Among the human rights violations against women committed by the North Korean authority, the biggest problem concerns forced abortion in the process of repatriation and inhuman treatment in the process of investigation. If a woman living in China is repatriated bearing a Chinese baby, there is a custom of forced abortion. One man in his early 30s who escaped in 2011 spoke of his experience working as an agent when he was dispatched to a labor training camp. He claimed that pregnant women imprisoned for committing a crime within North Korea are not forced to abort the fetus. On the other hand, prisoners who became pregnant in China are forced to undergo abortion.⁸⁵ Moreover, one woman in her late 30s who escaped in 2013 explained that when she was imprisoned in a labor training camp in Daehungdan County, Yanggang Province, she had heard of a fellow prisoner who had to undergo operation for abortion after being pregnant with a Chinese baby.⁸⁶ There have also been numerous accounts where fellow prisoners in confinement facilities were forced to undergo operation for abortion for bearing Chinese babies.⁸⁷

⁸⁴ NKHR2016000123 2016-07-26.

⁸⁵ North Korean defector ○○○, 1 November 2012, Interviewed in Seoul.

⁸⁶ NKHR2014000141 2014-09-02.

⁸⁷ NKHR2012000090 2013-04-30; NKHR2014000113 2014-08-12; NKHR2014000167 2014-10-07.

Cases of physical assault on pregnant women have also been confirmed. One woman in her 30s who escaped in 2014 testified that during her time a County SSD detention facility in Hyesan City, Yanggang Province in January 2014, she witnessed a woman aged 24, who had been repatriated en route to South Korea, being assaulted despite being three months pregnant.⁸⁸

There is also case where a repatriated woman, who suffered from a miscarriage, was exposed to violence and hard labor without receiving proper treatment. The woman, who was in her early 40s at the time, was repatriated from China in 2010 and sent to a holding center (jipgyulso) in Chongjin. There, she became aware of her pregnancy and miscarriage after continued bleeding. However, this woman was not given proper treatment, but was accused of hiding money in her vagina, stating that was the reason for the bleeding. She was continually assaulted by the guard of the County holding center (jipgyulso), who demanded that she give up her money. She was also forced to undergo hard labor. Eventually, her poor state of health led her to be sent to a relief center, rather than to a prison camp (kyohwaso).⁸⁹

Cases of sexual assault have also been confirmed in confinement facilities. One woman in her early 30s who escaped in 2014 spoke of her time imprisoned in a holding center (jipgyulso) for those convicted of illegal crossing of borders, located in Hyesan City, Yanggang Province in December 2012.

⁸⁸ NKHR2014000203 2014-12-02.

⁸⁹ NKHR2016000149 2016-09-06.

She testified that she had witnessed a fellow prisoner aged 27 being sexually assaulted by a holding center (jipgyulso) guard.⁹⁰

Another serious problem is what is referred to as vaginal inspection, which occurs in the process of body inspection in order to find money, secret letters, or secret documents hidden inside women who are imprisoned in confinement facilities upon repatriation. Not only are such inspections highly degrading, they entail severely unhygienic procedures. The majority of North Korean women defectors with experience of repatriation testified that they were forced such inspection in SSD detention facilities and SSD holding facilities (jipgyulso) among others.⁹¹ One woman in her early 30s who escaped in 2011, testified her experience of having to under vaginal inspection at Onsong SSD and Chongjin holding center (jipgyulso) in 2011.

“They wear rubber gloves and put their hand in the vagina. I thought I would pass out then. Then, all the clothes are stripped off at the time, and one by one they have to go on it. The more surprising thing is, that thing is pushed in like this, isn’t it? The hand goes in the vagina for inspection, then they take the hand out and while the next person lies down, they just wipe the hand on the clothes that the person took off, and then push the hand in the body again. So the last 8th person to do the inspection basically had all 7 people’s germs get pushed in her. ... Well I don’t know what they do if the woman is on her period but they do it, again. Until the inspection is finished at the SSD, there is continuous hemorrhaging, it just keeps bleeding. ... They do not give

⁹⁰ NKHR2015000079 2015-04-21.

⁹¹ NKHR2013000038 2013-02-19; NKHR2013000192 2013-10-17; NKHR2013000198 2013-10-29; NKHR 2013000218 2013-11-26; NKHR2013000227 2013-12-24.

pads.”⁹²

In most cases, it has been confirmed that body inspections on women are carried out by women. However there has been a case where such inspection was done by a man. One woman in her mid 40s who escaped in 2013 testified that in the process of repatriation, a woman had inspected her vagina with vinyl gloves at a border post in China. After she was sent to a SSD in Onsong County, North Hamgyong Province, another woman inspected her anus and vagina. Thereon, when she was transferred to a MPS detention facility in Gilju County, North Hamgyong Province, she was stripped naked and a male guard aged 29 inspected her vagina.⁹³ Under the premise of locating money brought back from China, North Korean investigatory organs not only commit such vaginal inspection, but resort to methods such as making them squat down and stand up repeatedly, even feeding them to make them defecate so that their feces can be examined.⁹⁴

(4) Poor state of women’s health and maternal healthcare

The Committee on the Elimination of Discrimination against Women’s Concluding Comments in 2005 requested North Korea for detailed information on the impact of the measures taken to

⁹² North Korean defector OOO, 5 October 2012, Interviewed in Seoul.

⁹³ NKHR2013000218 2013-11-26.

⁹⁴ Do Kyung-ok et al., *White Paper on Human Rights in North Korea 2016* (Seoul: KINU, 2016), pp. 444, 445.

improve the access of women to reproductive and sexual health programmes.⁹⁵ North Korea has emphasized in the Combined Second to Fourth Periodic Report that various measures have been taken to ensure the protection of maternal healthcare. In terms of legislative measures, the Report stated that the Public Health Law, the Law on the Nursing and Upbringing of Children, the Law on the Protection of Persons with Disabilities, the Law on the Protection of the Elderly, the Law on Medical Care, the Law on the Administration of Medical Supplies, among others, have stipulation on protecting women's rights.⁹⁶ In terms of policy, the Report has emphasized the Medium Term Strategic Plan for the Development of the Health Sector in the DPRK (2010-2015), Health Education Strategy for Reproductive Health (2013-2015), Action Plan to Control Child and Maternal Malnutrition (2014-2018), among others, have been established.⁹⁷ Moreover, the Report stated the establishment of a Modern Breast Tumor Institute in 2012 under the Pyongyang Maternity Hospital, and specific measures such as the introduction of an 8-month paid maternity leave.⁹⁸ The content is similar to what was stated in the State Report submitted to the second Universal Periodic Review in 2014.⁹⁹ However, in effect, these measures are limited to Pyongyang, and its efficacy is questionable. Moreover, given that most women in the formal sector tend to leave their jobs

⁹⁵ UN Doc. CEDAW/C/PRK/CO/1 (2005), paras. 45, 46.

⁹⁶ UN Doc. CEDAW/C/PRK/2-4 (2016), para. 143.

⁹⁷ *Ibid.*, paras. 164, 165, 196.

⁹⁸ *Ibid.*, paras. 155, 161.

⁹⁹ UN Doc. A/HRC/WG.5/19/PRK/1 (2014), paras. 91-95.

upon marriage, measures such as paid maternity leave, which would normally apply to women in the formal sector, prospects for substantive help for women are low. The following will review the detailed situation concerning women's health and maternal health.

- **Women's health**

It is well known that North Korean women have a generally poor state of health, suffering from malnutrition or anemia as a result of the psychological pressure to care for the family and excessive labor to care maintain family finances amidst the ongoing food crisis from the 1990s. Recent surveys indicate that such situation has not been greatly alleviated.

In September 2012, North Korea's Central Bureau of Statistics conducted a survey on the state of nutrition among its residents with the technical aid of the United Nations Children's Fund (UNICEF), World Food Programme (WFP), and the World Health Organization (WHO).¹⁰⁰ The 7,649 women surveyed were between 15 and 49 years of child bearing age with a child between 0 and 59 months old.¹⁰¹ Examinations of the concentration of hemoglobin in the blood and the mid-upper arm circumference,

¹⁰⁰ For more information about the results of the survey can be found in UNICEF *et al.*, "DPRK Final Report of the National Nutrition Survey 2012" (2013), and Yoon So-yoonet *al.*, "Status of Early Childhood and Maternal Nutrition in South Korea and North Korea," *Korean Journal of Community Nutrition*, Vol.23, No. 3, 2016 (in Korean).

¹⁰¹ Out of these, 96.3 percent are women between the ages of 20 to 39. Out of those surveyed one only person was from the ages 5 to 19 and thus the discussion excludes those in their teens.

among others yielded that women suffered from a general poor state of health. 31.8 percent of women in their 20s, 30.2 percent of women in their 30s, and 38.7 percent of women in their 40s suffer from anemia, indicating that the prevalence rate of anemia among women of child bearing age is considerably high. Moreover, 25.2 percent of women in their 20s, 21.4 percent of women in their 30s, and 21.8 percent of women in their 40s suffer from malnutrition, indicating that women also suffer from a significantly poor state of nutrition.

In addition, an unhygienic environment is also threatening women's health. In particular, it appears that as a result of unhygienic environment, many women suffer from women's diseases. The most notable issue concerning hygiene is the fact that women have difficulty managing their periods. Among the respondents of an interview survey carried out by KINU on North Korean defectors from 2010 to 2014, 75.4 percent said that they use 'gauze cloth' to take care of their menstrual blood, and 10.7 percent said they use 'old clothing.' On the other hand, only 11.0 percent of the respondents said they use 'disposable pads.'¹⁰² North Korea manufactures 'Daedongsan sanitary pads' and also imports Chinese made disposable pads, but it appears they are only used by women in Pyongyang or affluent women living in the border regions.¹⁰³

¹⁰² Do Kyung-ok et al., White Paper on Human Rights in North Korea 2015 (Seoul: KINU, 2015), p. 381.

¹⁰³ Ibid., pp. 380, 381.

In addition to poor hygiene, it appears that an arduous day-to-day lifestyle, having to manage both housework and economic activity, also contributes to subsequent illness. One woman in her 40s who escaped in 2011 was questioned why many North Korean women suffer from women's diseases, to which she answered the following.

"I think it is because the living environment is very poor. It is hard just staying alive, so how can they worry about hygiene? You wouldn't be able to count how many people remember the last time they had a shower. They just work outside covered in dust and come home in the evening and fall fast asleep without even washing. That is how they live, the people."¹⁰⁴

When women suffer from women's diseases, it is questionable whether they are even able to receive the proper treatment. Given the poor state of medical environment, untested methods of medical care often with drugs, are practiced even through medical personnel. This is another factor threatening women's health.¹⁰⁵

- **Maternal health**

The most important index concerning maternal health is most likely to be the maternal mortality ratio. Through the recent Report, North Korea reported that whereas maternal mortality

¹⁰⁴ North Korean defector OOO, 12 October 2012, Interviewed in Seoul.

¹⁰⁵ For example, there have been a number of stories of how bingduand other narcotic drugs are used for women's diseases. New Focus article 2016. 8. 22.

ratio was 97 per 100,000 live births in 2002, it has dropped to 62.7 in 2012.¹⁰⁶ However, according to the World Development Indicators published by the World Bank in 2016, the maternal mortality ratio was 82 per 100,000 live births in 2015.¹⁰⁷ Although it is difficult to assess why there is a significant discrepancy between North Korea's Report and the World Bank's statistics, when compared to the fact that the World Development Indicators reported a maternal mortality ratio of 11 per 100,000 live births in South Korea in 2015, it is clear that the state of maternal healthcare is considerably poor. However, when comparing the situation in sub-Saharan Africa which has a maternal mortality ratio of 547 per 100,000 live births, and the low income States' average of 495, it appears that maternal healthcare in North Korea is not the lowest in the world. In the recent Report, North Korea states that premature birth amounted to 58.5 percent due to direct obstetric causes, among which the death rate by hemorrhage was 50 percent.¹⁰⁸

The North Korean authority claims that "All counties in our country have a maternity hospital with modern medical facilities, where qualified medical personnel devote their passion to firmly guarantee women's and newborns' life and health. A programme for reproductive health for women is firmly established."¹⁰⁹ In the recent Report, North Korea stated that the proportion of women

¹⁰⁶ UN Doc. CEDAW/C/PRK/2-4 (2016), para. 185.

¹⁰⁷ World Bank, "World Development Indicators 2016," 2016, p. 72.

¹⁰⁸ UN Doc. CEDAW/C/PRK/2-4 (2016), para. 185.

¹⁰⁹ RodongSinmun article, 2016. 5. 6. (informal translation).

who received antenatal care services more than 4 times was about 94percent in 2011, contributing to the reduced maternal mortality ratio in a positive way.¹¹⁰ However, it appears that medical services to care for before, during, and after childbirth are all generally at a poor state. For example, according to the 2009 survey conducted by the Central Bureau of Statistics with the technical aid provided by UNICEF, in the case of prenatal tests, only 79 percent of mothers took all of the blood pressure measurement, blood test (to detect syphilis and severe anaemia), and urine test (for bacteriuria and proteinuria), the three basic tests required by the WHO.¹¹¹ The results of the interview survey conducted on North Korean defectors also show that only 30 to 50 percent of women received all three tests.¹¹² Given the state of North Korea's economy, among others, it is probable that recent circumstances have remained more or less the same.

In terms of birth, North Korea claimed that the proportion of births attended by skilled health personnel increased from 96.9 percent in 2002 to 99.1 percent in 2012.¹¹³ Moreover, according to the survey results of 2011, most births were attended by doctors, with 87 percent in urban and 75 percent in rural areas. The institutional delivery rate among delivered women was 87.9 percent and the delivery at home and other places accounted for

¹¹⁰ UN Doc. CEDAW/C/PRK/2-4 (2016), para. 188.

¹¹¹ UNICEF, "Multiple Indicator Cluster Survey: Democratic People's Republic of Korea," 2009, p. 64.

¹¹² 2Park Sang-min et al., "State of North Korea's maternal healthcare and measures for effective support," *KDI Review of North Korean Economy*, 2014 August, p.6 (in Korean).

¹¹³ UN Doc. CEDAW/C/PRK/2-4 (2016), para. 186.

12.1 percent.¹¹⁴ When considering testimonies given by North Korean defectors, it appears that the proportion of institutional delivery rate is indeed increasing.¹¹⁵ However, it is also the case that the rate of delivery at home with the help of a midwife in rural regions still remains significantly high.¹¹⁶ In these situations, many receive the help of unqualified nurses,¹¹⁷ and given the lack of transportation means in the case of emergency, a high rate of delivery at home could lead to an increasing maternal mortality as a result of excessive hemorrhaging or infection.

¹¹⁴ *Ibid.*

¹¹⁵ NKHR2016000133 2016-08-09; NKHR2016000154 2016-09-06.

¹¹⁶ NKHR2016000118 2016-07-26; NKHR2016000134 2016-08-09; NKHR2016000142 2016-08-23; NKHR2016000143 2016-08-23.

¹¹⁷ NKHR2016000148 2016-09-06.

III. Human Rights Situation of Children in North Korea

1. North Korea's Fifth Periodic Report (2016)

In the Fifth Periodic Report, North Korea stated that the period between 2008 and 2015 was one “which children in the DPRK fully enjoyed their rights and their welfare was promoted at a higher level under the policy of love for children of the supreme leader Kim Jong Un.”¹¹⁸ Furthermore, North Korea stated that throughout the period, it has enacted the Law on the Protection of the Rights of Children (2010), Law on General Secondary Education (2011), promulgated the Ordinance on the Enforcement of Universal 12-year Compulsory Education (2012), organized the Korea Association for Supporting the Children (2013), ratified the Optional Protocol to the CRC on the sale of children, child prostitution and child pornography (2014), and held general meetings of State institutions and social organizations, as well as sector-specific meetings to review the implementation of the Convention and discuss concrete measures and programmes.¹¹⁹ Moreover, the National Committee for the Implementation of International Human Rights Treaties (NCIIHRT) was formed, merging the national coordinating committees that existed separately for the implementation of the treaties to which the DPRK is a State Party. The Report emphasizes that the NCIIHRT holds it as one of its main objectives to ensure that the

¹¹⁸ UN Doc. CRC/C/PRK/5 (2016), para. 7.

¹¹⁹ *Ibid.*, paras. 8-10, 17, 21, 25.

requirements of the Law on the Protection of the Rights of Children and the CRC are fully integrated into the development and implementation of the State policy.¹²⁰

Meanwhile, unlike the definition set in the CRC, the Law on the Protection of the Rights of Children defines a child as a person up to the age 16.¹²¹ According to North Korea's Report, such definition is based on the present situation where the age of completion of the 11-year compulsory education is 16~17.¹²² However, the Report stated that under the newly introduced 12-year compulsory education, children will be 17~18 years old when they finish their education, and as such, the legal definition of children will be changed to be the same as the definition provided in the CRC.¹²³ It could be said that such amendment is in reference to the recommendation made by the Committee in 2009, that North Korea should enact a comprehensive legislative act on the rights of children, with a view to ensuring that all children aged under 18 are fully protected in line with article 1 of the CRC.¹²⁴ However, North Korea's Constitution and Labor Law state that children from the age of 16 are able to take part in labor, and the Family Law states that women are able to marry from the age of 17. In these ways, relevant stipulations exist in

¹²⁰ *Ibid.*, paras. 22, 23.

¹²¹ Article 1 of the CRC states "For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier."

¹²² UN Doc. CRC/C/PRK/5 (2016), para. 27.

¹²³ *Ibid.*, para. 28.

¹²⁴ UN Doc. CRC/C/PRK/CO/4 (2009), para. 8.

the Constitution and other legislations, further requiring amendments as to be accordance with the CRC. That men are able to marry from 18 years of age, thereby setting a difference set of laws for men and women, also goes against the principle of non-discrimination, article 2 of the CRC.

The first sentence in Article 4 of the CRC stipulates that State Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the Convention. North Korea's Law on the Protection of the Rights of Children reflects most of the rights listed in the CRC. Civil rights and freedom such as the freedom of thought, conscience and religion, freedom of association and peaceful assembly are listed in the Constitution. In the case of other civil rights and freedom, they are listed not only in the Law on the Protection of the Rights of Children but also in its Nationality Law, Criminal Procedure Law, among others. In these ways, similar to its legislative measures regarding women, North Korea, as a State Party, has implemented its obligations concerning children at least from a legislative perspective. However, as mentioned above, North Korean society has yet to move beyond a perfunctory rule of law and thus, legislative measures cannot be deemed to hold significant meaning.

2. Major Issues

(1) Poor state of children's health and welfare

- Children with disabilities

The Committee on the Rights of the Child's Concluding Observations on the Combined Third and Fourth Reports of North Korea stated that the Committee noted with appreciation various measures taken by the State Party aimed to assist children with disabilities and recommended that the State Party continue to strengthen measures to protect and promote the rights of children with disabilities.¹²⁵ In the recent Report, North Korea dedicated a large portion to describe in detail measures taken at the state level for children with disabilities. Notable examples are the organization of special classes in normal schools in accordance with the Law on the Protection of Persons with Disabilities as well as the establishment of special schools for the visually and hearing impaired.¹²⁶ Furthermore, North Korea mentioned that it "took every possible measure to assist children with disabilities technically and financially," with regard to the Concluding Observations, and emphasized that it focused on providing ways and means for rehabilitation.¹²⁷

¹²⁵ UN Doc. CRC/C/PRK/CO/4 (2009), para. 43.

¹²⁶ UN Doc. CRC/C/PRK/5 (2016), para. 137.

¹²⁷ *Ibid.*, para. 131.

At present, there are 8 schools for the deaf (Sambong, Sijung, Hamheung, Unjeon, Seongcheon, Wonsan, Bongsan, and Bongcheon) and 3 schools for the blind (Hamheung, Daedong, and Bongcheon).¹²⁸ Although it is difficult to accurately grasp the disability rate of children in North Korea,¹²⁹ the fact that there are only 11 special schools for the disabled indicate that there is an absolute lack of special schools. It is of particular concern that the region of Yanggang Province does not have a single special school. Furthermore, even if some parts of the special schools are being run, it is questionable whether it is equipped with proper facilities and environment given North Korea's economic hardship. One North Korean defector testified that in the past her sister had intended to send her deaf child to a special school in Wonsan, Gangwon Province. However, after visiting the school, she

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Category	Name of School	Location
Schools for the deaf	Sambong School for the deaf	Onsong County, North Hamgyong Province
	Sijung School for the deaf	Sijung County, Jagang Province
	Hamheung School for the deaf	Hamheung City, South Hamgyong Province
	Unjeon School for the deaf	Unjeon County, North Pyongan Province
	Seongcheon School for the deaf	Seongcheon County, South Pyongan Province
	Wonsan School for the deaf	Wonsan City, Gangwon Province
	Bongsan School for the deaf	Bongsan County, North Hwanghae Province
	Bongcheon School for the deaf	Bongcheon County, South Hwanghae Province
Schools for the blind	Hamheung School for the blind	Hamheung City, South Hamgyong Province
	Daedong School for the blind	Daedong County, South Pyongan Province
	Bongcheon School for the blind	Bongcheon County, South Hwanghae Province

¹²⁹ In the recently submitted report, North Korea claims that sample survey on persons with disabilities was conducted in selected provinces of the South Pyongan, South Hwanghae and Gangwon Provinces in 2011. The disability rate of children aged 0-15 was 0.9 percent. UN Doc. CRC/C/PRK/5 (2016), para. 135.

allegedly changed her mind upon seeing the poor state of facilities and environment.¹³⁰ However, in the recent Report, North Korea stated that from 2013 to 2015, it has conducted a project to improve the environment at special schools for the disabled. Despite North Korea's claims, whether or not special classes in normal schools are run for children with disabilities is difficult to confirm. A survey was conducted among the majority of North Korean defectors who had recently entered South Korea, but there were no testimonies claiming that one had experienced or witnessed such special classes.

Meanwhile, North Korea has shown interest in the training and rehabilitation of children with disabilities, such as establishing the Chosun Rehabilitation Center for Children with Disabilities in Pyongyang in March 2013, which would carry out early detection and recovery projects for mostly children suffering from mental and physical disabilities. However, it appears that children with disabilities living in provincial regions do not have opportunities for training or rehabilitation. Therefore, local infrastructure for children with disabilities and their families are still very much lacking.

- Health care and nutrition

The Committee on the Rights of the Child's Concluding Observations on the Combined Third and Fourth Reports of North

¹³⁰ NKHR2013000224 2013-12-10.

Korea expressed concern about the survival and development of children in North Korea which continue to be threatened by chronic and severe malnutrition, acute respiratory infections and diarrhea, and lack of access to medicine.¹³¹ Furthermore the Committee has urged North Korea to continue to address, as matter of urgency, the high rates of malnutrition, develop campaigns to inform parents about basic child health and nutrition, and ensure the effectiveness of the system of fully subsidized health care that ensures the provision of the highest standard of health for all children, among others.¹³² In the recently submitted Report, North Korea has stated, in relatively detailed terms, health care services provided to children.

To begin, North Korea has stated that measures have been adopted to improve maternal and child health care, such as pre- and post-natal care by a district doctor system and a paid maternity leave of two months before childbirth and six months after childbirth.¹³³ However, various testimonies attest to the fact that North Korea's district doctor system exists largely only in name and has failed to play its role properly.¹³⁴ Therefore, there is a significant gap between the claims made by the North Korean authority that babies or young children are looked after by household doctors and the actual reality in North Korea. Moreover,

¹³¹ UN Doc. CRC/C/PRK/CO/4 (2009), para. 44.

¹³² *Ibid.*, p. 45.

¹³³ UN Doc. CRC/C/PRK/5 (2016), paras. 143, 165.

¹³⁴ Do Kyung-ok et al., *White Paper on Human Rights in North Korea 2016* (Seoul: KINU, 2016), p. 230.

North Korean defectors who had recently entered South Korea were questioned whether pre- and post-natal paid maternity leave had been expanded from 60 days before birth and 90 days after birth to 60 days before birth and 180 days after birth; but were unable to acquire conclusive evidence. One man in his mid 20s who escaped early this year had indeed been aware that such system was being implemented, but because the wage was so small, the fact that it was 'paid' did not hold much meaning.¹³⁵ Given that such expansion of paid maternity leave had only been introduced relatively recently in June 2015, whether or not there is effective guarantee will require further investigation.

Meanwhile, North Korea stated in the recently submitted Report that health workers responsible for vaccination have been designated, and since 2007, regular vaccination coverage has been above 90 percent for all kinds of vaccination, while vaccination coverage of pentavalent and measles has been reported as 99 percent in 2012.¹³⁶ Moreover, it was reported that various pharmaceutical factories are producing hundreds kinds of essential medicines and vaccines, thus basically meeting the demand for essential drugs, and that it has made efforts to narrow the gap between urban and rural areas in the distribution of health and medical services for children.¹³⁷ In the surveys so far, it appears that the system of vaccination to prevent diseases is improving.¹³⁸

¹³⁵ NKHR2016000121 2016-07-26.

¹³⁶ UN Doc. CRC/C/PRK/5 (2016), para. 152.

¹³⁷ *Ibid.*, para. 154, 157.

¹³⁸ Do Kyung-ok et al., White Paper on Human Rights in North Korea 2016 (Seoul: KINU,

However, unlike the claims made by North Korea, it seems that there are still many cases where children suffering from illnesses are unable to receive the proper treatment due to a failing medical supply system as a result of North Korea's economic crisis. These cases are more frequent in rural areas than urban cities. One North Korean defector testified that s/he has witnessed many children in rural areas die of malnutrition, high fever, and pneumonia because the hospital was too far away and was unable to take medicine.¹³⁹ Another North Korean defector spoke of the situation children in rural areas are faced with in accessing medicine.

"Hospitals really do not have any medicine. If you do not know the doctor on personal terms then they cut you off and say there is no medicine. You would sooner die than receive medicine because you are in pain. No medicine is given in hospitals. Even if there are medicine, you would buy them in the markets (jangmadang) but that isn't even real medicine. They mix flour with penicillin so basically it is just flour, so it is useless. If you keep taking it then you end up with a sick stomach and so you have indigestion. ...this is what happens in rural areas."¹⁴⁰

In the case of healthcare services for children, there is a significant gap between Pyongyang and other provinces. North Korea has widely publicized the opening of Okryu Children's Hospital in Pyongyang in 2013. However, not only are there few children's hospitals in other provinces, even if they exist, they

2016), pp. 227, 228.

¹³⁹ NKHR2016000131 2016-08-09.

¹⁴⁰ NKHR2016000132 2016-08-09.

rarely function properly. For example, Hyesan City in Yanggang Province does indeed have a children's hospital, but is mostly closed, with testimonies that even when local residents go to the hospital, doctors are not present most of the time.¹⁴¹ Meanwhile, one North Korean defector who lived in Wonsan, Gangwon Province before escaping in 2014 commented that the facilities in the Gangwon Province's pediatric hospital was very good, but that was because the center was receiving support of the UNICEF and of its proximity to Pyongyang.¹⁴²

In the recently submitted Report, North Korea stated that the Strategy and Action Plan to Control Child and Maternal Malnutrition (2014-2018) was developed with regard to recommendations in the Concluding Observations.¹⁴³ North Korea had cited the results of a survey on the status of malnutrition among children, conducted by the UNICEF and the Central Bureau of Statistics in 2012. It is reported that out of children under 5 years of age, 15.2 percent were underweight, 27.9 percent were suffering from chronic malnutrition, and 4 percent from acute malnutrition.¹⁴⁴ Compared to the previous 2009 survey where 18.8 percent of children under 5 were underweight, 32.4 percent suffered from chronic malnutrition, and 5.2 percent from acute malnutrition, it appears the state of nutrition among North Korean children has been somewhat improved. However, according to a

¹⁴¹ NKHR2016000136 2016-08-23.

¹⁴² NKHR2014000209 2014-12-16.

¹⁴³ UN Doc. CRC/C/PRK/5 (2016), para. 149.

¹⁴⁴ UNICEF et al., "DPRK Final Report of the National Nutrition Survey 2012," p. 7.

2014 survey conducted by the WFP, one out of three children under 5 and almost half of the number of children between 12 and 23 months suffer from anemia.¹⁴⁵ Moreover, a 2015 survey conducted on children between 6 months and 5 years in WFP supported nurseries showed a 25.4 percent stunting prevalence.¹⁴⁶ According to a survey by the FAO, there is also a significant gap between the urban and rural areas. 'The State of Food and Agriculture' published in 2015 reports that 26.7 percent of children in North Koreans rural areas were underweight whereas 13.2 percent were underweight in urban areas.¹⁴⁷ It can be seen that the ratio of children underweight in rural areas is more than double of that in urban areas.

In the recently submitted report, North Korea emphasizes that child mortality rate of children under 1 and 5 have significantly declined thanks to the public health policy and the hard work on the part of medical workers.¹⁴⁸ Despite differences in specific statistics, that child mortality rate of children under 1 and 5 have decreased can also be confirmed through data from international organizations.

¹⁴⁵ WFP, "DPR Korea Country Brief", 2016. 8.

¹⁴⁶ *Ibid.*

¹⁴⁷ FAO, "The State of Food and Agriculture", 2015, p. 92.

¹⁴⁸ UN Doc. CRC/C/PRK/5 (2016), para. 53.

Year	Under-1 (deaths per 1000 live births)	Under-5 (deaths per 1000 live births)
2008	19.3	26.7
2010	18.8	25.7
2012	16.7	22.7
2014	14.2	20.0

Year	Under-1 child mortality (deaths per 1000 live births)	Under-5 child mortality (deaths per 1000 live births)
2008	25,8	32,4
2009	25,4	32,1
2010	24,8	31,3
2011	23,8	30,1
2012	22,7	28,7
2013	21,7	27,4
2014	20,7	26,1
2015	19,7	24,9

Source <http://www.childmortality.org> (Last accessed: 2016, 9. 30.)

In particular, given that in 2001, the under-1 and under-5 child mortality was 40 and 52 respectively, it can be seen that the rate has fallen by more than half in 15 years. Child mortality rate is an important indicator of child health as well as indicates the respective State's overall level of development. Although the decline in child mortality rate in North Korea should be positively noted, that North Korea ranks 70 to 80 among 200 countries shows that the child mortality rate is still high.

- **Standard of living**

The Committee on the Rights of the Child's Concluding Observations on the Combined Third and Fourth Reports of North Korea noted with deep concern the persistence of widespread poverty in the country and that the overall standard of living of

children remains very low, and recommended North Korea to take steps to improve the standard of living of children, giving particular attention to improving food availability as well as the quality of water and sanitation.¹⁴⁹ In regard to this recommendation, North Korea stated in the recently submitted Report that all the children at nurseries and kindergartens are provided with food in accordance with article 15 of the Law on the Nursing and Upbringing of the Children.¹⁵⁰ Furthermore, the Report stated that despite food shortage, pregnant, delivered women, as well as children under 4 were supplied with food on a monthly rate and families with several children were provided with 2 or 3 room-flat on the first priority.¹⁵¹

North Korea's system of childcare is divided into nurseries for children under 4 and kindergartens for children more than 4 years of age. According to a survey on North Korean defector regarding the state of nurseries and kindergartens in North Korea, a common testimony is that although free meal was provided in the past, it had been stopped since 2000. Testifiers state that at present, every child must bring his/her own meal.¹⁵² One North Korean defector who sent his/her child to a nursery at work claimed that not only do parents have to pack the meals; they also have to shoulder costs of diapers and even the teachers'

¹⁴⁹ UN Doc. CRC/C/PRK/CO/4 (2009), paras. 51, 52.

¹⁵⁰ UN Doc. CRC/C/PRK/5 (2016), para. 178.

¹⁵¹ *Ibid.*

¹⁵² NKHR2016000121 2016-07-26; NKHR2016000133 2016-08-09; NKHR2016000143 2016-08-23; NKHR2016000145 2016-08-23; NKHR2016000151 2016-09-06; NKHR2016000154 2016-09-06.

wages.¹⁵³ In other words, the North Korea authority only provides the physical space whereas the costs of actually running the nurseries or kindergartens are shifted to the parents.

Moreover, unlike North Korea's claim that pregnant and delivered women, as well as children under 4 are supplied with food on a regular basis, most North Korean defectors testified that they had ever received rations nor heard of it. However, it appears rations are distributed to those few who have connections to political authorities. One North Korean defector testified that when she had a niece in 2011, the pregnant mother and child received rations for about a year because her brother had been working in the SSD.¹⁵⁴

Meanwhile, North Korea also has preferential treatment for families with multiple children. However, despite its claims, it does not appear that all families with multiple children are given private housing with two or three rooms on first priority. Indeed, when there are more than three children, the State does provide a modest payment. One North Korean defector who lived in Hyesan City, Yanggang Province before his/her escape in 2013 testified that if one has more than three children, the family is given a subsidy of 200 North Korean won.¹⁵⁵ One female defector who lived in Gyongwon County, North Hamgyong Province before her escape in 2010 testified that families with multiple children are

¹⁵³ NKHR2016000153 2016-09-06.

¹⁵⁴ NKHR2016000154 2016-09-06.

¹⁵⁵ NKHR2016000139 2016-08-23.

given 500 North Korean won.¹⁵⁶ Another woman who lived in Woonheung County, Yanggang Province before her escape in 2014 testified that if a family has five children, the mother is granted a title of heroic motherhood, and if there are more than three children, 500 North Koreanwon is provided every month.¹⁵⁷ Although additional confirmation is required concerning the specific amount of State subsidy, at any rate, it appears that such amount is insignificant given North Korea's recent price index. Moreover, the same woman mentioned that families with triplets are given a private house. She had witnessed a family who were given a two-story apartment when the mother gave birth to quadruplets in Nampo City in 2007. Further research is required to understand North Korea's support for families with multiple children.

(2) Education policies contradicting the aim of child education

● Excessive political ideology education

The Committee on the Rights of the Child's Concluding Observations on the Combined Third and Fourth Reports of North Korea recommended that school curricula and teacher training programmes fully reflect article 29 of the Convention.¹⁵⁸¹⁵⁹ In the recently submitted

¹⁵⁶ NKHR2016000145 2016-08-23.

¹⁵⁷ NKHR2016000143 2016-08-23.

¹⁵⁸ UN Doc. CRC/C/PRK/CO/4 (2009), para. 55.

¹⁵⁹ Article 29 of the Convention on the Rights of the Child

1. States Parties agree that the education of the child shall be directed to:

(a) The development of the child's personality, talents and mental and physical abilities

Report, North Korea noted that the educational programme was revised in line with the requirements of article 29 of the Convention, and further explained that the new education programme will promote independent ideological consciousness and creative thinking of students, thus training them to be comprehensively developed.¹⁶⁰

The most important aspect of school education in North Korea is the political ideology education.¹⁶¹ The history of the anti-Japanese struggles of Kim Jong-un's family and idolization of that family, including the 'revolutionary history of the Great Suryong Kim Il-sung', are taught as subjects to students in secondary school.¹⁶² In reviewing the number of hours Kim Il-sung related subjects are taught to each class within the political ideology education in the 2013 education curricula, junior secondary school (junior high school) students in the first years and second years were taught 68 hours respectively, totaling 136

to their fullest potential;

(b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;

(c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;

(d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;

¹⁶⁰ UN Doc. CRC/C/PRK/5 (2016), para. 209.

¹⁶¹ For characteristics of North Korea's political ideology education, refer to Cho, Jeong-ah et al., *Education Policy, Education Curriculum, and Textbooks in the Kim Jong-un Era* (Seoul: KINU, 2015), pp. 53-59.

¹⁶² Do Kyung-ok et al., *White Paper on Human Rights in North Korea 2016* (Seoul: KINU, 2016), p. 320.

hours. Senior secondary school (high school) students in first and second years were taught 104 hours and 56 hours respectively, totaling 160 hours. Moreover, in terms of Kim Jong-il related subjects, second and third years in junior secondary schools were each taught 68 hours, totaling 136 hours, and second and third years in senior secondary schools were taught 56 hours and 92 hours respectively, totaling 148 hours. Kim Jong-un related subjects, which were newly set up following the 2013 education programme revision, were taught one hour a week, totaling 102 hours, to all years in the junior secondary school. All years in senior secondary school were taught 1 hour a week, totaling 81 hours. Compared to subjects concerning Kim Il-sung or Kim Jong-il, the numbers of classes on Kim Jong-un are relatively few. However, it constitutes a significant amount when considering that it is a newly introduced subject.¹⁶³ Key lessons fall into five categories: superiority of the party and Suryong, principles of the Juche ideology, party policies, revolutionary traditions, and general lessons of revolution and communism, but all boils down to imbedding the perception of the Suryong as a superior figure.¹⁶⁴ North Korea's political ideology curricula show unprecedented emphasis on idolizing the present supreme leader and his family.¹⁶⁵

In addition to being part of the regular school curricula,

¹⁶³ Cho, Jeong-ah et al., *Education Policy, Education Curriculum, and Textbooks in the Kim Jong-un Era* (Seoul: KINU, 2015), p.69 (in Korean).

¹⁶⁴ *Ibid.*, pp. 95-96.

¹⁶⁵ *Ibid.*, p. 97.

political ideology education is a daily part of compulsory organized life, including the 'Chosun Children's Union' and the 'Kim Il-sung Socialist Youth League.' North Korea defines this organized life as the 'furnace of ideological training,' or 'the school of revolutionary education.'¹⁶⁶ Members of the Chosun Children's Union are children aged 7 to 13 who learn and practice Unitary Ideology through ideological education and organized activities. Members of the Kim Il-sung Socialist Youth League are children and adults aged 14 to 30 who go through organized lifestyles. It appears ideological education projects through organized life are continuously strengthening in North Korea.¹⁶⁷

- **Mobilization for political events and propaganda**

The Committee on the Rights of the Child's Concluding Observations on the Combined Third and Fourth Reports of North Korea expressed concern that children spend significant proportion of their time allocated for instruction for the purposes of festival preparations, among others, and recommended that North Korea ensures that the time allocated to extra-curricular activities do not interfere with the child's learning process.¹⁶⁸

However, North Korean students are still being mobilized for

¹⁶⁶ Kim Jong-su, "A Study on the Kim Il-Sung Socialist Youth League in the Kim Jong-Un Era," *Unification Policy Studies*, Vol.22, No.2, 2013, p. 52 (in Korean).

¹⁶⁷ *Ibid.*, p. 64.

¹⁶⁸ UN Doc. CRC/C/PRK/CO/4 (2009), para. 53.

various political events or propaganda purposes. In particular, students are frequently mobilized for political events such as elections. During election time, they are mobilized under the name of 'gachangdae,' and they are required to stand in a line and sing songs about the election as they walk around holding sunflowers made of paper. This goes on every lunch time and before they go home, usually starting from one month prior to the election date.¹⁶⁹ A parade with paper-made sunflowers is also carried out to send people off to the military.¹⁷⁰ Students are also mobilized to prepare for Kim Jong-il, Kim Il-sung, and Kim Jong-un's birthdays; it has been alleged that for about one month, the afternoons are spent going around the village and heightening the festive atmosphere.¹⁷¹ It appears mobilization for these political events and propaganda occur more in Pyongyang compared to other provinces.

There is a severe degree of physical pressure or disruption of studies exerted on students as a result of long practice sessions for political events or propaganda mobilizations. There has allegedly been a case where students would faint amid 3 to 4 hour practice sessions in the scorching summer heat.¹⁷² One North Korean defector testified that for the annual April 15 event, students are mobilized from February to prepare for the mass games. According to the testimony, for two to three months in

¹⁶⁹ NKHR2016000121 2016-07-26.

¹⁷⁰ NKHR2016000152 2016-09-06.

¹⁷¹ NKHR2016000133 2016-08-09.

¹⁷² NKHR2016000151 2016-09-06.

the cold weather, they are required to practice even in the weekends, sometimes late into the evening.¹⁷³ However, it appears North Korean students feel that they must endure even though it is tiresome.¹⁷⁴ The expression 'routinized mobilization' appears to be fitting, as it was as common a routine as having three meals a day.¹⁷⁵

- **Mandatory military training**

The Committee on the Rights of the Child's Concluding Observations on the Combined Third and Fourth Reports of North Korea expressed concern about the military aspects of education, which could have a negative impact on the realization of the aims of education as described in article 29 of the Convention, and recommended that North Korea takes all necessary measures to avoid the early militarization of children, in particular in schools.¹⁷⁶ In the Fifth Periodic Report, North Korea evaded from direct reference to the above issue and instead stated that the education aim of senior secondary education is to "equip students with correct world outlook and comprehensive general knowledge with sound body so as to make them fully ready for military service, social life and campus life."¹⁷⁷

¹⁷³ NKHR2016000123 2016-07-26.

¹⁷⁴ NKHR2016000122 2016-07-26; NKHR2016000134 2016-08-09; NKHR2016000143 2016-08-23.

¹⁷⁵ NKHR2016000152 2016-09-06.

¹⁷⁶ UN Doc. CRC/C/PRK/CO/4 (2009), paras. 58, 59.

¹⁷⁷ UN Doc. CRC/C/PRK/5 (2016), para. 198.

Despite the Committee's continued recommendations, North Korea still maintains a military curriculum entitled 'Military Activity for Beginners' for students in senior secondary schools. The second year students must receive military training for a week at a field training camp for the Red Youth Protective Guard, and third year students spend a week at outdoor camping sites and receive basic military training.¹⁷⁸ According to testimonies by North Korean defectors, military training includes shooting, assembling and disassembling firearms, crawling, standing in line, and military regulations.¹⁷⁹

(3) Student mobilization to supplement lacking labor force

The Committee on the Rights of the Child's Concluding Observations on the Combined Third and Fourth Reports of North Korea expressed concern that children allegedly engage, as part of their schooling, in work which by far exceeds vocational education goals and is physically highly demanding. The Report further recommended that North Korea ensures that work performed by children as part of their schooling does not jeopardize their right to education and/or their physical and mental health.¹⁸⁰ In reference to this, North Korea reiterated its previous position in the recently submitted Fifth Periodic Report that in the DPRK

¹⁷⁸ Cho, Jeong-ah et al., *Education Policy, Education Curriculum, and Textbooks in the Kim Jong-un Era* (Seoul: KINU, 2015), p. 36 (in Korean).

¹⁷⁹ NKHR2016000118 2016-07-26; NKHR2016000121 2016-07-26; NKHR2016000123 2016-07-26; NKHR 2016000139 2016-08-23.

¹⁸⁰ UN Doc. CRC/C/PRK/CO/4 (2009), paras. 60, 61.

child labor was abolished by law a long time ago.¹⁸¹ In addition, North Korea claimed that with a view to helping students combine education with productive labor and theory with practice, 20 class hours of secondary school curriculum are allotted for field practice, during which students visit farms and factories to practice or experience themselves what they learned in classrooms.¹⁸² North Korea's actual school curriculum includes planting trees for junior secondary school students, and planting trees and productive labor for senior secondary school students.

However, in addition to officially designated school curricula, students in North Korea are frequently mobilized after school or during class. In the Spring, Summer, and Fall, students spend 6 to 7 out of 10 days working after school, in the Spring (weeding, rice planting) and Fall (digging potatoes, collecting corn), classes are stopped and students allegedly spend around a month working on the farms.¹⁸³ During the Forestry Protection period (March), the entire school body is allegedly mobilized to plant trees in the afternoon after attending classes in the morning.¹⁸⁴ Students are also mobilized for construction projects where they move sand or gravel. One North Korean defector testified that when the Musan County apartments were being built in 2011, there was a lack of equipment and workers and thus students were mobilized to move

¹⁸¹ UN Doc. CRC/C/PRK/5 (2016), para. 240.

¹⁸² *Ibid.*, para. 203.

¹⁸³ NKHR2016000139 2016-08-23; NKHR2016000145 2016-08-23; NKHR2016000150 2016-09-06; NKHR2016000152 2016-09-06.

¹⁸⁴ NKHR2016000130 2016-08-09.

gravel and mortar.¹⁸⁵ According to this testifier, in 2007, students were mobilized to pave the Musan secondary school sports ground with clay mixed with soft stones. At the time, the students were required to commute an hour back and forth to the site, where they would dig and move the clay. However, in the process, the ground gave way and two students died as a result. After the incident, the homeroom teacher was allegedly fired.

In these cases of supplementary mobilization, the students are given quotas, from which they allegedly suffer significant physical hardship.¹⁸⁶ In particular, it has been claimed that in the Spring, the students are physically exhausted and hungry, but in the Fall, they are able to eat potatoes and fruits so they at least do not have to endure hunger.¹⁸⁷ There are also students who apparently miss school in order to avoid being mobilized.¹⁸⁸ However, there have also been testimonies that unless one is sick, absentees are required to give money to the school.¹⁸⁹ Still, there appears to be exceptions even in the case of student mobilization. One North Korean defector testified that students in the top grade and those who attend music or physical education high schools are exempt from after school labor.¹⁹⁰ There have also been testimonies attesting to the fact that money was offered to the homeroom teacher in order to be exempt from rice planting work.¹⁹¹

¹⁸⁵ NKHR2016000133 2016-08-09.

¹⁸⁶ NKHR2016000131 2016-08-09.

¹⁸⁷ NKHR2016000139 2016-08-23.

¹⁸⁸ NKHR2016000150 2016-09-06.

¹⁸⁹ NKHR2016000152 2016-09-06.

¹⁹⁰ NKHR2016000145 2016-08-23.

(4) Inhumane treatment towards children

- **Street children(Kotjebi)**

The Committee on the Rights of the Child's Concluding Observations on the Combined Third and Fourth Reports of North Korea noted with concern the children living on the street who are known as Kotjebis, and have recommended that North Korea takes effective measures to ensure that street children are provided with adequate nutrition, clothing, housing, health care and educational opportunities, and that these children are provided with recovery and reintegration services when victims of physical, sexual and substance abuse.¹⁹² North Korea's recently submitted Report does not explicitly mention Kotjebi, but states that children who were deprived of family environment due to natural disasters, death or divorce of parents were provided with good living and learning conditions.¹⁹³

North Korean defectors' testimonies regarding the increasing or decreasing trend of Kotjebi have been somewhat conflicting. Nevertheless, general testimonies attest to the fact that there are still a large number of them. They are allegedly more commonly witnessed near stations or markets (jangmadang) in the border regions or provinces than large cities such as Pyongyang. North Korea has stated that it has explored appropriate ways to handle

¹⁹¹ NKHR2016000117 2016-07-26; NKHR2016000119 2016-07-26.

¹⁹² UN Doc. CRC/C/PRK/CO/4 (2009), paras. 64, 65.

¹⁹³ UN Doc. CRC/C/PRK/5 (2016), para. 109.

the problem of children living on the streets since 1996.¹⁹⁴ In fact, North Korean authorities send these kotjebis to accommodation facilities known as 'relief centers,' 'lodging centers,' 'boys' education center,' 'lodging centers for drifters,' and 'protection centers.'¹⁹⁵ Nevertheless, there have been testimonies that there is not nearly enough to accommodate everyone.¹⁹⁶ However, one man who escaped in June 2016 testified that recent instructions by Kim Jong-un to build more homeless children facilities have attracted many kotjebis based on rumors that clothes and food are provided, and thus it has become more difficult to see kotjebis out on the streets.¹⁹⁷ Meanwhile, in 2015, a source in North Hamgyong Province reported to a media outlet that the North Korean authorities were becoming aware of international criticism towards kotjebi, and subsequently carried out a nation-wide measure to round up all kotjebi to a holding center, in an attempt to propagandize the nation as a preminent place for children.¹⁹⁸

The issue is whether the kotjebis in the holding center are treated with appropriate protection and systematic management. In this regard, there have been many testimonies claiming that these facilities have poor facilities and environment as well as overwhelmingly harsh discipline, to the extent that many children end up running away.¹⁹⁹ According to North Korean defectors,

¹⁹⁴ Do Kyung-ok et al., *White Paper on Human Rights in North Korea 2016* (Seoul: KINU, 2016), p. 361.

¹⁹⁵ *Ibid.*

¹⁹⁶ NKHR2016000121 2016-07-26; NKHR2016000153 2016-09-06.

¹⁹⁷ NKHR2016000158 2016-09-20.

¹⁹⁸ Daily NK article. 2015. 2. 27.

there is an 'academy(yuhakwon)' in Seonghu-dong, Hyesan City, Yanggang Province, which holds kotjebis. Although the facility provides education as well as food and a place to sleep, it is known for its harsh discipline and extremely small amount of rations.²⁰⁰ According to one North Korean defector who stayed in a relief center in Gyongsong, North Hamgyong Province for about a month in 2010, testified the following about the state of the facility.

"There is nothing to eat so every morning at 7:30 a.m., all the children are sent out. It was Fall then, so the children go to other people's homes and collect the grain of potatoes. ... Most of them return around 11 a.m., but the children who do not bring back any grains are not given food. ... The rations given by the State are all eaten by the managers (2 men and 3 women), and the children eat boiled potatoes every meal. ... Nearly all children are malnourished."²⁰¹

It appears there are occurrences of violence and sexual assault being committed by the workers at the kotjebi holding centers. One North Korean defector with experience at a 'lodging centers for drifters' testified that s/he was beaten with a stick as soon as she entered the center for no reason and was kicked at for answering back.²⁰² In addition, although it was not directly witnessed, the testifier claimed s/he had heard that when a pretty girl entered the center, she would be summoned by the unit

¹⁹⁹ NKHR2016000121 2016-07-26; NKHR2016000122 2016-07-26; NKHR2016000143 2016-08-23; NKHR2016000157 2016-09-20.

²⁰⁰ NKHR2016000139 2016-08-23; NKHR2016000140 2015-08-23.

²⁰¹ NKHR2016000149 2016-09-06.

²⁰² NKHR2016000132 2016-08-09.

leader and be sexually assaulted. Another North Korean defector testified that many children ran away from kotjebi holding centers due to physical and sexual assault committed by the workers.²⁰³

- **Treatment for returned or repatriated children**

The Committee on the Rights of the Child's Concluding Observations on the Combined Third and Fourth Reports of North Korea noted with concern about children who cross the border into neighboring countries who may face harsh treatment upon return or repatriation, and further recommended that North Korea ensures no persons under the age of 18 are subjected to punishment for leaving the territory of the State Party without due authorization.²⁰⁴ In reference to this, North Korea reported in its recent Fifth Periodic Report that "Returnees who illegally crossed the border were subject to educational measures."²⁰⁵ In other words, the people's security institution made it a rule to first inquire into the motive and purpose of their illegal border crossing and then increased their obedience to legal requirements by creating their awareness of the provisions of the Law on the Protection of the Rights of Children, the Immigration Law, the Criminal Law and other related laws.²⁰⁶ Furthermore, the Report explained that the schools concerned paid special attention to such children so that they might get attached to school life, while

²⁰³ NKHR2016000139 2016-08-23.

²⁰⁴ UN Doc. CRC/C/PRK/CO/4 (2009), paras. 56, 57.

²⁰⁵ UN Doc. CRC/C/PRK/5 (2016), para. 239.

²⁰⁶ *Ibid.*

the people's committees concerned maintained contacts with their parents to settle the problems they faced with regard to raising such children.²⁰⁷

Children who have been repatriated from China to date have experienced various forms of torture from the beginning of the questioning process, especially verbal and physical abuse, and are known to have suffered from beating, harsh labor and starvation during detention.²⁰⁸ Moreover, they have been not an insignificant number of cases where they were detained in facilities designed for adults and forced to endure violence and forced labor.²⁰⁹ To take one example, according to a North Korean who escaped in 2013, when s/he was imprisoned in a county holding center, there was a 15 year old girl who was imprisoned for crossing the river. Despite her young age, she was allegedly forced to work the same degree of labor as adults.²¹⁰ Another North Korean who escaped in 2016 testified that a 16 year old was trafficked into China after his/her parents died. After living a kotjebi life in China, the child was repatriated to North Korea but died in the process of questioning by the SSD due to malnutrition.²¹¹ On the other hand, there have also been many testimonies claiming that repatriated children were released after a process of education. One North Korean defector testified that in 2013 when his 17 year

²⁰⁷ *Ibid.*

²⁰⁸ Do Kyung-ok et al., *White Paper on Human Rights in North Korea 2015* (Seoul: KINU, 2015), pp. 395-398.

²⁰⁹ *Ibid.*

²¹⁰ NKHR2013000018 2013-01-22.

²¹¹ NKHR2016000121 2016-07-26.

younger brother and mother was repatriated after an escape, the mother was sent to three years of correctional labor whereas the brother was released after two weeks of education due to the fact that he was a minor.²¹² Nevertheless, he was allegedly watched over by the People's Unit thereon afterwards. Other North Korean defectors have also testified that minor children who were repatriated were released after receiving education.²¹³ There have also been testimonies where children are sent to 'Group 9.27' because minors are unable to enter the same detention facilities as adults.²¹⁴ With respect to the conflicting testimonies, there is a need to observe how cases of returned or repatriated children are dealt. Moreover, another area requiring further research is the specific content and method of educational measures imposed on these children.

²¹² NKHR2016000131 2016-08-09.

²¹³ NKHR2016000112 2016-07-26; NKHR2016000123 2016-07-26.

²¹⁴ NKHR2016000143 2016-08-23.

IV. Conclusion

This article has reviewed the human rights situation of women and children in North Korea with focus on the statements made by North Korea in its Reports submitted to the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child in 2016. In the recent Report, North Korea has demonstrated an active response to the recommendations made by both Committees. However, unlike the claims made by North Korea, the human rights situation of women and children still appears to be inadequate.

In terms of women's human rights, although North Korea claims in the Report that all forms of discrimination against women have been prohibited, women in North Korea suffer from stereotyped gender roles, limited access to enter society, family life centered around men as the heads of households, and direct and indirect discrimination in managing both housework and social labor with ensuing marketization. Moreover, women in North Korea are easily vulnerable to domestic violence as well as sexual exploitation and violence in society: with poorly equipped social circumstances for victims to receive protection or relief. The most serious human rights violation committed by the North Korean authorities involves forced abortion in the process of forced repatriation as well as the inhumane treatment in the process of investigation. Furthermore, restrictions on the freedom of movement across borders have led many women to become victims of human trafficking. In many cases these women lead

married lives in China, but even if one becomes victim of domestic violence, they are unable to receive appropriate protection due to limitations in their legal status and fear of forced repatriation. Meanwhile, women in North Korea have generally poor state of health due to the food crisis which has been ongoing since the 1990s, having to bear excessive labor to sustain their family economy, and mental stress as a result of increasing responsibility over the family. Poor hygienic environment has also been a factor threatening women's health. In terms of maternal health, there have been positive changes; maternal mortality ratio has seen a decrease and the ratio of hospital births have increased. However, for those in rural regions, poor medical facilities and pre- and post-natal care by those without professional expertise continue to threaten maternal health.

Regarding the human rights of children, North Korea's Report claims that various measures have been taken to enhance children's health and welfare. However, the majority of North Korean defectors had been unaware of such measures or has questioned their efficacy. In particular, in terms of health care services and the state of nutrition, there is a serious gap between those in Pyongyang and provincial regions, as well as those in the urban cities and rural areas. Moreover, despite continued concern and recommendations by the Committee on the Rights of the Child regarding North Korea's education curriculum which do not fit the aim of children's education, it appears there has not been much improvement. Students continue to engage in labor activities which far exceed vocational education goals, which subsequently

threaten their right to education and their physical and mental health. Inhumane treatment towards children is at a concerning level for example, adequate protection still unavailable to Kotjebis. Still, there have been some positive changes; for example, the rate of vaccination has increased, child mortality rate under 1 and under 5 have also been consistently decreasing, and there have been increasing number of children related facilities. These changes should be understood as the outcome of a combination of factors, such as measures made by North Korean authorities, expansion of the market and the private economy, and the support of international organizations and NGOs. Meanwhile, although recent surveys have not yielded significant findings, there have been some cases of support for families with multiple children, and the release of repatriated children after a period of education. Future research in these fields is required to yield a more accurate understanding.

As a State Party to CEDAW and CRC, North Korea has an obligation to take all appropriate measures, including not only legislative measures but also administrative and other measures, to ensure the rights set forth in the Conventions. These measures also relate to the implementation of and compliance with the ICCPR and ICESCR, both of which North Korea is a State Party to. North Korea will have to adopt relevant measures which strive to increase specific rights stipulated in these Conventions. However, given the state of North Korea's economy, it appears there will be considerable limitations in promoting the right to food, health, and education. In this respect, it must be reminded that relevant

Conventions also have stipulations concerning international cooperation. The latter part of article 4 of the CRC states “With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.” In addition, article 2, paragraph 1 of the ICESCR states “Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means.” In other words, State Parties are obliged to seek international cooperation in order to realize social rights such as the right to food, health, and education. Other State Parties in a position to provide assistance should also bear in mind the above stipulations regarding international cooperation.

<Annex 1> Key contents of North Korea's Combined Second to Fourth Periodic Report regarding the CEDAW

Article	Key implementations
<p>Definition of Discrimination against Women (Art. 1)</p>	<ul style="list-style-type: none"> - Enacted the Law on the Protection and Promotion of the Rights of Women in 2010, thus accepting the Convention's definition of discrimination to domestic law - Education plans were established and workshops and seminars were regularly organized to expand the concept of gender equality and promote awareness
<p>Obligations to Eliminate Discrimination against Women (Art. 2)</p>	<ul style="list-style-type: none"> - Principle of equality between men and women and non-discrimination is stipulated in the Constitution, with special protection of women ensured in the Family Law, Labor Law, and the Law on the Protection and Promotion of the Rights of Women - The Law on the Compensation for Damages enacted in 2005 guarantees redress for discrimination and violation of rights - Seminars were organized and education was strengthened to guide law enforcement officials to respect women's dignity
<p>Development and Advancement of Women (Art. 3)</p>	<ul style="list-style-type: none"> - Enforcement of a 12-year compulsory education following the Law on General Education adopted in 2011 - The Law on Labour Protection enacted on July 8, 2010 protects the working women and the Law on Socialist Labour and the Law on the Protection and Promotion of Women's Rights amended on June 30, 2015 extends period of maternity leave from 150 days to 240 days - The Law on Succession applies to all male and female citizens, thus enabling women to fully exercise their rights to succession - The Social Security Law, The Law on the Protection and Promotion of the Rights of Children, the Law on the Protection of the Elderly, the Law on the Protection of Persons with Disabilities, the Law on Compensation for Damages among others ensure the development of women - The People's Committee establishes and implements plans to protect and promote women's rights - The Korea Democratic Women's Union (KDWU) makes recommendations about women's developments and provides information on the situation of women's rights to relevant institutions
<p>Temporary Special Measures (Art. 4)</p>	<ul style="list-style-type: none"> - In 2009, adopted measures in the areas of employment and protection of working women to ensure gender equality in all fields of public activities - State institutions were required to ensure the proportion of women officials at or above 20~25 percent

	<ul style="list-style-type: none"> - Standards of Job Assignment by Economic Sectors were also laid down in consideration of women's physical constitution and characteristics - Child care facilities like nurseries, kindergartens and children's wards were set up - The Ministry of Labour issued directive No.5 in January, 2014 to effect that women with several children should not be dismissed without valid reasons, and maternity leave and nursing mothers' convenience should be handled as a top priority issue - In accordance with the Regulations on Labour Discipline amended by Cabinet decision No.59 in July, 2015 women, physically frail persons and elderly persons were assigned jobs that were fit for them, with special attention paid to not assigning arduous and harmful jobs to women - Women were allowed to apply for temporary resignation in case they so wish for reasons of medical treatment, nursing their family members or child rearing - Measures were taken to provide maternal protection
<p>Elimination of Stereotypes and Violence against Women (Art. 5)</p>	<ul style="list-style-type: none"> - Surveys were conducted by the Women's Union with a view to collecting data of gender equality - The Women's Union carried out activities to eradicate gender roles and stereotypes, and worked with the People's Committee to boost awareness of gender equality and reinforce relevant mechanisms - Education campaigns were carried out, and other administrative and legislative measures were strengthened
<p>Sexual Exploitation of Women (Art. 6)</p>	<ul style="list-style-type: none"> - Sexual exploitation of women is a serious crime under the Criminal Law (Article 249 Prostitution, Article 279 Rape, and Article 281 Sexual intercourse with minor, of the Criminal Law) - Bringing in or disseminating degenerate culture is punishable under article 183 of the Criminal Law in order to eliminate acts stimulating sexual exploitation of women - The Law on the Protection and Promotion of the Rights of Women provides that whoever commits prostitution, or arranges for, forces or lures a woman into committing such act shall be subject to punishment - Identities of the victims of sexual exploitation-related crimes were kept in strict confidence and were compensated in accordance with the Law on Compensation for Damages
<p>Participation in Political and Public Life (Art. 7)</p>	<ul style="list-style-type: none"> - Women fully exercise their rights to vote and to stand for election in accordance with the Socialist Constitution, the Law on the Election of Deputies to People's Assemblies at All Levels and the Law on the Protection and Promotion of the Rights of Women. - The Cabinet decision adopted in December 2009 required that the prescribed quota of women in ministries and national institutions should be fully ensured

<p>Participation in International Activities (Art. 8)</p>	<ul style="list-style-type: none"> - Women in the DPRK enjoy, on equal terms with men and without any discrimination, their rights to work in all public institutions including the Presidium of the SPA, the Cabinet, Ministry of Foreign Affairs and Ministry of External Economic Affairs - No gender discrimination exists in the employment of women by institutions involved in foreign affairs, and the selection of delegates to international conferences/ meetings, and civil servants for international organizations, with the eligibility decided on the basis of their merits
<p>Nationality (Art. 9)</p>	<ul style="list-style-type: none"> - Women in the DPRK enjoy equal rights with men in respect of acquisition, change and retaining of nationality. These rights are guaranteed by the Nationality Law and the Law on the Protection and Promotion of the Rights of Women - Women have equal rights with men with respect to the nationality of their children
<p>Education (Art. 10)</p>	<ul style="list-style-type: none"> - Women in the DPRK have equal rights with men to receive education - The Socialist Constitution provides in article 73 that citizens have the right to education and this right is ensured by an advanced educational system and by the educational measures enacted by the State for the benefit of the people - The Law on the Protection and Promotion of the Rights of Women provides in article 18 that women shall be ensured equal rights with men in the field of education, culture and health care and in article 19 that the educational guidance institution and the local people's committees shall give women equal access with men to schools at all levels and right to employment after graduation, and no woman shall be denied admission to a university or college nor subject to restrictions on account of being female, save for specially designated courses - The universal 12-year compulsory education system was implemented - Starting in 2009, tele-education system has been established - A good education system, run by the Women's Union, has also been put in place for housewives where they can receive education on technology and enhance the level of culture
<p>Employment (Art. 11)</p>	<ul style="list-style-type: none"> - All women are guaranteed their rights to work, to labour protection and to social security in accordance with the Socialist Constitution, the Socialist Labour Law, the Law on the Protection and Promotion of the Rights of Women, the Labour Protection Law, the Social Security Law and other related laws - The Regulations on the Assignment of Jobs were adopted for the purpose of promoting rational deployment of workforce. Technical knowledge and skills, health status, gender and age were the main considerations in the job placement, with special emphasis put on properly designating occupations open to women

	<ul style="list-style-type: none"> - The Regulations on the Operation of Stalls were adopted in September, 2011, thousands of stalls were set up on the streets and villages to be run by women, creating jobs <hr/> <ul style="list-style-type: none"> - Gender equality in remuneration is a long established practice in the DPRK - In case a person deliberately makes a wrong assessment of the quantity and quality of work done and thus applies salary and bonus unjustifiably, a penalty of disciplining through labour is imposed on him/her in accordance with article 180 of the Criminal Law <hr/> <ul style="list-style-type: none"> - The Labour Protection Law enacted on July 8, 2010 and the extensively revised Regulations on Labour Protection contain specific provisions in respect of protection of women at work - It is against the Law and Regulations to make women do work too arduous, harmful or dangerous for their physiological characteristics, and facilities for women must be set up at the workplace - The State strengthened supervision and regulation of the work relating to labour protection through the enhanced functions of the Ministry of Labour - In particular, a person who makes women do the kinds of work prohibited for them by law is subject to disciplining through labour of not more than one year in accordance with article 182 of the Criminal Law <hr/> <ul style="list-style-type: none"> - Women's rights to social security are guaranteed by the Law on Social Security, the Implementing Regulations, and the Regulations on Social - Baby homes and orphanages equipped with all the necessary facilities for the nursing and upbringing of children were built in Pyongyang and Kangwon Province in 2014 and 2015 respectively
<p>Equality in Access to Health Care (Art. 12)</p>	<ul style="list-style-type: none"> - The Socialist Constitution provides that citizens are entitled to medical care, and the Law on the Protection and Promotion of the Rights of Women provides that women shall have equal access to health care services with men - The Public Health Law, the Law on the Nursing and Upbringing of Children, the Law on the Protection of Persons with Disabilities, the Law on the Protection of the Elderly, the Law on the Prevention of Communicable Diseases, the Law on Medical Care, the Law on the Administration of Medical Supplies, Food Hygiene Law, Public Hygiene Law, Environment Protection Law, Family Law, etc. are in force for the protection of women's health - Modern Breast Tumor Institute has been established in 2012 under the Pyongyang Maternity Hospital - Family counseling sections have been organized at provincial, municipal and county level hospitals in 2015

	<ul style="list-style-type: none"> - The National Coordinating Committees for Maternal and Child Disease Management have been established on a non-standing basis in the Ministry of Public Health and a technical working group for maternal health has been organized in 2006 - The 8-month paid maternity leave has been introduced from 2015 - The Medium Term Strategic Plan for the Development of the Health Sector in the DPRK (2010–2015) was developed <hr/> <ul style="list-style-type: none"> - Health Education Strategy for RH (2013–2015) was developed: This strategy has set the strategic ways of IEC program to be conducive to maternal health improvement, quality FP, prevention and treatment of cervical cancer, safe abortion and RH of youth - Guidelines of OB/GYN treatment 2006, Clinical Guidelines of Women's Health 2007 and Training Module of Emergency Obstetric and Neonatal Care 2012 (for ri-level participants) were developed and distributed - Refresher Training Module for Household Doctors developed in 2010 - Strategy and Action Plan to Control Child and Maternal Malnutrition (2014–2018) was developed <hr/> <ul style="list-style-type: none"> - Abortion service is provided upon request by the woman concerned for reasons of risks to her life, physical and mental health and fetal malformation <p>* Abortion rate was 9.9 per 1,000 married women in 2011</p>
<p>Economic and Cultural Benefits (Art. 13)</p>	<ul style="list-style-type: none"> - The Law on the Protection and Promotion of the Rights of Women provides that women shall have rights on terms of equality with men - Married women share the ownership of family property with their husbands
<p>Protection of Women in rural areas (Art. 14)</p>	<ul style="list-style-type: none"> - Stated in the Law on the Protection and Promotion of the Rights of Women - Rural women benefit greatly from the high-tech tele-medicine service introduced nationwide since 2012
<p>Equality before the Law and in Civil Matters (Art. 15)</p>	<ul style="list-style-type: none"> - The DPRK has effectively realized equality of women with men before the law and in civil matters in accordance with the Socialist Constitution - All women enjoy, on the basis of equality with men, the rights to ownership, which constitutes the very basis of all civil rights - In accordance with the Criminal Procedures Law, Civil Procedures Law and the Law on the Protection and Promotion of the Rights of Women, women's rights and interests are fully protected - In accordance with the Criminal Procedure Law execution of penalty for pregnant women is suspended for three months before delivery and seven months after delivery - In accordance with the Civil Procedures Law, a divorce case is dismissed if it is raised against a pregnant woman or a woman with a child under one year of age

<p>Equality in Marriage and Family (Art. 16)</p>	<ul style="list-style-type: none"> - The Family Law provides that citizens shall have the rights to marry freely (art.8). The Law on the Protection and Promotion of the Rights of Women provides that women have the rights to free marriage - A marriage under the minimum age for marriage, a marriage with a person who already has a registered husband or wife and a consanguineous marriage are not allowed - The Civil Procedures Law stipulates that when a divorce case is on trial, the court shall also settle the matters relating to support by one party of the other party if circumstances so require <hr/> <ul style="list-style-type: none"> - The Family Law stipulates the responsibility of rearing children - In cases of divorce, the custody of children is decided in accordance with the Family Law - The Civil Law stipulates that the husband and wife have equal rights to possess, use and dispose of family property
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<Annex 2> Key contents of North Korea's Fifth Periodic Report regarding the CRC

Field	Article	Key implementations
General principles	Non-discrimination (art.)	- Baby homes and orphanages were newly built in Pyongyang in 2014 and in Wonsan, Kangwon province in 2015
	Best interests of the child (art.3)	- Increased investment for the growth and development of children and encouraged social support for educational sector
	Right to life, survival and development (art. 6)	- The Mid-Term Strategic Plan (2010-2015), New Malaria Control Strategic Plan (2014-2017), Tuberculosis Control Strategic Plan (2014-2017) under implementation. - Child mortality rate significantly declined thanks to the public health policy
	Respect for the views of the child (art. 12)	- Special attention to ensuring children are entitled to complaints and petition
Civil rights and freedoms	Birth registration and right of name, Right to acquire anationality, Right to know and be cared for byparents (art. 7)	- Guaranteed under the Nationality Law, Law on the Protection of the Rights of Children, etc.
	Right to preserve identity (art. 8)	- Guaranteed under the Nationality Law, Law on the Protection of the Rights of Children, the Family Law, etc.
	Right to freedom of expression (art. 13)	- Stipulated in the Law on the Protection of the Rights of Children - Various activities by the Children's Unions - Child-related publishing institutions brought out every year an average of 8,5million volumes of publications for children
	Right to freedom of thought, conscience and religion (art. 14)	- Stipulated in the Socialist Constitution
	Rights to freedom of association and to freedom of peaceful assembly (art. 15)	- Stipulated in the Socialist Constitution
	Protection of privacy (art. 16)	- Guaranteed under the Socialist Constitution, Law on the Protection of the Rights of Children, and the Criminal Procedures Law, etc.

	Access to appropriate information (art. 17)	<ul style="list-style-type: none"> – Guaranteed under the Law on the Protection of the Rights of Children, the Education Law, etc. – An intra-network has been established at most of the schools in the capital city of Pyongyang and seats of provinces
	Right not to be subject to torture or other cruel, inhuman or degrading treatment or punishment (art. 37 (a))	<ul style="list-style-type: none"> – Guaranteed under the Criminal Procedures Law, Law on the Protection of the Rights of Children, and the Law on Complaints and Petitions, etc. – Regular awareness-raising seminars on corporal punishment was held
Family environment and alternative care	Parental guidance and development of children's skills (art. 5)	<ul style="list-style-type: none"> – Stated in the Law on the Protection of the Rights of Children
	Separation from parents (art. 9)	<ul style="list-style-type: none"> – Guaranteed under the Law on the Protection of the Rights of Children, and the Criminal Procedures Law, etc. – where a judicial institution has arrested or detained a child's parent on criminal charges, the reason for and place of arrest or detention shall be informed to the child – Several measures were taken to prevent family life disruptions
	Family reunification (art.10)	<ul style="list-style-type: none"> – All the DPRK citizens and foreigners are entitled to enter or depart from the DPRK upon presentation of duly issued travel documents
	Illicit transfer and non-return (art.11)	<ul style="list-style-type: none"> – 'Kidnapping children' is liable to punishment in accordance with the Criminal Law
	Parental responsibility (art.18, paras. 1, 2)	<ul style="list-style-type: none"> – Guaranteed under the Law on the Protection of the Rights of Children, the Family Law, etc.
	Children deprived of family environment (art.20)	<ul style="list-style-type: none"> – A system of guardianship under the Family Law – Special care provided to children who were deprived of family environment due to natural disasters, death or divorce of parents
	Adoption (art.21)	<ul style="list-style-type: none"> – A system of adoption under the Family Law
	Periodic review of placement (art. 25)	<ul style="list-style-type: none"> – Guaranteed under the Family Law and the Law on the Protection of the Rights of Children

		<ul style="list-style-type: none"> - Inspection departments of the Education Commission, the Ministry of Public Health and the Provincial People's Committees conducted periodic inspections
	Recovery of maintenance (art. 27, para. 4)	<ul style="list-style-type: none"> - Guaranteed under the Family Law and the Law on the Protection of the Rights of Children
	Abuse and neglect (art.19), physical and psychological recovery and social reintegration (art.39)	<ul style="list-style-type: none"> - 'Maltreatment,"deliberately neglecting duties to protect children," and 'sexual intercourse with a minor' is liable to punishment under the Criminal Law
Basic health and welfare	Children with disabilities (art. 23)	<ul style="list-style-type: none"> - Guaranteed under The Law on the Protection of the Persons with Disabilities and the Law on the Protection of the Rights of Children - Activities carried out by the Korean Federation for the Protection of Persons with Disabilities (the KFPD) - Disability-related publications and DVD IEC materials were translated into Korean and printed to be distributed - Sample survey on persons with disabilities was conducted in selected provinces of the south Phyongan, south Hwanghae and Kangwon Provinces in 2011. The disability rate of children aged 0-15 was 0,9 percent - Special classes were organized in normal schools and special schools for mental cultivation of the blind and the deaf and dumb were set up - Workshops on Korean Sign Language were organized - Modern Munsu Functional Rehabilitation Clinic was opened
	Health and medical service (art.24)	<ul style="list-style-type: none"> - Guaranteed under the Public Health Law - Children are under the care of household doctors from prenatal period and after birth they are provided dual health services and management - Full introduction of the Strategy for Expansion of Integrated Management of Child Illness (IMCI) (2005-2020)

		<ul style="list-style-type: none"> - Okryu Children's Hospital opened in Pyongyang in 2013 - Strategy and Action Plan to Control Child and Maternal Malnutrition (2014–2018) was developed and stated the '1,000 day programme' - Health workers responsible for vaccination were designated - Since 2007 regular vaccination coverage has been above 90 percent for all kinds of vaccination while vaccination coverage of pentavalent and measles (99 percent in 2012) has been reported as above 90 percent - Efforts have been made to narrow the gap between urban and rural areas and between flat and mountainous areas in the distribution of health service - Hundreds kinds of essential medicines and vaccines were produced, thus basically meeting the demands for essential drugs - Paid maternity leave of 2 months before childbirth and 6 months after childbirth has been introduced since June 2015 - Introduction of the Reproductive Health Strategies of the DPRK (2011–2015) - Various surveys on maternal and child health were conducted with the support of the UNFPA and the UNICEF
	Social security (art. 26) child care services and facilities (art. 18, para. 3)	<ul style="list-style-type: none"> - During 2014–2015 specialized departments for orphans were created in the Cabinet, the Ministry of Public Health, the Education Commission and people's committees at all levels
	Living standard (art. 27, paras. 1–3)	<ul style="list-style-type: none"> - Guaranteed under the Law on the Nursing and Upbringing of the Children - pregnant, delivered women, as well as children under 4 were supplied with food on a monthly rate - Families with several children were provided with 2 or 3 room-flat on the first priority
Education, leisure and cultural activities	Education, including vocational training and guidance (art. 28)	<ul style="list-style-type: none"> - The decree on the enforcement of the universal 12-year compulsory education system was promulgated in consideration of domestic and international trends in education

		<ul style="list-style-type: none"> - New school uniforms and materials were provided at nominal price to all students at primary schools, junior and senior secondary schools and universities in 2015 - The DPRK Education Strategy (2015–2032) was formulated in 2014 to bring about a radical improvement in the educational work and the quality of education - The attendance rate is rising steadily to over 98 percent through efforts to increase school attendance rate - With a view to helping students combine education with productive labour and theory with practice, 20 class hours of secondary school curriculum are allotted for field practice (farms, construction sites)
	Aim of Education (art.29)	<ul style="list-style-type: none"> - The new education programme defined it as the general purpose of the 12-year compulsory education is to promote independent ideological consciousness and creative thinking of students
	Leisure, recreation and cultural activities (art. 31)	<ul style="list-style-type: none"> - Stipulated in the Law on the Protection of the Rights of Children - modern sports and cultural facilities like the Masikryong Ski Resort, Munsu Water Park and the Mirim Riding Club were built - Thaedongmun Movie House and Thaesongsan Fun Fair were built
Special protection measures	Refugee children (art.22)	<ul style="list-style-type: none"> - Stipulated in The Socialist Constitution, the Law on the Protection of the Rights of Children, and the Law on the Nursing and Upbringing of Children
	Children in armed conflicts (art.38)	<ul style="list-style-type: none"> - Recruiting children is strictly forbidden,
	Juvenile justice (art. 40)	<ul style="list-style-type: none"> - In juvenile cases the whole procedure, from the investigation, preliminary examination, prosecution to trial, is handled by officers in charge thereof - In accordance with the Law on the Protection of the Rights of Children, criminal punishment is imposed only on the offender who is over 14 years of age at the time he/she commits an offence, and no criminal proceedings are instituted in the case of crime committed by a

	<p>person under 14 years of age. When a person who is over 14 and under 17 commits violations of law, he/she is committed to public education in most cases.</p>
<p>Right not to be subject to torture or other cruel, inhuman or degrading treatment or punishment (art. 37 (a))</p>	<ul style="list-style-type: none"> - The Criminal Law provides in article 29 death penalty shall not be imposed on those who were under 18 years of age at the time he/she committed a crime - No child in conflict with law in the DPRK was sentenced to life imprisonment
<p>Physical and psychological recovery and social reintegration of the child (art.39)</p>	<ul style="list-style-type: none"> - Returnees who illegally crossed the border were subject to educational measures
<p>Economic exploitation of children, including child labour (art.32)</p>	<ul style="list-style-type: none"> - Child labour was abolished by law 70 years ago.
<p>Drug abuse (art.33)</p>	<ul style="list-style-type: none"> - The Criminal Law prescribed heavy penalties for manufacture, use and illicit trafficking in drugs
<p>Sexual exploitation and abuse (art. 34)</p>	<ul style="list-style-type: none"> - A man who 'rapes,' 'forces a woman being his subordinate,' to have sexual intercourse, and who has 'sexual intercourse with a girl under the age of 15' is punished in accordance with the Criminal Law

