DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

Submission from Human Rights Watch to the Committee on the Rights of the Child

July 2008

Information regarding the status of children in the Democratic People's Republic of Korea ("DPRK") is extraordinarily difficult to obtain.[1] Yet one thing is clear: the government of the DPRK ranks among the world's most repressive. The Pyongyang regime demonstrates almost no respect for the basic human rights of its citizens—adults and children alike.

The DPRK rarely publishes reliable data on the basic quality of life in the country. In the few exceptional cases when it does so, the data is often limited, inconsistent, or otherwise of questionable utility. Human Rights Watch does not have access to people inside the DPRK who could give firsthand accounts of current developments because it is the DPRK government's policy to keep conditions inside the country secret from the rest of the world, even when information would lead to desperately needed assistance. Due to the restrictions on foreigners conducting in-country research, Human Rights Watch's information is based in large part on our interviews conducted in both China and the Republic of Korea (South Korea) with individuals who have recently been inside the DPRK. In addition to scores of interviews with North Korean adults since 2005, Human Rights Watch was able to speak with more than a dozen children, including both girls and boys. Although we have been limited in the number of interviews that we have been able to conduct, we believe that our information is not only credible but is also representative of a larger sample, partly because the people interviewed have come from different geographical areas, were of different ages, included both men and women, and came from different class and economic backgrounds.

[1] Although under article 20 of the DPRK's Civil Law majority is attained at the age of seventeen, for the purposes of this submission, Human Rights Watch considers a child to be any person under the age of eighteen. Human Rights Watch encourages the DPRK to review and raise the age of majority for both boys and girls.

Due to the limitations set out above, this submission cannot address all violations of children's rights in DPRK. Nonetheless, Human Rights Watch wishes to bring to the Committee's attention information regarding the following children's rights violations by the government of the Democratic People's Republic of Korea:

- Pervasive discrimination in respecting and ensuring children's rights
- Collective punishment
- Sex discrimination in minimum age of marriage
- Children serving in the armed forces
- Lack of freedom of religion or expression
- Restrictions on liberty and freedom of movement
- Separation of families and barriers to international family reunification
- Illicit transfer of children
- Restrictions on children enjoying the highest attainable standards of medical care
- Child malnutrition
- Discrimination in access to education
- Need for better protections against dangerous and hazardous work for children at the Kaesong Industrial Complex

General principles

Discrimination and collective punishment

When it comes to respecting and ensuring the rights guaranteed by the Convention on the Rights of the Child ("the Convention"), the DPRK government routinely discriminates based on the child's or the child's parent's political or other opinion, social origin, or other status. Basic services in the DPRK, such as access to health care, education, and food are parceled out by the government according to a classification scheme that divides people into three groups – "core," "wavering," and "hostile" – based on the government's assessment of their and their family's political loyalty.[2]

The DPRK government also discriminates against children, and even punishes children, on the basis of the status, activities, expressed opinions, or beliefs of the child's parents or other family members. Collective punishment is reportedly common in DPRK for political

[2] Human Rights Watch, *A Matter of Survival: The North Korean Government's Control of Food and the Risk of Hunger,* Volume 18, No. 3(C), May 2006, p. 6; and Human Rights Watch, *World Report 2005*, January 2006, http://www.hrw.org/wr2k5/.

crimes, as entire families, including children, of those accused of disloyalty to the government and ruling party are themselves often imprisoned, sent to forced labor camps, or sent to remote mountainous areas.[3]

Even if children avoid being imprisoned or sent to forced labor as part of collective punishment, they are often barred from higher education or good jobs.

Recommendations to the government of the DPRK:

- Respect and ensure the rights set forth in the Convention to each child without discrimination of any kind.
- End collective punishment, especially against children.

Sex discrimination in minimum age of marriage

Under article 9 of the DPRK's Family Law, the minimum age of marriage is 18 years for males and 17 years for females.[4]

Recommendation to the government of the DPRK:

- Equalize the minimum age of marriage for males and females.

Children serving in armed forces

The DPRK reported to the Committee in 2003—and has not amended the information in its most recent report—that children can volunteer to join the armed forces when they turn 17 years old.[5] This claim has been difficult to verify independently, and, as noted by the international NGO "Coalition to Stop the Use of Child Soldiers," there is conflicting information regarding conscription and voluntary recruitment ages. For example, one source has claimed that all able-bodied men who do not go to college are conscripted immediately after middle school, making them 17 or 18 years old.[6]

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[3] Human Rights Watch, *A Matter of Survival: The North Korean Government's Control of Food and the Risk of Hunger,* Volume 18, No. 3(C), May 2006, p. 6.

[4] Second periodic report of the Democratic People's Republic of Korea to the Committee on the Rights of the Child (November 2003), CRC/C/65/Add.24, para. 54.

[5] Second periodic report of the Democratic People's Republic of Korea to the Committee on the Rights of the Child (November 2003), CRC/C/65/Add.24, para. 55.

[6] Coalition to Stop the Use of Child Soldiers, *Global Report 2008*, May 2008, http://www.childsoldiersglobalreport.org/, pp. 198-199.

Credible reports suggest that at school an ideological education with an emphasis on a "military first" policy takes precedence over academic education, and that from an early age children are subject to several hours a week of mandatory military training and political indoctrination at their schools.[7]

Questions for the government of the DPRK:

- For each year since 2004, how many children under the age of 18 were recruited into the armed forces?
- How many children under the age of 18 are currently serving in the ranks of the armed forces?
- What does the military training at schools entail? Do children receive weapons trainings?

Recommendation to the government of the DPRK:

- Raise the minimum age for voluntary recruitment to 18, including for training purposes or as cadets.

Civil rights and freedoms

No freedom of religion

There is no freedom of religion for children in the DPRK. All prayers and religious studies are supervised by the state, and are often used for state propaganda. Independent worship is not allowed.[8]

Recommendation to the government of the DPRK:

- Respect children's rights to freedom of thought, conscience and religion.

No freedom of expression

Free speech is unknown, and even well-intentioned criticism of official policies linked to humanitarian suffering can be severely punished.

[7] Coalition to Stop the Use of Child Soldiers, *Global Report 2008*, pp. 198-199.

[8] Human Rights Watch, *World Report 2005*.

There is no freedom of the press in the DPRK, impairing children's ability to exercise their right to seek and receive information and ideas of all kinds, regardless of frontiers. All media are either run or controlled by the state. All TVs and radios are wired so that they can receive only state channels. The simple act of watching or listening to the foreign press—or tampering with TVs or radios for this purpose—is a crime that could carry harsh punishment. All publications are subject to supervision and censorship by the state.[9]

Nonetheless, without people intending or even realizing the implications, some activities motivated by profit have led to more access to information: the roaring trade in imported CDs and DVDs of South Korean soap operas and movies, for instance. Since many citizens of the DPRK still do not have enough to eat, it may seem odd that people would spend money on entertainment, but the fact is that North Koreans—including children—are hungry not only for food but also for diversion. "I would trade a meal for a South Korean movie," one teenager told Human Rights Watch. "Food is not all you need to survive."[10]

Recommendations to the government of the DPRK:

- Remove all existing restrictions on the freedom of expression that are incompatible with article 13(2) of the Convention.
- Remove all legal and policy restrictions on children accessing independent media that are incompatible with article 13(2) of the Convention.
- Permit the burgeoning trade in international media to continue.

Restrictions on liberty and freedom of movement

Children's liberty, in the form of their freedom of movement to travel abroad, is severely restricted. Many children flee the DPRK in order to find food, or to escape economic and political repression. Some children travel with their families, while others are unaccompanied by their parents. Obtaining a passport is extremely difficult; the process is very time consuming, prohibitively costly, and, most importantly, passports are generally issued to those vetted for political loyalty to the state. Consequently, most individuals must leave without state permission. Under DPRK law this is often considered an act of treason, a crime punishable by heavy penalties, including forced labor, long prison terms, and in extreme cases even the death penalty.

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[9] Human Rights Watch, *World Report 2005*.

[10] Human Rights Watch, "North Korea's Transformation: Famine, Aid and Markets," originally published in Korean April 2008 in *Review of North Korea Economy*, reprinted in English at http://www.hrw.org/english/docs/2008/04/15/china18536.htm.

Refugees in China have told Human Rights Watch of repeated announcements warning of heavier punishment for illegal border crossings. In an ominous reversal, North Korea has apparently scrapped its 2000 decree that it would be lenient toward citizens who "illegally" crossed the border. Instead, the DPRK government has hardened its policy against those who cross the border without state permission, including "first-time offenders." A 32-year-old man from Samsoo, in the DPRK, told Human Rights Watch, "Border crossers are sent to regular prison for three years now. They used to be forgiven if they didn't do anything particularly bad while in China." Another man, from Hoeryong, said, "In October [2006] there was a state announcement that all border crossers will be sent to regular prison for at least three years. In the past, first-time offenders were sent to forced labor facilities for six months." The difference between a few months and a few years of incarceration can mean the difference between life and death.

Questions to the government of the DPRK:

- What is the punishment for children who cross the border without the regulated paperwork or permission?
- For each year since 2004, how many children have been forcibly repatriated to the DPRK?
- For each year since 2004, how many children have been detained or imprisoned for crossing the border? What is their average length of detention?

Recommendation to the government of the DPRK:

- Treat the children who return to the DPRK as victims and not as criminals, and provide them with the necessary support and counseling for reintegration.

Family environment and alternative care

Separation of families and barriers to family reunification

Many refugees from the DPRK who live in China fled with their children, or have given birth to children while in refuge. When the parents of these children are forcibly repatriated to the DPRK while the children remain behind in China, it can result in the separation of children from their parents against their will.

Questions to the government of the DPRK:

- Are DPRK agents involved in hunting down refugees abroad for forcible repatriation?

- Does the DPRK government advocate with the government of the People's Republic of China for the forcible repatriation of DPRK citizens living in China?
- For each year since 2004, how many children have been forcibly repatriated to the DPRK?

Recommendation to the government of the DPRK:

- Treat applications by a child or his or her parents to leave the DPRK for the purpose of family reunification in a positive, humane, and expeditious manner.

Illicit transfer of children

Human Rights Watch has received reports that human traffickers continue to bring desperately poor women and girls as young as 16 to Chinese farmers as brides.

Recommendation to the government of the DPRK:

- Treat any children who have been trafficked into China but who return to the DPRK as victims and not as criminals, and provide them with the necessary support and counseling for reintegration.

Basic health and welfare

Restrictions to children enjoying the highest attainable standards of medical care

Access to medical care is strictly based on the discriminatory political classification system that divides people, including children, into groups based on the government's assessment of their and their family's political loyalty. Hospitals admit and treat patients depending on their social and political background. While hospitals for the elite class are equipped with modern medicine and facilities, those for the rest of the population often lack even very basic supplies such as bandages or antibiotics. As a result, many citizens, especially children, suffer from diseases that can be easily treated.

Recommendation to the government of the DPRK:

- Provide access to medical care in a non-discriminatory manner based on need.

Child malnutrition

While the DPRK government claims that it provides people with everything they need, including food, Human Rights Watch has documented that severe food shortages persist. In 2007, recent escapees interviewed by Human Rights Watch spoke of recent increases in the number of homeless people, sometimes entire families, who sleep under plastic sheets near train stations, and of young children stealing food or picking up crumbs at markets. They said some people have even traded their homes for food out of desperation.

Two DPRK government agencies conducted an anthropometric survey in October 2004, with the collaboration of WFP and UNICEF, among 4,800 households living in seven provinces and one municipal city.[11] The survey said 32 percent of women with a child less than twenty-four months old were malnourished, and showed the nutritional status of children remained dire, despite improvements in the overall food supply. Among children under six (up to seventy-one months), 37 percent were stunted (too short for their age), 23.4 percent were underweight; and 7 percent were wasted; 12.2 percent of the children were severely stunted, 8.1 percent severely underweight, and 1.8 percent severely wasted. The survey said maternal malnutrition and consequent low birth sizes were associated with the prevalence of stunting. Higher frequency of household consumption of rice and rice products, poultry or meat, red or yellow vegetables, and oil and fat were, unsurprisingly, associated with reduced childhood malnutrition. The survey said the most common source of staple food was state rations or farmers' rations, but a quarter of the households reported WFP as a source of their staple food.

Beyond stunting and wasting found among children, according to UNICEF, malnutrition can take a variety of forms that often appear in combination and contribute to each other.[12] These include protein-energy malnutrition, iodine deficiency disorders, and deficiencies of iron and vitamin A.

In October 2005, the DPRK government reversed some of its most applauded economic reforms by banning the private buying and selling of grain, the main source of nutrition for

[11] "DPRK 2004 Nutrition Assessment Report of Survey Results," Central Bureau of Statistics, Institute of Child Nutrition, Democratic People's Republic of Korea, http://www.unicef.org/dprk/dprk_national_nutrition_assessment_2004_final_report_07_03_05.pdf.

[12] "The Silent Emergency," UNICEF, http://www.unicef.org/sowc98/silent.htm.

most citizens. The government asked the WFP, which had been feeding millions of the nation's most vulnerable children and adults for a decade, to end emergency food aid.[13]

The government also announced that it was fully reinstating the Public Distribution System (PDS), which provided coupons for food and consumer goods through places of work or study. This policy was enforced only temporarily, and ended as a failure, as the government was unable to restore the ration system and individuals continued to buy and sell grain. During the famine of the 1990s, millions of people who depended on their PDS rations died from starvation. Many more suffered severe malnutrition and hunger as the system broke down. The crisis was ended by massive amounts of international food aid and the tolerance of private markets, helped in recent years by improved harvests.[14]

Human Rights Watch takes no position on whether the DPRK should have a market economy. But it is clear from the devastating famine and pervasive hunger of the past that the PDS and the country's official food industry miserably failed the population. Huge numbers of children died painful deaths from starvation when the PDS failed in the 1990s, and there is no reason to believe that the DPRK is now capable of providing adequate food to all its citizens through the PDS without discrimination.

Hunger in the DPRK has a strong state policy dimension. While topography and environment surely contributed to the famine of the 1990s, a critical factor was the government's willingness to sacrifice the rights—and lives—of those it perceives as disloyal or class enemies.[15]

Recommendations to the government of the DPRK:

- Allow international humanitarian agencies, including WFP, to conduct necessary food supply operations and to properly monitor aid according to normal international protocols for transparency and accountability. These standards include having access to the entire country, being able to make unannounced visits, and being able to select interviewees at random.
- Ensure that government distribution systems are both fair and adequately supplied, or permit citizens alternate means to get food, including access to markets and aid.

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[13] Human Rights Watch, *A Matter of Survival: The North Korean Government's Control of Food and the Risk of Hunger,* Volume 18, No. 3(C), May 2006.

[14] Ibid.

[15] Ibid.

- End discrimination in government distribution of food in favor of high-ranking Workers Party officials, military, intelligence and police officers, and against the "hostile" class deemed politically disloyal to the government and Party.
- Assist children and pregnant and nursing women as priority recipients of food aid.

Education, leisure, and cultural activities

Discrimination in children's access to education

The DPRK's politically determined classification system restricts children's access to education. Although all children are required to attend school for eleven years, it is generally children of the political elite who are allowed to advance to college and hold prominent occupations. Those belonging to "wavering" or "hostile" groups have very limited or no choice in education or work.

Recommendation to the government of the DPRK:

- End all discrimination in access to all levels of education.

Special protection measures

Illicit drug use

In its report to the Committee, the government of the DPRK contends that "there has been no report of using narcotic drugs without the prescription of a doctor."[16] However, Human Rights Watch has spoken to a number of individuals who have reported drug use in the DPRK. For example, a high school girl told Human Rights Watch she bought a cold medicine at a market from a merchant, but later found out it was *bingdu*, also called *uhrum* (meaning "ice," referring to methamphetamine), and another said many of her classmates tried it out of curiosity.[17] The DPRK's unwillingness to acknowledge the existence of drug use in the country suggests that the government's approach to the issue of drug use is unlikely to adequately fulfill its obligation to take appropriate social and educational measures to protect both drug-using and non-using children.

[16] The third and fourth periodic reports of the Democratic People's Republic of Korea on the Implementation of the Convention on the Rights of the Child (November 2007), CRC/C/PRK/4, at p. 72.

[17] Human Rights Watch, "North Korea's Transformation: Famine, Aid and Markets," originally published in Korean April 2008 in *Review of North Korea Economy*, reprinted in English at http://www.hrw.org/english/docs/2008/04/15/china18536.htm.

Recommendations to the government of the DPRK:

- Ensure that drug education is a part of children's education.
- Ensure that treatment and rehabilitation services include programs specifically tailored for children.

Need for better protections against dangerous and hazardous work for children at the Kaesong Industrial Complex

The DPRK opened the Kaesong Industrial Complex (KIC) in June 2004 under a contract with Hyundai Asan Corporation and state-owned Korea Land Corporation of the Republic of Korea (South Korea). The complex is located between the city of Kaesong and the western end of the border between the two Koreas. As of April 2008, 69 South Korean companies had opened facilities at the KIC, employing about 26,000 northern workers to produce watches, shoes, clothes, kitchenware, plastic containers, electrical cords and car parts, among other items.[18] North and South Korea have an ambitious plan to expand the complex to employ 730,000 North Korean workers by 2012. A specific KIC Labor Law was drafted and adopted to govern the rights of workers employed in the KIC.

The KIC Labor Law does not explicitly ban dangerous or hazardous work for those under 18. North Korea's Labor Law establishes 16 as the minimum age for employment, but it does not ban harmful labor for children under 18. The Ministry of Unification told Human Rights Watch that North Korea is in charge of providing labor at the KIC and that the selection process follows the North Korean Labor Law and is governed by the law's minimum age provisions. The ministry also said that at present there is no dangerous or hazardous work at the KIC. The KIC Labor Law, however, provides for additional paid vacation days for "those in dangerous or hazardous occupations," suggesting that even if no such occupations currently exist at KIC, they may in the future.[19]

Recommendations to the government of the DPRK:

- Amend the Labor Law's minimum age provision and ban the assignment of children under the age of 18 to dangerous or hazardous jobs.
- The revised law should provide meaningful sanctions on employers if these provisions are violated, and should be effectively enforced.

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[18] Website of Kaesong Industrial Management Committee, http://www.kidmac.com/.

[19] Human Rights Watch, *North Korea: Workers' Rights at the Kaesong Industrial Complex,* No. 1, October 2006, http://www.hrw.org/backgrounder/asia/korea1006/.

- Consider membership in the International Labor Organization (ILO), and consider ratifying relevant ILO conventions to protect persons below 18 from economic exploitation.