

DPR KOREA

BRIEFING FOR THE HUMAN RIGHTS COUNCIL UNIVERSAL PERIODIC REVIEW – 19th session, 2014

*From Dr Sharon Owen, Research Coordinator, Global Initiative,
info@endcorporalpunishment.org*



Global Initiative to
**End All Corporal Punishment
of Children**

The legality and practice of corporal punishment of children violates their fundamental human rights to respect for human dignity and physical integrity and to equal protection under the law. Under international human rights law – the Convention on the Rights of the Child and other human rights instruments – states have an obligation to enact legislation to prohibit corporal punishment in all settings, including the home.

In the Democratic People’s Republic of Korea, corporal punishment of children is lawful, despite the repeated recommendations to prohibit it by the Committee on the Rights of the Child and relevant recommendations during the first cycle UPR in 2009.

We hope the Working Group will note with concern the legality of corporal punishment in DPR Korea. We hope states will raise the issue during the review in 2014 and make a specific recommendation that legislation is enacted in DPR Korea to explicitly prohibit corporal punishment of children in all settings, including the home, as a matter of priority.

1 The initial review of DPR Korea by the Human Rights Council (2009)

- 1.1 DPR Korea was reviewed in the first cycle of the Universal Periodic Review in 2009 (session 6). The issue of corporal punishment was included in the compilation of UN information¹ and in the summary of stakeholders’ information,² but no recommendations were made specifically concerning corporal punishment of children. The Government did not respond to a recommendation to prohibit all forms of violence against children.³
- 1.2 Prohibiting and eliminating all corporal punishment of children is an obligation under the Convention on the Rights of the Child and other human rights instruments, but it is one frequently ignored or evaded by governments. Despite repeated recommendations by the Committee on the Rights of the Child and the above mentioned recommendation during the first cycle UPR, DPR Korea has still not prohibited corporal punishment of children in all settings: it remains lawful in the home, alternative care settings and possibly in schools.

¹ 18 September 2009, A/HRC/WG.6/6/PRK/2, Compilation of UN information, para. 25

² 28 August 2009, A/HRC/WG.6/6/PRK/3, Summary of stakeholders’ information, para. 30

³ 4 January 2010, A/HRC/13/13, Report of the working group, para. 90(67)

1.3 The near universal acceptance of a degree of violent punishment in childrearing and deeply held views that parents and other adults have a “right” to physically punish children can challenge efforts to achieve prohibition. This situation also means that corporal punishment – at least to some degree – is typically not readily perceived as a violent act in the same way as, for example, sexual and other socially unacceptable forms of violence. **It is for these reasons that we respectfully urge members of the Working Group to specifically recommend prohibition of corporal punishment in the review of DPR Korea.**

2 Legality of corporal punishment in DPR Korea

2.1 **Home (lawful):** Provisions protecting children from violence and abuse in the Family Law 1990 (amended 2004), the Criminal Code (revised 2009), the Law on Nursing and Upbringing of Children 1976 and the Law on the Protection of Women’s Rights 2010 do not prohibit all corporal punishment in childrearing. The Law on the Protection of Children’s Rights 2010 reportedly states in article 43 that “children shall not be subject to abuse, indifference, verbal abuse, interrogations or beatings within the family”.⁴ We are currently seeking to verify this information, but there is no suggestion that the law prohibits all forms of corporal punishment, however light.

2.2 **Schools (?lawful):** Government policy states that corporal punishment should not be used in schools. The Regulation on Primary and Senior Middle Schools states that education should be conducted by positive influence, explanation and persuasion, and related materials have been distributed by the Ministry of Education. We have yet to examine the text of the General Education Law 2011.

2.3 **Penal system – sentence for crime (?unlawful):** Corporal punishment appears to be unlawful, but it is possibly an element of the “public education” measures imposed on children aged 15-16 convicted of an offence.

2.4 **Penal system – disciplinary measure in penal institutions (?unlawful):** Corporal punishment is reportedly unlawful but we have been unable to confirm this information. A 2012 report documents the human rights abuses, including severe corporal punishment and torture, taking place in penal labour colonies, prisons, prison camps and other institutions of detention. Children are often detained with their families in these institutions.⁵

2.5 **Alternative care settings (lawful):** There is no explicit prohibition of all corporal punishment in alternative care settings, where corporal punishment is lawful as for parents.

3 Recommendations by human rights treaty monitoring bodies

3.1 **CRC:** The Committee on the Rights of the Child has three times recommended prohibition and elimination of corporal punishment in the home and other settings in DPR Korea –

⁴ Information submitted to UPR-info.org by the Citizens’ Alliance for North Korean Human Rights, June 2012

⁵ Hawk, D. (2012), *The Hidden Gulag: The Lives and Voices of “Those Who are Sent to the Mountains”*, second edition, Washington DC: Committee for Human Rights in North Korea

following examination of the initial state party report in 1998, the second report in 2004 and the third/fourth report in 2009.⁶

Briefing prepared by the Global Initiative to End All Corporal Punishment of Children
www.endcorporalpunishment.org; info@endcorporalpunishment.org
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The Global Initiative to End All Corporal Punishment of Children has regularly briefed the Committee on the Rights of the Child on this issue since 2002, since 2004 has similarly briefed the Committee Against Torture, the Committee on the Elimination of Discrimination Against Women, the Committee on Economic, Social and Cultural Rights and the Human Rights Committee, and in 2011 began briefing the Committee on the Rights of Persons with Disabilities.

⁶ 5 June 1998, CRC/C/15/Add.88, Concluding observations on initial report, paras. 13 and 26; 1 July 2004, CRC/C/15/Add.239, Concluding observations on second report, paras. 7, 36 and 37; 27 March 2009, CRC/C/PRK/CO/4, Concluding observations on third/fourth report, paras. 36, 37, 70, 72 and 73