



**Convention on the  
Rights of the Child**

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**COMMITTEE ON THE RIGHTS OF THE CHILD**

**Fiftieth session**

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 44 OF THE CONVENTION**

**Concluding Observations: Democratic People's Republic of Korea**

1. The Committee considered the combined third and fourth periodic report of the Democratic People's Republic of Korea (CRC/C/PRK/4) at its 1388th and 1389th meetings (see CRC/C/SR.1388 and 1389), held on 23 January 2009, and adopted, at the 1398th meeting, held on 29 January 2009, the following concluding observations.

**A. Introduction**

2. The Committee welcomes the timely submission of the combined third and fourth periodic report, the written replies to its list of issues (CRC/C/PRK/Q/4/Add.1) and the constructive dialogue with the delegation of the State party. The Committee regrets, however, that the paucity of information provided by the State party with regard to the actual enjoyment of rights by children in DPRK has made it difficult to assess the progress achieved in the implementation of the Convention.

**B. Follow-up measures and progress achieved by the State party**

3. The Committee notes with appreciation the adoption of many administrative and other measures taken with a view to implementing the Convention, including:

- (a) The Strategy for the Promotion of Reproductive Health (2006-2010), adopted in May 2006;

- (b) The Strategy for Prevention of AIDS for 2002-2007;
- (c) The Primary Health Care Strategy, the Medicine Strategy and other sector-specific strategies for 2008-2012 with particular emphasis on healthcare of mothers and children;
- (d) The comprehensive Action Plan for Persons with Disabilities for 2008-2010;
- (e) The national census, conducted in October 2008; and
- (f) The establishment of the Central Committee of the Korean Federation for the Protection of Persons with Disabilities, in July 2005, responsible for coordinating the implementation of the relevant State policy for children with disabilities, including social support.

4. The Committee also notes the amendments made to various legislative provisions to enhance the implementation of the Convention, including the Social Security Law and the Family Code.

### **C. Main areas of concern and recommendations**

#### **1. General measures of implementation (arts. 4, 42 and 44, paragraph 6 of the Convention)**

##### **Committee's previous recommendations**

5. The Committee notes that several concerns and recommendations made upon the consideration of the State party's second periodic report (CRC/C/15/Add.239) have been addressed. However, it regrets that many of its concerns and recommendations have been insufficiently or only partly addressed, including those related to: data collection; allocation of resources; alternative care; health; education; and special protection measures.

**6. The Committee urges the State party to take all necessary measures to address those recommendations from the concluding observations on the second periodic report that have not yet been implemented or sufficiently implemented and to provide adequate follow-up to the recommendations contained in the present concluding observations on the combined third and fourth periodic report.**

##### **Legislation**

7. While the Committee notes the efforts undertaken by the State party to harmonize legislation in order to ensure greater consistency with the Convention, it remains concerned that some aspects of domestic legislation remain inconsistent with the principles and provisions of the Convention.

**8. The Committee recommends that the State party continue to harmonize its legislation with the principles and provisions of the Convention and strengthen the implementation of domestic legislation. Furthermore, the Committee reiterates its previous recommendation to the State party to 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 Convention.**

### **National Plan of Action**

9. The Committee regrets the paucity of information regarding the allocation of resources for the implementation of the National Programme of Action for the Well-Being of Children (2001-2010). The Committee is also concerned about the absence of information regarding any assessment and evaluation of the implementation of this National Programme of Action and other relevant action plans thus far.

**10. The Committee recommends that the State party provide a specific budget allocation and adequate follow-up mechanisms for the full implementation of the National Programme of Action for the Well-Being of Children and other relevant action plans and ensure that it is equipped with an evaluation and monitoring mechanism to regularly assess progress achieved and identify possible deficiencies.**

### **Independent monitoring**

11. While welcoming the information that a child may lodge a petitions or complaint with the existing official channels, either directly or through his/her guardian or representative, the Committee is concerned about the absence of an independent body for filing complaints and monitoring the implementation of the Convention.

**12. The Committee urges the State party to take the necessary measures to ensure that its complaint mechanisms are independent, easily accessible to and user-friendly for all children, to deal with complaints of violations of their rights and to provide remedies for such violations in a manner respectful of their right to privacy. Furthermore, the Committee reiterates its recommendation to establish an independent, child-friendly monitoring mechanism such as an ombudsman for children in accordance with the Paris Principles relating to the status of national institutions (General Assembly resolution 48/134 of 20 December 1993, annex), and draws attention to its general comment No. 2 (2002) on the role of independent national human rights institutions in the promotion and protection of the rights of the child. Furthermore, this body should be provided with adequate human and financial resources to carry out its mandate effectively.**

### **Cooperation with civil society**

13. While noting the statement by the State party that “no restriction is placed on the activities of the NGOs and inter-governmental organizations for the implementation of the Convention” (CRC/C/PRK/Q/4/Add.1), the Committee however is concerned that that existing NGOs lack the autonomy which distinguishes them from state-sponsored organizations. The Committee also regrets that it did not receive any information from civil society organizations in DPRK on the implementation of the Convention.

**14. The Committee encourages the State party to create an open and enabling environment that allows for the development of autonomous and vibrant civil society within its borders and to systematically involve it in the implementation of the Convention. The Committee further invites the State party to involve civil**

**society organizations in the drafting of the next periodic report, and to encourage them to provide independent information to the Committee.**

#### **Allocation of resources**

15. While noting the State party's information regarding the increased budget allocations to the health and education sectors, the Committee is concerned that these are not sufficient to achieve the millennium development goals related to health and education of children. The Committee also regrets that the lack of meaningful statistical data on the allocation of resources for children in the State party has made it difficult to assess the progress achieved by the State party in this regard.

**16. The Committee strongly recommends that the State party, in accordance with article 4 of the Convention, increase budget allocations for the implementation of the rights recognized in the Convention, ensure a more balanced distribution of resources throughout the country and prioritize budgetary allocations to ensure implementation of the economic, social and cultural rights of all children, including those belonging to economically disadvantaged groups. The Committee also encourages the State party to seek and accept international assistance in this regard. The Committee further recommends the State party to introduce resource tracking from a child right's perspective with a view to monitoring resource allocations for children, and to include its results in the next periodic report.**

#### **Data collection**

17. The Committee, while welcoming the accomplishment of a census conducted in October 2008, notes with concern that the lack of reliable statistics in the State party report are hampering effective follow-up or evaluation of the implementation of the Convention. The Committee is particularly concerned that data that is disaggregated in important areas of the Convention are not available, such as health, education, child abuse and neglect, juvenile justice, and in particular, with regard to vulnerable groups of children, such as children living in remote areas, children in extreme poverty and children working and/or living in streets.

**18. The Committee reiterates its recommendation that the State party strengthen its efforts to develop a comprehensive system of collection of data on the implementation of the Convention. The data should cover all children below the age of 18 years and be disaggregated by sex, urban/rural residence and vulnerable groups of children. The Committee encourages the State party to further its cooperation with UNICEF in this regard.**

## **2. General principles (arts. 2, 3, 6 and 12 of the Convention)**

#### **Non-discrimination**

19. The Committee is concerned that, despite the Constitutional guarantees, the principle of non-discrimination is not fully respected in practice, vis-à-vis children with disabilities, children living in institutions, and children who are in conflict with the law. The Committee is further concerned that children may face discrimination on the basis of the political or other opinion, social origin, or other status, either of themselves, or of their parents.

20. **The Committee recommends that the State party monitor and ensure the implementation of existing laws guaranteeing the principle of non-discrimination and full compliance with article 2 of the Convention.**

#### **Best interests of the child**

21. The Committee is concerned that the principle of the best interests of the child is not systematically integrated into all policies and legislation affecting children, and notes that this concern is closely linked, inter alia, to the allocation of insufficient resources for the respect and protection of children's rights.

22. **The Committee recommends that the State party make additional efforts to ensure that the best interests of children are respected in all policies and legislation affecting children. The Committee urges the State party to ensure that best interests of the child is the primary consideration in the allocation of resources, including international assistance, and to undertake awareness-raising among the public at large and professionals who work for and with children in this regard.**

#### **Right to life, survival and development**

23. The Committee is deeply concerned that children's right to life, survival and development continue to be severely violated within the State party. The Committee is particularly concerned about stunting, wasting and deaths of children resulting from severe malnutrition.

24. **In the light of article 6 and other relevant provisions of the Convention, the Committee urges the State party to make every effort to reinforce protection of the right to life and development of all children within the State party, through policies, programmes and services that target and guarantee protection of this right, by, inter alia, strengthening international cooperation.**

#### **Respect for the views of the child**

25. The Committee notes the State party's efforts to promote and respect children's right to express their views and to participate in society, such as children's newspapers and magazines, news boards in schools and contests. Nevertheless, the Committee notes with concern that the existing structures for child participation may limit children's right to express their views in schools and in the community at large.

26. **The Committee recommends that the State party further promote, facilitate and implement in practice, within the family, schools, the community level, in institutions as well as in judicial and administrative procedures, the principle of respect for the views of children and their participation in all matters affecting them. In this regard, the Committee draws the attention of the State party to article 12 of the Convention and the recommendations adopted by the Committee following its day of general discussion in 2006 a on the right of the child to be heard.**

**3. Civil rights and freedoms  
(arts. 7, 8, 13-17 and 37(a) of the Convention)**

**Freedom of expression/freedom of association and peaceful assembly**

27. The Committee is concerned that the right of the child to freedom of expression, including to receive information, and to freedom of association and peaceful assembly are not guaranteed due to the extensive interpretation of the security concerns by the State party.

**28. The Committee recommends that the State party take all necessary measures to ensure the full practical implementation of the rights to freedom of expression and freedom of association and peaceful assembly, in accordance with articles 13 and 15 of the Convention.**

**Freedom of thought, conscience and religion**

29. In light of articles 14 and 30 of the Convention and the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (General Assembly resolution 36/55), the Committee is concerned that the right of the child to freedom of thought, conscience and religion is not duly respected and protected in the State party.

**30. The Committee recommends that the State party respect the right of the child to freedom of thought, conscience and religion by taking effective measures to prevent and eliminate all forms of discrimination on the grounds of religion or belief and by promoting religious tolerance and dialogue in society.**

**Torture and inhuman or degrading treatment or punishment**

31. The Committee is concerned about the information received that children have been subjected to severe ill-treatment while in detention, including street children (*kkojebis*), children who crossed the border without permission and other children taken into custody of the police or other state agencies.

**32. In light of article 37 (a) of the Convention, the Committee strongly recommends that the State party:**

- (a) Include a provision in its domestic legislation prohibiting children from being subjected to torture and establishing appropriate sanctions against the perpetrators of torture;**
- (b) Investigate and prosecute all cases of torture and ill-treatment of children;**
- (c) Ensure that alleged perpetrators are suspended while they are under investigation, and punished if convicted, and that court proceedings and sentences are publicized;**
- (d) Train law enforcement personnel on child rights issues; and**
- (e) In the light of article 39, take all appropriate measures to ensure the physical and psychological recovery and social integration of child victims of torture and/or ill-treatment; and**

- (f) **Consider ratifying the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and its Optional Protocol.**

#### **Follow-up to the United Nations Study on Violence against Children**

33. With reference to the United Nations Secretary-General's Study on violence against children (A/61/299), the Committee recommends the State party to:

(a) **Take all necessary measures to implement recommendations of the United Nations Study on violence against children (A/61/299), taking into account the outcome and recommendations of the Regional Consultation for East Asia and the Pacific held in Bangkok from 14 to 16 June 2005, In particular, the Committee recommends that the State party pay particular attention to the following recommendations:**

- (i) **Prohibit all forms of violence against children;**
- (ii) **Enhance the capacity of all who work with and for children;**
- (iii) **Provide recovery and social reintegration services;**
- (iv) **Create accessible and child-friendly reporting systems and services;**
- (v) **Ensure accountability and end impunity;**
- (vi) **Develop and implement systematic national data collection and research;**

(b) **Use the recommendations of the Study as a tool for action in partnership with civil society and, in particular, with the involvement of children to ensure that all children are protected from all forms of physical, sexual and psychological violence and to gain momentum for concrete and time-bound actions to prevent and respond to such violence and abuse; and**

(c) **Seek technical cooperation in this respect from OHCHR, UNICEF and WHO and other relevant agencies, as well as NGO partners.**

#### **4. Family environment and alternative care**

**(arts. 5; 18 (paras. 1-2); 9-11; 19-21; 25; 27 (para.4); and 39 of the Convention)**

##### **Family environment**

34. The Committee welcomes that "the State has invariably recognized the principle that parents have primary responsibilities for the upbringing and development of their children, while rendering appropriate assistance to parents so that they can fulfill their responsibilities and obligations satisfactorily" (CRC/C/PRK/Q/4/Add.1) and notes the efforts of the State party to provide support to foster care families as an alternative to institutionalization. However, the Committee is alarmed that many of the children placed in residential care are in fact not orphans and that a large number of children are customarily placed in residential institutions due to the lack of effective gate-keeping mechanisms or care alternatives. The Committee also reiterates its previous concern that triplets are automatically institutionalized by the State and that parents are not offered alternative solutions that

would allow them to raise these children at home. The Committee is also concerned about the situation of children whose parents are detained.

**35. The Committee strongly encourages the State party to allocate sufficient resources to provide adequate social services support and assistance for all families, with a view to ensuring that children are institutionalized only as a last resort. The Committee recommends that the State party further strengthen the foster care system by, inter alia, conducting public programmes to increase the number of foster families and providing sufficient financial and other resources.**

#### **Alternative care/children deprived of family environment**

36. While noting the information in the State party's report that the "living conditions at orphans' nurseries, kindergartens and schools remarkably improved during the period under review" (para. 69), the Committee expresses its concern at the significant number of children who are placed in institutions and that the living conditions in many of these institutions continue to be below internationally acceptable standards. The Committee is concerned that adequate and effective monitoring of the quality of these facilities is lacking, and that the placement of children in alternative care is frequently not decided with respect to the best interest of the child. The Committee is also concerned about the reported use of corporal punishment in alternative care institutions.

**37. The Committee recommends that the State party:**

- (a) Undertake a study to assess the situation of children placed in institutions, including their living conditions and the services provided;**
- (b) Develop programmes and policies to reduce the placement of children in institutions, inter alia, by providing support and guidance to the most vulnerable families, encouraging care in foster families wherever possible, and by conducting awareness-raising campaigns;**
- (c) Take all necessary measures to allow children placed in institutions to return to their families whenever possible and consider the placement of children in institutions only when it is deemed to be in the best interest of the child and for the shortest time possible;**
- (d) Take strengthened measures to sensitize professionals working with children to the harm caused by corporal punishment and promote an alternative, non-violent forms of discipline, as foreseen in article 28, paragraph 2, of the Convention;**
- (e) Ensure the provision of sufficient resources for alternative care institutions with regard, inter alia, to staff training, food, health, clothing, water, electricity and school material requirements;**
- (f) Set clear quality standards for existing institutions and ensure periodic review of the placement, with the participation of children, in light of article 25 of the Convention and the Committee's recommendations issued following its day of general discussion in 2005 on children without parental care, .**



### **Adoption**

38. The Committee notes with appreciation that “the National Coordinating Committee for the Implementation of the Convention on the Rights of the Child (NCRC) made recommendations to the legislative body on concretizing adoption matters in the Family Law or its implementation regulations, which is now under consideration” (para. 123, State party's report) in accordance with the previous recommendations of the Committee.

**39. The Committee recommends the State party to follow up on the recommendations of the NCRC to review the legislative framework of domestic and intercountry adoption. The Committee also reiterates its previous recommendation to the State party to consider becoming a party to the 1993 Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption.**

### **Abuse and neglect**

40. The Committee notes with concern the absence of comprehensive data and information on child abuse and neglect in the home and in care institutions, and the lack of comprehensive policy for the prevention and combat of child abuse and neglect.

41. **The Committee urges the State party to:**

- (a) Undertake a comprehensive study in order to understand the nature and extent of abuse and neglect in all settings, and use this as a basis for the formulation of policies and programmes to combat abuse and neglect of children;**
- (b) Reinforce mechanisms for monitoring the number of cases and the extent of violence, sexual abuse and neglect;**
- (c) Ensure that professionals working with children (including teachers, medical professionals, members of the police and the judiciary) receive training on their obligation to report and take appropriate action in suspected cases of abuse and violence affecting children;**
- (d) Carry out preventive public education campaigns on the consequences of the abuse and ill-treatment of children;**
- (e) Strengthen support for victims of abuse and neglect in order to ensure their access to adequate services for recovery, counselling and other forms of rehabilitation; and**
- (f) Establish a toll-free child helpline service, in order to be able to reach out to children in remote areas throughout the country.**

**5. Basic health and welfare**  
**(arts. 6; 18, para.3; 23; 24; 26; 27, paras 1-3 of the Convention)**

**Children with disabilities**

42. The Committee notes with appreciation various measures taken by the State party aimed to assist children with disabilities, including the action plans for persons with disabilities for 2008-2010 and the planned national survey of persons with disabilities with a view to collecting reliable statistics conducive to further improving the protection and care of persons with disabilities, including children with disabilities. However, the Committee is concerned about the de facto discrimination faced by children with disabilities and the lack of community-based services for those children and families.

43. **The Committee recommends that the State party, taking into account the General Comment No. 9 (2006) on the rights of children with disabilities and the Standard Rules for Equalizing the Possibilities for Persons with Disabilities, adopted by the General Assembly on 23 December 1993, continue to strengthen measures to protect and promote the rights of children with disabilities, by, inter alia:**

- (a) **Undertaking the necessary measures to collect accurate disaggregated statistical data on children with disabilities;**
- (b) **Adopting a comprehensive policy for children with disabilities;**
- (c) **Including a specific focus on children in the Action Plan for Persons with Disabilities for 2008-2010;**
- (d) **Pursuing efforts to ensure that children with disabilities may exercise their right to education to the maximum extent possible;**
- (e) **Undertaking greater efforts to make available the necessary professional (i.e. disability specialists) and financial resources, especially at the local level and to promote and expand community-based rehabilitation programmes, including parent support groups; and**
- (f) **Considering the ratification of the Convention on the Rights of Persons with Disabilities and its Optional Protocol.**

**Health and health services**

44. The Committee welcomes the various measures undertaken by the State party in the area of health, including the adoption of the Strategy for the Promotion of Reproductive Health (2006-2010) and the Strategy for Prevention of AIDS for 2002-2007; as well as the focus placed on the health care of mothers and children in the Primary Health Care Strategy, the Medicine Strategy and other sector-specific strategies for 2008-2012. The Committee also notes the comprehensive health service system and welcomes the expansion of the gravity-fed water supply system for the provision of clean drinking water. However, the Committee remains concerned about:

- (a) The survival and development of children in the State party which continue to be threatened by chronic and severe malnutrition;
- (b) Early childhood diseases, such as acute respiratory infections and diarrhoea;
- (c) The impact upon the health of children in early childhood of poor maternal health, as indicated by high rates of anaemia and malnutrition among pregnant women;

- (d) Poor quality of drinking water and poor hygiene practices which continue to have seriously negative impact on health of children in the State party; and
- (e) Access to medicines, which are not available free-of-charge for all children.

45. **The Committee urges the State party to:**

- (a) **Continue to address, as matter of urgency, the high rates of malnutrition of children and mothers, and develop campaigns to inform parents about basic child health and nutrition, advantages of breastfeeding, hygiene and environmental sanitation and reproductive health;**
- (b) **Consider establishing a governmental body in charge of maternal and child health care and development at the executive and sub-national levels;**
- (c) **Ensure the effectiveness of the system of fully subsidized health care that ensures the provision of the highest standard of health for all children, paying special attention to the most vulnerable families, including those in rural and remote areas and ensure that free, or affordable medicines is available for all children; and**
- (d) **Take further measures to improve access to safe drinking water and improve hygiene practices, with a view to preventing and combating the damaging effects of low-quality or contaminated water supplies, in the light of article 24 (c) of the Convention.**

**Adolescent health**

46. While welcoming the important role played by the Korean Association of Family Planning and Maternal and Child Health, and that the National Coordinating Committee for the Implementation of the Convention on the Rights of the Child (NCRC) has included family planning in the Strategy for the Promotion of Reproductive Health as one of the priority issues, the Committee is concerned that unmarried adolescent girls may not have sufficient and confidential access to reproductive health services and information. The Committee is particularly concerned about the information that adolescent girls may resort to unsafe abortions.

47. **The Committee reiterates its previous recommendation that the State party undertake a comprehensive study in order to understand the nature and extent of adolescent health problems, with the full participation of adolescents, and use this as a basis for the formulation of adolescent health policies and programmes, with particular attention to female adolescents.**

48. **The Committee recommends that the State party Strengthen measures to promote access to reproductive health services for all adolescents in all parts of the country, including sex and reproductive health education in schools as well as youth-sensitive and confidential counselling and health-care services, taking into due account the Committee's General Comment no 4 (2003) on adolescent health and development in the context of the Convention.**

### **Mental health**

49. The Committee is concerned at the absence of services or a clear strategy to address the needs of children with mental health disorders and at the situation of mental health among children.

50. **The Committee recommends that the State party ensure the availability of mental health assistance to children, taking into consideration the developmental needs of children.**

### **Standard of living**

51. The Committee notes with deep concern the persistence of widespread poverty in the country and that the overall standard of living of children remains very low, in particular, with regard to access to, and availability of, food, safe drinking water and sanitation.

52. **The Committee recommends that the State party 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 in all parts of the country. The Committee also highlights the need to improve access by United Nations agencies in order to ensure the equal distribution of humanitarian assistance provision, including food aid.**

## **6. Education, leisure and cultural activities (arts. 28, 29 and 31 of the Convention)**

### **Education, including vocational training and guidance**

53. The Committee notes with appreciation the National Plan of Action on Education for All (2003-2015), the compulsory pre-school year, and the School Assistance Fund, aimed to support the reconstruction of schools. However, the Committee remains concerned that the general quality of education and the school infrastructure have suffered considerably as a result of structural lack of resources. The Committee is also concerned about the high rate of non-attendance due to natural disasters or economic hardship, and note with concern that additional costs associated with schooling may be a contributing factor to the problem of non-attendance. The Committee is also concerned that children spend significant proportion of their time allocated for instruction for the purposes of agricultural work, festivity preparations including the “arirang” festival, and providing services to teachers to the extent that may lower achievement and quality of education..

54. The Committee is concerned that the values and rights recognized in article 29(b) of the Convention on the aims of education are not fully reflected in the school curricula. The Committee also regrets that human rights education, including about the Convention, is not included in the school curricula.

55. **The Committee recommends that the State party:**

**(a) Increase budget allocations to the educational sector;**

- (b) **Focus on an overall improvement of the quality of education provided, and ensure that school curricula and teacher training programmes fully reflect article 29 of the Convention, duly taking into account general comment No. 1(2001) on aims of education;**
- (c) **Ensure that the time allocated to extra-curricular activities, including agricultural work, do not interfere with the child's learning process;**
- (d) **Take immediate measures to eliminate the burden of additional costs of schooling; and**
- (e) **Incorporate human rights education, including the Convention, in school curricula, and take measures to implement the Plan of Action for the first phase of the World Programme for Human Rights Education, adopted by all United Nations Member States on 14 July 2005 (General Assembly res. 59/113B) .**

### **7. Special protection Measures**

(arts. 22; 30; 38; 39; 40; 37 (b)-(d); 32-36 of the Convention)

#### **Returnee children**

56. While noting the State party's position that there are no refugee children in the State party, the Committee is concerned about children who cross the border into neighbouring countries who may face harsh treatment upon return or repatriation.

57. **The Committee recommends that the State party ensure that no persons under the age of 18 are subjected to punishment for leaving the territory of the State party without due authorization.**

#### **Children affected by armed conflict**

58. While noting that the State party is "still in the state of armistice and under constant threat and pressure from outside hostile forces" (State party report, para. 89), the Committee notes with concern the negative impact of such political climate on children in the State party. In particular, the Committee is concerned about the vulnerability to socio-economic deprivation, and 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.

59. **In light of article 38 and other related articles of the Convention, the Committee recommends that the State party protect children from the effects of the 1953 armistice or other strife within the State party, in particular, by:**

- (a) **Ensuring that the protection and promotion of children's rights are given due consideration in efforts to reach peace negotiations/ceasefire agreements;**
- (b) **Ensuring that recruitment is genuinely voluntary when recruiting children, and that priority will be given to the oldest applicants;**
- (c) **Taking all necessary measures to avoid the early militarization of children, in particular in schools, by, inter alia, taking into account article 29 of the Convention on aims of education;**
- (d) **Including peace education in school curricula and encouraging a culture of peace and tolerance within schools; and**

- (e) **Considering the ratification of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict at the earliest opportunity.**

#### **Economic exploitation, including child labour**

60. The Committee notes with concern the scarcity of information with regard to children and hazardous labour in the State party. While noting that the Constitution of the State party prohibits child labour, the Committee is also concerned that children allegedly engage, as part of their schooling, in work which by far exceeds vocational education goals and is physically highly demanding. The Committee further notes with concern that the labour laws of the State party do not prohibit harmful or hazardous work for children aged under 18.

61. **The Committee recommends that the State party take urgent measures to monitor and address exploitative forms of child labour, by, inter alia:**

- (a) **Amending the labour laws, applicable to all places of employment, including industrial complexes, to explicitly prohibit employment of children under 18 in harmful or hazardous work;**
- (b) **Ensuring that work performed by children as part of their schooling does not jeopardize their right to education and/or their physical and mental health;**
- (c) **Improving monitoring mechanisms, including by strengthening the labour inspectorate, in order to enforce existing labour laws and protect children from economic exploitation; and**
- (d) **Considering joining the International Labour Organization (ILO) with a view to ratifying ILO Conventions No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour and No. 138 (1973) concerning the Minimum Age for Admission to Employment.**

#### **Substance abuse**

62. The Committee is concerned about the harmful effects of substance consumption on the physical, emotional and psychological development and well-being of children in the State party. The Committee also expresses concern at the reportedly growing incidence of substance abuse by children and information that children are being mobilized to work on State opium poppy farms.

63. **The Committee urges the State party to strictly enforce legislation prohibiting sale, use and trafficking of controlled substances by children, including opium, and to provide effective structures and procedures for treatment, counselling, recovery and reintegration. The Committee recommends that parents be educated, through, inter alia, awareness-raising campaigns, on the harmful effects of substance consumption on the development and well-being of children.**

## Street children

64. In view of the significant number of children living on the street who are known as *Khojetbis*, the Committee regrets the paucity of information about specific programmes and measures to address their situation.

65. **The Committee recommends that the State party:**

- (a) **Undertake a study on the causes and scope of this phenomenon and establish a comprehensive strategy to address the particular vulnerability of street children;**
- (b) **Take effective measures to ensure that street children are provided with adequate nutrition, clothing, housing, health care and educational opportunities, including vocational and life-skills training through appropriate alternative care, using a participatory approach, in order to support their full development;**
- (c) **Ensure that these children are provided with recovery and reintegration services when victims of physical, sexual and substance abuse, protected from police brutality and provided with services for reintegration with their families and community; and**
- (d) **Seek technical assistance from, inter alia, UNICEF in this regard.**

## Sexual exploitation

66. The Committee notes that, according to the State party, there has been no case of sexual exploitation and abuse of children reported. The Committee is nevertheless concerned about the paucity of information regarding the extent of sexual exploitation and prostitution of children in the State party, and in particular, expresses concern about the absence of:

- (a) A study on the nature and extent of sexual exploitation and abuse of children in all settings, in all parts of the country
- (b) A comprehensive legislation to prevent sexual exploitation of children; and
- (c) A protection and/or recovery assistance and social reintegration for children who are victims of sexual exploitation.

67. **The Committee recommends that the State party:**

- (a) **Strengthen legislative and other measures to prevent sexual exploitation of children;**
- (b) **Take appropriate legal and other measures to protect children who are victims of sexual exploitation and bring perpetrators of sexual abuse and exploitation to justice;**
- (c) **Prioritize recovery assistance and ensure that education and training, as well as psychological assistance and counselling, are provided to victims.**
- (d) **Train Law enforcement officials, judges and prosecutors on how to receive, monitor and investigate complaints, and in a child-sensitive manner that respects confidentiality;**

- (e) **Implement appropriate policies and programmes for the prevention, recovery and social reintegration of child victims, in accordance with the Declaration and Agenda for Action and the Global Commitment adopted at the first, second and third World Congress against Commercial Sexual Exploitation of Children in 1996, 2001 and 2008;**
- (f) **Be guided in this respect by the United Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (ECOSOC res.. 2005/20); and**
- (g) **Consider ratifying the Optional Protocol on the sale of children, child prostitution and child pornography.**

### **Trafficking**

68. While noting that the State party has not recorded any cases of child trafficking and abduction, the Committee notes with concern reports of trafficking of persons, including children, to China. In this connection, the Committee is seriously concerned that there are no laws that specifically address trafficking in persons in the State party. Furthermore, the Committee is concerned that children who have been victims of trafficking, and subsequently return, or are repatriated to the State party, may be subject to criminal punishment.

69. **The Committee recommends that the State party ensure that trafficked children are regarded and protected as victims and not criminalized, and that they are provided with adequate recovery and social reintegration services and programmes. The Committee also invites the State party to consider ratifying the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.**

### **Administration of juvenile justice**

70. The Committee notes that in cases of crimes committed by children between the age of 14 and 17, the child is subject to “public education measures”. In this regard, the Committee regrets the lack of information provided by the State party on these measures, specifically, how and by whom the decision is made to commit a child to these measures; what procedural guarantees exist; what types of sanctions are imposed as “public education measure”; their duration; and whether they fully respect the rights of the child as provided by the Convention.

71. Furthermore, the Committee regrets that the State party has not developed a full-fledged juvenile justice system in compliance with the Convention and other relevant United Nations standards.

72. **The Committee reiterates its previous recommendation (CRC/C/15/Add.239, paragraph 65 (d)) to the State party to provide in its next periodic report detailed information on how the non-judicial approach of the State party conforms to the human rights safeguards enshrined in articles 37, 39 and 40 of the Convention and the nature and application of “public education measures”.**



73. The Committee also urges the State party to bring the system of juvenile justice, applicable to children aged between 14 and 18, fully in line with the Convention, in particular articles 37, 40 and 39, and with other United Nations standards in the field of juvenile justice, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty (the Havana Rules) and the Vienna Guidelines for Action on Children in the Criminal Justice System; and the Committee's general comment No. 10 (2007) on children's rights in juvenile justice. In this regard, the Committee recommends that the State party in particular:

- (a) Consider the establishment of juvenile courts and the appointment of trained juvenile judges in all regions of the State party;
- (b) Ensure that all professionals involved with the system of juvenile justice are trained on relevant international standards;
- (c) Take a holistic approach to addressing the problem of juvenile crime (e.g. addressing underlying social factors) advocated in the Convention, using alternative measures to detention such as diversion, probation, counselling, community service or suspended sentences, wherever possible;
- (d) Ensure that children, before any form of sanctions, including "public education measures", are provided with legal and other assistance at an early stage of the procedure;
- (e) Ensure that children are provided with basic services (e.g. schooling and health care) during the entire procedure;
- (f) Ensure that punishment imposed, including "public education measures", do not involve any form of corporal punishment;
- (g) Establish an independent child-sensitive and accessible system for the reception and processing of complaints by children and investigate, prosecute and punish cases of violations committed by law enforcement personnel and prisons guards; and
- (h) Be guided in this respect by the United Nations Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (Economic and Social Council res. 2005/20).

74. Furthermore, the Committee strongly recommends that the State party consider seeking technical assistance in the area of juvenile justice from UNICEF and the United Nations Interagency Panel on Juvenile Justice.

## **8. Optional Protocols to the Convention on the Rights of the Child**

75. The Committee recommends that the State party ratify the Optional Protocols to the Convention on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict.

## **9. Ratification of international human rights instruments**

76. The Committee is of the opinion that the ratification of or accession to other international core human rights instruments, would strengthen the efforts of the State party to meet its obligations in guaranteeing the full realization of rights of all children under its jurisdiction.

77. **The Committee encourages the State party to ratify or accede to all core international human rights instruments and ensure prompt compliance and implementation with reporting requirements in order to promote and improve the overall protection of human rights.**

## **10. Follow-up and dissemination**

### **Follow-up**

78. **The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, inter alia, by transmitting them to the Supreme People's Assembly (Parliament), relevant ministries and the municipal authorities for appropriate consideration and further action.**

### **Dissemination**

79. **The Committee further recommends that the combined third and fourth periodic report and written replies submitted by the State party and related recommendations (concluding observations) it adopted be made widely available to the public at large, civil society organizations, youth groups, and children in order to generate debate and awareness of the Convention, its implementation and monitoring.**

## **11. Next report**

80. **The Committee invites the State party to submit the fifth periodic report, by 20 October 2012. This report should not exceed 120 pages (see CRC/C/118).**

81. **The Committee also invites the State party to submit an updated core document in accordance with the requirements of the common core document in the harmonized guidelines on reporting, including guidelines on a common core document and treaty-specific documents, approved at the Fifth Inter-Committee meeting of the human rights treaty bodies in June 2006 (HRI/MC/2006/3).**

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