



DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

SUBMISSION TO THE UNITED NATIONS COMMITTEE ON THE RIGHTS OF THE CHILD

76TH SESSION, 11-29 SEPTEMBER 2017

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INTRODUCTION

Amnesty International presents this submission in advance of the consideration, in September 2017, of the fifth periodic report of the Democratic Republic of Korea (DPRK, or North Korea) on the implementation of the Convention on the Rights of the Child. This document does not reflect the full range of concerns of the organization in terms of respect, protection and fulfilment of children's rights in DPRK, but it focuses in particular on the failure of the DPRK to uphold human rights of children as a result of its heavy restrictions on citizens' freedom to seek, receive and impart information freely regardless of national frontiers. This freedom is a key component of the right to freedom of expression (**Article 13** of the Convention), and the deprivation of such also affects the enjoyment of other rights by the child.

In this context, this briefing also sets out Amnesty International's additional concerns regarding the state party's failure to uphold the rights of children to maintain personal relations and direct contact with parents they are separated from (**Article 9(3)**), including parents who live in a different state (**Article 10(2)**); the right to form and express their views freely (**Article 12**); the right to privacy, correspondence and family life (**Article 16**); the right to information (**Article 17**); the right to education (**Article 29**); and the right to rest, leisure, play and participation in cultural and artistic life (**Article 31**).

The findings in this submission are based partly on *Connection Denied*, a report released by Amnesty International in March 2016, which gives detailed evidence of the state's failure to ensure the right to freedom of expression (Article 19, ICCPR and Article 19, UDHR) and the right to be protected against arbitrary interference with privacy, family, home or correspondence (Article 17, ICCPR) as a result of these restrictions.¹ The DPRK exercises near total control over the information exchange between North Koreans and the rest of the world. All telecommunications, postal and broadcasting services are state-owned, and there is no independent media. The government's Propaganda Department maintains control over all television, radio and newspaper content.

Through pervasive surveillance, both technological and physical, as well as repressions and intimidation, the state also maintains control over communications in and out of the country, including communication between North Koreans under the age of 18 and family members from whom they are separated.

The UN General Assembly raised in a resolution in December 2016 its very serious concern regarding the all-pervasive severe restrictions, online and offline, on the freedom of opinion and expression, the right to privacy and equal access to information, among other human rights.² Through this submission, Amnesty International would like to highlight the fact that these restrictions as well as the associated surveillance also affect the rights of persons under 18 residing in or originally from the DPRK, including in ways that may be distinct from the general population. This is especially so for children who are part of divided families that are separated as a result of one or more members having left the country without official permission.

DIRECT COMMUNICATIONS BETWEEN SEPARATED FAMILY MEMBERS (ARTICLES 9, 10 & 13)

The state restricts communications between family members who have left North Korea and those who remain in the country in a way that unduly curtails the freedom to seek, receive and impart information regardless of national frontiers, which is part of the right to freedom of expression (**Article 13**). The same restrictions also violates the right of children to maintain regular personal relations and direct contact with their parents (**Articles 9(3), 10(2)**). The DPRK has kept the domestic and international telephone systems separate. Landline telephones in offices and households that are used for domestic calls do not allow international calling. Although domestic mobile phones were launched in 2008 through a joint-venture between the DPRK and an Egyptian company and soon became popular, they also only allow calls within the country.

For most people, international landline phones in some North Korean post offices are the only way to make phone calls out of the country legally.³ These public phones are not an option for children who would like to call their parents who have left the country without official permission and/or are located in South Korea, and vice versa, because they are

¹ Amnesty International, *Connection Denied: Restrictions on mobile phones and outside information in North Korea* (Index: ASA 23/3373/2016).

² UN, Resolution adopted by the General Assembly on 19 December 2016: Situation of human rights in the Democratic People's Republic of Korea, UN Doc. A/RES/71/202, 26 January 2017, para. 2(a)(v), www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/71/202.

³ See Amnesty International, *Connection Denied* (Index: ASA 23/3373/2016) page 21 for details

monitored both for content and destination. Although speaking on the phone to individuals outside DPRK is not in itself illegal, individuals could face serious charges if found speaking to someone in South Korea or other countries that are labelled as “enemies”.⁴ Children over age 16 and parents trying to maintain direct contact with their children who have left their country through these phones are at risk of being imprisoned, including being sent to political prison camps, if charged in relation to speaking with a person in South Korea. While children below age 14 are not held criminally responsible for such offences, children between the ages of 14 and 16 can be sent for “social education” if convicted. It is not known what type of education or punishment is carried out in these facilities.⁵

Due to restrictions on the content of communications and location of individuals telephoned, callers in the DPRK are at risk of prosecution and detention if found making calls to people outside the country.⁶ Without a legal option, they can only turn to an unofficial alternative. “Chinese mobile phones” smuggled into North Korea, which can connect to Chinese mobile phone networks, are available as a result of the booming informal private “grey market” economy, and allow those located close to the Chinese border to communicate privately with people outside the country.

Financial barriers can also impact on the child’s right of maintaining regular direct contact with their parents, as these “Chinese mobile phones” are not affordable for every household. North Koreans who do not own one of these phones have no choice but to go through brokers who own them in order to communicate with their families. These brokers ordinarily facilitate cash remittances into the DPRK from family members outside the country, and as part of this transaction, they act as channels of communication among family members. The fees charged by these brokers, however, are very expensive (typically a 30% commission of a minimum cash remittance of USD900, or 1 million South Korean Won). These costs, together with the practical implications of having to be close to the Chinese border physically and undetected, mean this option is not a viable means of regular direct contact among family members.

Young North Koreans, including those under the age of 18 and who have arrived in South Korea without their parents or older family members still in the North, find it even more difficult to afford the services of a broker, because they usually are not employed if sent to school by the South Korean government. The restrictions on communications by mobile phones in DPRK therefore continues to affect North Korean children even after they have left the country.

RISK OF SURVEILLANCE AND INTERFERENCE WITH PRIVACY AND FAMILY LIFE (ARTICLE 16)

Even North Koreans who own a “Chinese mobile phone,” are at risk of surveillance when making calls. Testimonies of individuals who talked to Amnesty International confirmed findings of the UN Commission of Inquiry on human rights in the Democratic People’s Republic of Korea in 2014, which reported that a special department of the State Security Department had sophisticated equipment to pick up, monitor, as well as block the emissions of “Chinese mobile phones”.⁷

Individuals who reported having experienced the surveillance and the jamming of signals, including persons under the age of 18, told Amnesty International that they saw these actions as a tactic to intimidate potential users of “Chinese mobile phones.” As the authorities emit radio waves in order to block Chinese mobile signals, anyone who wishes to use these phones needs to travel deep into the mountains close to the border to make calls. Also, to avoid being detected, those making calls must keep phone calls as short as possible, and avoid using the real names of children or other family members during conversations.

Some young people said that households with family members who are suspected of having left the country, including their own, are often the targets of heightened surveillance. This includes house searches, as well as monitoring at school. The state’s surveillance system overseen by the State Security Department, penetrates all levels of daily life and officers investigating possible cases of individuals who left the country question those individuals’ children at home or school. Children may be asked about the whereabouts of their parents, and whether they have received money sent from outside the country.

⁴ Telephone conversations with a person in country can result in varying levels of punishment if the content of the conversation can be interpreted as evidence of treason (Article 63 of the DPRK Criminal law), private trading of foreign currency (Articles 106, 107, 108), illicit trade (Article 111), brokerage (Article 112), illegal business activities (Articles 114 and 115) or smuggling (Article 119). The most severe punishment for treason is death, while the other offences are punishable by “reform through labour” for up to 10 years.

⁵ Article 11, Criminal Code and Article 115, Criminal Procedure Code, DPRK.

⁶ See Amnesty International, *Connection Denied* (Index: ASA 23/3373/2016) pages 36-38 for details.

⁷ UN, Report of the detailed findings of the commission of inquiry on human rights in the Democratic People’s Republic of Korea, UN Doc. A/HRC/25/CRP.1, 17 February 2014, para. 220, www.ohchr.org/Documents/HRBodies/HRCouncil/ColDPRK/Report/A.HRC.25.CRP.1_ENG.doc. See also *Connection Denied* (Index: ASA 23/3373/2016), page 31-35..

Investigations into possible departures of family members creates fear among children about whether their parent(s) have really left the country or not, but the suspicion about their parents also affects the future prospect of teenagers who are about to graduate from secondary school. A number of young people reported that they were not given places in the university, nor were they allowed to join the military, nor work in public services, very likely because the authorities suspected their family members had gone to South Korea.

Gwang, a young North Korean man currently attending university in Seoul recalled his situation at the time when he was finishing secondary school, “Your future will not be good if they find out that your father has escaped. This was not life and death, but it was a constant state of fear for three years. The intensity of my fear was greater when I tried to leave [the DPRK], but in contrast this is over in just a short period of time.”⁸ In other words, young people like Gwang can suffer from lifelong discrimination or harassment, simply because their family members exercised their right to freedom of movement. They can be left with few options to avoid this treatment apart from risking a dangerous, irregular exit from the DPRK.

Rules and practices interfering with privacy and correspondence are not currently determined in a specific and proportionate manner in DPRK law, and no effective safeguards are in place to prevent abuse of power or the arbitrary or unlawful use of surveillance on persons under 18, contrary to **Article 16** of the Convention.⁹ Without the necessary laws and safeguards in place, surveillance is not justifiably targeted nor conducted in a manner that is proportionate to legitimate aims, such as protecting national security or combatting serious crime, and violate the rights of the child to be free from such interference or attacks.

ACCESS TO OTHER FORMS OF OUTSIDE INFORMATION (ARTICLES 13 & 17)

In addition to the restrictions on communications, the DPRK has an absolute monopoly on all media and media outlets and has been able to control to a large extent the types of information that are received by its citizens, including children. The Committee in the past has expressed its view that a government’s total control of all sources of information, including media, and limitations to foreign culture and media, including the internet, contravene **Articles 13** and **17** of the Convention, and that the state should ensure the right of the child to access information and material from a diversity of national and international sources.¹⁰ The severe restrictions in the DPRK on accessing outside information through official and unofficial means violates the child’s right to freedom of expression as stated in **Article 13**, as do the restrictions on mobile phone communications.

There are no independent media and all media content including television, newspapers and radio is controlled by the Publication and Broadcasting Department, which operates within the Propaganda Department of the Workers’ Party of Korea.¹¹ According to the DPRK’s fifth periodic report on the implementation of the Convention on the Rights of the Child, efforts have been made to provide TV programmes for children and youth, and include programmes from abroad in a new channel introduced in 2012.¹² This likely refers to a channel named *Mansudae*, which is only in operation for several hours per day during the weekends, and is not independent of the state which controls all broadcasting institutions, programming choices and content. This monopoly and strict control of content and structure makes it impossible for children to have access to a diversity of information from a “diversity of national and international sources”, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health (**Article 17**).

The DPRK has a domestic, closed-off internet system and according to the state’s fifth periodic report, this “intra-network” has been made available in schools in the capital city of Pyongyang and seats of provinces.¹³ However, this network allows access only to domestic websites and email. Unlike other countries that censor particular web content or temporarily cut off internet access during government-declared emergencies, North Korea denies access to the World Wide Web to the vast majority of its citizens, including children. Access to information under Article 17 encompasses all forms of media, but particular attention needs to be given to the digital environment; the Committee has urged states to ensure that young

⁸ Amnesty International interview with Gwang (pseudonym, male university student in his 20s, who left North Korea in 2013) in Seoul, South Korea on 22 May 2017.

⁹ Article 16 of the Convention states that no child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, or correspondence, nor to unlawful attacks on his or her honour and reputation. Further, the child has the right to the protection of the law against such interference or attacks.

¹⁰ Concluding Observations of UN Committee on the Rights of the Child: Turkmenistan, UN Doc. CRC/C/TKM/CO/1 (2006), paras. 32, 33.

¹¹ UN, Report of the detailed findings of the commission of inquiry on human rights in the Democratic People’s Republic of Korea, UN Doc. A/HRC/25/CRP.1, 17 February 2014, paras 205-207, www.ohchr.org/Documents/HRBodies/HRCouncil/ColDPRK/Report/A.HRC.25.CRP.1_ENG.doc.

¹² Committee on the Rights of the Child, *Fifth periodic reports of States parties due in 2012: Democratic People’s Republic of Korea*, UN Doc. CRC/C/PRK/5, 25 October 2016, para. 83.

¹³ Committee on the Rights of the Child, *Fifth periodic reports of States parties due in 2012: Democratic People’s Republic of Korea*, UN Doc. CRC/C/PRK/5, 25 October 2016, para. 82.

people have access, without discrimination, to different forms of media and support and promote equal access to digital citizenship.¹⁴

The DPRK also exercises strict control on access to outside information through unofficial means, including DVDs and USB sticks containing foreign television dramas movies, as well as smuggled televisions and radios that can receive signals originating from neighbouring countries, such as China, Russia and South Korea.¹⁵ These items are made available through the grey market economy, but the authorities actively restrict individuals' access to outside information through surveillance and interference with their privacy, by the *inminban* neighbourhood units, as well as dedicated structures created to deal with the issue of citizens accessing outside media.¹⁶ Further, Article 185 of the Criminal Law of DPRK provides that all individuals aged 14 or above "listening to hostile broadcasting and collection, keeping and distribution of enemy propaganda" are subject to punishment by "reform through labour."

THE AIMS OF EDUCATION AND THE RIGHT OF THE CHILD TO CULTURAL LIFE AND THE ARTS (ARTICLES 12, 29 & 31)

The strict restrictions on access to outside information also penetrate school settings, in which it is almost impossible for children in DPRK to receive any genuine education about human rights values, including knowledge or information that is important for promoting understanding, peace, tolerance, and friendship among all peoples, ethnic, national and religious groups, but considered unsuitable or unnecessary by the state.¹⁷ One woman named Soo-yaе mentioned that when she was in school in the DPRK "it was not possible to learn about 'famous people' overseas – for example, Abraham Lincoln – or the lives of girls in South Korea."¹⁸ Another young woman named Sung-I related that during her time at secondary school, "students were encouraged to monitor one another and share with others 'bad behaviour' such as watching foreign movies."¹⁹

This censorship runs contrary to the aims of **Article 29(1)** which, among other things, states that education should be directed at allowing children to reach their full potential and in preparation for responsible life in a free society. Instead it perpetuates an environment in which state propaganda dominates all educational and other activities, and children are not allowed to form their own views and express them freely, as guaranteed in **Article 12**, one of the Convention's general principles.²⁰

By attempting to monopolize media outlets and becoming the sole supplier of all educational and cultural content, the DPRK also seeks to impose culture "from above" and fails to serve a facilitator role, as recommended by the Committee in its General Comment No.17 which explains state obligations to ensure a number of rights including the right to cultural life and the arts.²¹ The document also notes that access to information and materials from a diversity of community and national and international sources is essential for children to participate fully in cultural and artistic activity.²² Failure to provide the widest possible access to such information and materials violates the right of the child to participate freely in cultural life and the arts (**Article 31**), and also compromises the enjoyment of the right to education and the benefits of scientific progress.²³ No child should be denied access to culture, either to its creation or to its benefits, as recommended by the Committee in the same general comment. The restrictions on access to outside information imposed by the DPRK authorities, severely limits the range of cultural and artistic expression that can be articulated and enjoyed by children at home, school and in other settings.

¹⁴ Committee on the Rights of the Child General Comment No. 20 (2016) on the implementation of the rights of the child during adolescence, UN Doc. CRC/GC/20, 6 December 2016, para. 47.

¹⁵ Means of expression protected by Article 13 include digital and audiovisual media; Committee on the Rights of the Child General Comment No. 20 (2016) on the implementation of the rights of the child during adolescence, UN Doc. CRC/GC/20, 6 December 2016, para. 42.

¹⁶ An *inminban* generally consists of 20 to 40 households living either in a neighbourhood or an apartment building. Each *inminban* shares the duty of monitoring its members, providing ideological education, and serving as a conduit for mobilization campaigns. Group leaders watch closely the behavior and personal relations of residents under their supervision, and have the authority to visit homes at any time, day or night.

¹⁷ Committee on the Rights of the Child General Comment No. 1: The aims of education (art. 29(1)), UN Doc. CRC/GC/2001/1, 17 April 2001, paras 4, 19.

¹⁸ Amnesty International interview with Soo-yaе (pseudonym, woman in her 20s, who left North Korea in 2014) in Seoul, South Korea on 26 April 2017.

¹⁹ Amnesty International interview with Sung-I (pseudonym, woman in her 20s, who left North Korea in 2014) in Seoul, South Korea on 26 April 2017

²⁰ The dominance of political propaganda in North Korea's education is detailed in a number of sources. A recent one, for example, is: People for Successful Korean Reunification (PSCORE), *Forced to hate: North Korea's education system*, 2016, pscore.org/newest/wp-content/uploads/PSCORE-Report_Forced-to-Hate_2016.pdf

²¹ Committee on the Rights of the Child General Comment No. 17 on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts (art. 31), UN Doc. CRC/GC/2001/1, 17 April 2001, para. 19.

²² Committee on the Rights of the Child General Comment No. 17, para 21.

²³ Articles 13, 15(1) of the International Covenant on Economic, Social and Cultural Rights, to which North Korea is a party.

RECOMMENDATIONS

Amnesty International recommends that the DPRK authorities:

- End the ban on North Koreans, including children accessing international mobile telephone services, including voice calls and text messages.
- Facilitate North Korean children's access to information and materials of social and cultural benefit, including through the World Wide Web and other international internet data and services.
- Ensure that everybody in North Korea is able to communicate directly and regularly with family members and others, including with parents or children living in other countries, without interference unless justified in line with international human rights law and standards.
- End surveillance of communications that is unnecessary, untargeted or without any legitimate aim, including between children and their parents.
- Allow the establishment of independent newspapers and other media, and end all censorship of domestic and foreign media.
- Introduce internet (i.e. the World Wide Web) access in schools and other public facilities such as libraries.
- Ensure the right of children to take part in cultural and artistic activity, including through ensuring that they are provided with the widest possible access, through different media, to diverse information and materials related to their own culture and to other cultures, civilizations, nations and peoples.
- Ensure by incorporating into policies and legislation, that education is provided in a way that respects the inherent dignity of the child, and enables the child to express his or her views freely, and to develop life skills such as critical thinking, among other abilities which give children the tools needed to reach their potential, and pursue their options in life while also respecting human rights values.

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info@amnesty.org



+44 (0)20 7413 5500

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