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COMMITTEE ON ECONOMIC, SOCIAL  
AND CULTURAL RIGHTS

Thirty-first session  
10-28 November 2003

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLES 16 AND 17 OF THE COVENANT**

**Concluding observations of the Committee on Economic, Social  
and Cultural Rights**

**DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA**

1. The Committee on Economic, Social and Cultural Rights considered the second periodic report of the Democratic People's Republic of Korea on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/1990/6/Add.35) at its 44th to 46th meetings, held on 19 and 20 November 2003 (see E/C.12/2003/SR.44-46) and adopted, at its 56th meeting, held on 28 November 2003 (see E/C.12/2003/SR.56), the following concluding observations.

**A. Introduction**

2. The Committee welcomes the submission of the second periodic report of the State party, which was prepared in conformity with the Committee's guidelines and thanks the State party for the written replies to its list of issues. The Committee, nevertheless, regrets that the State party has not included specific information in terms of data and updated statistics, particularly in the field of social security, health and education.

3. The Committee expresses its appreciation for the dialogue that took place between the Committee members and the delegation of the State party.

### **B. Positive aspects**

4. The Committee acknowledges the efforts by the State party and the people of the Democratic People's Republic of Korea to overcome the effects of the natural disasters from the mid-1990s, including the reconstruction of the food production infrastructure.
5. The Committee notes with appreciation the willingness of the State party to continue its cooperation with the Committee.
6. The Committee also notes with appreciation the wide coverage of free health care in the State party.
7. The Committee further notes with appreciation the full implementation of a free and universal 11-year education system.

### **C. Factors and difficulties impeding the implementation of the Covenant**

8. The Committee is aware of the difficulties facing the State party on many levels and in various areas, including food security and the high cost of rebuilding the infrastructure destroyed as a consequence of the natural disasters during the mid-1990s.

### **D. Principal subjects of concern**

9. The Committee is concerned, as is the Human Rights Committee in its own concluding observations, about the constitutional and other legislative provisions, particularly article 162 of the Constitution, that seriously compromise the impartiality and independence of the judiciary and have an adverse impact on the protection of all human rights guaranteed under the Covenant.
10. The Committee notes with concern that no case law on the application of the Covenant exists and that the Covenant has not been directly invoked before national courts, although the State party declares that the provisions of international human rights instruments, though not yet incorporated into its domestic law, are directly applied by the courts.
11. The Committee regrets the lack of information about the exact functioning of the individual complaint system under the Law on Complaints and Petitions, as concerns complaints in the field of economic, social and cultural rights.
12. The Committee notes with concern that the State party has not ratified the International Convention on the Elimination of All Forms of Racial Discrimination.
13. The Committee expresses its concern about the persistence of traditional societal attitudes and practices prevailing in the State party with regard to women that negatively affect the enjoyment of their economic, social and cultural rights. The Committee is concerned about the lack of domestic legislation on non-discrimination against women and about the persistence of de facto inequality between men and women in decision-making positions, both in political and administration bodies, as well as in the industrial sector as a whole.

14. The Committee is concerned that the right to work may not be fully assured in the present system of compulsory State-allocated employment, which is contrary to the right of the individual to freely choose his/her career or his/her workplace.
15. The Committee is concerned about information according to which the North Korean citizens who have travelled abroad without passport in quest of employment and better living conditions are sent to labour camps upon return to their country.
16. The Committee notes with concern that the Korean legislation establishes a single trade union structure, which is controlled by the ruling party. It notes also that the exercise of the right to form trade unions is dependent upon an authorization given by the State security organs. Furthermore, the Committee notes with concern that domestic legislation does not recognize the right to strike.
17. The Committee regrets the sparse information provided on the coverage of the social security system which does not enable the Committee to ascertain whether the system provides universal coverage.
18. The Committee is concerned about information according to which some segments of the population are still suffering hardship due to the period of reconstruction and reform and may be in need of extra support from the public authorities.
19. The Committee notes with concern that there is no specific provision in the legislation of the State party that criminalizes and punishes domestic violence.
20. The Committee notes with concern that existing social and educational policies in the State party for orphans keep them in segregated environments, which can lead to situations of social exclusion.
21. The Committee is concerned about the consequences of the widespread famine suffered by the country from the mid-1990s and that certain groups, in particular women, children and older persons, have been more severely affected than others and have not received proper assistance in order to alleviate their plight.
22. The Committee expresses deep concern about the high rate of children under 5 that are chronically malnourished (45 per cent according to government statistics), as well as the high incidence of poverty-related diseases.
23. The Committee is concerned about the alarming increase in maternal mortality rate.
24. The Committee remains concerned about the declining attendance rate in schools, from 99 to 85 per cent according to the State party, as a consequence of national disasters.
25. The Committee remains concerned that children with disabilities, whenever possible, are not included in the regular school system.

### **E. Suggestions and recommendations**

- 26. The Committee invites the State party to set up a mechanism for the effective monitoring of the progressive implementation of the Covenant.**
- 27. The Committee recommends that the State party, in its efforts aimed at the implementation of the rights under the Covenant, continue to seek international assistance and engage itself in international cooperation and in the regional activities undertaken by international and regional agencies, including the Office of the United Nations High Commissioner for Human Rights.**
- 28. The Committee recommends that the constitutional and legislative provisions that may compromise or diminish the independence and impartiality of the judiciary be immediately reviewed in order to guarantee its crucial role in the protection of rights covered by the Covenant.**
- 29. The Committee requests the State party to include in its third periodic report information on how the provisions of the Covenant have been incorporated into its domestic legislation and to provide examples of cases of direct application, by the national courts, of the provisions of the Covenant.**
- 30. The Committee requests the State party to provide more detailed information on the exact functioning of the procedures in the individual complaint system under the law on Complaints and Petitions, relating to economic, social and cultural rights, including case law exemplifying how this law has been used in practice.**
- 31. The Committee recommends that the State party ratify the International Convention on the Elimination of All Forms of Racial Discrimination.**
- 32. The Committee recommends that the State party joins the International Labour Organization as a full member and consequently ratifies the main International Labour Organization conventions in due course. In order to facilitate the accession, the Committee recommends that the State party speed up the necessary reform of its legislation with a view to fulfilling the criteria of the tripartite representation system in the International Labour Organization.**
- 33. The Committee suggests that domestic legislation be reviewed with the aim of giving full effect to the principle of non-discrimination against women and that the State party adopt and implement a programme containing specific measures for awareness-raising, aimed at promoting the rights of women and their advancement in all fields of political, economic and social life.**
- 34. The Committee encourages the State party to take legislative measures to guarantee the right of everyone to choose his/her career and workplace.**
- 35. The Committee recommends that the national legislation be reviewed in order to eliminate penalties against persons having travelled abroad in quest of employment and better living conditions.**

36. **The Committee recommends that the State party review its domestic legislation to bring it in line with the provisions of article 8 of the Covenant with regard to the trade unions rights, including the right to form independent trade unions and the right to strike.**
37. **The Committee encourages the State party to provide in its third periodic report data on the conditions for entitlement under the social security system, including for family benefits, benefits for persons with disabilities, and pensions for older persons.**
38. **The Committee invites the State party to explore the possibility of increasing in due course the budgetary allocations for social expenditure, as well as public assistance for people in need, and of enabling persons looking for employment, particularly women, to find jobs on the territory of the Democratic People's Republic of Korea.**
39. **The Committee recommends that the State party amend its legislation in order to include specific provisions that can be used as grounds to fight domestic violence.**
40. **The Committee calls upon the State party to continue its effort in assisting those children who have suffered from the consequences of natural disasters to return to school.**
41. **The Committee urges the State party to strengthen its efforts to provide alternative family care for orphans and to include them in the regular school system.**
42. **The Committee recommends that the State party establish appropriate mechanisms to guarantee equal access for the more vulnerable groups to international food aid and give priority to these groups in food programmes.**
43. **The Committee recommends that increased attention be paid by the competent authorities to providing adequate nutrition to children suffering from chronic malnutrition as well as adequate health care, to address the potentially severe consequences on their health.**
44. **The Committee recommends that the State party take effective measures to improve the conditions of maternal care, including prenatal health services and medical assistance at birth.**
45. **The Committee recommends that the State party adopt a comprehensive HIV/AIDS prevention strategy, including awareness-raising campaigns and a blood safety programme. The Committee invites the State party to continue and enhance its collaboration with United Nations programmes and specialized agencies, such as the United Nations Development Programme, World Health Organization and the Joint United Nations Programme on HIV/AIDS. The Committee further recommends that the State party include in its third periodic report statistical data on the incidence of HIV/AIDS and information about the measures undertaken to prevent an epidemic.**
46. **The Committee recommends that the State party change the present system concerning the education of children with disabilities by allowing these children to be educated in the regular school system. Moreover, the State party should take measures to raise awareness among students, teachers and families of the special needs of these children and train teachers to assist them effectively in regular classes.**

**47. The Committee is ready, if invited, to send a delegation to visit the Democratic People's Republic of Korea in order to ascertain the realities and the efforts being made by the State party to apply the provisions of the Covenant as well as to offer advice and assistance to the State party in discharging its obligations under the Covenant.**

**48. While noting with appreciation the State party's commitment to disseminate widely the present concluding observations, the Committee encourages the State party to make them available to all institutions and public authorities dealing with the rights under the Covenant as well as to large segments of the civil society.**

**49. Finally, the Committee requests the State party to submit its third periodic report by 30 June 2008.**

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