

# Report

## MISERY AND TERROR

### **Systematic Violations of Economic, Social and Cultural Rights in North Korea**

Situation Report on the occasion of the examination by the UN Committee on Economic, Social, and Cultural Rights of the second periodic report of the Democratic People's Republic of Korea

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## **I. Preliminary Remark with Regard to Methodology**

International Human Rights NGOs have no access to the Democratic People's Republic of Korea (DPRK), which means that any attempt to monitor the human rights situation in the country is extremely difficult. The only way to bypass that difficulty is to gather testimonies from North Korean refugees who fled the country and succeeded in resettle in a third country.

Local human rights NGOs are non existent in the DPRK because of the severe repression exercised by the authorities against all forms of criticism with regard to the official policy.

That situation explains why recent sources on the real human rights situation in the DPRK are very scarce.

The present report has been elaborated on the basis of written sources, including testimonies by people who fled the DPRK; accounts by humanitarian NGOs who carried out humanitarian activities in the DPRK have been taken into account as well.

## **II. Introduction**

The Democratic People's Republic of Korea (DPRK) ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR) on 14 September 1981. The second State Party periodic report to the Committee on Economic, Social and Cultural Rights to be examined at the forthcoming session, in November 2003, presents a very positive picture of the situation of economic, social and cultural rights in the DPRK. However, there are still substantial discrepancies between institutional (or legal) stipulations and the practice. Discriminative social class policies with regard to the allocation of jobs, housing and social security, as well as in the field of education clearly violate several provisions of the ICESCR.

The present report also addresses the issue of the wages (right to just and favourable conditions of work), trade union rights and, last but not least, the right to be free from hunger.

### III. Social Class Policy

Since 1958, the North Korean authorities have been pursuing "the monolithic domination of socialist production relations" and "socialist proletarianization of the whole population" by the "collectivization of agriculture" and "collaboration in commerce and industry". To make all people a "red class" (terminology used by the authorities of the DPRK), the population has been classified and anti-revolutionary elements suppressed under the "collective leadership" of the Korean Worker's Party (KWP). As such, resident re-registration was established between April 1966 to March 1967. Between April 1967 to June 1970, the population was classified into 3 strata with 51 categories: 870,000 families (3,915,000 persons) as the "*Haeksim Gyaechung* (Core Stratum)", 700,000 families (3,510,000 persons) as the "*Dongyo Gyaechung* (Oscillating or Wavering Stratum)", 1,730,000 families (7,935,000 persons) as the "*Jeokdae Gyaechung* (Hostile Stratum)". The policies based on that classification have focused on taking precautions against the Oscillating Stratum and Hostile Stratum and providing them with ideological education.<sup>1</sup>

The authorities of the DPRK deny the existence of that classification; however, the North Korean refugees confirm the existence of that system and its continued use.

The North Korean government and Party investigated family background of its population on many occasions.

**<Table 1> Family Background Investigation Projects**

| Projects                                  | Period                | Description   |
|---|-----------------------|---|
| Intensive Guidance by the KWP             | Dec. 1958 – Dec. 1960 | Exposing, punishing and forcing relocation of impure elements to remote mountain village.   |
| Re-registration of the People             | Apr. 1966 – Mar. 1967 | Classification based on family background to arm a million-man Red Army (investigate 3 direct generations and all relatives of the wife and mother that are removed up to the 6 <sup>th</sup> degree).  |
| Division into 3 Strata with 51 Categories | Apr. 1967 – Jun. 1970 | Based on the re-registration project all people are divided into Core Strata, Wavering Strata and Hostile Strata, and then further divided into 51 social categories.   |
| Project of Investigating the People       | Feb. 1972 – 1974      | Investigate and determine the inclinations of people based on discussions concerning North-South relations and then classify people based on those whom everyone can believe, those whose beliefs are somewhat dubious, and those believed to be renegades. |
| Civic Pass Inspection Project             | Jan. 1980 – Dec. 1980 | To expose impure element and increase control, inspect and renew citizen's certificates according to Kim Jong-il's orders.  |

<sup>1</sup> For detail cf. KIM Yong-gi, "*Gyegeupui bulpyeongdeunggujowa gyegeupjeongchaek*" (The Unequal Structure of Class and Class Policy), *Bukhansahoewi gujowa byeonhwa* (The Structure and Change of the North Korean Society), (Seoul: The Institute for Far Eastern Studies, 1987), pp.203-206.

|  |                          |   |
|--|--------------------------|---|
| Project concerning naturalized foreigners and defectors from South Korea | Apr. 1980 – Oct. 1980    | Divide the people who entered North Korea such as those who defected from South Korea, into 13 categories and update monitoring data.   |
| Project concerning those compatriots who were repatriated to North Korea | Jan. 1981 – Apr. 1981    | Segment the data on former Korean residents in Japan who were repatriated to North Korea and refine and improve the method of control of those people.  |
| Citizenship identification card Renewal Project                          | Nov. 1983 – Mar. 1984    | Renewal of citizen's certificates and revision of documents for all residents.  |
| Re-examination of family registers                                       | Early Years of the 1990s | After that census, many people were arrested. That wave of detentions might be related to attempts to strengthen internal control during the 1990s in response to the fall of communist regimes in Eastern Europe. <sup>2</sup> |

Source: Ministry of Unification, *Bukhan-gaeyo '95* (Epitome of the North Korea '95), (Seoul: Ministry of Unification Press, 1995), p.275.

According to a relatively recent source, the North Korean population is currently classified with *Haeksim Gunjung* (Core Mass) of 5,980,000 persons (28%), *Gibon Gunjung* (Basic Mass) of 9,620,000 persons (45%), and *Bokjap Gunjung* (Complicate Mass) of 5,770,000 persons (27%).<sup>3</sup> According to that information, the number of persons belonging to the lower class (Hostile Stratum) is still very significant.

The social classification with 3 strata and 51 categories might be considered meaningless today because it was based on the resident registration performed in the 1960s, and its main criteria were political activities under Japanese domination and during the Korean War. The people of this strata are now dead or beyond the age of social activity. However, it is important to note that the policy of class distinction resulted in the institutionalization of inequalities, which presently persist in North Korea and have an impact on the enjoyment of economic and social rights.

That policy is a blatant violation of international human rights instruments, notably art. 7 of the Universal Declaration on Human Rights and art. 26 of the International Covenant on Civil and Political Rights, which both prohibit discrimination.

<sup>2</sup> Cf. KIM Yong-sam, “‘*Bukhanui ausyubichi*’ *sipsaho gwanrisoui naemak* (Inside Stories of the North Korean Auschwitz, Controlled Camp No.14)”, *Wolgan Chosun*, May 2000.

<sup>3</sup> Ministry of Unification, *Bukhan-gaeyo '91* (Epitome of the North Korea '91), 1990, p.238.

<Table 2> 3 Strata with 51 Categories in North Korean Society

| Stratum  | Categories   | Treatment   |
|--|--|---|
| <i>Haeksim</i><br><i>Gyaechung</i><br>(Core Stratum)<br>or <i>Haeksim</i><br><i>Gunjung</i> (Core Mass)  | 12 Categories:<br>Worker, farmhand, peasant, office worker, partisan of KWP, descendent of revolutionary or patriot, intellectual educated after liberation from Japanese occupation, descendent of person killed by US-ROK soldiers, honorable soldier etc.   | Recruited as Staff of KWP, Government, and Army<br><br>Privileged for university entry, choice of occupation, residence and food, and medical services.   |
| <i>Dongyo</i><br><i>Gyaechung</i><br>(Oscillating Stratum) or<br><i>Gibon Gunjung</i><br>(Basic Mass)    | 18 Categories:<br>Small and middle tradesman or manufacturer, national bourgeois, remaining family of defector to South Korea, individual repatriated from China or Japan, intellectual educated under Japanese occupation, Confucian scholar etc.   | Recruited as low-level managers and technicians<br><br>Very few members of this stratum have been promoted to the Core Stratum.   |
| <i>Jeokdae</i><br><i>gyaechung</i><br>(Hostile Stratum) or<br><i>Bokjap gunjung</i><br>(Complicate Mass) | 21 Categories:<br>Christian, landlord, collaborator with Japan and/or USA, anti-revolutionary factionalist (political enemy of KIM Il-sung and KIM Jong-il), remaining family of executed criminal, political criminal, partisan of Democratic Party or <i>Chondogyo Chongwu-dang</i> (Party of Young Believers of <i>Chondogyo</i> ) etc. | Employed in dangerous work and hard labor.<br><br>No entry to university or KWP.<br><br>Controlled and isolated from rest of society.<br><br>Very few descendants of this class have been re-classified as <i>Gibon Gunjung</i> (Basic Mass). |

Source: Ministry of Unification, *Bukhan-gaeyo*' 95 (Epitome of the North Korea '95), op.cit., p 268.

Because of this discriminative social class policy, people belonging to the "Oscillating Stratum" and the "Hostile Stratum" face particularly unfavorable working conditions. Housing and access to healthcare are also allocated according to that classification of the population. Access to high level education is also based on that classification.

This is a blatant violation of art. 2 para. 2 of the ICESCR, which states that: "The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status" (emphasis added).

### 1. Freedom to Choose an Occupation

Freedom to choose an occupation is prescribed by the "Socialist Labor Law" in the DPRK. However, in practice, occupations are allocated based on loyalty to the Korean Worker's Party (KWP) and according to the *Seongbun* (ascription to social class), the discriminative social class policy described above.

The allocation of management and engineering positions, which mostly relates to university graduates, is decided by the Bureau of Staff (*Ganbu-bu*) of the regional

committee of the KWP (*Dang Wiwonhoe*) for each administrative branch. Yet, for certain posts, appointments are made by the Bureau of Staff of the regional committee of the Party only after consultation with the Central Bureau of Staff of the Party, then ratified by the Secretariat of the KWP. The key issues considered are the individual's academic record, life style, and participation in political events.

In the case of high school graduates and discharged soldiers, the Labor Department of the regional People's Committee allocates occupations.

For projects which require vast manpower, such as salinas, mines, railroad and roadbuilding, group allocations are made in hundreds or thousands.

Personal preference and aptitude are consequently not important variables for determining an occupation. Moreover, once an occupation is decided, it is very difficult to change it.

The allocation of occupation based on the class policy violates art 6 para 1 of the Covenant, which states that "The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right" (emphasis added).

That practice directly contradicts the assertion in the State party report that "there exists no such phenomenon of particularly vulnerable or disfavoured conditions of employment for some specific groups, regions or areas" (para 5 of the second State party periodic report) and that "The State has provided... the indiscriminate and unconditional supply of jobs to working people in view of their wish and ability" (para 9).

Eventually, that class policy violates art. 7 c) of the ICESCR which states : "The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular: (...)

Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence" (emphasis added).

## **2. Right to Housing**

Article 50 of the DPRK's Civil Law prescribes: "the State builds housing and delivers the right to use this housing to workers, farmers, and office workers, which is protected by law." However, in reality, the government provides use of housing according to the discriminative social class policy described above.

Only the State and cooperative organisations can hold ownership, even though there is a basis for private ownership in Article 22 of the amended Constitution of September 1998, which excludes buildings from collective ownership (ownership by cooperative organisations). Theoretically, it means that buildings might now be owned by individuals.

The North Korean people are provided with apartments or individual houses standardized by class (see table 2) and region (in rural areas, the quality of housing is inferior than in town).

North Korean housing is categorized into 5 levels: levels 1 to 4, and special residences. Party staff are provided with level 4 housing or a special residence, about 121 m<sup>2</sup> to 182m<sup>2</sup> (40 *pyeong* to 60 *pyeong*). These superior residences make up about 15% of the total housing. Ordinary workers are provided with level 2 or 3 housing that is composed of one room and a kitchen. In some cases, two families will live in one residence with two rooms and one kitchen. However, the current housing situation only covers about 70% of the population. Newly-married couples have to wait 4 to 5 years for their own home.

The use of the class policy in order to allocate housing facilities is a violation of art.2 para 2 of the Covenant (non discrimination), combined with art. 11 para 1 (right to housing).

### **3. Right to Health**

There are serious discrepancies between legal stipulations (the Public Health Law stipulates “a complete universal free medical care system”) and the practice as regards the right to the enjoyment of the highest attainable standard of physical and mental health in North Korea. The medical services are insufficient due to shortages of drugs and obsolete equipment. Therefore, the system allocates social benefits according to the *Seongbun* (ascription to social class), thereby depriving the lower classes of adequate medical services. Consequently, ordinary people cannot benefit from the right enshrined in art. 12 of the Covenant (right to health), and in particular its para. 2 d).<sup>4</sup>

The Good Friends has conducted a research with 1,027 refugees in 2000, in China which confirms that situation.<sup>5</sup> At the time, 63.4% of the people were unable to obtain any medicine when they were ill. 34.7% replied that only the diagnosis was given from the doctors and they had to get the medicines themselves. Only 0.2% responded that they had received free medical service.<sup>6</sup>

### **4. Right to Education**

The North Korean government offers educational benefits on the base of the *Seongbun*, the students' colleges and their specialties are decided regardless of individuals' wishes. Special admission without examination is offered to the children of senior staff or close aides of KIM Jong-il and cabinet members, as well as senior Party staff. According to a testimony of North Korean defector PARK Su-hyun, the children of high-ranking

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<sup>4</sup> The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for: (...) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.

<sup>5</sup> Understanding and Responses of the North Koreans on the Social and Economic Conditions of North Korea, The Good Friends (2000).

<sup>6</sup> *Ibid.*, Table1-3 Health Care System in North Korea, p.29.



officials entering college upon instructions of KIM Il-sung or KIM Jong-il are called the “instruction student,” or “directed student” or “student who received word.”

However students from less favorable classes will have to pass the background check even if he or she passed the college entrance examinations. According to the testimonies of KIM Sung-eun, LIM Young-sun, KIM X-ik and CHUNG X-yong, North Korean defectors, even though they had excellent academic records, they could not take the college entrance examination or they were refused by the university because they were nephew of defector to South Korea or child of former South Korean prisoner of war of the Korean War.<sup>7</sup>

That practice violates art. 2 para 2 of the Covenant, combined with art. 13 (right to education).

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<sup>7</sup> Research Center for North Korean Society and Human Rights, *Bukhan in-gwon baekseo 2001* (White Paper of North Korean Human Rights, 2001), (Seoul : Korea Institute for National Unification), pp. 42-43.

#### IV. Right to be Free from Hunger

There are different assessments of the number of victims of the major floods in August 1995. Certain organisations, such as the Good Friends, consider that after the major flood in August 1995, about 3 or 3.5 million out of 22 million North Koreans died of starvation or related diseases between 1995 and 1998, and more than 300 thousand people escaped from North Korea<sup>8</sup>. The research group of the Johns Hopkins School of Public Health, led by W. Courtland Robinson, assumes 2.1 million deceases during 1995-1998.<sup>9</sup> At the APEC Ministerial Conference on May 15, 2002, the North Korean government reported that 220 thousand died of starvation or related diseases during these three years.

In a press release from 30 October 2003, the UNDP says 6.5 million malnourished North Koreans will need aid in 2004, which represents more than a quarter of the population... The press release also states that four out of ten young children suffer from chronic malnutrition or stunting.<sup>10</sup>

According to the Good Friends, 15.6% of the children under the age of seven years suffer from acute malnutrition, and 62.3% is suffering from chronic malnutrition.<sup>11</sup> Malnutrition makes peoples more vulnerable to viral infections hence a simple disease can be lethal. Diseases like Para typhus and cholera, e.g., are easy to cure, but lethal when the physical system is weak in general.

The responsibility of the authorities in that large scale humanitarian disaster is multiple: the conjunction of the policy of distribution of the international humanitarian aid and the policy of exploitation of the soils both contributed to that humanitarian disaster. It should also be noted that the structures of the economy are themselves inadequate to guarantee the right to food (restrictions to trade, restrictions to freedom of movement for trading purposes).

According to a government policy to obtain more arable land, the North Koreans have exploited almost all hills and small mountains.<sup>12</sup> However, since inadequate irrigation facilities were established and crops which do not sustain the soil, such as corn, were cultivated, heavy rain has caused landslides and destroyed newly developed land and even existing arable land. Such landslides then raise the bottom of rivers, which results

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<sup>8</sup> The Good Friends, *Duman-gang-eul geonneo-on saramdeul* (People who crossed the Tumen), (Seoul: Jungto Chulpansa, 1999).

<sup>9</sup> LA Times, July 24, 1999; For detail cf. W. Courtland ROBINSON et al., "Famine, Mortality, and Migration: A Study of North Korean Migrants in China", in *Forced Migration and Mortality (2001)*, pp.69-84. <http://books.nap.edu/books/0309073340/html/69.html>

<sup>10</sup> AFP, 30 October 2003 : UN says 6.5 million malnourished North Koreans will need aid in 2004.

<sup>11</sup> Nutritional Survey of DPRK, EU/ UNICEF/ WFP, 1998.

<sup>12</sup> The government policy to obtain more arable land is based on the Five Plans on the Exploitation of the Nature (*Jayeon gaejo o-dae bangchim*) adopted at the 12<sup>th</sup> Plenum of the 5<sup>th</sup> Central Committee of the KWP on Oct. 2, 1976. This policy was reflected in Art. 49 of the amended Land Act of April 1977. This policy was reinforced by the Four Projects for the Exploitation of the Nature (*Sadae jayeon gaejo saeop*) adopted at the 4<sup>th</sup> Plenum of the 6<sup>th</sup> Central Committee of the KWP in Oct. 1981. According to this policy, 150,000 hectares of mountainous regions were cleaned to make *Darak-bat* (terrace cultivation) during the Second Seven-Year Economic Plan (1978-1984).

in flooding after relatively little rain. We can therefore consider that this policy contributed to a greater vulnerability of the soils to flooding. Moreover, the recent shortage of food and fuel has accelerated the destruction of North Korean forests.

According to the statistics of international organisations, the North Korean production of cereals declined to less than 5 million tons in 1992, 4.5 million in 1995, and even less than 4 million in 1996, which resulted in the famine.

However, the policy of distribution of humanitarian aid results in a situation whereby the food did not reach certain parts of the population. The persistence of the North Korean famine is partially due to the distribution system of the humanitarian aid itself.

For example, according to the South Korean statistics, the total amount of food aid given in 1998 and 1999 covered most of the estimated food deficit (see table 3), yet people are still starving to death in North Korea.

**<Table 3> Demand and Supply of Cereals in North Korea**

(Unity: Thousand Tons)

| Year                | 1990  | 1991         | 1992         | 1993         | 1994         | 1995         | 1996  | 1997  | 1998  | 1999  | 2000  | 2001  |       |
|---------------------|-------|--------------|--------------|--------------|--------------|--------------|-------|-------|-------|-------|-------|-------|-------|
| Demand for Food (*) | 5,560 | 5,680        | 5,760        | 5,690        | 5,760        | 5,800        | 5,780 | 5,830 | 5,410 | 5,500 | 5,600 | 5,360 |       |
| Production          | (1)   | 5,866        | 5,405        | 4,973        | 4,593        | 4,951        | 4,245 | 4,480 | 2,660 | 3,470 | 3,480 | 2,920 | 3,540 |
|                     | (2)   | 9,100        | 8,900        | 8,800        | 9,000        | 7,083        | 3,499 | 2,502 | 2,685 | 3,202 | 4,281 | 3,262 | .     |
|                     | (3)   | 4,810        | 4,430        | 4,270        | 3,880        | 4,130        | 3,450 | 3,690 | 3,670 | 3,930 | 4,220 | 3,580 | 3,950 |
| Deficit             | (1)   | (-306)       | 275          | 787          | 1,079        | 809          | 1,555 | 1,300 | 3,170 | 1,940 | 2,020 | 2,680 | 1,820 |
|                     | (2)   | (-)<br>3,540 | (-)<br>3,220 | (-)<br>3,040 | (-)<br>3,310 | (-)<br>1,323 | 2,301 | 3,278 | 3,145 | 2,208 | 1,219 | 2,338 | .     |
|                     | (3)   | 750          | 1,250        | 1,490        | 1,810        | 1,630        | 2,350 | 2,090 | 2,160 | 1,480 | 1,280 | 2,020 | 1,410 |
| Introduction        | 890   | 1,290        | 830          | 1,090        | 490          | 960          | 1,050 | 1,630 | 1,630 | 1,290 | 1,800 | .     |       |
| Import              | 890   | 1,290        | 830          | 1,090        | 490          | 640          | 750   | 790   | 790   | 300   | .     | .     |       |
| Foreign Aid         | 0     | 0            | 0            | 0            | 0            | 320          | 300   | 840   | 840   | 990   | 1,800 | .     |       |

|                  |     |              |              |              |              |              |       |       |       |                    |                   |                  |
|------------------|-----|--------------|--------------|--------------|--------------|--------------|-------|-------|-------|--------------------|-------------------|------------------|
| Absolute Deficit | (1) | (-)<br>1,196 | (-)<br>1,015 | (-)<br>43    | (-)<br>11    | 319          | 595   | 250   | 1,540 | 310                | 730               | less than<br>880 |
|                  | (2) | (-)<br>4,430 | (-)<br>4,490 | (-)<br>3,870 | (-)<br>4,400 | (-)<br>1,813 | 1,341 | 2,228 | 1,515 | 578                | (-)<br>71         | less than<br>538 |
|                  | (3) | (-)<br>140   | (-)<br>40    | 660          | 720          | 1,140        | 1,390 | 1,040 | 530   | <b>(-)<br/>150</b> | <b>(-)<br/>10</b> | less than<br>220 |

Sources: Korea National Statistical Office, *Nambukhan gyeongje sahoe sang bigyo* (Comparison of North and South Korean Socio-Economic Situation) (Daejeon, ROK, every year); *FAO Special Report 1995 - 2002, Production Yearbook, Monthly Bulletin of Statistics* (FAO: Rome, every year).

NB: (\*) : Total demand is about 6.5 million tons, including 1.5 to 1.8 million tons of cereal for non-edible demands.

(1) Estimation from FAO (Food and Agricultural Organisation)

(2) North Korean Announcement

(3) South Korean Estimation

Based on a policy that gives priority to the military, *Seon-gun Jeongchi* (Politics of Military First), the North Korean government distributes food to soldiers first. According to the testimony of Mr. JIN Yong-gyu, 32 years old, former sergeant and driver (from end of 1998 to January 2002) for the Vice-Director of the Department of Operations for the Command of the 1<sup>st</sup> Zone of the North Korean Army, all food received from foreign humanitarian organisations that arrived at Port Wonsan was diverted to military provisions. The food was distributed to the Command of the 1<sup>st</sup> Zone, five Corps in Gangwon Province, including the 1<sup>st</sup> Corp at Geumgang, 2<sup>nd</sup> Corp at Cheolwon, and 5<sup>th</sup> Corp at Pyeongyang. During Mr. Jin's military service, he was mobilized to distribute food four or five times a year. However, to avoid foreign inspections, the military number plates were changed to civilian ones and all the soldiers were dressed as civilians. When faced with visits from UN inspectors, rice bags were stored temporarily at civilian warehouses, then transported to military units after the inspection visit.

In addition, the distribution of food from humanitarian aid is based on the age or health status of the beneficiaries, without taking into account any social or economic criteria to define the beneficiaries. The North Korean authorities do not admit any social or economic problems or their effects on the population. However, e.g., half the factories in North Korea have ceased operating, leaving a significant part of the population unemployed.

According to a report made in 1999 by the Action Contre la Faim, the Public Distribution System (PDS) in North Hamgyeong only distributed food from foreign aid without distributing anything from domestic sources. Under such conditions, an unemployed factory worker cannot feed himself. Such an individual is not eligible for humanitarian aid, does not receive anything from the PDS, and is unlikely to get any

salary or income. Therefore, although vulnerable, no food aid is available.<sup>13</sup>

According to several western NGOs, including Action Contre la Faim, food aid in North Korea does not reach the most vulnerable people, i.e. children. All food aid is distributed through State channels and mainly targets State institutions, especially children's institutions. Yet, the most vulnerable children are not in these institutions, as most of malnourished children do not attend nurseries or kindergartens.<sup>14</sup>, but rather stay at home or around market places (*Jangmadang*) to get food.

According to a report by a nutritionist with Action Contre la Faim who visited a nursery and orphanage in Cheongjin, the capital of North Hamgyeong, on July 15 1999, aid was not reaching the most vulnerable children. At the nursery, she saw 20 severely malnourished children, 3 of which were about to die. While, at the orphanage, she saw 11 severely malnourished children. The children were dirty, suffering from skin infections (scabies), and obviously left unattended by the staff. The children received goats milk mixed with water and water mixed with sugar, neither of which is inadequate to treat malnutrition. The nursery did not have any High Energy Milk even though UNICEF, theoretically, had delivered two tons of High Energy Milk to the nursery in Cheongjin in May 1999.<sup>15</sup>

The policy of distribution of humanitarian aid by the North Korean authorities violate art. 11 para 2 of the Covenant, regarding the right to be free from hunger.

## V. Just and Favourable Conditions of Work

Before the "Improvement of Economic Management of July 1st (*Chilil gyeongje gwanli gaeseon jochi*)" in 2002, black market prices were 14 to 1,667 times higher than statutory prices (rice: 937 to 1,333 times, corn: 1,167 to 1,667 times, flour: 833 to 1,333 times, pork: 14 to 20 times, beer: 80 to 120 times, television aerial: 17 to 34 times).

Most people have to buy 60% of their major cereals (rice and corn) and 70% of their daily necessities from the black market since the food provided for by the authorities are not sufficient.

The "Improvement of Economic Management of July 1st" raised statutory prices to diminish the difference with black market prices. Salaries were also generally raised in August 2002. However, the salary increase (18 times for productive workers) did not cover the increase in major cereal prices (rice: 538 times, corn: 471 times) and public fees (power rate: 60 times, subway fare: 20 times).

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<sup>13</sup> For more detail, cf. Jean-Fabrice PIETRI, Action Contre la Faim, "The Inadequacies of Food Aid In North Korea", Summary of Comments (Plenary Session II), IVth International Conference on North Korean Human Rights and Refugees, Prague, March 2003.

<sup>14</sup> Ibid

<sup>15</sup> Ibid.

In addition, it should be noted that the new higher salaries are not paid regularly, because since last year, every factory is managed by a self-supporting accounting system. According to the self-supporting accounting system, if a factory does not make sufficient profit to pay its workers, the factory manager is responsible to take out a bank loan to cover the salaries. However, since it is not easy to pay back such a loan, managers instead prefer to pay their workers using a kind of “promissory note” (written note acknowledging the amount due to the worker). According to recent accounts by refugees, those promissory notes are either paid late, or never paid at all.

Accordingly, art. 7 a) ii is not guaranteed by the DPRK, which states that “ The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular: (a) Remuneration which provides all workers, as a minimum, with: (...) (ii) a decent living for themselves and their families in accordance with the provisions of the present Covenant“.

**<Table 4> Price and Wage Increases after “Improvement of Economic Management of July 1st”**

|        | Item / Occupation | Unit     | Adjustment of Statutory Prices |                     |                     | Differentials from Black Market Prices |                           |                       |
|--------|-------------------|----------|--------------------------------|---------------------|---------------------|--|---------------------------|-----------------------|
|        |                   |          | Prior to Adjustment (A)        | Post Adjustment (B) | Rate of Raise (B/A) | Prices at Agrarian Fair (C)            | Prior to Adjustment (C/A) | Post Adjustment (C/B) |
| Prices | Rice              | 1 kg     | 0.08                           | 43                  | 538                 | 49                                     | 612.5                     | 1.1                   |
|        | Corn              | 1 kg     | 0.07                           | 33                  | 471                 | 33.6                                   | 480                       | 1.0                   |
|        | Diesel Oil        | 1 l      | 1                              | 38                  | 38                  |  |                           |                       |
|        | Electric Power    | 1 kWh    | 0.035                          | 2.1                 | 60                  |  |                           |                       |
|        | Tram Fare         | one trip | 0.1                            | 1                   | 10                  |  |                           |                       |

|       |                                 |  |                 |                                 |    |  |
|-------|---------------------------------|--|-----------------|---------------------------------|----|--|
|       | Subway Fare                     | 1 section  | 0.1             | 2                               | 20 |  |
|       | Wagon-lit Fare                  | Pyeong-seong, North Pyeongan to Namyang, North Ham-gyong | 50              | 3,000                           | 60 |  |
|       | Entrance Fee for Amusement Park | Seashore Songdo  | 3               | 50                              | 17 |  |
|       | House Rent                      | Pyongyang  | 0.03% of Income | 2 Won / m <sup>2</sup> by Month | -  |  |
| Wages | Productive Labor                | Per month  | 110             | 2,000                           | 18 |  |
|       | Miner                           | Per month  | -               | 6,000                           | -  |  |

Source: Bureau of Survey of the Bank of Korea, “*Choegyun bukhan gyeongje jochi-ui uimiwa hyanghu jeonmang*” (Significance of Recent Economic Measures in North Korea and Prospects), August 2002. NB: Prices at Agrarian Fair are average prices for whole country at end of 2001.

North Korean male workers go to work at 7 AM and come home at 8 PM (and nearly always at 10 PM). All workers have to attend more than two hours of meetings related to political studies, reading the *Rodong Sinmun* (Party Newspaper), Party directions, and work policies. Therefore, excluding one hour for lunch, North Koreans work more than ten hours a day. Every worker must attain daily, weekly, and monthly work goals, as emphasized in Article 20 of the Socialist Labor Law, otherwise they will be criticized at work meetings, will not receive the totality of their basic wage<sup>16</sup>, and will be excluded

<sup>16</sup> The basic wage is the officila salary. It can be complemented according to the productivity of the

from receiving the special gifts distributed on KIM Il-sung and KIM Jong-il's birthdays. As a consequence, to attain those work goals, overtime is often required even though it is theoretically forbidden.

That practice is contrary to art. 7 (d) of the Covenant regarding reasonable limitation of working hours.

## VI. Right to Form and Join a Trade Union

Paragraph 27 of the State party report reads as follows : “ (...) working people are free to form and join a trade union of their choice. But the forming and activities of a trade union that endangers the State security and harms the healthy State and social order is forbidden.”

Since the scope and definition of “endangering State security and harming a healthy State and social order” are not specified, the right to form a trade union is actually non-existent.

Moreover, Article 103 of the North Korean Penal Code prescribes: “Any person involved in a group that refuses instruction from the State, even without being involved in anti-State activities, or causes a disturbance, such as a serious disruption of social order, will be sentenced to up to five years penal-labor for re-edification. If such actions are performed using weapons and cause serious results, such as death or destruction, these persons will be sentenced to up to ten years of penal-labor for re-edification. The leaders and instigators of such conspiracies and actions will be sentenced to more than ten years of penal-labor for re-edification.” According to the ICFTU (International Confederation of Free Trade Unions), the Penal Code also “provides for the death penalty for any individual who hinders the nation's industry, trade or transport system by deliberately failing to fulfil a specific duty, even though he or she claims to be working normally”<sup>17</sup>.

As a result of those extremely repressive provisions, North Korean workers can neither freely form and join a trade union of their choice, nor engage in collective bargaining. “Workers do not have the right to bargain collectively. Government ministries set wages. The state assigns all jobs. Joint ventures and foreign-owned companies have to hire their employees from lists of workers vetted for their “ideological purity”, drawn by the KWP”<sup>18</sup>.

The two major trade unions were established in the mid-1940s. The General Federation of Trade Unions of North Korea (*Bukjoseon jikeop chong dongmaeng*) formed on 30 November 1945 was reorganized in January 1951 as the General Federation of Trade Unions of Korea (GFTUK, *Jikeop chong dongmaeng*). The North Korean League of

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worker.

<sup>17</sup> ICFTU Annual survey of violations of trade union rights (2003).

<sup>18</sup> Ibid.



Farmers (*Bukjoseon nongmin dongmaeng*) was founded on 31 January 1946 and renamed as Union of Agricultural Working People of Korea (UAWPK, *Nongeop geunroja dongmaeng*) on 15 March 1965.

Both are fully controlled by the Korean Worker's Party (KWP) rather than autonomous trade unions, and there are no other trade unions in the DPRK.

At the 9<sup>th</sup> Plenum of the 4<sup>th</sup> Central Committee on June 1964, the Party adopted a new attitude towards trade unions based "On improving and strengthening the work of trade unions (*Geunro danche saeop eul gaeseon ganghwa hal de daehayeo*)." The GFTUK has consequently concentrated its activities on educating the workers on Party policies, revolutionary tradition and class consciousness, along with raising productivity and protecting national goods. While the UAWPK has set as its goals to encourage work as well as ideological, cultural, and technical revolution in "socialist agricultural villages", and to provide ideological edification to farmers.

In 1996, the North Korean government introduced on an experimental base a new system for agricultural production (*Bunjo Gwanrije*, contracts based on small groups of 7 to 10 workers) and product distribution (allowing the groups of workers to sell/distribute any surplus agricultural products).<sup>19</sup> However, in practice, the DPRK government takes almost all surplus agricultural products for city residents and soldiers, and gives farmers permits to buy industrial products – which they don't necessarily need.<sup>20</sup> The UAWPK never reacted to that policy and did not make any attempt to protect the farmers' rights in that regard. This illustrates the fact that the UAWPK is not an autonomous trade union aiming at protecting farmers' interests.

Article 4 (conditions regarding limitations to the rights enshrined in the Covenant) and Article 8 of the ICESCR (right to form and join trade unions, and right of trade unions to function freely) are consequently clearly violated in the DPRK.

## VII. Conclusion

### 1. Debates before the UN Committee on Economic, Social and Cultural Rights

On 19 and 20 November 2003, the DPRK second periodic report was examined by the UN Committee on Economic, Social and Cultural Rights. The initial report under the Covenant had been examined in 1991, more than ten years before. The mere fact that the DPRK has presented its second periodic report is therefore to be considered as a positive move. The examination of the state report is an important occasion for the DPRK to enter into a constructive dialogue with the Committee.

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<sup>19</sup> *Joson Sinbo*, July 16, 1997.

<sup>20</sup> CHO EUN-sil, "Talbukja daedam: "Bukhaneu nongjang siltaewa nongmin saenghwal" (Discussion with a North Korean Defector: Real Situation of the North Korean Farms and Life of the Farmers)", *Tongil Han-guk*, Sept. 1999.

The Delegation, led by the Ambassador of North Korea in Geneva, included six persons coming from different ministries and institutions in Pyongyang. A Legal Councillor of the Central Court, representatives from the Ministries of Health and of Foreign Affairs and from the Supreme People's Assembly were present.

The North Korean representatives acknowledged from the outset difficulties arising from the existence of threats of military aggression as well as the economic blockade. They also stressed the difficulties arising from the natural disasters, but said that the situation is now beginning to improve.

The questions by the UN independent experts to the North Korean delegation covered a full range of issues, and notably the independence of the judiciary, the legal strength of the Covenant in the domestic legal order, women rights, the fate of North Korean asylum seekers sent back from China to their country, access by NGOs to North Korea and the existence of independent NGOs in the country, the alleged existence of a discriminative class policy, the right to strike and to collective bargaining, the existence of contracts of employment, the existence of forced labour, AIDS prevention.

After the first series of questions, the Head of the North Korean Delegation replied that he regretted that the Committee's members were too much impressed by the information from the NGOs and claimed that those information were false and had been prepared with a political aim. He added that persons who have fled the DPRK spread false information as well.

With regard to the adoption of a **National Plan of Action on Human Rights**, as a follow up to the Vienna Conference of 1993, the delegation answered that the discussions are at an initial stage, notably within the Ministry for Foreign Affairs. The DPRK has not decided yet whether to accede to the **Optional Protocol to the Covenant** allowing individual complaints. With regard to **accession to the ILO**, the Delegation answered that the tripartite representation is an obstacle for the DPRK and that the question has not been solved yet.

The Delegation denied vigorously the existence of a **discriminative social class policy**. The Head of the North Korean Delegation said that such an assertion is "a pure lie" and pursues a "very evil political motive." He added that the only classes, as recognised in the Constitution, are the peasants, the intellectuals and the workers.

With regard to the **independence of the judiciary**, the delegation answered that it is not politicised in the DPRK and that "there is no need for guarantees regarding the independence of the judiciary because the judiciary is a longstanding independent system".

With regard to the **articulation between individual and collective rights**, the Delegation answered that "since the individual belongs to the group, to the collectivity, the interest of the collectivity is also the interest of the individual. But some individual opinions are contrary to the mass of collective opinion. In that case, the individual understands that he was temporarily wrong in his opinion. This is not the result of

oppressive measures but the collectivity will convince the individual”.

With regard to the **right to choose his/her work** and the apparent contradiction with the fact that the State allocates the jobs, the delegation answered that the wish of the individuals is an important factor in the jobs’ allocation. It later said that it was the first factor in that allocation system... In addition, the Delegation stressed that coal miners get higher salaries than high ranking officials since their work is harder.

The North Korean delegation said that there is no **contract of employment** since there is no distinction between employers and workers. The workers are the masters of the means of production. The factories belong to the workers. Under those conditions, there is no need for a contract of employment, for **collective bargaining** or for the **right to strike**. The workers cannot strike against themselves. If there is a need for measures of protection of workers on the working place, it is enough to propose the adoption of such measures and they will be immediately adopted.

With regard to the absence of **women** at the decision-making level, the Delegation acknowledged that there are few women at high governmental level. It answered that men and women enjoy equal opportunities, “but people are selected according to individual ability”. If women are not totally free from the burden of the household, the situation of women will automatically improve with the economic situation. The authorities are not favourable to acting by constraints. To a specific question regarding the existence or not of positive discrimination provisions in the North Korean legislation, the Delegation only answered with statistics according to which 100% of the nurses and 86 % of the teachers are women.

With regard to reproductive health and family planning, the Delegation said that maternity and paediatric hospitals are available to women and provide sufficient family planning. The experts evoked the risk of expansion of the **HIV/AIDS** since contacts with China have been increasing over the last years. The authorities of the DPRK consider that there are no cases of AIDS in the country.<sup>21</sup> The answers from the North Korean Delegation with regard to the measures of prevention were not really convincing. The Delegation answered, e.g., that “strict precautions should be taken with regard to a patient infected with the HIV/AIDS in order to avoid dissemination”, and that “people coming back from abroad should be monitored”. On the positive side, the Delegation said that measures are taken for awareness raising and sanitary education as well as to ensure safe blood transfusion.

The Delegation refuted the NGOs assessment regarding the **number of victims** of the floods (between 3 and 3.5 million people). It said that since everybody is under the care of the state, there are no **vagrants** and no **beggars**. There are no **children** in the street either. With regard to the prevention of the soil erosion as well as the **prevention of floods**, no substantive answer was provided for by the Delegation.

At the end of the session, the Delegation said that it was very happy to have a

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<sup>21</sup> The World Health Organisation considers that there are 100 cases, which is still a very limited number of infected people.

constructive dialogue with the Committee and committed to distribute widely the forthcoming concluding observations among the institutions concerned and the people. It expressed the hope that the concluding observations would be easily acceptable and practically useful to the DPRK.

The FIDH and Good Friends issued a joint press release after the Committee's session (see Annex I). The FIDH considers that the debates were limited, in spite of the quality of the questions asked by the Committee's members to the North Korean Delegation : on many crucial issues, the latter did not provide substantive answers or bluntly denied the existence of violations of economic, social and cultural rights in the country.

International Human Rights NGOs have no access to the DPRK (the last visit of Amnesty International took place in 1995) and local independent human rights groups are not tolerated, which explains the lack of independent information on the real situation in the country. This situation combined with the total absence of sincerity of the answers provided by the North Korean Delegation made the work of the Committee particularly difficult.

## **2. Concluding Observations adopted by the Committee**

The Concluding Observations adopted by the Committee (see. Annex II) point to several key issues :

the lack of impartiality and independence of the judiciary

the absence of ratification of the UN Convention on the Elimination of Racial Discrimination

the situation of women rights and the lack of domestic legislation on non-discrimination and domestic violence

the violation of the right to freely choose his/her career or workplace resulting from the compulsory State allocated employment

the information regarding repression faced upon return by North Korean citizens who fled the country

the violation of the right to strike and trade union rights, resulting from the single trade union structure controlled by the ruling party

the sparse information regarding the coverage of the social security system

the fact that certain sectors have been more severely affected than others by the famine, and have not received proper assistance

the situation of children (rate of malnourished children, dropping attendance rate in schools, non inclusion of children with disabilities in the regular school system)

Consequently, the Committee notably recommends to the DPRK:

- to ratify the CERD
- to join the International Labour Organisation and ratify its main conventions
- to adopt relevant domestic legislation to give full effect to the principle of non-discrimination against women and to adopt specific measures to promote their rights
- to guarantee the right of everyone to choose his/her career and workplace
- to eliminate penalties against persons having traveled abroad
- to review the legislation to ensure trade union rights, including the right to form

- independent trade unions and the right to strike
- to guarantee equal access for the more vulnerable sectors to international food aid and give priority to these groups in the food programmes
- adopt a comprehensive HIV/AIDS prevention strategy

The Committee also declares that it “is ready, if invited, to send a delegation to visit DPRK in order to ascertain the realities and the efforts that the State party is making to apply the Covenant” (para 47).

The FIDH welcomes the recommendations of the Committee, and urges the government of the DPRK to invite the Committee in North Korea in order to allow a more in depth analysis of the situation of Economic, Social and Cultural Rights in the country. The FIDH also urge the authorities to open the doors to international human rights NGOs in order to allow them to monitor the human rights situation in the country.

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COMMITTEE ON ECONOMIC, SOCIAL  
AND CULTURAL RIGHTS

31st session

10 November - 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 44<sup>th</sup>, 45<sup>th</sup> and 46<sup>th</sup> meetings, held on 19<sup>th</sup>-20<sup>th</sup> November 2003 (E/C.12/2003/SR, 44, 45 and 46) and adopted, at its 56<sup>th</sup> meeting held on 28 November 2003, the following concluding observations.

A. INTRODUCTION

2. The Committee welcomes 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 population of the DPRK to overcome the effects of the natural disasters from the mid 90ties, 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 notes with appreciation the wide coverage of free health care in the State party.
7. The Committee notes with appreciation the full implementation of a free and universal 11 year education system.

#### C. FACTORS AND DIFFICULTIES IMPEDEING 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 90s.

#### D. PRINCIPLE 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 its Constitution, that seriously endanger 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 the international human rights instruments, when not yet incorporated into its domestic law, are directly applicable 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 the complaints in the field of economic, social and cultural rights.
12. The Committee notes with concern that the State party has not ratified the Convention on the Elimination of All Forms of Racial Discrimination.
13. The Committee expresses its concern about the persistence of traditional attitudes and practices prevailing in the DPRK society with regard to women that negatively effect their enjoyment of 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 overall industrial sector.
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 individuals 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 traveled abroad without passport in quest for employment and better living conditions, returning to the DPRK, are sent to labour camps.
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 the 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 that the system provides universal coverage.
  18. The Committee is concerned about the 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, criminalizing and punishing 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 90ties and that certain sectors, in particular women, children and older persons, have been more severely affected than others and have not received proper assistance in order to alleviate the plight.
  22. The Committee expresses its deep concern about the high rate of children under five that are chronically malnourished (government statistics indicate 45%), 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 dropping attendance rate in schools, from 99% to 85% according to the State party, as a consequence of national disasters.
  25. The Committee remains concerned that children with disabilities, when could be, 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 the international assistance and engage itself in the 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 endanger or diminish the independence and impartiality of the judiciary be immediately reviewed in order to guarantee its crucial role in the protection of rights under the Covenant.
29. The Committee requests the State party to include in its third periodic report information about how the provisions of the Covenant have been incorporated in its domestic legislation and to provide examples of cases of direct application, by the court, 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 Petition, 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 Convention on the Elimination of All Forms of Racial Discrimination.
32. The Committee recommends that the State party joins the ILO as a full member and consequently ratifies the main ILO 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 in order to fulfil the criteria of the tripartite representation system in the ILO.
33. The Committee suggests that domestic legislation be reviewed with the aim to give 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 the 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 traveled abroad in quest for employment and better living conditions.
36. The Committee recommends that the State party review the domestic legislation and bring it in accordance 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 the older persons.
38. The Committee invites the State party to investigate the possibility to increase in due course the budgetary allocations for social expenditure, to increase the public assistance

for people in need and to enable persons looking for employment, particularly women, to find jobs on the territory of the DPRK.

39. The Committee recommends that the State party amends the 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 the children who have suffered from the consequences of the 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 the State party to establish appropriate mechanisms to guarantee equal access for the more vulnerable sectors to international food aid and that the State party give priority to these groups in their food programmes.
43. The Committee recommends that increased attention be paid by the competent authorities to provide adequate nutrition to children suffering from chronic malnutrition as well as adequate health care, to address the severe consequences that it may have on their health.
44. The Committee recommends that the State party takes effective measures to improve the conditions of maternal care, including the prenatal health services and medical assistance at birth.
45. The Committee recommends that the State party adopts 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 the United Nations programmes and specialized agencies, such as the UNDP, WHO and UNAIDS. The Committee further recommends the State party to include in its third periodic report statistical data about the incidence of HIV/AIDS and information about the measures undertaken to prevent an epidemic.
46. The Committee recommends to the State party to change the present system concerning the education of children with disabilities by permitting them and their families to choose 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 effectively assist them in regular classes.
47. The Committee is ready to, if invited, to send a delegation to visit DPRK in order to ascertain the realities and the efforts that the State party is making to apply the Covenant as well as to offer advice and assistance to the State party in discharging its obligation under the Covenant.
  48. While noting with appreciation the State party's commitment to widely disseminate the present Concluding Observations, the Committee encourage 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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Fédération Internationale des ligues des Droits de l'Homme



## North Korea: Speaking to a Wall

### FIDH and Good Friends joint Press release following the examination of North Korea by the UN Committee on Economic, Social and Cultural Rights

**Geneva, November 20 2003** - On 19 and 20 November 2003, the UN Committee on Economic, Social and Cultural Rights examined the second State Party Report of North Korea concerning the implementation of the International Covenant on Economic, Social and Cultural Rights.

Both the FIDH and the Good Friends submitted reports to the Committee in view of that session. The NGOs deplore a lost opportunity for the North Korean authorities to engage into a real dialogue towards the improvement of the humanitarian situation and the respect for economic and social rights of the North Koreans.

*"It is deplorable that the North Korean government remained autistic, failing to recognise the extent of the humanitarian crisis and denying any violations of economic, social and cultural rights",* said Sidiki Kaba, President of the FIDH. *"We are deeply concerned at the apparent absence of any concrete measures on several key issues, such as AIDS prevention, human trafficking on the border area, prevention of floodings and draughts, soil erosion or effective gender equality."*

The concerns of the committee members remained without any reply. From the outset, the Ambassador of North Korea criticised NGO's reports, denying their validity and considering them as defaming the Government of North Korea.

The NGOs report an alarming picture of the **famine**, which devastates the country since 1995. *"A significant portion of the population is still suffering from chronic malnutrition, and remains deprived of adequate healthcare. The North Korean Governemnt bears an important responsibility in the prolonging famine situation"* said Erica Kang of Good Friends. *"North Koreans are also prevented from moving from one village to another and from trading manufactured goods"*.

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The NGOs pointed to the **discrimination** in the enjoyment of economic and social rights based on a **class policy**, which determines the access to education, health services, and allocation of jobs.

Their reports document the **violation of the trade union rights**; they deplore the views of the Governmental delegation, for which there is no right to strike since the factories belong to the workers.

The North Korean delegation declared that no guarantees for the independence of the judiciary are needed since the judiciary is independent; that there is no unemployment since the state allocates jobs to everybody. *“This reflects the blunt rhetoric of the North Korean authorities. The impression was that the Committee members were speaking to a wall...”* said Sidiki Kaba, from the FIDH.

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# FIDH represents 116 Human Rights organisations

The International Federation for Human Rights (FIDH) is an international non-governmental organisation dedicated to the worldwide defence of human rights as defined by the Universal Declaration of Human Rights of 1948. Founded in 1922, the FIDH has 116 national affiliates in all regions. To date, the FIDH has undertaken more than a thousand international fact-finding, judicial, mediation or training missions in over one hundred countries.

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