

# Corporal punishment of children in the Democratic People's Republic of Korea: Briefing for the Universal Periodic Review, 33<sup>rd</sup> session, May 2019



GLOBAL INITIATIVE TO  
**End All Corporal  
Punishment of Children**

*From the Global Initiative to End All Corporal Punishment of Children, October 2018*

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

**In DPR Korea, corporal punishment of children is still lawful, despite repeated recommendations to prohibit it by the Committee on the Rights of the Child.**

**We hope the Working Group will note with concern the legality of corporal punishment of children in DPR Korea. We hope states will raise the issue during the review in 2019 and make a specific recommendation that DPR Korea enact legislation as a matter of priority to explicitly prohibit corporal punishment of children in all settings, including the home.**

## **1 Review of DPR Korea in the 2<sup>nd</sup> cycle UPR (2014) and progress since**

- 1.1 DPR Korea was reviewed in the second cycle of the Universal Periodic Review in 2014 (session 19). The issue of corporal punishment of children was raised in the summary of stakeholders' information.<sup>1</sup> The Government accepted a recommendation to enact legislation to prohibit it in all settings.<sup>2</sup>
- 1.2 Since the review, there has been no change in the legality of corporal punishment. The Government has declared in 2017 that it would consider "addressing corporal punishment"<sup>3</sup> – however no legislation is being discussed to that end.
- 1.3 **We hope the Working Group will note with concern the continued legality of corporal punishment of children in DPR Korea. We hope states will raise the issue during the review in 2019 and make a specific recommendation that DPR Korea enact legislation as a matter of priority to explicitly prohibit corporal punishment of children in all settings, including the home.**

<sup>1</sup> 23 January 2014, A/HRC/WG.6/19/PRK/3, Summary of stakeholders' views, para. 30

<sup>2</sup> 5 May 2014, A/HRC/WG.6/19/L.8 Advance Unedited Version, Draft report of the working group, para. 124(112); 12 September 2014, A/HRC/27/10/Add/1, Report of the working group: Addendum, para. 10

<sup>3</sup> 25 September 2017, CRC/C/SR.2236, Summary records of 2236th meeting, para. 29

## 2 Legality of corporal punishment in DPR Korea

### ***Summary of current law and reforms needed to achieve prohibition***

Corporal punishment in DPR Korea is prohibited in the penal system but it is still lawful in the home, in alternative and day care settings, and in schools. Legislation should be enacted to explicitly prohibit all corporal punishment in all settings, including the home.

- 2.1 **Home (lawful):** Corporal punishment is lawful in the home. Provisions protecting children from violence and abuse in the Family Law 1990 (amended 2004), the Criminal Law 1974 (amended 2011), the Law on Nursing and Upbringing of Children 1976 and the Law on the Protection of Women’s Rights 2010 do not prohibit all corporal punishment in childrearing. The Law on the Protection of Children’s Rights 2010 reportedly states in article 43 that “children shall not be subject to abuse, indifference, verbal abuse, interrogations or beatings within the family”.<sup>4</sup> We are currently seeking to verify this information. There is no suggestion that the law prohibits all forms of corporal punishment, however light.
- 2.2 In 2017, the Government reported that it would consider “addressing corporal punishment in the National Plan of Action [for the Welfare of Children 2011-2020] as well as in legislation”.<sup>5</sup>
- 2.3 **Alternative care settings (lawful):** There is no explicit prohibition of corporal punishment in alternative care settings, where corporal punishment is lawful as for parents.
- 2.4 **Day care (lawful):** There is no explicit prohibition of corporal punishment in day care: corporal punishment is lawful as for parents.
- 2.5 **Schools (lawful):** According to the third/fourth state party report to the Committee on the Rights of the Child in 2007, the Education Law 2005 takes into account the principles of the Convention on the Rights of the Child,<sup>6</sup> but we have been unable to establish whether or not it explicitly prohibits corporal punishment. Government policy states that corporal punishment should not be used in schools. The Regulation on Primary and Senior Middle Schools states that education should be conducted by positive influence, explanation and persuasion, and related materials have been distributed by the Ministry of Education. We have yet to examine the text of the General Education Law 2011.
- 2.6 **Penal institutions (unlawful):** Corporal punishment is unlawful as a disciplinary measure in penal institutions (information unconfirmed). Article 51 of the Law on the Protection of Children’s Rights 2010 reportedly states that “law enforcement and judicial institutions shall respect children’s dignity while dealing with juvenile offences”.<sup>7</sup>
- 2.7 **Sentence for crime (unlawful):** Corporal punishment appears to be unlawful as a sentence for crime for young people under 18, but we have yet to confirm that it is not an element of the “public education” measures imposed on children aged 15-16 convicted of an offence (Criminal Law 1974, art. 49). Young people aged 17 appear to be subject to adult criminal sanctions under

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

<sup>5</sup> 25 September 2017, CRC/C/SR.2236, Summary records of 2236th meeting, para. 29

<sup>6</sup> 15 January 2008, CRC/C/PRK/4, Third/fourth state party report, para. 16

<sup>7</sup> 25 October 2016, CRC/C/PRK/5, Fifth report, para. 87

the Criminal Law, which include “reform through labour”. There is no protection from cruel and degrading treatment or punishment in the Socialist Constitution 1998.

### 3 Recommendations by human rights treaty bodies

3.1 **CRC**: The Committee on the Rights of the Child has four times recommended prohibition and elimination of corporal punishment in the home and other settings in DPR Korea – following examination of the initial state party report in 1998, the second report in 2004, the third/fourth report in 2009, and the fifth report in 2017.<sup>8</sup>

*Briefing prepared by the Global Initiative to End All Corporal Punishment of Children*  
[www.endcorporalpunishment.org](http://www.endcorporalpunishment.org); [info@endcorporalpunishment.org](mailto:info@endcorporalpunishment.org)

*The Global Initiative to End All Corporal Punishment of Children has regularly briefed the Committee on the Rights of the Child on this issue since 2002, since 2004 has similarly briefed the Committee Against Torture, the Committee on the Elimination of Discrimination Against Women, the Committee on Economic, Social and Cultural Rights and the Human Rights Committee, and since 2011 the Committee on the Rights of Persons with Disabilities.*

---

<sup>8</sup> 5 June 1998, CRC/C/15/Add.88, Concluding observations on initial report, paras. 13 and 26; 1 July 2004, CRC/C/15/Add.239, Concluding observations on second report, paras. 7, 36 and 37; 27 March 2009, CRC/C/PRK/CO/4, Concluding observations on third/fourth report, paras. 36, 37, 70, 72 and 73; 29 September 2017, CRC/C/PRK/CO/5, Concluding observations on fifth report, Advance unedited version, paras. 27, 45 and 46