



Democratic People's Republic of Korea

Submission for the UN Universal Periodic Review by

NAUH (Now Action & Unity for Human rights)

33th Session of the UPR Working Group, May 2019

Now Action & Unity for Human Rights (NAUH) is an organization founded by North and South Koreans and overseas Koreans in 2010 to advocate for the improvement of human rights conditions of the North Korean people.

Located in Seoul, South Korea, NAUH conducts advocacy campaigns, rescues North Korean defectors, and organizes educational activities to help former victims of the North Korean regime become advocates of human rights and democracy. Ji Seong-ho, the Founder and Executive Director of NAUH, travels around the world to inform and testify on behalf of North Korean people regarding the stark realities of the human rights conditions of the North Korean people especially that of the street children called '*kotjebi*'.

Introduction

This report was prepared for the third Universal Periodic Review of the Democratic People's Republic of Korea (from here on referred to as North Korea) scheduled for May 2019.

North Korea's failed public distribution system has led to the collapse of North Korean households, causing a massive number of children to voluntarily or involuntarily crowd

the streets, either to earn money or due to having been abandoned. Specifically, after the press reported nine North Korean teenage defectors that were repatriated to North Korea from Laos in 2013, the North Korean government began taking measures to address the problem of street children. Under Kim Jong-un's orders, the North Korean government has remodeled and reconstructed nursery homes and schools for orphans and street children, or has established new ones.

However, NAUH regards such initiatives as the North Korean government's attempt to save face by removing the children from street situations and quarantining them in the facilities, rather than an attempt to protect them. Our investigations have revealed that there are cases in which the street children are sent to so-called care facilities against their will. These facilities are often in poor shape, while supervisors impose strict rules, restrict the children's movement and ban their contact with those outside the facility, which has led some to escape the facility to return to their life in the streets.

Recent reports reveal that street children in North Korea no longer rely solely on panhandling but also labor for money. It appears that street children that escape the facilities fear getting caught by security guards and getting sent back to the facilities. Some work in the streets and get involved with crime or other dangerous activities.

This report focuses on the human rights of street children and children in care facilities. In accordance with international human rights standards, such as the Universal Declaration of Human Rights and the Convention on the Rights of the Child, we have included recommendations to fully realize the protection and rights of the child.

Freedom of Movement and Residence (UDHR Article 13, ICCPR Article 12, CRC Article 15)

According to testimonies and recent reports, the North Korean government is taking actions to move children in street situations to so-called care facilities, sometimes against their will. They are also prevented from leaving these facilities. Witnesses believe this may be aimed at making the children invisible from the streets by forcibly quarantining them rather than providing protection. In so doing, the North Korean government may have violated the children's right to freedom of movement and residence.

Witness #1, Mr Kim (a man who lost his parents at an early age, defected in 2017, and now in his 20s):

“Since the winter of 2017, [the state] started quarantining the street orphans [kotjebis] in the facilities against their will. On February 27, 2014, the central party even issued such a directive. To propagate philanthropy and love of children, they removed the kotjebis from the public eye.”

Witness #2, Ms Hwang (a women in her 30s, who used to live near one of the care facilities, and defected in 2012):

“Most children do not volunteer to go to the care facilities. They all end up escaping. They eat the same corn rice that they used to eat in the streets so why would they want to stay? Unaccustomed to institutional life and strict rules and oversight, these children prefer to be free in the streets, even if it requires begging or stealing.”

“As the government pack these children into the facilities, there is really nowhere for them to go or move around. Under constant watch, the children also cannot move around on their own. There are a few who manage to escape during programs that take place outside the facilities.”

Recent reports illustrate that guard posts have been built in front of the facilities, and the guards screen people walking past strictly. The facilities have said that guard posts are inevitable as orphans often have trouble adjusting to life in the facilities and choose to run away, despite the fact that the facilities bring them together and provide for them.

A witness with whom we spoke mentioned that the street children who have escaped the facilities are most afraid of the security guards' crackdowns. To avoid getting caught, many slip further into “dark places”, which can expose them to crime or exploitation.

Witness #1, Mr Kim:

“I took care of basic needs on my own in the streets. I just don't want the security guards to give me a hard time.”

“Children who came to earn money from other parts of the country formed their own village in the mountains. Since there is no freedom of movement inside North Korea and they came illegally, they continue to be persecuted. Since people still keep coming from other parts of the country, there is a program called “relocation exemption” every four years. This allows people to stay under the condition that they work in the farms or the fields.”

Right to Education (UDHR Article 26, ICESCR Article 13, CRC Article 28 & 29)

The North Korean government claims that all children in the country receive free education, but according to Witness #3, Ms Kim, a man in his 40s who used to work as a fisherman, belonged to a locally organized work team (known as *ryoryokban*) and defected in 2017, this does not appear to be true.

“Not only children in the orphanage facilities but also those in ordinary households are unable to attend school. Since the schools demand students to bring materials to beautify the school, or rabbit skin, only 4 to 5 out of 20 students actually attend school. Some [schools] have gone as far as to demand them to catch grasshoppers [as a source of income for the school], or else they will have to give the school money. So the parents don’t want their children to go to school.”

“There are street stalls that sell rice and alcohol that take kotjebis to work and feed them. There are a lot in Yong-Ampo, Sinuiju, and other regions where North Korea borders China. The children that work there are mostly under 15 years-old. The children who work for the street stalls often have to carry water from afar.”

Even today, instead of educating the children, North Korea recruits them for labor. Some children cannot afford to procure the goods or money demanded from them and move to a different region to earn money or participate in economic activities in the streets. During this process, the children often find themselves in dangerous situations.

Witness #3, Mr Kim:

“Unlike the past, more children leave their place of residence to earn money. If they harvest clams or reed leaves and sell them in China, they get 50 cents per kilogram. Children flock to harvest seafood as well. When security guards or soldiers launch crackdowns [for whatever reasons], these children escape by running through the shallow waters. From the children in work groups, the supervisor takes around 60% of their earnings.”

**Right to Health and Well-being
(UDHR Article 25, ISESCR Article 12, CRC Article 24 & 27)**

The North Korean government has been unable to maintain the facilities in livable conditions nor protect the health of the children living in them. These children catch cold easily in the cold weather, and due to the cramped spaces, cold viruses spread quickly, and lack of appropriate primary care often leads to pneumonia.

Witness #1, Mr Kim:

“This five-story building in Hyesan was used as a care facility. They provide less than 50 grams of corn for each meal and make the children collect firewood and help out with other people’s chores. These children do not have the energy to even stand.”

Witness #2, Ms Hwang:

"These facilities look more like warehouses. Every spring and fall they repaint the building for 'sanitation' reasons, but the classroom windows are often broken and only mended with tape and paper. They are basically packing these poorly maintained facilities with children."

Compared to the past, the standard of living for some North Koreans have improved, but the children living in poor families or those who have run away from care facilities to return to the streets do not enjoy a better standard of living.

There is humanitarian aid to improve the failing medical and health care services in North Korea, but the government fails to provide food or medical supplies to the most vulnerable population, including sick children in the facilities. Especially with marketization, poor people such as street children cannot receive enough nutrition or obtain appropriate medicine.

Witness #2, Ms Hwang:

"I used to live in Chongjin and the inminban (neighborhood watch unit) would round up orphans and street children and send them to the facilities. When they enter, they get their heads shaved, regardless of gender. This is to prevent the spread of lice, as sanitation in the facilities is difficult to maintain."

"When summer comes, the teachers take the students to the river and make them catch lice in one another's hair, and the teachers shave the students' heads for prevention. Lice often leave scars but since they are not treated appropriately, new scars form on top of old ones. The United Nations sends first-aid kits but it doesn't seem to be reaching these children."

Witness #3, Mr Kim:

"Anyone who is sick used to be able to get prescribed medicine from health care facilities in the past, but these days you can't get anything without money. You have to buy the medicine, and I have never seen any vaccination for children."

Recommendations

NAUH recommends the government of the Democratic People's Republic of Korea to:

Right to Freedom of Movement and Residence

1. Respect the choice of children currently or previously in street situations as free

- individuals, and allow them to determine whether or not to enter care facilities.
2. Guarantee the children's freedom of movement, and allow children under the care of facilities to come and go at will, unless there are safety hazards such as natural disasters.
 3. Enact laws to allow children to move to other regions when necessary to improve living conditions.
 4. End arbitrary detention of street children who choose not to stay in care facilities.

Right to Education

5. Stop engaging children of school age in any labor work that does not genuinely contribute to their development.
6. Ensure free basic education, without charging children and their parents in the form of material contribution or cash payment.
7. Remove barriers to access to education, especially for children in poverty, and promote regular attendance at schools.

Right to Health and Well-being

8. Ensure that children currently or previously in street situations enjoy the highest attainable standard of health, just like all other children.
9. Improve care facilities for children to ensure adequate housing conditions, such as safe drinking water, adequate sanitation, protection from cold, damp, heat, rain, wind or other threats to health, including by receiving international humanitarian assistance when necessary
10. Adopt and promote health care practices that are effective in improving the health of children, based on available scientific evidence.
11. Allocate and train adequate human resources to provide professional care for children in facilities, instead of subjecting children to unjustified surveillance
12. Ensure through monitoring systems that children in care facilities are provided with adequate food, preventive and curative medicine, including those made available through international aid programmes.