



Global Initiative to
**End All Corporal Punishment
of Children**

DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

BRIEFING FOR THE HUMAN RIGHTS COUNCIL

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Corporal punishment of children breaches their rights to respect for human dignity and physical integrity and to equal protection under the law. It is recognised by the Committee on the Rights of the Child and other treaty bodies, as well as by the UN Secretary General's Study on Violence against Children, as a highly significant issue, both for asserting children's status as rights holders and for the prevention of all forms of violence.

The Global Initiative to End All Corporal Punishment of Children (www.endcorporalpunishment.org) has been regularly briefing the Committee on the Rights of the Child on this issue since 2002, and 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. There is growing progress now across all regions in challenging this very common form of violence against children. But we are concerned that many States persist in ignoring treaty body recommendations to prohibit and eliminate all corporal punishment. We hope that the UPR Process will give particular attention to states' response, or lack of response, to the concluding observations from treaty bodies, on this and other key issues.

In June 2006, the Committee on the Rights of the Child adopted General Comment No. 8 on "The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment", which emphasises the immediate obligation on states parties to prohibit all corporal punishment of children, including within the home. Other treaty bodies, and regional human rights mechanisms, have condemned all corporal punishment. In October 2006, the report of the UN Secretary General's Study on Violence against Children was submitted to the General Assembly. It recommends universal prohibition of all corporal punishment, setting a goal of 2009.

Summary

This briefing describes the legality of corporal punishment of children in Democratic People's Republic of Korea, despite the repeated recommendations of the Committee on the Rights of the Child. We hope the Review will highlight the importance of prohibition of corporal punishment of children, and strongly recommend that the government introduce legislation as a matter of urgency to prohibit corporal punishment of children in all settings, including the home.

1 Legality of corporal punishment in Democratic People's Republic of Korea

1.1 Corporal punishment is lawful in the **home**. Children have limited protection from violence and abuse under the Family Law, the Criminal Law and the Law on Nursing and Upbringing of Children, but these are not interpreted as prohibiting all corporal punishment in childrearing.

1.2 Government policy states that corporal punishment should not be used in **schools** but there is no explicit prohibition in law.

1.3 In the **penal system**, corporal punishment appears to be unlawful as a sentence for crime for young people under 18 years, but we have yet to confirm that it is not an element of the “public education” measures which may be imposed on children aged 15-16 (Criminal Law, article 49). Corporal punishment appears to be unlawful as a disciplinary measure in penal institutions (information unconfirmed).

1.4 There is no explicit prohibition of corporal punishment in **alternative care settings**.

2 Recommendations by human rights treaty monitoring bodies

2.1 The **Committee on the Rights of the Child** has three times made recommendations to end corporal punishment of children. In 1998, in its concluding observations on the state party’s initial report, the Committee recommended prohibition in law of all corporal punishment, especially in the family and in institutions (CRC/C/15/Add.88, paras. 13 and 26). The Committee reiterated its concerns in 2004 (CRC/C/15/Add.239, Concluding observations on second report, paras. 7, 36 and 37). In January 2009, the Committee again addressed the problem, including a specific recommendation to ensure that corporal punishment is not used in alternative care institutions and in the juvenile justice system (CRC/C/PRK/CO/4 Unedited Version, Concluding observations on third/fourth report, paras. 36 and 37).