

Universal Periodic Review (33rd session, April-May 2019)
Contribution of UNESCO

Democratic People's Republic of Korea

I. Background and framework

Scope of international obligations: human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO.

<i>Title</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
<i>Convention against Discrimination in Education 1960</i>	Not a State Party to this Convention	Reservation to this Convention shall not be permitted		Right to education
<i>Convention on Technical and Vocational Education 1989</i>	Not a State Party to this Convention			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage 1972	21/07/1998 Acceptance			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage 2003	21/11/2008 Ratification			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions 2005	Not ratified			Right to take part in cultural life

II. Promotion and protection of human rights on the ground

Right to Education

1. The **Socialist Constitution of the Democratic People’s Republic of Korea**¹, adopted in 1972 and amended in 2009, enshrines the right to education in its Article 73. Article 47 adds that the State shall provide education to all pupils and students free of charge. Article 65 recognizes the principle of equality.

2. The **Law on General Education** was adopted on 2011, legalizing the rights of all children to receive 12-year compulsory education free of charge, from pre-school through primary, junior, to senior secondary levels².

Freedom of opinion and expression

➤ Constitutional and Legislative Framework:

3. Article 67 of the Constitution of the DPR Korea stipulates that “Citizens are guaranteed freedom of speech, of the press, of assembly, demonstration and association.”³ However, in practice, implementation and other legislation severely limits freedom of expression and press freedom. Provisions calling for adherence to a “collective spirit” restrict all reporting that is not sanctioned by the government.

4. Any expression “opposing or divergent” from the government is suppressed through constitutional laws such as “the State shall oppose the cultural infiltration of imperialism and any tendency to return to the past⁴,” and elements of the penal code providing for hard labour, prison sentences and the death penalty.

5. Under the penal code, listening to unauthorized foreign broadcasts and possessing dissident publications are considered “crimes against the state” that carry serious punishments, including hard labour, prison sentences, and the death penalty.

6. Defamation laws detailed in the penal code provides for punishment by hard labour for creating “a false rumour that may lead to distrust of the state and cause social disruption”⁵ or damages “the prestige of the Republic in foreign countries”.⁶

7. A freedom of Information law does not currently exist in the country.

➤ Implementation of Legislation:

8. The ruling Korean Workers’ Party (KWP) regulates all forms of media and communication in DPRK. All domestic journalists are members of the KWP.

¹ <http://www.unesco.org/education/edurights/media/docs/b275ee0713503da6d20d20f93a528acc4af930fd.pdf>

² The DPRK, National report submitted to the CEDAW Committee, CEDAW/C/PRK/2-4, 1 June 2016, para.29
https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fPRK%2f2-4&Lang=en

³ DPR Korea Constitution, Ch. V Art. 67

⁴ DPRK Constitution, Ch. III Art. 41

⁵ DPRK Penal Code, Ch.7 Art. 222

⁶ DPRK Penal Code, Ch.7 Art. 245

9. Broadcast media: The Radio and Television Broadcasting Committee of the Democratic People's Republic of Korea is in charge of broadcasting in the DPR Korea, with the Propaganda and Agitation Department of the ruling Party in turn appointing its members.

10. Internet: Internet access is very limited and restricted in the country. It is restricted to the political elite, but some schools and state institutions have access to a tightly controlled intranet called Kwangmyong.

➤ Safety of Journalists:

11. UNESCO reports no killing of journalists in DPR of Korea between 2008 and 2018. However, journalists are not able to work in a free and independent environment. Journalists who engaged in activities that challenged the government have been deported, arrested, or detained to face criminal charges. There has also been action against foreign journalists.⁷

III. Review and specific recommendations

12. A number of recommendations was addressed to the Democratic People's Republic of Korea (DPRK) during the last UPR cycle concerning human rights education, the improvement of the quality of education, as well as the inclusion of all learners in education, specifically girls and women, and children from disadvantaged groups and with disabilities.

Access to education:

- The universal 11-year compulsory education system “which had been in force in the DPRK since 1972 was replaced by the **12-year system** in 2014, **making preschool, primary and secondary education available and accessible to all children at the State expense.**”⁸
- A series of administrative measures were taken for the implementation of this 12-year system, including the reorganization of the former 6-year secondary schools into 3-year junior and 3-year senior secondary schools⁹.
- In terms of access to education, in 2015, the DPRK was among the countries with “insufficient or unreliable data for international comparisons”¹⁰.
- Discrimination in access to education against students based on their social status and their parents' political views was reported, as well as cases of children required to pay informal school fees¹¹.

⁷ CPJ, North Korea Sentences two South Korean Journalists to Death in Absentia <https://cpj.org/2017/09/north-korea-sentences-two-south-korean-journalists.php>

BBC Crew Detained, Expelled from North Korea, CPJ <https://cpj.org/2016/05/bbc-crew-detained-expelled-from-north-korea.php>

⁸ The DPRK, National report submitted to the CEDAW Committee, CEDAW/C/PRK/2-4, 1 June 2016, para.98

⁹ The DPRK, National report submitted to the CRC Committee, CRC/C/PRK/5, 25 October 2016, para.182 https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fPRK%2f5&Lang=en

¹⁰ UNESCO, *Education for All Global Monitoring Report*, 2015.

¹¹ CRC Committee, Concluding Observations on the fifth report of the DPRK, CRC/C/PRK/CO/5, 23 October 2017, para.45 https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fPRK%2fCO%2f5&Lang=en

Equal treatment and opportunities for girls and women:

- The **Law on the Protection and Promotion of the Rights of Women** provides in article 18 that women shall be ensured equal rights with men in education. Article 19 guarantees women equal access with men to schools at all levels. No woman shall be denied admission to a university or college nor subject to restrictions on account of being female, save for specially designated courses.¹²
- The DPRK reported on its tele-education system to enable women to take courses from their homes¹³.
- In 2015, only 36% of all tertiary graduates and 20% of all science, technology engineering and mathematics (STEM) graduates were female¹⁴.
- The absence of legislation that provides for a comprehensive definition of discrimination against women¹⁵, the persistence of discriminatory gender stereotypes¹⁶, sexual harassment in schools and the overall low number of women pursuing tertiary education¹⁷ remain problematic.

Persons with disabilities:

- In December 2016, the DPRK ratified the **Convention on the Rights of Persons with Disabilities**.
- The **Law on the Protection of Persons with Disabilities** guarantees the right to education of children with disabilities under Article 30¹⁸. Articles were revised “to remove intentional limitations in contents and methods of education of children with disabilities, enroll all of such children at pre-school age and define the duties of the institutions responsible for their nursing and upbringing”¹⁹.
- The 2012 Handbook on the Laws and Regulations of the DPRK Impacting Persons with Disabilities²⁰ and related workshops²¹ contribute to increasing awareness on these issues.

Quality of education:

- The 2014 **DPRK Education Strategy (2015-2032)** aims to strengthen education and the quality of education for the country to become increasingly made up of young scientific and technological talents, and a leading country in the field at global level. The 2022 target is to enable everyone to achieve university to achieve this goal.²²
- The rates of “primary and secondary school teachers that received appropriate training are 93.9% and 98.2% respectively, and of all the teachers in active service at urban or rural

¹² The DPRK, National report submitted to the CEDAW Committee, CEDAW/C/PRK/2-4, 1 June 2016, para.96

¹³ *Ibid.*, para.109

¹⁴ UNESCO, *Global Education Monitoring Report*, 2017, p.153

<http://unesdoc.unesco.org/images/0025/002593/259338e.pdf>

¹⁵ CEDAW Committee, Concluding Observations on the combined second to fourth reports of the DPRK, CEDAW/C/PRK/CO/2-4, 22 November 2017, para.11

https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fPRK%2fCO%2f2-4&Lang=en

¹⁶ *Ibid.*, para.23

¹⁷ *Idem*

¹⁸ The DPRK, National report submitted to the CRC Committee, CRC/C/PRK/5, 25 October 2016, para.126

¹⁹ *Ibid.*, para.136

²⁰ *Ibid.*, para.127

²¹ *Ibid.*, para.138-139

²² *Ibid.*, para.184

schools of different levels, the rate of teachers with the degree in education considerably increased.”²³

- Nevertheless, concerns were raised over “the continuing limited resources allocated to maintaining and investing in school infrastructure and teaching and learning materials, particularly outside the capital”²⁴.

Harmful practices:

- Children spend a considerable amount of the time allocated to education on performing different types of labour.²⁵
- The practice of accepting children aged 16 and 17 to *dolgyeokdae* (military style construction youth brigades) for 10-year periods, which entail long working hours and heavy physical work, limits children’s access to education²⁶.
- While the national legislation prohibits child labor, it should be noted that it does not prohibit harmful or hazardous work for children under age 18²⁷.

Educational environment and teaching methods:

- Concerns were raised over the issue of corporal punishment and DPRK was urged to ensure that corporal punishment is not an element of the ‘social education’ measures applicable to children aged 15-17 and that children under 18 are not subjected to adult criminal sanctions under the Criminal Code that may include or amount to corporal punishment.²⁸

Human rights education:

- “Health education system has been well established and operated. There are specialized health education agencies, which are Health Education Institute at central level, Health Education Halls at provincial level and Health Education Rooms at county hygiene and anti-epidemic stations. Information, education and communication (IEC) staff and household doctors of health facilities are responsible for health education.”²⁹
- CRC expressed its concerns over “extensive politicization of teaching materials and the curriculum, with a strong focus on ideological indoctrination”³⁰.

IV. Specific recommendations

13. The DPRK should be strongly encouraged to ratify UNESCO’s 1960 Convention against Discrimination in Education and to seek UNESCO’s support in this process.
14. The DPRK should be encouraged to submit more regularly national reports for the periodic consultations on UNESCO’s education-related standard-setting instruments, and notably regarding the Convention against Discrimination in Education.
15. The DPRK should be strongly encouraged to adopt in its legislation and apply a comprehensive definition of discrimination, including in the field of education.

²³ *Ibid.*, para.190

²⁴ CRC Committee, Concluding Observations on the fifth report of the DPRK, CRC/C/PRK/CO/5, 23 October 2017, para.45

²⁵ *Ibid.*, para.45

²⁶ *Ibid.*, para.54

²⁷ *Ibid.*, para.54

²⁸ *Ibid.*, para.27

²⁹ The DPRK, National report submitted to the CEDAW Committee, CEDAW/C/PRK/2-4, 1 June 2016, para.160

³⁰ CRC Committee, Concluding Observations on the fifth report of the DPRK, CRC/C/PRK/CO/5, 23 October 2017, para.47

16. The DPRK should be encouraged to ensure equal treatment and opportunities in education for girls and women, especially when it comes to opportunities in tertiary education. In addition, it should be encouraged to continue its efforts towards the implementation of an inclusive approach to education.
17. The DPRK should be encouraged to improve the quality of its educational system, including by allocating more resources for school infrastructure and teaching, and to ensure that resources are equally allocated within the country.
18. The DPRK should be encouraged to revise its legislation in order to prohibit harmful or hazardous work for children under age 18, and to ensure that child labor is effectively prohibited, in order to allow children to fully enjoy their right to education.
19. The DPRK should be encouraged to integrate a human rights approach in its study plans and educational programmes.
20. The DPRK should be encouraged to ensure the full prohibition of corporal punishment in education, including by removing such practice from the 'social education' measures applicable to children aged 15-17.
21. The DPRK should be encouraged to share with UNESCO any relevant information to update its country profile on UNESCO's Observatory on the Right to Education³¹ and to allow international comparisons.

Freedom of opinion and expression

22. The Democratic People's Republic of Korea is encouraged to implement reforms to bring the country's laws and practices into line with international standards for press freedom and freedom of expression.
23. The Democratic People's Republic of Korea is encouraged to introduce a freedom of information law that is in accordance with international standards and to ensure progress on the Sustainable Development Goal 16.10 concerning public access to information and fundamental freedoms.
24. The Democratic People's Republic of Korea is recommended to decriminalize defamation and place it within a civil code that is in accordance with international standards.

Cultural rights

25. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972)³² and the Convention for the Safeguarding of the Intangible Cultural Heritage (2003)³³, The Democratic People's Republic of Korea is encouraged to fully implement the relevant provisions that promote access to, and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, the Democratic People's Republic of Korea is encouraged to give due

³¹ <http://www.unesco.org/education/edurights/index.php?action=home&lng=en>

³² Periodic Report available at: <http://whc.unesco.org/document/116967>

³³ Periodic Report available at: <http://ich.unesco.org/doc/download.php?versionID=37452>

consideration to the participation of communities, practitioners, cultural actors and NGOs from civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

26. The Democratic People's Republic of Korea is also encouraged to ratify the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005) as a means to promote access to, and participation in creative expressions and as such contribute to implementing the right to take part in cultural life.

Freedom of scientific research and the right to benefit from scientific progress and its applications

27. **The Democratic People's Republic of Korea** has not submitted its National Report on the implementation of the Recommendation on the Status of Scientific Researchers (1974) for the Second Consultation covering the period from 2013 to 2016 (<http://unesdoc.unesco.org/images/0025/002592/259256e.pdf>). Therefore the **Democratic People's Republic of Korea** is encouraged to report to UNESCO in future on the implementation of the newly adopted Recommendation on Science and Scientific Researchers (2017), which supersedes the 1974 Recommendation, on any legislative or other steps undertaken by it with the aim to ensure the application of this international standard-setting instrument paying a particular attention to the legal provisions and regulatory frameworks which ensure the implementation of human rights of scientific researchers, as well as human rights obligations related to the Right to Science, the principle of non-discrimination, including urging active promotion of women and girls entering scientific careers, as well as the scientists' rights of autonomy, freedom of research, expression and publication.