

Committee on the Rights of the Child
Human Rights Treaties Division
Office of the United Nations High Commissioner for Human Rights
Palais Wilson - 52, Rue des Pâquis
CH-1201 Geneva

January 12, 2017

Re: Submission to the Pre-Sessional Working Group on North Korea

Human Rights Watch Submission on the Democratic People's Republic of Korea to the Committee on the Rights of the Child.

Human Rights Watch is making this submission to the pre-sessional working group on the Democratic People's Republic of Korea (DPRK or North Korea) scheduled for February 6 to 10, 2017, ahead of the country's 5th reporting cycle in September 2017.

North Korea rarely publishes data on the situation on children in the country. In the few cases when it does so, the data is often limited, inconsistent, or otherwise of questionable utility.¹ Human Rights Watch does not have physical access to interview people currently residing inside the country. However, Human Rights Watch has documented violations of children's rights that took place during the reporting period by interviewing North Koreans, including children who have escaped the country after 2008. Human Rights Watch has also interviewed individuals who have ongoing contacts with people in North Korea for information. This submission is intended to give an alternate reference point to the DPRK government's contribution. Our submission is based on fourteen interviews with North Koreans done by Human Rights Watch between January 2015 and January 2017.

The North Korean government remains one of the most repressive in the world.² A 2014 UN Commission of Inquiry (COI) on the situation of human rights in the DPRK found a gravity, scale,

¹ In its latest submission to the Committee, the North Korean government provided a total number for the child population, divided by girls and boys, by 2014, GIR and GER at primary and secondary schools, and teacher-student ratio, but it did not provide the number of students attending school, or those participating in forced labor.

² Human Rights Watch, World Report 2016 (New York: Human Rights Watch, 2016), North Korea. <https://www.hrw.org/world-report/2016/country-chapters/north-korea>

and nature of violations that revealed a state “without parallel in the contemporary world.”³ Some of the severe abuses that the COI documented faced by children are: detention of children in political prison camps because of activities by their families; being forced to witness public executions; forced labor in short-term forced labor camps, populated predominantly with adults; lack of health care and public services for children from poor families, and especially street children; trafficking and sexual exploitation of North Korean girls by Chinese men as wives or in the sex industry; torture and other abuses in detention of women and their children forcibly repatriated by China to North Korea; malnutrition and its long term effects on children; and lack of civil and political rights and freedoms starting from childhood.

This submission cannot address all violations of children’s rights in North Korea, but Human Rights Watch wishes to bring to the Committee’s attention the following information regarding the government’s use of forced labor and exploitation of children, and discrimination against children and adults on political grounds, linked to access to education.

Sincerely,

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Deputy Director
Asia Division

³ “Commission of Inquiry on Human Rights in the Democratic People’s Republic of Korea,” United Nations. <http://www.ohchr.org/EN/HRBodies/HRC/CoIDPRK/Pages/CommissionInquiryonHRinDPRK.aspx>

Child Exploitation and Labor

Articles 24, 28, 29, 32, 34, and 36

In its submission to the Committee, the North Korean government said that 70 years ago, it abolished child labor in the country by law. Article 31 of the DPRK Constitution prohibits the employment of children below the age of 16. However, the North Korean government systematically extracts forced labor from exploited citizens, including children and students.⁴ Forced labor affects children's right to health, education, and safety.

The ruling Korean People's Workers' Party, and the Ministry of Education, exacts labor from children in collaboration with primary and secondary schools, vocational schools, colleges and universities, the Korean Children's Union (an organization that represents and requires membership for students between the ages of 7 and 13), and the Kimilsungist-Kimjongilist Youth League (a youth organization under the directive of the party Central Committee, whose members are students aged between 14 and 30).⁵

Both the ruling party and the Ministry of Education request cash or labor directly from schools, the Children's Union, or the Youth League. School administrators then exploit children to meet those requests, as well as to maintain and manage schools, or even to earn a profit, according to a former senior secondary school teacher who worked in a city in North Hamgyong Province.⁶ A former high-ranking party officer with contacts in North Korea told Human Rights Watch that the education ministry tells all schools to put students older than 14 to work without pay for as long as a month at a time during collective farm mobilizations that occur at least twice a year. Students must first do plowing and seeding during the sowing period, and then work again later to bring the crops in at harvest time.⁷

A former student from Hoeryong city, in North Hamgyong Province, told Human Rights Watch that from the age of 14 until his graduation, and later in university, all the schools he attended sent

⁴ "UN: Seek Justice for North Korean Forced Labor Victims," Human Rights Watch, March 11, 2016. <https://www.hrw.org/news/2016/03/11/un-seek-justice-north-korean-forced-labor-victims>

⁵ All citizens are required to become members of and participate in the activities of mass associations that are under the oversight of the Workers' Party of Korea. Membership starts on entry to elementary school. After the age of 30, a citizen becomes a member of the General Federation of Korean Trade Unions, Democratic Women's Union or the Union of Agricultural Working People, depending on employment and marital status.

⁶ Human Rights Watch interview with a former teacher on May 15, 2016. Name of interviewee and location of interview withheld.

⁷ Human Rights Watch interview with a former high ranking party officer on January 9, 2017. Name of interviewee and location of interview withheld.

him to work on farms as a test of his loyalty to the country and its leadership.⁸ He told Human Rights Watch that the teachers divided the students into groups and gave them daily work quotas. He reported that those who could not complete the daily quota needed to work beyond the regular 8 to 10-hour work day to finish the job, or face physical punishment, such as beatings by the teacher or by fellow students, or not being allowed to eat until the task was done. The student indicated that punishments were both individually tailored, as well as sometimes applied collectively on entire groups.

Another student who lived in a farming area near Hyesan city in Ryanggang province told Human Rights Watch that since she was 14 years old, she had to work twice a year, from 10 days to a month, on a collective farm. She said she commuted daily from her home to the farm. She packed her own food, and walked for over an hour to the farm, along with some of her classmates. She was never paid for this work.⁹

Seven students and two teachers who spoke to Human Rights Watch said that the Children's Union and the Youth League received directives from the Korean People's Workers' Party to perform labor and that school teachers and associates helped manage this process. Types of labor included requiring students to collect materials that could be used or sold by the school, the Children's Union and the Youth League, including scrap metal, broken rocks and pebbles, rabbit skins, old paper, and other materials that could be used in construction. If a student could not meet the required quota for products to be collected, which happened in many cases, then the student would be required to pay cash instead. On top of these demands, students told Human Rights Watch that schools also asked for goods or labor to run what educators and the government called "campaigns" to demonstrate their loyalty to North Korea's supreme leader, Kim Jong-Un, and the government; they were also asked to decorate the school and prepare for local or national events.¹⁰ Students were also required to work on designated projects, including growing crops on school land, and working on cleaning and beautification projects in public areas.

In its submission to the Committee, the North Korean government said it allotted 20 hours of secondary school curriculum to "field practice" to help students combine education with productive labor. This practice included students visiting farms and factories to practice or experience what they learned in classrooms. However, there was no specified time frame for this "field practice" or clarity on what was involved in such practice. Human Rights Watch found that

⁸ Human Rights Watch interview with a former student on April 23, 2015. Name of interviewee and location of interview withheld.

⁹ Human Rights Watch interview with former student on February 3, 2016. Name of interviewee and location of interview withheld.

¹⁰ Human Rights Watch interviews with four former students on June 22, 2015, February 3, 2016, and December 7 and 8, 2016. Names of interviewees and location of interview withheld.

the types of work carried out by children were physically very demanding, and went far beyond any possible goals for vocational education or “field practice.”

A former State Security Department (*bowibu*) official told Human Rights Watch that in some instances, school principals can pay a fee or a bribe to government officials to receive permission from the government to send students who are older than 14 to work on construction sites or collective farms. The profits of the labor go to either the school principal for his personal benefit or the benefit of the school; sometimes they are used to respond to requests for payment by the government, depending on the circumstances.¹¹

North Koreans interviewed by Human Rights Watch also stated that some teachers took advantage of their positions to extort or exploit forced labor without pay from children. Specifically, teachers expected students to provide cash or gifts in exchange for special treatment by teachers, and asked children to do extra work for the teacher’s personal benefit, like weeding, plowing, and seeding the teacher’s private farm; additionally, they were asked to take care of livestock or make basic home repairs. The only students who were exempted were those who could afford to pay a bribe. School principals and administrators regularly failed to protect students from such demands from teachers, and some principals authorized or otherwise pro-actively approved such practices as long as they did not conflict with the school or higher authorities’ needs for student labor. A teenager who attended school in North Korea from 2010 to 2015 told Human Rights Watch that starting when she was 10 years old, her teacher forced her and fellow classmates to work on the teacher’s private farm. Students were forced to seed, plow crops, and do weeding for three hours to five hours in the afternoon for at least two to four days every month. She told Human Rights Watch that she feared punishment and ongoing discrimination if she refused those demands for labor.¹²

Human Rights Watch recommends to the Committee that it ask the government of North Korea:

- What government or ruling party directives have been issued regarding students and work? How do such directives or policies conform to the requirements of article 31 of the DPRK Constitution prohibiting the employment of children under 16?
- What is the government policy regarding teachers who require students to work on projects benefitting the teacher? Has any teacher been disciplined for requiring students to perform such work?

¹¹ Human Rights Watch interview with a former State Security Department officer on December 2, 2016. Name of interviewee and location of interview withheld.

¹² Human Rights Watch interview with a North Korean teenager on December 7, 2016. Name of interviewee and location of interview withheld.

- What is the government doing to end use of students for work purposes by teachers, schools, and the party and the education ministry?
- Over the past nine years, how many children have been required to perform labor in school-sanctioned “campaigns,” or in the form of patriotic movements, economic development planning, children’s initiative and others? How many children have been compelled to perform labor outside of school that is assigned by their school or teachers?
- Over the past nine years, how many children have been engaged in collective mobilizations organized by the Korean People’s Workers’ Party or the government?
- What, if any, protective regulations are in place regarding these mobilizations, including measures to assure the well-being of the children and the voluntary nature of the work, to establish set working hours, and regulate the intensity of labor and punishment/discipline for not completing assigned tasks?

Human Rights Watch recommends to the Committee that it call upon the government of North Korea to:

- Effectively enforce a ban on requiring or compelling labor from children by government offices and sections of the Korean People’s Workers’ Party.
- Discipline school principals, administrators, and teachers who demand work from their students, and publicize those penalties.
- Ensure vocational education and training have clear regulations on minimum age, limits on working hours, protections for child education and health, voluntary participation, and consent of guardians.
- Improve monitoring and enforcement mechanisms to stop child labor for children under 16 in accordance with the constitution, and protect children aged 16 to 18 from hazardous labor.
- Become a member state of the International Labor Organization (ILO), and immediately ratify Convention No. 182 to prohibit the worst forms of child labor and Convention No. 138 on the minimum age for employment.
- Prohibit all forms of violence against children in schools and at home.

Discrimination and Right to Education

Article 2, 28, and 29

Although article 65 of the DPRK Constitution states that “all citizens enjoy equal rights in all spheres,” the government routinely discriminates against children and their parents based on their political views, family background and the actions by other family members, and social origins. Access to food, basic services, such as health care and education, and types of available employment are marked by “*songbun*,” a socio-political classification that the government uses to discriminate between North Korean citizens based on their perceived political loyalty to the ruling party and government.¹³

According to government policy, all children are required to attend school for 12 years. However, only children of families with good *songbun* are permitted to attend prestigious universities and hold prominent positions. Those belonging to the middle and low *songbun* groups face limited choices, or no choice whatsoever, in their education or work. Even if they graduate from school, the government controls their future: they may be forced to follow their parent’s occupation, blocked from going to college, or prevented from getting a job of their choice.

Some students told Human Rights Watch that they encountered barriers to further academic studies because of their *songbun*, and cited the lack of freedom to choose their own profession as a reason why they ultimately quit school. A student from a farmer’s family in Ryanggang Province told Human Rights Watch that she dropped out of secondary school in 2009 because her family faced economic hardships and believed she would be forced to be a farmer even if she graduated.¹⁴

Children with lower *songbun* also face greater economic hardship and discrimination, and may not be able to continue in school due to these difficulties. A former farmer, from the lowest *songbun* class, was supposed to be schooled between 2000 and 2011, according to the previous 11-year-long mandatory education system, but was not able to go to school at all. He attended school for a few weeks when he was 7 years old, but the school’s demands for fees from him to pay for textbooks and coal for heating, combined with mandatory forced labor tasks, were too burdensome for him and his family.¹⁵

In its latest submission to the Committee, the DPRK government said the school attendance rate has risen steadily to over 98 percent, with lower rates only in areas affected by natural disasters or

¹³ “North Korea's Caste System: The Trouble with Songbun,” Commentary published in Foreign Affairs, June 30, 2016. <https://www.hrw.org/news/2016/07/05/north-koreas-caste-system>

¹⁴ Human Rights Watch interview with a former farmer on June 22, 2015. Name of interviewee and location of interview withheld.

¹⁵ Human Rights Watch interview with a former farmer on April 16, 2015. Name of interviewee and location of interview withheld.

in families where one or both parents are sick. Human Rights Watch has received several accounts that suggest this may be an overly optimistic assessment. A teenager who attended school in Ryanggang Province until 2015 told Human Rights Watch that in her last year in school, at least 10 percent of her classmates did not attend school because of economic difficulties. A former teacher from the same region also told Human Rights Watch that the rate of students not being able to attend school increases in secondary school, but varies depending on the classes and the ability of the teachers to put pressure on the parents to send the students to class.¹⁶

According to the 14 people Human Rights Watch interviewed, the course content taught to most children in schools developed standard educational subjects that are in favor of the ruling political ideology and propaganda, such as details about members of the ruling Kim dynasty. Another major topic of study is “socialist ethics,” a class that teaches Kim Jong-Un’s orders to all students to study well, live an ethical life, respect the elderly, maintain good hygiene practices, be a good member in collective organizational life, and support the Korean People’s Army.¹⁷ A socialist ethics book for first graders, published in July 2013, includes an image of children gathering scrap metal for school, and portrays the children as thinking of the honor their labor brings to their school class and the army. A photo of the relevant page of that textbook appears in the appendix of this submission.

The teenager from Ryanggang Province, who attended school from 2010 to 2015, told Human Rights Watch that her teacher would force her and her peers to intensively study every aspect of the lives and supposed accomplishments of North Korea’s leaders. The teacher would hit and punish students who were not able to memorize all aspects of the lessons. By comparison, the student said that other subjects, such as math, science, or Korean language, were hardly taught to her.¹⁸

The former teacher of senior secondary school from North Hamgyong Province said that the schools only focused on teaching a select few children who were the best students in the school and were mostly from families with good *songbun*. These students with good *songbun* started with an advantage, since they were the ones with money and could afford private lessons from teachers to gain the knowledge and skills necessary to excel in school. These privileged students receive education in topics like English, math, and science, and were not required by the teachers to perform any form of labor. These students would also be the ones selected to go to regional competitions or to Pyongyang, the capital, to represent the school at national events. The rest of the students spent hours in class, were not allowed to ask any questions, memorized

¹⁶ Human Rights Watch interview with a former teacher on January 29, 2015. Name of interviewee and location of interview withheld.

¹⁷ Human Rights Watch interview with a North Korean teenager on Dec. 8, 2016. Name of interviewee and location of interview withheld.

¹⁸ Ibid.

propagandistic content, and were required to perform labor for the school or the teacher.¹⁹

In its submission to the Committee, the DPRK government said it paid close attention to ensuring that teachers were well qualified, and evaluated their teaching abilities. According to the former teacher from Ryanggang Province, evaluation of schools and teachers is mostly based on how well their top students perform, and an assessment of the quality of the average, unprivileged students' understanding of the ideological, propaganda-driven political education that they received.²⁰

North Korea's submission also stated that classroom education and after-school activities promoted children's awareness and respect for human rights and fundamental freedoms and the principles set forth in the Charter of the United Nations. However, although four former students said they were taught that the North Korean government respects the human rights of its people, the students also told Human Rights Watch that they did not know what "human rights" were or what respect for such rights meant in practical terms in North Korean society.²¹

In addition to *songbun* based discrimination, female students also frequently face sex-based discrimination. According to four former North Korean students and two former teachers, in mixed gender classes, girls are exposed to stereotyped gender roles of followers, while boys are almost always made leaders, such as class president.²² From middle school onwards, girls have to use a formal, honorific form of speaking when talking to boys, but there is no compulsion for boys to reciprocate when speaking to girls. This practice continues through university, and extends into the workplace, marriage and family life.²³ The students and teachers interviewed by Human Rights Watch added that even among teachers, although a significant majority are female, it is usually male teachers who make the decisions for the group. They noted that even in all-girl schools, where all the teachers are female, the school principals are often male, but no person that Human Rights Watch interviewed could recall any instance of a female principal at an all-boys school.²⁴

Human Rights Watch recommends to the Committee that it ask the government of North Korea:

- What has been the annual school attendance rate since 2008?

¹⁹ Human Rights Watch interview with a former teacher on May 15, 2016. Name of interviewee and location of interview withheld.

²⁰ Ibid.

²¹ Human Rights Watch interviews with four former students on June 22, 2015, February 3, 2016 and December 7 and 8, 2016. Names of interviewees and location of interviews withheld.

²² Human Rights Watch interview with four former students on June 22, 2015, February 3, 2016 and December 7 and 8, 2016, and two former teachers on January 15, 2015 and May 15, 2016. Names of interviewees and location of interviews withheld.

²³ Ibid.

²⁴ Ibid.

- What is the school attendance rate of children from provincial areas (such as northern provinces like North Pyongan, Chagang, Ryanggang or North and South Hamgyong, or with farming and mining population) compared to children in Pyongyang? What is the difference in rates between rural and urban areas?
- What is the proportion of students from poor backgrounds and based on gender attending universities generally, and specifically in Pyongyang?
- How does the government establish the content and quality of education at the primary and secondary level, and what mechanisms are used to ensure that an adequate education is offered to all students, without discrimination?
- What curriculum and instructions does the government give to teachers regarding the teaching of human rights and the principles set forth in the UN Charter?

Human Rights Watch recommends to the Committee that it call upon the government of North Korea to:

- Respect and ensure the rights set forth in the Convention to each child without discrimination of any kind;
- End the *songbun* system;
- End all discrimination in access to all levels of education;
- Ensure that schools are required to provide an education of sufficient quality in standard academic subjects to all students, without discrimination;
- Ensure that primary education is truly free, and eliminate additional costs of schooling;
- Ensure that no student is barred from tertiary education because of social classification;
- Incorporate human rights education, with clear definitions according to international standards.

Appendix:



Image: Page from government textbook for 1st grade students on Socialist Ethics published in July 2013, extolling children who perform labor to collect scrap metal to provide to the school [Image Courtesy of New Korea].