



General Assembly

Distr.
GENERAL

A/HRC/WG.6/6/PRK/1
27 August 2009

Original: ENGLISH

HUMAN RIGHTS COUNCIL
Working Group on the Universal Periodic Review
Sixth session
Geneva, 30 November-11 December 2009

**NATIONAL REPORT SUBMITTED IN ACCORDANCE WITH PARAGRAPH 15 (A)
OF THE ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1^{*}**

Democratic People's Republic of Korea

^{*} The present document was not edited before being sent to the United Nations translation services.

1. The Democratic People's Republic of Korea (DPRK), honouring the purposes and principles of the United Nations Charter to achieve international cooperation in promoting and encouraging respect for human rights and the General Assembly resolution 60/251 of March 15, 2006 on establishing the Universal Periodic Review (UPR) mechanism, submits the present report prepared in accordance with the General Guidelines for the Preparation of Information under the UPR set out in document A/HRC/6/L.24.

I. PREPARATION OF THE REPORT

1. Organizational arrangements and methodology

2. The Government of the DPRK (Government) briefed to the Presidium of the Supreme People's Assembly, the Central Court, the Central Public Prosecutors Office, and the relevant commissions and ministries of the Cabinet on the information of the UPR schedule of the Human Rights Council and the Guidelines for the Preparation of Information and invited them to prepare specified outlines and facts and figures pertaining to their functions.

3. A task force was set up comprising experts from 20 institutions such as the Presidium of the Supreme People's Assembly, the Central Court, the Central Public Prosecutors Office and the Ministry of Foreign Affairs, which drafted and finalized the present report based on the information submitted respectively by the institutions concerned. (See annex 1)

4. The report focuses on the principled stand of the DPRK on human rights, legal and institutional framework and policies for the protection and promotion of human rights, as well as national efforts and experiences, challenges and prospects in the field of human rights. It has been written in such a way as describing the essence of the matter in question intensively, and supporting it with typical or general information on the ground.

2. Consultations with civil society

5. The task force held consultations on 24 occasions with broad sections of public figures including from social and non-Governmental organizations working in the field of human rights and from legal and academic circles. (See annex 2)

6. At each consultation experts from specific organizations and individual figures presented their views on the part of the report they were concerned about and supplemented information they deemed necessary.

II. BACKGROUND

1. Country review

7. Korea is situated in the north-eastern part of the Asian continent. It consists of the Korean peninsula and 4,198 islands around it, extending over a total area of 222,200 square kilometers. It was divided into the north and the south at the 38th parallel of the north latitude soon after liberation from the Japanese military occupation on August 15, 1945 and then after the Korean war (June 1950-July 1953) at the military demarcation line defined as boundary in the Armistice Agreement. The area over which the DPRK's sovereignty is exercised is 122,760 square kilometers.

8. The DPRK is a homogeneous national State. As of 2008 its population stands at 24,051,000.

9. Korea was formed as a State before the 30th century BC, and developed itself creating its own culture. However, in the modern times it was repeatedly violated and trifled by big powers as it was weak in national power, and finally, to its disgrace, was conquered by the Japanese imperialists at the beginning of the 20th century.

10. The Korean people waged anti-Japanese revolutionary struggle against the Japanese imperialists for 20-odd years under the leadership of the great leader President **Kim Il Sung**, thus achieving the cause of national liberation on August 15, 1945. With the founding of the Democratic People's Republic of Korea representing the interests of all the Korean people, the Korean people came to have, for the first time in national history, an independent and genuine people's Government.

11. Since its founding, the DPRK has consolidated the people's power and the socialist system invincibly. Today the Korean people, under the seasoned leadership of the great leader General **Kim Jong Il**, are striving to further consolidate their own people-centred socialist system, build a prosperous powerful nation, and achieve the independent and peaceful reunification of the country.

2. Basic ideas and position on human rights

12. The great leader General **Kim Jong Il** said that human rights are the inviolable and inalienable rights of the people in our country as they are the masters of the State and society. The Government, based on the fundamental requirement of the Juche idea which places human person at the centre of all considerations and makes everything in the nature and society serve him/her, and specific reality and practical experiences of the country, has comprehensively defined Juche-oriented ideas and position on human rights, and is actively pursuing their realization.

13. The Government considers that human rights are the rights that all human beings are equally entitled to and the rights that enable them to live as human beings with their dignity fully respected. In other words, they are the rights universal to all human beings that are recognized and guaranteed by the State and enable the human beings to enjoy equal life worthy of human dignity. This consideration is based on the following four unique characteristics of human rights that distinguish them from all kinds of rights that human beings hold.

(a) Universality and equality: Human rights are what every human being is entitled to. Hence they are universal and equal.

(b) Individuality: Human rights belong to an individual. A human person is a social being, which makes him/her the holder of not only the rights enjoyed individually but also those rights enjoyed in community with others. With respect to the right of national self-determination the holder of which is the collective, discrimination based on nationality or race constitutes violation of the human rights of the collective and eventually, the victims of the violation are none other than the individuals, the members of the collective. In the same vein, in a country that is independent and prosperous the enjoyers of human rights are the individual citizens of that particular country.

(c) Dignity: Human rights are, in essence, the rights related to the dignity of a human person. The characteristics of human rights lie in that they are the rights that a human person, aware of his/her dignity as a human being, claims in order to live a life worthy of his/her dignity as a human being.

(d) Indivisibility: Human rights are indivisible from the holder of the rights. A human person may waive or assign of himself/herself some rights like the right of ownership but never the human rights unless he/she gives up living as a human person.

14. The Government, based on the above-mentioned consideration of human rights, holds that the genuine human rights are the independent rights. To be specific, these rights imply the possibility for a human person to freely conduct the activities to overcome or remove all the fetters of the nature and society as the master of his/her own destiny, and to make everything serve his/her independent needs and interests. Human rights can be truly genuine rights of a human being when they become independent rights that enable him/her to be the master of the nature, society and himself/herself. Herein lies one of the new aspects of the Juche-oriented ideas of the DPRK on human rights. Moreover, human rights are realized only under the guarantee of the State, although they are the inalienable and inviolable birthrights of a human being. That is why the DPRK recognizes that human rights are not the rights to “freedom irrespective of the State and society” but they are the rights to “freedom guaranteed by the State and society”.

15. The Government respects the principles of the Charter of the United Nations in respect of human rights and international human rights instruments, and maintains the principle of recognizing the universality of human rights, while taking due account of the political and economic systems of different countries and nations, and the level of their development, peculiarities, characteristics and diversity of their historical and cultural traditions. It welcomes and encourages, in dealing with international human rights issues, dialogues and cooperation based on respect for sovereignty and equality, rejects the application of double standard, and calls for strict observance of the principle of impartiality, objectivity and non-selectivity. It is of the view that as human rights are guaranteed by sovereign States, any attempt to interfere in others’ internal affairs, overthrow the governments and change the systems on the pretext of human rights issues constitutes violations of human rights. In this sense, the DPRK holds that human rights immediately mean national sovereignty.

III. NATIONAL LEGAL AND INSTITUTIONAL FRAMEWORK FOR PROTECTION AND PROMOTION OF HUMAN RIGHTS

1. The Constitution and human rights-related legal system

A. The Constitution

16. The Socialist Constitution of the DPRK (Constitution) comprehensively provides for the principles of the State administration in the fields of politics, the economy and culture, as well as the fundamental rights and duties of citizens in all spheres of social activity, and the principles of their materialization. It was adopted in 1972 and amended and supplemented on three occasions (1992, 1998 and 2009). The stipulation in the Constitution that the State shall respect and protect human rights is the manifestation of the commitment of the State to ensuring full enjoyment by citizens of human rights on a high standard. The Constitution comprehensively provides for the

fundamental rights and freedoms in all fields of State and public activity such as the right to elect and to be elected, the freedoms of speech, the press, assembly, demonstration and association, the rights to complaints and petitions, work and relaxation, free medical care, education and social security, freedoms to engage in scientific, literary and artistic pursuits, and freedoms of residence and travel. It also explicitly stipulates that these rights and freedoms are provided to everyone equally and practically, and shall be amplified with the consolidation and development of the socialist system.

B. Sector-specific laws

17. Since the founding of the DPRK in 1948, hundreds of laws and regulations related to human rights were enacted, thus providing firm legal guarantees for the effective protection and promotion of human rights. (See annex 3). Each sector-specific law has rules and regulations for its implementation.

2. Structure of State organs and mechanism for protection and promotion of human rights

18. The political system of the DPRK is socialist democratic republicanism. The sovereignty resides in the workers, peasants, servicepersons, working intellectuals and all other working people. They exercise power through their representative organs – the Supreme People's Assembly and local people's assemblies at all levels.

19. The organ of State power consists of the Supreme People's Assembly, the National Defence Commission, the Presidium of the Supreme People's Assembly and local people's assemblies.

20. The system of administrative organs includes the Cabinet, commissions and ministries and local people's committees at all levels.

21. The system of procuratorial organs consists of the Central Public Prosecutors Office, the public prosecutors office of the province (or municipality directly under central authority), city (or district) and county and the special public prosecutors office. Their functions are to protect, through the surveillance of law observance and combat against crimes, the State power of the DPRK, the socialist system, the property of the State and social, cooperative organizations and personal rights as guaranteed by the Constitution and the people's lives and property.

22. The system of judicial organs consists of the Central Court, the people's court of the province (or municipality directly under central authority), city (district) and county and the special court. Their functions are to protect through judicial activities the State power of the DPRK, the socialist system, the property of the State and social, cooperative organizations and personal rights as guaranteed by the Constitution and the people's lives and property.

23. In the DPRK, the people's committees at all levels assume direct responsibility for the ensuring of human rights. Procuratorial, judicial and people's security organs also discharge the important functions of protecting human rights. Inter-agency organizations such as the National Coordinating Committees for the Implementation of the Convention on the Rights of the Child, and the Convention on the Elimination of All Forms of Discrimination against Women, National

Coordinating Committees for UNICEF and UNFPA, and National Commission for UNESCO, and social and non-Governmental organizations such as the women's union, youth league, the Democratic Lawyers' Association, the bar association, teachers' union, the Red Cross Society, the Federation for the Protection of Persons with Disabilities, Human Rights Institute, Education Fund, the Association for Family Planning and Maternal and Infant Health, Measure Committee for Demanding Compensation to "Comfort Women" for the Japanese Army and the Victims of Forcible Drafting are working for the protection and promotion of human rights in accordance with their respective missions and action programmes.

24. The citizens whose rights are violated are duly compensated. The compensation system is guaranteed by the Civil Law, the Law on Compensation for Damages, the Law on Complaints and Petition and other relevant laws.

3. Human rights education and public awareness

25. Education on the Constitution and laws and their studies and dissemination are organized and conducted systematically with a view to making the citizens fully aware of their rights and duties, exercise the full range of their rights and faithfully fulfill their duties. Education on laws related to human rights is provided in two tracks, one in general public education and the other in specialized education. Education on the laws with human rights implications, which was once confined to the professional education for the training of specialists, is now given within the regular education system, i.e. at universities and colleges, as well as primary and secondary schools in a manner appropriate to the level of targets of education. The Grand People's Study House (the biggest library in the capital city of Pyongyang), libraries and other social education establishments, mass media and the press give wide publicity to the legal and common knowledge concerning human rights. Seminars, symposiums and training courses are regularly arranged for civil servants, judges, lawyers, prosecutors, people's security officers and other law enforcement officials, social workers from women's union, youth league and other civil society.

26. Knowledge and awareness of human rights of the general public are at high level. Whereas knowledge and concern about this question was once a matter of interest exclusively to experts, civil servants and social workers, they are now a general concern of broad spectrum of the public as well as young generation. Accordingly, there prevails in the society a firm and widespread view that neglect of human rights means neglect of human beings.

4. International human rights instruments to which the DPRK is a party, and fulfillment of commitments and obligations thereunder.

27. The DPRK acceded to the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women and some other international human rights instruments.

28. The rights set forth in the international human rights instruments are effectively guaranteed in the DPRK through the Constitution, sector-specific laws and regulations. The requirements of international human rights instruments are given effect either through their incorporation into domestic laws and regulations or through direct invocation of the provisions of the instruments.

29. As of January 2009, the DPRK submitted four periodic reports on the implementation of the CRC, two periodic reports on the implementation of the CESC, two periodic reports on the implementation of the ICCPR, initial report on the implementation of the CEDAW and had them reviewed by the relevant treaty bodies. The DPRK has taken into serious consideration the observations and recommendations made by the treaty bodies, and accepted and implemented them in the light of its reality.

IV. EFFORTS AND EXPERIENCES IN THE PROTECTION AND PROMOTION OF HUMAN RIGHTS

1. Civil and political rights

A. Right to dignity

30. Respect for the dignity of a human person is a requirement set out in the Constitution and a basic principle to be adhered to as required by “Believe in People like in Heaven”, the idea governing the State activities. Insult to dignity and libel are defined as penal offences in the Criminal Law and the perpetrators are liable for compensation under the Law on Compensation for Damages.

31. The Government is of the view that full development of individual freedom and individual qualities contributes to both the promotion of well-being of individuals and advancement of the society as a whole, and accordingly, effectively protects and ensures the development of individual freedom by organically combining them with the healthy sustenance and development of the country and nation, society and collective. The Constitution and many other laws contain provisions concerning the development of individual freedom and individual qualities. This is a freedom of healthy individuality, as it does not mean the freedom of “self-indulgence” which prejudices others’ freedom or disregards the law.

32. In the DPRK, equality is fully ensured based on unity and cooperation between persons. No citizen is discriminated on the basis of his/her race, sex, language, religion, education, occupation and position and property, and all citizens exercise equal rights in all fields of the State and public activities.

B. Right to life

33. The DPRK regards the right to life as an essential requirement guaranteeing the very existence of human being and effectively ensures that the right to life and existence is protected.

34. No person is arrested, detained or arbitrarily deprived of life, according to the Constitution and the Criminal Law, unless he/she has committed a very serious crime. Death penalty is imposed only for five categories of extremely serious penal offences and the sentence of death is not imposed for a crime committed by persons below eighteen years of age nor it is carried out on pregnant women.

35. Inviolability of every part of human body is guaranteed by law. Taking off internal organs of human body and selling and buying them or crippling any of its part are regarded as a grave violation of the right to life and thus subjected to serious legal punishment.

C. Prohibition of torture and other inhuman treatment

36. The Criminal Procedures Law strictly prohibits forcing a suspect to admit offence or leading statement by such coercive methods as torture or beating. Confession or admission is regarded ineffective unless it is supported by valid evidence. Conducting coercive interrogation through torture, exaggeration or fabrication of cases and passing unwarranted judgment or award are defined as offences in the Criminal Law. Victims of the aforementioned torture and other coercive means of interrogation are duly compensated.

37. The institutions for training law enforcement officials educate students in such a way that they have a clear understanding of the illegality and harmful effects of torture and other coercive methods of interrogation, fully ensure scientific accuracy, objectivity and prudence in dealing with criminal cases and strictly adhere to the principle of attaching primary significance to evidence. Law enforcement organs regularly take necessary measures to prevent the occurrence of such undesirable methods as coercive interrogation and leading. Procuratorial organs play a vital role in preventing the occurrence of torture and other inhuman treatment and punishment. Public prosecutors conduct regular surveillance of the institutions of investigation, preliminary examination and reformation and take necessary legal measures in case any violation of human rights is found or complaints are lodged by the examinees, defense counsel and others.

D. Right to fair trial

38. The DPRK has established fair trial system and attached great importance to operating it without deviation. The principles, procedures and methods of fair trial are explicitly stipulated in the Constitution, the Law on the Constitution of the Court, the Criminal Procedures Law, the Civil Procedures Law and other relevant laws, and strict compliance with them is ensured.

39. Justice is administered only by a tribunal composed of a judge and two people's assessors elected by the corresponding people's assemblies. The tribunal carries out judicial proceedings in strict accordance with law independently of any interference or influence. The tribunal passes a judgement of guilty or of not guilty when the truth of the case in question has been proved beyond doubt based on scientific evidence thoroughly examined and verified in the course of the trial. The presence of the accused in the trial is compulsory, where he/she defends himself/herself in person or through legal assistance of his/her own choosing. The accused may request the presence of a witness necessary for his/her defence and question him/her. The accused is not forced to make a statement or confession that is disadvantageous to him/her. In the event that the court decision is disagreeable, the accused and the defense counsel may make an appeal, with no restrictions being applied, within 10 days after the passing of the decision.

E. Right to participate in the social and political life

40. The DPRK legalized, as fundamental social and political rights, the right to elect and to be elected, the freedom of expression, assembly and association, and religious beliefs and is ensuring them in practice.

41. All citizens who have reached the age of 17 have the right to elect and to be elected, irrespective of sex, nationality, occupation, length of residence, property status, education, party affiliation, political views or religion.

42. All citizens have freedom of opinion and expression. There are 480 kinds of newspapers published and circulated at national and provincial level, factories, enterprises and universities and there are hundreds of kinds of magazines published by scores of publishing houses. All citizens can express their views and opinions through TVs and publications. They have the freedom of literary and creative activities by virtue of the Constitution and relevant laws. They have the rights, under the Law on Complaints and Petitions, to criticize institutions, enterprises and organizations, and civil servants for their illegal acts and lodge complaints against them and have them redressed.

43. Citizens have freedoms of assembly and demonstration under the Constitution. The organizers of the assemblies or demonstrations are required to send notification to the local people's committees and people's security organs three days in advance, in which the purpose, date, time, venue, organizer and scope of the event are to be specified. The latter provides conditions for the assemblies or demonstrations and ensures that public order and security are maintained.

44. Citizens have freedom of association by virtue of the Constitution. The State provides conditions for free activities of democratic political parties and social organizations. In case a democratic social organization is to be formed, an application should be sent to the Cabinet thirty days in advance, which specifies the purpose of the organization, the number of its members, organizational structure, date of inauguration, and the name of the leader, accompanied by a copy of the statute. At present, various political parties and social organizations including the Workers' Party of Korea, the Korean Social Democratic Party, the Chondoist Chongu Party, the trade union, agricultural workers' union, women's union and youth league are active in the DPRK.

45. Citizens are guaranteed under the Constitution freedom of religious beliefs such as the right to practise religion of their own free choice, to set up religious buildings and facilities, to freely hold religious ceremonies openly or privately, individually or in community with others and to give religious education. There are such religious organizations as Korea Christian Federation, Korea Buddhists' Federation, Korea Roman Catholic Association, Korea Chondoist Society and Korea Religionists' Society. In recent years the Pongsu Christian Church, the Janchung Roman Catholic Church in Pyongyang and Ryongthong Buddhists' Temple in Kaesong have been rebuilt and expanded, and the Singye Temple in Mt. Kumgang and Bopun Temple in Mt. Ryongak restored to their original state. A Russian Orthodox Church was built in Pyongyang in August 2006, where Russian religious persons staying in the DPRK are holding religious ceremonies. The publications of the religious organizations include "Chondoism Scriptures", "Chondoism Digest", "The Old Testament", "Hymn", "Choice and Practice", "Let's learn Roman Catholicism", "Steps of Religious Life" and "Catholic Prayer". The State is separated from religion and all religions are equal. Religious organizations operate their own educational institutions.

2. Economic, social and cultural rights

A. Right to work

46. Citizens have the right to work under the Constitution and the labour-related laws and regulations. All citizens choose their occupations according to their wishes and talents and are provided with secure jobs and working conditions by the State. They work according to their abilities and receive remuneration according to the quantity and quality of the work done.

47. There are no unemployed people in the DPRK. Institutions, enterprises and organizations have legal obligations to provide working people with jobs. Special attention and encouragement are given to providing jobs to women.

48. All the working people are provided with equal remuneration for equal work without distinction as to sex, age and nationality. Women receive equal pay with men for equal work and, in particular, women with three or more children are paid eight hours' salary for six hours' work.

49. The State adopted legislative measures to prevent any practices that violate political and economic rights and freedoms of citizens in their working life. The relevant laws provide that women should not be employed in such areas as are prohibited by law, that labour protection and safety facilities be sufficiently provided, that the principle of remunerating according to the quantity and quality of the work done be strictly observed, and that citizens' complaints and petitions concerning, for instance, not assigning the right job to a right person in time and their rights to work be addressed fairly and promptly. Accordingly, legal punishments are meted out to managerial officers responsible for any practices contrary to these principles.

B. Right to rest and leisure

50. The right of the working people to rest and leisure is provided by the Constitution and other labour-related laws and regulations. This right is ensured by the establishment of the working hours, the provision of holidays, paid leave, accommodation at health resorts and holiday homes at State expense and by a growing network of cultural facilities.

51. The working day is eight hours and overtime work is strictly prohibited. In case working on a holiday was unavoidable in circumstances of serial non-stop production process and disaster relief operation, workers are given a day off in the following week. They have a fortnight's regular holiday every year with full payment of salary and, depending on their trades, they are entitled to an additional holiday of seven to twenty-one days. In addition to regular and additional holidays, working women enjoy maternity leaves, sixty days before and ninety days after the childbirth.

C. Right to social benefits

52. All citizens are legally entitled to the benefits of the State social security and social insurance.

53. In case workers and office employees stay away from work temporarily on account of illness, injury, tending of a sick family member, recuperation or other reasons, they receive subsidies. Women receive, during their maternity leave, maternity subsidies equal to 100 per cent of their monthly salaries. There are also social security pension granted to those who are under social security scheme and those who lost ability to work, nursing subsidy to those who tend disabled soldiers and seriously injured person, funeral subsidy to those under social security scheme and their families when they pass away, grant-in-aid to the dependents of servicemen and supplementary living allowance to the weak.

54. The expenses for the State social security and social insurance are disbursed from the State budget, of which the social insurance premium paid by the working people accounts for one percent.

D. Right to adequate standard of living

55. The Government takes it as the supreme principle of its activities to steadily raise the material and cultural standards of people and is taking various legislative and policy measures to meet the demands of people for affluent life with decent food, clothing and housing.

56. The State pursues the policy of assuming responsibility for the supply of food to all population. The State has, in accordance with the Law on Food Administration, the Labour Law and the Regulation on Distribution of Food, provided a cheap, timely and equitable supply of food to the workers, office employees and their dependents. However, the considerable decrease in the grain output due to serious natural disasters that repeatedly hit the country since the mid-1990s adversely affected the people's living in general, and in particular, the exercise of their rights to adequate food. The Government, while meeting the pressing demands with a large amount of food obtained through its appeal for international humanitarian assistance, has taken measures to solve the food problem on its own through the increased agricultural production.

57. Citizens are provided with dwelling houses from the State free of charge and have the rights to the protection of their right to use and to the inviolability of their home, according to the Constitution and other relevant laws. The house rent accounts for only 0.3 per cent of their total living expenses. Hundreds of thousands of modern multi-storied apartments have been built during the last two decades in the capital city of Pyongyang and a lot of new houses built and old ones renovated in the towns and rural areas throughout the country. There are some people living in inadequate conditions but no one is left homeless, since people's committees at all levels are responsibly taking care of people's life as householders would do.

E. Right to education

58. The Government has considered education as an important issue decisive for the future of the country and the nation, and has, ever since its founding, devoted great attention to its development. 77 per cent of the population was illiterate when the country was liberated from the Japanese military occupation in August 1945, and illiteracy was completely eradicated by March 1949 as a result of the primary efforts directed by the Government in this regard.

59. The Government has established and developed an advanced education system that is accessible and available to everyone. Universal primary compulsory education system and universal secondary compulsory education system were enforced from August 1956 and November 1958 respectively. Tuition fee was completely abolished at education institutions at all levels, making it possible to enforce universal secondary free and compulsory education. And 11-year universal free compulsory education system has been in force since 1972.

60. The Government has undertaken various efforts to improve the quality of the 11-year free compulsory education system despite the economic hardship that persisted since the mid-1990s. The National Action Plan for Education for All was developed in 2001 in response to the Dakar Action Plan for Education for All of the UNESCO after an extensive discussion with the Ministry of Education, ministries concerned and research institutions, the implementation of which is being actively pursued. Various measures were adopted to encourage social support to educational work, while systematically increasing expenditure for education. Expenditure for education increased from 7.4 per cent in 2002 to 8 per cent in 2006. Currently 1,644,000 students are learning at 4,904 primary schools and 2,415,000 students at 4,801 schools.

61. The Government directed great effort to training all members of society to be possessed of techniques and skills of higher education level by properly combining regular higher education and study-on-the-job education. 302 universities and 460 colleges have been set up since 1946 when Kim Il Sung University, the first of its kind in the country, was established, and the system of study-on-the-job education has been perfected with the founding of the factory college, farm college and fishermen's college in 1951, 1981 and 1993 respectively, thus making it possible to attain the Government goal of making the whole of society intellectual.

F. Right to health

62. The Government has established and strengthened a popular public health system since the early days of its founding. It promulgated on January 27, 1947 the decision on providing to the workers, office employees and their dependants free medical care under social insurance programme and adopted relevant measures for its implementation. This was the first State-funded free medical care in the history of Korea. The Government introduced universal free medical care in all parts of the country from January 1, 1953, the hard time of the Korean War (1950-1953). Complete and universal free medical care has been provided since February 1960, which was later legalized by the Constitution and the Public Health Law. Everyone in the DPRK receives medical service of all categories equally, practically and free of charge.

63. The public health system has been further strengthened thanks to the popular health policy of the Government. People's life expectancy increased 1.7 times, or from 38.4 (37.3 for male and 39.5 for female) in the pre-liberation days to the present 67.6 (63.5 for male and 71.4 for female). There were only 9 hospitals in 1945 (the year of country's liberation from Japanese military occupation) but now there are 1,986 hospitals and 6,104 clinics. The number of doctors per 10,000 population increased from 1.1 in 1949 to the present 32. In its efforts to attain the relevant targets of the Millennium Development Goals of the United Nations and the Strategy for Health for All of the WHO the Government has adopted measures to supply safe drinking water to all people, prevent communicable diseases through the increased immunization coverage and improve the primary health care service. Household-doctor system has a large share in the primary health care system. 44,760 doctors at about 7,000 polyclinics, ri-people's hospitals and clinics are responsibly taking care of people's health at a ratio of one doctor per an average of 134 households.

G. Right to cultural life

64. Citizens are free to engage in scientific, literary and artistic pursuits under the Constitution. The State grants benefits to inventors and innovators and protects the copyright, inventions and patents.

65. The Government has set forth the policy of encouraging people to actively take part in the literary and artistic activities, and created conditions for them to fully enjoy cultural life by setting up cultural establishments and facilities of various kinds. The thousands of theatres, cinemas and culture halls in Pyongyang, provinces and counties greatly contribute to the cultural life and amenities of the working people.

66. All citizens have the right to the protection of the moral and economic rights to their inventions and to benefit from them. These rights are guaranteed by the Copyright Law, the Law on Invention, the Law on Industrial Designs, the Trademark Law and their implementation regulations.

3. Rights of specific groups

A. Women's rights

67. The Government promulgated the Decree on Sex Equality on July 30, 1946 with a view to freeing women from the centuries-old feudal fetters, which specifies that women have equal rights with men to political life, to work, to education, to family life and to property ownership, etc. The contents of the decree were incorporated later in the Constitution to be further developed in depth. The State further concretized the political status of women and their economic, social and cultural rights through the adoption of the Nationality Law, the Law on Election, the Law on Local Power Organs, the Civil Law, the Civil Procedures Law, the Family Law, the Law on Education, the Labour Law, the Law on Public Health, etc.

68. Today women are taking part in political, social and cultural life with equal rights with men. Women make up 15.6 per cent of the deputies to the Supreme National Assembly. They account for 49 per cent of the workforce. There are thousands of associate doctors and doctors, and 463,000 engineers, technicians and specialists.

69. Under the Government's policy on public health which focuses special attention on the promotion and protection of women's health, and the reproductive health strategy, all women are under the responsible care of household doctors, obstetricians and gynecologists, which help improve their health steadily. More than 98 per cent of pregnant women receive the assistance of professionals in child delivery. The maternal mortality rate was 96.3 per 100,000 live births in 2006.

B. Child rights

70. The State has invariably maintained, ever since the early days of its founding, the principled stand that children are the future and the "Kings" of the country. The State secured legal guarantees for bringing up children to be reliable leaders of the future and guaranteeing their rights to the fullest possible extent through the adoption of the Constitution, the Law on Education, the Law on Public Health, the Law on Upbringing and Nursing of Children, the Social Security Law, the Law on the Protection of Persons with Disabilities, the Family Law, etc. With a view to further protecting the rights of the children the Government formulated in 1992 the National Action Plan for the Well-being of Children (1992-2000) and reviewed its implementation stage by stage. A new action plan for 2001-2010 containing follow-up measures and new goals is being implemented through various programmes.

71. All the children receive compulsory education free of charge starting from the age of six or seven under the universal 11-year free compulsory education system, giving full scope to their wishes and talents. The enrolment rate in primary school is 100 per cent, the advancement rate 99.7 per cent and the graduation rate 100 per cent.

72. Children without parents are cared in orphanages, and when they reach school age, they study at orphans' primary schools and secondary schools receiving stipends. There are, for orphans, 14 nurseries and 12 kindergartens and 17 primary and secondary schools.

73. Before 1945 (the year of the country's liberation from the Japanese military occupation) child mortality rate was 204 per 1,000 live births, which was reduced to 11.4 in the 1980s. Children's health which was temporarily aggravated in the mid-1990s due to successive natural disasters, has improved, with the result that under-5 mortality rate was reduced from 50 per 1,000 in 1998 to 40 in 2005. Children's nutritional status also improved, thus reducing the low birth rate from 6.7 per cent in 2002 to 6.3 per cent in 2006. Breastfeeding rate of infants below 6 months is 98.7 per cent. Child vaccination coverage is at a high level, with the vaccination rate for mixed DPT-3 82.2 per cent, the measles 96.9 per cent, polio 99.8 per cent and tuberculosis 99.8 per cent.

C. Rights of the persons with disabilities

74. The DPRK adopted in 2003 the Law on the Protection of Persons with Disabilities with a view to protecting the rights of persons with disabilities satisfactorily. They receive education and medical treatment, choose their occupation according to their talents and abilities, and enjoy cultural life with equal rights with others. According to the selective survey conducted in 2005 there were 3,639 children with mobility disabilities, of whom 2,176 were boys and 1,463 girls. Blind children and deaf and dumb children are learning at special schools receiving stipends, while children with other disabilities are included in the mainstream classes. Disabled soldiers' factories and welfare service centres were set up for the purpose of creating jobs for the persons with disabilities, tonic medicine and walking aid devices are provided free and paid vacation and allowances are provided to them.

75. Colorful functions are arranged annually on June 18, the day of persons with disabilities, which serve as an important occasion in facilitating their integration into society and encouraging the general public to respect the dignity and worth of the persons with disabilities and render them support. The Korean Federation for the Protection of Persons with Disabilities, which started functioning in July 2005, plays a significant role in this regard. The persons with disabilities receive full protection of their rights thanks to the Government's popular policy and the amicable social atmosphere in which the beautiful traits of helping and leading each other flourish.

4. International cooperation in the field of human rights

76. The DPRK pays due regard to the international cooperation in the field of human rights and attaches importance to genuinely constructive dialogues and cooperation with international human rights bodies. Accordingly, invitations were extended to the delegations of the Amnesty International, International Association against Torture and the Committee on the Rights of the Child and the team of Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences, who were given, as they wished, the opportunities to talk with the local law enforcement officials, visit the reformatory and detention facilities and inmates, thereby obtaining first-hand information on the situation of human rights in the DPRK.

77. In particular, the DPRK, after the establishment of diplomatic relations with the European Union (EU), responded with sincerity to all questions raised by EU as regards human rights and conducted a wide range of dialogues and cooperation. Each political dialogue between the DPRK and EU was attended by the human rights experts of the former to provide explanation and clarification to the latter's questions. Furthermore, in October 2001, the DPRK side gave

answers with tolerance even to the EU's written questions little short of interference in internal affairs. There were regular contacts between the human rights experts of the DPRK and the ambassadors of the member states of EU to the DPRK, in which the position and activities of the DPRK in respect of human rights including status of submission of reports on the implementation of relevant international human rights instruments were informed. A delegation of French parliamentarians visited a reformatory and met with local officials during their visit to the DPRK in September 2001, and Director in charge of East Asia in the Ministry of Foreign Affairs of Germany met with a released convict as he wished during his visit to the DPRK in May 2002. These above-mentioned activities took place within only two years since the beginning of human rights dialogues between the DPRK and EU.

78. In utter disregard of the above-mentioned cooperation and sincere efforts by the DPRK, the EU surprisingly tabled an anti-DPRK "draft resolution" at the 59th session of the Commission on Human Rights in 2003. The continued adoption since then of the anti-DPRK "resolutions" by the EU at the Commission on Human rights, Human Rights Council and the General Assembly only served to put an end to the human rights dialogues and cooperation between the DPRK and EU.

V. OBSTACLES AND CHALLENGES TO THE PROTECTION AND PROMOTION OF HUMAN RIGHTS

1. Hostile policy of the United States toward the DPRK

79. The United States has persistently pursued the hostile policy towards the DPRK since the early days of the its founding. This policy covering the political, economic, military and all other areas poses the greatest challenge to the enjoyment of genuine human rights by the Korean people.

80. The United States is making an undisguised attempt to interfere in the internal affairs of the DPRK and change its system under the pretext of "human rights protection". "North Korean Human Rights Act" enacted by the US Congress in 2004 is a typical example. Let alone its content, the title of this "Act" itself suggests its provocative and interventionist nature. This abnormal "Act" aims, under the pretext of promoting "human rights", "democracy" and "market economy" in the DPRK, at inciting dissatisfaction among the citizens with their Government and thus leading them to change their system and overthrow their Government. The "Act" provides for 12-hour-per-day radio broadcasting in Korean language against the DPRK, massive input of mini-radios tuned to its broadcasting, inciting the citizens to "defection" and "immigration" to and "asylum" in the United States, as well as financial and material support for these programmes (the US administration appropriated USD 24,000,000 for this "Act"). Numerous non-Governmental human rights organizations are hell-bent on anti-DPRK campaigns under the financial support of the US administration for the implementation of this "Act".

81. It is up to the people of a country to decide what type of political and economic system they wish to choose. The social and political system established in the DPRK is a socialist system of the Korean people's own choice. The enactment by the United States of the "North Korean Human Rights Act" is an all-out interference in internal affairs of the DPRK. Any move aimed at divorcing the DPRK citizens from their Government under the pretext of "protection of human rights" is an undisguised attempt to overthrow the Government and infringement on the right of self-determination.

82. The United States has imposed numerous sanctions on the DPRK historically, thus inflicting on it tremendous economic losses and gravely hindering the enjoyment by the Korean people of the human rights.

83. The United States is militarily threatening the DPRK while annually staging different DPRK-targeted war exercises like “Key Resolve” and “Ulji Freedom Guardian” on and around the Korean peninsula. Aggression by the United States in recent years upon other countries and their mass killing of civilians left a serious lesson that failure to defend the national sovereignty will result in inability to defend the rights of people to life. The DPRK will further intensify its self-defensive measures in order to safeguard sovereignty and dignity, and human rights of its citizens.

2. Anti-DPRK campaigns including adoption of “human rights resolutions” at the United Nations

84. As mentioned above, EU in collusion with Japan and other forces hostile to the DPRK has adopted every year since 2003 the anti-DPRK “human rights resolution” at the Commission on Human Rights, Human Rights Council and UN General Assembly.

85. These “resolutions” aim at tarnishing the image of the DPRK and thereby achieving political purpose of eliminating the ideas and system that the Korean people have chosen for themselves and defended, and not at the genuine protection and promotion of human rights. The sponsors of the “resolution” preposterously argue that they are aimed at promoting “cooperation” and “collaboration” for the “protection and promotion of human rights”. However, the reality speaks by itself that the “resolutions” are the root source of mistrust and confrontation, and the impediments to international cooperation.

86. The DPRK attaches importance to international cooperation in the field of human rights. However, as has been made clear by the Government on several occasions, the very impediments in the way of materializing this cooperation are the above-mentioned “resolutions”, which are thoroughly politicized and selective. Selective attack and cooperation are incompatible.

3. Dissolution of the socialist market, successive natural disasters and their consequences

87. Dissolution of the socialist market in the early 1990s and the tremendous financial and economic losses and depletion of material resources owing to the successive natural disasters that started in the mid-1990s brought the gravest difficulties to the economic development of the country.

88. The most serious difficulty was the worsening of the condition of food supply. In 1996 alone, 3,180,000 tons of food was in short supply, thus causing a sharp decrease in the amount of provisions. Consequently, health condition of people in general deteriorated; infant and child mortality rate and malnutrition rate increased and diseases like infants’ diarrhea, respiratory tract infection and tuberculosis broke out.

89. Infrastructure of the national economy was devastated and numerous factories, enterprises, coal mines, mines, reservoirs and dams were seriously destroyed, making it impossible to

regularize production and in particular, to provide sufficient heating to schools in the winter time and textbooks to students.

90. The Government has adopted various measures to remove the after effects of natural disasters as soon as possible and reactivate the economy. Priority has been directed, for increased agricultural production, to the expansion of arable land through land reclaiming and rezoning, and to the boosting of grain production through improvement of seeds, double cropping and potato farming. Decisive measures have also been taken to raise the whole of the economy to a high level through concentration of efforts on electricity production, coal mining, metallic industry and railway transport and other key sectors of economy.

91. Positive steps taken by the Government and the patriotic efforts of the people have resulted in the increase of the Gross Domestic Production and the State budget in recent years and improvement of the people's life in general. Today all the Korean people are working devotedly full of confidence and optimism under the slogan of "Let us optimistically advance however tough our road might be!" for the building of a great prosperous powerful nation where everything thrives and everyone is well-off.

VI. CONCLUSIONS

92. The Government of the DPRK, while reviewing, for preparation of the present report, the experiences so far gained in the activities for protection and promotion of human rights and observing global human rights situation, considered what conditions are essential for the effective ensuring of a full range of human rights and how to realize them. It became convinced that for the protection and promotion of genuine human rights a State should:

- (i) Defend the country against foreign interference and achieve durable peace and stability;
- (ii) Build a social system free from the root source of exploitation and oppression;
- (iii) Ensure that unity and cooperation between persons prevail society, and not confrontation and mistrust and;
- (iv) Attain high level of economic development based on cutting-edge science and technology, and promote healthy culture.

93. The Government, regarding it as the supreme principle of its activities to ensure the protection and promotion of human rights and well-being of people, has set as its immediate major task to attain the goals for the building of an economic power by 2012 through concerted efforts of the army and people and thereby raise the people's living to a high standard.

94. The Democratic People's Republic of Korea will continue to hold fast to its own socialist human rights theory and policy, the validity of which has been fully manifested. At the same time, it will take the useful recommendations and observations seriously, and do its best for the enjoyment at a higher level of human rights by the Korean people, thus positively contributing to the efforts of the international community to this end.

Annex 1

Typical National institutions participated in the preparation of national report for UPR

- (1) Presidium of the Supreme People's Assembly
- (2) Secretariat of the Cabinet
- (3) Central Court
- (4) Central Public Prosecutors Office
- (5) State Planning Commission
- (6) Ministry of Foreign Affairs
- (7) Ministry of People's Security
- (8) Ministry of Finance
- (9) Ministry of Education
- (10) Ministry of Public Health
- (11) Ministry of Agriculture
- (12) Ministry of Food Administration
- (13) Ministry of Labour
- (14) Ministry of Culture
- (15) Ministry of Land and Environment Protection
- (16) Ministry of Construction
- (17) Ministry of City Administration
- (18) State Bureau of Quality Supervision
- (19) Invention Office
- (20) Central Statistics Bureau.

Annex 2

Social organizations, academic institutions and non-Governmental organization participated in the consultation for the preparation of national report for UPR

- (1) Korean Human Rights Institute
- (2) Central Committee of the Korean Bar Association
- (3) Korean Democratic Lawyers' Association
- (4) Central Committee of the Korean Trade Union
- (5) Central Committee of the Korean Agricultural Workers' Union
- (6) Central Committee of the Korean Democratic Women's Union
- (7) Central Committee of **Kim Il Sung** Socialist Youth League
- (8) Central Committee of the DPRK Red Cross Society
- (9) Korean Religionists' Conference
- (10) Central Committee of Korean Chondoists' Society
- (11) Central Committee of Korean Buddhists' Federation
- (12) Central Committee of Korean Christians' Federation
- (13) Central Committee of Korean Roman Catholic Federation
- (14) Central Committee of Korean Journalists' Union
- (15) Korean Medical Association
- (16) Central Committee of Korean Federation for the Protection of Persons with Disabilities
- (17) Korean Association for Family Planning and Maternal and Infant Health
- (18) Population Institute
- (19) Korea Education Fund
- (20) Law College of the **Kim Il Sung** University
- (21) Law Institute of the Academy of Social Sciences
- (22) University of National Economy.

Annex 3

Typical Sector-Specific Laws of the DPRK with Human Rights Implications

- (1) Nationality Law
- (2) Law on Election of Deputies to the People's Assemblies at All Levels
- (3) Law on the Constitution of Local Power Organs
- (4) Socialist Labour Law
- (5) Law on Food Administration
- (6) Education Law
- (7) Law on Public Health
- (8) Law on Upbringing and Nursing of Children
- (9) Law on the Protection of Persons with Disabilities
- (10) Law on the Protection of Elderly Persons
- (11) Social Security Law
- (12) Law on Medical Care
- (13) Law on Prevention of Communicable Diseases
- (14) Law on Food Hygiene
- (15) Law on Public Sanitation
- (16) Law on Physical Culture and Sport
- (17) Law on Environmental Protection
- (18) Civil Law
- (19) Civil Procedures Law
- (20) Criminal Law
- (21) Criminal Procedures Law
- (22) Law on Complaints and Petitions
- (23) Family Law
- (24) Law on Inheritance
- (25) Law on Compensation for Damages
- (26) Law on Constitution of Court
- (27) Lawyers' Law
- (28) Law on Notary Public
- (29) Law on Citizens' Registration
- (30) Law on City Administration
- (31) Law on Dwellings
- (32) Copyright Law
- (33) Law on Invention
- (34) Law on Industrial Design
- (35) Trademark Law.
