

DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

CESCR E/1987/28

(Arts. 6-9 and 10-12)

260. The Committee considered the initial reports of the Democratic People's Republic of Korea relating to articles 6 to 9 (E/1984/6/Add.7) and to articles 10 to 12 (E/1986/3/Add.5) of the Covenant at its 21st and 22nd meetings, held on 23 March 1987 (E/C.12/1987/SR.21 and 22).

261. The reports were introduced by the representative of the Democratic People's Republic of Korea, who also gave a brief supplementary report orally on the measures his Government had taken for the effective implementation of the Covenant.

262. With regard to article 6, the representative emphasized that in his country the assignment of manpower to appropriate jobs reflected the Juche philosophy that everything should be placed at the service of man, to make working life more independent and creative.

263. As to article 7, the representative stated that the Government had set remuneration scales so as to give workers material incentives and allow them to regain any physical and intellectual energies drained at work, to achieve regular reproduction of manpower and to supply the needs of the workers.

264. Concerning article 8, he drew the Committee's attention to the fact that article 53 of the Socialist Constitution guaranteed citizens freedom of expression and of the press, freedom of assembly and of associations, and freedom to demonstrate, and that the State guaranteed political parties and democratic social organizations the necessary conditions for the free exercise of their activities. He added that the general Federations of Korean Trade Unions comprised nine sectorial unions which included more than 1.6 million workers, technicians and employees, and that it had close links with the world Federation of Trade Unions and other related organizations.

265. With regard to article 12, the representative introduced the figures which had been laid by the Sixth Congress of the Korean Workers' Party on 10 October 1980 as the principal tasks of socialist economic construction for the 1980s and added that when those targets were attained, overall industrial production by the end of the 1980s would be 3.1 times that of 1980, or more than 1,000 times that of 1946.

General observations

266. Some members of the Committee observed that the reports over-emphasized positive developments and gave very little information on problems the State was encountering, and pointed out that information of that kind would be very useful. Some were of the opinion that the reports failed to identify obstacles to further progress in the implementation of the Covenant on Economic, Social and Cultural Rights. It was also pointed out that under the Covenant, aspects of international co-operation were very important, however, the reports failed to make necessary references in this regard.

267. It was asked what the sources for the statistics were.

268. Many members felt that the reference to “a paradise on earth” (E/1986/3/Add.5, para.1) seemed somewhat inappropriate.

269. It was pointed out that a number of rights to which the reports referred could only be enjoyed when the citizens could choose the way in which they were exercised, but the report did not deal with that issue. In that connection, it was asked whether any recourse procedures were available in the country to the citizens if their rights stipulated by articles 6 to 12 of the Covenant were violated.

270. The representative, in reply, stated that the word “paradise” was simply utilized in order to make a contrast between the present situation and the doomed past, when the people were subjected to feudalism, slavery, servitude and foreign exploitation and domination.

271. The representative added that the Democratic People’s Republic of Korea had remarkable international co-operation with other countries and organizations, in particular in the field of agricultural co-operation and assistance.

Article 6: The right to work

272. With reference to that issue, questions were asked as to whether workers had the right to choose their work; how workers were enrolled in State institutions or enterprises or transferred to other working factories and enterprises, who took the final decision on where the individual was to be placed in the employment market and whether there was any proper machinery for appealing against such a decision.

273. Information was requested as to what could warrant dismissal from work and whether those reasons were defined by law.

274. It was pointed out that, although report E/1984/6/Add.7 referred to the expansion of the number of factory colleges, it did not specify how many existed at present. More information was requested on educational opportunities before and after compulsory education.

275. The representative explained that compulsory education in his country consisted of one year of pre-schooling, four years of primary schooling and six years of secondary schooling. He also said that the country had launched a programme of “intellectualization”, in which all the members of the society had to receive higher education. He added, in that connection, that since higher education in his country had links with different sectors of production, students would be able to plan their future better. He added that there was an organ which examined the candidates that wished to change their work.

276. With regard to higher education, he stated that in 1984 there were 216 universities and higher institutes of a general character and 566 specialized high schools.

277. He reiterated, in reply, that there was no unemployment, as no one wished to remain inactive in his country, though the right not to work and the right to change one’s work were guaranteed.

278. He also pointed out that in his country there were no racial minorities and that foreigners enjoyed the same rights as Korean workers.

Article 7: Right to just and favourable conditions of work

279. With reference to those issues, members of the Committee wished to know how the principle of equal remuneration for equal work was applied irrespective of sex, age or nationality in the Democratic People's Republic of Korea. It was also asked whether a minimum wage existed. As to safe and healthy working conditions, the question was asked as to how "workers' safety months" (E/1984/6/Add.7, para. 48) were nationally observed and implemented.

280. The representative, in reply, stated that the average monthly salary of workers had been 70 won in 1974 and 90 won in 1978, and that the income of workers was determined by the quality and quantity of their production, so that workers with experience and expertise were paid more than other workers.

Article 8: Trade-union rights

281. With reference to those issues, it was pointed out that the right to organize a trade union had not been mentioned in the report.

282. Some members of the Committee wished to know the extent to which the right to strike was implemented in the country, and whether the right not to join a trade union was recognized. It was also asked whether trade unions were freely allowed to affiliate with international trade union federations. Information was sought as to what percentage of workers were trade union members, and what role the trade unions in the country played in protecting the interests of the workers.

283. It was also asked whether any opposing viewpoints were expressed in the country with regard to the choice of official economic and social policies.

284. Some members asked for clarification of the meaning of the sentence "Workers, technicians and office employees, as citizens of the Democratic People's Republic of Korea, can join a trade union once they recognize the programme and rules of Korean trade unions and strive to implement them" (E/1984/6/Add.7, para. 66).

285. The representative explained that there were 1,600,000 members in the general Federation of Trade Unions, that 35 per cent of those were young people, and that 60 per cent were men and 40 per cent were women. He also said that trade unions in his country might be slightly different from the ones in the Western countries, as Korean trade unions existed for the benefit of workers, enterprises and their country.

Article 9: Right to social security

286. Information was sought about the nature of the "specified length of service" (E/1984/6/Add.7,

para.81) required for receipt of an old-age pension.

Article 10: Protection of the family, mothers and children

287. With regard to those issues, members wished to have more detailed information about the conditions and procedures for contracting marriage. In that connection, it was asked whether the Korean tradition still dictated that a man and a woman who bore the same family name could not marry. The average age for marriage in the country was also asked. Information was sought as to whether there was an increase or a fall in the rate of divorce.

288. Concerning maternity leave, it was asked what the main reasons were for having decided to expand the period of maternity leave from 77 to 150 days. Members also asked whether there were family planning centres available to married couples, and what the current birth rate in the country was. With regard to the protection of children, it was asked whether juvenile delinquency was a problem in the country and whether some children had to work during their school holidays or after school.

289. It was asked what concrete measures the Government had taken to totally eliminate exploitation, neglect and discrimination against children in the country, as was indicated in the report (E/1986/3/Add.5, para. 25).

290. The representative affirmed that citizens who had reached the age of 16 could get married even without their parents' consent, and that divorce was very rare in his country. He also emphasized that there was no juvenile delinquency in his country.

291. He added that in 1982, the birth rate for 1,000 habitants was 21.9 and mortality rate was 4.3 for 1,000, and that the natural population growth rate was 17.6 for 1,000.

Article 11: Right to an adequate standard of living

292. With regard to that issue, it was asked who reviewed the material and cultural standards achieved by the country and what the criteria were.

293. The representative stated, in reply, that distribution of housing facilities was carried out by the Housing Office of the People's Committee of each province or town.

Article 12: Right to physical and mental health

294. With reference to those issues, members wished to know to what extent the national budget allocated resources to the promotion and protection of the right to physical and mental health.

295. It was asked which countries and organizations, besides the Democratic People's Republic of Korea, were involved in "world-wide efforts toward self-sufficiency in food" (E/1986/3/Add.5, para. 40).

296. Details on the penalties under the new law of 9 April 1986 for causing environmental pollution

were requested.

297. In concluding the consideration of the report, the Chairman thanked the representative of the State party for having co-operated with the Committee in a spirit of constructive dialogue and with the common objective of implementing the rights recognized in the Covenant.

CESCR E/1992/23

(Arts. 13-15)

140. The Committee considered the initial report of the Democratic People's Republic of Korea concerning the rights covered by articles 13 to 15 of the Covenant (E/1988/5/Add.6) at its 6th, 8th and 10th meetings, held from 27 to 29 November 1991 (E/C.12/1991/SR.6, 8 and 10).

141. The representative of the State party introduced the report, gave a brief account of his country's history, and drew attention to measures taken by the Government to overcome the cultural backwardness inherited from the period of colonial domination. Education, science, technology and culture were considered as an integral part of the construction of a new society.

General matters

142. With regard to the general framework within which the Covenant was implemented, members of the Committee wished to be informed of any developments since the report was prepared by the Government, giving both general information and details of action taken to ensure full exercise of each right referred to in articles 13 to 15 of the Covenant, and asked to be provided with a brief outline of Juche philosophy. They asked to what extent those rights were guaranteed equally to men, women and non-nationals.

143. In addition, members of the Committee asked whether all citizens enjoyed freedom of movement, freedom of expression without fear of punishment and freedom of religion; and what the Government's policy was towards ethnic minorities in the context of education and culture.

144. In reply, the representative of the State party explained that the Government's policy in the field of education, science, technology and culture was based on Juche philosophy, meaning that human beings were placed at the centre of all concern, that the service of mankind was made the focal point of all activities, and that solutions were sought for all the problems of the revolution and reconstruction in the light of the country's situation and in its people's interest. There was no problem of ethnic minorities since all the people spoke a single language and had the same culture and customs.

Articles 13 and 14: Right to education

145. Members of the Committee asked what measures had been taken to ensure full exercise of the right of everyone to education so as to strengthen respect for human rights and fundamental freedoms, promote the teaching of human rights and to further United Nations peace-keeping activities. They also wished to receive information regarding the percentage share of, and trends in, budget allocations for education and culture, and about difficulties encountered by the State party in fulfilling its obligations under articles 13 to 15, especially with regard to primary, secondary and higher education, compulsory free education, culture and scientific progress. They asked what legislation had been enacted in pursuance of the Constitutional provisions on education and culture referred to in the report, what success had been achieved in implementing the goal enshrined in article 41 of the Constitution of the Democratic People's Republic of Korea of "universal

compulsory 10-year education”, what steps had been taken to further the access of particular disadvantaged groups to education, and whether parents had the right and opportunity to choose their children’s school.

146. It was also asked what measures had been adopted or proposed to further the right of parents to ensure the religious and moral education of their children in conformity with their own beliefs, what exactly was meant by the “financial and material assistance” given to pupils of “regular educational institutions of higher learning” (E/1988/5/Add.6, para. 23), what was the nature of State expenditure on “pupils’ and students’ extracurricular activities” (ibid., para. 27), and what were “extracurricular activities” comprised of. Members of the Committee also asked why the State spent the same amount - 15,800 won - on a child in a crèche as on a student graduating from university; what was the correlation between education proper and productive labour; what proportion of time was spent on physical training in the country’s schools and what did the fact that physical training was “defined as a major subject in the educational programme” (ibid., para. 41) mean in practice; whether a pupil could be excused from physical training during vacations; what school buildings had been provided for pupils; what was the number of pupils per class; and what educational equipment was provided to schools.

147. Information was requested on the principal instruments (laws, court rulings or collective agreements) and practical steps intended to prevent interference with the freedom of individuals and bodies to establish and direct educational institutions, in accordance with article 13, paragraph 4, of the Covenant; on a teacher’s wage and pension and its relation to the minimum living wage; on special care shown to female teachers; on the principal instruments intended to improve the material conditions of teachers; and on the part played by teachers and their organizations in drawing up curricula and in preparing teaching equipment and programmes.

148. Members of the Committee also wished to know whether Korean teachers were able to compare their methods of work with those of teachers abroad; whether parents had the freedom to let their children attend school at an early age; whether students were free to choose whether or not to pursue religious education; whether any specific working age had been stipulated; whether alternative programmes were available for disabled persons; whether there was any link between physical training and military service and whether students could be called upon to perform military service while studying at university; with regard to girl pupils, what was meant by their “family responsibilities and women’s occupations” (ibid., para.37); what was the ratio of female to male students in educational institutions; what was meant by the term “public education” (ibid., para. 10) and by “monolithic” (ibid., para. 17) education; whether admission to universities was subject to entrance examinations; whether grants or scholarships were available for study in foreign countries; whether foreigners had access to Korean schools; and what was the procedure for monitoring and evaluating the schools’ curricula. They also wished to know whether there was any private educational system; whether there were participants other than the State in the development of the school system; whether there was any teaching of human rights and of tolerance in schools. Finally, they wished to be provided with information regarding programmes to combat illiteracy.

149. In his reply, the representative explained that the right to education was guaranteed by article 59 of the Socialist Constitution of the Democratic People’s Republic of Korea, which specified that every citizen had the right to free and compulsory education. Since 1972, compulsory education had

been made free, extending over 11 years (one year of pre-school, four years of primary and six years of secondary education). In 1990, the country had 270 universities, 469 specialized high schools, 4,849 secondary schools and 4,813 primary schools, providing education to one quarter of the total population. In addition, a separate system of studying on the job had been introduced. The right to education applied not only to all citizens without distinction of sex or age but also to the children of non-nationals, if the latter so wished. The representative stated that 18 per cent of the State budget was allocated to education and culture. The State had taken measures to ensure that theoretical education was closely associated with practical training in its various forms. Persons receiving training on the job benefited from theoretical courses. Outside the school, children engaged in sports and artistic activities, participated in literacy, scientific and other clubs and took part in visits to factories and other places of interest.

150. In replying to additional questions, the representative drew attention to the difficulties experienced after 1953 owing to the destruction of both material and human resources. The term “monolithic” could be better seen as “uniform”. The Constitution provided for parental right of choice in education. Many schools had been established by religious foundations or by social organizations. Parents, social organizations and the State were all actively involved through the long-standing committee for educational change in improving education and in promoting an atmosphere conducive to learning and they could make suggestions for change. Special schools existed for gifted children as well as a few private schools in particular sectors, such as computer training. Crèches or kindergarten were available for very young children if the parents so wished. In 1989, girls had constituted 51 per cent of primary and secondary school pupils and 42 per cent of university enrolment. Access to higher education was strictly regulated by competitive examination. There was a tendency for women to specialize in education and for men to specialize in scientific subjects. There were exchange programmes for students and teachers and cooperative activities with UNICEF. Human Rights was not taught as a separate subject in educational institutions but information was given on the rights of the child and the International Covenants and their translations were available in libraries and schools. There was a nationwide literacy campaign conducted under the State’s unified plan of guidance.

Article 15: Right to take part in cultural life and to enjoy the benefits of scientific progress and to benefit from the protection of the interests of authors

151. Members of the Committee asked whether articles 44 and 45 of the Constitution of the Democratic People’s Republic of Korea meant that literature, art, science and technology, etc. which were not based on Juche ideas were illegal and, if not, what laws protected freedom of creative activity and artistic production, such as the freedom to make known the results of such activity; what limitations or restrictions were imposed on this freedom; and whether there were any factors that made it difficult to guarantee that right. Members of the Committee also asked how many theatres and cinemas there were in the country; how these were distributed regionally; whether ticket prices were affordable; and whether foreign films and plays - in particular, world classics - could be shown. With regard to cultural life, it was asked whether structures other than the State and the Party carried out activities in managing it; what funds were available to promote culture and encourage everyone to take part in cultural life, including the support given by the public sector to private initiatives; and what general policies and specific measures existed to promote cultural identity as a factor in generating mutual respect among individuals, groups, nations and regions.

152. Members of the Committee asked to be supplied with statistics regarding books published in the country, the availability of books to the population, and separate figures for the publication of works by foreign authors. They also wished to know what were the main instruments (laws, administrative regulations, etc.) Intended to promote the right of everyone to enjoy the benefits of scientific progress and its applications, including those necessary for the conservation, development and dissemination of science; what steps had been taken to enable everyone to benefit from the applications of scientific progress, including measures to promote a healthy and clean environment and details of the institutional infrastructure set up to achieve it; and what step had been taken to promote the spread of information on scientific progress.

153. Members of the Committee requested an indication of what measures had been taken to prevent the use of scientific and technical progress for purposes contrary to the enjoyment of all human rights, including the rights to life, health, liberty of person, privacy and other similar rights; and any restrictions applicable to the exercise of the rights elaborated in article 15 of the Covenant, including details of the legal provisions by which they were imposed. Information was requested on protection by law of the rights of authors and performing artists; on opportunities for Korean scientists to learn about “modern scientific achievements realized in other countries” (E/1988/5/Add.6, para. 108): on measures taken, including laws, regulations or other provisions, to ensure the conservation, development and dissemination of culture and freedom of scientific research and creative activity; and on the encouragement and development of international contacts and cooperation in the scientific and cultural fields.

154. In addition, members of the Committee wished to know what was meant by the term “cultural backwardness”; whether there were cultural activities other than those organized by the State; whether any specific prohibitions existed with regard to participation in cultural life and the enjoyment of the benefits of scientific research; and whether individuals dissenting from the Party line had access to private publishing facilities. They also asked whether freedom of choice for scientists was not restricted by the fact that all their necessities were provided for by the State; and whether foreign publications were available to students.

155. In his reply, the representative stated that the rights elaborated in article 15 of the Covenant were guaranteed by article 51 and 60 of the Constitution which specified that all citizens were equal in all areas of the life of the State and society: political, economic, cultural, etc. The freedom of all citizens to engage in scientific, literacy and artistic activities was guaranteed and State support was provided for innovators and inventors. The Constitution provided that copyright and invention patents were protected by law and guaranteed freedom of scientific, technical and cultural exchanges with other countries pursuant to the relevant legislation. The Government and the Party had set guidelines for the cultural development of the country so as to reflect the wishes, needs and interests of the people and to mobilize the masses, in particular workers and peasants, to put those guidelines into practice. There were 35 theatres and 5,121 cinemas uniformly distributed throughout the country. At every factory, enterprise or cooperative farm, there was a cultural centre. Foreign films, plays and world masterpieces were shown mainly through television. On the basis of Juche philosophy, the Government gave pre-eminence to maintaining national traditions, preserving the country’s national heritage, and adapting the scientific and technical achievements of other countries to the country’s situation and to its people’s interests and feelings, instead of mechanically introducing them. Various regulations had been adopted governing the dissemination of scientific

and technical information, inventions and innovations, and such matters as scientific and technical exchanges with foreign countries. In the field of science and education, over 180 cooperation agreements had been concluded with 68 countries. Centres had been set up in the towns and provinces as well as in the more important centres where scientific and technological books were kept. Also, a computerized scientific and technological information centre had been set up in the Grand People's Study House. Material interests resulting from any scientific, technological, educational, literacy or artistic production were protected by copyright legislation.

156. The representative added that many Koreans had difficulty learning foreign languages, which proved to be a bar to the acquisition of foreign culture, and that western music and paintings had been so widely spread that the public tended to look down upon their own culture. The fact that writers and artists had not mixed with the people had produced works of art which did not depict reality and which did not attract the interests of the masses. State directives in the matter promoted the creation of literary and artistic works which were national in form and socialist in content. Any citizen could write freely or create artistic works, which could be enjoyed privately, but the question whether the book would be published or the artistic work exhibited was dependent on a decision by the National Examination Committee, which ensured that objectionable material dealing with war and violence was kept at a minimum. The Party did not interfere with the work of the Committee. There were no private publishing houses in the country or private film studios or cinemas.

Concluding observations

157. The Committee thanked the Government of the Democratic People's Republic of Korea for its willingness to continue the dialogue through the regular submission of reports. It noted with satisfaction that the Government had made efforts to guarantee to citizens the enjoyment of rights provided for in articles 13 to 15 of the Covenant. The Committee pointed out, however, that the report had given precedence to legalistic and theoretical aspects and had not placed sufficient emphasis on tangible facts reflecting the actual situation prevailing in the country. The Committee noted that, within financial possibilities, education had been provided free of charge for all. The Government was encouraged to continue its efforts to promote an education system that would stimulate private investment in that field, thereby enabling citizens to exercise greater freedom in choosing educational institutions, in accordance with the provisions of article 13, paragraph 3 of the Covenant. With regard to the rights enshrined in article 15 of the Covenant, the Committee expressed concern that the existing machinery for the examination of works of art and literature for the purpose of publication could result in inadequate protection of freedom of expression.

CESCR E/2004/22

10. The Committee considered the second periodic report of the Democratic People's Republic of Korea on the implementation of the Covenant (E/1990/6/Add.35) at its 44th to 46th meetings, held on 19 and 20 November 2003 and made public, at its 56th meeting, on 28 November, the following concluding observations.

A. Introduction

511. The Committee welcomes the submission of the second periodic report of the State party, which was prepared in conformity with the Committee's guidelines and thanks the State party for the written replies to its list of issues (E/C.12/Q/DPRK/1). The Committee, nevertheless, regrets that the State party has not included specific information in terms of data and updated statistics, particularly in the field of social security, health and education.

512. The Committee expresses its appreciation for the dialogue that took place between the Committee members and the delegation of the State party.

B. Positive aspects

513. The Committee acknowledges the efforts by the State party and the people of the Democratic People's Republic of Korea to overcome the effects of the natural disasters from the mid-1990s, including the reconstruction of the food production infrastructure.

514. The Committee notes with appreciation the willingness of the State party to continue its cooperation with the Committee.

515. The Committee also notes with appreciation the wide coverage of free health care in the State party.

516. The Committee further notes with appreciation the full implementation of a free and universal 11-year education system.

C. Factors and difficulties impeding the implementation of the Covenant

517. The Committee is aware of the difficulties facing the State party on many levels and in various areas, including food security and the high cost of rebuilding the infrastructure destroyed as a consequence of the natural disasters during the mid-1990s.

D. Principal subjects of concern

518. The Committee on Economic, Social and Cultural Rights is concerned, as is the Human Rights Committee in its own concluding observations,²⁹ about the constitutional and other legislative provisions, particularly article 162 of the Constitution, that seriously compromise the impartiality and independence of the judiciary and have an adverse impact on the protection of all human rights

guaranteed under the Covenant.

519. The Committee notes with concern that no case law on the application of the Covenant exists and that the Covenant has not been directly invoked before national courts, although the State party declares that the provisions of international human rights instruments, though not yet incorporated into its domestic law, are directly applied by the courts.

520. The Committee regrets the lack of information about the exact functioning of the individual complaint system under the Law on Complaints and Petitions, as concerns complaints in the field of economic, social and cultural rights.

521. The Committee notes with concern that the State party has not ratified the International Convention on the Elimination of All Forms of Racial Discrimination.

522. The Committee expresses its concern about the persistence of traditional societal attitudes and practices prevailing in the State party with regard to women that negatively affect the enjoyment of their economic, social and cultural rights. The Committee is concerned about the lack of domestic legislation on non-discrimination against women and about the persistence of de facto inequality between men and women in decision-making positions, both in political and administration bodies, as well as in the industrial sector as a whole.

523. The Committee is concerned that the right to work may not be fully assured in the present system of compulsory State-allocated employment, which is contrary to the right of the individual to freely choose his/her career or his/her workplace.

524. The Committee is concerned about information according to which citizens of the Democratic People's Republic of Korea who travel abroad without a passport in quest of employment and better living conditions are sent to labour camps upon return to their country.

525. The Committee notes with concern that the legislation of the Democratic People's Republic of Korea establishes a single trade-union structure, which is controlled by the ruling party. It notes also that the exercise of the right to form trade unions is dependent upon an authorization given by the State security organs. Furthermore, the Committee notes with concern that domestic legislation does not recognize the right to strike.

526. The Committee regrets the sparse information provided on the coverage of the social security system which does not enable the Committee to ascertain whether the system provides universal coverage.

527. The Committee is concerned about information according to which some segments of the population are still suffering hardship because of the period of reconstruction and reform and may be in need of extra support from the public authorities.

528. The Committee notes with concern that there is no specific provision in the legislation of the State party that criminalizes and punishes domestic violence.

529. The Committee notes with concern that existing social and educational policies in the State party for orphans keep them in segregated environments, which can lead to situations of social exclusion.

530. The Committee is concerned about the consequences of the widespread famine suffered by the country from the mid-1990s and that certain groups, in particular women, children and older persons, have been more severely affected than others and have not received proper assistance in order to alleviate their plight.

531. The Committee expresses deep concern about the high rate of children under five that are chronically malnourished (45 per cent according to government statistics), as well as the high incidence of poverty-related diseases.

532. The Committee is concerned about the alarming increase in maternal mortality rates.

533. The Committee remains concerned about the declining attendance rate in schools, from 99 to 85 per cent according to the State party, as a consequence of national disasters.

534. The Committee remains concerned that children with disabilities, whenever possible, are not included in the regular school system.

E. Suggestions and recommendations

535. The Committee invites the State party to set up a mechanism for the effective monitoring of the progressive implementation of the Covenant.

536. The Committee recommends that the State party, in its efforts aimed at the implementation of the rights under the Covenant, continue to seek international assistance and engage itself in international cooperation and in the regional activities undertaken by international and regional agencies, including the Office of the United Nations High Commissioner for Human Rights.

537. The Committee recommends that the constitutional and legislative provisions that may compromise or diminish the independence and impartiality of the judiciary be immediately reviewed in order to guarantee its crucial role in the protection of rights covered by the Covenant.

538. The Committee requests the State party to include in its third periodic report information on how the provisions of the Covenant have been incorporated into its domestic legislation and to provide examples of cases of direct application, by the national courts, of the provisions of the Covenant.

539. The Committee requests the State party to provide more detailed information on the exact functioning of the procedures in the individual complaint system under the Law on Complaints and Petitions, relating to economic, social and cultural rights, including case law exemplifying how this law has been used in practice.

540. The Committee recommends that the State party ratify the International Convention on the

Elimination of All Forms of Racial Discrimination.

541. The Committee recommends that the State party join ILO as a full member and consequently ratify the main ILO conventions in due course. In order to facilitate the accession, the Committee recommends that the State party speed up the necessary reform of its legislation with a view to fulfilling the criteria of the tripartite representation system in ILO.

542. The Committee suggests that domestic legislation be reviewed with the aim of giving full effect to the principle of non-discrimination against women and that the State party adopt and implement a programme containing specific measures for awareness-raising, aimed at promoting the rights of women and their advancement in all fields of political, economic and social life.

543. The Committee encourages the State party to take legislative measures to guarantee the right of everyone to choose his/her career and workplace.

544. The Committee recommends that the national legislation be reviewed in order to eliminate penalties against persons having travelled abroad in quest of employment and better living conditions.

545. The Committee recommends that the State party review its domestic legislation to bring it in line with the provisions of article 8 of the Covenant with regard to trade union rights, including the right to form independent trade unions and the right to strike.

546. The Committee encourages the State party to provide in its third periodic report data on the conditions for entitlement under the social security system, including for family benefits, benefits for persons with disabilities, and pensions for older persons.

547. The Committee invites the State party to explore the possibility of increasing in due course the budgetary allocations for social expenditure, as well as public assistance for people in need, and of enabling persons looking for employment, particularly women, to find jobs on the territory of the Democratic People's Republic of Korea.

548. The Committee recommends that the State party amend its legislation in order to include specific provisions that can be used as grounds to fight domestic violence.

549. The Committee calls upon the State party to continue its efforts in assisting those children who have suffered from the consequences of natural disasters to return to school.

550. The Committee urges the State party to strengthen its efforts to provide alternative family care for orphans and to include them in the regular school system.

551. The Committee recommends that the State party establish appropriate mechanisms to guarantee equal access for the more vulnerable groups to international food aid and give priority to these groups in food programmes.

552. The Committee recommends that increased attention be paid by the competent authorities to providing adequate nutrition to children suffering from chronic malnutrition as well as adequate

health care, to address the potentially severe consequences on their health.

553. The Committee recommends that the State party take effective measures to improve the conditions of maternal care, including prenatal health services and medical assistance at birth.

554. The Committee recommends that the State party adopt a comprehensive HIV/AIDS prevention strategy, including awareness-raising campaigns and a blood safety programme. The Committee invites the State party to continue and enhance its collaboration with United Nations programmes and specialized agencies, such as WHO, UNDP and UNAIDS. The Committee further recommends that the State party include in its third periodic report statistical data on the incidence of HIV/AIDS and information about the measures undertaken to prevent an epidemic.

555. The Committee recommends that the State party change the present system concerning the education of children with disabilities by allowing these children to be educated in the regular school system. Moreover, the State party should take measures to raise awareness among students, teachers and families of the special needs of these children and train teachers to assist them effectively in regular classes.

556. The Committee is ready, if invited, to send a delegation to visit the Democratic People's Republic of Korea in order to ascertain the realities and the efforts being made by the State party to apply the provisions of the Covenant as well as to offer advice and assistance to the State party in discharging its obligations under the Covenant.

557. While noting with appreciation the State party's commitment to disseminate widely the present concluding observations, the Committee encourages the State party to make them available to all institutions and public authorities dealing with the rights under the Covenant as well as to large segments of the civil society.

558. Finally, the Committee requests the State party to submit its third periodic report by 30 June 2008.

Notes

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²⁹ See *Official Records of the General Assembly, Fifty-sixth session, Supplement No. 40 (A/56/40)*, para. 86.
