

For participants only

CRC/C/Q/DPRK/1
13 June 1997

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD
Sixteenth session
Pre-sessional Working Group
9-13 June 1997

IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF THE CHILD

List of issues to be taken up in connection
with the consideration of the initial report
of the Democratic People's Republic of Korea
(CRC/C/3/Add.41)

General measures of implementation
(Arts. 4, 42 and 44 para. 6)

1. Please explain the status of the Convention vis-à-vis constitutional law and also indicate its status in the event of a conflict with national law.
2. Please indicate whether the Convention has been invoked by the courts, and if so, in what specific areas?
3. With regard to information provided in paragraphs 23 to 28 of the report, please indicate existing or planned national or local machinery for coordinating action on behalf of the child and monitoring the implementation of the Convention.
4. Please indicate whether indicators have been developed and disaggregated data collected concerning the status of all children, including the most vulnerable groups. What difficulties were encountered in the collection and use of these data and indicators for the design of policies and programmes for the effective implementation of the Convention?
5. With regard to information provided in paragraph 26 of the report, please explain the reason why it is the Ministry of Commerce that materially supports child-raising and education facilities.
6. Please indicate the major obstacles, if any, encountered in connection with the implementation of the Convention.
7. Please provide more information about the implementation of article 4 of the Convention in regard to the allocation ^Ato the maximum extent of (...) available resources[@]for the rights of the child, especially in the current difficult economic period.
8. Please indicate what proportion of the national budget is devoted to

social expenditures for children, including health and education, both at central and local levels.

9. What measures have been taken, or are planned, to train professional groups such as: judges, lawyers, law enforcement officials, army officials, personnel working in institutions or other places of detention for children, teachers, health personnel including psychologists and social workers, about the Convention on the Rights of the Child?

- 2 -

10. With regard to information provided in paragraphs 29 to 34 of the report, please indicate what further measures have been planned for creating more widespread awareness and knowledge among adults and children about the principles and provisions of the Convention.

11. What concrete measures are envisaged to make the report widely available to the public at large in the light of article 44 para. 6 of the Convention?

12. To what extent is international cooperation needed to foster the implementation of the Convention?

Definition of the child
(Art. 1 of the Convention)

13. Please provide information on the minimum legal age for legal and medical counselling without parental consent, sexual consent, criminal responsibility, capital punishment, life imprisonment and to give testimony before the court.

General principles
(Arts. 2, 3, 6 and 12 of the Convention)

14. Please indicate to what extent the provisions of article 2 of the Convention are covered in national legislation with regard to all possible grounds for discrimination spelled out in that article.

15. Please describe the measures taken to prevent discrimination against children and their parents or guardians on the grounds of political or other opinion.

16. How are the principles of the "best interests of the child" and the "respect for the views of the child" (arts. 3 and 12 of the Convention) reflected in legislation, or actions undertaken by social welfare institutions, courts of law and administrative authorities? Please provide some examples of implementation of these principle by courts and/or administrative bodies. What concrete measures have been taken to sensitize public opinion to encourage children to exercise their participatory rights?

17. Please indicate in what ways the principle of the "best interests of the child" is made part of the training of judicial personnel.

18. Please indicate ways in which the principle of respect for the views of the child is reflected in practice in all matters affecting the child, including within the family and at school.

Civil Rights and Freedoms
(Arts. 7-8, 13-14 and 37a)

19. With regard to information provided in paragraphs 57 to 61 of the report, please indicate concrete measures taken to implement articles 7 and 8 of the Convention, in particular as regards the reduction of statelessness.

20. With regard to information provided in paragraph 76 of the report, please indicate some examples of foreign publications of which the Government has facilitated the dissemination.

21. With regard to information provided in paragraph 78 of the report, please provide information on concrete measures undertaken to protect children against the harmful influences of the media.

- 3 -

22. Please provide information on the occurrence of maltreatment of children. Have specific programmes for the prevention of ill-treatment of children been developed at the central and local levels? What specific legal provisions exist to protect children from being ill-treated in their homes or boarding institutions? Are there complaints procedures which can be used by children themselves against abuses? Have any cases of ill-treatment of children been submitted to the national courts?

23. Have any cases been reported of children who have been the victims of torture or other cruel, inhuman and degrading treatment? If so, please provide information on such cases. Please indicate the measures taken and resources committed for implementing the provisions of article 37 (a) of the Convention. Please indicate if penal legislation prohibits acts of torture.

Family environment and alternative care
(Arts. 5, 18 paras. 1 and 2, 9-11, 27 para. 4,
20-21, 19 and 39 and 25 of the Convention)

24. Please supply information on the legal status of children born out of wedlock.

25. Please describe the protection measures in place to support the family, especially in the case of single-parent families.

26. Please specify what provisions guarantee parental authority and visiting rights when parents are living separately or in the case of divorced couples where each partner has established a new home. What, in particular, is the situation of the father?

27. With regard to information provided in paragraph 102 of the report, please indicate measures undertaken by the Government to reunify families separated since the 1950 Korean war.

28. Please indicate the present policy of the authorities in relation to the choice between institutional care and care in foster homes or similar arrangements.

29. What measures have been taken to prevent and monitor sexual abuse, in the family as well as in State institutions/boarding schools/juvenile detention centers?

30. With regard to information provided in paragraph 107 of the report, please indicate existing or foreseen mechanisms to monitor institutions of alternative care.

31. With regard to information provided in paragraph 111 of the report, please indicate how the principles of the Best interests of the child and the respect for the views of the child are taken into account in any decision relating to the annulment of an adoption.

Basic Health and welfare
(Arts. 6, para 2, 23, 24, 26
and 18 para. 3 and 27 paras. 1-3)

32. With regard to information provided in paragraphs 136-140, please indicate if any surveys have been conducted regarding the number of children with disabilities and their particular problems. Please provide any available data focusing on child disability.

33. Please provide further information on policies and programmes for children with mental health problems.

34. Please give additional information on the measures taken to provide easy access to basic services, including health and education, to children with disabilities living in rural or remote areas.

- 4 -

35. In view of the dramatic consequences of the floods of 1995 and 1996, please indicate the measures taken by the local and central authorities to limit as much as possible the impact of those natural disasters on the health of children, especially the occurrence of malnutrition. Is international assistance needed in this area?

36. Please indicate what facilities and programmes exist in the field of mental and psychological health of children.

37. Have measures been taken to tackle environmental problems such as excessive residual pesticides, which are damaging both child and maternal health? Have any targets been set for improvements in the environmental situation? Is international cooperation needed for the improvement of environmental health for children?

Education, leisure and cultural activities
(Arts. 28, 29 and 31)

38. Please indicate to what extent school curricula have been adjusted since the ratification of the Convention on the Rights of the Child, to give room for education about human rights, in particular children's rights.

39. What portion of the national budget is allocated to primary compulsory education? What are the major items in the education budget?

40. Please indicate the impact of the recent floods and present difficult economic situation on the enjoyment by children of the right to education.

41. With regard to information provided in paragraph 171 of the report, please provide more detailed information on the meaning of raising All children to be strong, independent and creative people and real masters of the country and the society@

42. Please specify if corporal punishment is allowed in schools. Do monitoring mechanisms function for the consideration of such violations?

Special protection measures

(Arts. 22, 30, 32-40)

43. Please provide further information, in the light of articles 37, 40 and 39 of the Convention (see para. 193), in particular on:

- a) the use of arrest, detention or imprisonment of a child as a measure of last resort and for the shortest period of time;
- b) the possibility to have a prompt access to legal and other appropriate assistance, as well as for challenging the legality of the deprivation of liberty before a court or other competent, independent and impartial authority, and of having a prompt decision thereon;
- c) the right of the child alleged as, accused of or recognized as having infringed the penal law to be treated in a manner consistent with the child's sense of dignity and worth, which reinforces the child's respect for human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society;
- d) alternative measures to institutional care made available to deal with such children in a manner appropriate to their well-being; and

- 5 -

- e) the establishment of laws and procedures specifically applicable to children alleged as, accused of or recognized as having infringed the penal law, in the light of article 40, para. 3 of the Convention.

44. With regard to the situation of children in prison, please provide

additional information (see para. 194), in particular, on the following issues:

- the type of institutions that exist for the custody of young law offenders and what specific rules there are for their treatment;
- the opportunities for the contact with families;
- the separation of child detainees from adult ones;
- the way the conditions in such institutions are monitored;
- the guarantees to ensure the periodic review of placement;
- the complaint procedures in cases of ill-treatment;
- the education, health and other facilities in these institutions.

45. With regard to information provided in paragraphs 87 and 194 of the report, please give additional information on the alternatives to imprisonment for children aged 16-17 who have committed an offence. Please indicate the measures taken to ensure the social reintegration of these children, preferably in their own environment.

46. Please indicate if any comprehensive study has been undertaken on the existence and scale of sexual abuses within and outside the family environment in light of the recommendations formulated in the Agenda for Action adopted at the Stockholm World Congress against Commercial Sexual Exploitation of Children.