

Universal Periodic Review
(19th session, May –June 2014)
Contribution of UNESCO to Compilation of UN information
(to Part I. A. and to Part III - F, J, K, and P)

Democratic People's Republic of Korea

I. BACKGROUND AND FRAMEWORK

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

I.1. Table:

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

II. Input to Part III. Implementation of international human rights obligations, taking into account applicable international humanitarian law to items F, J, K, and P

Right to education

Constitutional Framework:

2. The Constitution of the Democratic People's Republic of Korea of 1998¹ enshrines the right to education in its **Article 73**, which states that "Citizens have the right to education. This right is ensured by an advanced educational system and by the educational measures enacted by the State for the benefit of the people." Moreover, according to **Article 44**, "The State shall give precedence to public education and the training of cadres for the nation and combine general education with technological education, and education with productive labor". In addition, **Article 45** provides that "The State shall develop universal compulsory 11-year education which includes a compulsory one-year preschool education at a high level in accordance with the trend of modern science and technology and the practical requirements of socialist construction." **Article 47** adds that "The State shall provide education to all pupils and students free of charge and grant allowances to students of universities and colleges." With regard to preschool education, **Article 49** states that "The State shall maintain all children of preschool age in creches and kindergartens at State and public expense."

3. Besides, **Article 46 provides that** "The State shall train competent technicians and experts by enhancing the regular educational system as well as different forms of study while working, and by improving the scientific and theoretical levels of technical education and education on social science and basic science." **Article 48 adds that** "The State shall strengthen social education and provide the working people with all available conditions for study." **Article 50 states that** "The State shall establish *Juche*² in scientific research, introduce advanced science and technology in every possible way, open up new areas of science and technology and raise the country's science and technology to the world level." and **Article 51 adds that** "The State shall draw up a proper plan for scientific research work, consolidate creative cooperation between scientists, specialists and producer masses".

4. Regarding the principle of equality, **Article 65** provides that "Citizens enjoy equal rights in all spheres of State and public activities." Besides, according to **Article 77**, "Women are accorded an equal social status and rights with men. The State shall afford special protection to mothers and children by providing maternity leave, reduced working hours for mothers with many children, a wide network of maternity hospitals, creches and kindergartens, and other measures. The State shall provide all conditions for women to play a full role in society." In addition, **Article 73, Chapter 5** of the Socialist Constitution of the Democratic People's Republic of Korea stipulates: "Citizens shall have right to education. This right shall be guaranteed by the advanced education system and people-oriented educational policies of the state."

¹ http://www.novexcn.com/dprk_constitution_98.html

² *Juche* is a Korean word, meaning "Main subject". (source Wikipédia)

Legislative Framework³:

5. The basic legislative framework for education in DPR of Korea is made up of:
- The **1999 Law on Education** (adopted by the **Decree no. 847** of the Presidium of the DPRK Supreme's People Assembly in July 14, 1999).
 - The **1976 Law on the Nursing and Upbringing of Children of the DPRK⁴**.
 - The **1946 Law on Gender equality⁵**.
 - The **2003 Law on the protection on the person with disability⁶**.

Policy Framework:

6. **National Plan of Action for EFA for the period up to 2015⁷** aimed at ensuring the working people full access to education and improving the quality of education for all. According to it, the Plan will be implemented throughout the country on the basis of the government policy of giving primary importance to education and the state laws and regulations, including the DPRK Socialist Constitution, the Law on Sex Equality, the Law on Nursing and Upbringing of Children, the Education Law and the Family Law.

- Compulsory Education

7. The DPRK introduced the 11-year compulsory education system in September 1972. It comprises 1 year of preschool compulsory education and 10 years of compulsory school education (4 years of primary and 6 years of secondary education) from 5 to 16.⁸

- Preschool Education

8. The state set the principle to build nurseries and kindergartens wherever there are children to bring them up at the cost of the state and the public. Thanks to this measure the whole country could have a close network of nurseries and kindergartens throughout the country even in the countryside, fishermen and forestry workers' villages. In addition to daily nurseries and kindergartens the DPRK has implemented weekly nurseries and kindergartens for working mothers in urban areas and 10-day kindergartens in the countryside. Nurseries consist of nursing

³ National Report on the Development of Education in the Democratic People's Republic of Korea submitted for the 48th International Conference on Education, 2008,

http://www.ibe.unesco.org/National_Reports/ICE_2008/koreaDPR_NR08.pdf

⁴ National Report on the Development of Education in the Democratic People's Republic of Korea submitted for the 48th International Conference on Education., 2008

http://www.ibe.unesco.org/National_Reports/ICE_2008/koreaDPR_NR08.pdf

⁵ National Report on the Development of Education in the Democratic People's Republic of Korea, 2004

http://www.ibe.unesco.org/National_Reports/ICE_2004/dprkorea.pdf

⁶ <http://www.naenara.com.kp/ko/kfpd/index.php?groupID=2>

⁷ <http://planipolis.iiep.unesco.org/upload/Korea%20DPR/Korea%20DPR%20NPA%20EFA.pdf>

⁸ National Report on the Development of Education in the Democratic People's Republic of Korea submitted for the 48th International Conference on Education, 2008

http://www.ibe.unesco.org/National_Reports/ICE_2008/koreaDPR_NR08.pdf

class, weaning class, education class and preparatory class. The Kindergarten has a junior class and a senior class. There are also orphanages and baby homes for those who cannot receive the care of parents, which means that all children are receiving preschool education without discrimination.⁹ See also the **Law on the Nursing and Upbringing of Children of the DPRK**.

- **Inclusive education**¹⁰

9. Some children are in difficult education conditions as they live in remote mountains villages or isolated islands or as they don't have parents or legal guardians. To ensure them access to education, some branch schools are set up and teachers are assigned even for 3-4 children in mine and forestry villages and in lighthouse islands far away from the main island; trains, buses, ships and cars are provided for children who have to go a long way to school.

10. Blind or dumb children go to schools that were set up especially for them and children without a limb or with minor handicaps are mainstreamed in regular schools with ordinary children.

Cooperation:

11. DPR of Korea is not party to UNESCO's Convention against Discrimination in Education (1960). DPR of Korea submitted a national report for the Eight Consultation on the measures taken for the implementation of the Convention and Recommendation against Discrimination in Education (covering the period 2006-2011). However, it did not report for the:

- Sixth Consultation of Member States (covering the period 1994-1999).
- Seventh Consultation of Member States (covering the period 2000-2005).

12. DPR of Korea did not report within the framework of the Fourth consultation of Member States the measures taken for the implementation of the 1974 UNESCO's Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms (covering the period 2005-2008). DPR of Korea has not yet reported within the framework of the Fifth Consultation of Member States the measures taken for the implementation of the 1974 Recommendation (covering the period 2009-2012).

13. DPR of Korea reported within the framework of the Second Consultation (2011) on the measures taken for the implementation of the 1976 Recommendation on the Development of Adult Education. However, it did not report for the First Consultation (1993).

14. DPR of Korea is not party to 1989 UNESCO's Convention on Technical and Vocational Education.

Cultural rights

Normative Framework: constitutional and legislative frameworks

⁹ Ibid.

¹⁰ Ibid.

15. The 1972 Socialist Constitution of the Democratic People's Republic of Korea considers the cultural well-being of its citizens as a fundamental right. The State has the obligation to guarantee it (art. 64). In its chapter 3 devoted to culture, the Constitution states that the State has the obligation to protect its cultural heritage (art. 41), to encourage the creativity of its population (art. 52) and to provide cultural facilities for its citizens (art. 53). Specific mention is made for the protection of the Korean language (art. 54).

Institutional Framework:

16. The Ministry of Culture and the National Administration for the Protection of Cultural Heritage (NAPCH – formerly NBCPC) are the responsible entities in charge of the implementation of the two UNESCO conventions (1972 and 2003) ratified by DPRK together with local level entities. The DPRK has established a section within NAPCH dedicated to the safeguarding of the intangible heritage of DPRK.

Policy measures:

17. Following the ratification of the 2003 Convention, DPR of Korea has established an expert group and has welcomed trainings and capacity-building to align national practices to international standards. Regarding the 2005 Convention, the DPR of Korea has foreseen the organization of national workshop to raise awareness on the value of becoming party to. The DPR of Korea gives due attention to professional training of youth in music, dance, the performing arts etc. Annual international events such as the International Film Festival, the Spring/Autumn Arts Festivals reflect this commitment. There are international exchanges with DPRK in terms of cultural education, cultural exchange and cultural cooperation. Women and girls are acknowledged, with a fair percentage of women and girls engaged in the cultural fields, *i.e.* music education (conductors, singers, dancers), heritage management etc... Young people are also acknowledged as important actors in cultural life and society. The DPRK is undergoing changes and is currently at a kind of crossroad in terms of key relationships and its direction for the future. Culture can and should play a major role in these changes considering the country's investment in key cultural sectors. The support of the UN system and UNESCO is needed to use culture as an instrument of development, international cooperation as well as dialogue.

Work with civil society:

18. The civil society is engaged in the protection and promotion of cultural heritage sites, including the World Heritage site of Koguryo Tombs. The fair availability of cultural infrastructure and institutions, such as museums, theatres etc. provide, to a certain degree, opportunities for the civil society to take part in cultural life.

Freedom of opinion and expression

Constitutional and Legislative Framework:

19. Freedom of expression and press freedom are severely limited in the country. Under the Penal Code, it is considered “crimes against the state” to listen to unauthorized foreign broadcasts and possessing dissident publications, where such offenses are punishable with hard labour, prison sentences and the death penalty.

20. A freedom of information law does not currently exist in the country.

Media Self-Regulation:

21. Media self-regulatory mechanisms are nonexistent in the country.

Safety of Journalists:

22. UNESCO recorded no killing of journalists in DPR of Korea between 2008 and 2012. Journalists are not able to work in a free and independent environment.

III. RECOMMENDATIONS

Right to education

23. DPR of Korea should be encouraged to ratify the 1960 UNESCO Convention against Discrimination in Education.
24. DPR of Korea should be encouraged to submit state reports for the periodic consultations of UNESCO's education related standard-setting instruments.
25. DPR of Korea could be encouraged to intensify its efforts to ensure education for all through the system of 11 years of free, compulsory and universal education and to remove the burden of additional costs of schooling.
26. DPR of Korea could be encouraged to continue to allocate increased resources for better quality of education and for a more inclusive education system.

Freedom of opinion and expression

27. Democratic People's Republic of Korea is encouraged to implement reforms to bring the country's laws and practices, including the Penal Code, in line with international standards for press freedom and freedom of expression.

Democratic People's Republic of Korea is encouraged to initiate the introduction of a freedom of information law, in accordance with international standards.

Freedom of scientific research

28. With regard to contribution of science and technology to development, Democratic People's Republic of Korea is encouraged to report to UNESCO within the framework of the on-going consultations with Member States on the monitoring of the implementation and a possible revision of the 1974 Recommendation on the Status of Scientific Researchers, in particular on the measures undertaken in the country to implement such principles of the Recommendation as the obligation of state authorities to ensure that scientific researchers have the responsibility and the right to work in a spirit of intellectual freedom; to participate in the determination of the aims, content and methods of research, which should be compatible with respect for universal human rights and fundamental freedoms, as well as ecological and social responsibility; to creativity,

occupational mobility, international cooperation for furtherance of international peace, cooperation and understanding, etc.