

Ending family violence in the Democratic People's Republic of Korea – challenging physical punishment of girls and boys



Information for the Committee on the Elimination of Discrimination Against Women, Pre-Sessional Working Group for the 68th session, from the Global Initiative to End All Corporal Punishment of Children (www.endcorporalpunishment.org), January 2017

Introduction: violence against children in their homes in DPR Korea and CEDAW's examination of the second/fourth state party report

Children in DPR Korea can be lawfully subjected to corporal punishment by parents and carers. The Government's international obligations must be fulfilled – immediate prohibition of corporal punishment must be enacted.

We hope the Committee on the Elimination of Discrimination Against Women will raise the issue of violent punishment of girls and boys in its examination of DPR Korea. In particular, we hope the Committee will:

- **in its list of issues for DPR Korea, ask the Government what progress is being made towards the prohibition of violent punishment of girls and boys; and**
- **in its concluding observations on the second/fourth state party report, recommend that DPR Korea take immediate action to ensure that *no* form of violence within the domestic sphere is condoned, including by parents against their children, and that legislation is enacted prohibiting all corporal punishment of children in all settings.**

The remainder of this briefing provides the following further details:

1. The current law relating to family violence and corporal punishment of children in DPR Korea
 2. Treaty body and UPR recommendations on the issue made to DPR Korea to date.
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1 Laws on the use of force in “correcting” children in DPR Korea

- 1.1 Corporal punishment is lawful in the home. Provisions protecting children from violence and abuse in the Family Law 1990 (amended 2004), the Criminal Law 1974 (amended 2011), the Law on Nursing and Upbringing of Children 1976 and the Law on the Protection of Women’s Rights 2010 do not prohibit all corporal punishment in childrearing. The Law on the Protection of Children’s Rights 2010 reportedly states in article 43 that “children shall not be subject to abuse, indifference, verbal abuse, interrogations or beatings within the family”.¹ We are currently seeking to verify this information. There is no suggestion that the law prohibits all forms of corporal punishment, however light.
- 1.2 **We hope the Committee will raise the issue of corporal punishment of children in its review of DPR Korea, and remind the state party of its international obligations. We further hope that the Committee will recommend that the Government immediately enact legislation explicitly prohibiting corporal punishment of children in all settings.**

2 Recommendations by human right treaty monitoring bodies and during the Universal Periodic Review

- 2.1 **CRC:** The Committee on the Rights of the Child has three times recommended prohibition and elimination of corporal punishment in the home and other settings in DPR Korea – following examination of the initial state party report in 1998, the second report in 2004 and the third/fourth report in 2009.²
- 2.2 **UPR:** The Government accepted a recommendation to enact and implement prohibition of corporal punishment of children in all settings during the Universal Periodic Review process in 2014.³

Briefing prepared by the Global Initiative to End All Corporal Punishment of Children
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¹ Information submitted to UPR-info.org by the Citizens’ Alliance for North Korean Human Rights, June 2012

² 5 June 1998, CRC/C/15/Add.88, Concluding observations on initial report, paras. 13 and 26; 1 July 2004, CRC/C/15/Add.239, Concluding observations on second report, paras. 7, 36 and 37; 27 March 2009, CRC/C/PRK/CO/4, Concluding observations on third/fourth report, paras. 36, 37, 70, 72 and 73

³ 5 May 2014, A/HRC/WG.6/19/L.8 Advance Unedited Version, Draft report of the working group, para. 124(112); and 12 September 2014, A/HRC/27/10/Add/1, Report of the working group: Addendum, para. 10