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# The Child Care Policy of the Kim Jong-un Regime Examined through the Enactment of the Child Care Law

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North Korea's Child Care Law was adopted at the 6<sup>th</sup> meeting of the 14<sup>th</sup> term of the Supreme People's Assembly (SPA) this past February. The outline of the law has recently been disclosed through the Rodong Sinmun. The Child Care Law reflects the child care policy announced at the 3<sup>rd</sup> plenary meeting of the 8<sup>th</sup> term of the Central Committee of the Workers' Party of Korea (WPK) held in June 2021, and is a law that concentrates on the project of child care as a 'subsidiary law' to the Law on the Nursing and Upbringing of Children enacted in 1976. The law embodies the child care policy of the Kim Jong-un regime. It obligates the state to pay for the regular supply of milk and other nutritional products for all children and supports the normal operation of daycare centers and kindergartens nationwide. The Kim Jong-un regime has focused on child care policy for the following three reasons. First, child care policy facilitates the 'healthy' reproduction of the population and provides the foundation for potential growth, both of which support sustainable growth under the Kim Jong-un regime. Second, child care policy is an exhibitory accomplishment that can legitimize the regime's 'people-first principle.' Third, child care policy seeks greater unity of the system through the restoration of the 'socialist extended family' by emphasizing the role of the 'motherly party' and the 'fatherly dear leader' as guardians of children. Although the law may appear to reduce the burden of child care among women on the surface, it may actually increase their burden as they are forced to participate in involuntary mobilization of labor.

## Context of the Child Care Law

North Korea's Child Care Law was adopted in February 2021 at the 6<sup>th</sup> meeting of the 14<sup>th</sup> term of the Supreme People's Assembly (SPA). The law is significant as it is the first act of legislation that comprehensively defines child care by the Kim Jong-un regime. The origins of the law can be traced back to the 3<sup>rd</sup> plenary meeting of the 8<sup>th</sup> term of the Central Committee of the Workers' Party of Korea (WPK) held in June 2020. The meeting had been held to offer a midterm review of progress made on projects in 2021, the first year of the new five-year national economic development plan. The agenda for the meeting consisted of the following six items; assessment of the first half of 2021 and policy direction for the latter half of the year, food, preventative measures against the pandemic, analysis and response to international politics, child care policy, and organizational issues. What particularly drew much attention was the unprecedented nature of child care policy being addressed as a major issue at an important political event such as the plenary meeting of the Central Committee.

At the time, Kim Jong-un stressed the importance of child care policy by stating that guaranteeing the conditions necessary for the growth and development of children was "a policy of the highest priority and a long-standing aspiration of both the party and the state" despite its burden on the national budget. Consequently, a decision was adopted to revise and improve the Party's child care policy so that milk and other nutritional products could be provided to children nationwide and be paid for by the state. A firm legal status and the legal grounds on which specific measures are to be implemented were provided 8 months later with the adoption of the Child Care Law by the SPA in February earlier this year. By quoting the words of the director of legal research at the North Korean Academy of Social Sciences, a news article explained that the Child Care Law was "adopted to reflect the child care policies proposed at the 3<sup>rd</sup> plenary meeting of the 8<sup>th</sup> term of the Central Committee of the WPK."<sup>1)</sup>

There were two main reasons why child care policy was discussed as a major

political agenda during the first year of the new five-year national economic development plan, as well as why the Child Care Law was adopted soon thereafter. First, it is an emergency measure to mitigate the vulnerabilities of children amidst a situation so severe that warrants a preparation for a possible second Arduous March against the backdrop of COVID-19 pandemic, closure of borders, and sanctions. This is based on the lessons learned from the original Arduous March during which one of the consequences that impacted the entire country was the failure to ensure a healthy reproduction of the population due to the loss of many children to famine.<sup>2)</sup> Therefore, the Child Care Law legally codifies the resolve of the state in fulfilling its responsibility to provide the minimal amount of nutrition to children in the most pivotal ages of growth and development in daycare centers and kindergarten.

The second reason is the unavoidable need to mobilize the female workforce as key actors in the new five-year national economic development plan, the success of which is crucial for confirming the legitimacy of the policy of self-reliance. Female labor is required in large quantities to meet the plans set for the agricultural and light-industry sectors, the two industries that are directly related to the lives of the people. This, in turn, raises the practical issue of the state needing to solve the challenges of child care to utilize young married women in the workforce. Through the Arduous March, the system of free child care provided by the state<sup>3)</sup> collapsed due to the worsening national budget, and it became normal for households to raise children at home rather than send them to daycare centers. Even in cases where parents needed to send their children to these facilities, individual parents

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- 1) “The Laws of Love that embody the Noble Views of Future Generations of the Motherly Party – Reflections on the Articles included in the Child Care Law of the Democratic People’s Republic of Korea newly adopted at the 6<sup>th</sup> Meeting of the 14<sup>th</sup> Term of the Supreme People’s Assembly (SPA),” *Rodong Sinmun*, March 12, 2022, page 1.
  - 2) Here, the word ‘consequences(후과, 後果)’ is used in a negative sense, indicating the negative outcomes caused by a particular event or incident.
  - 3) Article 2 of North Korea’s Law on the Nursing and Upbringing of Children adopted in 1976 stipulates that the state and society must bear the cost of raising all children at daycare centers and kindergartens, thereby legally pursuing a system of free child care.

bore most of the economic burden to cover necessary expenses. Therefore, the system of free child care needs to be normalized in order to return women to the workforce. While the Child Care Law may appear to contribute to a lesser burden of child care for mothers on the surface, there is also the need to pay attention to the reality of increasing pressure on women that are compelled to comply with involuntary mobilization of labor.

### Main Contents of the Child Care Law

The outline of the Child Care Law has recently been revealed through a news article explaining the law published on the front page of the *Rodong Sinmun*.<sup>4)</sup> By citing an executive of the SPA, the article explained the legal status and purpose of the Child Care Law as a ‘subsidiary law’ to the Law on the Nursing and Upbringing of Children to “regulate the production and supply of nutritional foods for children and to maintain order regarding the fostering of an environment for the nurturing of children.” If the existing Law on the Nursing and Upbringing of Children is a comprehensive law that broadly oversees the education and nurturing of children, the newly enacted Child Care Law differs by specifically addressing issues related to child care.

According to the news report mentioned above, the Child Care Law consists of 4 sections and 61 articles that cover rules on the basic principles of child care, the production and supply of nutritional foods for children, guaranteeing the conditions for the nurturing of children, as well as guidance and control regarding child care. Among these, the news report discussed articles 2 and 3 in detail.

First of all, article 2 of the Child Care Law states the principle that “the state shall systemically organize the system of production and supply of nutritional foods

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4) “The Laws of Love that embody the Noble Views of Future Generations of the Motherly Party – Reflections on the Articles included in the Child Care Law of the Democratic People’s Republic of Korea newly adopted at the 6<sup>th</sup> Meeting of the 14<sup>th</sup> Term of the Supreme People’s Assembly (SPA),” *Rodong Sinmun*, March 12, 2022, page 1.

for children to regularly supply nutritional products including milk to every child for free so that the most optimal conditions for child care are guaranteed.” The article also emphasized the prioritization of child care policy by claiming that “the project to normalize the provision of milk products for children is of the utmost priority and absolute” even among the various projects included in the new five-year national economic development plan. But compared to how articles 15 and 16 of the Law on the Nursing and Upbringing of Children each respectively specify the supply of food for children and the guarantee of milk, meat, eggs, fruits, vegetables, and processed foods such as candy, the fact that the new Child Care Law only mentions the supply of ‘milk and other nutritional foods’ reveals the actual limitations of the state.

Article 3 of the Child Care Law stipulates that “child care is both a nationwide and society-wide project, and the state and society bearing the financial responsibilities of raising children is an important communist policy.” In particular, the article stressed that the Law on the Nursing and Upbringing of Children was adopted earlier than both the Labor Law and Health Care Law, each enacted in 1978 and 1980, respectively. This appears to be intended to highlight the tradition of ‘caring for future generations’ within the North Korean regime by emphasizing how the legal system for children was primarily created among the two other social legal frameworks that demonstrate the superiority of the socialist system.

Section 3 of the Child Care Law regulates the designation of supporting organizations for daycare centers and kindergartens and ways to encourage support. Specifically, this section includes articles on how the months of August and September are to be designated as months for supporting daycare centers, and how March and October are to be months for supporting schools as a way to actively facilitate a society-wide project of supporting daycare centers and kindergartens. This can be interpreted as a policy initiative to actively utilize social resources since the needs of child care can not be fully met by the government due to budget restrictions. However, the overall society’s burden is expected to increase given how the designation of supporting organizations and support for daycare centers

and kindergartens have been codified through law. Support will come from traditional institutions such as organizations, corporations, factories, farms, and other social organizations, as well as sometimes from new wealthy individuals such as *Donju* (North Korea's emerging moneyed class), and their responsibilities are expected to increase.

Also noteworthy is an article that specifies how local people's committees, relevant organizations, and corporations must choose "a suitable location with satisfactory natural conditions and appropriate health and sanitation conditions that have adequate sunshine and a good flow of fresh air, are free from dust and noise, and are a certain distance away from roads, reservoirs, and rivers" when building daycare centers and kindergartens. There is also an article that stipulates how facilities, equipments such as musical instruments, toys, play sets, publications, and water and room temperature must be normally guaranteed to meet the standards set by the state, and a separate article that stipulates how daycare centers must first be guaranteed a normal supply of electricity, coal, firewood, and gas necessary for heating and cooking. These two articles are examples of how, compared to the Law on the Nursing and Upbringing of Children, the Child Care Law intends to be more effective by detailing conditions and standards more specifically.<sup>5)</sup>

But there are also several articles in the new Child Care Law that overlap with the existing Law on the Nursing and Upbringing of Children. For example, the Child Care Law includes an article that states that cultural and artistic organizations as well as related institutions must contribute to the nurturing and education of children by creating various arts and literature for children in the form of cartoons, songs,

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5) For example, article 13 of the Law on the Nursing and Upbringing of Children notes that "government organizations and social corporative organizations must build modern daycare centers and kindergartens with equipment for children's education as well as physical activities and play at the best locations and provide these facilities with musical instruments, toys, publications, and other educational materials." Meanwhile, article 23 stipulates that "the environment for children must be kept clean while the temperature and humidity must be set appropriately so that the nurturing of children through air, sunshine, water, medical supplies, and equipment for physical education must be provided according to a child's age and physical status." Compared to these articles, the new Child Care Law specifically obligates the state to clearly define these standards and ensure that these conditions are met.

dances, children's songs, children's poems, children's stories, and picture books that accommodate the psychological needs of children. However, this article is almost identical to article 53 of the Law on the Nursing and Upbringing of Children that states how "cultural institutions must create various revolutionary art products for the nurturing and education for children in the form of films, songs, dances, children's poems, and children's stories."

### **Characteristics of the Kim Jong-un Regime's Child Care Policy**

The child care policy of the Kim Jong-un regime since last year has demonstrated a model policy process in the order of "decision made by the party, legislation by the SPA, and the formation of project teams within the cabinet as well as support from outside organizations." As an example, the Party, cabinet, and outside organizations have performed in a perfectly synchronized manner to guarantee the regular supply of milk products to all children at daycare centers and kindergartens, one of the main objectives proposed in the Child Care Law.

The issue of providing milk and other nutritional products to children nationwide was discussed and decided at the 3<sup>rd</sup> plenary meeting of the 8<sup>th</sup> term of the Central Committee of the WPK. The responsibility of the state to provide these products and improve conditions for the nurturing of children was subsequently codified into law at the 6<sup>th</sup> meeting of the 14<sup>th</sup> term of the SPA. Soon thereafter, the cabinet ordered central organizations that oversee the progress of projects to each support individual cities and districts to construct production facilities for milk products. These central organizations systematically assumed their responsibilities by first calculating the amount of milk needed based on the number of children in each area, and then deciding the number of goats and the size of pasturage as well as determining the location of new goat farms that needed to be constructed. The National Bureau of Architecture and the Institute for Livestock Planning under the Committee on Agriculture is creating standard designs for the construction of goat farms, while the Han Duksu Pyongyang University of Light Industry has designed blueprints for

equipment to manufacture powdered milk that has been distributed to every province. Furthermore, the Ministry of Food and Consumer Goods Industries has produced equipment to manufacture powdered milk and has supplied them to every region. The Union of Agricultural Workers of Korea has assisted these efforts by promoting a socialist competition movement to increase the production of milk products at farms by raising more dairy cattle and goats.

Why has the Kim Jong-un regime been so invested in child care policy? First, child care policy is directly related to the ‘healthy’ reproduction of the population and cultivating the foundation for potential growth in the future, both of which support sustainable growth under the Kim Jong-un regime. The lesson from the ‘Arduous March’ from the perspective of demographics is that strengthening economic growth and the power of the state is impossible without the healthy reproduction of the population. The article published in the Rodong Sinmun mentioned above also illustrated the hope that the growth of the children that benefit from the Child Care Law will result in “a more lively and vibrant society and the further strengthening of the state,” 20 to 30 years later. As a consequence of the drastic destabilization of the foundations of child care and education due to the Arduous March, the Kim Jong-un regime faces difficulties associated with a lack of human resources necessary for economic development. Such circumstances are also the reason why ‘cultivating talented individuals’ frequently appears as a policy keyword under the Kim Jong-un regime. Therefore, an emphasis on child care policy is closely tied to the ‘healthy’ reproduction of the future generation as the regime enters its second term following the 8<sup>th</sup> Party Congress of the WPK.

Second, child care policy is an important exhibitory accomplishment that can prove the legitimacy of the Kim Jong-un regime’s ‘people-first principle.’ The Child Care Law stipulates how regularly providing milk and other nutritional products to all daycare centers and kindergartens nationwide paid for by the state is the first obligation. This parallels how the Kim Jong-un regime has concentrated all its efforts on increasing agricultural productivity and on the issue of food in general as these goals are crucial to fulfilling the principle promise of ‘improving the lives of the

people' that the regime has stressed from the beginning of its rule. There is the perception that the legitimacy of the 'people-first principle' can not be obtained without the state solving the issue of food among both children and ordinary citizens alike.

Third, child care policy strengthens the unity of the system through the 'socialist extended family' as the traditional roles of the 'motherly party' and the 'fatherly dear leader' are restored as the 'guardians' of children. The relationship between the party and the state with its people is that of a guardian and their ward. The party and the state fulfill their role as guardians by providing and caring for the lives of the people, and the people remain loyal to the party and the state in return. This traditional relationship, however, deteriorated badly during the Arduous March. The '*Jangmadang* (market) generation' and beyond grew up without the proper protection of the party and the state through 'policies of the socialist system.' Therefore, their solidarity with the system and a sense of responsibility has inevitably weakened. The Child Care Law includes a political motive insofar it seeks to reinforce the unity of the system by demonstrating how the party and the state are responsible for the people. This restores the socialist extended family and normalizes the role of guardian of children of the party and the dear leader.

## Recommendations

The stalemate in inter-Korean relations has become prolonged, and progress appears to be more difficult as not only regional dynamics surrounding the Korean Peninsula but also global affairs have worsened. Military tensions have increased as North Korea has continued to test advanced strategic missiles since the beginning of 2022. There is also a widespread pessimism that resolving the North Korean denuclearization issue has become more challenging with Russia's invasion of Ukraine. Rather than improve, the global health care crisis precipitated by COVID-19 continues to rage on in the third year of the pandemic without an end in sight.

Earlier this year, North Korea partially lifted its border closures and restarted

its operation of freight trains to allow some materials to enter the country. Recently, it has been reported that humanitarian aid sent to North Korea last year by international organizations has started to be distributed to health care and nutritional facilities after completing quarantine and disinfection measures. It has also been reported that combination vaccines provided by UNICEF arrived in North Korea from China via train in late February and are currently undergoing quarantine procedures. The gradual lifting of the border that has been entirely closed over the past two years is a hopeful change from a humanitarian perspective.

Behind the North Korean regime's rhetoric that advertises child care policy as the 'most important policy of the party and the state' among the various projects listed in the new five-year national economic development plan, it can be assumed how difficult the situation is for vulnerable members of the North Korean society including children but also pregnant women, the elderly, and the disabled. The stock of food possessed by the people of North Korea slowly starts to dwindle in the spring. This means that it is also the time when outside humanitarian assistance is needed the most. Humanitarian assistance in the form of necessary nutritional products and medical supplies for not only children but also other vulnerable members of the North Korean society needs to resume soon. This essay supports the South Korean government's position that humanitarian aid must be pursued and provided in a timely manner regardless of the political, military, and security situation in the hopes of change. ©KINU 2022

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