

## **THE CONVENTION ON THE RIGHTS OF THE CHILD AND NORTH KOREA: HOW NORTH KOREA IS VIOLATING A CHILD’S RIGHT TO QUALITY EDUCATION**

Tom Papain\*

In his work *Theses on Socialist Education*, Kim Il Sung, the former leader of the Democratic People’s Republic of Korea, clearly laid out his philosophy on education:

*[P]olitical and ideological education is the most important part of socialist education. Only through a proper political and ideological education is it possible to rear students as revolutionaries, equipped with a revolutionary world outlook and the ideological and moral qualities of a communist. And only on the basis of sound political and ideological education will the people’s scientific and technological education and physical culture be successful.*<sup>1</sup>

Given the Worker’s Party’s idealization of Kim Il Sung as the “respected supreme leader” of the Democratic People’s Republic of Korea<sup>2</sup> (hereafter “North Korea”), who against all odds defiantly and courageously opposed the “imperialist Japanese”<sup>3</sup> and “American rogues”<sup>4</sup>, it should come as no surprise that, to this day, the principles set forth in Kim Il Sung’s *Theses on Socialist Education* are the driving force behind the curriculum of every school, every grade, and every

---

\* Tom Papain, Law Clerk at Kramer, Diffof, Livingston & Moore, J.D., Student at Fordham University Law School.

<sup>1</sup> Savada, A. M., *North Korea: A Country Study*, Washington: GPO for the Library of Congress, 1993, at <<http://countrystudies.us/north-korea/42.htm>> citing Kim Il Sung’s *Theses on Socialist Education*, written on September 5th, 1977.

<sup>2</sup> Martin, B. K., *Under the Loving Care of the Fatherly Leader: North Korea and the Kim Dynasty* 59, St. Martin’s Press, New York, 2006.

<sup>3</sup> Hyung-chan and Kim, D., *Human Remolding in North Korea: A Social History of Education*, University Press of America, Inc., Maryland, 2005, at p. 200

<sup>4</sup> *Ibid.*, at p. 208.

course in North Korea.<sup>5</sup> Whether it be a kindergarten class on “The Respected Supreme Leader Generalissimo Kim Il Sung’s Childhood Days”<sup>6</sup>, or a simple first-grade math textbook,<sup>7</sup> language can be found which is intended to indoctrinate the North Korean youth.<sup>8</sup> And although Kim Il Sung’s views on education were codified in part in a law passed by the Supreme People’s Assembly a year earlier on April 29th, 1976,<sup>9</sup> his treatises were the first truly cohesive work on the principles of a socialist education which could be implemented universally.<sup>10</sup> Indeed, Kim Il Sung’s philosophy of education has successfully permeated the great majority of a North Korean child’s education, the purpose of which is to soften his heart towards labor and the communist revolution, and harden it towards the Japanese imperialists, South Korean cowards, and American jackals.<sup>11</sup>

---

<sup>5</sup> Ibid., at p. 165, (Kim Il Sung’s treatise is required reading for all North Korean teachers, who are to read the treatise “for their instructional and ideological training, point to what they have to teach, how they should teach, how they should organize the school and the classroom, and how they should evaluate student progress”). (As of 2004, North Korean schools at all levels teach according to the principles articulated in *Theses*).

<sup>6</sup> Ibid., at p. 195, (This is a class taught - one hour a week - in all North Korean kindergartens).

<sup>7</sup> Demick, B., *Nothing to Envy: Ordinary Lives in North Korea*, Spiegel & Grau Trade Paperbacks, New York, 2010, at p. 120. (A first-grade math textbook contains the following problem: “Three soldiers from the Korean People’s Army killed thirty American soldiers. How many American soldiers were killed by each of them if they all killed an equal number of enemy soldiers?”).

<sup>8</sup> Hyung-chan and Kim, D., *Human Remolding in North Korea: A Social History of Education*, University Press of America, Inc., Maryland, 2005, at pp. 191-217.

<sup>9</sup> Ibid., at pp. 192-93, Article 6 stated that the purpose of a kindergarten education, in part, was “to contribute to the great historical task of making the entire society revolutionary and working-class” (quoting “Education in North Korea”, ed. Seoul: Eulyu Munhwa-sa, 1990).

<sup>10</sup> Ibid., at p. 146. *Theses* “was the first time that North Korean educational authorities were able to put together the principles of a socialist pedagogy considered suitable for their system”. Ibid., at p. 147. “*Theses* established the basic principles of education and indoctrination in North Korea that would be used for many years to come.”

<sup>11</sup> Ibid., at p. 216.

Such a philosophy of education (and the application of it) is in stark contrast to the Convention of the Rights of the Child (hereafter “CRC”), a human rights treaty adopted by the U.N. General Assembly in November 1989<sup>12</sup>, and ratified by North Korea in September 1990!<sup>13</sup> Once a State ratifies the CRC, it must abide by certain procedural provisions, such as submitting reports to the Committee on the Rights of the Child (hereafter “Committee”) within two years of joining the CRC, and every five years thereafter.<sup>14</sup> More importantly, it is obligated to abide by its many substantive provisions, undertaking “all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in this Convention”, with the ultimate aim of achieving a holistic and child-friendly education system for its youth.<sup>15</sup>

Since ratifying the CRC, however, North Korea has not only missed its due dates for submitting State reports,<sup>16</sup> but has also been held by the Committee to be in violation of many of the CRC’s articles,<sup>17</sup> including a child’s civil rights and freedoms, right to health, right to not be used for labor, right to the proper administration of juvenile justice, and, most of all, a right to a quality education.

---

<sup>12</sup> Convention on the Rights of the Child, Nov. 20, 1989, 1577 U.N.T.S. 3, G.A.

<sup>13</sup> United Nations Treaty Convention, Convention on the Rights of the Child, at <[http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=I-V-11&chapter=4&lang=en](http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=I-V-11&chapter=4&lang=en)> (last visited Nov. 2nd, 2010) (North Korea signed the CRC on August 23rd, 1990, and ratified it on September 21st, 1990).

<sup>14</sup> G.A., *Convention on the Rights of the Child art. 44(a)(b)*, 1577 U.N.T.S. 3, G.A. Res. 44/25, Nov. 20, 1989.

<sup>15</sup> *Ibid.*, at Art. 4.

<sup>16</sup> Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child: Democratic People’s Republic of Korea* at 14, 36th Sess., Doc. CRC/C/15/Add. 239, July 1, 2004. (Committee allowed North Korea, as an “exceptional measure”, to consolidate its third and fourth reports so it could catch up).

<sup>17</sup> Committee on the Rights of the Child, *Implementation of the Convention on the Rights of the Child: List of issues to be taken up in connection with the consideration of the third and fourth periodic report of the Democratic People’s Republic of Korea*, 50th Sess., Doc. CRC/C/PRK/4, Oct. 20, 2008.