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Committee on the Rights of the Child**Concluding observations on the combined fifth and sixth
periodic reports of the Republic of Korea *****I. Introduction**

1. The Committee considered the combined fifth and sixth periodic reports of the Republic of Korea (CRC/C/KOR/5-6) at its 2416th and 2417th meetings (see CRC/C/SR.2416 and 2417), held on 18 and 19 September 2019, and adopted the present concluding observations at its 2430th meeting, held on 27 September 2019.

2. The Committee welcomes the submission of the combined fifth and sixth periodic reports of the State party. It expresses appreciation for the constructive dialogue held with the multisector delegation of the State party.

II. Follow-up measures taken and progress achieved by the State party

3. The Committee welcomes the ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, in 2015, and the accession to the Hague Convention on Civil Aspects of International Child Abduction, in 2012.

4. The Committee notes with appreciation the adoption, in 2014, of the Act on Special Cases concerning the Punishment, etc. of Child Abuse Crimes; the Special Act on the Promotion of the Normalisation of Public Education and the Regulation of Prior Learning; the Act on the Support for Out-of-School Juveniles; the establishment of the National Centre for the Rights of the Child; the Child Impact Assessment system; the online birth registration system; and the introduction of child benefits for children under 7.

III. Main areas of concern and recommendations

5. The Committee reminds the State party of the indivisibility and interdependence of all the rights enshrined in the Convention and emphasizes the importance of all the recommendations contained in the present concluding observations. The Committee would like to draw the State party's attention to the recommendations concerning the following areas, in respect of which urgent measures must be taken: non-discrimination (para. 17), the right to life, survival and development (para. 20), violence against children (para. 27), sexual abuse (para. 29), education (para. 42) and juvenile justice (para. 47).

* Adopted by the Committee at its eighty-second session (9 - 27 September 2019).

A. General measures of implementation (arts. 4, 42 and 44 (6))

Reservations

6. The Committee welcomes the withdrawal of the State party's reservation on article 21(a) of the Convention and encourages it to expedite the withdrawal of its reservation on article 40(2)(b)(v).

Legislation

7. While welcoming the ruling of the Constitutional Court of 11 April 2019 declaring the abortion ban unconstitutional and requiring the Government to review its legislation on abortion by 2020, the Committee urges the State party to ensure that this legislation is aligned with the principle of the best interests of the child. It also recommends that the State party strengthen the knowledge of the judiciary, prosecutors and lawyers on the Convention and their capacity to invoke and directly apply it in court proceedings.

Comprehensive policy and strategy

8. While noting the adoption of the Master Plans for Child and Youth Policies and the National Action Plan for the Promotion and Protection of Human Right, the Committee recommends that the State party ensure that its policy and strategy on children encompass all Convention areas and allocate sufficient human, technical and financial resources for their implementation, monitoring and evaluation.

Coordination

9. The Committee recommends that the State party further strengthen the mandate of the Child Policy Coordination Committee by allocating adequate human and financial resources, establishing a permanent secretariat and raising its profile as a coordinating body for children's rights. The Committee recalls its previous recommendation (CRC/C/KOR/CO/3-4, para. 13) that the functions of all authorities dealing with child rights issues should be clearly defined to avoid overlap and duplication.

Allocation of resources

10. While welcoming the budgetary increase in the areas of education, early childhood and child welfare projects and the establishment of the Child and Youth Participatory Budgeting, the Committee regrets that the State party's child-related budget has not grown proportionately to its GDP. With reference to its general comment No. 19 (2016) on public budgeting for the realization of children's rights, the Committee urges the State party to:

(a) Allocate adequate financial, human and technical resources, at all levels of government, for the implementation of all policies, plans, programmes and legislative measures for children and implement a system to monitor the use of resources so allocated;

(b) Increase budget allocations for children and overall social expenditure proportionately to its GDP and reduce disparities between municipalities;

(c) Introduce budgetary allocations for children in disadvantaged situations;

(d) Enhance child participation in budgeting, including of existing Child and Youth Assemblies and Participation Committees;

(e) In order to ensure availability, accessibility and quality of goods and services in sectors supporting the realisation of children's rights, strengthen efforts to combat corruption, in particular, bribery, favouritism and irregular payments, and enhance accountability in public procurement processes.

Data collection

11. Referring to its general comment No. 5 (2003) on general measures of implementation, the Committee urges the State party to establish a centralized data collection system, disaggregated by age, sex, disability, geographic location, ethnic and national origin, socioeconomic and migration backgrounds, on all areas of the Convention.

Independent monitoring

12. Referring to its general comment No. 2 (2002) on the role of independent human rights institutions, the Committee recommends that the State party:

- (a) Establish the legal status of the Child Rights Committee, including to guarantee its independence;
- (b) Strengthen its mandate to receive and investigate complaints;
- (c) Raise the profile of the National Human Rights Commission among the authorities;
- (d) Enhance its capacity to coordinate and monitor the implementation of policy recommendations;
- (e) Equip it with adequate resources.

Dissemination, awareness-raising and training

13. The Committee welcomes the inclusion of human rights education in the school curriculum. While noting that the level of awareness of the Convention remains low, particularly among children, the Committee recommends that the State party ensure child and human rights education countrywide, including by establishing legal basis for its provision and allocating adequate resources thereto, and provide mandatory training to professionals working with and for children.

International cooperation

14. While welcoming the information provided during the dialogue that the State Party plans to increase its Official Development Assistance in the next decade, taking note of SDG target 17.2, the Committee encourages the State party to meet the internationally agreed target of 0.7 per cent of GNI for Official Development Assistance and ensure that such assistance is in compliance with the Convention and its Optional Protocols, and to prioritise children's rights and integrate the Committee's concluding observations addressed to both the State Party and its development partners as appropriate in the design, implementation, monitoring and evaluation of international development assistance policies and programmes.

Children's rights and business sector

15. The Committee is concerned at reports of children's rights violations resulting from business activities by Korean companies domestically and abroad. With reference to its general comment No. 16 (2013) on the impact of the business sector on children's rights, the Guiding Principles on Business and Human Rights and to its previous recommendations (CRC/C/KOR/CO/3-4, para. 27), the Committee urges the State party to establish a child protection framework for the companies in the State party operating domestically and abroad, including child rights' impact assessment, monitoring and evaluation mechanisms, to report and address children's rights violations, with a clear responsibility for all stakeholders to fulfil and protect children's rights.

B. General principles (arts. 2, 3, 6 and 12)

Non-discrimination

16. While welcoming the measures taken to support children in disadvantaged situations, the Committee remains concerned that the adoption of the draft Anti-Discrimination Act has been hampered since 2007. It is also concerned that:

(a) Rural children, economically disadvantaged children, children with disabilities, migrant children, multicultural children and North Korean refugee children experience discrimination in accessing birth registration, childcare facilities, education, healthcare, welfare, leisure and State protection;

(b) Achievement-based discrimination is widespread in schools;

(c) Single-parent families face prejudice and discrimination;

(d) Cases of discrimination based on sexual orientation are persistent, a situation that the State party acknowledged by stating that its policy regarding LGBTI is inadequate, according to the State party's report (CRC/C/KOR/5-6, para. 36).

17. Taking note of SDG target 10.3 on ensuring equal opportunity and reducing inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard, the Committee urges the State party to expeditiously adopt anti-discrimination legislation and ensure that it includes prohibition of discrimination based on origin, sexual orientation and gender identity. It also recommends that the State party:

(a) **Enact a comprehensive anti-discrimination law and strategy and conduct public campaigns to eliminate and prevent discrimination against children in vulnerable and disadvantaged situations;**

(b) **Ensure equal access to birth registration, childcare facilities, education, healthcare, welfare, leisure and State support for all children within its territory;**

(c) **Prevent and eliminate achievement-based discrimination in schools;**

(d) **Ensure equal treatment for all families, including in accessing child support, and review legislation and practices accordingly.**

Best interests of the child

18. **The Committee welcomes the establishment of the Child Impact Assessment system. Referring to its general comment No 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recalls its previous recommendations to integrate, consistently interpret and apply the best interests of the child as a primary consideration in all relevant proceedings, decisions, policies and programmes. It also encourages the State party to:**

(a) **Expand the application of the Child Impact Assessment system, with wide child participation;**

(b) **Develop procedures and criteria for determining the best interests of the child in every area and for giving it due weight as a primary consideration.**

Right to life, survival and development

19. While noting the establishment of the National Action Plan for Suicide Prevention, the Committee is seriously concerned at high rates of child suicide representing a leading cause of death among children, particularly due to problems in the family, depression, academic pressure and bullying. It notes with concern that a systematic approach and budget to address this phenomenon and its root causes are missing. The Committee is also concerned at:

(a) Insufficient knowledge on the health damage caused by humidifier disinfectant;

(b) Insufficient monitoring of fine dust and asbestos in schools and childcare settings;

(c) Numerous health injuries caused by humidifier disinfectant and inadequate remedies and reparation for the victims.

20. **The Committee urges the State party to strengthen its efforts to effectively prevent child suicide and address its root causes, as previously recommended, through comprehensive policy, psychological, educational and social measures and therapies targeting children, families and the public at large. The Committee also recommends that the State party:**

(a) **Investigate possible health damage caused by humidifier disinfectant;**

(b) **Continue monitoring indoor air quality and exposure to hazardous substances in all childcare and educational settings;**

(c) **Continue its efforts to provide adequate remedies and reparation to child victims of humidifier disinfectant; intensify its efforts to control chemical substances and prevent hazardous incidents.**

Respect for the views of the child

21. **The Committee notes that the draft Family Litigation Act (2017) extends the right to be heard to children under 13. It regrets however that children's participation remains optional, is limited to certain topics and conditional upon academic performance and that children's views are rarely taken into account. Referring to its general comment No. 12 (2009) on the right of the child to be heard, the Committee urges the State party to ensure that children's views are given due consideration in the family, at schools, in the courts and in all relevant administrative and other processes concerning them, including by:**

(a) **Ensuring that opportunities to express children's views are open to all children at school, regardless of academic performance;**

(b) **Ensuring that the Child Welfare Act provides for the right of children to express their views freely in all matters affecting them, as previously recommended (CRC/C/KOR/3-4, para. 35(a));**

(c) **Abolishing any age limit on the right of children to express their views in all issues concerning them, including by expeditiously enacting the draft Family Litigation Act.**

C. Civil rights and freedoms (arts. 7, 8, and 13-17)

Birth registration

22. **The Committee welcomes the establishment of the online birth registration and notification systems. Taking note of SDG target 16.9 on providing legal identity for all, including birth registration, the Committee urges the State party to:**

(a) **Ensure that birth registration, including online, is universal and available to all children regardless of their parents' legal status and/or origins;**

(b) **Simplify the procedures for single fathers to register their children, in order to ensure that all children are registered at birth;**

(c) **Take all measure necessary to identify unregistered births, including by establishing monitoring mechanisms;**

(d) **Conduct awareness-raising campaigns on the importance of birth registration.**

Right to identity

23. The Committee urges the State party to prohibit the use of baby boxes that are run by religious organisations and that allow for the anonymous abandonment of children, and to consider introducing, as a last resort, the possibility of confidential hospital births.

Freedom of expression, association and peaceful assembly

24. The Committee reiterates that the State party should revise legislation and school regulations to enable all children to fully exercise their right to freedom of expression, regardless of their academic achievement and without fear of reprisal. It also recommends promoting child participation and considering lowering the age of voting and membership in political parties, now set at 19.

Right to privacy

25. The Committee notes that schools reportedly disclose students' private information, such as grades or disciplinary measures, inspect their belongings without prior consent and impose dress code restriction. It recommends that the State party ensure the protection of children's privacy, including of their smartphone, and personal information in school in law and in practice, in accordance with article 16 of the Convention, and develop and apply child-friendly procedures for collecting informed consent.

D. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)**Violence, including corporal punishment**

26. While welcoming the adoption of the Act on Special Cases Concerning the Punishment, etc. of Child Abuse Crimes, the increase in the child abuse prevention budget, local child protection agencies, shelters and psychotherapists, the Committee remains concerned at:

- (a) The high prevalence of child abuse, including online violence and violence in school;
- (b) The high incidence of repeated child abuse in the family without effective measures to prevent reoffending;
- (c) The fact that corporal punishment is still legal in certain settings;
- (d) The underreporting of child abuse;
- (e) Shortage of reliable data on child abuse;
- (f) The absence of a comprehensive policy and strategy to address all forms of violence and abuse against children;
- (g) Shortage of local child protection agencies, shelters, counsellors, psychologists and lawyers specialised in child abuse;
- (h) Shortage of specialised support, including shelters, for migrant children and children with disabilities, who are victims of abuse.

27. With reference to its general comments No. 13 (2011) on the right of the child to freedom from all forms of violence, No 8 (2006) on corporal punishment and SDG target 16.2 on ending abuse, exploitation, trafficking and all forms of violence against and torture of children, the Committee recommends that the State party:

- (a) Establish a national database on all cases of violence and abuse against all children and undertake a comprehensive assessment of their extent, causes and nature;
- (b) Formulate a comprehensive strategy and an action plan for preventing, combating and monitoring all forms of violence and abuse against children, including online violence;

(c) **Explicitly prohibit corporal punishment, including “indirect corporal” and “disciplinary” punishment, in law and practices in all settings, in all territories of the State Party;**

(d) **Intensify awareness-raising and education programmes on all forms of violence and abuse; promote non-violent communication and conflict mediation in schools and positive, non-violent and participatory forms of child-rearing; and encourage the reporting of violence and abuse;**

(e) **Train professionals concerned to identify and adequately respond to cases of violence and child abuse, including psychological abuse, taking into account a gender perspective; and establish reporting guidelines;**

(f) **Ensure that cases of violence and child abuse are investigated and appropriately addressed;**

(g) **Ensure the development of programmes and policies for the prevention, recovery and social reintegration of child victims of abuse, including by: (i) further increasing the number of local child protection agencies and shelters, counsellors, clinical psychologists and lawyers dealing with child abuse cases; (ii) providing free legal representatives for child victims; (iii) ensuring access of migrant children and children with disabilities to shelters;**

(h) **Allocate adequate human, financial and technical resources for implementing the abovementioned recommendations and reducing regional disparities.**

Sexual exploitation and abuse

28. The Committee welcomes: the legislative amendments expanding the scope of, and strengthening punishment for, sexual crimes against children; the policy measures for preventing and eradicating sexual violence; and the decrease in recidivism. However, the Committee remains seriously concerned that:

(a) Sexual violence and abuse remain prevalent, with a surge in child online prostitution and grooming, as well as sexual harassment by teachers;

(b) Children who are 13 and over are presumed able to consent and are not protected from sexual exploitation and abuse;

(c) Children who are considered to have entered prostitution voluntarily (“children involved”) are treated as offenders, denied legal aid and support services and are subjected to detention-like “protective disposition,” deterring them from reporting sexual exploitation;

(d) Lenient sentences, including probation, are used for adult offenders convicted of child sexual exploitation and abuse.

29. **The Committee urges the State party to:**

(a) **Take all measures necessary to prevent and respond to all manifestations of child sexual exploitation and abuse, including online prostitution and grooming, and sexual harassment by teachers;**

(b) **Define and criminalise online grooming;**

(c) **Increase the age below which it is prohibited to engage in sexual activities with a child;**

(d) **Ensure that all children, by definition under the age of 18, who are engaged in prostitution and sexual abuse (“children involved”) are not treated as offenders but treated as victims, including by: (i) referring to them as “victims” in the legislation; (ii) abolishing the “protective disposition;” (iii) providing them with support services and legal aid; (iv) ensuring their access to justice, including compensation and redress;**

(e) **Strengthen awareness-raising, including in schools, and encourage the reporting of sexual exploitation and abuse through accessible, confidential, child-friendly and effective channels;**

(f) Ensure that sex offenders, including teachers, are prosecuted, regardless of the evidence of coercion, and duly sanctioned; and align the penalties for sexual offences with the international standards.

Harmful practices

30. The Committee is concerned that child marriage within the migrant community may be authorised with parental consent and that cases of marriage involving migrant and foreign girls were reported. The Committee urges the State party to prohibit child marriage without exception and to take all measures, including cooperation with the countries of origin and establishing access to the civil registration procedures for migrants and refugees, to prevent and eradicate this practice.

E. Family environment and alternative care (arts. 5, 9-11, 18 (1) and (2), 20-21, 25 and 27 (4))

Family environment

31. The Committee welcomes the expansion of free childcare, flexible working arrangement for working parents, paternal leave and support to single-parent families as well as the adoption of the Act on Enforcing and Supporting Child Support Payment. It recommends that the State party:

(a) Further increase the capacity and appropriate flexibility of child-care services and ensure that all children, irrespective of nationality, have equal access to childcare facilities and financial support, including by amending the Infant Care Act;

(b) Further facilitate access to, and use of, paternal leave;

(c) Ensure visitation rights for children from divorced families, including by expanding the coverage of “visitation centres” and providing alternative solutions;

(d) Promote and ensure access to, and the enforcement of, child support payments and that sanctions for non-compliance should not compromise the child’s best interests;

(e) Take all measures necessary to prevent and eradicate stigma and discrimination against single-parent families and revise child support entitlements accordingly.

Children deprived of a family environment

32. Drawing the State party’s attention to the Guidelines for the Alternative Care of Children (see General Assembly resolution 64/142, annex), the Committee recommends that the State party:

(a) Support and facilitate family-based care for all children wherever possible and allocate adequate human, financial and technical resources to expand and enhance the quality of foster care for children who cannot stay with their families, and to phase out institutionalisation through a concrete plan of action to deinstitutionalise;

(b) Address the root cause of child abuse within the family and what makes children run away from home; take targeted, non-punitive measures to prevent and eradicate these phenomena; and intensify protection for runaway children;

(c) Ensure adequate safeguards and clear criteria, based on the child’s needs, best interests and views, having regard to age and maturity, for determining alternative care placement; ensure the periodic review of quality of alternative care and access to complaints procedures; and intensify reunification support and support for children in care reaching adulthood;

(d) Streamline the guardianship procedure and strengthen the guardians’ protection capacity.

Adoption

33. While welcoming the measures taken to regulate adoptions, including the establishment of court authorisation, the Committee reiterates that the State party should:

- (a) Ensure that the child's best interests are the paramount consideration in the adoption procedures for children of all ages and that single mothers' free consent is mandatory for the release of their children for adoption;
- (b) Conduct large-scale public campaigns to combat the negative prejudice against single mothers and promote a positive image of adoption;
- (c) Undertake necessary measures to ensure timely procedures and avoid unnecessary delays and to address transparency and regulation of adoption agencies;
- (d) Strengthen post-adoption monitoring and services, including in cases of dissolved adoption;
- (e) Ensure that adopted children are informed of their right to seek information on their biological parents and have appropriate access thereto;
- (f) Consider ratifying the Hague Convention on the Protection of Children and Cooperation in Respect of Inter-country Adoption and enact the draft Act on Intercountry Adoption.

Illicit transfer and non-return

34. The Committee recommends that the State party consider joining the Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children and the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance.

Children of incarcerated parents

35. The Committee recommends that the State party adopt a policy to protect children of incarcerated parents and the visitation rights of these children. Children staying in prison with their parents should have their rights, including the rights to education and health, guaranteed and needs fully covered.

F. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1)-(3) and 33)

Children with disabilities

36. The Committee notes the adoption of the Comprehensive Plan for People with Disabilities and the increase in professionals in the area of education, training and allocated budget. With reference to its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to:

- (a) Review legislation and policies to adopt a rights-based approach to disability and ensure the inclusion of all children with disabilities;
- (b) Ensure that early detection and intervention programmes are provided countrywide to all children with disabilities, including asylum seeking and migrant children, including rehabilitation treatment, appropriate welfare and medical support;
- (c) Provide inclusive education for all children with disabilities, including by ensuring the reasonable accommodation of school infrastructure and places for sport and leisure, school transportation, training and by assigning specialized teachers and assistants for individual support;
- (d) Undertake awareness-raising campaigns to promote a positive image of children with disabilities and combat stigmatization and prejudice.

Health and health services

37. The Committee welcomes the extension of vaccination to undocumented children. Referring to its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health and SDG target 3.8 on universal health coverage, including financial risk protection, access to quality essential health-care services and access to safe, effective, quality and affordable essential medicines and vaccines for all, it recalls its previous recommendations to increase the health budget and strengthen local hospitals and recommends that the State party:

- (a) Ensure universal access to the national health insurance, especially for economically vulnerable groups of children and migrant children;
- (b) Improve the accessibility of vaccination for migrant children;
- (c) Strengthen healthcare assistance in nurseries and schools, including for diabetic and obese children.

Mental health

38. While noting the measures taken to counter child suicide, the Committee takes note of SDG target 3.4 on promoting mental health and well-being and reiterates that the State party should continuously strengthen its efforts to improve children's mental wellbeing, including to target suicide prevention and its root causes.

Adolescent health

39. Referring to its general comments No. 4 (2003) on adolescent health and development and No. 20 (2016) on the implementation of the rights of the child during adolescence and SDG targets 2.2 on ending all forms of malnutrition, 3.5 on strengthening the prevention and treatment of substance abuse, including narcotic drug abuse and harmful use of alcohol, and 5.6 on ensuring universal access to sexual and reproductive health and reproductive rights, the Committee recalls its previous recommendations concerning the prevention of obesity, smoking and drinking, including by imposing stricter regulations on alcohol advertising, increasing smoke-free spaces, promoting sports and physical activities and encouraging children's participation in life-skills education on preventing substance abuse. It further recommends:

- (a) Strengthening the response to problematic and excessive use of smartphones, by targeting groups at risk and building the capacity of the Community Youth Safety-Net to provide specific support and recovery services;
- (b) Effectively addressing adolescent pregnancy, including by strengthening sexuality education at school, support services during pregnancy, childbirth and postnatal care, ensuring parenting support and promoting equally shared parenting.

Standard of living

40. While welcoming the introduction of child benefits for children under 7, the Committee recommends that the State party:

- (a) Ensure that all children, irrespective of nationality, have access to child benefits;
- (b) Conduct a study on the status of children living in poverty and collect relevant statistics to inform, adopt and implement its master plan to support children in poverty that should aim to improve the standard of living of all children;
- (c) Assess and effectively address child housing poverty and the prevalence of part-time employment among children.

G. Education, leisure and cultural activities (arts. 28, 29, 30 and 31)

Education and the aims of education

41. **The Committee welcomes the adoption of the Prior Learning Education Act aiming at eradicating the practice of prior learning, the extension of the school admission quota for vulnerable groups of children, the introduction of the Free Semester System and support to out-of-school children. However, it remains deeply concerned about the excessive academic burden with sleep deprivation and about the high level of stress, which is a leading cause of child suicide in the State party. It is also seriously concerned about the highly competitive education conditions, which virtually deprive children of their childhood, and also about:**

(a) The ever-increased reliance on private tuition, which is conditioned on the parents' income, and starts from the pre-school level;

(b) The limited access to education, school integration and higher school drop-out rates for children from vulnerable and disadvantaged groups;

(c) The fact that the right to compulsory education is guaranteed to Korean children while the school admission of refugee, migrant and undocumented children, may be rejected at the discretion of the school principal; and about the limited access to school services for undocumented children;

(d) The dominance of special schools for children with disabilities, insufficient education opportunities and accommodation for children with disabilities, coupled with a strong disability stigma;

(e) Insufficient support for out-of-school children and children attending alternative schools;

(f) Educational disparities between rural and urban areas;

(g) The lack of adequate and age-appropriate education on sexuality, in the context of adolescent pregnancies and increased HIV incidence;

(h) Inadequate career counselling that does not take into account children's views, which increases vulnerability to drop-out;

(i) The prevalence of bullying at school and discrimination, including that related to school achievement;

(j) The critical lack of time and the insufficient free and safe facilities for leisure, play and physical exercise, supported by social pressure for academic achievement, that also leads to smartphone overuse for recreation.

42. **Referring to SDG target 4.5 on eliminating gender disparities in education and ensuring equal access to all levels of education and vocational training for the vulnerable, including persons with disabilities, indigenous peoples and children in vulnerable situations, the Committee urges the State party to reform its public education system in line with the Committee's general comment No. 1 (2001) on the aims of education and with a view to reducing competitiveness, including by diversifying the National Curriculum, reconsidering its college admission system and strengthening career counselling, and to:**

(a) **Reduce reliance on private education; monitor the compliance of public and private schools with the Prior Learning Act; and impose sanctions in case of non-compliance;**

(b) **Review the Framework Act on Education to ensure compulsory education for all children regardless of their origin, residence, registration, socio-economic and migration status; strengthen the monitoring of the quotas under the Social Integration Admission to prevent corruption and abuse; intensify and promote educational support to children in vulnerable and disadvantaged situations, including socially and economically vulnerable children, rural children, out-of-school children, children with disabilities, migrant children, undocumented children, multicultural children and**

North Korean refugee children, in order to facilitate and ensure their access to, and integration in, mainstream school;

(c) Ensure the provision of inclusive education and reasonable accommodation to children with disabilities and promote a positive image of such children;

(d) Strengthen efforts to identify and effectively address the root causes of school drop-out and assess the magnitude of the phenomenon; take comprehensive and coordinate measures to ensure that all children are supported and remain in mainstream schools; raise awareness about alternative classes and schools and ensure that all alternative schools are accredited and their diploma recognised;

(e) Reduce regional disparities, including by strengthening the number and training of teaching personnel, improving school infrastructure and increasing dedicated budgets;

(f) Provide age-appropriate sexual education, giving special attention to preventing adolescent pregnancies and HIV/AIDS and adequately covering sexual orientation and gender identity; and remove discriminatory and gender stereotypical language from the National Standard on School Sexual Education;

(g) Strengthen and diversify career counselling and the Free Semester System, with particular attention to out of school children, and ensure that children's views form the basis for the career choices;

(h) Prevent and combat discrimination in school, including achievement-based discrimination; effectively investigate and address discrimination allegations; and provide training on stress reduction and emotional stability;

(i) Strengthen measures to combat bullying, including cyberbullying, that encompass: prevention, early detection mechanisms, empowering of children and professionals, intervention protocols and harmonized guidelines for the collection of case-related data;

(j) Undertake awareness-raising programmes and public campaigns to change the perception and attitudes towards rest, leisure and play as key factors to children's development; and ensure that all children have access to rest and leisure, including sports, as well as sufficient time and facilities to engage in play and recreational activities that are safe, accessible, including by public transport, inclusive, smoke-free and age-appropriate.

H. Special protection measures (arts. 22, 30, 32-33, 35-36, 37 (b)-(d), 38, 39 and 40)

Asylum-seeking, refugee and migrant children

43. The Committee welcomes the adoption of the Refugee Act (2012). With reference to joint general comments No. 3 and No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers / No. 22 and No. 23 (2017) of the Committee on the Rights of the Child on the human rights of children in the context of international migration, the Committee urges the State party to:

(a) Ensure the prohibition of immigration detention of children, including by revising the Immigration Control Act; ensure non-custodial solutions; and have the best interests of the child as a primary consideration in asylum and family reunification matters;

(b) Develop status determination procedures for refugees and stateless children; regulate the status for long-term resident migrant children; and strengthen the training on the rights of asylum seeking, refugee and migrant children, including undocumented children;

(c) Remove all barriers, both legislative and practical, to ensure that all asylum seeking and refugee children and all migrant children, including unaccompanied children and those with disabilities, have access to birth registration, childcare, education and related services, mental and physical healthcare, health insurance, financial and housing support, leisure, protection and support services in case of abuse, on an equal basis with Korean children;

(d) Adopt and implement a Migrant Children's Rights Act that should be in compliance with the Convention with particular attention to protecting unaccompanied children;

(e) Develop campaigns to counter hate speech against asylum seekers and refugees, particularly children;

(f) Strengthen data collection on migrant children, including on undocumented children;

(g) Allocate earmarked budget for refugee, asylum seeking and migrant children.

Economic exploitation, including child labour

44. The Committee welcomes the policy measures taken to improve labour conditions of working children and business supervision. Considering the persistently high number of working children, violations of their labour rights and verbal abuse and taking note of SDG target 8.7 on taking immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, and by 2025 end child labour in all its forms, the Committee reiterates that the State party should strengthen inspections and reporting about the effectivity of the new measures by establishing mechanisms for accountability and rehabilitation.

Sale, trafficking and abduction

45. While welcoming the ratification of the Palermo Protocol, the Committee notes that the State party reportedly remains a source, transit and destination country for child trafficking for the purpose of sexual exploitation, particularly through online recruitment. Referring to SDG target 8.7 on taking immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, and by 2025 end child labour in all its forms, the Committee recommends that the State party:

(a) Align the definition of trafficking with international law to remove the requirement of coercion, remuneration and transnational movement of the victim;

(b) Improve the identification and referral of child victims, especially among vulnerable populations, including by training the police, immigration, labour, and social welfare officials and implement the victim identification guidelines;

(c) Ensure that child sale, trafficking and abduction are effectively investigated and that the perpetrators are prosecuted and sentenced to penalties commensurate with the gravity of the offences and establish an entity for coordinating anti-trafficking matters and teams to investigate and prosecute trafficking;

(d) Ensure that child victims of sale or trafficking are not treated as offenders or subjected to criminal sanctions and deportation and never referred to closed institutions;

(e) Strengthen the provision of shelters and integrated services to child trafficking victims, including boys, foreign children, and children with disabilities.

Administration of child justice

46. The Committee welcomes the amendment to the Juvenile Act to count the period spent in the juvenile reformatory towards the final sentence. However, it is concerned at:

- (a) The existence of two parallel systems for processing and treatment of cases of children in conflict with the law;
- (b) Proposals to lower the age of criminal responsibility to 13 and that children aged 10 can be detained under the Juvenile Act;
- (c) Article 4(1)(3) of the Juvenile Act that provides for the detention of “crime-prone juveniles” in the absence of offending;
- (d) Reports of violations of children’s fair trial rights, including non-involvement of guardians from the investigation onwards, forced confession, lack of access to evidence and appeal, breaches of presumption of innocence and the right to defend themselves, publicity of the trial, and making conditional the right to legal assistance;
- (e) Higher detention rates among children compared with adults;
- (f) Inappropriate conditions of detention, including overcrowding, insufficient medical assistance, education, training, leisure, food provision and a lower food ratio for girls; restrictions on communications, petitions and outdoor exercise; absence of reasonable accommodation for children with minority backgrounds; and discrimination against LGBTI children in detention;
- (g) Cases of children detained together with adults;
- (h) Unnecessary compulsory DNA and HIV testing for child detainees; isolation of child detainees with HIV; compulsory body checks and haircuts on child detainees; and continuous filming of the sanitary facilities;
- (i) Overuse of discretionary disciplinary measures, such as solitary confinement, restrictions of family visits and remote disciplinary transfers;
- (j) Use of handcuffs, ropes and other protective devices, including electroshock, despite the prohibition by law;
- (k) A lack of non-custodial measures to prevent reoffending.

47. **The Committee urges the State party to:**

- (a) **Establish a system of specialised child justice courts for all cases involving children in contact with the law, supported by adequate resources; and ensure that specialized judges for children and professionals working with children in conflict with the law receive appropriate education and continuous training on the rights of the child;**
- (b) **Maintain the minimum age of criminal responsibility at 14 and ensure that children below that age are not treated as offenders and never subjected to detention;**
- (c) **Ensure that fair trial guarantees are respected, in accordance with article 40 of the Convention; ensure that the public is excluded from children’s hearings and that children’s legal guardians participate in the proceedings from the very beginning; provide and promote confidential channels for reporting violations; and establish guidelines for media reporting for cases involving children;**
- (d) **Ensure, in law and in practice, the provision of qualified legal assistance to all children in conflict with the law from the investigation onwards; and establish a system of legal aid;**
- (e) **Repeal Article 4(1)(3) of the Juvenile Act (“crime-prone juveniles”);**
- (f) **Establish legal basis for court diversion and promote non-custodial sentences;**
- (g) **Establish clear grounds for detention in the Juvenile Act; use detention as a measure of last resort and for the shortest period of time; ensure that detention is reviewed on a regular basis with a view to its withdrawal; ensure that the period under the “protective disposition” and the period of “entrustment to the juvenile classification” are counted towards the final sentence; and establish and ensure the right to appeal detention and the right to compensation for unlawful detention;**

(h) Ensure that detention conditions, including temporary detention, are compliant with international standards, including with regard to personal space, equal, for boys and girls, access to food, education, physical and mental health services, exercise, leisure, communication with family and complaints mechanisms; ensure that children deprived of liberty are held in facilities close to their residence; and ensure continuous monitoring of the detention facilities, including of child welfare institutions;

(i) Revise legislation and take all effective measures to eliminate all possibility that a child is detained with adults;

(j) Abolish disciplinary confinement and transfer and promote restorative measures for discipline;

(k) Regulate the use of force and protective devices in relation to children and ensure that is limited to specific circumstances, necessary and proportional;

(l) Ensure that the privacy of children in detention is respected; prohibit DNA collection and HIV testing for child detainees and clear any records thereof; handle HIV information with confidentiality; end the isolation of child detainees with HIV; prohibit compulsory body checks and haircuts and the continuous filming in sanitary areas;

(m) Strengthen non-custodial measures to prevent reoffending;

(n) Ensure that all children in conflict with the law are treated equally and without discrimination, including based on nationality, disability, sexual orientation or gender identity, and provide reasonable accommodation whenever appropriate.

Follow up to the Committee's previous concluding observations on the Optional Protocol on the sale of children, child prostitution and child pornography

48. The Committee regrets the insufficient information on the implementation of its concluding observations of 2008 on the State party's initial report under the Optional Protocol and therefore reiterates its previous recommendations (CRC/C/OPSC/KOR/CO/1) and also recommends that:

(a) All acts and activities listed in the Optional Protocol, including sale and sexual exploitation of children in travel and tourism, be fully covered under domestic criminal law;

(b) The requirements of double criminality and minimum gravity be removed in case of extradition for the offences under the Optional Protocol, which should be considered as a legal basis for extradition;

(c) International travel restrictions for convicted child sex offenders under the Passport Act be applied systematically.

Follow up to the Committee's previous concluding observations on the Optional Protocol on children in armed conflict

49. The Committee regrets the insufficient information on the implementation of its concluding observations of 2008 on the State party's initial report under the Optional Protocol and therefore recalls its previous recommendations (CRC/C/OPAC/KOR/CO/1), particularly that the State party:

(a) Criminalize the recruitment in the armed forces or by non-State armed groups or involving in hostilities of children under 18;

(b) Establish mechanism for early identification of asylum seeking children from conflict areas and collect disaggregated data on such children; and strengthen their physical and psychological support;

(c) Promote and raise awareness of the Optional Protocol and ensure that its provisions are included in the curricula of military schools.

I. Ratification of the Optional Protocol on a communications procedure

50. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.

J. Ratification of international human rights instruments

51. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

K. Cooperation with regional bodies

52. The Committee recommends that the State party cooperate, among others, with the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children.

IV. Implementation and reporting**A. Follow-up and dissemination**

53. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the fifth and sixth combined periodic reports and the present concluding observations be made widely available in the languages of the country.

B. Next report

54. The Committee invites the State party to submit its seventh periodic report by 19 December 2024 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 31 January 2014 (CRC/C/58/Rev.3) and should not exceed 21,200 words (see General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.

55. The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document contained in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (see HRI/GEN/2/Rev.6, chap. I) and paragraph 16 of General Assembly resolution 68/268