

# **Report of the National Human Rights Commission of Korea**

## **for the Pre-sessional Working Group of the Committee on the Rights of the Child**

For the adoption of the List of Issues in relation to the fifth and sixth periodic report of the Republic of Korea submitted to the Committee on the Rights of the Child



National Human Rights Commission of  
the Republic of Korea

## Table of Contents

I . Introduction .....	1
II . Implementation of the Convention .....	2
A. General Measures of Implementation .....	2
1. Reservations .....	2
Issue 1. Article 21 Paragraph (a) .....	2
Issue 2. Article 40 Paragraph 2 (b)(v).....	2
Issue 3. Optional Protocol to the Convention on the Rights of the Child on a communications procedure (Third Optional Protocol) .....	3
2. Responsibility of State Parties.....	3
Issue 4. Legislation.....	3
Issue 5. Policy Coordination .....	4
Issue 6. National Plan of Action .....	4
Issue 7. Allocation of Resources.....	5
Issue 8. Data Collection.....	5
Issue 9. Awareness-raising .....	6
B. General Principles .....	6
1. Non-discrimination .....	6
Issue 10. Anti-discrimination Act .....	6
Issue 11. No-kids Zone .....	7
Issue 12. Sexual Minority Children .....	7
2. Best Interests of the Child .....	8
Issue 13. Child Policy Impact Assessment .....	8
3. Right to Life, Survival, and Development.....	8
Issue 14. Child Suicide .....	8

Issue 15. Single Mother and Baby box .....	9
Issue 16. Child Safety: Fine Dust, Asbestos, Daycare Center Bus, and Humidifier Sanitizers, etc.....	10
4. Respect for the Views of the Child .....	12
Issue 17. Respect for the Views of the Child in School .....	12
Issue 18. Respect for the Views of the Child in Administration and Judiciary .....	12
C. Civil Rights and Freedoms.....	13
Issue 19. Birth Registration .....	13
Issue 20. Freedom of Expression, Association, and Peaceful Assembly.....	14
Issue 21. Protection of Privacy and Protection of Image .....	14
D. Violence against Children.....	15
1. Child Abuse and Neglect.....	15
Issue 22. Child Abuse Report.....	15
Issue 23. Budget on Child Abuse related Projects.....	16
Issue 24. Child Protection Agency.....	17
Issue 25. Protection for Abused Children .....	18
Issue 26. School Violence .....	19
2. The Right Not To Be Subjected To Corporal Punishment, Torture, and Inhumane Treatment.....	20
Issue 27. Corporal Punishment and Alternative Disciplines .....	20
Issue 28. Seongam Academy: The Right Not To Be Subjected To Inhumane Treatment .....	21
3. Sexual Exploitation and Sexual Abuse.....	22
Issue 29. Sexual Assault on Children.....	22
Issue 30. Me Too Movement in School: Sexual Harassment By Teachers .....	23

E.	Family Environment and Alternative Care .....	24
1.	Family Environment and Parental Guidance in a manner consistent with the Evolving Capacities of the Child, Parents' Common Responsibilities.....	24
	Issue 31. Child Competency Index .....	24
	Issue 32. Parents' Responsibilities.....	24
	Issue 33. Assistance to Parents: Parenting Education.....	25
2.	Children deprived of a family environment .....	26
	Issue 34. Children Subject To Protection.....	26
	Issue 35. Children Deprived of a Family Environment .....	27
	Issue 36. Adoption .....	28
	Issue 37. Hague Convention .....	29
F.	Disability, Basic Health, and Welfare.....	30
1.	Children with Disabilities.....	30
	Issue 38. Medical Service for Children with Disabilities.....	30
	Issue 39. Education for Children with Disabilities .....	31
2.	Rights to Life, Survival, Health and Health Care.....	32
	Issue 40. Health and Health Services.....	32
	Issue 41. Mental Health of Children .....	32
3.	Measures to Protect Children from Substance Abuse .....	33
	Issue 42. Smoking and Drinking .....	33
	Issue 43. Addiction: Smartphones and Internet, Gambling.....	34
4.	Social Security, Childcare Service, and Standard of Living.....	34
	Issue 44. Social Security .....	34
	Issue 45. Social Security for Children in Poverty .....	35

Issue 46. Workplace (On-Site) Daycare Center.....	36
Issue 47. After School Care Service .....	37
Issue 48. Family-Friendly Certified Companies.....	37
Issue 49. Adequate Standard of Living.....	38
G. Education, Leisure, and Cultural Activities .....	39
Issue 50. The Right to Education .....	39
Issue 51. The Aims of Education .....	40
Issue 52. Cultural Rights of Children Belonging to Minority and Indigenous Groups	41
Issue 53. Leisure and Culture Activities.....	42
H. Special Protection Measures .....	43
1. Asylum-seeking and Refugee Children .....	43
Issue 54. Birth Registration for Refugee Children .....	43
Issue 55. Support for Refugee Children.....	43
Issue 56. Health and Development Status of Refugee Children .....	44
2. Economic Exploitation, Sexual Exploitation and Abuse.....	45
Issue 57. Work Placement of Specialized High Schools and Vocational High Schools	45
.....	
Issue 58. Child Labor .....	45
Issue 59. Sexual Exploitation and Sexual Abuse .....	46
3. The Administration of Juvenile Justice .....	47
Issue 60. Age of Criminal Minors.....	47
Issue 61. Medical Service for Juvenile Inmates .....	48
Issue 62. Non-inclusiveness of the Period of Protective Disposition in Youth Detention	
Center: Period of Pre-trial Detention and Period of Entrust to the Juvenile	
Classification .....	48

# **Report of the National Human Rights Commission of Korea**

## **for the Pre-sessional Working Group of the Committee on the Rights of the Child**

### **I . Introduction**

1. The National Human Rights Commission of Korea (hereinafter, the NHRCK) hereby submits this report to the eighty-second Pre-sessional Working Group of the UN Committee on the Rights of the Child (hereinafter, the Committee) to prepare the List of Issues prior to the review of the 5th and 6th periodic report of the Government of the Republic of Korea (hereinafter, the government). The NHRCK, as an independent national human rights institution, would like to present information on the current status and questions with regards to the implementation of the Convention on the Rights of the Child (hereinafter, the Convention) to provide reliable information to the Committee to refer to in drafting the List of Issues.

2. This report, in consideration of the Guideline regarding the form and content of periodic reports to be submitted by State parties (CRC/C/58/Rev.3), divides the issues related to the rights of the child into eight clusters and presents information on current status and questions in each area.

## II. Implementation of the Convention

### A. General Measures of Implementation

(Arts. 4, 42, and 44, para. 6 of the Convention)

#### 1. Reservations

##### Issue 1. Article 21 Paragraph (a)

###### 1) Current status

3. The government ratified arts. 21, para. (a) of the Convention and finalized the procedure to withdraw the reservation(para. 3, the 5th and 6th periodic report). However, despite the introduction of an authorization-based adoption system, there exist institutional loopholes including the fact that foster care might take place prior to the court approval, and when the adoption takes place pursuant to the Civil Act, adoptive parents are not screened for criminal record.

###### 2) Questions

4. Does the government have a plan to modify the system for adoption?

##### Issue 2. Article 40 Paragraph 2 (b)(v)

###### 1) Current status

5. The government stated that in view of the opinions that withdrawal of the reservation to arts. 40, para. 2 (b)(v) of the Convention would be acceptable, it had plans to consider withdrawing its reservation of the Convention (para. 4).

###### 2) Questions

6. Please provide detailed plans for the withdrawal of arts. 40, para. 2 (b)(v). What is needed for the withdrawal, and how has the government been responding?

### **Issue 3. Optional Protocol to the Convention on the Rights of the Child on a communications procedure (Third Optional Protocol)**

#### 1) Current status

7. The government was recommended to join the Third Optional Protocol to the Convention at the Second Universal Periodic Review in 2012. The government responded that it was reviewing the necessity for and impact of ratification.

#### 2) Questions

8. Please provide information on the progress of the review on the accession to the Third Optional Protocol. Does the government have a plan to join the third Optional Protocol?

## **2. Responsibility of State Parties**

### **Issue 4. Legislation**

#### 1) Current status

9. The Committee has recommended to the government to review its legislation on abortion to ensure full compliance with the principle of best interests of children in the third and fourth Concluding Observations. The Mother and Child Health Act permits abortion in limited cases: where the pregnant woman or her spouse suffers from any eugenic or genetic mental or physical disability; where she or her spouse suffers from any contagious disease; where she is impregnated by rape or quasi-rape; where pregnancy is taken place between relatives by blood or by marriage; and where the maintenance of pregnancy severely injures the health of the pregnant woman. Except for the aforementioned cases, abortion is illegal under the Criminal Act. As for juveniles, in many cases they are not qualified for the aforementioned permissions and might be exposed to the risk of covert abortion, abandonment of babies and forced adoption (para. 8).

10. In August 2018, when the Ministry of Health and Welfare amended the related regulation to prescribe the abortion operation as one of “immoral medical treatment” and impose an administrative measure of one month suspension of qualifications, the Korean Association of Obstetricians and Gynecologists announced complete refusal of abortion operation as a whole. According to the material submitted by the Ministry of Food and Drug Safety to the National Assembly of the Republic of Korea (hereinafter, National Assembly) in October 2018, the rate of uncovered illegal selling of abortion inducing drugs on-line

accounted for 9.2% (1,984 cases), increasing from 4.6% (1,144 cases) in 2017, which is interpreted as a result of balloon effect by punishment against abortion. The Ministry of Health and Welfare estimated the number of abortion in 2010 to reach 170,000.

## 2) Questions

11. Please provide information on abortion under the Mother and Child Health Act and covert abortion. What is the government's plan to protect the pregnant juveniles from the risk of illegal abortion?

### **Issue 5. Policy Coordination**

#### 1) Current status

12. The government has established the Child Policy Coordination Committee and Child Policy Working Committee in order to establish comprehensive child policies and coordinate the opinion among relevant ministries (para. 9). The Child Policy Coordination Committee was convened once a year from 2014 to 2016 (Table 1-3, Annex, the 5th and 6th periodic report). The Committee recommended in the third and fourth Concluding Observations to establish an appropriate body with the necessary authority and adequate resources for child policies.

#### 2) Questions

13. What are the roles of the Child Policy Coordination Committee and Child Policy Working Committee, and do they have necessary authority and adequate resources?

### **Issue 6. National Plan of Action**

#### 1) Current status

14. The government has established and implemented the First Master Plan on Child Policy (2015-2019) and the Sixth Master Plan on Youth Policy (2018-2022); it also established the Third National Action Plan for the Promotion and Protection of Human Rights (2018-2022).

#### 2) Questions

15. For the establishment of these national plans of action, what kinds of consultation have been made with civil society, in particular with children?

## **Issue 7. Allocation of Resources**

### 1) Current status

16. According to the Research on Child Rights Index conducted by Good Neighbors, when levels of rights to life, protection, development and participation were converted into a Child Rights Index of maximum 100 points, regional gaps were found; and the largest gap of more than 23 points was found in the area of the right to development. The research also found a correlation between financial independence, ratio of budget for social welfare, educational financial independence and the Child Rights Index. As the government places most of the child related projects under the authority of the local governing bodies, regional gaps can be occurred depending on the budget and will of the local governments.

### 2) Questions

17. What is the reason behind the regional gap and does the government have plans to bridge the gap?

## **Issue 8. Data Collection**

### 1) Current status

18. The Committee had expressed its concern on the lack of material on children in poverty in the third and fourth Concluding Observations, and the government stated that it had a plan to collect statistics on children in poverty (para. 18). It also stated that it had conducted researches on actual conditions and related policies to prevent child poverty as part of the 2018 Implementation Plan of the First Master Plan on Child Policy, and it had a plan to establish a five-year master plan to support the children in poverty and conduct a research on actual conditions on children in poverty.

### 2) Questions

19. Please provide information on the establishment of the five-year master plan and a research report to support the children in poverty. What is the result of the research to prevent child poverty?

## **Issue 9. Awareness-raising**

### 1) Current status

20. The Committee has recommended for inclusion of education on child rights and human rights in the school curriculum in the third and fourth Concluding Observations. The government stated that it had a plan to create an environment to institutionalize education on child and human rights including the enactment of human rights education support act (para. 21).

### 2) Questions

21. Does the government have a policy to expand the education on child and human rights in the school curriculum? How is the progress of the enactment of human rights education support act?

## **B. General Principles**

(Arts. 2, 3, 6, and 12)

### **1. Non-discrimination**

## **Issue 10. Anti-discrimination Act**

### 1) Current status

22. Discussion has been made on the enactment of a comprehensive anti-discrimination act until the 19th National Assembly; however, none of them were enacted due to the opposition and social conflict with regards to their provisions on sexual orientation, etc. At the current 20th National Assembly, no related legislation has been proposed yet. In addition, while enactment of an anti-discrimination act was included in the Policy Tasks of the 18th President, it is not included in the Policy Tasks of the 19th President. In this regard, the NHRCK has been making efforts for the enactment of an anti-discrimination act.

### 2) Questions

23. Does the government have a plan to enact an anti-discrimination act?

## **Issue 11. No-kids Zone**

### 1) Current status

24. With restaurants and cafes that completely prohibit the access of children increasing, opinions are sharply divided between the freedom of operation of owners and discrimination against children. In this regard, the Plenary Committee of the NHRCK in 2017 concluded that the restaurant that prohibited the access of children under the age of 13 discriminated against children.

### 2) Questions

25. Does the government have understanding on the exact situation regarding No-kids zone? Does the government carry policies to resolve the social conflict in this regard?

## **Issue 12. Sexual Minority Children**

### 1) Current status

26. According to the Current Status of Sexual Orientation and Gender Identity Report published by the NHRCK on children in the ages of 13 to 18 in 2014, 19% (38 children) answered that their schools prohibited same-sex relationship. Among them, 34.2% (13 children) said that opposite-sex relationship was not prohibited. In addition, 4.5% (nine children) answered that their school had asked them to write down the names of sexual minorities; ten answered that there were school policies punishing sexual minorities by giving penalty points or suspending them from school; and six answered that there were school policies forcing sexual minorities to transfer to other school or expelling them from school. Moreover, 11 children were found to be disciplined due to same-sex relationship or gender role.

### 2) Questions

27. Does the government have a plan to prevent discrimination against sexual minority children?

## **2. Best Interests of the Child**

### **Issue 13. Child Policy Impact Assessment**

#### 1) Current status

28. Pursuant to the Child Welfare Act amended in 2016, the government will conduct the Child Policy Impact Assessment in 2019. Some local governing bodies (ex. Seongbuk-Gu(district) and Gangdong-Gu of the Seoul) are currently carrying out Child Impact Assessment (para. 47).

#### 2) Questions

29. How is the preparation for the Child Policy Impact Assessment going? What is the implementation plan?

30. What are the examples and achievements of the Child Impact Assessment conducted by the local governments?

## **3. Right to Life, Survival, and Development**

### **Issue 14. Child Suicide**

#### 1) Current status

31. In 2015, the Social Relations Ministers' Meeting confirmed the "Comprehensive measures on prevention of student suicide". According to the Statistics on the Cause of Death published by Statistics Korea, 4.2 out of 100,000 juveniles aged 10 to 19 years old committed suicides(para. 39). The 2018 Juvenile Statistics by Statistics Korea and Ministry of Gender Equality and Family shows that the leading cause of death for juveniles aged 9 to 24 years old for the last ten years (since 2007) has been suicide with the suicide ratio standing at 7.8 out of 100,000 juveniles as of 2016. According to the Ministry of Education, 1.8 out of 100,000 students committed suicide in 2016, and the analysis of the causes of suicide of students in 2016 showed that the causes behind the suicides were family issues (34.3%), pessimism and depression (17.6%) and bad grades (12.0%). Direct causes of suicide were parents' scolding (59.2%), disclosure of wrongdoing (20.4%), and academic result (4.1%).

## 2) Questions

32. What is the government's measure to reduce child suicide?

### **Issue 15. Single Mother and Baby box**

#### 1) Current status

33. According to the Statistics Korea, the ratio of babies born out of wedlock in Korea stood at 1.9% as of 2014, which was the lowest among the OECD members (OECD average 40.5%). In addition, there exists severe social prejudice against single parents. The government, pursuant to the Act on Special Cases Concerning Adoption, provides foster allowances of KRW 150,000 (until 16 years old) and expenses for psycho-emotional therapy of KRW 200,000 (for maximum 24 months); but when it comes to a child from a single-parent household, foster allowances of KRW 130,000 (until 14 years old) is provided only when the household's income is under 52% of the median income.

34. Meanwhile, private entities run "baby box" where the parents who could not raise their children on their own can leave their babies. For example, a baby box installed in Gwanak-Gu, Seoul, has sentences on it that read 'Do not abandon babies born with disabilities or from a single mother. Please open the box and leave them inside if you cannot raise them (refer to Fig. 1 and 2)'. Babies left inside the baby box are handed over to local governments after going through the district police station and district office. In Seoul, abandoned children are brought to the Seoul Child Hospital for medical checkup and then sent to child welfare facilities including orphanage. As of 2017, 210 babies were abandoned in the baby box installed in Gwanak-Gu, but only 154 babies were transferred to the local government and reported to the Ministry of Health and Welfare. Abandoning a baby in a baby box is a criminal offense, but the government fails to identify the current status as baby boxes are operated by private entities without permission. It has been ten years since the private entities started to operate baby boxes but the government has not yet come up with measures regarding this issue.

#### 2) Questions

35. How does the government provide support for single mothers and their children? Does the government carry a plan to do conduct a complete enumeration survey to understand the actual situation of single mothers?

36. Please provide exact information including the number of babies abandoned in baby boxes and transferred to child welfare facilities every year since the operation of baby boxes.

37. Please provide information on the process under which babies abandoned in baby boxes are registered and supported with public assistance, and please also explain the reason why the number of babies abandoned in baby boxes and the number of babies transferred to the government does not match.



Figure 1. Baby Box in Gwanak District



Figure 2. Baby abandoned in a baby box

## Issue 16. Child Safety: Fine Dust, Asbestos, Daycare Center Bus, and Humidifier Sanitizers, etc.

### 1) Current status

#### Fine Dust

38. With the growing social concern on the harmful impact of fine dust on health, the NHRCK recommended to the Minister of Environment to monitor the indoor air quality of all daycare centers and to Minister of Health and Welfare to provide support for installation, operation, and maintenance of the air purification equipment. Compared to adults, children have weaker immune system and breathe more air for their weights, thus more vulnerable to the fine dust. However, the measures taken to control the quality of air inside the facilities where children spend time vary depending on the age of children and institutions to which they belong. In addition, the air quality standard of daycare centers imposed by related regulations is less strict than that for kindergarten, elementary, middle, and high schools, and it is not mandatory. Moreover, home daycare centers are excluded from the monitoring under the related legislations. 34,104(86%) out of 39,640 daycare centers under regulation are excluded from monitoring as of 2018 as the application of the regulation varies depending on the size of the daycare center.

#### Asbestos

39. With regards to asbestos, level one carcinogen designated by the WHO, among 20,856 schools in Korea, 13,956 schools(66.9%), contains asbestos as of end of June 2016. During the 2017 winter vacation, 201 out of 1,227 schools that have gone through asbestos removal construction were investigated on asbestos residue, and as a result, 43 schools were found positive for asbestos residue. In 2018, due to the fear on asbestos, more than 500

elementary school students refused to go to the school after their school has gone through the asbestos removal construction.

#### Daycare Center Bus

40. In the summer of 2016, regarding to the daycare center bus, a child left inside the bus was found dead due to the high temperature inside the bus. This case resulted in introduction of a system mandating to check that no child is left in the bus. However, in the summer of 2018, another child was left inside the school bus and found dead again.

#### Humidifier Disinfectant

41. Humidifier disinfectant sold since 1994 were pointed out as the cause of the unexplained lung injuries in 2011. According to the Ministry of Environment, the number of children with interstitial lung disease under the age of three has increased 20 fold since humidifier disinfectant were started to be sold. Children with weaker immune system than adults may have been more affected by inhaling the disinfectant, but it is difficult to receive remedies since the victims of humidifier disinfectant have to prove that they have used the humidifier disinfectant in concern and developed disease after using it.

42. In 2015, the UN Special Rapporteur on Human Rights and Hazardous Substances and Wastes visited Korea and raised the issue of humidifier disinfectant in connection with the child rights. Since then, the government started to verify the safety of daily chemical supplies and published the Measures on Safety Control on Daily Chemical Supplies, and make diverse efforts. In addition, A Special Act on Remedy for Damages by Humidifier Disinfectant was enacted by the 20th National Assembly. Still, victims have not been provided with adequate remedies. The number of victims including the lung fibrosis and death confirmed after the fourth investigation of the Korea Centers for Disease Control and Prevention had reached 6,040 (including 1,335 deaths).

#### 2) Questions

43. How does the government carry out its policy related to controlling the air quality in facilities where children reside?

44. Please provide information on the effectiveness of the current technology in removing asbestos and explain if there is a measure to guarantee no residue left after the removal of asbestos to protect children from harmful environment.

45. What is the government's policy to guarantee the safe commute of children to daycare centers or kindergartens?

46. Please provide information on current status of child victims of humidifier disinfectant and remedy or support provided to them.

## **4. Respect for the Views of the Child**

### **Issue 17. Respect for the Views of the Child in School**

#### 1) Current status

47. According to the 2016 Current Status of Guaranteeing Students' Rights in School by the NHRCK, 29.4% of 2,616 middle school students answered that their schools had not asked for students' opinion on enactment or amendment of school regulations. For the same question, 39.1% of 3,484 high school students answered the same. In 2017, the NHRCK recommended to the Minister of Education to allow participation of the students in the School Governance Committee, the highest decision making body of the school. The existing legislation prescribes that members of the School Governance Committee be representatives of teachers, parents, and local community; but participation of the students is not formally recognized.

#### 2) Questions

48. What would be the measures to guarantee participation of the students during the decision making process, e. g. the School Governance Committee?

### **Issue 18. Respect for the Views of the Child in Administration and Judiciary**

#### 1) Current status

49. The Child Welfare Act prescribes that when restricting the exercise of parental authority, sentencing the loss of parental authority, or selecting a guardian of a child, the opinion of the child should be respected. However, with the lack of regulation prescribing how to listen to and respect the opinion of the child concerned in detail, it is difficult to apply the provision in real cases.

50. In addition, the Act on Special Cases Concerning the Punishment, etc. of Child Abuse Crimes, the Act on Special Cases Concerning Adoption, the Civil Act, the Family Litigation Act, and the Rules on Family Litigation prescribe respect for and expression of the opinion of the child who is older than 13 years old.

## 2) Questions

51. What is the process to listen to the opinion of the child under the provisions of the related legislations? Please provide information on how the opinion of the child under the age of 13 is taken into account by the current administration and judiciary and what would be the measures to respect the opinion of the child under 13?

## C. Civil Rights and Freedoms

(Arts. 7, 8, and 13-17 of the Convention)

### Issue 19. Birth Registration

#### 1) Current status

52. According to the 2016 Statistics on Birth, 99.3% of children were born in hospitals. In 2017, the NHRCK recommended to the Minister of Justice to amend the related legislation to mandate a doctor and midwife involved in childbirth to report the birth to national institutions or public institutions. In response, the Minister of Justice replied that he would push ahead with the amendment after having sufficient discussion with medical institutions and relevant institutions. As for the procedure of birth registration, online report has become possible since May 2018. As of September 2018, birth of babies born in 45 hospitals in Korea can be registered online.

#### Deliberately concealing a birth

53. Pursuant to the Act on the Registration, Etc. of Family Relationships, birth registration should be filed within one month from the date of birth. However, when the birth is not registered, only an administrative fine under KRW 50,000 can be charged. There is a case that a child born in 1999 had been neglected and excluded from educational or medical assistance for 18 years until found in 2017 because the child's parents did not register the child's birth.

#### Birth Registration by Single Father

54. Single father has limited access to birth registration. After the amendment to the Act on the Registration, etc. of Family Relationships in 2015, single fathers are allowed to register birth. However, in principle, it is biological mother who has to register birth; hence when biological mother is identified, single father is not allowed to register birth. When the single father does not know personal information of the biological mother, he may register birth to the Family Court by submitting an application of 'confirmation of birth of his own child' with necessary documents including DNA test results. From the moment that the amendment went into effect in November 2015 to June 2017, 331 people have registered a birth through

this process. In 2017, 144 applications for confirmation of birth were filed by single fathers, and only 108 applications were approved.

## 2) Questions

55. What would be the measure to register the birth of every child?

56. What would be the measure to enhance the birth registration by single father?

## **Issue 20. Freedom of Expression, Association, and Peaceful Assembly**

### 1) Current status

57. According to the 2016 Current Status of Guaranteeing Students' Rights in School by the NHRCK, 65.3% of the 842 teachers and 51.2% of 1,838 parents answered that school may control the assembly of students when there is a possible limitation of the right to give lessons or of safety of students. In addition, 15.6% of teachers and 14.3% of parents answered that students need to get permission from the school in advance to hold an assembly.

58. The 2017 Current Status of the Rights of Children and Juveniles by the National Youth Policy Institute showed that 14.2% of the respondents answered that the activities of the students council were not guaranteed, 11.3% said that the opinion of the students council were not respected, and 82.8% answered that they have not experienced protest or cultural events.

### 2) Questions

59. What is the government's policy to promote the freedom of expression, association, and assembly of children at school or in social life?

## **Issue 21. Protection of Privacy and Protection of Image**

### 1) Current status

60. According to statistics provided by the National Youth Policy Institute, 19.5% of schools in Korea inspect students' belongings. The 2016 Current Status of Guaranteeing Students' Rights in School by the NHRCK showed that 12.9% of 2,616 middle school students, and

21.2% of 3,484 high school students experienced inspection of their belongings without prior consent. In addition, 11.9% of the middle school students and 11.2% of high school students answered that student's personal information such as family background, religion, meal beneficiary, diseases, infection, and livelihood security beneficiary has been disclosed in school. Moreover, 12.7% of middle school students and 18.1% of high school students answered that their schools go public with students' grades. In addition, middle and high school students, 30.7% and 47.7% respectively, said that their schools give away information about gained admission to certain schools.

61. In the same survey, 14.5% of 842 teachers and 13.4% of 1,838 parents have agreed that school may decide on its own whether to install a security camera on campus. According to the 2017 Gyeonggi Province Current Status of Students' Rights, 52.2% of the respondents answered that installation and operation of the security cameras on campus tend not to be announced. Security cameras on campus sometimes used to guide or to discipline the students, e.g. catch smoking.

## 2) Questions

62. Does the government have a plan to guarantee the protection of privacy and protection of image of children at school?

63. Does the government have a detailed guideline on the use of security camera installed in schools? Does the government understand how the school security cameras are being used to discipline students?

## **D. Violence against Children**

(Arts. 19, 24, para. 3, 28, para. 2, 34, 37 (a), and 39)

### **1. Child Abuse and Neglect**

#### **Issue 22. Child Abuse Report**

##### 1) Current status

64. According to the 2016 National Child Abuse Status Report by the Ministry of Health and Welfare and National Child Protection Agency, the number of reports of suspected child abuse has increased from 7,083 in 2007 to 25,878 in 2016, 5,581 in 2007 and 18,700 in 2016 confirmed as child abuse. Among them, the number of reports filed by mandatory reporters was 2,284 in 2007 and 8,288 in 2016, respectively 32.2% and 30% of the total reports.

65. The report showed that the Child Abuse Discovery Rate, the ratio of the number of child from confirmed child abuse cases to 1,000 children of child population, was 2.15‰, showing the highest rate of increase since 2001 when the rate started to be measured for the first time. However, the figure is still lower than 9.2‰ of the U.S. in 2015 and an average of 8.5‰ in the Australia from 2015 to 2016. Experts say that the low figure of Korea is not because of less child abuse cases, but because of less disclosure of child abuse which is also related to low reporting rates.

66. In 2016, the NHRCK recommended to the Minister of Health and Welfare to devise a guidelines to unify the reporting system of the mandatory reporting facilities and explicitly define who has the responsibility to report, establish more shelters for victims of child abuse, introduce a specialized foster care system, and garner the necessary budget. In response, the Ministry of Health and Welfare stated that it would amend report-related guidelines in the first half of the 2017, and also garnered budgets to establish seven new child abuse victim's shelter in 2017.

67. Pursuant to the Child Welfare Act, Current Status of Child Abuse Survey was conducted once in 2011, but with the amendment to the Child Welfare Act, the survey on child abuse was integrated into a comprehensive survey on current status of the child as a whole. Since then, no more survey on child abuse has been conducted independently.

## 2) Questions

68. What are the progress and achievements of the measures taken to increase the Child Abuse Discovery Rate and the rate of report by mandatory reporters?

69. What are the related guidelines on reporting? Please provide information on the cause of the low reporting rate and government's plan to increase the rate.

70. What is the government's plan to enhance the protection system for the victims of child abuse?

## **Issue 23. Budget on Child Abuse related Projects**

### 1) Current status

71. Local child protection agencies are institutions conducting field inspection and counsel and investigate affected children when they reported a child abuse. Municipal governments had subsidized them, but the responsibility has been transferred to the central government in 2015 where the central government matches the amount that a municipal government earmarks. Thus, their budgets may vary by each local government's financial condition.

72. The Ministry of Health and Welfare is responsible for operating child protection agencies and child abuse related projects which, on the other hand, are financed by the crime victim protection fund of the Ministry of Justice. Likewise, the Ministry of Health and Welfare is in charge of setting up and running shelters for abused children, while they have to turn to the lottery fund of the Ministry of Economy and Finance for their budget. In a word, the budgets assigned to the projects to prevent child abuse are not from the department in charge but from somewhere else.

## 2) Questions

73. Does the government have any plan to bridge the regional gap in budgets of the local child protection agencies?

74. Please present the budget status of child protection agencies and shelters for abused children, the historical trend of the budget for the last five years and its implementation. In particular, how much budget is assigned per child in the shelters?

75. What does the government plan to secure appropriate budget for the child abuse related projects?

## **Issue 24. Child Protection Agency**

### 1) Current status

76. Currently, in 2018, the local child protection agencies number 62 and engage in preventing child abuse and identifying, protecting, and treating abused children according to the Child Welfare Act. The length of continuous service of counselors in the agencies is merely two years and ten months on average, which is hardly enough time to become experts by any standard. In addition, they suffer from substandard working conditions; as of 2016, one counselor is in charge of 64 cases on average and works about 3,635 hours a year while actual available time per counselor is reportedly 1,961 hours.

### 2) Questions

77. Does the government have a plan to establish more agencies? What is the government's measure to make the agencies better accessible to field?

78. What is the government's policy to improve the counselor's working conditions and facilitate their expertise?

## Issue 25. Protection for Abused Children

### 1) Current status

79. Released by the Supreme Prosecutors' Office on April 12, 2016, the registered number of child abusers in violation of the Criminal Act (Hard Labor by Child), the Child Welfare Act, and the Act on Special Cases Concerning the Punishment, etc. of Child Abuse Crimes has increased from 183 in 2011 to 2,691 in 2015, a whopping nearly six fold increase from 459 in 2013 when the Act on Special Cases Concerning the Punishment, etc. of Child Abuse Crimes has yet to be legislated. The number of indictees also grows nearly tenfold in 2015 from merely 49 in 2011.

80. The 2016 National Child Abuse Status Report says that the number of repeated child abuse in 2016 was 1,591, accounting for 8.5% of the entire child abuse. As repeated abuse which incurs within a year from the initial identification of the abuse takes up 48.8%, a 6.4%p year-on-year increase, it is critical to prevent the repetition of the crime and intervene at an early stage so that the abuse does not become routine. The Ministry of Health and Welfare regards the incidence of repeated abuse as a performance benchmark; however, it fails to offer specific plans on how to manage an abuse case effectively to stop repetition and how to provide professional service.

### Education, Treatment, etc. for Child Abusers

81. Offenders who are not subject to the court's protective disposition, order, or punishment hardly volunteer to complete education or therapy recommended by a child protection agency. While the Child Welfare Act states that child abusers shall conscientiously participate in education and psychological therapy when the head of each child protection agency recommends them to do so, there is no sanctions against those who do not participate.

82. As of 2016, the most frequent service provided to offenders was counseling, 78.1%. Offenders ordered by the court were offered with offender entrusted program, 8.4%, psychological therapy, 6.4%, child family bonding service, 1.4%, medical service, 3.3%, etc. The violated children were provided with counseling, 48.9%, temporary sheltering, 32.5%, psychological therapy, 7.4%, family bonding service, 2.5%, etc. Parents or family of the violated children were provided with counseling, 89.9%, psychological therapy, 4.5%, family bonding service, 2.4%, etc. Counseling tops the list of services with family oriented intervention program and service being insufficient.

### Public Defender for Child Victims

83. The NHRCK recommended the Minister of Justice in 2016 that a public defender shall be assigned to a victim in the course of criminal procedure as well as for a victim protection order case in order to provide a victim with substantive support. However, the Ministry of Justice has declined to accept the recommendation as it might go against a victim's wish and it would be better to rely on the court's comprehensive judgment.

## 2) Questions

84. What is the reason behind the surge in child abuse? Please present the government's plan to eradicate child abuse.

85. Please evaluate the performance of policies to prevent repetition of abuse and present future plans.

86. Does the government have any intervention strategy depending on various types or characteristics of offenders? Please include any future plan regarding the scale of relevant budget, program development or nurturing professionals.

87. Does the government carry any plan to protect the legal rights of abused children?

## **Issue 26. School Violence**

### 1) Current status

88. The Act on the Prevention of and Countermeasures against Violence in Schools states that an autonomous committee for countermeasures against school violence shall deliberate on school violence and its decision shall be documented in Comprehensive Evaluation System of High School Life Records. Hence, the number of applications for retrial has also been jumping from 572 in 2012 to 1,299 in 2013 against the committees' decision while the number of administrative appeals has also risen from 175 in 2012 to 423 in 2016.

### 2) Questions

89. Does the government have any plan to address conflict arising from school violence? What is the government's policy to counteract school violence?

## **2. The Right Not To Be Subjected To Corporal Punishment, Torture, and Inhumane Treatment**

### **Issue 27. Corporal Punishment and Alternative Disciplines**

#### 1) Current status

90. The Enforcement Decree of the Elementary and Secondary Education Act explicitly bans direct corporal punishment; however, it does not offer any sanction upon violation. In addition, any prohibition against indirect corporal punishment such as group punishment or nose-in-the-corner is not included. The periodic report contains, instead, students' autonomous court by the Seoul Metropolitan Office of Education, school life scoring systems, volunteering, and student life coaching by the Gyeonggi Provincial Office of Education in regards to alternative programs replacing corporal punishment (para. 78).

91. The Civil Act does not explicitly prohibit domestic corporal punishment. The Child Welfare Act stipulates that no protectors of children shall inflict physical pain or psychological pain on the children and bans committing physical abuse against a child that may hurt his/her body or injure his/her physical health and development; however, as the Civil Act grants parents the right to take disciplinary action, it is hard to stop domestic violence against children unless it escalates into abuse which clearly hurts their body or injures their physical health and development.

#### 2) Questions

92. What does the government plan to replace corporal punishment with alternative disciplines?

93. What are the government's measures to eradicate all forms of physical violence against children including corporal punishment at school and home?

## **Issue 28. Seongam Academy: The Right Not To Be Subjected To Inhumane Treatment**

### 1) Current status

94. "Seongam Academy" was a vagrant camp founded in 1942 in Seongam Island, Ansan in Gyeonggi Province and shut down in 1982. The Japanese Government General of Choseon ordered the institute forcibly took in children by reason of recruiting combatants for the Pacific War during the Japanese colonial era, which was relocated to Gyeonggi Province after the liberation. Whether their parents dead or alive, children, vagrant or poor, were abducted and locked away, falling victim to serious violation of human rights and forced to work.

95. The list of discharged children from the institute stored in the Gyeonggi Provincial Archive shows a total of 4,691 from 1956 to 1982. There can be more children who are missing on the record.

96. A number of victims have testified that the children mostly under the age of 12 were forced to work on salt ponds, farming, stock raising, silkworm or oyster farming. The absolute shortage of food ration drove them to eat wild fruits, grass, insects, snakes, or rats and get sick or even die. They also suffered from beating, physical and sexual assault. Severe treatments took away their life or forced them to escape only to drown and be buried in secret. About 300 bodies of children are reportedly deserted in a nearby graveyard.

97. The group of victims, the Countermeasure Committee on State Violence against Seongam Academy Children, has identified about 70 victims, and the NHRCK has surveyed 28 of them in February 2018: most of them are now in their 50s to 60s had been kidnapped by the police or government officials and spent more than three years in the camp. About 50% of them had lived on begging or roamed for at least five years after discharged from academy, while 80% barely finished 'primary education. Even now most of them are suffering from illness, trauma, and poverty.

### 2) Questions

98. What kind of specific measures has the government been taking to find truth about state violence against children such as in the case of Seongam Academy and survey the status of its victims?

### 3. Sexual Exploitation and Sexual Abuse

#### Issue 29. Sexual Assault on Children

##### 1) Current status

99. The Criminal Act defines sexual assault, etc. to the under the age of 13 as a statutory rape. Those who engage in consensual sex with youth over 13 are legally not punishable. According to the Ministry of Gender Equality and Family, the rate of sexual crime against teenagers over 13, the age of consent, has reached about 80% in 2016. Legislative bills in a bid to raise the age of consent and to punish those who commit a sexual crime against child between 13 and 16 or over 13 have been submitted to the 20th National Assembly.

100. Child grooming is frequently reported where an emotionally and financially vulnerable victim is approached and offered with relief of her/his urgent needs and finally befriended to form a trustful relationship and tame her/him mentally with the objective of sexual abuse. There is a case where a perpetrator who sexually assaulted on many occasions and impregnated a teenage girl has been acquitted by the court. He met the then-15-year-old girl for the first time in 2011 and engaged in sexual intercourse on many occasions. The court of first instance and the appeal court sentenced 12 years and nine years in prison respectively, while the Supreme Court vindicated him in 2017 as the victim had continued to see him after the assaults and sent a love letter to him in prison.

101. Tacteen, a civil society organization and counselling center for sexual violence against children and youth, analyzed interview of 78 juvenile victims for three years from July 2014 to June 2017 and found that 43.9% of them fell under child grooming and victims in the age of 14 to 16 accounted for the largest share at 44.1%, followed by 11 to 13 years old at 14.7% and 6 to 10 at 14.7%.

##### 2) Questions

102. What are the measures to root out sexual violence against minors?

103. What is the policy to prevent child grooming and implement effective punishment?

## **Issue 30. Me Too Movement in School: Sexual Harassment By Teachers**

### 1) Current status

104. The Survey Report on Sexual Harassment of Students by Teachers by the NHRCK in 2017 shows that four out of ten high schoolers thought sexual harassment by teachers occurs in school. 27.7% of them said they experienced sexual harassment by teachers in high schools. Those who are affected said they either "ignored and stayed quiet (37.9%)" or "tolerated it even though they knew it was wrong (19.8%)." For the reasons they could not act out, they "simply did not know what to do (26.0%)," "were afraid of any possible disadvantage of going to college (21.9%)," or "did not want their fellow students know about it (15.5%)."

105. So-called "Me too movement" has swept the nation in 2018 among which "School Me Too" has received rampant support. Teachers across the nation have been blamed for conducting long term and widespread sexual harassment against students in schools including sexist remarks, which has brought anonymous or real name based accusation of outspoken victims and subsequent investigation by an education administrative authority or the police.

### 2) Questions

106. Please submit a current status report related to the "School Me Too" movement.

107. What policy is the government implementing to restore damages and support student victims?

## **E. Family Environment and Alternative Care**

(Arts. 5, 9-11, 18, paras. 1 and 2, 20, 21, 25, and 27, para. 4)

### **1. Family Environment and Parental Guidance in a manner consistent with the Evolving Capacities of the Child, Parents' Common Responsibilities**

#### **Issue 31. Child Competency Index**

##### 1) Current status

108. Regarding the evolving capacities of the child, the government has set forth identification of core competency and development of a child competency index as policy initiatives for its First Master Plan on Child Policy (2015-2019). It made an announcement that it would identify core competency of the child in the natural course of development and meeting the needs of future society, and it would develop the Child Competency Index which considers and evaluates the core competency of the child in governments' policies.

##### 2) Questions

109. How is the process of identifying core competency of children and developing the Child Competency Index going? What does the policy mean in terms of safeguarding the rights of the child?

#### **Issue 32. Parents' Responsibilities**

##### 1) Current status

110. The revision to the Civil Act in 2014 enhances *parens patriae* on various occasions; however, a gap might arise in protecting a child due to the lack of seamless connection between suspension of parental authority and commencement of guardian of the minor. While a head of local government may request for the appointment of a guardian for the minor, anyone seldom, if ever, files a request, making the procedure of appointing a guardian highly impractical. Foster parents are subject to a highly complicated procedure in order to

be appointed as a guardian for fostered minor. Foster parents who are not guardians are not recognized as in loco parentis; they are not credited as a legal representative of fostered minor.

111. The guardianship itself, furthermore, is not strong enough to provide legal protection for children. For example, guardians do not have the authority to agree on common or critical medical treatments for children.

## 2) Questions

112. Do foster parents or guardians of the minor have an enough authority to protect them?

113. What is the gap of authority in protecting children and how can it be addressed?

### **Issue 33. Assistance to Parents: Parenting Education**

## 1) Current status

114. The government is offering parenting education via Health Family Support Center, Support Center for Childcare, and Parents Support Center.

## 2) Questions

115. Is parenting information for children's life cycle in accordance with their growth and development offered? Please provide information such as the current status of parenting education or measurable standards of its effectiveness.

116. How many parents, as of 2017, have participated in parenting education held by Health Family Support Center, Support Center for Childcare, and Parents Support Center and how is the assessment of its effectiveness?

## 2. Children deprived of a family environment

### Issue 34. Children Subject To Protection

#### 1) Current status

117. The term "child subject to protection" means a child who has no protector or is separated from a protector, or whose protector is unsuitable for, or incapable of, rearing them, such as in cases of child abuse by the protector. The Statistics Report on Current Status of Children Subject to Protection by Statistics Korea in 2018 shows that the number of children in need of protection was 4,846 in 2017. Protective measures have been taken for 4,121 children due to the following reasons:

**Table 1. Reasons why the child became subject to protection**

<b>Measures taken</b>	<b>Reasons why the child became subject to protection</b>	<b>As of 2017</b>
Protective Measures	Abusive parents	1,437
	Unwed Parents or Extramarital Children	850
	Divorce	754
	Deceased Parents	276
	Abandoned Children	261
	Delinquent Juveniles, Runaways, Vagrant Children	229
	Poor or Unemployed Parents	216
	Diseased Parents	86
	Missing Children	12
	<b>Sub-total</b>	<b>4,121</b>
Others	Sending back home or to acquaintances	725
<b>Total</b>		<b>4,846</b>

118. The Child Welfare Act mandates that counseling services, a physical examination and a psychological test for the child subject to protection and investigation into such child's home environment shall precede the protective measures such as placement in a foster home, a child welfare facility, or a medical facility.

## 2) Questions

119. How do counseling services, a physical examination and a psychological test for the child subject to protection and investigation into such child's home environment proceed in advance of deciding protective measures? Please provide the relevant information such as procedure, current status, etc.

### Issue 35. Children Deprived of a Family Environment

## 1) Current status

120. The Statistics Report on Current Status of Children Subject to Protection by Statistics Korea in 2018 shows that, as of 2017, the number of children admitted to child welfare facilities, 2,421, was about 1.4 times as high as those fostered, 1,700. According to the 2017 Current Status Report of Foster Care by the National Foster Care Center and the Ministry of Health and Welfare, as of 2017, the number of fostered children was 11,975, of whom 7,942 or 66.3% were sent to live with grandparents, 3,096 or 25.9% with kinship carers, and 937 or 7.8% with non-related foster families.

**Table 2. Measures taken to protect the child**

Measures taken	Types of protection	As of 2017
Protect in Child Welfare Facilities	Residential Child Care Institution (Orphanage)	1,467
	Temporary Shelter	310
	Facilities for Children with Special Needs	19
	Group Home	625
	Sub-total	2,421
Protect by Foster Care	Households Headed by Child	2
	Adoption	285
	Foster Parents	990
	Respite Care before Adoption	423
	Sub-total	1,700
Others	Sending back home or to acquaintances	725
<b>Total</b>		<b>4,846</b>

121. As of 2017, the average number of children per caregiver in child care facilities stood at 5.9. The Enforcement Decree of the Child Welfare Act states that the legal standards are three children per caregiver for infants and toddlers from zero to two, seven for kids from three to six, and ten for children above seven. Under the current situation, however, one caregiver might possibly have to look after 19 children alone.

122. Children subject to protection may be protected under the system until they turn 18, and they are entitled to support for self-reliance according to the Child Welfare Act; however, a special case worker to support self-reliance is assigned to each Si/Gun/Gu or to a child welfare facility. Otherwise, none is assigned. In addition, there were some cases where a special case worker has never been in touch for five years after the termination of the protection service or a child was not given the kind of support he or she wanted. The Survey of Self-Reliance Status and Needs of Children Graduating from State Protection Service released in 2016 by the Korea Human Resource Development Institute for Health & Welfare shows that the most needed support for the first 5 years is living expense (39.3%), housing expense (37.9%), and self-reliance support (5.9%).

## 2) Questions

123. What is the government's plan to promote alternative care such as foster homes rather than child welfare facilities?

124. Does the government have any plan to increase the number of caregivers in alternative care system and provide high-quality training for them in order to offer more devoted nurturing environment to children?

125. Please present the self-reliance status of children graduating from the state protection service. What is the government's policy to help them stand on their own feet and what does the policy offer?

## **Issue 36. Adoption**

### 1) Current status

126. The revision in 2012 mandates that a person shall obtain permission from the family court to adopt a child; however, a man who had ten previous convictions had adopted a child whom he abused to death, mutilated, and buried in secret in 2016. Another adoptive father's violence had landed a child in brain death.

127. Adoption agencies are mostly responsible for processing adoption where the government subsidizes them with adoption fee upon every adoption of a child. According to

comments from the National Assembly in 2017, three major domestic adoption agencies are charging foreign parents-to-be USD 14,500, USD 19,500, and USD 20,040 for adoption, respectively. Subsidized through adoption fee, the agencies might be focused more on pulling off adoption than offering appropriate consideration toward adoptive families or subsequent services after adoption, which poses a potential risk that they might not act in the best interest of adopted children.

128. The Act on Special Cases Concerning Adoption stipulates the provision of post adoption services. The post adoption services for adoptive families are provided by the central adoption agency in the form of public projects with 72% servicing international adoptees.

129. The number of adopted children who were later returned was 1,073 in 2012, which a bit decreased to 833 in 2016 as intervention of the court has been enhanced in 2013. In 2016, in addition, 40 fully adopted children were dissolved, which might cause a gap in protecting them who's all ties with the original family have cut through full adoption.

## 2) Questions

130. Does the government have any plan to prevent the recurrence of tragedy such as death of the adopted child in 2016?

131. Is the way where the government pays adoption fees to subsidize adoption agencies desirable? Does the government have any plan to address such an issue?

132. What is the government's policy to ensure stable provision of post adoption services considering the needs of adoptees?

133. Does the government have any plan to fill the vacuum in protecting an adopted child when the child is abandoned by adoptive parents? Please include the status report of dissolution of adoption.

## **Issue 37. Hague Convention**

### 1) Current status

134. The government has entered into the Hague Convention of 29 May 1993 on Protection of Children and Co-Operation in Respect of Inter-country Adoption in May 2013 and been preparing to ratify it. The bill to agree on the ratification has been submitted on October 18th, 2017 and on hold in the National Assembly.

## 2) Questions

135. What is the government preparing to ratify the Hague Convention?

## **F. Disability, Basic Health, and Welfare**

(Arts. 6, 18, para. 3, 23, 24, 26, 27, paras. 1-3, and 33)

### **1. Children with Disabilities**

#### **Issue 38. Medical Service for Children with Disabilities**

##### 1) Current status

136. The Act on Welfare Support for Children with Disabilities lays an insufficient ground for medical support for children with severe disabilities, leaving them out of the existing healthcare delivery system. In addition, the act selectively chooses who to support based on the level of income.

137. The state has only one private children's rehabilitation hospital in place, leading many more children to be treated along with adult patients. In 2017, the National Assembly pointed out that 5,250 children (around 25%) of disabled children were not being treated. The government chose a local government which can conduct a public project to run a public children rehabilitation hospital rather than building one by itself. The project selected Daejeon City to set up the hospital. However, the government is planning to support KRW 7.8 billion, about 29% of the construction cost, without any plan for further support in facility cost, equipment cost, operation cost, etc, which is criticized by the civil society for lacking sufficient public concern.

138. Infrastructure for early detection of disabilities and relevant support is also insufficient: Only minimal support provided for low and lower income families in diagnosis expense for disabilities, a monthly voucher worth KRW 120,000 for treatment of school-aged children, and monthly subsidy varying from KRW 140,000 to 220,000 for a family whose income under 150% of national average household income for developmental rehabilitation service. These are not enough to cover medical expenses, placing much burden on the families taking care of children with disabilities.

## 2) Questions

139. What does the government plan to ensure medical support for children with disabilities?

140. Does the government have any plan to facilitate stable delivery of rehabilitation treatment?

## **Issue 39. Education for Children with Disabilities**

### 1) Current status

141. The Act on Special Education for Person with Disabilities, etc. stipulates the provision of education services for those with various and special needs and the prohibition of discrimination against a person for special education, i.e., refusal of an application for admission or unfair educational opportunity for reasons of her/his disability.

142. 2018 Special Education Statistics by the Ministry of Education show that, as of 2018, the number of students eligible for special education reaches 90,780, about an average increase of 1,000 a year since 2011. Furthermore, one out of five classes in the total of about 4,600 classes in the special education facilities nationwide is overcrowded over its statutory quota. As the schools are located in and around cities, 1,853 students have to commute a long way more than an hour for one way with 11 of them taking two hours for one way.

143. The Seoul Metropolitan Office of Education announced a plan in 2015 that it would build a special school in an old school site in Gangseo District, faced a strong resistance from residents concerned about a potential drop of prices of house in the neighborhood. After much debate, in 2018, Superintendent of the Seoul Metropolitan Office of Education, members of the National Assembly, and an opponent group against the construction of a special school reached an agreement to build the school on the site.

### 2) Questions

144. Please elaborate on the government's policy to fully ensure rights to education of children with disabilities.

145. Does the government have any plan to resolve conflicts and address social awareness as in the past where a plan to build a facility for children with disabilities meets public opposition?

## 2. Rights to Life, Survival, Health and Health Care

### Issue 40. Health and Health Services

#### 1) Current status

146. As of 2015, children affected by critical illnesses including cancer, rare incurable diseases, cardiac disorders, and cerebrovascular diseases have increased every year along with its medical costs since 2012. According to the Status Report of Children with Critical Illness Applied Special Case by the National Health Insurance Service, as of 2015, 59,858 patients have visited doctor's office with the medical expenses spent worth KRW 365,891,904,000.

147. As for children, outpatients who lead a daily life are more relevant than inpatients, while medical institutions prefer inpatients to outpatients due to health insurance fee. Children living in provincial areas often have to travel a long distance and check in a rehabilitation facility in a nearby city. Rehabilitation treatment for children tends to last long-term; hence, patients' excess of 30% of the medical cost places a huge burden, while critical rehabilitation items such as speech language therapy is even uninsured.

#### 2) Questions

148. Please present the status of children in need of rehabilitation treatment. Please also include the number of children lacking the access to the treatment.

149. Please elaborate on the government's policy to protect rights to life and health of children affected by critical and rare diseases. In particular, for those in need of rehabilitation treatment, is it possible to arrange a long-term rehabilitation treatment in a nearby medical facility?

### Issue 41. Mental Health of Children

#### 1) Current status

150. The Ministry of Education has been conducting mental and behavioral examination in schools around the nation since 2009. In 2013, the ministry has launched a project to build regional cooperation to take care of mental health of students and implemented the project on offices of education nationwide since 2015. However, the mental health index of youths in 2016 in accordance with on-line survey conducted by the Ministry of Health and Welfare and

the Korea Center for Disease Control & Prevention shows 12.1% feeling suicidal, 2.4% attempting suicide, 37.4% feeling stressed out, and 25.5% experiencing depression. The first killer for youths aged from 9 to 24 in the nation has been suicide since 2007. Recently, a song titled "Let's crash our heads and commit suicide" is highly popular among elementary students along with proof of self-mutilation.

## 2) Questions

151. What is the government's response to promote mental health of children?

# 3. Measures to Protect Children from Substance Abuse

## Issue 42. Smoking and Drinking

### 1) Current status

152. According to the government, its consistent efforts in providing adolescent smoking and drinking prevention programs resulted in continuous decline of smoking and drinking rates among teenagers (para. 132), however, the 13th On-line Survey on Health and Behavior of Youths (2017) conducted by the Ministry of Health and Welfare and Korea Centers for Disease Control & Prevention found that among middle school students, the experience rate of smoking prevention program and awareness of anti-smoking campaigns were 77.2% and 85.6%, respectively, and among high school students, 65.4% and 80.1%, respectively. In addition, only 49.3% of middle school students and 34.5% of high school students, both falling short of 50%, participated in drinking prevention programs. The survey also showed that the percentage of middle and high school students who successfully purchased cigarettes when attempted was 47.1% and 74.4%, respectively.

### 2) Questions

153. Does the government have plans to raise awareness about the health risks of smoking and drinking?

154. What kind of effective measures can be taken to prevent the use of toxic substances such as smoking and drinking among adolescents?

### **Issue 43. Addiction: Smartphones and Internet, Gambling**

#### 1) Current status

155. In a 2018 survey by the Ministry of Gender Equality and Family of 1.29 million students (4th, 7th, and 10th graders) on excessive use of smartphones and the internet, about 196,000 students were diagnosed as a risk group for being over-dependent on one of them, and about 65,000 students were identified high risk group for being over-dependent on both. In the case of 4th graders, although the number of students participated in the survey in 2018 has decreased compared to the previous year, the risk group has increased from 10.7% to 12.6% and the high risk group has increased from 3.1% to 3.8%.

156. According to the 2016 Current Status of Media Usage among Adolescents and Harmful Environment, 23.7% of adolescents at risk who went through youth detention centers, probation offices, or youth shelters played online gambling, which is 5.4 fold higher than that of normal adolescents at 4.4%. On the other hand, the rate of normal adolescents who received online gambling prevention education programs was higher at 34.5% whereas adolescents at risk stood at 29.6%.

#### 2) Questions

157. What are the government's plans to reduce the adolescents' excessive dependency on smartphones and the internet? Please explain the causes of such over-dependency and plans for early intervention.

158. What are the government's plans to reduce the online gambling among adolescents? In particular, provide specific plans for reducing online gambling among adolescents at risk.

## **4. Social Security, Childcare Service, and Standard of Living**

### **Issue 44. Social Security**

#### 1) Current status

159. According to the National Basic Livelihood Security Program, only those who do not have obligator for family support or whose obligator for family support is incapable to support the family are considered as welfare recipients. However, it is harder for children than the adults to prove that they are not being supported due to the parents' absence, unknown whereabouts, hospitalization, mental disorder, poverty, etc.

160. There have been attempts during the 18th and 19th National Assembly to pass the legislation of the “advanced payment of child support system” to make government to provide child support to the child support creditor (custodial parent) in advance and exercise the right to indemnity against the child support debtor (non-custodial parent). However, the government has enacted the Act on Enforcing and Supporting Child Support in 2014, which mainly rely on Child Support Agency went into effect in 2015. As a result, an institutional basis was prepared to provide temporary emergency aid for child support, so caretakers can receive an emergency support fee of KRW 200,000 per month up to nine months.

161. The 2015 Single Parent Family Survey by the Ministry of Gender Equality and Family showed that 94.1% of 2,043 single parents have never used the Child Support Enforcement Program, and among the users, 48.6% of them answered that the program was not helpful in terms of receiving child support. 83.9% of single parents have never received child support for over a year, 6.2% of them had child support credit. The single parents also said that it is necessary to expand the Temporary Emergency Aid for Child Support (53.1%), impose stronger sanctioning measures against child support debtors for non-payment of child support (23.4%), and strengthen the monitoring support to confirm child support payment status on a regular basis (23.0%).

## 2) Questions

162. Are there easy ways for children to apply for public support from the government to help themselves in need?

163. Are there any practical methods that the single parents could refer to when requesting for child care? What are the government’s action plans in introducing the advanced payment of child support system?

## **Issue 45. Social Security for Children in Poverty**

### 1) Current status

164. The Act on Prevention of Child Poverty, Support of Children, Etc. was enacted in 2011 prescribes to survey the status of child in poverty, formulate a master plan for child poverty support, and propose that the committee on prevention of child poverty should be established. However, the survey on the status of child in poverty has not been conducted.

165. The Children Development Account (CDA) is a welfare program for impoverished and at-risk children. When a child under 18 makes monthly deposit, the local government will deposit the same amount to his or her account. In 2011, Daejeon had the lowest number of bank account holders at 73.3% while Jeju had the highest number at 98.3%, a 25%p difference between the two regions occurred. In terms of savings rate, Daejeon recorded the lowest at 89.5% and Gyeonggi Province recorded the highest at 99.2%, a 9.7%p difference

between the two regions showed. Furthermore, the bank account holding rate and savings rate of children who receive basic livelihood subsidies are both lower than that of impoverished and at-risk children. In 2015, the average bank account holding rate of children who received basic livelihood subsidies was 53.3% and the savings rate was 82.1%, which was 15.2%p lower than savings rate of impoverished and at-risk children. In regard to this matter, the National Assembly pointed out in 2016 that differentials in regions and children have occurred due to lack of manpower and insufficient budget of the Korea National Council on Social Welfare, the management agency of the CDA.

166. According to the Ministry of Gender Equality and Family, 14.7% of adolescents between 15 and 19 have worked part-time to make a living (3.8%) and because they were in no condition to receive allowances from their parents (10.9%).

## 2) Questions

167. Does the government have a detailed action plan to conduct a survey on the current status of child in poverty?

168. What causes the differentials in regions and children in welfare assistance projects for impoverished and at-risk children such as the CDA? What is the government's assessment on this matter and plan to solve the problem?

169. Is the government aware of present state of adolescents who are working part-time due to financial hardships? Does the government have plan to support them?

## **Issue 46. Workplace (On-Site) Daycare Center**

### 1) Current status

170. The Infant Care Act requires workplaces of a certain size to have on-site day care center. However, among the 1,153 workplaces that should have on-site workplaces, 213 (18.5%) of them did not have it.

### 2) Question

171. What measures are taken by the government against the required workplaces that have not arranged on-site day cares?

## **Issue 47. After School Care Service**

### 1) Current status

172. The government is operating the Community Child Care Center (the Ministry of Health and Welfare), the After School Academy (the Ministry of Gender Equality and Family) for children from fourth to 9th grade, and the After School Care Class in Elementary School (the Ministry of Education) to provide care services for children who do not have someone to look after them after school. In particular, the number of Community Child Care Centers in 2016 was 4,107 and a total of 106,668 children received the after school care service. However, there is a widespread perception that the Community Child Care Centers are for children from poor families because they are primarily used by children from low income families that meet the income eligibility criteria.

173. In the 2015 Family Survey by the Ministry of Gender Equality and Family, more than 37% of elementary school students spent at least an hour alone at home after school.

### 2) Questions

174. What is the government's plan in providing caretakers to those in need?

## **Issue 48. Family-Friendly Certified Companies**

### 1) Current status

175. In accordance with the Act on the Promotion of Creation of Family-Friendly Social Environment, the government reviews companies that promote family-friendly culture in the workplace by following the 40-hour work week standard, protecting maternity workers, encouraging maternity workers to take shorter working hours during pregnancy, allowing paid leave for prenatal visits, encouraging paternity leave, promoting parental leave, allowing shorter working hours for child care, and allowing employees to take leave of absence to care after family. Then the government reviews the employees' utilization of family-friendly company policies by examining how many employees return to work after taking leave of absence and the employment retention rate. After careful review, the government selects family-friendly certified companies and offers incentives. In 2014, 335 out of 3,123 large companies and 1,596 out of 3,542,350 small and medium-sized businesses were selected as family-friendly certified companies.

## 2) Questions

176. Is there a plan to increase the number of family-friendly certified companies? Why do small and medium-sized companies receive less family-friendly certification, and what are specific plans to resolve this?

### **Issue 49. Adequate Standard of Living**

#### 1) Current status

177. In the Single Parent Family Survey in 2015 by the Statistics Korea, the average monthly income of single parent families was KRW 1.89 million, which was less than half of the overall average household disposable income of KRW 3.9 million. Also, single parent families' average amount of net assets in 2014 was KRW 65.97 million, which only accounts for 19.8% compared to the average household net asset of KRW 333.64 million. As of 2018, the government is providing KRW 130,000 per month for child support to single parent or grandparent-headed families with lower income than 52% of a median income, and KRW 180,000 per month for child support to single parent families under 24 with lower income than 60% of a median income.

178. There are 125 residential facilities and four public facilities being operated as welfare facilities for single parent families as of December 2017, and a monthly living allowance of KRW 50,000 is provided to single parent families residing in the residential facility. The government is also building residential facilities with learning facilities exclusively for adolescent single parents and promoting the Support Self-Reliance Package for Adolescent Single Parents to help the adolescent single parents under 24 be self-reliant and guarantee their right to learn.

179. Child Benefits are provided to the families whose income level is under 90% since September 2018.

#### 2) Questions

180. What is the government's plan to expand support that would help the children from single parent families sustain their adequate standard of living?

181. Among the welfare facilities for single parent families, how many of them can be used for adolescent single parent families? Please provide detailed information on this.

## G. Education, Leisure, and Cultural Activities

(Arts. 28-31)

### Issue 50. The Right to Education

#### 1) Current status

182. The government only recognizes schools that received accreditation in accordance with the Elementary and Secondary Education Act as educational institutions. According to the government, about 50,000 to 70,000 students discontinue their studies every year and about 390,000 out of 6.67 million school-aged children are considered out-of-school children. Children that do not attend school and students who attend alternative schools, which did not receive accreditation from the government, are all considered as out-of-school children.

183. To support out-of-school children, the government established a total of 206 K-Dream Youth Support Centers as of 2018 to provide care services such as counseling, support for school qualification/entrance examinations, job experience and career training programs, self-reliance support, and health examination, etc. However, the out-of-school children receive far less support compared to students in public education and challenged with insufficient budget. The 2018 budget for K-Dream Youth Support Centers is about KRW 24.6 billion, which is KRW 63,000 per out-of-school children. This number is a big difference compared to Korea's public education spending per student, \$9,873, as indicated in the 2017 OECD Education Index.

184. To ensure the right to education of out-of-school children, the NHRCK has advised the Minister of Education to allow out-of-school children to return to their affiliated schools and raise objections and receive consideration under the process if principals refuse to take the children back. In the case of emergency situations where out-of-school children need immediate protection from domestic violence, the NHRCK has advised that same rule should be applied to the out-of-school children staying at youth protection agencies as the children being protected at Child Protection Agencies approved attendance of the school and not be marked as absence from school.

185. The government policy regarding right to education of out-of-school children is lacking.

#### 2) Questions

186. Please provide details on the government's policies targeted to guarantee right to education for children who are excluded from public system.

187. What is the budget status for alternative schools that did not receive accreditation from the government?

## Issue 51. The Aims of Education

### 1) Current status

188. According to the Statistics Korea, the total expenses spent on private education in 2017 was about KRW 18.6 trillion, a KRW 600 billion (3.1%) increase compared to 2016. While the number of students that received private education showed year-on-year decline of 2.7%, the private education participation rate has increased 2.7%p, from 67.8% to 70.5%, and average of participated hours per week has also increased from 6.0 hours to 6.1 hours. The average participation rate of private education for elementary, middle, and high school students was 70.5%, and elementary school students marked the highest rate at 82.3%. The average of participated hours per week was 6.1 hours and elementary school students had higher average than the overall average with 6.7 hours.

189. If the income of household is large, private education expense of the household became higher. In 2017, households whose monthly income is under KRW 2 million spent KRW 93,000 per month per student, while households whose monthly income is over KRW 7 million spent KRW 455,000, showing the gap of 4.9 fold. Moreover, students in the top 10% of academic achievement spent KRW 342,000 per month per student, whereas students in the bottom 20%(81 to 100%) spent KRW 192,000, showing the gap of 1.8 fold.

190. The economic status of the household contributes to the four-year college entrance rate and wage differential occurs depending on the educational level, thus private education may affect the wage level. According to the Analysis of Policy Measures to Address Low Fertility Rates [Education] by the National Assembly Budget Office, released on Feb. 2017, when the spending on private education is divided into five different groups, the spending level of group five (KRW 611,000 per month) was about 15 times higher than that of group one (KRW 45,000 per month), and the entrance rate for top-tier colleges went higher as spending on private education increased. Group one's four-year college entrance rate in Seoul was 23.3% whereas group five's entrance rate was 50.0%, and higher spending on private education contributed to wage level after graduation. Based on private education spending, the monthly average wage for group five and group one were KRW 2.11 million and KRW 1.88 million, respectively.

### 2) Questions

191. The economic status of parents leads to spending gap in private education, and in turn, affects the college entrance rate or wage level after graduation. Does the government have policy measures to resolve this problem?

## **Issue 52. Cultural Rights of Children Belonging to Minority and Indigenous Groups**

### 1) Current status

192. Children belonging to minority groups represent children from minority group backgrounds and include immigrant children, multicultural children, and North Korean refugee children. Although the number of children from minority groups is increasing, they have a low school attendance rate with a high dropout rate, and experience difficulties in adjusting to school life and deciding the future path compared to native children.

#### Immigrant Children

193. According to the government's Survey on the Current Status of Foreign Residents, the number of children under 18 with migration background in 2015 was 207,693, a 70.3% increase from 121,935 in 2010. Children under six took a large portion with 56.38% and the number of school-aged children of seven years old and older is on the rise.

194. The current Framework Act on Education states that all Korean citizens are subject to compulsory education, so children with migration background are not subject to compulsory education and therefore not able to receive the school enrollment notice. Moreover, the government does not prohibit schools from rejecting school transfer of refugee children such as children with migration background, so their school admission could be rejected at the discretion of the school principal. After the government exempted the civic officials from the obligation to notify upon recognizing unregistered children with migration background in 2012 and revised the law so that children with migration background do not have to submit the certificate of entry and exit when enrolling or transferring to schools in 2013, the high school attendance rate and the enrollment rate to higher education institutions increased compared to 2012 by 4.8% and 4.0%, respectively, but each rate was lower than Korea's overall attendance rate by 3.6%p and 14.8%p, respectively.

#### Multicultural Children

195. The Korean Education Statistics states that the number of multicultural children attending elementary, middle, and high school has increased from about 30,000 in 2010 to about 109,000 in 2017, and their percentage out of the entire students has also increased from 0.44% in 2010 to 1.89% in 2017.

196. The dropout rate for multicultural children in 2016 was 0.85%, which was higher than the entire students' dropout rate of 0.77%. The high school dropout rate was the highest at 1.41%, followed by middle school at 1.15% and elementary school at 0.70%. The multicultural children were having hard times in adjusting to school life and their reasons for dropout were due to cultural difference (18.3%), difficult schoolwork (18.0%), school transfer and study abroad (15.3%), money (14.4%), and lack of interest (11.1%). In terms of the

career path, multicultural students expressed difficulties in setting career goals and preparing for the future as 33.1% answered that they do not know what to do in order to get into the school or workplace that they would like to go, and 31.1% answered that they are not sure what they want to become in the future.

### North Korean Refugee Children

197. According to the Ministry of Gender Equality and Family, the number of North Korean refugee children was 2,517 (1,143 elementary school students, 773 middle school students, and 601 high school students) in 2016 with middle school students being the majority group. The dropout rate for North Korean refugee children in 2016 was 2.1% with high school dropout rate being the highest with 6.1%, followed by middle school and elementary school at 2.3% and 0.6%, respectively.

#### 2) Questions

198. Please provide detailed statistics regarding the right to educations of children from minority groups and explain how it is being managed.

### **Issue 53. Leisure and Culture Activities**

#### 1) Current status

199. UNICEF Korea's 2014 report states that 50.4% of children were not aware of their right to play and 22.8% of them were discontent or highly dissatisfied about their playing activities. Children could not fully enjoy their play time due to a lack of time (24.5%), academic stress (19.5%), and lack of understanding and interference from parents (15.1%). Academic stress is related to a lack of time to play as the children think that they should spend their leisure time on studying rather than playing.

200. According to the Ministry of Health and Welfare, adolescents (15 to 24 years old) spent an average of 7 hours 50 minutes per day on studying, which is about three hours longer than the OECD average per day or about 15 hours longer than the OECD average per week. The hours spent on studying leads to the lack of leisure time.

#### 2) Questions

201. What is the government's plan to guarantee the children's rights to play?

## **H. Special Protection Measures**

(Arts. 22, 30, 32, 33, 35, 36, 37 (b)-(d), and 38-40)

### **1. Asylum-seeking and Refugee Children**

#### **Issue 54. Birth Registration for Refugee Children**

##### 1) Current status

202. Birth registration in Korea is processed in accordance to the Act on Registration, etc. of Family Relationships, and it stipulates only the birth of Korean nationals, so children from immigrant families should follow a birth registration law of the parents' nationality. The government states that in case the birth registration of the immigrant children cannot be processed at the embassy of the parents' nationality, immigrant children may submit the birth certificate to apply for alien registration, however, this does not prove children's existence. Therefore, it is practically impossible to register the birth of their children for the immigrant parents, as well as the refugees, asylum seekers, and residence permit holders who are hesitant to visit the embassies of their nationality for the fear of persecution.

##### 2) Questions

203. What is the government's plan to enable birth registration for the children of immigrant parents, as well as the refugees, asylum seekers, and residence permit holders who have difficulties to visit the embassies of their nationality?

#### **Issue 55. Support for Refugee Children**

##### 1) Current status

204. The Ministry of Health and Welfare states that Korean nationals between zero to five years old who received resident registration numbers in accordance with the Resident Registration Act are entitled to claim child care allowances and subsidies through its guideline. Children who are recognized as refugee children are included as qualified recipients for child care allowances and subsidies as an exception, however, children who are granted with resident permits for humanitarian purposes and immigrant children are prohibited from receiving welfare benefits.

205. Among the 80 refugee parents with children under the age of five, 95.2% of them experienced difficulties in child rearing in Korea, such as absence of caretaker in case of emergency or illness (53.8%), teaching Korean (23.8%), communication difficulties with teachers (8.8%), and lack of information related to educational institutions (7.5%). All 37 parents with school-aged children answered that they are experiencing difficulties such as not being able to look after the children's homework and school supplies (24.3%), financial support (18.9%), and a lack of knowledge about curriculum subjects or school life (16.2%).

206. According to Child Fund Korea's survey on acculturation of refugee children in Korea in 2017, refugee children with working parents accounted for 43% and they had low incomes. 34.2% of them had an average household income of KRW one million to KRW two million per month, 27.2% of them had an average household income under KRW 500,000, and 18.4% of them had an average household income of KRW 500,000 to KRW one million per month.

## 2) Questions

207. How can refugee families have access to the support program for refugee children? Should improvements be made in the current support program for refugee children and how their rights can be guaranteed?

## **Issue 56. Health and Development Status of Refugee Children**

### 1) Current status

208. According to Child Fund Korea's survey on acculturation of refugee children in Korea in 2017, 42.1% of respondents could not go to hospitals due to burden from medical expenses (66.7%) and language barrier (27.1%).

209. The refugee children's level of depression and anxiety that they are aware of was much higher than the level that their parents are aware of. Compared to native or multicultural children, the refugee children suffered more from acculturative stress. Moreover, immigrant children had lower self-esteem, Korean proficiency, and life satisfaction compared to refugee children born in Korea.

### 2) Questions

210. What is the government's plan in guaranteeing the physical and mental health of refugee children?

## 2. Economic Exploitation, Sexual Exploitation and Abuse

### Issue 57. Work Placement of Specialized High Schools and Vocational High Schools

#### 1) Current status

211. Students of specialized high schools have to participate in work placement in industrial sites in their senior years. However, in 2017, one student who was participating in the work placement program as a consultant at the customer call center committed suicide, and other accidents are continuously happening with work placement students such as the death of a student who was caught in the machine during work placement in Jeju Island. There are many issues involving students such as violation of various labor related acts, safety issues, and discrimination based on the forms of employment during work placement. There are issues relating to a sense of alienation and stress caused by pressure to find work inside and outside of school, or due to the alienation from the school curriculum because of work placement. The Ministry of Education announced the plan to settle the Learning-centered work placement and made plans to revise the Elementary and Secondary Education Act, but the Act has not been amended yet.

#### 2) Questions

212. Is there a government plan to guarantee children's rights in relation to the work placement?

### Issue 58. Child Labor

#### 1) Current Status

213. According to a study conducted by the National Youth Policy Institute, 12.2% of adolescents (5% of middle school students and 18.1% of high school students) had experience in working part-time in 2017, and the rates for academic high school and specialized high school accounted for 12.6% and 41.2%, respectively. Among the adolescents who have worked part-time, 17.5% of them received little or no pay for their work and 20.5% of them have been paid below minimum wage. 17.1% of them had worked overtime or been requested to perform duties outside of job description, and 7.9% of them had been unfairly dismissed. Moreover, 65.5% of them had never signed an employment contract, 15% of them had worked in unsanitary and dangerous working conditions, and 12.3% of them have been verbally abused or insulted by others while working.

## 2) Questions

214. Does the government have a plan to protect child labor?

### **Issue 59. Sexual Exploitation and Sexual Abuse**

#### 1) Current status

215. Currently brokerage of child and adolescent prostitution is in the form of 1:1 deals where terms are conditioned through chatting applications as a result of the increased use of smart phones and the advancement of the internet. According to the analysis on the types of first meeting places of adolescent prostitution conducted by the Korean National Police Agency, 528 cases of child and adolescent prostitution activities were prosecuted in 2010, of which 78.4% (114 cases) were sexual prostitution that used the internet as the communication channel. According to the Survey on Human Rights and Environment of Child and Adolescent Prostitution by the NHRCK, most frequently used prostitution method was the smart phone chatting application (67%), followed by internet chatting and cafes (27.2%).

216. The current Act on the Protection of Children and Juveniles from Sexual Abuse stipulates child victims of prostitution as “corresponding children and adolescents” and can be subjected to protective disposition under the Juvenile Act. According to the abovementioned survey, 41.5% of child and adolescent victims of prostitution with experience of being put under protective disposition were treated as criminals by the investigative agency, and 46.6% thought protective disposition as a form of punishment. In relation to this, in 2017, the NHRCK pronounced the opinion to the chairman of the National Assembly that it is desirable to clearly rename “corresponding children and adolescents” to “children and adolescents victims,” and to strengthen protection and support after deleting the stipulation on protective disposition.

217. Children subjected to prostitution are reluctant to report prostitution because criminal records and investigative documents remain due to the protective disposition. There are cases where brokers or sex offenders that are aware of this abuse it to force prostitution. In addition, there are cases where the court does not interpret such children as victims but rather deem them as voluntary participants of prostitution unless brokerage, inducement or lure involving third party is clearly revealed.

218. Based on the above survey, “harmful internet website/smart phone app regulation (86.5%)” followed by “thorough crackdown and severe punishment by judicial authorities (85.3%)” are required to prevent children and adolescents from entering into prostitution. However, among sex offenders whose identities were disclosed after being sentenced as sex offenders against children and adolescent, 32.3% rapists were put under probation as of 2015. When compared to the punishment to child victims of prostitution who are subjected to protective disposition which is de facto detention, the punishment to sex offender seems milder.

## 2) Questions

219. Present current situation that the government identifies about the current status of putting 'protective disposition' under the Juvenile Act to children subjected to prostitution. Include consultations and services that are provided to the children subjected to prostitution.

220. Are there policies of the government to prevent child prostitutions through online and smartphone apps?

## 3. The Administration of Juvenile Justice

### Issue 60. Age of Criminal Minors

#### 1) Current status

221. Under the Criminal Law, the age of criminal minors is 14 years old, but due to the continuous occurrence of violent crimes such as the "Elementary school student murder case in Incheon" and "Mass violence by middle school students in Busan" in 2017 followed by "Mass violence by high school students in Gwanak mountain, Seoul," there were public voices raised from various social circles to abolish the Juvenile Act and to raise the level of punishment on juveniles through the national petition.

222. In Korea, children under the age of 14 are not subjected to criminal punishment, and many drafts to reform the act to lower the age to 12 or 13 were issued by the current 20th National Assembly. The Minister of Justice announced on July 12th, 2018 that the age of criminal minors will be lowered to the age under 13.

223. According to the Crime Analysis (2006 to 2017) conducted by the Supreme Prosecutors' Office, the crime rate of juveniles under 14 recorded 0.6% in 2006 and 0.1% in 2015, and the number is on the decrease. Moreover, even if this applies to juveniles under 14, those who are 10 or older can be subjected to protective disposition such as placement in youth detention centers or probation under the Juvenile Act, and in particular, those who are 12 or older can be sent to long-term placement in youth detention centers (within two years) or be subjected to attendance order.

224. The Committee recommended that the minimum criminal age be raised to 12 years in the General Comment No. 10 (2007) and urged the countries having employed a higher age standard not to lower it.

#### 2) Questions

225. Is lowering the age of criminal minors to strengthen punishment for children an effective measure to reduce crime rates or recidivism rates of the child?

226. What is the comprehensive juvenile justice policy for preventing violent crimes and repeated crimes related to children?

### **Issue 61. Medical Service for Juvenile Inmates**

#### 1) Current status

227. The NHRCK visited the juvenile detention centers in 2015 and has expressed the opinion to the Minister of Justice that medical youth detention centers should be newly established to improve medical treatments in the youth protection facilities for healthy growth and improvement of mental health for protected juveniles. The government has mentioned that it is planning to establish a new medical youth detention centers by 2020 (para. 186).

#### 2) Questions

228. What is the progress of the establishment of medical youth detention centers? Is there a plan to secure budget required for the establishment?

### **Issue 62. Non-inclusiveness of the Period of Protective Disposition in Youth Detention Center: Period of Pre-trial Detention and Period of Entrust to the Juvenile Classification**

#### 1) Current status

229. The Criminal Law stipulates that the days of detention before the court ruling shall be counted in a jail sentence. However, as the protective disposition based on Article 32 of the Juvenile Act is not a form of imprisonment, the time that a child spent under pre-trial detention or the period of entrust to the Juvenile Classification (two months at the most) are not included in the detention period of protective disposition in areas such as youth detention centers. The protective disposition in youth detention center is minimum one month and two years at the most. This is where youths are sent to the confined facility, that is, the youth detention center, and it has the strong characteristic of detainment. The daily average number of youths in 10 different youth detention centers was 1,132 as of 2016.

#### 2) Questions

230. Why are the days spent under pre-trial detention or juvenile classification not included in the period of protective disposition in youth detention center? What legal efforts are made to improve this issue?