

COMMITTEE ON THE RIGHTS OF THE CHILD

**WRITTEN REPLIES BY THE GOVERNMENT OF THE REPUBLIC OF KOREA
CONCERNING THE LIST OF ISSUES (CRC/C/Q/REPKO/2) RECEIVED BY THE
COMMITTEE ON THE RIGHTS OF THE CHILD RELATING TO THE
CONSIDERATION OF THE SECOND PERIODIC REPORT OF
THE REPUBLIC OF KOREA (CRC/C/70/Add.14)**

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Part I

A. Data and statistics

1. Please provide disaggregated data (by gender, age, minority group, urban or rural areas) covering the period between 1999 and 2001 on:

a) The number and proportion of children under 18 living in the State party;

< Table 1.a > Number and proportion of children under 18 in 2000

	No. of persons	Ratio(%)
Total population	45,985,289	100.0
Total population under age 18	11,686,350	25.4
Gender		
Male	6,353,316	13.4
Female	5,533,054	12.0
Age		
0~4 years old	3,130,258	6.8
5~9 years old	3,444,056	7.5
10~14 years old	3,064,442	6.7
15~17 years old	2,047,594	4.5
Residence		
Urban	9,572,429	20.8
Rural	2,123,858	4.6

Source: 2000 national census on population and house

b) The number and proportion of foreign children, including those from undocumented migrants.

< Table 1.b > Number and Proportion of Foreign Children and Minors¹

	1999		2000		2001	
	Number	Ratio(%)	Number	Ratio(%)	Number	Ratio(%)
Foreigners	380,101	100.0	481,611	100.0	552,099	100
Children & Minors	62,439	16.4	51,910	10.77	53,627	9.71
Gender						
Male	31,849	8.4	27,337	5.67	28,477	5.15
Female	30,590	8.0	24,573	5.10	25,150	4.55
Age						
0~5 years old	15,039	4.0	12,256	2.54	12,390	2.24
6~10 years old	13,884	3.7	13,683	2.84	13,304	2.40
11~15 years old	10,712	2.8	11,439	2.37	11,891	2.15
16~20 years old	22,804	6.0	14,532	3.01	16,042	2.90

Source: Ministry of Justice

¹ Including those are aged from 18 to 20 years

2. In light of article 4 of the Convention, please provide additional disaggregated data (by region) for 1999-2002, budget allocations and trends (in percentage of the national and regional budgets) allocated to the implementation of the Convention, evaluating also the priorities for budgetary expenditures given to the following:

< Table 2.1 > Total Budget of the Government (unit: billion won)

Year	1999	2000	2001	2002
Budget (A)	83,685.1	88,736.3	99,180.1	105,876.7

- a) Education, including pre-school, primary, secondary and special;

< Table 2.a > Education budget (unit: billion won, %)

Year	1999	2000	2001	2002
Education Budget (B)	16,257.3	17,663.0	18,569.0	20,671.1
Ratio (B/A)	19.4	19.9	18.7	19.5

Source: Ministry of Education and Human Resources Development, Statistical Yearbook of Education

- b) Health care, including primary, adolescent and other child related health services;

< Table 2.b > Child Health Care Budget (unit: million won)

Year	1999	2000	2001	2002
Child Health Care	6,267	6,666	9,405	11,595

- c) Social welfare and support programme for families;

< Table 2.c > Social welfare and support programme for families (unit: million won)

	1999	2000	2001	2002
Social security	436,531	323,740	797,048	796,058
Social welfare, family & child support	8,867	18,694	20,877	17,232

Social welfare and family and child support cover free meal plans for children of low-income households and tuition fee assistance for secondary education of children of low-income or single parent households. Social security covers child benefits for housing, medical and educational costs of children of low-income households.

- d) Protection of children who are in need of alternative care including the support of care institutions;

< Table 2.d > Budget for the Protection of Children (unit: million won)

	1999	2000	2001	2002
Day Care	125,297	145,959	170,563	210,280
Alternative Care	47,202	53,080	64,979	70,910

Day care budget covers child care support for low-income households, free care for 5-years-old children of low-income households, and subsidy for day care institutions. Alternative care budget covers subsidy for care institutions, assistance to child-headed households, subsidy for foster homes and group homes, financial support related to adoption, and operation of Centres for the Prevention of Child Abuse.

e) Juvenile justice

Budget for juvenile justice is used for operation and renovation of juvenile training schools, including enhancement of their educational function.

< Table 2.e > Budget Allocated for Juvenile Justice

Year	1999	2000	2001	2002
Budget (million won)	35,249.9	40,198.5	45,316.3	49,402.6
Trend (% compared with previous year)	0.1	14.0	12.7	9.0

3. *Please provide disaggregated data (by gender, age, urban or rural areas) covering the period 1999-2001 on the:*

a) Total number of children with disabilities;

< Table 3.a > Number of children with disabilities

	Number
Total number of children with disabilities	89,771
Gender	
Male	58,056
Female	31,175
Age	
0~4 years old	10,925
5~9 years old	30,925
10~14 years old	27,574
15~17 years old	21,147
Region	
Urban	76,772
Rural	12,999

Source: 2000 National Survey on the Disabled

b) Number of children with disabilities enrolled in private and public schools;

< Table 3.b > Number of Children with Disabilities Enrolled in Schools²

Year \ Age	3~5	6~11	12~14	15~17	Total
1999	1,677	33,290	11,070	7,706	53,743
2000	1,745	33,936	10,968	8,083	54,732
2001	1,765	32,178	11,086	8,867	53,896

Source: Ministry of Education and Human Resources Development

c) Number of children with disabilities of school age that do not attend school;

In 2001, the number of children of school age with disabilities that did not attend school was 13,632.

d) Budget allocation in favour of children with disabilities.

The Government provides free day care for disabled children under 5. For adopted children with disabilities, assistance for child care is provided to adoptive parents. The amount of this benefit in 2002 is 500,000 won per month.

< Table 3.d > National Budget for Children with Disabilities (unit: million won)

	1999	2000	2001
Child Edu-Care	4,500	5,000	5,760
Benefit for Adopted Children with Disabilities ³	91	91	91
Education for Children with Disabilities	239	318	397

* Child benefit for disabled children of low-income families was introduced in 2002.

4. With reference to child abuse, including sexual abuse, please provide disaggregated data for the period 1999-2001 (by age, gender and types of violations reported), on the:

With the amendment of the Child Welfare Act in 2000, which came into effect in 2001, the concept of child abuse was integrated into the legal framework to protect children's rights. According to the newly amended Act, the primary institutions to which cases of child abuse may be reported are the police and the Centre for the Prevention of Child Abuse. The Centre for the Prevention of Child Abuse was founded in accordance with the Act in 2001 and there are currently 18 Centres at the local and national level. Among the 2,606 cases of abuse reported to the Centre for the Prevention of Child Abuse nationwide, 2,105 cases were confirmed as constituting child abuse. On the amendment of the Child Welfare Act and the establishment of the Centre for the Prevention of Child Abuse, please refer to the relevant section of Part III.

² Children enrolled both in special schools for disabled children and in ordinary schools with special classes for disabled children.

³ This proportion of budget is included in the item of Alternative Care of < Table 2.d >.

a) Number of cases of child abuse reported to police or social or other services;

< Table 4.a.1 > Number of cases of child abuse reported to police:
violation of the Child Welfare Act

Year	1999	2000	2001
Number of cases	102	60	90

< Table 4.a.2 > Cases of child abuse dealt with by the Centres for the Prevention of Child Abuse in 2001

	Number of cases
Total	2,105
Gender	
Male	1,033
Female	1,067
N/A	5
Age	
Under 2 years old	224
3~5 years old	28
6~8 years old	388
9~11 years old	498
12~14 years old	437
15~17 years old	265
Unknown	9
Type of Abuse	
Corporal/Physical punishment	476
Psychological/Emotional Abuse	114
Sexual Abuse	86
Neglect	672
Abandonment	134
Multiple Type of Abuse	623

Source: Ministry of Health and Welfare, 2001

b) Number and proportion of victim that have received counselling and assistance in recovery.

< Table 4.b.1 > Service provided to and related with victims of child abuse by Centres for the Prevention of Child Abuse in 2001

Counselling service provided by the Centres				Cooperation with other institutions		Other		Follow-up service
Victims	Family of victims	Related persons	Group	Referral to other Counselling institutions	Referral to Medical institutions, etc.	Temporary protection	Other	

7,228	10,412	4,849	7,102	7,006	841	15,633	2,787	1,955
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< Table 4.b.2 > care of victims of child abuse after receiving services for recovery

Place of care	Number of cases	Percentage (%)
Victims' home	1,098	53.0
Relatives' care	142	7.0
Temporary care by the Centres	309	15.0
Foster Care	10	0.5
Institutions	372	18.0
Referral to other agencies	138	7.0
Other	36	1.7
Total	2,105	100.0

< Table 4.b.3 > Counselling Services Provided for the Victims of Sexual Violence⁴
(unit: number of persons)

Age Year	Under 7	7~13	14~19	Total
1999	1,315	2,718	5,798	9,831
2000	1,226	2,414	7,156	10,796
2001	1,544	3,305	10,489	15,338

5. Please provide disaggregated data on adolescent health, including on the incidence of sexually transmitted diseases (STDs), HIV/AIDS, early pregnancy, abortion, drug and alcohol abuse (including within the family), suicide, accidents and mental health concerns.

< Table 5.1 > Number of STDs outpatients registered for health care insurance

Age	Syphilis			Gonococcal infection			Chlamydial diseases			Other STDs		
	M	F	Sum	M	F	Sum	M	F	Sum	M	F	Sum
0~4	158	149	307	52	64	116	33	26	59	235	407	642
5~9	55	36	91	35	104	139	59	47	106	247	733	980
10~14	50	46	96	27	39	66	20	12	32	207	570	777
15~19	164	125	289	4,152	459	4,611	633	107	740	711	3,670	4,381
Total	427	356	783	4,266	666	4,932	745	192	937	1,400	5,380	6,780

⁴ Counselling services provided by Counselling Centres established base on the Article 23 of Act on the Punishment of Sexual Crimes and Protection of Victims thereof

Source: National Health Insurance Corporation

< Table 5.2 > Age when proved as HIV (1985~2000)

Age	Gender		Total
	Male	Female	
0~9	9	1	10
10~19	17	3	20

Source: Ministry of Health and Welfare

< Table 5.3 > Drug and alcohol use rate of the adolescents in 1999 (unit: %)

	Alcohol	Tobacco	Sleeping drug	Bond	Gas	Hemp leaf	Narcotics	Amphetamines
Students	60.2	35.4	4.2	1.5	1.0	0.9	-	0.8
Working Youth	91.0	53.0	3.0	2.1	4.2	-	-	-

Source: Ministry of Culture and Tourism

< Table 5.4 > Cause of death in 2001

Age	Suicide			Accident		
	Total	Male	Female	Total	Male	Female
0~4	-	-	-	698	419	279
5~9	7	5	2	526	348	178
10~14	23	15	8	297	197	100
15~19	241	138	103	1,236	888	348
Total	271	158	113	2,757	1,852	8,408

Source: Ministry of Health and Welfare

< Table 5.5 > Number of inpatients in mental health institutions in 2001

Age	place	Mental hospitals	Mental sanatoriums	Rehabilitation institutions	Total
0~9		75	30	0	105
10~19		634	28	9	671
Total		709	58	9	776

Source: Ministry of Health and Welfare

6. Please provide statistical data (including, where relevant, by gender, age, type of crimes) covering the period between 1999 to 2001 on the:

a) *Number of minors suspected of criminal offence;*

< Table 6.a > Number of minors suspected of criminal offence

Year	1999	2000	2001
Number	150,821	151,176	138,030

b) *Number of minors subject to criminal procedure who were sentenced by court to sanction, and the nature of sanctions (community service; detention; other types of sanctions);*

Nature of sanctions:

Children and minor criminals may be dealt with by either criminal courts or juvenile departments of a family or district court. Firstly, at the criminal court, children and minors can be sentenced to imprisonment, a suspended sentence, fine and suspension or imposition of sentence. They can also be sentenced to probation and parole.

There are two Juvenile Prisons for imprisonment of children and minors.

Under the scheme of "Probation and Parole", minors aged 12 to 20 may be sentenced to sanctions as follows:

- Probation and Parole in its narrow sense: a system in which convicted offenders are to be placed under the direction and supervision of a probation and parole officer, while leading a free life in lieu of incarceration.
- Community Service Order: a scheme by which convicted offenders can serve the society by providing unpaid useful labour services for a certain period of time while leading a free life in lieu of incarceration. To implement the Community Service Order, the Community Service Centre has been established. The scope of the Community Service Order covers service for social welfare facilities and participation in natural disaster recovery.
- Attendance Centre Order: a scheme by which convicted offenders who need professional assistance are to receive rehabilitation, including psychiatric treatment in the Probation and Parole Office or other non-profit organisations designated by the Probation and Parole Office for a certain period of time, while leading a free life in lieu of incarceration. Under the scheme of an Attendance Centre Order, offenders are placed in various education programmes such as drug abuse prevention programmes and sexual offence prevention programmes.

For more detailed information on the scheme of "Probation and Parole", please refer to the website of the Korean Probation and Parole Office, www.probation.go.kr.

The Juvenile Department of a family court or a district court deals with children and minors who commit minor crimes as Juvenile Protection Cases. For the system of Juvenile Protection Case and the Protective Disposition imposed by the system on those children and minors, please refer to the item 6.e.

< Table 6.b.1 > Number of children/minors sentenced by criminal courts at the first trial

Year	Age	Imprisonment	Suspended	Fine	Suspension of
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			sentence		imposition of sentence
1999	Under 16	203	157	48	10
	Under 18	770	1,042	99	12
2000	Under 16	773	745	207	45
	Under 18	1,107	1,558	511	45
2001	Under 20	2,109	2,875	564	61

Source: Yearbook of Justice

< Table 6.b.2 > Number of minors sentenced to Probation and Parole⁵

	1999	2000	2001
Probation & parole in narrow sense	42,644	41,028	33,266
Community service order	3,318	2,920	2,080
Attendance Centre order	196	195	233

Source: Ministry of Justice

c) Number of juveniles detained and imprisoned, the location of their detention or imprisonment (e.g. police stations, jails or others);

< Table 6.c.1 > Number of juveniles imprisoned at Juvenile Prisons as of December 2002

Place	Kimchon Juvenile Prison	Chonahn Juvenile Prison	Total
Number	475	681	1,156

Source: Ministry of Justice

< Table 6.c.2 > Number of children consigned to Juvenile Training Schools⁶

Age Year	12	13	14	15	16	17	Total
1999	6	43	174	415	996	1,123	2,757
2000	5	35	220	512	993	1,027	2,792
2001	6	58	234	495	937	965	2,695

Source: Ministry of Justice

d) Number of suspended sentences: Please refer to <Table 6.b.1>

e) Number of minors subject to protection procedures, and the nature of protective measures imposed;

The system of Juvenile Protection Case and Protective Dispositions imposed by the system are stipulated in the Juvenile Act. According to the Act, the purpose of the

⁵ Does not include cases which fall under the Juvenile Act

⁶ Consignment to Juvenile Training Schools under the system of Juvenile Protection Case. Juvenile Training School is the current official name of Juvenile Reformatory.

system is to ensure sound nurturing of juveniles and the primary tool used is Protective Dispositions. Protective Disposition is a special criminal disposition, but, unlike general criminal dispositions, does not carry criminal records and therefore enable juvenile offenders to start over with a clean slate.

Nature of protective measures (Protective Dispositions) imposed by the Juvenile Act

No.1: Consignment to the care and custody of the guardian or any person who can provide protection for the juvenile in substitution for the guardian

No.2: Short term probation

No.3: Probation

No.4: Consignment to a child welfare institution under the Child Welfare Act or another juvenile protection institution

No.5: Referral to a hospital or a sanatorium

No.6: Consignment to a Juvenile Training School for a short-term

No.7: Consignment to a Juvenile Training School

Juvenile Training Schools are operated as training and education institutes for the juvenile offenders. For the number of juveniles consigned to Juvenile Training Schools, please refer to < Table 6.c.2 >.

For more detailed information on the procedure of disposition of the Juvenile Protection Cases and Juvenile Training School, please refer to the website, www.jschool.go.kr.

< Table 6.e.1 > Number of Minors Subject to Protective Dispositions by the System of Juvenile Protection Cases⁷

No. Year	1	2	3	4	5	6	7	Total
1999	28,599	[10,677] ⁸	[11,234]	920	14	1,621	1,194	32,348
2000	28,572	[10,783]	[10,414]	896	10	1,502	1,290	32,270
2001	6,057	2 [8,816]	6 [8,975]	717	7	1,420	1,314	27,314

Source: Ministry of Justice

< Table 6.e.2 > Number of Children Subject to Protective Disposition by Age

Age Year	1999	2000	2001
12 and 13	5,222	5,587	2,696
14 and 15	8,886	9,058	6,865
16 and 17	12,386	11,836	10,843
Total	26,494	26,481	20,404

⁷ Minors here are those who are aged from 12 to 20.

⁸ Numbers in brackets mean the measure of protective disposition concerned is imposed together with other measures.

Source: Ministry of Justice

f) Percentage of recidivism cases

< Table 6.f > Number and Percentage of recidivism cases

	1999	2000	2001
Number of minors suspected of criminal offence (A)	150,821	151,176	138,030
Number of minor offenders with criminal record (B)	53,346	52,641	50,105
Percentage of offenders with criminal record (B/A)	35.4	34.8	36.3

7. With reference to special protection measures please provide, and evaluate, statistical data (including by gender, age, region and municipality, per year) between 1999 and 2001 on the number of children:

a) Involved in sexual exploitation, including prostitution, pornography and trafficking, and the number of children provided with access to rehabilitation and other assistance;

< Table 7.a.1 > Children and Minor Victims of sexual exploitation⁹

crimes \ year	1999			2000			2001		
	M	F	Total	M	F	Total	M	F	Total
Prostitution ¹⁰	4	61	65	1	54	55	2	39	41
Rape, etc. ¹¹	123	2,876	2,999	92	1,056	1,148	72	2,133	2,205
Total	127	2,937	3,064	93	1,110	1,203	74	2,172	2,246

Source: Supreme Public Prosecutors' Office

< Table 7.a.2 > Children involved in sex trade¹²

Year \ Age	Under 12	13~14	15~16	17~18	Total
2001	9	142	511	440	1,102

< Table 7.a.3 > Number of Children and Minors Housed at Protection & Rehabilitation Facilities¹³

Year \ Age	under 15 years	16~19 years	Total
1999	490		490
2000	1,102		1,102

⁹ Data on victims below 20 years of age.

¹⁰ Prostitution and related crimes under the Prevention of Prostitution, etc. Act

¹¹ Rape and related crimes under the Criminal Act, the Act on the Punishment of Sexual Crimes and Protection of the Victims thereof

¹² Those are aged 18 included. Data collected based on the Act on the Protection of Youth from Sexual Exploitation

¹³ Protection & Rehabilitation Facilities based on Article 11 of the Act on the Prevention of Prostitution

2001	308	914	1,222
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Source: Ministry of Gender Equality

b) Involved in child labour (formal and informal sector)

< Table 7.b > Number of working children aged 15 to 19 by gender (unit: 1,000)

Year Age	1999			2000			2001		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
15 to 19	185	217	402	197	207	404	151	195	346

Source: Ministry of Labour

B. General Measures of Implementation

- 1. Please provide information on the reasons some of the recommendations contained in the Committee's previous observations (CRC/C/15/Add.51, 1996) have not yet been implemented, in particular those related to adoption (para. 15), and the aims of education (para. 16). Please explain how the State party envisages overcoming this situation.*

In the Republic of Korea, more than 90% of the adopted children are aged under 5 months and are born out of wedlock. In most cases, adoptive parents have a strong tendency not to disclose adoption but to want the child registered as their biological child. This tendency can be attributed to the traditional culture which places great importance to the purity of bloodline, a notion which is changing gradually. In these circumstances, if adoption requires authorisation from competent authorities, as provided by the Convention, it may discourage potential adoptive parents from going through adoption, resulting in a decrease of domestic adoption. Therefore, though essentially in agreement with the principles of the Convention with regard to the issue of adoption, the Republic of Korea needs more time to fully implement the relevant provisions due to the abovementioned cultural characteristics related to adoption.

To address the extreme competitiveness of education, as commented on by the Committee through the Committee's previous observations, the Ministry of Education and Human Resources Development has reformed the system of matriculation. The reform is geared toward catering to the needs and aptitude of individual students. Accordingly, departing from the past student selection process which reflected the students' academic records only, a set of additional criteria for granting admission to university was developed, which includes other merits such as outstanding records of volunteer service and winnings in contests in a variety of fields. The "Special Selection" process opens door for students with special talents or experiences to enter colleges even if their scholastic achievement is less desirable.

In addition, educational curriculum for primary and secondary students was reformed with a view to strengthening 'student-centred education'. For example, under the 7th Educational Curriculum, which has been implemented since 2000, students have more choices in selecting their own curriculum. A differentiated curriculum was also introduced to reflect the different levels of academic achievement among students including a Level Differentiated Curriculum, an In-Depth/Supplementary Differentiated Curriculum and an Elective Differentiated Curriculum.

- 2. Please indicate whether the State party is considering withdrawing its reservations to art. 9(3), 21(a), and 40(2)(b)(v).*

The Government of the Republic of Korea is carefully and periodically reviewing its reservations to the Convention with a view to withdrawing them, but, deems it premature to withdraw the reservations due to the existing conflicts with domestic laws. Regarding the reservation to Article 9(3), the relevant laws with regard to divorce and custody of

children are still in progress and it would take some time to legally guarantee the right of children to maintain contact with their other parent. The right of a divorced parent who does not have custody to maintain contact with children was recognised by the Civil Act only in 1990, reflecting the enhancement of the status of women.

With regard to Article 21(a) on the authorisation for adoption, it is difficult to introduce this requirement in the near future due to the reasons mentioned previously. In order to withdraw the reservations, the Government will continue to work closely with civil society to promote public opinions favourable to their withdrawal while making every effort to change its laws and systems.

3. *Please provide details regarding the mandate, functions and budget of the National Commission on Human Rights and whether it has a specific responsibility with regard to child rights.*

With regard to the mandate and functions of the National Human Rights Commission (hereafter Commission), please refer to the Chapters III and IV of the National Human Rights Commission Act, which is attached herewith as Annex I.

The mandate of the Commission covers human rights issues in general and therefore, though the Commission does not have a specific responsibility with regard to child rights, promotion of child rights is within the mandate of the Commission. Since its establishment in 2001, the Commission has made various efforts to protect and promote child rights. Some examples of such efforts are as follows:

- The Commission has reviewed the 'Comprehensive Plan for Child Protection and Rearing', which has been coordinated by the Office for Government Policy Coordination under the direction of the Prime Minister.
- The Commission has investigated the human rights protection programme for children and juveniles within the procedure of juvenile justice.
- The Commission has published a book for children, with the theme of protecting human rights of abandoned children and preventing child abuse.
- The Commission has published a 'Basic Guide Book for Human Rights Education' for teachers. The targeted readers of the book are parents, school administrators and social workers, in addition to teachers. It provides guidelines on teaching methods and tools for human rights education, including children's rights.
- The Commission is reviewing a petition on discrimination against a disabled child, with regard to the rejection of admission to a kindergarten on the ground of the disability of the child concerned.

With regard to the budget of the National Human Rights Commission for the year of 2002, please refer to Annex II.

4. Please provide additional information on the system for data collection and whether it covers in a disaggregated way all children under 18 and all areas under the Convention.

The current system for data collection in Korea is insufficient to cover all children under 18 and all areas under the Convention, mainly because most domestic laws related to children's rights do not adopt the definition of the child provided by the Convention, namely, those under 18 years of age, with a few exceptions such as the Child Welfare Act. Laws and governmental bodies dealing with children's rights have mandates to various age groups. For example, youth or juveniles defined by the Framework Act on Juveniles under the responsibility of the Ministry of Culture and Tourism are those aged from 9 to 24. The Act on the Protection of Youth from Sexual Exploitation protects youth under 19. But most laws divide age groups into two classes, adults and minors who are under 20 years of age and do not have the right to vote. Korea National Statistical Office, the main governmental body on data collection, usually classifies age brackets by 5 years and produces statistics accordingly. As a result, data collection with regard to children's rights is inadequate to address all areas covered by the Convention in a disaggregated way.

To address the insufficiency of data collection, the Ministry of Welfare and Health has commissioned the Institute for Health and Social Affairs to develop a Children's Rights Index to be used in the evaluation of the progress in children's rights, carried out every 5 years. Therefore, we expect vast improvements in data collection on children's rights. The result of the evaluation using the Children' Rights Index will be published in the form of a White Paper every 5 years starting from 2005.

5. In light of article 4, please explain how the State party has allocated resources in the wake of the 1997 financial crisis and subsequent restructuring in order to fulfil its obligations under the Convention.

In the face of the 1997 financial crisis and subsequent restructuring, the Government of the Republic of Korea made efforts to ensure children's rights as stipulated in the Convention. For example, it operated time-limited social welfare programmes, providing assistance to cover living and medical cost and tuition for secondary education.

In 2000, the Ministry of Health and Welfare also started a programme providing free meals to children in an effort to cushion the economic hardship felt by families, especially children, as a result of the financial crisis.

While a similar programme run by the Ministry of Education and Human Resources Development provides lunch to school children of low-income households, the Ministry of Health and Welfare, in cooperation with local governments, provides dinner to school children, and breakfast and lunch to preschoolers who are unable to have regular meals either due to poverty or due to a lack of a care taker.

The number of children who benefited from the programme run by the Ministry of Health and Welfare was around 22,000 for 2000 and 2001 respectively. In 2002, the number

declined to around 15,000. The amount of budget allocated for the scheme has been adjusted as the number of children requiring the support has decreased from 7,084 million won in 2000 to 8,602 million won in 2001 and to 5,959 million won in 2002.

6. Please provide additional information on how governmental institutions cooperate with non-governmental organisations, especially with reference to the participation of representatives of civil society in the design and implementation of policies and programmes for children.

By Presidential Decree on the Regulations on Consultative Committees, governmental bodies may set up a consultative committee on policy-making, comprising of experts in the relevant fields. The expert opinions of the consultative committee are sought and taken into account at all stages from the policy-making to implementation. For example, the Consultative Committee of the Ministry of Education and Human Resources Development participates in the drafting and implementation of main education policies. Of the total number of 90 members, 68 are non-government representatives, including 12 NGO representatives from such organisations as the Korean Teachers and Educational Workers' Union, the National Parents Group for a Truthful Education, and the Korea Federation of Teacher's Associations.

The Youth Fostering Committee, chaired by the Prime Minister, is composed of 30 members, ministers of relevant ministries and civilians with profound knowledge and wide experience with respect to the nurturing of youth in the fields of education, labour, social welfare, and culture. The Committee deliberates a basic plan for youths and a yearly executive program, the establishment of medium-term and long-term youth fostering policies and matters concerning the evaluation of major policies and the improvement of institutions for protecting the youth. The Ministry of Culture and Tourism allows young people to voice their views through a Youth Committee, which allows them to participate in the decision-making process.

7. Please provide additional information on the householder system of registration, including how foreign children and children out of wedlock are registered at birth.

The householder system of registration, or family register system, which includes a birth report, is regulated by the Civil Act and the Family Register Act. (The relevant articles of the two Acts are enclosed as Annex III and IV.) The core of the system is that every family should be headed by a householder. In other words, families are registered under the headship of the householder, usually the father. The householder or the head of the family is a person who has succeeded the family lineage or has set up a branch family, or who has established a new family or has restored a family for any other reason (Article 778 of the Civil Act).

According to the Civil Act, the father of a child born out of wedlock may enter the child in his family register (Article 782(1)). If for any reason it is impossible for a child born out of wedlock to have its name entered in its father's family register, the child may be entered

into its mother's family register. A child shall establish a new family, should both options be unfeasible (Article 782(2)). The Family Register Act prescribes that the birth report of a child should state whether the child was born out of wedlock (Article 49(2)). The person responsible for the birth report of a child born out of wedlock is the mother of the child. (Article 51 of the Family Register Act)

In case of a foreign child, namely a child born between a Korean and a non-Korean, the Family Register Act provides that his/her birth report should be submitted to the relevant authority with the name and nationality of the non-Korean parent (Article 49(2) of the Family Register Act). A child shall succeed his or her father's surname, but when the father of a child is a foreigner, the child may succeed the mother's surname (Article 781 of the Civil Act).

The householder system or the family headship system has been criticised mainly because of the emphasis on the priority of paternal lineage and the ensuing violation of the principle of gender equality. For example, under the system, the children of a divorced mother will be forced to keep the surname of the father, even when the mother, who has the custody, remarries and wishes to enter the children in her current spouse's family register. For the registration of children into this new family, the consent both from the stepfather and from the head of the family to which they belong is required (Article 784 of the Civil Act). In this regard, the opponents of the system argue that it violates the spirit of gender equality and human dignity guaranteed by the Constitution.

There have been debates on the householder system or the family headship system for some time. On one hand, the supporters argue that the system is based on the tradition and has been the nucleus of the society as a whole. On the other hand, the opponents argue the history of the system, introduced during the Japanese colonial rule, is fairly short and it violates the spirit of gender equality and human dignity guaranteed by the Constitution. Within the Government, the Ministry of Gender Equality has been advocating the latter's position. The draft revision of the Civil Act, submitted by the Government in 2000, includes new provisions which allow the children of a divorced mother to take the surname of their stepfather. Currently, the draft revision is pending in the National Assembly.

In addition, in 2001, two district courts formally asked for the decision of the Constitutional Court on the constitutionality of the provisions of the Civil Act pertaining to the householder system. If the Constitutional Court decides the articles concerned are not in accord with the Constitution, they will be revised or nullified.

8. *Please provide additional information on the practice of corporal punishment within the family, in schools and in other institutions. Please explain when the Ministry of Education guidelines and school regulations permit the use of corporal punishment in schools.*

Corporal punishment is banned in institutions, such as Juvenile Training School and care institutions.

According to Article 18 of the Elementary and Secondary Education Act on Discipline of Students and Article 31(7) of the Enforcement Decree of the Act, the head of a school may impose corporal punishment to students when it is deemed educationally inevitable.¹⁴

The Ministry of Education and Human Resources Development does not lay out any concrete guidelines on when the use of corporal punishment is permitted, leaving it up to the discretion of each school. The use of corporal punishment depends on school regulations, which are devised by participation of or reflecting opinions of teachers, parents and students. School regulations vary from school to school with regard to corporal punishment: some provide concrete rules on when and how corporal punishment is allowed; some ban the use of corporal punishment altogether; and some have no rules on that issue.

At present, there is no consensus on banning corporal punishment in schools. Recently, according to the advice of the National Human Rights Commission, the Ministry of Education and Human Resources Development collected opinions from teachers' associations, relevant NGOs, regional offices of education and heads of schools, but a consensus was not reached on this issue.

Part II

A copy of the text of the Convention on the Rights of the Child in Korean, which is the official language of the Republic of Korea, is attached as Annex V.¹⁵

¹⁴ Article 18 of the Elementary and Secondary Education Act on Discipline of Students

(1) The schoolmaster of a school may discipline or otherwise guide students, under the conditions as determined by Acts and subordinate statutes or school regulations, as deemed necessary for education: Provided, That he shall not expel students in the process of compulsory education from school; (2) Where the schoolmaster of a school intends to discipline any students, he shall go through due formalities such as presenting the student concerned or his parents an opportunity to state his or their opinions.

Article 31(7) of the Enforcement Decree of the Act

Where the head of a school provides guidance referred to in the purview of Article 18(1) of the Act, it shall be conducted by methods such as discipline and admonition which do not give physical pain to students, except in educationally inevitable circumstances.

¹⁵ The website of the Ministry of Foreign Affairs and Trades (www.mofat.go.kr) provides the Convention of the Right of the Child both in English and in Korean.

Part III

1. New bills or enacted legislation

a. Amendment of the Child Welfare Act

The Child Welfare Act was wholly amended in 2000. The newly amended Act stipulates the principles of non-discrimination, the right to life, survival and development, and the priority of the best interests of children. Another improvement which the amendment has brought is the introduction of the concept of child abuse into the Act. The previous version of the Child Welfare Act had only one provision for the prohibition of child abuse, but the application of the prohibition was limited to the person responsible for the child concerned. The newly amended Act, in addition to the Special Act for the Punishment of Domestic Violence and the Act on the Prevention of Domestic Violence and Protection of Victims Thereof, provides the legal framework to take measures against child abuse such as the installation of 24 hours emergency telephone lines to be used for reporting child abuse cases and the establishment of centres for the prevention of child abuse, which provide protective services to the child victims. In addition, while any person may report child abuse cases when he/she finds one, persons who are working in fields related to children, such as teachers and medical practitioners, have the duty to report child abuse cases to the relevant authorities.

b. Enactment of the Act on Protection of Youth from Sexual Exploitation

(entry into force in February 2000, partly amended in 2001)

The purpose of the Act on Protection of Youth from Sexual Exploitation is “to guarantee youth human rights and facilitate their growth as sound members of society by protecting youth from sexual exploitation including purchasing or aiding the purchase of sex with youth or making or distributing obscene materials taking advantage of youth. (Article 1)” The youth protected by the Act are those below 19 years of age. Pursuant to this Act, offenders of sex crimes that involve youth, such as paying for sex with youth, mediation of sex with youth, the selling and buying of youth and production and distribution of child pornography may be punished. For the victims of sexual abuse against youth, the Act provides protective measures and the operation of counselling facilities. In addition, the Commission on Youth Protection is authorised to disclose to the public the personal information of those who have committed crimes under the Act and have been sentenced by courts.

2. New Institutions

a. Centres for the Prevention of Child Abuse

According to the newly amended Child Welfare Act, Centres for the Prevention of Child

Abuse were established in 2001 by the Ministry of Health and Welfare. At present, a National Centre and 17 local Centres for the Prevention of Child Abuse are in operation. The operation of the 24-hour telephone hotline for reporting child abuse is their responsibility. Local Centres investigate reported cases of child abuse, including by conducting visits, and providing remedial services to the victims and the perpetrators of child abuse. The National Centre is in charge of the coordination of the work of the local Centres, such as the operation of a database on the management of child abuse. The National Centre also develops programmes for the education of mandatory reporters of child abuse and publishes annual national reports on child abuse (the first report was published in 2002). Campaigns against child abuse have been organised and two celebrities are working as publicity ambassadors for the prevention of child abuse in cooperation with the Centres.

b. Ministry of Gender Equality

The Ministry of Gender Equality was established in 2000 as the focal point within the Government to promote gender equality and the empowerment of women. The prevention of domestic violence and sexual violence and protection of victims thereof are within the mandate of the Ministry. Accordingly, the operation of Centres for Counselling of Victims of Domestic Violence and Centres for Counselling of Victims of Sexual Violence are under the supervision of the Ministry. Victims of child abuse may be referred to those Centres if their cases are reported as domestic or sexual violence. The Ministry is also expected to play a role addressing the issue of discrimination not only against girls but against foreign children and children born out-of-wedlock because, in many respects, discrimination against such children is closely related to gender equality in Korea. The issue of the family register system is a prominent example of the role the Ministry expected to play.

c. National Human Rights Commission

Regarding the National Human Rights Commission, which was established in 2001, please refer to item 3 of Section B of Part I.

3. Newly Implemented Policies

Comprehensive Plan for Child Protection and Rearing

In 2001, a Comprehensive Plan for Child Protection and Rearing was formulated by the relevant authorities in charge of child-related issues under the leadership of the Prime Minister. The Plan devises 48 measures in the five areas for child protection and rearing, namely, the enhancement of children's rights, improvement of the health and welfare of children, strengthening of children's safety, protection of children from harmful environments and support for the sound rearing of children. Some of the measures included in the Plan are the development of a Children's Rights Index, the extension of the scope of specialised education for children with development disorders and autism and health examinations for preschoolers.

4. Newly Implemented Programmes and Projects and Their Scope

a. System of Disclosing Personal Information of Sex Offenders against Youth

According to Article 20 of the Act on Protection of Youth from Sexual Exploitation, the personal information of those who commit the following crimes may be disclosed: those involved in paid sex with youth, or the owner of an enterprise in the youth sex trade; those involved in producing, importing, or exporting child pornography; those involved in the sale of youth or sexual abuse of youth. The selection of offenders subject to the system depends on the penalty, type of crime, age of the victim, nature of the crime and the offender's criminal record related to youth sex. The scope of personal information to be disclosed is the name, age and date of birth, occupation, detailed address, and summary of the offence. A decision on whose personal information should be disclosed is made through a process comprising the two steps of screening and the collection of the opinions of the individuals concerned. So far, the personal information of 1,283 offenders has been disclosed on three occasions.

b. Enhancement of Protection of Maternity

To enhance the protection of maternity and the child, maternity leave was expanded from 60 days to 90 days in 2001 (Article 72 of the Labour Standards Act). Temporary Leave Benefits for Childcare, which the Government pays to workers during the period of temporary leave for childcare, was also introduced in 2001. The amount of the benefit is 200,000 won per month, but it is expected to be increased to 300,000 won (the Employment Insurance Act and its Enforcement Regulation).

c. Expansion of free and compulsory middle school education

The project of expansion of free middle school education to urban areas is being implemented. By 2004, all middle school students will be benefit from free education. The budget for the expansion of free middle school education is as follows:

(unit: billion won)

Year	2002	2003	2004
Beneficiaries	First-year students	First and Second-year students	All Middle School Students
Budget ¹⁶	267.8	545.0	946.4

¹⁶ For entrance fee, tuition and the cost of textbooks

< Annex I >

National Human Rights Commission Act

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to contribute to the embodiment of human dignity and worth as well as to the safeguard of the basic order of democracy, by establishing the National Human Rights Commission to ensure that inviolable fundamental human rights of all individuals are protected and the standards of human rights are improved.

Article 2 (Definitions)

The definitions of terms used in this Act shall be as follows:

1. The term "human right" means any of human dignity, worth, liberties and rights which are guaranteed by the Constitution and Acts of the Republic of Korea, international human rights treaties to which the Republic of Korea is a party and international customary law;

2. The term "confinement or caring facility" means a facility falling under any of the following items:

(a) Prison, prison for the youth, detention center and its branch, facility for probation, institute of forensic psychiatry, juvenile reformatory, and juvenile classification review board;

(b) Police station cell, and facility where a judicial police officer investigates, detains and interns persons in order to perform his/her duties;

(c) Military prison (including its branch, a detention house for the unconvicted and a military police guardhouse);

(d) House for protecting foreigners; and

(e) Facility for caring for many persons; and

3. The term "facility for caring for many persons" means a facility for caring or interning for many persons which is prescribed by the Presidential Decree.

Article 3 (Establishment and Independence of National Human Rights Commission)

(1) The National Human Rights Commission (hereinafter referred to as the

"Commission") shall be established to deal with affairs for the protection and improvement of human rights under this Act.

(2) The Commission shall independently deal with the matters which fall under its jurisdiction.

Article 4 (Scope of Application)

This Act shall apply to all citizens of the Republic of Korea and all foreigners residing therein.

CHAPTER II ORGANIZATION AND OPERATION OF COMMISSION

Article 5 (Organization of Commission)

(1) The Commission shall be comprised of eleven commissioners for human rights (hereinafter referred to as "commissioners") including one president and three full-time commissioners.

(2) Four persons selected by the National Assembly (including two fulltime commissioners), four persons nominated by the President of the Republic of Korea and three persons nominated by the Chief Justice of the Supreme Court, from among those persons who have professional knowledge and experience on the matters of human rights and are recognized to be capable of performing duties of human rights protection and improvement fairly and independently, shall be appointed by the President of the Republic of Korea to be commissioners.

(3) The president of the Commission shall be appointed by the President of the Republic of Korea from among the commissioners.

(4) The president and full-time commissioners of the Commission shall be appointed as public officials in political service.

(5) Four or more of the commissioners shall be women.

(6) In case the term of office of a commissioner expires, he/she shall continuously perform his/her duties until his/her successor is appointed.

Article 6 (Duties of President of Commission)

(1) The president of the Commission shall represent the Commission and exercise the overall control of the affairs thereof.

(2) In case the president of the Commission is unable to perform his/her duties for any inevitable reason, a full-time commissioner, whom the president

designates in advance, shall act on behalf of the president.

(3) The president of the Commission may present himself/herself at the National Assembly and state opinions on affairs falling under the jurisdiction of the Commission, and shall, if required by the National Assembly, present himself/herself and make report or reply.

(4) The president of the Commission may attend at the State Council to present his/her opinion and recommend the Prime Minister to submit any bill related to affairs falling under the jurisdiction of the Commission (including the draft Presidential Decree concerning the enforcement of this Act).

(5) If the president of the Commission performs duties related to the budget of the Commission, he/she shall be deemed to be the head of a central government office under Article 14 of the Budget and Accounts Act.

Article 7 (Term of Office of President and Commissioners of Commission)

(1) The term of office of the president and commissioners of the Commission shall be three years, but the consecutive appointment may be permitted for only one time.

(2) In case the term of office of a commissioner expires or there occurs a vacancy, the President of the Republic of Korea shall appoint a successor within 30 days after the date of such expiration or vacancy.

(3) The term of office of the commissioner who is appointed as successor of a vacancy shall start anew.

Article 8 (Status Guarantee of Commissioner)

A commissioner shall not be removed from his/her office against his/her will unless he/she is sentenced to imprisonment without labor or a heavier punishment: Provided, That in case it is very difficult or impossible for him/her to perform his/her duties due to any physical or mental handicap, he/she may retire from his/her office by the resolution of consent of 2/3 or more of all commissioners.

Article 9 (Disqualifications for Commissioner)

(1) A person who falls under any of the following subparagraphs shall be disqualified for a commissioner:

1. A person other than a citizen of the Republic of Korea;

2. A person who falls under any subparagraph of Article 33 of the State Public Officials Act;

3. A member of a political party; or

4. A person who is registered as a candidate in any such election as held under the Act on the Election of Public Officials and the Prevention of Election Malpractices.

(2) In case a commissioner comes to fall under any subparagraph of paragraph (1) above, he/she shall, ipso facto, retire from his/her office.

Article 10 (Prohibition of Concurrent Offices of Commissioner)

(1) A commissioner shall neither concurrently take the office falling under any of the following subparagraphs nor perform the duties thereof during his/her office:

1. A member of the National Assembly or any local council;

2. A public official of any other state organ or a local government (excluding a public official for education); and

3. Other positions or affairs as determined by rule of the Commission.

(2) The commissioners shall neither join a political party nor participate in political activities.

Article 11 (Restriction on Retired Commissioner's Taking Public Office)

For two years after a commissioner retires from his/her office, he/she shall neither be appointed to be a public official other than a public official for education nor run for a candidate in any election under the Act on the Election of Public Officials and the Prevention of Election Malpractices.

Article 12 (Subcommittees)

(1) The Commission may establish subcommittees in order to have them perform parts of the affairs of the Commission.

(2) A subcommittee shall be composed of three commissioners, and necessary matters concerning its affairs and operation shall be prescribed by rule of the Commission.

Article 13 (Meeting Proceedings and Resolution Quorum)

(1) The president of the Commission shall preside over the meeting of the Commission and the resolution thereof shall, except as otherwise provided by this Act, require the consent of a majority of all the incumbent commissioners.

(2) The resolution of the meeting of a subcommittee shall require the attendance and consent of all the members thereof.

Article 14 (Publication of Proceedings)

The proceedings of the Commission shall be made public: Provided, That they may not be made public if deemed necessary by the Commission or a subcommittee.

Article 15 (Advisory Organ)

(1) The Commission may establish an advisory organ in order to ask advices on matters which are necessary to perform its duties.

(2) Necessary matters concerning the organization and operation of the advisory organ shall be prescribed by rule of the Commission.

Article 16 (Secretariat)

(1) A Secretariat shall be established to deal with general affairs of the Commission.

(2) There shall be one Secretary General and necessary staff in the Secretariat and the Secretary General shall be appointed by the President of the Republic of Korea on the recommendation of the president of the Commission with the deliberation thereof.

(3) Public officials in Grade V or higher from among the staff belonging to the Secretariat shall be appointed by the President of the Republic of Korea on the recommendation of the president of the Commission and those in Grade VI or lower shall be appointed by the president of the Commission.

(4) The Secretary General shall, under the direction of the president of the Commission, exercise the overall control of the affairs of the Secretariat and command and supervise the staff belonging thereto.

Article 17 (Establishment of Disciplinary Committee)

(1) Under the Commission, there shall be established a disciplinary committee to resolve on a disciplinary action against the staff belonging to the Commission.

(2) The composition, competence and deliberation procedure of the disciplinary committee, kinds and effects of disciplinary actions and other necessary matters therefore shall be prescribed by rule of the Commission.

Article 18 (Organization and Operation of Commission)

Except as provided by this Act, matters necessary for the organization of the

Commission shall be prescribed by the Presidential Decree and those necessary for its operation shall be prescribed by rule of the Commission.

CHAPTER III DUTIES AND AUTHORITIES OF COMMISSION

Article 19 (Duties)

The Commission shall perform duties falling under the following subparagraphs:

1. Investigation and research with respect to statutes (including bills submitted to the National Assembly), institutions, policies and practices related to human rights, and recommendation of their improvement or presentation of opinions thereon;
2. Investigation and remedy with respect to human rights violations;
3. Investigation and remedy with respect to discriminatory acts;
4. Investigation on actual conditions of human rights;
5. Education and propaganda of human rights;
6. Presentation and recommendation of guidelines for categories of human rights violations, standards for their identification and preventive measures therefor;
7. Research and recommendation with respect to the conclusion of any international treaty on human rights and the implementation of said treaty, or presentation of opinions thereon;
8. Cooperation with organizations and individuals engaged in activities to protect and improve human rights;
9. Exchanges and cooperation with international or foreign organizations for human rights protection; and
10. Other matters deemed necessary to protect and improve human rights.

Article 20 (Consultation with State Organs)

(1) If the head of a related state administrative organ or local government intends to establish or amend any statute which includes contents likely to affect the protection and improvement of human rights, he/she shall notify the Commission in advance.

(2) The Commission may, if deemed necessary to perform its duties, request state organs, local governments and other public or private organizations (hereinafter referred to as "related entities") to consult with it.

(3) Those related entities which receive a request under paragraph (2) shall faithfully comply therewith unless there exists any justifiable reason.

Article 21 (Hearing of Commission's Opinion in Preparing Governmental Report)

If a related state organ prepares a governmental report under the provisions of any international treaty on human rights, it shall hear opinions of the Commission.

Article 22 (Submission of Materials and Reference for Information)

(1) The Commission may, if deemed necessary to perform its duties, require the related entities to submit necessary materials or refer to said entities for information.

(2) The Commission may require any person who is deemed to know the facts necessary to perform its duties or to have professional knowledge or experience to present himself/herself in order to hear his/her statement.

(3) Those entities which are so required or referred to under paragraph (1) shall, without delay, comply with such requirement or reference.

Article 23 (Hearing)

(1) The Commission may, if deemed necessary to perform its duties, require the representatives of related entities, the interested persons or other persons who have much knowledge and experience on relevant matters to present themselves and hear the statements of the relevant facts and opinions from them.

(2) The procedures and methods of hearings held by the Commission under paragraph (1) above shall be prescribed by rule of the Commission.

Article 24 (Visit and Investigation of Facilities)

(1) The Commission (including a subcommittee) may, if deemed necessary, visit confinement or caring facilities to make an investigation by its resolution.

(2) A commissioner who visits and investigates under paragraph (1) may be accompanied by members of the staff of the Commission and an expert who are deemed necessary to perform his/her duties and may delegate the investigation on any matter to them by specifying its scope. In this case, the delegated expert shall, if he investigates said matter, be accompanied by members of the staff of the Commission.

(3) The commissioner, member of the staff of the Commission or expert who visits and investigates under paragraph (2) (hereafter referred to as the "commissioner, etc." in this Article) shall show the interested persons an identification verifying his/her authority to do so, and the head or administrator

of a confinement or caring facility visited and investigated by the commissioner, etc. shall immediately provide conveniences necessary for such visit and investigation.

(4) The commissioner, etc. who visits and investigates under paragraph (2) may hold an interview with members of the staff or internees (hereinafter referred to as "internees") of the relevant confinement or caring facility and also may have them present oral or written statements or opinions.

(5) The staff member concerned of the relevant confinement or caring facility may be present at an interview with internees held by the commissioner, etc.: Provided, That it shall be prohibited to record the contents of said interview.

(6) Other necessary matters for the procedures and methods of visit and investigation of confinement or caring facilities shall be prescribed by the Presidential Decree.

Article 25 (Recommendation of Improvement or Rectification of Policies and Practices)

(1) The Commission may, if deemed necessary to protect and improve human rights, recommend related entities to improve or rectify specific policies and practices or present opinions thereon.

(2) The heads of related entities receiving any recommendation under paragraph (1) shall respect and endeavour to implement the said recommendation.

(3) In case the heads of related entities receiving any recommendation under paragraph (1) fail to implement the said recommendation, they shall clarify the reasons for such failure to the Commission in writing.

(4) The Commission may, if deemed necessary, publish its recommendation and presented opinions under paragraph (1) and the reasons clarified by the heads of related entities under paragraph (3).

Article 26 (Education and Propaganda of Human Rights)

(1) The Commission shall conduct the education and propaganda necessary to awaken and enhance everyone's consciousness of human rights.

(2) The Commission may consult with the Minister of Education and Human Resources Development in order to contain contents concerning human rights in curriculum of various schools under Article 23 of the Elementary and Secondary Education Act.

(3) The Commission may consult with the heads of schools established under Article 2 of the Higher Education Act on necessary matters for the development

of human rights education and research.

(4) The Commission may consult with the heads of related state organs or local governments in order to contain subject-matters of human rights in employment or promotion examinations and training or education courses for public officials.

(5) The Commission may, in consultation with the heads of research institutions or study associations established under the Act on the Establishment, Operation and Fosterage of Government-Invested Research Institutions, etc., make a request for researches on human rights to them or carry out such researches jointly with them.

(6) The Commission may recommend the organizations or facilities for social education under the Social Education Act to include subject matters of human rights in their education programs.

Article 27 (Center for Human Rights Materials)

(1) The Commission may establish a center for human rights materials.

(2) The center for human rights materials shall collect, arrange and preserve domestic and foreign information and data concerning human rights, and may provide them to the public.

(3) The center for human rights materials shall be deemed to be a library under the Libraries and Reading Promotion Act.

(4) Necessary matters for the establishment and operation of the center for human rights materials shall be prescribed by rule of the Commission.

Article 28 (Presentation of Opinions to Courts and Constitutional Court)

(1) In case proceedings liable to affect the protection and improvement of human rights are pending, the Commission may, if requested by a court or the Constitutional Court or deemed necessary by the Commission, present the opinions on de jure matters to the competent division of the court or the Constitutional Court.

(2) In case proceedings with respect to matters investigated or dealt with by the Commission under the provisions of Chapter IV are pending, it may, if requested by a court or the Constitutional Court or if deemed necessary by the Commission, present the opinions on de facto and de jure matters to the competent division of the court or the Constitutional Court.

Article 29 (Preparation, etc. of Report)

(1) The Commission shall prepare an annual report on its activities for the

preceding year, human rights situation and improvement measures and make report thereon to the President of the Republic of Korea and the National Assembly.

(2) Except for the report under paragraph (1), the Commission may, if deemed necessary, make any other special report to the President of the Republic of Korea and the National Assembly.

(3) The related entities may present to the Commission their opinions on the report under paragraphs (1) and (2) as well as the results of measures which they have already taken or plans for measures to be taken.

(4) The Commission shall open the report under paragraphs (1) and (2) to the public: Provided, That any matter which requires confidentiality on the ground of national security or protection of honor or privacy of the interested person, or the publicity of which is restrained by any other Act, may not be made public.

CHAPTER IV INVESTIGATION OF VIOLATIONS OF HUMAN RIGHTS AND REMEDY THEREFOR

Article 30 (Matters Subject to Investigation of Commission)

(1) In any case falling under the following subparagraphs, the person who suffers from violations of human rights (hereinafter referred to as a "sufferer") or any other person or organization that comes to know such violations, may file a petition to the Commission:

1. In case such human rights as guaranteed in Articles 10 through 22 of the Constitution are violated by the performance of duties (excluding the legislation of the National Assembly and the trial of a court or the Constitutional Court) of state organs, local governments or confinement or caring facilities; or

2. In case there exists a discriminatory act of any violation of the right of equality by a juristic person, organization or private individual.

(2) The term "discriminatory act of violating the right of equality" means any of the following acts of giving unreasonable discrimination on the ground of sex, religion, disability, age, social status, region of origin, state of origin, nation of origin, physical condition such as features, whether or not to be married, pregnancy or delivery, family surroundings, race, skin color, thought or political opinion, record of any crime the effect of the punishment of which has been extinguished, sexual inclination, or history of diseases: Provided, That if the favorable treatment of particular persons (including groups of particular persons; hereinafter the same shall apply) is excluded from the scope of discriminatory acts by any other Act, such favorable treatment shall not be deemed to be a discriminatory act:

1. Any act of favorably treating, excluding, discriminating against or unfavorably treating a particular person in employment (including recruitment, appointment, training, posting, promotion, payment of wages and any other money or commodity, financing, age limit, retirement, dismissal, etc.);

2. Any act of favorably treating, excluding, discriminating against or unfavorably treating a particular person in the supply or use of goods, services, transportation, commercial facilities, land and residential facilities; and

3. Any act of favorably treating, excluding, discriminating against or unfavorably treating a particular person in the use of educational facilities or vocational training institutions.

(3) Even if any petition under paragraph (1) is not filed, the Commission may, ex officio, initiate an investigation when it deems that there exists a reasonable ground for believing that human rights have been violated and that such violation is serious.

(4) Necessary matters concerning the procedures and methods of a petition under paragraph (1) shall be prescribed by rule of the Commission.

Article 31 (Guarantee of Petition Right of Internee of Confinement or Caring Facility)

(1) If an internee of any relevant confinement or caring facility intends to file a petition to the Commission, a public official or staff member belonging to the said facility (hereinafter referred to as the "public official concerned") shall immediately afford the internee a reasonable time, place and convenience necessary to prepare the written petition.

(2) If any internee is willing to file a petition in the presence of a commissioner or staff member of the Commission (hereinafter referred to as a "commissioner, etc."), the public official concerned shall immediately inform the Commission.

(3) The public official concerned shall immediately send the written petition which is prepared by an internee under paragraph (1) to the Commission and deliver the voucher of the document receipt which is issued by the Commission to the internee. In case of information under paragraph (2), a document verifying such information and a document of fixed interview date which are issued by the Commission shall be delivered immediately to said internee.

(4) If the Commission is informed under paragraph (2) or deems that there exists any reasonable ground that an internee truly desires to file a petition, it shall have a commissioner, etc. visit the relevant confinement or caring facility to receive an oral or written petition from the said internee. In this case, the commissioner, etc. who receives the petition shall immediately prepare a document verifying such receipt and deliver that document to the same internee.

(5) With respect to the visit to the relevant confinement or caring facility and receipt of any petition by a commissioner, etc. under paragraph (4) above, Article 24 (3) and (4) of this Act shall apply mutatis mutandis.

(6) The staff concerned of the relevant confinement or caring facility shall not participate in an interview which a commissioner, etc. holds with internees who have filed petitions (including those who intend to do so), or shall not hear or record the contents of such interview: Provided, That the said staff may watch them at a distance of visibility.

(7) The public official concerned shall not peruse a written petition or document prepared by an internee for the purpose of the presentation thereof to the Commission.

(8) Measures which confinement or caring facilities shall take to guarantee the free preparation and presentation of a written petition by an internee and other necessary procedures and methods, shall be prescribed by the Presidential Decree.

Article 32 (Rejection of Petition, etc.)

(1) The Commission shall reject a petition which falls under any of the following subparagraphs:

1. In case the contents of said petition do not fall under the scope of the matters subject to the investigation of the Commission;

2. In case the contents of said petition are deemed manifestly false or ill-founded;

3. In case said petition is filed by any person other than a sufferer, but it is manifest that the sufferer does not desire the investigation thereof;

4. In case said petition is filed after one or more years have elapsed since the facts causing the petition happened: Provided, That this shall not apply to any case in which the prosecution or civil prescription with respect to such facts is not completed and which the Commission determines to investigate;

5. In case at the time when said petition is filed to the Commission, the trial at a court or the Constitutional Court, the criminal investigation by an investigation agency or the procedures for the relief of rights under any other Act are in progress or terminated with respect to the facts causing the petition: Provided, That this shall not apply if the Commission receives a petition against cases identical with those falling under crimes of Articles 123 through 125 of the Criminal Act which are being investigated by the investigation agency;

6. In case said petition is filed under any pseudonym or anonym;

7. In case the Commission deems it improper to investigate said petition;

8. In case said petition is withdrawn by an interneer who files it;

9. In case said petition is again filed against the facts identical with any other petition which has already been dismissed by the Commission; and

10. In case the purport of said petition is contrary to the final judgment of a court or decision of the Constitutional Court on the facts causing the petition.

(2) In case the Commission rejects a petition under paragraph (1), it may, if deemed necessary, deliver the petition to related entities. In this case, those related entities to which the petition is delivered shall, if requested by the Commission, inform the Commission of the results of treatment thereof without delay.

(3) The Commission may, even after initiating the investigation on a petition, reject it in any case falling under any subparagraph of paragraph (1).

(4) In case the Commission rejects or delivers a petition, it shall immediately inform the petitioner, by specifying the reason. In this case, the Commission may, if deemed necessary, advise the relevant sufferer or petitioner on the procedures and measures for the relief of his/her rights.

Article 33 (Other Remedies and Delivery)

(1) In case the Commission deems that the petitioner is manifestly willing to file a petition to any other competent state organ, as prescribed by any other Act, it shall deliver the petition to the said state organ without delay.

(2) In case after the Commission initiates an investigation on a petition under Article 30 (1), a criminal investigation on any case identical with the fact causing the petition is initiated by other petitions or accusations of relevant sufferers, the Commission shall deliver the said petition to the competent investigation agency.

(3) In case the Commission delivers a petition under paragraphs (1) and (2), it shall, without delay, inform the petitioner and those related entities to which the petition is delivered shall, if requested by the Commission, inform the Commission of the results of treatment thereof.

Article 34 (Cooperation between Investigation Agency and Commission)

(1) If there exists any reasonable ground that the facts causing a petition fall under criminal acts and it is deemed that there exists a necessity either for preventing the suspect thereof from escaping or destroying relevant evidences or for ensuring the evidences, the Commission may request the Prosecutor General

or the head of the competent investigation agency to initiate an investigation as well as to take necessary measures.

(2) The Prosecutor General or the head of the competent investigation agency who receives a request under paragraph (1) shall, without delay, inform the Commission of the results of measures taken by him/her.

Article 35 (Purpose of Investigation)

(1) The Commission shall endeavor not to impede the performance of functions of state organs in the course of its investigation.

(2) The Commission shall not make investigation for the purpose of infringing on the privacy of any individual or unduly participating either in the proceedings in pending or in the prosecution for any case the criminal investigation of which is in progress.

Article 36 (Methods of Investigation)

(1) The Commission may investigate petitions by such methods as prescribed in the following subparagraphs:

1. To require a petitioner, a sufferer or the respondent (hereinafter referred to as the "party concerned") or an interested person to be present and submit a written statement, or to hear his/her statement;

2. To require the party concerned, an interested person or the related entity to submit such materials as deemed related to matters subject to investigation;

3. To practically inspect or appraise any such place, facility or material as deemed related to matters subject to investigation on the spot; and

4. To refer to the party concerned, an interested person or the related entity for such fact or information as deemed related to matters subject to investigation.

(2) The Commission may, if deemed necessary for the investigation, have a commissioner, etc. visit any relevant place or facility to practically inspect or appraise any such place or facility or other materials on the spot. In this case, a commissioner, etc. may require any party concerned or related person to present himself/herself on the spot and hear his/her statement.

(3) Any person who is required to submit a written statement under paragraph (1) shall submit it within 14 days.

(4) The presence of the respondent under paragraphs (1) and (2) above may be required only if it is difficult to judge any relevant case by his/her written statement because he/she is the very person who commits a violation of human rights or discriminatory act and there exists any reasonable ground that a

violation of human rights and a discriminatory act under Article 30 (1) are deemed to occur.

(5) A commissioner, etc. who makes investigation under paragraph (2) may require the head or staff member managing the relevant place or facility (hereafter referred to as a "related person" in this Article) to submit the necessary materials or articles.

(6) A commissioner, etc. who makes investigation under paragraph (5) shall carry an identification indicating his/her authority and show it to the related persons.

(7) If the Commission requires the submission of relevant materials or articles or intends to practically inspect or appraise said materials or articles or relevant facilities on the spot, the head of any related state organ may reject such submission, inspection or appraisal by clearly explaining to the Commission that those materials, articles or facilities fall under any of the following subparagraphs. In this case, the Commission may require the identification of necessary matters of the said head, who, in turn, shall faithfully comply with such requirement:

1.State confidentiality liable to have any substantial effect on state security or diplomatic relations; or

2.Any such case as deemed to be liable to cause a serious obstacle to any criminal investigation or trial in pending.

Article 37 (Authority to Interrogate or Inspect)

(1) If the Commission intends to know either the place where there are materials necessary for the investigation under Article 36 or the related persons, it may interrogate that person who has any reasonable ground for believing that he/she knows the contents thereof or inspect the documents and other articles in which there exists any reasonable ground that they include those contents.

(2) The provisions of Article 36 (5) through (7) shall apply mutatis mutandis to paragraph (1) of this Article.

Article 38 (Exclusion, etc. of Commissioner)

(1) A commissioner and a conciliation member under Article 41 (hereafter referred to as the "commissioner" in this Article) shall, if falling under any of the following subparagraphs, be excluded from the participation in the deliberation and resolution on the relevant petition:

1.In case the commissioner or any person who is or was his/her spouse is the party concerned of the relevant petition or the joint holder of any rights or joint

burden of any duties with the said party;

2. In case the commissioner is or was a blood relative of the party concerned of the relevant petition;

3. In case the commissioner has made a witness or appraisal concerning the relevant petition;

4. In case the commissioner participates or participated in the relevant petition as agent of the party concerned; or

5. In case the commissioner has participated in any criminal investigation or trial with respect to the relevant petition or relief procedures under any other Act.

(2) The party concerned may, if there exists any ground for which it would be difficult to expect the impartial deliberation and resolution of the commissioner, make a request for the challenge to the president of the Commission, who shall, in turn, make a decision thereon without referring the request to the Commission for resolution: Provided, That if it is inadequate that the president of the Commission makes the decision, the said request shall be referred to the Commission for the resolution.

(3) Any commissioner may voluntarily refrain from the deliberation and resolution on the relevant petition, if he/she falls under either any of subparagraphs of paragraph (1) or paragraph (2).

Article 39 (Dismissal of Petition)

(1) The Commission shall dismiss a petition if the contents thereof turn out to fall under the following subparagraphs as a result of investigation:

1. In case said contents are false;

2. In case said contents are not related to any act of violating human rights subject to the investigation; and

3. In case it is deemed that any further remedy is not required because the injury related to the petition has already been relieved.

(2) The Commission shall, if dismissing a petition, inform the party concerned of the fact and grounds.

Article 40 (Recommendation on Compromise)

With respect to any petition the investigation of which is in progress or completed, the Commission may propose a remedy necessary for the fair solution of the case concerning the petition to both parties concerned to make a

compromise.

Article 41 (Establishment and Composition of Conciliation Committee)

(1) A conciliation committee which is comprised of three members shall be established under the Commission to ensure the speedy and fair settlement of conciliation.

(2) The conciliation committee shall deliberate and resolve on the case of petition which is referred by the Commission.

(3) Two of conciliation members shall be commissioned by the Commission from among the commissioners and the other member from among the persons who fall under any of the following subparagraphs: The latter shall be commissioned to work part-time and one of three conciliation members shall be qualified as an attorney-at-law:

1. Persons who have professional knowledge and experience on human rights affairs and whose term of service related to human rights in a state organ or non-governmental organization is ten years or more;

2. Persons whose term of service as judge, public prosecutor, military judge advocate or attorney-in-law is ten years or more; and

3. Persons whose term of service as assistant professor (or corresponding position thereto) or higher either at college or at an authorized research institute is ten years or more.

(4) Necessary matters concerning the commission and term of office of the conciliation members, the operation of the conciliation committee and the procedures of conciliation, etc. shall be prescribed by rule of the Commission.

(5) With respect to matters concerning the procedures for conciliation which are not prescribed both by this Act and by rule of the Commission, the Judicial Conciliation of Civil Disputes Act shall apply mutatis mutandis.

Article 42 (Conciliation)

(1) If with respect to the relevant petition, the Commission decides that there was an act of violating human rights, but the compromise under Article 40 is not reached, it may, at the request of the party concerned or ex officio, refer the case of petition to the conciliation committee for the relevant procedure.

(2) The conciliation shall be completed at the time when, after the procedures therefor are initiated, both parties concerned enter the compromised matters in the document of conciliation by fixing their sign and seal and the conciliation

committee, in turn, identifies no flaw of that document.

(3) If both parties concerned fail to reach a compromise in the course of the procedures for conciliation, the conciliation committee may make a decision in lieu of the conciliation in order to fairly settle the case.

(4) The decision in lieu of conciliation may include any of the following:

1. Interruption of an act of violating human rights subject to the investigation;
2. Recovery, compensation for damage or other necessary remedies; or
3. Measures necessary for the prevention of recurrence of the same or similar act of violating human rights.

(5) If the conciliation committee makes a decision in lieu of conciliation, it shall serve both parties concerned with the written decision without delay.

(6) If any party concerned fails to file a complaint within 2 weeks after he/she has been served with the written decision under paragraph (5), he/she shall be deemed to accept the conciliation.

Article 43 (Effect of Conciliation)

The conciliation under Article 42 (2) and the decision in lieu of conciliation in case of no complaint under paragraph (6) of the same Article shall have the same effect as settlement at court.

Article 44 (Recommendation of Remedies, etc.)

(1) If the Commission deems that there occurred any violation of human rights as a result of the investigation of any petition, it may recommend the respondent or the head of the organ or organization to which he/she belongs or the supervisory institution thereof (hereinafter referred to as the "institution to which the respondent belongs") any of the following subparagraphs:

1. Implementation of remedial measures under subparagraphs of Article 42 (4);
and

2. Rectification or improvement of any relevant statute, institution, policy or practice.

(2) The provisions of Article 25 (2) through (4) shall apply mutatis mutandis to the head of the institution to which the respondent belongs, who has received recommendation under paragraph (1) of this Article.

Article 45 (Accusation and Recommendation of Disciplinary Action)

(1) If as a result of the investigation of any petition, the Commission deems that the contents of the petition correspond to an act of crime against which a criminal punishment is required, it may file an accusation to the Prosecutor General: Provided, That in case the accused is the military personnel or civilian personnel in the military service, the accusation may be filed to the Chief of General Staff of the armed forces to which the said accused belongs or the Minister of National Defense.

(2) If it is deemed that there occurred any violation of human rights as a result of the investigation of any petition, the Commission may recommend a disciplinary action against the respondent or any other person responsible for the same violation to the head of the institution to which he/she belongs.

(3) The Prosecutor General, Chief of General Staff of the armed forces or Minister of National Defense who has received an accusation under paragraph (1) shall terminate the criminal investigation within 3 months after being so received and notify the Commission of the results thereof: Provided, That he/she shall, if failing to do so within 3 months, clarify the reason therefor.

(4) The head of the institution to which the respondent belongs, who has received recommendation from the Commission under paragraph (2), shall respect said recommendation and notify the Commission of the results of treatment thereof.

Article 46 (Provision of Opportunity to State Opinion)

(1) The Commission shall provide the respondent with an opportunity to state his/her opinion before either making recommendation or taking a measure under Article 44 or 45.

(2) In any such case as referred to in paragraph (1), any party concerned or interested person may present his/her oral or written opinion or necessary materials to the Commission.

Article 47 (Request for Legal Aid for Sufferer)

(1) The Commission may, if deemed necessary to investigate petitions, ensure evidences or relieve sufferers, request the Korea Legal Aid Corporation or any other institution to render legal aid to said sufferers.

(2) Legal aid under paragraph (1) shall not be requested against the clarified will of the relevant sufferer.

(3) Necessary matters concerning the procedures, contents and methods of legal

aid under paragraph (1) shall be prescribed by rule of the Commission.

Article 48 (Recommendation of Urgent Relief Measures)

(1) The Commission may, in case after receiving any petition it deems that it is considerably probable any violation of human rights subject to the investigation is in progress and it is likely to cause any damage difficult of recovery if left as violated, recommend the respondent or the head of the institution to which he/she belongs to take measures falling under the following subparagraphs at the request of the petitioner or sufferer or ex officio before making a decision on the petition:

1. Provision of medical service, meal or clothing;
2. Participation in the on-site inspection and appraisal of any relevant place, facility or materials or the verification and appraisal which is conducted by any other organ;
3. Change of detention or accommodation places of internees;
4. Interruption of violations of human rights;
5. Displacement of any public official who is deemed to effect violations of human rights from his/her present assigned position; and
6. Other necessary matters for protecting the life or security of person of the sufferer.

(2) The Commission may, if deemed necessary, take necessary measures for protecting the life, security of person and honor of any party concerned or interested person, obtaining relevant evidences or preventing the destruction thereof, or recommend the interested person and the head of the institution to which he/she belongs to do so instead.

Article 49 (Non-publicity of Investigation and Conciliation)

The investigation of any petition and the conciliation and deliberation conducted by the Commission shall be kept in camera: Provided, That they may be opened to the public if the Commission makes a resolution in favor thereof.

Article 50 (Publicity of Results of Settlement)

The Commission may give publicity to the contents and results of any investigation and conciliation, the recommendation to the related entities and the measures taken by them under this Chapter: Provided, That this shall not apply to any case in which the said publicity is restrained by any other Act or it is

likely to infringe on the privacy of any individual.

CHAPTER V SUPPLEMENTARY PROVISIONS

Article 51 (Prohibition of False Personation)

Any person shall not exercise the authority of the Commission by falsely pretending to be a commissioner or its staff.

Article 52 (Prohibition of Disclosure of Secret)

A person who was or is a commissioner, advisory member or staff of the Commission and any other person who performed or performs affairs of the Commission after having been dispatched to or entrusted by the Commission in order to do so shall not disclose any secret which comes to their knowledge or is acquired by them in the course of performing their duties.

Article 53 (Prohibition of Use of Similar Name)

Any person other than the Commission shall not use the name of the National Human Rights Commission or any other name similar thereto.

Article 54 (Dispatch of Public Official, etc.)

(1) The Commission may, if deemed necessary to perform its duties, request the head of any related entity to dispatch a public official or staff member under his/her control to the Commission.

(2) The head of the related entity who is requested under paragraph (1) shall dispatch a public official or staff member under his/her control to the Commission in consultation with the Commission.

(3) The public official or staff member who is dispatched to the Commission under paragraph (2) shall perform affairs of the Commission, separated from the entity to which he/she belongs.

(4) The head of the related entity who has dispatched a public official or staff member under his/her control to the Commission under paragraph (2) shall not take unfavorable measures for the said public official or staff member in terms of allocation and promotion as well as treatment.

Article 55 (Prohibition of Unfavorable Treatment, and Supports)

(1) Any person shall not be subject to any removal from his/her office, transfer to another position, disciplinary action and unjust treatment as well as other unfavorable measures in status or treatment on account of his/her petition,

statement, witness, presentation of materials or reply under this Act.

(2) The Commission may give any necessary support or reward to a person who either reveals the fact of any violation of human rights or finds and presents relevant evidences or materials.

(3) The contents and procedures of support or reward under paragraph (2) and other necessary matters shall be prescribed by rule of the Commission.

CHAPTER VI PENAL PROVISIONS

Article 56 (Obstruction of Performance of Human Rights Protection Duties)

(1) A person who falls under any of the following subparagraphs shall be punished by imprisonment for not more than 5 years or by a fine not exceeding 30 million won:

1. A person who assaults or intimidates a commissioner or staff member of the Commission who performs affairs thereof;

2. A person who assaults or intimidates a commissioner or staff member of the Commission for the purpose of coercing or hindering any act in relation to the performance of duties of said commissioner or staff member or compelling him/her to resign his/her office;

3. A person who obstructs the performance of duties of a commissioner or staff member of the Commission by any deceit; and

4. A person who destroys, falsifies or alters any evidence related to the case of the violation of any other person's human rights subject to the investigation by the Commission under Chapter IV of this Act, or uses any such evidence as so falsified or altered.

(2) If blood relatives or the head of house of any person, or family members living with him/her commit a crime under paragraph (1) 4 for him/her, they shall not be punished.

Article 57 (Obstruction of Preparation of Written Petition)

A person who fails to receive or obstructs any petition in violation of Article 31 shall be punished by imprisonment for not more than 3 years or by a fine not exceeding 10 million won.

Article 58 (False Statement on Identity)

A person who exercises the authority of the Commission by falsely pretending

to be a commissioner or its staff in violation of Article 51 shall be punished by imprisonment for not more than 2 years or by a fine not exceeding 7 million won.

Article 59 (Disclosure of Secret)

A person who discloses any such secret as coming to his/her knowledge or acquired by him/her in the course of performing his/her duties in violation of Article 52 shall be punished by imprisonment with or without labor for not more than 2 years or by qualification suspension for not more than 5 years.

Article 60 (Obstruction of Urgent Relief Measures)

A person who obstructs the measures taken by the Commission under Article 48 (1) or (2) shall be punished by imprisonment for not more than one year or by a fine not exceeding 5 million won.

Article 61 (Violation of Guarantee of Petition Right of Internee)

A person who violates the provisions of Article 31 (6) or (7) shall be punished by a fine not exceeding 10 million won.

Article 62 (Legal Fiction as Public Official in Application of Penal Provisions)

Any person other than a public official from among the commissioners shall be deemed to be a public official in the application of penal provisions under the Criminal Act or any other Act.

Article 63 (Fine for Negligence)

(1) A person who falls under any of the following subparagraphs shall be punished by a fine for negligence not exceeding 10 million won:

1. A person who refuses, obstructs or evades either a visit and investigation under Article 24 (1) or a practical inspection on the spot under Article 36 without any justifiable reason;

2. A person who fails to comply with the requisition for submitting a written statement or presenting himself/herself by the Commission under Article 36 (1) 1 or (2) without any justifiable reason; and

3. A person who fails to comply with the requisition for submission of materials and the reference for any fact under Article 36 (1) 2 and 4 or (5) without any justifiable reason, or submits false materials.

(2) A person who violates the provisions of Article 53 shall be punished by a fine for negligence not exceeding 3 million won.

(3) A fine for negligence as prescribed in paragraphs (1) and (2) shall be imposed by the president of the Commission in accordance with the Presidential Decree.

(4) A person who is dissatisfied with any disposition of fine for negligence as prescribed in paragraph (3) may raise an objection to the president of the Commission within 30 days after being notified of said disposition.

(5) If a person who is subject to a disposition of fine for negligence under paragraph (3) raises an objection under paragraph (4), the imposition authority shall, without delay, notify the competent court, which, in turn, shall proceed to a trial on a fine for negligence pursuant to the Non-Contentious Case Litigation Procedure Act.

(6) If an objection is not raised within the period as prescribed in paragraph (4) and a fine for negligence is not paid, the fine for negligence shall be collected by referring to the practices of dispositions on default of national taxes.

ADDENDA

(1) (Enforcement Date) This Act shall enter into force six months after the date of its promulgation: Provided, That the appointment of the commissioners and staff of the Commission, the enactment and promulgation of its rule concerning the enforcement of this Act, and the preparation for its establishment may be conducted even before this Act enters into force.

(2) (Application Example concerning Commencement of Term of Office of Commissioners) The term of office of those commissioners who are initially appointed under this Act shall be deemed to commence on the date when this Act enters into force.

(3) (Enactment of Presidential Decree) The president of the Commission may recommend the Prime Minister to submit the draft Presidential Decree concerning the enforcement of this Act.

< Annex II > 2002 Budget of National Human Rights Commission

National Human Rights Commission of Korea

(Unit : Korean Currency won/US\$)

Classification	Amount (1000Won)	Amount (US\$)
Revenue from the government	19,203,238	14,771,722
General Administration	14,392,729	11,071,330
- Organization operation	5,308,644	4,083,572
- Payroll expense(wage)	5,308,644	4,083,572
- Basic project expense	9,084,085	6,987,758
- Current (Working) project expense	8,680,778	6,677,522
- Administration	6,657,813	5,121,395
- Public relations	1,767,092	1,359,302
- Audit	21,213	16,318
- Councelling center	234,660	180,508
- Basic/standard project expense	354,805	272,927
- Education/training expense	48,502	37,309
Policy Bureau	1,135,058	873,122
- Human rights(HR) policy	782,809	602,161
- Hearing operation	29,441	22,647
- Survey on human rights conditions	753,368	579,514
- HR Policy making project expense	352,249	270,961
- Current (Working) project expense	346,849	266,807
- Plicy development & cordination division	161,590	124,300
- improvement of the legal system/ human rights study	185,259	142,507
- Basic/standard project expense	5,400	4,154
Administrative Support Bureau	1,678,343	1,291,033
- Administration operation	1,487,494	1,144,226
- IT/ information management	1,487,494	1,144,226
- Administration operation/ basic project expense	190,849	146,807
- Current (Working) project expense	185,449	142,653
- Basic/standard project expense	5,400	4,154
Violation Investigation Bureau	557,716	429,012
- HR violation investigation basic project expense	557,716	429,012
- Current (Working) project expense	552,316	424,858
- Basic/standard project expense	5,400	4,154
Discrimination Investigation Bureau	254,619	195,861
- Discrimination investigation basic project expense	254,619	195,861
- Current (Working) project expense	251,019	193,092
- Basic/standard project expense	3,600	2,769
Eucation & Cooperation Bureau	694,406	534,158
- International relations	454,763	349,818
- international cooperation	160,290	123,300
- text publication of HR education for public officials	222,648	171,268
- publication of photo collection	71,825	55,250
- Intl cooperation basic/standard project expense	239,643	184,341
- Current (Working) project expense	234,243	180,187
- HR education public awareness	137,107	105,467
- Civil society (domestic relations)	66,822	51,402
- International relations	30,314	23,318
- Basic/standard project expense	5,400	4,154
Library	490,367	377,205
- Current (Working) project expense	490,367	377,205
- Current (Working) project expense	489,287	376,375
- Basic/standard project expense	1,080	831

Civil Act

CHAPTER II HEAD OF FAMILY AND FAMILY MEMBERS

Article 778 (Definition of Head of Family)

A person who has succeeded to the family lineage or has set up a branch family, or who has established a new family or has restored a family for any other reason, shall become the head of a family.

Article 779 (Scope of Family Members)

The spouse and blood relative of the head of a family, and the spouses of the blood relative, and any other person who has his or her name entered in the family register in accordance with the provisions of this Act, shall become members of the family.

Article 780 (Replacement of Head of Family and Members of Family)

If the head of a family has been replaced, family members of the former head of a family shall become the family members of the new head of the family.

Article 781 (Entry into Family Register and Surname and Origin of Surname of Child)

(1) A child shall succeed his or her father's surname and origin of surname and shall have the name entered into his or her father's family register: Provided, That when the father is a foreigner, the child may succeed the mother's surname and origin of surname. <Amended by Act No. 5431, Dec. 13, 1997>

(2) A child whose father is not known shall assume the mother's surname and origin of surname, and shall have the name entered in the mother's family register.

(3) A child whose father and mother are not known shall, with the approval of the court, establish a new surname and origin of surname, and shall establish a new family: Provided, That if father or mother of a child is known after a child has established a new surname and origin of surname, the child shall assume his father or mother's surname and origin of surname.

Article 782 (Entry into Family Register for Child Born out of Wedlock)

(1) If a member of a family gives birth to a child out of wedlock, he may have the child's name entered in their family register.

(2) If it is impossible for a child born out of wedlock to have its name entered in its father's family register, the child's name may be entered into its mother's family register, and if it is impossible for the child to have its name entered in its mother's family register, the child shall establish a new family.

Article 783 (Entry into Family Register for Adopted Child and its Spouse, etc.)

The spouse, lineal descendant and its spouse, of an adopted child shall have their names together with the name of the adopted child entered in the adopting family register.

Article 784 (Entry into Family Register for Wife's Lineal Descendants Who are not her Husband's Blood Relatives)

(1) If a wife has lineal descendants who are not husband's blood relatives, she may, upon the consent of her husband, have their names entered in her husband's family register. <Amended by Act No. 4199, Jan. 13, 1990>

(2) If, in the cases mentioned in paragraph (1), the wife's lineal descendants are members of another family, their entry into her husband's register shall be subject to the consent of the head of such family.

Article 785 (Entry into Family Register for Lineal blood Relatives of Head of Family)

The head of a family may have the names of its own lineal ascendants or descendants who are not the head of another family, entered into its own family register.

Article 786 (Re-entry of Adopted Child and its Spouse, etc. into Their Original Family Register)

(1) An adopted child, its spouse, lineal descendants and their spouse shall be re-entered into the original family register by the effect of annulment or dissolution of adoptive relations.

(2) If, in the cases mentioned in paragraph (1), the original family has become extinct or no successor to the lineage of such a family exists, the adopted child and others may restore the original family or establish a new family.

Article 787 (Re-entry into Family Register of Wife, etc. and Establishment of New Family)

(1) A wife and her lineal descendants who are not her husband's blood relatives shall be re-entered into her native family register or establish a new family by the effect of annulment of marriage or divorce. <Amended by Act No. 4199, Jan. 13, 1990>

(2) A wife and her lineal descendants who are not her husband's blood relatives may, if her husband has died, be re-entered into her native family register or establish a new Family. <Amended by Act No. 4199, Jan. 13, 1990>

(3) If, in the cases mentioned in paragraphs (1) and (2), the wife's original family has become extinct or no successor to the lineage of such family exists, or it is impossible for the wife and her lineal descendants to return to her native family

register for any other reason, she may restore her native family. <Amended by Act No. 4199, Jan. 13, 1990>

Article 788 (Setting up Branch Family)

(1) A member of a family may set up a branch family. <Amended by Act No. 4199, Jan. 13, 1990>

(2) If a minor desires to set up a branch family, it shall obtain the consent of its agent by law.

Article 789 (Legal Branch Family)

Any member of a family shall establish rightly a branch family when get married, except in the case when it is a lineal descendant and the eldest son of the head of a family.

[This Article Wholly Amended by Act No. 4199, Jan. 13, 1990]

Article 790

Deleted. <by Act No. 4199, Jan. 13, 1990>

Article 791 (Head of Branch Family and its Family Members)

(1) The spouse, lineal descendants and their spouses, of the head of a branch family shall have their names entered in the branch family register.

(2) The lineal ascendants of the head of a branch family, who are not blood relatives of the head of the family may have their names entered in the branch family register.

< Annex IV >

Family Register Act

CHAPTER III ENTRIES IN THE FAMILY REGISTER

Article 15 (Matters to be Entered in Family Register)

The following matters shall be entered in the family register:

1. Permanent domiciles;
2. Full name of the former family head, and its relationship to the current family head;
3. Contents and the date of the compilation of the family register or any other changes made thereof;
4. Full name, origin of surname, sex, date of birth and resident registration number of the family head and members;
5. The ground that a person became the family head and member, and the date;
6. Full names of natural and adoptive parents of the family head and members;
7. The relationships between the family head and members;
8. As to persons who have been transferred from another family or have left for another family, permanent domicile of another family and full name of family head;
9. Matters relating to personal status of the family head or members; and
10. Any other matters provided by Supreme Court Regulations.

[This Article Wholly Amended by Act No. 4298, Dec. 31, 1990]

Article 16 (Order of Entries in Family Register)

(1) The entry of each member in a family register shall be made in the following order:

1. The head of family;
2. Lineal ascendants of the head of family;
3. Spouse of the head of family;
4. Lineal descendants of the head of family and spouse thereof;
5. Collateral relatives of the head of family and spouses thereof; and
6. Persons who are not related to the head of family.

(2) Between the lineal ascendants, priority shall be given to the person whose generation distance is the remotest, and between the lineal descendants or the collateral relatives, priority shall be given to the person whose generation distance or degree of relationship is the closest.

(3) A person who became a member of a family after a family register had been compiled shall be stated at the end of the family register.

Article 19-2 (Legal Separation)

(1) When, as referred to in the main sentence of Article 789 of the Civil Act, a marriage has been reported for registration, a new family register shall be created for the husband as the family head of the new register.

(2) When it falls under any of the following subparagraphs, a new family register shall be created in accordance with the paragraph (1). In this case, the applicant shall state his new permanent domicile in the report:

1. When a person, who is to enter another family register due to such reasons as adoption, cancellation of adoption, annulment of adoption, divorce or any cause, has spouse or lineal descendant; and

2. When a man, who is the lineal descendant of the former head of family and is married, has filed abandonment of the continuation of the headship of a family.

(3) In the case of paragraph (1) or (2), when the new permanent domicile has not been filed in the report, the permanent domicile of the family head in the new family register shall be deemed to be the new permanent domicile. This Article Wholly Amended by Act No. 4298, Dec. 31, 1990

Article 20 (Person without Family Register)

With the exception of the person whose name is to be entered in his father's or mother's family register, the report regarding a person without a family register shall be recorded by means of compiling a new family register for that person.

SECTION 2 Birth

Article 49 (Report on Birth)

(1) A birth report shall be filed within one month from the date of birth. <Amended by Act No. 2817, Dec. 31, 1975>

(2) The following matters shall be stated on the birth report: <Amended by Act No. 3737, Jul. 30, 1984; Act No. 5545, Jun. 3, 1998>

1. Name, origin of surname and sex of the child;
2. Whether the child was born in or out of wedlock;
3. Date and place of birth;
4. The names, origins of surname, and permanent domiciles of the child's parents (where the child's father or mother is a foreigner, his or her name and nationality);

5. Name and permanent domicile of the family head in whose family register the child's name is to be entered; and
6. Where a child establishes a new family, the reason and cause thereof and the place where the establishment took place.

(3) In the name of the child, the Korean alphabet or commonly used Chinese characters shall be used. The scope of commonly used Chinese characters shall be determined by the Supreme Court Regulations. <Newly Inserted by Act No. 4298, Dec. 31, 1990>

(4) The birth report shall be accompanied by birth certificate prepared by the doctor, midwife or any other person involved in the delivery: Provided, That this shall not apply in cases where special circumstances exist. <Newly Inserted by Act No. 4298, Dec. 31, 1990>

Article 50 (Place of Birth Report)

(1) A birth report may be filed at the birth of place.

(2) If child is born in a train or any other means of transportation, a report may be filed at the place where the mother left such means of transportation. If a child is born in a ship which is not provided with a log-book, the mother may file a report at the port in which the ship first entered.

Article 51 (Person to Report)

(1) A report of the birth of a child born in wedlock shall be filed by the father or by the mother. <Amended by Act No. 3737, Jul. 30, 1984>

(2) A report of a child born out of wedlock shall be filed by the mother.

(3) If the person to file a report in accordance with the provisions of the preceding two paragraphs is unable to file a report, the persons indicated hereunder shall file a report in the following order: <Amended by Act No. 4298, Dec. 31, 1990>

1. Head of the family;
2. Relatives living together; and
3. Doctor, midwife or any other person involved in the delivery.

Article 52 (Denial of Paternity)

A report of birth shall be filed even if an action of denial of paternity has been brought.

Correction

Written Responses to the List of Issues Raised by the Committee on the Rights of the Child on the Implementation of the Convention on the Rights of the Child

Republic of Korea

p. 4.

< Table 3.d > National Budget for Children with Disabilities

	1999	2000	2001
Child Edu-Care (million won)	4,500	5,000	5,760
Benefit for Adopted Children with Disabilities (million won)	91	91	91
Education for Children with Disabilities (billion won)	315.8	340.2	406.3

