

For submission to the Committee on the Rights of the Child

# **Republic of Korea Alternative Report to the Government's 5<sup>th</sup> and 6<sup>th</sup> Periodic Report on the Convention on the Rights of the Child**

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## Foreword

It has been nearly 30 years since the Republic of Korea joined the Convention on the Rights of the Child. Compared to the time of the ratification, social awareness and interest towards child rights have been greatly improved, with various changes being made for the implementation along with the establishments and amendments of legislations. The principles and the ability to execute the Convention have become the mechanism through which changes are brought about to the lives of children in Korea.

However, there are still many situations in which the safety and development of children are being threatened. Children are confronting competition which have not been experienced in previous generations, and today's society demands children to have more skills and capabilities beyond what they need in life. The participation of children is also limited. The poor perception of child as full citizen and independent from adults, has pulled societies and families down from thinking out of the 'age' box and are hesitant in perceiving child as subjects of rights. Big shame is on that the monitoring system that forms the basis of child rights are not being fully established. Despite advances in the awareness of child rights, such aperture in realities of children act as backgrounds to criticism that the implementation of the Convention is overdue, and that the lives of children are not being improved significantly.

Why would the international community define children's rights separately when rights of all human are mentioned in the Universal Declaration of Human Rights? In response to this question, the writer of Eglantyne Jebb's biography suggested that Jebb's answer to such question would be that "the child is likely to be abused and neglected due to their physical and psychological frailty." The child is symbolic in being very much vulnerable to dangers and at the same time open to new possibilities. The child is not just a citizen of the next generation, but an independent person who will contribute to peaceful international relations of the future.

The older generation faces the challenge of creating a society in which child rights based on the concept of child protection and child welfare, and civic consciousness and social responsibility of neoliberalism can be realized. Hurried ratification and non-implementation of the Convention is a blasphemy against the Convention. Joining the Convention should not be one of the tricks, disregarding the significance of the Convention and not following it.

This second report of the NPO Solidarity for Child Rights Implementation Report organizes the opinions and positions of related organizations for the realization of child rights. A total of 48 organizations have participated in the preparation of this report, and the report was finalized through discussions with related organizations and experts. The participating organizations specifies that this report is considered the only way to rectify the yet lacking issues to protect children in Korea.

I hope that this report will further encourage the implementation of the Convention in our society and contribute to the development of children's health, safety and happiness.

**Park Dong-Eun** President, Korea NPO Coalition for the UNCRC

## I. General measures of implementation

### A. Reservations | CRC/C/KOR/CO/3-4, Recommendations 8-9

#### Right to appeal <paragraph 4>

1. The reservation on Art. 40, para. 2 (b) (v) remains. However, this does not conflict with domestic legislation, which restricts military service under the age of 18 [1].

#### Recommendations

- Remove the reservation for the full implementation of Article 40, paragraph 2 (b) and (v).

### B. Legislation | CRC/C/KOR/CO/3-4, Recommendations 10-11

#### Establishment and Amendment of Legislation for the Implementation of the Convention <paragraph 5>

2. While there is no specific reference to ‘child’ found in the Constitution of the Republic of Korea; there are references to ‘children’ under the protection of parents as subjects of education, ‘minors’ under special protection regarding labor, ‘juveniles’ as subjects to welfare policies [2]. The Child Welfare Act and Framework Act on Juveniles references children as subjects to welfare or protection and nurturing. Also, child-related laws have been established sporadically and are being implemented separately by various ministries: Ministry of Health and Welfare, the Ministry of Gender Equality and Family, and the Ministry of Education [3].

#### Recommendations

- Amend relevant laws, such as the Constitution, the Child Welfare Act, the Framework Act on Juveniles, etc., to identify children's rights.
- Introduce legislation (such as the Framework Act on Children, the Implementation Law for the CRC) to promote the comprehensive and effective implementation of the UN Convention on the Rights of the Child is necessary.

#### Applicable to judicial decisions on the Convention <paragraph 6>

3. According to the Constitution of the Republic of Korea, the Convention has the same effect as the domestic law, but as of October 30, 2016, only 13 cases had invoked the Convention in court judgments [4]. Even when presented in the judgment, in most cases references were restricted to the four categories of rights (survival rights, protection rights, development rights, participation rights) and general principles.

Recommendations

- Implement measures to raise awareness of children's rights and the Convention for legal experts and investigative agencies, including prosecutors, lawyers, and judges, involved in child-related trials.
- Provide regular education programmes to improve judges' expertise in children's rights.

**C. Policy Coordination | CRC/C/KOR/CO/3-4, Recommendations 12-13**

Policy Coordinating Committee <paragraphs 9, 10>

4. Children's policies are segmented according to age and specific issues across different Child Policy Coordinating Committees [5]. Further, the Child Policy coordinating committee is not a permanent body, but don't have permanent executive office [6], leading to primarily written deliberations being carried out. Even after their reorganization in 2012, no budget has been allocated to the Child Policy Coordinating Committee and the Child Policy Working Committee [7].

Child policy delivery system

5. Under current legislation, the deliberation Committee on Children's Welfare, Local Committee for Childcare Policies, Local Committee for Youth Development have difficulty in policy coordination and cooperation being unable to distinguish functions according to their roles and duties from the metropolitan and local governments.

Recommendations

- Establish a permanent policy coordinating committee with human, technical and financial resources and authority to ensure the effective coordination of the implementation of the Convention and to enforce the roles of various policy coordination committees.
- Implement reforms in the current legislation and regulations is necessary to clearly define the functions and roles of the central government, metropolitan government and local governments in relation to child rights.

**D. National Action Plan | CRC/C/KOR/CO/3-4, Recommendations 14-15**

<paragraph 11>

6. The human rights of children and youth proposed by 'the Third National Action Plan for the Promotion and Protection of Human Rights (2018~2022)' are limited to only a few policies and listed elsewhere only sporadically. Among the 'the First Basic Plan for Child Policies (2015 ~ 2019)' established by the related ministries, ministries have not implemented most tasks requiring policy consultation.



#### Recommendations

- Develop plans to improve comprehensive policy monitoring of child-related policies of the Third National Action Plan for the Promotion and Protection of Human Rights.
- Promote inter-ministerial consultation for the implementation of the First Basic Plan for Child Policies
- Evaluate the progress of the First Basic Plan for Child Policies annually for the establishment of complementary and follow-up plans.

#### **E. Independent Monitoring | CRC/C/KOR/CO/3-4, Recommendations 7, 16-17** <paragraphs 13-14>

7. The Child Rights Committee installed within the National Human Rights Commission of Korea (NHRCK) is based on administrative rules rather than statutes. Further, there are no standards or procedures for securing expertise as an independent monitoring body for child rights. Implementation is hindered by the low acceptance rate of the NHRCK's recommendations by the ministries [9][10].

#### Recommendations

- Amend the National Human Rights Commission Act to include reference to the Committee on the Rights of the Child
- Allocate human and financial resources to secure expertise and strengthen independent monitoring functions.
- Implement additional measures such as performance evaluations to ensure that other government bodies (including ministries and agencies) implement the recommendations of the NHRCK.

#### **F. Allocation of Resources | CRC/C/KOR/CO/3-4, Recommendations 18-19**

##### Strategic Budgeting for Children in Vulnerable Classes <paragraphs 13-14>

8. Budget expansion for children in disadvantaged or vulnerable situations does not show any impact other than the number of children. Moreover, the budgeting strategy and budget execution status for children with special needs such as refugees, migrant children, girls, children with disabilities, LGBTI+ children, children who are victims of sexual exploitation, out-of-home children are not disclosed.

##### Child-related Budget <paragraph 15>

9. Financial allocations for the prevention of regional disparities are not being carried out. In 2018, the budget for childcare per infant in a metropolitan municipal government was highest in Seoul at 4,484 KRW/€3.43 compared to lowest in Gyeonggi-do (Province) at 2,709 KRW/€2.074 [11]. In 2017, the budget allocation rate of primary classroom care was 113.4% in Incheon compared to 46.4% in

Gyeonggi-do [12].

10. The budget for group-home support is allocated annually from the Lottery Fund [13], and projects related to child protection facilities and shelters for abused children are from the Crime Victim Protection Fund [14] and Lottery Fund, neither of which are guaranteed to be stable or sustainable.

Child Participation in Budget Planning <paragraph 17>

11. Although there is no stipulation in current laws and ordinances for the Participatory Budget Agency to exclude children, there are also no explicit specifications for the participation of children. Consequently, the possibility for children to participate remains low and budget allocations based on proposals are insufficient [15].

Recommendations

- Define strategic budgeting measures for children in various forms of vulnerable conditions to ensure a stable and sustainable budget.
- Develop standards for the allocation of the central government's budget to address regional disparities.
- Reform institutional arrangements to increase the participation of children in the local government budgeting process.

**G. Data Collection | CRC/C/KOR/CO/3-4, Recommendations 20-21** <paragraphs 18-20>

12. National approval statistics are limited in the collection of detailed data on children. There are overlaps in the questionnaire items and issues in the Comprehensive Survey on Conditions of Children, the Comprehensive Survey on the Status of Youth, and the Survey on Violence in Schools; these and the Survey on the Rights of Children and Youth do not reflect the conditions of children's rights, particularly of those children who are out-of-school and pre-schoolers. The impact of poverty can vary depending on the child's age and social environment, but comprehensive data collection for such are not being carried out.

Recommendations

- Establish survey systems that ensure consistent collection of data on all children, including on all areas relevant to the Convention.
- Implement and incorporate systematic statistics on children in poverty into policies to establish strategies for reducing child poverty.

**H. Dissemination, Raising Awareness, and training | CRC/C/KOR/CO/3-4, Recommendations 22~23**

Vitalisation of Child Rights Education <paragraph 21>

13. Human rights education in school curriculum is enforced without basis in any statute. Although some municipal Governments and District Offices of Education have secured grounds by enacting ordinances, in the absence of a higher law, securing a stable budget and ensuring effective implementation remains difficult [16]. The government's inconsistent provision of human rights education demonstrates the lack of a coherent and consistent system of child rights education.

Strengthening the Promotion of the Convention <paragraph 22>

14. Children's awareness of the Convention remains under 50%. According to research conducted in 2017 by the National Youth Policy Institute, it found that 45% of respondents reported that they 'do not know the Convention,' while 44% said they 'only heard the name.' The Third Study of the Korean Children's Quality of Life (2015-2017) found an even lower level of awareness with an average of 21.81% of the children [17] surveyed reporting that they had heard of the Convention [18].

Recommendations

- Reform relevant legislation to ensure a legal basis for the education of child rights in the school curriculum and systematic education on child rights at the national level.
- Provide mandatory training and education on the Convention for public and private agency staff who come into contact with children.
- Strengthen the awareness of the Convention and children's rights.

**I. International Cooperation | CRC/C/KOR/CO/3-4, Recommendations 24~25**

International Cooperation through ODA <paragraphs 25~26>

15. Despite the Framework Act on International Development Cooperation stipulating the improvement of child rights in national cooperation and humanitarian assistance strategies [19], the main policies for the Korea International Cooperation Agency's (KOICA) lack any specific details for such improvement. Furthermore, KOICA's sectoral mid-term strategy (2016-2020) limited child-related projects to education and health, and separate strategies for children remain absent from cross-thematic (environment, gender equality, human rights) strategies [20].
16. Despite efforts by KOICA and Economic Development Cooperation Fund (EDCF) to introduce the narrow range of child Safeguarding and the limited scope initiated, such as the inclusion of "child protection" expressions, cannot guarantee the minimization of potential risks to children.

Recommendations

- Amend the Framework Act on International Development Cooperation.
- Establish a framework (strategies, policies, budget, and detailed

implementation plans) for the implementation of international development cooperation based on children's rights.

- Develop child protection policies and guidelines to minimize the potential risks.

## **J. Child Rights and the Business Sector | CRC/C/KOR/CO/3-4, Recommendations 26~27**

### Laws and Policies on Child Rights related to domestic business

17. There is no domestic law explicitly stipulating the respect of children's rights in relation to business activities. A case of toxic humidifier disinfectant in 2016 resulted in an overwhelmingly high child mortality rate (under the age of 3) among 1,328 deaths. Prevention measures to avoid another such incident remains insufficient.

### Offshore Obligations of Korean Companies <paragraphs 27~28>

18. There is a lack of measures to enforce Korean companies from fulfilling their extraterritorial child rights obligations. The Committee on Economic, Social and Cultural Rights expressed a similar concern in its recommendation that Korean companies fulfill their duty to prevent and remedy human rights violations overseas [22]. Despite survey results on overseas visits confirming child labor exploitation and children's exposure to dangerous working conditions and harmful environments [23], the Korean National Contact Point for the OECD dismisses most cases at the initial assessment stage [24].

#### Recommendations

- Amend relevant legislation and regulations to ensure the effective implementation of children's rights obligations by companies and public institutions.
- Provide measures to compensate children and their families in relation to violations of their human rights (such as those violations concerning the toxic humidifier disinfectant case) as a result of business activities by domestic and foreign companies.
- Mandate relevant government departments to enforce extraterritorial child rights obligations of Korean enterprises.
- Strengthen the National Contact Point and other relevant institutions to ensure the effective response of extraterritorial child rights violations by Korean companies.

## II. Definition of the Child

### A. Definition of Child in Domestic Law <paragraphs 29~32>

19. The current legal system fails to account for the diverse nature of children due to vague distinctions in regard to age for children, teens, minors, and infants. Consequently, this hinders the implementation of the Convention.
20. Unlike the Convention and the Child Welfare Act [25], the Korean Civil Code defines a child as a person under the age of 19 [26]. As a result, children who are protected by child welfare institution under the Child Welfare Act should be legally recognized as independent once they've reached the age of 18; however, due to the definition of a child in the Korean Civil Code, they remain legally dependent on an adult.

#### Recommendations

- Establish a framework act that:
  - (a) encompasses all children,
  - (b) applies collectively to issues related to children, and
  - (c) defines age based on characteristics particular to each stage of the life cycle of a child.
- Amend relevant legislation under the civil law, including the Child Welfare Act, to provide clear legal protection until reaching adulthood and based on the best interests of the child.

### III. General Principles

#### A. Non-discrimination (Article 2)/ CRC/C/KOR/CO/3-4, Recommendations 28~29, <paragraphs 33~37>

##### Related to legal provisions of non-discrimination

21. Despite the Constitution of the Republic of Korea prohibiting all forms of discrimination, it continues to emerge in various forms in public awareness, policies, and institutions. The current Child Welfare Act defines a child as "a person under the age of 18" regardless of nationality. However, the scope of application is limited to Korean nationals who are subject to social welfare laws.
22. Adults in homes, schools, child-related organizations and communities tend to regard children's opinions and views as 'interference,' which evinces the sustained discrimination against children prevalent among the public.

##### Measures for the prohibition of discrimination against children in disadvantaged or vulnerable situations and children from minority groups <paragraphs 34~36>

23. The Third Framework Act on the Treatment of Foreigners, (announced in February 2018) limits its scope to "children of foreign nationality who have fulfilled foreign registration residing in Korea," thereby excluding children not registered as immigrants. Additionally, if children with foreign nationality are to be protected, then the related budget excluded children not registered as immigrants" Also if the child subjected for protection is a foreign national, the related budget is only presented as 'could be' allocated by the local government [27].
24. Children suffer discrimination based on place of residence, which entails disparities in accessibility to parks and playgrounds and facilities supporting independent living for those in need of protection. Geo-social disparities also adversely affect the educational conditions and opportunities for children with disabilities and the availability of support and treatment for children with rare and incurable diseases.
25. The increase in *No Kids Zones* and *No Teenager Zone* (child-free and teenager-free zones) in restaurants and cafes exclude children from society and purposely prohibit access for convenience rather than protection from potential risks and dangers. In November 2017, the NHRCK issued a recommendation against such forms of discrimination against children.

#### Recommendations

- Enact comprehensive strategies and non-discrimination legislation to combat all forms of discriminatory attitudes and practices against all children.
- Amend child-related legislation to stipulate the principle of non-discrimination for children and conduct training and awareness-raising activities for parents, guardians, and those working with children.
- The child-related laws should specify the principle of non-discrimination for all children, and education, training, and awareness-raising activities for parents, guardians, and child-related workers should be carried out.
- Introduce and implement national policies to address regional disparities that affect the environment of children.
- Provide support for:
  - (a) the promotion of non-discrimination in rest, play, leisure, and cultural activities, and
  - (b) active measures in raising awareness to prevent child exclusion in public spaces and society.

#### **B. Right to Life, Survival and Development (Article 6) / CRC/C/KOR/CO/3-4, Recommendations 30~31 <paragraphs 39~46>**

##### Suicide and Murder of Children <paragraphs 39~40>

26. As of 2016, the youth suicide rate (15 - 19-year age group) stood at 7.9 per 100,000 people. School-related stress and pressure for academic achievement, family troubles, loneliness, economic hardships, and bullying accounted for 48.1% of the reported reasons [28].
27. Parent-child suicides were also reported and stemmed from marital discord and financial problems. Such tragedies infringe on the child's rights to life, survival, and development.

##### Child Safety <paragraphs 41~45>

28. The government has insufficiently tackled the impact fine particulate matter can have on children's development with regulations lacking, especially for infants at childcare centres [29].
29. Safety measures for fine dust also remain insufficient and improperly maintained in school classrooms. The Ministry of Education-issued response manuals provide guidelines limited to the issuance of fine dust warnings and alarms. Despite "fine dust" being classified as a type of disaster in the *Standards for Seven Key Areas of Safety Education in School*, such application is limited to being used in one-time education materials.

30. Asbestos continues to endanger children in school environments. As of June 2016, 66.9% (13,956 out of 20, 856) of the schools in the nation still used asbestos with remnants found in the classrooms of 410 schools. Furthermore, inadequate monitoring and inspection persist, and careless asbestos removal, which threatens to contaminate schools and neighboring communities, only adds to the seriousness of this situation.
31. A majority of the 304 passengers and crew lost in the 2014 sinking of the *MV Sewol*, a ferry disaster, were children (250 deaths). Investigations later found deficiencies in safety awareness and regulations as well as in the overall response to the disaster.

**Recommendations**

- Ensure the Ministry of Environment and the Ministry of Health and Welfare take institutional measures to
  - (a) address regional disparities
  - (b) establish integrated guidelines on fine dust to ensure the consistency of education on such safety matters.
- Establish long-term development plans to enhance the environment for the healthy growth and care of children.
- Take all necessary measures to prevent disasters and ensure the safety of children, including:
  - (a) strengthening disaster and safety systems, regulations and practices,
  - (b) clarifying the relevant ministries' roles and responsibilities in relation to safety and disaster for accountability, and
  - (c) in cases of disaster, implementing follow-up measures to ascertain the events of the incident and to prevent recurrence.

**C. Best Interest of the Child (Article 3)/ CRC/C/KOR/CO/3-4, Recommendations 32~33/ <paragraphs 47~50>**

32. While legislation reflecting the best interests of the child has led to changes in the environment in which children's investigations and statements are conducted, the application of best interests in child-related laws (e.g. Child Welfare Act and Infant Care Act) remains highly questionable, being more of a declarative, rather than of a practical nature.
33. The Government expanded the subsidization and accessibility of the *Nuri* curriculum, a national curriculum for children age 3 -5 that also includes tuition support, to all children regardless of family income level. The expanded accessibility has led to an increase in parents' reliance on childcare support facilities. When coupled with the legal 12-hour daycare provision's that doesn't account for the adverse impact of extended out-of-home childcare on infants and toddlers, this deprives children of their opportunities to grow in a stable and healthy home setting.



Recommendations

- Conduct community-wide awareness-raising activities to ensure that the best interests of the child are considered in all matters pertaining to children.
- Develop policy implementation guidelines for the identification and determination of the best interests of the child.

**D. Respect for Views of the Child (Article 12)/ CRC/C/KOR/CO/3-4,  
Recommendations 34~35 <paragraphs 51~58>**

Respect for Views of the Child in School <paragraphs 51~52>

34. The Elementary and Secondary Education Act and the Enforcement Ordinance on Elementary and Secondary Education Act, the collection of student opinions in the revision of school policies remains an optional, rather than mandatory procedure [30]. The National Human Rights Commission of Korea found, in its survey on this issue [31], that slightly more than half of the respondents reported being solicited for their views [32].

Guarantee of Participation of Children and Youths <paragraphs 17, 53~55>

35. Most platforms for children's participation, such as General Assembly on Children, the Special Commission on Youth and the Youth Participation Committee, place restrictions and time limits on children's opportunities for discussing and informing policy. Those views that are elicited from such interactions are rarely applied. The lack of will among the central and local governments undermines the promotion and initiation of further participation activities. While schools provide opportunities, such as steering committees, for students to express their views, the scope remains limited to specific topics and the absence of any legal regulation to institutionalize participation impedes its application and sustainability.

Recommendations

- Amend relevant legislation to ensure that student participation is substantial and meaningful in their school life and the operations of the school.
- Establish a permanent child participation organization, with a legal basis, to ensure the participation of children in matters relevant to them, and secure the allocation of sufficient authority, budget, and resources to execute its mandate fully.

## IV. Civil Rights and Freedoms

### A. Acquisition of Nationality and Registration of Birth | CRC/C/KOR/CO/3-4, Recommendations 36-37

#### Acquiring Nationality <paragraph 59>

36. According to the government, children of foreign parents born in the Republic of Korea are not eligible for birth registration under current legislation and must be registered according to the relevant legislation of the country(ies) in which their parent(s) hold citizenship(s). In cases where the country(ies) in which the parent(s) hold citizenship(s) does not have an embassy or consulate in the Republic of Korea, then administrative barriers, such as lack of required documentation, excessive fees, etc. may prevent the child from being registered.
37. The government's alien registration system maintains information on foreign residency; however, this does not extend to registering and certifying an individual's status as in the case of birth. Undocumented immigrants remain ineligible for alien registration. The government's response to these issues falls short of fulfilling the Committee's previous recommendations.

#### Birth Registration <paragraph 60>

38. In May 2016, the Government amended Act on the Registration, etc. of Family Relationship to allow prosecutors or head of local Governments (city/town/township) to register a child's birth if there exists risk to the child's welfare because his/her parents have negligently or willfully neglected to register the birth [33]. However, the Act does not provide for any monitoring mechanisms to determine the parents' compliance with their birth registration obligations. Beginning in May 2018, an online birth registration system was introduced, transmitting children's birth information from the hospital to a local government office [34]. However, the 45 hospitals nationwide have implemented this system. Furthermore, local government officials cannot yet identify children who haven't been reported. As a consequence, this prevents verifying a child's registration in cases where parents either intentionally or by mistake, fail to register their child [35].

#### Right to know, as far as possible, and to be cared for by one's parents

39. There are 200-300 children who are not registered every year. In addition, there is no public function to prevent and to protect child abandonment. Two baby boxes have been privately operated complicating birth registration processes and violating children's right to know their parents. Without a birth certificate, a child may wait more than one hundred days to acquire a name and be registered.

#### Recommendations

- Take all necessary measures to ensure access to birth registration for all

children regardless of their parent's legal status and origin.

- Ensure and verify that registration accurately indicates the biological parents of the child.
- Ensure that awareness and information on the online birth registration system are publicized and disseminated.
- Take all necessary measures to prevent child abandonment and to strengthen child protection system including parental support.

## **B. Freedom of Thought, Conscience, and Religion | CRC/C/KOR/CO/3-4, Recommendations 38-39**

### Freedom of Religion <paragraph 61>

40. Despite the prohibition on religious education (the teaching of a particular religion) in public and private schools, this has not been enforced effectively. In 2018, the media reported of a private school holding weekly religious instruction for all grades without any alternative course offerings [36].

#### Recommendations

- Establish a system to identify, continuously monitor and enforce relevant legislation on religious education in private schools
- Provide alternative course offerings to or a safe and secure complaint mechanism for students objecting to participating in religious classes

## **C. Freedom of Expression, Association, and Assembly | CRC/C/KOR/CO/3-4, Recommendations 40-41**

### Freedom of Expression in School <paragraph 63>

41. According to the 2016 "Survey of Student Rights Security in School Life," 83.1% of the respondents reported the existence of clauses in school rules that restrict or violate their freedom of expression, assembly, and association. Among the 136 schools surveyed, 113 of them restricted student expression and freedom of assembly and association through school regulations [37].

### Political Freedom and Suffrage

42. Among the 35-member states of the Organization for Economic Cooperation and Development (OECD), the Republic of Korea remains the only member with a voting age of 19. Despite the public demand and need to lower the voting age, the government has not yet to take the effort to amend relevant legislation.
43. The Korean election law prohibits minors (under the age of 19) from participating in elections, and the Political Parties Act bars them from joining political parties,

placing severe restrictions on children and young people's exercise of freedom of political expression.

#### Recommendations

- Revise and amend the Ministry of Education's guidelines, school rules and relevant legislation to ensure students' freedom of expression. Furthermore, continuously monitor schools to ensure implementation.
- Lower the voting age to at least 18 years old; and
- Lower or abolish age restrictions on joining political parties and participating in election campaigns to ensure children and young people can exercise their political rights.

### **D. Freedom of Privacy and Protection of Personal Information)**

#### Freedom of Privacy <paragraph 64>

44. Schools continue to place restrictions personal belongings and enforce dress codes that dictate the hairstyles and length, type of clothing (e.g., uniforms) [38]. Children using smartphones are required to install mandatory types of applications for blocking media materials harmful to juveniles [39] that infringe on their freedom of privacy, such as those that track user's location and amount of smartphone usage [40].

#### Recommendations

- Develop government guidelines, such as teachers' guidelines, to ensure the protection of students' privacy in school.
- Develop standards that ensure that smartphone applications developed to protect children are not abused beyond their intended use, and Ensure the implementation of standards through monitoring

#### Protection of Personal Information

45. The protection of children's personal information and the right to privacy continue to be infringed. Schools publicly disclose students' grades and ranking [41]. Information registered with the notification system for missing children remains in the system until the child becomes 18 or until a guardian requests its deletion [42]. The images of CCTV, which is installed to prevent school violence and child abuse, may be used for purposes other than originally intended.

#### Recommendations

- Develop guidelines for educational institutions, social welfare facilities, medical institutions, and government offices, etc. to ensure the protection and management of children's personal information
- Establish regulations to confirm a child's consent according to his or her age and maturity

## V. Violence Against Children

### A. Corporal Punishment | CRC/C/KOR/CO/3-4, Recommendations 7, 42, 43

#### Establishing and Amending Legislations Relating to Corporal Punishment <paragraphs 70~76>

46. The Ministry of Education amended Enforcement Decree of the Elementary and Secondary Education Act to prohibit 'direct corporal punishment' in schools; however, this did not extend to 'indirect corporal punishment' and other forms of humiliating disciplinary action. In addition, Article 915 of the Civil Act provides parents/guardians with the right to use disciplinary punishment against their children. Such a provision may be interpreted as including corporal punishment, or it may be used as grounds for immunity or as a defense against civil or criminal liability.

#### Encouraging Alternative Discipline Methods <paragraphs 77~78>

47. The government claimed it had encouraged alternative forms of disciplinary action; however, these efforts to prohibit corporal punishment and encourage alternative disciplinary methods in the home remain insufficient as parental violence can still be regarded as a legitimate means of guidance and discipline.

#### Report and Punishment of Corporal Punishment Cases <paragraphs 79>

48. Some private schools tend to retain cases of human rights violations against students, including incidents of corporal punishment, citing agreements with students and guardians as a reason for doing so [43]. Furthermore, imposing sanctions or penalties for those incidents remain difficult, especially since government education authorities hold insignificant authority in comparison to school corporations and their management, which reserve the power to punish teachers [44][45].

#### Recommendations

- Take all necessary measures to gain public consensus on the inclusion of indirect forms of corporal punishment as corporal punishment while comprehensively prohibiting corporal punishment in all relevant legislation
- Monitor the status of the implementation of the prohibition of corporal punishment in relevant laws; and
- Ensure the equal enforcement of management system standards, administrative law, etc. of public and private schools.
- Establish and promote alternative disciplinary methods within the home and child care and educational institutions.

### **B. Violence Against Children Including Child Abuse and Neglect | CRC/C/KOR/CO/3-4, Recommendations 44-46**

#### Punishment of Child Abuse <paragraphs 80~82>

49. Due to a lack of awareness regarding child abuse, mild forms of child maltreatment often escape notice, and no judicial measures are pursued, preventing the issuance of a court order for and the enforcement of treatment (e.g., parental counseling and education) [46]. These types of incidents especially apply to cases of emotional abuse where intervening and imposing punishments are particularly challenging [47].

#### Expansion of Child Protection Specialist Institution and Related Infrastructure <paragraphs 83~86>

50. Local specialized child protection agencies receive half of their funding from “national support” and the remaining half from “local government support” at a 50:50 ration. This arrangement leaves these agencies vulnerable where the local governments suffer adverse financial conditions. Not only does this hinder agency from expanding their much-needed facilities, but it also leads to regional disparities. With the rapid increase in child abuse reports, the current number of 50. Local specialized child protection agencies remain insufficient [48].

51. Most of the 55 shelters for abused children nationwide have the capacity to care for 7 children. The provision of psychological support services is difficult where children fall under the protection of other child welfare facilities. Furthermore, children with disabilities and migrant children encounter difficulties in receiving care for their particular needs and confront procedural limitations that prevent them from entering shelters for abused children [49].

52. The country currently suffers shortages of clinical psychologists, who provide psychotherapy and counseling, and court-appointed attorneys specialized in child abuse. As of 2016, child protection agency counselors have handled an average of 4.73 cases per day [50]. High caseloads, exhaustion, and ill-treatment have led to a high rate of attrition with counselors leaving after an average of 1.7 years [51]. Clinical psychologists for psychotherapy and counsel are also insufficient, court-

appointed lawyers are absent purely for children affected by child abuse.

#### Interventions and Services for Prevention of Re-abuse

53. As of 2016, the national average of child abuse recidivism is 8.5 %. Current levels of family support services for victims of abuse remain insufficient [53].

#### Strengthening the Publicity of the Child Protection System

54. The role and responsibilities of the child protection system remain fragmented and require restructuring, including the consolidation of the central and local child protection delivery systems and the establishment of centralized coordination bodies (referred to as control towers). Furthermore, the government

#### Comprehensive National Measures to Prevent Child Abuse

55. As the measures prepared by the government in 2014 and in 2016 to prevent child abuse were follow-up measures, they fail to reflect the human, technical and financial resources necessary for implementation.

#### Recommendations

- Take measures to raise awareness of emotional abuse and mild forms of child maltreatment being child abuse among parents, guardians and those whose work brings them into contact with children to ensure the recognition and application of appropriate responses.
- Establish a minimum of one child protection agency in each city/county/district in accordance with the Child Welfare Act; and develop a strategy for this carrying out
- Amend relevant legislation to:
  - (a) increase the number of shelters for abused children,
  - (b) provide facilities for the protection children with disabilities, and
  - (c) ensure migrant children may enter facilities regardless of their legal status.
- Increase professional human resources, including counselors, and Establish a legal basis for a system of victims' attorneys dedicated to and specialized in child abuse cases
- Take all necessary measures to prevent recidivism in child abuse
- Develop an improvement plan to strengthen public accountability of the child protection system
- Enact a framework act for the prevention of child abuse and Develop a strategy for the elimination and prevention of child abuse that includes short-term and long-term plans, as well as budget plans for ensuring sufficient resources to implement the strategy

### **C. Violence in School | CRC/C/KOR/CO/3-4, Recommendations 44-45, 62, 63e**

### Violence in School

56. The Autonomous Committee for Countermeasures against School Violence (hereinafter referred to as "autonomous committee") is mandated to review incidents of school violence. In many cases, it prioritizes the execution of official operations over the restoration of relationships between the involved students. Where specialists in conflict mediation are unavailable, secondary harm may occur. Additionally, results of the autonomous committee remain in the permanent record of the student(s), and cases are on the rise [54].

### Online Violence <paragraphs 156~158>

57. The Ministry of Education has reported a steady rise in the number of cases of online violence. From 2012 to 2016, the number of cases climbed from 900 to 2,122 [55], and the number of informal results of research on the actual condition and consultation cases have also increased [56].

### Sexual Abuse in School

58. From 2012 to 2016, there was 3.5 times increase in the number of cases of sexual violence reviewed by the autonomous committee. Recidivist measures were found to be insufficient with only 36.5 percent of student offenders receiving special education or psychological treatment [57]. Further, numerous cases of teachers perpetrating sexual harassment have been reported with 21.3% of cases resulting in light punishments [58]. These types of incidents can be particularly prevalent in private schools where school corporations or foundations may dispense with disciplinary action at their discretion, leaving such actions mostly ineffective [59].

#### Recommendations

- Establish support systems within higher level bodies, such as the city education offices to impartially address problems of school violence and bias
- Improve the internal structure of autonomous committees to prevent secondary harm
- Takes measures to develop specialized preventive programs, strategies, and policies for addressing cyber violence.
- Strengthen measures to prevent sexual harassment and recidivism among students
- Strengthen teacher training to prevent teachers from committing sexual violence
- Ensure that both public and private school teachers apply the same disciplinary standards

## **D. Development of National Strategies for Eliminating All Violence Against Children | CRC/C/KOR/CO/3-4, Recommendations 46a, 46b**



<paragraphs 90-91>

59. The government lacks a national approach and policy to comprehensively address all forms of violence against children in all settings. Coordination across government bodies remains fragmented with the elimination of violence against children divided among ministries. Consequently, data on children is also fragmented and managed by different government departments, leading to gaps in systems [60].

Recommendations

- Develop a comprehensive national strategy to prevent and address all forms of violence against children;
- Consolidate the national system of data collection, analysis and dissemination of research to prevent gaps to ensure the effective implementation of measures

## VI. Family Environment and Alternative Care for Children

### A. Family Environment and Responsibilities of Parents, Family Support and Childcare Service

<paragraphs 93~96, 135>

60. Government subsidies for a child sent to childcare (e.g., daycare, preschool, etc.) amount to more than twice that of state allowances (parent allowances) granted to parents for providing childcare themselves [61].
61. The regular hours of operation for childcare centers and kindergartens limit the use of such facilities by parents working irregular hours [62][63]. The national government grants match funding to local governments to operate *Idolbom*, a national child care support project. Consequently, local governments with weak financial autonomy struggle to satisfy the increasing demand for this service [64].
62. According to the Ministry of Employment and Labor, 12.4% of the male workers took paternity leave in 2017. Despite an increase in the first half of 2018, the low percentage indicates difficulty in accessing this entitlement. Additionally, some spend the leave for purposes other than what it was originally intended, such as for preparing to change jobs.

Recommendations

- Take measures to address discrepancies between the number of subsidies for different types of childcare.
- Ensure the allocation of adequate human, financial and material resources for the provision of childcare services for parents working irregular hours and for the expansion of the national childcare support program.
- Investigate the use of paternity leave and make use of the results to improve

the system

**B. Right to Live with Parents, Support to Children with Loss of Family Environment | CRC/C/KOR/CO/3-4, Recommendations 47, 48c~48d**

Visitation Rights and the Right to Live with Parents <paragraphs 97~99>

63. Despite the establishment of visitation centers in Seoul, Gwangju and Incheon Family Courts by the Ministry of Justice, the location and the limited number of centers impede accessibility for those in other regions and hinder engagement with the administration.
64. Where parents surrender child rearing for reasons such as divorce, etc. the local Child Welfare Deliberation Committee is to review the protection measures to be taken [65]; however, as it does not operate properly [66], then the alternative childcare system provides protection in accordance with the judgment of the child welfare officer [66]. Few legal mechanisms for separation and protection decisions; particularly in cases of adoption, enable private adoption agencies the child directly, circumventing such mechanisms, and directly report it to the local government.
65. The relatively low rate of the reunification of children affected by abuse (29%) [67] and the longest average duration spent in alternative care facilities (between 3.4 to 11.2 years) indicates inadequate reunification support [68]. Additionally, where the parents (i.e., biological parents) care for the child, they receive less support than facilities in the alternative childcare system.

### Recommendations

- Establish an integrated cooperation system among various agencies (e.g., municipal bodies, health care centers, etc.) other than the court, to ensure children's visitation rights.
- Establish a legal process for deciding the separation and protection of children according to the municipal protection measures, and designate in legislation, a person responsible for the result and follow-up management.
- Amend relevant legislation to establish the roles and functions of the central government and municipalities.
- Develop guidance to ensure management and supervision of the system's implementation to facilitate a prompt return of separated and protected children to their homes.
- Provide legal and institutional support to ensure that biological parents can raise their child in accordance with the Guidelines for the Alternative Care of Children in the United Nations.

### Alternative Care of Children and Support to Children with Loss of Family Environment <paragraphs 100~101>

66. A majority of alternative care facilities (e.g., foster care support centers, adoption agencies, and child welfare facilities) are private entities hampering cooperation and coordination; consequently, hindering an integrated management approach at the national level.
67. Access to local foster care support center remains low and is confined to 17 support centers located in metropolitan areas, so that its accessibility hinders [69]. Additionally, in the absence of a guardian, a child from foster care may be unable to open a bank account as guardianship regulations of child welfare institution cannot extend to them [70].
68. Despite residential group homes (communal homes) being equivalent to a child-rearing facilities (childcare institution), support varies according to the financial situation of the house parents and the amount of housing benefit disbursed varies across local governments [71]. These variations in support undermine the stability of protection and efforts for reunification.
69. Although the Child Welfare Act establishes the same qualification requirements across child-rearing facilities, group homes, and community children's centers; however, the application of government support measures differs among these facilities [72], causing frequent staff turnover [73].
70. Self-reliance subsidies for children leaving care vary according to the local government and remain inadequate for achieving independent living [74]. Moreover, the lack of specialist leaving-care staff in group homes hinders children's transition from care [75].

Recommendations

- Expand foster homes support centers to enhance the quality and coverage of the foster home care system, provide alternatives for cases where a legal representative is unavailable.
- Take measures to improve the treatment and capacities of child welfare facilities to deliver quality child protection services.
- Ensure provision of adequate financial resources to prevent discrimination in care settings.
- Expand the budget for self-reliance subsidies and addressing regional disparities
- Develop strategies and provide adequate resources for group homes to support children's transition from care.

**C. Recovery of Maintenance for the Child**

<paragraphs 102~103>

71. The Child Support Agency enforces child maintenance payments; however, with only a single center in Seoul, it has inadequate capacity to operate effectively nationwide. Consequently, sanctions against non-compliance are rarely executed in practice. Moreover, the extremely rigid requirements allowed for the disbursement of only 25.8% of the temporary emergency maintenance [76].

Recommendations

- Take measures to effectively enforce child maintenance, such as suspension of driver's license or passport, coordination with police to implement the court-ordered confinement, garnering of wages, etc [77].
- Ensure the provision of adequate human, financial and material support to expand the Child Support Agency to the 17 regional municipalities across the country.
- Ease requirements for access to the temporary emergency child maintenance

**D. Adoption | CRC/C/KOR/CO/3-4, Recommendations 49~50**

Strengthening public accountability of adoption <paragraphs 3, 107>

72. The Act on Special Cases Concerning Adoption sets out that only the Family Court may grant permission for adoption with the remaining responsibilities (e.g., application for adoption, counseling of biological parents, education, adoption screening, matching, post-adoption evaluation, and services) are executed by private adoption agencies [78]. The same act obliges the mayor, governor or head of the local government to take protective measures, which are provided under the Child Welfare

Act; however, as to what duties this entails for the local government mayor/governor/head is not specified [79]. The government's inadequate management is also reflected in adoptions under the Civil Law, which involves an agreement between biological parents and prospective adoptive parents with the only form of state involvement limited to the court's permission to allow the adoption.

Recommendations

- Take all necessary measures for the comprehensive improvement of the entire current adoption process (education and counseling, pre-screening, and follow-up supervision and support for pre-adoptive parents) while ensuring proper state oversight and accountability.
- Establish a systematic adoption procedure to strengthen the public accountability of adoption under the Civil Act.
- Clarify the adoption procedures and system, increase recruitment and education of related personnel including the adoption agency staff, the relevant public officials in charge and judges, so that prompt and appropriate adoption decisions can be made.

Protection of Original Homes and Facilitation of Domestic Adoption <paragraphs 108, 110>

73. While debate over the 7-day adoption deliberation period, which was established to allow time for deliberation and adoption, continues [80]; the adoption of children under the age of 13 can be decided only by the consent of a legal guardian [81], and in the case of teenage mothers, their parents or a legal representation can decide for them.
74. Despite the majority of adoptions being the children of single mothers [82], there is a lack of single mother support services, such as counseling, financial assistance from pre-conception through pregnancy, childbirth and postnatal care and parenting support.

Recommendations

- Conduct research to evaluate the Adoption Deliberation System to determine the appropriate duration according to the best interest of the child.
- Take all measures to include the consent of the single adolescent parents even in cases of adoption of children under the age of 13.
- Support original homes in vulnerable situations, such as single parents or unmarried parents.
- Encourage discussions on the "Whole Amendment Act on Special Cases Concerning Adoption," and establish specific implementation strategies for promoting the adoption of the principle of prioritizing original home rearing, facilitation of domestic adoption and the reinforcement of public responsibility for adoption.

### Intercountry Adoption <paragraphs 110-110>

75. As the rate of international marriage has increased, cases of adoption of foreign spouses' children from abroad have correspondently risen; however current regulations are inadequate to protect the rights of adopted children.
76. In the case of intercountry adoption, post-adoption monitoring procedures remain absent and the current support offered is temporary and fragmented [83]. In particular, before the amendment of the Act on Special Cases Concerning Adoption and as of August 2017, 25,996 adoptees had not been confirmed to have obtained their nationality [84].
77. Among the claims for adoption information disclosure requests from 2012 to Aug 2017, only 16.8% (1,417 cases) had information released with the consent of the biological parents. Moreover, the right to request information disclosure by adoptees is not effectively guaranteed [85].

#### Recommendation

- Ratify the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, enact the "the Bill of the Act on Intercountry Adoption," which is a law enforcing the Convention, and improve the law and system for the adoption of children of foreign nationality.
- Establish a support and monitoring system for intercountry adoption and provide support for nationality non-acquired adoptees.
- Strengthen the provision of human, financial, and technical resources to ensure claims for disclosure of adoption information of all adoptees can be effectively guaranteed.
- Ensure adequate provision of human, technical, financial and material support to effectively guarantee the rights of adoptees to request information disclosure, particularly so that information claims can be made with consideration to age and maturity.

### **E. Illicit Transfer and Non-Return of Children Abroad**

#### <paragraphs 112-113>

78. In the case of a toddler's extradition request; where the toddler, with the capacity to expresses a his/her view, rejects the extradition, the trial order cannot be executed, impeding protection [86]. The court-ordered confinement decision that is made when a person did not perform the obligation to extradite a toddler can be immediately appealed thus the process may take considerable time.

#### Recommendations

- Establish separate enforcement regulations for the timely enforcement of Child Return Orders and penalties for refusal to extradite underage children.
- The decision of the extradition of a child shall be made with priority to the decision of the child, but based on sufficient feedbacks and expert opinions; the court shall revise the trial order to make an exception enabling direct compulsion, the child should be provided with a post support system, through the joint operation of Health Family Support Center, for the psychological and emotional stability of the child after forced enforcement.

#### **F. Protective Measures of Children of Parents under Detention and Children Living with Their Mother in Prison**

<paragraphs 114-115>

79. The current estimated 54,000 children (about 0.5% of the under-19 population) are incarcerated with around 27,500 children. However, the recognition of the right to raise a child extends only to those female inmates who've given birth in the correction facility [87]; otherwise decision of whether a child can live with a parent at the correctional facility and the placement of the remaining children is at the discretion of the warden [88].
80. Only female inmates may visit with their children without partitions [89], and only seven child-friendly family reception rooms are available. Further impediments include restrictions on public holidays, the expenses and hardship of traveling to the facility, and the perception prison staff and foster parents may hold towards the inmate [90].
81. Inmate crisis family support services are implemented without legal grounds, and most of the families of inmates have no information about it. In Daejeon Prison, participants of Family Love Camps are limited to only 10 families, out of 3,000 inmates.

### Recommendations

- Investigate the actual condition of the children of inmates and promote cooperation with the police and the child protection system to prevent gaps in protection.
- Take appropriate measures to ensure the respect of the human rights of inmates' children, including consideration of 'minor children' in the criteria of a court judgment.
- Extend child-friendly reception rooms where the detained parents and children meet and ensure the right of visits from a child-centered perspective by improving reception procedures and operating methods.
- Provide information on related systems such as crisis emergency family support services for the families of inmates and to establish a system of cooperation among related agencies for the restoration of family relations.



## VII. Disability, Basic Health, and Welfare

### A. Children with Disabilities | CRC/C/KOR/CO/3-4, Recommendations 51-52

<paragraphs 116-118>

82. Despite the recommendations of the Committee on the Rights of Persons with Disabilities [91], in practice, integrated education has yet to be implemented. Among the 52,773 teachers assigned to integrated education in schools, only 620 are special education teachers.
83. Only 5.88% of children with disabilities walk to school with inaccessibility to education continuing to pose significant difficulties. In particular, the number of schools varies across regions, which can complicate commuting [92].
84. Although the government announced the Comprehensive Policy Plan for People with Disabilities (2018 ~ 2022) in March 2018, the unveiled plan only included the regional development and operation of rehabilitation institutions for children with severe disabilities and provided few details on the budget and implementation.
85. To use disability-related services, one must be registered as a person with disabilities [93]. However, this process remains inaccessible for refugee applicants, humanitarian status holders, and undocumented migrant children and even if a person with a disability enrolled in such services, the Ministry of Health and Welfare guidelines limit support services to those with refugee status [94], placing personal assistance and school attendance beyond reach.

#### Recommendations

- Establish budget plans and concrete strategies for realizing the support for disabled children, such as the placement of special education teachers and the establishment of accessible special education schools or special classes
- Measures should be taken to ensure that support for all children with disabilities, considering the United Nations Convention on the Rights of Persons with Disabilities.

### B. Survival and Development, Health and Health Services | CRC/C/KOR/CO/3-4, Recommendations 55-56, 53-59

Right to Health for Migrant Children <paragraphs 119-122, 125>

86. Although the health insurance coverage of migrant parents may extend to their children, the children are often excluded. Where the parents are undocumented, they are prohibited from registering for health insurance. While the G-1 Miscellaneous Visa [95] permits registration for national health insurance, the number of enrolments remains low on account of restrictions [96]. Migrant children, other than that gain refugee status, cannot access medical support under the National Basic Living

Security Act. In 2014, vaccinations became available to undocumented children at public health centers; however, a lack of information or the absence of a public health center in the area hindered accessibility [97].

#### Pediatric Medical System <paragraph 127>

87. Ministry of Health and Welfare's plan to increase the number of pediatric emergency centers to 13 (with 9 currently operating) by 2015 [98]. The inadequate budget allocations for personnel expenses and government support impair the effectiveness of these facilities [99].
88. Professionals could take care of infants in Nurseries and Schools are absent. In November 2017, the Office for Government Policy Coordination proposed the "Protective Measures for Child Diabetes in Nurseries and Schools" [100] but components such as the provision of safe injection sites in schools, emergency medicine in nurseries and schools, and health insurance benefits didn't finish. Children object to be managed by priority are more over 3,000 and some children are not high-risk group in health but need to be cared by health workers. But governments don't take measures for them [101].

#### Lifecycle Health Care <paragraph 129>

89. The management of the provision of health examinations for children are divided among ministries: the Ministry of Health and Welfare covers infants and workers while the Ministry of Education is responsible for children attending school, and the Ministry of Gender Equality and Family support for children who do not attend school.

#### Sexuality Education <paragraph 129>

90. The 2018 revised "National Standard on School Sexual Education" by the Ministry of Education contain discriminatory language and standards that reinforce gender stereotypes and gender binarism, prohibit mention/reference to LGBT+, and place blame on sexual violence victims [102]. Additionally, sexuality education primarily constitutes sexual abuse and sexual harassment prevention education [103].

#### Teen Abortion <paragraphs 7-8>

91. While the government demonstrates awareness that most situations of teen pregnancy and abortion fail to qualify under the exception provision of the Mother and Child Health Act [104][105], it seems to lack a full understanding of the seriousness [106]. Penalizing women for abortion threaten the health and best interests of pregnant adolescents by not only restricting the provision of adequate and appropriate information, but also proper medical assistance [107], which can lead to illegal abortions, illegal adoptions, and infant abandonment [108].

Recommendations

- Revise relevant guidelines to ensure that all children with migrant backgrounds, regardless of legal status, receive health insurance coverage, and take measures to increase accessibility to free vaccination services.
- Establish joint-cooperation among school-age health care providers to develop support measures and plans that encompass students and outside-of-school youths.
- Strengthen pediatric emergency system by expanding its infrastructure and ensuring the provision of adequate human, financial and technical resources for the workforce.
- Provide a multifaceted response that promotes gender equality within the school.
- Changes in law, policy, and public awareness should be promoted to prevent pregnancy through sex education and to secure safe abortion procedures according to the person's will when being pregnant.

**C. Protective Measures for Drug Abuse | CRC/C/KOR/CO/3-4, Recommendations 57-59**

<paragraphs 132-134>

92. A majority of the smoke-free spaces installed around kindergartens and schools in accordance with the National Health Promotion Act [109] and the local government ordinances do not completely extend to routes taken by students. According to a survey, 98% of these routes had repeated instances of people smoking [110].
93. According to the 2017 Comprehensive Survey on Game Overindulgence, the rate of children between the ages of 10 to 19 suffering from mobile phone overuse is rising rapidly [111]. The majority of them suffer from mobile game overuse, which accounts for 58.9% [112].
94. According to the 2015 Youth Gambling Problems survey, 30,000 children (1.1%) require urgent intervention with another 120,000 children (4%) at risk of gambling overuse [113].

Recommendations

- Take necessary measures to expand coverage of smoke-free spaces to include routes taken by children to school.
- Carry out public education campaigns to prevent children's overuse of games and gambling and to establish community safety network for children recovering from overuse.

**D. Care Service, Social Security and Security of Appropriate Standard of Living**

95. National public childcare facilities account for 7% of the total number of childcare centers [114] and as of 2017, have an average waiting time of more than six months for admission [115]. Further, utilization varied across regions with Seoul having a higher rate (at 31.5%) compared to Daejeon (at 4.4%) [116].
96. By 2015, 944,000 children suffered from housing poverty with 789,121 minors living below the housing minimum standard [117].
97. The Child Welfare Act establishes community child centers as facilities available to all children; however, the Ministry of Health and Welfare, through the application of its guidelines, grants access only to low-income children (e.g., those receiving national basic livelihood security benefits). Consequently, this bars many children in need of after-school care and acts to stigmatize those using the center. Similar forms of restrictions apply to the Dream Start Project, government-funded meal support program, and Child Development Account that is meant to support low-income children, but in practice, are only provided to children of certain ages and those in protection facilities.

#### Recommendations

- Expand the number of national public childcare facilities to ensure regional equity of access to childcare services.
- Establish a national data-collection system on child housing poverty.
- Develop child housing support policies.
- Ensure that funds are available to support all low-income children, taking care to prevent geographical or age-based disparities.
- Strengthen monitoring and evaluation of the status and effectiveness of support.

## VIII. Education, Leisure and Culture

### A. Right to Education | CRC/C/KOR/CO/3-4, Recommendations 63d

#### Right to Education <paragraphs 142-144>

98. In 2017, students in national public kindergartens account for 30.58% of all enrolments. However, private spending associated with private kindergartens are 18 times more than that of public kindergartens [118]
99. Schools in farming and fishing regions with low enrolments and small teaching staff lack adequate educational infrastructure [119] generating educational disparities between rural and urban areas [120].
100. Despite growing differences in education expenses according to socio-economic background [121], this has not been met with proportionate levels of support for children of vulnerable and disadvantaged groups [122]. Although the central government's education welfare budget for such programs as the Nuri Program and free lunches continues to expand steadily, support for children in vulnerable situations remains only 27% of the local education welfare budget and hasn't increased since 2015.
101. The excessive utilization of childcare centres, a high child-teacher ratio [123], and the practice of assigning a teacher to manage two classes threatens the provision of appropriate levels of attention and support for infants and children [124].

#### Drop-out Prevention <paragraphs 145-146>

102. Some high schools have regulations, which they have enforced, that imposes the expulsion of students found to be engaged in smoking, drinking or dating [125].
103. Comprehensive, coordinated strategies and measures to prevent and respond to drop out remains hindered by the division of responsibilities between the Ministry of Education and the Ministry of Gender Equality and Family. Where a student drops out, the provision of support shifts from the former to the latter ministry, which impedes timely joint-ministerial support [126]. In a 2017 report by the National Youth Policy Institute, 71.9% of the out-of-school youth respondents were unaware of outside youth centers, and 67% reported they did not intend to participate in such services, indicating the inadequacy of government measures [127].

### Recommendations

- Increase number of national childcare centers and kindergartens and to reduce the student-teacher ratio.
- Abolish guidelines that allow excessive use of daycare.
- Takes measures to address and prevent disparities in educational conditions between regions and between urban and rural areas.
- Expand the educational welfare budget of the central government to address gaps in educational opportunities for vulnerable and disadvantaged groups.
- Establish public-private joint cooperation for assisting out-of-school youth while giving due consideration to their agreement in the collection and usage of personal information collection and protection of privacy.
- Ensure the provision of specialized programs that include active career exploration and learning support to guarantee respect for children's education rights.
- Strengthen monitoring to ensure that school regulations respect children's right to learning and incorporate human rights education into the training of relevant staff.

## **B. Direction of Education | CRC/C/KOR/CO/3-4, Recommendations 7, 62, 63b**

### Reduction of Private Education and Normalization of Public Education <paragraphs 147~152, 155>

104. In 2017, the total private expenditure on education increased by 3.1% (600 billion KRW/approximately €461 million) to 18.6 trillion KRW (approximately €14.3 billion) from 2016. The average monthly private education expenditures per student reflected a similar increase reaching 271,000 KRW (a 5.9% increase) as well as increases in spending in private education for infants and toddlers. The private education participation rate at 70.5% [128] and 83.6% for children under the age of 5 [129].

105. The enactment of the Prior Learning Regulation Act in 2014 curtailed the practice of prior learning in public education institutions; however, the disproportionately small staff conducting monitoring activities prevents the imposition of sanctions on those institutions in breach of the law [130][131].

106. The Free Semester System, introduced for middle school students in 2016, provides opportunities for students to explore future careers without the burden of examinations. However, in the examination-oriented education system heavily centered on university admission, skepticism and concerns over the absence of examinations during the period have further fueled the use of private education [132].

### Academic Burden and Discrimination due to Performance

107. According to the Programme for International Student Assessment, there were reports of students more than 60 hours per week (double the OCED average) were dedicated to schooling and extra-curricular private education [133].
108. Students have reported academic achievement-related discrimination as the most severe form [134]. Added to this issue is Korean children having the highest levels of academic stress among students from the 30 OECD countries surveyed in “the Subjective Well-being of Children in Developed Countries” study. No.1 cause of academic stress is homework and examinations, second is parental pressure with academic performance [135].

#### Recommendations

- Develop concrete measures to support the development of students' character, talents, and mental and physical capacities.
- Utilize a variety of alternative assessment methods, instead of scores and grades, to determine students' growth to bring change and counter severe competitiveness.
- Amend the Prior Learning Regulation Act to prohibit prerequisite learning (preparatory study done in advance to the start of a class) in public education institutions and to strengthen punishments.
- Ensure the provision of adequate human, material and financial resources to effectively monitor for excessive prerequisite learning by private educational institutions.
- Take measures to bring change to the overemphasis on university entrance exams in admissions while taking into account Article 29 of the Convention and General Comment No. 1 (2001) on the purpose of education.

### **C. Leisure and Cultural Activities | CRC/C/KOR/CO/3-4, Recommendations 62, 63c**

<paragraphs 159-161>

109. The excessive academic burden and stress coupled with a competitive educational environment deprives children of time for daily leisure and play [136]. The time of leisure and play is definitely lack [137].
110. Children primarily engage in play, rest, recreation and leisure in the home (72%), followed by at playgrounds and parks (18%) due to the limited availability of safe, high-quality public spaces for them [138]. As PC rooms, cafes, movie theaters, and singing rooms constitute significant cultural play activities that entail costs to access and participate; children may suffer socio-economic discrimination.

Recommendations

- Take long-term measures to ensure children have opportunities to play and engage in recreational and cultural activities and to mitigate excessive academic stress.
- Amend provisions related to the school curriculum, training school and private tutors under the Act on the Establishment and Operation of Private Teaching in Institutes and Extracurricular Lessons to bring it into compliance with the Regulations on Holidays of Government Offices
- Ensure the availability and accessibility of child-friendly play spaces based on considerations of children's age, best interests, and differences.
- Strengthen measures to ensure that children may enjoy their right to rest, play, leisure, and cultural activities without socioeconomic-based discrimination

**D. Rights of Children belonging to Indigenous and Minority Groups |  
CRC/C/KOR/CO/3-4, Recommendations 62, 63e**

<paragraphs 162-164>

111. Although an increase in North Korean defector students and immigrant children of multicultural families have enrolled in elementary [139], middle and high school, many drop out as a result of language difficulties and challenges in adjusting to school life and culture [140].
112. Despite the language difficulties multicultural students encounter in continuing their studies, there were more than 100,000 attending school as of 2017. Over half of the 42 international/foreign schools are concentrated in Seoul (19 schools) and the surrounding Gyeonggi Province (7 schools) making it difficult to access [141]. While multicultural preparatory and alternative schools are available, their low usage among low-income families may indicate inadequate interest in protecting the right to education for children of multicultural families in vulnerable situations [142].

Recommendations

- Strengthen language education and learning support for defectors and multicultural students.
- Provide vocational training specialized in supporting defector and immigrant students to ensure economic independence.
- Provide support measures to ensure children of multicultural families have access to education without socio-economic discrimination.



## IX. Special Protection Measures

### A. Refugee Children | CRC/C/KOR/CO/3-4, Recommendations 64-67

<paragraphs 165-166>

113. As of 2016, 32 civil servants managed the cases of 1,015 (4.5% of the total) refugee applicants under the age of 18 [143]. This situation is further complicated by the lack of policies and guidelines on refugee status determination for children and by the lack of training [144]. Additionally, there is inadequate legal protection and measures for unaccompanied migrant children.
114. As children's needs are met most effectively in the context of family, restrictions placed on applicants can leave children vulnerable. These barriers include prohibiting applicants from undertaking employment and excluding them from accessing other social services, including medical insurance, during the application process. While they may register for a living allowance, it was found that in 2016, only 8.6% (651 people) of the applicants received the allowance [145] with the average duration being for 2.8 months [146]. Furthermore, humanitarian status holders also lack access to social support [147] such as medical insurance, living allowance, education, training, and family reunification.
115. Birth registration is not available for refugee applicants and children of refugees who are born in the Republic of Korea. In July 2018, a refugee applicant gave birth, but the registration has yet to be processed.

#### Recommendations

- Ensure the provision of adequate human, financial, technical resources to support children during refugee status determination.
- Strengthen refugee assistance policies to ensure that children of refugee applicants and humanitarian status holders have access to essential services such as education, health, benefit entitlements, etc.
- Establish a birth registration system for children of refugee families.
- Amend the Refugee Act to clearly define support measures for family reunification for unaccompanied children.

### B. Children from Migrant Backgrounds | CRC/C/KOR/CO/3-4, Recommendations 68-69

<paragraph 167>

116. Regardless of their parents' legal status, children can access elementary and secondary education; however, this remains at the discretion of the school's principal. While undocumented migrant children may enter school, they are not subject to mandatory school attendance measures, such as issuing attendance notifications or

targeted encouragement strategies. Even where they enter public school, they are excluded from educational services [148]. Upon high school graduation, they are deported, preventing them from pursuing higher education.

117. Immigrant children of multicultural families struggle to adapt due to the absence of social integration programs, such as Korean language education and school adaptation assistance. Despite predatory schools dedicated to facilitating the adaptation of multicultural students to regular public schools, accessibility remains low due to their disproportionately low number.
118. The Ministry of Health and Welfare states that eligibility for childcare and child rearing allowances is restricted to Korean nationals and children with refugee status; thereby excluding children from migrant backgrounds.
119. Each year, more than 100 undocumented migrant children (under the age of 20) are repatriation or detained [149][150]. Moreover, there are no recognition procedures or policies for determining whether a child is stateless.

#### Recommendations

- Develop policies and strategies for cooperation at and between the national and local governments to ensure undocumented migrant children, including unregistered children, are not excluded from the child protection system and have access to and receipt of education, registration, health and childcare services,
- Strengthen efforts and provision of Korean language education and school adjustment assistance for immigrant children
- Amend legislation to ensure non-custodial measures for immigrant children.

### C. Out-of-home Youth Protection

120. Under the Juvenile Act, where a youth leaves home without a justifiable reason, it shall be regarded as a status offense, and the juvenile department tries the youth as a protection case [151]. Status offenses are not only discriminatory as, by their very nature, fail to guarantee equal treatment under the law for children and adults; it also does not address the primary causes (family problems, such as abuse, neglect, poverty, etc.) that lead youth to run away. Court decisions requiring youth to return home without efforts to address the causes of running away may result in stigmatization and further risk.
121. The shortage of shelters for runaway youth hinders the provision of support for intervention programs that help them return home or achieve independence [152]. But Short-term shelters lack procedures for assessing an individual's situation for referrals to mid- and long-term shelter, thereby limiting systematic support and the spectrum of assistance. Moreover, incidents of shelters denying LGBT+ youth demonstrates not only discrimination but the inadequate provision of social safety net benefits to all youth [153].

#### Recommendations

- Abolish Article 4(1)(3) of the Juvenile Act and to develop a crisis intervention policy and other measures to address the causes that lead youth to run away.
- Develop a system that establishes links between temporary, short-term, mid- and long-term shelters to effectively support youth in returning home or achieving independent living.
- Establish government and operational guidelines to ensure to ensure all children, including LGBT+ youth, have access to shelters.

#### **D. Economic Exploitation Including Child Labor | CRC/C/KOR/CO/3-4, Recommendations 70-71**

##### Youth Labor <paragraph 168>

122. The youth labor market suffers from poor working conditions, inadequate oversight, and inspection. Many youths employed at convenience stores receive below minimum wage leaving them at risk of being economically exploited [154]. Furthermore, in 2017, 57.6% of workplaces were found to have either not entered into labor agreements or to have violated the terms of their labor agreements [155]. In the delivery service (e.g., fast food delivery on motorbikes), 3,000 youth have been injured in traffic accidents in the last seven years [156]. Among the 99 businesses investigated, 10 were administrative fined, 2 were prosecuted, and 1 received administrative disposition.

##### Field Training in Specialized High Schools <paragraphs 169>

123. Before graduation, approximately 100,000 high school students enter the workplace annually. Although part of their on-the-job training, there are cases of students working excessively long hours and in poor environmental conditions [157]. Between 2011-2017, 6 students have committed suicide as a result of bullying assault or performance pressures [158].

124. Specialized high schools offer vocational education and work placement with businesses. The school, student and business sign an agreement (called a *standard agreement*) that limits students from working more than 7 hours per day and places restrictions on working during nights and holidays. Despite this, it was found that of the 595 specialized high schools nationwide, 238 had made non-standardized contracts, 43 workplaces had students engaged in harmful or hazardous work, and 95 workplaces had students work overtime [159].

##### Underage Entertainers

125. Underage entertainers may be required to perform labor tasks that interfere with

their learning, such as working in events that prevent them from attending school and violate their labor rights, such as being forced to work nights [160].

#### Recommendations

- Providing education on labor rights to students so that they may be aware of their rights to prevent exploitation and abuse.
- Ensure follow-up inspections to confirm corrective actions have been taken against violations, to ensure compliance with the Labor Standards Law at workplaces, and to monitor for any subsequent recurrence.
- Amend Vocational Education and Training Promotion Act to establish a supervisory mechanism for relevant schools and businesses for monitoring work placements and ensuring compliance with the Act and with student's education and labor rights.
- Develop standardized guidelines to ensure the protection of underage entertainers' education and labor rights, and enact legal provisions to ensure effective monitoring

### **E. Sexual Exploitation and Abuse | CRC/C/KOR/CO/3-4, Recommendations 72-73**

#### Prevention and Protective Measure of Sexual Violence Against Children <paragraphs 170-181>

126. The management of investigations, treatment, counseling, and legal support, etc. remains divided across different areas hindering the response for victims of sexual violence [161]. Victims may be subject to interactions and conditions during treatment, investigation, and counseling that results in secondary harm.

#### Stronger Punishment for Sexual Crimes Against Children <paragraphs 174-177, 197-199>

127. An amendment to the Act on the Protection of Juveniles Against Sex Offences in 2012 introduced an exception clause for "any sexual assault against a child or juvenile committed in a state of physical and mental incapacity induced by alcohol or drug."

128. Although the Criminal Act establishes the age of consent at 13, where the child consents to engage in sexual activity, it is regarded as a sexual offense [162]. In a case where a 42-year-old entertainment agency representative engaged in sexual activity with a consenting 15-year-old, the Supreme Court found the defendant not guilty [163]. In cases where a child of a least 13 years old has engaged in prostitution, the client is not regarded as a sex offender, and therefore, the client is not subject to publicly disclosing his/her personal information [164].

129. The team dedicated to investigations of sexual violence against children, including children with disabilities, as organized by the government, operates as part of a broader sexual offense team that investigates offenses against women and people with

disabilities. This organizational arrangement leads to child investigations receiving inadequate consideration.

Recommendations

- Provide human rights education and gender-sensitivity training to relevant staff to enhance investigations and judicial decisions on child sexual violence crimes.
- Raise the age of statutory rape in the Criminal Act
- Establish a separate unit of investigators with the capacity to take into consideration children's physical, psychological, and emotional capacities in accordance with their age and maturity.

**F. Human Trafficking, Illegal Trade, Kidnap | CRC/C/KOR/CO/3-4, Recommendations 74-75**

<paragraphs 182-183>

130. Sexual offenses perpetrated against children by Korean nationals in Vietnam, Cambodia, Mongolia, and the Philippines have not been actively investigated and prosecuted. Additionally, despite an amendment to the Criminal Act that added comprehensive anti-trafficking provisions, there is no investigation team dedicated to trafficking [165].

Recommendations

- Ensure that Article 31 of the Criminal Act is enforced for child sexual offenses committed overseas by or against Korean nationals and that such offenses are investigated, prosecuted, and punished with sanctions commensurate with the severity of the offenses.
- Establish a dedicated human trafficking investigation team with adequate investigative powers and techniques to conduct comprehensive domestic and international investigations.

**G. Administration of Juvenile Justice | CRC/C/KOR/CO/3-4, Recommendations 80-81**

Establishment of Specialized Juvenile Courts <paragraph 184>

131. Juvenile departments in district and family courts are not exclusively responsible for juveniles' cases. Further, there are no juvenile departments to support the district and family courts [166].

132. The juvenile justice system's jurisdiction over protection and criminal cases has led to duplicate and overlapping investigations, extended trial periods, prolonged detention times.

#### Recommendations

- Ensure that juvenile departments are adequately staffed with judges and family investigators to execute their duties effectively and that they receive compulsory training to enhance their child rights expertise
- Establish juvenile departments in each court, including branch courts, to ensure that the juvenile justice systems operate separately from the criminal justice system.
- Establish juvenile courts offering a child-friendly environment, and integrate and process criminal and protection cases for children

#### Legal Aid for Child Suspects <paragraph 185>

133. The right of counsel in criminal cases for defendants age 19 [167] and over is not extended to juveniles who have not been indicated or are temporarily sent to a Juvenile Classification Review Center.
134. The absence of provision stipulating that parents, guardians, trustees or attorneys be present [168] when police initiate investigations against a child often lead to the infringement of the child's right to counsel [169].

#### Recommendations

- Establish an assigned counsel system within the juvenile justice system to guarantee children's right to counsel even in cases where the child is not detained or under juvenile protection before the indictment.
- Develop guidelines that stipulate police investigations with child suspects may be initiated once a trustee (e.g., parent, guardian, lawyer, etc.) is present.

#### Operation of Juvenile Justice

135. Juvenile protection cases do not include a warrant system for police investigations; furthermore, the temporary measures applied during the pretrial stage by the Juvenile Classification Review Center, such the use of detention and deployment of protection equipment (for restraining and escorting the juvenile) deprive juveniles of their liberty. Furthermore, as the time spent under in Juvenile Classification Review Centers is excluded from the period of protection, deprivation of liberty may be prolonged.
136. As the application of the diversion system by police has no legal basis, prosecutors may summon and investigate juveniles despite them already having been dealt with by the police.
137. Article 4 (1) (3) of the Juvenile Act expresses that juveniles “may be prone to commit acts in violation of Acts and subordinate statutes relating to criminal punishment.” Sub-clauses have similar discriminatory legal provisions that violate the

rights of children [170].

#### Recommendations

- Clarify guidelines to ensure:
  - (a) detention is the last resort and for the shortest time possible, and
  - (b) diversion is applied throughout the investigation and trial.
- Take measures to ensure juveniles have the right to appeal the interim decision of the court.
- Make the option of diversion available from the beginning of police investigations.
- Revise Article 4 (1) (3) of the Juvenile Act to remove expressions that imply juveniles are prone to/inclinations to engage in criminal activity or behavior or cause unease among others.

#### Right Based Service for Juvenile Expropriators <paragraphs 186-188>

138. Under Article 11 (1) (3) of the Administration and Treatment of Correctional Institution Inmates Act, children may be placed in detention facilities where adults are also held. However, under Article 55 (2) of the Juvenile Act, children are to be held in separate facilities unless under special circumstances, but there are no guidelines specifying such circumstances.
139. Despite the government's efforts to address overcrowding [171] and human rights violations [172] in juvenile facilities, problems persist: one juvenile medical care facility operates in the nation [173]; juvenile treatment centers struggle to secure the legally mandated minimum number of clinical psychologists, and social workers staff [174]. No. 6 Juvenile Facilities, which hold juveniles of 10 years or older for 6 months are covered under both the "Juvenile Act" and the "Child Welfare Act," creating an overlap.
140. The unit cost of meals catered at juvenile reformatories are low (1,733 KRW/ in 2017) and boys are served different portion sizes than girls (girls receive 92g while boys receive 124g). Under the Act on the Treatment of Protected Juveniles, opportunities for elementary and secondary education, vocational training, leisure activities, leisure, and cultural activities are not applicable to children under temporary detention [175].
141. While Article 5 of the Administration and Treatment of Correctional Institution Inmates Act prohibits discrimination based on sexual orientation, LGBT+ juvenile detainees continue to endure such incidents. Furthermore, adequate protection measures are absent, such as holding separate facilities, provision of hormone therapy to transgender juveniles, etc.

#### Recommendations

- Amend related regulation to ensure that children deprived of liberty are kept separate from adults and Issue clear guidelines on the separation of children deprived of liberty
- Ensure the improvement of the conditions and treatment of children deprived of liberty, such as:
  - (a) the amount allocated to meal expenses,
  - (b) ensure children receive opportunities for education, vocational training, leisure and culture
- Take all necessary measures to ensure the protection and non-discrimination of LGBT+ children deprived of liberty.

#### Rights of juvenile expropriators and alternatives to detention <paragraphs 189-190>

142. While the amendment of the Enforcement Decree of the Act on the Treatment of the Protected Juveniles allows for sufficient opportunity for juveniles to provide statements when they are under investigation as a subject to disciplinary action [176], the Act does not provide for the verification of whether such an opportunity was made available to a juvenile to provide a statement at a hearing. Although a juvenile may file a written petition against his/her treatment at an accommodation facility with the Ministry of Justice [177], the warden of the facility is likely to pre-screen the contents of such a petition [178]. Further, in contrast to disciplinary action against adults, juveniles may be subject to restrictions on visits, mail and phone calls [179], as well as disciplinary measures that are counter to those prescribed in the UN Rules for the Protection of Juveniles Deprived of their Liberty, such as prohibition on "communication with the outside world" and on engaging in exercise "in the open air".

143. The Juvenile Classification Review Center accommodates, classifies and reviews juveniles' cases referred by the District Court's Juvenile Department of the Family Court and provides the court with countermeasures against reoffending through counseling and psychological examinations, delinquency diagnosis, etc [180]. However, necessary measures (e.g., individual counseling, investigative interviews, etc.) are not be properly conducted. Furthermore, after entering the center, a juvenile is assigned a peer partner, and the juvenile's right to communicate and interact is restricted to that peer [181]. No procedures are available to appeal this decision. In addition to this, juveniles may also be subject to forms of solitary punishment.



Recommendations

- Strengthen monitoring to ensure juvenile facilities do not apply disciplinary measures that entail prohibitions on “communication with the outside world” and outdoor activities.
- Take measures to ensure juveniles under protection have the right to petition.
- Ensure juveniles are able to exercise their right to communicate with the outside world through visits, letters, and phone calls.
- Establish clear standards for the assignment of Juvenile Classification Review Center and provide a procedure for the juvenile to object to the justification of the consignment decision.
- Develop operational guidelines for the Juvenile Classification Review Center’s review committee in disciplinary procedure, and improve relevant regulations, such as the duty of the review committee to ensure juveniles are allowed to express their views, and those views are heard during disciplinary procedures.
- Improve the environment of Juvenile Classification Review Centers and the human rights sensitivity of its staff so that it operates in accordance with its mandate.

**H. Protection of Child Witnesses and Child Victims | CRC/C/KOR/CO/3-4, Recommendations 82-83**

<paragraphs 191-193>

144. The government asserts that it secures the right of victim's to criminal proceedings and the right to claim aid from the victims' fund; however, this isn't separated from adults' procedures. The determination of legal aid for child victims and child witnesses are separate from the legal proceedings of the case hindering the delivery of timely action for children [182].
145. In the case where a child's rights have been infringed upon, and the child has exhausted local remedies, he or she has no further means to pursue such complaints against the state as the Republic of Korea is not a state party to the Third Optional Protocol to the CRC.

Recommendations

- Provide a means to allow judges to directly take immediate action for witnesses and child victims in civil and criminal proceedings.
- Establish a system to ensure children access to judicial processes, including the appointment of a representative, assistance in preparing statements, and provision of support for treatment and relief
- Ratify the Third Optional Protocol to the Convention on the Rights of the Child.

## **X. Follow-up Procedures to the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography**

### **A. Follow-up Procedures to the Optional Protocol | CRC/C/KOR/CO/3-4, Recommendations 76~76a**

#### Comprehensive Trafficking Policy <paragraph 196>

146. The scope of recognition of trafficking by police, prosecutors and judges remain limited abduction, sale, physical enforcement or detention. In 2017, among those convicted under human trafficking legislation, 42 people were sentenced to probation, and three were fined [183]. However, cases and convictions related to illegal adoptions (for the purpose of trafficking) [184] or child sex brokering as human trafficking [185] are difficult to find indicating a low level of awareness of diverse forms of trafficking among law enforcement and courts [186].

#### Child and Underage Prostitution <paragraphs 172, 197-199>

147. Despite child prostitution being an exploitative crime of sexual violence, the sexual violence support system excludes child victims of prostitution. Children who have been found to be engaged in prostitution are classified as "target child or adolescent" rather than as a victim under the Act on the Protection of Children and Juveniles Against Sex Offences. Such a designation not only imposes protective measures on the child under the Juvenile Act [187], but it also prevents the child from receiving legal representation from a Ministry of Justice-appointed lawyer and assistance at Sunflower Support Centers, government-affiliated centers specializing in the treatment of child victims of sexual violence treat victims sexual violence victims [188]. Although the high number of children and young people attracted and trafficked into prostitution to pay for housing and living expenses [189], there is no mechanism to prevent child prostitution or provide support for victims [190].

148. A survey of child sexual assault victims investigated by police found that 13.2% of them reported that investigative authorities lacked an understanding of the seriousness of child prostitution and held low perceptions about children's rights [191].

#### Measures for Online Underage Prostitution <paragraph 200>

149. According to a survey on online trafficking, a smartphone chat apps served as a gateway to prostitution for a majority of the respondents (59%) followed by 'online cafe blogs and chats' (27.2%). Smartphone chat apps were also found to be a primary means of engaging in prostitution (67%) followed by 'online cafe blogs and chat' (27.2%) [192]. Online child prostitution is rapidly increasing, and because of the platform, online service providers are the actual mediators of sexual offenses against children and young people; however, they are not subject to punishment under the current law.

Overseas Sex Trafficking Intermission <paragraph 201>

150. The 2017 Global Monitoring Reports by ECPAT International found that Korean men were among the primary perpetrators of child sexual exploitation in Southeast Asia [193]. Field surveys corroborated this with respondents' views of Korean men as clients who preferred female minors and prone to violent and sexually demanding behavior [194].

Recommendations

- Conduct awareness-raising activities among the public on the link between human trafficking and child prostitution and illegal adoption, the latter being for the purpose of trafficking.
- Strengthen punishment for engaging in trafficking in persons.
- Remove the definition of 'target children/juvenile' in the "Act on the Protection of Children and Juveniles Against Sex Offences" and ensure recognition of those engaged in prostitution as victims of sexual exploitation to ensure they receive legal and institutional support.
- Ensure investigations prohibit entrapping child prostitutes, and provide guidelines that restrict investigations and punishment to adults.
- Amend relevant legal provisions counter online prostitution.
- Establish cooperation with domestic and foreign NGOs on campaigns to prevent the prostitution of overseas children, on strengthening investigations and on punishments

**B. Legislative Action to Establish Extraterritorial Jurisdiction |  
CRC/C/KOR/CO/3-4, Recommendations 76,77b**

151. Countering the use of overseas servers to evade detection of sex crimes requires international cooperation. In online grooming, the solicitation of children for the purposes of sexual abuse and exploitation, perpetrators may rapidly initiate sexual intimacy with a child within 3 to 8 minutes; the swift and progressively severe damage that this may cause, as well as the difficulty in detection, necessitates specialized investigations. However, such measures remain absent.

Recommendation

- Take necessary legislative measures to establish extraterritorial jurisdiction over foreign offenses committed against children within the Republic of Korea, as well as offenses committed overseas by perpetrators in the Republic of Korea.

## **XI. Follow-up to the Optional Protocol on the Involvement of Children in Armed Conflict**

### **A. Follow-up Procedures to the Optional Protocol | CRC/C/KOR/CO/3-4, Recommendations 78~79 <paragraphs 194~195, 203>**

152. While the government has claimed that it delivers child rights education to troops stationed in disputed areas [195], it does not disclose any specific details, including on the timing, frequency, and contents of such education.

#### Recommendations

- Disclose detailed information (including content, frequency, etc.) on the delivery of child rights education to troops deployed to disputed areas
- Ensure transparent monitoring procedures for the deployed troops.

### **B. International Cooperation and Promotion <paragraphs 205~206>**

153. Despite the government's level of appropriate support, it has not matched the increasing number of refugees from conflict areas. To fulfill its obligations under the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, greater psycho-social support for children victimized directly and indirectly is needed.

#### Recommendations

- Establish policy measures to ensure the provision of psychosocial and physical support to children from conflict situations.
- Conduct awareness-raising activities to publicize and promote the Optional Protocol on the Involvement of Children in Armed Conflict.

## Endnotes

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- [1] Government Report Paragraph 204
- [2] Article 34 Paragraph 4, Article 32 Paragraph 5, Article 31 Paragraph 2 of the Constitution of the Republic of Korea
- [3] Constitution of the Republic of Korea, Child Welfare Act, Framework Act on Juveniles, Civil Law, Juvenile Act, Infant Care Act, Early Childhood Education Act, Elementary and Secondary Education Act
- [4] Jeonju District Court 2009 *guhap* 307, Cheongju District Court 2013 *guhap* 678, Jeonju District Court Gimje-Si Court 2013 *gaso* 2582, Seoul West District Court 2013 *gohap* 267, Seoul High Court 2013 *no* 3788, Seoul Western District Court 2013 *gahap* 36163, Supreme Court 2013 *chu* 98, Daegu High Court 2014 *no* 214, Daegu High Court 2015 *no* 62, Seoul High Court 2015 *no* 1430, Seoul High Court 2015 *no* 1952, Ulsan District Court 2015 *gohap* 180, Daejeon District Court 2015 *guhap* 2392
- [5] Government Report Appendix, <Table I - 3> Operation of child policy coordination organizations
- [6] Article 11 and Article 8 of the Enforcement Decree of the Child Welfare Act
- [7] The budget allocation status, after the reorganization of the Child Policy Coordination Committee (May 11, 2018. Disclosure at the request information to be disclosed of the Ministry Health and Welfare)
- [8] Article 2 of the rules of the National Human Rights Commission on the specialized committees, Article 12 of the National Human Rights Commission of Korea Act
- [9] National Assembly Research Service, Issues and Controversies (June 27, 2017.)
- According to the "Measures to improve implementation on the recommendations of the National Human Rights Commission", in accordance with Article 25 (3) of the National Human Rights Commission of Korea Act, only 73% of the organizations that received recommendations reported with implementation plans within 90 days. In the past three years, the number of policy recommendations by type of government ministry was 97, of which 35 were fully accepted, 22 were partially accepted, 36 were under consideration. Looking at the rate of fully acceptance, it was only 36%.
- [10] According to the National Human Rights Commission's '18-*Jung*-0347, Decision on Disclosure at the request information to be disclosed of Child-Related Policy Recommendations as at Jun. 31, 2018.' the recommendations of the National Human Rights Commission's Standing Committee after 2014 was 19. However, there were eight cases where the implementation plan was reported. At this time, three cases were partially accepted, and five cases were under consideration.
- [11] Childcare budget per infant and child = city/province 2018 childcare-related budget (excluding Jeju Province) / the number of children aged 0 to 5 years (as of 2018.3), this information can be found at the Social Security Information Service, The 3rd Basic Plan

for the Mid-and-Long-Term Child Care (2018-2022) (Source:  
<http://www.ssis.or.kr/index.do>)

- [12] Local Education Financial Statistics Information System(eduinfo) – Easy to understand finances - Theme Statistics - Elementary Care Classes: Total Investment and Proportion by Year, Contribution ratio compared with grant amount for each Municipal and Provincial Office of Education in 2017 (Source:  
<http://www.eduinfo.go.kr/porta/theme/elementcareclassPage.do>)
- [13] Article 23, para 3 (3) of the Lottery Tickets and Lottery Fund, 'welfare projects for the disadvantaged classes' in the Ministry of Health and Welfare  
(Source: [http://www.bokgwon.go.kr/fund/02\\_01.jsp](http://www.bokgwon.go.kr/fund/02_01.jsp))
- [14] Article 6 (3) of the Crime Victim Protection Fund Act, Article 5, para 1 (4) of the Enforcement Decree of the same Act
- [15] Yoon Min-Jong, Jung Eun-Jin, Jung Geon-Hee, Lee Sun-Young (2016), A Study on the Actual Situation and Development Plan of Youth Participation Budget, National Youth Policy Institute
- [16] Seoul Metropolitan City Student Human Rights Ordinance, Gyeonggi Province Student Human Rights Ordinance, Seoul Metropolitan City Child and Youth Human Rights Ordinance
- [17] Children subject to investigation: 2,799 children aged 8 (3rd grade in elementary school), 2,819 children aged 10 (5th grade in elementary school), 3,067 children aged 12 (1st grade in junior high school)
- [18] Lee Bong-Joo, Kim Seon-Sook, Ahn Jae-Jin, Yu Jo-An, Yoo Min-Sang, Choi Chang-Yong, Lee Joo-Yeon, Kim Yoon-Ji, Park Ho-Jun (2017), *What does composite well-being index of children tell us about Korean children's quality of life?*. Seoul: Save the Children, Institute of Social Welfare, Seoul National University.
- [19] Article 3, para 1 of the Framework Act on International Development Cooperation
- [20] Korea International Cooperation Agency (2018), *Study on Criteria for Implementation of International Development Cooperation Project Based on the Child Rights Perspective*
- [21] Humidifier disinfectant "oxysaksak" advertisement by the Oxy Reckitt Benckiser "sterilization 99.9% - keeping children safe"



[22] E/C.12/KOR/CO/4/para. 18

[23] Since 2011, Korean Transnational Corporations Watch (KTNC watch), which is a network composed of various civil society organizations working on business and human rights has conducted several site visit investigations on human rights violations committed by Korean companies overseas. Some cases relating to the abuses of the rights of the child in a palm oil plantation run by a Korean multinational company out of the site visit investigations conducted by KTNC watch member organizations and the methodology taken for the case is as follows.

- i. First, palm oil plantations where children were found are not safe places at all. Snakes appear because of the abundance of mice; use toxic chemicals for weeding; and involve dangerous tasks like picking palm oil fruits from a tall tree using sharp tools. Indeed, workers had been hurt by falling palm oil fruit bundle, some even turning blind from the accident. When asked about child labor, it seems farm workers do not recognize the seriousness of child labor because the workers replied casually without hiding or making excuses.
- ii. Second, more seriously children's working tasks are very risky with scarce safety equipment, i.e. cutting weed, giving fertilizer, spraying chemicals, picking palm oil fruits, and transferring fallen palm oil grains into bags.
- iii. Third, workers at the plantation do not appreciate the seriousness of the problem of child labor as the workers candidly talked about their using child labor in various interviews.

[24] See the Open Letter from OECD Watch (Source: <https://www.oecdwatch.org/news-en/oecd-watch-calls-for-reforms-to-korean-ncp-to-restore-stakeholder-confidence>.)

[25] Article 3 of the Child Welfare Act

[26] Article 4 of the Civil Act

[27] Guidelines of the public service related to the children on the Ministry of Health and Welfare: the Ministry of Health and Welfare guide local government to work "For victims of statelessness, foreign nationality and illegal status requiring protection measures ... Actively endeavoring to take appropriate protective measures " or " For foreign-born children (protected at the facility) ... Cost of living, taking into account the support amount of the guarantee facility recipients, will be endeavored to be supported"

- [28] June 22, 2018. Medical Today <The reality of Korean children ② the stars that have fallen too soon. The reality of an unfortunate suicide situation>  
(Sources: <http://www.mdtoday.co.kr/mdtoday/index.html?no=324448>)
- [29] Local governments are in charge of micro-dust management of childcare centers. There is a difference of more than 60% in the air purification installation rate by region. 88% of the nursing homes have an area of 430 m<sup>2</sup> or less, so even these recommended standards do not apply.
- [30] Article 8 of the Elementary and Secondary Education Act and Article 9, para 4 of the Enforcement Decree of the same act
- [31] The National Human Rights Commission (2016), the Survey on the Status of Human Rights of Students Protection in School Life
- [32] The National Human Rights Commission (2016), the Results and Forum Resource Book of the Survey on the Status of the Human Rights of Students in School Life
- [33] Government Report Paragraph 60
- [34] Press Release of the Ministry of the Interior and Safety (May 8, 2018.) 「Birth registration, now registered online」  
(Sources: [http://www.mois.go.kr/frt/bbs/type010/commonSelectBoardArticle.do?bbsId=BSMSTR\\_000000000008&nttId=63350](http://www.mois.go.kr/frt/bbs/type010/commonSelectBoardArticle.do?bbsId=BSMSTR_000000000008&nttId=63350))
- [35] If the mother agrees to provide birth information after delivery, the hospital sends the information to the Health Insurance Review and Assessment Service, and the Health Insurance Evaluation and Inspection Service sends the information received from the hospital to the Family Relationship Registration System. Later, after the parent accesses the Supreme Court E-Family Registration System he or she completes the 'birth certificate' and submits (scanned or photographed) the 'birth certificate'. Birth certificate information is then sent from the hospital and corresponding information is confirmed, then birth registration is processed.
- [36] ① February 25, 2018. Yonhapnews <'Worship duties every Wednesday' ... high school religion classes still forced> (Source: <http://www.yonhapnews.co.kr/bulletin/2018/02/23/0200000000AKR20180223118700004.HTML>)
- ② April 20, 2015. Kookmin Daily <"Healthy religious recommendations are child abuse?" religious and civil group criticize the Ministry official for absurdity> (Source: <http://news.kmib.co.kr/article/view.asp?arcid=0923043389>)
- [37] The National Human Rights Commission (2016), the Survey on the Status of Human Rights of Students Protection in School Life
- [38] According to the Annex [37] survey in 2016, 17.6% of the respondents said that their personal belongings had been examined without prior consent, and 53.4% answered that they faced restrictions on the length and shape of their hair. 62.3% said that they were



restricted from wearing outer garments other than their school uniform, and 67.2% said they were limited in the application of cosmetics and beauty products.

[39] Government Report Paragraph 69

[40] May 5, 2017. Yonhap News <'We also have privacy ... ' controversy over infringement of fundamental rights of youth protection app> (Source: <http://www.yonhapnews.co.kr/bulletin/2017/05/04/0200000000AKR20170504163900017.HTML>)

[41] Nov 30, 2014. The Asia Business Daily <Do we have to eat in order by academic performance achievement?> following as; In 2016, after the launch of the 'Campaign to Create a School without Competitive Education ', a session called *the World without Worries about shadow Education* was held in seven southern regions including Jeonju , Gwangju , Masan, Changwon , Ulsan , Busan , Daegu , Andong ▲ dormitories operated for high academic achievers ▲ forced to attend self-study ▲ High school classes on Saturday and Sunday ▲ operation of special classes for high academic achievers ▲ placard for certain achievers (initially prohibited by the NHRCK) ▲ library seat allocated according to academic achievement scores

(Sources: <http://view.asiae.co.kr/news/view.htm?idxno=2014103010222954615>)

[42] Article 7-2 (Issuance of Pre-Notification for Early Detection of Missing Children, etc.) of the Act on the Protection and Support of Missing Children, Etc.

(1) Upon request from a custodian of a child, etc. for the prompt recovery and return of the missing child, etc., the Commissioner General of the Korean National Police Agency may register information on fingerprint and face of the child, etc. (hereinafter referred to as "information, such as fingerprints") in the information system under Article 8-2 and issue the certificate of advance reporting to such custodian.

[43] Kim Hee-kyung (2017), *Strange normal family*.

[44] June 4, 2017. Hankyoreh <Teacher hitting students with mop ... Schools sidelines, prosecutors "student discipline"> (Sources: <http://www.hani.co.kr/arti/PRINT/798787.html>)

[45] December 21, 2017. Yonhap News <Jeju High School Teacher gives corporal punishment, also gives Insult to complainants> (Sources: <http://www.yonhapnews.co.kr/bulletin/2017/12/21/0200000000AKR20171221163300056.HTML?input = 1195m>)

[46] Good Neighbors (2017), Child Rights Issue Focus 8, Status of Child Abuse and Improvement Tasks

[47] Aug 6, 2018. SBS News <Father 'disguised as burglar' terrifies child, found 'not guilty' ... Experts say "child abuse"> (Sources: [https://news.sbs.co.kr/news/endPage.do?news\\_id=N1004877993&plink=SEARCH&cooper=SBSNEWSSEARCH&plink=COPYPASTE&cooper=SBSNEWSSEND](https://news.sbs.co.kr/news/endPage.do?news_id=N1004877993&plink=SEARCH&cooper=SBSNEWSSEARCH&plink=COPYPASTE&cooper=SBSNEWSSEND))

- [48] According to the National Child Abuse Report 2016, child abuse reports surged to 210% compared to 2011, but the growth rate of child protection agency is insignificant is less than 50% compared to the same time frame (2016 vs 2011).
- [49] Do not have the capacity to provide care to children with disabilities due to their specificity, making entrance to the facility difficult in practice. In the case of abused immigrant children, the child cannot be a beneficiary, and when action is taken against the parent, the child becomes an unregistered person or departs with the parent, limiting admission to facilities.
- [50] According to Kim Sun-Rye, National Assembly's audit documents, in 2016, Ansan City recorded the highest average number with 11.71 cases.
- [51] National Child Protection Agency (2016). Internal data.
- [52] Ministry of Health and Welfare · National Child Protection Agency (2017), 2016 National Child Abuse Report.
- [53] Good Neighbors (2015), A Study on the Improvement of Child Protection System for Prevention and Protection of Child Abuse.
- [54] August 1, 2018. Hankyoreh <School Violence Resolution? The children are bruised because of Committee on Countermeasures Against School Violence>  
(Sources: [http://www.hani.co.kr/arti/society/society\\_general/855710.html](http://www.hani.co.kr/arti/society/society_general/855710.html))
- [55] May 22, 2018. Finance News, <Bruised teen from "Cyber bullying"..."Hell invitations">  
(Sources: <http://www.fnnews.com/news/201805220302472626>)
- [56] The Foundation for Preventing Youth Violence (*Pureun Namu cheong-yedan*)'s National Survey on School Violence (2017); The number of students who suffered from cyber violence increased from 5.1% in 2016 to 7.4% in 2017
- [57] Oct 12, 2017. The Asia Business Daily, <[2017 State Affairs Audit - school sexual assault, jumps by 4.3 times within 4 years ... Punishment of sexual abuse teacher "soft punishment">  
(Sources: '<http://www.asiae.co.kr/news/view.htm?idxno=2017101218321720646>)
- [58] National Human Rights Commission of Korea Press Release (May 3, 2018). 「"4 out of 10 high school students experience sexual harassment from teachers" ... Prevention measures highly required」 (Source: <https://www.humanrights.go.kr/site/program/board/basicboard/view?menuid=001004002001&pagesize=10&boardtypeid=24&boardid=7602725>)
- [59] June 28, 2018. EDAILY <Ministry of Gender Equality and Family, the Ministry of Education, Ministry of Education "School #Metoo, preventions on the poor punishment of private schools."> (Source: <http://www.edaily.co.kr/news/read?newsId=03726086619246312&mediaCodeNo=%20257>)
- [60] Social Security Information Service - Social Security Information Brief  
(Sources: [http://www.ssis.or.kr/lay1/bbs/S1T758C1129/A/361/view.do?article\\_seq=114504&cpage=1&rows=10&condition=&keyword=](http://www.ssis.or.kr/lay1/bbs/S1T758C1129/A/361/view.do?article_seq=114504&cpage=1&rows=10&condition=&keyword=))

- [61] Support for the full-day childcare center KRW 441,000, childcare allowance KRW 200,000 (Guidelines of the Ministry of Health and Welfare)
- [62] Working styles such as shifts or night time work
- [63] Yu Hye-Mi (2018), Compatible work and family and Child Care Services. Korean Academy for Family and Social Welfare, Spring Conference, 2018.
- [64] July 21, 2017. EDAILY, <The number of children is 593, while the number of caretakers is 19,000 ... care service become jackpot>  
(Sources: [http://www.edaily.co.kr/news/news\\_detail.asp?newsId=01495686615996816](http://www.edaily.co.kr/news/news_detail.asp?newsId=01495686615996816))
- [65] According to meetings on the status local governments nation-wide, which constitute the Child Welfare Review Committee reported to the Ministry of Health and Welfare, only 12 out of 228 municipalities held the meeting more than three times. Even when the meeting was held, many cases were of formal meetings that involved matters, such as discussions about food service rather than about issues such as support projects and child abuse prevention campaign contents, protection and placement deliberation of the protected child.
- [66] Noh Hye-Ryon, Cho So-Yeon (2016), The principle of support for original homes: Current practice and improvement plan in alternative child care service in Korea. *Children and Rights*, 20 (2), 223-255p. Korean Academy on Child Rights.
- [67] 2016 National Child Abuse Status Report (2017).
- [68] Foster homes 5.5 years (Ministry of Health and Welfare. Central Foster Homes Support Center, 2017). Group homes 3.4 years (Kim Hyoung-Tae, 2010), Institutional care 11.2 years (Lee Hye-Yeon and others, 2007).
- [69] Same as the introduction in early 2003
- [70] Example of infringement of child rights due to absence of legal representative: Foster parents who have visited a bank to open a bank account for a foster child's scholarship fund, had no legal representative, and were not able to open the account, and due to failure of submitting relevant documents, the scholarship was cancelled.
- [71] Guidelines of the public service related to the children on the Ministry of Health and Welfare
- [72] Unlike children's welfare facilities and social welfare centers, the Ministry of Welfare's personnel expenses guidelines do not cover group homes and community child centers, and are applied differently from the application of a paygrade system or out-of-hours allowances. The average labor cost per workers in group homes is only 50% for the facility manager (9<sup>th</sup> class) and 73% for the childcare worker (4<sup>th</sup> class) compared to the guideline. The average labor cost per regional children's center employee (12<sup>th</sup> class) is 42% and teachers (6<sup>th</sup> class) were 57% compared to the average pay mentioned in the guideline  
(Source: 2018 research on social welfare centers' labor cost guidelines and child group homes/regional child center average wage)

- [73] According to a survey by the Korean Social Workers' Association (2014), social workers engaged in facilities such as group homes gave "level of wage appropriateness" as the biggest reason for job turnover.  
(Source: Hwang Jung-Ha, Kim Youn-Jung, 2017). A Study on the Exhaustion of the Group Home Life Instructor in the Child and Adolescent Group, Youth Studies, 24 (2), 191-220.)
- [74] June 29, 2017. The Gong gam journals <"Park Ju-Hyun" Self-reliance subsidies for children leaving childcare facility must be made practical>  
(Sources: <http://www.gokorea.kr/news/articleView.html?idxno=22043>)
- [75] As of 2017, there are 2,750 children living in group homes.
- [76] In 2015, the budget for the temporary support system for emergency support is 240 million won, but actual budget is 62 million won. Actual disbursement rate is only 25.8%, and temporary childcare expense emergency support were 83 cases out of 341 (around 1/4). There is a need to improve the strict guidelines. Looking at the reasons presented by the Ministry of Gender Equality and Family, 100% of cases failed to be supported with the temporary emergency support due to unmet eligibility, especially the 3<sup>rd</sup> criteria of 'case of persistent crisis' even after receiving the temporary emergency support had 189 out of 262 cases (72%) that had failed to meet such eligibility.
- [77] Nov 3, 2017. Democratic Party Member of Parliament Park Kyung-Mi Audit Press Release 「Childcare expenses monitoring report of Korea Health Promotion Agency under the Ministry of Gender Equality and Family」  
(Sources: <https://m.blog.naver.com/parkkm321/221133485558>)
- [78] 2017 Adoption Practice Manual (Ministry of Health and Welfare)
- [79] Child Welfare Act Article 15 Paragraph 1 (6)
- [80] Report on results of Hague Convention team, official affairs of the Central Adoption Research and Research Department - Czech Republic, Poland, 2015
- [81] Article 869 Paragraph 2 of the Civil Law
- [82] 5th and 6th United Nations Convention on the Rights of the Child (2017). (Table VI- 9) 88.1% of domestic adoption in 2016, and 97.9% of intercountry adoption are of children of non-married mothers
- [83] 2017 Adoption Practice Manual (Ministry of Health and Welfare)
- [84] Ministry of Health and Welfare Statistics. 15.7% of intercountry adoption, 18,603 to the United States, 7,393 other the United States
- [85] Legislative impact analysis of the Act on Special Cases Concerning Adoption, National Assembly Legislative Investigation Department (December, 2017), page 75
- [86] Establishment procedure of court proceedings enacted to prescribe the delivery of infants (Article 82-1) Sep 17, 2003. [Trial Ordinance No. 917-2, enforced on Oct 1, 2003]
- [87] Article 53 of the Administration and Treatment of Correctional Institution Inmates Act
- [88] Article 53 of the Administration and Treatment of Correctional Institution Inmates Act, Article 80 of the Enforcement Decree of the same Act

- [89] Article 50, para. 4 of the Administration and Treatment of Correctional Institution Inmates Act
- [90] National Human Rights Commission of Korea's report on the status of human rights of expropriators' children, p.112-115 "It is impossible to visit public holidays, and financial problems such as distance and transportation costs also limit the right of the child to visit parents. As of 2018, only seven of the 53 prisons have child-friendly family reception rooms. In the case of a child in custody protected by a child protection facility, both the child and the parent have asked for a visit to the facility, but was not able to do so because of the foster parents refusal."
- [91] CRPD/C/KOR/CO/1, para. 45 "Concerned about that students with disabilities who were attending general schools are returning to special schools."
- [92] Ministry of Education, 2017 Special Education Statistics "out of 17, as of 2017, Sejong, Chungnam, Gyeongbuk, Gyeongsang, Jeju does not have special school for blind and deaf children; and even if they did, the number of special schools would only be around 1 or 2."
- [93] Article 32-2 of the Welfare for the Disabled Persons Act
- [94] Ministry of Health and Welfare, 2018 Support Activities for Persons with Disabilities
- [95] Includes refugee applicants and humanitarian status holders
- [96] Standard for Health Insurance for Long-term Overseas Koreans and Foreigners  
[Notification No. 2015-138 of the Ministry of Health and Welfare] Article 6 Paragraph 2
- [97] Guidance for 'Childhood Immunization Support Program' Disease Control Headquarters
- [98] June 27, 2018 <Medical Times. Pediatric Emergency Center Designation Competition ... The key is 'specialist'>  
(Source: <http://www.medicaltimes.com/Users/News/NewsView.html?ID=1119515>)
- [99] Feb 13, 2018. Medifana News. <Pediatric Emergency Center is operated, but .. "reality is harsh"> (Source:  
[http://www.medipana.com/news/news\\_viewer.asp?NewsNum=215884&MainKind=&NewsKind=100&vCount=12&vKind=1](http://www.medipana.com/news/news_viewer.asp?NewsNum=215884&MainKind=&NewsKind=100&vCount=12&vKind=1))
- [100] Office of State Coordination Press Release (Nov 13, 2017) 「Childcare center, protective measures for diabetes in school」 Highlights are as follows; ▶ pediatric diabetic children attending survey and management ▶ national and public kindergartens and nursery priority admission ▶ health workers allocation priority ▶ guidelines provided to health personnel expansion ▶ job training to improvement , expansion ▶ secure independent injection space provided and emergency medicine storage support ▶ expanded use of support such as blood glucose management

medical device, health insurance benefit payment ► improved system for the import and use of overseas medical devices ► provide information on diabetes in children and improve awareness

[101] June 25, 2018. Kuki News <Painful school life of children with illness>

(Sources: <http://www.kukinews.com/news/article.html?no=560265>)

[102] ① Aug 11, 2017. Kyung Hyang journal <"Tight-shirt, short skirt is not safe" Distorted

sex education that promotes sexual discrimination and prejudice> (Source:

[http://news.khan.co.kr/kh\\_news/khan\\_art\\_view.html?art\\_id=201708112153005&sat\\_menu=A071](http://news.khan.co.kr/kh_news/khan_art_view.html?art_id=201708112153005&sat_menu=A071))

② Aug 28, 2017. Jil Women's journal, <hate appeal to elementary gender equality education floods. The Office of Education says, "That is neglect of civic emotion">

(Source: <http://www.womennews.co.kr/news/articleView.html?idxno=116727>)

[103] June 27, 2018. Gyeongin daily <Fixed gender roles, school sex education needs change>

(Source: <http://www.kyeongin.com/main/view.php?key=20180610010003307>)

[104] Mother and Child Health Act Article 14 (Limited Permission for Induced Abortion Operations)

(1) A medical doctor may perform an induced abortion operation with the consent of the pregnant woman herself and her spouse (including persons in a de facto marital relationship; hereinafter the same shall apply) only in the following cases:

1. Where she or her spouse suffers from any eugenic or genetic mental disability or physical disease prescribed by Presidential Decree;
2. Where she or her spouse suffers from any contagious disease prescribed by Presidential Decree;
3. Where she is impregnated by rape or quasi-rape;
4. Where pregnancy is taken place between relatives by blood or by marriage who are legally unable to marry;
5. Where the maintenance of pregnancy severely injures or is likely to injure the health of the pregnant woman for health or medical reasons.

(2) In the case of paragraph 1, if it is impossible to obtain the spouse's consent due to his/her death, disappearance, unknown whereabouts, or other extenuating circumstances, the operation may be performed only with the principal's consent.

(3) In the case of paragraph 1, if the woman or her spouse is unable to express his/her intention due to any mental or physical disability, his/her consent may be substituted by the consent by a person with parental authority or guardian, and if there is no person with parental authority or guardian, his/her consent may be substituted by the consent by a person who is liable to support her or him.

[105] Government Report Paragraph 8

[106] Lee Im-Soon, and others (2009), Sex Behavior Survey for Korean Adolescents - 2nd Survey in 2006, Korean Obstetrics and Gynecology Society

- [107] [Related Case] A case of a 17-year-old teen who died during an abortive artificial abortion operation in the obstetrician in Seoul. Despite the fact that the risk of abortion was big as the pregnancy had been for more than 20 weeks of gestation, the operation itself was illegal. Therefore, the person was not able to take appropriate measures such as transferring to a larger hospital when dealing with hemorrhaging during delivery.
- [108] [Related Case] A case of a teenager (18 years old) who was arrested on December 11, 2017 for abandoning the child who was delivered by his girlfriend (19 years old) to a field of a nearby hill.
- [109] Article 9, para. 7 of the National Health Promotion Act
- [110] Green Umbrella Children's Foundation (2017). National Children's Attendance Route Smoking Situation Report.
- [111] the First Basic Plan for Child Policy (2015 ~ 2019)
- [112] Korea Creative Content Agency (KOCCA) and the Korea Educational Development Institute, joint report '2017 Comprehensive Survey on Game Overindulgence'
- [113] The Korea Gambling Problem Management Center conducted a '2015 Youth Gambling Problem Survey'
- [114] Government Report <Table VII -11. the state of childcare centers and children in operation>
- [115] Yu Hae-Mi (2018). "Compliance of work and family and care services". Korean Society for Family and Social Welfare Spring Conference (49 ~ 68p).
- [116] Ministry of Health and Welfare, percentage of children using national and public facilities, 2017
- [117] Housing standards for poverty-stricken families provide little space (one room with three people is less than 36 m<sup>2</sup> and two rooms with less than 43 m<sup>2</sup>, with four people), making it difficult to wash properly (no flush toilet or bath facilities available), poor light exposure and mold growing (house in basement floors).
- [118] Introduction measures of public private kindergarten system (Childcare Policy Research Institute, 2016): As of 2016, the average monthly education cost of parents of public kindergartens is 11,703 won, which is 1/18
- [119] Feb 6, 2017. Korean Education Newspaper <It is necessary to improve education in schools in rural areas.> "The number of after-school classes for elementary school: 62 in cities> 17 rural villages, for middle school: 68 in cities > 27 in rural villages, for high schools: 109 in cities> 42 in rural areas."
- (Sources: <http://www.hangyo.com/news/article.html?no=68307>)
- [120] National Assessment of Educational Achievement in 2015 (Ministry of Education, 2015): As a result of evaluating the academic achievement of the 3<sup>rd</sup> grade of middle school, and 2<sup>nd</sup> grade of high school, by the Ministry of Education in 2015, the percentage of students understanding more than half of the materials covered rose from 5.2 percent point in 2014 to 7 percent point in 2016.

- [121] Survey on the trend of households in 2017 (National Statistical Office, 2017):  
Educational cost gap between the highest income group (monthly income more than 6 million KWR) and the lowest (fifth) income group (monthly income less than one million KRW) is 7.1 times
- [122] Local education welfare expenditure trend in 2013 ~ 2015 (Local education financial information site, 2015)
- [123] Enforcement Rule of Infant Child Care Act [Attached Table 2] Placement Criteria of Child Care Staff (Article 10 Related)  
(1) Nursery school staff and their number.
1. One director of childcare center. However, a childcare center that cares for less than 20 infants and young children may have the director also as a childcare teacher.
  2. Childcare teacher. In this case, the child care teachers should be arranged according to the following categories, and the assistant teachers should be available to reduce the work burden of the childcare teachers.
    - a. As a general rule, one teacher per three infants (or less) under the age of one, in principle.
    - b. One teacher per five infants of more than 1 year of age and less than 2 years of age in principle.
    - c. One teacher per seven infants over the age of 2 and under the age of 3 is required
    - d. One teacher per fifteen children aged between 3 and 4 years of age
    - e. One teacher for every 20 preschool children aged 4 years and over is required. One out of every 40 infants and young children should have a first-class childcare qualification.
    - f. As a general rule, one teacher per 20 school-aged children.
    - g. In principle, one teacher per three children with disabilities shall be provided for the child with disabilities, while one teacher for every nine children with disabilities should possess special teacher qualification.
- [124] Ministry of Health and Welfare Ministry of Health and Welfare 2018. According to the amendment of the 「Labor Standards Act」 (18.3.21.), It is obligatory to give rest time during working hours of childcare teachers. In order to guarantee a break time for themselves, teachers will take over two classes during a specific time, such as nap time. ,
- [125] Report on 'Measures to Ensure Learning Rights for Unmarried Students' (Korea Women's Policy Institute, 2014)  
"In 2014, 48.1% of the schools had regulations that allowed them to apply expulsion measures for dating in Seoul , Busan , Gwangju , Gyeongbuk, and Jeonbuk."
- [126] 2017 Survey of Termination of Education Status (Ministry of Education, 2017)
- [127] 'Custom measures Study of the out-of-school youth transition path' (Korea Youth Policy Institute, 2016): According to the study (2017), regarding the out-of-school youth transition path, 307 out of 427 (71.9%) youths answered that they are not aware that the



'Korea Youth Policy Institute offers out-of-school youth support', and 286 (67%) said that they are not willing to participate in such service.

[128] Results of the survey on the cost of private education for elementary, middle and high school in 2017 (Ministry of Education, National Statistical Office, 2017). The average monthly private education cost per student is 271,000 won (up by 15,000 won, 5.9% from the previous year) / By school level, elementary school was 253,000 won (4.8% increase compared to the previous year), middle school was 291,000 won (5.7% increase) and high school was 284,000 won (8.4% increase)

[129] ① Private education for 5-year-olds (child care Policy Institute, 2016)

② Jan 9, 2017. Yonhap News, <is it reasonable? '84% of 5-year-olds and 36% of 2-year-olds receive private education'>

(Source: <http://www.yonhapnews.co.kr/bulletin/2017/01/08/0200000000AKR20170108025900017.html>)

[130] Survey on the Actual Time and Burden of Learning for elementary, middle and high school students in Korea (Youth Rights Act Asunaro, 2015) Article 16, Paragraph 2 of the "Act on Private Teaching Institutes" states that city and provincial governments can set limits for night time operation of institutes, however, according to the results of the 2015 survey of 1 youth human rights activist, Asunaro, students' weekly private tutoring schedule ends at 7:07 pm for elementary school students, 9:07 pm for middle school students, 10:36 pm for high school students.

[131] October 14, 2016. Edu Dong-a <Four out of ten institutes,

administrative and supervision defenseless> "There are a total of 414 people who guide and supervise more than 125,000 schools and schools across the country, and they are lacking in human resources being understaffed."

(Source: [http://edu.donga.com/?p=article&at\\_no=20161014112142445081](http://edu.donga.com/?p=article&at_no=20161014112142445081))

[132] National Statistics "2009 to 2016 private education research", showed that the

engagement in private education increased by 15% and expenses by 1,790,000 won for high income households (income more than 600 million) in accordance with the enforcement free semester.

[133] According to the International Student Achievement Assessment (PISA) 2015 Student Well-Being Report, 23.2% of students said they study more than 60 hours per week (in and out of the school), nearly double the OECD average (13.3%). 49.0% of students study between 40 and 60 hours per week and 27.8% less than 40 hours per week.

[134] "2016 Study on Youth discriminatory status (Korea Youth Policy Institute, 2016) shows that 17.9% of respondents have experienced discrimination on the basis of academic achievement, 13.6% discrimination based on age, 12.3% discrimination based on sex and 10.7% discrimination based on appearance.

[135] Kim Mi-Sook, Subjective Well-Being Levels and Policy Tasks of Korean Children, Korea Health & Social Research Institute, Health & Welfare Forum, February 2015.

- [136] CRC/C/KOR/3-4/CO/para. 62
- [137] Results of daily life time survey in 2014, (National Statistical Office, 2014) / Disease Control Headquarters, 13th (2017)
- [138] Korea Youth Policy Institute, 2016 A Study on the Actual Condition of Human Rights in Korean Children and Youth V:
- [139] 2017 Education Support Project Plan for North Korean students " (MOE, 2017), school (elementary, middle and high) enrollment of children migrated from North Korea, including the mid-entry immigration children, ('10) 1,417 → ('12) 1,992 → ('14) 2,183 → ('16) 2,517
- [140] April 21, 2017. Korean Education Newspaper <Why are defector students unable to adapt to South Korean Schools.> "Students who drop out in middle school is 2.9% (0.6% of the total) and 7.3% for high schools (1.3% of total), five times higher than general students."  
(Source: [http://www.hangyo.com/news/article\\_print.html?no=80809](http://www.hangyo.com/news/article_print.html?no=80809) / NK News (dated January 12, 2017)
- [141] 2017 Educational Statistics Data Book (Korea Educational Development Institute, 2018) 19 Seoul, 7 Gyeonggi, Busan 5, Daegu / Incheon / Gyeongnam 2, Gwangju / Daejeon / Ulsan / Gangwon / Jeonbuk 1
- [142] National Survey on Multicultural Families in 2017: Rate of use of support facilities for children from multicultural families
- [143] World Refugee Day Commemoration Scientific Forum Refugees in Korea, Korea in the World. Ministry of Justice · UNHCR · SNUAC. 2018. p.30
- [144] World Refugee Day Commemorative Forum Korean refugees in Korea, South Korea. Ministry of Justice · UNHCR · SNUAC. 2018. pp.28-29 Collective education is offered for five days in common subjects, specialized subjects, administration and other subjects, of which 22 hours covers refugee law, refugee law practice, and practical training. The refugee examiner does not have a real opportunity to practice.
- [145] refugee status determination and situation, NANCEN, a Center for Refugee Rights in South Korea (Source: <http://nancen.org/1604?category=118980>)
- [146] Department of Refugees on the Ministry of Justice, a situation of the refugee (Feb 6, 2017.)
- [147] According to the study conducted by the Childfund Korea (2017), among the total of 114 households surveyed, 42.1% of the respondents said that they have had difficulty in going to the hospital due to their sickness during the past year with the major reason being the cost of treatment (66.7%).
- [148] Excluded from the basic services provided to students such as educational expenses support, registration of school homepage and education site, experiential learning insurance, and participation in various events.

- [149] ① In 2016, 68 children were waiting for deportation from Gimpo and Jeju Airports without parents, and most of them were deported without legal support. Ministry of Justice Hwaseong, Cheongju, and Yeosu Immigration Office Disclosure Information
- ② Jun 3. 2017, Dong-A Ilbo <Fever, again in family arms> (Source: <http://news.donga.com/Culture/more25/3/all/20170602/84698497/1>)
- [150] Kim Jong-Chul, Migrant Child Detention Report: Toward the Elimination of Immigrant Detention and Alternative to Detention, 2015.
- [151] Article 4, para 1 (3) of the Juvenile Act
- [152] National Youth Shelter Operational Status as of 2017
- [153] Nov 4. 2017, Nocut News, "A 17-year-old minority 'A' attempted to enter a short-term shelter in a man's home as he was physically and emotionally abused by his parents in relation to his sexual identity. However, he was dismissed from the shelter for fear of potentially causing "disorder" within the shelter." (Source: <http://v.media.daum.net/v/20180114163858457>)
- [154] Lee Cheol, Kim Jae-Min, Shin Tae-Joong, " Labor in Seoul from the View of 2017 Statistics ", Seoul Labor Relations Center, p 5
- [155] Nov 6. 2017, Financial News, <Over the Five Years, more than doubled violations of the Labor Standards Act for youth employment> (Source: <http://www.fnnews.com/news/201711060946207547>)
- [156] April 21. 2017, insight <Juvenile working delivery part-time job died 63 persons, injured 3,024 persons last 7 years> (Source: <http://www.insight.co.kr/newsRead.php?ArtNo=101861>)
- [157] BAI <Status of Promotion of Education Programs for Industrial Workforce> Audit Report (2015.4.13.)
- [158] An on-the-job trainee who worked at the LG Uplus call center suffered pressure regarding performance and another workplace incident occurred in 2017 involving harassment and assault at CJ's Chungbuk factory, eventually end in suicide.
- [159] The 2017 Ministry of Education <Results of Field Training Check up>
- [160] Korea Creative Content Agency, 2017 In-depth study on Popular Culture and Arts Industry.
- Only 35.3% answered that they go to school every day during the main period. 47.1% of the students went to school 2-3 times a week, 5.9% went to school 1-2 times a month, and 11.8% said they hardly ever go to school.
- [161] Although the Sunflower Center is under the jurisdiction of the Ministry of Gender Equality and Family, recruitment is conducted at each hospital, and counselor education is provided by the Korea Women's Development Agency. The police department and the Ministry of Justice are responsible for overseeing female police officers, taking statements, and lawyers at the center.
- [162] Article 305 of the Penal Code
- [163] Supreme Court 2014.11.13. Sentence 2014 do 9288

- [164] Juvenile Sex Protection Act Article 49 (a) (iii)
- [165] Refer to NGO Report 137, Paragraph 142
- [166] Court Practice Request (child), 2014, Court Administrative Office, page 12
- [167] Article 33, para 1 (2) of the Criminal Procedure Act
- [168] Police Agency Regulation No. 507, No such provision in the Child Affairs Rules
- [169] The National Human Rights Commission of Korea rules, " survey on human rights violations by minors accused unjustly (10-*jinjung*-00161100) ', 'inappropriate investigation on underage child by the police (11-*jinjung* -069500)', 'human rights violations such as illegal arrest (13-*jinjung* -0035600)' "
- [170] Refer to Paragraph 112 of this Alternative Report
- [171] According to the revised report of the Legislation and Judicial Committee of the Legislation and Judicial Committee on the Treatment of Protected Juveniles and Others, in the end of 2015 there were 10 juvenile reformatories (Gwangju , Daegu , Daejeon , Busan , Seoul , Anyang · Jeonju , Jeju , Cheongju , Chuncheon) and 1 juvenile classification judge (Seoul Juvenile classified auditor), Dajeon reformatory is the largest with capacity of 180 people, Busan juvenile's capacity is 170 people, Seoul detention center accommodates 150 people. It is possible to confirm that among the 11 juveniles' centers in the country, nine were found to have been overcrowded, excluding two in Daejeon and Jeju. The National Assembly's Legislation and Judiciary Committee juvenile capacity is from the data received from Democratic Senator Park Ju-min's 09/17/2016 submissions from unit to 'reformatory capacity status '.
- [172] Restricted family visitation time for juvenile classifying auditors, no going out or overnights out of facility, internal regulations for disposal facility No. 6
- [173] The National Human Rights Commission of Korea had recommended, "The need for new medical reformatory need to improve medical treatment in juvenile protection facilities for mental health promotion and healthy growth of protected children " to the Minister of Justice.
- [174] According to Article 52 (Attachment 11) of the Enforcement Decree of the Child Welfare Act, children's protection treatment facilities for 30 or more children require only one clinical psychologist and one welfare worker.
- [175] Articles 28 or 42-3 of the Act on the Treatment of Protected Juveniles
- [176] Article 28-2, para 2 of the Enforcement Rule of the Act on the Treatment of Protected Juveniles
- [177] Article 11 of the Act on the Treatment of Protected Juveniles
- [178] Guidelines for the Act on the Treatment of Protected Juveniles (Ministry of Justice Order No. 1105)
- [179] Article 18 of the Act on the Treatment of Protected Juveniles
- [180] Article 24 of the Act on the Treatment of Protected Juveniles

- [181] National Human Rights Committee, Domestic implementation basic present-condition investigation of international human rights standards on rights of the child and juvenile, 2015, 421page.
- [182] [Related Case] In the domestic violence case in which the mother was murdered by the father, during the legal dispute on the parental rights of the child, the child lost both the parental guardian and the caretaker due to the father's long-term admission in prison, and psychotherapy was not provided
- [183] Trafficking in Persons 2018 Report: Republic of Korea (Source: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282685.htm>)
- [184] [Related Case] 2015.3. In the case of a 14-year-old youth murdered by the sex buyer at a motel in Gwanak-gu, Seoul, the perpetrators have looked for sex buyers for sex purchase multiple times, called the child and transported the child to the site of crime, managed to earn money from selling sex. Despite this, they were investigated and charged for acting as sex brokers only. ( <http://www.womennews.co.kr/news/87347> )
- [185] [Related case] A 20-year-old woman living in Nonsan Chungcheongnam-do, gives money to unmarried mothers and takes six infants.
- [186] ① Trafficking in Persons 2018 Report: Republic of Korea
- ② [Related case] A case where a newborn baby was brought after paying money to the unmarried mother, falsely registered the birth, caught and 'expressing an active desire for parenting'. (Source: [https://news.sbs.co.kr/news/endPage.do?news\\_id=N1003372789&plink=COPYPASTE&cooper=SBSNEWSEND](https://news.sbs.co.kr/news/endPage.do?news_id=N1003372789&plink=COPYPASTE&cooper=SBSNEWSEND))
- [187] Refer to paragraph 173 of the Government Report
- [188] [Related case] In June 2014, a 13-year-old child with intellectual abilities of a seven-year-old was raped by 6 men on the way home. For the reasons of voluntarily opening a chatroom to find a place to sleep, being treated with snacks, etc., this case of sexual assault was framed as prostitution, resulting in even the basic support from Sunflower Center being canceled. (<http://www.nocutnews.co.kr/news/4902821>)
- [189] Trafficking in Persons 2018 Report: Republic of Korea)
- [190] The issues related to the protection of children and adolescents regarding sex issues are under the jurisdiction of the Department of Child and Adolescent Protection of the Ministry of Gender Equality and Family while recovery and rehabilitation support for victims of prostitution is done by the Rights-Based Division and at-risk youths support is done at both Youth Self-Support Assistance Division and Division of Youth Protection Environment.
- [191] Survey on Child and Youth Prostitution Environment and Human Rights Situation, p. 239, National Human Rights Commission of Korea (Nov, 2016.)
- [192] Survey on Child and Juvenile Prostitution Environment and Human Rights Situation, p. 239, National Human Rights Commission (Nov, 2016.)

[193] Current Situation and Measures of Southeast Asian Child Prostitution Tourism (Korea Criminal Policy Institute, 2013)

[194] Regional Overview: Sexual Exploitation of Children in Southeast Asia, (Ecpat International, 2017)

[195] the Government Report paragraph 195