



**Convention on the Rights  
of the Child**

Distr.  
GENERAL

CRC/C/SR.1322  
18 December 2009

ENGLISH  
Original: FRENCH

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COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-eighth session

SUMMARY RECORD OF THE 1322nd MEETING

Held at the Palais Wilson, Geneva,  
on Friday, 23 May 2008, at 10 a.m.

Chairperson: Mr. ZERMATTEN

Vice-Chairperson)

CONTENTS

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Initial report of the Republic of Korea under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

Initial report of the Republic of Korea under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

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The meeting was called to order at 10 a.m.

In the absence of the Chairperson, Mr. ZERMATTEN, Vice-Chairperson, took the Chair.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of the Republic of Korea under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC/C/OPAC/KOR/1; CRC/C/OPAC/KOR/Q/1 and Add.1)

Initial report of the Republic of Korea under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC/C/OPSC/KOR/1; CRC/C/OPSC/KOR/Q/1 and Add.1)

1. At the invitation of the Chairperson, the delegation of the Republic of Korea took places at the Committee table.
2. Mr. KIM Doo-hyeon (Republic of Korea) said that the Convention on the Rights of the Child and its two Optional Protocols had a strong influence on the formulation of the policies of the Government of the Republic of Korea on the protection and promotion of the rights of the child.
3. The initial reports on the application of the two Protocols had been written jointly by the line ministries, the bodies responsible for children's rights, and civil society organizations.
4. The Youth Welfare Support Act of 2004 stipulated that the State and local authorities should publicize the provisions of the Convention. The Government was carrying out numerous education and information measures on the rights of the child in partnership with non-governmental organizations (NGOs) such as the Korean Committee for the United Nations Children's Fund (UNICEF), Save the Children, and Good Neighbors. The educational tools, such cartoon and other films, which were being produced should make it possible to target more actively the groups concerned, including teachers, Government officials, police officers, doctors and children.
5. The participation of children aged under 18 in armed conflict and their enlistment in armed groups were strictly prohibited by law. The Regulations on the Operation of Wartime Education had been amended in 2005 to delete the provision providing for the performance of certain wartime duties by trainees aged under 18.
6. Child trafficking was prohibited in the Republic of Korea and no cases had been reported.
7. In order to combat child prostitution and child pornography, the Government had introduced in 2002 the Comprehensive Measures on Child Protection and Development and, in 2003, the Comprehensive Measures on Child Safety. In 2004 it had introduced the Master Plan on the Prevention of Prostitution, and a monitoring commission had been established under the Office of the Prime Minister to monitor and evaluate its implementation.
8. In 2008 the Sex Offenders Public Disclosure System had been strengthened in order to allow increased access to the personal details of sex offenders and impose restrictions on their employment.
9. The Information and Communication Networks (Promotion of Use) and Information Protection Act was to be revised with a view to establishing the direct responsibility of Internet

providers with regard to the monitoring and suppression of illegal and harmful content. Provisions were going to be incorporated in the Protection of Juveniles (Sexual Exploitation) Act in order to suppress the sexual exploitation of young people by means of such communication networks as the Internet. Parliament was going to adopt revised legislation on electronic surveillance systems, which would enter into force in September 2008.

10. Under the Prevention of Sex Trafficking and Protection of Victims Act the medical costs of the treatment of victims of sexual violence and prostitution were met by the State and local authorities. Fourteen one-stop victim support centres had been established in hospitals nation-wide. The Act stipulated that cases involving victims of sex offences should be handled by specialized prosecutors and police officers and that their dignity and privacy should be protected during the investigation, with full consideration given to their age, mental state, and any disabilities.

11. The Act also provided that juvenile sex offenders and victims of sexual abuse should attend for treatment under the system of mandatory education established by the Youth Department of the Court of Justice.

12. The Passports Act had been amended in 2008 so as to authorize the confiscation of the passports of persons convicted of offering prostitution services or engaging in sex tourism abroad and to impose restrictions on the issuance of new passports. In addition, the Government was making every effort, through international cooperation, to facilitate the conviction of citizens of the Republic of Korea who committed sex offences against children in other countries.

Initial report of the Republic of Korea under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

13. Ms. AL-THANI (Country Rapporteur for the Optional Protocol on the involvement of children in armed conflict) noted that the Republic of Korea had been one of the first States to sign the Optional Protocol and congratulated it on the efforts made to ensure compliance with the Protocol.

14. The State party had not indicated whether it had consulted representatives of civil society or children when preparing its initial report (CRC/C/OPAC/KOR/1). Referring to paragraph 3 of the report, she asked which provisions of the Optional Protocol were not found in domestic laws and regulations and noted the absence of an express prohibition of the direct participation of minors aged 15 to 18 in hostilities. She also asked whether the Child Policy Coordinating Committee and the Child Rights Monitoring Committee coordinated their monitoring of respect for the rights of the child. She would like to know what specific training in the provisions of the Optional Protocol was provided for the general public and for military personnel participating in international peacekeeping forces.

15. The delegation might furnish additional information on the role of the National Human Rights Commission in monitoring the application of human rights instruments, the Optional Protocol in particular. In the concluding observations adopted in 2003 following its consideration of the second periodic report of the Republic of Korea on the application of the Convention the Committee had recommended that the State party should authorize the National Commission to receive and investigate complaints of violations of the rights of the child. The Government's recent decision to place the National Commission under the direct control of the President of the Republic would erode its independence.

16. On the subject of voluntary enlistment in the armed forces, she would like to know whether volunteers and their parents were informed about the duties performed in the armed forces. She asked what methods were used to attract volunteers, in particular whether information meetings were held in schools and whether advertisements were published. She also wished to know whether students in military schools aged 17 or 18 were trained in weapons use. Noting that the report did not mention any provision of domestic legislation expressly prohibiting the forcible recruitment of minors for involvement in hostilities, she asked whether there were any provisions on the recruitment of minors in exceptional circumstances.

17. Lastly, she wished to know whether corporal punishment had been banned in schools, including in military schools.

18. Ms. KHATTAB noted that the report did not contain any information about unaccompanied child asylum-seekers or child refugees from areas affected by armed conflicts. The Committee was concerned about the State party's lack of any mechanism for identifying groups of children who might have been recruited or used in armed conflicts; had the State party adopted any measures for the physical and mental rehabilitation and reintegration of such children?

19. Mr. PARFITT asked whether the Republic of Korea had enacted legislation to guarantee that armaments manufactured in the country were not sold to Governments which recruited and used child soldiers. He also wished to know whether any military training was given to children apart from in the school system and military schools.

20. Mr. PURAS asked whether there were any military camps for children and whether under-18s could enrol in military schools.

21. He would like to know whether an independent body had been created to ensure that no acts of physical, mental or sexual violence were committed in military schools and whether any such acts had been recorded in recent years. The delegation might indicate what proceedings had been instituted in such cases and what the outcomes had been.

22. Mr. KOTRANE noted that the Republic of Korea had ratified the Rome Statute of the International Criminal Court and asked what measures had been introduced to prohibit and punish the recruitment of children by groups which might use them in hostilities outside the country.

23. Mr. FILALI asked whether the recruitment of under-18s would be authorized in an emergency imperilling the nation.

24. He wished to know whether humanitarian law and human rights were taught in military schools, including the air force schools.

25. Mr. CITARELLA asked whether the Optional Protocol was widely publicized, in particular in the armed forces. Were there any special handbooks for military personnel sent abroad, including for peacekeeping operations.

26. Mr. KRAPPMANN asked whether the Committee's general comment No. 6, on the treatment of unaccompanied and separated children outside their country of origin, was used in the training of persons who worked with refugee children and child asylum-seekers in order to make them aware of the specific needs of such children, who had often been affected by military conflicts.

27. He asked whether the Optional Protocol had been disseminated in schools and incorporated in school curricula and whether there were any courses on peace education.

28. The CHAIRMAN noted that children were often the first victims of anti-personnel mines and asked whether Korea had ratified the Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction.

29. Mr. KIM Doo-hyeon (Republic of Korea) said that oversight of compliance with children's rights was in the hands of the Child Rights Monitoring Centre and of civil society organizations. The Government and civil society organizations also collaborated in the work of raising public awareness.

30. Mr. PARFITT noted that the Monitoring Centre, which been established as a pilot project, had 30 members, 10 of them children. He would like to know what the functions of those children were and whether there were any plans to create a post of ombudsman.

31. Mr. CHOI Seung-nam (Republic of Korea) said that, in a way, the 10 children performed the functions of an ombudsman. As they came from different social backgrounds, they were able to evaluate the situation of children from different standpoints. The Monitoring Centre's main function was to investigate violations of children's rights. It drew up reports which were subsequently taken into consideration in the formulation of national policies for children.

32. Mr. PARFITT asked what the Monitoring Centre's status would be, in time, with regard to the Paris Principles and the Committee's general comment No. 2 of 2002 on the role of independent human rights institutions, in protecting and promoting the rights of the child.

33. Mr. CHOI Seung-nam (Republic of Korea) said that the Monitoring Centre had been established in accordance with the Committee's recommendation in order to ensure better protection of the rights of the child.

34. The awareness-raising and information measures were aimed principally at parents and at teachers and other persons who came into contact with children in their work. There were plans to produce school textbooks on the Convention and the Optional Protocols.

35. Mr. KIM Doo-hyeon (Republic of Korea) said that the Optional Protocols had not yet been included in the school curriculum but already appeared in a number of social science and ethics textbooks.

36. The National Human Rights Commission had been placed under the auspices of the Office of the President on the accession to power of the new Government. Following a ministerial reorganization there had been a fresh debate on the issue and it had been decided in the end that the National Commission should become a totally independent body again.

37. Mr. PARK Cheung-seok (Republic of Korea) said that the Republic of Korea complied with the international treaties on arms exports. The Government endeavoured to prevent arms exports, especially of small arms, to countries in which children aged under 18 were recruited to take part in armed conflicts. It had recently held a seminar on the tracing of light weapons in the countries of Asia and such weapons were subject to very strict regulation. The Government insisted on the provision of information on the end use of the small arms which were sold in order to prevent their use by minors.

38. The minimum age for enlistment in the armed forces had been raised from 17 to 18. The Government prohibited persons aged under 18 from taking part in armed conflicts, even in time of war.

39. The CHAIRPERSON asked whether children aged under 18 were allowed to attend military schools. The initial report and the written replies (CRC/C/OPAC/KOR/Q/1/Add.1) contradicted each other on that point.

40. Mr. PARK Chung-seok (Republic of Korea) said that military schools had the status of universities and not of military institutions. Accordingly, children aged under 18 were allowed to study in military schools.

41. Sex education courses had been introduced in military schools in order to combat harassment. Corporal punishment was strictly prohibited in military schools.

42. Korea had not ratified the Ottawa Convention because, owing to its relationship with the Democratic People's Republic of Korea, it could not totally eliminate the land mines located in the frontier zone; it must in fact attend to its defence.

43. Mr. FILALI asked whether steps were nevertheless being taken to destroy stocks of land mines.

44. Mr. KIM Doo-hyeon (Republic of Korea) said that the Republic of Korea had acceded to the Ottawa Convention and to its two Optional Protocols: Protocol II on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices; and Protocol V on Explosive Remnants of War. It had also ratified all the disarmament conventions and endeavoured to respect to the letter the obligations deriving from those instruments by eliminating as many land mines as possible and by gradually removing land mines from its territory.

45. Furthermore, the Republic of Korea made financial contributions to the United Nations programmes on the elimination and removal of land mines. It had also declared a moratorium on the export of land mines.

46. Mr. HONG Kwan-pyo (Republic of Korea) said the provisions of the Optional Protocols had never been invoked directly in the courts because domestic legislation already contained similar provisions. However, other international instruments had already been invoked in the courts.

47. Unaccompanied children arriving from the Democratic People's Republic of Korea were not regarded as refugees, for the Constitution provided that the inhabitants of that country were nationals of the Republic of Korea. The origin of unaccompanied children was always checked in order to determine whether they could obtain refugee status. If they had no identity papers, they had to make a declaration. Inquiries were then made to verify the authenticity of that declaration, and a decision was taken on the basis of the findings of the inquiries.

48. Children with physical or mental problems underwent a medical examination and could receive medical treatment if the state of their health so required.

49. The Government ensured that refugees were helped to adapt to their new society. It granted them a residence permit which enabled them to exercise the same rights as children who were nationals of the Republic of Korea. It had also provided for the establishment of a support centre for refugee children.

50. Ms. KHATTAB asked how children were informed about the availability of those services.
51. Mr. KRAPPMANN said that he wished to know from what point in the procedure for obtaining refugee status the children in question could exercise all their rights under the Convention on the Rights of the Child.
52. Mr. HONG Kwang-pyo (Republic of Korea) said that child asylum-seekers were informed about the services available to them as soon as they submitted their applications, and they received assistance as soon as they had obtained refugee status. The present Government was trying to provide them with access to specific programmes as soon as they submitted their applications for refugee status.
53. The Government had ratified the Rome Statute of the International Criminal Court and had enacted legislation under that instrument. In 2007 it had adopted acts to render the Statute applicable in domestic legislation. All the crimes covered by the Statute, including the recruitment of children aged under 15 and their use in hostilities, were now punishable by law. That provision applied equally to nationals of the Republic of Korea within and outside its territory and to aliens present in its territory, irrespective of whether the offence had been committed in the Republic of Korea or abroad.
54. Mr. PARK Chung-seok (Republic of Korea) said that the Government had sent troops to Iraq and Lebanon to carry out peacekeeping and reconstruction operations and that the troops sent to Timor-Leste, the Sudan and the Congo had taken part in the construction of schools and the establishment of education and vocational training programmes. The Government had introduced programmes to raise awareness of children's rights, but more work needed to be done in that area. In future, soldiers sent abroad would receive information about the Convention, in accordance with the Committee's suggestions.
55. Mr. CHOI Seung-nam (Republic of Korea) said that the Government was planning to impose an absolute ban on corporal punishment in schools. Programmes had been drawn up to boost teachers' awareness of the rights of the child in order to encourage them not to resort to corporal punishment.
56. The CHAIRPERSON pointed out that there was no legal provision criminalizing the recruitment of children aged under 18 within or outside the national territory.
57. Mr. PARK Chung-seok (Republic of Korea) said that the Military Service Act had been amended to bring it into line with the Optional Protocol. It now provided that male nationals aged over 18 could be recruited into the armed forces. Accordingly, children under 18 could not be recruited.
58. Mr. FILALI asked whether the Government had made arrangements to take charge of children from the Democratic People's Republic of Korea who had been enrolled in a military school or recruited into the armed forces.
59. The CHAIRPERSON asked what would happen if the Democratic People's Republic of Korea requested the repatriation of such a child.
60. Mr. PARK Chung-seok (Republic of Korea) said that no such cases had ever arisen; if one did, the Government would take steps to ensure compliance with the provisions of the Optional Protocol.

61. Mr. POLLAR asked for additional information about the involvement of children in the international peacekeeping operations.
62. Mr. PARK Chung-seok (Republic of Korea) said that the soldiers of the Republic of Korea sent to conflict zones were assigned to building schools and other infrastructure or even to teaching duties. It might happen that children were involved in some of those projects, but they were strictly prohibited from participating in hostilities.
63. The CHAIRPERSON noted with satisfaction that the State party intended to include in the training programme of military personnel assigned to peacekeeping forces courses on the rights of the child and on the principles embodied in the Optional Protocol.
64. Ms. AL-THANI (Country Rapporteur for the Optional Protocol on the involvement of children in armed conflict) said that the concluding observations which the Committee would formulate on the conclusion of its consideration of the State party's initial report under the Optional Protocol would reflect a number of positive points, such as the maintenance of the independence of the National Human Rights Commission, the closure of some of the military schools, and the fact that the State party was currently considering the possibility of banning corporal punishment.

Initial report of the Republic of Korea under the Optional Protocol on the sale of children, child prostitution and child pornography.

65. Ms. ORTIZ (Country Rapporteur for the Optional Protocol on the sale of children, child prostitution and child pornography) congratulated the State party on submitting its initial report (CRC/C/OPSC/KOR/1) within the time limit and on providing ample and detailed information in its written replies to the list of questions (CRC/C/OPSC/KOR/Q/1/Add.1). She welcomed the adoption of many acts on the application of the Optional Protocol, including the Juvenile Protection Law Against Sexual Exploitation and the other instruments mentioned in paragraph 11 of the report, and the drafting of new legislation on the protection of young people against sexual exploitation and on promotion of the use of information and communication networks. She also welcomed the creation in September 2007 of the task force on prevention sexual violence against children and promotion of education in that field, as well as the establishment of the Day to Combat Sexual Abuse of Children, to be celebrated annually.
66. The Republic of Korea had made a declaration when ratifying the Optional Protocol according to which article 3, paragraph 1(a), applied only to countries which had ratified the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993. Since the number of children given for intercountry adoption was particularly high in Korea, the application of article 3 in its entirety would ensure the protection of Korean children; she would thus like to know whether the State party intended to withdraw the declaration and to ratify the Hague Convention and, if not, what its reasons were.
67. Noting the large number of bodies implementing the various provisions of the Optional Protocol, including the Child Policy Coordinating Committee, the Child Rights Monitoring Centre, and the National Youth Commission, she stressed the importance of bringing all the human rights bodies together in an integrated system for the protection of human rights, so as to facilitate the coordination and implementation of policies and programmes. She would like to know which body was expressly responsible for coordinating the application of the Optional Protocol and whether the mandate of the Monitoring Commission on the Prevention of

Prostitution dealt with all the areas covered by the Protocol. She would also like to hear about the links between that Commission and the Child Policy Coordinating Committee in the context of the application of the Protocol.

68. It would also be useful to know what powers were invested in the Child Rights Monitoring Committee and in particular whether its decisions had implications for other bodies having responsibilities in that field. On a similar point, the Committee would welcome clarification of the degree of independence of the National Commission on Human Rights and of the extent to which it could take up cases relating to exercise of the rights of the child.

69. She said that the lack of disaggregated data on children's rights was most regrettable and asked whether the State party had the technical means of collecting age-disaggregated data in future.

70. She noted with satisfaction that the State party had produced a Master Plan on the Prevention of Prostitution but pointed out that the Optional Protocol did not deal solely with that issue; had another plan been drawn up for the application of the Optional Protocol in its entirety?

71. Mr. KOTRANE asked whether proceedings could be taken against illegal adoption under domestic law, whether illegal adoption constituted sale of children as defined in article 2 of the Optional Protocol, and whether it was true that the new act on violence against children no longer made the institution of criminal proceedings dependent on the lodging of a complaint by the victim.

72. With reference to paragraph 29 of the initial report, he asked whether the Juvenile Protection Law imposed an obligation on all doctors, including doctors in private practice, to report to the police any abuse, including sexual abuse, which came to their knowledge.

73. He would also like to know whether domestic law embodied the principle of universal jurisdiction and whether therefore the judicial authorities could prosecute the perpetrators of offences covered by the Optional Protocol committed abroad when the perpetrator or the victim was a national of or resided in the Republic of Korea.

74. Lastly, he wished to know whether domestic law recognize the criminal responsibility of legal persons.

75. Mr. PARFITT asked whether it was true that domestic legislation did not criminalize the mere possession of paedophile pornography and did not provide for the prosecution of persons keeping such material with a view to distributing it. He also asked whether pornographic strip cartoons and cartoon films were prohibited by law.

76. He would also like to know whether the placement of sex offenders and victims of sexual abuse in establishments of the mandatory education system under the legislation stipulating that all such offenders and victims must undergo treatment required a court order; if so, which body was responsible for monitoring the enforcement of such orders, which deprived the persons concerned of their liberty.

77. Lastly, under which human rights institution would the new human rights monitoring body be established?

78. Ms. KHATTAB asked whether domestic law criminalized sex tourism and whether the State party was taking action to make children and tourists aware of the harmful effects of sex tourism.

79. She thought that the fact that sex offenders who attended the mandatory education programme did not have to serve their sentences might be counter-productive; it might be better to compel them to serve their sentences but undergo education with a view to reintegration in society.

80. She would like to know whether the State party planned to raise to 18 years the legal age of marriage for both boys and girls.

81. Ms. SMITH said that she was not convinced that the definition of prostitution in domestic law was in conformity with the definition contained in article 2 of the Optional Protocol and wished to know whether the State party drew a distinction in its statistics between child prostitution and other types of prostitution and whether in producing its statistics on child prostitution the State party took due cognizance of the fact that the age of majority was 18 years.

82. She would like to know what action the State party was taking to counteract the recrudescence of sex offences against minors.

83. Mr. PURAS said that he understood that under the Juvenile Protection Law of 2004 the perpetrator of a sexual offence could be released from his sentence if the victim so wished. That procedure was highly dubious in view of the fragile state of victims and in particular of the feeling of guilt which they might experience and the links which they might have with their abuser. The delegation might elaborate on that point.

84. It seemed that the number of support institutions for child victims of sexual violence and child prostitutes was quite insufficient and that, most of the time, adults and children were not kept apart. Additional information on that point would be welcome.

85. It would also be interesting to hear more about the measures introduced to change the image of child prostitutes, whom society continued to regard as criminals rather than as victims.

86. Lastly, the delegation might indicate whether the Government had taken steps to alert parents and children to the dangers to which children who took part in online chat rooms were exposed, for paedophiles often made contact with their victims in that way.

The meeting rose at 1 p.m.

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