



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### Concluding observations on the combined fifth and sixth periodic reports of the Republic of Korea\*

#### I. Introduction

1. The Committee considered the combined fifth and sixth periodic reports of the Republic of Korea (CRC/C/KOR/5-6) at its 2416th and 2417th meetings (see CRC/C/SR.2416 and 2417), held on 18 and 19 September 2019, and adopted the present concluding observations at its 2430th meeting, held on 27 September 2019.
2. The Committee welcomes the submission of the combined fifth and sixth periodic reports of the State party. It expresses appreciation for the constructive dialogue held with the multisectoral delegation of the State party.

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

3. The Committee welcomes:
  - (a) The ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, in 2015;
  - (b) The accession to the Hague Convention on the Civil Aspects of International Child Abduction, in 2012.
4. The Committee notes with appreciation:
  - (a) The adoption, in 2014, of the Act on Special Cases concerning the Punishment, etc. of Child Abuse Crimes, the Special Act on the Promotion of the Normalization of Public Education and the Regulation of Prior Learning, and the Act on Support for Out-of-School Juveniles;
  - (b) The establishment of a national centre for the rights of the child;
  - (c) The Child Impact Assessment System;
  - (d) The online birth registration system;
  - (e) The introduction of child benefits for children under 7 years of age.

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



### **III. Main areas of concern and recommendations**

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

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

##### **Reservations**

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

##### **Legislation**

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

##### **Comprehensive policy and strategy**

8. While noting the adoption of master plans for child and youth policies and a national action plan for the promotion and protection of human rights, the Committee recommends that the State party ensure that its policies and strategies on children encompass all areas of the Convention and that it allocate sufficient human, technical and financial resources for their implementation, monitoring and evaluation.

##### **Coordination**

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

##### **Allocation of resources**

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

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

- (b) To increase budget allocations for children and overall social expenditure proportionately to its GDP and reduce disparities between municipalities;
- (c) To introduce budgetary allocations for children in disadvantaged situations;
- (d) To enhance child participation in budgeting, including through existing child and youth assemblies and participation committees;
- (e) In order to ensure the availability, accessibility and quality of goods and services in sectors supporting the realization of children's rights, to strengthen efforts to combat corruption, in particular bribery, favouritism and irregular payments, and enhance accountability in public procurement processes.

#### Data collection

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

#### Independent monitoring

12. Recalling its general comment No. 2 (2002) on the role of independent human rights institutions in the promotion and protection of the rights of the child, the Committee recommends that the State party:

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

#### Dissemination, awareness-raising and training

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

#### International cooperation

14. While welcoming the information provided during the dialogue that the State party plans to increase its official development assistance (ODA) during the next decade, the Committee takes note of target 17.2 of the Sustainable Development Goals and encourages the State party to meet the internationally agreed target of 0.7 per cent of gross national income for ODA and ensure that such assistance is in compliance with the Convention and its Optional Protocols, to prioritize children's rights and integrate the Committee's concluding observations addressed to both the State party and its development partners as appropriate in the design, implementation, monitoring and evaluation of international development assistance policies and programmes.

### Children's rights and the business sector

15. The Committee is concerned about reports of children's rights violations resulting from business activities by companies of the Republic of Korea operating domestically and abroad. With reference to its general comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights, the Guiding Principles on Business and Human Rights and its previous recommendations on children's rights and the business sector (CRC/C/KOR/CO/3-4, para. 27), the Committee urges the State party to establish a child protection framework for companies in the State party operating domestically and abroad. Such a framework should include mechanisms for conducting child rights impact assessments and monitoring and evaluation mechanisms, in order to report and address children's rights violations, and should make it clear that all stakeholders are responsible for fulfilling and protecting children's rights.

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

### Non-discrimination

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

(a) Rural children, economically disadvantaged children, children with disabilities, migrant children, multicultural children and refugee children from the Democratic People's Republic of Korea experience discrimination in getting their birth registered and in accessing childcare facilities, education, health care, welfare, leisure and State protection;

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

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

(d) Cases of discrimination based on sexual orientation are persistent, a situation that the State party acknowledged by stating that its policies regarding young lesbian, gay, bisexual, transgender and intersex persons is inadequate (CRC/C/KOR/5-6, para. 36).

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

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

(b) **Ensure that all children within its territory are equally able to be registered at birth and have access to childcare facilities, education, health care, welfare, leisure and State support;**

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

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

### Best interests of the child

18. The Committee welcomes the establishment of the child impact assessment system. Recalling its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recalls its previous recommendations to integrate, consistently interpret and apply the best

**interests of the child as a primary consideration in all relevant proceedings, decisions, policies and programmes. It also encourages the State party:**

- (a) **To expand the application of the child impact assessment system, with the participation of a wide range of children;**
- (b) **To develop procedures and criteria for determining the best interests of the child in every area and for giving that principle due weight as a primary consideration.**

#### **Right to life, survival and development**

19. While noting the establishment of a national action plan for suicide prevention, the Committee is seriously concerned that the high rates of child suicide, due in particular to problems in the family, depression, academic pressure and bullying, represent a leading cause of death among children. It notes with concern the lack of a systematic approach and a dedicated budget for addressing suicides and their root causes. The Committee is also concerned:

- (a) That there is insufficient knowledge about the damage to health caused by humidifier disinfectant;
- (b) That there is insufficient monitoring of fine dust and asbestos in schools and childcare settings;
- (c) That humidifier disinfectant is responsible for numerous cases of damage to health and that remedies and reparations for the victims are inadequate.

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

- (a) **Investigate possible cases of damage to health caused by humidifier disinfectant;**
- (b) **Continue to monitor indoor air quality and exposure to hazardous substances in all childcare and educational settings;**
- (c) **Continue its efforts to provide adequate remedies and reparations to child victims of humidifier disinfectant and intensify its efforts to control chemical substances and prevent hazardous incidents.**

#### **Respect for the views of the child**

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

- (a) **Ensuring that all children at school have the opportunity to express their views regardless of academic performance;**
- (b) **Ensuring that the Child Welfare Act provides for the right of children to express their views freely in all matters affecting them, as previously recommended (CRC/C/KOR/3-4, para. 35 (a));**
- (c) **Abolishing any age limit on the right of children to express their views in all issues concerning them, including by expeditiously enacting the draft family litigation act.**

### **C. Civil rights and freedoms (arts. 7, 8 and 13–17)**

#### **Birth registration**

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

- (a) To ensure that birth registration, including online, is universal and available to all children regardless of their parents' legal status or origins;
- (b) To simplify the procedures for single fathers to register their children, in order to ensure that all children are registered at birth;
- (c) To take all measures necessary to identify unregistered births, including by establishing monitoring mechanisms;
- (d) To conduct awareness-raising campaigns on the importance of birth registration.

#### **Right to an identity**

23. The Committee urges the State party to prohibit the “baby box” initiative, which is operated by religious organizations and which allows for the anonymous abandonment of children, and to consider introducing, as a last resort, the possibility of confidential hospital births.

#### **Freedom of expression, association and peaceful assembly**

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

#### **Right to privacy**

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

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

#### **Violence, including corporal punishment**

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

- (a) The high prevalence of child abuse, including through online violence and violence in schools;
- (b) The high incidence of repeated child abuse in the family without effective measures to prevent reoffending;
- (c) The fact that corporal punishment is still legal in certain settings;
- (d) The underreporting of child abuse;

- (e) The shortage of reliable data on child abuse;
- (f) The absence of a comprehensive policy and strategy to address all forms of violence and abuse against children;
- (g) The shortage of local child protection agencies, shelters, counsellors, psychologists and lawyers specialized in child abuse;
- (h) The shortage of specialized support, including shelters, for migrant children and children with disabilities who are victims of abuse.

27. **With reference to its general comments No. 13 (2011) on the right of the child to freedom from all forms of violence and No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, as well as target 16.2 of the Sustainable Development Goals on ending abuse, exploitation, trafficking and all forms of violence against and torture of children, the Committee recommends that the State party:**

- (a) **Establish a national database on all cases of violence and abuse against all children and undertake a comprehensive assessment of their extent, causes and nature;**
- (b) **Formulate a comprehensive strategy and an action plan for preventing, combating and monitoring all forms of violence and abuse against children, including online violence;**
- (c) **Explicitly prohibit corporal punishment, including “indirect corporal punishment” and “disciplinary punishment”, in law and in practice, in all settings and in all areas of the State party;**
- (d) **Intensify awareness-raising and education programmes on all forms of violence and abuse; promote non-violent communication and conflict mediation in schools and positive, non-violent and participatory forms of child-rearing; and encourage the reporting of violence and abuse;**
- (e) **Train professionals concerned to identify and adequately respond to cases of violence and child abuse, including psychological abuse, taking into account a gender perspective, and establish reporting guidelines;**
- (f) **Ensure that cases of violence and child abuse are investigated and appropriately addressed;**
- (g) **Ensure the development of programmes and policies for the prevention, recovery and social reintegration of child victims of abuse, including by further increasing the number of local child protection agencies and shelters, counsellors, clinical psychologists and lawyers dealing with child abuse cases, by providing free legal representatives for child victims and by ensuring that migrant children and children with disabilities have access to shelters;**
- (h) **Allocate adequate human, financial and technical resources for implementing the above-mentioned recommendations and reducing regional disparities.**

#### **Sexual exploitation and abuse**

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

- (a) That sexual violence and abuse remain prevalent and that there has been a surge in online child prostitution and grooming and in sexual harassment by teachers;
- (b) That children who are 13 years old and over are presumed to be able to consent and are not protected from sexual exploitation and abuse;

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

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

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

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

(b) **To define and criminalize online grooming;**

(c) **To increase the minimum age of consent for engaging in sexual activities;**

(d) **To ensure that all children, in other words all persons under the age of 18, who are engaged in prostitution and sexual abuse (“children involved”) are not treated as offenders but as victims, including by referring to them as “victims” in the legislation, abolishing the “protective dispositions”, providing affected children with support services and legal aid and ensuring their access to justice, including compensation and redress;**

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

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

**Harmful practices**

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

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

**Family environment**

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

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

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

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

(d) **Promote and ensure access to and the enforcement of child support payments and also ensure that sanctions for non-compliance do not compromise the best interests of the child;**



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

#### **Children deprived of a family environment**

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

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

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

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

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

#### **Adoption**

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

(a) Ensure that the child's best interests are the paramount consideration in the adoption procedures for children of all ages and that single mothers' free consent is mandatory for the release of their children for adoption;

(b) Conduct large-scale public campaigns to combat prejudice against single mothers and promote a positive image of adoption;

(c) Take the measures necessary to avoid unnecessary delays in procedures and to ensure that adoption agencies operate in a transparent manner and that their activities are duly regulated;

(d) Strengthen post-adoption monitoring and services, including in cases of dissolved adoptions;

(e) Ensure that adopted children are informed of their right to seek and have appropriate access to information on their biological parents;

(f) Consider ratifying the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption and enact the draft act on intercountry adoption.

#### **Illicit transfer and non-return**

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

#### **Children of incarcerated parents**

35. The Committee recommends that the State party adopt a policy to protect the children of incarcerated parents and the visitation rights of these children. Children

staying in prison with their parents should have their rights, including the rights to education and health, guaranteed and their needs fully covered.

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

##### **Children with disabilities**

36. The Committee notes the adoption of a comprehensive plan for people with disabilities and the increase in education professionals, in training and in the budget allocated to meeting the needs of children with disabilities. With reference to its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party:

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

##### **Health and health-care services**

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

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

##### **Mental health**

38. While noting the measures taken to counter child suicide, the Committee takes note of target 3.4 of the Sustainable Development Goals on promoting mental health and well-being and reiterates that the State party should continuously strengthen its efforts to improve children's mental well-being, including by focusing on preventing suicides and their root causes.

##### **Adolescent health**

39. Recalling its general comments No. 4 (2003) on adolescent health and development in the context of the Convention and No. 20 (2016) on the implementation of the rights of the child during adolescence, as well as target 2.2 of the Sustainable Development Goals on ending all forms of malnutrition, target 3.5 of the Goals on strengthening the prevention and treatment of substance abuse,

including narcotic drug abuse and harmful use of alcohol, and target 5.6 of the Goals on ensuring universal access to sexual and reproductive health and reproductive rights, the Committee recalls its previous recommendations concerning the prevention of obesity, smoking and drinking, including by imposing stricter regulations on alcohol advertising, increasing the number of smoke-free spaces, promoting sports and physical activities and encouraging children's participation in life-skills education on preventing substance abuse. Furthermore, it recommends that the State party:

(a) Strengthen its response to the problematic and excessive use of smartphones by targeting groups at risk and building the capacity of the Community Youth Safety Net to provide specific support and recovery services;

(b) Effectively addressing adolescent pregnancy, including by strengthening sexuality education at school, support services during pregnancy and childbirth and postnatal care, ensuring parenting support and promoting equally shared parenting.

#### **Standard of living**

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

(a) Ensure that all children, irrespective of nationality, have access to child benefits;

(b) Conduct a study on the status of children living in poverty and collect relevant statistics to inform, adopt and implement its master plan to support children in poverty with the aim of improving the standard of living of all children;

(c) Assess and effectively address housing poverty among children and the prevalence of part-time employment among children.

### **G. Education, leisure and cultural activities (arts. 28–31)**

#### **Education and the aims of education**

41. The Committee welcomes the adoption of the Special Act on the Promotion of the Normalization of Public Education and Regulation of Prior Learning, which aims to eradicate the practice of prior learning (i.e. the taking of private classes at the preschool level in preparation for school), the extension of the school admission quota for vulnerable groups of children, the introduction of the “free semester system” and the provision of support to out-of-school children. However, it remains deeply concerned about the excessive academic burden, accompanied by sleep deprivation and high levels of stress, which is a leading cause of suicide among children in the State party. It is also seriously concerned about the highly competitive education conditions, which virtually deprive children of their childhood, and also about:

(a) The ever-increasing reliance on private tuition, which is conditional on parents' income and starts in preschool;

(b) The limited access to education, the low levels of school integration and the higher school dropout rates for children from vulnerable and disadvantaged groups;

(c) The fact that the right to compulsory education is guaranteed to children of the Republic of Korea while refugee, migrant and undocumented children may not be admitted into school at the discretion of the school principal and about the limited access to school services for undocumented children;

(d) The dominance of special schools for children with disabilities, the dearth of educational opportunities and accommodations for children with disabilities and the strong stigma faced by children with disabilities;

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

(f) Educational disparities between rural and urban areas;

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

(h) The inadequacy of career counselling services, which do not take into account children's views, thereby increasing children's vulnerability to dropping out of school;

(i) The prevalence of bullying and discrimination in schools, including in relation to academic achievement;

(j) The severe lack of time and of free and safe facilities for leisure, play and physical exercise for children, which, coupled with social pressure to excel academically, contributes to smartphone overuse for recreation.

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

(a) **To reduce the reliance on private education, monitor the compliance of public and private schools with the Special Act on the Promotion of the Normalization of Public Education and Regulation of Prior Learning and impose sanctions in case of non-compliance;**

(b) **To review the Framework Act on Education to ensure compulsory education for all children regardless of their origin, place of residence, socioeconomic and migration status and registration as immigrants; strengthen the monitoring of the quotas issued under the Social Integration Admission System to prevent corruption and abuse; and intensify and promote educational support to children in vulnerable and disadvantaged situations, including socially and economically vulnerable children, rural children, out-of-school children, children with disabilities, migrant children, undocumented children, multicultural children and refugee children from the Democratic People's Republic of Korea, in order to facilitate and ensure their access to and integration in mainstream schools;**

(c) **To ensure the provision of inclusive education and reasonable accommodations to children with disabilities and promote a positive image of such children;**

(d) **To strengthen efforts to identify and effectively address the root causes of children dropping out of school and assess the magnitude of the phenomenon; take comprehensive and coordinated measures to ensure that all children are supported and remain in mainstream schools; and raise awareness about alternative classes and schools and ensure that all alternative schools are accredited and their diplomas are recognized;**

(e) **To reduce regional disparities, including by strengthening the training of teaching personnel, including by increasing the availability of such training, improving school infrastructure and increasing dedicated budgets;**

(f) **To provide age-appropriate sexual education, paying special attention to preventing adolescent pregnancies and HIV/AIDS and adequately covering sexual orientation and gender identity; and remove discriminatory and gender stereotypical language from the national standard on school sexual education;**

(g) **To strengthen and diversify career counselling and the free semester system, paying particular attention to out-of-school children, and ensure that children's views form the basis for their career choices;**

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

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

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

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

### Asylum-seeking, refugee and migrant children

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

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

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

(c) To remove all barriers, both legislative and practical, to ensure that all asylum-seeking, refugee and migrant children, including unaccompanied children and those with disabilities, have access to birth registration, childcare, education and related services, mental and physical health-care services, health insurance, financial and housing support, leisure, protection and support services in case of abuse on an equal basis with children who are nationals of the Republic of Korea;

(d) To adopt and implement an act on the rights of migrant children that is in compliance with the Convention, paying particular attention to the need to protect unaccompanied children;

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

(f) To strengthen the collection of data on migrant children, including undocumented children;

(g) To earmark a budget for refugee, asylum-seeking and migrant children.

### Economic exploitation, including child labour

44. The Committee welcomes the policy measures taken to improve the labour conditions of working children and business oversight. Considering the persistently high number of working children, the violations of their labour rights and the verbal abuse to which they are subjected, and taking note of target 8.7 of the Sustainable Development Goals on taking immediate and effective measures to eradicate forced

labour, end modern slavery and human trafficking, secure the prohibition and elimination of the worst forms of child labour and by 2025 end child labour in all its forms, the Committee reiterates that the State party should strengthen inspections and reporting about the effectiveness of the new measures by establishing mechanisms for accountability and rehabilitation.

#### **Sale, trafficking and abduction**

45. While welcoming the ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, the Committee notes that the State party reportedly remains a country of origin, transit and destination for child trafficking for the purpose of sexual exploitation, particularly through online recruitment. Again recalling target 8.7 of the Sustainable Development Goals, the Committee recommends that the State party:

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

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

(c) Ensure that cases involving the sale and abduction of and trafficking in children are effectively investigated and that perpetrators are prosecuted and sentenced to penalties commensurate with the gravity of the offences and establish an entity for coordinating anti-trafficking matters and teams charged with investigating cases of trafficking and prosecuting those responsible;

(d) Ensure that children who have been sold or trafficked are not treated as offenders or subjected to criminal sanctions and deportation and that they are never held in closed institutions;

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

#### **Administration of child justice**

46. The Committee welcomes the amendment to the Juvenile Act making it possible to count the period spent in a juvenile reformatory as part of the final sentence. However, it is concerned about:

(a) The existence of two parallel systems for processing and treating cases of children in conflict with the law;

(b) Proposals to lower the age of criminal responsibility to 13 years and that 10-year-old children can be detained under the Juvenile Act;

(c) Article 4 (1) (3) of the Juvenile Act, which provides for the detention of “crime-prone juveniles” in the absence of an actual offence;

(d) Reports of violations of children’s fair trial rights, including the non-involvement of guardians from the investigation onwards, the use of forced confessions, the lack of access to evidence and appeal, breaches of the presumption of innocence and the right to defend oneself, publicity of the trial and making conditional the right to legal assistance;

(e) Higher detention rates among children compared with adults;

(f) Inappropriate conditions of detention, including overcrowding and insufficient medical assistance, education, training, leisure and food, especially for girls; restrictions on communications, petitions and outdoor exercise; the absence of reasonable accommodations for children with minority backgrounds; and discrimination against lesbian, gay, bisexual, transgender and intersex children in detention;

- (g) Cases of children detained together with adults;
- (h) Unnecessary and compulsory DNA and HIV testing for child detainees; the isolation of child detainees with HIV; the imposition of compulsory body checks and haircuts on child detainees; and the continuous filming of sanitary facilities;
- (i) The overuse of discretionary disciplinary measures, such as solitary confinement, restrictions on family visits and remote disciplinary transfers;
- (j) Use of handcuffs, ropes and other devices, and the use of electric shocks, despite such use being prohibited by law;
- (k) The lack of non-custodial measures to prevent reoffending.

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

- (a) **Establish a system, with adequate resources, of specialized child justice courts for all cases involving children in contact with the law and ensure that specialized judges for children and professionals working with children in conflict with the law receive appropriate education and continuous training on the rights of the child;**
- (b) **Maintain the minimum age of criminal responsibility at 14 years and ensure that children below that age are not treated as offenders and are never placed in detention;**
- (c) **Ensure that fair trial guarantees are respected, in accordance with article 40 of the Convention, also ensure that the public is excluded from hearings for cases involving children and that children’s legal guardians participate in the proceedings from the very beginning, provide and promote confidential channels for reporting violations and establish guidelines for media outlets reporting on cases involving children;**
- (d) **Ensure, in law and in practice, the provision of qualified legal assistance to all children in conflict with the law from the investigation onwards and establish a system of legal aid;**
- (e) **Repeal article 4 (1) (3) of the Juvenile Act on “crime-prone juveniles”;**
- (f) **Establish a legal basis for diversion programmes and promote non-custodial sentences;**
- (g) **Establish clear grounds for detention in the Juvenile Act, use detention as a measure of last resort and for the shortest period of time, ensure that detention is reviewed on a regular basis with a view to its withdrawal, ensure that the period under the “protective disposition” and the period of “entrustment to the juvenile classification” are counted towards the final sentence, and establish and ensure the right to appeal an order of detention and the right to compensation for unlawful detention;**
- (h) **Ensure that detention conditions, including for temporary detentions, comply with international standards, including with regard to personal space, equally for boys and girls, access to food, education, physical and mental health services, exercise, leisure, communication with the family and complaints mechanisms; that children deprived of their liberty are held in facilities close to their place of residence; and that detention facilities, including child welfare institutions, undergo continuous monitoring;**
- (i) **Revise its legislation and take all effective measures to eliminate any possibility that a child is detained with adults;**
- (j) **Abolish the use of confinement and transfers as disciplinary measures and promote restorative measures instead;**
- (k) **Regulate the use of force and protective devices in relation to children and ensure that such use is limited to specific circumstances and that it is necessary and proportional;**

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

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

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

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

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

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

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

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

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

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

(a) Criminalize the recruitment in the armed forces or non-State armed groups and the involvement in hostilities of children under 18 years of age;

(b) Establish mechanisms for the early identification of asylum-seeking children from conflict areas, collect disaggregated data on such children and strengthen the physical and psychological support provided to them;

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

**I. Ratification of the Optional Protocol on a communications procedure**

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

**J. Ratification of international human rights instruments**

51. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, consider ratifying the International



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Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

**K. Cooperation with regional bodies**

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

**IV. Implementation and reporting**

**A. Follow-up and dissemination**

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

**B. Next report**

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

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

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