



# Convention on the Rights of the Child

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Committee on the Rights of the Child

## Combined fifth and sixth periodic reports submitted by the Republic of Korea under article 44 of the Convention, due in 2017<sup>\*, \*\*</sup>

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\* The present document is being issued without formal editing.

\*\* The annexes to the present report are on file with the secretariat and are available for consultation.  
They may also be accessed from the web page of the Committee on the Rights of the Child.

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## Foreword

1. In the past six years, the Republic of Korea (hereinafter, the Government), acknowledging the UN Convention and the recommendations of the Committee on the Rights of the Child, has strived to promote the rights of children. The 5th and 6th periodic report of the Government, collaboratively prepared by the Ministry of Health and Welfare (hereinafter, MOHW) and other relevant agencies, documents the overall progress in the fields of child and youth policy and children's rights from 2012 to 2017.

2. In the process of producing the report, feedbacks and advices were sought from the experts on child and youth, child and youth facility employees, and NGOs, and the National Human Rights Commission of Korea (hereinafter, NHRCK) and the Child Policy Coordination Committee provided a final review. Following the submission of the report, the Government, together with the private sectors, will continuously and actively further its legislative and administrative efforts to comply with the Convention's terms, paving the way for children's rights and best interests.

## I. General measures of implementation

### A. Reserved Provisions

#### **CRC/C/KOR/CO/3-4, Recommendations 8–9**

##### *Authorisation-based adoption*

3. To implement Art. 21 para. (a) of the Convention, the Government revised the Act on Special Cases Concerning Adoption in August 2011, under which both domestic and intercountry adoptions are subject to court authorisation. In addition, a new provision on permission from the family court concerning the adoption of minors was established in the Civil Act in February 2012. In July 2013, the Government introduced in Family Litigation Act a procedure for permission for adoption, requiring the Family Court to hear the opinion from a prospective foster child where the prospective foster child is at least 13 years of age. Upon refurbishing the adoption system, the Government ratified Art. 21 para. (a) of the Convention, which it had reserved at the time of its accession to the Convention, and finalised the procedures to withdraw the reservation in August 2017.

##### *Right to Appeal*

4. Under the provisions in the Constitution of the Republic of Korea (Military Trials Under Extraordinary Martial Law) and the Military Court Act (Provision of Special Cases in Time of War of Emergency), the single-trial system applies to certain crimes, such as espionage, supply of harmful foods and beverages, and criminal acts against sentinel and prisoners of war; hence, the Government has reserved Art. 40 para. 2 (b) (v) of the Convention. However, with the 1987 amendment to the Constitution, the Government guaranteed the right to appeal against a death sentence, and the Military Court Act also has provisions to allow competent officers to re-examine single-trial cases under extraordinary martial law to mitigate punishment or exempt execution, minimising possible disadvantages caused by the restriction of the right to appeal. Meanwhile, in view of the opinions that withdrawal of the reservation to Art. 40 para. 2(b) (v) of the Convention would be acceptable given the current security situations and the range of draft age, and the government has plans to consider procedures to withdraw its reservation of the Convention.

## **B. Responsibility of State parties**

### **1. Legislative measures**

#### **Recommendations 10–11**

##### *Establishment and amendment of legislation for the implementation of the convention*

5. The Government has established a number of child-related laws and regulations in order to implement the Convention: the Act on Prevention of Child Poverty, Support of Children, etc. (July 2011), intended to strengthen social security support systems for children in poverty; the School Physical Education Promotion Act (January 2012) to ensure the healthy development of children and juveniles by vitalising physical education in school; the Refugee Act (February 2012) to serve as Asia's first independent legislation on support for refugees; the Act on Special Cases Concerning the Punishment, etc. of Child Abuse Crimes (January 2014) to provide judicial intervention for domestic child abuse; the Special Act on the Promotion of the Normalisation of Public Education and the Regulation of Prior Learning (March 2014) to strengthen public educational conditions in school by regulating prior learning; the Act on Enforcing and Supporting Child Support Payment (March 2014) to maintain and guarantee a stable standard of living for children in divorced-parent families; and the Act on the Support for Out-of-School Juveniles (May 2014) to introduce a comprehensive support system for juveniles out of school. In addition, a number of amendments have been made to existing laws representing the Government's efforts to strengthen the rights of children and juveniles (see Table I-2).

6. The Constitution of the Republic of Korea clearly provides "Treaties duly concluded and promulgated under the Constitution and the generally recognised rules of international law shall have the same effect as the domestic laws of the Republic of Korea", but in practice, the Convention is rarely invoked in court ruling. Since 2015, the Government has been conducting studies to identify concrete measures to ensure that the provisions of the Convention are applicable to judicial decisions.

##### *Law on support for vulnerable juveniles*

7. The Government amended the Single Parent Family Support Act in 2011 and 2014 to establish legal grounds to protect juvenile single parents' right to learn and support their independence. It enabled offering juvenile single parents education expenses, allowing them to complete qualification courses at commissioned education institutions, offering financial support to help juvenile single parents accumulate assets for their independence in, for example, housing, and giving priority to juvenile single parents' requests for admission to housing welfare facilities for single parent families.

8. In relation to abortion, the Criminal Act contains provisions on the prohibition of abortion and punishment thereof, and the Mother and Child Health Act has an exception provision, where abortion is allowed in the case of pregnancy by rape or quasi-rape. However, in many cases, unwed pregnant juveniles, do not meet the exception criteria and even if they became pregnant by sexual assault, they would be reluctant to let their parents know and thus seek unofficial routes for abortion, leaving themselves at risk or possibly abandoning their new-borns or being forced to give them up for adoption. Social debate is underway on that the pregnancy of minors who are socially and financially vulnerable should be included in the scope of legal abortion recognised under the Mother and Child Health Act.

### **2. Policy coordination**

#### **Recommendations 12–13**

9. To strengthen the roles of the Child Policy Coordination Committee, including establishing comprehensive child policies, coordinating the opinions among relevant ministries, and implementing child-related international treaties and evaluating their implementation, the Government reorganised the committee in May 2013, with the prime

minister as its chair and 10 ministers as ex officio members and 10 civilian members. The expertise of the Child Policy Working Committee was further strengthened by appointing civilian members in the areas of child welfare, human rights, and health. Amending legislation, securing budget and organisation are needed to strengthen the roles of the Child Policy Coordination Committee. In this context, the necessity for establishing a standing secretariat or hiring professionals in the Child Policy Working Committee in order to ensure the continuity and expertise of the Convention-related work, such as holding committee meetings on a regular basis, ensuring professionalism, and constantly setting the agenda has been raised as an opinion.

10. Child policy concerns all areas of the lives of children. Therefore, cooperation and coordination among ministries is important. The Government has certain issues adopted as part of the national agenda to be reviewed and orchestrated through various forms of committees-committees organised by the Prime Minister's Office, Social Ministerial Meeting chaired by the deputy prime minister, and meetings chaired by relevant ministers and deputy ministers (Table I-3).

### **3. National action plan**

#### **Recommendations 14–15**

11. The MOHW established the first Master Plan for Child Policy (2015–2019) in May 2015. With this plan, the Government developed 158 policy tasks from the perspectives of the implementation of the Convention and the best interests of the child. The Ministry of Gender Equality and Family (hereinafter, MOGEF) develops five-year Master Plan for Nurturing Juveniles based on the Framework Act on Juveniles and is currently implementing the fifth Master Plan for Youth Policy (2013–2017). The Ministry of Justice (hereinafter, MOJ) is working on the preparation for the establishment of the third National Action Plans for the Promotion and Protection of Human Rights (2017–2021). In this regard, in September 2016, the NHRCK submitted to the Government the recommendations on the third National Action Plans for the Promotion and Protection of Human Rights to establish basic systems to guarantee the human rights of all children and juveniles and expand the human rights protection system for children and juveniles in vulnerable classes.

### **4. Independent monitoring**

#### **Recommendations 7, 16–17**

12. In July 2014, the NHRCK formed the Child and Youth Rights Team and installed the Child Right Committee, consisting of three human rights commissioners, in the NHRCK in April 2016 to conduct independent monitoring of child and youth rights. The roles in the NHRCK include: providing recommendations for policy improvements through field monitoring, investigation and relief of child rights infringement cases; conducting relevant studies and surveys; and monitoring the operation of the Human Right Protector Group that directly engages children and juveniles. In February 2017, the NHRCK strengthened the function by up-scaling the Team for Child and Youth Rights into the Division for Child and Youth Rights and increased the budgets for child rights monitoring projects.

### **5. Allocation of resources**

#### **Recommendations 18–19**

##### *Strategic budgeting for children in vulnerable classes*

13. The Government is running the Dream Start project, with which it provides poverty-affected children and families in vulnerable classes with comprehensive services tailored to their childcare environments and development state. The project was launched in 131 local governments in 2011 and expanded in 2015 to all 229 local governments in the country. The Dream Start project's budget increased by approximately 80% from KRW 37.2 billion

in 2011 to KRW 66.8 billion in 2016, and the number of children benefited increased from 44,651 to 134,853 in the same period (Table I-4).

14. Community Child Centres provide community care services for children who are left alone after school. The number of Community Child Centres funded by the Government has increased from 3,260 in 2011 to 4,054 in 2016. The number of children cared for by the Community Child Centres has increased from 105,000 in 2011 to 107,000 in 2016, and the budget has increased by approximately 47% from KRW 96.3 billion in 2011 to KRW 141.4 billion in 2016 (Table I-5).

#### *Child-related budget*

15. The childcare, family, and women-related budget for childcare subsidies for infants and preschool children and the Child Care Support Project has increased by approximately 130% from KRW 2.5109 trillion in 2011 to KRW 5.7654 trillion in 2016 (Table I-6). Education-related budget, for example, running afterschool care programmes in primary schools, vitalising afterschool education and physical activities in school, strengthening career and vocational education, and school violence prevention, increased by approximately 21% from KRW 3.5786 trillion in 2011 to KRW 4.3445 trillion in 2016 (Table I-7). To realise the rights of children and juveniles, the Government is investing state funds in the fields of childcare, health, welfare, education, culture, etc., but the amount of relevant budget remains at 3% compared to the nation's GDP (Table I-8). The Government is striving to increase such budget from a perspective to improve the rights of children and juveniles and expand investment for the future.

#### *Impact assessment and child involvement in budgeting*

16. The Government conducts surveys on the effectiveness of and satisfaction with child welfare projects (Dream Start, Community Child Centres, etc.) annually to vitalise these initiatives. In 2016, the Government amended the Child Welfare Act to establish legal grounds for the implementation of the Child Impact Assessment System (enforced in March 2019), under which it plans to develop Child Impact Assessment indicators to see if a child policy is in accordance with the principle of the best interests of the child.

17. The Government makes efforts to assign budgets to the relevant ministries for policy tasks proposed by children and juveniles every year through the Korean General Assembly on Children and the Special Commission on Youth. Local governments have organised Child and Youth Assemblies and Participation Committees that involve juveniles, allowing children and juveniles to make suggestions in relation to policies and budgets relevant to them. Some local governments implement the Child and Youth Participatory Budgeting, under which budgets are assigned to agenda proposed by children and juveniles.

## **6. Data collection**

### **Recommendations 20–21**

18. Pursuant to the Statistics Act, the Government produces state-approved statistics such as the Population and Housing Census, Population Projections and Household Projections, the Cause of Death Statistics, and the Vital Statistics of Immigrants. These national statistics allow for collecting data on ethnic structure, gender, age, region, and social backgrounds. Statistics Korea (hereinafter, KOSTAT) is currently analysing the indicator system to produce statistical data required for the systematic implementation of the Sustainable Development Goals (SDGs). It is planning to develop statistics on children in poverty to comprehend the size and household characteristics of children in poverty who are exposed to blind spots of the social security net.

19. Under the Child Welfare Act, the MOHW conducts the Comprehensive Survey on Conditions of Children every five years with the aim of having a comprehensive understanding of the status of childcare and living environment, development, health, and safety. Under the Framework Act on Juveniles, the MOGEF conducts the Comprehensive Survey on Status of Youths every three years to identify matters concerning juveniles' awareness, attitudes, and lives and reflect the results in policymaking. In order to develop

education policies, the Ministry of Education (hereinafter, MOE) conducts surveys of all preschool, primary, and secondary education institutions on school, student, staff, and facility status. In addition, pursuant to the Act on the Prevention of and Countermeasures against Violence in Schools established in 2012, the MOE conducts annual surveys of all schools on violence in school.

20. Since 2009, the Government has conducted Survey on the Rights of Children and Youth. Surveys to follow the growth and development of children and juveniles in the long term include the Panel Study on Korean Children, the Korean Children and Youth Panel Survey, the Multicultural Adolescents Panel Study, the Panel Study on School Dropouts, and the Longitudinal Study of North Korean Migrant Youth's Education.

## **7. Dissemination, raising awareness, and training**

### **Recommendations 22–23**

#### *Vitalisation of child rights education*

21. The MOE included human rights education in the 10 cross-curricular themes of the 2015 National Curriculum, having human rights education programmes be incorporated and taught throughout the educational activities in both subjects and creative experience activities. In 2012, the NHRCK recommended that the Government promote policies to create a “human-rights-friendly school culture”. It has been promoting human rights education in schools by encouraging the development of human rights-friendly textbooks by monitoring anti-human-rights elements in textbooks and running the Student Human Right Education Council. In 2017, it aims to build environments to institutionalise child rights education by, among others, enacting the Human Right Education Support Act. It conducts human rights education for public officials involved in child- and juvenile-related work in each ministry (Tables I-9 ~ I-11).

#### *Strengthening the promotion of the Convention*

22. To increase awareness of the Convention, the MOHW produced and disseminated the 3rd and 4th Periodic Report to the UN Committee on the Rights of the Child and Recommendations in 2011. In 2016, it announced the Child Right Charter in reflection of the Convention, and disseminated a promotional video (Table I-12). In 2015, it produced posters and booklets for the promotion of the Convention and disseminated them to schools and child-related institutions across the country, and in 2016 it made posters pertaining to infants and disseminated them to kindergartens and childcare centres nationwide (Table I-13).

23. The MOGEF, in cooperation with the Youth Hope Centre, holds annual human rights debates and forums to understand the actual juvenile rights and identify policy tasks, raising social awareness of child and juvenile rights.

24. The NHRCK conducts a range of activities to promote the Convention, including developing and disseminating human rights materials and circulating press releases. It provides policy recommendations to the Government for the improvement of the rights of children and juveniles and reports them to media, thereby raising social interest (Table I-14). In 2016, to improve the public understanding of the Convention, the NHRCK translated and published in Korean the General Comments adopted by the UN Committee on the Rights of the Child in 2016.

## **8. International cooperation**

### **Recommendations 24–25**

#### *International cooperation through ODA*

25. In 2010, the Government established the Framework Act on International Development Cooperation, under which it developed and is implementing the second Basic Plans for International Development Cooperation (2016–2020). The Act provides that

improving the rights of the child as a basic idea of international development cooperation. The Korea International Cooperation Agency (KOICA) declared its four cross-cutting issues in 2013, which are environment, gender, poverty, and human rights, and developed the KOICA human rights strategy (2013–2015). In 2015, the GNI-to-ODA ratio was 0.14%, which fell short of the goal of 0.25% specified in the first Basic Plans for International Development Cooperation, due to worsening domestic and international economic conditions. In this background, the second Basic Plans for International Development Cooperation aims to increase the GNI-to-ODA ratio to 0.20% by 2020.

26. The Government presented the plan of “Better Life for Girls” at the United Nations Sustainable Development Summit in September 2015. Under the plan, a total of USD 200 million will be donated over five years as grant-type aid through the KOICA to improve the educational, health, and future capabilities of girls in developing countries.

## 9. Child rights and the business sector

### Recommendations 26–27

27. The Government organises briefings on child-labour-related laws and international labour standards for companies doing business overseas and develops and disseminates labour management guidebooks. In 2016, five Global Sustainable Management Forums were held with the aim of making businesses recognise their social responsibility including respect for child rights. The Government is promoting and educating on the OECD Guidelines for Multinational Enterprises in order to prevent human rights infringement that may occur in the course of multinational business activities.

28. The NHRCK developed and disseminated the Human Right Management Guidelines and Checklists in 2014, which included the prohibition of child labour, and recommended that 117 public institutions apply these guidelines. In 2016, it made recommendations in the National Action Plan on Business and Human Rights to highlight businesses’ responsibility to respect human rights, and the Government is collecting opinions from experts in relevant fields and government ministries to incorporate the recommendations in national human rights policy.

## II. Definition of the child

### A. Definition of the child under the domestic law

29. The existing legal system employs various terminologies and age criteria depending on the purpose of the legislation and substance of the policy. The Child Welfare Act is commonly and generally referred to in defining a child. The Act defines, as in the Convention, a child as a person under 18 years of age.

30. The Government is making efforts to develop and improve legal and institutional measures to ensure to the maximum extent that children are guaranteed the rights as provided in the Convention. The age at which one is considered a legal adult has been declining worldwide due in part to the increasingly early maturity of children and changing socioeconomic environments. The Government amended the Civil Act in March 2011 to lower the age of legal adulthood from 20 to 19. In 2017, a proposal to amend the Public Official Election Act by lowering the voting age to 18 will be brought to the National Assembly for deliberation.

31. “Juvenile” is the term and concept used interchangeably with the term “child”. Framework Act on Juveniles defines “juvenile” as “a person older than 9 years of age but younger than 24 years of age”. In the Civil Act, the term “minor” is used as the contrary concept to adult, with the age norm of 19 years. Age regulations relating to the definition of the child vary in criteria and scope depending on individual laws (Table II-1). In dictionaries and generally accepted notions, “children” primarily refer to those who are supposedly enrolled in primary schools (6–12 years old) and “juveniles” to those who are supposedly enrolled in secondary schools (13–18 years old).

32. The varying age criteria under the current child-related legislations can be seen from the perspective that children are offered opportunities to benefit from policy services depending on the various purposes of the laws, rather than being obstacles to the realisation of the rights of the child. Efforts are underway to identify appropriate age criteria by objectifying the abilities and capabilities of children and juveniles in relation to their development stages, rather than uniformly unifying the terms and age criteria. The law clearly provides that children express their opinions on matters that affect them, depending on their age and maturity, and the central and local governments reflect these opinions in their judicial and administrative decisions. Cases where a united age criterion is required to some extent to promote child policy efficiently will be discussed by consulting among relevant ministries and collecting opinions from experts.

### **III. General principles**

#### **A. Non-discrimination**

##### **Establishment of the non-discrimination law**

##### **Recommendations 28, 29a**

33. The Constitution prohibits discrimination in all forms, and the NHRCK Act provides that discriminatory behaviours shall be subject to investigation. In 2006, the NHRCK recommended that the Government establish a comprehensive anti-discrimination law, and in 2007, the MOJ submitted a bill for the Anti-discrimination Act under which any discriminatory behaviours to specific groups and individuals on the grounds of gender, disability, race, etc., would be prohibited. The bill, however, failed to be enacted due to varying opinions from different social groups in relation to the grounds of anti-discrimination. The NHRCK expressed in its view on the need to establish a general and comprehensive anti-discrimination law in 2011, and bills for an anti-discrimination act were introduced multiple times by assembly members during the 19th National Assembly (2012–2016), but these proposals did not make it to enactment. The MOJ is holding discussions with and collecting opinions from civic organisations to reach social consent, and is prudently considering pursuing the establishment of an anti-discrimination act in accordance with domestic laws that prohibit discrimination.

##### **Non-discriminatory measures for children in vulnerable classes and minority groups**

##### **Recommendation 29b**

34. The number of multicultural families increased by 80% from 154,333 in 2005 to 278,036 in 2015. The Government develops the Basic Plans for Multicultural Family Policy every five years under the Multicultural Families Support Act, implementing various policies to support growth and development of children in multicultural families. Pursuant to the Framework Act on Treatment of Foreigners Residing in the Republic of Korea, the state and municipalities take actions to prevent discrimination against foreigners residing in Korea and their children and advocate for their human rights, including education and promotion programmes. Under the Act, the Government established and is implementing the second Basic Plans for Foreigner Policy (2013–2017). Policy tasks set under the plans include establishing environments for the healthy growth of children with immigrant backgrounds, institutionalising respect for immigrants' human rights and non-discrimination, and expanding social tolerance for various cultures. In 2014, the Act on the Protection and Promotion of Cultural Diversity was established as the grounds for policies to improve acceptability of various cultures.

35. In order to guarantee a level playing field for children from vulnerable families and to prevent them from inheriting poverty, the Government launched the Dream Start project in 2007, with which it has worked to prevent stigmatization and discrimination against children in vulnerable classes and children in receipt of social care benefits. In addition, the Government is strengthening support for Community Child Centres to protect and educate

children in local communities, provide a healthy play culture, and nurture children in a healthy manner through connections between their guardians and local communities.

36. A survey of sexual-minority juveniles, age 13–18, conducted by the NHRCK in 2014, revealed cases where students were asked to submit to their school the names of their homosexual peers, same-sex relationships were prohibited at school, or students of sexual minority were sanctioned by school authorities or bullied by their fellow students. Current policies concerning sexual-minority juveniles leave much to be desired, calling for a thorough examination of, and measures against, discriminations that are being practiced against those young people.

### **Guaranteeing the right of juvenile single mothers to education and supporting childcare in families**

#### **Recommendation 29c**

37. Under the Single-Parent Family Support Act, the Government implements a range of policies to support juvenile single parents including subsidies with which to prepare for high school qualification examination, high school tuition fees, and self-reliance promotion subsidies and guarantees their right to education through commissioned education schemes. In 2017, exclusive facilities for juvenile single parents will be open, where juvenile single parents will be able to raise their children while studying and preparing for self-reliance.

38. In 2013, the MOE conducted an inspection to protect single-parent students' right to education with the aim of preventing cases where they are subject to unfair treatment such as expulsion, transfer, or recommended withdrawal from school or where their right to education is infringed upon because of their pregnancy or childbirth. In March 2017, the MOE and the MOGEF developed the Teachers' Manual for Counselling Single-Parent Juveniles and disseminated it to schools in order to improve the teachers' understanding of single-parent juveniles.

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

### **Recommendations 30–31**

#### *Child suicide*

39. According to the 2013 Comprehensive Study on the Status of Children, 3.6% of children aged between 9 and 17 answered they had seriously considered killing themselves in the previous 12 months, 25.9% of whom said they had actually attempted suicide. The Cause of Death Statistics published by KOSTAT shows that 4.2 out of 100,000 juveniles aged 10–19 killed themselves, compared to traffic accident mortality rate of 3.3. The number of people aged 10–19 who killed themselves decreased from 5.5 per 100,000 people in 2011 to 4.2 in 2015 (Table III-1).

40. The Government established the Act for the Prevention of Suicide and the Creation of Culture of Respect for Life in 2012 to clarify the state's responsibility for suicide and preventive policies. The MOHW promotes suicide prevention campaigns, runs the Korea Suicide Prevention Centre, and implements mental health projects for children and juveniles. The MOGEF is working on Community Youth Safety-Net, running the Youth Companion Programme, the Youth Call 1388 helpline, and cyber counselling centres for juveniles. The MOE has implemented projects on the prevention of student suicide, conducted the emotional and behavioural characteristics test, also running research institutes specialised in student mental health policy and promoting the Wee Project.

#### *Child safety*

41. Triggered by the Sewol Ferry tragedy on 16 April 2014, the Government strengthened safety measures for child and juvenile activities. In 2014, it amended the Juvenile Activity Promotion Act to improve the safety of juvenile experience activities by introducing a juvenile training activity reporting and authentication system. In 2016,

compulsory safety education for staff of youth training facilities was legislated. In April 2015, the Government established the Youth Work Safety Management Centre as a special institution responsible for preventing safety failure in youth work and offering relevant education, ensuring systematic response, and efficiently promoting and managing legal requirements.

42. In 2015, 225 children aged 14 and under died in safety failure incidents, including traffic accidents, drowning, and falls (Table III-2). In April 2016, the Government announced the Comprehensive Measures for Child Safety jointly developed by relevant ministries, aiming to reduce the number of mortalities per 100,000 children to the level of advanced countries, two people or fewer, by 2020 by preventing child casualties such as traffic accidents and drowning.

43. To ensure the safety of products used by and for children, the Government established the Special Act on Safety of Product for Children in June 2014. In 2016, the Government amended the Act to ban the intermediation of child products without safety certification. To ensure children's traffic safety, it increased the number of Child Safety Zones from 13,207 in 2010 to 15,799 in 2014.

44. In November 2014, the Government developed Comprehensive Safety Measures in Education intended to improve respect for life and awareness of safety through school education and strengthen safety in school activities and school facilities. In 2015, the Government developed standards for seven key areas of safety education in school tailored to children's development stages (preschool, elementary, middle, and high school ages). The seven key areas are safety in life, safety in traffic, safety from violence and danger, safety from drug and Internet addiction, safety in disasters, safety at work, and first aid. In December 2015, the Government developed the Basic Plans on the Prevention of Safety Failure in School (2016–2018) with the goal of “zero increase” in the occurrence of safety failures in schools.

45. In 2005, the Government established the Act on the Protection and Support of Missing Children, etc. to prevent the occurrence of missing children, ensure their early finding and return, and assist in their post-return adaption to society. In August 2011, legal grounds were established for an alert system for missing and kidnapped children (AMBER Alert) system and a unified system of reporting of missing children to the Korean National Police Agency (hereinafter, KNPA). In July 2014, the Government specified the size and types of facilities used by unspecified persons that are subject to regulations to spot missing children early and developed guidelines for their early finding.

#### *Support for out-of-school juveniles*

46. In May 2014, the Government established the Act on the Support for Out-of-School Juveniles and developed in May 2015 Measures to Support Out-of-School Juveniles with the aim of helping them keep from disengaging from their learning and strengthen their self-reliance. In 2016, 202 Out-of-School Juvenile Support Centres (K-Dream Centres) are in operation, offering counselling, education, vocational experience, employment and self-reliance programmes for out-of-school juveniles. The Government gives priority to out-of-school juveniles as beneficiaries of special support for juveniles at risk, who are eligible for living allowances, health coverage, costs to prepare for the high school qualification examination, and free health examinations.

## **C. Best interests of the child**

### **Recommendations 32–33**

47. In implementing policies on children and juveniles, the Government gives the highest priority to the best interests of the child with a view to implementing the Convention. The Child Welfare Act provides, “In all activities concerning children, the interest of children shall be considered preferentially”. In March 2016, the Government established a new provision on the Child Impact Assessment in the Child Welfare Act to analyse and assess the impact of child-related policies on child welfare and incorporate the

results in child-related policies. Some local governments have already launched the Child Impact Assessment by establishing relevant ordinances to realise the rights of the child and make their local communities child friendly.

48. The Government developed legal grounds in the Child Welfare Act that the views of children shall be respected when they are admitted to foster care, child welfare facilities, or child treatment facilities for special treatment or care or they are adopted. To ensure that child-related policies guarantee the best interests of the child, the Government encourages children and juveniles to be actively involved in the establishment and implementation of policies through various agencies (the Korean General Assembly on Children, the Special Commission on Youth, the Youth Participation Committee, the Youth Steering Committee, etc.).

49. The provisions on special cases concerning prescription of public prosecution, decisions on measures for protection of victimised children or juveniles, considerations in investigation procedures and judicial proceedings, sitting with persons in fiduciary relationship, special cases concerning the appointment of a lawyer for a victimised child, juvenile, etc., and requests for measures for victimised children, juveniles, etc., in the Act on the Protection of Children and Juveniles against Sexual Abuse are disciplined based on the best interests of the child. A full amendment bill of the Family Litigation Act proposed by the MOJ in 2017 clarifies the protection of welfare and interests of minor children as the purpose of the act.

50. The NHRCK considers the rights in the Convention including the principle of the best interests of the child in its activities and decisions in relation to child rights. From 2011 to 2016, the NHRCK made 28 recommendations on petitions against the infringement of the rights of children and juveniles and published 30 policy recommendations.

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

### **Recommendations 34–35**

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

51. Under the Elementary and Secondary Education Act, heads of schools shall undergo due formalities, such as giving the relevant student or his/her guardian an opportunity to state his/her opinions. Additionally, any student or his/her guardian who has an objection to expulsion from school as a disciplinary action may file an application for re-examination thereof with the relevant city or provincial Mediation Committee of Disciplinary Punishment on Students. The Government amended the Enforcement Decree of the Elementary and Secondary Education Act in 2011 to provide procedures to collect opinions from students, their guardians, and teaching staff when establishing and revising school rules. In 2013, a school rules operation manual was published, which outlines procedures to incorporate students' views through student organisations, and in 2014 professional training programmes were organised for school life guidance teachers in elementary and secondary schools across the country to improve their understanding of students' involvement in establishing and amending school rules.

52. Under the Enforcement Decree of the Elementary and Secondary Education Act, School Governance Committees that are the deliberation and advisory body for school operation may listen to students' opinions when they deliberate matters relating to the students' activities in school. The students' involvement is, however, not a mandatory requirement. Student human rights ordinances established by some local education offices have set an institutional guarantee of student participation in the school steering committee to promote students' right to participation, and students' opinions are reflected in important decisions relating to school life.

#### *Guaranteeing the right of children and juveniles to participation*

53. The Government has held the Korean General Assembly on Children annually since 2004, and resolutions made by children themselves are delivered to corresponding

ministries to incorporate them into relevant policies. In 2016, the Act on the Prevention of and Compensation for Accidents at School was amended based on the resolution from children, requiring that facility safety experts recommended by parents and the School Governance Committee shall participate in school facility safety inspections (Table III-4).

54. To strengthen the right of juveniles to express their views, the Government amended the Framework Act on Juveniles in 2012 to include new provisions on the basic rights of the juvenile, including the right to express their views and make decisions, and the right to participate in decision-making that concerns them. In addition, a new provision was developed to require the state and local governments to engage juveniles and listen to juveniles' opinions when they develop juvenile-related policies.

55. Since 2004, the Government has held the Special Commission on Youth annually, where juveniles suggest policy tasks. In the past 12 years, the Special Commission on Youth proposed 440 policy tasks, and 89.1% of them, or 392 policy tasks, have been partly incorporated into the juvenile related policy. The Youth Participation Committee through which juveniles can talk about their views on policy to local governments and the Youth Steering Committee through which they can participate in the operation of local youth facilities have been held since 1998 and 1999, respectively.

*Respect for the views of the child in judiciary*

56. The Government is revising case-handling procedures and rules to ensure that the procedural rights of the child are strengthened and their best interests are given priority in child-related cases, in consideration of the age and maturity of the child. In 2014, the Enforcement Rule of the Act on the Treatment of Protected Juveniles, etc. was amended to include a new provision to provide the child with sufficient opportunities to state when investigating his/her behaviours subject to disciplinary actions; the Treatment Review Committee questions whether the child has been given opportunities to state.

57. A full amendment bill of the Family Litigation Act prepared by the Government in March 2017 recognises the litigation capacity of the child in principle and requires that the opinions of all children be heard, including those under 13, rather than those who are 13 or older as in the existing provision. It also intends to introduce a litigation procedure assistance system to give children appropriate help. If the bill passes the Parliament, it will substantially guarantee the litigation capacity of children and the right to express their views in family litigation, etc.

*Education to guarantee respect for the views of the child and the right to participation and impact assessment*

58. Education on the right of the child and juvenile to participation is conducted as part of human rights education (see Chap. I, para. 21). The Government uses the results of the survey on children and youth as basic information on the extent to which the views of the child are considered and how much influence child policies have on children. The Government has probed the effectiveness of juvenile-participatory activities through studies of juvenile-participatory institutions, which revealed that juveniles had opportunities to grow as democratic citizens through participatory activities and the effectiveness of juvenile policies has been improved by incorporating policy suggestions from juveniles. The legal grounds for the implementation of the Child Policy Impact Assessment, established in 2016, will create conditions for systematic understanding of the impact of child policies and child participation.

## **IV. Civil rights and freedoms**

### **A. Acquisition of nationality and registration of the birth**

#### **Recommendations 36–37**

59. In the Republic of Korea, nationality is acquired based on paternal and maternal lineage and the principle of personal jurisdiction under the Nationality Act. Accordingly, a

child born in the Republic of Korea to foreign parents is birth registered pursuant to the laws of the country of either parent. Even if a child's father or mother is an unregistered immigrant, the child can be birth registered pursuant to the laws in the parents' nations. In the case of children of refugees, those who applied for refugee status, or those who are granted a humanitarian residence permit, which are people who are unable to have their children registered with their nations' diplomatic offices, alien registration for their children can be done with a doctor-issued birth certificate attached.

60. In May 2016, the Government amended the Act on the Registration, etc. of Family Relationships to allow a prosecutor or head of the local government to do birth registration if the obligator of the child's birth registration fails to do so in a specific period, resulting in the welfare of the child being at risk. However, under the current system, it is not possible to identify children whose birth registration was intentionally omitted and, hence, are outside the public protection system. This poses the necessity for a universal birth registration system, for example, where medical institutions that issue birth certificates are required to report births of children using computer networks. In this context, in 2017 the Supreme Court of Korea and the Ministry of the Interior and Safety (MOIS) are jointly working to enable online birth registration by interconnecting the Supreme Court's electronic family register system, the Minwon 24 system (the Government's civil service portal), and the networks of hospitals where babies are born.

## **B. Freedom of thought, conscience, and religion**

### **Recommendations 38–39**

61. Under the Constitution that guarantees freedom of thought, conscience, and religion, primary and secondary schools, including private schools, shall not insist that students attend specific religious events. Under the revised National Curriculum of 2015, schools are required to organise multiple classes when opening religious classes so that students are given choices. The extent to which freedom of thoughts is guaranteed in schools and society is increasing (Table IV-1).

62. For students who cannot or refuse to take specific foods for religious or health-related reasons, the Government ensures that nutritional imbalance is avoided through individual management, nutritional consultation, education, and provision of alternative foods. In addition, families are informed of school meals menu beforehand so that they can decide whether or not to apply for school meals.

## **C. Freedom of expression, association, and assembly**

### **Recommendations 40–41**

63. The basic rights of the child, including freedom of expression, association, and assembly, are guaranteed under the Constitution, the Framework Act on Education, and the Elementary and Secondary Education Act. Pursuant to the Elementary and Secondary Education Act, schools can collect opinions from students, teachers, and guardians and make school rules that provide matters on the operation of schools and students' school life within the scope of legislation. Therefore, in principle, schools are not allowed to make rules that limit students' right to freedom guaranteed by law, including their right to participation in politics. The Government consults city and provincial education offices to ensure that the rights of students are not unfairly infringed upon in any case. In particular, regions that have established Student Human Rights Ordinances, which are Gyeonggi-do (2010), Gwangju (2011), Seoul (2012), and Jeollabuk-do (2013), are reviewing school rules to check for provisions that may limit students' political and social involvement.

## **D. Freedom of privacy and protection of personal information**

64. Children's freedom of privacy is guaranteed under the Constitution and the Framework Act on Education, among others. In addition, Student Human Rights

Ordinances expressly provide that students' privacy will not be infringed upon and they will be free from unfair interference. Therefore, schools are not allowed to inspect students' possessions without individual consent unless there is an urgent need to do so for safety. Nor are they allowed to arbitrarily read or handle students' private records, including diaries. In addition, information on individual students' school records, disciplinary actions taken against them, and their educational expenses shall not be disclosed.

65. Together the NHRCK and the Journalists Association of Korea developed both Regulations on Press Coverage of Human Rights (2011) and Detailed Recommendations on Press Coverage of Sexual crimes (2012). This is to, by abiding by them, prevent children's defamation and secondary damage that may be caused by children's personal information being revealed in press coverage relating to child abuse and child-related crimes, social issues, and patronage.

## **E. Access to information**

66. The Government produced and disseminated three types of Master Plan for Child Policy for children, which are easy-to-understand versions of the first Master Plan for Child Policy (2015–2019) established in 2015.

67. Most schools have a library, and the number of books per student in these library collections is continuously increasing (Table IV-4). The number of children's libraries is also on the rise, increasing from 78 in 2011 to 89 in 2015 (Table IV-5). The Government's initiatives under the second Comprehensive Plan for Library Development (2014–2018) include placing human resources and expanding job training for the provision of professional services for children in public libraries, and expanding school library facilities and collections.

68. In 2016, Korean teenagers used the Internet on average 15.4 hours a week, and 93.9% of them used the Internet once or more every day. Most teenagers use the mobile Internet (96.0%) and smartphones (95.9%), taking advantage of the Internet as an important tool for recreation and communication (Tables IV-7 ~ IV-9). The Government is developing and implementing various media education and Internet-based participatory programmes to help juveniles have multifaceted experience in social involvement and develop their capabilities through the Internet.

69. Amid rapid changes in media environments, the Government is strengthening education for healthy access to, and use of, information by children and juveniles and social surveillance systems against harmful media environments. It is also taking proactive actions including accusing violations of Juvenile Protection Act and requesting review of media materials harmful to juveniles (Tables IV-10, IV-11). Pursuant to the Enforcement Decree of the Act on Promotion of Information and Communications Network Utilization and Information Protection, etc. and the Act on the Promotion of Newspapers, etc., the Government requires Internet service providers and newspaper companies to designate a juvenile protection officer who is responsible for blocking and controlling information harmful to children and juveniles. In 2016, only 39.4% of Internet newspapers had juvenile protection officers in place, highlighting the need for further measures to improve the effectiveness of the policy.

## **V. Violence against children**

### **A. Corporal punishment**

#### **Establishing and amending legislations relating to corporal punishment**

##### **Recommendations 7, 42, 43a**

70. The Government amended the Enforcement Decree of the Elementary and Secondary Education Act in 2011 to prohibit methods that inflict physical pain on a student's body using punishment tools and body parts. Disciplinary and admonitory

methods for students are determined in school rules in consideration of the opinions of school members. The Government also encourages city and provincial education offices and schools, depending on their circumstances, to decide on whether to execute alternative disciplinary methods and ways to do so, ensuring that disciplinary methods other than corporal punishment are not indirect corporal punishment.

71. In 2014, the Government amended the Act on Special Cases Concerning the Punishment, etc. of Child Abuse Crimes to provide punishment for the crimes of child abuse and special cases of procedures thereof, procedures to protect victimised children, and protective disposition against child abusers. Under the Act, legal grounds were established for punishing child abusers, strengthening the obligations to report child abuse, limiting unreasonable execution of parental rights, and police accompaniment in response to child abuse reports. These led to a change in people's awareness that corporal punishment can be considered child abuse.

72. In 2015, the Government amended the Child Welfare Act to include a provision that the guardians of children shall not put children in physical pain or in psychological pain by using abusive language. In addition, the Infant Care Act was amended to establish a new provision that no infant care teachers or staff shall inflict physical or psychological pain, by yelling or using verbal abuse, on infants. In 2016, provisions on the obligation to guarantee the rights of the infant and the prohibition of corporal punishment were established in the Early Childhood Education Act.

### **Public education campaigns to change attitudes towards corporal punishment**

#### **Recommendation 43b**

73. In 2016, the Government established Measures to Prevent Child Abuse and Plans to Vitalise Parent Education to Prevent Child Abuse and Improve Family Relationships. The Government is strengthening parent education to prevent child abuse and foster the recognition of corporal punishment as a harmful disciplinary practice. In 2015, approximately 180,000 people attended parent education programmes offered by Health Family Support Centres, and 580,000 people attended itinerant parent education programmes offered by Parents Service Centres. The MOE runs a parent counselling week at the beginning of each school semester to provide guidance and counselling in relation to child abuse, and in 2016, the ministry disseminated promotional materials on the correct methods of childcare in connection with school-violence-prevention education.

74. The Government develops and disseminates various parent education materials. It launched Parents On-Nuri website in 2013, which offers 16 online education courses including Dinner Table Education by Parents. This accompanied the development of five types of online education contents including a child education book (2013) based on the development stages and characteristics of children and a guidebook (2014) on parent education materials. It also offers parent education to college students who are parents-to-be, and 15,133 people took 173 liberal arts education courses relating to parent education offered at 76 universities and 9,937 people took 84 classes at 36 junior colleges in the second semester in 2016.

75. The Government designated an Intensive Promotion Period for Report on Child Abuse and conducted relevant campaigns to ensure that permissive attitudes towards corporal punishment do not lead to child abuse. To raise social awareness of child abuse and prevent domestic violence, every year November 19 is designated as Child Abuse Precaution Day and the first day of Child Abuse Precaution Week. In addition, Article 4–7 of the Act on the Prevention of Domestic Violence and Protection, etc. of Victims was established to run the Domestic Violence Eradication Week.

76. The Government amended the Child Welfare Act in 2011 to establish legal grounds to produce and transmit promotional videos on the prevention of child abuse and enlighten offenders. Accordingly, the Government uses SNS, TV, radio, and other mass media to transmit public campaigns that highlight the importance of preventing child abuse and the severity of damages. The MOGEF had domestic violence prevention videos aired on terrestrial broadcasting channels 1,777 times in 2016.

### **Encouraging alternative disciplinary methods**

77. The Government prohibited corporal punishment in childcare centres, kindergartens, and schools and is making efforts to develop positive, non-violent disciplinary methods as alternatives to corporal punishment. Local governments and local education offices have a range of guidance programmes that do not rely on corporal punishment.

78. The Central Childcare Support Centre produces educational materials for child abuse prevention and offers online education courses for those working in childcare centres. The Seoul Metropolitan Office of Education established Basic Plans to Make Schools Peaceful without Corporal Punishment in 2010 as follow-up measures of its Corporal Punishment Prohibition Policy. Under the basic plans, all forms of corporal punishment using tools, hands, and feet, for example, beating and chastising, are prohibited in all schools in Seoul. The plans also include alternative programmes to corporal punishment, for example, guidance in classrooms, guidance outside classrooms, school life scoring systems, students' autonomous court, and volunteering. The Gyeonggi Provincial Office of Education developed a Human-Rights-Friendly Student Guide Programme in 2013, which encourages a shift in student life guidance from guidance by teachers' unilateral control and pointing out students' problematic behaviours to counselling and conversation-oriented guidance.

### **Systems to report cases of corporal punishment against students**

#### **Recommendation 43c**

79. There are institutional measures by which student victims of corporal punishment can file a report. If corporal punishment occurs, the victim can file a petition for human rights infringement with the NHRCK or report it on the e-People online petition portal of the Anti-Corruption and Civil Rights Commission. The victim can also file a petition with a city or provincial education office or pursue redemption of rights through the student human rights defence officer under the Student Human Rights Ordinance. The offender is subject to punishment under relevant laws, for example, the Criminal Act, the Child Welfare Act, and the Act on Special Cases Concerning the Punishment, etc. of Child Abuse Crimes. If corporal punishment occurs in a school, the school manager handles the situation and takes measures to protect the affected students. If a teacher repeatedly or seriously beats a student, the school manager is required to report the case to the education office, and the school may be brought to a special inspection or audit.

## **B. Violence against children including child abuse and neglect**

### **Strengthening legal obligations of child abuse reporters and expanding protective measures for reporters**

#### **Recommendation 45a**

80. The Government has a child abuse report obligor system in place to detect child abuse cases early. The Government amended the Child Welfare Act in 2011 to apply stricter obligations to report such cases and strengthen security protection for reporters. In 2014, the Act on Special Cases Concerning the Punishment, etc. of Child Abuse Crimes was established, under which teaching staff, social service officials, and other people involved in work where they can easily spot a child abuse case are obliged to report. In May 2016, the act was amended to include new job categories in the report obligors, such as those who work in Integrated Support Centres for Victims of Sexual Assault, Childcare Support Centres, and adoption institutions. Currently, 24 job categories are designated as report obligors. The number of reports received from these obligors has increased from 3,706 in 2013 to 8,302 in 2016 (Table V-2). In addition, following an amendment to the Child Welfare Act in 2015, those held responsible for child abuse report are required to receive and report their completion of the education programme on child abuse reporting. In 2016, 63,666 institutions among 63,669 institutions obliged to report child abuse completed the education (Table V-3).

81. Fines are imposed if a child abuse obligor fails to report. The fines were increased from KRW 3 million to KRW 5 million in 2014. The number of cases where fines were imposed on the violation of the child abuse report obligation increased from 2 in 2013 to 20 in 2016.

82. In May 2016, the Act on Special Cases Concerning the Punishment, etc. of Child Abuse Crimes was amended to include a new provision that helps ensure those reporting child abuse crimes do not get disadvantageous treatments. Under the act, public officials, assistants, and witness intermediaries in court that are responsible or involved in the investigation of child abuse cases or the inspection, examination, or enforcement of child protection cases shall not disclose any secrets they come to know in the course of performing their duties, and newspaper editors and publishers shall not publish in publications or cover in broadcasting media the abusers and affected children related to child protection cases.

### **Increasing specialised child protection agencies and expanding relevant infrastructure**

#### **Recommendation 45b**

83. The Government is expanding facilities and infrastructure for the protection of children affected by child abuse. In 2015, since the shift of the financial responsibility for local specialised child protection agencies from local governments to the central government, the number of these institutions has increased from 43 in 2011 to 60 in 2017 (Table V-4).

84. The number of shelters for abused children has increased from 36 in 2014 to 54 in 2017 (Table V-4). In 2015, of the 3,110 children who were separated from their parents due to abuse, 830 children used these shelters. The Government is making efforts to further increase shelters for abused children so that they can be protected in safe environments.

85. The Government is deploying professional clinical psychotherapists to protect children affected by abuse and strengthen counselling and education for abusers. Following the budget increase for child abuse prevention in 2015, all specialised child protection agencies became able to have one or two clinical psychotherapists. The number of psychotherapists working in specialised child protection agencies has increased from 190 in 2014 to 315 in 2015. In May 2016, counsellors in local specialised child protection agencies increased from 15 to 17 per institution.

86. In 2014, the Government integrated child abuse report calls with the 112 emergency call centre, thereby offering 24/7 reporting and counselling, as well as connections to immediate investigation and emergency intervention. The number of child abuse reports is increasing, owing to multifaceted promotional activities and campaigns for child abuse prevention. The number of reports of alleged child abuse increased from 8,325 in 2011 to 25,873 in 2016, and the number of cases identified as actual child abuse among them increased from 6,058 in 2011 to 18,573 in 2016 (Table V-5).

### **Establishing systems to inspect and investigate child abuse**

#### **Recommendations 44–45**

87. Following the establishment of a joint mobilisation system between the police and the specialised child protection agency in 2014, the number of cases where police officers accompanied increased from 552 in 2013 to 11,915 in 2015. The most common final measure for affected children is protection in their own home with family function recovery support, followed by protection by relatives (Table V-6).

88. The MOJ established Guidelines on the Treatment of Child Abuse Cases and Relief Aid in 2014. To handle child abuse cases strictly, the ministry actively considers taking child abusers into custody even if they are first offenders. In 2016, the ministry made Measures to Rationalise Child Abuse Case Treatment Standards to strengthen punishment against child abusers, for example, applying aggravated punishment depending on the substance of crimes. In addition, it has a specialised investigation system to respond to child abuse, where dedicated prosecutors for woman- and child-related cases are designated

in all prosecutor offices across the country that take exclusive charge of all aspects of those cases.

89. Specialised child protection agencies conduct field inspections and take measures against abusers in consideration of the children affected, the abusers, living environments, etc., for example, counselling and follow-up monitoring, accusation and charging, hospital treatment, and referrals to other institutions. The incidence of child abusers being brought to legal action is rapidly increasing since the enforcement of the Act on Special Cases Concerning the Punishment, etc. of Child Abuse Crimes (Table V-7).

### **Developing comprehensive national strategies to abolish all violence against the child**

#### **Recommendations 46a, 46b**

90. The Government has developed comprehensive national strategies against violence.: the Comprehensive Measures for Elimination of Violence in School and the Measures for Elimination of Sexual Violence against Children and Women (2012); the Comprehensive Measures for Prevention of Sexual Violence; the Comprehensive Measures for Prevention of Domestic Violence (2013); the Comprehensive Measures for Prevention of Child Abuse and Early Detection and for Protection of Affected Children (2014); and the Measures for Prevention of Child Abuse (2016), under which various tasks are ongoing based on cooperation between relevant government ministries. In late 2015, the MOHW, the MOE, and the KNPA jointly launched a home visit programme, where they visit homes of children who are absent from school for a substantial period of time or do not attend health check-ups to prevent and early detect child abuse. Beginning in the second half of 2017, a pilot operation of the e-Child Happiness Support System is underway, where big data is used to predict and identify children at risk.

91. In addition to case management by specialised child protection agencies (reports received, field inspections, determination on cases, follow-up, etc.), information on child abuse is also managed by the KNPA (112 call), the Safety Call Service (119 call), the Health and Welfare Call Centre (129 call), and medical institutions. The Government revamped the national information system on child abuse in 2015 to ensure efficient information interconnection and management between relevant agencies.

### **Cooperation with international organisations and NGOs relating to violence against children**

#### **Recommendation 46c**

92. In relation to violence against children, the Government is cooperating with international organisations including the UNICEF, the UNESCO, and the ILO, as well as Special procedures of the United Nations Human Rights Council. In addition, at the 69th United Nations General Assembly, Korea served as a co-contributor to UN Resolution: Protecting children from bullying (A/RES/69/158).

## **VI. Family environment and alternative care**

### **A. Family environment, responsibility of parents, support for parents, and childcare service**

93. The Government supports parents to raise their children in an optimal environment. In 2013, the Government expanded the scope of free childcare and education to infants in all classes who attend childcare centres and kindergartens under the Infant Care Act and the Early Childhood Education Act. Also, the Government's child homecare allowance for children who do not use childcare facilities was extended from poor and near-poor families to all families.

94. To support working women's childcare needs, the Government reduced working hours during childcare periods, and implemented flexible working-hour systems, increased

child care support for working parents, and expanded childcare leaves under the Equal Employment Opportunity and Work-Family Balance Assistance Act. Also increased were childcare leave benefits and return-to-work support for employers. In 2014, the “Fathers’ Month” scheme was introduced to promote men’s childcare leaves by raising childcare leave pays, and the resulting number of men in childcare leave was 7,616 in 2016, a 56.3% increase from the previous year.

95. For child protection and childcare support, the Government offers various services. The Childcare Support Centres (93 centres in 2016) offers childcare information, parent education, and childcare-related book and toy rental services. Parents Service Centres across the country provide consultation, education and leadership programmes and support parents’ associations to help parents foster increased understanding of their children. The Health Family Support Centres provide services to strengthen family functions and improve family relationships, for example, education, counselling, childcare, and family cultural programmes (151 centres in 2016).

96. Under the Single-Parent Family Support Act, the Government pays child support to low-income single-parent and grandparent-grandchild families. Single-parent families whose income is less than 52% of the median income are offered livelihood expenses and child support. In addition, juvenile single-parent households whose income is less than 60% of the median income with the parent being younger than 24 years of age are offered KRW 170,000 in monthly child support per child and learning expenses for the high school education qualification exam for the parent.

## **B. Right to live with parents, and support for children deprived of their family environment**

### **Recommendations 47, 48c–48d**

97. The Government amended the Family Litigation Rules in 2013 and lowered the age of the child — from 15 and over to 13 and over to — express his/her opinion on the appointment of the person with parental authority, child custody, and visitation rights. In addition, visitation centres were installed in the Seoul Family Court and Gwangju Family Court in 2015 and in the Incheon Family Court in 2016 to ensure that the visitation rights for children from divorced families are guaranteed. The Family Court imposes fines of no more than KRW 10 million on those who do not follow visitation enforcement orders.

98. The Government helps children facing difficult situations such as family dissolution and poverty return to their original homes by supporting their original homes and making appropriate interventions in relation to parental authority while they are raised in alternative care systems. In 2012, the Government launched treatment and rehabilitation support projects in child welfare facilities whereby it supports the recovery of family relationships to help children under protection in facilities return to their original homes. In 2013, it included in the child welfare facility evaluation indicators efforts to maintain relationships between children under facility-based care and their original families (Table VI-I). The Government amended the Child Welfare Act in 2016, clearly providing that if a child is separated from his/her home for protection, support shall be provided to ensure the child’s swift return home.

99. The Government allows for facilitated naturalisation for a person who is raising or will need to raise a minor child who was born to him/her and his/her married partner who is a Korean national and satisfies specific requirements. In addition, for under-aged children of marriage immigrants, special naturalisation is allowed by which they can apply for naturalisation at the time of their mothers’ or fathers’ application for naturalisation.

100. If it is deemed that a child cannot be cared for at home or that it is in the best interest of the child to separate him/her from his/her parents, the Government offers a range of protective measures under the Child Welfare Act, including foster cares and child welfare facilities (Tables VI-2 ~ VI-5). In order to realise the principle of the best interest of the child in measures for children requiring protection, the Government will actively increase foster cares and support them.

101. The Government treats children under surrogate rearing or in foster homes and child welfare facilities (child-rearing facilities and group homes) as eligible for National Basic Livelihood Security benefits and supports them with accident insurance and health care expenses. To help children under the protection stand on their own over time, these care facilities run developmental milestone-based self-reliance preparation programmes for children as soon as they are admitted to facilities and provide them self-reliance subsidies when they leave the facility or protection in foster homes ends as they reach 18 years of age.

### **C. Recovery of maintenance for the child**

102. The Government has actively sought to promote children's right to child care allowance by introducing the order for direct payment of child support (directly taking child support from the child support obligor's salary and paying the obligee) and the order for offer of security (requiring the obligor to offer significant security). Under the Family Litigation Act, the Family Court may order enforcement of child support payment if either parent who is liable for child support does not perform his/her duty. If he/she does not follow the order, a fine will be imposed, and non-performance three times or more may bring him/her to detention. To strengthen the performance of parents' child support payment, the Government is considering amending the Family Litigation Act to change the condition for detention from three times of non-performance (usually three months) to 30 days or shorter.

103. To ensure that fathers or mothers who raise minor children get the child support they need, the Government established the Act on Enforcing and Supporting Child Support Payment in March 2014, under which the Child Support Agency was installed to take responsibility for child-support-related counselling, and litigation support to request child support and enforcement of payment. In addition, the Child Support Agency offers Emergency Support for Temporary Child Support whereby obligees may apply for emergency child support with the head of the Child Support Agency for up to nine months, where the welfare of the child is likely to be endangered because the obligor for child support fails to perform his/her obligation for child support.

### **D. Regular review of measures for protection and care**

#### **Recommendations 48a–48b**

104. The Government requires individuals working in alternative care facilities to take child rights education and checks whether they meet this requirement, and has included in its evaluation of child welfare facilities the extent to which the facility head makes effort to protect child rights. Total inspections of human rights infringement cases in child welfare facilities were conducted in 2014 and 2017, and an online education course for child abuse prevention was launched for individuals working in those facilities.

105. In 2016, the Government amended the Child Welfare Act to require the heads of local governments to annually inspect if children protected in facilities are well cared for. In 2017, the Manual for Child Right Protection in Child Welfare Facilities was produced and disseminated, under which each facility is required to appoint an external person as a human rights protection officer and have him/her conduct on-site inspections at least twice a month. In addition, since 2013, self-evaluations and field evaluations are required to be conducted every three years in child-rearing facilities and group homes for children, and regular monitoring activities are taken to eliminate local communities' negative perception of those facilities, improve the transparency of facility operation, and promote the interests and rights of the child.

106. As for deliberations on the protection and placement of children, the Child Welfare Act provides that city and provincial governments and other local-level authorities shall have Child Welfare Deliberation Committees in place. The Government encouraged local governments to operate the committees by including the establishment of Child Welfare Deliberation Committees in local government evaluation indicators (Table VI-6). The Government will develop alternatives to situations where such a committee is not organised,

for example, making decisions on protective measures at an advisory meeting consisting of child welfare experts.

## **E. Adoption**

### **Recommendations 49–50**

107. In 2011, the Government fully amended the Act on Special Cases Concerning the Promotion and Procedure of Adoption into the Act on Special Cases Concerning Adoption, strengthening state management of adoption (Tables VI-7, VI-8). The Government signed The Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption in 2013 and developed the bill of the Act on Intercountry Adoption which intended for the implementation of the convention. Currently, the Government is preparing for the enactment of the act and undergoing local procedures to ratify the Hague Convention.

108. Since 2012, the Government has run an Adoption Deliberation System with the aim of preventing the biological parents from letting their children be adopted without sufficient consideration of their child rearing, under which biological parents' consent to adoption may be obtained only after one week from the date of the child's birth. It served as momentum for decreases in adoption of unmarried mothers' children (Table VI-9).

109. The Government amended the Act on Special Cases Concerning Adoption to establish legal grounds to listen to juvenile unmarried mothers' opinions in the course of the Family Court's authorisation for adoption and guarantee the right to withdraw consent to adoption. In order to deter forced adoption, the amended Single-Parent Family Support Act of 2011 prevents operators of adoption agencies from running unmarried mother-and-child family welfare facilities that offer support for basic living. The Government allows adoption with the child's consent as the requirement, if the child to be adopted is aged 13 or older. However, given that most of the children being adopted are aged 0–3 and, hence, unable to express their views, it plans to identify ways to ensure that the best interest of the child is taken into consideration in the adoption process.

110. The Government installed the Korea Adoption Services (KAS) in 2012, which is responsible for the promotion of domestic adoption and follow-up management of adoption. KAS runs an integrated database to find adopted children's family information and biological families, offers comprehensive counselling for domestic and intercountry adoptions, monitors illicit adoption, and supports exchange activities regarding intercountry adoption. KAS has staffers who speak foreign languages such as English, French, and Danish in place for effective communications with intercountry adoptees.

111. Under the Adoption Information Disclosure System, adopted children are entitled with the right to request disclosure of information relating to them. An adopted child or his/her legal proxy can request information on his/her biological parents. Although the biological parents' personal details may be disclosed only with their consent, their age at the time of adoption, the reason for adoption and residence are subject to mandatory disclosure.

## **F. Illicit transfer and non-return of children abroad**

112. Dissolution of multicultural families may not only hinder the health development of children but also cause complicated problems with relevant countries under international law. In this context, in December 2012 the Government acceded to the Convention on the Civil Aspects of International Child Abduction that aims at the prompt return of children wrongfully removed to or retained in any contracting state by persons without parental authority. To underpin the implementation of this convention in Korea, the Act on the Implementation of the Hague Child Abduction Convention was established and enforced in 2013.

113. The gist of the Convention on the Civil Aspects of International Child Abduction is to return children promptly to their original country and guarantee the right of access to the

child. However, foreign women who marry Korean men are mostly from China (excluding Hong Kong and Macao) (50.0%), Vietnam (27.1%), and the Philippines (5.7%), and none of them are contracting parties to the convention. Such a situation hinders taking measures to prevent child abduction.

### **G. Protective measures of children of parents under detention and children living with their mother in prison**

114. Under the Administration and Treatment of Correctional Institution Inmates Act, the Government allows for two to three months of parole if a female inmate is about to give birth so that she can give birth and recover out of prison. In addition, if a female inmate who gave birth applies to care for her child in prison, she may be allowed to raise her child for up to 18 months after birth (Table VI-14). Postnatal inmates are exempted from correctional work and are allowed to focus on childcare in childcare rooms.

115. The Government, through the Health Family Support Centres, provides Family Love Camp programmes, family counselling, and education to inmates in the 52 correctional institutions nationwide and their families (Table VI-15). In addition, all correctional institutions offer emergency support services to inmates' families at risk beginning in October 2016. It is intended to relieve families of inmates from the feeling of social isolation and help them restore and sustain family relationships.

## **VII. Disability, basic health and welfare**

### **A. Children with disabilities**

#### **Recommendations 51–52**

116. Under the Act on Special Education for the Disabled Persons, etc. established in 2008, persons eligible for special education are required to receive compulsory education from kindergarten (3 years of age) to high school, and free education is offered for children aged 0–2 and for education programmes beyond high school. The number of persons eligible for special education has increased from 82,665 in 2011 to 87,950 in 2016 (Table VII-1). The Government established the fourth Five-Year Plan for Special Education Development (2013–2017) under which it builds and expands special schools and special classes in order to improve educational environments for disabled children (Table VII-2).

117. To guarantee the right of disabled students to education, the Government has increased the numbers of special education teachers and special education assistants by 2,828 and 2,324, respectively, in the past six years (2011–2016). It also offers training programmes to improve the quality and expertise of teachers responsible for special education (Tables VII-3, VII-4). The Government has increased the budget for special education to improve and expand compulsory education for disabled students (Table VII-5).

118. On average, 70.4% of students with disability are receiving integrated education (2011–2016), and training programmes for teachers responsible for integrated education continue to increase (Table VII-6). To support disabled students' participation in integrated education, the Government has developed and disseminated various materials for example, teaching and learning materials for integrated and audio/video-aided textbooks that take into account the types and characteristics of disabilities those children have. The MOE requires schools at all levels to conduct education for all students on the characteristics of disability, etiquette, and formation of friendly relationships at least twice a year.

## B. Survival and development, healthcare service

### Recommendations 55–56

#### *Children's mental health promotion*

119. Under the School Health Act, the Government establishes and implements the student health promotion plans to improve students' physical and mental health. In 2015, the Government established the student suicide prevention measures, which included expanding cooperative models with local communities for students' mental health, strengthening training for teachers, conducting nationwide awareness-raising campaigns, and having student mental health experts visit schools.

120. The Government conducts student emotional and behavioural characteristics test every three years of 1st, 4th, 7th, and 10th graders. Based on the results, students requiring attention are offered counselling and treatment in cooperation with the Wee Centres and the Mental Health Promotion Centres. To guarantee the privacy right during the test process and strengthen the effectiveness of the system, the Government changed the survey to an online survey and enhanced customised follow-up management in connection with professional institutions in the local communities. In addition, to prevent students from being stigmatized for their emotional and behavioural problems, it offers public relation (PR) activities and education for parents and teachers so that negative perceptions of mental health can be changed.

121. The Government is expanding specialised centres for children (130 centres) within the Mental Health Promotion Centres (241 centres). The specialised centres for children's mental health are dedicated to preventing and detecting mental health problems early in children and juveniles, offering counselling and treatment support for high-risk groups.

122. In 2012, the Government installed the National Youth Healing Centre, a dormitory-type treatment facility for children and juveniles with emotional and behavioural disorders. The centre offers children and juveniles who are struggling with their emotions and behaviours comprehensive counselling, treatment, protection, self-reliance support, and education services, thereby helping them return to their daily lives and grow in a healthy way.

### Health and medical services

#### Recommendations 53–59

123. Under the Maternal and Child Health Project, the Government offers: pregnancy and childbirth support; health management for pregnant women, infants, and preschool children; support for the prevention of disabilities in premature babies and babies with congenital deformations; encouragement of breastfeeding; prevention of death and disability of infants and preschool children; maternal health promotion; and fertility support. Since 2012, all juvenile pregnant women who are 18 years of age or younger are offered pre-delivery check-ups and childbirth support of up to KRW 1,200,000 per person.

124. The Government supports testing of all newborns for hypothyroidism, congenital adrenal, and hyperplasia, among others, and babies with confirmed diagnosis of metabolic disorders are offered specially formulated dry milk, special diets (low-protein food), and medical expenses. The scope of the medical examination service was extended in 2012, and infants aged 4–71 months are offered, as they grow, 10 times of free medical examinations for growth disorders, development disorders, obesity, safety failure, hearing impairment, vision impairment, refractive disorders, cavities, etc. In 2013, the recipients of close examination support for development disorders were extended to the bottom 30% of the National Health Insurance subscribers in terms of their insurance premium rate.

125. The Government offers free vaccinations to children age 0–12, including unregistered immigrant children. The budget for the national vaccination support project whereby children are vaccinated for free increased from KRW 194.3 billion in 2015 to

KRW 210 billion in 2016, offering 16 types of vaccines including cervical cancer and infant influenza vaccines added that year.

126. Under the School Health Act, the Government offers students free health examinations. In 2016, it started offering free health examinations to out-of-school juveniles under the Juvenile Welfare Support Act.

127. The Government supports the establishment of children's hospitals. In 2016, five children's hospitals were in operation. It has also legislated the installation of emergency centres for children, and currently nine centres are preparing to open. In addition, as of 2017, 18 medical institutions have the Moonlight Children's Hospitals in place, which are dedicated to treating children with minor illnesses at night and on public holidays. In 2016, the Government designated seven public medical centres specialising in children with the aim of providing medical support for children who are not covered by private medical providers.

128. To enhance children's physical strength, the Government has physical education teachers in place in elementary schools and vitalises sports club activities in schools (Table VII-7). In addition, it operates the students' health and strength assessment system and the 7560+ campaign where it encourages schools to organise at least 60 minutes of physical activities, five days a week. To support low-income-class children's and juveniles' sport activities, the Government started the sports class voucher scheme in 2009, under which children aged 5–18 in families in receipt of Nation Basic Living Security benefits, near-poor families, and crime-affected families are offered vouchers to take sport lessons worth up to KRW 80,000 per month (Table VII-8).

129. For experience-oriented sex education in consideration of the characteristics of juveniles, the Government operates the Sexuality Education and Counselling Centres for Youth (58 centres as of 2016). The centres play pivotal roles in sex education in local communities in cooperation with schools and juvenile institutions. In 2011, the Government started operating sex education experience buses (mobile centres), which travel around non-urban villages and other regions that are vulnerable in terms of sex education. The Government offers integrated education on sex, sexual violence, domestic violence, sexual harassment, and prostitution prevention. In 2011, it introduced sexual rights education to all elementary, middle, and high school students (Table VII-9).

130. For systemised meal service hygiene and nutrition management for meal service providers to groups of fewer than 100 children, the Government has increased child meal service management support centres from 12 in 2011 to 207 in 2016. These centres inspect hygiene status in food service establishments, offer on-site hygiene and nutrition education, develop and disseminate menus and standard recipes.

131. Under the Special Act on Safety Management of Children's Dietary Lifestyle, the Government sets green food zones in the surrounding areas of schools beginning in 2009, bans the sale of low-nutrition, high-calorie, or high-caffeine food products in schools, and puts restrictions on TV commercials during prime times for children. In 2016, the Government established the third Comprehensive Plan for Children's Dietary Lifestyle Safety Management in 2016 (2016–2018) and is carrying out projects to strengthen food safety control and promote healthy eating habits.

## **C. Measures to prevent drug abuse**

### **Recommendations 57–59**

#### *Drinking and smoking prevention*

132. The Government conducts a comprehensive Survey on Youth Media Use and Harmful Environments every two years and Korea Youth Risk Behaviour Web-based Survey annually. As a result of continuous drinking and smoking prevention education in elementary and secondary schools in consideration of the results of the surveys, the smoking and drinking rates among juveniles are continuing to decrease (Table VII-10).

Under the School Health Act, the heads of schools are required to conduct health education for the prevention of drinking and smoking among students.

133. Tobacco production and selling are subject to comprehensive regulation under the National Health Promotion Act, the Tobacco Business Act, and the Juvenile Protection Act. These acts ban tobacco companies' advertisements, sponsorship, and sales promotions and require tobacco ingredient labelling and warning messages on packages. In addition, tobacco companies' marketing strategies are monitored, and people who look like minors are required to present their identification cards if they want to buy tobacco, and tobacco vending machines are required to have age verification devices. To help juveniles quit smoking, it runs stop smoking counselling calls (1544-9030), stop smoking clinics in public health centres, and an online stop smoking portal (stop smoking guide), among others. The Government continues implementing campaigns to prevent the harmful influence of drinking, and it is considering a legislative amendment to apply stricter regulations to alcohol commercials.

#### *Addiction prevention and management systems*

134. For the early detection of juvenile addiction to the Internet and smartphones, the Government conducts surveys on Internet and smartphone habits and offers customised counselling and treatment referral services depending on the level of addiction risk. It fostered peer group teachers and counsellors to provide professional counselling and developed materials for professional education. The Government is also conducting the "Log-Out, Family-In" campaign to diffuse healthy Internet and smartphone habits among juveniles. The Government has interlinked systems among relevant organisations: Community Addiction Management Centres (50 centres); Mental Health Promotion Centres (241 centres); Youth Counselling and Welfare Centres (208 centres); and the National Youth Internet Dream Village.

## **D. Childcare service, social security, and standard of living**

### **Recommendations 60–61**

#### *Childcare services*

135. The Government started free childcare for all infants and preschool children in 2013 and is continuing to expand national and public workplace childcare centres (Table VII-11). As part of its effort to foster a family-friendly social environment, the Government has implemented the "family-friendly" certification system for businesses and public agencies. The number of businesses certified as family-friendly has increased from 9 in 2008 to 1,828 in 2016. Meanwhile, the Government is planning to launch the Community Childcare services in 2017, whereby parents can use community child care resources at anytime, including when, for example, emergency child care needs arise especially among working parents.

#### *Legislation for support for children in poverty*

136. To support children in poverty, the Government enacted the National Basic Living Security Act (September 1999), the Juvenile Welfare Support Act (February 2004), and the Act on Enforcing and Supporting Child Support Payment (March 2014), and amended in part the Single-Parent Family Support Act (October 2007). In addition, pursuant to the Act on Prevention of Child Poverty, Support of Children, etc. (July 2011), the Government conducts surveys of living conditions of children in poverty and is working on developing five-year plans for assisting impoverished children in welfare, education, and culture.

137. The Government amended the Elementary and Secondary Education Act and provides low-income-class students with entrance fees, tuition fees, school meals, etc. In addition, it amended the Juvenile Welfare Support Act in 2014 to offer special support to low-income-class juveniles at risk. The areas of special support include living, learning, healthcare, vocational training, and juvenile activities, and KRW 843.5 billion was offered to approximately 900,000 eligible elementary, middle, and high school students in 2016.

*Support for children and juveniles at risk and in poverty*

138. The Government is implementing the Dream Start Project, an integrated and customised service for children in vulnerable classes, and afterschool care services for children and juveniles including the Afterschool programme (MOE), the Community Child Centres (MOHW), and the Youth Afterschool Academy (MOGEF). The Government has an interconnected afterschool service system of the central government's afterschool care service council and local afterschool care service councils so that no children are left in the blind spots. Launched in 2003, the educational welfare priority support project is running in 1,795 schools as of 2016.

139. In 2012, the Government amended the Juvenile Welfare Support Act and developed standards for the organisation and operation of the Community Youth Safety-Net (CYS-Net) that is intended to expand and substantialise integrated, organised social security networks for juveniles at risk (Table VII-12). The CYS-Net offers at-risk juveniles telephone counselling, rescue, protection, treatment, self-reliance, and learning services. The Government also runs the 1388 Juvenile Counselling Channel (telephone, text message, and online) to early detect at-risk juveniles, and the Youth Companion (YC) programme, a psychological and emotional support service where juvenile counsellors visit juveniles at high risk. In 2015, 1,044 YCs were active and 34,775 juveniles benefitted from the service.

140. In 2017, the Government increased the ceiling of matching fund for the Child Development Account (CDA), a project intended to help children in low-income classes build seed money, from KRW 30,000 to 40,000 per month. As of 2016, 70,417 children benefit from this project, and the project budget increased from KRW 3.3 billion in 2007 to KRW 17.3 billion in 2017 (Table VII-13).

141. Local governments provide meal support for the balanced nutrition of low-income-class children. Each local government operates the children's meal committee and the children's meal guardian system to guarantee the nutrition of children's meals outside the school, by which it specifies how the meals should be provided and their unit prices. In 2016, 332,865 children received meal support (Table VII-14).

## **VIII. Education, leisure and cultural activities**

### **A. Right to education**

#### **Recommendation 63d**

##### *Guarantee of educational opportunities*

142. Kindergarten attendance has increased significantly from 26.2% in 2000 to 50.7% in 2016, and elementary, middle, and high school attendance was over 90%, and tertiary school attendance was 69.8% in 2016. The number of students per teacher has been continuously decreasing: 13.3 persons in kindergartens, 14.6 in elementary schools, 13.3 in middle schools, and 12.9 in high schools in 2016. The number of students per class has also been decreasing: 19.7 persons in kindergartens, 22.4 in elementary schools, 27.4 in middle schools, and 29.3 in high schools (Tables VIII-1 ~ VIII-6). Public expenditure on primary and secondary education as a share of GDP in 2013 was 3.6%, which was 0.1%p lower than the OECD average of 3.7% (Table VIII-7). The Ministry of Education's budget accounted for 16.4% of the total government budget in 2016 and increased from 15.9% in 2015.

##### *Elimination of education gaps*

143. The Government announced the comprehensive measures for educational welfare in 2008 and has implemented policies to eliminate education gaps. However, it still finds that there are urgent needs to improve educational environments for students in vulnerable classes who are left in the blind spot of educational welfare. In this background, the Government announced the orientations and challenges in educational welfare policies in March 2017 and commenced policy support in earnest such as early preventing learning

deficiency during infancy, and reducing the burden of education costs for students from low-income families.

144. The Government extended the Social Integration Admission System, where schools are required to fill a certain proportion of their admission quota with students in vulnerable classes, to Meister high schools and general high schools in non-normalised areas in 2017. It also plans to continue to improve the tertiary education admission system with the aim of providing equal opportunities for students with disabilities, students from non-urban villages, students from low-income families, and working individuals who graduated from specialised high schools.

#### *Prevention of school dropouts*

145. To resolve the juvenile school dropout issue, the Government established the Plans for the Prevention of School Dropouts and Support for Out-of-School Juveniles (2013), and the Measures for Support for Out-of-School Juveniles (2015), among others, and has implemented various policies. By encouraging mature deliberation on dropping out of school, running alternative classes in schools, and expanding commissioned alternative education institutions, the Government is preventing school dropouts, establishing support systems for out-of-school juveniles, offering customised career guidance, and running the Centre for School Dropout Prevention and Alternative Education Support beginning in 2014.

146. To help children meet their various education needs, alternative schools (various schools and specialised middle and high schools) have been increasingly established, with their number rising from 42 in 2011 to 71 in 2016. Since 2016, the Government has supported the establishment of public alternative schools whose operation is commissioned to the private sector, and five schools are preparing to open. With these schools, the Government will ease students' study burden and run alternative-subject-oriented curricula such as career education and experience-oriented learning, thereby offering alternative education to students who are not interested in the regular curricula.

## **B. Aims of education**

### **Recommendations 7, 62–63b**

#### *Reducing private education expenses and normalising public education*

147. In 2016, the average monthly private education expenses among elementary, middle, and high school students were KRW 256,000 per person, marking a slight increase since 2011, while 67.8% of the students were taking private education, marking a continuous decrease since 2011 (Table VIII-8). To develop measures to substantialise public education by having the correct understanding of private education expenses, the Government has been conducting annual surveys on private education expenses among elementary, middle, and high school students since 2007.

148. To achieve the normalisation of school education and reduce private education expenses by eradicating the prevalent practice of prior learning, the Government established the Special Act on the Promotion of the Normalization of Public Education and Regulation of Prior Learning in September 2014 and established the measures for private education reduction and public education normalisation in December that year.

149. Under the revised National Curriculum of 2015, the Government increased Korean language class hours in elementary schools beginning in 2017 to restrain prior learning in early childhood education. It also conducts Prior Learning Impact Assessments, where the Government requires universities to prepare questions for admission tests within the scope and level of high school education, thereby ensuring the normalisation of public education.

150. The Government introduced the college admission officer system and a school-report-oriented screening system for college admission. These are intended to select students who have faithfully finished their education rather than relying on private education by selecting students in consideration of various characteristics and experiences,

for example, their school records, character, abilities, talents, and potential in addition to their admission test scores. However, some are raising concerns on the heavy burden of preparing for such admission processes and potential unfairness. In this context, the Government will develop improvement measures in the overall admission system level, for example, simplifying selection processes for college admission.

151. The Government has established legal grounds that city and provincial ordinances may impose regulations on extracurricular lesson tutors' tutoring time in consideration of its influence on school education and students' health. The Government also amended the Act on the Establishment and Operation of Private Teaching Institutes and Extracurricular Lessons, under which it keeps control over breaches of tutoring time. Beginning in 2017, it is restraining raises in private teaching tuitions, for example, requiring that private teaching institutes display tuitions on the outside of their premises and cracking down on violations.

152. The Government is vitalising Afterschool programmes and TV lectures on the Educational Broadcasting System (EBS) that have been found by private education expense surveys to be effective in reducing private education expenses. To improve the quality of the EBS lectures, the Government will strengthen in-depth and supplementary content and provide creative, convergent content for future education and establish measures to vitalise art and sport afterschool programmes in elementary schools given the increases in demands for private education in arts and sports.

#### *Strengthening career education and experience-oriented education*

153. In 2011, the Government developed the School Career Education Programme that enables systematic career education in schools. In 2013, the Government announced plans for the vitalisation of career education that are intended to realise customised career design support for individual students and established the Career Education Act in 2015 to build up career education support systems. In 2016, the free career experience institution accreditation system was introduced, under which 721 institutions have been accredited as of 2016 (Table VIII-9). In 2017, the National Career Education Centre was installed as the exclusively responsible national agency for career education support. In addition, career counselling teachers have been placed in middle and high schools nationwide, and career adaptability tests and counselling services are offered on the Career Net (career education portal).

154. To develop children's and juveniles' creativity and personality, the Government added "creative experience activities" to the 2009 revised National Curriculum and began arranging creative experience activities consisting of autonomous activities, club activities, volunteering, and career activities in all school grades in elementary, middle, and high schools beginning in 2013. City and provincial education offices run creative experience activity support centres to develop and provide relevant resources and programmes.

155. Middle schools nationwide introduced Free Semester System beginning the second semester of 2016. Under the Free Semester System, students are allowed a semester during the middle school years to be free from the burden of examinations and have various experiences by participating in student-participatory classes and activities engaging the local community. During a Free Semester, students are involved in career exploration activities, elective activities, art and sport activities, and club activities, along with subject classes. With the aim of providing multifaceted career experience opportunities by systematically managing free semester experience providers and staff, the Government operates an online information system (Dream Lane). The Free Semester System has been shown to bring positive changes, such as students' active participation in classes, improved friendships, and improved happiness and satisfaction of students, parents, and teachers with school life (Table VIII-10).

#### **Prevention of cyber bullying**

#### **Recommendations 62–63e**

156. In 2012, the Government amended the Act on the Prevention of and Countermeasures against Violence in Schools to add cyber bullying to the types and

definition of violence in schools. Beginning in 2013, the Government began conducting surveys of all students annually to grasp the current state of cyber bullying among children. The number of students who responded that they had experienced cyber bullying (per 1,000 persons) has been decreasing from 3.4 cases in 2013, 2.3 in 2014, 1.7 in 2015, and 1.5 in 2016.

157. In 2015, the MOE launched the leading schools in cyber bullying prevention programme, whereby it offers student-participatory education for cyber bullying prevention. The MOJ offers preventive education on laws relating to cyber bullying, and the KNPA actively responds to reports brought through the school violence emergency call “117” service on the website and text messages.

158. The Korea Communications Commission offers online ethics education for students and promotes the development and dissemination of harmful-information-filtering software for personal computers and smartphones. It also has the 1377 Internet Damage Remedy Centre in place, where people can report vicious posts and cyber bullying and receive counselling services.

## C. Leisure and cultural activities

### Recommendations 62–63c

159. In 2014, juveniles’ leisure time was four hours and 33 minutes a day, a 12-minute decrease compared to that in 2004 (Table VIII-11). The Government is expanding infrastructures for juveniles to enjoy various experiences after school or on weekends, for example, in Youth Centres and Youth Cultural Houses. Youth facilities increased from 738 in 2011 to 799 in 2016, and three National Youth Centres of Korea were newly constructed, respectively, specialising in space experience (2010), agriculture and life experience (2013), and marine environment experience (2013) (Tables VIII-12, VIII-13). The MOGEF supports youth culture zones and club activities promoted at local government levels (Table VIII-14). In a bid to promote the rights of children to play, local-level education offices and municipalities have established playgrounds and parks in whose design children themselves participated. Also, they have drafted, and are in the process of implementing, ordinances and comprehensive plans for the protection of children’s right to play.

160. The Government developed the plans to support the strengthening of school physical and art education in 2015, whereby it empowers students to enjoy lifelong sports and arts activities by encouraging them to join one sport and one art activity in schools in connection with the Free Semester System. Under the School Physical Education Promotion Act, the Government fosters and supports sport clubs in schools with the aim of improving students’ basic physical strength, prevent school violence, and help them cultivate character.

161. To provide children with opportunities to participate in leisure and cultural activities, the Government offers culturally disadvantaged classes Mun-hwa Nuri Cards (cultural vouchers) under the Culture and Arts Promotion Act. In 2016, 349,786 children who had the card issued used KRW 14,277 million. To guarantee opportunities for juveniles to have multifaceted cultural experiences, the Government issues Youth Cards to juveniles aged 9–18, with which they are offered discounts in transportation and cultural facilities. In 2017, the transport card function has been added to the card to improve its utility further. Between 2010 and 2016, 428,572 juveniles had the Youth Card issued.

## D. Rights of Children belonging to Indigenous and Minority Groups

### Recommendations 62–63e

162. The Government amended the North Korean Refugees Protection and Settlement Support Act in 2013, which allows for the establishment and operation of preparatory schools for juveniles escaping from North Korea within settlement support facilities in order to support their entrance into a general school. In 2015, the Enforcement Decree of the Elementary and Secondary Education Act was amended under which North Korean

juvenile refugees who are deemed to have graduated a middle school or have equivalent academic background are allowed to benefit from special admission routes to industrial-demand-customised high schools and specialised high schools beginning in 2016.

163. Multicultural students increased from 46,954 in 2012 to 99,186 in 2016 (74,024 elementary, 15,105 middle, 10,057 high school students), marking 119%, 57%, and 186% increases in elementary, middle and high schools, respectively (Table VIII-15). The MOJ increased the early adaptation support centres that are intended to help children who migrated midway and children of married immigrants adapt to Korea from 88 centres in 2014 to 216 in 2017, and the period of sojourn for children who migrated midway and joined the public education system was increased from one year to three years. The MOE is helping children with immigrant background adapt to schools by establishing preliminary schools and running “Korean as a Second Language (KSL)” as a regular school subject as part of the endeavours to vitalise bilingual education for minority ethnic group children.

164. The MOGEF offers children and juveniles from minority ethnic groups visiting education and life-related services through the Multicultural Family Support Centres (217 centres). In addition, the ministry offers systematic support for minority ethnic group children’s social adaptation and cultural integration through the Rainbow School. As a result, the proportion of multicultural children who had experienced violence in school was 5.0% in 2015, a 3.7%p decrease from 2012. In addition, the proportion of multicultural children who had experienced discrimination or ignorance was 9.4%, a 4.4%p decrease from 2012.

## **IX. Special protection measures**

### **A. Refugee and stateless children**

#### **Recommendations 64–67**

165. From 1994 to the end of June 2016, 18,854 people filed refugee applications. Among them, 598 people’s refugee status was recognised, and 955 people received humanitarian stay permissions and are living in Korea (Table IX-1). With the establishment of the Refugee Act in 2012, the Government established legal grounds for the prohibition of forced repatriation, reunification of families, obligation of cooperation with international organisations, refugee applications and deliberations, formal objection and interpretation services, and treatment of people recognised as refugees. Under the Refugee Act, the Government offers livelihood expenses, residence, healthcare, and elementary and secondary education support to not only those recognised as refugees but also refugee applicants. For minors in families of recognised refugees and refugee applicants, elementary and secondary education of the equivalent level to natives is guaranteed.

166. The MOJ amended the Immigration Act in 2014 to designate refugee children and stateless children under 19 years of age as persons in need of special protection. In 2015, special support for them such as education, designation of responsible officials, and allocation to facilities was clearly provided in the Alien Protection Rules. Under the rules, each detention centre operates and extends special protection rooms and makes efforts to resolve their difficulties by strengthening regular review functions, for example, responsible public officials interviewing children under 17 years of age. The Government is considering birth registration of children of refugees and developing alternative, human-rights-friendly facilities to detention-type protection facilities as a long-term task to implement the principle of the best interests of the child. The Government offers public officials taking refugee-related duties professional online education (13 hours) on the Refugee Act and guidelines on the treatment of refugees. And subjects such as “UNHCR and the Protection of Refugees” are included in the job training programme for immigration officers to improve their understanding on the rights of refugee children.

## **B. Children from indigenous and minority groups**

### **Recommendations 68–69**

167. The number of children aged 18 or younger with immigrant background increased from 121,935 in 2010 to 207,693 in 2015 (Table IX-2). The Government is implementing various support policies for children with immigrant background depending on their characteristics (Table IX-3). The MOE established the annual multicultural education support plan, whereby it offers customised education for multicultural students to help them enter and adapt to public education and strengthen education on the understanding of multiculturalism with the aim of raising people's awareness of multiculturalism. In addition, the ministry operates regional multicultural education support centres (8 centres as of 2016), which support multicultural education in schools in connection with various relevant organisations in the local communities. To ensure the right of unregistered immigrant children to education, in 2012 the Government exempted public officials' obligation to report to the immigration agency even if they acquire information on unregistered immigrant students in schools. Meanwhile, as for the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Government will keep working towards ratifying it through ongoing discussion of how best to reconcile it with domestic laws.

## **C. Economic exploitation including child labour**

### **Recommendations 70–71**

168. In 2012, the Government established the Comprehensive Measures to Improve Labour Environments for Juveniles, under which it inspects workplaces at least four times a year and offer remedies for damages. In 2014, it established the Measures to Protect the Right of Juveniles to work with the aim of strengthening workplace supervision and regulation, refurbish counselling and whistle blowing systems, provide juveniles and businesses with information, and expand labour education. In particular, penalties for non-signing of a written employment agreement for part timers and casual workers were tightened, where offenders would be imposed fines instantly. Beginning in 2015, the Government began applying intensive supervision over businesses that hire many juveniles to ensure the basic order of employment be respected, for example, minimum wages, written employment agreements, and the prevention of delays in salary payment. The Ministry of Employment and Labour (MOEL) installed the Youth Work Rights Centres in 2015, which offer juveniles education, counselling, and remedies for infringements (seven regional hub centres in operation as of 2016). The MOGEF runs the Youth Work Protection Centre to offer counselling, education, and support for damage remedies.

169. To improve poor work conditions for student apprentices, the Government established the guideline for the judgment of legal status and protection of apprentices in February 2016 and is strengthening supervision. In addition, it amended the Vocational Education and Training Promotion Act to apply strict regulation on how many hours apprentices are allowed to work, specify the criteria for the selection of field training workplaces, mandate the signing of field training agreements based on the standard agreement template, and provide the obligations of field training workplaces to ensure safe and efficient apprenticeship.

## **D. Sexual exploitation and abuse**

### **Recommendations 72–73**

#### *Prevention of sexual violence against children and protection measures*

170. As comprehensive measures for the prevention of sexual violence against children and juveniles, the Government has established and implemented the Measures for the Eradication of Sexual Violence against Children and Women (2012) and the Comprehensive Measures for the Prevention of Sexual Violence (2013–2017), among

others. The 11 relevant government ministries have plans to implement 62 policy tasks included in the comprehensive measures for the prevention of sexual violence by 2017, for example, instant response to sexual crimes including developing a smarter 112 Police Report System, strengthening the effectiveness of sexual violence prevention education, tightening punishment for sexual crimes, and increasing support for victims' recovery.

171. The Government amended the Sexual Violence Prevention and Victims Protection Act in 2013 and expanded the scope of institutions subject to compulsory sex education and sexual violence prevention education from childcare centres, kindergartens, and schools to state agencies, local governments, and public organisations. In addition, the Government added sexual violence and child abuse prevention education as one of the five types of compulsory safety education provided in the Child Welfare Act. It also requires child welfare facilities, childcare centres, and schools to facilitate education at least once half-annually (at least eight hours a year) and to report the results of such education.

172. The Government runs the Sunflower Centres that are integrated support centres for the victims of child sexual crimes. The centres offer the victims of child sexual crimes and sex trades and their families comprehensive services including 24/7 counselling, medical attention, investigation, and legal support. The number of the Sunflower Centres has increased from 20 in 2012 to 37 in 2016. Among them, eight centres are specialised for children as of 2016.

173. Under the current Act on the Protection of Children and Juveniles against Sexual Abuse, child victims of sex trade are identified as "children and juveniles involved" and are subject to protective dispositions under the Juvenile Act that are of punishing nature. To resolve this issue, bills to amend relevant legislations whereby children and juveniles involved in sex trade are identified as "victimised children and juveniles" to clarify that they are victims of sexual crimes and protection and support them is strengthened were presented to the National Assembly in 2016 and are currently pending.

*Strengthening punishment for child sex trade and sexual crimes*

174. In 2012, the Government amended the Act on the Protection of Children and Juveniles against Sexual Abuse to strengthen punishment for rape and quasi-rape of children and juveniles, indecent assault, and the production, import, and export of child and juvenile pornography. The 2013 amendment of the Act on Special Cases Concerning the Punishment, etc. of Sexual crimes expanded the scope of sexual crimes against children and juveniles to include indecent acts in crowded public places, obscene acts by using means of communication, taking photos by using cameras, etc. In addition, the statute of limitations for sexual crimes against minors starts on the date on which the victimised minor reaches adulthood, and the scope of crimes that are not subject to the statute of limitations has been expanded from the rape and quasi-rape of children aged 13 or younger to include indecent assault committed against them.

175. In 2016, the Government amended the Act on Special Cases Concerning the Punishment, etc. of Sexual Crimes to add criminals sentenced to a fine to the list of offenders of sex crimes against children and juveniles whose personal information is disclosed and expand the scope of personal information disclosed, and subjects who are informed of such information by mail. The number of persons listed on the sexual criminals personal information register increased from 1,949 in 2011 to 10,148 in 2016 (Table IX-7).

176. Under the Act on the Protection of Children and Juveniles against Sexual Abuse, sexual offenders are subject to restrictions on employment in child- and juvenile-related institutions for 10 years from the date on which the execution of penalty is terminated, suspended, or exempted. The Government has added to the list of institutions, for which sexual offenders are not allowed to work, medical institutions (2012), security, Internet cafes, and karaoke for juveniles (2013), and commissioned education institutions and teaching institutions (2016). The Government is considering improving the system from uniformly applying a 10-year employment restriction to the court specifying the period of employment restriction. As a result of stricter punishment for child sexual offenders, recidivism of sexual crimes decreased from 8.1% in 2011 to 4.4% in 2016.

177. In 2013, the Government launched the special task forces for sexual violence investigation under regional police agencies that take exclusive responsibility for sexual violence cases involving children and the disabled, and the sexual violence investigation teams under police offices to improve the expertise of investigation. To bring child sexual offenders to indictment effectively, the Prosecutors' Office established women and child crime investigation departments in prosecutors' offices nationwide (Seoul, Daejeon, Daegu, Busan, Gwangju) and has exclusive investigation systems in place, including designating prosecutors to take exclusive responsibility for child sexual crime and child abuse cases. Beginning in 2015, stricter instructions were applied to the handling of sexual violence cases involving the socially vulnerable including children, under which conditional suspension of indictment of buyers of child and juvenile sex and second offenders is prohibited, in principle, and sexual violence offenders of children and juveniles are brought to official trials (criminal court), in principle.

*Efforts for treatment and moralisation of sexual offenders*

178. Under the Act on the Probation and Electronic Monitoring, etc. of Specific Criminal Offenders, the Government attaches an electronic tracking device to child sexual offenders. The electronic monitoring instant response team immediately responds to warning messages 24/7. Beginning in 2013, monitoring officers and the police began sharing personal information of people with an electronic tracking device attached so that they could simultaneously take action in the event of emergent warnings (Table IX-8).

179. Under the Act on Pharmacological Treatment of Sex Offenders' Sexual Impulses, sexually deviant persons aged 19 or older, have committed sexual violence against children and juveniles, and are believed to be likely to commit a second offence may be brought to pharmacological treatment for up to 15 years. As of 2016, the Government has ordered 11 people receiving pharmacological treatment for sexual impulses to also take sex-hormone-related drugs and receive psychological treatment.

180. Beginning in 2011, the Government put probation officers in place to keep sexual offenders from committing a second offence. In 2016, the Government had all probation centres offer individualised psychological treatment for sexual offenders that are subject to electronic monitoring. In addition, it operates the Sexual Offenders Treatment and Rehabilitation Centre and eight correctional psychological treatment centres for the treatment of sexual offenders.

*Support for foreigners victimised by sex trade*

181. Under the Act on Prevention of Commercial Sex Acts and Protection, etc. of Victims, the Government runs support facilities for foreigners victimised by the sex trade to offer them emergency rescue, protection, and self-reliance support. In addition, it runs the Danuri Call Centre (1577-1366), which offers multi-language emergency counselling and information services to immigrant women victimised by sex trade (Tables IX-10, IX-11).

## **E. Trafficking, illicit trade, and kidnapping**

### **Recommendations 74–75**

182. The Government amended the Criminal Act in 2013 to establish new provisions on punishment for human trafficking and clarify that the human-trafficking-related provisions are applicable to foreigners who commit crimes outside the territory of the Republic of Korea under the principle of universality. In 2014, the Government revised the case investigation guidelines for commits of arranging sex trades to re-establish punishment standards depending on the type of commit, apply stricter rules on the seize and confiscation of the proceeds of crime, provide detailed propositions, handle international sex trade cases, and provide regulations on restrictions on passport issuance. The prosecutors are strengthening crackdowns and punishments, including abiding by the principle of taking human trafficking offenders into custody.

183. To promote cooperation among state parties in relation to preventing human trafficking, and supporting and protecting victims, the Government ratified the United Nations Convention against Transnational Organised Crime and three protocols thereto, such as the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and the Protocol against the Smuggling of Migrants by Land, Sea and Air in November 2015.

## F. Juvenile justice

### Recommendations 80–81

#### *Installation of a juvenile court*

184. Currently, juvenile departments in district courts and family courts are taking juvenile cases. As of 2016, there were six family courts across the country (Seoul, Busan, Daejeon, Daegu, Gwangju, Incheon), and two more family courts (Ulsan, Suwon) will be established. The Government has been working to increase the professionalism of juvenile justice workers, with a long-term view to create specialised juvenile courts with adequate human, technical and financial resources.

#### *Legal support for child suspects*

185. Child suspects can rely on support from court-appointed assistants and the presence of persons with reliable relationship to seek expert advice and legal support in investigation stages (Table IX-13). In juvenile protection cases, a child may be assisted by a court-appointed assistant only when the child is entrusted to and detained in the Juvenile Classification Review Centre; however, the court may appoint an assistant for a child even if the child is not entrusted to the centre under Article 17-2(2) of the Juvenile Act, where the child is suspected to be a physically or mentally disabled or is unable to appoint an assistant because of poverty or for other reasons.

#### *Provision of human-rights-friendly services to juvenile inmates*

186. Under the Administration and Treatment of Correctional Institution Inmates Act, adults aged 19 or older and juveniles under 19 are confined separately. To provide juvenile inmates with professional treatment and separate them from other inmates, the Gimcheona Juvenile Correctional Institution was designated and is operated as the exclusive correctional institution for juvenile inmates (Table IX-14). To resolve overcrowded confinement and create human-rights-friendly environments, the Government started a project in 2013 to refurbish large group rooms in juvenile reformatories into smaller rooms. In 2016, the Act on the Treatment of Protected Juveniles, etc. was amended to provide matters relating to the size of institutions clearly. For professional medical attention to inmates with mental disorders in juvenile reformatories, the Government will build a juvenile reformatory with medical functions by 2020.

187. The Government allows juvenile inmates to contact their families frequently by personal visits, letters, and telephone during confinement and runs a range of programmes to help them restore family functions, for example, the Family Love Camp and weekend home visits. In addition, juvenile reformatories nationwide have family rooms in place, where inmates can stay with their families for two to three days. The Government has juvenile reformatories, and the Juvenile Classification Review Centre provides juveniles aged 10–19 with education on academic subjects, vocational capability development training, and character education to help them grow, develop, and return to society (Tables IX-16 ~ IX-20).

188. To prevent juveniles discharged from juvenile reformatories from becoming delinquent again, the Government started the hope helper project in 2013, where home room teachers visit them, offer them counselling on SNS, and check how they lie for 6 to 12 months after being discharged from the juvenile reformatory. In addition, the social settlement support centre (YES Centre) offers juveniles discharged from juvenile reformatories vocational training.

*Rights of juvenile inmates and alternatives to confinement*

189. Under the Administration and Treatment of Correctional Institution Inmates Act and the Act on the Treatment of Protected Juveniles, juvenile inmates can express their opinions and make complaints about their treatment (Table IX-21). The Government refrains from keeping juvenile criminals in custody and has various alternative dispositions in place considering their characteristics, including conditional suspension of indictment, probation, community serving, order to attend lectures, and stay of execution (Tables IX-22 ~ IX-25).

190. In relation to dispositions to transfer offenders to the juvenile reformatory, the period spent in the juvenile reformatory under the original decision was not counted towards the period to be spent after an appeal, since custody in the juvenile reformatory was not considered as detention as a punishment under criminal procedures, causing a problem that the offender's freedom was overly restricted beyond punishment corresponding to his/her crime. In this background, the Government amended the Juvenile Act in 2015 to establish legal grounds to make, in a case where a juvenile is transferred to the juvenile reformatory, the period spent in the juvenile reformatory under the original decision count towards the period to be spent after an appeal.

**G. Protection of child victims and witnesses of crime****Recommendations 82–83**

191. Under the Crime Victim Protection Act, the Government pays relief funds to crime victims who die or become disabled or grievously injured, and their bereaved. The relief funds increased by 33% following an amendment to the act in 2014 (Table IX-26), and budgets for psychological treatment, emergency livelihood aid, and nursing aid for crime victims were added with the aim of providing well-organised treatment support. In 2015, the Government eased the requirements for housing support for crime victims to offer better housing and livelihood protection.

192. The Government is running 10 Smile Centres as of 2016 as central support facilities to help victims of violent crimes overcome their trauma, and eight Sunflower Centres for Children that are dedicated to supporting child victims of sexual violence (Tables IX-27, IX-28). The number of protective facilities and self-reliance support group homes for minor victims of sexual violence by relatives increased from four in 2013 to six in 2015.

193. The Government assists child victims in exercising their rights in criminal procedures, for example, exercising the right to state and request relief funds. For this purpose, the Government has a range of systems in place, such as the court-appointed lawyer system, the witness intermediary system, and the presence of persons with reliable relationship (Table IX-29).

**H. Children in armed conflict****Recommendations 78–79**

194. In principle, those under 18 years of age are not subject to conscription in the Republic of Korea. The Minister of Defence or the Military Manpower Administrator may make special case dispositions in the event of war or upheaval or where a National Mobilization Order is proclaimed. Even in these cases, the draft age for Grade I National Service shall not be under 18 years of age. Under the Act on Punishment, etc. of Crimes under Jurisdiction of the International Criminal Court, the Government strictly prohibits conscripting or enlisting any person younger than 15 years of age into armed forces or groups or using him/her to participate in hostilities in relation to international or non-international armed conflicts. Any person who violates this provision shall be punished by fixed-term imprisonment for no less than three years.

195. Since September 2011, the Republic of Korea has dispatched six troops overseas. As of February 2017, three troops are operating as peace forces and one for defence cooperation. The Government educates members of dispatched troops, in particular, those

operating as peace forces in conflict areas, on the rights of the child to ensure that they respect the rules of international humanitarian law and protect and care after children affected by armed conflicts.

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

### **A. Measures to implement the Optional Protocol**

#### **Recommendations 76–77a**

##### *Establishing comprehensive regulations in relation to human trafficking*

196. The Government amended the Criminal Act in 2013 to establish provisions on punishment for human trafficking. Under the amended act, human trafficking, human trafficking for indecent acts, criminal conversation, marriage, or moneymaking, exploitation of labour, sex trades and sexual exploitation, and human trafficking for organ harvest are subject to punishment, and those who recruit, transport, or deliver people for human trafficking shall be subject to the same punishment with that applicable to those who receive or conceal the trafficked.

##### *Punishment for sex trade involving children and juveniles*

197. The Government amended the Act on the Protection of Children and Juveniles against Sexual Abuse in 2012 to raise statutory punishment for producing and distributing child or juvenile pornography, child or juvenile trafficking, purchasing sex from children or juveniles, coercive conduct towards children or juveniles, and arranging prostitution involving children or juveniles, among others.

198. The Government added a special case provision to the Act on the Protection of Children and Juveniles against Sexual Abuse, whereby mitigation provisions for people with physical and mental incapacity and the deaf mutes shall not be applicable to any sexual assault of a child or juvenile committed in a state of physical and mental incapacity induced by alcohol or drugs. In addition, a provision on special cases concerning the statute of limitations was added to the Act on the Protection of Children and Juveniles against Sexual Abuse, whereby the statute of limitations for sexual crimes against children and juveniles starts on the date on which the victimised child reaches adulthood, and the Government, in principle, prohibits conditional suspension of indictment of buyers of child and juvenile sex and second offenders (see Table X-1).

199. The Government amended the Passport Act in 2013, under which those who conducted unlawful acts in foreign countries are restricted from being issued a passport for up to three years. From 2011 to 2016, the issuance of passports was restricted in 89 cases in relation to sex trades. The 19th National Assembly discussed an amendment bill of the Passport Act to restrict sex buyers in foreign countries from being issued passports and coming in and out of the country, and an amendment bill of the Tourism Promotion Act to enable administrative dispositions of tourism agencies arranging sex trades overseas.

##### *Countermeasures against online sex trades involving children and juveniles*

200. The Government is strengthening its monitoring of the prevalent practice of prostitution involving children and juveniles using mobile chatting apps. However, given the characteristic of such chatting apps as a channel of private communication, there are difficulties with the countermeasures against such practices. The government amended relevant legislations in 2016 to require online chatting screens such as video chatting for adults to display warning messages about the illegality of sex trade and rewards and incentives for sex trade reporters. To improve such regulation's effectiveness, it is also considering designating chatting apps as harmful media to juveniles and requesting age

verification, or having a registration system for random chatting apps. The Government will be discussing government-wide countermeasures.

*Crackdown on sex trade in foreign countries*

201. To block routes through which Koreans seek sex tourism overseas, the Government organised the joint investigation team for foreign sex trade between the police and the prosecutor, which is committed to catching offenders committing sex trade in foreign countries. In addition, the Government has police officers dispatched to countries in which Koreans' buying sex is prevalent, for example, Thailand, Cambodia, and the Philippines, to crack down on offenders proactively. The Government has signed criminal justice cooperation treaties with the USA, Canada, and China, among others. In addition, it is striving to conduct joint investigations of offenders committing child sex trade in foreign countries and having offenders transferred to their home countries, although there are difficulties in securing victims' statements and testimonies.

## **B. Legislative measures to establish extraterritorial jurisdiction**

### **Recommendations 76–77b**

202. The Government amended the Criminal Act in 2013 to add provisions on punishment for human trafficking including child trade and make the act applicable to not only Koreans but also foreigners who commit crimes against children of Korean nationality outside the territory of the Republic of Korea. Natives who commit crimes in foreign countries are also subject to punishment under the Act on the Protection of Children and Juveniles against Sexual Abuse.

## **XI. Follow-up to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict**

### **A. Measures to implement the Optional Protocol**

#### **Recommendations 78–79**

203. In the Republic of Korea, conscripting or enlisting any person under 15 years of age into armed forces or groups or using him/her to participate in hostilities is subject to criminal punishment under the Act on Punishment, etc. of Crimes under Jurisdiction of the International Criminal Court. As of 2017, there are no cases where a person was indicted or found guilty in violation of this provision. There are no provisions to prohibit and punish armed forces expressly other than the army enlisting children aged 15–18 or using them to participate in hostilities. However, this issue is practically out of the question, as there are no other armed forces in the territory of the Republic of Korea.

### **B. Minimum age for compulsory and voluntary recruitment into armed forces**

204. The minimum age for enlistment in military service under the Military Service Act is 18 years, and the actual enrolment is done at the age of 19 years or later when the person undergoes a draft physical examination. The minimum age for voluntary recruitment under the Military Service Act is 18 years.

### **C. International cooperation and public relations**

205. The Government is cooperating with international society's efforts to prevent children from participating in armed conflicts and is actively supporting relevant resolutions at the UN. The Government makes contributions to the UNICEF projects for the

protection of children in conflict areas such as Syria, Afghanistan, and Iraq. As a UNICEF board member (2015–2017), the Republic of Korea will continue supporting UNICEF's activities in relation to the prevention of children from participating in armed conflicts.

206. To fulfil its obligation for international peace and security, the Government restricts or bans export of weapons under the Foreign Trade Act. The number of countries to which the Republic of Korea may not export weapons under the Notification of Special Measures Concerning Trades for the Fulfilment of Obligations for International Peace and Security has increased from 9 in 2011 to 11 in 2017. As for specific conventional weapons such as antipersonnel mines, the Government acceded to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects, and the Protocols I (Non-Detectable Fragments) and II (Mines, Booby Traps and Other Devices) thereof in 2001. As the local legislation to implement the Protocol II of 2001, the Government enacted the Act on the Regulation of the Use and Transfer of Certain Conventional Weapons Such as Mines.

207. The Government uploaded the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict on to the Korea Law Information Centre to be available to all citizens.

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