



# International Convention for the Protection of All Persons from Enforced Disappearance

Distr.: General  
7 April 2026

Original: English  
English, French and Spanish only

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## Committee on Enforced Disappearances

### List of issues in relation to the report submitted by the Republic of Korea under article 29 (1) of the Convention\*

#### I. General information

1. Concerning paragraphs 6 and 7 of the State Party's report,<sup>1</sup> please indicate what measures have been taken to promote the invocation of the Convention and its application by courts or other relevant authorities in the Republic of Korea, in accordance with article 6 (1) of the Constitution. If available, please provide examples of case law involving such application.

2. With reference to the National Human Rights Commission of Korea, reaccredited with "A" status, please provide information about:

(a) The measures taken to implement the recommendations made by the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions, including advocating for a uniform selection process for all commissioners and restoring trust with civil society,<sup>2</sup> and to enhance its effectiveness and independence, in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);

(b) Its mandate and any activities that it has undertaken in relation to the Convention, indicating the competence of the National Human Rights Commission to receive complaints concerning enforced disappearance or situations potentially amounting to enforced disappearance, and to inspect places of deprivation of liberty, including mental health settings, immigration detention facilities and facilities for escapees of the Democratic People's Republic of Korea, and what follow-up action was taken in such cases;

(c) The financial, technical and human resources provided for its effective functioning.

3. Please explain the process for the preparation of the report complied with the Committee's guidelines on the form and content of reports under article 29 to be submitted by States Parties to the Convention,<sup>3</sup> providing information about the consultations held with the National Human Rights Commission of Korea, civil society organizations and other stakeholders. With regard to paragraph 7 of the State Party's report, please clarify the role of the Human Rights Bureau of the Ministry of Justice in the preparation of the report.

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\* Adopted by the Committee at its thirtieth session (9–19 March 2026).

<sup>1</sup> [CED/C/KOR/1](#).

<sup>2</sup> Report of the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions, October 2025, pp. 40 and 41, available at [https://ganhri.org/wp-content/uploads/2025/12/SCA-46th-session-report\\_EN.pdf](https://ganhri.org/wp-content/uploads/2025/12/SCA-46th-session-report_EN.pdf).

<sup>3</sup> [CED/C/2](#).



## II. Definition and criminalization of enforced disappearance (arts. 1–7)

4. Please indicate whether there exists in the State Party a register of disappeared persons and, if so, please explain what type of information it contains and how such information enables differentiation between cases of enforced disappearance as defined in article 2 of the Convention, and cases of disappearance that do not fall under that category. Please specify whether the information is cross-checked with other databases and what methodology is used to keep the databases updated (arts. 1–3, 12 and 24).

5. In the light of the information contained in paragraphs 9 and 62 of the State Party's report, according to which the State Party has no specific statistical data on enforced disappearance, please describe the steps taken to ensure that relevant statistical information can be gathered and used whenever necessary to identify cases of enforced disappearance in the State Party. Please specify the measures taken to guarantee that this statistical information is disaggregated by sex, gender identity, sexual orientation, age, nationality, ethnic origin, religious affiliation and occupation of the victim, and that it indicates:

(a) The number of disappeared persons in the State Party, specifying the date and place of disappearance and the number among them who have been located;

(b) The number of persons who may have been subjected to enforced disappearance within the meaning of article 2 of the Convention;

(c) The number of persons who may have been subjected to the acts referred to in article 3 of the Convention, including disappearances committed for the purpose of trafficking in persons or illegal intercountry adoption and in the context of migration (arts. 1–3, 12 and 24).

6. With respect to paragraph 11 of the State Party's report, please specify the measures taken to ensure that no exceptional circumstances may be invoked to justify an enforced disappearance, including in situations covered by articles 76 and 77 of the Constitution under which the President may "issue orders with the force of law" or "proclaim martial law", providing concrete examples. Please also indicate whether the State Party plans to include in the Constitution a specific provision on protection from enforced disappearance (arts. 1, 12 and 24).

7. Regarding paragraphs 3, 12–14 and 16–18 of the State Party's report, the Committee notes provisions invoked in national legislation to deal with facts that may amount to enforced disappearance: unlawful arrest and confinement (art. 124), false arrest and illegal confinement (arts. 276–280) and death or injury caused by arrest and confinement (art. 281), under the Criminal Act; and unlawful arrest and confinement resulting in death or injury, under the Act on the Aggravated Punishment of Specific Crimes (art. 4-2). It also notes that two legislative bills titled the Act on the Punishment of Enforced Disappearance Crimes have been submitted to the National Assembly, and that the Act on Punishment of Crimes under the Jurisdiction of the International Criminal Court defines enforced disappearance in the context of crimes against humanity and punishes it with imprisonment for life or for not less than five years (art. 9 (2)). In that connection, please indicate:

(a) The progress made to incorporate enforced disappearance as an autonomous crime in national legislation, in compliance with article 2 of the Convention, and to ensure that the legislation expressly criminalizes enforced disappearance committed by (i) State agents or persons acting with the authorization, support or acquiescence of the State, and (ii) non-State actors in the circumstances contemplated under article 3 of the Convention;

(b) The current status of the two legislative bills titled the Act on the Punishment of Enforced Disappearance Crimes, and specify the proposed timeline for their adoption;

(c) Whether articles 124 and 276–281 of the Criminal Act or article 4-2 of the Act on the Aggravated Punishment of Specific Crimes have been applied in relation to enforced disappearances and, if so, what the outcome of the proceedings was;

(d) The steps taken to fully harmonize the definition of enforced disappearance as a crime against humanity in accordance with article 5 of the Convention;

(e) The measures taken to exclude the references to the death penalty in the bills titled Act on the Punishment of Enforced Disappearance Crimes, in line with article 6 of the International Covenant on Civil and Political Rights and with the State Party's de facto abolitionist status (arts. 2–5).

8. In relation to paragraphs 28–32 of the State Party's report and articles 51–56 and 135 of the Criminal Act, please specify the maximum and the minimum penalties envisaged for enforced disappearance and the actions adopted to ensure appropriate penalties, bearing in mind its extreme seriousness. Please explain the efforts made to guarantee that the courts take into account the mitigating and aggravating circumstances provided for under article 7 (2) of the Convention (arts. 2, 4 and 7).

9. With respect to paragraphs 21–27 of the State Party's report, the Committee notes articles 18 (omission), 20 (justifiable act), 22 (necessity) and 30–34 (section 3 on complicity) of the Criminal Act; articles 4 (acts done pursuant to a superior's orders) and 5 (responsibilities of commanders and other superiors) of the Act on Punishment of Crimes under the Jurisdiction of the International Criminal Court; articles 24 (neglect of duty) and 44 (insubordination) of the Military Criminal Act; and articles 56 (duty of fidelity) and 57 (duty of obedience) of the State Public Officials Act. In this connection, please further explain how this legislation ensures that any person engaging in the conducts enumerated in article 6 (1) (a) and (b) of the Convention is held criminally responsible. Please also indicate whether the notion of due obedience as a criminal law defence has any impact on the implementation of the prohibition of invoking an order or instruction from a public authority to justify an offence of enforced disappearance (art. 6)

10. Please further clarify whether superior responsibility under domestic law currently applies to crimes that can currently be invoked under national legislation to address acts enumerated in article 2 of the Convention, and the measures taken to ensure that, once an autonomous offence of enforced disappearance is included in national legislation, superior responsibility applies to the crime (art. 6).

11. In the light of the Committee's general comment No. 1 (2023) on enforced disappearance in the context of migration and noting the high number of undocumented migrants in the State Party,<sup>4</sup> please indicate the number of complaints that have been lodged concerning cases of disappearance that occurred in the context of migration or of trafficking in persons. Please describe the measures taken in these cases to search for the disappeared persons, to investigate their disappearance, to bring the perpetrators to justice, to provide the victims with appropriate protection and reparation and to prevent such disappearances (arts. 1–3, 12 and 24).

### **III. Judicial procedure and cooperation in relation to enforced disappearance (arts. 8–15)**

12. In accordance with article 6 of the Act on Punishment of Crimes under the Jurisdiction of the International Criminal Court, criminal prosecution and execution of a sentence are not time-barred for, inter alia, enforced disappearances amounting to crimes against humanity. The Committee notes that the statute of limitations under the Criminal Act is 7 years for unlawful arrest and confinement by a public official (see art. 124) and arrest and confinement (art. 276), 10 years for special false arrest or illegal confinement (see art. 278) and death or injury caused by arrest and confinement (see art. 281), and 15 years for unlawful arrest and confinement resulting in death or injury under the Act on the Aggravated Punishment of Specific Crimes (art. 4-2). Please specify to what extent the statute of limitations applied by the State Party could be considered proportionate to the extreme seriousness of the crime of enforced disappearance. Noting that, under article 252 (1) of the Criminal Procedure Act, the statute of limitations begins to run after the criminal act is completed, please clarify the information according to which, "in the case of a continuing offence, the statute of limitations does not begin while the infringement of legal interests continues". Please provide more

<sup>4</sup> CERD/C/KOR/CO/20-22, para. 21.

information on the measures taken to guarantee the right of victims of enforced disappearance to an effective remedy during the term of limitation (art. 8).

13. With regard to article 296-2 of the Criminal Act, and article 3 of the Act on Punishment of Crimes under the Jurisdiction of the International Criminal Court, please explain how the State Party establishes its competence to exercise jurisdiction over enforced disappearance in the cases contemplated in article 9 (1) and (2) of the Convention. Please provide information on any extraditions related to cases of enforced disappearance that may have occurred since the entry into force of the Convention (art. 9).

14. Please describe the procedures in place to ensure that alleged offenders are brought before the competent authorities, including the measures set out under article 192 of the Criminal Procedure Act, as well as the legal, administrative or judicial measures for carrying out a preliminary inquiry or investigation to establish the facts should the State Party take the measures referred to in article 10 (1) of the Convention (art. 10).

15. Please clarify the legal framework enabling the courts of the Republic of Korea to exercise universal jurisdiction over the offence of enforced disappearance, including article 3 (5) of the Act on Punishment of Crimes under the Jurisdiction of the International Criminal Court (art. 11).

16. In relation to paragraphs 14 and 47 of the State Party's report and article 12-4 of the Military Court Act, the Military Court Act applies if the perpetrator of an enforced disappearance is military personnel. In this connection, please specify the measures taken to ensure that cases of enforced disappearance may be investigated and tried only by the competent civilian authorities and remain expressly outside the jurisdiction of the military courts (arts. 11 and 12).

17. Please describe the measures taken to prevent and combat corruption in the treatment of any case related to enforced disappearance, and their outcomes, including actions carried out by the Anti-Corruption and Civil Rights Commission (arts. 11 and 12).

18. With reference to paragraphs 54–66 of the State Party's report, as well as to the Criminal Procedure Act (arts. 196, 197, 215, 216, 223, 225 and 234–238) and the Military Court Act (art. 228), please specify:

(a) Which authorities are responsible for receiving complaints and investigating cases of alleged enforced disappearance, how the prosecutors and judicial police officers divide their functions, which persons can report such cases to those authorities and what the requirements are for doing so;

(b) What measures are taken to ensure a prompt, thorough and impartial investigation, including in the absence of an official complaint;

(c) What steps are taken to ensure that the competent authorities have the necessary powers and resources to search for disappeared persons and conduct investigations into allegations of enforced disappearance, including access to documentation and other relevant information and access to places of deprivation of liberty and any other place in which there are reasonable grounds to believe that a disappeared person may be held;

(d) Whether any complaints of enforced disappearance have been lodged since the entry into force of the Convention and, if so, please provide disaggregated data on the search and investigations carried out and their results, the profile of the perpetrators, the proportion of proceedings initiated that resulted in convictions, and the sanctions imposed on the perpetrators (arts. 2, 3 and 12).

19. Please describe how the State Party ensures that persons suspected of having committed the offence of enforced disappearance are not in a position to influence the progress of the related search and investigation processes. Taking note of article 73-3 of the State Public Officials Act, please clarify how domestic law ensures suspension from duties from the outset and for the duration of the related processes, when the alleged offender is a State official. Please provide information on the mechanisms in place to ensure that law enforcement officials, security forces personnel or any other public officials who are suspected of being involved in the commission of an enforced disappearance do not participate in the related search and investigation (art. 12).

20. Please indicate what remedies are available to complainants where the competent authorities fail to search for a disappeared person and to investigate the alleged disappearance. Concerning paragraphs 56–61 of the State Party’s report, please describe the mechanisms available for the protection of all persons referred to in article 12 (1) of the Convention against all ill-treatment or intimidation, including those under the Act on Protection of Specific Crime Informants and the Public Interest Whistleblower Protection Act (arts. 12 and 24).

21. Taking into account the information as to the persistence of trafficking in persons for the purposes of labour and sexual exploitation in the State Party, as to the low number of perpetrators convicted and as to the inadequate character of the sanctions adopted,<sup>5</sup> please provide information on:

(a) The actions taken to prevent and combat trafficking in persons that address the possible link between such acts and enforced disappearance and to ensure that the applicable legislation, including the Act on Prevention of Human Trafficking and Protection of Victims, takes sufficient account of the possibility that the victims may have been subjected to disappearance, including enforced disappearance;

(b) The statistical data, specifying the number of alleged victims, disaggregated by sex, age and nationality, the number of complaints made, the number of investigations carried out in relation to such cases, the proportion of proceedings that resulted in convictions and the sanctions imposed;

(c) The outcomes of the First Comprehensive Plan for the Prevention of Human Trafficking (2023–2027), in particular as they relate to the prevention, investigation and sanction of disappearances and enforced disappearances in the context of trafficking; and the measures taken to provide the victims with appropriate protection, support and reparation (arts. 2, 3, 12 and 24).

22. Regarding paragraphs 67–74 of the State Party’s report, the Committee notes that enforced disappearance is recognized as an extraditable criminal offence and that the extradition procedure and international legal assistance are regulated by the Extradition Act, by the Act on International Judicial Mutual Assistance in Criminal Matters and by bilateral and multilateral treaties. It also notes the State Party’s efforts to raise global awareness and accountability for enforced disappearances of nationals of the Republic of Korea by the Democratic People’s Republic of Korea.<sup>6</sup> In the absence of an autonomous crime of enforced disappearance, please indicate:

(a) The criteria applied to verify that extradition requests are made only for criminal offences and not for a political offence, an offence connected with a political offence or a politically motivated offence;

(b) Any extradition agreements with other States Parties that may have been concluded since the entry into force of the Convention, including whether enforced disappearance is explicitly listed in such agreements and the applicable time frames and protocols;

(c) Whether any restrictions or conditions apply to requests for mutual legal assistance or cooperation, and whether the State Party has made or received any request concerning a case of enforced disappearance since the entry into force of the Convention;

(d) The mechanisms in place to ensure mutual assistance to the authorities of requesting States, with a view to facilitating the sharing of information and evidence, searching for and identifying disappeared persons and assisting the victims (arts. 13–15).

<sup>5</sup> *Ibid.*, para. 35.

<sup>6</sup> [A/HRC/54/24/Add.1](#), paras. 9 and 84.

#### IV. Measures to prevent enforced disappearances (arts. 16–23)

23. With reference to paragraphs 75 to 85 of the State Party’s report, as well as the Extradition Act, the Refugee Act and the Immigration Act, please clarify:

(a) Whether the State Party envisages adopting an explicit legal provision prohibiting the expulsion, return, surrender or extradition of any person where there are substantial grounds to believe that he or she would be in danger of being subjected to enforced disappearance;

(b) Which procedures are applicable to expulsion, return, surrender and extradition, and what criteria are applied in such contexts to evaluate and verify the risk that the persons concerned may be subjected to enforced disappearance, including in the context of emergency situations and the North Korean Defectors Protection and Settlement Support Act;

(c) Whether it is possible to appeal a decision authorizing an expulsion, return, surrender or extradition and, if so, before which authority, and under which procedure, and whether the appeal has suspensive effect;

(d) The actions taken to overcome the concerns related to the lack of clarity of the criteria for determining exceptions to non-refoulement obligations, to the reported issuance of deportation orders for beneficiaries of international protection status, and to reported cases of refoulement, including to China and the Democratic People’s Republic of Korea<sup>7</sup> which may result in enforced disappearances;

(e) The legal and procedural safeguards applied in the case of the repatriation of two escapees of the Democratic People’s Republic of Korea in November 2019, including whether judicial review was available, whether legal counsel was provided, and what steps have been taken to ascertain their fate (art. 16).

24. The Committee notes allegations according to which the right of persons deprived of liberty to access legal counsel may be limited on the basis of grounds that leave broad discretion to the prosecution and the police, including for reasons of “good cause”.<sup>8</sup> It also notes that, under the North Korean Defectors Protection and Settlement Support Act, the right of these persons to legal counsel is not guaranteed.<sup>9</sup> Regarding paragraphs 86–101 of the State Party’s report, and taking into account article 12 of the Constitution, articles 34, 70, 89, 91, 214-2 and 215-2 of the Criminal Procedure Act and article 3 of the Habeas Corpus Act, please indicate:

(a) What legal provisions expressly prohibit secret or unlawful detention;

(b) Which measures are taken to guarantee that all persons deprived of their liberty, regardless of the offence of which they are accused, are afforded, from the outset of the deprivation of liberty, the fundamental legal safeguards provided for under article 17 of the Convention, in particular the rights to have prompt access to counsel, to communicate with and be visited by family members, counsel or any other person of their choice, and, in the case of foreign nationals, to communicate with their consular authorities, and whether judicial review is available;

(c) Whether any restrictions may be applied to the above-mentioned rights, and whether there have been complaints regarding failure to observe these safeguards, and, if so, what proceedings were carried out and what the outcomes were;

(d) How access by the authorities or other bodies authorized to visit places of deprivation of liberty, including the National Human Rights Commission of Korea as the national preventive mechanism, and the Human Rights Bureau of the Ministry of Justice, is implemented in practice, even when the visit is unannounced;

<sup>7</sup> CERD/C/KOR/CO/20-22, para. 29 (c) and (d); CCPR/C/KOR/CO/5, para. 37; and CAT/C/KOR/CO/6, para. 30.

<sup>8</sup> CAT/C/KOR/CO/6, para. 12; and CCPR/C/KOR/CO/5, para. 35.

<sup>9</sup> CAT/C/KOR/CO/6, para. 30.

(e) The measures taken to guarantee that any person with a legitimate interest can initiate court proceedings to challenge the lawfulness of the deprivation of liberty, and the measures in place to prevent the provision of this remedy being delayed or obstructed and to impose sanctions for delays or obstructions (arts. 17–20).

25. Given allegations received by the Committee relating to disappearances of persons with disabilities,<sup>10</sup> including in the context of institutions, please indicate whether institutionalization of persons with disabilities, including persons with psychosocial disabilities, is considered a deprivation of liberty for the purposes of article 17 of the Convention; the actions taken to ensure that all institutions have a proper registration system which includes at least the information set out in article 17 (3) of the Convention and which can be accessed by all persons with a legitimate interest; and what safeguards exist to ensure communication with family and access to remedies (arts. 17–20).

26. With regard to paragraphs 102, 103 and 106 of the State Party’s report, the Committee notes that all detention-related information is recorded in investigation-related forms prescribed by the Rules on the Management of Prosecutorial Cases, and authorities are required to prepare and maintain records and manage inmate information using a computerized system under the Ministry of Justice Guidelines on Classification, Transfer and Records of Inmates (arts. 3 and 19). The Committee also notes the Criminal Justice Information System established under the Act on Promotion of the Digitalization of the Criminal Justice Process. In this connection and taking into account the Criminal Act (arts. 122 and 123), the Criminal Procedure Act (arts. 35 and 87), the Act on Execution of Sentences and Treatment of Inmates, and the Official Information Disclosure Act (arts. 1, 3, 5, 6-2 and 18), please describe:

(a) The measures taken to ensure that official registers and records of persons deprived of liberty, regardless of the nature of the place of deprivation of liberty, include all the elements listed in article 17 (3) of the Convention and are duly completed and kept up to date;

(b) Whether any complaints have been lodged concerning a failure to record, or delays in recording, a deprivation of liberty, or the recording of inaccurate information, and if so, what measures were taken to ensure that such omissions and errors were not repeated, including any disciplinary proceedings or sanctions involving the personnel concerned;

(c) The procedures to be followed to guarantee that any person with a legitimate interest has access to at least the information listed in article 18 (1) of the Convention, as well as the conditions that may be imposed on such access, and the appeal procedures available in event of a refusal to disclose such information (arts. 17–22).

27. Concerning paragraphs 137–141 of the State Party’s report, the Committee notes the human rights training provided by the Ministry of Justice’s “In-house Instructor Training Programme” and the Institute of Justice. Please report on the human rights training on enforced disappearance and the Convention provided to civilian and military law enforcement personnel, medical personnel, public officials and other persons who may be involved in the custody or treatment of any person deprived of liberty, including judges, prosecutors and other officials responsible for the administration of justice, but also the public at large. Please indicate the content and frequency of such trainings (arts. 1–3 and 23).

28. Please clarify the national framework for the collection, storage and integration of genetic data relating to disappeared persons and their relatives (arts. 12, 19 and 24).

## **V. Measures to protect and ensure the rights of victims of enforced disappearance (art. 24)**

29. Concerning paragraphs 142–158 of the State Party’s report, the Committee notes that victims of enforced disappearances may file a lawsuit for damages against the Government

<sup>10</sup> CRPD/C/KOR/CO/2-3, paras. 21 (a) and 45.

under the State Compensation Act and may claim compensation from the perpetrator under the Civil Act. In this connection, please specify:

(a) To what extent the definition of the “crime victim” (the victim) under the Crime Victim Protection Act complies with article 24 (1) of the Convention;

(b) The forms of reparation and compensation provided for in national legislation for victims of acts that amount to enforced disappearance within the meaning of article 2 of the Convention, indicating whether they include all the forms of reparation listed in article 24 (5) of the Convention;

(c) What authority is responsible for granting compensation or reparation and what procedures are available to victims of acts that amount to enforced disappearance for obtaining it, including the applicable time limits, indicating whether access to compensation or reparation is conditional on a criminal conviction;

(d) Whether national legislation provides explicitly for the right of victims of enforced disappearance to the truth, and what measures are taken to guarantee this right regarding the circumstances of the enforced disappearance, the progress and results of the investigation and the fate of the disappeared person;

(e) The measures taken to ensure assistance to victims, including counselling, medical services, financial assistance and legal aid, under article 7 of the Crime Victim Protection Act, explaining how the specific needs of victims of enforced disappearances are identified and attended to (art. 24).

30. Please explain how the State Party monitors the implementation of the recommendations contained in the Comprehensive Report of the Truth and Reconciliation Commission<sup>11</sup> established in 2020, as relates to disappearance, including enforced disappearance, specifying the measures taken to ensure the investigation and prosecution of alleged perpetrators, and the reparations provided to victims (arts. 12, 14, 15 and 24).

31. Please provide information on the number of complaints, the number and nationality of victims concerned, the sanctions adopted, and the reparation granted by courts of the Republic of Korea as an outcome of the procedures related to the so-called “comfort women”<sup>12</sup> system, under which up to 200,000 women and girls were reportedly subjected to trafficking, rape and sexual slavery, as well as to arbitrary deprivation of liberty and, in certain cases, enforced disappearance (arts. 12, 14, 15 and 24).

32. Please provide information on the legal situation of disappeared persons whose fate has not been clarified, and that of their relatives, in areas such as social welfare, financial matters, family law and property rights, and the application of a gender perspective in such contexts. Please describe the procedures in place to issue a judicial declaration of disappearance (art. 27 of the Civil Act) and its impact on the State Party’s obligation to continue the search and investigation into an enforced disappearance until the fate of the disappeared person has been clarified (art. 24).

33. In view of article 21 of the Constitution, please report on the measures taken to guarantee the right to form and participate freely in organizations and associations attempting to establish the circumstances of enforced disappearances and the fate of disappeared persons and to assist victims of enforced disappearance. Please indicate whether the State Party envisages amending the National Security Law and the Assembly and Demonstration Act to bring them into line with international standards (art. 24).

<sup>11</sup> Available from <https://www.jinsil.go.kr/en/>. See also [A/HRC/54/24/Add.1](#), para. 6.

<sup>12</sup> See <https://www.ohchr.org/en/press-releases/2026/03/justice-truth-and-reparations-long-overdue-survivors-so-called-comfort-women>.

## VI. Measures to protect children against enforced disappearance (art. 25)

34. In the light of paragraphs 162 and 163 of the State Party's report and taking into account the Criminal Act and the Act on the Implementation of the Hague Child Abduction Convention, please clarify:

(a) Whether domestic law specifically criminalizes the conduct described in article 25 (1) of the Convention and, if not, whether the State Party intends to adopt legislation to that effect;

(b) Whether any complaints concerning the enforced disappearance or wrongful removal of children have been lodged since the entry into force of the Convention;

(c) What measures are taken to locate the children concerned, the results thereof, the procedures for returning them to their families of origin and the actions taken to prosecute and punish the perpetrators of such acts (art. 25).

35. In view of reports received by the Committee relating to cases of enforced disappearance alleged to have occurred in the context of the confinement of individuals in the Seoul Metropolitan Child Protection Center in the 1970s, please provide information on the measures taken by the State Party to guarantee the right of victims to truth, justice and reparation (arts. 12, 24 and 25).

36. Please describe the steps taken to ensure that birth registration is universal and available to all children regardless of their parents' legal status or origins,<sup>13</sup> to prevent any risk of wrongful removal or disappearance of children, and provide details on the results of those efforts. Please clarify whether children born under the protected childbirth system have guaranteed access to information concerning their identity and their biological parents, and whether the records are preserved permanently (art. 25).

37. Please provide data on the number of migrant children that have been detained in immigration centres over the past 10 years, and explain the actions taken to prevent the disappearance of unaccompanied children and protect them from enforced disappearance, in particular in the context of migration and trafficking. In that context, please describe the measures taken to ensure that information on unaccompanied children is adequately recorded, to facilitate the identification of disappeared children (art. 25).

38. Please indicate the measures taken to investigate allegations of unlawful intercountry adoption practices during the period of dictatorship and authoritarian rule, including falsification of records, concealment of identity and destruction of archives (art. 25).

39. Concerning paragraphs 164–168 of the State Party's report, the Committee notes the causes of nullity and annulment of adoption under the Civil Act (arts. 883 and 884), as well as under the Special Act on Domestic Adoption and the Special Act on Intercountry Adoption. In view of the joint statement on illegal intercountry adoptions,<sup>14</sup> please indicate:

(a) The system of adoption or other forms of placement of children in the State Party and the steps taken to establish any legal procedures to review and, where appropriate, annul any adoption, placement or guardianship that originated in an enforced disappearance;

<sup>13</sup> [CRC/C/KOR/CO/5-6](#), para. 22 (a); and [CERD/C/KOR/CO/20-22](#), para. 39.

<sup>14</sup> [CED/C/9](#), adopted by the Committee on Enforced Disappearances, the Committee on the Rights of the Child, the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material, the Special Rapporteur on trafficking in persons, especially women and children, and the Working Group on Enforced or Involuntary Disappearances.

(b) The actions taken to investigate allegations of illegal intercountry adoptions that originated in enforced disappearance, and whether there is cooperation with other countries to identify the biological families and provide them with the support that they need to search for their children who are victims of enforced disappearance and to clarify the circumstances of their adoption;

(c) How the results of the Truth and Reconciliation Commission report entitled “Human rights violations in intercountry adoption”<sup>15</sup> will improve adoption procedures in line with the Convention (arts. 12, 14, 15 and 25).

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<sup>15</sup> Available from <https://www.jinsil.go.kr/en/>.