



**Convention on the
Rights of the Child**

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COMMITTEE ON THE RIGHTS OF THE CHILD
Forty-eighth session
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**WRITTEN REPLIES BY THE GOVERNMENT OF REPUBLIC OF KOREA
TO THE LIST OF ISSUES (CRC/C/OPSC/KOR/Q/1) TO BE TAKEN UP IN
CONNECTION WITH THE CONSIDERATION OF THE INITIAL REPORT
OF THE REPUBLIC OF KOREA SUBMITTED UNDER ARTICLE 12,
PARAGRAPH 1, OF THE OPTIONAL PROTOCOL TO THE CONVENTION
ON THE RIGHTS OF THE CHILD ON THE SALE OF CHILDREN, CHILD
PROSTITUTION AND CHILD PORNOGRAPHY (CRC/C/OPSC/KOR/1)**

[Replies received on 23 April 2008]

Question 1: **Please provide (if available) statistical data (including by sex, age group, urban/rural area) for the years 2005, 2006 and 2007 on:**

(a) The number of reported cases of sale of children, child prostitution and child pornography, with additional information on the type of follow-up provided on the outcome of the cases, including prosecution, withdrawals and sanctions for perpetrators.

1. Regarding the sale of children in the Republic of Korea, the following provisions criminalize trafficking in human beings: the Criminal Act (art. 288(2), trafficking in women), the Juvenile Protection Law Against Sexual Exploitation (art. 9, trafficking in youth), the Act on the Punishment of Acts of Arranging Sexual Traffic (art. 18(3)-3) and the Child Welfare Law (art. 40-1). The Government does not have any specific statistics on trafficking in children but, to date, no evidence of child trafficking has been found for purposes other than child prostitution. The number of reported cases of child prostitution was 1,137 in 2005, 964 in 2006 and 1,246 in 2007. The outcomes of the cases are set out in table 1 below.

Table 1
Reported cases of child prostitution and the types of follow-up
(number of persons)

Year	Cases reported	Processed (total)	Prosecuted		Non-prosecuted		Others ^b
			Indicted	Summary indictments	Indictments	Others ^a	
2005	1,137	1,129	274	518	104	85	148
2006	964	1,003	177	568	50	80	128
2007	1,246	1,215	245	519	152	123	176

^a Not suspects, not guilty, no right to arraignment, and/or dismissal.

^b Stay of prosecution, stay of reference, case of juvenile protection, case of domestic relations protection and case of protection against prostitution

Source: Ministry of Justice

2. The number of reported cases of child pornography has decreased from 32 in 2005 to 16 in 2006 and 5 in 2007. The outcomes of the cases are as follows:

Table 2
Reported cases of child pornography and the types of follow-up

Year	Reported	Processed	Prosecuted		Non-prosecuted		Others
			Indicted	Summary indictments	Indictments suspended	Transferred to another authority	
2005	32	27 (Total)	14	0	2	11	0
2006	16	30	19	2	1	8	0

2007	5	5	3	1	0	1	0
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Source: Ministry of Justice

3. The number of arrests involving child prostitution and the types of follow-up are provided below. The number of arrests involving child prostitution is on the decrease, from 1,139 in 2005 to 744 in 2006 and 377 in June 2007.

Table 3

Arrests involving child prostitution

Year	Number of arrests	Number of persons arrested	Processed		Those arrested		
			Prosecuted	Non-prosecuted	Offenders	Related parties, e.g. pimps	Juveniles sent to the Prosecutors' Office
2005	1,139	1,946	295	1,651	1,611	305	30
2006	744	1,745	149	1,596	1,502	183	60
2007	377	1,173	63	1,110	829	123	221 ^a

^a Juvenile indictments have increased as those who were subject to dismissal with a warning are now all booked on a charge since the revision of the Juvenile Protection Law against Sexual Exploitation.

Source: Government Youth Commission

4. The number of sex offenders involved in child prostitution is provided in table 4 below, distributed by age group. The result demonstrates that the majority of sex offenders involved in child prostitution are in their twenties and thirties.

Table 4

Sex offenders involved in child prostitution, by age group

Year	Total	10s	20s	30s	40s	50s	60s and over
2005	1,611	90	720	574	191	33	3
2006	1,502	62	614	585	183	48	10
2007.6	829	37	327	334	107	20	4

Source: Government Youth Commission

5. The number of children and juveniles involved in prostitution by age group is provided in table 5 below. It has been declining, from 1,124 in 2005 to 729 in 2006 and 340 in June 2007.

Table 5

Children and juveniles involved in prostitution by age group

Year	Total	Under 12	13-14 yr. olds	15-16 yr. olds	17-19 yr. olds
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2005	1,124	5	169	438	512
2006	729	10	88	348	283
2007.6	340	5	38	152	145

Source: Government Youth Commission

6. Prostitution has been more prevalent in big cities than in small cities and rural areas. The city of Seoul records the highest number of arrests involving prostitution. The figures on arrests involving prostitution and the types of follow-up by region are set out in table 6 below.

Table 6

Arrests involving prostitution and the types of follow-up, by region

Region	2 0 0 5				2 0 0 6			
	Number of arrests	Number of persons arrested	Detention	Non-detention	Number of arrests	Number of persons arrested	Detention	Non-detention
Total	1,139	1,946	295	1,651	744	1,745	149	1,596
Seoul	405	681	67	614	234	573	39	534
Busan	75	189	24	165	43	216	2	214
Daegu	51	79	25	54	22	40	13	27
Incheon	124	206	31	175	76	143	11	132
Ulsan	20	26	18	8	14	22	5	17
Gyeonggi	131	147	48	99	71	121	10	111
Gangwon	14	20	6	14	20	29	1	28
North Chungcheong	57	58	8	50	17	24	4	20
South Chungcheong	103	124	14	110	17	44	13	31
North Jella	18	31	2	29	9	29	2	27
South Jella	71	118	28	90	174	243	39	204
North Gyeongsang	33	109	16	93	12	75	8	67
South Gyeongsang	27	143	7	136	18	107	2	105
Jeju	10	15	1	14	17	79	0	79

Region	As of June 2007			
	Number of arrests	Number of persons arrested	Detention	Non-Detention
Total	377	1,173	63	1,110
Seoul	110	354	17	337

Busan	40	122	2	120
Daegu	12	20	3	17
Incheon	22	69	5	64
Ulsan	2	4	2	2
Gyeonggi	37	104	4	100
Gangwon	12	19	4	15
North Chungcheo ng	7	24	0	24
South Chungcheo ng	22	73	1	72
North Jella	7	119	3	116
South Jella	70	124	18	106
North Gyeongsang	23	87	4	83
South Gyeongsang	5	13	0	13
Jeju	8	41	0	41

Source: National Policy Agency

(b) The number of reported cases of children trafficked to and from the Republic of Korea, as well as trafficked within the country, for the purpose of sexual exploitation

7. There were no reported cases of child trafficking for sexual exploitation in 2005 and 2006 but in 2007, there were two cases were reported.

Table 7

Child trafficking for the purpose of sexual exploitation

Year	Reported	Processed (Total)	Prosecuted		Non-prosecuted		Others
			Indicted	Summary indictmen ts	Indictmen ts suspended	Stay of prosecutio n	
2005	0	0	0	0	0	0	0
2006	0	0	0	0	0	0	0
2007	2	2	1	0	0	1	0

Source: Ministry of Justice

(c) The number of child victims who were provided with recovery assistance and compensation as indicated in Article 9, Paragraphs 3 and 4 of the Protocol

8. On the basis of the Act on the Prevention of Sexual Traffic and Protection, etc. of Victims Thereof, the Government of Korea has provided assistance to the victims of prostitution including child victims. The assistance provided by the government

includes counselling service, protection, physical and psychological treatments and legal advice for compensation. In addition, in order to reintegrate child victims into society, the government offers them opportunities to receive vocational training or special education programs aimed at preparing them for further education.

9. In 2004, the Government of Korea established three Sexual Abuse Centres for Children (or Habaragi Centres for Children) especially for those under the age of 13. The centres, located in Seoul, North Gyeongsang and Jeolla provinces, operate a hot-line available 24 hours a day, seven days a week, and provide one-stop services including counselling services for both children and parents, psychological treatment and legal service. The centres, in addition, cooperate with an expert group comprised of legal experts, medical staff, including paediatricians and child psychiatrists, counselling experts in sexual violence and child psychologists with the purpose of providing systematic protection for child victims.

10. Statistics on the services provided by the Sexual Abuse Centers for Children as of 2007 are as follows: 1,067 child victims, 2,237 cases of medical treatment; 4,199 cases of psychological treatment; and 1,366 cases of legal service.

Table 8

Services from the Sexual Abuse Centres for Children

Year	Number of Victims	Type of Service (number of cases)			
		Sub-total (number of case)	Medical treatment	Psychological treatment	Legal Service
2004	225	1,508	563	741	204
2005	611	5,216	1,507	2,735	974
2006	1,039	7,568	2,312	3,944	1,312
2007	1,067	7,802	2,237	4,199	1,366

Source: Ministry of Gender Equality and Family

11. In addition, to protect victims of sexual abuse and to rehabilitate offenders, 199 counselling centres for sexual abuse, 20 shelters for victims of sexual abuse, 16 offices for Hotline 1366, 14 one-stop support centres and one office for Hotline 1366 for migrant women are in operation.

12. For victims of sexual abuse under the age of 19, support facilities (categorized as facilities for general support, youth victims, self-reliance support, and foreign victims) and counselling centres for the victims of prostitution were established and are now in operation. The number of youths under the age of 19 who benefited from such facilities and centres is set out in table 9 below.

Table 9

Number of youths who received support from the facilities and centres for the victims of prostitution

Year	2005	2006	2007
Number of youths	818	1,112	1,052

Source: Ministry of Gender Equality and Family

13. Government facilities run for juvenile victims of prostitution provide vocational training and education aimed at providing preparation for further education as well as medical and legal services.

Table 10

Services provided at facilities for juvenile victims

(number of cases)

Service	2005	2006	2007
Medical treatment	3,086	3,391	2,561
Legal Service	87	120	42
Vocational Training	498	850	268
Education to move to a higher level	738	1,347	321
Total	4,409	5,708	3,192

Source: Ministry of Gender Equality and Family

14. To treat child victims of commercial sexual exploitation and to prevent their return to prostitution, the Government has established rehabilitation programmes for child victims of prostitution. The programmes consist of recreation and participatory activities, including sand play, art therapy, recreational therapy and anger expression. Also, customized rehabilitation programmes based on the needs of each child victim are provided. The programmes have been running successfully. Of those who completed the programmes, 79.8 per cent have returned home. Of the parents of these children, 74.3 per cent have received counselling and 88.1 per cent of the children have successfully re-integrated into schools or have found employment. The types of rehabilitation programs are as follows:

Table 11

Rehabilitation programmes for child victims of prostitution

Curriculum	Target group	Organizations in charge
40 hours	<ul style="list-style-type: none"> A juvenile ordered by a prosecutor to go through education and counselling programs. Juvenile victims of prostitution discovered by police 	<ul style="list-style-type: none"> Seoul Education Centre for Juveniles in Crisis Daejeon Education Centre for Juveniles in Crisis Busan Education Centre for Juveniles in Crisis
4 weeks	<ul style="list-style-type: none"> Juveniles who need further education after the completion of the 40 hour curriculum Applicants among juveniles in shelters 	<ul style="list-style-type: none"> Gwangju Education Center for Juveniles in Crisis
7 weeks	<ul style="list-style-type: none"> Juveniles with mental disabilities 	<ul style="list-style-type: none"> Macji Education Center for Juveniles in Crisis

Counselling and temporary protection (2 days)	▪ Juvenile victims of prostitution discovered by police	▪ Joongang Education Center for Juveniles in Crisis (Changwon Shelter for Women)
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Source: Government Youth Commission

15. Rehabilitation programmes for juvenile victims of prostitution are provided by organizations specialized in providing such education. The number of juveniles who completed the programs was 94 in 2006 (July-December) and 305 in 2007.

Table 12
The number of juveniles by organization

Organization	2006 (July to December)	2007
Joongang Education Center for Juveniles in Crisis(Changwon Shelter for Women)	24	108
Busan Education Center for Juveniles in Crisis	20	58
Daejeon Education Center for Juveniles in Crisis	10	62
Gwangju Education Center for Juveniles in Crisis	26	47
Macji Education Center for Juveniles in Crisis (for the disabled)	14	25
Seoul Education Center for Juveniles in Crisis	-	5
Total	94	305

Source: Government Youth Commission (unit: no. of persons)

(d) The number of cases of organ transplant, including bone marrow transplant, involving donors under the age of 18

16. Children aged 16 and above can donate organs with the consent of their parents, pursuant to Organ Transplant Act. The number of children who received organ donations and transplants including bone marrow donations and transplants was 258 in 2005, 264 in 2006 and 218 in 2007. Statistics based on sex, age and region are provided in tables 13, 14 and 15 below,

Table 13
Children who donated bone marrow/organs and received bone marrow/organ transplant by sex

Year	Donated bone marrow		Received bone marrow transplant		Donated organs		Received organ transplant		Total	
	M	F	M	F	M	F	M	F	M	F
2005	14	24	51	49	27	12	46	35	138	120
2006	18	21	51	39	28	17	53	37	150	114
2007	12	13	39	20	34	9	45	46	130	88

Source: Ministry of Health and Welfare (unit: no. of persons)

Table 14

Children who donated bone marrow/organs and received bone marrow/organ transplant by age group

Year	Age group	Donated bone marrow		Received bone marrow transplant		Donated organs		Received organ transplant		Total
		M	F	M	F	M	F	M	F	
2005	0~4	0	5	15	11	0	0	24	17	72
	5~8	6	5	9	9	0	1	4	5	39
	9~12	2	6	10	10	4	2	8	6	48
	13~17	6	8	17	19	23	9	10	7	99
2006	0~4	2	2	10	9	0	1	15	19	58
	5~8	2	6	12	7	1	1	8	5	42
	9~12	6	9	13	4	3	2	15	3	55
	13~17	8	4	16	19	24	13	15	10	109
2007	0~4	2	2	7	7	0	0	16	14	48
	5~8	4	5	16	3	3	1	6	7	45
	9~12	6	3	6	1	2	1	6	8	33
	13~17	0	3	10	9	29	7	17	17	92

Source: Ministry of Health and Welfare (unit: no. of persons)

Table 15>

Children who donated bone marrow/organs and received bone marrow/organ transplant by region

Year	Region	Donated bone marrow		Received bone marrow		Donated organs		Received organ transplant		Total
		M	F	M	F	M	F	M	F	
2005	Seoul	2	3	11	7	5	3	13	6	50
	Incheon,Gyeonggi	6	10	19	21	10	2	15	15	98
	Daejeon, South and North Chungcheong	0	4	4	7	5	1	8	1	30
	Gwangju, South and North Jeolla	3	4	6	7	3	1	0	6	30
	Busan, South Gyeongsang, Ulsan	1	1	4	2	1	3	3	2	17
	Daegu, North	1	1	5	1	3	2	4	4	21
	Gangwon, Jeju	0	1	2	1	0	0	3	1	8
2006	Seoul	5	4	11	4	8	2	14	5	53
	Incheon,Gyeonggi	5	8	16	13	7	6	15	18	88
	Daejeon, South and North Chungcheong	2	4	8	6	4	0	4	4	32
	Gwangju, South and North Jeolla	3	3	7	7	2	4	4	4	34
	Busan, South Gyeongsang, Ulsan	2	1	4	3	5	0	7	4	26
	Daegu, North	1	0	1	4	2	2	7	1	18

	Gangwon, Jeju	0	1	5	2	0	2	2	1	13
2007	Seoul	3	8	11	8	6	0	6	8	50
	Incheon, Gyeonggi	5	1	13	5	11	5	14	14	68
	Daejeon, South and North Chungcheong	1	0	3	4	0	1	7	7	23
	Gwangju, South and North Jeolla	1	0	5	1	7	1	5	4	24
	Busan, South Gyeongsang, Ulsan	2	2	6	2	1	2	7	5	27
	Daegu, North	0	2	1	0	7	0	3	4	17
	Gangwon, Jeju	0	0	0	0	2	0	3	4	9

Source: Ministry of Health and Welfare (unit: no. of persons)

(e) The number of cases of domestic and inter-country adoption

17. There were 1,461 children adopted domestically in 2005, 1,332 in 2006 and 1,388 in 2007. The number of international adoption cases increased from 2,101 in 2005 to 3,231 in 2006 and then decreased significantly to 1,264 in 2007. The Government has provided adopting families with additional financial support, including child-care subsidies and exemption from payment of the adoption fee. Along with these, the Government adopted the Measure to Boost Domestic Adoption in 2007 and carried out a variety of activities in order to facilitate and encourage domestic adoption.

Table 16
Current status of adoption

Region	Total	2005	2006	2007
Domestic	4,181	1,461	1,332	1,388
International	5,264	2,101	1,899	1,264
Total	9,445	3,562	3,231	2,652

Source: Ministry of Health and Welfare

18. Figures on adopted children, distributed by sex and age, are set out in tables 17 and 18 below.

Table 17
Number of adopted children, by sex

Year	Domestic			International		
	Total	M	F	Total	M	F
2005	1,461	482	979	2,101	1,353	748
2006	1,332	485	847	1,899	1,253	646
2007	1,388	541	847	1,264	722	542

Source: Ministry of Health and Welfare

Table 18
Number of adopted children, by age group

Year	Total	Less than 3 months old	3 months to less than 1 year old	1 year to less than 3 years old	Over 3 years old
2005	1,461	1,113	184	104	60
2006	1,332	945	159	142	86
2007	1,388	923	211	154	100

Source: Ministry of Health and Welfare

19. There are no statistics on domestic adoption by age group, as most children being given up for domestic adoption are one year old or younger. In addition, there is no birthplace data on international adoption, as these are all arranged by adoption agencies located in Seoul.

Table 19

**The number of domestic adoption, by region
(number of persons)**

Year	Total	Seoul	Busan	Daegu	Incheon	Gwangju	Daejeon	Ulsan
2005	1,461	432	73	112	115	137	87	26
2006	1,332	369	96	103	91	118	68	24
2007	1,388	413	116	126	95	119	60	25

Year	Gyeonggi	Gangwon	North Chungcheong	South Chungcheong	North Jeolla	South Jeolla	North Gyeongsang	South Gyeongsang	Jeju
2005	233	33	42	7	49	50	11	40	14
2006	217	27	64	8	49	43	9	37	9
2007	202	26	49	8	53	44	9	32	11

Source : Ministry of Health and Welfare

Question 2. Please provide more information on measures taken to establish an effective system of data collection on the issues covered by the Optional Protocol.

20. The Government of Korea revised the Juvenile Protection Law against Sexual Exploitation in 2008. The revised law requires biannual public announcements of sexual crime rates, trends and other particulars that are fundamental to prevent sexual crimes against juveniles.

21. In 2004, the Government set up a Monitoring Commission on the Prevention of Prostitution under the Office of the Prime Minister, to monitor and coordinate the national policies on prostitution established by various ministries. The Monitoring Commission on the Prevention against Prostitution, co-chaired by the Gender Equality and Family Minister and the deputy-director of the Policy Unit under the Office of the Prime Minister, is comprised of 16 members including directors of relevant divisions from the ministries. The Commission conducts a quarterly monitoring on the implementation of the Master Plan on the Prevention against Prostitution at the ministerial level. A regional consultative body or a Committee on the Prevention against Prostitution involving local authorities, NGOs and the police is in operation

for effective exchange of information and cooperation regarding measures to protect the rights of victims and prevent prostitution at the local level.

Question 3: In paragraph 8 of the initial report, it is noted that international treaties have same force and effect of law as the domestic laws of the Republic of Korea. Please clarify whether the Optional Protocol takes precedence over domestic legislation in case of conflict, and whether it can be invoked directly before the courts. Please provide relevant case law if applicable.

22. The Republic of Korea incorporates international treaties into domestic law by stipulating in paragraph 1, article 6, of the Constitution that “treaties duly concluded and promulgated under the Constitution and generally recognized rules of international law shall have the same force and effect of law as domestic laws of the Republic of Korea”. Therefore, the Optional Protocol has identical force and effect of law as the domestic law of the Republic of Korea and can be invoked directly before the courts. Since the Government of Korea fully considers the content of the Optional Protocol when enacting or revising domestic law, there is little possibility that the Optional Protocol would collide with the domestic law. So far, there have been no cases where the Optional Protocol has been invoked directly before the courts.

Question 4: Please clarify which governmental body is in charge of the coordination of implementing the Optional Protocol, and further elaborate on its role and activities in this regard.

23. The Ministry of Health and Welfare is the main agency in charge of the coordination of implementing the Convention on the Rights of the Child and the Optional Protocol. The Government has created the Children’s Safety and Rights Division under the Ministry of Health and Welfare as the focal entity to handle all matters related to the Convention of the Rights of the Child and the Optional Protocol within the government. The Children’s Safety and Rights Division also functions as the secretariat for the Child Policy Coordinating Committee established to deliberate on matters related to the implementation and the coordination of international treaties regarding children.

24. Under the Act on the Punishment of Acts of Arranging Sexual Traffic, the Ministry of Justice is in charge of the enforcement of judicial punishment on sexual offenders, including persons arranging prostitution and using prostitution.

25. Under the Act on the Prevention of Sexual Traffic and Protection, etc. of Victims Thereof, the Ministry of Gender Equality and Family is responsible for protecting and rescuing victims of prostitution, including children, and helping them attain self-reliance. In addition, the Ministry of Gender Equality and Family annually conducts an “evaluation of the implementation of measures on the prevention against prostitution in local authorities” in which local authorities monitor the implementation of measures on the protection for victims of prostitution and the prevention of prostitution by local authorities. For this purpose, evaluation indicators were developed in 2005 and a pilot evaluation was conducted in 2006. Those indicators became a part of the official policy evaluation indicators of local authorities in 2007, and a regular evaluation has been conducted on an annual basis since then.

26. In May 2006, a Ministerial Meeting on the Eradication of Five Most Serious Types of Violence and Irregularities, chaired by the Prime Minister, was held. Measures against sexual violence were added to the agenda for the Meeting and measures on the prevention of sexual violence and the protection of victims were reported to the Prime Minister by the Commission on the Prevention against Sexual Violence, comprised of six ministries and private experts. This Meeting resulted in the improvement of relevant policies, including measures on the eradication of sexual violence against children, on the punishment of sexual crimes and the protection of victims. The above-mentioned Commission is comprised of six ministries - the Ministry of Education, the Ministry of Justice, the Ministry of Health and Welfare, the Ministry of Gender Equality and Family, the National Police Agency and the Government Youth Commission - and three private experts - an NGO representative, a medical expert and a psychologist.

27. A Task Force for Promotion and Education on the Prevention of Sexual Violence against Children was set up in September 2007, in partnership among the Ministry of Gender Equality and Family, the Ministry of Education, the Ministry of Health and Welfare and the Government Youth Commission. The Task Force has implemented a variety of activities including the development of materials on sexual violence against children and publicity programs.

28. The Ministry of Gender Equality and Family and the Government Youth Commission, in conjunction with private organizations, held an event commemorating the Day against Sexual Violence against Children (on 22 February every year) in 2007. The event served as an opportunity to raise social awareness about the seriousness of sexual violence against children and initiate a nationwide campaign to protect children from sexual violence.

Question 5: Please indicate whether there is an independent monitoring mechanism on child rights, including the implementation of the Optional Protocol, with the mandate to receive complaints from, or on behalf, of children on violations of the Optional Protocol.

29. The Child Rights Monitoring Centre, established in October 2006, aims to monitor the implementation of the Convention on the Rights of the Child and the Optional Protocol in the Republic of Korea. Therefore, a child or a third party on behalf of a child can file a complaint to the centre for violations of the Optional Protocol. The Child Rights Ombudspersons Meeting shall review the complaint, and submit proposals for the improvement of child rights policy or an institution to relevant ministries accordingly. There is still, however, much room for discussion as to the scope of the role and legal authority of the centre. The Government plans to resolve these problems through the revision of relevant laws in 2008.

30. The Government has established mechanisms to monitor the progress of policy implementation at both the central and local levels so as to protect and support victims of prostitution, and to curb the demand for prostitution.

31. At the central Government level, on the one hand, the Monitoring Commission on the Prevention against Prostitution conducts monitoring on the performance of relevant ministries and the Ministry of Gender Equality and Family performs annual monitoring and evaluation on the performance of local authorities. At the local level,

on the other hand, a Committee on the Prevention against Prostitution involving private organizations and a regional consultative body monitor policy implementation in each region. The Customer Service Centre at the Ministry of Gender Equality and Family receives and handles public complaints related to national policies including violations of the Optional Protocol.

32. A complaint regarding the violation of the Optional Protocol may be referred to the National Human Rights Commission only if children's rights are violated or children are discriminated against by State agencies, a juridical person or personal individuals, while entities such as State agencies, detention or protection facilities perform their duties. As child trafficking and child prostitution are regarded as matters between private individuals, complaints on such matters cannot be filed to the National Human Rights Commission. However, under article 8 of the Optional Protocol that protects the rights and interests of a child in the criminal justice process, a complaint can be filed by a child or a third party on behalf of a child only when there is a violation of such provision. The National Human Rights Commission may issue recommendations for the improvement of policies and legal systems to the relevant ministries so as to fulfil the obligations under the Optional Protocol.

Question 6: Please provide information on domestic and inter-country adoption procedures, including the roles of adoption agencies. Please also provide information on the relevant legal framework, including legislation criminalizing article 3(a). Please indicate whether there is central authority in charge of domestic and inter-country adoption.

33. Under domestic law, adoption is divided into three different categories: general adoption and full adoption under the Civil Act and adoption under the Act on Special Cases Concerning the Promotion and Procedure of Adoption. Adoption procedures for each type are set out in the text below.

34. General adoption becomes effective when a report of adoption, as provided for in the Family Register Act, has been submitted with the consents of both parties (art. 878 of the Civil Act). Any person who intends to adopt a child must have attained the age of majority and, if the child to be adopted is under the age of 15, consent to the adoption shall be obtained from the child's legal guardian on behalf of the child. In addition, regardless of the age of the child to be adopted, he/she shall obtain the consent of his parents, other lineal ascendants or legal guardian (arts. 870 and 871 of the Civil Act). The relationship of the natural parents and child before adoption will be maintained, and the surname and the origin of the surname will be retained after such adoption.

35. Any person, who intends to fully adopt a child, from 1 January 2008, shall make a request to the family court after meeting the requirements (art. 908(2) of the Civil Act). The adoption shall be made jointly by the husband and wife who have been married for three years or more, and the child to be adopted shall be under the age of 15. Consent to such adoption shall be obtained from the natural parents. The child adopted through full adoption shall be deemed to be born during the marriage of the adoptive parents, and take the adoptive parents' surname and origin of surname. Relationships of the adopted child before such full adoption shall be terminated.

36. Adoption under the Act on Special Cases Concerning the Promotion and Procedure of Adoption becomes effective when a report of adoption has been submitted as general adoption under the Civil Act. The act, however, prescribes special regulations for the promotion of adoption and the welfare of a child to be adopted. A child to be adopted shall be a child, under the age of 18, required to be protected by assistance facilities or adoption agencies. Any person who intends to adopt a child shall have enough economic and social capabilities to raise an adopted child. Consent to adoption shall be obtained from the natural parents, lineal ascendants or legal guardians but it can be substituted by the consent to adoption obtained when such child was sent to assistance facilities or adoption agencies. If the adoptive parents wish, the child to be adopted under this act shall take the adoptive parents' surname and (art. 8 (1) of the Act on Special Cases Concerning the Promotion and Procedure of Adoption).

37. International adoption is divided into two different categories: international adoption in the Republic of Korea and international adoption in foreign countries. If a foreigner wishes to adopt a child in Korea, he/she shall apply jointly with the guardian, for the authorization of adoption, to the family court (art. 16 of the Act on Special Cases Concerning the Promotion and Procedure of Adoption). For international adoption in foreign countries, if the head of the adoption institution who is requested to mediate adoption by a foreigner wishes to mediate the adoption, he/she shall apply for the permission to emigrate to the Minister of Health and Welfare. When the adopted child acquires the nationality of the adoptive parents, the Republic of Korea nationality will be terminated (art. 17 of the Act on Special Cases Concerning the Promotion and Procedure of Adoption).

38. Penal provisions related to adoption are as follows: articles 40 and 29(5) of the Child Welfare Act stipulate that any person who trades in children with others shall be punished by imprisonment of not more than 10 years or a fine not exceeding 30 million won, and article 29 (10) stipulates that any person who mediates the rearing of a child and thereby obtains money, other than an intermediary agency having a legal competence, shall be punished by imprisonment of not more than 3 years or a fine not exceeding 10 million won. In addition, counterfeiting or alteration of private documents shall be punished by imprisonment of not more than five years or a fine not exceeding 10 million won under articles 231 and 234 of the Criminal Code.

39. Adoption is mediated by adoption agencies authorized by the Minister of Health and Welfare or provincial governors. Under the Act on Special Cases Concerning the Promotion and Procedure of Adoption, adoption agencies are placed under the supervision and guidance of the Ministry of Health and Welfare. As necessary, it may request such agencies to provide the report on the progress or the submission of relevant documents. In addition, government officials may visit adoption agencies or related facilities for inspection. The Government currently provides thorough supervision and guidance to and conducts regular inspections of adoption agencies so as to prevent violations of children's rights related to adoption.

Question 7: With reference to paragraph 46 of the State party's report, please inform the Committee whether the State party may establish its jurisdiction over offences referred to in the Optional Protocol in all cases indicated in article 4, and notably in its paragraph 2, i.e. when the crime is committed abroad by or

against a national of the Republic of Korea, or when the alleged offender is present on the State party's territory.

40. The Criminal Act of the Republic of Korea shall apply to both Korean nationals and aliens who commit crimes within the territory of the Republic of Korea. In addition, this act shall apply to all Korean nationals who commit crimes outside the territory of the Republic of Korea.

Question 8: Please inform the Committee about the number of investigations, trials and convictions/acquittals, including punishments imposed, for crimes covered by the Optional Protocol in the years 2004-2007.

41. The Republic of Korea has taken preventive measures against sexual crimes. The Government does not have any specific statistics on trafficking in children. No evidence of child trafficking has been found yet for purposes other than child prostitution. The number of reported cases of child prostitution was 1,137 in 2005, 964 in 2006 and 1,246 in 2007. The outcomes of the cases are set out in table 20 below.

Table 20

**Reported cases of child prostitution and the types of follow-up
(number of persons)**

Year	Reported	Proceeded (Total)	Prosecuted		Non-prosecuted		Others ^b
			Indicted	Summary indictment	Indictment	Others ^a	
2005	1,137	1,129	274	518	104	85	148
2006	964	1,003	177	568	50	80	128
2007	1,246	1,215	245	519	152	123	176

^a Not suspects, not guilty, no right to arraignment, and/or dismissal.

^b Stay of prosecution, stay of reference, case of juvenile protection, case of domestic relations protection and case of protection against prostitution

Source: Ministry of Justice

42. The number of reported cases of child pornography has decreased from 32 in 2005 to 16 in 2006 and 5 in 2007. The outcomes of the cases are set out in table 21 below.

Table 21

Reported cases of child pornography and the types of follow-up

Year	Reported	Processed	Prosecuted		Non-prosecuted		Others
			Indicted	Summary indictments	Indictments suspended	Transferred to another authority	
2005	32	(Total) ²⁷	14	0	2	11	0

2006	16	30	19	2	1	8	0
2007	5	5	3	1	0	1	0

Source: Ministry of Justice (unit: no. of persons)

43. The number of arrests involving child prostitution and the types of follow-up are provided below. The number of arrests involving child prostitution is on the decrease from 1,139 in 2005 to 744 in 2006 and 377 in June 2007.

Table 22

Arrests involving child prostitution

Year	Number of arrests	Number of persons arrested	Processed		Those arrested		
			Prosecuted	Non-prosecuted	Offenders	Related parties, e.g. pimps	Juveniles sent to the Prosecutors' Office
2005	1,139	1,946	295	1,651	1,611	305	30
2006	744	1,745	149	1,596	1,502	183	60
2007.	377	1,173	63	1,110	829	123	221 [*]

* Juvenile indictments have increased as those who were subject to dismissal with a caution are now all booked on a charge since the revision of the *Juvenile Protection Law against Sexual Exploitation*.

Source: Government Youth Commission

44. Specifically, under the Juvenile Protection Law against Sexual Exploitation, the Public Disclosure System of Sex Offenders against Juveniles was launched in July 2000. The law requires personal information, including name, age, occupation, and description of the case to be displayed online for six months and on public boards for one month. So far, the personal information of 6,519 sex offenders (50 per cent of total sex offenders) has been disclosed.

Table 23

Progress of the Public Disclosure System of Sex Offenders against Juveniles

Year	To be deliberated	Displayed	To be educated	Educated	Administrative Litigation (number of cases)	Administrative Appeal (no. of cases)
2004	2,507	1,110	310	262	2	2
2005	2,769	1,044	654	420	1	2
2006	2,569	1,027	756	350	1	2
2007	2,015	868	444	235	2	3
Total	9,860	3,050	2,164	1,267	6	9

Source: Government Youth Commission

Table 24

**Progress of the Public Disclosure System, by type of crime
(number of cases)**

Year	Total		Rape		Sexual assault	
	To be displayed	Displayed	To be displayed	Displayed	To be displayed	Displayed
2004	2,507	1,110	422	374	559	350
2005	2,769	1,044	431	384	643	292
2006	2,569	1,027	374	341	701	342
2007	2,015	868	292	267	705	356
Total	9,860	3,050	1,519	1,366	2,608	1,340
Year	Purchasing prostitution		Arranging prostitution		Production of pornography	
	To be displayed	Displayed	To be displayed	Displayed	To be displayed	Displayed
2004	1,401	262	124	123	1	1
2005	1,551	231	140	133	4	4
2006	1,421	275	68	64	5	5
2007	988	217	28	26	2	2
Total	5,361	985	360	346	12	12

Source: Government Youth Commission **Question 9: Please provide information on initiatives taken by the State party to prevent child sex tourism by Korean citizens abroad, including any legislative measures. Has the State party taken any measures to disseminate the Code of Conduct set up by the World Tourist Organization on the protection of children from sexual exploitation in travel and tourism?**

45. The Government of Korea has taken actions, including the enactment of specific legislations and raising public awareness, to prevent overseas travel for the purpose of child prostitution. The Act on the Punishment of Acts of Arranging Sexual Traffic and the Act on the Prevention of Sexual Traffic and Protection, etc. of Victims Thereof, enacted in 2004, aims to root out prostitution, the acts of arranging prostitution, and human trafficking aimed for prostitution and to protect the human rights of the victims. In particular, article 3 of The Act on the Punishment of Acts of Arranging Sexual Traffic stipulates that the State shall work to strengthen international cooperation and to vigorously cooperate with other countries in criminal matters to prevent human trafficking aimed for prostitution.

46. The two laws mentioned above have strengthened measures on the punishment of sex offenders and human traffickers as well as the protection of the victims through the following provisions: the definitions of “human traffic aimed for sexual traffic” and “victim of sexual traffic”; the confiscation of money and goods acquired by running any advertisement for prostitution, arranging prostitution and hiring any other person for the purpose of prostitution; the establishment of mechanisms to protect human rights of the

victims and the postponement of executing the compulsory departure order and the custody for foreign women victims.

47. The Monitoring Commission on the Prevention of Prostitution held a meeting on 19 September 2007. The Government reconfirmed the necessity of strategies to prevent overseas prostitution including child sex tourism, and tightened regulations and punishments on the issues. Such measures were widely covered by the media.

48. A Special Team to Combat Overseas Prostitution has been created in partnership between the Prosecutors' Office and the National Police Agency to increase enforcement against the brokers of overseas prostitution. The Government currently restricts the issuing of new passports to those convicted of arranging prostitution and purchasing sex overseas. The government plans to revise the Passport Act in order to confiscate the passports of those convicted of engaging in prostitution overseas.

49. In addition, overseas tour guides receive anti-prostitution education and inform tourists that they can be punished at home for engaging in prostitution abroad. Along with these, the Government supports anti-prostitution efforts of Korean Associations abroad, including the issuing of voluntary certificates of a prostitution-free zone to the tourism industry such as travel agencies, restaurants and entertainment businesses.

50. The Government of Korea has actively publicized the Code of Conduct set up by the World Tourism Organization. Major government policies promoted in 2007 include: efforts to raise tourists' awareness about prostitution through a "healthy overseas travel" campaign, street and advertising campaigns to promote "healthy overseas travel", short video clips on the illegality of sex tourism, especially overseas tourism for the purpose of child prostitution, were produced and disseminated on the occasion of No Child Sex Tourism campaign launched in December 2007, and online campaigns were launched through websites of travel agencies and internet portals.

51. A certificate system for good travel products was introduced to promote "healthy overseas travel" and 10 out of 40 travel products were selected in 2007. Along with these initiatives, the Government performs regular inspections to effectively intervene in incidents involving prostitution, and makes every effort to improve measures against overseas prostitution.

Question 10: Please provide information on the measures taken by the State party to combat the problem of trafficking in persons for the purpose of sexual exploitation, particularly children. Please indicate whether the State party has entered into bilateral agreements with other countries with a view to providing protection and assistance to child victims of trafficking.

52. The Juvenile Protection Law against Sexual Exploitation, enacted in 2001, defines the punishment procedure for sexual crimes, and support and relief procedures for protecting children and juveniles against sexual crimes. The Act on the Prevention of Sexual Traffic and Protection, etc. of Victims Thereof and the Act on the Punishment of Acts of Arranging Sexual Traffic were enacted in 2004 so as to prevent prostitution, including human trafficking for the purpose of prostitution and to protect

the victims. Along with these, in the interest of effective law enforcement, the Master Plan on the Prevention of Prostitution was enacted in 2004.

53. The Master Plan on the Prevention of Prostitution involves 17 ministries with 73 tasks under three main areas: raising public awareness; prevention (prohibition and prosecution); and protection. A Planning Unit on the Prevention of Prostitution, comprised of 12 government officials and 12 private experts including NGO representatives, was established for the development of the Master Plan. However, the said Unit was transformed into the Monitoring Commission on the Prevention against Prostitution for better implementation of the Master Plan and the Commission is now in operation under the office of the Prime Minister.

54. As three years have passed since the Master Plan on the Prevention against the Prostitution came into effect in December 2007, it was modified and supplemented around three main areas: prevention, protection and prosecution. The revised Master Plan includes measures to strengthen the effectiveness of the law such as the plan to support the self-reliance of victims and the plan to prevent online prostitution and overseas travel for the purpose of prostitution.

55. A survey on the public perception of prostitution, which the Ministry of Gender Equality and Family entrusted to a private research company, was conducted in August 2007. The survey demonstrates that the public perception on the illegality of prostitution has greatly improved after the law took effect. The percentage of respondents who perceived prostitution to be illegal was 30.4 per cent in 2004 before the law took effect, but figures have remained at over 90 per cent during the three years after the law took effect.

56. After the Act on the Prevention of Sexual Traffic and Protection, etc. of Victims Thereof and the Act on the Punishment of Acts of Arranging Sexual Traffic became effective on 23 September 2004, the sex industry changed dramatically. The number of brothels had decreased by 41 per cent to 992 in August 2007 compared to 1,679 in September 2004. The number of people engaged in the sex industry also decreased, by 55 per cent from 5,567 to 2,523.

57. Judicial authorities such as the National Police Agency and the Ministry of Justice have conducted regular annual crackdowns on prostitution and tightened punishment for crimes involving prostitution. As a result, the number of persons arrested for arranging prostitution has drastically increased and the punishment for a person who provides a place for prostitution has been tightened.

58. The Republic of Korea has not signed any bilateral agreements with other countries for the protection of children and provision of assistance to child victims of trafficking. However, the Government of Korea is willing to enter into such bilateral agreements with other countries, if necessary.

Question 11: Please provide information on measures taken to strengthen international assistance in connection with investigations or criminal or extradition proceedings brought in respect of the offences covered by the Optional Protocol.

59. The Juvenile Protection Law against Sexual Exploitation stipulates that there should be an understanding that sexual abuse and exploitation of children are international crimes, and that efforts should be made to strengthen international cooperation in sharing criminal records, conducting research on crimes, performing international joint justice assistance, and extraditing criminals. If Korean citizens commit sex crimes against children and are subject to punishment outside the Republic of Korea, the Government should make efforts to acquire information on the cases in question from the country involved and punish the criminal appropriately, demonstrating Korea's active cooperation in international efforts to resolve such cases.

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