



Convention on the Rights of the Child

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Committee on the Rights of the Child

Consideration of reports submitted by States parties under article 44 of the Convention

Consolidated third and fourth periodic reports of States
parties due in 2008

Republic of Korea*

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Part One

Introduction

1. The Republic of Korea has pursued various efforts with the aim of strengthening the implementation of the Convention on the Rights of the Child, which include legislative amendments and institutional reform along with many others.
2. The submission of the second periodic report in 2000 and the recommendations of the Committee on the Rights of the Child in 2003 have led to wide-ranging endeavors to promote children's rights in Korea. These include the creation of a comprehensive set of policies on child-related issues, increases in the budget, and the streamlining of the administrative framework for implementing child-related policies.
3. In 2002, the Korean Government established "the Comprehensive Plan for Child Protection and Development" with the aim of ensuring social services and basic livelihood for children to live with dignity as human beings.
4. The next set of measures adopted in 2003 by the Korean Government was focused on the safety of the child. "The Comprehensive Measures for Child Safety" aimed to create a safe environment for children by preventing abuse, violence, and accidents. In the following year, the Government announced "The Comprehensive Measures for Children in Poverty" with a view to breaking the cycle of inherited poverty and providing all children the opportunity to start on an equal footing.
5. In relation to youth, the Government introduced the "Third Basic Plan for Youth Development (2003–2007)" in an effort to promote their rights, expand the opportunity for participation in policymaking, and strengthen social services addressing their needs. It has been succeeded by "the Fourth Basic Plan for Youth Development", launched this year with a timeline extending to the year 2012.
6. The budget for the above policies and plans has been raised over the years in order to make their implementation more effective. For example, the budget dedicated to fostering the welfare of children and youth, promoting their activities, and preventing sexual violence against them grew from an estimated 1.8 trillion won in 2003 to 2.8 trillion in 2007.
7. The year 2008 saw major shifts in the administration of policies on children and youth. Previously, there had been several Government bodies, each mandated with overseeing a subset of these policies: the Ministry of Health and Welfare with policies focused on children, the Ministry of Gender Equality and Family with childcare policies, and the Government Youth Commission dealing with youth policies. These policies have now been integrated and put under the control of the Ministry of Health, Welfare and Family Affairs (MIHWFA).
8. Laws governing the above-mentioned policies are in the process of amendment to accommodate those changes. Meanwhile, the Government is working on "the Five-Year Policy Plan on Children and Youth", which will encompass critical issues concerning children such as the provision of basic livelihood, safety and protection, health, care and education, play, activity, cultural exposure, participation, and rights.
9. In enacting and amending legislation, the Government endeavors to reflect the philosophy embodied in the Convention on the Rights of the Child and the recommendations of the Committee on the Rights of the Child. The Korean Government had lodged a reservation over the guarantee of the child's right to maintain contact with parents when it ratified the Convention. This right is now reflected in the newly amended

Civil Code. Moreover, the Government expanded children's representation in the making of policy decisions and strengthened their right to freedom of expression.

10. The Korean Government amended the Child Welfare Act in 2004 and accordingly put in place the Child Policy Coordination Committee. This committee, comprised of Government officials as well as private sector experts, reviews policies affecting children and monitors the implementation of the Convention on the Rights of the Child.

11. The consolidated 3rd and 4th periodic report consists of a structured set of chapters which discuss the progress made in implementing the Committee's recommendations in 2003, changes in policies affecting children, and compliance with the concluding observations adopted by the Committee in June 2008 in the consideration of national reports on the Optional Protocol to the Convention on the Rights of the Child. This report also includes, as set forth in the Committee's guidelines, statistical data on child-related issues and obstacles to implementing the Convention.

12. This report was co-authored by the relevant Government ministries, scholars of child-related academic disciplines, and experts from children's rights groups. In the writing of this report, special care was taken to reflect the opinions of civil society, including the voices of the children themselves.

13. In view of the provisions of the Convention, the Korean Government will continue to adopt legal, institutional, and administrative measures in ways that can best protect the rights of children.

Part Two

Implementation of the Convention on the Rights of the Child

Chapter I

General measures of implementation of the Convention

A. Concluding observations – Follow-up

1. Reservations (see CRC/C/15/Add.197, para. 10)

14. **The Korean Government had entered reservations to three provisions of the Convention at the time of its ratification. The Government withdrew its reservation to one of these provisions, namely the child's right to maintain contact with his/her parents, in accordance with the Civil Code amendments in 2007. In lieu of the second reservation item, the Government plans to consider an authorization-based system of adoption at the stage when general conditions and public perception concerning adoption improve. However, regarding its third reservation to the guarantee of the child's right to appeal in court, the Government stands by the existing article 534 of the Military Court Act which restricts this right, in view of Korea's unique security situation as a divided nation.**

Child's right to appeal in court (art. 40 para. 2 (b) (v))

15. The child's right to an appeal is restricted only in military trials under extraordinary martial law as stipulated in article 110, paragraph 4 (military trials under extraordinary martial law) of Korea's Constitution and in article 534 of the Military Court Act; and in this, the restriction is applicable only to certain crimes charged as specifically set out in the above legislations, such as military espionage, supply of harmful foods and beverages, and criminal acts against sentinels and prisoners of war. The Korean Government maintains this

restriction to address its unique security situation as a divided nation and to quickly restore public order in situations of national emergency.

Introduction of authorization-based adoption and improvement of public perception of adoption (art. 21 para. (a))

16. Earlier versions of the Civil Code recognized an adoption as legitimate so long as a report of the adoption was filed based on an agreement between the parties involved, without requiring approval from the court. In 2005, however, the Government amended the Civil Code to introduce the full adoption system, which requires authorization by the Family Court for an adoption to be legally effective. The full adoption system is one in which the legal relationship is terminated between the adopted child and biological parents. In the adoptive family, the adopted child is treated in the same way that the biological offspring would be in legal and real terms.

17. By introducing full adoption for in-country adoptions, Korea has moved a step closer to the spirit of the Convention's [article 21](#), paragraph (a), which requires authorization by competent bodies. However, there remain obstacles to requiring authorization in domestic adoptions in general. As an authorization system may impede adoption in Korea, the Government will proceed with prudence, taking into account changes in the public perception of adoption and the current environment for adoption.

18. The Government is actively engaged in discussions with the academic community with regards to the ratification of the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption.

19. Given existing impediments to immediately requiring authorization in the adoption process, the Government is working hard to improve the existing system, to foster adoption, and also to bring about positive changes in the public perception of adoption. In 2005, the Act on Special Cases Concerning the Promotion and Procedure of Adoption was amended so as to designate Adoption Day (11 May) and Adoption Week. In addition, Measures for Promoting Domestic Adoption were announced in January 2007, based on which adoption was promoted through various media such as TV, Internet, religious newspapers among others. In these efforts the Government is concentrating on dispelling any biased misconceptions about adoption and on encouraging the public to view adoption as another form of birth.

20. The aforementioned efforts by the Government to improve public perception of adoption bore fruit in 2007 when domestic adoptions outnumbered international adoptions for the first time in Korea. This is in line with the spirit of article 21 paragraph (b) of the Convention, which states that inter-country adoption should only be considered as an alternative when the option of domestic adoption is not available.

Child's right to maintain contact with the parents (art. 9, para. 3)

21. At the time of ratification of the Convention in 1991, the Korean Government entered a reservation to article 9, paragraph 3, which stipulates that the child should be given the right to maintain contact with the parents, on account of its contradiction with the Civil Code. The Government has since amended the Civil Code a number of times, as restricting this right can undermine the best interests of the child.

22. The Government in 2005 amended the Civil Code giving the Family Court authority to intervene in matters pertaining to the parent's right to visit and contact children. However, such rights were recognized only for the parents and not the children, which meant that while the parents could initiate an effort to maintain contact, the child could not. To address this problem, the Korean Government amended the Civil Code in December

2007 to recognize the child’s right to maintain contact with the parents, which is in line with the “best interests of the child” principle of the Convention.

Civil Code

Article 837, paragraph 2 (Visitation rights)

(1) A parent who does not rear his/her own child and his/her child shall have the visitation right. (2) If it is necessary for the welfare of the child, the Family Court may, upon request made by a party or ex officio, restrict or exclude such a visitation right.

23. To ensure the child’s right to maintain contact with the parent, a couple filing for consensual divorce are required to submit an agreement indicating whether and how each would like to exercise his/her visitation right. Such an agreement contains much information, including child custody, cost of child support, and visitation rights. If the agreement between the two parties is considered detrimental to the best interests of the child, the Family Court has the authority to revise the agreement *ex officio*.

2. Legislation (see CRC/C/15/Add.197, para. 12)

24. **Since 2003 the Government has made new laws and amended existing ones to protect children’s rights as defined by the Convention and thereby reflect the spirit of the Convention in its legislation.**

Key developments in legislation affecting children

	<i>Year</i>	<i>Korean legislation</i>	<i>Impact on policy</i>
Amendments	2004–2007	Child Welfare Act	<ul style="list-style-type: none"> • Provided for the establishment of the Child Policy Coordination Committee, and assigned the duty to report child abuse to a broader group of people • Defined the concept of foster home care and set the legal basis for opening foster care centers • Called for expansion of the child abuse victims protection system
	2004	Act on Promotion of Information and Communications Network Utilization and Information Protection, etc.	<ul style="list-style-type: none"> • Included measures to block access to illicit information and content harmful to juveniles, to strengthen protection of juveniles in cyberspace, and stipulated the responsibility of information and communication service providers to protect juveniles from harmful contents
	2004	Infant Care Act	<ul style="list-style-type: none"> • Provided standard infant care courses
	2004	Juvenile Reformatory Act	<ul style="list-style-type: none"> • Recognized juvenile reformatory schools, formerly informal institutions, as formal schools
	2005, 2007	Act on the Protection of Juveniles from Sexual Exploitation	<ul style="list-style-type: none"> • Newly introduced provisions restricting employment of sex offenders who have victimized minors and authorized public disclosure of their information (2005)

<i>Year</i>	<i>Korean legislation</i>	<i>Impact on policy</i>
2004	Act on the Punishment of Sexual Crimes and Protection of Victims Thereof	<ul style="list-style-type: none"> • Strengthened disclosure of sex offenders victimizing juveniles and restriction of their employment; and declared sex offense against juveniles punishable without a formal complaint filed by the victim (2007) • Stipulated dedicated prosecutors and police officers be assigned to sexual crimes cases; also required testimonies to be recorded on video. • Permitted a person who has the confidence of the victim to be present during investigation • Revised guidelines for investigating victims of sexual violence who are under 13 and/or have disabilities
2005	Framework Act on Juveniles	<ul style="list-style-type: none"> • Led to the formation of Youth Policy Council • Expanded the opportunity to participate in policymaking, e.g. the Special Commission on Youth
2005, 2007	Civil Act	<ul style="list-style-type: none"> • Abolished the hoju system – also known as the family head system; introduced full adoption (2005); raised the minimum age of marriage of girls; newly recognized the child's right to maintain contact with parents; stipulated couples filing for divorce to agree on child custody as a prerequisite to consensual divorce
2005	School Health Act	<ul style="list-style-type: none"> • Called for reinforcement of health-related education and tighter restrictions on the creation of establishments that may be detrimental to the sound development of young students in school zones
2005	Act on Special Cases Concerning the Promotion and Procedure of Adoption	<ul style="list-style-type: none"> • Designation of Adoption Day and Adoption Week • Provided for measures designed to promote domestic adoption
2007	Primary and Secondary Education Act	<ul style="list-style-type: none"> • Added a provision requiring the protection of the human rights of students as stipulated in Korea's Constitution and international human rights treaties
2007	Juvenile Act	<ul style="list-style-type: none"> • Improved the juvenile justice system with a special focus on its role of correction and guidance • Lowered the applicable age from under 20 to under 19

	<i>Year</i>	<i>Korean legislation</i>	<i>Impact on policy</i>
			<ul style="list-style-type: none"> • Required prosecutors to conduct an adequate investigation of the juvenile charged with a crime before making a decision on the case
	2007	Act on the Execution of Sentence and Treatment of Prisoners	<ul style="list-style-type: none"> • Stipulated that devices intended for the protection of prisoners should not be used as a means of punishment
	2007	Criminal Procedure Act	<ul style="list-style-type: none"> • Required the presence of a trusted escort when a victim under 13 testifies during investigation and/or court proceedings
New legislation	2004	Early Childhood Education Act	<ul style="list-style-type: none"> • Included provisions guiding the development and delivery of programs for effective curriculum management
	2004	Juvenile Welfare Support Act	<ul style="list-style-type: none"> • Called for the promotion of human rights and welfare of youth • Dealt with the need for promoting awareness of the UN Convention on the Rights of the Child
	2004	Youth Activities Promotion Act	<ul style="list-style-type: none"> • Included measures for promoting various youth-related activities and youth participation in them
	2004	Act on the Prevention of Sexual Traffic and Protection, etc. of Victims	<ul style="list-style-type: none"> • Laid out provisions on preventing sex traffic, protecting victims, and supporting their independence
	2004	Act on the Punishment of Acts of Arranging Sexual Traffic	<ul style="list-style-type: none"> • Aimed at eradicating arrangement of sex traffic and human trafficking for sex trade • Provided for the protection of the victim's human rights
	2004 (amended in 2007)	Act on the Prevention of and Countermeasures against Violence in Schools	<ul style="list-style-type: none"> • Stipulated protection of students' human rights • Set guidelines for protecting the victimized students as well as correcting and educating the student offender
	2005	Culture, Arts and Education Support Act	<ul style="list-style-type: none"> • Included measures for fostering culture, arts, and education, especially within schools
	2005	Act on the Protection and Support of Missing Children, etc.	<ul style="list-style-type: none"> • Focused on preventing disappearance of children, as well as on expediting the searching process of missing children and assisting their social adjustment upon return
	2007	Act on the Prohibition of Discrimination against Disabled Persons and the	<ul style="list-style-type: none"> • Aimed at achieving full social participation of people with physical challenges and ensuring their equal rights

<i>Year</i>	<i>Korean legislation</i>	<i>Impact on policy</i>
	Protection of Their Rights	<ul style="list-style-type: none"> • Proscribed all forms of discrimination against the physically challenged and provided for their access to due conveniences
2007	Act on Special Education for Disabled Persons, etc.	<ul style="list-style-type: none"> • Focused on providing a comprehensive educational environment for children with physical challenges
2007	Act on Family Relation Registration, etc.	<ul style="list-style-type: none"> • Created a system of documenting developments in family relations caused by various events such as birth, marriage, death, etc. • Authorized the Supreme Court to oversee the administration of the family registration system
2007	Framework Act on the Treatment of Foreigners in Korea	<ul style="list-style-type: none"> • Banned all forms of discrimination against foreigners residing in Korea and their children
2007	Act on the GPS Tracking of Specific Sex Offenders	<ul style="list-style-type: none"> • Introduced GPS tracking of sex offenders including those who have victimized children
2007	Family-Friendly Social Environment Promotion Act	<ul style="list-style-type: none"> • Aimed at creating social environment and institutional mechanisms that can promote better balance between family life and work
2008	Multicultural Family Support Act	<ul style="list-style-type: none"> • Provided the welfare service and protected human rights of multicultural families

3. Coordination (see CRC/C/15/Add. 197, para. 14)

Relevant legislation

25. The Korean Government in 2004 amended the Child Welfare Act to set the legal basis for creating the Child Policy Coordination Committee. This committee is responsible for drafting a comprehensive plan to promote children's rights, healthy birth and development. Other mandates include coordination of views among relevant Government ministries, and the monitoring and evaluation of policy implementation.

Child Policy Coordination Committee

26. The Child Policy Coordination Committee is chaired by the Prime Minister and consists of 12 Government members and 12 private-sector members. Government members include the chiefs of relevant ministries, such as the Ministry of Health, Welfare and Family Affairs (MIHWAF), Ministry of Justice (MOJ), and Ministry of Education, Science and Technology (MEST), as well as three heads of central Government agencies the Chair appoints depending on the agenda at hand. The twelve members from the private sector are generally heads of organizations working on child-related issues or scholars who have extensive knowledge and experience to contribute to the committee's activities. The members serve two-year terms, which may be renewed.

27. The Child Policy Coordination Committee not only orchestrates policies pursued by various Government agencies but also reviews the implementation, evaluation, and

coordination of efforts to comply with the provisions of international treaties. The Child Policy Working Group has been set up under the committee, to achieve greater efficiency in the committee's activities. If necessary, the working group may create subcommittees that focus on a specific issue or theme, such as children's rights, children's safety, and children in poverty.

Agenda for Review and Coordination by Child Policy Coordination Committee

- General direction of children's policy and promotion of children's rights
- Improvements made in children's policy and financing issues
- Cooperation required of relevant ministries
- Implementation, evaluation and coordination of efforts to comply with provisions of international treaties concerning children

4. Monitoring by public agency

CRC/C/15/Add.197, para. 16:

The Committee recommends that the State party expedite the establishment of such a monitoring mechanism and actively monitor its activities in implementing the Convention.

Children's Rights Monitoring Center

28. The Children's Rights Monitoring Center was founded in December 2006 to track progress in promoting children's rights and implementing the Convention. The center checks for potential obstacles to ensuring children's rights, and supports the activities of Children's Rights Ombudspersons been appointed with a view to reforming policies and institutional mechanisms affecting children. The center is a part of a pilot initiative which is due to end in 2008.

29. The group of Children's Rights Ombudspersons consists of 21 adults and 10 children. The adult members are experts in areas of relevance to children, such as children's rights, education, law, and medicine, and have the insight to monitor their respective areas. The ten child members come from diverse walks of life: represented in this group are children who are living with their families and others dependent on institutions, as well as children living in poverty and those with physical challenges. The Ombudspersons provide advice on State policies, monitor the implementation of the Convention, and offer advice on the periodic report. The group, moreover, actively engages in the writing of the periodic report to make sure that it faithfully documents the status of children's rights in Korea.

5. Independent monitoring (see CRC/C/15/Add.197, para. 18)

National Human Rights Commission of Korea

30. The National Human Rights Commission of Korea (NHRCK) endeavors to promote the Korean public's awareness and understanding of human rights and to protect citizens from human rights infringements. In relation to child rights, NHRCK makes recommendations on actual cases of child rights violations, provides human rights consultancy, educates the public on human rights, raises awareness, and conducts research.

31. The members of NHRCK are human rights experts representing various sectors, such as law, academia, the women's movement, and human rights advocacy. While there is no child issues expert in NHRCK, the commission has set up the Child Rights Focus Group, which advises on the implementation of the Convention.

32. NHRCK has worked hard to uphold the human rights of all citizens and to remedy violations thereof. All children can seek advice on rights infringement through NHRCK's Human Rights Counseling Center, and depending on the nature of the violation, can lodge an official complaint. Access to counseling and filing of complaints are guaranteed for in the National Human Rights Commission of Korea Act.

6. Allocation of resources (see CRC/C/15/Add.197, para. 20)

33. **The Government has raised the budget for child welfare, childcare, and youth in order to guarantee the rights of all children, including the disadvantaged, to access social services and education. The budget has also been increased for prevention of sexual violence against minors and assistance to victims.**

34. Various efforts have been made by the Government to strengthen the public delivery of childcare and to raise the quality of those services by allocating larger subsidies, building more public childcare centers, and diversifying the services. The budget for childcare services grew by 234.4% from an estimated 310 billion won in 2003 to 1.04 trillion won in 2007.

35. The Government has substantially increased social investment in order to guarantee equitable access to opportunities for children and youth in poverty. Such investment was made to provide better public health services — e.g. free medical services — for children under 18 in low-income families and expand the nationwide network of children's centers. A part of the public investment went to the Dream Start Project and to the introduction of the Child Development Account. The Government also sought to provide a basic standard of living for children with physical challenges. In 2007, the disability benefit for children was raised to a maximum of 200,000 won per month, and the number of beneficiaries also grew dramatically from 2,617 in 2002 to 23,000 in 2007.

36. Meanwhile, the budget for early, primary and secondary education is growing each year as the Government endeavors to enhance school education in terms of quality and environment while also supporting special education and wider access to education for the disadvantaged. In value terms, the education budget grew 52.2% from an estimated 17.6 trillion won in 2003 to 26.8 trillion won in 2007.

37. Government spending on policies targeting youth — such as for strengthening social services for the young, fostering participation in youth activities, and providing a better environment for their healthy development — jumped by 77.8% from about 90 billion won in 2003 to 160 billion won in 2007.

38. The budget for preventing sexual and/or domestic violence and protecting the victims grew even more dramatically from 6.3 billion won in 2003 to 20.3 billion won in 2007, an increase of 221.8%.

7. Data collection (see CRC/C/15/Add.197, para. 22)

39. **The Government collects and publishes statistical data on youth. The general *Youth Statistics* is released in May each year, while the more focused statistics on juvenile delinquency cases are also published for use in policymaking. In 2003, the child rights' index was developed as a tool for assessing the child rights situation in Korea which is used as a reference in developing policies for the implementation of the Convention. The child rights' index will be modified on an ongoing basis to reflect the local child rights situation more accurately so that it can provide more meaningful input in the formation of policies on this issue.**

Collection of statistics on the child

40. With growing awareness of the need to ensure the protection and healthy development of juveniles and greater attention to the quality of life indicators, it became apparent that statistical data on children and youth needed to be compiled. This led to the publication, since 2002, of the *Yearbook on Children and Youth*. Each volume consists of chapters on population and family, education, labor, health, welfare, transportation and IT, culture, leisure and social participation and safety.

41. The National Youth Policy Institute (NYPI), a Government-funded research organization, has conducted the *Youth Panel Survey* since 2003. The purpose of the survey is to gather longitudinal/panel data by tracking the occupational preferences, future career path choices and preparation, deviant behaviors, and participation and leisure activities of two sample groups – namely, second year students in junior high schools (tracked from 2003 to 2008) and fourth year grade school students (tracked from 2004 to 2008). This data has provided an informative window to understanding the reality of children and youth.

42. In 2006, the One-Stop Education Statistics Service was launched in order to systemize the collection and provision of statistical data on education providers, such as kindergartens, grade schools, junior high schools, high schools and higher education institutions. In the following year, the Education Statistics Call Center began operation with the aim of giving quick online access to relevant information.

43. Statistical data concerning juvenile justice are gathered by analyzing crimes committed by minors as well as from various published sources such as *Criminal Analyses*, *Yearbook of Justice Statistics*, *White Paper on Crime*, *Statistics on Juvenile Probation*, *Yearbook of Probation Statistics*, and so on. *Criminal Analyses* is published annually by the Prosecutor's Office, offering data on 12 items including juvenile case dispositions and the delinquency and living environment of juvenile offenders, and on 10 items including the criminal motivation of juvenile offenders as well as dispositions on domestic and school violence cases. *Yearbook of Justice Statistics* is published by the Office of Court Administration to provide statistical data on the juvenile probation cases filed and the processing of those cases, and the stocktaking of juvenile offenders on probation. The Yearbook also presents cumulative statistics on the number of cases filed and settled, still pending decisions, and comparisons of cumulative statistics disaggregated by the offender's age and case disposition. *White Paper on Crime* is a yearly publication by the Legal Research and Training Institute (LRTI). In relation to juvenile offenses, the *White Paper* covers trends, statistics on processing of juvenile cases, the treatment of inmates in juvenile reformatories, and probation of juvenile offenders. *Statistics on Juvenile Probation* is a biannual record of juvenile crimes, occupancy and completion of educational programs in juvenile reformatories and juvenile classification homes. Finally, the Ministry of Justice releases the *Yearbook of Probation Statistics* every other year. With regards to juvenile offense, the book covers court decisions and execution of those decisions, such as probation, mandatory participation in educational programs, and orders to engage in community service.

44. Each year, the Government has published *The White Paper on Youth* based on the above statistical data as well as others gathered by the various ministries. *The White Paper* was a comprehensive document on key policies, the status of their implementation, and future plans. Beginning in 2008, *The White Paper on Children and Youth* will be published in order to reflect the consolidation of policy administration concerning children and youth.

Child rights' index

45. The child rights' index was developed in 2003 as a tool for monitoring the implementation of the Convention. The indices are guided by the eight areas the UN

Committee recommended and covers population, survival and health, family, civil rights and freedom, education, social services, culture and leisure, and special protection.

46. In 2006, the Government recognized that the then-existing data collection scheme was not producing all the critical data related to children and sought to overcome this by developing 40 key indicators. These indicators have been used as the background information for child welfare projects, including in the formation of long-term children's policies for effective early intervention at each stage of child development and the designing of childcare programs. It also reinforced the efforts in developing better social services initiatives for children, such as Dream Start and Child Development Accounts.

47. A different set of indicators were developed for youth based on UN Committee recommendations and existing indicators in Korea and other countries. The human rights of youth index is built around four areas: right to life, right to protection, right to development and right to participation.

8. Cooperation and joint oversight with civil society (see CRC/C/15/Add.197, para. 24)

48. The Government monitors and supervises private institutions that deliver services subsidized by public funds with a view to preventing infringement of children's rights.

49. There are public initiatives partnered by private organizations to educate workers in institutions servicing children to develop a strong awareness of children's rights. The policymakers actively seek the opinions of the civil society by hosting public hearings when making policies concerning children. They recognize the importance of collaboration with civil society when it comes to protecting children and youth from the dangers of abuse, smoking, school violence and other harmful influences.

9. Public awareness (see CRC/C/15/Add.197, para. 26)

50. Various public awareness campaigns are under way to heighten recognition of children's rights by the public, including by the children themselves. There is also ongoing development of training materials and training programs targeting workers in children-related sectors to help them better understand children's rights and to practice what they have learned.

51. For easier public access to the relevant information, NHRCK has translated into Korean the Convention on the Rights of the Child, recommendations of the UN Committee, and other documents of significance and has posted them on its official website. NHRCK also conducts human rights training targeting, among others, workers in judicial bodies and the police force, general public servants, and teachers as it continues to develop programs designed to raise human rights awareness of workers in children-related sectors.

52. The Ministry of Justice in 2006 opened the Human Rights Bureau with a view to strengthening human rights training. The Ministry trains people involved in juvenile probation and correction to develop a better understanding of the rights of children and youth. The Ministry of Education, Science and Technology, meanwhile has included in its regular teacher training a special program on human rights of students along with instructions on how to provide better practical guidance. The Ministry of Health, Welfare and Family Affairs (MIHWFA) also has training initiatives focused on children's rights. MIHWFA offers programs on child abuse prevention and the rights of children to workers in social services institutions and childcare facilities.

53. By the 2004 amendment of the Child Welfare Act, 1–7 May has been designated as the Children's Week. One of the objectives of designating the Children's Week was to honor the significance of Children's Day first celebrated in 1922 when the international

community had not yet developed the children's rights agenda. The spirit of this special day was to free children from labor and to give them the right to learn and play freely.

B. National programs

1. Responsibility of States parties (art. 4)

54. **The three comprehensive plans related to children and the Basic Plan for Youth Development have contributed to strengthening the protection, development, safety, livelihood, rights, and participation of children. It should be noted that new legislation has been enacted and existing laws amended to secure a legal basis for the promotion of children's rights. The currently pending enactment and amendment of laws related to children and youth stipulate active measures for ensuring children's rights. Meanwhile, the Five-Year Basic Plan on Child and Youth Policies is a State-level plan of action that builds on earlier comprehensive measures.**

55. The purpose of the aforementioned enactment and amendment of laws related to children and youth currently being pursued by the Government aims to integrate child and youth policies that have been administered separately to achieve greater effectiveness of child rights promotion.

56. The Government is currently working on the Five-Year Basic Plan on Child and Youth Policies, which will guide State-wide efforts to ensure children's rights. The Plan is focused on creating an environment in which all children in Korea can enjoy the rights recognized by the Convention and grow into individuals who can exercise those rights. The Plan also strives to provide children with non-discriminatory education and social services and to give them full protection from influences detrimental to their healthy development. The Five-Year Plan, which builds on the comprehensive plans on children's issues, will significantly contribute to the rights of children to life, protection, development, and participation.

57. Visible progress has been made in protecting the human rights of the disadvantaged, which in large part is attributable to the efforts of NHRCK, which was founded in 2001. There has also been significant improvement in the public awareness of human rights. The Government plans to strengthen collaboration with the international community with the spirit of the Convention guiding our policies towards a brighter future in which children's rights are protected.

2. Dissemination of the Convention (art. 42)

58. **The Government, in partnership with private organizations, is working to disseminate the Convention to a wider audience. The focus is to help workers in children-related sectors better understand the Convention. There is also much ongoing effort to disseminate the information on the Convention and to promote children's rights in school through teacher training and human rights education program targeting both faculty and student.**

59. The Ministry of Education, Science and Technology began in 2002 to train teachers to respect students' human rights and eradicate violence. At the same time, the education training institutes affiliated with the municipal and provincial education offices have their own staff training programs on children's rights. Beginning in 2006, the education offices and schools have also introduced children's rights education to raise teachers' awareness of this issue.

60. In 2006, the Ministry of Justice created the Human Rights Bureau in a bid to foster human rights education. Training has mostly been provided to people involved in the

juvenile justice system. MOJ is also developing training materials. The Ministry provides the training program in the institute of professionals in the field of justice with its private partners to effect the inclusion of a child rights component in the training of professionals in the field of justice.

61. Since 2005 the Ministry of Health, Welfare and Family Affairs has provided children's rights training to workers in social services institutions catering to children. The program is designed to help participants understand the Convention and to apply this knowledge in actual work settings.

62. MIHWFA is currently developing training materials designed to promote and disseminate information about children's rights. MIHWFA plans to make extensive use of the material, once it is complete, in the training of workers in children-related sectors, and the training of teachers, children and ordinary citizens.

63. NHRCK in September 2005 opened the Cyber Human Rights Learning Center. The Center was envisioned as a site of easy and free access to learning about human rights, unconstrained by time and/or location. NHRCK also produced publications to disseminate information about international human rights treaties including The Convention on the Rights of the Child. The Commission keeps track of developments in the international community affecting children's rights and shares the information on its website.

64. NHCRK has collaborated with MEST and local education offices in opening the School of Human Rights Education and Research in 2004. In the following year, human rights education programs were developed and disseminated respectively for grade schools, junior high schools, and high schools. Five other programs followed suit in 2006, namely the human rights education program for toddlers, the human rights Sociodrama, the human rights education program for local child rights centers, the benchmark case study on gender-sensitive programs, and the human rights-friendly school model. NHCRK also developed *Guidelines for Human Rights Schools*.

65. NHCRK offers human rights training courses for teachers in order to develop their sensitivity to human rights and their capabilities to deliver human rights education. In 2006, NHCRK provided training to instructors at local education training institutes with a special focus on how to effectively use the human rights training program.

3. Access to periodic report (art. 44, para. 6)

66. Periodic reports of 1994 and 2000, the report on the implementation of optional protocol submitted in 2006, and other documents related to the UN Convention are accessible via official websites of NHRCK and The Monitoring Center for Children's Rights.

67. The Government will make this periodic report available to all citizens through various channels. The periodic report will be accessible via the official website of the Korean Government as well as in the hard copy format that will be widely disseminated. NGOs will be encouraged to use this periodic report in writing their own reports on the status of children's human rights in Korea.

C. Statistics

Children-related budget

68. The State budget has been raised year after year for various policies affecting children, such as policies on early/primary/secondary education, childcare, youth, sexual violence, and domestic violence, in order to reliably finance the implementation of these policies (see Table 1-1.)

D. Factors and difficulties

69. The Government has newly introduced the full adoption system as part of an effort to transform the existing adoption scheme into one which requires authorization from the competent authorities. Legal issues and public perception of adoption are being carefully reviewed with the intention of ultimately withdrawing reservations that have been filed regarding adoption. The restriction of the child's right to appeal in court will be maintained, however, in view of Korea's unique situation as a divided nation.

70. The Korean Government has made significant progress in improving policies and legal and institutional frameworks to promote children's rights and to fulfil the responsibility as a State Party to the Convention. Efforts have been made to faithfully implement the UN Committee's recommendations in 2003 as exemplified in the withdrawal of the reservation to recognizing a child's right to maintain contact with his/her parents.

Chapter II Definition of the child (art. 1)

A. Concluding observations – Follow-up (see CRC/C/15/Add.197, para. 28)

71. The earlier version of the Civil Code set the minimum age for legitimate engagement and/or marriage for males at 18 and at 16 for females. This provision was criticized as an example of gender discrimination. To address this unjustified gender bias, the Government amended the Civil Code in November 2007 and raised the minimum marriage age for females to 18.

B. National programs

1. Definition of the child (art. 1)

72. The existing legal system employs various terminologies and age criteria depending on the purpose of the legislation and substance of the policy. Statistics used for improving policies and systems are also produced based on these varying terms and age criteria.

Age criteria for child-related legislation

<i>Legislation</i>	<i>Terminology</i>	<i>Age criteria</i>
Child Welfare Act	child	under 18
Framework Act on Juveniles	juvenile	9 to 24
Juvenile Protection Act	juvenile	under 19
Act on the Protection of Juveniles from Sexual Exploitation	juvenile	under 19
Early Childhood Education Act	young child	from age 3 to immediately prior to enrollment in grade school
Infant Care Act	infant	under 5
Civil Code	minor	under 20
Juvenile Act	juvenile	under 19

<i>Legislation</i>	<i>Terminology</i>	<i>Age criteria</i>
Criminal Code	criminal minor	under 14
Act on Special Cases Concerning the Promotion and Procedure of Adoption	child	under 18
Act on the Protection and Support of Missing Children, etc.	child	under 14
Act on the Prevention of Domestic Violence and Protection of Victims	child	under 18
Act on Special Cases Concerning the Punishment of Domestic Violence	child	under 18
Single-Parent Family Welfare Act	child	under 18 (under 22 if enrolled in school)
Road Traffic Act	child	under 13
Mother and Child Health Act	infant	under 6
National Basic Living Security Act	child	under 18 and without caregivers liable for supporting their livelihood

C. Statistics

Child population

73. The child population is closely monitored by the Government as it has immediate relevance to the competitiveness of a nation. It has continued to decline under the current low birthrates. The percentage of children in the total population fell from 24% in 2003 to 22.1% in 2007, and is expected to drop further to 21.5% by 2010 (see Table 2-1).

D. Factors and difficulties

74. The varying age criteria in the existing legislative framework, rather than constituting an obstacle to ensuring children's rights, provides a useful guideline for providing children with adequate access to public services as stipulated by law. The Government will, if deemed necessary for enhancing the effectiveness and efficiency of policy implementation, consider modifying the age criteria and engage the relevant ministries as well as outside experts in the process.

Chapter III General principles (arts. 2, 3, 6 and 12)

A. Concluding observations – Follow-up

1. General principles (see CRC/C/15/Add.197, para. 30)

75. The general principles of the Convention have been reflected in the relevant legislation and rules, based on which judicial procedures are conducted. Those principles

have also been integrated into policies impacting children. All policies discussed in this report are in keeping with the general principles of the Convention.

2. Prohibition of discrimination (see CRC/C/15/Add.197, para. 32–33)

76. **The principle of prohibiting discrimination as stipulated in article 2 has been integrated into newly enacted or amended legislation that may impact children. Examples include the Juvenile Welfare Support Act enacted in 2004, amendments to the Child Welfare Act in 2006, the Act on the Prohibition of Discrimination against Disabled Persons and Protection of Their Rights and the Act on Special Education for Disabled Persons, both enacted in 2007. In 2008, the Elementary and Secondary Education Act was amended to give children of illegal aliens the opportunity to receive compulsory education only with a confirmation of their residence. The Government also provides assistance so that children with multicultural background or whose family has defected from North Korea can live in security and be free from all forms of discrimination.**

Related legislation

77. The Korean Constitution prohibits discrimination in all aspects of life, and legislation affecting children is in accord with this principle. Legislation such as the Juvenile Welfare Support Act enacted in 2004 and the Child Welfare Act amended in 2006 explicitly condemn discrimination.

- Child Welfare Act, article 3: “Children shall grow up free of discrimination based on gender, age, religion, social status, property, disabilities, place of birth, race, etc. of themselves and/or their parents.”
- Juvenile Welfare Support Act, article 3: “Juveniles shall be free of discrimination in the application of the provisions of this Act on account of race, religion, gender, educational attainment, physical conditions, etc.”
- Framework Act on Education, article 4: “No citizen shall be treated with discrimination in education based on sex, religion, faith, race, social standing, economic status, or physical conditions, etc.”
- Act on the Prohibition of Discrimination against Disabled Persons and the Protection of Their Rights, article 1: “The purpose of this Act is to prohibit in all aspects of life discrimination on account of disabilities and to make effective remedies for infringement of rights and interests suffered by persons who were subject to such discrimination. The Act thus purports to enable disadvantaged persons to fully participate in society and enjoy equal rights, so that they may ultimately realize their inherent dignity and value as human beings.”

78. In March 2007, the Government signed the Convention on the Rights of Persons with Disabilities, which aims to protect the rights of disabled persons in all aspects of life. The Convention is pending ratification by the National Assembly. Once ratified, the Convention together with the Welfare of Disabled Persons Act and the Act on the Prohibition of Discrimination against Disabled Persons and Protection of Their Rights will serve as a legal and institutional basis for promoting the rights and interests of people with disabilities.

79. In accordance with the Act on the Prohibition of Discrimination against Disabled Persons and Protection of Their Rights, the person responsible for the education of the disabled child cannot coerce the child to enter a school or transfer to another. The Act stipulates that no one can keep a child with disabilities from participating in classes and extracurricular activities organized by the school — such as experiments, school trips, etc.

— on account of the child’s disabilities. The Act also requires the provision of convenient facilities necessary for commuting to and from school, moving on school grounds, and participating in educational activities.

80. The Act on Special Education for the Disabled, Etc. was enacted in May 2007. The Act aims to provide an adequate educational environment for children with disabilities and/or persons with special educational needs. The Act also recommends that education be customized based on the type and degree of the child’s disability as well as at what stage the child is in his/her lifecycle in order to foster their development and integration with the society.

81. Also in 2007, the Framework Act on the Treatment of Foreigners in Korea was enacted. Its provisions mandate the State and local governments to educate, raise public awareness, and take other measures necessary to prevent unreasonable discrimination against children of foreign citizens living in Korea and to protect their human rights. In accordance with this Act, the Government plans to develop the Basic Plan on Foreign Citizens Policy by the end of this year.

Prohibition of racial discrimination

82. The Government has provided social services including those addressing the educational and health needs of immigrant children in an effort to implement the action plan adopted by the World Conference against Racism in 2001. Korean language lessons are offered to facilitate immigrant children’s smooth integration into Korean society. Similarly, programs for understanding Korean language and culture are made available for children of multicultural backgrounds to support their initial adjustment to the local setting.

83. There is strong commitment on the part of the Government to develop learning materials and programs for foreign children trying to learn Korean as well as other materials and programs to assist healthy development of their identity. Plans are under review to designate and administer schools in areas where foreign nationals are concentrated as schools with specialized classes or as schools subject to policy research.

84. Since 2007, the central and local governments have collaborated on a joint program called Support Children of Multicultural Backgrounds. The program consists of services designed with inputs from assessments of the varying needs and situations of these children. The program was first conducted in the city of Busan in 2007 (city variant of the program) and later on in Iksan in 2008 (provincial/rural variant of the program). Similar programs will be launched mostly in areas with large multicultural populations.

85. In order to foster an environment of acceptance of immigrants in Korean society, children have been engaged in educational programs with strong anti-discrimination and anti-prejudice messages. Special programs on multicultural understanding have toured schools around the country to engender in children respect for diversity and unbiased acceptance of different cultures. In 2007, the Rainbow Cultural Expedition was launched, which has engaged both Korean and immigrant children in cultural activities to help them build friendships based upon mutual understanding. These efforts are being pursued in the hopes of nurturing these children to become leaders in a multicultural world.

Support for the children of displaced North Koreans (saeteomin)

86. Since 2005, North Korean defectors have been referred to in Korean as Saeteomin which literally means “people in a new land”, to diminish the negative meaning of “defector”. The Korean government created various support systems to protect saeteomin children and assist their smooth adjustment to the society from their initial entry into Korea to their settlement.

87. There are a number of programs that have been developed by the Government to assist the smooth adjustment of displaced North Korean children to their new environment. Upon entering the country, the refugee families are sent to *Hanawon*, where they stay for a certain period to learn about life in South Korea. Then they are engaged in programs that expose them to cultural differences and a general introduction to South Korean society. They are also escorted to existing North Korean refugee communities to get a better sense of the life ahead. The Government has a comprehensive support program specifically for the children of these families, which includes training of professionals who can provide skilled community-based services to these children. The Government is committed to developing further adjustment programs and expanding support initiatives for these children.

3. Respect for the views of the child (see CRC/C/15/Add.197, para. 35)

88. **The Government revised the relevant laws and regulations to uphold the right of children to express their views freely in schools and communities. Besides, various systems are being enhanced to further involve children. The Government will continuously take measures to respect the views of children and facilitate their participation in all matters affecting them.**

(a) Related legislation

89. The Government amended the Child Welfare Act several times to give priority to children's welfare and interests. A 2004 Amendment, for example, created the legal basis for establishing the Child Policy Coordination Committee. A later amendment in 2006 prohibited discrimination on account of race. In 2008, the Government strengthened policies concerning child abuse by expanding the child abuse prevention program and instituting a periodic survey of child abuse. The Child Welfare Act is currently awaiting amendment following the consolidation of children and youth policies. The amendment bill includes the Convention's basic principles and, in particular, guarantees the children's right to free expression.

90. The Elementary and Secondary Education Act was amended in 2007 to give students and/or parents the opportunity to express views regarding discipline at school, and to allow an expelled student and/or his/her guardian to appeal when not in agreement with the school's decision to expel the student. The Act on the Prevention of and Countermeasures against Violence in Schools also prescribes that a student who has committed violence be given a chance to testify in his defense during the disciplinary proceedings.

Elementary and Secondary Education Act

- **Article 18-2 (Appeal for a review of decision) (1) When expulsion from school is a disciplinary action decided by the school in accordance with article 18, paragraph (1), the student or his/her parents, within 15 days from the day such a decision was made or 10 days from the day the student or his/her parents knew such a fact, may ask a municipal or a provincial discipline arbitration committee to reexamine the case in accordance with article 18-3**
- **Article 18.4 (Guarantee of the students' human rights) A founder, a manager, and a head of a school shall guarantee students their human rights as stipulated in the Constitution and the International Convention on Human Rights**
- **Act on the Prevention of and Countermeasures against Violence in Schools**

- **Article 17 (Treatment of the Offending Student) ... proper procedures should be observed to give the Offending Student and his/her guardian with opportunities to present their opinion on the case**

91. When ruling on matters such as parental authority, child custody, and/or visitation rights, the Family Court is required to listen to the wishes of any child over the age of 15. However, an exception is permitted for extenuating circumstances such as when a child's view cannot be heard or when listening to a child's view infringes on the child's best interests.

(b) Provision of information on the rights of the child

92. Through various educational and training initiatives on human rights, the Government provides children, parents and teachers with information on the rights of children to express their views and participate in all matters affecting them. In the same vein, the Government supports child-related private organizations in their activities to raise awareness of children's rights.

(c) Review of children's views and their impact

93. In 2008, the Government was conducting the *Comprehensive Study on the Status of Children and Adolescents* across the nation. Data from this Study will be used to set the objectives of child-related policies and to devise mid- and long-term plans. The Study will provide valuable information on how the views of children are respected in various sectors of daily life. The Study is quite extensive, covering child abuse, violence, the level of awareness of children's rights, and the environments affecting the child's development such as public health, welfare, and education. Legislation is under way to have such studies carried out on a regular basis.

B. National programs

1. Principle of non-discrimination (art. 2)

94. **The Constitution and child-related laws prohibit any form of discrimination against a child. The Government legislated and/or amended relevant laws to protect children from the discriminative environment and carried out comprehensive measures to enable children from multicultural families to enjoy the full benefits of education and welfare without experiencing any form of discrimination. In addition, anyone who suffers discrimination on any grounds can file a petition with the National Human Rights Commission of Korea and thus be protected.**

National Action Plan (NAP)

95. In May 2007, the Government set out the National Action Plan 2007–2011 in accordance with the National Action Plan for the Promotion and Protection of Human Rights recommended by the Vienna Declaration and Action Programme, which was adopted at the World Conference on Human Rights in 1993. The NAP delineates national efforts up to 2011 to improve legal systems, institutions, and practices concerning human rights based on the Constitution and six major human rights conventions including the Convention on the Rights of the Child, signed and ratified by the Republic of Korea. The spirit of non-discrimination against children as stipulated in article 2 of the Convention on the Rights of the Child, and policies and institutions to uphold the spirit are alive in the NAP to protect the civil, political, economic, social, and cultural rights of children.

Basic Plan on Policies on Foreigners

96. This year, the Government is devising the 1st Basic Plan on Policies on Foreigners in line with the provisions of the Act on the Improvement of Treatment of Foreign Residents in Korea legislated in 2007. This Plan will encompass policies to provide education in schools to enhance understanding of different cultures. Thus the Plan seeks to address concerns that the children from multicultural families are exposed to discriminatory perception and prejudice due to their appearance or cultural differences. Furthermore, supportive policies for multi-cultural education, such as creating a bilingual educational environment, will also be included in the Plan to prevent alienation or bullying of these children at school.

Supportive measures for education of children in multicultural families

97. The Government established the Supportive Measures for Education of Children in Multicultural Families in 2006 to improve the educational environment for children from multicultural families. This effort was made to offer equal educational opportunities to the children from multicultural families, which are often economically and socially vulnerable, and to create a social environment under which different cultures are accepted and valued.

98. Included in these Measures are: support for after-school programs for the children of multicultural families, provision of priority status to them when selecting students eligible for mentoring programs involving college students, psychological support through one-to-one relationship building with teachers and/or peers, teacher education, addition of a new chapter on “overcoming prejudice toward different cultures” in future Ethics curriculums, promotion of community-based support programs, coordination among relevant Government offices to protect the rights of children with undocumented parents to have education and so on.

Investigation and remedy of discrimination

99. The National Human Rights Commission of Korea (NHRCK) conducts investigation into discriminatory actions and provides remedies. Anyone who is in the jurisdiction of the Republic of Korea, regardless of his/her nationality, is allowed to file a petition with the NHRCK on any form of discrimination by a legal person, a private person, or an organization that infringes upon his/her right of equality. The NHRCK focuses on raising public awareness of discrimination by publicizing major recommendations made on discriminatory actions through various media channels.

100. After the recommendation of NHRCK in July 2006, the Government submitted an anti-discrimination bill to the National Assembly in December 2007. The bill was to prevent and ban discrimination based on gender, age, race, and other factors and to provide remedies when discrimination occurred. The bill, however, was discarded as the session at the National Assembly was closed in May 2008. The Ministry of Justice is currently studying relevant domestic legal systems and legislation of other countries and is seriously considering enacting the Non-Discrimination Act.

The National Human Rights Commission of Korea set out recommendations in 2005 concerning gender discrimination at educational institutions. The Commission felt that the practice at such institutions to assign numbers on the attendance roll to boys first and then for girls only after all the boys are given numbers may unconsciously lead students to think men are superior to women. Therefore, the Commission ruled that the practice breached young female students’ right of equality without any reasonable grounds. The Committee then recommended that the heads of elementary schools ensure that no gender discrimination is committed when the schools assign students numbers on the attendance roll.

2. Best interests of the child (art. 3)

101. **The Government values the general principles of the Convention and, particularly, the principle of the best interests of the child in legislating and revising child-related laws, in establishing comprehensive plans, developing and in implementing policies and systems. Policies for children in this report also consider the best interests of the child to be of primary concern within each domain.**

102. Prioritizing the best interests of the child, the Civil Code was amended in 2007 to acknowledge the visitation rights of a child, a right previously given solely to the parents. Doing everything possible to allow children to grow up and develop within a familial environment, the Government has promoted domestic adoption through a public awareness campaign while expanding at-home care programs such as foster care and group homes.

103. Young victims of sexual violence or abuse are allowed to have trusted persons at their side in the process of an investigation lest they suffer emotional trauma when they state their views on a case. To this end, professional help can be utilized to record the children's statements, which can then be accepted by courts.

104. The Government is also intensifying its support for the education and welfare of children so that parents, a statutory guardian, or other persons bearing legal responsibility for the children are able to raise them while protecting their rights. A prime example would be the Dream Start initiative which has provided support since 2007 to children from vulnerable families who are under the age of 12 and their families. The National Basic Living Security Act, the Family-Friendly Social Environment Promotion Act, the Single-Parent Family Welfare Act, and the Healthy Family Promotion Act are also examples of firm support for care-givers and families who bring up children. The Government also enacted in March 2008 the Multicultural Family Support Act to help members of multicultural families created by international marriage or migration in search of work to maintain stability and enjoy a better quality of life.

3. Right to life, survival and development (art. 6)

105. **Since 2003, the Government has made the best use of available resources to guarantee the children's right to life and ensure their development. The year 2003 was proclaimed the first "Child Safety Year" and the Comprehensive Measures for Child Safety was established to reduce the number of child fatalities from safety-related accidents. This Measure delineates 58 initiatives in 12 areas including child abuse, school violence, traffic safety, falling, drowning, addiction, and so on. In particular, the Act on the Prevention of and Countermeasures against Violence in Schools was enacted in 2004, and the Five-Year Plan on the Prevention of and Countermeasures against Violence in Schools was established in the following year with a view to preventing school violence and protecting human rights.**

Related legislation

106. The Government enacted the Act on the Prevention of and Countermeasures against Violence in Schools in 2004 in order to prevent school violence, an emerging social issue, and to guarantee the human rights of students. School violence is defined as an act that causes physical, mental, or material damage stemming from assault, intimidation, or exclusion between and among students in and out of schools. Under the law, the Minister of Education, Science and Technology is required to set goals and directions for policies on the prevention of school violence, and to establish a basic plan every five years that includes study, research, education, and guidance to root out violence in schools.

107. The Five-year Plan on the Prevention of and Countermeasures against Violence in Schools was established in 2005 to effectively prevent and manage school violence through

the involvement of relevant Government agencies, civil organizations, professionals, teachers or faculty groups, parents and offices of education. The Plan aims at creating a zero-tolerance environment against school violence which respects human rights, autonomy, and the accountability of students.

108. Besides protecting students' human rights in issues like corporal punishment and hair-length regulations, the Government also endeavors to make schools safer and happier. On September 11, 2006, the "No to School Violence Day" was commemorated (every Monday in the third weeks of March and September) at 10,000 schools, 16 municipal or provincial Offices of Education, and 181 local Offices of Education.

109. In order to prevent children's rights from being violated by school violence, the Government is focusing on measures such as counseling at schools to form a school culture that is respectful of human rights. Human rights education school is another example of a measure aimed at developing such a culture through the dissemination of best practices. The alternative school system has also been enhanced. In 2007, the Act on the Prevention and the Compensation for Safety Accidents in Schools was enacted to make school safer for students.

Comprehensive measures for child safety

110. The Government designated 2003 as the first Child Safety Year, and the ministries and agencies whose mandates touch on child safety set out the Comprehensive Measures for Child Safety to make the everyday environment safer for children. For effective implementation of the Measures, the Task force Team for the Improvement of Safety Control and the Advisory Council for Child Safety were formed at the Office for Government Policy Coordination and at the Presidential Secretariat respectively. In addition, since 2003, four pieces of legislation have been drafted and 11 laws have been amended to prevent child safety accidents.

Child safety related legislation

	<i>Mo/yr</i>	<i>Legislation</i>	<i>Key contents</i>
New	Jan. 2004	Act on the Prevention of and Countermeasures against Violence in Schools	Introduced an institutional framework with a special body installed to effectively manage school violence, provide education on the prevention, guidance and education of victims and perpetrators of school violence, etc.
	May 2005	Act on the Protection and Support for the Missing Child	Stipulated measures to prevent children from disappearing, to quickly locate and return missing children to their homes, and support their readjustment after return
	Jan. 2007	Act on the Prevention and the Compensation for Safety Accidents	Laid a legal basis for conducting safety education in schools
	Jan. 2007	Act on Safety Management of Play Facilities for Children	Coordinated and systematized the management of playground equipment and facilities for children
Revised	Mar. 2004	Framework Act on Disaster and Safety Management	Stipulated when and how education on disaster prevention should be conducted
	Oct. 2004	Act on Quality	Introduced a child-protection packaging system

<i>Mo/yr</i>	<i>Legislation</i>	<i>Key contents</i>
Dec. 2005	Management and Safety Control of Industrial Products	Revised safety management systems such as safety certification, and introduced a fast-response system
Mar. 2005	Infant Care Act	Strengthened safety standards at childcare facilities
Mar. 2005	Child Welfare Act	Made education on the prevention of child abuse compulsory
Mar. 2005	Youth Activities Promotion Act	Emphasized fire safety at facilities catering to youth
May 2005	Road Traffic Act	Expanded school zones
Jul. 2005	Rescue and Aid at Sea and in the River	Defined the responsibilities of the State in rescues and emergencies
Nov. 2005	Act on the Installation and Safety Management of Fire Facilities	Required the use of flame-resistant materials in child facilities
Dec. 2005	Pharmaceutical Affairs Act	Introduced child-proof containers
Jun. 2006	Framework Act on Fire Services	Laid the legal basis for the establishment of a safety experience center
Jan. 2007	School Meals Act	Set standards for sanitation and safety of school meals

Prevention of juvenile suicide

111. The Government instituted the Basic Plan on the Prevention of Suicide in 2004 and crafted a detailed plan of action in 2005. These, however, have not been sufficient response to the serious problem of juvenile suicide. In order to fill this void, the Government, in September 2007, set out measures for the quick rescue and aftercare of juveniles attempting suicide and the creation of an early detection system to minimize the occurrence of suicides.

112. The Government strengthened emergency rescue systems such as the Community Youth Safety-Net (CYS-NET) to prevent suicide of the young and developed tools to measure suicide risk of teenagers. Various educational programs have also been developed to help adolescents wisely address their issues, and thus, grow up safe, healthy and sound.

Community Youth Safety-Net (CYS-Net)

113. Teenagers at risk have increased in number as a result of dismantling of families and difficulties in fitting in at school. Their needs for social services have grown significantly as a result, but the scattered location of services institutions and lack of cooperation among them have made the support network inadequate. Out of an effort to effectively respond to the issues of young people at risk, the Government established in 2005 the Community Youth Safety-Net (CYS-Net) which integrates support services for the young in the community. As of 2008, the CYS-Net initiative is being implemented at youth counseling centers in 16 cities and provinces, and in 80 cities, counties, and districts.

114. The CYS-Net program aims to support the sound development of youth at risk and empower them by building a network of community institutions for youth to provide

customized one-stop services covering counseling over the phone, providing rescue, protection and treatment services, tools for promoting self-reliance and education opportunities.

1388 Help Call

115. In 2005, the Government consolidated the 1388 Youth Hot Line and 1588-0924 Help Number for Runaway Youth, numbers that were not well-known, to create the 1388 Help Call for Youth as a gateway to CYS-Net. The 1388 Help Call provides a one-stop service on all matters related to adolescents 24 hours a day throughout the year. Short Message Service (SMS) and Virtual Machine (VM) were deployed to provide a more convenient service to teenagers. The 1388 Help Call is operated by 142 youth support and counseling centers across the nation with efforts being made to raise awareness via the Internet, the press, and cooperation with business organizations. Such efforts led to a growth in use from a daily average of 178 calls in 2005 to 675 calls in 2007, a 274% increase.

4. Right to free expression (art. 12)

116. The Government enacted and revised relevant laws to lay an institutional foundation to respect the views of the child and to provide opportunities for children to participate in decision-making processes in all matters affecting them in schools and their local communities.

Enactment and revision of related legislation

117. With the enactment and amendment of child-related laws, a legal foundation has been laid to guarantee the rights of children to express their views and participate in all matters affecting them.

Child Welfare Act

- **Article 3, paragraph 3: Priority should be given to the best interests of the child in all activities concerning children.**
- **Article 10: In taking measures for a child's protection, the views of the child in need of such protective measures shall be respected, and those of his/her guardian, if there is one.**
- **Article 13: In selecting a guardian for a child, the child's intentions shall be respected.**

Framework Act on Juveniles

- **Article 5: The fundamental human rights of juveniles shall be respected in all spheres of juvenile activities, juvenile welfare, juvenile protection, and the nurturing of juveniles.**
- **Article 12: The State shall hold the juvenile *ad hoc* meeting with juveniles and experts in the field of juvenile issues in attendance to discuss ways to develop, implement, and check the pan-Governmental policy of nurturing juveniles.**

Juvenile Welfare Support Act

- **Article 3, paragraph (2): Juveniles have the right to express their views freely and make decisions free of external constraints.**

- **Article 4: As members of the society, juveniles have the right to be part of decision-making process on matters affecting themselves. In respect of their rights, the State and local governments shall engage juvenile representatives in the advisory and review process for juvenile policies, reflect their opinions, and provide procedural guarantees for juvenile participation, so that juveniles can have access to information and express their opinions.**

Youth Activities Promotion Act

- **Article 4: Individuals, legal persons, groups, and organizations operating youth facilities or entrusted with such operation shall run a youth steering committee to facilitate activities and ensure their participation.**

118. Institutional guarantees are in place for children and youth to participate in the policy-making process. At the central Government level, the Presidential Youth Congress has been established to engage adolescents in making, implementing, and reviewing youth-related policies. At the local level, the Youth Participation Committee was set up to improve the effectiveness and democracy of policymaking and to strengthen the capabilities of the young as democratic citizens. In addition, juvenile steering committees were created in establishments catering to teenagers to strengthen the youth-focus in their operation. The Youth Participation Committee and the youth steering committee are community-level venues where self-governing bodies or institutions for youth are involved. The Presidential Youth Congress, on the other hand, is a national level organ through which adolescents across the nation can work together on a shared policy agenda.

The Special Commission on Youth

119. In accordance with article 12 of the Framework Act on Juveniles, the Special Commission on Youth is convened on a yearly basis by relevant professionals and teenage representatives from 16 cities and provinces. The Special Commission serves as a forum for discussing and developing policy agenda from the perspective of the young, making recommendations to administrative bodies, and reflecting them in actual policies. The Special Commission aims to draw social attention to the importance of juveniles and juvenile policies and to pursue policies that promote their interests, welfare and capability-building. After the 2004 pilot, the Special Commission has convened every year since 2005.

120. The first Special Commission on Youth worked actively from June to November 2005 on the expansion of the foundation for juvenile participation as their policy agenda and a non-violent, anti-prejudice peace movement as their action agenda. Twenty initiatives in six areas were adopted by the first Congress.

121. In 2006, the second Special Commission on Youth held a general meeting in the presence of the prime minister from 26 to 28 October with the policy agenda of creating a social network to support the growth of youth and the action agenda of creating a youth society based on mutual respect. At the second Congress, 16 initiatives were adopted in 5 areas including education, welfare, society and culture.

122. Noting that the 4th Basic Plan on Juvenile Policies were to be instituted in 2007, the third Special Commission on Youth focused on reflecting their policy proposals in the Basic Plan or in policies that are under implementation. As a result, 35 out of 98 policy initiatives proposed by the Special Commission, including labeling of nutritional information on school meals for obese teenagers, were incorporated in the Basic Plan.

123. In 2008, the fourth Special Commission on Youth selected and pursued as part of their policy agenda for May–November 2008 the creation of a society where welfare and youth rights are guaranteed.

Youth Participation Committee

124. The Youth Participation Committee is a community organization that engages the young. This Committee aims to realize youth-friendly policies and to promote youth rights by organizing their participation in the process of forming, executing, and evaluating juvenile policies.

125. Established in municipalities, cities, counties and districts, the Youth Participation Committee has grown from 42 in 2004 to 162 as of 2008. About 3,200 boys and girls are participating in these committees in local governments under different titles such as the youth autonomy committee, the youth committee, the next-generation committee, and so on.

Youth Steering Committee

126. The Youth Steering Committee is an institutional mechanism to involve the young in decision-making processes regarding the operation of youth facilities such as youth camps and the House of Culture and programs run by those facilities. Pursuant to article 4 of the Youth Activities Promotion Act, individuals, legal persons, groups, and organizations who operate youth facilities or are entrusted with such operation must facilitate activities of juveniles and guarantee their participation.

127. The Youth Steering Committee increased in number from 88 in 2003 to 258 in 2008 in 16 cities and provinces around the country. As of 2008, about 3,800 teens across the nation participate in various aspects of youth facilities management through the Committee.

The Korean General Assembly on Children

128. The Korean General Assembly on Children has been held annually since 2004 at the request of the child representatives to the 2002 UN Special Session on Children, who witnessed active participation of child representatives from other countries. The Congress on Children is a venue to enhance the children's right to participate where child representatives across the nation gathered to discuss relevant issues and seek solutions.

129. Unlike the Special Commission on Youth comprised of high school and college students, the Korean General Assembly on Children is comprised mostly by senior students of grade schools and students in middle schools. The General Assembly on Children is attended by 100 children who are selected in a contest for the "Guardian Angel for Children's Rights" and by 50 children recommended by 16 cities and provinces, and child organizations, in total 150.

C. Statistics

Study on human rights in secondary schools

130. The *Study on Human Rights in Secondary Schools* conducted by the Ministry of Health, Welfare and Family and the National Human Rights Commission of Korea in 2006 shows a gap in perception between teachers and students when it comes to the processes of establishing and/or revising school policies, notification of disciplinary actions, and opportunity to speak in one's defense.

131. On the process of establishing and/or revising school policies, 67.6% of the teachers responded that students are consulted via class meetings and/or student councils, while only 35.6% of the students said the same (see Table 3-1).

132. When asked about the process of disciplining students, students and parents replied that notification of disciplinary action, the process of presenting their opinions, and the

process of obtaining professional help are not carried out in a fair manner. Teachers, on the other hand, said that the notification of disciplinary action is done fairly and that enough opportunities are given to the students and parents to present their opinions (Table 3-2).

Current status of school violence

133. School violence refers to violent acts occurring between and among students in and out of school. Although it is not realistically possible to collect the accurate number of violent incidents, it is possible to get a sense of the current situation from the number of students who were disciplined for school violence (see Table 3-3). School violence is committed in the form of physical assaults, intimidation, extortion of money and other articles, and group bullying, with extortion occurring most frequently (Table 3-4).

Safety accidents involving children

134. The Government increased the budget to implement the Comprehensive Measures for Child Safety from 152.3 billion won in 2003 to 274.6 billion won in 2007. After the Measures were launched, the child fatalities from safety accidents such as traffic, drowning, and falling has declined by 46.7% from 1,210 in 2002 to 645 in 2006 (see Table 3-5).

135. Efforts made to protect children from traffic accidents include improving facilities in school zones, strengthening regulations, removing obstacles blocking roads, and expanding school zones to include special schools and child care facilities accommodating more than 100 children. Such efforts have led to a decrease of 41% in child deaths from traffic accidents from 468 in 2002 to 276 in 2006 (see Table 3-6).

136. The safety standards on life jackets and swimming were tightened to prevent children from drowning. In 2004, the 119 Civilian Water Rescue Teams were formed in areas with a history of frequent drowning accidents. As a result, the number of children dying of drowning has declined from 198 in 2002 to 78 in 2006, a 60.6% drop. In addition, the standards on railings in houses were strengthened in 2003, and safety checks of playground equipment were made mandatory. With these efforts, the child deaths from falls dropped by 56.7%, from 108 in 2003 to 58 in 2006 (see Table 3-7).

D. Factors and difficulties

137. Many children from international marriages are slow in their language acquisition as they have spent their infancy in the care of mothers whose Korean proficiency was low. This has led to difficulties in understanding and learning. Oftentimes these children also have a high probability of being victims of bullying. In addition, most children from migrant workers' families have weaker basic learning skills than peers as their families have low incomes and are not able to provide favorable living and learning environments.

138. The Government offers an institutional guarantee for the children to participate and express their views in the implementation of child-related policies. A legal foundation is laid to create mechanisms engaging children such as the Special Commission on Youth, the Youth Participation Committee, and the Youth Steering Committee. In addition, The Korean General Assembly on Children is being held every year to encourage active participation of children.

139. The Government fosters a school environment friendly to human rights by engaging children in the establishment and revision of school policies as well as the disciplinary procedure. However, there are still some schools where the right of children to express their views is not fully guaranteed. The Government is committed to sensitizing schools to the rights of children through various measures such as education and the training of students

and teachers. Institutions and education on rights will also be improved to respect the views and the participation of children not just at schools, but also at home and in society.

Chapter IV

Civil rights and freedoms (arts. 7, 8, 13, 14, 15, 16 and 17, art. 37, para. 1)

A. Concluding observations – Follow-up

1. Freedom of expression and association (see CRC/C/15/Add.197, para. 37)

140. **The Government provides institutional protection for student bodies such as the student councils to encourage children to take initiative in school life. In addition, school policies that may potentially infringe upon human rights are undergoing revision.**

School Steering Committee

141. The Elementary and Secondary Education Act dictates the establishment of the School Steering Committee in order to realize autonomy of the schools and creative education which respects the uniqueness of the region. Public and private schools at elementary and secondary levels and special schools operate the School Steering Committee to discuss matters relating to the establishment or the revision of school charters and school regulations. Representatives of teachers, parents and local community are members of the Committee.

142. Student council representatives are allowed to participate in the Committee meetings and to speak on matters regarding their activities. In the future, greater autonomy will be introduced in schools through measures such as public disclosure of school regulations.

Revision of school policies

143. The Government ensures that school policies are revised through rational processes and based on democratically reached consensus of the members of the school community. Schools are asked to revise controversial provisions in the school policies that may violate human rights of students, and to change methods of school discipline that disregard students' self-esteem. Furthermore, efforts are underway to facilitate student council activities led by students themselves.

2. Corporal punishment (see CRC/C/15/Add.197, para. 39)

144. **Corporal punishment is prohibited in principle and allowed only in very limited cases when necessary for educational reasons.**

145. Concerning corporal punishment, the Enforcement Ordinance on Elementary and Secondary Education Act (Article 31, paragraph (7)) says that guidance shall be provided regarding forms of discipline or admonition which do not cause students physical pain, with the only exception being absolutely necessary for the educational needs. The standards for determining disciplinary actions against teachers have been strengthened. Under the new rules, teachers may be subject to criminal charges for punishing students using excessive means that are not generally accepted by the society, such as strong physical violence and/or verbal abuse.

A Precedent from the Supreme Court, April 10, 2004

In June 2004, the Supreme Court ruled that teachers may guide students by means other than discipline only when there is an educational need to do so; that punishment or defaming words which give physical and/or mental pain to the students are not allowed except only in educationally inevitable circumstances; and that violent acts or vituperations against students are unacceptable, except for in cases where objective validity exists based on socially accepted practice.

A Precedent from the Constitutional Court, July 27, 2006

In July 2006, the Constitutional Court ruled saying “corporal punishment is not allowed as a means of disciplining students. Discipline or admonition that does not give physical pain to the students shall be the means of guidance in principle and corporal punishment may be allowed only as an exception in very limited cases.

146. The child protection facilities educate persons who are required to report child abuse on how to prevent abusive behaviors against children. Parents are also educated regarding non-violent forms of discipline and learn about preventive programs for child abuse. The Government revised the Child Welfare Act in 2008 to make such educational initiatives mandatory and strengthen the provisions on the prevention of child abuse.

B. National programs

1. Name and nationality (art. 7)

147. A child born in the Republic of Korea can acquire name and nationality pursuant to the Nationality Act. Concerning the nationality of a child, the Republic of Korea acknowledges both paternal and maternal lineage and the principle of personal jurisdiction.

Article 2 (Acquisition of Nationality by Birth) (1) A person falling under one of the following subparagraphs shall be a national of the Republic of Korea at the time of his or her birth:

1. A person whose father or mother is a national of the Republic of Korea at the time of his or her birth;
2. A person whose father was a national of the Republic of Korea at the time of his death, where his father died before his or her birth; and
3. A person who is born in the Republic of Korea, where both parents are unknown or have no nationality.

(2) An abandoned child found in the Republic of Korea shall be recognized as born in the Republic of Korea.

148. Registration of the birth of a child is tightly managed by the Government. Under the Act on Family Relation Registration and etc. enacted in 2007, the father or mother bears legal responsibility for registering the birth of a child, and relatives living together, doctors, midwives or others who participated in the child-delivery process are required to register the birth in case the father or mother is unable to do so. Anyone who finds an abandoned child and national police officers who report an abandoned child shall report such facts to the head of a city, town or township within 24 hours.

2. Preservation of identity (art. 8)

149. **All citizens of the Republic of Korea shall register changes in family relations such as birth, marriage, and death in accordance with the Act on Family Relation Registration and etc. Identity of a child is recorded in the family relation certificate, the standard certificate and so on. Surname and lineage of a child shall follow those of the father in principle, but an exception is allowed to follow those of the mother when parents have agreed to do so in their registration of marriage.**

150. The Act on Family Relation Registration and etc. was enacted to replace the Family Register Act in May 2007 when the family head system, or patriarchal family register, was abolished. With the amendment made in 2005 to “the Civil Code”, from 2008, a child does not necessarily have to take his/her father’s surname and lineage, but may take those of the mother when parents have agreed to do so in their registration of marriage. In addition, for the welfare of a child, the father or mother can change the surname and lineage of the child with approval of the court. This is in line with the revised Civil Code which allows registration of family to be based on each individual, not on his/her whole family itself. The abolishment of the family head system has further realized values such as the dignity of human beings and gender equality as stipulated in the Constitution.

151. With the Act on Family Relation Registration and etc. in place, institutional changes are being made under which the principle of paternity is modified, the surname can change, and full adoption is allowed. Unlike the Family Register Act in which personal information was not strongly protected, the Act on Family Relation Registration provides thorough privacy protection by restricting each certificate to display only relevant information.

3. Freedom of expression (art. 13)

152. **Children’s freedom of expression is fully guaranteed under the Constitution. The National Human Rights Commission of Korea continuously monitors the freedom of expression to be fully realized for children as stipulated in the Constitution and international conventions.**

153. To protect children’s right of expression, the Government actively encourages children and student councils to be involved in as many school activities as possible. Yet there are instances in schools in which the children’s freedom of expression is infringed due to the lack of a democratic consensus-building process. One example would be the disciplinary action taken involving the distribution of flyers at school and the recommendation made by the National Human Rights Commission of Korea on that case. As stipulated by the recommendation, efforts are made to guarantee children’s freedom of expression and to resolve, through democratic means, conflicts, if any, between the children’s freedom of expression and the rights of teachers.

Student A distributed fliers in April 2007 about a debate on student human rights within the school. A was disciplined on the ground that he/she distributed flyers without permission from the school. A filed a petition against the head of the school, or P, with the National Human Rights Commission of Korea, citing that the disciplinary actions taken by the school infringed on A’s freedom of expression. The National Human Rights Commission of Korea recommended that, in order to guarantee students with the freedom of expression within the school as much as possible, P has to take necessary measures such as establishing reasonable standards on the extent of expression allowed through materials like flyers and on the procedures required for the students to express their views.

4. Freedom of thought, conscience, and religion (art. 14)

154. **The Constitution provides a full guarantee on the freedom of thought, conscience, and religion. Individual citizens are free to make decisions based on their conscience and enjoy freedom in regard to religion and missionary activities.**

155. Article 913 of the Civil Code dictates that parents or a statutory guardian are at liberty to educate the children on religion or ethics of their choice. Yet parents cannot force their religion upon the children. Children who are studying at schools founded by a certain faith group are allowed to have other faiths. However, controversy has arisen over whether mandatory participation in religious functions at some private schools constituted a breach of the freedom of religion.

5. Freedom of association and peaceful assembly (art. 15)

156. **The Elementary and Secondary Education Act and the Enforcement Ordinance on the Act require schools to have policies that encourage and protect student activities of self-government, and cover basic matters as to organization and operation of student bodies. The Government has set forth, as a key aim, the notion that school discipline should respect the human rights, autonomy, and responsibility of students. In line with this, school regulations across the nation have been established and/or revised from 2003 to enhance human rights of students and facilitate students' self-government.**

157. The Office of Education in Gyeonggi province asked all secondary schools in its jurisdiction, a total of 809, to submit policies on discipline and then subjected these to analysis in order to identify provisions that may impinge on the rights of the students. The Office pronounced that provisions would be revised to actively protect the rights of the students and recommended that the revisions be carried out in a democratic manner with the involvement of teachers, parents, and students.

6. Protection of privacy (art. 16)

158. **The Government ensures that any information on a child is disclosed by a school only with the consent of the child and his/her parents, and that personal information of a child who suffered a sexual crime is never leaked. In addition, personal information on the users of information and communications service is protected. The National Human Rights Commission of Korea recommended that some school regulations including one on hair length be revised as they have the potential to violate children's privacy.**

Related legislation

159. The Constitution of the Republic of Korea protects the privacy of all citizens. The private life of a citizen shall not be restricted without legal and Constitutional grounds and, even in cases where there are such grounds, restrictions shall be minimal, based on the Constitution and relevant laws. While the Framework Act on Education stipulates the principle of protection of children's information, the Elementary and Secondary Education Act and the Act on the Protection of Juvenile Sex strictly regulate the provision of student-related information, and the disclosure or leaking of personal information of the child victimized in sex crime respectively.

Framework Act on Education

- Article 23-3 (Principles of Student Information Protection)
 - (1) Student information such as school records shall be collected, processed, used or managed for educational purposes.
 - (2) Guardians such as parents shall have the right to access student information referred to in paragraph (1) on those under their care such as children.
 - (3) The student information referred to in paragraph (1) may not be provided to a third party without the consent of the relevant student (in cases where the student is a minor, the student and his guardians such as his parents) except in the cases prescribed by Acts.

Elementary and Secondary Education Act

- Article 30-6 (Restrictions on Furnishing of Student-Related Materials)
 - (1) The head of a school shall be prohibited from furnishing any third party with the materials concerning the school life record and the health checkup record provided for in the provisions of Article 7-3 of the School Health Act without the consent of the relevant student (in cases in which the student is a minor, this includes the student and his protector or parents)

Act on the Protection of Juveniles from Sexual Exploitation

- Article 18 (Confidentiality)

Government officials who are in charge of or take part in an investigation or a trial of sexual crime against a child shall not disclose or give others any information specific to the child involved including address, age, school, or profession and appearance, or pictures of the child which can reveal the child's identity, and/or information on the private life of the child involved.

 - (2) The head of an institution, a facility or an organization, persons who assist the head, or persons who previously held such a position shall not disclose information that he/she acquired in performing his/her duties.
 - (3) No one shall print information specific to the involved child such as address, name, age, school, or profession and appearance, or pictures of the child on print materials such as newspapers and shall not disclose such information and pictures on an information and communications network.

160. The Government revised the Act on the Promotion of Information and Communications Network Utilization and Information Protection, etc. in January 2007 to further protect personal information of the users of information and communications service. The Korea Communications Commission, organized under the Act, arbitrates cases such as privacy infringement and defamation when the rights of the users are violated by information circulated via the information and communications network.

161. An amendment was made to the Act on the Protection of Personal Information maintained by Public Agencies in May 2007. In order to protect the privacy of citizens from CCTV set up by private or public agencies, the revised Act allows the installation of CCTV only for the protection of the public good. It also requires the stringent operation and management of CCTV such as the collection of residents' opinions prior to the installation and the setting-up of signs that indicate where CCTV has been installed. Within the private sphere, the Guideline for the Private Sector on the Protection of Personal Visual Information from CCTV was written in October 2006 and has been publicized. Efforts are

under way to raise awareness of the Guideline and to make a survey of compliance to the Guideline.

Student hair-length regulation

162. Hair-length regulations in school have been repeatedly raised as an issue that violates the rights and the privacy of the child. In response, the National Human Rights Commission of Korea put out the Recommendation on the Improvement of Hair-Length Related Regulations in 2005. Acknowledging the student's basic right to choose their hair length, the Commission recommended that the Government have schools regulate students' hair length only to the minimum extent necessary to fulfil the purpose of education.

163. The Government instructs schools to involve teachers, students, and parents in deciding the scope and measures of regulating hair length and to regulate in a manner that does not harm students' dignity as a human person.

7. Access to appropriate information (art. 17)

164. The Government guarantees all citizens including children the right to freely access information. At the same time, the Government has strengthened relevant regulations to protect children from harmful information and media and facilitates the publication of children's books.

Advances in information technology and disclosure of information

165. With the development of information technology, the children of Korea are actively using the Internet, enjoying expanded access to and engagement with information. Their exchange of information via the Web now plays a role in the formation of public opinion.

166. All citizens have the right to ask public agencies to disclose information pursuant to the Act on Information Disclosure of Public Agencies. The Government renewed websites of Government agencies to provide ready access to the public. At the same time, websites for children and for English speakers have also been developed to give access to information to the relevant target groups.

School libraries program

167. The Government came up with the Comprehensive Measures on Promoting School Libraries in 2002 and has pursued the Good School Library Initiative from 2003 to make school libraries a place not just for teaching and learning, but also for reading, accessing information, enjoying culture and recreation. To achieve this goal, resources including facilities, collections of books and staff were either improved or increased and the private-public cooperation mechanisms were formed to support school libraries.

168. The primary goal of the Initiative is to equip all schools with good libraries. To deliver on this goal, the Government provided 139 billion won from 2003 to 2007 so that schools selected by the Offices of Education can improve their libraries.

Prohibition on information and materials harmful to the child

169. Information and materials harmful to children are strongly regulated under the Juvenile Protection Act and the Act on the Protection of Juveniles from Sexual Exploitation. In addition, the Broadcasting Act and the Act on Promotion of Information and Communications Network Utilization and Information Protection, etc. are in place to create an environment where all citizens can utilize broadcasting and the information and communications network in a sound and safe manner.

170. The Korea Communications Standards Commission, a successor formed in 2008 to both the Korea Internet Safety Commission and the Korea Broadcasting Commission, aims to achieve broadcasting that promotes fairness and the public good, a sound culture of information, and an environment to utilize information and communications in a proper manner. The Commission reviews illegal materials and cases for regulation, operates illegal and harmful information report centers, and performs activities to establish a sound information culture.

171. The Government has intensified monitoring and corrective efforts on online materials harmful to children and juveniles in order to scrutinize such harmful materials and halt their distribution. Voluntary efforts of the Internet and game industries are supported and the Internet industry's effort to protect youth is evaluated through a cyber ethics index.

172. The Government conducted the *Study on the Use of Various Media by Youth* in 2006. The Study is comprehensive, looking into the level of use, the time of use, methods used to acquire harmful materials and so on. The scope of the Study will be expanded to cover analysis of media use by children and juveniles and the outcomes of the Study will be reflected in policy-making.

173. Policies are particularly focused on stamping out the distribution of harmful materials via information and communications networks and on creating a sound environment for using information. In order to protect children from illegal and harmful materials and cyber violence, filtering technologies have been developed and distributed.

Warnings of harmful materials

174. The Government prevents the distribution of harmful materials to children by reviewing, designating, and warning about such materials. Reviewing organizations such as the Ministry of Health, Welfare and Family and the Korea Publication Ethics Commission determine whether periodicals, broadcasting programs, films, videos, games and so on are harmful to children and designate them as such.

175. Each medium is regulated by different reviewing bodies under different Government agencies. Print materials are reviewed and rated by the Korea Publication Ethics Commission, broadcasting and communications by the Korea Communications Standards Commission, movies and videos by the Korea Media Rating Board, and games by the Game Rating Board.

176. Apart from records and music files, the Ministry of Health, Welfare and Family also has the authority to review the content of items upon request from the above reviewing bodies and materials that are not covered by the reviewing bodies to determine their harmfulness to children.

Distribution of children's books

177. The Government has been conducting the Read a Book Campaign for children since 2002. This Campaign aims to make reading more than a hobby, integrating it with daily life and culture. In the same vein, the Government has worked with children's organizations such as the Korea Youth Association and groups promoting reading such as the Korean Library Association and the National Association to Promote Reading Culture to carry out various events including book discussion forums, contests for essays on books, theme-based reading camps, and trips to famous sites related to literature.

178. Efforts are made to encourage the public to read more books and to help the publication of diverse books. The Government supports the Project on the Recommended Book List and furnishes public libraries with selected books in order to provide access to the disadvantaged.

8. Right to be free from torture and other inhuman treatment or punishment (art. 37, para. (a))

179. **The Government under no conditions tolerates torture and other cruel or inhuman treatment of children, and this is stipulated in the Constitution of Korea.**

180. The Constitution of the Republic of Korea guarantees all citizens their personal liberty and the right to be free of torture and inhuman treatment. The Criminal Code and the Criminal Procedure Act also uphold these rights.

- Constitution, Article 12, paragraph (2): “No citizen shall be tortured or be compelled to testify against himself in criminal cases.”
- Article 12, paragraph (7): “In a case where a confession is deemed to have been made against a defendant’s will due to torture, violence, intimidation, unduly prolonged arrest, deceit etc., such a confession shall not be admitted as evidence of guilt, nor shall a defendant be punished by reason of such a confession.”
- Criminal Code, Article 125: “A person whose duty is to perform or assist in activities concerning judgment, prosecution, police or other functions involving the restraint of the human body, shall not, in performing such duties, commit an act of violence or cruelty against a criminal suspect or against another person.”
- Criminal Procedure Act, Article 308-2: “Any evidence obtained in violation of the due process shall not be admissible.”

181. Torture is prohibited and punishable under the following provisions of Korean legislation: Article 123 (Abuse of Authority) and Article 125 (Violence and Cruel Act) of the Criminal Code, Article 4-2 of the Act on the Aggravated Punishment, Etc. of Specific Crimes, Article 62 of the Military Criminal Code, and Article 19 of the National Intelligence Service Act.

182. Article 224-2 of the Criminal Procedure Act stipulates mandatory video recording of the entire investigative process to prevent torture and other cruel treatment of the suspect. Confession obtained by subjecting the suspect to torture or other inhuman treatment is considered to have been obtained illegally and is thereby unacceptable as evidence in court.

183. In December 2007, the Criminal Administration Act was amended to the Act on the Execution of Sentence and Treatment of Prisoners (effective from December 2008). In the revised legislation, the restraining device, previously criticized as a cruel means of disciplining prisoners, is referred to as “protective equipment” and as such, is explicitly prohibited from use as a means of punishment. The “protective equipment” as defined in Article 98 of the amended legislation excludes chains, and instead includes more modern protective implements such as protective outfits, protective beds, and protective gear, which can be used on specific body parts while minimizing physical strain on the inmate.

C. Statistics

Schools free of corporal punishment

184. The Government is committed to completely eradicating corporal punishment of children. Efforts to this end have begun in the schools by strengthening the children’s rights component in the training of primary and secondary school teachers. In addition, schools have revised the rules that guide students’ day-to-day life to create a culture of respect for human rights within the institutions. As a result, the percentage of schools free of corporal punishment increased from 27.7% in 2003 to 69.7% in 2007 (see Table 4-1).

School libraries

185. A total of 6,205 schools were given financial aid to set up their own libraries under the Government-sponsored School Libraries Program from 2003 to 2007. Of the schools that benefited from this program, 3,214 (51.8%) were grade schools, 1,737 (28%) junior high schools, 1,241 (20%) high schools, and 13 special education schools (0.2%). During the program period, the percentage of schools with a library rose from 82.4% (8,657) to 94.1% (10,442), and the number of books per student also went up from 6.5 to 10.8 (see Table 4-2).

Designation and notification of media contents harmful to juveniles

186. There was a sharp increase in the number of publications and video contents determined and declared to be harmful to juveniles. This surge was most pronounced in the last three years due to the dramatic growth of the IT industry. The number of harmful Internet items declared harmful by the authorities dramatically rose from 3,537 in 2003 to 15,314 in 2007 (see Table 4-3).

D. Factors and difficulties

187. The civil rights and freedom of children are basic rights guaranteed by the Constitution of Korea. Children can enjoy freedom of expression in school by taking advantage of various school communication channels such as the school website, newsletter, and newspaper. However, there were cases where school authorities deleted certain postings against the will of the author. The Government is committed to embedding respect for human rights into the school environment so that children's views are respected and their freedom of expression protected based on democratic consensus-building.

188. Schools founded by the Government and/or the local autonomous governments are prohibited from providing religious education. Private schools established by religious foundations, on the other hand, do include some religious components in their curricula, which conflicts with the child's freedom of religious choice. Complex factors are intertwined with religious education, such as the founding philosophies of schools with religious backing and the Private School Act designed to protect the independence and unique nature of religious education. The Government has taken due consideration of these factors to be prudent in preventing forceful provision of religious education to children against their will.

189. Corporal punishment of students is banned in principle. The number of schools prohibiting corporal punishment is on the rise. The Government plans to strengthen efforts to completely eradicate physical punishment of students and to engender public condemnation of such punishment.

Chapter V

Family environment and alternative care for children (art. 5, art. 18 para. 1–2, arts. 9, 10, art. 27 para. 4, arts. 20, 21, 11, 19, 39, 25)

A. Concluding observations – Follow-up

1. Alternative care for children (see CRC/C/15/Add.197, para. 41)

190. The Government is working to expand the system of alternative care for children and revise the relevant legislation to make sure children in need of protection can be reared in a family-like environment. Policy measures have been implemented to expand alternative means of care, such as group homes and foster families. Financial aid is provided to support foster homes in the form of childcare subsidy, child accident insurance subsidy, and home lease subsidy.

191. In accordance with the Social Welfare Services Act, the Government has assigned more social workers to assist children in need. Recognizing the importance of the quality of social workers, training of social workers has been strengthened to develop their competencies and to regularly upgrade their expertise. There is also a plan in 2009 for providing training to social workers to further reinforce their knowledge.

(a) Expansion of group homes, foster homes, and other alternative care for children

192. The Child Welfare Act amended in 2004 newly recognized the group home as a child welfare facility. Group homes provide a home-like environment for children in need of protection where they can grow up and be protected.

193. The same Act was amended again in 2005 with the aim of extending child's access to protection in a foster home. The revised Child Welfare Act sets out the legitimate conditions and procedures required for authorization as a foster home supporting center, qualifications of employees, and other criteria requisite for establishing such centers.

194. Since 2006, the Government has helped foster families buy accident insurance to help them prepare for disease and accidents, while reducing their psychological and financial burden. Foster families have also benefited from subsidies for long-term home rental or for settling deposits on public-lease flats. The group homes and foster home supporting centers have counselors trained to assist children who need help. The central and local foster home supporting centers are organized into a network to offer more effective service to foster families.

(b) Audit and improvement of childcare facilities

195. The Government is responsible for supervising and overseeing the work of social services providers under Article 51 of the Social Welfare Services Act. Public social services workers and/or child welfare guidance workers are mandated with providing guidance to and supervising child welfare facilities and/or children in need as well as conducting the necessary inspections.

196. Pursuant to Article 21 of the Child Welfare Act, the Ministry of Health, Welfare and Family Affairs and the head of the local government must regularly inspect, provide guidance, and monitor child welfare facilities. Based on the findings from these activities, they can determine whether the institution fails to meet the requirements or whether there are real demands for services it provides. If the conclusions are negative, they can take

various administrative actions, such as ordering the facility to make amends for issues identified, terminating their services provision, withdrawing the commissioning of services, or even closing down the facility permanently.

197. Article 43 of the Social Welfare Services Act stipulates the assessment of child welfare facilities every three years by the MIHWFA. The conclusions from these assessments are taken into consideration when the Ministry oversees and assists facilities. The Ministry can also transfer children from one institution to another when deemed necessary for their best interests.

198. Independent from the ongoing monitoring of these institutions by the health and welfare ministry, the National Human Rights Commission of Korea in 2005 has conducted a study to determine whether human rights were duly respected in these institutions. The findings were reflected in policies aimed at elevating the human rights situation in Korea.

(c) Enlarging the pool of social services providers

199. The Government has sought to expand the pool of social workers in order to make higher quality services available to children in vulnerable families. The total number of public social work officers rose from 6,977 in 2003 to 10,113 in 2007, an increase of 44.9%.

200. In 1993, the Government began to certify youth guidance instructors to provide access to professional assistance for solving juvenile problems and to promote various youth activities. From 1993 to 2006, 13,900 youth guidance instructors were certified. Similarly, the Government has certified 1,648 youth counselors from 2003 to 2007.

201. The Government has made sure each school has a social worker and a professional counselor in order to elevate the quality of social services provision in educational institutions and to preempt school violence as stipulated in the Elementary and Secondary Education Act and the Act on the Prevention of and Countermeasures against Violence in Schools.

202. Competency training for social workers in public and private organizations is administered by the Government. The Central Officials Training Institute, the provincial/municipal Officials Training Institutes, and the Korea Human Resource Development Institute for Health and Welfare are responsible for the training of social workers employed by the Government. As for the training of social workers in private organizations, responsibility lies with the Korea National Council on Social Welfare, Korea Association of Social Workers, the Korea Human Resource Development Institute for Health and Welfare and other child welfare-related associations.

2. Adoption

CRC/C/15/Add.197, para .43:

The Committee reiterates its previous recommendation to the State party and calls for:

(a) A comprehensive review of the system of domestic and inter-country adoptions with a view to reforming legislation in order to bring it into full conformity with the principles and provisions of the Convention on the Rights of the Child, in particular article 21;

(b) The ratification of the Hague Convention of 1993 on Protection of Children and Cooperation in Respect of Intercountry Adoption.

203. The position of the Korean Government regarding recommendations to require authorization of adoption by competent authorities and to ratify the Hague Convention of

1993 were discussed in an earlier section of this report dealing with reservations concerning adoption.

3. Child abuse and neglect (see CRC/C/15/Add.197, para. 45)

204. The Government proclaimed 2003 as the first Child Safety Year and announced the Comprehensive Measures for Child Safety. In 2006, the legislation impacting policies on child safety was amended to broaden the definition of “persons responsible for reporting child abuse” to assign this obligation to more people. At the same time, efforts were made to expand child protection agencies into a nationwide child protection network. As for making investigation and prosecution procedures child-sensitive, there are several ongoing efforts, including the provision of child-sensitive training programs for law enforcement officers and prosecutors.

205. To effectively stem child abuse, the Government opened more child protection agencies resulting in an increase from 17 agencies in 2000 to 44 in 2007. At the same time, online training has been provided to professionals who fall under the category of persons responsible for reporting child abuse. This category of people with the obligation to report child abuse has been re-defined with the amendment of the Child Welfare Act in 2006 so that it includes the heads, teachers, and staff of kindergartens, the management and instructors of private learning institutes, and members of fire and rescue squads.

Persons responsible for reporting child abuse include:

Teachers, medical professionals who practice medicine in medical institutions, the heads and the staff of child welfare facilities, persons who provide counsel, treatment, training and/or assistance in recuperation to disabled children in welfare facilities dedicated to serving people with disabilities, workers in childcare institutions, the heads, teachers, and employees of kindergartens, the heads, instructors, and staff of private learning institutes, members of rescue squads, heads and/or employees of assistance and counseling centers for victims of sexual traffic, heads or staff of counseling centers for single-parent families, the staff of agencies for protection of domestic violence victims, child welfare guidance officers, and public social work officers.

206. Each year the Government publishes the report *Child Abuse in Korea* jointly with the National Child Protection Agency. The local child protection agencies report data on child abuse cases to the National Child Protection Agency via a computerized database system. It comprises extensive data relating to the victims as well as to the perpetrators of child abuse, including demographic data, characteristics, actions taken to address the case, services provided, and so on, and this data has been used in developing and improving policies and programs for child abuse prevention. The following tables summarize some of the measures the Government has taken for the victims and the perpetrators of child abuse (see Table 5-1, 5-2.)

207. Child protection agencies aid the treatment and recovery of child victims of violence through counseling, play, psychological therapy, learning assistance and after-school services. The abusers are given child abuse prevention training, parenting skills training, and psychological therapy aimed at preventing recidivism. The agencies also help build stronger families through various services such as mentoring and assistance from the *family supporters*. In 2005, the 16 local child protection agencies were revamped with added facilities such as therapy rooms, classrooms, and group homes to offer children in need comprehensive access to protection, treatment and education.

208. An important amendment was made in June 2007 to the Criminal Procedure Act to make the legislation more child-sensitive. In cases in which the child must testify as a witness during investigation and/or during trial as the victim and when there is concern that the child may suffer from a substantial amount of anxiety or tension as a result, the revised

Act allows the child to be escorted by a person he/she trusts either upon request or *ex officio*. When the child is under 13, the presence of such an escort is obligatory unless it may cause serious difficulties in the court proceedings (Criminal Procedure Act, Article 163-2 and Article 221, para. (3)). Similarly Article 28 of the Child Welfare Act stipulates that if the prosecutor, the victim, or the child protection agency requests, the Court may permit a trusted person to sit with the child abuse victim when he/she is being questioned as a witness. These provisions ensure protection for the victims of child abuse during the criminal litigation procedure.

209. The Legal Research and Training Institute (LRTI) has a training program designed to educate trainees to make the investigation, interrogation and prosecution procedures more child-sensitive. The program is open to administrative staff of the Prosecutor's Office, the prosecutors, and other Government employees whose main responsibilities are in juvenile probation and correction. Trainees are engaged in human rights education, role play, and training for the development of human rights sensitivity. Since 2003, the program has been delivered to 3,227 participants in 101 sessions.

4. Maintenance of the child (see CRC/C/15/Add.197: para. 47)

210. The Government amended the Civil Code in 2007 to efficiently secure child support in case of divorce or separation of the parents by making mutual agreement on matters concerning the maintenance of the child, such as the financial burden involved, a prerequisite to consensual divorce.

Childrearing responsibilities

211. Prior to the amendment of the Civil Code in 2007, issues related to child upbringing were ruled by the court in judicial divorces, while divorce was granted in consensual divorces even if parties did not agree on childrearing responsibilities such as custody and child support. This posed a threat to the upbringing of children and thus the Act was amended to obligate parties of a consensual divorce to submit a letter of consent to the court addressing childrearing responsibilities, including custody and child support. If the agreed terms are believed to go against the welfare and interests of a child, the court can either ask for a correction or exercise its authority to rule on matters pertaining to child upbringing.

B. National programs

1. Guidance and responsibilities of parents (arts. 5 and 18, paras. 1–2)

212. The guidance and responsibilities of parents follow the parental authority concept in the Civil Code (Article 909, para. 1 and Article 912), and the same concept is applied to child custody (Article 837, para. 1) in the case of family disintegration. The Framework Act on Healthy Families and the Multicultural Family Support Act were enacted after 2003 to prescribe the childrearing responsibilities of parents and the State's support thereof. In 2007, grandparents raising grandchildren were classified as single-parent families. The Healthy Family Support Center was established in 2004, and livelihood support and social integration policies have been implemented from 2005 to promote healthy development of children of multicultural families.

Related legislation

213. The Civil Code prescribes that "parents shall have parental authority over minors" (Article 909, para. (1)) and "a child's welfare and interests shall prevail in exercising

parental authority” (Article 912). The parental responsibility to care for and protect children is embedded in the concept of parental authority stipulated in the Act.

214. The Government has been strengthening its policies to support guardians to raise children in healthy environments. The Early Childhood Education Act was enacted in 2004 to prescribe the responsibility of the State, local autonomous governments, and guardians to provide sound education to pre-school children from the age of 3.

215. In accordance with the Labor Standards Act and the Act on the Equal Employment of Both Genders, 90 days of paid maternity leave is guaranteed to all female workers as part of the Government’s initiative to foster an environment in support of working mothers. Also, female employees with children under the age of 3 are entitled to take up to one year of childrearing leave and receive a monthly allowance of 500,000 won.

216. The Single-Parent Family Welfare Act aims to promote a stable livelihood, improve welfare of single-parent families, and support healthy and cultural lifestyles. The Act prescribes the heads of local autonomous governments to establish Single-Parent Family Welfare Counseling Centers for counseling and guidance on matters related to the welfare of single-parent families.

217. The purpose of the Framework Act on Healthy Families is to foster, maintain, and/or develop healthy families. To this end, the Act clearly stipulates the rights and responsibilities of the people, State, and local autonomous governments. Pursuant to the Act, the Ministry of Health, Welfare, and Family Affairs shall formulate the Basic Plan for Healthy Families and conduct a fact-finding investigation on families every five years, in order to identify service needs and demand. Moreover, there are various programs available for the support of family life, childrearing, family support. These programs include programs which promote a family relationship based on democracy and gender equality, prevent divorce and support divorced families.

218. The Multicultural Family Support Act was enacted in March 2008 and came into force in September 2008. The Act stipulates policies to support multicultural families including interpretation services, legal counseling, and administrative support. The Act also prescribes family counseling and education for married couples, parents, and family life education to promote social integration of multicultural family members, specifically married immigrants and children.

Single-parent family support

219. Single-parent families receive childrearing allowances, free education (enrollment fee and tuition), access to single-parent family protection shelters, and long-term low-rent housing, etc. Grandparents raising grandchildren became eligible for Government support programs when the Single-Parent Family Welfare Act was amended in 2007. Other amendments include the raising the age limit of children in need from 20 years to 22 years of age, and providing job placement assistance.

Healthy family support center

220. The Framework Act on Healthy Families was enacted in 2004 and accordingly, the Healthy Family Support Center was established. The Center developed programs to prevent, counsel, and/or resolve family-related issues and to maintain healthy families. It also launched campaigns to promote family-oriented culture, and provided information on the family life, etc.

221. There are 61 healthy family support centers nationwide developing tailored services to suit each family’s individual circumstances. A central call number, “1577-9337” is used to provide counseling and assistance.

Multicultural family support policies

222. With a growing number of international marriages, the Government is committed to promoting stability in the lives of married immigrants and multicultural social integration. A variety of support programs aimed at helping multicultural families to successfully adapt to the Korean society and culture have been rolled out.

223. Measures to provide public assistance to multicultural families have been formulated and implemented three times since 2005. The Multicultural Family Support Act was enacted in March 2008 to stipulate various services for multicultural families. These services include the distribution of basic lifestyle information for married immigrants, education to help social adaptation, pre-natal and post-natal health checks, and childrearing and tuition allowances.

224. In 2008, the Government announced policies based on each lifecycle stage of multicultural families. Services were designed to meet the different needs of multicultural families in each lifecycle stage. First, during the pre-marriage stage outside Korea, prospective foreign wives are given information and counseling on the Korean lifestyle and their prospective Korean husbands receive education on marriage preparation, dealing with international marriage brokers, and ethics, all of which are provided with a view to protecting their human rights. Second, during the early relationship building phase after the foreign spouse has entered Korea, family support centers for married immigrants nationwide offer diverse programs including Korean language and family integration training. Also, to facilitate married immigrants' early adjustment to the Korean lifestyle, news magazines are issued to provide general information related to life in Korea. Third, during the settlement and childrearing phase, home visits are made to provide childrearing support services, and vocational training, such as ICT education. Fourth, voluntary meetings of people from the same country of origin and mentoring newcomers are encouraged as competency building initiatives. Efforts are also made to develop appropriate jobs for immigrants, provide vocational training, and assist in job searches. Throughout these stages, strong cooperative networks with local communities are created and public awareness raising campaigns are executed to support Korea's transition to a multicultural society.

2. Separation from parents (art. 9)

225. Pursuant to the Civil Code (Articles 924–925), parental authority cannot be exercised when a child is removed from his/her parent(s). The Civil Code and the Child Welfare Act prescribe limiting parental authority when exercising parental authority is harmful to the child's welfare and interests.

Related legislation

226. Under the Civil Code, upon request by a child's relative or a prosecutor, the Court can revoke parental authority when a parent abuses his/her parental authority, or displays serious delinquent behavior, or for other material reasons. Moreover, upon the request by a child's relative, the Court can revoke a child's legal guardian's right to represent the child in legal matters and manage the child's property when the legal guardian with parental authority has mismanaged the child's affairs and consequently has put the child's property at risk.

227. Under the amended Civil Code in 2007, visitation rights are guaranteed between the child and the parent who is not raising the child. However, the Family Court may restrict or deny visitation rights, upon the request of the child or on its own discretion, if it deems that restricting or denying visitation is in the child's best interests.

228. The Child Welfare Act stipulates emergency measures (article 27) and protective measures (article 10) to protect children from child abuse. A representative of a child welfare agency or a police officer dispatched to the scene of child abuse can remove and protect the abused child for up to three days as an emergency measure. When continued isolated care is required, heads of local autonomous governments shall order protective measures such as placing the child in alternative child care, i.e. foster homes or child welfare facilities. With the child's best interests in mind, heads of local autonomous governments may order protective measures for any child in need or upon request by guardians.

3. Family reunification (art. 10)

229. The Constitution of Korea guarantees the people's freedom of movement. In respect to the family reunification of refugee children, there were 10 children who were given refugee status between 1994 and July 2008. Since all of these children entered Korea with their parents, the issue of family reunification of refugee children has not occurred so far.

230. A Korean national with a valid passport has the freedom to leave the country after following due immigration procedures. A foreign national with a valid passport can freely enter Korea as long as the person is not banned or denied from entry. Refugees may be issued special travelling documents. Leaving and re-entry are guaranteed as long as the travelling documents have not expired.

4. Recovery of maintenance for the child (art. 27, para. 4)

231. **Before the Civil Code was amended in 2007, divorce was granted in consensual divorces even if there was no agreement between the parties regarding child support, etc. However, the amendment now obligates parties to submit an agreement stating childrearing responsibilities. Also, the Family Litigation Act will be amended to facilitate the recovery of financial responsibility for the child.**

Related legislation

232. The Civil Code was amended in 2007 to obligate parents in a consensual divorce to submit a consent letter stating the responsibilities pertaining to childrearing. The consent letter must include the designation of the legal custodian, child support responsibility, visitation rights, etc. Furthermore, if the Family Court deems that the agreed terms of the parties regarding childrearing go against the welfare and interests of a child, the Court has the discretion to change the contents of the terms.

233. The Family Litigation Act will be amended to facilitate the effective recovery of financial responsibility for the child. The amendment shall include the Family Court ordering the employer of the parent neglecting child support payments to deduct the child support amount from the employee's wages for a set period of time and pay such amount directly to the child's caretaker. Also, if the person responsible for paying child support does not have any income, the Court may order the party to provide collateral for the debt, and if no such collateral is provided, the Court may order a lump-sum child support payment in full or in part.

5. Children deprived of their family environment (art. 20)

234. **The Child Welfare Act was enacted to ensure the healthy growth and development of children. The Act prescribed a range of care and assistance including foster homes, welfare facilities, professional treatment, care facilities, etc. for children in need (due to famine, unwed mothers, stray children, runaways, children in need of protection from poverty, unemployment, abuse, etc). There were 21,882 children**

requiring care services in 2003, which was reduced by 47.9% to 11,394 in 2007. The reduction was the result of effective child protection policies and the increase in the number of unwed mothers raising their children. Since 2003, awareness raising campaigns for foster care improved social perception and more children were placed in foster homes than care facilities. Group homes, meanwhile, quadrupled since 2003.

Foster homes

235. To promote the children's safe and healthy growth and development, the Government has been implementing alternative childrearing policies to place children living in child welfare facilities in family homes. Such alternative childrearing measure was carried out in full compliance with the amendment of the Child Welfare Act in 2000.

236. When children are not able to grow up in their own families for various internal and external circumstances (death of parent(s), unemployment, illness, child abuse, etc.), these children are temporarily placed in foster homes to ensure that they are protected and raised in family environments. There were 7,565 children in foster homes in 2003, which increased by 2.1 to 16,200 in 2007.

237. The Government provides full support to raise public awareness of the foster home system. Seventeen foster home support centers were established across the nation in 2003, and the National Foster Home Support Center was created in 2004 to strengthen professionalism and public relation activities for foster care. In July 2005, the Child Welfare Act was amended to provide a legal framework regarding terms and conditions of foster parents, staff qualifications, designation criteria, work scope, etc.

238. Foster homes receive a childrearing subsidy. Children in care are beneficiaries of the national basic livelihood security and thus receive living, medical, and education allowances. Since 2006, children in care have been also entitled to disability benefits of up to 100,000 won annually for behavioral disabilities, and in-patient and out-patient medical expenses. Moreover, if caretakers (foster parents or relatives) of alternative childrearing live in rental homes smaller than 85m², the Government either provides key money for bigger rental housing or a down payment for public leased housing.

Group home

239. The Government provides care to children through not only foster homes but also group homes. Group homes are a form of a community-based family-oriented care services different from the existing institutional care. The Child Welfare Act was amended in January 2004 to include group homes as one of the child welfare facilities. The number of group homes quadrupled from 71 households in 2003 to 276 households in 2007.

240. Group homes are divided into short-term, long-term, and treatment-based care. Short-term care is for children unable to live with their guardians or relatives due to financial distress, marital problems of the parents, parents' separation, incarceration, child abuse, etc. Long-term care is for child-headed families or children placed in welfare facilities, and children requiring long-term care. Treatment-based care is for children experiencing maladjustment in facility care or emotional problems unsuitable for facility care.

241. Children living in group homes receive the National basic livelihood security and children also receive allowances to assist their self-reliance when they leave group homes.

6. Adoption (art. 21)

242. **When children cannot be raised in their own homes, the best interests of these children are taken into consideration. If possible, all efforts are made to place them in**

the care of family homes. Efforts are made to strengthen the alternative child care system by supporting not only foster homes but national adoptions.

243. The Government has been providing support to adopting families to promote more national adoptions. Childrearing and medical allowances are subsidized for families who adopt children with disabilities, children suffering from illnesses related to premature or underweight births, children who become ill due to inborn factors, etc.

244. Inter-country adoption is divided into inter-country adoption in Korea and inter-country adoption outside Korea. For inter-country adoptions in Korea, a foreigner along with a sponsor shall submit an adoption request for approval by the Family Court. For inter-country adoption outside Korea, a foreigner living outside of Korea shall appoint the head of an adoption agency to submit a request for approval to the Ministry of Health, Welfare, and Family Affairs to take the child outside of Korea for adoption.

7. Illicit transfer and non-return of children abroad (art. 11)

245. **With greater cross-border movement, international marriages and divorces are on the rise in Korea. Thus, there is a need to accede to the Hague Convention on the Civil Aspects of International Child Abduction adopted by the Hague Conference on Private International Law in 1980 to respond to potential threat of child abduction.**

246. In 2007, there were 38,491 international marriages accounting for 11.1% of all marriages in Korea. The number of Korean men divorcing foreign wives increased from 1,611 cases in 2004 to 5,794 cases in 2007 while the number of Korean women divorcing foreign husbands increased from 1,789 cases in 2003 to 3,034 cases in 2007. There is a threat of increasing illicit transfers of children abroad with such a dramatic increase in international marriages and divorces. Accordingly, the Government has been performing a policy study on this subject in 2008 to formulate a policy on international child abduction. It has also conducted a fact-finding investigation in Vietnam and Cambodia regarding international marriages. Furthermore, the Government is reviewing the possibility of signing the Hague Convention as well as bilateral agreements with relevant countries to protect children.

8. Child abuse, neglect, physical and psychological recovery and social integration (arts. 19 and 39)

247. Child abuse is the most typical form of infringing the right of a child. The Government is implementing child abuse prevention and protection programs in the best interests of children. The Child Welfare Act (art. 29) prohibits child abuse, which is subject to criminal punishment. In particular, additional penalty is applied to repeat offenders of child abuse.

248. The Government is in the process of amending relevant laws to strengthen protection for abused children and prevention of child abuse. Major amendments to protect the child's best interests include restricting the parent from exercising her/her parental authority when necessary for the protection of the child's welfare, and ordering a child to be placed in protective care, among others.

249. The Act on the Punishment of Sexual Crimes and Protection of Victims Thereof was amended in 2006 to effectively respond to sexual crimes and protect child victims. The amendment newly added a provision to address and punish the rape of minors under the age of 13. Also, the Act on the Protection of Juveniles from Sexual Exploitation was amended to publicly disclose the identities of sex offenders as well as to restrict their employment. The personal records of repetitive offenders who were sentenced to confinement or more are entered in a public database to be stored for ten years and viewed by the heads of education institutions catering to victims, guardians, and children. Also, sex offenders are

banned from seeking employment in kindergartens, schools, and teaching institutes for ten years. Moreover, prosecuting child sex offenses is now possible without official legal action by the victim so long as there is consent from the victim.

Child protection agency

250. There are 44 child protection agencies in Korea as of 2008, a steady growth compared to 20 agencies in 2003. The Government plans to continue with its support for child abuse prevention and protection programs, and to expand child protection agencies with a priority given to establishing agencies in cities, townships (“gun”), and ward (“gu”) with no child protection agency presence.

251. Child protection agencies receive reports on child abuse through the “129” call center of the Ministry of Health, Welfare, and Family Affairs, child counseling hot-line “1577-1391,” police departments, e-mail, letters, and visits. Agencies participate in child abuse cases to provide appropriate services. Services for child victims include individual and group therapies, in-patient and out-patient treatment, play and art therapies, family therapies and others. Families with abused children receive family support services and other welfare services such as support from social welfare centers, and basic livelihood allowances.

252. The Government sponsors a wide range of public awareness campaigns to educate the public on the obligation to report child abuse, and to encourage the public’s participation in child abuse prevention programs. It also employs print, broadcast, and online media to support the early discovery of child abuse. Training for people responsible for reporting child abuse has been strengthened including cyber-education to better recognize child abuse cases.

253. The Government operates two 24-hour hotlines: “1577-1391” and Ministry of Welfare’s “129” call center. The hotlines receive reports on child abuse, conduct site visits, and provide other services. They also support the organization of local community network to prevent child abuse and treat victims of child abuse.

Sunflower Children Center and One-Stop Support Center

254. There are three Sunflower Children Centers in operation since 2004 to help children under age 13 and/or with mental disabilities who have suffered sexual abuse. Medical professionals, child psychologists, lawyers and professional sex counselors provide support to these Centers. The National Police Agency and the Ministry of Gender Equality have operated 15 One-Stop Support Centers for abused women and victims of school violence across the nation since 2005 to provide a one-stop service to victims of child sexual abuse, school violence and sex trafficking. Both Centers offer comprehensive services including counseling, medical, investigative, and legal services regarding physical and psychological damage. The Centers’ efforts are backed by other centers such as the National Youth Shelters, sex trafficking victims help centers, rehabilitation centers, youth counseling centers, etc.

9. Review of treatment provided to the child and all other circumstances (art. 25)

255. The Government guides and oversees child welfare facilities through social welfare and child welfare public servants. The heads of relevant agencies issue guides and orders to childrearing and social welfare facilities. Also, the National Human Rights Commission of Korea has the authority to investigate any human rights violation in child welfare facilities.

Related legislation

256. Pursuant to article 7 of the Child Welfare Act, child welfare officers are responsible for investigating, guiding and supervising child welfare facilities and looked after children. When deemed necessary, the Minister of Health, Welfare, and Family Affairs or heads of provinces, municipalities, counties, or ward offices can instruct related public servants or child welfare officers to investigate and question children or related persons at child welfare facilities. Child welfare facilities under the jurisdiction of local autonomous governments conduct a minimum of one surveillance audit on child welfare facilities.

257. Pursuant to article 41 of the Infant Care Act, the Minister of Health, Welfare, and Family Affairs or heads of local autonomous governments can instruct operators of childrearing facilities to provide reports on their facilities or have related public servants investigate the operations of such facilities as well as inspect their bookkeeping records and other documents.

258. Pursuant to article 51 of the Social Welfare Services Act, heads of related institutions can guide and supervise the work performed by the operators of social welfare services. When deemed necessary, operators are ordered to submit progress reports and/or other related documents. Also, public servants can inspect and/or investigate the offices or facilities of social welfare.

259. Any person who has been subject to human rights violation or a discriminatory act, and/or any person who has information of such violation or discrimination may submit a petition to the National Human Rights Commission of Korea (NHRCK). If there is sufficient evidence and/or the matter is deemed to be serious, the NHRCK has the authority to investigate the claim. The NHRCK can investigate Government agencies, local autonomous governments, and detention and protection facilities. Child welfare facilities stipulated in article 16 of the Child Welfare Act are also subject to NHRCK investigation.

Child Welfare Act, article 16 (Child welfare facilities)

Childrearing facilities, temporary child protection facilities, child protection and treatment facilities, youth vocation training facilities, pathway plan facilities (to help young people move from living in care to independent living), short-term child protection facilities, group homes, local children centers.

C. Statistics**Children in need and measures for their protection**

260. Children in need are unable to receive care in their homes due to famine, unwed mothers, etc. They also include stray children, runaway juvenile delinquents, children who require care due to family poverty, unemployment, child abuse, etc. There were 21,882 children in need in 2003 which gradually decreased to 11,394 children in 2007. There has been a 47.9% drop in the course of five years (see Table 5-1).

261. The number of looked after children between 2003-2007 shows that there were more children placed in care facilities than care homes. However, the number of children in care homes surpassed the number of children in care facilities from 2006 (see Table 5-2).

262. Before foster care was introduced, the majority of looked after children lived in child welfare facilities. Out of the total number of looked after children, 93.1% live in childrearing facilities (see Table 5-3).

National adoption

263. National adoptions accounted for 40.6% of total adoptions in 2003 and remained at similar levels until 2006. In 2007, however, national adoption increased to 52.3% due to efforts made to promote it (see Table 5-4).

Incidences of child abuse and reports filed

264. The number of child abuse incidences reported to child protection agencies nationwide amounted to 2,921 cases in 2003. Reporting doubled in five years to 5,581 cases in 2007. This is the result of increasing the number of child protection agencies from 20 to 44, public awareness raising campaigns aimed at preventing child abuse, and reporting of child abuses that would have previously gone unreported. While physical abuse cases are declining, psychological and sexual abuses as well as cases of neglect are increasing (see Table 5-5).

265. The number of cases reported by people who have reporting obligations for child abuse increased twofold from 1,029 cases in 2003 to 2,283 cases in 2007 signaling a positive improvement in people's understanding of the need to report child abuse (see Table 5-6).

D. Factors and difficulties

266. The Government is strengthening home-based care for children by supporting national adoptions and foster homes. The national adoption rate is increasing thanks to the improved social perception of adoption and the Government's financial support. The introduction of the full-adoption system in 2008 has laid the foundation for an all-out implementation of approval-based adoption. Currently, except for full adoption cases, other regular adoptions require only reporting by related parties.

267. The relevant act prescribes follow-up measures to adoption. For national adoptions, however, follow-ups and monitoring are not properly carried out due to the confidential adoption process. For inter-country adoptions, a range of services are available to invite the adopted children to Korea, provide Korean language lessons and materials about their country of origin, etc. However, the relevant statutes do not clearly stipulate on the provision of information by the adoption institution regarding the adopted children, birth parents, and adopted parents, legal basis of reuniting separated families, and funding for inviting inter-country adopted children to Korea, etc.

268. The Government is strengthening its system to prevent child abuse by establishing a dedicated department responsible for children's safety and child protection agencies. Also, in order to encourage greater reporting of child abuse, the range of people obligated to report child abuse has been expanded to include heads and employees of social welfare facilities. Moreover, the Government is looking into imposing fines on any person who is in non-compliance with the reporting obligation, etc.

Chapter VI

Basic health and welfare (art. 6, para. 2, arts. 23, 24, 26 and art. 18, para. 3, art. 27 paras. 1–3)

A. Concluding observations – Follow-up

1. Health (see CRC/C/15/Add. 197, para. 49)

269. The Government has been encouraging breastfeeding to secure the child's right to health and to foster a society that guarantees the rights and interests of breastfeeding women since 2003. Accordingly, the *Study on Korea's Fertility and Family Health & Welfare in 2006* reported that the incidence of breastfeeding increased from 16.5% in 2003 to 24.2% in 2006. Also, recent surveys have motivated the Government to develop strong policies to counter drinking and smoking, and to implement AIDS awareness-raising and prevention training programs.

(a) Health budget and better access to healthcare

270. The health budget increased steadily to guarantee the right of its citizens, including children, to health. The healthcare budget is part of the Government's general account budget to which 614.4 billion won was allocated in 2003, 663.2 billion won in 2004, 422.7 billion won in 2005, 216.5 billion won in 2006, and 3,502 billion won in 2007. The budget decreased in 2005 and 2006 when the healthcare business was transferred to the National Health Promotion Fund but significantly increased in 2007 when the health insurance budget was integrated into the healthcare budget.

271. Medical Aid is part of Korea's Health Security System which aims to address healthcare-related challenges of low income families and improve their quality of health. Funded by taxpayers, Medical Aid provides medical services to the recipients of the National basic livelihood security (recognized incomes below the minimum cost of living) and to children under the age of 18 or chronically-ill patients of the near poor (recognized incomes amount to less than 120% of the minimum cost of living).

(b) Promotion of breastfeeding

272. Concerned over the declining incidence of breastfeeding with growing participation by women in economic activities, the Government launched a range of public awareness campaigns and advertisements to encourage and promote breastfeeding. *The Study on Korea's Fertility and Family Health & Welfare in 2006* revealed that the incidence of breastfeeding increased by 7.7% from 16.5% in 2003 to 24.2% in 2006.

273. Programs to encourage breastfeeding were developed to stress its importance, advantages, accurate method, etc. The Government has also been encouraging the practice of new mothers rooming-in with their newborns to ensure that the first breastfeeding experience takes place within 30-60 minutes after birth, and local clinics are offering various training and counseling services to educate the proper ways of breastfeeding.

274. Since 1992, UNICEF has been working with the World Health Organization (WHO) to designate medical institutions that proactively support breastfeeding as members of the Baby Friendly Hospital Initiative (BFHI). There are 55 baby friendly hospitals in Korea as of 2008.

275. The Government has been supporting the installation of breastfeeding or lactation rooms at workplaces and public facilities. Seventy-three institutions out of 203 had

lactation and/or breastfeeding rooms or female employee lounge/lactation rooms as of 2007. The installation rate increased by 17.6% to 35.9% compared to 18.36% in 2004.

276. Article 75 of the Labor Standards Act prohibits unfair treatment towards breastfeeding employees. The article prescribes that an employer upon request shall grant a paid nursing break of thirty minutes or longer twice a day to those female workers who have infants under the age of one. Support for breastfeeding was included in the Government's Workplace Supervision & Inspection Checklist and surveillance is carried out regularly.

(c) **Prevention of smoking and AIDS**

277. The Government surveyed primary and secondary school students in 2007 to develop programs to discourage children and teenagers from smoking and/or using harmful substances, etc. Since 2006, the Government has been implementing the Smoke-free Clean School project, fostering professional trainers and mentors at local offices of education (LOE), schools and clinics.

278. Concerned about the falling age of first time smokers, the Government produced two animation films to educate children on the dangers of smoking and distributed them to kindergarten and primary schools nationwide in 2006. The Government has also encouraged teenagers to voluntarily sign up on the online non-smoking campaign.

279. For AIDS prevention, Korea Federation for HIV/AIDS Prevention, an NGO, is grooming children to serve as public relations ambassadors of AIDS prevention campaigns. Through voluntary and continued awareness-raising training, a new generation of children understand the importance of practicing safe sex to prevent sexually transmitted diseases and HIV/AIDS.

280. The Government has been working with AIDS-related NGOs, local governments, clinics, and secondary schools, etc. to implement AIDS prevention training and awareness-raising campaigns. Providing accurate information on AIDS eliminates prejudice and discrimination and thus the Government has continuously promoted activities designed for such purposes. In 2007, the Government launched the online "Head to Heart" campaign and re-aired "This Is My Friend", a public service announcement that aired on TV in 2006.

2. **Children with disabilities (see CRC/C/15/Add. 197, para. 51)**

281. **The Government enacted the Act on the Prohibition of Discrimination against Disabled Persons and the Protection of Their Rights in 2007 and has been implementing a range of promotional activities to eliminate discrimination against children with disabilities. The Government has also regularly surveyed persons with disabilities and built barrier-free facilities to enhance their physical access to public facilities and schools since 2003. In particular, the National Human Rights Commission of Korea has strengthened remedial measures for discriminatory acts by setting up disability discrimination committee to redress discrimination against the disabled. Furthermore, the Government's key policy agenda includes promotion of integrated education catering to the unique development needs of children with disabilities and thus the Government has been establishing special education support centers and dispatching special education instructors, etc.**

(a) **Eliminating discrimination against people with disabilities**

282. In 2007, the Government enacted the Act on the Prohibition of Discrimination against Disabled Persons and the Protection of Their Rights and has endeavored to eliminate discriminations against and improve the rights of persons with disabilities with

Korea's accession to the UN Convention on the Rights of Persons with Disabilities among other endeavors.

283. The Act on the Prohibition of Discrimination against Disabled Persons and the Protection of Their Rights defined the scope of discriminatory acts including direct and indirect discrimination, refusal to provide legitimate accommodation, discriminatory advertisements, disability-based violence, etc. The scope also includes interfering with the rightful use of a guide dog or an auxiliary aid by a person with disability, and/or by a parent or guardian of a child with disability, or any person reasonably recognized to offer assistance to a person with disability. Notwithstanding the defined scope, the Act prescribes that no discrimination shall be found if refraining from any of discriminatory acts would incur excessive burden or undue hardship, or would be inevitable due to the nature of particular tasks or business operations. Also, affirmative measures to accomplish genuine equal rights for and to eliminate discrimination against persons with disabilities shall not be deemed as discriminatory acts.

284. The Act prescribed six sections to cover areas where persons with disabilities could encounter discrimination: Employment; Education; Provision and Use of Goods and Services; Judicial and Administrative Procedures, Services and Political Rights; Motherhood, Fatherhood, Sexuality, Etc.; and Family, Home, Welfare Facilities, Right to Health, Etc. Furthermore, the Act has a separate chapter to address anti-discrimination and relief against women and children with disabilities in light of the growing number of women with disabilities and increasing burden posed to families with children with disabilities.

285. Children who are discriminated against on the basis of their disabilities can file a petition with the National Human Rights Commission of Korea. Prior to the enactment of the Act on the Prohibition of Discrimination against Disabled Persons and the Protection of Their Rights, the NHRCK did not have any means to enforce the Commission's recommendation to correct any discriminatory act in the case of non-compliance. The Act has also introduced a wide range of remedial measures for non-compliance such as the power granted to the Ministry of Justice to issue a remedial order for an injury of discrimination believed to be extensive and to have significant impact on public interest, and to impose a fine of up to 30 million won.

286. The Act has an article on compensation for damages arising from a discriminatory act which divides the burden of proof to both the plaintiff and defendant in consideration of the difficulty experienced by persons with disabilities in accessing information and the uniqueness of a discriminatory act in dispute. The Act provides real relief to protect the rights of persons with disabilities. In other words, if the court finds discrimination against a victim, the court may order appropriate relief measures for a discriminatory act before reaching a decision, including discontinuance of such discriminatory act. Also, if the court finds that a discriminatory act has been committed and such an act was malicious, the court may sentence the discriminator to an imprisonment of not more than three years or monetary penalty not exceeding thirty million won.

(b) Comprehensive survey on children with disabilities

287. The survey of persons with disabilities in 2005 was far more comprehensive to go beyond simply reporting the number of children with disabilities. It conducted individual interviews and checked the status of the disability criteria, households, and social welfare facilities for the disabled. The study on children with disabilities focused on the current utilization and demand for childcare services, school enrollment and non-enrollment status, usage and demand for rehabilitation services (physical therapy) etc. The comprehensive survey was previously scheduled to be conducted every five years but the interval was shortened to three years in 2007.

(c) **Improved physical access and integrated education**

288. Pursuant to the Act on the Promotion & Guarantee of Access for the Disabled, the Aged and Pregnant Women to Facilities and Information, the Government has been operating a wide range of convenient facilities at public buildings and facilities to ensure safe and convenient access and ease of use for children with disabilities.

289. School facilities and its environs were overhauled and full-day classes at special education institutions and after-school classes in regular schools have been in operation since 2005. The Government announced the 5-Year Special School Modernization Plan in 2004 and newly built or upgraded aging facilities in 40 special schools in 2004, 53 schools in 2005, and 30 schools in 2006. In 2007, 35 schools were renovated.

290. The Government formulated and implemented the first Comprehensive Plan for the Development of Special Education (1998–2002) to guarantee the right of disabled children to education and to increase services tailored to their needs. In 2003, the Government formulated the second Comprehensive Plan for the Development of Special Education (2003–2007). According to this plan, it implemented policies to expand education opportunities for disabled students, laid the foundation for integrated education, expanded support services for special education and expanded the disabled students' opportunities for higher education, etc. In particular, the Government implemented projects to raise social awareness by creating and distributing educational materials and organizing diverse events to promote better understanding of persons with disabilities.

291. Integrated education for children with disabilities is provided at special and regular classes in regular schools. To guarantee the right of disabled children to education, the Government has dispatched special education instructors to both special and regular schools to safeguard these children to support teaching and learning activities, and manage problematic behaviors, etc.

292. The Government dispatched 2,400 special education instructors in 2006 and additionally assigned Military Public Service Personnel as special education assistants. There were 4,000 paid special education instructors and 1,222 Military Public Service Personnel in 2007, and more will be gradually dispatched in the future.

B. National programs

1. Survival and development (art. 6, para. 2)

293. The Government is building an efficient system to prevent and assist in the incidence of missing children. Since 2003, the Government has sponsored Dream Start project, Priority Areas of Education (Welfare) Investment, social adaptation projects for children of displaced North Koreans and multicultural families, and other projects.

Related legislation

294. The Act on the Protection and Support of Missing Children, Etc. was enacted in 2005. There is an average of 3,000 children and persons with disabilities reported missing every year, of which some go missing for a prolonged period, posing a serious problem to society. Thus, the Act aims to alleviate physical, psychological and economic sufferings of the missing children and their families, and to prevent or find missing children by creating an efficient system.

295. The Multicultural Family Support Act was enacted in 2008. Multicultural families (immigrant spouses and their children) face challenges in social maladjustment, family discord, children's education, etc. due to language and cultural barriers. Thus, an

institutional framework was developed to provide professional services including interpretation, legal counseling, and administrative support to help multicultural families to lead more stable lives and overcome cultural differences.

National Center for Missing Children

296. As prescribed under article 5 of the Act on the Protection and Support of Missing Children, Etc., the National Center for Missing Children was established to prevent the occurrence of missing children, facilitate in their early discovery and return, and assist the returned children's reintegration into society.

Center for Missing Children and National Institute of Scientific Information

297. As prescribed under the Act on the Protection and Support of Missing Children, Etc., the National Center for Missing Children and the National Hot-line Service (#132) were set up to quickly and efficiently manage the reporting, processing, and data entry of missing children and persons with disabilities. For children placed in shelters temporarily awaiting identification and families looking for missing children, DNA samples are taken and the DNA information is entered into the National Institute of Scientific Information database to facilitate the early return of children to their families.

Dream Start project

298. Since 2007, the Government has been sponsoring the Dream Start project to effectively respond to increasing child poverty caused by family disintegration. The project aims to increase social investments to prevent children from getting stuck in the poverty trap and support the individual child's capacity building to guarantee equal opportunities for impoverished children. To this end, health and welfare partnerships are established with local hospitals, clinics, private education institutes, and social welfare centers to provide a full range of customized services catering to individual needs and circumstances of children living in poverty.

299. The Dream Start project targets pregnant women and children from the age 0 to 12 of families receiving national basic livelihood security and the near poor group living in the areas designated as poor communities, with a high concentration of low-income households. The Government provides services to 300 persons per community in such designated areas. The Project's budget increased to 9.8 billion won in 2008 from 5.1 billion won in 2007.

Priority area of education (welfare) investment

300. The Government has been designating priority areas for education (welfare) investment since 2003. Students of low-income families receive support for school tuition and a wide range of education, culture, emotional development and welfare programs. In addition, educational and childcare programs are available for infants and pre-school children. The program was designed to improve children's learning abilities, helping them to achieve higher levels of learning and encourage positive attitudes to deter problematic behaviors. Children can also receive after-school tutoring at schools and local children's centers. To help parents who work late, childcare services are also available after school for lower grade students of low-income families.

301. Since conducting eight pilot projects in 2003, the Government has serviced 15 locations in 2005, 30 in 2006, and 60 in 2007 under the program. The program offers more than school-based services by successfully networking with local offices of education, local governments, private welfare institutions, civil society, etc. The Government will conduct a

comprehensive evaluation on the Project's performance during the past five years and decide whether or not to further expand service areas.

Education support for children of displaced North Koreans and multicultural families

302. The Government has been providing assistance to children of displaced North Koreans and multi-cultural families to help their integration into Korean society. The Rainbow Youth Center was established offering educational and cultural programs to improve the children's Korean proficiency and understanding in other school subjects. The Center also engages children in a variety of cultural experiences.

303. Children of displaced North Koreans (also referred to as *saeteomin* in Korean) feel alienated and face many challenges in adapting to Korean society, including the education system, due to the social, economic, and cultural differences between the two Koreas. The Government aims to improve the ability of these children to assimilate by serving their educational needs and in so doing, lay the foundation for them to grow up to be healthy members of Korean society. These children have received initial social adjustment training at *Hanawon* after entering South Korea and are assigned to the Samjook Elementary School or Hankyoreh Middle and High Schools. These special schools were established to meet the needs of the growing number of settlers from North Korea since 2000.

Childcare subsidy

304. With greater social participation of women and low fertility, the Government has been subsidizing childcare to ensure the healthy growth and development of children. Childcare is partially or fully subsidized for young children under the age of four from low income families. Free childcare services for children over the age of five from families below a certain income level are also available to better prepare them for elementary schools.

305. The Government recognizes the special needs of disabled children. It has been providing free childcare services for them to alleviate their guardians' financial burden in childrearing and to facilitate their social integration.

National Childcare Curriculum

306. The National Childcare Curriculum was developed in 2006 to improve the quality of childcare for young children and to support their well-rounded growth and development.

307. The National Childcare Curriculum covers six courses: Basic Activities, Physical Exercise, Social Relationship, Communication, Nature Exploration and Arts. Age groups (children under the age of 2, 2 year-olds, and 3-5 year-olds) are assigned to each course, which is then divided into subgroups to better meet the differences in children's developmental stages and individual abilities.

New Kindergarten Education Curriculum

308. The Kindergarten Education Curriculum was first published in 1969 and after several revisions, the Sixth Kindergarten Education Curriculum was announced in 2007.

309. The revised curriculum in 2007 shall be in force from 2009 covering five courses: Health, Social Studies, Expression, Language, and Science. Each course is divided into Level 1, Level 2, and Common Level catering to the different stages of development in pre-school children from the age of 3.

2. Children with disabilities (art. 23)

310. The five-year policy development plan for persons with disabilities was announced in 2008 to strengthen childcare, welfare and education of disabled children. Since 2003, the Government has revamped applicable laws including the Act on the Prohibition of Discrimination against Disabled Persons and Protection of Their Rights and the Special Education Act for Disabled Persons to provide a legal basis for welfare service and educational assistance to children with disabilities. To improve childrearing environment and living conditions, families raising children with disabilities have been receiving disability-related allowances and childcare services. Moreover, tuition is also subsidized to ensure equal opportunity to education and alleviate financial burden. Special Education Support Centers were established nationwide under local offices of education in 2005 to guarantee disabled children's right to education and to expand the coverage of integrated education.

Related legislation

311. The Special Education Act for Disabled Persons was enacted in May 2007 to provide an integrated educational environment for children with disabilities and children in need of special education. The Act also aims to assist disabled children's pursuit of self-realization and social integration by offering education designed to meet different needs in special education and different degrees of disabilities.

Five-Year Plan for the Development of Policies on the Disabled

312. The Five-Year Plan for the Development of Policies on the Disabled (2008–2012) was announced in August 2008 to respond to the different causes of disabilities, meet the diverse needs of the disabled, and to raise the quality of welfare services for the disabled to the level of advanced countries. Following the first (1998–2002) and the second (2003–2007) plans, the third plan's main objective is to develop and implement user-oriented policies.

313. Rehabilitation services were expanded for children with disabilities. Family support services, including counseling on childrearing and temporary care, are provided for the caretakers. In addition, the support for maternal and child health was strengthened to prevent inborn disabilities and improve access to medical services. The Government is also planning to introduce the Special Pension for Children with Disabilities to provide livelihood allowances to disabled children in the event of their parents' old age or death.

314. The Government has been improving the environment in which disabled children are nurtured and alleviating the families' financial burden by subsidizing the additional expenses incurred in their upbringing. Financial assistance is provided to the parent or guardian of children with disabilities under the age of 18 who either receive the national basic livelihood security or are in the near poor group.

Childrearing assistance for families with disabled children

315. Childrearing-related assistance has been available for families with disabled children since 2007. Childcare services offer respite to families constantly challenged in raising children with disabilities to relieve financial burden and strengthen family stability. The program targets children under the age of 18 who have developmental and mental disabilities.

316. Since 2007, the Government has been dispatching childcare helpers to provide childcare services including commuting assistance for children with disabilities. The program is designed to alleviate the burden of parents in having to personally be responsible for the disabled children's commute to childcare facilities.

317. As prescribed under article 38 of the Welfare of Disabled Persons Act, the Government has been supporting education-related expenses for children of disabled persons. While challenged by limited employment opportunities compared to non-disabled peers, low-income households headed by persons with disabilities incur relatively higher indirect costs including medical, transportation, and assistive device-related expenses. Therefore, the Government's financial support aims to reduce the economic burden for households with disabled persons by guaranteeing equal opportunity to education for the children. The education subsidy covers tuition, textbooks, supplies, and others.

Special Education Support Centers

318. The Act on Special Education for Disabled Persons, etc. prescribes integrated education, compulsory education, non-discrimination, responsibilities of the State and local autonomous governments, rights and responsibilities of children receiving special education, and education services for young disabled children. Also, the Act offers guidelines for special schools, special classes at regular schools, and the Special Education Support Centers.

319. The Special Education Support Centers assist disabled children in institutions of higher learning and students who are eligible for but currently do not receive special education. The Centers also research and develop support programs and assistance in special education. Since launching 26 pilot centers in 2001, all local offices of education across the nation have been operating their centers from 2005.

Act on Special Education for Disabled Persons, etc.

- Article 11 (Establishment & Operation of Special Education Support Centers):

(1) The Superintendent shall have local offices of education establish and operate special education support centers to facilitate early identification of candidates of special education, evaluate those candidates, manage information, conduct special education training, support teaching and learning activities, provide services related to special education, conduct roving education, etc.

(2) The special education support center as prescribed in paragraph 1 shall be located in an area that offers convenient access to users of special education.

320. The Government has dispatched one special education instructor and one therapist each to 18 locations in the rural areas in 2005 to vitalize the operation of the Special Education Support Center. It has been increasing the number of teachers every year to service 60 locations in 2006 and 76 in 2007.

321. The Government has been subsidizing tuition of children with disabilities, as well as the learning materials and school meals to improve the educational environment of children with disabilities. Also, the Government provides additional financial support such as school operation expenses, transportation allowances, field trip fees, etc.

322. The Government has been establishing and operating dormitories in special schools for the convenience of students eligible for special education, while also operating commuting buses to provide easy access to educational institutions for children with disabilities.

3. Healthcare service (art. 24)

323. Since 2003, the Government has endeavored to prevent infant mortality and underweight newborns through projects aimed at improving maternal and infant health. The Government has been promoting healthy development of children by strengthening health screening and vaccination of young children. It has also

bolstered health screening of persons who do not have easy access to medical services. In addition, the School Welfare Act was amended in 2007 to improve health checks performed at schools and strengthen health education by including health subjects in the regular school curriculum. In particular, the Government has been offering counseling to promote children's mental health and has consolidated the functions of the Internet Addiction Prevention Counseling Center to prevent and treat Internet addiction.

Health screening of infants and young children

324. Health screening aimed at young children under the age of six was introduced in 2007. Better tracking and management of information on young children's growth and development were made possible with this program, which has enabled the Government to provide a more appropriate training program for parents and guardians. Unlike the annual health screening for adults, health screening for infants and young children is conducted on a monthly basis in view of their rapid growth and development.

Infant and maternity health

325. The Government-sponsored infant and maternity health project aims to improve their health so as to prevent infant and child mortality and disabilities, and to build a healthier society for mothers and children. The project includes diverse activities to support healthy pregnancy and delivery, regular medical check-ups, and efforts to prevent premature birth and inborn disabilities.

326. The Government has been strengthening its health policies for pregnant women. A survey by the Korea Institute for Health and Social Affairs found that infant mortality decreased from 7.7 infants out of every 1,000 infants in 1996 to 5.3 infants in 2002. Maternal mortality has also fallen from 0.011 persons out of every 1,000 mothers in 1995–1996 to 0.006 mothers in 2002–2003.

327. The goal of the Government is to reduce infant mortality to 3.7 infants by 2010. Therefore, policies were introduced to promote improved maternal healthcare before and after childbirth to prevent the birth of high risk infants. The policies include a recommendation to have a minimum of 7 medical check-ups during pregnancy.

328. In order to reduce the incidence of disabilities, the Government has been screening for inborn errors of metabolism (IEM) to expedite the early detection and treatment of inborn disabilities including mental disabilities. Children from low-income families are entitled to Government support for specially prescribed powdered milk and medical expenses, when diagnosed with an inborn error of metabolism. Also, the Government has been subsidizing medical expenses for premature babies and newborns with IEM.

329. The Government has been improving the quality of medical services delivered to babies born prematurely by gradually expanding its annual support for the operation and procurement of required facilities and equipment. Since 2008, it has financed the installation of 10 additional beds in the dedicated newborn treatment wards at local state university hospitals.

Support for dietary supplements

330. The weight of a newborn indicates the state of an infant's health in the womb, and any newborn weighing less than 2.5 kg is regarded as underweight. The birth of underweight infants has been declining while normal or overweight infant births have been increasing thanks to the improved nutrition of pregnant mothers and heightened interest in fetal health. The Government has been promoting dietary supplement support projects to improve the nutritional state of pregnant women and children under the age of 5.

Contagious diseases monitoring system

331. The Government has been collecting and analyzing information related to contagious diseases to quickly and accurately predict an outbreak of an epidemic. Thus, it has been operating a monitoring system for contagious diseases with voluntary participation from school nurses, ophthalmologists, pediatricians and others. The monitoring system operates similarly to the statutory reporting system for contagious diseases administered by public and private medical institutions.

332. The Government-sponsored vaccination programs abide by the provisions of the Prevention of Contagious Diseases Act to designate and manage contagious diseases subject to vaccination. Thus, all registered infants and young children are entitled to receive vaccinations. The Government also implements vaccinations at schools to strengthen school children's immune defense system and promote their healthy development.

333. As part of the national tuberculosis management program, the Government seeks to increase the number of people who receive BCG vaccination. Thus, it has amended the enforcement decree for the prevention of tuberculosis to improve the effect of the vaccination by shortening the period of inoculation from within 1 year from birth to within one month.

Health insurance system

334. From January 2006, the Government has exempted the 50% out-of-pocket medical expenses for in-patient care of children under the age of 6. From August 2007, out-of-pocket expenses for out-patient care for children have been reduced to 70% of that of adults. Furthermore, continued improvements have been made in the area of children's health and welfare with free health screening for infants and children under the age of six from November 2007.

Health screening for pre-school children

335. The Government has been supporting regular health screenings and health education of pre-school children. Health screening is conducted for pre-school children over the age of 3 in child welfare facilities, group homes, child-headed households are also implemented.

Health management of schoolchildren

336. The Government amended the School Health Act in 2007. The key revisions include greater support to improve student health by expanding the scope of oral check-ups, education aimed at preventing problematic behaviors, and overhauling of health education section (health to be included as a subject in the school curriculum).

337. According to the School Health Act, health education should not only deal with improvement in students' physical growth, disease prevention and treatment, and drug abuse prevention, but also include sex education and student drinking and smoking prevention to counter the sharp increase in adolescent drinking and smoking. Schools are obligated to hire health teachers, and smaller schools may hire roving health teachers. Also, oral check-ups have been expanded to include all elementary school students.

338. The health index was developed using the morbidity data collected through the annual Student Health Screening and Healthy Behavior Survey. In 2005, the Government conducted the Youth Healthy Behavior Survey on 60,000 students from 800 middle and high schools in the country.

339. The new School Health Screening system was introduced from 2006 and has been instrumental in developing a more accurate index on disease incidences and physical

development through screening of the students' health via professional health screening institutions. The past practice of school commissioned doctors performing health checks on the entire student body every year has been replaced by check-ups carried out in hospitals every 3 years from enrollment.

Children's hospital

340. The Government formulated the Comprehensive Plan for Public Healthcare Expansion and has been promoting the establishment of children's hospitals tailored to children's physical and psychological characteristics. The Plan paved the way for the Government to support the establishment of children's hospitals at 4 national university hospitals by 2010 to increase the number of children's hospitals nationwide from the current ten. The selected university hospitals will construct a dedicated children's medical system equipped with 100 to 150 beds.

Mental health promotion

341. The state of children's mental health has increasingly deteriorated with the list of issues growing to include ADHD, online game addiction, school violence, learning disorder and others. Accordingly, the Government has shifted its policy focus from addressing chronic and severe mental disorders in adults to improving children's mental health. Starting with 16 mental health centers in 2002, there are currently 32 centers nationwide providing mental health services.

342. The onset of mental disorders usually affect youth in their late teens, and early detection, treatment, and preventive efforts are critical in dealing with major mental health issues, as the affected persons live with their disorders throughout their lives. The Government plans to gradually expand the scope of the school-based early-detection programs for mental health currently implemented for students in 1st grade, 4th grade, 7th grade and 10th grade.

Prevention of Internet addiction

343. Korea became a global IT leader thanks to the strong Government policy support for its IT&T industry. With the current IT infrastructure, child Internet penetration is at 98%. However, addiction and other serious side effects are caused due to the excessive use of the Internet and online games. Also, there has been a rise in damage from compulsive online shopping, which has become a major source of family conflict.

344. The Government has strengthened its response to children's addiction to the Internet due to the severity of the damage caused by such addiction. The Korea Agency for Digital Opportunity and Promotion has been operating the Internet Addiction Prevention Counseling Center since 2002. With 700 professional tele-counselors trained by the Center, it provides free counseling, implements preventive activities, and produces statistical information reports based on its annual Internet addiction surveys. The Center has also developed a diagnostic tool to assess the degree of Internet addiction and counseling (treatment) program distributing them to counseling agencies across the nation.

345. Led by the Youth Counseling Support Center, the Government provides counseling services for Internet addiction. From 2005, the Government has been designating partner medical institutions that specialize in treating Internet addiction, and counseling and therapy programs are implemented through its local network of youth support centers and mental health centers. The Government set up a residential treatment program for Internet addiction for high risk teenagers in 2007. PR events were organized to prevent Internet addiction by using subway electronic signboards, Internet, and websites of Government organizations. A nationwide campaign entitled e-Media Diet was also carried out. The

Government plans to encourage participation from the private professional services and develop an array of user-oriented treatment programs.

4. Social security and child protection facilities (art. 26 and art. 18, para. 3)

346. Multicultural families raising children have been entitled to the national basic livelihood security from 2007. After-school programs and local children's centers have provided diverse education and welfare services. The Child Development Account (CDA) adopted in 2007 aims to better prepare children from low-income families for adult life. The Government enacted relevant laws to support the childrearing of working parents.

National Basic Livelihood Security

347. As prescribed by the National Basic Livelihood Security Act, the Government provides national basic livelihood security allowances by selecting eligible persons for assistance: persons who have no person supporting them, or if any, such person is unable to provide support; and also persons who have no access to support from anyone but whose recognized income is less than the minimum cost of living.

348. In 2008, an average monthly allowance of 321,000 won per person was paid, which includes living, housing, educational, and medical benefits. In particular, foreigners raising minors of Korean nationality have also been entitled to the Basic Livelihood Security from 2007 in order to eliminate the blind spot in the National Basic Livelihood Security.

Support for low-income single parents

349. As prescribed under the Single Parent Family Welfare Act, the Government has been providing financial assistance to single parent households with children under the age of 18 to ensure the families' stable livelihood and independence. The Government has been subsidizing high school admission and tuition fees of students from low-income single-parent households. Also, childrearing support of 50,000 won every month is provided for children under the age of 6 to promote healthy development and stable livelihood.

Local children's centers and after-school programs

350. The Government has been sponsoring local children's centers and after-school programs to provide equal childrearing and education opportunities for children of low-income families.

351. Local children's centers have partnered with adults in the respective communities to deliver comprehensive child social services for their healthy development by providing for their care, education, healthy play and entertainment, etc. A local children's center guarantees a child's rights within its respective community, provides safe protection, free meal service, and performs educational functions such as improving children's learning abilities and alleviating challenges in school adjustment. Moreover, it provides a variety of cultural experiences to culturally-marginalized children.

352. After-school Academy is a comprehensive program aimed at youth with low-income working parents or single-parent households who are left without adult supervision after school. Neighborhood youth facilities offer programs to improve students' learning abilities and a variety of activities to explore and develop hobbies. They also provide meals, health management and counseling services, etc.

353. After-school Project has been in operation since 2006 and provides education and childrearing opportunities tailored to the needs of children. In principle, the student has to

pay for the After-school programs but the Government has provided subsidies for these programs targeting rural areas and low-income families to narrow the education divide.

Child Development Account (CDA)

354. The Government recognized the need to support the initial costs related to starting adult life, such as college tuition, job hunting, business start-up, housing expenses, etc. Therefore, the Government has introduced the Child Development Account and provides matching funds for savings accounts of children of low-income families. Since its launch in August 2008, more than 28,000 CDA accounts have been created.

Family-friendly social policies

355. The Family-Friendly Social Environment Promotion Act was enacted in December 2007. The family-friendly social environment refers to an environment in which there is a balance between work and family life, and the responsibilities of child rearing and family support is shared by the society.

356. The Government, therefore, has introduced flexible working hours, support for childbirth, childrearing, and education, family livelihood support and worker assistance programs. The Government is also committed in building family-friendly workplaces. It encourages the employers to introduce family-friendly company policies, as well as employees' active participation to ensure successful implementation of those policies.

5. Standard of living (art. 27, paras. 1–3)

357. Since 2003, the Government has introduced strong policies to ensure that children grow up in a stable living environment conducive to their development. Children from vulnerable families receive allowances for livelihood, education, medical and housing costs, and children's right to health is ensured through the provision of free meals for preschool and schoolchildren.

358. The Government provides practical support for child-headed households by entitling the children's livelihood and education allowances under the National Basic Livelihood Security Act, medical benefits under the Medical Benefits Act, key money (down payment with no monthly rent) for leased housing. However, public support for child-headed households does not fully guarantee children's security and the UN has recommended its repeal; thus, efforts are made to continuously transition the children into foster care.

Meal support

359. The Government supports healthy growth of children by subsidizing meals and food to children who are undernourished or skip meals because of poverty, family disintegration, a parent or guardian's unemployment, illness, abandonment, child abuse, neglect, avoidance or refusal to provide support, foster care and child-headed households, etc.

360. Child meal support began in 2000 with the aim of nourishing children participating in local child social services programs in local children's centers as well as those in low-income families in the need of such assistance due to family difficulties.

361. The meal support only covered suppers in 2000 but was expanded to also include breakfast from 2001. Lunches were provided during school vacations, weekends, and holidays from 2004. Meals are provided as part of the education and welfare programs to avoid stigmatizing the child as a free meal beneficiary and to prevent children from skipping meals. The Children's Meal Committee was established in 2006 to designate service areas and to prepare meals that satisfy children's needs.

362. A school lunch service was provided for all primary and secondary schools nationwide from 2003. The Government has been subsidizing school lunch meals to promote the good health of children in low-income families and the education of the marginalized. For students in rural or remote areas (islands, mountains, hinterlands, etc.), the Government has been providing full or partial subsidies.

C. Statistics

Missing children

363. Incidences of missing children grew by 2.7 times in five years to 8,602 cases in 2007 compared to 3,206 cases in 2003. The rate of returned children stood at 99.9% in 2007 compared to 99.8% in 2003, showing that the majority of missing children are returned to their families (see Table 6-1).

Education (Welfare) investment priority areas

364. Education (Welfare) investment priority areas have been expanded to 60 areas in 2007 from 8 areas in 2003. During the same period, the number of schools in these areas increased to 517 from 79, and the number of students increased by 8 times from 40,707 to 335,981 (see Table 6-2).

Children of multicultural families

365. The number of children in multicultural families grew by more than twofold to 13,445 in 2007 compared to 6,121 in 2005. The ratio of children whose mothers are of foreign nationality was 83.7% in 2006 and 88.0% in 2007, showing a growth in the number of international marriages (see Table 6-3).

Commuting service for children with disabilities attending special schools

366. The most popular transport mode for children with disabilities in special schools was the school bus, used by 63.5% of the children studied, followed by walking, dormitory, passenger cars, and public transportation. Only 4.4% of children with disabilities attending special schools received itinerant education (see Table 6-4).

Infant and maternal mortality

367. In 2002, infant mortality was 5.3 per 1,000 births, showing a gradual reduction compared to 9.9 in 1993, 7.7 in 1996, and 6.2 in 1999. Newborn mortality also fell from 6.6 per 1,000 live births in 1996 to 3.3 per 1,000 live births in 2002 (see Table 6-5).

368. The maternal mortality rate declined to 0.006 in both 2002 and 2003 versus 0.011 in 1995 and 1996, respectively. The reduction in the rate of marriage and childbirth compared to the past and the reduction in the number of women who experienced pregnancy and childbirth in the same age group attributed to the falling maternal mortality rate (see Table 6-6).

Rate of prenatal checkups and underweight births

369. The rate of prenatal checkups for recent births among married women between the ages of 15 to 44 fell slightly to 99.9% in 2006 compared to 100% in 2000 (see Table 6-7).

370. Out of the married women between the ages 15 to 44 who received prenatal checkups, 75.8% recorded more than 11 visits (see Table 6-8).

371. The rate of low birth weights among married women increased to 46.5% in 2007 from 40.3% in 2003 indicating that more work is needed to improve maternal and infant nutrition (see Table 6-9).

Vaccination

372. More than two-thirds of newborns received BCG vaccination, to reach 76.7% in 2007 compared to 74.4% in 2003 (see Table 6-10). Almost all students have been vaccinated thanks to the Government's proactive vaccination programs which have raised the vaccination rate to 99.9% in 2007 from 92.7% in 2003 (see Table 6-11).

Local children's centers

373. Childcare and education support has been expanded for children of low-income families, marked by an increase of 7.3 times in the number of local children's centers to 1,800 in 2007 compared to 244 in 2004 (see Table 6-12).

D. Factors and difficulties

374. The Government has been committed to promoting children's healthy development. It has primarily focused on improving children's access to medical services and building an early health management system. It has also increased medical allowances and established a system to prevent infant and child disabilities by strengthening screening for inborn errors of metabolism. Unfortunately, the Government's policies had paid little attention to the newly rising threat of children's mental disabilities. In recognition of this shortfall, the Government plans to actively promote programs for the early prevention of mental disability risks.

375. The Government enacted the Act on the Prohibition of Discrimination against Disabled Persons and the Protection of Their Rights to ensure that persons of disabilities are free of disability-based discrimination and unfavorable treatment in all areas of society. It is also implementing a nationwide survey to collect accurate information on the status of children with disabilities and has worked to improve physical access and integrated education for children with disabilities. Marginalized by the current welfare system, there are children with disabilities who have yet to participate in schools or society. Unfortunately, the total number of such marginalized children has not yet been identified, posing a problem for social integration and guaranteeing the rights of children with disabilities.

376. Early treatment and rehabilitation therapy are critical for the independence of children with disabilities. From the initial emergency care to early rehabilitation therapy, and to community-based rehabilitation, many obstacles exist due in large part to the lack of a healthcare system for rehabilitation. The Government is preparing to secure treatment services incorporated into childcare and education for the rehabilitation of children with disabilities and to expand the scope of eligibility for free education from disabled children in low-income families to all disabled children.

377. Recently, the number of children from multicultural families has been increasing with the growing number of international marriages. These children face many challenges in adapting to school and society as they often experience group bullying or isolation due to difficulties in communication or difference in appearance. Korea needs to successfully transition into a multicultural society and to do so, address some of the key issues such as social integration and fostering healthy human resources in these children. To these ends, the Government has been carrying out various projects designed for these children,

including tutoring by childcare specialists, Korean language training programs, and support for smooth social assimilation.

Chapter VII

Education, leisure and cultural activities (arts. 28, 29 and 31)

A. Concluding observations – Follow-up (see CRC/C/15/Add.197, para. 49)

378. The education budget was enlarged, and per pupil cost for public education has been raised to improve the quality of public education. Measures to normalize public education were adopted to reduce Korea's dependence on and expenditures on private education. The scope of compulsory education was broadened to cover kindergarten to middle school. The Government is committed to education policies based on gender equality to guarantee higher education opportunities for both male and female students. A wide range of university admission guidelines were made available to cool down the fiercely competitive education environment, which included diversification and specialization of admission processes to move away from admitting students solely based on their test scores.

(a) Quality of public education

379. Per pupil spending on public education is a popular indicator used to assess the quality of education in a country. In Korea, this has consistently risen for all education levels since 1970. In 2007, per pupil cost for public education in primary level was 4.101 million won. It was 4.454 million won for lower secondary, 5.923 million won for upper secondary, and 8.225 million won for tertiary level (see Table 7-1).

380. The Measures to Reduce Private Education Spending through the Normalization of Public Education was announced in February 2004, and the Plan to Reduce Dependence on Private Education in March 2007. The recent sharp rise in private education expenditures has become a major burden for the general public, and has had a negative impact not only on the education system but also on society as a whole. The vicious cycle in private education spending has debilitated public education and weakened Korea's educational competitiveness. It has also undermined efforts for social integration by creating unequal opportunities in education. Therefore, efforts were made to strengthen public education to absorb the demand for private education, and to develop e-learning systems to replace private tutoring for college entrance preparation. There was also an expansion of access to curriculum adjusted for the varying academic competencies of students and to after-school childcare service for grade school students in lower grades.

381. The Government emphasized that the only way to fundamentally resolve the dependence on after-school private education is to improve the competitiveness of in-school education. To this end, the Government has endeavored to restore public confidence in school education by hiring more competent teachers and improving class evaluation methods. Other efforts to normalize school education included a revision of the High School Equalization Policy (HSEP) to give students a wider choice, improve college entrance admission guidelines, and strengthen career guidance counseling. Furthermore, to ensure that no child is left behind in the education system, an accountability system was introduced to guarantee the national minimum standard in education.

382. In 2006, primary and secondary education launched key initiatives to strengthen their fundamentals. They include confidence building in public education, more diverse and accessible educational opportunities, improved curriculum operation, greater expertise and accountability of teaching professionals, and better school environment for health and

learning. Confidence-building programs include the prevention and elimination of school violence, raising the profile and credibility of school grades, evaluating academic achievements, ensuring the basic educational attainment of children, operation of teaching and learning centers, and fostering school libraries. There were also other initiatives, such as the full implementation of the seventh National Curriculum, the creation of a system of a need-based curriculum amendment and upgrading of textbooks.

(b) Free compulsory education

383. The Early Childhood Education Act was enacted in 2004 to serve as a legal basis for children's public education. Pursuant to the Act, the State provides free education for kindergarten, one year prior to primary school enrollment. Funded by central and local governments, the kindergarten education subsidy is paid directly to the child's parents/guardians. In particular, the State subsidizes expenses related to educating younger children of low-income families not meeting the free education age.

384. Middle school education was made fully compulsory in 2004. Beginning this year, special needs students are entitled to free high school education. The Government has streamlined procedures for elementary and middle school enrollment of children with no family registry or expired social security records, as well as children of illegal immigrants, including those without a nationality. School enrollment now requires only proof of residence.

385. The Government plans to expand tuition support for high school students of low income families to 10% of the entire high school population (175,000 students) by 2008 from 7% (124,000 students) in 2004. The scope of eligibility widened to include not only recipients of the national basic livelihood security but also the near poor group.

(c) Female students' access to higher education

386. The Framework Act on Education amended in 2004 laid the foundation for promoting gender equality in education. The Act prohibits discriminatory acts by education institutions such as to limit and/or exclude participation or benefits based on gender and without reasonable cause. The Framework Act on Women's Development was enacted to facilitate gender equality and promote women's development in all areas of politics, economy, society and culture. The Act guarantees greater educational opportunities for women.

Framework Act on Education

- Article 4 (Equal Opportunity of Education): "No citizen shall be treated with discrimination in education for reasons of sex, religion, faith, race, social standing, economic status or physical conditions, etc."

Framework Act on Women's Development

- Article 20 (School Education): "In school education, the State and local governments shall inspire the idea of equality between men and women and expand women's educational opportunity."

387. The Government has been operating pilot schools for gender equality since 2002 after developing the gender equal curriculum. The seventh National Curriculum analyzed textbooks in all subjects to correct discriminatory contents and published the gender equality guideline. In 2004, the seventh Curriculum overhauled the education curriculum to ensure that all subjects reflected gender equality. Guidelines for textbooks emphasized the exclusion of discriminatory gender role-based contents.

388. The Plan to Facilitate Gender Equality in Education was formulated in 2006 to foster practical education in gender equality, create a culture of helping the individual student to realize his/her full potential, and build healthy human relationships. A manual for measuring a school's gender equality index was developed to help schools to continuously improve the culture of gender equality.

389. The education policy aims to enable children to maximize their full potentials without discrimination. Currently, there is hardly any gender divide in educational opportunities. The rate of enrollment in higher education institutions is higher for female students. This is attributable to the significant expansion in educational opportunities, higher income levels due to economic development, greater awareness in gender equality and other factors (see Table 7-2).

B. National programs

1. Right to education (art. 28)

Opportunities for higher education

390. Scholarships are awarded to children of families receiving the national basic livelihood security from 2008 to guarantee the right of the child to education if he/she has the ability and will to seek further advancements in higher education. The scholarship program aims to alleviate the burden of students from low-income families of having to experience difficulty in coming up with college tuition without any external assistance. Scholarships will be awarded to any recipient of the national basic livelihood security or children from families that receive the national basic livelihood security who would be attending tertiary institutions in 2008. Scholarship will be awarded to eligible students until graduation as long as students maintain the required minimum grades and credits.

Career information

391. The school curriculum was designed to effectively provide career information and guidance to students. A range of career opportunities that complement students' talents and aptitudes are proposed and the curriculum for vocational training has been diversified and specialized. Types of schools have also been diversified to accurately reflect the changes in the work environment.

392. The Government has been providing a career information service using the Career-Net since 1999. Career-Net offers services including psychological profiling, career and job opportunity information, cyber-counseling and job searches.

Alternative schools

393. The Elementary and Secondary Education Act was amended in 2005 to newly introduce a provision on alternative schools. The legal framework for the establishment of alternative schools opened up education opportunities for students who have either dropped out or who desire education catering to their own individual needs. Alternative schools may exercise discretion in developing their own curriculum and accreditation criteria including the number of years required to graduate, etc.

394. In 2007, there were 21 upper secondary and 8 lower secondary level alternative schools with 2,872 students with different backgrounds, such as children who had difficulty in adapting to regular schools, children who consciously opted for alternative education, and children from North Korea, to name a few. In general, there is one teacher for every seven students at alternative schools, which is only around one-third of regular schools.

395. Since 2006, the Government has been providing teaching tools, textbook subsidies and other programs to unauthorized alternative education facilities. The purpose is to guarantee learning opportunities for children with disabilities, children from low-income families, and other marginalized children who attend these facilities. The Government plans to enact the relevant law governing alternative schools and will continue to provide financial support to unauthorized schools in the meantime.

International cooperation

396. Korea, as a member of the international community, is strongly committed to contributing to global social responsibility through education aid to countries in need. Aid to education shares its goal with Universal Education, one of the 8 UN Millennium Development Goals, to achieve universal primary education and supports UNESCO's Education for All.

397. Aid to education is comprised of EDCF loans under the Foreign Economic Cooperation Fund Act, grants under the Korea International Cooperation Agency Act, and a range of international cooperation projects implemented by the Ministry of Education, Science and Technology.

398. Funds from Good Neighbors International (GNI)'s nationwide fund raising campaign (2004–2006) and the Foreign Economic Cooperation Fund were used to service 120,000 North Korean children in the form of school supplies, and free education in ten Asian and African countries. In recognition of GNI's contribution to the UN MDG, the non-governmental organization received the first-ever MDG Award jointly prepared by the United Nations and International Association of Social and Economic Councils and Similar Institutions.

2. Direction of education (art. 29)

399. The goals of education and curriculum set forth for primary and secondary education in the Seventh National Curriculum are aligned with the principles in Article 29 of the Convention. In particular, the Seventh Curriculum emphasizes the need for human rights education in schools. The National Human Rights Commission has been cooperating with the Ministry of Education, Science and Technology, and other related Government bodies to carry out various activities to raise the awareness of school faculty and students on human rights.

Seventh National Curriculum

400. The Seventh National Curriculum upholds the direction of education in article 29 of the Convention, and promotes the development of the child's character, talent, mental and physical and other abilities. The past periodic revamping of the Curriculum produced inefficiencies and impaired agile responses to the rapidly changing socio-cultural environment. Therefore, the rolling revision system was adopted in 2005 to revise the Curriculum as needed, and the rights of children were covered comprehensively in the latest revision in 2007.

401. The goal of the Seventh Curriculum is to foster a new generation of independent and creative leaders for the 21st Century. The Curriculum fortified the fundamental role of education in developing healthy and creative minds, and emphasized the importance of self-motivation and self-development in the age of globalization and IT development. It supports user-oriented education catering to students' aptitude, career aspiration, and different stages of development. Greater autonomy was transferred to local authorities and schools in curriculum operation. In particular, education and training programs on gender equality, understanding persons with disabilities, human rights, protecting children and

youth, and multicultural society were developed for implementation in close cooperation with families and local communities.

Human rights education

402. The National Action Plan for the Promotion and Protection of Human Rights (Human Rights NAP) prepared in 2007 listed the core tasks for human rights education in schools: strengthen human rights education by means of development and dissemination of various teaching/learning methodologies and materials; include human rights education in teachers' fostering or training courses; create the basis for performing research into human rights education.

403. Priority was given to human rights education in the new Seventh Curriculum. The Government stressed that schools could exercise creative discretion in operating human rights education courses and the curriculum guidelines emphasized the need to incorporate human rights education in all areas of education. Accordingly, the National Human Rights Commission of Korea (NHRCK) is developing a textbook writing manual to list the required human rights contents for each subject so that new textbooks would be aligned with the new Curriculum and systematically reflect human rights.

404. Led by the NHRCK, the Council for Human Rights Education for Schools was formed with representatives from the Ministry of Education, Science and Technology, Ministry of Health, Welfare and Family Affairs, and municipal and provincial offices of education (MPOE). The purpose of the Council is to strengthen human rights education by means of incorporating human rights issues into regular education courses, encouraging teachers to take greater interest in human rights education, and improving their human rights education capabilities, developing and disseminating various teaching/learning methodologies and materials, and expanding human rights education in schools.

405. The NHRCK has conducted a fact-finding investigation into the operation of human rights courses at the municipal and provincial education training institutes in 2007. The investigation found that human rights courses were expanded to include children's rights because the courses in 2005 mainly focused on special education and gender equality in education. The Commission has been operating human rights training courses aimed at teachers to foster a human rights friendly school culture and enhance their human rights sensitivity.

3. Leisure, recreational and cultural activities (art. 31)

406. The Government enacted the Youth Activities Promotion Act and amended other related legislation to enable children to freely participate in various cultural activities, leisure, and recreation. Accordingly, more youth-specific training facilities and other infrastructure to facilitate the ease-of-use by children were established, and children's direct participation in facility operation was institutionalized.

Related legislation

407. The Youth Activities Promotion Act was enacted in 2004, affording children with opportunities to proactively and voluntarily participate in a wide range of activities and to promote more activities.

Youth Activities Promotion Act

- Article 5 (Support for Youth Activities): (1) Youth shall be given ample opportunities to realize their dreams and hopes by proactively and voluntarily participating in a range of youth activities. 2. Central and local governments should

formulate and implement policies for a range of required activity facilities, youth activity programs, professional instructors, etc. to invigorate youth activities.

408. The Cultural & Arts Education Support Act prescribes that central and local governments, as well as educational institutions, should provide facilities and equipment, professional human resources, and programs for cultural and arts education in schools. It also stipulates the guardians' rights and responsibilities in cultural and arts education.

Korea Youth Services Center

409. The Korea Youth Services Center was established in 2005 to implement the Youth Activity Program, operate an information portal service on youth activities, welfare, and protection, develop and implement programs aimed at providing welfare support to youth. The Center currently hosts the annual Special Commission on Youth to set, implement, and monitor Korea's youth-specific policy agenda.

Cultural activities

410. The Government provides a range of activities and opportunities for young people to experience arts, sports, clubs, and volunteer work so as to develop their appreciation for culture and to hone their social skills. Such cultural activities complement the test-oriented public education system by engaging children in various activities outside the classroom. Other than volunteering work, arts, sports, club activities, performances, and the Youth Culture Zone are cultural activities for children.

Youth Culture Zone

411. The Youth Culture Zone is a place for children to go to after school and participate in various cultural and creative activities. Youth Culture Zones, spread out throughout Korea, are operated by local governments with the central Government providing matching funds. Since 2006, eleven municipalities/provinces have operated Youth Culture Zones.

Youth facilities

412. Youth facilities are made up of youth training facilities and youth activity centers. They are fully furnished with various programs, facilities and equipment to provide systematic and well-organized training activities under the guidance of professional instructors. These youth training facilities include training institutes, training centers, cultural houses, specialized facilities, and youth hostels. There are other facilities offering educational benefits to users. These facilities include cultural facilities such as museums, galleries, and libraries, as well as science and sports centers. Examples are the Children's Museum opened in October 2007 as part of the National Museum, and the National Children and Youth Library opened in June 2006.

National Youth Center

413. In accordance with the Youth Activities Promotion Act, the National Youth Center of Korea (NYC) was established in 2001. The NYC develops and disseminates youth training programs, fosters and trains professional instructors, and coordinates international youth exchanges and information exchanges among training facilities.

414. The National Pyoungchang Youth Training Center was set up to pilot an outdoor youth training program and ultimately to offer the full-scale program. The Pyoungchang Center supports other training facilities and provides a new direction in the operation of the Youth Training Street.

415. The International Youth Center opened in July 2000. It has hosted many international seminars, international youth exchange and promotional events. At the same time, the Center is responsible for the distribution of Korean cultural materials and cultivation of youth organizations. It also functions as a youth hostel from time to time.

C. Statistics

School education

416. Korea's education system is composed of 3 years of preschool, 6 years of elementary school, 3 years of middle school, 3 years of high school, and special schools. The education environment is improving with the drop in the student population due to low fertility and an increase in the number of schools and faculty (see Table 7-3).

417. The average number of students in a class is also steadily declining with the fall in the student population and continued investment to improve the education environment. In 1970, classes were densely populated with over 60 students in a typical class in primary and secondary schools. In 2007, the average number of students in a class gradually decreased to 22.7 students in preschools, 30.2 students in elementary schools, 35 students in middle schools, 34.3 students in regular high schools, and 30.1 students in vocational high schools (see Table 7-4).

418. The combined effect of an increasing number of teachers and a decreasing number of students is continuously lowering the average number of students per teacher. In 1970, there were 13.4 students per teacher in preschools, 56.9 in primary schools, 42.3 in middle schools, 32.0 in regular high schools and 27.5 in vocational high schools. Compared to 1970, the student-teacher ratio fell by more than 50% in 2007 (see Table 7-5).

419. The pre-school enrollment rate increased from 1.3% in 1970 to 31.6% in 1990. Pre-schools began accepting 3-year-old children from 1992 and the enrollment rate hovered around 26% for most of the 1990s. Since 1995, the pre-school enrollment rate has climbed to 35.3% in 2006 and to 37.1% in 2007. The low enrollment in pre-schools is attributable to childcare facilities and private centers sharing the load in educating pre-school children.

420. The ratio of elementary school graduates advancing to middle schools was 66.1% in 1970, 95.8% in 1980, and 99.9% from 1985 and on. The ratio of middle school graduates entering high schools steadily rose from 70.1% in 1970 to 90.7% in 1985, 95.7% in 1990, and 99.6% in 2007. After lower secondary education was made free and compulsory in 2004, most elementary and middle school graduates have pursued high school education. The percentage of high school graduates advancing to institutions of higher education was only 26.9% in 1970 but continuously jumped to 36.4% in 1985, 51.4% in 1995, and 82.8% in 2007 (see Table 7-6).

421. Comparison can be made of the percentages of graduates from vocational and general high schools pursuing higher education. In 1970, 40.2% of graduates of general high schools enrolled in tertiary institutions, and the figure has risen consistently to 53.8% in 1985 and 87.1% in 2007. As for graduates of vocational high schools, the enrollment rate was less than 10% in the 70s, but has picked up since 1980 to 13.3% in 1985 after which there was a temporary drop in the 1990s and a return to a sharp upward trend in the 2000s. As of 2007, as many as 71.5% of vocational school graduates have gone on to higher institutions (see Table 7-7).

Dropout rate

422. The school dropout rate represents the ratio of students who have either left school voluntarily or were expelled, or who are currently on leave, thus placing them outside the

enrolled student population. For middle schools, the dropout ratio was 2.7% in 1970 but has since decreased to 0.5% in 2002. Since then the dropout rate has slightly increased to 0.9% in 2007. As for general high schools, the dropout rate was 3.3% in 1970 but has declined steadily to 1.0% in 2007.

423. The vocational high school dropout rate was 4.1% in 1970. There were repeated ups and downs. It was 3.4% in 1980, 3.2% in 1990, 4.4% in 2000, and 3.1% in 2007. The vocational high school dropout rate is still relatively higher than those of middle schools and general high schools. In the past, students dropped out of school for economic reasons but in recent times, delinquency, maladjustment, and pursuit of education abroad are the main reasons for leaving school (see Table 7-8).

Special education

424. The Government has been expanding the infrastructure for special education to provide greater educational opportunities to children with disabilities. There were 144 special schools in 2007, which represents a fourteen-fold increase from 10 schools in 1962, when special education began in Korea. The 2007 figure is 2.7 times higher than 53 schools in 1979, when the Special Education Promotion Act was promulgated (see Table 7-9).

425. To meet the growing demand from children with disabilities for education, the Government has continued to increase the number of special schools and special classes, as well as employing more teachers trained in special education (see Table 7-10).

426. Regular schools have opened special classes to provide integrated education for students with special education needs. Integrated education is designed to provide these children the opportunity to receive special education tailored to their individual needs in regular schools without being discriminated against on account of the degree or type of their disabilities. Special classes were first introduced in 1971, and have since grown in number to 5,753 classes in 2007, which is 549 classes more than 2006 (see Table 7-11).

427. There were 65,940 children who needed special education in 2007, out of which the highest number came from 36,041 children with mental disabilities. By school level, there were 3,125 students in preschools, 32,752 students in elementary schools, 15,267 students in middle schools, 13,349 students in high schools, and 1,447 in tertiary institutions. Furthermore, there were 7,637 children in need of special education receiving integrated education in 6,263 regular classes at 3,621 primary and secondary education institutions (see Table 7-12).

428. The Government has endeavored to increase the number of students receiving integrated education at regular schools. In 2007, 65.2% of children with disabilities were in regular classes at regular schools compared to 54.7% in 2003 (see Table 7-13).

Fostering youth activities

429. The Government supports a range of youth activity programs in private and public facilities (see Table 7-14). There were 810 youth training facilities in 2007, compared to 150 in 1992 (see Table 7-15).

430. The Government has been expanding cultural facilities for children. In 2007, the total number of museums, galleries, and public libraries was 1,209 compared to 825 in 2003. To provide more cultural and art-related opportunities for underprivileged children, public financial assistance of 3.5 billion won was provided in 2007 (see Table 7-16). There are 45 public children's libraries across Korea.

D. Factors and difficulties

431. Compulsory education includes the last year of preschool (for 5-year-olds), 6 years of elementary school, and 3 years of middle school programs. Compulsory education for children with disabilities was expanded while childcare and tuition expenses are subsidized for low income families. The Government hopes to introduce free compulsory education at the high school level in the future but due to budget constraints, it plans to first subsidize high school and higher education of children from low-income families and the underprivileged in the meantime.

432. Existing alternative education facilities are under financial distress and lack the capacity to accommodate all the students who dropped out owing to maladjustment and other reasons. The Government is studying the possibility of easing the requirements for authorizing alternative schools so that more students can continue their education in these institutions. It is also considering the possibility of accrediting alternative academic credentials. There is continued and growing support for textbooks, teacher training, and ICT in education for unauthorized alternative schools. There were more than 70,000 school dropouts in 2006, and the dropout rates of students in compulsory education are rising. Thus, guaranteeing these children their right to education is now an important policy goal.

433. The right of children to participate in play, rest, and cultural activities is being infringed due to private education geared towards the college entrance exam preparation. According to a study by the Korea National Statistical Office in February 2008, 88.8% of elementary school students, 74.6% of middle school students, and 55% of high school students are receiving education through private channels, including the private institutes. Consequently, children have limited time to participate in cultural activities.

According to a study done by the Korea National Statistical Office in 2004, children spend their time during weekends and holidays mostly playing computer games and Internet surfing (29.7%), followed by watching TV (22.9%), socializing (13.5%), and resting/sleeping (12.2%). Participation in cultural activities/arts (3.6%) or traveling (0.5%) was rare, meaning that many children spend too much time at home rather than outdoors. On an average day, children spent 8 hours and 16 minutes on learning but only 3 hours and 23 minutes on socializing and leisure.

434. According to a survey on the current status of school education in June 2008, more than half of the students (60.2%) responded that they had no time to enjoy cultural and artistic activities other than what is offered in the regular school curriculum. The higher the school level, the less time children had for these activities. Also, 21% responded that they had no opportunity to go to any cultural/artistic performance. This is mainly due to lack of time and available program. In particular, the survey found that the entrance exam-oriented education has deepened the students' dependence on educational activities (see Table 7-17).

435. The Government is concerned about the growing spending on private education due to the fierce competition for further educational attainment, and how this is working against fostering well-rounded individuals. Therefore, it is committed to improving public education and the college admission system. In particular, efforts are made to raise the level of social conscientiousness to complement the education policy direction so that the skewed social perception and practice of overvaluing academic credentials may be improved.

436. The Enforcement Decree of the Elementary and Secondary Education Act was amended in 2008 to guarantee the right of foreign children to education. The Decree stipulated the procedures for the enrollment and transfer of foreign children in elementary schools. However, in the absence of any legal prescription, school regulations are used in middle schools to process the foreign students' enrollment and transfer. Thus, the

Government is planning to amend the relevant acts to prevent middle schools from refusing to admit foreign children.

Chapter VIII

Special protection measures (arts. 22, 38 and 40, art. 37 para. (2), (4), (1), arts. 39, 32, 33, 34 and 36)

A. Concluding observations – Follow-up

1. Sexual exploitation (see CRC/C/15/Add.197, para. 15)

437. **The Comprehensive Plan for Preventing Sex Trafficking and the Comprehensive Plan for Protecting Juveniles from Harmful Environments were formulated as part of Korea's National Plan of Action to prevent and eradicate sexual exploitation of children. The Government introduced child-friendly case handling procedures by operating a dedicated team of prosecutors and police officers, recording testimonies, etc. The Sunflower Children's Center and the One-Stop Support Center for abused women and victims of school violence provide counseling, protection, and treatment for child victims of sexual exploitation.**

(a) National Action Plan and data collection

Comprehensive Plan for Preventing Sex Trafficking

438. The Comprehensive Plan for Preventing Sex Trafficking was formulated and implemented in 2004 to prevent commercial sexual exploitation of women and children, and to protect victims thereof. The Plan aimed at raising public awareness on sex trafficking, overhauling related laws and regulations, developing action plans for different types and victims of sex trafficking, and eradicating illegal businesses that employ minors. In particular, the relevant law was amended to publicly disclose the identity of child sex offenders.

439. After three years of the Plan's implementation, a new and improved version of the Plan was developed in December 2007. The Plan was revised to reflect the recent reduction in human rights violations and red-light districts, as well as the emergence of new types of sex trafficking operations. The revised Plan also classified policies following the global standard framework of prevention, protection, and implementation.

440. To protect and support underage victims of sex trafficking, and help these victims to become independent and to stay away from the sex trade, the Government amended the Act on the Protection of Juveniles from Sexual Exploitation to provide temporary and emergency livelihood support, legal and medical assistance, and vocational training. Furthermore, a system was established to provide a one-stop service to effectively respond to the needs of child victims of sex crimes and sexual exploitation.

441. The Government established an inter-ministerial committee to monitor and coordinate the implementation of sex trafficking-related policies. At the local level, the Regional Council and the Committee on Sex Trafficking Prevention have been formed to bring local governments, police agencies, and civic groups together to cooperate and share information on policies to prevent sex trafficking, and protect victims' human rights.

Comprehensive Plan for Protecting Juveniles from Harmful Environments

442. The Government formulated the Comprehensive Plan for Protecting Juveniles from Harmful Environments in 2005 to create safe environments for young people and protect them from harmful ones. The Plan strengthened crackdown on harmful media and establishments, built a system of drug abuse prevention and surveillance on harmful environments. Young people were invited to participate in the development of youth protection and support policies. A network linking the home, school, and local community was created to help juveniles at risk.

Data collection

443. The Act on the Protection of Juvenile from Sexual Exploitation was amended in 2008 providing a legal basis for the regular collection of statistics and other data on sexual exploitation of children. The Act stipulated that information pertaining to latest trends and statistics on sex crimes, as well as other relevant information be announced to the public twice a year.

(b) Child-sensitive law enforcement

444. In order to protect the right of child victims of sexual abuse, the Government introduced many changes to ensure that law is enforced in a child-sensitive manner. These changes include a dedicated team of prosecutors and police officers, a child being accompanied by a person the child trusts during an interrogation, recording of testimonies among others. As of June 2008, 49 District Prosecutor's Offices (DPOs) were equipped with dedicated interrogation rooms and team members received special training for greater effectiveness. All DPOs will be equipped with dedicated rooms for children by the end of 2008.

(c) Supporting victims' recovery and social integration*Support system for victims of child sexual abuse*

445. The support system for victims of child sexual abuse was covered in the civil rights and liberties section (No. 254).

Korea Youth Shelters

446. The Government has been operating the Korea Youth Shelters to discourage young people from running away, and provide temporary relief and shelter, counseling, and educational and cultural activities for the runaway children. The Shelter also helps runaways to refrain from displaying delinquent behavior, as well as assist them to return home and adapt to the society. The first shelter was built in 1992, and its governing act, the Youth Welfare Support Act, was promulgated in 2004.

447. The Youth Shelters were designed not only to provide a shelter for runaway youth, but also to give counseling and guidance to assist young people in their pathways to independence, strengthen their abilities, solve problems, and engage in cultural activities and programs. The Shelters' specialized and tailored services are divided into temporary, short-term, and long-term services to meet the needs of the shelter's users.

(d) Preventive measures*Youth sexuality*

448. The Sexuality Education & Counseling Center for Youth aims to provide accurate information about sex and help youth to develop a critical eye for sex culture, so that they grow up with healthy sexual identities.

449. The Sexuality Education & Counseling Center for Youth program uses audio-visual tools, two-way communications, guiding principles, and engages sex education specialists from the private sector to provide accurate information about sex and help participants recognize the distorted elements in today's sex culture. SAY has been playing a critical role as the local sex education center.

450. Currently, there are 29 Sexuality Education & Counseling Centers for Youth in municipalities and provinces nationwide. Sixteen centers were newly built in 2007 and 8 centers in 2008.

2. Juvenile justice (see CRC/C/15/Add.197, para. 57)

451. The Court, the Prosecutors' Office, police, and other enforcers of juvenile justice are engaged in education that has been strengthened to ensure procedures on a par with international standards. An amendment of the Juvenile Act in 2007 introduced the State-appointed assistant into child protection cases, and investigation prior to the decision of the prosecutor to address the shortcomings of the system by which prosecutors have the initiative regarding process choice.

(a) Compliance with international juvenile justice standards

452. Before issuing orders for probation, community service, or school attendance, the Court requests of the probation office a pre-ruling investigation of the defendant's motives for the crime, vocation, general environment, relationships with friends, family situation, and whether losses from the crime have been recovered, to use as a reference if necessary.

453. In juvenile protection cases, the Juvenile department judge may order the investigator to interrogate the juvenile in question, his guardian, or a witness, or to investigate any other matters when deemed necessary. The investigator is to submit a written report on the findings. In investigations or hearings, judges in the Juvenile department take into account expert opinions from psychiatrists, psychologists, social workers, teachers, and so on, judgment and comments from juvenile classification judges, and reports and comments from probation offices.

454. To guarantee that the rights of children are duly protected, the Police have provided special rules for juvenile cases in the Rules on Criminal Investigation. Meanwhile, the Police Officer Duty Regulations for the Protection of Human Rights includes a clause on the protection of the socially disadvantaged in investigations of juvenile delinquents. Also, principles and instructions on dealing with juvenile cases are included in the Rules on Treatment of Juvenile Cases.

455. The Police Comprehensive Academy runs courses, such as *Dealing with Juvenile Crime, Learning to Support Victims – Advanced Level*, and the *Training Course for Human Rights Instructors*. Pursuant to the objectives of the Juvenile Act, the investigation of juvenile cases takes place swiftly, and facts or images that may identify the juvenile in question (e.g., address, name, age, vocation, or appearance) are prevented from being publicized in newspapers, other printed media, or broadcast media. When a juvenile case is announced in media such as newspapers, the impact of media exposure on juvenile suspects and their guardians is considered beforehand. Addresses, names, workplaces, schools, and

other information that may help identify the juvenile are not released, in accordance with the Rules on Treatment of Juvenile Cases. To help the juveniles remain calm and stable during investigation proceedings, all police offices have comfortable and relaxing statement recording studios.

(b) Early appointment of legal assistance

456. The Juvenile Act was amended in 2007 to introduce State-appointed legal assistance into juvenile protection cases. Assignment of a State-appointed legal assistant is mandatory when the juvenile is entrusted to a classification judgment home. In certain cases, the State-appointed legal assistance is made available even when a juvenile is not entrusted – for example, when the juvenile is believed to have physical or mental disabilities, is not capable of hiring assistance due to poverty or other reasons, or in cases where the juvenile court judge determines that legal assistance is needed.

(c) Complementing initiative of prosecution

457. To address the drawbacks of the system by which prosecutors have the initiative regarding process choice pointed out by the Committee, the Korean Government introduced the system of investigation prior to prosecutor's decisions. According to this provision, to enable expert intervention, the prosecutor in a juvenile case may request the director of the probation office, juvenile classification review board or juvenile reformatory in the area of the suspect's residence or relevant Prosecutors' Office to investigate the conduct, record, general environment, and other issues pertaining to the juvenile, if deemed necessary in determining the disposition of the case (e.g., transfer to juvenile department, prosecution, suspension of indictment).

3. Children of migrant workers (see CRC/C/15/Add.197, para. 59)

458. **The Framework Act on the Treatment of Foreigners in Korea was enacted to ensure equal education and welfare services for the increasing number of children with a multicultural background, such as children of migrant workers. Children are entitled to free primary and middle school education, medical aid, and welfare benefits. Ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families will be deliberated over a significant period of time, in consideration of the Korean labor market, Immigration Control Act, and other domestic laws.**

(a) Equal rights for all children of foreign citizenship

459. The Law Concerning Foreigners in Korea was enacted in May 2007. The Act reviews issues pertaining to foreigners in Korea to facilitate their adjustment to life in Korea and enable them to reach their full potential as individuals. Another objective of the Act is to build a social environment of mutual understanding and respect between citizens of the Republic of Korea and foreigners, thereby achieving social integration and progress.

460. The Act prescribes that a Foreigner Policy Committee is formed under the Prime Minister's office to create a set of basic plans for policies on foreigners every 5 years, and to review and coordinate key issues in policies affecting foreign residents in Korea. The Act also stipulates establishment of a Comprehensive Information Center for Foreigners. The Center provides services including: anti-discrimination education and promotion of the rights of resident foreigners and their children, welfare benefits for adjustment to life in Korea, education for immigrant spouses and their children, and information and counseling for foreigners.

461. All children with non-Korean guardians had previously been required to submit to their school directors certificates on immigration status or certificates of alien registration issued by the Commissioner of the Immigration Office. However, children of illegal immigrants are now accepted at schools even if they submit only contracts of “*jeonse*” or “*wolse*” (housing rent arrangements), guarantees of residence from their neighbors, or other forms officially proving their residence in the area. The Enforcement Decree on the Primary and Secondary Education Act was amended in 2008 to permit children of illegal immigrants to enter or transfer between schools by submitting documents proving their residence in the area, such as rent agreements or written guarantees from family or friends.

(b) Ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

462. There are provisions in the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families that conflict with domestic laws such as the Immigration Control Act, Nationality Act, and the Act on Foreign Workers’ Employment and Related Matters. Examples include allowing family to accompany migrant workers to Korea, the conditions required for migrant workers to start a self-employed business, registering birth of and providing Korean nationality to children of all migrant workers, and annulling illegal immigrant status of workers. Furthermore, ratification of the Convention may result in loss of job opportunities for Korean nationals, increase of social welfare costs, and also encourage more workers to become permanent residents. Therefore, the Government plans to carefully review all related issues before deciding to ratify the Convention.

B. National programs

1. Children involved in legal disputes

(a) Refugee children (art. 22)

463. **Persons recognized as refugees are provided with the freedom to seek jobs and the right to basic living conditions under the National Basic Living Security Act. In addition, refugee children are allowed to enter schools near their place of residence, regardless of their nationality.**

464. The Immigration Control Act includes provisions on control of resident aliens and procedures for providing refugee status. *Refugees* refers to persons subject to article 1 of the Convention Relating to the Status of Refugees (wherein the Korean Government joined in 1992), and article 1 of the Protocol Relating to the Status of Refugees.

465. The Government recognizes refugee status for resident foreigners requesting asylum, granted they satisfy the qualifications of a refugee as stipulated in the Convention Relating to the Status of Refugees. Recognized refugees are permitted three years’ residence in Korea, and receive a certificate of refugee status. Refugee travel documents are issued when a recognized refugee leaves the country or travels overseas. Refugee families enjoy the right to basic living conditions under the National Basic Living Security Act.

466. As of 2008, Korean Government agencies are discussing the First Set of Basic Plans for Policies on Foreigners. There is much debate on how to develop refugee recognition and support systems in line with international standards. Some topics under discussion are ways to strengthen the functions of departments in charge of refugee policy, assignment of expert screening staff, and efficient management of refugee recognition authority.

467. The Plan includes stronger support policies to facilitate the social integration of refugees and establishment of refugee service facilities. The facilities will provide social orientation sessions, legal counseling, vocational training and employment services.

(b) Children in armed conflict (art. 38)

468. **As discussed in the Periodic Report on Implementation of the Optional Protocol, the Military Service Act, the Criminal Code and other laws strictly prohibit the involvement of children in war and armed groups. Therefore, children under the age of 18 are considered as non-combatants and are not permitted under any circumstances to participate in armed conflict.**

469. The Korean Government ratified the Optional Protocol on the Involvement of Children in Armed Conflict in 2004, and submitted its Periodic Report on Implementation in 2007, in accordance with article 8 of the Protocol. Implementation of the recommendations made by the Committee on the Periodic Report in May 2008 is discussed in Chapters 10 and 11.

(c) Juvenile justice (art. 40)

470. **Administration of Juvenile Justice is strictly in accordance with relevant law, and adheres to the Principle of Due Process. With amendment of the Juvenile Act and Juvenile Reformatory Act, the Juvenile Justice System now allows for early intervention of the State in preventing delinquency, and places more priority on guidance and correction. The Korean Government is thus further promoting protection of the rights of juveniles.**

Amendment of related legislation

471. The Juvenile Reformatory Act was amended in 2004. One objective was to clearly re-establish juvenile reformatory schools (formerly run as non-regular institutions) as regular institutions governed by the Elementary and Secondary Education Act. Another aim of the amendment was to expand the human rights of juvenile delinquents and facilitate their return and complete adjustment to society through user-centered education, which included the provision of more instruction after the delinquents leave the reformatories.

472. In 2007, the Juvenile Reformatory Act was re-titled The Act on the Treatment of Protected Juveniles, etc. The Government changed the name of the Act to have it encompass the wide range of responsibilities and functions of juvenile reformatories and juvenile classification homes. The Government also established new provisions on the treatment of juveniles, including regulations to protect their rights.

473. The Government revised the Juvenile Act in 2007 to shift the focus of the juvenile justice system from punishment to rehabilitation and guidance. Key changes included the introduction of State-appointed legal assistants in juvenile protection cases, diversification and enhancement of protection actions, investigation prior to decisions by the prosecutor, and conditional suspension of indictments.

Juvenile Court

474. The Juvenile Court examines the cause of misconduct and tries juvenile protection cases referred from the police, prosecutor's office, or other courts. Currently there are the Juvenile Department of Seoul Family Court, Juvenile Departments in Family Courts of District Courts, and Juvenile Departments in the District Courts of Uijeongbu, Incheon, Suwon, Chuncheon, Cheongju, Changwon and Jeju.

475. The Juvenile Court bases rulings on reviewers' and classification judges' opinions regarding the juvenile's character, environment, motives for misconduct, and possibility of repeat offense, and advice from other related experts, if necessary.

Juvenile reformatories

476. Juvenile reformatories house and protect juvenile delinquents who have been placed under protection by the juvenile department of court. The objective is to provide delinquents not only with curricula pursuant to the Elementary and Secondary Education Act, but also character development — often through psychotherapy and community service — to aid their development into responsible young persons. Juvenile reformatories are currently run in the form of schools, offering a wide range of curricula and providing practical help to facilitate delinquents' return to society.

477. Because juvenile reformatories had previously been classified as Miscellaneous Schools pursuant to the Elementary and Secondary Education Act, the transfer of students from these reformatories to regular schools upon completion of the reformation term was at the discretion of the principal of the regular school. Noting that this led to complications, the Government re-instituted reformatories as regular schools by amending the Juvenile Reformatory Act in 2004. This qualified the juveniles to enjoy the same legal rights as students from regular schools in transferring and in finding jobs. The collective term, Juvenile Reformatories, was also replaced with the names of each school to eliminate any possibility of discrimination.

Juvenile protection treatment

478. In the past, the types and descriptions of protection available were not sufficient for the prosecution to determine appropriate correction measures for the juveniles. Adjusting the duration of protective action was also necessary to enhance effectiveness and to protect the juveniles' rights. The Government therefore made it possible to deal with community service orders and school attendance orders as separate protective actions, instead of issuing them solely as elements of probation. Confinement in juvenile reformatories for up to one month is another type of protective measure that has been newly introduced. In probation cases, alternative education, counseling and instruction in youth groups, orders limiting juveniles' departures from the premises, and orders for guardians to take instruction classes were also made possible. The Government extended the number of hours of ordered community service, ordered lecture attendance and short-term probation, and also stipulated the maximum period allowed for long-term juvenile reformatory confinement.

Suspension sentence on condition of probation

479. Conditional Suspension of Indictments was introduced in the amended Juvenile Act. The objective was to prevent a juvenile delinquent subject to judicial procedures from being stigmatized. Though suspension of indictment for the purpose of providing guidance or protection had already been in practice, formally including it in the Juvenile Act was deemed necessary in order to reinforce the legal grounds of such suspension. The Government formally stipulated the grounds for Conditional Suspension of Indictment in the Juvenile Act, and also specified a wider variety of guidance, including guidance by volunteers for crime prevention, and counseling education at institutions for the guidance and education of youth. Conditional Suspension will protect juveniles who have committed relatively minor offenses from being branded as delinquents after they are tried in court, or from being branded as their trials go on for indeterminate periods. It will also help prevent further misconduct as the juveniles are provided with more guidance and protection.

Misconduct prevention policies

480. One of the concerns regarding the previous version of the Juvenile Act was that it stipulated only follow-up measures subsequent to juvenile misconduct. This was not sufficient for fulfilling the primary objective of the Act, which was to aid the juvenile's development into an individual healthy in both mind and body. To address this shortcoming, the Government added Basic Rules on Misconduct Prevention Policies when amending the Juvenile Act. The amendment regulates studies, research, establishment, and implementation of policies for the healthy development of juvenile delinquents. Related institutions are also to provide cooperation. Such structured and comprehensive Government measures to prevent misconduct will serve well to suppress juvenile delinquency.

Centers for prevention of juvenile delinquency

481. In 2007, the Government converted six juvenile reformatories and juvenile classification review homes into centers for prevention of juvenile delinquency, re-instituting them as organizations whose objective is to prevent juvenile misconduct. The Centers for prevention of juvenile delinquency run many different programs, including delinquency prevention education for maladjusted students or those with suspended indictments, identification of causes of delinquency for prosecuted juveniles or young people in early stages of delinquency — e.g. those subject to probation without detainment — aptitude tests for youth, and education of guardians and legal education. Because the Centers run open programs, participants come and go as they would attend a day school. The Centers are called Alternative Education Centers to protect attendees from the stigma of attending a juvenile correction institute.

Counseling interviews and trial involvement

482. With the objective of preventing juvenile misconduct and repetitive offenses, the Government has implemented counseling interviews of protected juveniles and involvement of classification judges in trials since July 2003 to cover all juvenile protection cases, including non-detained suspects. Until then, classification judgments had been mostly for detained suspects.

483. Counseling interviews on protected juveniles subject juveniles under non-detained supervision to four to six daytime counseling and interview sessions at juvenile classification judgment homes, if the judge of court juvenile department or family court decides that the juvenile requires expert diagnosis. This helps avoid putting the juvenile in a reformatory and at the same time provides a variety of support services tailored to each juvenile's needs.

484. Involvement of classification judges in trials means the juvenile department judge brings to court the classification judge in charge of the juvenile to hear his/her views on the juvenile's character, conduct and circumstances of misconduct if and when the juvenile department judge has questions about the juvenile's classification judgment report or when the report is not sufficient to explain the full situation of the juvenile.

Police diversion

485. In dealing with juvenile crime, probation for the instruction and guidance of juvenile delinquents is an alternative to criminal prosecution and penalization. Criminal penalty is limited only to delinquents who committed offenses of the worst nature and for whom guidance and instruction is deemed futile. Juveniles with the potential to improve are subject to guidance and protection-oriented instructional treatment. For prevention of

juvenile delinquency and for guidance of delinquents, the police are to send any juvenile delinquents to the Prosecutor's Office or a juvenile department of the court.

486. The Government is putting forth efforts to prevent all juvenile delinquents, whether they be involved in a minor or major offense, from giving up on themselves due to the stigma of being an ex-convict. As part of this diversionary effort, police are testing dismissal without charge for juveniles with first-time minor offenses during the Period for School Violence Reporting. The Period runs for the first three months of each semester. The condition is that the offenders take guidance instruction sessions and the victims agree not to press charges. The Period for School Violence Reporting has been in place since 2005 in a concerted effort by the Police Agency, Ministry of Education, Science and Technology, Ministry of Justice, and other related Government agencies.

(d) Children deprived of their liberty (art. 37, paras. 2 and 4)

487. The Constitution of the Republic of Korea guarantees personal liberty and strictly abides by the principle of due process and the presentation of warrants pursuant to the Criminal Procedure Act. The principles in the Criminal Procedure Act, such as the requirements for arrest, the issuance of warrants, the executive procedure of a warrant of detention, the methods of detention, and the request by the prosecutor for the issue of a warrant, etc. are applicable for juveniles as well.

Arrest warrant

488. An arrest warrant for a juvenile suspect shall not be issued unless absolutely necessary, and when a juvenile suspect is arrested, he is separated from other suspects or defendants in custody except under special circumstances. When it is decided that the arrested juvenile be transferred to the juvenile department, the director of the institution where he is placed shall transfer him, within 24 hours of the decision if the city/county has a juvenile department in its court, and within 48 hours of the decision when there is no such department and therefore the juvenile must be sent to another city.

489. In cases in which the juvenile is to be transmitted to the juvenile department, the juvenile department judge may decide to entrust the arrested juvenile to preventive facilities when the case needs to be investigated and tried. Entrustment of the juvenile to a guardian, person or facility eligible for guardianship, or to hospitals or other facilities for treatment may not extend over 3 months, while entrustment to a classification judge may not extend over one month.

Management of a juvenile reformatory

490. The rights of the juveniles are also emphasized in the management of juvenile reformatories. In particular, pursuant to the Act on the Treatment of Protected Juveniles, etc. (amendment of the former Juvenile Reformatory Act), directors of reformatories or classification judges are to put protection of human rights first and foremost in the treatment of entrusted juveniles or juveniles in custody. In addition, male and female, entrusted persons and persons in custody, and persons under 16 in age and persons aged 16 or more should be separately accommodated so as to prevent the schooling of delinquency.

491. Should a juvenile in custody request interviews with visitors, interviews are permitted by the director of the reformatory, unless the interviews disrupt the protection and reformatory education of the juvenile. When the juvenile is having an interview with his State-appointed attorney, officials from the reformatory are to be absent to guarantee the right of defense. The director of the reformatory may restrict the exchange of correspondence or censor the content of correspondence if it is found that the content may

be disruptive to reformatory education. However, correspondence with the attorney shall not be restricted or censored.

Juvenile reformatory confinement

492. As a form of confinement, sending juveniles to juvenile reformatories was considered a most rigorous action, second to criminal sanction. It was also pointed out that lack of clear stipulation of the term of confinement in juvenile reformatories made the sentences indeterminate. Thus in the amended Juvenile Act, the Government specified the maximum term of confinement as two years to prevent abuse of juvenile reformatory sentences.

Juvenile reformatory confinement for one month or less

493. In the amended Juvenile Act, reformatory confinement for one month or less is introduced to minimize the drawbacks of confinement while enabling intensive misconduct prevention programs.

(e) Prohibition of capital punishment and life sentence of children (art. 37, para. 1)

494. Children under age 18 shall not be subject to capital punishment or a life sentence. Pursuant to article 8 of the Juvenile Act, the minimum age for capital punishment is 18. When a minor under age 18 commits a crime punishable by capital punishment or life sentence, he shall be sentenced with 15 years. This rule also applies when the criminal had been under 18 at the time of the crime but was 18 or older at the time of sentencing.

(f) Support for the return to society (art. 39)

495. The Government provides various forms of support for victims (including children) of sexual abuse or sex trafficking such as counseling, shelters, medical care for physical and psychological illness or injuries, resolution of legal issues including damage compensation, and education and vocational training to help them return and adjust to normal life.

Support for victims of sexual abuse

496. To help victims of sexual abuse recover their physical, psychological, and emotional health and quickly resume normal life, the Government has been running treatment and recovery programs for victims of sexual abuse since 2004. Victims in shelters receive various forms of support, including funds for vocational training. Since 2008, a housing support program for female victims of abuse has been in place to promote the self-reliance of victims of sexual abuse or domestic violence and their families.

Protection and rehabilitation of underage victims of sex trafficking

497. The Government puts underage victims of sex trafficking through instruction or counseling sessions through orders from the prosecutor of the case. Forty hours of customized therapeutic and rehabilitation programs were developed for this purpose, and have been implemented in the youth support facilities and Youth Counseling Support Centers designated as instruction facilities in four areas across the country since 2006.

Center for Women's Human Rights

498. The Government has been supporting the Center for Women's Human Rights since 2005. The Centers build networks between support facilities for sex trafficking victims and train people to work in the facilities. The Centers also develop and promote support

programs and plans projects for education, promotion and information on preventing sex trafficking.

2. Exploited children

(a) Economic exploitation (art. 32)

499. **To protect children from economic exploitation and guarantee that all children receive compulsory education, the Government prohibits employment of persons under 15 years of age. It is also provided that children under age 18 who have not finished their compulsory education are not to be employed. However, children who are at least 13 years old and under 15 and who have obtained an employment authorization certificate from the Ministry of Labor are an exception. The Government ratified the Convention Concerning Minimum Age for Admission to Employment (ILO Convention 138) in January 1999, and the Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor (ILO Convention 182) in March 2001.**

Guaranteeing children's right to labor

500. To protect children's right to labor, the Government provides that certificates for underage workers are provided at workplaces. Workplaces should have family register certificates and written consent from either a parent or a guardian. The parent or guardian may not act as a proxy for the child in the labor contract with the employer. If the labor contract puts the minor at a disadvantage, the parent or Minister of Labor may later terminate the contract. Monthly wages must be paid directly to the employee on a regular, monthly basis. Work must be limited to a maximum of 7 hours per day and 40 hours per week.

501. Child laborers are subject to special protection. In the Labor Standards Act, a separate chapter is provided for the protection of minors. The Government also makes efforts to improve work conditions and welfare benefits to help all children grow into sound members of society. Also, during summer and winter vacations when minors are more likely to work part-time, the Government runs annual guidance inspections where underage workers are employed, to guarantee work conditions.

Comprehensive Measures for Protection of Underage Workers

502. The Comprehensive Measures for Protection of Underage Workers were established in 2005. To protect children from labor exploitation, the Government constantly checks whether the standards for underage work conditions are violated; raises awareness of employers, teachers and minors; and campaigns for promotion of the rights of underage workers. The Government is also improving work conditions for underage workers by amending the provisions on protection of underage workers.

(b) Drug abuse (art. 33)

503. **Use of narcotic drugs is strictly prohibited by regulations, *inter alia*, the Youth Protection Act, Psychotropic Drugs Control Act, and Narcotic Control Act.**

Drugs harmful to minors

504. The Youth Protection Act strictly prohibits distribution of drugs and substances harmful to underage persons. "Drugs harmful to minors" refers to drugs that may cause physical and psychological harm in the absence of control. This includes alcohol, tobacco,

narcotics as defined in the Act on Control of Narcotics, and hallucinogenic substances as defined in the Toxic Chemicals Control Act.

505. The Government prohibits the sale, lending, and distribution of harmful drugs to minors, including through automated mechanical devices, unmanned vending machines, and telecommunication devices. For better protection of minors, the Minister of Health, Welfare and Family Affairs provides a list of harmful drugs to relevant agencies such as central administrative bodies, guidance and supervision agencies for youth, and other groups that protect minors.

Pilot schools for prevention of underage drug use

506. The Government has designated 12 middle schools across the country as pilot schools for prevention of underage drug use. These schools are for grooming students that set an example in school as “peer leaders”, who will, in turn, help teachers develop Model Programs for Prevention of Underage Drug Use, and spread them to other schools. The pilot school initiative was entrusted to non-governmental organizations to be run as a two-year program from 2006 to 2007.

(c) **Sexual exploitation and abuse (art. 34)**

507. Offenders are strictly penalized to prevent sexual exploitation and abuse and protect children from harm.

Stronger punishment of sex offenders

508. Punishment for sexual crime against children has been strengthened. Though the degree of punishment is still ultimately determined by court ruling, the Government also provides the court with a thorough review of information relevant to the sentencing in order to help heavily penalize sexual crime against children. Such information includes the disposition of the offender, possibility of repetitive offenses, offender’s pedophilic propensity, and severity of harm done to the victim.

Punishment of production and distribution of child pornography

509. In accordance with the Act on the Protection of Juveniles from Sexual Exploitation, production and distribution of child pornography or any attempts to do so are punishable by 5 or more years of determinate imprisonment sentences; sale, rent, distribution of child pornography, or possession, transport of such material for the same purpose, or publicly displaying or screening such material is subject to up to 7 years of imprisonment. Distribution or public display or screening of child pornography is punishable by up to 3 years’ imprisonment or a fine of up to 20 million won, and possession of child pornography is subject to a fine of up to 20 million won, regardless of the reasons for possession. Those who act as agents between minors and producers of child pornography with the knowledge of the intent of the producer are punishable by 1 to 10 years’ imprisonment.

GPS tracking of sex offenders victimizing children

510. The Act on the GPS Tracking of Specific Sex Offenders was enacted in 2007, initiating GPS (Global Positioning System) tracking of child sex offenders. In 2008, the Rehabilitative Custody Act was revised to enact custody of sex offenders with psychological disorders such as pedophilia. The Act on the Punishment of Sexual Crimes and Protection of Victims Thereof was also amended in June 2008. Article 8, paragraph (2) of the same Act stipulates that those who rape or commit acts equivalent to rape of children younger than 13 years old be given determinate sentences of at least seven years’ imprisonment. Pursuant to the same paragraph, those who assault children under 13 by

putting their genitals in areas other than the child's genitals — e.g. mouth or anus — or putting their non-genital body parts, such as fingers, or objects in the child's genitals or anus, are subject to at least five years' imprisonment. Those who commit indecent assault or acts equivalent to indecent assault are to be punished by at least 3 years' determinate sentence or 10 million to 30 million won in fines.

Registration and disclosure of sex offenders' personal information and restrictions on employment

511. To step up regulation of sex offenders, on February 4, 2008, the Government replaced Disclosure of Personal Information on Child Sex Offenders (implemented in 2000) with Registration and Disclosure of Sex Offenders' Personal Information. The new rule targets those found guilty of sexually assaulting minors and those who have received disclosure orders from the court. The personal information of the "registered offenders" shall be on the registry for 10 years, while personal information of "disclosed offenders" shall be made available for 5 years.

512. Required information on registered offenders includes name, resident registration number, postal address and actual address of residence, vocation, location of workplace, photograph, license number of any vehicles owned, date of ruling on sexual offense, charge, sentence, and summary of crime. The disclosed information is available to directors of education institutions or parents of minors in the same city, county ("gun"), or ward ("gu") as the registered offender. In addition, in an effort to make the disclosure more effective, online disclosure of offenders' personal information is in the works.

513. Child sex offenders are prohibited for 10 years from employment at or running of schools, private education institutions, facilities for minors, childcare facilities, children's facilities, apartment management offices (i.e. security guard offices), fitness centers, and other institutions inhabited or frequented by minors. At the same time, institutions relevant to minors are required to report any incidents of sexual crime on their premises.

Prevention of sexual abuse of children with disabilities

514. To address and prevent sexual abuse of children with disabilities at the special schools for the disabled, the Special Education Management Plan provides that students at special education facilities receive sex education befitting their level of disability and school curricula. The faculty at these facilities are trained to protect their students from sexual abuse. The Government will continue to work toward the eradication of sexual abuse of youths, including implementation of the Comprehensive Measures against Student Sex Abuse.

Prevention of sexual abuse of underage athletes

515. In order to prevent cases of abuse and violation of underage athletes' rights, relevant Government agencies and NGOs formed a team to come up with Measures to Eradicate Sexual Abuse in Sports. The Measures include permanent dismissal of abusive coaches, establishment of guidelines on physical contact and coach-athlete interviews, establishment of a central sexual abuse report authority for all sports, more rigorous qualification requirements for coaches, and training programs for coaches. For the development of wholesome and healthy school athletic programs, the Government will continue to strengthen guidance and supervision with implementation of Measures for Sound School Athletic Programs.

Prevention of sexual abuse on school grounds

516. As a means to prevent sexual abuse on school grounds, 70% of schools will install closed-circuit surveillance by 2010, which is today only in 12% of schools. Another relevant effort is the Clean 365 Comprehensive Measures, implemented since 2008, enabling permanent expulsion from the teaching profession of faculty who are caught committing sexual offenses against minors, which is referred to as the Three-Strikes-Out system.

(d) Other forms of exploitation (art. 36)

517. In addition to child abuse, sexual exploitation and abuse of children, the following are strictly prohibited by the Child Welfare Act, Youth Protection Act, and other related laws: inducing or initiating a child to perform obscene acts, exposing to the public a child with disabilities for the purpose of entertainment, making a child beg or using a child for begging, making a child perform acrobatics detrimental to the child's health or safety for the purpose of public recreation or entertainment, unauthorized persons brokering child fostering in exchange of monetary compensation, use of funds (donated or provided for a child) for purposes other than the care of the child, making minors attract customers on the streets for profit, running a business in a way that violates decency (e.g. letting minors of the opposite sex rent rooms together) or providing a location for such conduct, coffee and tea shops making minors deliver beverages to offsite customers, or encouragement or sanction of such acts.

C. Statistics**1. Juvenile justice***Status of juvenile crime*

518. There were 2,548,010 cases of crime in 2007. Juvenile crime accounted for 116,135 (4.6%). In 2003, juvenile cases took up 4.3% of the total, went down to 3.6% in 2005 and back up to 4.6% in 2007 (see Table 8-1).

Repeat offenses of juveniles on suspended indictment

519. The Diversion System, a guidance-oriented program aimed at preventing recidivism of juvenile delinquents, has been in place since 2004. The goal is to avoid subjecting juvenile delinquents to judicial action and instead provide protection and guidance, facilitate their return to society, and prevent repeat offenses. Unfortunately recidivism in juveniles with suspended indictment has actually gone up from 10.2% in 2003 to 15.7% in 2006. This demonstrates that policies and programs for prevention of repeat offense require improvement (see Table 8-2).

Procedures for dealing with juvenile crime

520. Prosecutors investigate juvenile suspects sent by the police or discovered by the prosecutors themselves, and conclude the investigation with indictment or transfer to juvenile reformatories, or drop the case. In 2007, of 115,990 cases of juvenile crime, 49.2% received suspension of indictment and 23.3% were sent to juvenile reformatories. This shows that, unlike adult criminals, juvenile criminals are mostly dealt with through guidance instead of judicial action (see Table 8-3).

Juvenile reformatories as regular schools

521. The Juvenile Reformatory Act was amended in 2004 to re-institute juvenile reformatories as regular schools, providing the juveniles with education opportunities equal to those attending other schools.

Status of juvenile reformatories

		<i>Name of institution</i>	<i>Date founded</i>	<i>Curriculum</i>
Specialized Schools	Information and Telecommunication School	Seoul Juvenile Reformatory (Gobong Information Telecommunications Secondary School)	20/4/42	<ul style="list-style-type: none"> • Middle school curriculum • High school curriculum (Computer animation, multimedia telecommunications) • Vocational training (confectionery, video media, e-sports)
		Jeonju Juvenile Reformatory (Songcheon Information Telecommunications School)	25/3/67	<ul style="list-style-type: none"> • Middle school curriculum • Practical English, computer skills • Classification judgment • Counseling, investigation before prosecutor's decision • Character development of entrusted juveniles
		Daegu Juvenile Reformatory (Upnae Information Telecommunications School)	21/11/45	<ul style="list-style-type: none"> • Alternative education (general students & students with suspended indictment)
		Chuncheon Juvenile Reformatory (Shinchon Information Telecommunications School)	9/9/63	<ul style="list-style-type: none"> • Guardian education • Psychotherapeutic counseling for youth
		Jeju Juvenile Reformatory (Hangil Information Telecommunications School)	9/11/87	
	Information Industry Schools, vocational training institutes	Busan Juvenile Reformatory (Oryun Information Industry School)	18/1/47	<ul style="list-style-type: none"> • Vocational training (car electronics, welding, confectionery, hairstyling skills) • Classification judgment, character development of entrusted juveniles, guardian education
		Gwangju Juvenile Reformatory (Goryong Information Industry School)	7/11/46	<ul style="list-style-type: none"> • Vocational training (car electronics, automatic welding, heavy equipment, architecture environment furnishing skills) • Classification judgment, character development of entrusted juveniles, guardian education

	<i>Name of institution</i>	<i>Date founded</i>	<i>Curriculum</i>
	Anyang Juvenile Reformatory (Jeongshim Girls' Information Industry School)	1/10/46	<ul style="list-style-type: none"> • Middle school curriculum • Vocational training (beauty, skin care, office automation skills)
General School	Daeduk Juvenile Reformatory (Daesan Secondary School)	1/7/98	<ul style="list-style-type: none"> • Middle/high school curriculum • Classification judgment, counseling, investigation before prosecutor's decision • Therapy, rehabilitation, education of juveniles in Type 5 Correction Treatment • Character development of entrusted juveniles, guardian education • Alternative education (general students & students with suspended indictment) • Education for guardians of students in alternative education • Counseling, investigation before prosecutor's decision • Psychotherapeutic counseling for youth

2. Prevention of labor exploitation

Guidance and supervision of employers of underage workers

522. In spite of constant guidance and supervision from the Government, unlawful conduct does take place at workplaces with underage workers. It is also noted that young people sometimes suffer from infringements on their labor rights at the workplace due to the lack of sufficient instruction at school regarding the work conditions to which they are entitled. Each year, the Government closely monitors infringements through the Ministry of Labor to protect underage workers.

523. Statistics show that out of the 1,502 workplaces with underage workers examined in 2006, 876 underwent corrective measures. Most of the findings were minor breaches such as insufficient provision of certificates for underage employees. Some workplaces failed to comply with regulations on minimum wage or prohibitions against nighttime work. Yet with the exception of one case, all breaches were rectified within the specified time.

3. Trends in underage drug abuse

524. Total drug and substance abuse figures have steadily decreased over the past five years, with a slight increase in 2006. In contrast, underage drug-related crime shows a recurring up-and-down pattern, with the exception of a significant drop in 2004 (see Table 8-4). Meanwhile, the total number of hallucinogen users recorded a slight year-on-year decrease in 2006, while the proportion of underage users went up from 13.3% to 21.4% (see Table 8-5).

4. Underage prostitution

525. Underage prostitution arrests sustained a steady increase into 2004, but numbers have been going down since 2005, thanks to aggressive anti-prostitution policy enforcement (see Table 8-6). Noting that around 85% of solicitation for underage prostitution takes place on the Internet via chat rooms etc., the Government plans to amend the Act on the Protection of Juveniles from Sexual Exploitation in 2008 to include punishment of predators who lure children into sex traffic in online chat rooms by offering money in exchange for meeting them off-line.

D. Factors and difficulties

526. The Juvenile Justice System is being improved to better guarantee the rights of children who need special protection. Efforts are in place to protect children from sexual abuse and exploitation, and also for children with foreign nationalities to enjoy the same education opportunities as Koreans.

527. Juvenile crime cases are taken by criminal courts, while juvenile protection cases are served at juvenile departments of family courts or juvenile departments of district courts. This means that when a crime case involving a minor is to be served as a protection case, it must be transferred from the criminal court to the juvenile department of the family court or district court. Fortunately, the Juvenile Justice System provides a swift and fair transfer procedure.

528. To prevent sexual exploitation of minors, healthy awareness and understanding of sex is as important as strict law enforcement against offenders. Local autonomous government bodies will join in the awareness raising efforts of the Ministry for Health, Welfare and Family Affairs, Ministry of Gender Equality, and Korea Institute of Gender Equality Promotion and Education to promote healthy attitudes towards sex. Health education curricula will also be strengthened to help children develop a healthy understanding of sex.

Part Three
Implementation status of Optional Protocol
recommendations

Chapter IX
Implementation status of the first recommendations on the
Optional Protocol on the sale of children, child prostitution
and child pornography

Chapter X
Implementation status of the first recommendations on the
Optional Protocol on the involvement of children in armed
conflict

Chapter IX

Implementation status of the first recommendations on the Optional Protocol on the sale of children, child prostitution and child pornography

1. Current data (see CRC/C/OPSC/KOR/CO/1: para. 8)

529. To help build a comprehensive collection system for data on child prostitution and child pornography, legal grounds for the collection of data were created in the amendment of the Act on the Protection of Juveniles from Sexual Exploitation in 2008. In accordance with the Act, the Government releases biannual statistics on child sex crime among other information. The Ministry for Health, Welfare and Family Affairs has formed networks with relevant Government agencies including the Ministry of Justice and the Police Agency to collect statistics to be used in policy-making.

2. Measures for general implementation

(a) Legislation (see CRC/C/OPSC/KOR/CO/1, para. 10)

530. The Constitution of the Republic of Korea provides 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.” Thus the Government is taking the necessary measures to fully harmonize any new or amended legislation with the Convention on the Rights of the Child and the Optional Protocol. In particular, the Convention and Optional Protocol are reflected in any enactment or amendment of laws and regulations on children.

531. To ensure that the consolidation of Government bodies in 2008 results in efficient policy execution, the Government plans to implement a structured overhaul of child-related laws and regulations. The spirit of the Convention on the Rights of the Child and the Optional Protocol are to be integrated into laws and regulations.

532. The Comprehensive Legal Information Service of the Supreme Court provides search functions for users to look up and understand literature on the Optional Protocol. Legal professionals receive training on the Convention on the Rights of the Child in their sessions on human rights and human rights sensitivity at the Legal Research and Training Institute.

(b) National Plan of Action (see CRC/C/OPSC/KOR/CO/1, para. 12)

533. The Comprehensive Plan for Preventing Sex Trafficking was established in 2004 to prevent the commercial sexual exploitation of women and children, and protect victims. Three years later in 2007, the Plan was updated and strengthened to reflect changes in the environment, including a decrease in infringements of human rights, shrinking brothel-concentrated areas, and the rise of disguised brothels, online prostitution, and overseas sex trafficking. In the updated Plan, policy challenges were re-aligned to fit the international community’s classification framework of “the Three Ps” (Prevention, Protection, and Prosecution).

534. In addition to the implementation of the Comprehensive Plan for Prevention of Sex Trafficking, policies to protect children from sexual abuse were strengthened in 2008.

- Prevention: Closed circuit surveillance on playgrounds and parks, designation of Child Safety Zones and heightened patrol therein, formation of community groups

for child safety, more sex education and safety education for children, instruction of parents, staging of nationwide awareness campaigns, and so on

- Prosecution: Heavier sentencing of child sex offenders, overhauling statute of limitations rules, treatment probation of certain sex offenders, establishment of a full-time investigation team for crimes against children, more professional training for sex crime investigators, building databases of sex offenders' DNA information, early detection of children in danger with better execution of "Amber Alerts", and so on
- Protection: Building and running more victim support systems, e.g., Centers for Sexually Abused Children (Sunflower Centers for Children) across the country, training and placing experts groups to help victims, correction and treatment for underage offenders, and so on

(c) Coordination and evaluation (see CRC/C/OPSC/KOR/CO/1, para. 14)

535. The Child Policy Coordination Committee is responsible for coordinating policies for implementation of the Convention. In turn, the Child Policy Working Group contributes to effective coordination. Specifics are detailed in the section of this report discussing the implementation of 2003 recommendations. In an effort to provide a legal basis for the monitoring functions for the Convention on the Rights of the Child, amendment of domestic law is under discussion.

(d) Campaign and training (see CRC/C/OPSC/KOR/CO/1, para. 16, 17)

536. Government's support for child-related NGOs' rights awareness and promotion campaigns helped the Convention and Optional Protocol become more widely known to the public. However, Korea still needs to raise the level of awareness of children's rights. Thus the Government plans for the comprehensive development of training material, including texts, online and multimedia content. Such material shall be used in the training and awareness raising campaigns for youth support facility staff, school faculty, children, and citizens in general.

537. Each year, the Government carries out measures to enhance sex education in schools and prevent sexual abuse. At least 10 hours of sex education, including sessions on preventing sexual abuse and prostitution, and at least one hour of education specifically aiming to prevent prostitution, is required in each school year. In 2008, to encourage sex education at school, the Government made and distributed sex education textbooks across the country, and also produced video clips on prevention of student sexual abuse to post on the websites of schools and local offices of education. Public guidance material to prevent underage sexual abuse was also distributed. The Government will continue to provide school curricula with guidance and instruction on child sexual abuse prevention.

538. In 2007, 22 February was declared the Anti-Sexual Abuse of Children Day, to raise social awareness on sexual abuse of children within both the public and private sectors. The Protect Our Children Campaign was launched the following year with the participation of local autonomous government bodies, religious groups and NGOs. These movements and campaigns are reminding the public that each and every individual must join in the effort to make the world safe for children.

539. Expert courses for training child sexual abuse prevention instructors were opened in 2008 at the Korea Institute for Gender Equality Promotion and Education. With 55 instructors graduating from the first pilot round of courses, the institute plans to increase the number of graduates each year.

(e) Allocation of resources (see CRC/C/OPSC/KOR/CO/1, para. 19)

540. The budget for policies to prevent sexual and domestic violence and protect victims has been steadily increased, going from 6.324 million won in 2003 to 21.612 million won in 2008, a growth of 3.4 times its former size in 5 years. The Government provided 200 million won in 2006 and 100 million won in 2008 for the treatment and rehabilitation of underage perpetrators of sexual trafficking. Two hundred million won in 2006, 630 million won in 2007, and 620 million won in 2008 went to the treatment and rehabilitation of underage victims of sexual abuse. The investment is an ongoing effort, with 730 million planned in 2009 for the treatment and rehabilitation of underage perpetrators of sexual trafficking and underage victims of sexual abuse.

541. There are three Centers for Sexually Abused Children founded by the Government. In 2004, the Government provided 503 million won in funds; in 2005, 1,445 million; in 2006, 1,350 million; another 1,350 million in 2007; and 1,850 million won in 2008. The Government has also hosted the Anti-Sexual Abuse of Children Day ceremony since 2007. In 2008, the Government also launched the Protect Our Children Campaign and collected 10 million written vows to help prevent child sex abuse.

542. In 2008, the Government will expand the three Centers for Sexually Abused Children into one central association and 16 local branches. The Government also plans to establish the Anti-Sexual Abuse of Children Day as a regular annual event as it continues to promote greater public awareness necessary to wipe out crimes like sexual assault that are committed against children.

(f) Independent organizations (see CRC/C/OPSC/KOR/CO/1, para. 21)

543. Currently, the National Human Rights Commission does not have a separate division dedicated to the rights of children. However, to implement the recommendations of the Committee of the Rights of the Child in good faith, the Commission has selected promotion of greater expertise in children's rights, the Commission formed a project team for children's rights in 2008, composed of staff from child-related project departments including policy, discrimination, infringement and education.

544. Since the National Human Rights Commission lacks the authority to issue its own orders, it must consult the Government when issuing orders on official organization. Establishment of a division dedicated to children, or increase of staff in charge of child issues shall be discussed in the next revision of orders on official organization.

3. Prevention of child trafficking, sex trafficking, and child pornography (see CRC/C/OPSC/KOR/CO/1, paras. 23, 25, 27 and 29)

545. The Government is conducting surveys to use in anti-prostitution policies. In 2002 and 2007, there were nationwide studies on the status and economic impact of prostitution. The absence of prostitution index was developed in 2005 to measure the extent of sex trafficking at the local government level across Korea. It was then pilot-tested in 2006, and officially used in assessment in 2007. Findings from the 2007 measurements using the index have been reflected in the consolidated evaluation of Government policy administration.

546. The Center for Women's Human Rights has been partially funded by the Government since 2005. The Center builds networks between support facilities for sex trafficking victims and trains people to work in the facilities. The Center also develops and promotes support programs and plans projects for education, promotion, and information on the prevention of sex trafficking.

547. There is active cooperation between Government agencies to improve our sex culture. Nine Civic Watchdogs for the prevention of prostitution were put in place in eight cities and provinces in 2006, and were converted into local autonomous government projects in 2007.

548. The Government and various NGOs are collaborating on anti-prostitution awareness raising campaigns. The Week without Violence in 2007, and the International Women's Day in 2008 were triggers for such campaigns.

549. Help for victims of sex trafficking is provided in joint efforts from the Government and NGOs. Funds are supplied for facilities and counseling, improvement of facilities, and also for legal assistance, medical care, vocational training, victim rehabilitation programs, business start-ups, and self-support programs. Twenty-two billion won in 2005, 20.2 billion in 2006, 18.1 billion in 2007, and 15.4 billion won in 2008 went out to such programs.

550. The Johns School program, designed to help convicted customers of prostitution avoid repeating the offense, began in 2005 in the Seoul Probation Office for eight prostitution service customers. A standard program for prostitution offenders was developed and launched in 2006. Johns Schools were operated in 22 probation offices (11,217 offenders) in 2006 and in 29 offices (15,124 offenders) in 2007. The Government's ongoing surveys and studies on the Johns School program and their effectiveness have furthered the program's role in enhancing awareness of sexual issues.

551. Measures to Prevent Overseas Sexual Trafficking were established in 2006. Promotion and education for Korean communities and travel agencies overseas, aggressive collection of information on brokers of overseas prostitution, methods of detection and arrest, and the establishment of systems of collaboration between relevant Government agencies were some of the measures implemented. The Overseas Prostitution Prevention Team, a joint effort of the Prosecutors' Office, Police Agency, and National Information Service, constantly monitors customers and brokers of prostitution overseas. The Ministry of Justice hosts the conference of Government agencies for anti-human trafficking twice annually in which representatives from the Prosecutor's Office, Police Agency, Ministry of Labor, Ministry of Gender Equality, and the U.S. Embassy participate and discuss ways to fight the various forms of human trafficking, including prostitution.

552. The Passport Act was amended in 2008 to further limit the issuance of passports to people with records of brokering or patronizing overseas sex trafficking. The Act even prescribes confiscation of passports when necessary. Training is provided for travel agency employees. Travelers are alerted that soliciting prostitution overseas is subject to punishment under Korean law. The Government also assists campaigns in Korean communities overseas, including movements to certify healthy business practice in Korean travel agencies, restaurants, bars, and other hospitality service providers.

553. Two obstacles to preventing overseas prostitution are that it is difficult for authorities to access the victims, and that customers are not aware that they are committing a crime. This is why the Government plans to step up supervision and monitoring of the tourism industry and build networks for international collaboration to fight prostitution. Also, the victims of overseas prostitution who return to Korea will be supported by protection and self-reliance training networks consisting of support facilities, counseling centers, and the Center for Women's Human Rights.

554. The Comprehensive Plan for Preventing Sex Trafficking includes specific policies on blocking solicitation of prostitution via the Internet or mobile phones. Relevant laws and regulations have been amended to strengthen prosecution against senders of illegal spam mail and other forms of phone or Internet advertisements. The Government has also begun monitoring proliferation of illegal and harmful information. Special control teams were

formed for summer and winter vacation times to conduct intensive crackdown on harmful material and information.

555. Instructional sessions for parents have been provided by the Government since 1999 to promote a wholesome culture of media exposure. Organizations where national-level education networks are accessible are awarded State subsidies. The parent instruction classes run by primary and middle schools, local autonomous government bodies, and education offices in 16 cities and provinces across the country also serve as outlets offering structured education on the pros and cons of media. In 2009, a new project will be launched with the aim of fostering a healthy Internet environment. The Government plans to develop a software program that blocks access to harmful online contents via computer and/or mobile communication devices and to distribute this free of charge to all households wishing to use it.

4. Prohibition of child trafficking, sex trafficking and child pornography and related issues

(a) Criminal Code and regulations (see CRC/C/OPSC/KOR/CO/1, paras. 31, 33 and 35)

(a) Ratification of the Optional Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children

556. The Government is actively involved in the international community's endeavors to punish and prevent international organized crime. In December 2000, it joined the Treaty against Transnational Organized Crime and the Optional Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. Enactment and amendment of related domestic laws and regulations are under way for the ratification and implementation of the Treaty and Protocol.

(b)(-f) Amendment of the Act on the Protection of Juveniles from Sexual Exploitation

557. The Act on the Protection of Juveniles from Sexual Exploitation was enacted in 2000 to fulfil the following objectives: to rigorously punish the purchase of sex from young people and all forms of mediation to child prostitution and those who sexually exploit youth; and to provide measures to protect and rehabilitate young people who have become victims of prostitution or sexual exploitation. The ultimate objective is to guarantee the rights of young people and facilitate their restoration as healthy members of society. To reinforce anti-crime efforts, the Law also makes public the personal information of sex offenders against young people. A series of amendments to the Law helps further protection and rehabilitation of young people while strengthening punishment of sex offenders.

558. The Act on the Protection of Juveniles from Sexual Exploitation was amended in 2004 to institutionalize measures to eradicate prostitution and brokering thereof. The measures include punishment of human trafficking for sex trade, whereby pimps and mediators of prostitution may be thwarted, and confiscation and forfeiture of money and other profits gained in prostitution brokering and so on. In 2007, shortcomings of the Act were further rectified by the following measures. Sexual offense was changed from an offense subject to prosecution only with the victim's complaint, to an offense not subject to prosecution only when the victim objects to prosecution. A change of rules subjected a wider range of sex offenders to registration and disclosure. Underage victims were separated from their guardian with parental rights in cases where the guardian had committed a sexual offense against the child.

559. When the Act on the Protection of Juveniles from Sexual Exploitation was established in 2000, child prostitution was defined as only "acts of purchasing sex from minors", or offering money or monetary profit, service, or convenience to the minor, the

broker, or the guardian or overseer of the minor in exchange for sexual intercourse, or acts similar to intercourse, using objects or body parts such as the anus or mouth. However, the Law was amended in 2005 to include in the definition of child prostitution any indecent or offensive contact or exposure of either part of the body or the full body, masturbation in the company of a minor, or inducing a minor to masturbate.

560. The current Act on the Protection of Juveniles from Sexual Exploitation prescribes that persons convicted of purchasing sex from young people are to be punished with up to three years' imprisonment or 20 million won in fines (art. 10). Victims of child prostitution are, for the purpose of protection and rehabilitation and, notwithstanding provisions of other laws, not to be punished (art. 25).

561. Not only producers, importers, exporters of child pornography, persons who sell, rent, distribute child pornography for profit, those who possess child pornography for sale, rent or distribution, and those who publicly display or present child pornography, but also any persons who possess such material without any particular purpose are subject to rigorous punishment. Child pornography refers to material featuring minors engaging in any of the acts described in the above paragraph or any other sexual activity. The format of the material may be film, video cassette, video game units, or pictures or videos viewed on a computer or other sorts of telecommunication media.

Swift investigation, indictment, conviction, and responsibility of legal persons

562. The Korean Government has a prosecutor dedicated to cases of sexual abuse and exploitation of women and children. The investigation team dedicated to sexual crime enables the swift resolution of cases. The prosecution and police also run a 24-hour internal hotline for real-time command of investigations. For quick and effective investigation, a dedicated prosecutor is assigned as soon as a sexual abuse case is discovered. The public helpline for sexual abuse (1301, ARS # '35') enables efficient reporting.

563. Punishment of legal persons involved in prostitution, pursuant to regulations on dual punishment, was stipulated in 2004 when the Act on the Punishment of Acts of Arranging Sexual Traffic was established.

(b) Adoption (see CRC/C/OPSC/KOR/CO/1, para. 37)

564. The views of the Korean Government on ratification of the adoption authorization system and the Hague Convention have been discussed in this report in the section dealing with the implementation of recommendations from the Committee. Adoption based on unjust consent is clearly prohibited by the Civil Code, Child Welfare Act, and Act on Special Cases Concerning the Promotion and Procedure of Adoption.

565. Article 884 of the Civil Code provides that adoption is cancelled when consent to adoption was given under deception or coercion. Also, article 9 of the Act on Special Cases Concerning the Promotion and Procedure of Adoption provides that adoption is also to be annulled when the adopted child had been forcibly taken or lured from its guardian. Article 19 of the same Act cancels the adoption agency's permit to adoption when the agency harms the interest of any child listed for adoption.

(c) Jurisdiction and the repatriation of criminals (see CRC/C/OPSC/KOR/CO/1, para. 39)

566. The Criminal Code of the Republic of Korea follows the territorial principle and therefore applies to both Korean nationals and foreigners who commit crimes on territory of the Republic of Korea. The Criminal Code also applies to Koreans who commit crimes outside Korean territory, pursuant to the nationality principle. Furthermore, due to the

principle of double criminality, the Code is applicable to foreigners who commit crimes against the Republic of Korea or its citizens outside Korean territory.

567. Korean nationals who commit sexual crimes overseas are subject to rigorous punishment under relevant law. The Act on the Protection of Juveniles from Sexual Exploitation provides that for Korean nationals who commit, outside Korean territory, sexual crimes against minors that are subject to criminal punishment by article 3 (Overseas Crime of Nationals) of the Criminal Code, information on the crime is to be immediately received from that country to facilitate prosecution.

568. Pursuant to the Extradition Law, treaties with other countries and the principle of reciprocity, the Korean Government shall do its utmost to extradite foreign criminals when a foreign country demands extradition of child sex offenders. According to the majority of the criminal extradition agreements the Government has signed, all forms of crime punishable by at least one year imprisonment are subject to extradition. All sexual offenses against children are included, since the law of the Republic of Korea, namely the Act on the Protection of Juveniles from Sexual Exploitation provides that all such crimes are punishable by a sentence of at least one year.

5. Protection of the rights of child victims

(a) Measures to protect the rights and interests of child victims of offenses under the Optional Protocol (see CRC/C/OPSC/KOR/CO/1, para. 41)

(a)(-c),(e) Legal and rehabilitation support for victims of sexual trafficking, and prevention of stigmatization

569. Article 6 (Special Cases of Punishment and Protection of Victims of Prostitution) of the Act on the Punishment of Acts of Arranging Sexual Traffic, provides that for protection of victims of prostitution, the victims are exempt from punishment.

570. Youth support facilities are run by the Government. Support facilities for victims of child prostitution provide emergency, temporary funds for sustenance; legal and medical help; and vocational training so the victims can extract themselves from prostitution and become financially independent. Counseling centers offer medical and legal counseling. A legal support team for more legal counseling, legal procedure for victims, and development of manuals for counseling are also in the works.

571. The Act on the Punishment of Acts of Arranging Sexual Traffic, enacted in 2004, defines minors who are arranged or lured into prostitution as victims of prostitution, and has special provisions for the protection of such victims. The Ministry of Justice and the Supreme Prosecutor's Office have jointly developed the Guidelines on Dealing with Cases of Juvenile Victims of Sex Trafficking and had them implemented in the prosecutors' offices. Guidelines for young people in cases related to the Act on the Protection of Juveniles from Sexual Exploitation were also created to prevent victims from being punished or stigmatized.

(d) Consolidation of child counseling helpline services

572. The Health and Welfare Call Center ("129") was set up in 2005 as a means to improve the social welfare delivery system. The Center functions as a portal for counseling, information, and referrals so that users can access welfare information and counseling in one phone call. The Helpline for Child Abuse ("1391") was also integrated into "129" to make "129" the sole helpline for all health and welfare matters.

573. Existing special helplines for young people in crisis, such as "1388" and "1588-0924", were consolidated into "Help Call! Youth Phone 1388". The Korea Youth

Counseling Institute and youth (counseling) support centers from 16 cities and provinces and 126 cities, counties and wards offer an integrated service through “1388” on 280 lines.

(b) Protective measures in the criminal justice system (see CRC/C/OPSC/KOR/CO/1, para. 43)

574. The Act on the Prevention of Sex Trafficking provided that around 2,000 victims of prostitution were not punished for the first three years of enactment. In addition, the Protection of Reporters, etc. of Specific Crimes Act provides that reporters of crimes are protected by provisions prohibiting any records of information on the reporter, prohibiting disclosure of information on the reporter, and restricting access to the information.

575. As discussed in the section on implementation of the 2003 recommendations, dedicated prosecutors and police are assigned to cases of child sex trafficking, testimonies are recorded on video, and trustworthy persons are made present at the questioning sessions, helping make the judicial procedure more child-sensitive.

(c) Rehabilitation of victims and reintegration into society (see CRC/C/OPSC/KOR/CO/1, paras. 46, 47)

576. Funds are provided for treatment of physical and psychological disorder in underage victims of commercial sexual exploitation, trafficking, and other victims of prostitution. The funds include provision for treatment of diseases found in victims, and illnesses not covered by medical insurance.

577. Victims of sexual trafficking are provided not only with protection but also a comprehensive treatment and recovery program that includes stabilization and healing of the mind and body, suggestion of specific goals in life, help in job-seeking and business launching, and other support for self-sustenance. The treatment and recovery program consists of counseling, emotion-focused therapy, lectures (learning), and motivational sessions.

6. International support and cooperation (see CRC/C/OPSC/KOR/CO/1, para. 48)

578. International cooperation for implementation of the Optional Protocol is being strengthened. For instance, the Government has participated in the workshop in Indonesia on preventing regional human trafficking and protecting victims in 2006, and has provided 50,000 US dollars for the UN Trust Fund in Support of Actions to Eliminate Violence Against Women in 2007.

579. The Ministry of Gender Equality and Ministry of Justice has hosted three Expert Group Meetings on Prevention of International Trafficking since 2003. The annual meetings convened on the themes of prevention of human trafficking, protection of victims, and prosecution of offenders. The Meetings provided a forum to discuss stronger international cooperation for eradication of trafficking and effective countermeasures.

580. The Korean Government encourages active participation of ministries and Government agencies in international conferences on women’s issues. It will continue to be part of the international effort for furthering of women’s rights, through contribution to projects for women’s issues, among other endeavors.

7. After-measures and dissemination (see CRC/C/OPSC/KOR/CO/1, paras. 49–50)

581. The Children’s Rights Monitoring Center promptly provided relevant Government agencies with a Korean-language translation of the Committee’s recommendations on implementation of the Optional Protocol in June 2008. The recommendations were also delivered to the Ombudspersons for Children’s Rights and NGOs. Brochures on the

Optional Protocol and the recommendations were also produced and distributed to Government agencies, legislators, the Ministry of National Defense, and local autonomous Government bodies to help improve the understanding on the Convention on the Rights of the Child, and enable implementation of the provisions. An event was also held to promote the periodic report to the public and groups for children. The content of the report is made readily available on Government websites.

Chapter X

Implementation status of the first recommendations on the Optional Protocol on the involvement of children in armed conflict

1. Measures for general implementation

(a) Dissemination and training (see CRC/C/OPAC/KOR/CO/1, paras. 8–9)

582. The Special Warfare Training Group trains all Korean Peace Keeping Forces with the Standard Generic Training Module (SGTM). The “Operating Principles/Cultural Understanding” section of the Module includes education on children’s rights, focusing on protection of children. Meanwhile, the Ministry of National Defense has a judge advocate for international human rights in its Human Rights Division, who monitors and evaluates the implementation status of the Convention on the Rights of the Child and the Optional Protocol. The Ministry promotes the Convention and Optional Protocol for the military, military academies, and the Education and Training Commands. The Ministry will include provisions of the Convention and the Optional Protocol in the curricula of the military, military academies, and the Education and Training Commands to enhance the awareness of our forces on the issues.

583. The Ministry of Justice created the Human Rights Bureau in 2006. The Bureau educates and trains public servants responsible for immigration administration who deal with child refugees from areas in armed conflict. The Legal Research and Training Institute systematically runs more than 20 sessions a year for immigration administrators to enhance awareness and prevent discrimination of child refugees. “Foreigners and Their Human Rights” and “Understanding Multicultural Society” are among the subjects taught at the Institute. The Ministry of Justice will continue to educate immigration officers on the rights of child refugees.

(b) Independent organization for promoting human rights (see CRC/C/OPAC/KOR/CO/1, para. 11)

584. Though the National Human Rights Commission of Korea does not have a separate division dedicated to children’s rights, all commissioners are experts on human rights in general. The Commission has selected the promotion of children’s rights as a major objective for 2006 and 2007. In 2008, it formed a Project Team for Children’s Rights, bringing together staff from child-related project departments within the Commission, including policy, discrimination, infringement, and education, for the systematic advancement of the project. Since the National Human Rights Commission lacks the authority to issue its own orders, it will consult with the relevant Government departments to create a division dedicated to children.

2. Prohibitions and related issues

(a) Laws and regulations (CRC/C/OPAC/KOR/CO/1, para. 13)

585. The Military Service Act was amended in 2004 to raise the age of conscription from 17 to 18. In 2005, the Air Force Regulations providing for the wartime basic duties of Air Force Aviation Science High School students under age 18 (15-1, Wartime Education Provision) were amended to prohibit children from engaging in armed conflict. Because the age of admission is “at least 17” in military academies and the Armed Forces Nursing Academy, participation of 17 year-old students in armed conflict could have become a problem. However, this was pre-empted by article 11, paragraph 2 of the Military Personnel Management Act, which provided that 4th-year students in military academies were to be appointed as officers in wartime. Therefore, the involvement of children in armed conflict is currently not permitted under Korean law.

586. The Government is helping fulfil the objective of the Optional Protocol on Children in Armed Conflict by amending the provisions regarding the age of persons who fulfil their military service duties along with Air Force Regulations, and through the revision of provisions on military training.

587. The Republic of Korea has joined international treaties on human rights upholding the basic rights, dignity and morals of all human beings. Pursuant to article 6, paragraph 1, of the Constitution of the Republic of Korea, these treaties have the same effect as the domestic laws of the Republic of Korea. Thus the provisions of the Convention on the Rights of the Child and the Optional Protocol are integrated in relevant domestic law.

(b) Extraterritorial jurisdiction (see CRC/C/OPAC/KOR/CO/1, para. 15)

588. The Criminal Act of the Republic of Korea follows the territorial principle and therefore applies to both Korean nationals and foreigners who commit crimes on the territory of the Republic of Korea. The Criminal Act also applies to Koreans who commit crimes outside Korean territory, pursuant to the nationality principle. Furthermore, due to the principle of double criminality, the Code is applicable to foreigners who commit crimes against the Republic of Korea or its citizens outside Korean territory. Since recruiting a child of Korean nationality and using him in hostile activity for the military or any other armed group is a clear violation of law, the Korean Government conducts strict law enforcement in such cases, regardless of location or the nationality of the violator.

3. Protection, recovery and reintegration

(a) Measures to protect the rights of child victims (see CRC/C/OPAC/KOR/CO/1, para. 17)

589. There is close cooperation between Government agencies for the identification of refugees and asylum-seeking persons. When the Ministry of Justice decides it is difficult to identify the person applying for refugee status, requests for cooperation are made to related agencies including the Ministry of Foreign Affairs and Trade. Consulates in the home country of the refugee also assist in identification. However, in politically volatile countries or countries with insufficient administrative functions, even diplomatic and consular offices may find it difficult to identify the person. The Government is seeking ways to improve the identification process, and will make every effort to protect the rights of child refugees by enhancing refugee status administration, helping the children quickly gain status that provides safety and asylum.

590. To help the child refugees’ adjustment to life in Korea, the Government provides them with resident status, legal right to stay, and rights provided by the Convention

Relating to the Status of Refugees (public education and relief, etc.) and enjoyed by Korean nationals. Refugee children may receive free compulsory education at the schools in their neighborhoods, and also basic support stipulated in the National Basic Living Security Act.

591. The Government conducts studies on major conflict areas. Data on refugee children is classified by region, age, sex, and other criteria. As of 2008, a total of 76 persons were given refugee status. Refugee status was given to two children in 2004, six in 2007 and two in 2008. Seven were from Asia, three from Africa; and seven were between the ages of one and four, and three were between five and 17. Seven were boys and three were girls. Currently there is no separate facility dedicated to the social adaptation (i.e., preschool childcare, education support) of refugee children; but refugee help facilities are planned to open in 2012.

(b) Displaced North Korean children (see CRC/C/OPAC/KOR/CO/1, para. 18)

592. The Government, by principle, accepts displaced North Koreans who wish to enter the Republic of Korea of their own free will. Close cooperation with related countries and international organizations is in place for the admission of such refugees. The Korean Government also makes requests to other countries to protect these refugees and prevent them from being transported back to DPRK against their own will.

593. The Government will consider the specific needs of these children in crafting the policies on displaced North Koreans, by including, creating the way of considering children's opinion and guaranteeing the right of a child to stay with his/her parents.

4. International support and cooperation

(a) International cooperation (CRC/C/OPAC/KOR/CO/1, para. 20)

594. The Ministry of National Defense trains forces to be deployed to conflict areas including Iraq and Lebanon, on humanitarian aid, construction of hospitals and schools, and cooperation between the military and the private sector. The Ministry will continue to carry out activities for children's welfare in conflict areas for humanitarian purposes.

595. The Korean Government supports KOICA activity for children's safety in countries under conflict such as East Timor, Ethiopia, Afghanistan, Iraq, Pakistan, and Cote d'Ivoire. The following are examples of child welfare work done in conflict areas:

- In 2006, the Korean Government funded a healthcare project (US\$ 31,980) conducted by the Korean Medicine Service Team Abroad (KOMSTA) with a view to promoting the welfare of women and children in East Timor.
- In 2003, the Government supported the Food for the Hungry International for their water sanitation project in Ethiopia (US\$ 40,790). In 2005, the Government contributed to construction and education projects for indigent children in the city of Addis Ababa run by Good Neighbors International. (US\$ 80,500).
- In 2003, the Government supported a school reconstruction project (US\$ 34,870) and the provision of safe drinking water and hygiene education in schools project (US\$ 61,030) run by UNICEF Korea. The Government also assisted a slum development project run by Good Neighbors in Kabul (US\$ 97,780). In 2004, the Government also supported a school construction project in Parwan (US\$ 927,340).
- In 2003, the Government assisted a number of programs in Iraq, such as water and sanitation in primary and middle school project administered by World Vision (US\$ 203,640), reconstruction of primary schools and supply of learning materials project run by Save the Children (US\$ 50,910), and primary school construction and

community culture center development carried out by Korea Food for the Hungry International (US\$ 369,550).

- In 2006, the Government aided Pakistan by supporting Save the Children in their child education project (US\$ 305,450) in Battagram.
- From 2004 through 2006, the Korean Government sent pediatricians to Cote d'Ivoire.

596. KOICA aid is provided in the following seven categories; medicine/healthcare, education, administration, information telecommunication, regional development, industry/energy, and environment. Therefore, it is difficult to obtain separate tallies regarding the current status of aid for children. The Government will increase the budget for official development assistance to expand KOICA's scope of work in conflict areas.

(b) Sale of arms and military aid (see CRC/C/OPAC/KOR/CO/1, para. 22)

597. The Defense Acquisition Program Act and Foreign Trade Act provide the grounds for restricting the sale of small arms and light weapons to conflict areas. The Defense Acquisition Program Act, established in 2006, stipulates that persons intending to sell or mediate (including between two other countries) the sale of key defense industry goods and national defense science or technology to another country must obtain permission from the Defense Acquisition Program Administrator. The Foreign Trade Act provides that trade may be restricted or banned in accordance with trade treaties concluded and declared under the Constitution, or in accordance with duties stipulated in international law, such as protection of international peace and safety. The Government has designated as "export markets requiring caution" the jurisdictions that violate international community norms (e.g., human rights and basic rights). In granting permission to export, the Government restricts trade of small arms and light weapons to the export markets requiring caution.

5. Follow-up measures and promotion (see CRC/C/OPAC/KOR/CO/1, paras. 23–24)

598. The efforts made by the Korean Government to implement the recommendations have been discussed in No. 581.

Tables

Table 1-1

Budget allocated to policies impacting children

(unit: million won, %)

	2003	2004	2005	2006	2007
Total State budget (A)	118 132 320	120 139 368	135 215 587	146 962 504	156 517 719
Budget for Early, primary, secondary education	17 623 061 (-)	18 985 240 (7.7)	24 390 080 (31.3)	25 257 051 (3.5)	26 835 133 (6.2)
Budget for policies impacting children			13 670 (Δ86.51)		
Child welfare	84 297 (-)	101 182 (20.0))	21 663 (58.6)	70 235 (224.2)
Childcare	312 012 (-)	404 997 (29.8)	600 091 (48.2)	791 008 (31.8)	1 043 474 (31.9)
Youth	89 747 (-)	109 824 (22.4)	125 039 (13.9)	137 815 (10.2)	156 536 (13.6)
Sexual/domestic violence	6 324 (-)	13 675 (53.7)	14 563 (6.5)	19 013 (30.5)	20 352 (7.0)
Sub-total (B)	18 115 441 (-)	19 614 918 (8.3)	25 143 443 (28.2)	26 226 550 (4.3)	28 125 730 (7.2)
(B)/(A)	15.3	16.3	18.6	17.8	18.0

Source: Ministry of Strategy and Finance, 2007.

Notes: (1) The 2005 budget is the result of the delegation of certain State-financed projects to local Governments.

(2) The numbers in parentheses indicate the percentage change in budget amount.

Table 2-1
Child population

	2003	2004	2005	2006	2007
Total population (A)	47 859 311	48 039 415	48 138 077	48 297 184	48 456 369
Child population (B)	11 478 537	11 297 516	11 105 069	10 903 869	10 704 846
(B/A)	24.0%	23.5%	23.1%	22.6%	22.1%
Under 1	494 291	480 092	453 778	442 831	449 027
1–5 yrs old	3 008 495	2 858 133	2 712 913	2 537 401	2 383 255
6–11 yrs old	4 177 543	4 112 409	4 016 417	3 922 772	3 806 079
12–17 yrs old	3 798 208	3 846 882	3 921 961	4 000 865	4 066 485

Source: *Population Projections*, National Statistical Office, 2007.

Table 3-1
Ways in which students' opinions are sought in amending or introducing school rules as perceived by students, parents and teachers

	Students	Parents	Teachers
Consultation at class meetings and/or student council meetings	35.6%	41.8%	67.6%
Surveys and/or public hearings	11.9%	7.9%	7.3%
Student council representatives	17.3%	8.3%	14.1%
Opinion posting on bulletin boards	2.0%	1.5%	0.4%
No consultation takes place	12.2%	5.4%	3.8%
Not sure	17.9%	29.6%	3.8%
Others	0.9%	0.4%	0%
Total	97.8%	94.9%	96.9%

Source: *Human Rights of Students in Secondary Schools*, MIHWFA and NHRCK, 2006.

Table 3-2
Disciplinary procedures
(Unit: %)

		Group			Total
		Students	Parents	Teachers	
Notice of disciplinary action	Inadequate	83.7	90.0	13.3	66.0
	Adequate	16.3	10.0	86.7	34.0
Vindication procedure	Inadequate	87.7	91.6	11.1	67.5
	Adequate	12.3	8.4	88.9	32.5

		Group			Total
		Students	Parents	Teachers	
Assistance from experts	Inadequate	95.3	99.3	60.9	86.7
	Adequate	4.7	0.7	39.1	13.3

Source: *Human Rights of Students in Secondary Schools*, MIHWFA and NHRCK, 2006.

Table 3-3
Number of students disciplined for violence in school

	2003	2004	2005	2006
Number of students disciplined for school violence	7 769	7 488	5 653	6 267

Source: Ministry of Education, Science and Technology (MEST), 2007.

Table 3-4
Types of school violence
(Unit: %)

	Physical assaults	Threats	Extortion	Group bullying
2003	2.97	1.11	3.49	0.92
2004	2.51	3.08	4.22	0.63
2005	2.60	3.58	5.00	2.99
2006	2.86	4.26	5.23	3.21

Source: MEST, 2007.

Table 3-5
Number of child deaths from safety-related accidents
(Unit: thousand)

	2002	2003	2004	2005	2006
Population under 18	11 630	11 420	11 242	11 079	10 904
Population under 14	9 725	9 573	9 417	9 240	8 996
Child deaths from safety-related accidents	1 210	1 016	891	756	645
Safety-related deaths per 100,000 children	12.4	10.8	9.5	8.18	7.17

Source: MIHWFA, 2007.

Table 3-6
Child casualties from car accidents

	2002	2003	2004	2005	2006
Car accidents	23 301	24 209	22 226	20 495	19 223
Fatalities	468	394	296	284	276
Injuries	27 135	29 435	27 431	25 314	23 880
Rate of decrease in fatalities (Compared to 2002 figures)	-	15.8%	36.8%	39.3%	41.0%

Source: Ministry of Public Administration and Security (MOPAS), 2007.

Table 3-7
Child fatalities from drowning or falling

	2003	2004	2005	2006
Child fatalities from drowning	156	183	156	78
Child fatalities from falling	108	88	67	58

Source: MIHWFA, 2007.

Table 4-1
Schools prohibiting corporal punishment

	2003	2004	2005	2006
Percentage	27.7%	52.16%	51.0%	53.1%
Number of schools	2 845	5 369	5 458	5 706

Source: MEST, 2007.

Table 4-2
Growth in number of schools with libraries and inventory of books

	2003	2004	2005	2006	2007
Schools	10 503	10 146	10 826	11 016	11 076
School libraries	8 657	9 248	9 696	10 015	10 422
Percentage of schools with libraries (%)	82.4	86.8	89.6	90.9	94.1
Books per student	6.5	7.5	8.32	9.5	10.8

Source: White Paper on Education, MEST, 2007.

Table 4-3
Internet contents rated as harmful to juveniles by authorities

	2003	2004	2005	2006	2007
Contents harmful to juveniles	11 122	11 510	21 764	25 938	26 702
Internet contents harmful to juveniles	3 537	7 657	17 131	19 475	15 314

Source: MIHWFA, 2008.

Table 5-1
Measures taken for victims

Year	Home-visiting counseling Referrals	**	Concluded cases **	In-home protection	Out-of-home protection	Deaths	Sub-total	Outpatient and inpatient treatment	Non-treatment cases	Subtotal
2003	2 921	-	-	1 878	1 040	3	2 921	83	2 838	2 921
2004	3 891	-	-	2 613	1 268	10	3 891	179	3 712	3 891
2005	4 633	-	-	3 238	1 379	16	4 633	194	4 439	4 633
2006	5 202	-	-	3 834	1 361	7	5 202	210	4 992	5 202

Year	Home-visiting counseling	Referrals **	Concluded cases **	In-home protection	Out-of-home protection	Deaths	Sub-total	Outpatient and inpatient treatment	Non-treatment cases	Subtotal
2007	5 581	65	1 673	2 896	943	4	3 843	- *	- *	- *
Total	22 228	65	1 673	14 459	5 991	40	20 490	666	15 981	16 647

* From 2007 on, cases of treatment and non-treatment fell under the category of "services".

** Newly added categories.

Table 5-2
Measures taken for perpetrators

Year	Total	Continued observation	Education and		Legal proceedings			Inpatient treatment	Outpatient treatment	Cases to be closed	Unable to meet	Concluded cases	Others
			counseling	Detained	Undetained	Ongoing	Referrals						
2003	3 410	92	2 158	47	17	105	23	67	11	20	780	-	90
2004	5 568	1 707	2 125			264	121	78	33	417	656	-	167
2005	6 624	2 195	2 557			299	144	131	70	428	711	-	89
2006	7 793	2 825	2 819			198	206	141	85	786	665	-	68
2007	5 581	3 049	-			214	138	-	-	-	575	1 605	-
Total	28 976	9 868	9 659			1 144	632	417	199	1 651	3 387	1 605	414

* From 2007 on, "concluded cases" was added and "education and counseling", "inpatient and outpatient treatment", "cases to be closed", and "others" were deleted.

Table 5-3
Types of children in need

Year	Total no. of children in need	Return home	Types						
			Subtotal		Famine	Child of single mother	Stray children	Juvenile delinquency, running away from home	Poverty, unemployment, abuse etc.
			Boy	Girl					
2003	21 882	11 660	5 540	4 682	628	4 457	79	595	4 463
2004	20 357	10 964	5 153	4 240	481	4 004	62	581	4 265
2005	18 468	9 048	5 351	4 069	429	2 638	63	1 413	4 877
2006	16 008	6 974	4 904	4 130	230	3 022	55	802	4 925
2007	11 394	2 533	4 786	4 075	305	2 417	37	748	5 354

Source: Internal document of MIHWFA, 2007.

Table 5-4
Protective measures for children in need

Year	Total	Protective measures							
		Institutional protection				Home-based protection			
		Child facilities	Facilities for disabled children	Shelters for single mothers	Subtotal	Foster care	Adoption	Other	Subtotal
2003	10 222	4 747	42	35	4 824	2 392	2 506	500	5 398
2004	9 393	4 680	38	64	4 782	2 212	2 100	299	4 611

Year	Protective measures								
	Total	Institutional protection				Home-based protection			
		Child facilities	Facilities for disabled children	Shelters for single mothers	Subtotal	Foster care	Adoption	Other	Subtotal
2005	9 420	4 769	48	1	4 818	2 322	1 873	407	4 602
2006	9 034	4 313	53	-	4 366	3 101	1 259	308	4 668
2007	8 861	3 189	39	17	3 245	3 378	1 991	247	5 616

Source: Internal document of MIHWFA, 2007.

Table 5-5
Child welfare facilities

	Child care	Vocational training	Protection & treatment	Self-reliance support	Temporary protection	Total services facility ¹	Dedicated facilities	Child social services centers	Total
Institutions	243	3	8	13	13	2	3	1	286
Capacity	23 558	150	652	411	750	190	-	-	25 711
Children under care	17 517	75	436	235	31	163	-	-	18 817
Staff	4 646	33	121	33	190	88	2	7	5 120

Source: Internal document of MIHWFA, 2007.

¹ Total services facilities are child counseling centers capable of providing temporary protection.

Table 5-6
Comparison of inter-country and national adoption

	2003	2004	2005	2006	2007
National adoption	1 564	1 641	1 461	1 332	1 388
Ratio of national adoption	40.6%	42.0%	41.0%	41.2%	52.3%
Inter-country adoption	2 287	2 258	2 101	1 899	1 264
Total	3 851	3 899	3 562	3 231	2 652

Source: Internal document of MIHWFA, 2008.

Table 5-7
Child abuse statistics by type

Type of child abuse	2003	2004	2005	2006	2007
Physical abuse	347 (11.9%)	364 (9.4%)	423 (9.1%)	439 (8.4%)	473 (8.5%)
Emotional abuse	207 (7.1%)	350 (9.0%)	512 (11.1%)	604 (11.6%)	589 (10.6%)
Sexual abuse	134 (4.6%)	177 (4.5%)	206 (4.4%)	249 (4.8%)	266 (4.8%)
Neglect	965 (33.0%)	1 367 (35.1%)	1 635 (35.3%)	2 035 (39.1%)	2 107 (37.7%)
Abandonment	113 (3.9%)	125 (3.2%)	147 (3.2%)	76 (1.5%)	59 (1.0%)
Multiple abuses	1 155 (39.5%)	1 508 (38.8%)	1 710 (36.9%)	1 799 (34.6%)	2 087 (37.4%)
Total	2 921	3 891	4 633	5 202	5 581

Source: MIHWFA and National Child Protection Agency, 2007.

Table 5-8
Child abuse reports made by persons with reporting obligations

Year	<i>Persons obligated to report child abuse</i>							Subtotal
	Total	Staff of facilities	Public servants	Teachers	Medical professionals	Teachers in private institutions	First-aid squad	
2003	3 536	181	575	190	83	-	-	1 029
2004	4 880	226	738	280	102	15	-	1 361
2005	5 761	222	805	431	126	23	-	1 607
2006	6 452	217	1 038	611	114	32	-	2 012
2007	7 083	374	953	771	157	26	3	2 284
Total	33 867	1 818	4 747	2 589	697	96	3	8 293

Source: MIHWFA and National Child Protection Agency, 2007.

Table 6-1
Incidences of missing children and their return
 (As of July 2008)

	<i>Children found and children still missing</i>		
	Incidences of missing child	Children returned to their guardians (Rate of return home)	Children not found
2003	3 206	3 201 (99.8%)	5
2004	4 064	4 063 (100%)	1
2005	2 695	2 695 (100%)	-
2006	7 064	7 057 (99.9%)	7
2007	8 602	8 596 (99.9%)	6

Source: National Center for Missing Children and the National Police Agency.

(1) Until 2005 children in general were defined as children 8 years old or younger. In 2006 with the enforcement of the Act on Protection and Support of Missing Children, Etc., the definition was broadened to children under 14.

Table 6-2
Education (welfare) investment priority areas

	2003–2004	2005	2006	2007
Number of target areas	8	15	30	60
Target schools	79	148	262	517
Number of target students beneficiaries (Recipients of basic livelihood benefits)	40 707 (4 758)	75 189 (9 765)	153 178 (16 719)	335 981 (31 542)

Source: *White Paper on Education*, MEST, 2007.

Table 6-3
Children in multicultural families

	<i>Students with a multicultural family background</i>				<i>Students whose mother is a foreigner</i>			
	<i>Total</i>	<i>Elementary school</i>	<i>Junior high school</i>	<i>High school</i>	<i>Total</i>	<i>Elementary school</i>	<i>Junior high school</i>	<i>High school</i>
2005	6 121	5 332	583	206	-	-	-	-
2006	7 998	6 795	924	279	6 695	5 854	682	159
2007	13 445	11 444	1 588	413	11 825	10 387	1 182	256
Ratio (%)	100.0	85.1	11.8	3.1	88.0	90.8	74.4	62.0

Source: Annual statistics from MEST.

(1) The ratio of students whose mother is a foreigner is relative to the number of students in a multicultural family.

Table 6-4
How students in special-needs schools commute

	<i>Means of getting to school</i>							<i>Total</i>	
	<i>School bus</i>		<i>Public Car transportation</i>	<i>Walk</i>	<i>Live in the dorm</i>	<i>Itinerant Subtotal education</i>			
	<i>Available buses</i>	<i>Students taking school bus</i>							
2007	461	13 933	2 152	780	2 882	2 209	21 956	1 007	22 963

Source: Status Report on Special Needs Education, MEST, 2007.

Table 6-5
Infant mortality rate

	<i>1993 (%)</i>	<i>1996 (%)</i>	<i>1999 (%)</i>	<i>2002 (%)</i>
Neonatal (0–27 days)	6.6	4.1	3.8	3.3
Post-neonatal (28–364 days)	3.3	3.6	2.4	2.0
Infant (0–364 days)	9.9	7.7	6.2	5.3

Source: *Infant and Maternal Mortality 2002–2003*, Korea Institute for Health and Social Affairs (KIHASA) and MIHWFA, 2005.

(1) Infant mortality rate is calculated as the number of infant deaths per 1,000 infants.

(2) Infant mortality rate is calculated based on the population of infants born after minimum 22 weeks of pregnancy or born with a weight of 500g or above.

Table 6-6
Maternal mortality rate

(Unit: per 1,000)

<i>Age</i>	<i>1993</i>	<i>1996</i>	<i>1999</i>	<i>2002</i>
15–19	0.002	0.001	-	0.001
20–24	0.009	0.005	0.004	0.003
25–29	0.024	0.029	0.018	0.012
30–34	0.021	0.016	0.016	0.017

Age	1993	1996	1999	2002
35–39	0.011	0.013	0.010	0.009
40–49	0.003	0.003	0.003	0.003
Total	0.011	0.011	0.008	0.007

Source: *Infant and Maternal Mortality 2002–2003*, KIHASA and MIHWFA, 2005.

Table 6-7

Rate of prenatal check-ups of married women aged between 15 to 44

	2000	2003	2006
Rate of prenatal check-up (%)	100.0	99.8	99.9

Source: *Study on Korea's Fertility and Family Health & Welfare*, KIHASA, 2006.

Table 6-8

Number of prenatal check-ups received by married women aged between 15 to 44

	Number of check-ups					Total (check-ups received)	Average No. of check-ups
	1–5	6–10	11–15	16–20	21 or more		
Number of prenatal check-ups	1.4%	22.8%	58.4%	14.7%	2.7%	100.0% (948)	31.24

Source: *Study on Korea's Fertility and Family Health & Welfare*, KIHASA, 2006.

Table 6-9

Rate of underweight births

		2000	2001	2002	2003	2004	2005	2006	2007
Under 1.5 kg	All	1 529	1 980	1 751	1 906	1 819	1 798	1 893	2 331
	Boy	750	923	827	951	930	918	905	1 176
	Girl	779	1 057	924	955	889	880	988	1 155
	Incidence (per 1,000)	2.40	3.55	3.54	3.86	3.82	4.10	4.19	4.69
1.5–1.9 kg	All	4 213	3 863	3 484	3 619	3 705	3 310	3 537	4 197
	Boy	2 146	1 874	1 722	1 795	1 795	1 625	1 731	1 960
	Girl	2 067	1 989	1 762	1 824	1 910	1 685	1 806	2 237
	Incidence (per 1,000)	6.61	6.93	7.04	7.33	7.78	7.55	7.83	8.44
2.0–2.4 kg	All	18 404	16 158	14 330	14 373	14 153	13 540	14 187	16 605
	Boy	8 397	7 480	6 599	6 716	6 580	6 190	6 410	7 719
	Girl	10 007	8 678	7 731	7 657	7 573	7 350	7 777	8 886
	Incidence (per 1,000)	28.9	28.9	28.9	29.1	29.7	30.9	31.4	33.4

		2000	2001	2002	2003	2004	2005	2006	2007
All (Under 2.5 kg)	All	24 146	22 001	19 565	19 898	19 677	18 648	19 617	23 133
	Boy	11 293	10 277	9 148	9 462	9 305	8 733	9 046	10 855
	Girl	12 853	11 724	10 417	10 436	10 372	9 915	10 571	12 278
	Incidence (per 1,000)	37.9	39.4	39.5	40.3	41.3	42.5	43.4	46.5

Source: *Demographic Trends*, National Statistical Office.

Table 6-10
BCG vaccination of newborn babies

	Target population ¹ (A)	Vaccinations conducted			(B)/(A) ²
		Total (B)	Public health centers	Hospitals and clinics	
2003	490 488	364 994	97 358 (26.7)	267 636 (73.4)	74.4
2004	451 219	350 445	102 780 (29.3)	247 665 (70.7)	77.7
2005	413 839	324 070	94 679 (29.2)	229 391 (70.8)	78.3
2006	424 737	321 744	89 317 (27.8)	232 427 (72.3)	75.8
2007	449 027	344 318	98 143 (28.5)	246 175 (71.5)	76.7

Source: *White Paper on Health and Welfare*, 2007.

¹ Target population: Population under 12 months old in the population of registered residents as compiled by the National Statistical Office.

² Percentage of babies in the target population who received BCG vaccination.

Table 6-11
Vaccination rates

Students (total)	Students who have submitted vaccination certificates					Students who have not submitted certificate	Certificate submission rate	Vaccination rate
	Total	Vaccinated students	Students excluded from vaccination					
			Incompatible with vaccine	Already had measles				
2003	707 738	656 277	654 844	307	1 126	51 461	92.5	92.7
2004	654 035	652 506	651 020	371	1 115	1 529	99.8	99.5
2005	623 204	622 103	621 615	488	-	1 101	99.8	99.7
2006	601 965	601 349	600 853	496	-	616	99.9	99.8
2007	606 314	606 084	605 649	435	-	231	99.9	99.9

Source: *White Paper on Health and Welfare*, 2007.

Table 6-12
Number of local children's centers and their users

	2004	2005	2006	2007
Children's centers	244	500	902	1 800
Children who frequent the centers	23 347	43 782	59 172	76 229

Source: Internal document of MIHWFA, 2008.

Table 7-1
Public education expenditure per student
 (Unit: thousand won)

	<i>Elementary school</i>	<i>Junior high school</i>	<i>High school</i>	<i>Tertiary institutions</i>
2003	3 243	4 062	5 061	7 004
2004	3 349	4 124	5 300	7 489
2005	3 601	4 158	5 474	7 270
2006	3 796	4 208	5 863	7 632
2007	4 101	4 454	5 923	8 225

Source: MEST, 2008.

Table 7-2
Percentage of students entering higher education institutions

	<i>General high school → HEI</i>		<i>Vocational high school → HEI</i>	
	<i>Boy</i>	<i>Girl</i>	<i>Boy</i>	<i>Girl</i>
2003	89.8	90.5	63.5	51.5
2004	89.8	89.8	67.0	57.3
2005	87.8	88.8	72.7	62.0
2006	86.8	88.1	73.4	63.3
2007	86.3	88.0	75.7	66.6

Source: MEST, 2007.

Table 7-3
School statistics

	<i>Schools</i>	<i>Classes</i>	<i>Students</i>	<i>Teachers</i>
Kindergartens	8 294	23 860	541 550	33 504
Elementary schools	5 757	126 684	3 830 063	167 185
Junior high schools	3 044	59 067	2 067 656	108 195
High schools	2 218	56 285	1 862 501	120 585
Special schools	144	3 274	23 147	6 256
Total	19 313	265 886	8 301 720	429 469

Source: *White Paper on Education*, MEST, 2007.

Table 7-4
Number of students per class

	<i>Kindergarten</i>	<i>Elementary school</i>	<i>Junior high school</i>	<i>General high school</i>	<i>Vocational high school</i>
2003	25.0	33.9	34.8	34.1	31.0
2004	24.6	32.9	35.1	33.8	30.2
2005	24.2	31.8	35.3	33.9	30.0
2006	23.7	30.9	35.3	33.7	29.9

	<i>Kindergarten</i>	<i>Elementary school</i>	<i>Junior high school</i>	<i>General high school</i>	<i>Vocational high school</i>
2007	22.7	30.2	35.0	34.3	30.1

Source: *White Paper on Education*, MEST, 2007.

Table 7-5
Number of students per teacher

	<i>Kindergarten</i>	<i>Elementary school</i>	<i>Junior high school</i>	<i>General high school</i>	<i>Vocational high school</i>
	18.0	27.1	18.6	16.0	13.8
	17.9	26.2	19.0	15.8	13.4
	17.5	25.1	19.4	15.9	13.5
	17.0	24.0	19.4	15.8	13.5
	16.2	22.9	19.1	16.1	13.5

Source: *White Paper on Education*, MEST, 2007.

Table 7-6
Rate of students entering the next level of education

	<i>Primary → Secondary (%)</i>	<i>Secondary → Upper secondary (%)</i>	<i>Upper secondary → Tertiary (%)</i>
2003	99.9	99.7	79.7
2004	99.9	99.7	81.3
2005	99.9	99.7	82.1
2006	99.9	99.7	82.1
2007	99.9	99.6	82.8

Source: *White Paper on Education*, MEST, each year.

Table 7-7
Pursuit of higher education and employment by high school students

	<i>From general track</i>		<i>From vocational track</i>	
	<i>To HEI (%)</i>	<i>To employment (%)</i>	<i>To HEI (%)</i>	<i>To employment (%)</i>
2003	90.2	17.6	57.6	90.2
2004	89.8	14.0	62.3	87.6
2005	88.3	12.1	67.6	86.3
2006	87.5	9.8	68.6	83.3
2007	87.1	6.8	71.5	71.6

Source: *White Paper on Education*, MEST, each year.

Table 7-8
Dropout rate of secondary and upper secondary students

	<i>Junior high school</i>	<i>High school</i>	<i>General high school</i>	<i>Vocational high school</i>
2003	0.7	1.6	0.9	3.2
2004	0.7	1.3	0.8	2.5

	<i>Junior high school</i>	<i>High school</i>	<i>General high school</i>	<i>Vocational high school</i>
2005	0.8	1.3	0.8	2.6
2006	0.9	1.6	1.0	3.1

Source: MEST, 2007.

(1) Dropouts: Students who have been expelled, who have quit or have taken leave of absence from school due to illness, problems in the home, delinquent behavior, maladjustment to school and others.

Table 7-9
Schools for children with special needs

	<i>Schools</i>	<i>Classes</i>	<i>Students</i>	<i>Teachers</i>
National	5	174	1 024	335
Public	50	1 442	9 973	2 676
Private	89	1 662	11 966	3 130
Total	144	3 278	22 963	6 141

Source: *Annual Report on Special Education*, MEST, 2007.

Table 7-10
Statistical trends in special education

	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	
Special schools	137	141	142	143	144	
Special classes	4 102	4 366	4 697	5 204	5 753	
Students	Total	53 404	55 374	58 362	62 538	65 940
	Kindergarten	1 932	2 677	3 057	3 243	3 125
	Elementary	30 838	30 329	31 064	32 263	32 752
	Junior high	11 055	11 326	12 493	13 972	15 267
	High	9 579	11 042	11 748	13 060	14 796
Teachers		9 175	9 846	10 429	11 259	12 249

Source: *Annual Report on Special Education*, MEST, 2007.

Table 7-11
Special classes in general schools

	<i>Schools</i>	<i>Classes</i>	<i>Students</i>	<i>Teachers</i>
Kindergarten	150	174	599	180
Elementary	3 076	3 892	22 498	3 893
Junior high	934	1 125	7 500	1 140
High	370	562	4 743	646
Total	4 530	5 753	35 340	6 108

Source: *Annual Report on Special Education*, MEST, 2007.

Table 7-12
Students with special education needs

		<i>Special schools</i>	<i>Regular schools</i>		<i>Total</i>
			<i>Special classes</i>	<i>Regular classes</i>	
Students with special needs		22 963	35 340	7 637	65 940
Students	Disability				
	Sight	1 819	269	204	2 292
	Hearing	1 334	853	677	2 864
	Mental	14 365	19 246	2 430	36 041
	Physical	3 094	3 002	1 643	7 739
	Emotional	2 139	4 629	927	7 695
	Language	161	522	502	1 185
	Learning	11	6 310	661	6 982
	Health-related	40	509	593	1 142
	Total	22 963	35 340	7 637	65 940
	Education program				
	Kindergarten	1 032	599	1 494	3 125
	Elementary	7 657	22 498	2 597	32 752
	Junior high	6 286	7 500	1 481	15 267
	High	6 541	4 743	2 065	13 349
	Major area	1 447	-	-	1 447
	Total	22 963	35 340	7 637	65 940
Number of schools		144	4 530	3 621	8 295
Number of classes		3 278	5 753	6 263	15 294
Number of special education teachers		6 141	6 108	-	12 249
Number of special education teaching assistants		1 753	3 914	574	6 241

Source: Annual Report on Special Education, MEST, 2007.

Table 7-13
Assignment of students with special needs

	<i>Students assigned to special schools</i>	<i>Students assigned to regular schools (classes)</i>	<i>Total</i>
2003	24 192	29 212 (2 304)	53 404
	45.3%	54.7%	100%
2004	23 762	31 612 (3 610)	55 374
	42.9%	57.1%	100%
2005	23 449	34 913 (5 110)	58 362
	40.2%	59.8%	100%
2006	23 291	39 247 (6 741)	62 538
	37.2%	62.8%	100%
2007	22 963	42 977 (7 637)	65 940
	34.8%	65.2%	100%

Source: Annual Report on Special Education, MEST, 2007.

Table 7-14
Programs designed to foster youth activities

<i>Program</i>	<i>Scale</i>	<i>Participants</i>
Youth Culture Zone	31 zones across 11 cities/provinces	412
Extracurricular clubs	1 000 clubs of excellence supported	21
National training center programs	2 national training centers	20
Public training center programs	315 training centers	87
Youth Fun Program	251 programs at various administrative levels	57
Reading program	About 150 programs nationwide	100

Source: MIHWFA, 2007.

Table 7-15
Training facilities for teenagers

	<i>Total</i>	<i>Training centers</i>	<i>Houses of culture</i>	<i>Training facilities</i>	<i>Camp sites</i>	<i>Youth hostels</i>	<i>Specialized facilities</i>	<i>LOE facilities</i>
Public	552	139	189	43	22	11	6	142
Private	258	4	9	133	21	91	0	0
Total	810	143	198	176	43	102	6	142

Source: MIHWFA, 2008.

Table 7-16
Infrastructure for cultural exposure

	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>
Museums	289	306	358	399	534
Art museums	65	74	80	88	103
Public libraries	471	487	514	564	572
Total	825	867	952	1 051	1 209

Source: Ministry of Culture, Sports and Tourism, 2007.

Table 7-17
Hours spent in extracurricular activities related to art and culture
 (unit: %)

<i>School level</i>	<i>None</i>	<i>1 hr</i>	<i>2 hrs</i>	<i>3+ hours</i>
Elementary	50.3	22.6	15.9	11.3
Junior high	70.5	13.7	9.8	6.1
General high	84.3	10.7	4.01	1
Vocational high	77.2	10.7	6.3	5.8
Average	60.2	18.5	12.6	8.7

Source: Ministry of Culture, Sports and Tourism, 2008.

Table 8-1
Ratio of juvenile crimes in total criminal incidences

	2003	2004	2005	2006	2007
Total crimes	2 441 267	2 606 718	2 384 613	2 401 537	2 548 010
Juvenile crimes	104 158	92 976	86 014	92 643	116 135
Ratio	4.3%	3.6%	3.6%	3.9%	4.6%

Source: Prosecutor's Office, 2007.

Table 8-2
Recidivism of juveniles given suspended indictment

	Juveniles on suspended indictment	Number of repeat offenders						
		Total	Recidivism (%)	Theft	Violence	Robbery	Rape	Other
2003				290	176	13	2	143
	6 122	624	10.2	46.5	28.2	2.1	0.3	22.9
2004				294	176	3	3	132
	4 977	608	12.2	48.4	28.9	0.5	0.5	21.7
2005			12.1	307	174	14	3	170
	5 511	668		46.0	26.0	2.1	0.4	25.4
2006			15.7	394	221	18	19	233
	5 626	805		48.9	27.5	2.2	2.4	28.9

Source: Prosecutor's Office, 2007.

Table 8-3
Processing of juvenile criminal cases

	Indicted				Dismissed				Transferred to juvenile dept.	
	Total	Subtotal	Trial	Summary	Subtotal	Charge cleared	Indictment suspended	Indictment stayed		Other
2003	104 325	25 428	6 500	18 928	59 414	3 898	43 207	5 325	6 984	19 483
	(100)	(24.4)	(6.2)	(18.2)	(57.0)	(3.7)	(41.4)	(5.1)	(6.8)	(18.6)
2004	93 060	21 125	5 473	15 652	55 775	3 503	41 619	3 199	7 454	16 160
	(100)	(22.7)	(5.9)	(16.8)	(59.9)	(3.8)	(44.7)	(3.4)	(8.0)	(17.4)
2005	85 887	15 197	4 252	10 945	53 876	3 233	41 059	2 310	7 274	16 814
	(100)	(17.7)	(5.0)	(12.7)	(62.7)	(3.8)	(47.7)	(2.7)	(8.5)	(19.6)
2006	92 789	13 290	3 875	9 415	79 499	3 313	47 435	2 599	7 995	18 157
	(100)	(14.3)	(4.2)	(10.2)	(85.8)	(3.6)	(51.2)	(2.8)	(8.6)	(19.6)
2007	115 990	13 853	4 506	9 347	75 106	4 075	57 041	2 223	11 757	27 031
	(100)	(11.9)	(3.9)	(8.1)	(64.8)	(3.5)	(49.2)	(1.9)	(10.1)	(23.3)

Source: Prosecutor's Office, 2008.

Note: Numbers in parentheses indicate ratio.

Table 8-4
Drugs-related criminals by age group

	<i>Total drug-related offenders</i>	<i>Juvenile delinquents involved in drug-related offenses</i>			<i>Total</i>
		<i>Under 15</i>	<i>16–17</i>	<i>18–19</i>	
2002	10 673	0 (0)	11 (13.9)	68 (86.1)	79 (100)
2003	7 546	3 (8.1)	6 (16.2)	28 (75.7)	37 (100)
2004	7 747	0 (0)	0 (0)	18 (100)	18 (100)
2005	7 154	1 (3.3)	10 (33.3)	19 (63.4)	30 (100)
2006	7 709	3 (9.3)	6 (18.8)	23 (71.9)	32 (100)

Source: Prosecutor's Office, 2007.

Table 8-5
Offenders indicted for use of hallucinogens

	<i>Total</i>	<i>Under 15</i>	<i>15</i>	<i>16</i>	<i>17</i>	<i>18</i>	<i>19</i>	<i>Total for juveniles</i>
2002		51	28	117	73	87	62	418
	1 172	(12.2)	(6.7)	(28.0)	(17.5)	(20.8)	(14.8)	(35.7)
2003		18	33	37	33	40	37	198
	912	(9.1)	(16.7)	(18.7)	(16.7)	(20.2)	(18.7)	(21.7)
2004		12	17	23	16	24	29	121
	685	(9.9)	(14.0)	(19.0)	(13.2)	(19.8)	(24.0)	(17.7)
2005		7	11	14	19	34	8	93
	699	(7.5)	(11.8)	(15.1)	(20.4)	(36.6)	(8.6)	(13.3)
2006		31	44	30	21	13	7	146
	683	(4.5)	(6.4)	(4.4)	(3.1)	(1.9)	(1.0)	(21.4)

Source: Prosecutor's Office, 2007.

Table 8-6
Underage sex trafficking and arrest

	<i>Arrests</i>	<i>Arrested offenders</i>	<i>Charges</i>			<i>Indictment</i>	
			<i>Act of sex trafficking</i>	<i>Involvement in arranging trafficking</i>	<i>Juveniles involved</i>	<i>Prosecuted</i>	<i>Not prosecuted</i>
2003	1 349	2 099	1 703	359	37	579	1 520
2004	1 593	2 680	2 202	425	53	712	1 968
2005	1 139	1 946	1 611	305	30	295	1 651
2006	744	1 745	1 502	183	60	149	1 596
2007.06	377	1 173	829	123	2211)	63	1 110

Source: Ministry of Public Administration and Security, 2007.

The number of arrested persons increased as the juveniles involved who were previously released were taken into custody in accordance with the revised Act on the Protection of Juveniles from Sexual Exploitation.