



**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**

Periodic reports of States parties due in 1998

REPUBLIC OF KOREA*

[1 May 2000]

* For the initial report submitted by the Republic of Korea, see CRC/C/8/Add.21, for its consideration by the Committee, see documents CRC/C/SR.266-268 and for the concluding observations, see CRC/C/15/Add.51.

The appendices referred to in the document are available from the secretariat.

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Introduction

1. The Republic of Korea's perception of children's rights is in accordance with the philosophy of the Convention, and in that sense Korea has taken concrete actions in all legal and institutional measures in a wide range of areas.
2. Korea has made every endeavour to broaden the understanding of children's rights and to increase their physical and emotional protection. The main goals of this endeavour are to ensure that "every child should have human dignity and equal rights without discrimination, receive respect as the emerging future generation, and enjoy the opportunity of developing with rectitude and self-assurance" (Children's Charter); to help "provide them with the required conditions and environments for their humane and happy lives" (revised Youths' Charter); and to secure "welfare for them to have a happy and healthy birth and growth" (Child Welfare Act).
3. The Children's Charter of the Republic of Korea, consisting of a preamble and 11 articles, states that children's rights must be respected. The contents of the Charter are listed as appendix 1.
4. The basic rights and responsibilities of youths are concretely presented in the New Youths' Charter, which was revised in October 1998. The New Youths' Charter stipulates youths' autonomous life and voluntary participation and suggests the principle of coexistence between adults and youth in the twenty-first century, which can be attained with the cooperation of the present generation as listed in paragraph 3 of the initial report.
5. As of the end of 1995, the number of children aged 0 to 17 was 12,886,000, or 28.6 per cent of the total population. There are more boys than girls; there were 110.0 boys for every 100 girls in 1995. The size of the child population is projected to decrease to about 12 million (26 per cent of the total population) by 2010 and to about 11 million (21 per cent of the total population) by 2020.

Table 1
Child population profile by age group

(Unit: 1,000 persons)

	1980	1985	1990	1995	2000 (projected)
Total population (A)	37 407	40 420	43 390	45 092	47 275
Child population (B)	15 219	14 844	13 752	12 886	12 383
(B/A, per cent)	(40.7)	(36.7)	(31.7)	(28.6)	(26.2)
0 year	755	611	632	720	705
1-5 years	3 840	3 929	3 313	3 473	3 570
6-11 years	5 486	4 763	4 877	3 901	4 081
12-17 years	5 138	5 541	4 930	4 792	4 027

Source: National Statistical Office, *Future Population Projection*, 1996.

6. The Medical Insurance Act, enacted in 1977, and the nationwide health insurance system introduced in 1989 are the basic foundations of health security for children's health. In addition, the medicaid system has played a significant role in promoting the health level of children by providing primary health care for the children of low-income families.

7. The enactment and revision of the Child Welfare Act and its related acts and regulations are cornerstones for improving the child welfare sector. The Child Welfare Act, a basic law for child welfare, was revised in 1981 from the previous Child Welfare Act which was enacted in 1961. The basic idea of the Act has been changed from the past practice of providing social security benefits for the children in need, to the active implementation of the welfare and sound upbringing of all children. Basically, this change was caused by the childcare problems derived from pervasive divorce along with the rise of industrialization. The Infant Foster Act was enacted in 1991 to mitigate the child fostering burden of working married women. In addition, the Youth Foster Act was totally revised as the Framework Act on Juveniles in 1993, which has become the legal basis for constructing social environments where all youths grow to be intellectually, morally and physically balanced. At present, the revision of the Child Welfare Act is being proposed and discussed in the National Assembly in order to include a clause about child abuse which aims at preventing child abuse, intervening in cases of such abuse and providing treatment for the victims.

8. The education of children is of great importance in Korea, which has invested heavily in education to teach and develop the minds of children. Every child in Korea has the right and obligation to receive a nine-year compulsory education. A majority of children receive institutional education. As of April 1998, 99.9 per cent of children who graduated primary school enrolled in junior school, and 99.4 per cent of children who graduated junior school enrolled in high school. Korea has endeavoured to increase the quality of education in addition to the number of students who receive education.

9. The Korean Government has made efforts to promote the rights of children. Also, a large number of non-governmental organizations and agencies such as the Korean Council for Children's Rights, the Korea Neighbourhood Society, the Korean Child Protection Association and UNICEF/Korea have contributed to the promotion of children's rights as well.

I. IMPLEMENTATION OF THE RIGHTS IN THE CONVENTION

10. The Republic of Korea signed the Convention on the Rights of the Child on 25 September 1990. The Republic of Korea ratified the Convention on 20 November 1991, with reservations on three articles which are contradictory to the current laws of Korea. As the Convention entered into force on 20 December 1991, the Republic of Korea submitted the first national report on the Convention on 8 November 1994, following article 44 of the Convention.

11. The articles in the Convention against which the Republic of Korea has lodged reservations are article 9, paragraph 3 (guarantees of the child's right to maintain contact with the parents), article 21 (a) (permission for the adoption of a child by the competent authorities only) and article 40, paragraph 2 (b) (v) (reassessment of the verdict of a child's trial). The concrete explanations for these reservations are contained in the first national report.

12. The reservations to the Convention by the Republic of Korea are not considered to have a great influence on children's rights. For example, the guarantee of the right of appeal for children's suits is limited by the Constitution (art. 110, para. 4) and the Court Martial Act (art. 534). Under such provisions, the right of appeal is restricted because a single-trial system is permitted in a military trial when the State is governed by martial law. The single-trial system is, however, not operated in ordinary times, and an emergency situation governed by martial law is unlikely to happen. The Government of the Republic of Korea will keep trying to revise domestic laws and withdraw these reservations for honest implementation of the Convention.

13. The Convention makes it the duty of the participating State to make its provisions and principles generally known to both children and adults in the individual country. UNICEF/Korea, established in 1993, published the brochure "Children have human rights too" as a joint project with Citizens' Participation Solidarity, and disseminated it to schools and relevant organizations. UNICEF/Korea publicizes children's rights by educating parents. It further plans to hold a conference focused on publicizing the Convention. Save the Children/Korea, a non-profit non-governmental organization which is a member of the International Save the Children Alliance, provides publicity and educational activities on children's rights by producing video programmes on children's rights. Good Neighbours International and SBS (Seoul Broadcasting System) coproduce a public relations programme on child abuse prevention that was televised once every day for one month from 21 December 1998.

A. Measures taken to harmonize national law and policy with the provisions of the Convention

14. Before ratifying the Convention, the Republic of Korea had been endeavouring to realize children's rights legally, administratively and systematically. Through amendments to the Child Welfare Act, and its relevant regulations in 1981, to the Children's Charter in 1988 and to the New Youths' Charter in 1998, the legal and institutional bases for children's rights were strengthened. All proclaimed the rights of children and youths and secured legal and institutional bases for realizing children's rights (See appendix A and appendix B). The legal reforms taken by the Korean Government since submitting the first report are as follows.

15. The Framework Act on Juveniles replaced the Juvenile Upbring Act in 1993 to provide a basis for creating the social conditions and environments which can improve the development of young people. In 1998, the Ministry of Culture and Tourism revised the Youths' Charter, which became the New Youths' Charter. This new Charter consists of a preamble, 11 articles on the rights of young people and 9 articles on their duties.

16. The Labour Standards Act revised in March 1997 strengthens the protection of children through raising the minimum legal age for work from 13 to 15. In order to provide a legal basis for an education system that was appropriate for internationalization and globalization, the previous Education Act was revised and became the Framework Act on Education in December 1997. According to the Civil Act, revised in December 1997, the new regulation ("any child with a foreign father can use the mother's family name and family line and be registered in the mother's family") was added in article 781, paragraph 1, to ensure that newborn babies whose fathers are foreigners acquire citizenship and are registered in the civil register.

The Nationality Act (art. 2, para. 1) was revised to read, “ if the children’s father and mother have Korean nationality at the time the children are born, they are considered to have Korean nationality”. Article 10, paragraph 2, of the revised Nationality Act, was amended to read: “the children who cannot lose their original nationality against their will cannot lose their Korean nationality”.

17. The Criminal Procedure Act was revised in 1997 in an effort to implement the Convention more fully. The revised act stipulates the obligation to inform the accused of the evidence for suspicion and of reasons for imprisonment. The Immigration Control Act, which was revised in 1993 and came into force in 1994, strengthened the protection of refugees, including children.

18. In order to protect children effectively from domestic violence, the Special Act for the Punishment of Domestic Violence was promulgated in 1997 and came into effect in 1998. To ensure professional intervention in case of child abuse and neglect, the revised Child Welfare Act regulates the reporting of child abuse, the treatment of child abuse offenders, the establishment of professional child protection institutions, the establishment of an emergency telephone hot line service, etc. The Juvenile Protection Act, designed to protect youths from detrimental environments, was enacted in July 1997. The restrictions on placement service for those aged less than 18 was included in the Employment Security Act (art. 21, para. 3 and its Enforcement Decree, art. 26, para. 2) in December 1997, aiming to prevent adolescents from working in immoral entertainment businesses.

19. The national plan of action for the 1990s was included in the child welfare section of the eighth Five-Year Social and Economic Development Plan for the period 1998-2002. To realize children’s rights in accordance with the Convention, the basic direction of the policy for children and young people is to promote their healthy development by increasing social attention and governmental support (see appendix C).

20. More legal, institutional and administrative efforts are required to harmonize national laws and the provisions of the Convention. To do this, the Government, as well as non-governmental organizations and agencies, should continue such measures as amending laws, improving institutions, establishing and implementing new policies, and making service campaigns and announcements.

B. Mechanisms for coordinating and monitoring implementation of the Convention

21. National policies for children and youths are handled by various government departments and national authorities. Within the Government, the Ministry of Health and Welfare, formerly the Ministry of Health and Social Affairs until January 1994, is responsible for policies concerning children and is the leading governmental authority for coordinating and implementing the Convention, while the Ministry of Culture and Tourism, formerly the Ministry of Culture and Sports until March 1998, is responsible for policies concerning young people.

22. The Child Care Division, the Family Welfare Division and the Women Welfare Division under the Bureau of Family Welfare in the Ministry of Health and Welfare take charge of the administration of child welfare. Their main functions are: (a) counselling services to prevent an increase in the number of children in need; (b) protective services supporting families headed by minors; (c) in-country adoption; (d) foster care programmes; (e) administrative support and supervision of child welfare facilities; (f) sponsorship programmes for disadvantaged children; (g) self-help programmes for children at residential care facilities providing living places and jobs; and (h) the development of child and infant care service programmes.

23. The Bureau of Youth in the Ministry of Culture and Tourism, which governs youth fostering policies, has the Division of Youth Planning, the Division of Youth Education, and the Division of Youth Training and Guidance. The Youth Fostering Committee, which was established in 1988 with the Prime Minister as head, has several functions such as establishment of the basic youth policies and annual policy measures, providing long- and mid-term youth fostering policy direction, and assessing and improving policies and institutions. The Committee proclaimed the Youths' Charter and reviewed and agreed to implement a long-term (1992-2001) youth policy, Basic Plan for Korean Youth in April 1990.

24. The Office of School Policy in the Ministry of Education is responsible for the various primary, middle and high school education systems as well as for infant education and special education for the disabled.

25. The Ministry of Justice works to eliminate harmful environments detrimental to the healthy development of young people, with aid from the prosecutory authorities, and provide public awareness campaigns through joint work of related administrative authorities and civil volunteers. In order to enlarge the effectiveness of remedial education, juvenile delinquents are classified and dealt with according to their individual characteristics and needs. The Supreme Public Prosecutor's Office and the Prosecutor Offices nationwide has been enforcing a comprehensive programme of juvenile protection called the "Safe Schools Initiative" since September 1997. Specifically, in order to put an emphasis on the prevention and investigation of school violence and to promote a new and forward-looking campaign "led by civil society and in collaboration with Government", the Korea Citizen's Foundation of the Safe Schools Initiative was established in May 1999.

26. The role of family courts is to mediate domestic conflicts. However, when intervention fails, a judgement is made. The intervention and judgement are in accordance with the principle of the best interest of the child.

27. The Women and Youth Division, the Wage and Welfare Division, the Labour Standards Division, and the Women's Guidance Division under the Labour Standards Bureau in the Ministry of Labour are all responsible for vocational training, job introduction, and various cultural activities for children.

28. The Commission on Youth Protection under the Office of the Prime Minister is responsible for establishing and implementing policies for protecting young people from various detrimental environments, which includes protecting of youths from harmful visual materials and entertainment places, restricting and inspecting potentially negative social items such as records,

video tapes, publications, the illegal employment of young people, preventing of under-aged drinking and smoking, drug abuse, etc. There are three subcommittees within the Commission on Youth Protection as well as a secretariat. The Bureau of the Secretary administers the affairs of the Committee and consists of four divisions: the Protection Planning Division, the Education and Publicity Division, the Protection Standards Division and the Protection Inspection Division.

29. There are many Government-funded research institutes developing welfare policies for children. The Population and Family Research Team in the Korea Institute for Health and Social Affairs carries out concentrated research on adoption, childcare programmes, child abuse and neglect and children's rights, in addition to the general affairs of children. The Korea Institute for Youth Development has the primary role in undertaking research and establishing youth policies on their healthy upbringing, protection, and guidance. The Korean Educational Development Institute carries out comprehensive and scientific research on the purpose, content and methods of education, provides long-term development programmes for better education, and is in charge of increasing public awareness related to those activities. The Korean Women's Development Institute, established to improve and enhance women's status and social participation, undertakes studies on children, especially on policy measures to assist working mothers to raise children.

30. Non-governmental and voluntary organizations are playing an important part in working for children and promoting their rights. The Korean Teachers' League, the Korean Kindergarten League, the Korean Academic Institution League, the National Parents' Society for True Education, Parents' Solidarity for the Realization of Humane Education, the Youth Conversation Plaza and the Korean Youth Association are all organizations related to children's education. The Korea Council of Children Organization, the Korea Child Facility Association, the Korea Day Care Centres Association, the Korea Women's Association, the Child Welfare Committee and the Maternal and Child Welfare Committee are public organizations concerned with child welfare. Particularly, the Child Welfare Committee under the Ministry of Health and Welfare and the local committees of each city and province all across the country carry out surveys, research and supervision on child welfare policies and institutions, child facilities, underprivileged children and other child affairs. The Korea Children's Rights Association, an academic organization, undertakes research and activities for the protection of children's rights and contributes to the academic development of child welfare. Maternal and Child Health Centres of the Korean Planned Parenthood Federation work for child protection programmes through providing pre- and post-natal care and support healthy family environments.

31. The coordination of the aforementioned child-related policies and the monitoring of the implementation of the Convention have been executed under cooperation between Government and non-governmental organizations. The procedure for drafting the report on the Convention, which was done by the Ministry of Foreign Affairs and Trade, the Ministry of Health and Welfare, the Korean Committee for UNICEF, the Korea Institute for Health and Social Affairs, etc. with the participation of NGOs and universities, provided a good opportunity for reviewing and evaluating various activities taken by the Government in relation to children. The Government also disseminated the draft report to seven NGOs and held a symposium, which include as participants Government, NGOs and universities; this was to reflect the participants' opinions and strengthen cooperation with civil society for improving children's rights. This

report was finalized and submitted after review and coordination by the Children Rights Coordination Committee, composed of the Ministry of Health and Welfare, the Ministry of Foreign Affairs and Trade, the Ministry of Education, the Ministry of Justice, NGOs and universities. To prepare the third report, a committee will meet on a regular basis after submitting the second report.

II. DEFINITION OF THE CHILD

32. The term “child” is defined as “a person under 18 years of age” in article 2 of the Child Welfare Act. However, other laws related to the Child Welfare Act have different definitions or different terms.

33. The Civil Act legally regulates “a person under 20 years of age” as a “minor”, who does not have voting rights in Korea. In order to perform any legal act, a minor must obtain the consent of his/her legal representative. The father or mother who exercises parental rights shall become the legal representative of his/her child who is a minor. If there is no person to exercise parental rights over a minor, or if the person with parental authority is unable to exercise those rights or represent the child with respect to the law or the rights of management of property for a minor, a guardian shall be appointed for the minor.

34. Article 32, paragraph 5, of the Constitution contains special protection of the employment of “young persons”; its concrete protections are explained in the Labour Standards Act. The Labour Standards Act provides that a person under 18 may not be employed in a number of occupations in order to guarantee the right of child to education. A person under 15 years - increased from 13 in the revision of the Labour Standards Act in March 1997 - is prohibited from working in order to guarantee the opportunity for compulsory education. However, those with written permission to work issued by the Minister of Labour may be employed doing light work which is not detrimental to their health, growth, or schooling.

35. The Framework Act on Education (art. 8, para. 1) designates nine years’ compulsory schooling - six years in elementary and three years in middle school. Children in compulsory schooling are defined as “persons under 15”.

36. Children committing crimes before they are 14 years may not be sentenced under the Criminal Act. A young offender less than 20 receives special treatment under the Juvenile Act. This aims to return juveniles to society by providing correction and guidance, not by punishment.

37. The Civil Act regulates that a boy who reached his full 18 years of age and a girl of her full 16 years of age may marry with his/her parents’ or guardians’ consent. If a minor gets married, he/she is deemed to have reached the age of majority and is granted legal capacity, independent from parental authority or guardianship. The difference in the age requirement for marriage between men and women is in line with the gap in biological and mental development. The details on minors’ marriage and parents’ consent are contained in paragraph 32 of the initial report.

38. Korean men are liable for military service at the age of 19 after conscription screening under the Military Service Act (art. 11). However, a person aged 17 or over who voluntarily applies for military service may be enlisted in military service (art. 20).

39. No minimum age has been set for giving testimony in court. A child may testify if he/she is able to express himself/herself and is physically and mentally strong enough to handle all court proceedings. Whether the testimony made by the child is accepted or not is at the judge's discretion. A person under 16, however, cannot testify under oath under the Criminal Procedure Act. The information in the ability to give testimony in court and under oath are the same as in the initial report (para. 32).

40. The minimum age for a driving licence for a car is 18, while a person aged 16 or over may ride a light motorcycle.

41. The Juvenile Protection Act deems a person under 19 as a "youth". The articles from 7 to 23 of the Act forbid the sale of harmful media products such as audio or visual programmes, performances, information and communications, publications and advertisements. Also, article 24 and article 26 of the Act prohibit the sale of liquor, narcotics, cigars/cigarettes, drugs, hashish and other harmful chemical materials to persons under 18 years of age, and forbids their employment and presence in morally harmful restaurants and shops.

III. GENERAL PRINCIPLES

A. Non-discrimination (art. 2)

42. The Constitution prohibits any form of discrimination against a child by securing the universal equality of all citizens and by forbidding privilege aided by social status, irrational discrimination, and the involvement system. The concrete contents are found in paragraph 37 of the initial report.

43. Children born out of wedlock may receive social disadvantages owing to the emphasis on the social custom of monogamy and legal marriage originating from Confucianism. However, the government of the Republic of Korea endeavours to treat such children equally to those born in legal marriages in terms of status and property, valuing every individual as equal. The Civil Code (art. 1000) does not discriminate against the child born out of wedlock in most cases including the order of the succession to a property. However, in deciding the order of succession to the headship of a family, the child born during marriage has priority among lineal descendants (art. 985, para. 1). There exists the case that a child born out of wedlock may not be listed in the family register without the consent of the legal wife.

44. The Republic of Korea is composed of only one race, and therefore does not have any conflict or discrimination on account of race. Although son preference is still found in the ideas of people, sex discrimination is not conspicuous in the sectors of politics, culture and education. The sex ratio of newborns between boys and girls in 1995 was 110 to 100, and hence the Government has made efforts to solve the imbalances in the sex ratio. The Medical Service Act was revised in 1987 to prohibit screening for the sex of the foetus, punishable by cancelling the

licence of those doctors violating the law. Its revision in 1994 strengthened the punishment to imprisonment of up to three years or a fine up to 10 million won for violators. The Korea Doctors' Association held a campaign for its doctors against illegal foetal sex screening and selective induced abortion. In 1987, the Government enacted the Sexual Equality Employment Act and adopted the women employment allocation system to prohibit discrimination against women in the workplace.

B. Best interest of the child (art. 3)

45. Korea's policy concerning children is based on parents bearing the main responsibility for their children's well-being and upbringing, as parents are the most important people for children's development. Parents must have national and community support for their parenting. Children must be entitled to protection from inappropriate care and abuse, even from their parents.

46. The principle of "the best interest of the child" is explicitly upheld in the Child Welfare Act (art. 3, para. 2). The Government and local authorities operate welfare facilities for those children in need of institutional protection, and provide jobs, education and health care for those in low-income households.

47. The Juvenile Protection Act (art. 3, para. 5) states that parents and guardians as well as society, Government and local authorities have a responsibility to keep young people from various unhealthy environments.

48. The principle of the best interest of the child is considered primary in the establishment of children-related welfare policies. Institutions and programmes prioritize rescuing children and women first in the advent of disasters, discounting fees and charges for children, creating safety zones around schools for the security of children, and restricting immoral and harmful restaurants and hotels, all to help build a solid educational environment.

C. The right to life, survival, and development (art. 6)

49. The Constitution of the Republic of Korea (art. 10) ensures children's dignity and fundamental human rights by legislating that "all citizens shall be assured dignity and value as human beings and have the right to pursue happiness. It is the duty of the State to confirm and guarantee the fundamental and inviolable human rights of individuals".

50. The Child Welfare Act (art. 1) is the basis for establishing and implementing welfare policies for children, with the aim of the "happy and healthy birth and growth of children".

51. In Korea, the main cause of death in children under one year old is congenital deformity, and accidents after the age of one. Specifically, traffic accidents ranked the first for ages from 1 to 19. Therefore, the safety zones around schools should be strengthened for the security of children.

Table 2
Ranking of causes of death among children, 1977

(per 100,000 persons)

Age	First	Second	Third	Fourth	Fifth
0	Congenital deformity 593	Certain conditions originating in the perinatal period 248	Sudden infant death syndrome 143	Heart disease 64	Traffic accidents 60
1-9	Traffic accidents 926	Accidental drowning 257	Congenital deformity 215	Falls 135	Leukaemia 112
10-19	Traffic accidents 1 567	Suicide 489	Accidental drowning 372	Leukaemia 157	Heart disease 153

Source: NSO, 1997 report on Causes of Death, 1998.

52. In the courtroom, the Government emphasizes protection through correction rather than punishment through sentencing. Under the Juvenile Act (art. 59), a juvenile sentenced to the death penalty, penal servitude or life imprisonment for a crime committed before 18 years of age shall have the sentence reduced to 15 years of penal servitude. The Act on Special Cases concerning the Punishment of Specific Violent Crimes (art. 4) guarantees the right to life of a child by stipulating that in the case where a juvenile under 18 years of age is liable to the death penalty or life imprisonment for a specific violent crime, he shall be sentenced to limited imprisonment for 20 years.

53. The Juvenile Protection Act (art. 1) identifies the proper development of young people by enforcing “the protection of young people from various harmful social environments and ensuring the healthy growth of each person”.

D. Respect for the views of the child (art. 12)

54. The parents or guardians have the right and duty to protect and educate the child. The Civil Act (art. 924) pronounces forfeiture of parental authority for significant reasons such as abuse or misconduct by the parents or guardians. See paragraph 46 of the initial report concerning petition procedures concerning parental authority.

55. Under the Civil Act (art. 920), when the parental authority is representing the property and business interests of the child, the consent of the child shall be obtained. See paragraph 46 of the initial report concerning parental authority and property rights.

56. Under the Regulation on Family Litigation (art. 100), the opinion of the child should be reflected in deciding his/her care and guardianship when the parents are divorced. The Act on Special Cases concerning the Promotion and Procedure of Adoption (art. 6, para. 2) states that a child may not be adopted without his/her own consent and the opinion of the child is needed in cases of adoption when a child is aged 15 or over.

IV. CIVIL RIGHTS AND FREEDOMS

A. Name and nationality (art. 7)

57. Concerning the registration and the surname of a child, the Civil Code (art. 781, paras. 1-3) provides that a child shall take his/her father's surname and lineage, and be enrolled in the father's family registry. In the case of a child whose father is not recognized, his/her mother's surname and lineage are taken, and he/she is enrolled in the mother's family registry. However, a child whose father and mother are not ascertainable may, with the approval of the court, establish a new surname and origin of surname, and establish a new family. With the revision of the Civil Act in December 1997 (art. 781, para. 1), a new clause, "a child whose father is a foreigner shall take the mother's surname and lineage and be enrolled in the mother's registry", was included to provide for the acquisition of nationality and registry enrolment of such a child.

58. As explained in paragraph 51 of the initial report, as the acquisition of Korean nationality follows the patriarchal lineage, a child whose father is Korean can obtain the nationality of the Republic of Korea. However, in the case of a child born of a Korean mother and a father whose country follows the birthplace principle in determining nationality, there was a possibility that the child would have no nationality. To prevent this, the Korean Government adopted both the patriarchal and matriarchal lineages by revising article 2, paragraph 1, of the Nationality Act in December 1997, and a child born with either a Korean father or a Korean mother can now acquire Korean nationality.

59. The process of registering and submitting birth report for a newborn child is specifically stated in paragraphs 49 and 50 of the initial report. But under the newly revised Family Register Act (art. 49, para. 2), registering the birth of a child whose mother or father is a foreigner should be done with a description of the mother/father's surname and nationality.

60. The birth reporting is done by submitting the birth registration report to the appropriate administrative office. The descriptive items to be included in the birth report are the same as in paragraph 50 of the initial report. The birth certificate of the doctor or midwife who participated in the delivery should be attached to the birth registration report.

B. Preservation of identity (art. 8)

61. All citizens of the Republic of Korea take part in the family registration system. The registration procedure is specifically described in paragraph 52 of the initial report.

62. The forfeiture of Korean nationality is stated specifically in paragraph 53 of the initial report. The Nationality Act (art. 8, art. 12, para. 7) states that if an alien who has obtained Korean citizenship has not lost the nationality of his original country within six months, the obtained Korean citizenship shall be lost, without exception. Therefore, a child with a foreign nationality that recognized dual nationality could not acquire Korean nationality. Under the Nationality Act revised in December 1997, an exception was made to allow children to acquire Korean citizenship in such cases, thereby satisfying the purpose of article 8 of the Convention.

63. The Nationality Act (art. 8, para. 2 and art. 14, para. 2) stated that a minor child of a person who acquires citizenship in the Republic of Korea shall become a citizen of the Republic of Korea together with his/her parent. However, the revision of the Nationality Act deleted these two articles and compulsory nationality change for the child that had not considered his/her intentions.

64. A child born out of wedlock may be acknowledged by his/her biological father or mother. A child born out of wedlock is deemed to have been born during the marriage by the subsequent marriage of the father and mother. A child, any of his/her lineal descendants or the legal representative of any of them may bring legal action against his/her father or mother to be acknowledged. Also, an action to force acknowledgement may be brought against the prosecutor within one year from the day on which the death of the father or mother becomes known.

C. Freedom of expression (art. 13)

65. Children's freedom of expression and freedom to gather information are fully guaranteed under the Constitution. However, the freedom of expression has some limitations because of the current Korean military situation posed by North Korea. As a rule, however, freedom of expression is protected as much as possible.

66. The freedom of expression is not absolutely unrestricted, unlike the intrinsic freedom of thought, but can be restricted under certain social conditions. The Constitution clearly states that there are specific duties and responsibilities pursuant to the exercise of this right, that neither speech nor the press shall violate the honour or rights of other persons or undermine public morals or social ethics, and that if speech or the press violate the honour or rights of other persons, claims may be made for damages.

67. The Constitution stipulates that freedom of expression may be restricted by law only when necessary for national security, the maintenance of public order or public welfare. The restriction of freedom of expression by the Constitution is specifically mentioned in paragraphs 58 and 59 of the initial report.

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

68. The Constitution states that freedom of expression may be restricted by law only when necessary for national security, the maintenance of public order or public welfare. The restrictions on freedom of expression are specifically stated in paragraph 59 of the initial report.

69. As specifically stated in paragraphs 60 and 62 of the initial report, the right of the child to freedom of thought, conscience and religion is guaranteed through the relevant provisions of the Constitution.

70. The Civil Act provides that a person endowed with parental authority has the right and duty to protect and educate his/her child, and guarantees that a parent or legal guardian has the freedom to provide the child with a religious and moral education. It is not deemed natural, however, in the Republic of Korea that the belief of a parent shall be that of the child. Even if students attend schools established by religious organizations, they may have their own religion. All adults and children choose their religion at their own discretion and of their own free will.

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

71. Under the Constitution all citizens are guaranteed the freedom and the rights of assembly and association, with the same guarantees made to the children. Freedom of association and freedom of assembly may be restricted by law, subject to the same conditions which apply to freedom of expression. However, even when such a restriction is imposed, no essential freedom or right may be violated. The specific details are in paragraphs 64 and 65 of the initial report.

F. Protection of privacy (art. 16)

72. The Constitution (arts. 16 and 17) guarantees freedom of residence, the right to privacy and secrecy of communication. The person whose honour, rights or privacy is undermined or violated by the print media, has the right to appeal to the court under the Constitution (art. 21). The specific details about protecting the privacy of individuals are in paragraphs 66 and 67 of the initial report. Articles 68, 71 and 10 of the Juvenile Act regulate the protection of privacy in the case of juveniles. This Act restricts media coverage about juveniles, including the publication or broadcast of information or photographs indicating name, age, occupation and appearance by which the protected person can be identified. The agencies involved in juvenile protection cases cannot respond to any inquiry, except from official sources.

G. Access to appropriate information (art. 17)

73. As stated in paragraph 68 of the initial report, the structure of broadcasting in Korea has been changed from a solely public system to a mixture of public and private ownership and operation in order to satisfy people's increasing information needs. The Broadcasting Act was enacted in 1987. As of 1997, there were 70 television stations in Korea, including 7 nation-wide television stations, 5 religious television stations, 1 transportation television station, 1 educational television station, and other local television stations. There are 5 television stations and 19 radio broadcasting stations in the Seoul metropolitan area. As of May 1997, a total of 1,870,000 households watched cable TV, which was started in 1995. Special four-aerial TV stations broadcast more than one hour of children's programmes daily and three cable TV stations broadcast children's programmes exclusively.

74. In 1996, about 158 million books were published by 12,458 publishing companies. The Korean Government buys and distributes good books to encourage young people to read good books and to support publishers. The National Library and the Sajik Library have an open-stack system for the convenience of children.

75. Under the Juvenile Protection Act (arts. 8, 14) and the Registration of Publishing Companies and Printing Offices Act (art. 5, para. 2), the Publication Ethics Commission screens potential “youth-harmful publications”, labels harmful works and has a separate distribution system to protect young people from detrimental publications. The publishing companies and printing houses which violate this, face penalties ranging from fines to cancellation of their registration.

76. The Broadcasting Inquiry Council exercises public responsibility and objectivity with regard to broadcasting and promotes the quality of television and radio programmes. The Performance Ethics Commission oversees performances, movies, tapes and videos, and the Publication Ethics Commission investigates all kinds of publications. Any movie, television or radio programme with offensive language or potentially harmful to children, such as corrupting stories, slang and excessively brutal scenes, is prohibited. Currently, the age restriction is marked on all TV programmes: “18” signifies that youths aged under 18 are prohibited from watching the programme and “13” means that youths aged under 13 should only watch with their parents.

77. All domestic or imported movies are classified by the Korea Performance and Art Promotion Commission. All movies are classified into four grades based on the age groups that can watch the film. Movies rated as “general” are acceptable for people of all age groups; the other categories are “persons over 13 years old”, “persons over 16 years old” and “restricted” (persons aged 18 or over only). All discs and video products, publicity and advertisement materials are monitored by the Commission. Measures to prevent young people from being exposed to obscene materials on computers or the Internet should be devised.

78. In order for children to access appropriate and healthy information, under the Child Welfare Act (art. 18), punishment is imposed on those who induce a child to see harmful shows, movies or similar public performance, or who publish books, publications, advertisements or other materials that might seriously hurt children’s moral character, or who sell, distribute, offer, exchange, display, narrate orally or broadcast them to children or make another person do so.

H. The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment (art. 37 (a))

79. Under the Constitution (art. 12, para. 2), torture and cruel punishment are prohibited. The Criminal Code (art. 125) states that anyone who uses violence and/or brutality during an inquiry is subject to five years’ confinement or up to 10 years’ forfeiture of occupational status. When a confession is determined to have been made against a defendant’s will by means of torture, violence, intimidation, unduly prolonged arrest, deceit, etc., such a confession shall not be admitted as evidence in court nor shall punishment be meted out on the basis of such a confession. By forbidding confessions obtained by torture to be admitted as evidence, obtaining legal evidence by means of such acts is prevented. As specifically stated in paragraph 75 of the

initial report, the Criminal Procedure Act defines proper examination and judgement procedures. In 1995, the Republic of Korea joined the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Government will not allow torture or other cruel or inhuman treatment by the State.

80. The Juvenile Act (art. 59) and the Act on Special Cases concerning the Punishment of Specific Violent Crimes (art. 4) prohibit the death penalty for a child of less than 18 years of age and life sentences and penal servitude for life for juvenile offenders under 18 years of age.

V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

A. Parental guidance and responsibilities (arts. 5 and 18, para. 2)

81. The Civil Act of the Republic of Korea (art. 909, para. 1) stipulates that “minors should obey parental authority”, which may be misunderstood to mean that it gives parents the right to dominate their children. In 1999, the Ministry of Justice amended the Civil Act to provide that “parents have parental authority over minors”, to make it clear that the essence of parental authority is not control over their children, but protection and concern for children. The amended Civil Act (art. 912, para. 2) reflected the shift from the parental authority system to concern for children; it also explicitly stipulated the principle of the best interest of the child contained in the Convention, by including the new clause that “parental authority should place priority on the welfare of the child”.

82. The welfare of the child is the paramount consideration when arrangements are being made for the care of children following the divorce or separation of the parents. The amended Civil Act will provide, in a new article 909, paragraph 5, that the Family Court will designate parental authority in case of an appeal following the dissolution of a marriage or divorce. The Family Court is actively involved in the guardianship of the child and prioritizes the protection of the child.

83. Among the support measures for childcare is the Labour Standards Act, which ensures 60 days of paid maternity leave and paid nursing time, and the Sexual Equality Employment Act, which guarantees one year of childcare leave, as stated specifically in paragraph 79 of the initial report.

84. The Republic of Korea has passed and enforced laws ensuring that the State assists parents in carrying out their responsibilities and raising a child. These are the Mother and Fatherless Child Health Act, the Child Welfare Act, the Infant Care Act and the Protection of Minimum Living Standards Act. The concrete purposes of each Act is stated in paragraph 80 of the initial report.

B. Separation from parents (art. 9)

85. If a father or mother abuses the parental authority or is guilty of gross misconduct, or there exist any other important reasons for terminating parental rights, the court may adjudge the termination of parental power. The specific reasons and procedure for the termination of parental power is in paragraph 81 of the initial report.

86. As stated in paragraph 82 of the initial report, the Civil Act guarantees both parents the right to maintain a relationship with the child when the parents are divorced or separated, by providing a father or mother with visitation rights when a child is being brought up by the other parent. The Family Court, when deemed necessary for the welfare of a child and at the request of the child concerned, may limit or terminate a parent's visitations rights; that is, limitation or termination of visits is allowed when a child does not want them, in the interests of the welfare of the child. However, the child's right to visit and maintain a relationship with the parent is not currently guaranteed.

87. The Convention states that in case of the death of a child during confinement, imprisonment, or detention, the prison must immediately provide full disclosure of all information related to the death of the child. The Criminal Procedure Act stipulated that a written notice of arrest must be sent immediately at the time of arrest stating the reason for the arrest. The amended Act, which came into effect in January 1997, states that the reason for suspecting the arrested person must also be given.

88. A child aged 15 or over may express his/her consent to being adopted. When parents are divorced or legally separated and they disagree on custody, the opinion of the child who is more than 15 years old is taken into consideration under the Act on Special Cases concerning the Promotion and Procedure of Adoption (art. 6, para. 2).

C. Family reunification (art. 10)

89. As stated in paragraph 85 of the initial report, freedom of residence, moving within the country, emigration and travel to a foreign country are guaranteed by the Constitution.

90. An alien with a valid passport and visa is allowed to enter Korea, except for those who may be prohibited from entering pursuant to the Immigration Control Act (art. 11), such as patients with an epidemic disease, carriers of unlawful firearms, mentally disabled persons, and those who are deemed to be detrimental to the social order or good morals. For aliens residing in Korea, their departure is guaranteed except for persons suspected of committing a serious crime, persons in arrears with their tax payments, etc. Therefore, except for those who fall under the Immigration Control Act (art. 29), there is no restriction on the entry or departure of children and parents, as provided under the Convention.

91. The Republic of Korea revised in 1993 and enforced in 1994 the Immigration Control Act, which reinforces the protection of refugees. The Act (art. 16, para. 2; art. 64, para. 3 and art. 76, paras. 2-7) allows permission to enter the country for 90 days for those requesting refugee status, prohibits the expulsion of refugees to countries where they may face persecution (art. 33, para. 1) and establishes a new procedure for granting refugee status. If a person requesting asylum is a child under the age of 17, or is unable to do so himself/herself due to sickness or other event, a substitute request can be allowed. Accredited refugees can leave and return to the country with the issue of a certificate for refugees' travel, which aims to provide support for the special protection of children as refugees and their parents for the reunion of families. Thus far, however, there has been no case of a person under the age of 17 requesting refugee status.

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

92. The Child Welfare Act (art. 28) regulates the methods of recovering childcare costs. Provinces and counties can collect the costs for protecting children from the children or their guardians.

E. Children deprived of a family environment (art. 20)

93. Children must be born and brought up with their family. Having a family environment is a child's right and is essential for their healthy upbringing and development. However, when a child cannot have such an environment, or remaining in the parents' home is detrimental to the child's development, a childcare institution may be a necessary substitute. In 1998, 5,112 children were placed in special care facilities or welfare institutions, accounting for 55 per cent of the total of 9,292 needy children.

94. The number of residential facilities for children, established to protect orphans resulting from the Korean War, has decreased since the 1970s. Residential care has been accepted as an alternative form of care for children in need. One reason residential care has been heavily used to care for needy children is because suitable alternative care arrangements have not been developed. To develop a broad range of alternative care environments is one of the urgent challenges Korea is facing to improve the welfare of its children in need.

Table 3

Status of needy children and placement, 1990-1993

Year	Total	Children		Placement		
		Abandoned	Lost	Residential care	Foster care	Adoption
1990	5 721	4 213	1 508	3 734	1 134	853
1991	5 095	3 630	1 465	3 414	999	682
1992	5 020	3 294	1 726	3 122	1 212	686
1993	4 451	3 234	1 217	2 940	943	568

95. Foster family care as an alternative to institutional care was introduced in 1985. NGOs have made efforts to develop foster care, such as by providing training for foster parents. Because of the reasons explained in paragraph 50 of the initial report, foster family care is still uncommon but the Government and NGOs continue to make great efforts. In an effort to change the primary form of welfare institution from dormitory homes to small groups, the Government has started pilot group home projects, and as of 1998 there were 10 group homes operating.

F. Adoption (art. 21)

96. The procedure for domestic and intercountry adoption as provided by the Civil Act and the Special Adoption Act is as explained in the initial report (art. 91). According to the Civil Code, in the case of domestic adoptions, the adoption process is completed with a legal report after an agreement between the children's guardians and the adopting parents, even though the

Convention permits adoptions to be conducted only by the Government. Many efforts to change this anomaly have been made by NGOs and universities, but it will take some time to reach the standards of the Convention.

Table 4
Adoption trends, 1958-1993

Year	Total	Domestic adoptions	Intercountry adoptions	Ratio of domestic adoption (%)
1958-1960	2 700	168	2 532	6.2
1961-1970	11 481	4 206	7 275	36.6
1971-1980	63 551	15 304	48 247	24.1
1981-1985	50 502	15 424	35 078	30.5
1986-1990	41 322	11 079	30 243	26.8
1991	3 438	1 241	2 197	36.1
1992	3 235	1 190	2 045	36.8
1993	3 444	1 154	2 290	33.5
Total	179 673	49 766	129 907	27.7

97. The recent domestic and intercountry adoption trends show that the number of adoptions is decreasing. It is expected that if there is no further sharp decline, about 1,000 children will be adopted within Korea and about 2,000 children to foreign countries every year. The ratio of intercountry adoptions to domestic adoptions has decreased over time. Intercountry adoption was 2.8 times higher than domestic adoption in 1975, 3.3 times in 1987 and 1.9 times in 1993. In 1993, 1,154 children were placed for adoption in domestic families, and 2,290 children to families abroad. The main adopting countries were the United States, Sweden, Denmark, Norway, the Netherlands, Australia, Belgium, France and Luxemburg, 79 per cent of the children were adopted by people in the United States.

Table 5
Distribution of intercountry adoptions, 1993

Country	No. of adoptees
United States of America	1 807
Sweden	60
Denmark	139
Norway	104
Netherlands	4
Australia	69
Belgium	1
France	85
Luxemburg	21
Total	2 290

98. Domestic adoption is carried out by 5 authorized non-profit agencies and 25 child-guidance clinics in various cities, counties and districts. Since 1997, to stimulate domestic adoption, the Government has provided tax incentives in the form of a childcare allowance and a medical allowance to families adopting a disabled child.

99. Intercountry adoption services, which were started to aid orphans and multiracial children born during the Korean War, are provided by four authorized non-profit organizations. Even though intercountry adoption has a procedure similar to that for domestic adoption, special attention and assistance to the adoptee and adopting parents and post-placement services are required because of the differences in ethnic backgrounds, cultures and languages between the adopted child and the adopting parents. The post-placement services are explained in the initial report (para. 94).

100. About 98 per cent of all children who were given up for adoption in 1998 were born out of wedlock. Poverty, death of the parents and divorce are the other main reasons for giving a child up for adoption.

101. Under the Child Welfare Act, Korea forbids people rendering assistance in making connections for an adoption to derive improper financial gain from the adoption proceedings. The Government strengthened the penalty for illegal adoption in the revision of the Special Adoption Act in 1999.

G. Illicit transfer and non-return (art. 11)

102. A person who kidnaps a child by force or enticement is punishable by penal servitude. The details are explained in paragraph 97 of the initial report.

H. Abuse and neglect (art. 19), including physical and psychological recovery and social reintegration (art. 39)

103. In order to protect children from violence, cruelty, exploitation, etc., the Criminal Act (art. 287) provides that a person who kidnaps a minor by force or enticement shall be punished by penal servitude for not more than 10 years. The Act on the Aggravated Punishment, etc. of Specific Crimes (art. 5, para. 2) provides that a person who kidnaps a child with intent to obtain pecuniary or proprietary gain or with intent to kill the child shall be punished by penal servitude for life or punishment including the death penalty, respectively.

104. In 1997, the Government promulgated the Special Act for the Punishment of Domestic Violence which has been in effect since July 1998. This Act is intended not only to punish offenders, but also to separate and treat the child victims, taking into consideration the serious impact of repeated and chronic domestic violence on the formation of the child's personality.

105. The Government has actively strengthened the legal instruments to induce professional intervention in cases of child abuse and abandonment. The Child Welfare Act (art. 3) provides that all citizens, the State and local government are responsible for the protection and sound upbringing of children. The Act (art. 18) prohibits various acts such as violence, cruelty and the

exploitation of children, and violations are punished severely (art. 34). The Act is being revised to include the obligation to report on child abuse, treating the perpetrator of child abuse, establishing a professional child protection agency, establishing a hot line and other measures.

106. The Special Act for the Punishment of Domestic Violence strengthens the protection of children victimized by domestic violence and explores corrective programmes to prevent the repetition of domestic violence. For this, the Act prohibits the perpetrator from having access to the victim, restricts the parental rights of the perpetrator, insists that he/she work with social services and receive education, and regulates probation, preventive custody, treatment, counselling, etc. in addition to punishing the perpetrator of domestic violence.

107. Child abuse is included in domestic violence by the Special Act for Punishment of Domestic Violence, and hence anybody can report cases of abuse (art. 4, para. 1). The personnel in the agencies for the education and protection of children and the agencies for the treatment of children have a duty to report suspected child abuse (art. 4, paras. 2 and 3).

108. The victims can make an accusation of child abuse through a relative or legal representative (Act, art. 6, paras. 1 and 2). In case the victim has no legal representative or relative, the public prosecutor can designate a person to make the accusation in accordance with the wishes of the person concerned (art. 6, para. 3).

109. The most common form of child abuse in Korea is abandonment, which has increased during the recent economic recession. Those children are placed in protection facilities and receive the necessary services from the Government.

110. The Children's Rights Protection Centre, the voluntary agency responsible for the prevention of abuse and the discovery and treatment of abused children, was established in 1985 within the Child Guidance Centre in Seoul. The Area Agency on Child Abuse and Neglect was organized as a substructure of the Korean Association for the Prevention of Child Abuse and Neglect in 1989. In addition, in 1990 the Parents' Cooperation for Realizing Humane Education created the "Horuragi (Whistle) Hotline" as a part of the campaign to banish violence from schools. In addition, from 1996 the Korea Neighbourly Love Association has operated 16 child abuse reporting centres and from 1999 the Korea Child Protection Foundation established a 24-hour child abuse reporting and counselling line and has operated a temporary protection facility for the child victims.

I. Periodic review of placement (art. 25)

111. According to the Enforcement Ordinance of the Child Welfare Act, "child welfare facilities" refer to child guidance clinics, childcare institutions, child emergency protection facilities, child vocational guidance centres, juvenile reformatories, self-support facilities for those discharged from childcare institutions, foster-care facilities for adoption, and facilities for emotionally disturbed children. In December 1998, 17,820 children were cared for in the 272 residential care facilities, an average of 66 children per facility for all kinds of facilities, and 85 children per alternative facility.

112. The number of childcare institutions and children cared for in such facilities has decreased together with the decrease of abandoned and lost children. The Government expects that less than 1 per cent of needy children will be cared for in residential facilities in the future. However, as a result of the economic recession since the end of 1997, the number of children temporarily given up for care or abandoned has increased and hence the number of children cared for in the institutions will also likely increase.

113. The mayor, provincial governor and ward head are responsible for the periodic inspection of the childcare institutions under their management and their programmes, and for auditing their budgets.

Table 6
Children in residential care, by type of institution, 1993

Type of institution	No. of institutions	No. of children	Average number of children/institution
Institution for infants	38	2 260	59
Institution for children	218	16 914	78
Vocational guidance	8	346	43
Juvenile reformatory	7	545	78
Self-support assistance	7	129	18
Total	278	20 194	73

Table 7
**Institutional trends for infants
and children, 1975-1980**

Year	No. of institutions	No. of children
1975	350	32 996
1980	287	23 357
1985	271	24 430
1990	261	22 535
1991	259	21 333
1992	257	20 286
1993	256	19 174

VI. BASIC HEALTH AND WELFARE

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

114. With the rapid economic development of the 1970s and 1980s, the health status of Korean children has steadily improved. The general rise in prosperity - with better housing, improved hygienic conditions and increased awareness of diet and nutrition - has been a

powerful contributory factor to this improvement. Korea's infant mortality rate has been reduced from 17.3 per 1,000 live births in 1980 to 12.8 in 1992 and 7.7 in 1996. The maternal mortality rate was 0.02 per cent in 1995 and 1996 and it continues to decrease. The institutional delivery rate was 99.7 per cent in 1997, and the number of women receiving prenatal care was 99.6 per cent in 1997.

115. The Mother and Child Health (MCH) programme under the Mother and Child Health Act covers the registration and management of pregnant women, the infant health-care programme, and the disability prevention programme, including mass screening for birth defects of metabolism and neuroblastoma. In 1998, there were 245 public health centres including 17 medical centres, 1,329 local branches of public health centres and 2,039 health clinics. The Planned Parenthood Federation of Korea also operated MCH centres.

116. The principal aim of child health care is to reduce mortality, morbidity and disability in children by providing free pre- and post-natal care. Since 1987 the Government has issued the "Maternal and Child Health Care Handbook". Health supervision involves regular health checks for all newborns when they are 6 months old and 18 months old. Mass screening for metabolism and neuroblastoma birth defects has been expanded from just children in low-income families to all newborns starting in 1997. About 50,000 newborns are examined every year in maternal health centres. Free vaccinations (or with a nominal fee) for children up to age 5 include BCG, DPT, polio, MMR, etc.

Table 8

Proportion of immunized Korean children, 0-1 year old, 1994

	BCG	DPT	Polio	MMR
Rate (percentage)	98.0	99.0	99.0	94.0

117. The rate of breastfeeding, in spite of its importance, has decreased. The rate of breastfeeding decreased from 48.1 per cent in 1988 to 14.1 per cent in 1997. The Korean Committee for UNICEF conducts a baby friendly hospital initiative to enhance breastfeeding. From 1994, the Government included the hospital management fees in medical insurance benefits for inpatients using the "baby-mother room". The Government also recommends the participation of medical and civil organizations in establishing and expanding baby-mother rooms at hospitals and clinics.

118. The main cause of hospital morbidity among children is diseases of the respiratory system, such as pneumonia and bronchitis; in 1995, the two-week morbidity rate was 34.2 per cent for ages 0-4, 19.7 per cent for ages 5-9, and 8.8 per cent for ages 10-19.

119. The percentage of babies with disabilities is 0.6 per cent.

120. The number of deaths from traffic accidents among children aged under 14 years of age was 592 in 1998, accounting for 6.5 per cent of all traffic deaths. This rate has gradually decreased.

Table 9
Number of deaths of children from traffic accidents, 1990-1998

Year	Under 14	15-20	Total
1990	1 537 (12.5)	584 (4.7)	12 325
1991	1 566 (11.7)	834 (6.2)	13 429
1992	1 180 (10.1)	794 (6.8)	11 640
1993	998 (9.6)	650 (6.2)	10 402
1994	890 (8.8)	656 (6.6)	10 087
1995	809 (7.8)	805 (7.8)	10 323
1996	932 (7.4)	941 (7.4)	12 653
1997	753 (6.5)	988 (8.5)	11 603
1998	592 (6.5)	696 (7.7)	9 057

Source: Police Administration Office, 1999.

Note: Figure in brackets is per cent.

121. Traffic safety education amounting to 21-23 hours per year, appropriate for the grade level and local conditions, is woven through all sorts of educational activities, including curricula, special activities and guidance, in kindergartens and primary, middle and high schools. In doing so, one person was designated for traffic education. "The Traffic Safety Promotion Corporation" made and provided various materials including traffic education textbooks, video materials, etc. for schools and provided training for the members of the "Green Mothers' Association". In order to protect children from traffic accidents, the Government established a "Child Protection Zone" within a 300-metre radius of all schools, with additional traffic safety facilities and special traffic restrictions.

122. The School Health-Care Act enacted in 1967 was designed to increase the effectiveness of school education by improving students' and teachers' health. The Government has made efforts to improve student welfare through the expansion of the health facilities and by improving sanitation conditions, conducting physical examinations, preventing diseases and hiring health personnel, etc. in schools. The school free lunch programme is one such effort, started by the Government in 1992 and expanded to all elementary schools from 1998; this programme covered 3.8 million students in 5,688 elementary schools nationwide. The programme will be expanded in 2001 to the high school level.

123. The Government has enacted the Youth Protection Act to protect young people from detrimental environments. In article 28 of the Act, the Youth Protection Committee, in consultation with the Ministry of Health and Welfare, is to use national hospitals, public hospitals and other hospitals under the Medical Law as treatment and rehabilitation facilities for young people victimized by drug abuse.

124. Medical insurance presently covers the whole population, after being introduced in 1977, expanded to rural areas in 1988 and to urban areas in 1989. In accordance with the National Medical Insurance Act, the regional medical insurance companies and civil servants' and teachers' medical insurance programmes were integrated in 1998; such integration will continue in 2000 to include the workshop medical insurance. Also in accordance with the Act, the medical services will focus on disease prevention.

125. The functions of medical institutions are explained in paragraph 124 of the initial report but from 1998 the areas to be covered by the medical service delivery system were widened.

126. In 1996, the number of paediatric specialists was 2,902, accounting for 8.4 per cent of all specialists; annually about 200 paediatric specialists are added. The medical system in Korea is centred on non-governmental clinics and hospitals. The number of paediatric clinics performing primary diagnosis and treatment was 1,642; 282 hospitals had paediatric facilities out of a total of 495; and 275 general hospitals had paediatric facilities out of 276.

127. According to the National Health and Attitude Survey conducted in 1995, the morbidity rate over two weeks was 48.3 per cent up to the age of 4, 34.8 per cent for ages 5-9 and 21.7 per cent for ages 10-19. The outpatient rate was 41.1 per cent up to the age of 4, 25.6 per cent for ages 5-9 and 13.5 per cent for ages 10-19. Thus, the morbidity rate and the outpatient rates over two weeks were high up to the age of 4. The annual chronic morbidity rate for all children up to 19 years old was 13.8 per cent.

Table 10

Two-week morbidity rate and outpatient rate, 1995

	0-4	5-9	10-19
Two-week morbidity rate	48.3	34.8	21.7
Two-week outpatient rate	41.1	25.6	13.5

128. The Child Welfare Act (art. 14) provides that those people who have a duty to protect and supervise a child must make the best efforts to maintain and improve the child's health.

B. Disabled children (art. 23)

129. There were about 50,000 disabled children in Korea, accounting for 0.39 per cent of the total number of children as of the end of 1997. They suffer from disabilities such as physical disabilities, hearing impairments, vision impairments and mental retardation. The Disabled Welfare Act provides that the Government and the local autonomous entities are responsible for their security of life and improving their welfare. Most disabled children live with their families in their own homes but children with serious disabilities are placed in disabled welfare institutions. As of the end of 1997, the number of disabled children who were placed in the 180 institutions around Korea was 6,235, accounting for 12.4 per cent of the total number of disabled children. Most disabled welfare institutions are for infants and only three institutions are for children and adults.

Table 11

Incidence of disabilities among children, by age, sex and type of disability

(unit: 1/1,000 persons)

	Physical	Visual	Hearing	Speech	Mental retardation
Under 5	0.34	0.01	0.10	0.35	0.56
6-11	1.20	0.06	0.51	0.80	2.21
12-14	1.54	0.14	0.26	0.57	2.01
15-17	2.59	0.51	0.46	0.36	2.10
Total	1.25	0.14	0.32	0.53	1.64

130. The legislation that ensures equal social participation by the disabled is the Welfare Act for the Disabled; the Act for the Promotion of the Convenience and Security of the Elderly, Pregnant Women and the Disabled; the Employment Promotion Act for the Disabled; and the Special Education Act. The 1988 Seoul Para Olympics provided an opportunity to promote the welfare of the disabled. A comprehensive welfare plan, which includes provision for the prevention of disabilities, medical security, rehabilitative equipment, the expansion of educational opportunities, etc. was prepared and is implemented by the Committee on Welfare for the Disabled under the President. In 1996, the Committee for the Welfare of the Disabled was established as a Government coordinating body for deliberation and decision-making on disabled welfare policies. The Committee consists of the Prime Minister as the Chairman, the Cabinet ministers and specialists in the welfare of the disabled. The Committee established and enforced the Five-Year Plan for the Development of Welfare for the Disabled by 2000, which included welfare, employment and special education.

131. Since 1988, there has been a registration system for the disabled to help ensure economic support for them; it includes provisions for a supplementary living allowance, auxiliary instruments and education costs, and for a reduction of various taxes and fees. In order to provide an opportunity for professional training for the self-reliance of the disabled, enterprises with 300 employees or more are required to employ disabled persons equal to 2 per cent of their total workforce and to encourage the employment of the disabled; financial support is provided for those employers who exceed this target. Also, to facilitate the employment of the disabled, professional guidance and training, employment placement, guidance for adaptation to working environments, etc. are provided. The Government provides support for the establishment and operation of professional rehabilitation facilities with the aim of accommodating the employment and physical rehabilitation of the seriously disabled who have more difficulty finding employment in normal work places. A total of 4,347 seriously disabled persons are working in these facilities, and the products they make are sold in joint markets for products by the disabled in seven places nationwide. To better understand the disabled, a "Day of the Disabled" ceremony and national art exhibition are held.

132. Medical rehabilitation services for the disabled are provided in 15 rehabilitation clinics and hospitals. These are financed from the central government funds (30 per cent), local government funds (50 per cent) and with independent funding (20 per cent). The National

Rehabilitation Medical Centre was established in 1994 with 200 beds. Community-based services offer medical rehabilitation, education and vocational training for the disabled. There are 38 general welfare centres, at the provincial level, and 16 welfare centres for certain types of disability. In order to promote the social participation of families with disabled members and the protection of the disabled, there are daytime care facilities and rehabilitation service centres that provide home medical services and counselling.

133. The Korea Heart Foundation, established in 1984, is a specialized voluntary organization. It has arranged operations for children of low-income families with heart disease or deformed hearts. By the end of 1997, 13,974 children had been supported for operations, with the participation of 52 medical institutions, including 12,832 children suffering from congenital and acquired heart diseases, 391 children with facial deformities, 239 children needing kidney transplants, 150 children needing bone marrow transplants and 361 with other diseases. The Korea Child Protection Foundation, in cooperation with five hospitals, has provided treatment of impaired children with congenital heart diseases from poor families.

C. Social security and childcare services and facilities (arts. 26 and 18, para. 3)

134. The State has a duty to promote social security and social welfare, as provided in the Constitution. According to the Livelihood Protection Act, children under age 18 who have no one to support them or who live with guardians who cannot support them are given priority for inclusion in the Livelihood Protection Programmes. Support for these children was explained in the initial report (para. 127). Since 1996, the equality of education was improved and the Programme expanded to include students in academic high schools as well as students in middle and vocational high schools. As of the end of 1997, the number of children covered by the Programme was 237,148, which constituted 24.4 per cent of all beneficiaries (971,519) and 1.9 per cent of the entire child population. As explained in paragraph 127 of the initial report, the governmental support for the promotion of self-reliance of female-headed families was expanded to father-child families as well.

Table 12

Number of children and other persons under the Livelihood Protection Programme, 1997

No. of children (A)	No. of persons (B)	Ratio (A/B)	Total children (C)	Ratio (A/C)
237 148	97 119	24.4	12 760 577	1.9

135. With rapid economic growth, modernization and urbanization since the 1970s, the size of households has decreased and the rate of women's, especially mothers', employment has increased; and hence the problem of day-care service for children needs to be solved at the national level rather than at an ad hoc, individual level as in the previous year. In Korea, the day-care service programme was implemented under the Infant and Pre-school Child Care Act of 1991. This programme, including both childcare and education, is governed by the Ministry of Health and Welfare. The Government supports the salary of teachers and the operating costs

of public day nursery service facilities and of educational materials and equipment, and subsidizes the enrolment fees for low-income families using private day-care service facilities. Since 1998, there has been a reduction in the tax included in the tuition for day-care facilities. Central and local day-care service information centres were established in the day-care service support system to provide materials related to childcare and counselling. Free day-care services for children under 5 was expanded and subsidized day care for children under 5 from low-income families and under the Livelihood Protection Programme will be expanded with the support of governmental funds for low-income families.

136. In order to respond actively to the growing demands for day-care services and to support women's economic participation, the Government implemented the Three-Year Plan for the Expansion of Day-care Facilities with the aim of expanding existing facilities by investing 1.3 trillion won from 1995 to 1997; as a result, the number of facilities increased from 5,490 in 1993 to 15,375 in 1997, with 520,959 infants and children receiving day care. As of March 1999, 587,685 infants and children received day-care service in 18,097 facilities. The utilization rate of the facilities was about 90 per cent, which is judged to meet the demands for the day-care services; in the future, improving the quality of the day-care service will be a focus.

Table 13

Number of day nursery centres by type and total enrolment

(units: centre, person)

	1990	1995	1996	1997
National and public	360	1 029	1 079	1 158
Private	39	4 125	6 037	8 172
Workplace	20	87	117	158
House	1 500	3 844	4 865	5 877
Total	1 919	9 085	12 098	15 375
No. of children	48 000	293 747	403 001	520 959
Budget (bil. won)	191	830	1 098	1 330

137. Since most parents do not prefer their children to be with disabled children, disabled children generally do not have an opportunity to receive day-care nursery services like other children. To solve this problem, the Government plans to establish 100 facilities by 2003. As of the end of 1998, 1,414 children received day-care services at 41 facilities. In order to improve the quality of the day-care services, the Government will evaluate day-care service and develop and provide a variety of programmes.

D. Standard of living (art. 27, paras. 1-3)

138. In principle, the family has primarily responsibility for their own standard of living and the society and nation are secondarily responsible for the welfare of the members of the family. In recent years, universal rather than selective welfare has been emphasized.

139. There is a sponsorship programme to raise the standard of living of needy children, in addition to public assistance. Since 1981, the Korea Children's Foundation, one of the specialized non-governmental child welfare agencies, has been placed in charge of the sponsorship programme to promote voluntary participation from the non-governmental sector. Details of this sponsorship programme are included in paragraph 133 of the initial report. As of 1998, 17,163 children - 75 per cent of 22,869 total children in welfare institutions and 92 per cent of the 13,627 children who are child heads of families - have sponsorships with people in a variety of social classes.

Table 14
Sponsorship, 1998

(persons, won, per cent)

	Number	Sponsorship	Rate	Budget	Sponsors
Children in child welfare institutions	22 869	17 163	75	3 084 645 443	24 515
Child-headed families	13 627	12 459	92	5 718 733 598	23 171
Total	36 496	29 622	81	8 803 379 041	47 686

Source: Korea Welfare Foundation, Internal data, 1999.

140. The child-headed household project was started in 1985 to prevent children in need from being institutionalized and to support them living in their communities; the details are contained in paragraph 134 of the initial report. The number of child-headed families has increased and there have been efforts to improve their protection through expanding foster-family care and group homes.

Table 15
Number of families headed by children and their attendance at school, 1985-1998

(Households, persons)

	Households	No. of household members					
		Total	Not enrolled	Primary school	Middle school	High school	Other school
1985	6 696	13 778	142	3 593	4 009	2 998	3 036
1990	6 696	13 778	142	3 593	4 009	2 998	3 036
1995	8 107	15 118	124	2 914	5 261	4 392	2 427
1998	8 407	13 627	150	2 428	4 515	5 141	1 393

Source: Ministry of Health and Welfare, Working Instructions, each year.

E. Budget for health and welfare

141. For the past three years, the percentage of the social development budget of the total Government budget increased from 8.9 per cent in 1997 to 9.1 per cent in 1998 and to 10.8 per cent in 1999. The total Government budget was 80,137.8 billion won in 1999 and for social development it was 8,620.4 trillion won. The percentage of the budget allocated to the Ministry of Health and Welfare is 4.9 per cent (3,896.8 trillion won).

Table 16

Budget for social development and social security

(billion won)

	GDP (A)	General budget (B)	Social development budget (C)	Social security budget (D)	Ministry of Health and Welfare budget (E)	Percentage		
						C/B	D/B	E/B
1997	4 368 700	675 786	59 974	42 071	28 512	8.9	6.2	4.2
1998	4 501 410	755 829	69 058	45 761	31 127	9.1	6.1	4.1
1999	4 446 600	801 378	86 204	58 268	38 968	10.8	7.3	4.9

Source: Ministry of Health and Welfare, Working Instructions, 1999.

Note: Social development expenditure (C) comprises social security, culture, sports, health, living environment improvement, housing and community social development. Social security expenditure (D) comprises medical insurance, veterans, labour welfare, national insurance and other social welfare expenditures.

VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

A. Education, including vocational training and guidance (art. 28)

142. The Constitution (art. 31, paras. 1-3) regulates children's rights regarding education and the responsibility of society to provide free education. The Elementary and Secondary Education Act (art. 12, paras. 1 and 2) states that the Government and the local autonomous entities must provide free education, take the necessary actions to maintain the educational facilities, establish elementary and middle schools and oversee their management.

143. In Korea, the education system consists of six years of elementary school, three years of middle school, three years of high school and four years of university. This is the 6-3-3-4 linear education system. As of 1 April 1998, the total number of students was 11,712,218 (the number of female students was 5,289,559, or 45.2 per cent of the total), which is one fourth of the whole population. The number of teachers was 428,000 and the number of schools was 19,876. The administrative system consists of the Ministry of Education at the national level, 16 Educational Offices at the provincial level and 180 Educational Branch Offices at the county level.

Table 17

Number of schools, students and teachers by type, 1998

	Schools	Classes	Students	Teachers
Kindergarten	8 973	20 091	533 912	26 721
Elementary School	5 688	110 021	3 834 561	140 121
Middle School	2 736	49 259	2 011 468	96 016
High School	1 921	48 244	2 326 880	105 945

Source: Ministry of Education, *The Educational Statistics Yearbook*, 1998.

144. The number of students per class, as of April 1998, was 34.8 students for elementary school, 40.8 for middle school and 48.2 for high school (49.0 for academic high school and 47.1 for vocational high school), all less than the previous years.

Table 18

Number of students per class, by type, 1995-1998

	Kindergarten	Elementary school	Middle school	High school
1995	28.4	36.4	48.2	47.9
1997	28.2	35.1	43.6	49.2
1998	26.5	34.8	40.8	48.2

Source: Ministry of Education, *The Educational Statistics Yearbook*, each year.

145. An indicator of the quality and state of education, the number of students per teacher in 1998 was 27.3 for elementary school, 20.9 for middle school, 22.6 for academic high school, and 20.9 for vocational high school. In the same year, the ratio of the actual number of teachers to the legally required number of teachers in public schools was 96.2 per cent for elementary school, 85.3 per cent for middle school, and 88.8 per cent for high school. The Educational Official Law (arts. 37 and 42) mandates that to ensure the high quality of teaching, the teachers in elementary, middle and high schools must be trained in education and research institutes in Korea and overseas.

1. School

(a) Elementary school

146. The free and compulsory education in elementary schools, which started in 1950, is almost completely in place nationwide. The only exceptions were for those children suffering from disease or who were unable to be enrolled for other reasons (Elementary and Secondary Education Act, art. 14 and its Enforcement Decree, art. 28).

147. The purpose of elementary school education is to provide the basic education needed for everyday life (Elementary and Secondary Education Act, art. 38). The law mandates that all children aged 6 to 12 must be enrolled in elementary school, and that children aged 5 can be enrolled if there is room for them (Elementary and Secondary Education Act, art. 13).

148. Article 19, paragraph 1, of the Enforcement Decree of the Elementary and Secondary Education Act allows those children who reside abroad or who are foreigners to receive the same education as Korean children. The enrolment and progress of these children are explained in paragraph 140 of the initial report.

(b) Middle school

149. The Framework Act on Education (art. 8) states that graduates of elementary school have the right to receive a middle school education. Since a very large budget is needed for free middle school education, the government budget for free education, was able to provide such education in isolated islands and remote villages from 1985, and in rural areas only from 1992. As of 1 April 1999, the advancement rate of elementary school graduates to middle schools was 99.9 per cent.

Table 19

Free and compulsory middle school education in remote areas, 1988-1996

	1988	1989	1990	1991	1992	1993	1994	1995	1996
Students (thousand)	228	209	190	147	289	418	505	478	481

Source: Ministry of Education, *The Educational Statistics Yearbook*, each year.

150. The purpose of middle school education is to advance the child's education. Social studies put an emphasis on understanding the worldwide problems of disease, poverty, drainage, hunger, overpopulation, environment degradation, pollution, etc.

(c) High school

151. The graduates of middle schools advance to general or vocational high schools, according to their preference. As of 1998, the advancement rate of middle school graduates to high schools was 99.4 per cent and the proportion of vocational high school students to the total number of high school students was 40.6 per cent.

152. The purpose of the high school education is to provide general education and professional education on the basis of the middle school curriculum. Through ethics, Korean, Chinese, mathematics, sociology, science, physical education, military training, music, painting, home economics, foreign languages and special activities, students are educated with an emphasis on broadening their understanding of the relationships between countries and the interdependence of the peoples of the world, reflecting the need to understand the international order.

(d) College and beyond

153. As of 1998, the advancement rate of high school graduates to colleges or other advanced education was 60.1 per cent. In 1998, the number of students attending one of the nation's 346 colleges was 2,950,826 (of whom 1,109,185 were women). In order to respond to the knowledge and information era of the twenty-first century and strengthen the national competitiveness of the higher level of education, the Korean Government works at encouraging diversification and specialization at universities, strengthening the autonomy of universities, extending education and research conditions and broadening the opportunities provided by higher education.

Table 20

Advancement rate to next level of schooling

(percentage)

	Elementary to middle school	Middle to high school	High school to college
1980	95.8	84.5	23.7
1985	99.2	90.7	36.4
1990	99.8	95.7	33.2
1995	99.9	98.5	51.4
1998	99.9	99.4	64.1

Source: Ministry of Education, *The Educational Statistics Yearbook*, each year.

154. The long-term, low-interest education loan to ensure all students will have opportunities for higher education is covered in paragraph 144 of the initial report.

(e) Kindergartens

155. Kindergartens are established to provide children under the age of three with education and an appropriate learning environment (Elementary and Secondary Education Act, arts. 35 and 36). The number of children in kindergartens increased from 69,380 in 1993 to 529,265 in 1995, and again to 568,096 in 1997. But there was a decline to 534,166 in 1999. The enrolment rate of children aged 5 in kindergarten increased from 17.3 per cent in 1981 to 42.7 per cent in 1990 and to 45.0 per cent in 1997, but decreased to 42.4 per cent in 1999.

Table 21

Enrolment rate of children under the age of 5 in kindergartens, 1981-1999

	1981	1985	1990	1995	1997	1999
Percentage of children enrolled	17.3	52.3	56.7	44.4	45.0	42.4

Source: Ministry of Education, *The Educational Statistics Yearbook*, each year.

(f) Special schools

156. According to the Elementary and Secondary Education Act (arts. 55-59), schools for disabled children are classified into special schools and special classes. Education for disabled children is supported by the Act on the Promotion of Education for the Handicapped and its Enforcement Decree and its Regulations. Special education includes special schools, special classes, dispatch of teachers to classes, hospitals and welfare institutions and visiting homes for education according to the regional conditions. Special education equivalent to elementary and middle education is compulsory and special education for high school and kindergarten is gratis. Entrance fees, tuition and the cost of textbooks are free and the costs of transportation and room and board are either subsidized or totally free. Private special schools are provided with the same level of support as public special schools. The budget allocated for special education was 301.8 billion won in 1999, accounting for 1.7 per cent of the total budget for education.

Table 22

Number of special schools, students and teachers, 1995-1999

	Schools	Classes	Students	Teachers
1995	108	2 062	21 607	3 461
1996	109	2 109	21 860	3 613
1997	114	2 264	22 569	3 930
1998	118	2 415	23 487	4 106
1999	123	2 479	24 091	4 244

Source: Ministry of Education, *The Educational Statistics Yearbook*, each year.

157. The Ministry of Education estimates that 225,000 children needed special education, representing approximately 2.44 per cent of the total number of schoolchildren in 1999. As of April 1999, the number of special schools for seriously disabled children was 123 with 24,091 children, of which 12 were for visually disabled, 15 for hearing disabled, 73 for mentally retarded or disabled, 17 for physically disabled and 6 for psychologically disabled children. The number of special classes for the slightly disabled was 3,764, accounting for 26,178 children, about 22.6 per cent of all children; 77.4 per cent of children needing special education were enrolled in general schools.

Table 23
Special education, 1999

Type of disability	No. school	No. classes	No. students
Visually disabled	12	169	1 370
Hearing disabled	15	325	2 685
Mentally retarded	73	1 509	15 338
Physically handicapped	17	338	3 223
Psychologically disabled	6	138	1 474
Total	123	2 479	24 071
Special classes in general schools	2 990	3 764	26 178

Source: Ministry of Education, *The Educational Statistics Yearbook*, 1999.

158. In order to expand special education programmes to cover all disabled children, the Government plans to construct 14 special schools and increase the number of special classes by 1,215 from 1999 to 2003. In an effort to ensure the high quality of special education, the Government has placed a school inspector in each of the nine provincial education offices and plans to improve the education offices at both the provincial and county levels. The Government opened the National Special Education Institute in 1994, which aimed to improve education in the special schools through research on teaching methods and materials according to the degree of disability, the development of education materials, the training of special school teachers, etc.

(g) Private schools

159. Private schools account for 33.2 per cent of the total number of schools in Korea and the number of students enrolled in private schools accounts for 36.8 per cent of the student body. For college students, the proportion of private schools and their students total 75.7 per cent and 73.1 per cent, respectively. The Government supports private schools at the middle school level.

Table 24
Private schools

	Schools	Private schools (%)	Total students	Private students (%)
Kindergarten	8 973	4 518 (50.3)	533 912	401 326 (75.1)
Elementary	5 688	76 (1.3)	3 834 561	54 563 (1.4)
Middle	2 736	685 (25.0)	2 011 468	465 493 (23.1)
High	1 921	922 (47.9)	2 326 880	1 320 819 (56.7)
College	158	143 (90.5)	801 681	771 970 (96.3)
University	185	140 (75.7)	1 645 247	1 202 527 (73.1)
Others	215	121 (56.3)	394 372	41 110 (10.4)
Total	19 876	6 605 (33.2)	11 548 121	4 257 808 (36.8)

Source: Ministry of Education, *The Educational Statistics Yearbook*, 1998.

(h) Vocational schools

160. High schools are classified into academic high schools and vocational high schools. Vocational education starts from high school after grade 9. Vocational high schools are divided into agricultural high schools, commercial high schools, manufacturing high schools, fishery and oceanographic high schools, domestic affairs high schools industrial high schools and complex high schools, according to the content of their programmes. With the changes in industry, vocational education programmes have also changed. Commercial high schools account for 32 per cent of all vocational schools, manufacturing high schools account for 25.9 per cent, complex high schools for 25.9 per cent and agricultural and fishery high schools for 4.5 per cent. Although vocational high schools are classified in public and private, the central Government supports most of the financing needed for the operation of all those schools.

161. In order for programmes to respond to the needs of industry and improve the students' capacity to work, since 1993 there has been a "2 plus 1" system of cooperative education in manufacturing high schools. This system consists of two years (grades 10 and 11) of theoretical education and one year (grade 12) of practical education in industrial establishments. A total of 9,110 students, 1,928 establishments and 45 schools participated in this system in 1998.

162. Students in vocational high schools, just like those in academic high schools, are allowed to enter higher education. Most graduates of vocational high schools apply for vocational skill certificates; those with certificates either work or enter higher education to study further in the field of their acquired certificates. In recent years, changes in industry and the growing demand for higher education have resulted in an increase in the proportion of students in vocational high schools who enter higher education. Accordingly, the Government has adopted policies connecting vocational high schools and colleges in order to facilitate the enrolment of vocational students in higher education.

163. Vocational education is provided for those students in academic high schools who do not wish to go on to higher education. Students in academic high schools are allowed to receive technical education from nearby manufacturing vocational high schools or public and private vocational training agencies for one year after grade 11; around 19,009 students participated in this programme in 1998.

Table 25

Vocational high schools, 1998

	Total (A)	Academic high schools (B)	Vocational high schools (C)						
			Total	Agriculture	Manufacturing	Commerce	Fishery	Complex	C/A (%)
Schools	1 921	1 149	772	26	200	247	9	290	40.2
Students	2 326 880	1 399 394	927 486	20 838 (2.2%)	316 828 (34.2%)	342 644 (36.9%)	6 983 (0.8%)	240 193 (25.9%)	39.9
Teachers	105 945	61 680	44 265	1 364	14 924	14 969	440	12 568	41.8

Source: Ministry of Education, *The Educational Statistics Yearbook*, 1998.

Table 26

**Advancement rate of graduates of vocational high schools
to higher education, 1995-1997**

(percentage)

	Advanced	Graduated	Advancement rate
1995	49 699	259 133	19.2
1996	60 373	274 696	22.0
1997	79 961	273 912	29.2

Source: Ministry of Education, *Yearbook of Education*, each year.

164. The vocational training system is designed to meet industry's demand for personnel, since the regular education curriculum cannot. This system was introduced by the Vocational Training Act, enacted in 1967, and was expanded to the current Framework Act on Vocational Training in 1976. Since the Act on the Promotion of Workers' Vocational Training was enacted in 1997, demand-centred vocational training has been stressed.

165. This vocational training system is to improve the social and economic status of those adolescents who do not go on to higher education, by helping them gain useful skills. The number of adolescents who do not go on to college or university amounts to about 300,000 per annum, and most of them do not have the appropriate skills to hold a skilled job. Taking this into consideration, the Government provides job training for those aged 14 or over who desire job training, and mandates that costs be paid by job training suppliers. The Government also mediates jobs through local employment agencies for those who complete job training.

166. Training is conducted in a type of "life training" system that divides the training into encouraging, improving, transferring, and retraining so as to continually develop and improve abilities to perform all kinds of work. Job training is divided by subject: public job training had 49,257 trainees, job training within a company had 173,686 trainees and accredited job training had 22,101 trainees in 1997.

167. Professional counsellors in the non-governmental sector with experience in vocational guidance, employment placement and other relevant fields are placed in local employment offices, manpower banks, etc. where professional aptitude tests, interest tests, and professional counselling are conducted for adolescents. Specifically, ex-teachers from elementary, middle and high schools with experience in academic and career counselling, experts with counselling experience and former officials who worked in the labour field are assigned as honorary job counsellors from March to June and from September to November annually, so that they can provide adolescent job-seekers with professional aptitude tests, interest tests, professional counselling, vocational information and education about having the right professional attitudes.

(i) **Other education systems**

168. The education system for working adolescents who cannot enter regular school, includes open high schools, the industrial high schools and middle schools and special classes for working adolescents (Elementary and Secondary Education Act, art. 52). In 1998, there were 13,543 students in open high schools and 5,216 students in four industrial high schools.

169. In addition, those who pass a qualification examination, or those who complete the curriculum at social welfare institutions according to the Juvenile Reformatory Act, are equally qualified as those who graduate from regular schools. This contributes to expanding the educational opportunities for people (Elementary and Secondary Education Act, arts. 96-98; Juvenile Reformatory Act, art. 29).

170. Under the Juvenile Reformatory Act those juvenile delinquents who lost their educational opportunity to acquire educational certificates may study, in order to discourage recidivism. For this purpose, a studying programme for detention homes was established, and those who complete it have the same qualifications as those gained in regular schools (Juvenile Reformatory Act, art. 29, para. 1; its Enforcement Decree, art. 91). Additionally, vocational training detention homes are established to provide training for adolescents without dependents, in need of employment, etc. The number of trainees in the vocational training for adolescents in detention homes was 803 in 1996 (Ministry of Justices, unpublished data).

2. Budget

171. The Korean Government invests in education because it is a universal right, as defined in the Constitution. The education investment and budget are as in the initial report.

172. During the past 20 years, the ratio of public education expenditure to GNP has been rather stable. In 1998, the expenditure for public education, including the budgets of both the Ministry of Education and local autonomous entities, was 37.084 trillion won, accounting for 8.2 per cent of GNP.

Table 27
The education budget

	GNP (A)	Gov. budget (B)	Ministry budget (C)	Local education budget (D)	Compulsory education expenditure (E)	Percentage (%)		
						C/A	C/B	E/C
1990	171 468	27 464	5 595	4 837	2 642	3.3	20.4	47.2
1993	256 685	41 936	9 880	8 684	4 301	3.7	23.6	43.5
1998	450 141	77 738	18 128	18 956	12 861	4.0	23.3	70.9

Source: Ministry of Education, *Yearbook of Education*, each year.

Note: GNP at current price level.

173. The Government's efforts to encourage school attendance and prevent dropping-outs are explained in paragraphs 156 and 157 of the initial report.

174. In an era of internationalization and openness, the Government considers internationalizing education to be an important goal and hence makes an effort to promote cooperation with foreign Governments, international organizations and foreign educational agencies. Specifically, the Government participates actively in international cooperative activities on the basis of bilateral cultural agreements, and in educational exchange cooperative activities with international organizations including UNESCO, the Organisation for Economic Co-operation and Development (OECD), Asia-Pacific Economic Cooperation (APEC) and others. The Government hosted the second UNESCO World Vocational Technology Education Conference and Exhibition on International Vocational Technology Education in April 1999, and contributed to an international agreement on a new vocational technology educational system for the twenty-first century.

B. Aims of education (art. 29)

175. The Framework Act on Education (art. 2) states that under the humanitarian ideal, education aims to accommodate the personality of the person, provide people with the capacity to earn a living, and help people to be active and aware democratic citizens so that they may live their lives, develop democracy, and be prosperous. This education ideal is a comprehensive declaration that includes individual, social, national and international ethics.

176. The ideal citizen to which the Korean educational system aspires is a person:

Who develop his/her personality to become a perfect person;

Who display creativity;

Who pioneer new paths on the basis of wide culture;

Who creates new values on the basis of understanding our culture;

Who contribute to developing the community as a democratic citizen.

C. Leisure, recreation and cultural activities (art. 31)

177. Since children's play is an important constituent of life, the Government, in accordance with the Child Welfare Act (art. 10), provides children with safe facilities and environments where they can play without exposure to dangers.

178. The Ministry of Culture and Tourism and the Ministry of Education develop and implement a variety of programmes for leisure and cultural activities in order to respond to an extremely rigorous educational system and immature mass culture, and thereby establish a strong and proper youth culture. The Government plans to establish a National Youth Training Centre

and a Youth-Centred Park for improving sensitivity and character, improve 769 youth training facilities including regional youth homes, develop and provide systematic programmes to improve training activities for solid leisure and cultural activities for youth during 1998-2000. The training facilities for these activities have gradually expanded.

Table 28

Number of youth training facilities, 1990-1997

	1990	1991	1992	1993	1994	1995	1996	1997
Total	205	223	214	284	287	370	432	470
Living areas	67	68	72	112	132	174	189	194
Natural area	122	137	133	166	148	180	219	241
Youth hostels	16	18	9	6	7	16	24	25

Source: Ministry of Culture and Tourism, *Youth Training Facilities*, each year.

179. In order to systematically develop young people's literacy and artistic activities, the Government has supported a training programme for literature and art teachers since 1992. In 1996, 996 persons participated in this programme. Cultural schools were established to provide cultural lectures to young people. In 1996, 110,000 persons participated in about 400 lectures in 167 schools. In addition, the Government has managed a culture and art demonstration school to support young people's literacy and artistic activities, and has made efforts on behalf of activities such as concerts and theatre festivals since 1992.

Table 29

Culture and art demonstration project schools, 1992-1996

	Total	1992	1993	1994	1995	1996
No. of schools	150	30	30	30	30	30
Support budget (10 000 won)	45 900	9 000	9 000	9 000	9 000	9 900
Exhibitions: Participants	165 143	47 448	35 857	33 187	21 143	27 508
Judges	306 819	69 831	66 563	71 743	59 332	39 350

Source: Ministry of Culture and Tourism, *Youth White Papers*, each year.

180. In Korea, the budget for libraries was 231.4 billion won in 1997, 5.0 billion won for elementary schools, 565.9 million won for middle schools, and 4.7 billion won for high schools. Specifically, the Government has made efforts to expand the spaces for reading through managing small-sized libraries for children and young people in areas where people in over-populated areas have a difficult time using public libraries.

Table 30
Mobile and small libraries, 1991-1997

		1991	1992	1993	1994	1995	1996	1997	Cum. No.
Mobile	No.	8	8	8	8	8	9	9	58
	Support budget (mill. won)	160	160	160	160	160	225	225	1 250
Small	No.	80	100	100	100	100	-	100	580
	Support budget (mill. won)	200	200	200	200	200	-	200	1 200

Source: Ministry of Culture and Tourism, *Youth White Papers*, each year.

181. The Government has made various efforts to provide cultural activities for children. In 1997, the number of cultural facilities, including libraries, museums, and others, was 13,512.

Table 31
National culture spaces, 1997

	Details	No.
Libraries	National Library of Korea	1
	Public libraries	350
	University libraries	378
	School libraries	9 117
	Professional/special libraries	418
	National Assembly library	1
	Total	10 265
Museums	Registered museums: Museum	77
	Gallery	31
	Subtotal	108
	National museums: Museum	23
	Gallery	1
	Subtotal	24
	University museums: Museum	80
	Gallery	1
	Subtotal	81
	Total	213
Other cultural facilities	Performance facilities	1 012
	Exhibition facilities	606
	Local culture and welfare facilities	1 150
	Exhibition facilities for dissemination	249
	Total	3 034
Total		13 512

Source: Ministry of Culture and Tourism, *Youth White Papers*, 1997.

VIII. SPECIAL PROTECTION MEASURES

A. Children in conflict with the law (art. 40)

1. Juvenile delinquency (art. 40)

182. The legal bases for the supervision of juvenile delinquents are the Criminal Act and the Juvenile Act. Since juvenile delinquents are in the process of growing up and have a high possibility of being rehabilitated, education is emphasized over punishment. The Juvenile Act provides that young offenders are treated with a different procedure from adult offenders. However, the young offenders whose crimes are too serious to be rehabilitated are subject to the provisions of the Criminal Act, but those who have the possibility of being rehabilitated are subject to educational measures. The system for rehabilitation and guidance of the young include suspension of the indictment (including on condition of guidance), probation, suspension of sentence, treatment in juvenile homes, and others.

183. The Constitution (art. 13, para. 1) provides that no citizen may be prosecuted for an act which does not constitute a crime at the time it was committed; thus, the retroactive application of punishment is prohibited. The Criminal Act (art. 1) provides that when a law is changed after the commission of a crime and the act thereby no longer constitutes a crime, or the punishment therefor becomes less severe, the new law shall be applied; and that when a law is changed after the sentence for a crime committed under the law has become final, such act no longer constituting a crime, the execution of the punishment shall be remitted.

184. The Constitution (art. 27, para. 4) provides that a person is presumed innocent until a determination of guilt has been confirmed. As detailed in the initial report (art. 166), these rules are also provided in the Code of Criminal Procedure.

185. The Constitution (art. 12, para. 5) provides that no one may be arrested or detained without being told the reason and allowed to exercise the right to be assisted by counsel, and that the reason for, time and place of arrest or detention must be conveyed, without delay, to the family of a person arrested or detained. These principles in the Constitution are detailed in the Code of Criminal Procedure, as explained in paragraph 167 of the initial report.

186. Regarding the defendant's right to receive defence counsel free of charge, the Constitution (art. 12, para. 4) provides that when a criminal defendant is unable to secure counsel by his own efforts, the State shall assign counsel. The system for assigning counsel by the State under the Criminal Procedure Act was explained in paragraph 168 of the initial report.

187. In Korea, the Government, through the Legal Aid Act, supports legal aid activities for the poor or people who do not know the law, and who thereby might be legally disadvantaged in their legal defence. According to the Legal Aid Act, farmers and fishermen, people under Livelihood Protection, veterans and their families, child-headed households, workers with a monthly income under 1.3 million won, and small-scale merchants are all provided with free defence counsel for civil cases and family disputes, public trials, and cases transmitted to the Juvenile Department. In 1997, the number of free defence counsels by the Legal Aid Act amounted to 1,948.

188. The Juvenile Act (art. 17) provides the basis for legal support for juveniles in criminal cases by stipulating that juveniles or their guardians may, with the approval of the Juvenile Department, appoint an assistant; the guardian or the attorney may be appointed as an assistant without the approval of the Juvenile Department.

189. The Constitution provides that confessions extracted against the defendant's will or by unduly prolonged arrest shall not be admitted as evidence in court. The details were explained in paragraph 170 of the initial report.

190. The Constitution provides that no citizen shall be tortured or compelled to testify against him/herself in criminal cases. If a confession is determined to have been made against the defendant's will through such means as torture, violence, intimidation, or unduly prolonged arrest, such confession shall not be admitted as evidence nor shall punishment be meted out on the basis of such a confession. The Criminal Procedure Act prescribes these details in the Constitution, as explained in paragraph 171 of the initial report.

191. In criminal cases, the accused submits his/her evidence or opinion about the court's examination of the evidence. The details are explained in paragraphs 172 and 173 of the initial report.

192. When the presiding judge recognizes that a witness cannot make a sufficient statement in the presence of the accused, the judge may order the accused to withdraw from the court (Criminal Procedure Act, art. 297). Even in such cases, the accused may make inquiries related to the matters examined, and in the event that the testimony of a witness contains unexpected and/or serious statements disadvantageous to the accused, the court shall give notice of the contents of such statements to the accused (art. 164). The Criminal Procedure Act (art. 310, para. 2) provides strict rules for the admissibility of evidence, with the exception of special cases, and the accused's right of cross-examination is sufficiently guaranteed.

193. The accused may apply for an appeal, re-appeal and immediate appeal, to reopen the case and for extraordinary appeal. The details are explained in paragraph 174 of the initial report. However, according to the Constitution (art. 110, para. 4) and the Military Court Act (art. 534), in military trials, only appeals are allowed.

194. In case a child not versed in the Korean language or with a hearing or visual impairment is required to make a statement, a translator is provided by the court. The details are explained in paragraph 175 of the initial report.

195. As declared in the Convention, to ensure the privacy of juveniles involved in legal proceedings, the Juvenile Act provides that the trial shall not be public and those details or persons by which the juvenile under protection or trial may be identified shall not be made public by newspaper or broadcast media. The details are explained in paragraph 176 of the initial report.

196. The Criminal Procedure Act (art. 9) provides that a minor offender, who has not attained 14 years of age is not subject to criminal punishment. The Juvenile Act (art. 4, para. 1) provides that juveniles over the age of 12 but less than 14 have committed acts which are contrary to the criminal laws and decrees are tried as protection cases by the Juvenile Department.

197. The Juvenile Act (art. 32) provides that the juvenile delinquents in juvenile protection cases shall: (a) have the guidance of their guardians; (b) have protective guidance from juvenile guidance counsellors; (c) have guidance from juvenile protection institutions; (d) be committed to hospitals, reformatories, etc.; (e) be subject to the Juvenile Reformatory Act, which provides for guidance procedures rather than penal punishment. In case of protective guidance by juvenile guidance counsellors, an order for public service or education may be issued at the same time, which contributes to the juvenile's active rehabilitation.

198. The Juvenile Act provides that investigations shall be conducted not only into the misdeeds of the juvenile concerned, but also on the environment of the juvenile. The trial should take into consideration the opinion of educators, social workers, psychiatrists, psychologists and other experts so that the motives of the juvenile criminals are understood and effective and practical correction measures can be developed. The details are explained in paragraph 179 of the initial report.

199. For educating and improving juvenile delinquents, juvenile reformatories are managed using school curricula, vocational training and short-term and special treatment. Juvenile delinquents are accommodated taking into account their age, educational level, aptitudes, prospects, degree of difficulty in reform, etc. and thus are effectively removed from malign influences. In the reformatory schools, pursuant to the Education Act, regular primary, middle and high school curricula are taught and the entrance and transfer to regular schools is encouraged. At the vocational training reformatories, pursuant to the Rudimentary Vocational Training Education Act, public vocational training is provided; 700 inmates annually attain technical licences in 17 different fields including automobile maintenance. In short-term treatment reformatories, the duration of stay of the juvenile delinquent is less than six months and hence, through various improvement programmes for early protection and timely improvement, daily lessons are continually taught. Juveniles who have committed serious crimes such as murder, robbery, rape, or organized crime are accommodated at special reformatories where special education, such as physical training, is offered. In order to develop cooperative attitudes, special activities are provided 10 hours weekly in selected possible areas such as arts and letters, physical education, labour service and other subjects.

200. Those provisionally discharged are placed under intensive supervised probation for 6 to 12 months and given guidance for jobs, forming relationship and entering school, and thus are actively supported for social adaptation and integration. Also, there are efforts to prevent relapse by the discharged by providing ex post facto instruction.

2. Children deprived of their liberty (art. 37, paras. 2, 3, 4)

201. The structure of laws for securing personal liberty and safety was explained in paragraphs 182-184 of the initial report. Pursuant to the constitutional principle of due process and the obligation to present warrants (art. 12, paras. 1 and 3), the Criminal Procedure Act stipulates the requirements for arrest (art. 70), the issuance of warrants (art. 73), the methods of detention (art. 75), the manner of executing an arrest (art. 85), the request by the prosecutor for the issuance of a warrant (art. 201), etc. The Republic of Korea has prepared a systematic procedure for thoroughly guaranteeing personal liberty and safety in the Criminal Procedure Act, revised 29 December 1995 and in effect as of 1 January 1997.

202. The Criminal Procedure Act provides restrictions on warrants for the arrest of criminals. But since there are no regulations for the short detention of suspects in certain circumstances, the investigating agency's investigation took the form of "voluntary accompaniment", after which it could request the issuance of a warrant for arrest. This procedure was denounced at being an infringement of human rights. Consequently, the Police Duty Execution Act was revised on 8 March 1991 to restrict the requirements, procedure and time limit for a "voluntary accompaniment". However, problems continued to arise and hence the revised Criminal Procedure Act provided new conditions for the issuance of a warrant for arrest.

203. Under the revised Code of Criminal Procedure, when there are reasonable grounds to suspect a person of committing a criminal act and that he may escape, the prosecutor may arrest the suspect under a warrant issued by a district court at the request of the prosecutor, or the judicial police may ask the prosecutor to request a judge to issue an arrest warrant. These provisions eliminate the need for arrest by "voluntary accompaniment" (Criminal Procedure Act, art. 200, para. 2).

204. The public prosecutor or judicial police official may arrest a suspect with an arrest warrant issued by a judge at the request of the prosecutor (Criminal Procedure Act, art. 201). However, a public prosecutor or judicial official may arrest suspects without a warrant if there is good reason to suspect that the person has committed a crime punishable with the death penalty, penal servitude or imprisonment of three years or more, if there are reasonable grounds to suspect that the suspect may destroy evidence or may flee or has fled, if it is impossible to obtain a warrant from a judge due to urgent need (*ibid.*, art. 200, para. 3), or if the suspect is a flagrant offender. Even in such cases, if the prosecutor or judicial police official fails to obtain a warrant within 48 hours from a district court judge, the suspect shall be released immediately (*ibid.*, art. 200, para. 4).

205. An arrest warrant for a juvenile suspect shall not be issued unless absolutely necessary (Juvenile Reformatory Act, art. 55, para. 1). When necessary, the arrest of a juvenile shall be by a warrant issued by a judge at the request of a prosecutor. When a district juvenile department makes a decision to transfer an arrested juvenile, the director of the institution where he is placed shall bring him to the juvenile department of the city/county court within 24 hours, and to a city/county court without a juvenile department within 48 hours of being so directed by the prosecutor (Juvenile Reformatory Act, art. 52, para. 1).

206. A judge of the juvenile department of the court may send an arrested juvenile for three months to a preventive facility, such as the Juvenile Classification Investigation House or a hospital when the case needs to be investigated and tried. If the juvenile needs to continue to be protected, this period can be prolonged only once for another three months (Juvenile Reformatory Act, art. 18). The “guardian treatment” shall not affect his future (art. 32, para. 5).

207. The Juvenile Reformatory Act (art. 8) provides that male and females, and persons under 16, and persons over 16 should be accommodated separately so as to limit adverse influences. Newly committed juvenile delinquents are housed separately from other juvenile delinquents and after a 10-day surveillance period for classification, the Juvenile Delinquent Treatment Deliberation Committee determines and classifies their accommodation, duration of treatment, education courses, etc. in detail, on the basis of the results of the investigation and the screening (Enforcement Decree of the Juvenile Reformatory Act, arts. 4, 11, 14, 15).

208. There are 12 juvenile reformatories nationwide, classified by their function into those for academic education, for occupational education, for females, for serious and habitual juvenile delinquents, and for the combined purposes of academic and occupational education. Based on the juvenile delinquent’s sex, age, experience, existence of confederates, characteristics of their crime, duration of treatment and education, the juvenile delinquent is accommodated in a separate facility or accommodated separately within the same facility as others (Juvenile Reformatory Act, arts. 4 and 8 and its Enforcement Decree, arts. 3, 11, 16).

209. For contact with the family, interviews are permitted at fixed times and places unless such interviews would cause disruption in the protection and reformatory education of the juvenile under custody. Correspondence is allowed, but after viewing the letters, if it is found that the contents may be disruptive to the reformatory education, the exchange of correspondence may be restricted (Juvenile Reformatory Act, art. 18 and its Enforcement Decree, arts. 48-51). If it is necessary for the reformatory education, the juvenile is allowed out on special occasions or tragedies in the lineal family. The provision enables the juvenile to improve relations with the family and adjust to society (Juvenile Reformatory Act, art. 19 and its Enforcement Decree, arts. 52, 53).

210. The Constitution provides that all persons who are arrested or detained shall have the right to request the court to review the legality of the arrest or detention (art. 12). The Criminal Procedure Act (art. 214), pursuant to the Constitution, provides that a suspect who is confined pursuant to a warrant of confinement may submit a petition to an appropriate court to examine the legality of the confinement with respect to all crimes. Where the accused is a minor, the court may appoint a counsel ex officio and accordingly, the provision stipulates special protection for juveniles whose capability for legal care is relatively weak (Criminal Procedure Act, art. 33).

211. In the past five years, the number of incidents of juvenile delinquency has increased. In 1997, juvenile delinquency accounted for 7.6 per cent of the total number of crimes; about 36.8 per cent of the juvenile delinquencies were prosecuted, 38.1 per cent of that number

were suspended, and 13.8 per cent were transferred to the juvenile department of a court. The rate of prosecution for adult crimes was 53.7 per cent greater than for juvenile crimes, whereas the suspended prosecution rate for adult crimes was only 7.3 per cent, which indicates that juvenile crimes tended to be treated more with guidance than with penal measures.

Table 32

Incidence of juvenile delinquency, 1993-1997

	(persons, %)				
	1993	1994	1995	1996	1997
Total crimes	1 738 952	1 660 973	1 804 405	2 018 296	2 117 759
Crimes committed by juveniles	110 604	108 342	124 244	146 986	164 182
Proportion	6.4	6.5	6.9	7.3	7.6
Rate of prosecution	40.3	37.7	36.8	35.4	36.8

Source: Ministry of Culture and Tourism, *Youth White Papers*, each year.

3. Prohibition of death sentence and life imprisonment of children (art. 37, para. 1)

212. The prohibition of capital punishment and life imprisonment for juveniles is mentioned elsewhere in this report.

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

213. When a young person is released into society from a rehabilitation centre or juvenile reformatory where he/she received correction, post-release services are provided to promote reintegrating the youth into the community so that the person can be self-supportive, without misadaptation to the society and recidivism. These services are carried out by the Korea Rehabilitation Protection Cooperation under the Ministry of Justice, which has headquarters at the national level, 12 local centres at the provincial level and 56 branches in prisons and juvenile reformatories nationwide. In addition, there is the Society for the Support of Rehabilitation, most of whose members are businessmen in small to medium-sized companies. The Society provides rehabilitation services such as vocational guidance, help with job search, medical care, financial assistance, including provisions for housing and food, support for transportation, vocational training, employment, and other self-reliance support activities.

214. Non-governmental organizations working with children have centres for protecting children's rights and reporting violations. The Korea Child Abuse Prevention Association has local centres for reporting child abuse and a telephone hotline, etc. The Korea Child Protection Foundation expanded its child counselling phone line to a 24-hour hotline. From January 1999, the Foundation also began operating temporary shelters.

215. Social treatment for child abuse and child abandonment in Korea is in its initial stages and active intervention for treatment and prevention has not been encouraged. This is because there is no legal foundation yet. Therefore, the Government is currently preparing reports on child abuse; it has carried out research projects on laws to prevent child abuse and will support counselling to strengthen the Child Abuse Prevention Association's social activities.

B. Children in situations of exploitation

1. Economic exploitation (art. 32)

216. To protect school-aged children, it is provided that no child below 15 shall be employed at any job except for those who have obtained an employment authorization certificate from the Ministry of Labour (Labour Standards Act, art. 62). Jobs for which an employment authorization certificate may not be given are waiters in restaurants or bars, incineration jobs, slaughtering, operating elevators and others detrimental to health (Labour Standards Act, art. 62 and its Enforcement Decree, art. 33) and underground work (Labour Standards Act, art. 70), like at smelting furnaces (Labour Standards Act, art. 63 and its Enforcement Decree, art. 37).

217. The Korean Government ratified the Convention concerning Minimum Age for Admission to Employment (ILO Convention No. 138) on 28 January 1999 on the recommendation of the Committee, and the Convention will come into effect on 28 January 2000.

218. In order to prevent minors from being employed in harmful workplaces, including where drinking and prostitution take place, the regulations for prohibiting the employment of minors under the age of 18 was added to the Employment Security Act (art. 21) and its Enforcement Decree (art. 26) in April 1999. Through annual inspections of such premises the offenders are pursued and arrested. The Youth Protection Act (art. 24) designates those places that are prohibited from employing youths and imposes on violators a maximum punishment of three years' imprisonment and fines of up to 20 million won, and additional fines of 10 million won per youth employed illegally.

219. In April 1997, 15,177 children aged under 18 were economically active (5,064 males and 10,113 females) accounting for 0.2 per cent of the workforce; 78.0 per cent of child labour, or 11,836 children, were employed in the manufacturing industry.

220. Working hours are severely restricted for working minors. Although the working day for adult labourers is eight hours, not including rest time, and cannot exceed 44 hours per week, for minors it is seven hours per day and 42 hours per week. Prolongation of working hours is possible by agreement between employer and employee, but even in such cases, overtime cannot exceed 12 hours per week for adult labourers, and 1 hour per day and 6 hours per week for minors.

221. In order to prevent the economic exploitation of children, their employment contracts and minimum age are protected; neither parents nor guardians have the authority to make an employment contract on behalf of a minor. If it is deemed disadvantageous to a minor employee, the parents, guardian or the Ministry of Labour may terminate an employment contract (Labour Standards Act, art. 65).

222. The minimum wage applies for establishments with 10 employees or fewer. Even if a minor worker has worked less than six months, the child shall be paid nine tenths of the minimum wage for adults and the previous level of wages shall not be cut to the minimum wage (Minimum Wages Act, art. 5 and its Enforcement Decree, art. 3). A contracted wage below the minimum wage is invalid. As of September 1998, the adult minimum wage was 1,525 won per day and 12,200 won per week.

223. In order to protect child workers' rights, chapter 12 of the Labour Standards Act prescribes punishments for each violation. When a minor is employed in work prohibited by law (art. 63) and when the minor is employed in "underground" work (art. 70), the violators shall be punished by imprisonment for up to three years, and a fine of 20 million won. When children under the age 15 are employed without an employment authorization certificate (art. 62) or when the legal working hours, the prohibition against working at night, and working out of legal hours are violated (arts. 67-69), a fine of 5 million won is imposed on the violators. No legal employment authorization certificate for the minor worker (art. 64) or an illegal employment contract (art. 65) is punishable by imprisonment of up to two years or a fine of 10 million won.

224. In order to monitor the above provisions to protect children, the Government maintains 46 local employment offices to guide and supervise the work of establishments with five or more employees per office for the special protection of minors. In 1997, 3,300 child labourers in 779 establishments were inspected and 207 cases were identified and corrected. However, as the Labour Standard Act is applicable for establishments with five or more employees, there is no provision for the maximum number of working hours of child labourers in establishments with less than five employees, and hence no statistics on the number of child labourers in these establishments.

2. Drug abuse (art. 33)

225. In order to protect children from becoming drug abusers, the Psychotropic Drugs Control Act designates the drugs seriously detrimental to the body as psychotropic drugs and provides that persons who sell, purchase, manufacture, consume, or disseminate psychotropic drugs to minors shall be punished by penal servitude for life or for not less than five years (Psychotropic Drugs Control Act, art. 42). The Youth Protection Act (art. 26) also provides that the selling, borrowing or disseminating not only of psychotropic drugs but also of cigarettes, alcohol, etc. or hallucinatory drugs to minors are prohibited and a statement of that prohibition shall be written on the package.

226. The Hemp Control Act provides that persons who purchase and sell hemp without authorization for dealing in hemp be punished by penal servitude for life or for not less than five years (Narcotics Act, art. 60). The Cannabis Control Act provides that persons who cultivate cannabis for sale without legal authorization for dealing shall be punished by penal servitude for not more than one year (art. 19).

227. The treatment and rehabilitation of drug addicts are accomplished through 17 national or public hospitals and 5 private hospitals which are authorized as specialized hospitals for drug abusers. For the specialized and efficient treatment of drug addicts, a National Drug Rehabilitation Centre with 200 beds is being constructed. While the number of drug addicts is decreasing, harmful chemical addictions such as inhaling glue and gas are causing new problems. According to the survey on drug addiction among youth conducted in 1992, 45,000 to 88,000 adolescent addicts are estimated to be in need of treatment. The chemical addicts may be treated in psychiatric facilities. Chemical addiction is, however, not covered in the national health insurance.

3. Sexual exploitation and abuse (art. 34)

228. In order to protect children from sexual exploitation and abuse, the Criminal Act provides that a person who induces a minor to engage in sexual intercourse shall be punished by penal servitude for not more than three years or a fine not exceeding 15 million won (art. 242). The other protections, which are explained in details in the initial report (paras. 202-205), include the prohibition of prostitution by the Prevention of Prostitution, etc., Act and the prohibition of prostitution and obscene acts by the Act on the Regulation of Amusement Business Affecting Public Morals. By the Criminal Act (art. 244), a person who, for the purpose of sale, manufactures, possesses, imports or exports obscene goods, shall be punished by penal servitude for not more than one year or a fine not exceeding 5 million won.

229. The Prevention of Prostitution, etc., Act forbids prostitution, inducements or coercion of prostitution, exhortation to be a partner in prostitution, or the provision of a place for such acts. Violators shall be punished by penal servitude for not more than three years (arts. 4-6, 14-16).

230. The Act on the Regulation of Amusement Business Affecting Public Morals provides that a person who provokes prostitution or obscene acts or who brokers or provides such acts shall be punished by penal servitude for not more than three years or by a fine not exceeding 20 million won.

231. The Child Welfare Act provides that a person who has children perform obscene acts or induces them to do obscene acts shall be punished by penal servitude for not more than 10 years or by a fine not exceeding 50 million won (arts. 18, 34).

4. Other forms of exploitation (art. 36)

232. In order to achieve the sound and happy development of children, the Child Welfare Act (art. 18) prohibits acts that place a disabled and deformed child open to public inspection; acts to induce a child to beg; acts to have a child under 14 do acrobatics with the object of public recreation or entertainment; acts to have a child under 14 engaged in a bar or other entertainment

business; acts to have a child perform obscene acts; acts to show a child entertainments, such as movies, which are detrimental to children; acts to have a child play amusements; and acts to abuse children under guardianship or protection. Violators shall be punished by penal servitude for not more than 10 years or by a fine not exceeding 5 million won (art. 34). Under the Youth Protection Act, which came into force in July 1999, a person who uses adolescents in sexually corrupt acts shall be punished by penal servitude for not more than 10 years; a person who has adolescents induce guests shall be punished by penal servitude for not more than three years or by a fine not exceeding 20 million won; and a person who abuses adolescents shall be punished by penal servitude for not more than five years.

IX. IMPLEMENTATION OF THE RECOMMENDATIONS OF THE COMMITTEE CONTAINED IN ITS CONCLUDING OBSERVATIONS (CRC/C/15/Add.51)

Paragraph 19 (reservation)

233. The three reservations to the Convention made by the Government concern the right to maintain contact with both parents (art. 9, para. 3), the authorities authorized to arrange adoptions (art. 21 (a)), and ensuring the right of appeal in trials involving children (art. 40, para. 2 (b) (v)). The arrangement of adoptions by authorized agencies is partly for needy children, but in general children can be adopted without the permission of authorities. The Republic of Korea will continue to make efforts to maximize respect for this provision of the Convention.

234. In order to harmonize the Convention and municipal law and fully realize the rights of children, concentrated legal, systematic and administrative efforts are needed. Government and non-governmental organizations, in collaboration, need to make continual efforts to revise laws and systems, establish and implement policies, perform public relations, and encourage civil movements to that end.

Paragraph 20 (campaigns against persisting discrimination)

235. The Korean Committee for UNICEF, established in 1993, published "The Child has Human Rights" in collaboration with the Union of Civil Participation and disseminated the publications to schools and related agencies, and undertook an educational programme for parents as a form of publicity for children's rights. In addition, the Committee held a symposium with a focus on publicizing the contents of the Convention.

236. In order to eliminate problems of imbalance in the sex ratio at birth, the Government revised the Medical Law in 1987 to prohibit the sex screening of the foetus, and providing for the revocation of the licences of violators. Under the revised Medical Law of 1994, violators shall be punished by penal servitude for up to three years or by a fine of 10 million won. The medical personnel themselves agreed not to practise non-ethical sex screening of the foetus and selective, induced abortion. In order to improve the public perception of the disabled, a "Day of the Disabled" is celebrated on 20 April every year and the National Comprehensive Art and

Literature Festival for the Disabled is held. In 1998, the movement “Knowing the disabled in the right way”, to promote assistance for the self-support of the disabled, was included in the Five-Year Plan for Youth Rearing.

237. The Government requested that the Korea Neighbourly Love Association make a video film on the prevention of child abuse, which was to be distributed to children’s homes, primary schools, etc. In May 1999, 12,000 copies of the publication on the prevention of child abuse were distributed to medical personnel, teachers, governmental officials and professional counsellors.

Paragraph 21 (training)

238. As a member of the International Save the Children Alliance, the non-profit non-governmental organization Korea Save the Children has carried out publicity and educational activities on children’s rights by making the video on child rights and by providing training opportunities on the Convention for persons involved in child-related activities through holding seminars on children’s rights.

239. Currently, the contents of the Convention are included in a textbook for primary grade 5. Efforts will be made to increase the content and include practice strategies on the rights of the child in the seventh revision of the textbook in 2000.

Paragraph 22 (national legislation)

240. The draft revision of Child Welfare Act, which is pending in the National Assembly, reflects the basic principles and contents of the Convention such as prohibition of discrimination against children, the best interests of the child, respect for the child’s views, etc.

241. The Labour Standards Act, which was revised in March 1997, increased the minimum age for employment from 13 to 15, which resolved the discrepancy between the compulsory education age and the minimum age for work.

242. Because of the social practices with respect to monogamy and legitimate marriage, influenced by the Confucian tradition, illegitimate children have suffered a disadvantaged position in society in comparison to legitimate children. However, the Government takes the position that illegitimate children and legitimate children should receive equal treatment under the law. The Civil Act (art. 1000) does not discriminate between illegitimate children and legitimate children in most cases, including inheritance, but provides that legitimate children have priority over the illegitimate children in succeeding to the position of head of the house (Civil Act, art. 985, para. 1). However, there is a judicial precedent that illegitimate children cannot be registered in the family register without the legal wife’s consent.

243. The Korea Institute for Health and Social Affairs, which is funded by the Government, has carried out research on the adoption system, the result of which will be used as a basis for preparing the draft revision of the Act on Special Cases concerning the Promotion and Protection of Adoption.

Paragraph 23 (coordination and monitoring)

244. The Government is establishing the National Commission on Human Rights; according to the proposal for its establishment, the Commission will be composed of three small committees, of which one will monitor child rights-related affairs.

245. The coordination and monitoring of child-related policies have been shared among various departments and non-governmental organizations. The Child Rights Coordination Committee is composed of representatives of the Ministry of Health and Welfare, the Ministry of Foreign Affairs and Trade, the Ministry of Education, the Ministry of Justice, the Ministry of Labour, academic circles, non-governmental organizations, etc. Its function is to review and coordinate the country report.

Paragraph 24 (data collection)

246. The Korea Child Rights Society, organized in 1996, aims to protect the rights of Korean children and contributes by performing research and practical activities. The Society is developing the indicators in relation to the rights of the child.

Paragraph 25 (economic, social and cultural rights)

247. The Government pays for the livelihood protection, educational protection, medical protection, and additional grants for school supplies, meals, etc. for the sound development of children. The Government also makes an effort to ensure that children are born healthy and reared in a sound and healthy manner. For example, the systems and programmes which give high priority to children include giving priority to the rescue of women and children in disasters, discounts in purchasing and entrance fees for children, establishment of road safety zones near schools for children's safety, prohibition of workplaces detrimental to children's educational environment, etc. In addition, in distributing its support to the poor the Government has made an effort to give priority to children.

Paragraph 26 (participation)

248. The Korean Government accepts and makes efforts to implement the recommendations of the Committee. The Government established the Five-Year Plan for Youth Rearing in July 1998, which includes development and implementation of home-school cooperation programmes for increasing youths' participation. Activities include making out family instructions, making a family newspaper, etc. The Government also makes efforts to provide circumstances in which young people participate and give their opinions in the decision-making process within schools through the autonomous organizations and the youth committees in the community. The Government also makes efforts to expand young peoples' participation in the youth support committee, the local youth committee and the consultative committees with respect to various youth-related policies.

Paragraph 27 (assistance to the families)

249. In order to provide support for the sound rearing of children where the husband and wife both work, the Government invested a total of 1.3 trillion won from 1995 to 1997 to increase the number of day-care centres from 5,490 in 1993 to 15,375 in 1997, enabling 520,959 children to receive day-care services. With the quantitative improvement made, the improvement of the quality of day-care centres is now being addressed. The Government plans to solve the day-care issues of the disabled by establishing about 100 day-care centres for the disabled by 2003. In order to improve the quality of the service, the Government makes efforts to carry out evaluations of the day-care centres and develop and disseminate various day-care programmes.

250. The Government has carried out support programmes against child abandonment and for child-headed families, which include counselling, payment of education costs, loans for housing and vocational training.

Paragraph 28 (child abuse and domestic violence)

251. The Government takes an active position vis-à-vis professional intervention in and strengthening of the legal framework against child abuse and child abandonment. Under the Child Welfare Act (art. 18), actions constituting prohibited child abuse and exploitation are specified, and violators shall be punished in accordance with article 34. The draft revision of the Child Welfare Act includes the obligation to report child abuse, treatment for abusers, establishment of professional protection agencies, establishment of a hotline, etc. Specifically, medical personnel, teachers, child welfare counsellors, etc. are required to report cases of child abuse.

252. In order effectively to protect children from domestic violence, the Special Act on Punishment of Perpetrators of Domestic Violent Crimes was enacted on 31 December 1997 and came into effect on 1 July 1998. The Act (art. 40) provides for the treatment, together with punishment, of the perpetrator of domestic violence, including restriction of access to the victims, restriction of parental authority, probation, preventive custody, orders to receive treatment and counselling, etc., by which the Act strengthens the protection of children from domestic violence and child abuse and provides the fundamental treatment for the correction or prevention of recurrence of domestic violence.

Paragraph 29 (education policy)

253. In order to overcome the idea that education is only to pass entrance examinations, the Government takes a variety of actions so that education policy reflects the purposes of education as reflected in the Convention.

254. According to the directions of the educational reform announced by the Minister of Education in March 1998, the new education policy would be directed towards, first, the enhancement of creative learning and the diversification of education; second, a reduction in the

cost of private education; third, an improvement in the working conditions of the personnel involved in education and rational personnel management; and fourth, the education of a labour force whose skills, personality, creativity and abilities are appropriate for the era of globalization and internationalization.

Paragraph 30 (child labour)

255. By the revision of the Labour Standards Act in March 1997, the minimum age of employment (15) provided by ILO Convention No. 138 has been implemented.

256. Specifically, the Committee recommended that the Government ratify ILO Convention No. 138, which it did on 28 January 1999. The Convention came into effect on 28 January 2000.

Paragraph 31 (juvenile justice system)

257. The Juvenile Act was revised in 1995 to improve the legal rights of children deprived of their liberty. The revised Act enables the juvenile offenders whose correction results are good to request conditional release through examination by the Probation Examination Committee and to receive vocational training according to the Act for the Promotion of Workers' Vocational Training. This enables institutions other than the juvenile reformatories to provide vocational training. It also enables the juvenile reformatories to have qualified teachers for vocational training (arts. 35 and 36).

258. The Juvenile Act (art. 12) provides that the decision on punishing juvenile offenders shall take into consideration the professional diagnoses and the results of the juvenile detention classification exercise. In case of temporary treatment of juvenile offenders, the person deciding the punishment shall be designated.

Paragraph 32 (dissemination of documentation)

259. The first report was published and distributed to government agencies, NGOs, societies, researchers, etc. and the second report will be published and widely disseminated as well.
