



Convention on the Rights of the Child

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Committee on the Rights of the Child Fifty-eighth session

Summary record of the 1644th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 21 September 2011, at 10 a.m.

Chairperson: Mr. Zermatten

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The meeting was called to order at 10 a.m.

Consideration of reports of States parties *(continued)*

Combined third and fourth periodic reports of the Republic of Korea on the implementation of the Convention on the Rights of the Child (CRC/C/KOR/3-4, CRC/C/KOR/Q/3-4 and Add.1)

1. *At the invitation of the Chairperson, the delegation of the Republic of Korea took places at the Committee table.*
2. **Mr. Park Sang-Ki** (Republic of Korea) said that the Government of the Republic of Korea had withdrawn its reservation to the right of adopted children to maintain contact with their parents in October 2008. As a result, the Republic of Korea had only two remaining reservations to the Convention. In August 2011, the Special Adoption Act and the Civil Code had been revised to require the approval of the family court before an adoption became valid. The reservation to article 21, subparagraph (a), could be withdrawn once that revision took effect.
3. The decree promulgating the Elementary and Secondary Education Act had been amended in March 2011 to make it mandatory for schools to consult students when introducing or amending school regulations on student life. Students also had a greater opportunity than before to take part in school steering committees. In addition, eight government bodies had worked together to develop the second Five-Year Plan on the Prevention of Violence in Schools in 2010. A second set of comprehensive suicide prevention measures had been developed in 2008, and the Suicide Prevention Act, which stipulated that a suicide prevention plan would be established every five years, had been enacted in 2011.
4. Provisions specifying the responsibilities of parents towards their children had been put in place, and uncontested divorces could not go through until agreement had been reached on child custody arrangements. In addition, the Civil Code and the Family Litigation Act had been revised in order to ensure that child support would be paid to the child's caregiver directly and without delay. Improvements were being made in the alternative care system for parentless children. Group homes and foster care arrangements had been introduced, and financial support for foster families included child support subsidies, accident insurance, child psychotherapy services and lease deposits.
5. A law on benefits for disabled children that would take effect in August 2012 covered health care, rehabilitation services, childcare subsidies and other support measures for disabled children and their families. The Government had also ratified the Convention on the Rights of Persons with Disabilities.
6. The Child Welfare Act had also been amended to make it mandatory to conduct comprehensive surveys on the status of children every five years, expand the scope of child abuse reporting requirements and provide for support for child victims and their families. Programmes for underprivileged children had been put in place, and urban children's centres helped to prepare such children for the future by providing scholarships, covering housing costs or helping them to start a business.
7. The Support for Multicultural Families Act had been amended as explained in paragraph 54 of the written replies (CRC/C/KOR/Q/3-4/Add.1). Surveys were planned on the educational status of children from multicultural families, and programmes to promote multiculturalism would be offered in the schools.
8. The Government had set up a system to inform residents and schools in neighbourhoods where convicted child sex offenders lived. Victims of sex crimes were guaranteed the right to counsel. The systems governed by the Juvenile Justice Act and the

Act on the Treatment of Protected Juveniles had been improved, and overcrowding in juvenile reformatories had diminished significantly since 2005.

9. **The Chairperson** (Country Rapporteur) informed the Committee that the session was being filmed and would be available for viewing online. While the Committee welcomed the progress made since 2003, there were still many shortcomings in the observance of the Convention, and the State party not yet put a number of the Committee's 2003 recommendations into effect. Children were not always considered to be rights-holders, and the law did little to promote children's rights.

10. He urged the State party to re-examine the legislative options that would allow it to withdraw its reservation to article 40, paragraph 2 (b)(v), and asked whether the reservation to article 21, subparagraph (a), would be rescinded with the promulgation of the new adoption act in August 2011.

11. There did not appear to be a general awareness of the Convention, nor did it appear to be invoked in court proceedings. He enquired about the legal status of abortion and whether young girls had access to the procedure. He would like to know if the amendment to the Child Protection Act submitted for consideration in November 2010 had been passed and, if not, what was hindering the process. He asked why consideration of the bill on non-discrimination had been suspended in May 2008 and if there had been, or would be, any further developments in that regard. Given that corporal punishment was dealt with in an ad hoc manner and mainly at the provincial level, what measures were being taken to establish national standards? Further details would be appreciated on the bill to support disabled children. Would it be feasible to amend existing legislation to enable the State party to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Their Families?

12. He asked for further information on coordination between the various committees, agencies and ministries tasked with children's services and between the different levels of government. He also would like to know what arrangements there were for coordination between the Government and civil society, and particularly in the case of the Korea Council of Children's Organizations.

13. Since the National Action Plan for the Promotion and Protection of Human Rights was due to expire soon, it would be of interest to learn what body was responsible for overseeing the plan, if there had been any coordination with other programmes such as the Dream Start Project, whether there were plans for a post-implementation assessment, and what work in the field of human rights was planned beyond 2011. He asked what was being done to turn the Children's Rights Monitoring Centre into more of an oversight body, and if there was any cooperation between it and the children's rights ombudspersons. He asked for additional information on the independence of the National Human Rights Commission, the implementation of its recommendations, and the effects of recent financial and staffing cutbacks. What progress had been made in decentralizing the human rights monitoring bodies beyond the three existing regional offices?

14. **Ms. Al-Shehail** (Country Rapporteur) said that, despite the State party's remarkable economic growth, in the 2009 Organization for Economic Cooperation and Development (OECD) family database, the Republic of Korea was ranked the lowest among all OECD member States in terms of budget allocations for child welfare. She therefore asked whether the Government planned to increase the proportion of its budget that it allocated to that end. She also wished to know what measures had been taken to minimize the disparities between different local governments' budgets for child health care and child welfare, which currently resulted in inequalities in services. It would appear that the mandate of the Children's Rights Monitoring Centre was renewed every three years, depending on its

performance. It would be useful to know whether any steps had been taken to change that short-term approach and ensure the Centre's continuity.

15. Given that the Committee had been unable to assess the State party's implementation of the Convention on the basis of the statistical data that had been submitted in the report, she asked whether the Government planned to establish a comprehensive statistical system to measure the implementation of the Convention. She would welcome information on any efforts to establish a research institute that would focus on children and policy and an organization to monitor the situation of children and to collect relevant data.

16. Since family courts were currently required to hear the views of children on matters such as parental authority, child custody and visitation rights only if they were over the age of 15, she asked whether the State party had any plans to establish procedures that would ensure that all children's voices were heard in judicial and administrative proceedings affecting them.

17. She noted that traditional attitudes in the State party often limited pregnant teenagers' opportunities to continue their education without discrimination by their peers. It would be useful to know how many school programmes had been established for pregnant teenagers and how many pregnant schoolgirls were benefitting from such programmes. She wished to know what measures were being taken to implement the legislation prohibiting compulsory religious education in schools, including religious schools and those that followed a Roman Catholic syllabus.

18. **Mr. Kotrane** asked whether the State party planned to ratify the International Convention for the Protection of All Persons from Enforced Disappearance and the Hague Conventions, particularly No. 33 on Protection of Children and Cooperation in Respect of Intercountry Adoption. The latter would contribute to the State party's efforts to strengthen its regulations on adoption. He asked why the State party had not yet ratified the International Labour Organization (ILO) Forced Labour Convention (No. 29) and the ILO Abolition of Forced Labour Convention (No. 105). He would also welcome additional details on the State party's efforts to ensure that children enjoyed the right to freedom of expression and freedom of assembly.

19. **Ms. Maurás Pérez** said that she welcomed the amendment to the Education Act and asked whether article 31 of that law had been amended to provide for children's participation. The Committee would welcome additional details on the forms of participation provided for under the amended Act. Could students vote for their peers to represent them on school councils in democratic elections?

20. It would be useful to learn whether children continued to be obliged to participate in religious ceremonies and receive religious education, even if they practised a different religion. She wished to know whether the State party planned to amend the Civil Code to include a provision to ensure that children's views would be heard in administrative and judicial proceedings that concerned them.

21. She asked if the State party verified whether items it imported had been produced using child labour, as was the case with cotton produced in Uzbekistan, according to ILO. If not, she urged the Government to take steps to that end. Given that many Korean companies were signing long-term concessions for the use of land in countries such as Cambodia, Ethiopia, the Philippines and Ukraine, the Committee would appreciate information on any efforts to ensure that the rights of the people living on that land, including children, were fully respected. It would be useful to learn whether the Government had assessed the impact that its free trade agreement with the United States of America would have on the enjoyment of human rights in general, and children's rights in particular.

22. **Mr. Madi** asked what measures the Government planned to introduce to protect children of foreign parents or migrant workers against discrimination. It would appear that extensive efforts on the part of the whole of society and all stakeholders were necessary to overcome that problem. He requested additional details of how home births were registered, particularly as some adoptive parents registered children as their own, which seriously violated the children's right to know the identity of their biological parents.

23. **Mr. Guráň** requested clarification of how the system of independent monitoring was coordinated between the Children's Rights Monitoring Centre, the children's rights ombudspersons and the National Human Rights Commission. The Committee wished to know which of those organizations was in full compliance with the Paris Principles. He would welcome additional information on how the State party guaranteed all children's right to play and to leisure time.

24. **Ms. Nores de García** asked what steps the State party was taking to raise awareness, particularly among children and parents, of the rights of the child.

25. **Mr. Koompraphant** asked whether schools were enforcing the ban on corporal punishment and what practical steps had been taken to prevent corporal punishment in schools and homes. It would be interesting to know whether any programmes had been launched to raise teachers' and parents' awareness of positive forms of discipline. He wished to know what punishments had been handed down to school students in the State party who had been found guilty of bullying and whether any steps had been taken to identify the root causes of the bullying. The Committee would welcome information on any measures that had been introduced to uphold children's right to privacy.

26. **Mr. Gastaud** requested additional information on the results of the measures taken to ensure that children could participate in decision-making processes that affected them. The Committee would welcome further details on how children and young people were elected to bodies such as school councils and how they were represented.

27. **Ms. Al-Asmar** asked whether under existing legislation civil society organizations had access to public institutions and schools and were allowed to send in observers. While recognizing the best interests of the child were taken into account in the country's laws, she wished to know whether any measures had been introduced to seek to ensure that school and family environments served the best interests of the child. Given that Korean society was traditional and conservative, she would be interested to learn whether it was considered admissible for teachers and parents to breach children's privacy.

28. **Ms. Aidoo** requested additional information on measures that the State party was taking to protect children's enjoyment of the right to freedom of association and freedom of peaceful assembly. That right should be upheld in schools, in the community, cities and rural areas. She asked what action was taken when school authorities restricted students' right to peaceful assembly and to organize their own school councils. It would be useful to hear how the authorities ensured that school regulations were based on the best interests of the children rather than social, administrative or political considerations. She asked what steps the State party was taking to protect children from material that was harmful to their development, particularly on the Internet.

29. **Ms. Wijemanne** asked whether any research had been conducted into the reasons for the prevalence of unmarried mothers. She was aware that resources were being invested in adoption procedures, and she wished to know why more efforts were not being made to help unmarried mothers keep their children.

The meeting was suspended at 11.20 a.m. and resumed at 11.40 a.m.

30. **Ms. Rhee Won-hee** (Republic of Korea) said that the Child Policy Coordination Committee, which had monitored the implementation of the Convention, had not been

active since 2008. A national policy group had held nine meetings on child-related issues since 2008 under the chairmanship of the Prime Minister, who was responsible for coordinating child policies.

31. **The Chairperson** asked who was responsible for coordinating and implementing the national human rights action plan and how the policies were applied at national, regional and municipal levels.

32. **Ms. Rhee** Won-hee (Republic of Korea) said that representatives of the relevant ministries would provide more detailed information on the coordination and implementation of the national action plan. The Children's Rights Monitoring Centre came under the Institute for Health and Social Affairs, which in turn came under the Office of the Prime Minister, so it was independent from the Ministry of Health and Welfare, sharing its role with the National Human Rights Commission of Korea. The Government was looking into the possibility of setting up a stand-alone nationwide centre to monitor the observance of children's rights.

33. **The Chairperson** asked what was meant by "sharing its role" and sought clarification on the specific roles, mandates and funding of the different government bodies mentioned and the Children's Rights Ombudspersons and on how they were interlinked.

34. **Ms. Rhee** Won-hee (Republic of Korea) said that the Children's Rights Ombudspersons Group consisted of 10 adults and 10 children.

35. **Mr. Kim** Seung-kwon (Republic of Korea), Director of the Children's Rights Monitoring Centre, said that the Centre and the National Human Rights Commission of Korea did not actually share the role of monitoring the observance of children's rights; rather, they complemented one another. The Commission monitored all human rights issues, whereas the Centre promoted children's rights and monitored their observance. It came under the Office of the Prime Minister as an independent State research institution and received its funding from the Ministry of Health. After establishing the Centre, the Government had decided that, since recognition and parental understanding of children's rights in Korean society were poor, a group of ombudspersons to monitor respect for children's rights was needed. The Centre provided support to the ombudspersons.

36. **The Chairperson** requested information on the precise role and tasks undertaken by the ombudspersons and on their relationship with the Human Rights Commission.

37. **Mr. Kim** Seung-kwon (Republic of Korea) said that, as the Commission did not have a department devoted specifically to children's rights, the Centre undertook that role in a complementary capacity and the system as a whole was working well.

38. **Ms. Sandberg** asked how the ombudspersons monitored the observance of children's rights in practice. She wished to know whether children were able to bring individual complaints directly to the ombudspersons. Did they cover the whole country and meet regularly as a group?

39. **Mr. Kim** Seung-kwon (Republic of Korea) said that the 10 adult ombudspersons included lawyers, doctors, academics and teachers, while the 10 child ombudspersons, who were known as "ombudskids", and came from diverse walks of life; some were from poor families and others had disabilities. The ombudspersons submitted a report to the Centre, met every three months, and apprised the Government of their findings. During those meetings, the child participants' right to voice their opinions and to be heard was fully respected.

40. **Ms. Rhee** Won-hee (Republic of Korea) said that many opportunities were provided for children to exercise their rights. For example, the provisions of the Child Welfare Act took the best interests of the child into consideration and the rights to express an opinion

and to be heard were exercised during an annual children's conference. The Government worked to ensure that the opinions expressed at the conference were reflected in child policies. Those rights were also exercised through a special youth conference and a participatory youth organization, where young people were able to help shape government policies in the planning stage at local and national levels.

41. **Mr. Kim** Seung-kwon (Republic of Korea) said that complaints from children could be filed either with the Children's Rights Monitoring Centre or the Human Rights Commission. Children could file complaints directly via the Centre's website or through the ombudspersons.

42. **Ms. Al-Asmar** asked whether the only way to lodge a complaint with the Centre was through its website and, if so, whether all children had access to the Internet 24 hours a day.

43. **Ms. Rhee** Won-hee (Republic of Korea) said that almost all Korean families had an Internet connection. Twitter, Facebook and other social networking sites were also used by children. With regard to budget allocations for children's services, the figures might appear low, but it should be noted that funds were divided among the different ministries. For example, under the Ministry of Health and Welfare budget, 270 billion won had been allocated for assistance to children in need, 2.5 trillion won had been allocated for day-care centres and children's facilities, and the youth-related budget of the Ministry of Gender Equality and Family was 540 billion won.

44. **The Chairperson** said that the budget for children's services was clearly insufficient. The significant amounts allocated to education were laudable, but investing the majority of available funds in education deprived the organizations working to protect all children's rights of much-needed resources. What steps was the Government intending to take to increase the proportion of funds allocated for the protection of children's rights in order to bring it into line with allocations in other countries with comparable levels of wealth and resources to those of the Republic of Korea?

45. **Ms. Maurás Pérez** suggested that the Republic of Korea might structure its budget so that the different budget lines allocated to children's services through the various ministries and institutions would be clearly outlined, which would make it easier to assess the total amount of investment in children's services. She sought clarification on whether the monitoring body had a specific, independent budget line under the national budget or not. If so, how much was the budget allocation?

46. **Ms. Rhee** Won-hee (Republic of Korea) said that the total budget for children was over 87 trillion won. That figure included funds for children in need and for childcare services as well as youth-related budgets. The Government funded the Children's Rights Monitoring Centre and other organizations, but they remained independent. It was unclear whether the budget was adequate to cover the entire country.

47. The new laws on adoption and the jurisdiction of the family courts would come into force in 2012–2013. A 2005 study on domestic legislation and of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption had informed the amendments to the adoption laws passed in August 2011. The amendments strengthened measures to prevent domestic violence against children, barred persons with criminal records from adopting and changed provisions regarding access to information about biological parents. The dissolution of adoption had been made possible in cases of child abuse, and children, even if under 13 years of age, would have their opinion taken into account during the adoption process. While the increase in domestic adoption had not been as great as expected, cultural attitudes to adoption were changing, and comprehensive reforms aimed at making greater use of foster care and group homes were being instituted. Some obstacles to ratification of the Hague Convention on Protection of Children and

Cooperation in Respect of Intercountry Adoption remained, but work was being done in that regard. An inter-agency task force had thus far held three meetings on preparing for ratification.

48. **Ms. Nores de García** asked whether the changes in the adoption process would include voluntary registration of children, which could then lead to direct adoptions, and whether economic support would be provided to single mothers so that they would not have to give up their children for adoption.

49. **Mr. Kotrane** said that the State party had made it clear that many changes were needed prior to ratification of the Hague convention on intercountry adoption. However, the nature of an international convention was such that the changes required to fully observe its provisions could be made after ratification; the necessary changes in attitudes in society would then follow.

50. **The Chairperson** said that a birth registration system that allowed adoptive parents to register the child themselves would not work, since there would be no control over the process and no clear way of knowing what form of consent had been given for the adoption. Such a system would remove judicial oversight from the process and prevent adopted children from knowing their origin and perhaps even from learning that they had been adopted. The Committee was very concerned by the significant difference in the figures for official and unofficial adoptions. He asked whether the State party intended to change the birth registration system in order to control adoptions more strictly and give the process transparency.

51. **Ms. Rhee** Won-hee (Republic of Korea) said that parents or medical doctors could register a birth, and the huge majority of births in the Republic of Korea took place in a medical setting. Cultural attitudes were such that adoptive parents might not wish others to know that their child was adopted; there had, however, been an increase in the disclosure of adoptions, which was being encouraged. The differing rates of official and unofficial adoption were recognized. The Government had launched a campaign promoting adoption involving celebrities and sport stars in order to combat the effects of recent economic crises on domestic adoption. The issue of intercountry and domestic adoption was being fully reviewed prior to ratification of the Hague Convention on Intercountry Adoption.

52. **Ms. Wijemanne** asked whether the birth certificate form still contained a box labelled "unnamed mother". She would like to know what help was being offered to single mothers and whether they had the right to keep their child. Further information would be appreciated on any efforts to discover the reasons behind the high number of unmarried mothers in the country.

53. **Ms. Rhee** Won-hee (Republic of Korea) said that a Government fact-finding survey had indicated that 70 per cent of pregnancies ended in termination. The survey results and statistics from NGOs and not-for-profit organizations were being studied further to uncover the reasons for the high abortion rate. Single mothers were offered group homes and special facilities.

54. **The Chairperson** asked for information on the status of the bill on migrant children. What action was planned to address the problems encountered in registering such children and the work restrictions that migrant youths faced? He was concerned by the fact that there was no time limit on the detention of migrant children who were awaiting repatriation; even children under 10 years of age had been held in detention. The Committee was particularly concerned at the administrative nature of such detention, which meant that there were no regular checks and that the legitimacy of such detention orders was not subject to review. Further information on the situation of migrant children held in detention would be appreciated. Migrant children also experienced discrimination in education, since the submission of identification papers at school could lead to the discovery by the authorities

that their parents were in the country illegally. The Committee deplored the decision taken in 2007 to lower the age of criminal responsibility from 12 to 10 years of age and doubted whether that measure had had any positive effect.

55. **Ms. Al-Shehail**, noting that the figures supplied by the State party indicated that child abuse was on the rise, asked what action was being taken to prevent such abuse, especially physical abuse. Details on efforts to effectively prosecute perpetrators of child sex abuse, including abuse in the context of prostitution and trafficking in persons, would also be useful, as would information on the percentage of the total budget that was allocated to preventing abuse and reintegrating victims into society.

56. The periodic report indicated that there was a high and rising suicide rate among Korean children. It would be appreciated if the State party could provide detailed information on early detection and treatment programmes and other action to address the problem.

57. **Mr. Kotrane**, reiterating his concerns about child labour, said that the periodic report indicated that increasing numbers of children were in employment in the Republic of Korea. In the light of evidence that children were working excessive hours, working without breaks and had been subjected to verbal, physical and sexual abuse at work, he wondered whether the Government of the Republic of Korea intended to take action to protect such children. Information in the report indicated that the majority of workplaces that had been inspected were found to be in breach of labour laws, which led him to ask what action the State party intended to take to ensure compliance with article 32 of the Convention and other international norms.

58. Despite progress in the follow-up to the concluding observations issued in 2008 in connection with the two optional protocols to the Convention on the Rights of the Child (CRC/C/OPAC/KOR/CO/1; CRC/C/OPSC/KOR/CO/1), the Committee had requested that domestic legislation should be amended in order to ensure full compliance with the Optional Protocols and to address the issue of universal jurisdiction. The express criminalization of the act of enlisting children in armed conflict was also recommended. Further information on the progress of those amendments would be appreciated.

59. **Mr. Cardona Llorens** asked for clarification on the law on children and disability that had been referred to by the delegation. It was not clear whether that was a new law or whether it was in fact the same law that had been described in the 2007 report, which had not yet been brought into force. Children with disabilities had increasingly been attending regular schools; however, most of those children were still taught in special classes, meaning that the majority of children with disabilities were not fully integrated into the mainstream education system. If the situation had not changed since the writing of the State party's report, then he would suggest that the State party should make every effort to remedy that situation.

60. The report indicated that juvenile offenders were separated from other detainees except under special circumstances. The number of children held in custody was disturbingly high, and the Committee would be interested to learn what those special circumstances were and how commonly they arose.

61. It would also be useful to know the reasons for which the Ministry of Labour would authorize the employment of a child of between 13 and 15 years of age, how many such cases there were, and how compatible such work was with the best interests of the child.

62. **Ms. Sandberg** said that she would be interested to know more about the fate of a child whose parents were detained in a public shelter because they were unregistered workers. She was concerned by the perceived lack of respect shown in schools to children

belonging to religious minorities, such as Muslim children, whose religious beliefs prevented them from eating school meals.

63. **Mr. Pollar** asked how illicit transfers of children were dealt with, given that the State party had not ratified the Hague Convention on the Civil Aspects of International Child Abduction, and whether action could be taken to speed up ratification of that instrument. Turning to the subject of article 24, subparagraph 3, he noted that the report contained no information on harmful traditional practices. While it was possible that no such practices existed in the Republic of Korea, it was important for the periodic report to provide information on the application of all articles of the Convention.

64. **Mr. Gastaud** asked whether there were special rules covering criminal proceedings involving children. It would be useful to know whether magistrates who heard cases involving children specialized in such cases and, if so, whether they received appropriate training. The Committee would be interested in receiving more detailed information on the programmes in place to prevent juvenile delinquency.

The meeting rose at 1 p.m.