

## STATE PARTY EXAMINATION OF THE REPUBLIC OF KOREA'S THIRD AND FOURTH PERIODIC REPORT

58<sup>TH</sup> SESSION OF THE COMMITTEE ON THE RIGHTS OF THE CHILD

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*The Republic of Korea ratified the Convention on the Rights of the Child (CRC) on 21 November 1991. On 21 September 2011, the Committee on the Rights of the Child (the Committee) examined the combined third and fourth periodic reports of the Republic of Korea. It was last examined on 15 and 31 January 2003. The State party has reservations on article 21(a) and article 40(2)(b)(v).*

### Opening Comments

The delegation of the Republic of Korea (ROK) was led by H.E. Mr. Park Sang-ki, Permanent Representative of the Republic of Korea in Geneva. He was supported by a delegation consisting of representatives from the Ministry of Health and Welfare, Ministry of Justice, Ministry of Gender Equality and Family, Ministry of National Defence, Ministry of Employment and Labour, Ministry of Education, Science and Technology and Ministry of Foreign Affairs and Trade.

In the opening remarks, Mr. Park Sang-ki thanked the Committee for its earnest efforts to secure and promote the rights of the child. He noted that the CRC had had a great impact on the ROK Government and its efforts to improve the rights of the child. Mr. Sang-ki said that until the 1950s, the ROK had pursued child policies that focused only on helping children in desperate need; however, since the ratification of the CRC in 1991, the ROK had focused more on policies that considered the rights of the child from a universal human rights perspective.

Mr. Sang-ki updated the Committee about steps taken since 2008 to more fully comply with the provisions of the CRC. He described elaborations on the authorisation-based adoption system, in an effort to withdraw the reservations made to the CRC, including the revision of the Act on Special Cases Concerning Adoption and the Civil Code in 2011. Amendments had been made in line with the general principles, including to the Enforcement Decree of the

Elementary and Secondary Education Act in March 2011 in order to enhance the rights of the child to participate and to be heard, as well as efforts to prevent school violence through establishing the second Five-Year Plan on the Prevention of and Countermeasures against Violence in Schools in 2010.

The government had shifted its stance on alternative care for children, and had taken measures to specify parents' child-related responsibilities. It had revised the Civil Code and the Family Litigation Act and made provisions for financial support and child support subsidies, accident insurance and psychotherapy services for children and their foster families. The government had enacted the Act on Supporting the Welfare of Disabled Children, which would take effect in August 2012 and would prompt the ratification of the Convention on the Rights of Persons with Disabilities. The Child Welfare Act and Welfare for Under-privileged Children had been revised and projects for under-privileged children and their families had been undertaken to provide tuition fees, housing fees or money to start a business. Additionally, the State had taken steps to implement free compulsory education for all children with an introduction of a common curriculum for 5-year-olds. Mr. Sang-ki stated that measures had been taken in the interest of children from multicultural families, including amendments to the Support for Multicultural Families Act. In addition, measures had been taken to protect children from sexual violence, including through the implementation of systems that provide information about persons found guilty of committing sex crimes against children. Finally, improvements had been made to the nature of sentencing of juvenile offenders, including amendments to the Juvenile Justice Act and the Act on the Treatment of Protected Juveniles in order to prevent violations of the rights of the children who need special protection.

Mr. Sang-ki admitted that although some successful measures had been achieved in the area of children's rights in the ROK, the government was aware that more improvements needed to be made. The delegation was hopeful that the dialogue and review would point at these concerns and that the Committee would offer suggestions on how to improve them.

Rapporteur Mr. Zermatten thanked the ROK for its report. He noted that many of the recommendations issued by the Committee in 2003 had not been implemented, adding that he was surprised by the attitude of the general public and the government towards children, whereby children were not always considered to be holders of rights, often did not have the right to speak, and were controlled and observed often in an over-paternalistic and over-protective context. Mr. Zermatten observed that improvements had been made in the area of budget allocation, notably in the increase of funds directed towards the protection of children. However, compared to international standards, ROK ranked among the lowest of all OECD countries in terms of budget devoted to children's rights issues. He noted several areas of concern, including general implementation measures, specifically the existing reservations to article 40(2)(b)(v), article 28 on international adoption, the legal status of abortion in ROK, the delayed implementation of the Law for the Protection of Children, the suspension on the Draft Law on Non-Discrimination, the lack of national initiatives on the prohibition of corporal punishment and the lack of more detailed information on the Draft Law on Protection of Children with Disabilities. With regards to coordination measures, Mr. Zermatten noted that the Committee still lacked understanding on how the coordination of children's rights issues and the implementation of policies and programmes takes place at the institutional level. He inquired about who coordinates activities for children amongst various government bodies, committees, institutions and ministries in the ROK, as well as the coordination between government and civil society. Lastly, with regards to independent monitoring, Mr. Zermatten requested more information on the human rights monitoring system in ROK and whether the three bodies devoted to children's rights were truly

independent. He asked for a fuller explanation about whether the independent monitoring mechanisms could receive complaints and undertake investigations, indicate cases of concern and make recommendations.

Rapporteur Ms. Al-Shehail thanked the delegation for its report. She inquired about the allocation of resources and noted that the budget allocated for child welfare was the lowest when compared to budget allocated for other issues in the country. She asked whether the government had plans to increase the budget for children's welfare and what it was planning to do to eliminate the financial disparities between various municipalities. Ms. Al-Shehail also inquired about the operating Children's Rights Ombudsman system, noting that since the mandate for the Ombudsmen changed every three years. She asked for clarification on what measures had been taken by the government to change this short-term outlook and ensure continuity of the activities of the Ombudsmen in the field of advancing children's rights. She also noted that there was not enough satisfactory data on the CRC implementation and wondered whether the government had any plans to establish a more concrete and centralised statistical data collection system to measure the implementation of the CRC. With regards to the child's right to express him/herself, Ms. Al-Shehail noted that the age limit was very high -15 years of age- and that it stood in contradiction to the principle of the best interests of the child. She inquired whether the government foresaw lowering this age limit for the child to be heard. Lastly, Ms. Al-Shehail raised the issue of young pregnant girls and unwed mothers, inquiring how many school programmes had been established to ensure economic aid and health care support for these young mothers to continue their education.

## **General Measures of Implementation**

### ***Legislation***

The Committee asked whether the Government would ratify the Convention for the Protection of All Persons from Enforced Disappearance; The Hague Conventions, particularly The Hague Ad option Convention (Nr. 33); the ILO Convention 29 and 105 on forced labour; and the Convention on the Rights of Migrants and their Families. Furthermore, the Committee invited the state party to re-examine the issue of withdrawing the existing reservations to the CRC, although the state party had previously admitted that it would require significant changes in both the Constitution and the country's Military Act.

### ***Role of civil society***

The Committee asked whether members of civil society could access public institutions to make their own observations and contribute to policy formation, or whether they collected information from meeting people in the society.

### ***Coordination and independence***

The Committee asked for a more detailed clarification of the system of independent monitoring and coordination between various human rights and children's rights mechanisms in ROK. The delegation replied that to coordinate children's rights policies, the government had established the Child Policy Coordination Committee; however, since 2008, this Coordination Committee had not met, and children's rights had been dealt with in National Policy Coordination Meetings that coordinate all policies in the country. Since 2008, there had been nine meetings among the various government ministries dedicated to children's rights issues, including on multicultural children, school meal programmes, protection of children against sexual violence, and adoption issues.

The delegation stated that the Committee on Ageing Society and Population had implemented 27 tasks related to child policies. The Committee, however, wished to know precisely which

organisation or ministry was coordinating these meetings since the Child Policy Coordination Committee had not been active since 2008. The Committee asked who was carrying out the National Plan of Action and how these policies were applied on national, regional and municipal levels. The delegation responded, saying that the Prime Minister's office coordinates the various bodies and policies related to children's rights and the National Policy Coordination Meetings had incorporated the discussions and decision-making on children's rights issues.

The delegation explained that the Korea Institute for Health and Social Affairs (KIHSA), one of the various independent human rights children's rights monitoring bodies, was under the office of the Prime Minister. The Committee, however, noted that there were three institutions for monitoring children's rights which shared its task with the Korea Institute for Health and Social Affairs and said that the particular roles of each one was unclear. The delegation replied that the National Human Rights Centre of Korea (NHRCK) was the representative body that monitored any human rights issue, whereas the Korean Children Rights Centre belonged to the National Human Rights Centre and acted as a research centre. It received its budget from the Ministry of Health and Welfare but was considered independent.

After the Korean Children Rights Centre was set up in May 2006, a group of Ombudsmen had been appointed to better monitor the implementation of children's rights throughout the country. This group of Ombudsmen consisted of 10 adults and 10 children, to ensure the input of children's views and opinions. The Committee inquired about the tasks of these Ombudsmen and their relationship with the NHRCK. The delegation responded saying that children's rights and disabled person's rights were dealt with by NHRCK, but that it had certain limitations in terms of staff and resources to carry out observations and monitoring across the country. Therefore, the Ombudsmen and the Korean Children's Rights Centre supplemented these services on behalf of the NHRCK.

The Committee inquired whether and how children could bring complaints to the Ombudsmen and the Korean Children's Rights Centre. The delegation responded saying that the Ombudsmen typically received personal complaints from friends or family of those children affected by a violation. The children themselves used the home page to submit their complaints directly to the Korean Children Rights Centre and the NHRCK. The delegation assured the Committee that ROK had a wide-spread IT infrastructure and that almost every family in Korea had access to Internet. As such, it would not constitute a problem for the affected children to utilise the webpage to submit their complaints.

### **Budget**

The Committee was interested in the total budget devoted to children's rights issues in ROK and the division of this budget among various ministries. The delegation stated that the tasks related to children were divided among many ministries; therefore, the budget was also broken down according to these ministries. For example, children in need received 270 billion won; day-care and children's centre programmes received 2.5 trillion won; and the Ministry of Gender Equality and Family devoted 540 billion won to children's issues. The delegation stated that more than 17 per cent of the total national budget in 2010 had been allocated to children's issues. The Committee noted that the total amount of budget that ROK used for children's issues was still among the lowest of all OECD countries, while the ROK economy is among the strongest.

The Committee inquired about what measures the government intended to take to increase the budget allocation for children's issues not just in the field of education, where some progress could be observed, but also in protection systems. The Committee wondered

whether it would be possible to establish a budget line in such a manner that would allow all the separate budget lines that are directed towards children's issues to become clearly visible and easy to measure. The delegation responded that the total budget devoted to children's issues in 2010 was more than 87 trillion won, but it said it would provide more detailed information on separate budget lines and the possibility to establish a single budget line for children's issues in the next report to the Committee.

### ***Dissemination of the principles of the Convention***

The Committee noted that less than 40 per cent of parents and 22 per cent of children in ROK were reportedly familiar with the principles of the CRC. It inquired what measures the state party intended to take to ensure that greater numbers of children and adults were aware of the CRC and its principles, in ROK.

## **General principles**

### ***Non-discrimination***

The Committee inquired about discrimination against multicultural children in Korea. It stated that to address this situation, more than educational programmes and fact-finding missions were needed, since it was reportedly a deep-rooted phenomenon in the ROK society. The Committee wondered what the government would do to overcome this problem. The delegation responded saying that the Framework Plan for Foreigners included a policy for multicultural children, including provisions on education and social adjustment. With regards to discrimination based on religious, the Committee inquired about the status of Muslim children in schools and the school meal plan programmes, pointing out that some Muslim students would not be able to eat school meals since they did not cater to their dietary requirements. The delegation responded that the government was taking a note of the issue of children of various religions and their needs in regards to specific meals for religious or other purposes. It stated that while the issue had been taken into account, the systems that had been put in place to respond to this concern were not sufficient.

### ***The child's right to be heard***

The Committee inquired about the right of children to participate in decisions affecting them. It noted that there was no information on results or achievements with regards to this issue, from the bodies that were charged with involving the children and encouraging their participation. The Committee asked what efforts were being made to ensure that children could be heard and participate in school matters and beyond. Delegation responded that through the Korean Children's Conference, children who had passed regional area selection, attended national conference and opinions of the conference had been passed on to local authorities and incorporated in the policies of local governments and municipalities.

## **Civil rights and freedoms**

### ***Freedom of association***

The Committee asked what measures had been taken to implement and strengthen the right to freedom of association and peaceful assembly. It said that there was not enough information in the state report on what exactly was being done to permit children to exercise this right and address any corresponding violations. The Committee wished to know how the government would ensure that school authorities respected students' right to peaceful assembly and that the school regulations were based on the best interests of the children instead of other social, political and economic considerations.

### ***Freedom of thought, conscience and religion***

The Committee noted that because of the way school children were distributed according to the zones in which they lived, it could result in some children having to attend a school which forced its students to go to certain religious ceremonies and religious educational activities that were not of the children's own religion. The Committee wanted to know more about this issue and what was being done to remedy the situation.

### ***Protection of privacy***

The Committee wished to know whether it was allowed for the parents in Korea to break the privacy of their child and whether there was any legislation dealing with the child's right to privacy in ROK.

### ***Access to appropriate information***

The Committee noted that in their meetings with children from ROK, the children had drawn the Committee's attention to the fact that present measures to ensure access to appropriate information, were not adequate. The Committee urged the government to investigate this issue more thoroughly, particularly because of the wide-spread access to internet that children in ROK had and the fact that most of the harmful information and materials reached children through this particular medium. The Committee asked the state party to clarify how they were working with children themselves to ensure better protection of children from materials that were harmful to their development.

### ***Protection from abuse and neglect***

The Committee noted that there was no information on the prohibition of corporal punishment in schools and how children were treated in practice. The Committee added that the number of reported cases of child abuse had reportedly continued to grow and wished to know what measures the government had taken to handle such cases, as well as to prevent their recurrence. The Committee inquired about what amount of budget was allocated to victims of child abuse and what plans had been put in place or were envisioned to prevent child abuse, particularly emotional abuse. The Committee also wanted to know what preventive measures had been taken to address the issue of bullying in schools, and what assistance was being extended not only to the victims, but also to the children that were bullying others.

## **Family Environment and Alternative Care**

### ***Parental guidance and the child's evolving capacities***

The Committee noted that child suicide numbers had risen and wished to know what programmes had been put in place for early detection. The delegation responded saying that the government had undertaken a study to identify the main causes of suicides among youth and had found that psychological problems were among the top reasons. The government was trying to pre-empt this problem by establishing psychological counselling centres across the country to work with the children who had been identified as suffering from various psychological issues. It stated that until 2012, the Ministry of Education, Science and Technology would put into place various school policies that would facilitate early detection of depression, ADHD and other issues. In order to gain more in-depth knowledge about this problem, the delegation noted that an online survey had been launched by the Korean Centre for Disease Control. Teachers were being trained to recognise symptoms of depression, ADHD and other signs of psychological issues.

The Committee noted that the government should look at factors prompting suicide among youth as being beyond psychological disorders, including family and peer pressure, as well as academic pressures at school. The Committee suggested that various remedies could be

instituted beyond the traditional medical approach, such as music therapy and sports. It also noted that while some positive aspects existed for a universal diagnostic tool that allowed for systematic diagnosis and treatment of all students, there were also risks to using a one-size-fits-all approach, as each case and each child was different. The Committee also noted that since teachers would have to access the data on a child's psychological condition in order to recognise potential signs of psychological problems, it might elicit problems with confidentiality.

The delegation acknowledged the Committee's suggestion and conceded that a broader base of potential reasons of why a child might contemplate suicide was indeed important to consider. It also noted that while the confidentiality issue was a valid concern, it would not present a problem since there is a Confidentiality Act included in this tool and the data is well protected. The delegation noted that the data is not delivered to the teacher without the student's consent. In order to mitigate some of the potential stressful competitive atmosphere in schools, the newly amended school curriculum by the Ministry of Education stipulated that leisure activities and volunteer work should be encouraged and expanded.

### ***Illicit transfer and non-return***

The Committee inquired about whether ROK would ratify the Hague Convention on Civil Aspects of Child Abduction. The Committee asked about what how the State currently addressed cases where one parent took the child over the border without the permission or consent of the other parent. The Committee asked whether the government had any bilateral agreements with neighbouring countries in particular, and what measures were in place to return the child to his/her country of origin.

### ***Adoption and birth registration***

The Committee was concerned about the discrepancy of the official and unofficial data on adoption. Since a birth certificate was only issued by the hospitals in ROK, the Committee was concerned about how children would be registered in instances of home births. The Committee's concern extended to the fact that adopted parents could register the child as their own, thus denying the child the right to know his/her biological parents. The Committee wished to know what the government was doing to address these issues of adoption and birth registration.

The Committee asked whether the government intended to ratify the Hague Convention on Inter-Country Adoption. The Committee also inquired about the legal status of abortions in ROK and the large number of young unwed mothers. It wished to know what the profile of such young women was and what was being done to encourage and help the young girl/woman to keep her child. The delegation explained that under the Maternal Healthcare Act there were five provisions that permitted abortions, related to health risks to the mother and/or the baby; however, the Criminal Act banned abortions generally. The delegation stated that because of active public campaign and raising awareness about abortion issues and increased access to contraceptives, the rate of abortion was decreasing.

The delegation responded that new laws regarding abortion and birth registration would come into effect in 2012 and 2013 respectively. The delegation also confirmed that efforts were being made to work towards the ratification of the Hague Convention, and that a taskforce had been formed among several ministries to consider domestic laws and ways to incorporate the Hague Convention once it was ratified. The delegation acknowledged that reaching the point of ratification would be a slow process, since it would require cultural and social attitudes to change. The Committee noted that it was among the obligations of the State party

to bring the domestic legislation in line with the Hague Convention and it should first ratify the Convention and then work to change attitudes afterwards.

With regards to birth registration, the delegation stated that 99 per cent of children were born in hospitals and that the issue of birth registration at home births was not a significant problem. The delegation stated that the government was aware of the issue of adoptive parents registering the child as their own, and said that it had knowledge of both the official and unofficial adoption data. With regards to unwed mothers, the delegation said that although launching a fact-finding mission on this issue was difficult, a survey had been conducted, and it had revealed that some 14,000 abortions were happening nation-wide each year.

The delegation said that the government was implementing a welfare scheme to encourage young mothers to be able to keep their babies. Other types of allowances had been given to unwed mothers including support for pregnancy-related expenses, as well as health care benefits, and opportunities for networking. The Committee wished to know why there was a discrepancy between the monetary support for young unwed mothers (minors) and adult unwed mothers. The delegation responded stating that because of potential stigma for younger unwed mothers in ROK, which may result in them dropping out of school and not receiving any support from family or relatives, women and girls under 24 years of age received more money to continue their education and take national exams.

Concerning the child's right to know his/her biological parents, the delegation responded that in August 2011, the Adoption Act was amended to include requirement to obtain approval by family court for adoption to become legal. This meant that more and better record keeping could be ensured for children who would wish to know their birthparents and the right to access such records was stipulated in the aforementioned Act. The Committee wished to know whether children that had been adopted before the amendment of the Adoption Act had the same right and opportunity to access the information about their birthparents. The delegation replied, stating that the right to access this information was available to everyone, even if the adoption had occurred a long time ago. The only problem might be whether the actual information was available, but the delegation stated that the government was ready to undertake the necessary efforts to ensure the availability of this information to all adopted children.

## **Basic Health and Welfare**

### ***Disabled children***

The Committee inquired about the status of children with disabilities in educational institutions, and in particular whether disabled children were being fully integrated into regular schools or whether they attend special classes within regular schools. The Committee also wanted to know whether the Disabled Children's Act of 2011 referred to the 'right to education' or 'right to inclusive education' and whether there would be enough well-trained staff to include disabled children in mainstream education or if the policy rather focused on supporting specialised classrooms in regular schools. The delegation responded, stating that the Ministry of Education, Science and Technology had implemented special plans every five years to address education opportunities for disabled children. The second five-year plan was currently underway. In the Disabled Children's Act, the Ministry had attempted to provide strategies to implement a comprehensive and integrative education approach and secure facilities for disabled children. The delegation said that inclusive education was on the rise due to demands from parents of disabled children and children themselves. The delegation noted that for disabled children, the schools provided specialised assistance and scholastic



aptitude tests, as well as specialised examination questions for each disabled child interested in entering college. The delegation also pointed out that there were plans to advance the education of teacher within regards to education of children with disabilities.

## **Education, leisure and cultural activities**

### ***Education***

The Committee pointed out that there had reportedly been an increase in bullying and violence in schools. It noted that these statistics, along with the suicide figures, showed that children lacked protection and the feeling of safety in schools. The Committee noted that addressing these serious issues required approaches that would protect the child's best interests at school and not just provide certain services. The Committee was interested to know what proactive measures were taken by the government to remedy these problems.

### ***Leisure time***

The Committee noted that the right to leisure time and the right to play was a significant and important aspect of guaranteeing the full development of the child. The Committee noted that children from ROK, who spoke with the Committee, had acknowledged the competitive and stringent regime at school, which often infringed on their right to play. The Committee asked for information about the existing status and guarantees of children to exercise their right to leisure and play.

## **Special protection measures**

### ***Refugee children***

The Committee was concerned about the status of refugee children, particularly in the areas of access to education, birth registration and healthcare. The Committee asked the State party to explain what the government's plan was to address this issue. Furthermore, the Committee was concerned about the detention of migrant children and the conditions in which such children were kept, since ROK did not have welcome or reception centres for immigrants/refugees and their families.

With regards to education, the Committee asked what was being done to ensure refugee and asylum seeking children's access to educational facilities considering the ID documents necessary to register in schools. The delegation responded that while persons who had applied for refugee status waited for confirmation documents, they were entitled to request healthcare and living expenses support. With regards to the detention of unaccompanied children, the delegation emphasised that these children foreign child were not the target of crackdown on illegal immigrants. The delegation added that if the adults that were supposed to take care of the child were in detention, they could request their child to stay with them. Notably, this was a very rare scenario and typically the child was kept out of the detention centre and placed in a special institution.

The Committee noted that according to the data available, 150,000 unregistered migrant children in ROK did not attend school. It wished to know what the government was doing to remedy this situation. The delegation responded saying that according to the provisions set out in the Education Act, as long as the children resided in the territory of ROK, they could go to school even without proper documentation. The government also provided language education for students who did not speak Korean and similar programmes were underway for the parents of these children to encourage early adaptation into Korean society.

### ***Sexual exploitation***

The delegation informed the Committee that on 15 September 2011, the law was amended regarding the victims of sexual crimes. It took into account and incorporated 11 recommendations from the NHRCK. The Committee wished to know whether all of the sexual crimes spelled out in the OPSC, notably those concerned with the sale of children (also sale of organs, prostitution, sale through abortion, using children for sexual purposes, and pornography) had been criminalised through the new amendments to the law. The Committee also wished to know whether the scope of extra-territorial jurisdiction had been expanded to allow for the prosecution and trial of a perpetrator who is a Korean national according to the national legislation, if that individual commits the crime outside of Korean territory.

The delegation informed the Committee that the new amendment expanded the scope of the definition of child pornography requiring all persons to eliminate child pornography online. It also said that the police forces were monitoring online dissemination of child pornography and the perpetrators were being appropriately sanctioned. The delegation noted that according to the new amendment, even first-time sex offenders were being registered and their information made accessible; the information was also mailed to those areas where these sex offenders lived. The delegation informed the Committee that sexual offences against children, committed by Korean citizens overseas, was a target of legal punishment and that the Ministry of Justice and other related ministries had established protection teams that worked on legal measures that would allow those participating in sex-trade overseas to be prosecuted and punished.

### ***Child labour***

The Committee noted that the report mentioned that child labour was subject to special protection. It also noted that the situation had not improved since the last Committee session with the ROK, and that the figures on child labour remained alarmingly high, which contradicted all the international conventions and domestic legislation that ROK had passed. The Committee wondered whether the government planned to do more to enforce the law and to remove such practices that allowed child labour. Furthermore, the Committee noted that paragraph 499 of the report mentioned the prohibition of children under 15 to work, but noted that in contrast, the Ministry of Labour could authorise the right of the child to work between the ages of 13 and 15 years, under special circumstances. The Committee wished to receive a clarification of such special circumstances and questioned whether this was compatible with the principle of the best interests of the child.

The delegation noted that only 1.1 per cent of children were under-age workers; however, under the Labour Act, they were treated the same as adult workers. Every year the government continued to inspect and supervise businesses that employed minors. Where violations had occurred, the government provided guidance for these businesses to correct themselves. The government had also undertaken campaigns and promotional activities as well as guidance measures to help these companies comply with child labour laws. Children between 13 and 15 years that had requested the right to work and had received the necessary authorisation from the Ministry of Labour also received minimum education as required by law. For these children, minimum security system certification is provided.

### ***Administration of juvenile justice***

The Committee inquired whether the lowered age of criminal responsibility from 12 to 10 years of age had served its purpose or whether there were, in fact, more young offenders in ROK after the lowering of this age. The Committee also wished to know whether young offenders in detention were separated from other prisoners and under what special circumstances, as mentioned in the report, this was not done. The Committee inquired what

specific rules there were for young children in the criminal code and whether special judges in charge of young offenders were receiving special training for their work with juveniles in the justice system. The delegation noted that the Juvenile Act ensured the presence of special prosecutors at courts that specialised in juvenile justice and that had exclusive competence in this area. Training for these judges was carried out every year.

The cases of delinquents under age 14 were only investigated in the juvenile justice system, while for those cases where the delinquent was above 14 years of age, the decision on whether to investigate the crime in juvenile court or through a general criminal process was made by the prosecutor. The delegation explained that the reason why the age of criminal responsibility was lowered to 10 years was that children were growing up faster in terms of their physical and mental development. Thus, some juvenile delinquents, who were not yet 12 years of age, had to be subjected to special measures for the crimes they had committed. The delegation said this acted as an early detection system to prevent these juveniles from performing further crimes. In response to this, the Committee noted that such early detection should be done through different means than criminal justice.

### **Concluding remarks**

The Rapporteurs noted that ROK had taken steps forward in the field of children's rights and certain positive developments could be detected. However, the level of attention to children's rights was not up to the level expected by the Committee. The Rapporteurs noted that there seemed to be less comprehensive efforts from the government to address children's issues as well as a lack of sustainability in these efforts and strains of budget and resources that did not allow for greater advances in the field of children's rights. The Committee identified that areas such as freedom of choice, freedom of association, judicial oversight of adoption, issues of education for disabled children and immigrant children, required more concrete plans of action and attention from the government. The Rapporteurs thanked the delegation for its engagement in a very constructive dialogue with the Committee members and for its willingness to continue working to advance the rights and welfare of Korean children.

H.E. Mr. Park Sang-ki extended his sincere gratitude to the Committee for its advice and recommendations and noted that the government would make efforts to improve the areas that needed special attention and improvement. He noted that the government would attempt to reflect the principle of the best interests of the child in all legislations and amendments concerning children's rights. He thanked the Committee for its helpful advice and perspective, as well as its constructive feedback in identifying areas of concern. He expressed hope to continue working together with the Committee, NGOs and national human rights institutions, to advance and strengthen the rights of children in ROK.