

abuse centers adjacent to the Child Guidance Center in six metropolitan areas and training personnel for child abuse so as to handle such cases, are the main tasks. The last stage, assigned for 1998, is set for the analysis of the result of the service on child abuse, its enlargement to 15 provinces, and improving laws and regulation on child abuse.

9. Periodic Review of Placement (art. 25)

105. According to the Enforcement Ordinance of the Child Welfare Act, the child welfare facility refers to child guidance clinic, child-caring institution, child emergency protection facility, child vocational guidance center, juvenile reformatory, self-support facility for those discharged from child-caring institution, foster-care facility for adoption, and facility for emotionally disturbed children. In December 1993, 20,194 children were cared for in 278 residential care facilities.

106. The number of child-caring institutions and children cared for in such facilities has decreased together with the decrease of the number of abandoned and lost children. The government expects that about 20,000 children, 0.15% of the whole child population, will need to be cared for in residential facilities in the future.

107. The mayor, provincial governor and ward head are responsible for a periodic inspection to these child-caring institutions on their management, programs and audit.

<Table 5> Children in Residential Care, by Type of Institution, 1993

Type of institution	No. institutions	No. children	Average no. children
Inst. for Infants	38	2,260	59
Inst. 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 6> The Trend of Institution for Infants and Children, 1975-1980

Year	No. the institutions	No. 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

F. Basic Health and Welfare

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

108. With the rapid economic development during the 1970's and 1980's, the health status of Korean children has steadily improved. The general rise in prosperity, with better housing, improved hygienic conditions and increased awareness concerning diet and nutrition, has been a powerful contributory factor of this improvement. Korea's infant mortality rate has been reduced from 38.5 per 1,000 in 1978 to 12.8 in 1992. Maternal mortality has been reduced from 4.3 per 10,000 in 1978 to 3.0 in 1988 and stayed at the same level thereafter. The institutional delivery rate has been increased from 32.0% in 1977 to 98.9% in 1991, and the amount of prenatal care from 57.2% to 95.1% during the same period.

109. Under the Maternal and Child Health Act, the government is improving pre- and post-natal care, systems of delivery and health care for infants and children. The Maternal and Child Health(MCH) Center has been constructed within the Public Health Center to improve the health of mothers and children by increasing institutional delivery. They are in charge of medical services for delivery, emergency treatment, family

planning and pre- and post-natal care. In 1993, there were 267 public health centers with 1,329 local branches and 2,039 health clinics, together with 77 MCH centers, which are government sponsored, and 11 non-profit MCH centers, 12 MCH centers under the Family Planning Association, providing maternity health care in the public sector.

110. The principal aim of child health care is to reduce mortality, morbidity and disability in the child population by free pre- and post natal care. Since 1987 the Government has issued a "Maternal and Child Health Care Handbook", which contains useful information on pregnancy, child bearing and upbringing and serves to record the health conditions of the mother and her babies, for expectant mothers to promote maternity health care on a national scale. Since the Maternal Health Center gives medical, dental and general health guidance, an expectant mother can be medically examined freely at the center whenever she wants. This preventive and promotive procedure is also applied to babies, infants and nursing mothers. Mass-screening for birth defects of metabolism and neuroblastoma has been carried out. About 50,000 newborns are examined every year in the Maternal Health Centers. Free vaccinations(or with nominal fee) for

children up to age 5 are also provided. The general vaccination program comprises Tuberculosis, Diphtheria, Pertussis(Whooping cough), Tetanus, Polio, Measles and Hapatitis B. Also, health supervision involves regular health checks for all newborns when they are 6 months old, and 18 months old.

<Table 7> Proportion of Immunized Korean Children, 0-1year old, 1989
(unit: %)

B C G	D P T			Polio			Measles	MMR	Hapatitis B
	1st	2nd	3rd	1st	2nd	3rd			
93.7	98.2	96.4	93.0	98.2	96.4	93.0	92.4	96.3	71.0

111. The rate of breast-feeding, in spite of its importance, has decreased. According to the survey of the Korea Institute for Health and Social Affairs, the rate of breast-feeding decreased from 69% in 1981 to 57% in 1994. However, with the adoption of the International Baby Friendly Hospital Initiative, an active movement for breast-feeding is underway among many hospitals and voluntary organizations.

112. The main cause of hospital morbidity among children is diseases of the respiratory system, such as Pneumonia and

Bronchitis.

113. According to the survey carried out by the Korea Institute for Health and Social Affairs, the proportion of incidence of disability among newborns was 0.6% in 1992.

114. A problem that requires special consideration is children's accidents, since they represent the first cause of death in childhood, except the case of children in the 0-1 age, whose primary cause is congenital anomalies together with prematurity and low birth weight. With the development of medicine the rate of death from diseases has decreased, but the rate of death from accidents, especially from traffic accidents, has increased relatively. The death from traffic accidents among children aged under 14 years was 1,566 in 1991, which was 11.7% of death from traffic accidents of all age groups during the same year.

115. The Five-Year Campaign To Reduce Traffic Accidents is underway for the period of 1992-1996. With this campaign the death from traffic accidents in 1992 was reduced by 13.7% compared to the previous year, and the children's death was also reduced to 1,114, which showed about 30% decrease.

Nevertheless, these figures are still high compared with those in other countries.

116. The Safety Traffic Promotion Corporation created to prevent traffic accidents, provides traffic safety education for children to the guidance teachers of schools having more than 10 classes. The "Children Protection Zone" is also established within the radius of 500 meters of school in order to protect children from traffic accidents.

117. The School Health Care Act enacted 1967 has the purpose of heightening the effectiveness of school education by improving students' and teachers' health. The school free lunch program as the main program to improve children's nutrition is classified by the characteristics of the region. The government bears the expenses for the food, management and facility of public schools. The prevalence of the free lunch program is 39% of all elementary schools and 22% of all elementary students in January 1994. It is expected that all elementary schools will be covered by the end of 1996.

2. Disabled Children (art. 23)

118. There are about 100,000 disabled children and young

persons aged up to 19 in Korea, who are 0.76% of the relevant age group and require supportive measures from the community on account of their disability. They are with various types of disability such as physical disability, hearing impairment, visual impairment, mental retardation and other medical disabilities. The State and municipalities have the responsibility for their economic security and welfare. Most disabled children grow up in their own home, together with their parents and siblings. In cases where for various reasons this is not possible, they may be placed in homes for the disabled. About 6.5% of all disabled children, 6,443, were cared for in 152 residential facilities at the end of 1993.

119. The aim of Korean policy for the disabled is to assure each individual of social integration and equal opportunity. The legislations regarding the disabled are the Welfare Act for the Disabled, the Employment Promotion Act for the Disabled, and the Special Education Act. The 1988 Seoul Para Olympics provided an opportunity for people to improve their understanding of the disabled and the welfare needs of the disabled. A comprehensive welfare plan was prepared by the Committee on Welfare for the Disabled under the President, which aims to increase the rehabilitation and social participation

of the disabled.

120. Since November 1988, a registration system for the disabled has been implemented throughout the country. The government encourages the disabled persons to register in their residential area office in an effort to achieve an exact understanding of their current status and pertinent services. In order to promote disabled persons' employment, the Employment Promotion Act for the Disabled provides that governmental and municipal organizations, and enterprises with 300 employees or more must employ the disabled persons for 2% of their total employees.

<Table 8> Estimated Number of Disabled Children, by Age, Sex and Types of Disability

(unit 1/1,000 persons)

Age	Total	Sex		Types of disability				
		Male	Female	Physical	Visual	Hearing	Speech	Mental
0-4	2.61	3.46	1.61	0.70	0.43	0.46	1.04	1.23
5-9	5.69	6.96	4.30	2.02	1.36	0.71	1.83	2.32
10-14	7.46	8.82	6.01	2.36	1.49	0.99	2.80	2.89
15-19	8.28	10.38	6.10	3.42	1.39	1.24	3.00	2.92

121. Medical rehabilitation service is provided in eight

rehabilitation hospitals, and one of them is for disabled children only. These rehabilitation hospitals are managed with the central governmental fund(40%), local governmental fund(40%) and self-fund(20%). The National Rehabilitation Medical Center is established with 200 beds in 1994, where medical rehabilitation for the disabled and research on disability are to be carried out. As the community-based services of medical rehabilitation, education and vocational training for the disabled, there are 21 welfare center complexes, which are constructed at the provincial level, and 13 welfare centers for certain types of disability.

122. The Korea Heart Foundation, established in 1984, is a specialized voluntary organization. It has arranged the operations for the children of low-income families with heart disease or deformed heart. So far 9,242 children have benefited from this agency with the participation of 43 medical institutions.

3. Health and Health Services (art. 24)

123. The achievement of the national health insurance program, with the introduction of health insurance for salaried workers employed by firms with 500 or more workers in 1977,

for farmers, fishermen and self-employed workers in rural areas in January 1988, and for self-employed workers in urban areas in July 1989, increased the utilization rate of health services. The rate was not significantly different by regional or socio-economic group. In 1991 more than 90% of the entire population was covered by the national health insurance program, and the State bears the half of the national health insurance fee for farmers, fishermen and self-employed workers.

124. For the effective medical service a three-level health care delivery system has been introduced in Korea. The primary medical examination is carried out in a medical office or clinic, the lowest level in the delivery system, where service is for outpatients. Secondary medical examination is carried out in an intermediate hospital, where service is for outpatients and inpatients who are referred from medical clinics. The tertiary medical examination is carried out in a general hospital adjacent to a university, the highest level in the health care delivery system, whose service is mainly for inpatients and referrals from the secondary medical institutions. The medical service for children also is operated under the same system and procedure.

125. Korea's health service is dominated by the private or voluntary sector. About 85% of all medical institutions are non-governmental. There are two children's hospitals and 2,188 pediatricians, which compose 8.8% of all medical specialists, 24,994, in 1992. About 200 pediatricians qualify every year. The number of the pediatric clinics is 1,555 in the primary health service setting, 428 in hospitals as the secondary level, and 34 in the general hospitals.

126. According to the National Health Survey on Morbidity, Utilization of Health Services and Health Behavior in 1992, children's morbidity rate per 100 children is 50 in the 0-4 age group, 27 in the 5-9, and 16 in the 10-19 age group. Visits to medical institutions per 100 children is 49, 25 and 13 in each age group respectively. About 12% of children in the 0-4 age group and 32% in the 10-19 age group could not get medical service because of social-economic reasons.

4. Social Security and Child-Care Services and Facilities (arts. 26 & 18, para.3)

127. The State has the duty to promote social security and social welfare, as provided in the Constitution. There is no direct economic support given to children; it is given through

their family. As a form of public assistance, the children of the family below poverty line and in residential care, are protected under Livelihood Protection recipient householders. They are provided monthly livelihood aids to maintain a minimum standard of living, medical aid and educational expenses which cover the tuition of middle school and vocational high school. At the end of 1993, the number of children covered by the Livelihood Protection was 518,000, which constituted 25.9% of all beneficiaries(2,001,000) and 3.7% of the entire children population. In order to promote the economic security and self-reliance of female-headed households, the State and municipalities provide livelihood aid, vocational training and child-maintenance aid, and lends them housing and enterprising fund if they want assistance.

128. With rapid economic growth, modernization and urbanization, the size of households has decreased, and the rate of women's, especially mothers', employment tends to be increasing. It was estimated that about 47.3% of the female population were employed in 1992. About 5,718 thousands mothers were employed, which constituted 46.7% of all married women. Day-care or day-nursery service in Korea is provided under the Infant and Preschool Child Care Act of 1991. With

this legislation, the term "day-nursery" is replaced by "day-care" which has a more educational connotation. Day-nursery service is governed by the Ministry of Health and Social Affairs, and the low-income family gets financial support for the children registered in day-nursery program from the government. The program of day-care centers for working mothers had an enrollment of 153,270 children, 15.3% of all children needing day-care service, in 5,490 units in December 1993.

<Table 9> Number of Day-Nursery Centers and Enrolled Children, by Types of Center

(units: center, person)

Type of centers	1990	1991	1992	1993
National & Public	360	503	720	837
Private	39	1,217	1,808	2,419
Work	20	19	28	29
House	1,500	1,931	1,957	2,105
Total	1,919	3,670	4,513	5,490
No. children	48,000	89,441	123,297	153,270

129. Since 1990, the State has promoted the day-nursery service as a primary project in the area of social welfare to meet the increasing need of these services, assisting self-reliance

of dual-career families and upbringing children with sound body and mind. As a consequence, the number of day-nursery centers has increased from 1,919 at the end of 1990 to 5,490 at the end of 1993, which shows an average 95% increase every year, and the number of children cared for in such facilities from 48,000 to 153,270 children, with an average annual increase of 106%, in the same period. The State's budget for day-nursery services also increased from 1,910 million won in 1990 to 9,850 million won in 1993 and 11,880 million won in 1994, which shows an average annual increase of 75.4%.

130. There is no specialized day-nursery service for the disabled children. Since most parents are not favorable for their children to be integrated with disabled children, they cannot have an opportunity of participating in organized pre-school activities. The State plans to construct six day-nurseries for the disabled children only, by the end of 1996.

131. The State is carrying out research on the projected need of day-nursery services for its exact estimation. In further support for the development in the day-nursery sector, about 118 billion won(\$148 million) will be allocated for the

establishment of 731 day-nursery centers by 1997, which will care for all the children of working mothers. In addition, various kinds of day-nursery program are being developed and operated to provide a high quality of service in accordance with each child's developmental stage.

5. Standard of Living (art. 27, paras. 1-3)

132. Korea has provided selective welfare programs for only the underprivileged, based on the principle that the family is primarily responsible for each member's welfare and that the social security system is secondary to the family. Emphasis has been put on strengthening the welfare function of family and preventing the occurrence of needy children.

133. There is a sponsorship program as a measure to lift the standard of living of children in adverse circumstances, besides public assistance. The sponsorship program is to supplement public assistance, which is not enough for attaining a proper standard of living. It is provided to children in residential care, of child-headed households and female-headed households. The sponsors send them a certain amount of money on a monthly basis, and, at times, visit them. Since 1981 the Korea

Children's Foundation, one of the specialized non-governmental child welfare agencies, has been placed in charge of the sponsorship program to promote voluntary participation from the non-governmental sector.

134. The child-headed household project was started in 1985 to prevent children in need from institutionalization and to support them to live in their community. They are children and young persons under the age of 20 whose parents are not able to provide proper care economically and emotionally, because of death, divorce, physical or mental disability and disease. As a result, those children have to be responsible for their families' livelihoods. They are provided with livelihood aid, medical aid, educational assistance and appropriate support for clothing, food and transportation. In 1993, there were 7,322 child-headed households with 14,293 members. In 1992, 98.6% of the child-headed household and 86% of children of such households had sponsors; each child receives about 25,000 won in average monthly from his/her sponsor.

<Table 10> The Trend of Child-Headed Households, 1985-1993

(units: household, person)

Year	No. households	No. household children, by school attendance					
		Total	Pre-school	Primary	Middle	High	Others
1985	6,696	13,778	142	3,593	4,009	2,998	3,036
1986	6,537	13,633	195	3,552	3,970	2,782	3,164
1987	6,901	14,416	350	3,735	4,200	2,578	3,553
1988	6,510	13,960	385	3,777	4,049	2,121	3,628
1989	6,029	13,233	450	3,749	3,814	1,632	3,588
1990	4,901	11,125	410	3,356	3,133	1,135	3,091
1991	6,902	13,985	121	3,650	4,093	3,194	2,927
1992	7,089	14,081	136	3,521	4,404	3,374	2,646
1993	7,322	14,293	119	3,331	4,710	3,622	2,511

G. Education, Leisure and Cultural Activities

1. Education, Including Vocational Training and Student Guidance(art. 28)

135. Under the Constitution all citizens have the right to receive an equal education corresponding to their abilities, and all citizens who have children to support are responsible at least for their elementary education and other education as prescribed by law.

136. Schooling is compulsory for all children. Under the Education Act every citizen has a right to receive elementary school education of six years and middle school education of three years as compulsory schooling. Compulsory schooling starts in March when a child reaches the age of seven. Normally a child finishes his/her compulsory schooling of nine years at the age of sixteen. The central government and local autonomous bodies have the responsibility to devise necessary measures for securing educational facilities.

137. The Korea's educational system is, generally, composed of elementary school of six years, middle school of three years, high school of three years and college education of two or four

years or more. In April 1993 11,460,000 students were enrolled in 19,790 educational institutions, which was a quarter of the whole population. There are 410,000 teachers and professors employed in the formal educational institutions. Of these students, 5,253,138 were female constituting 45.8% of the whole students. These schools are supervised and evaluated by the Ministry of Education, 15 municipal offices of Education and their 179 local branches. The number of students per class, one of the representative educational indicators, has decreased to 38 students in elementary school, 48 in middle school, 47 in high school as of April 1993.

<Table 11> Number of Schools, Classes & Students by School Level, 1993

	School	Class	Student	No. students/class
Kindergarten	9,484	18,841	288,020	15
Elementary school	6,057	111,870	4,336,833	38
Middle school	2,590	49,639	2,410,116	48
High school	1,757	43,381	2,069,218	47

138. Foreign children residing in Korea are also able to receive the same education as Korean children. In November 1990, there were 58 educational institutions with 6,260 foreign children aged up to 19.

(a) Types of school

(i) Elementary school

139. Since 1950 compulsory education in the level of elementary school has been enforced free of charge. However, when a child of school age is unable to receive education on account of any deformity, disability, weakness, underdevelopment, or other unavoidable reasons, the child may be excused from or permitted to defer attendance, which is to prevent adverse side-effects from standardized operation of compulsory education. The purpose of the primary school is to provide the basic elementary and general education necessary for national life.

140. When a child of overseas Koreans or foreigners residing in Korea wants to enter or be transferred to a school in Korea for the first time, he/she can have the same education as Korean children receive by submitting to the headmaster of the school a residential certificate issued by the chief of the Immigration Bureau.

(ii) Middle school

141. Children graduating from elementary school have a right to receive middle school education of three years. The compulsory education for middle school has been gradually enforced in accordance with financial status of the State from island areas in 1985 to county-level areas in 1992. In April 1993, 99.9% of elementary school graduates moved over to middle schools. Of these, 17.3% are educated free of charge. The proportion of students educated free of charge in middle school is expected to reach 25.1% by 1994. The purpose of middle school is to provide general education on the foundation of elementary school education. The curriculum also includes understanding pending issues around the world, such as disease, poverty, drought and starvation, overpopulation, pollution, and destroyed environment.

(iii) Upper secondary school

142. After compulsory schooling there is optional education with a choice between a vocational training, which is classified as the technical, commercial and agricultural high school, and pre-university education, which is provided in the general high school. In April 1993, 99.1% of middle school graduates receive further education in high school. The distribution ratio of vocational and general high school is 35:65. The purpose of

high school education is to give advanced general education and professional education on the foundation of the middle school education. Particularly, the importance of international understanding and cooperation stemmed from increased interdependent relationship in our international society is emphasized.

(iv) Higher education institute

143. Korea guarantees a relatively broad range of educational opportunity. There are 297 higher education institutes including junior-college of two years, and college and university of four years, where 1,995,047 students, which represent 56.5% of the 18-21 age group, are enrolled. The educational opportunity is predicted to grow with the policy to increase specialized man-power in the sector of manufacturing industry.

144. Students can enjoy the benefit of study loans with low interest rates because the government covers the half of the interests.

(v) Kindergarten

145. The kindergarten functions to promote children's healthy

growth by providing them with appropriate educational environment. As of April 1993, 47.3% of the children go to kindergarten. It is planned to reach 60% by 1998 through increasing the number of kindergarten.

(vi) Special school

146. Special education for the disabled children is provided under the Special Education Act. Special education is offered in various forms, which is free from kindergarten up to high school, and compulsory for elementary and middle school education. The education is provided in the special school branches adjunct to the residential care facility for the disabled, special schools, and special classes within general schools, dispatched teachers of special education, etc., in due consideration of the area's circumstances, the distribution of disabled children and the degree of disability. The national budget for special education is 75 billion won(in U.S. \$ 93.8 million) in 1992 and 83.2 billion won(in U.S. \$ 104 million) in 1993, which constitutes 0.85% of the entire education budget.

147. The Ministry of Education estimates that 244,000 children need special education, which include 46,000 children with severe disability and 198,000 children with relatively slight

disability. Children with severe disability are educated in special schools, and children with slight disability in the special classes within general schools. There are 12 special schools for the visually impaired, 20 schools for the hearing impaired, 57 schools for the mentally retarded, 11 schools for the physically disabled and 3 schools for the emotionally disturbed. A total of 106 special schools provided special education to 20,985 children with severe disability in April 1993. Also, there are 3,321 classes with 28,210 children having relatively slight disability. However, these cover only 20.2% of the disabled children needing special education(45.7% of the children with severe disability, and 14.3% of the children with relatively slight disability), and the rest 79.8% of the disabled children cannot receive proper education and training.

<Table 12> Status of Special Education, 1993

Classification	Types of disability	No. schools	No. classes	No. students
Special school	Visual disability	12	154	1,359
	Hearing/Speech disability	20	396	4,007
	Mental retardation	57	1,117	12,598
	Physical disability	14	242	2,568
	Emotional disturbance	3	45	453
	Total	106	1,954	20,958
Special class	General school	2,638	3,321	28,210

148. The State plans to construct 33 special schools and 3,350 special classes in the period of 1993-2001. In order to achieve high quality of education, the school inspector on special education is allocated, and the administration unit for special education in central and local government will be strengthened. The National Institute for Special Education was established for the purpose of studying efficient teaching methods, developing proper teaching materials and training teachers for special education.

(vii) Private school

149. Private schools constitute 31.9% of all schools, and students enrolled in private schools 32.8% of all students. The proportion of private schools in higher education is fairly high; 74.4% of all students are enrolled in private schools, which form 73.9% of all schools. The government grants subsidies for financial deficiencies to the private institutes.

<Table 13> Status of Private Schools, 1993

Classification	Total schools	Private schools(%)	Total students	Students in private schools(%)
Kindergarten	8,515	4,001(47.0)	469,380	356,048(75.9)
Elementary school	6,057	76(1.3)	4,336,252	67,392(1.6)
Middle school	2,590	700(27.0)	2,410,874	616,287(25.6)
High school	1,757	893(50.8)	2,069,210	1,281,383(61.9)
Junior college	128	120(93.7)	456,227	434,765(95.3)
College/University	138	102(73.9)	1,109,622	825,532(74.4)
Others	605	424(70.0)	611,675	176,085(28.8)
Total	19,790	6,316(31.9)	11,463,240	3,757,492(32.8)

(viii) Vocational guidance and training

150. Vocational guidance and training is provided in high schools. Besides vocational high schools, general high schools also provide vocational guidance and training to the students who want to have a job after graduating from the high school. Their curricula and teaching methods for vocational training are organized and carried out according to those of the vocational high schools.

151. Vocational training aims to fulfill the manpower-demand of a rapidly changing industrial society. It was introduced

with the legislation of the Vocational Training Act in 1976. There are about 200,000 children and young adults who cannot continue study at a higher level on account of various reasons. Most of them do not have appropriate skills and knowledge needed for proper jobs. Any person aged 14 years or more may receive vocational training, if he/she wants to. The expense for vocational training is charged, in principle, on the person or agency that provides vocational training. After completing the vocational training, they are offered a job through the Area's Employment Agency.

(ix) Other education institutes

152. For children and young adults who cannot continue their advanced study because of financial difficulty or having a job, there are the radio and correspondence middle schools and high schools, and night and special classes which are attached to industrial bodies for middle or high school education of their working juveniles.

153. A person who has passed the qualification examination and who completed a certain course of non-formal education institutes is entitled to the same qualification as the person who has finished the formal education.

154. Juvenile delinquents who lost educational opportunities due to their delinquency may also have an opportunity to continue their study. The school curriculum reformatory provides regular primary, middle, and high school curricula, and gives the same qualification to the students as the regular schools.

(b) Education budget

155. It has been traditionally considered that education investment is the base for national development and prosperity. Securing education budget has taken a high priority. Education budget is used mostly for compulsory education, financial assistance of private schools, vocational guidance and training, and teachers' re-training. The education budget has been increased every year, and this tendency seems to be continuing.

<Table 14> Size of Education Budget

(units: billion won, %)

	GNP (A)	Gov. budget (B)	Min. of Education budget(C)	Local education budget(D)	Expenses for compulsory education(E)	Ratio(%)		
						C/A	C/B	E/C
1985	78,088	12,532	2,492	2,124	1,557	3.2	19.9	62.5
1990	171,488	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

156. The Enforcement Ordinance of the Education Act prescribes the duty of parents or guardians to encourage the regular attendance at school. The headmaster may send out a warning to his/her parents, guardian or employer when the student is absent for more than 7 days in a row, or the child's compulsory education is hindered by his/her employer. When the warning is not effective, the headmaster reports it to the chief of the province, and the chief gives the second warning to the child's parent or guardian. If such endeavor fails, the superintendent of the educational office imposes a fine.

157. Koreans have a high expectation toward education and are, sometimes, over-enthusiastic about educating their children. As a result, Korea has a quite low rate of drop-outs. A student who wants to leave the school must submit to the school a letter of withdrawal accompanied with parents' or guardian's joint signature. Also, the rate of attendance in high school is reflected on the screening test for college entrance so as to prevent voluntary absence not caused by illness or accidents.

158. Internationalization of education is one of the goals of education policy in Korea. International cooperation in

education sector is maintained at different levels. A curriculum of educational internationalization has been drawn up, as discussed in para. 141-142 in this paper, and a number of schools have direct international contacts and joint programs with overseas schools.

2. Aims of Education (art. 29)

159. The purpose of education in Korea is, as the Education Act prescribes, to achieve the integration of character and to build up the abilities for an independent life and the qualifications of citizenship and thus contribute to the development of a democratic society and realize the idea of co-prosperity based on the idea of "*Hongik Inkan*"- the greatest service for the benefit of mankind.

160. To achieve the purpose of national education as described in para. 159, the following education guidelines have been set up.

- 1) Nourishment of the knowledge and habits necessary for the sound growth and maintenance of the body, and the cultivation of an indomitable spirit;
- 2) Cultivation of a patriotic spirit for the country and nation in order to preserve and develop the nation's independence

- and to advance the cause of world peace;
- 3) Inheritance and enrichment of the national culture and thus contribution to the development of the cultures of the world;
 - 4) Fostering the truth-seeking spirit and the ability to think scientifically for creative activities and a rational life;
 - 5) Encouragement of peaceful association with the community with a spirit of faithfulness, cooperation, respect, love of freedom and a high regard for responsibility;
 - 6) Development of an aesthetic sense in order to appreciate and create sublime fine arts, enjoy the beauty of nature, and to utilize leisure time effectively for an enjoyable life; and
 - 7) Encouragement of thriftiness and faithfulness to one's work in order to become an able producer and a wise consumer for a sound economic life.

3. Leisure, Recreation and Cultural Activities (art. 31)

161. Although the family provides its child with an adequate environment, a child cannot live without contacts with the community. For this reason the community has a task to develop various programs and activities required for children's sound development and to build a safe environment for playing. Play is as important as study for children. Children

build up creativity through play; they get self-confidence by testing and proving their ability. Children grow up and become mature through interaction with others. The Child Welfare Act prescribes the State's and municipalities' responsibility to construct children's facilities, such as children's park, play-ground, children's hall, theater, museum, exhibition hall, etc. for children to use whenever they want. The Children's Charter also prescribes that children should be given adequate space and facilities for happy and wholesome play and recreation. Since children are said to grow up while playing, it is the responsibility of the grown-ups to provide children with adequate facilities and comfortable surroundings in which children can play without any disturbance or any danger.

162. However, it is difficult to say that Korean children fully enjoy their right to play. The Ministry of Culture and Sports governs and carries out various cultural activities to build a healthy youth culture against the examination-oriented education and vulgar popular culture. The State plans to construct 1,394 children's facilities for the period of 1992-1996.

163. All standards and way of life for adults are applied to

children without any adjustment, because children are considered and treated as mini-adults or immature adults. Children have lived in a society possessing an adult-oriented structure. Even though recognition of the child as a subject of rights began to prevail, the investment for children is not significant yet in all areas including culture.

H. Special Protection Measures

1. Children in Conflict with the Law

(a) The administration of juvenile justice (art. 40)

164. Judicial procedure in Korea is governed by the Code of Judicial Procedure. Where young persons are concerned, rules are also contained in the Juvenile Act. Since juvenile delinquents are in process of growing up, they have a high possibility to be rehabilitated. For this reason, education, rather than punishment, is more emphasized. The Juvenile Act prescribes that young law offenders are treated with different procedure from the major ones. Measures for proper guidance other than penal procedure are provided for the young offenders.

165. Concerning paragraph 2 (a), reference can be made to the Constitution, under which no citizens may be prosecuted for an act which does not constitute a crime under the law effective at the time it was committed. According to the provision, retroactive application of punishment is strictly prohibited. The principle to the effect that retroactive application of punishment is prohibited, which is set forth in the Constitution, is provided

for in detail in the Criminal Code. When a law is changed after the commission of a crime, such act thereby no longer constituting a crime (under the new law), or the punishment therefore (under the new law) being less severe than under the previous law, the new law shall apply. When a law is changed after the sentence for a crime committed under the law has become final, such act thereby no longer constituting a crime, the execution of the punishment shall be remitted. According to the provision, the defendant shall be guaranteed to receive benefit from the amendment of law.

166. As regard paragraph 2 (b) (i), the principle of presumption of innocence is stipulated in the Constitution, which provides that the criminal defendant is presumed innocent until a determination of guilt has been confirmed. The Code of Criminal Procedure also provides that the accused shall be presumed to be innocent until he/she is finally adjudged to be guilty. The Rules of Criminal Procedure presents that documents or any other articles which may cause the court to create presupposition on the case, shall not be attached to the indictment. Presumption of the criminal defendant to be innocent is the firm basic principle of criminal procedure.

167. The rule of paragraph 2 (b) (ii), system of notice of reason for arrest, corresponds to Article 12, Paragraph 5 of the Constitution, which provides that no one may be arrested or detained without being given notice about the reason and the right to be assisted by a counsel. The reason for, time and place of arrest or detention must be informed without delay to the family of a person arrested or detained, as designated by law. The Code of Criminal Procedure provides that the accused shall not be placed under detention before the court has informed him/her of the gist of facts constituting the offense, of the reason for detention and of the fact that he/she may select defense counsel, and before the court has given him/her the opportunity to defend him/herself. When the accused is detained, he/she shall be informed of the facts concerning the public prosecution against him/her and of the facts that he/she may select his/her defense counsel.

168. With respect to the defendant's right to receive defense free of charge, the Constitution provides that when a criminal defendant is unable to secure counsel by his own efforts, the State shall assign counsel for the defendant as provided by law. According to the system of assignment of counsel by the State, the Code of Criminal Procedure provides that where the

accused is a minor, seventy years of age or over, deaf or mute, suspected of mental unsoundness or unable to select a counsel because of any other reason, if there is no counsel, the court shall appoint a counsel ex officio.

169. Under the Juvenile Act the juvenile concerned or his/her guardian may, with the approval of judges of the Juvenile Department, appoint an assistant.

170. Concerning the general requirement of a fair and prompt trial in paragraph 2 (b) (iii), reference can be made to the Constitution which provides that all citizens shall be equal before the law. Moreover, the Constitution guarantees the right of fair public trial by independent court, the right to be tried in conformity with the law by judges qualified under the Constitution and the law, and the right to a speedy trial. A criminal defendant has the right to a public trial without delay in the absence of justifiable reasons to the contrary.

171. As regards paragraph 2 (b) (iv), the Constitution provides that no citizen shall be tortured or to be compelled to testify against him/herself in criminal cases. In case 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 toward a conviction nor shall punishment be meted out on the basis of such a confession. Statement by forcible demand against a defendant's will is prohibited and involuntary confession by means of torture, violence, intimidation etc. is not admitted, as well. In a criminal case, the judge does not admit confession of an accused which is suspected to have been made involuntarily or confession against him without corroborating evidence, as evidence of guilt. The Code of Criminal Procedure provides for the accused's right to refuse to answer inquiries and that the suspect shall be notified in advance that he/she may refuse to answer questions as well.

172. A public prosecutor, the accused or his/her defense counsel may raise objections regarding the examination of evidence. The Code of Criminal Procedure provides that the public prosecutor, the accused, or his/her defense counsel can apply for necessary examination of evidence without distinction and the presiding judge shall ask the accused for his/her opinion about the examination of articles of evidence and shall inform him/her that he/she can apply for necessary examination of evidence for the protection of his/her rights. In

addition, the Code of Criminal Procedure admits that the accused or his/her defense counsel may be present at the examination of a witness.

173. Provided, when the presiding judge recognizes that a witness or an expert witness cannot make a sufficient statement in the presence of the accused, he/she may order the persons to withdraw from the court (however, his/her defense counselor may be present at the examination to a witness). Even in such case, the accused may make inquiry relative to the necessary matters examined into and in case the testimony of a witness contains an unexpected and serious statement which is disadvantageous to the accused, the court shall give notice of the contents of such statement to the accused. Accordingly, the accused's cross-examination right is sufficiently secured.

174. The stipulation of the Convention in paragraph 2 (b) (v), concerning the right to reassessment of decisions whereby a child can be deemed to have committed a criminal offence, is partly provided for through the faculty of appeal in all criminal proceedings. Judicial power is vested in courts composed of judges. The courts consist of the Supreme Court, which is the highest court of the State, and other courts at specified levels.

The Code of Criminal Procedure provides in detail for the accused's appeals including appeal, re-appeal and immediate appeal, and re-opening of procedure and extraordinary appeal. Therefore, in case the finding of the court of first instance is not satisfactory, appeal may be lodged by the accused. Further, in case there has been a violation of the Constitution and law, an appeal may be lodged against a judgment to the Supreme Court. If after a judgment of guilty is pronounced and the judgment becomes final, clear evidence has been newly discovered which indicates "not guilty", a request for re-opening of proceedings may be made.

175. Children's right to an interpreter under paragraph 2 (b) (vi) is guaranteed in the Code of Criminal Procedure. In case a person not versed in Korean language or with a hearing or visual impairment is required to make a statement, an interpreter is provided. Letters, signs or marks not in Korean language are also translated. Expenses required for the interpreter, such as, daily allowance, traveling and accommodation expenses, are borne by the government.

176. The rule of paragraph 2 (b) (vii), whereby a child is to be assured of respect for his/her private life at all stages of

procedure, is stipulated in the Juvenile Act providing that trial shall not be made public. However, when deemed appropriate, the judge may permit certain persons to attend the trial. Facts or photographs which may identify the juvenile in the above protection or criminal cases, by means of his/her name, age, occupation, appearance and other things, shall not be published in newspapers or other publications nor shall they be broadcasted. In case of violation of the provision, editors, publishers, authors and broadcaster may punished with penal servitude or imprisonment or a fine.

177. For Korea's part, the stipulation in paragraph 3 (a) on a minimum age for criminal liability is met through the provision of the Penal Code. An act of a criminal minor, who has not attained 14 years of age, is not subject to criminal punishment. Juveniles above the age of 12 but less than 14 years old who have committed acts which are contrary to criminal laws and decrees are tried as protection cases by the Juvenile Department.

178. As regards paragraph 3 (b), the Juvenile Act provides measures for proper guidance other than penal procedures. Those who are under the standard or short-term probation may

be disposed to a public service or counselling at the same time. Also, reprieve of prosecution is provided through the protective guidance under Juvenile Guidance Instructors of the Prosecutor's Office who are appointed at the each level of Chief of District Public Prosecutor's Offices. Concerning a juvenile delinquency, there is a systemized provision to postpone exercising the penal punishments or probation programs.

179. As regards appropriate treatment of a juvenile suspect, under the Juvenile Act investigation is made on not only misdeed of the juvenile concerned but also the environment the juvenile belongs to. The Juvenile Department, in its investigation or trial, conducts in-depth investigation of the juvenile by taking into account the diagnosis of psychiatrists, psychologists, social workers, educators and other experts, as well as results and opinions by the Juvenile Classification Office. In addition, the Juvenile Act provides that trial of juvenile criminal cases shall be conducted in a spirit of kindness and gentleness toward the juvenile, and particular emphasis is placed on evaluation of the juvenile's physical and mental condition, character, career, family conditions and other circumstances.

180. For education of juvenile delinquents, juvenile reformatories are managed with separate functions of school curriculum, vocational training, and special training. Juvenile delinquents are accommodated by their age, educational level, aptitude, prospect, degrees of difficulty in correction, etc. and, thus, are effectively prevented from malignant influences. At the school curriculum reformatories, pursuant to the Education Act, regular primary, middle, high school curricula are taught, and entrance and transfer to schools are encouraged. At the vocational training reformatories, pursuant to the Rudimentary Vocational Training Educational Act, public vocational training is provided; 700 inmates annually attain technical licenses in 17 different fields including automobile maintenance. Specific felonious criminals such as gang members are accommodated at the special reformatory, where special education such as physical training are offered. In order to encourage democratic and cooperative attitudes, special activities are provided 10 hours weekly through selected possible areas such as arts and letters, physical education, labor service and rearing of animals and plants.

181. Those who are provisionally discharged are under intensive supervised probation and given guidance for jobs,

forming of relationships, and entering schools, and thus are actively supported for social adaptation and integration. Also, there are efforts to prevent misadaptation for the discharged, by providing ex post facto instruction.

(b) Children deprived of their liberty, including any form of detention, imprisonment or placement in custodial setting (art. 37 (b), (c) and (d))

182. As regards article 37, paragraph (b), reference is made in the Constitution guaranteeing all citizens' personal liberty. No person is arrested, detained, seized, searched, interrogated except as provided by law, and be subject to punishment, preventive restriction except by law and due process of law. Warrants issued by a judge upon the request of a prosecutor in accordance with the due process of law shall be presented in case of arrest, detention. Therefore, the principle of due process and of presentation of warrants is adopted to guarantee personal liberty.

183. The Code of Criminal Procedure has various provisions strictly restricting requirement and procedures for arrest pursuant to the foregoing provisions and principles of the

Constitution. The court may detain the accused when there is reasonable grounds to suspect that he has committed a crime and he falls under any of the following: (i) When he has no fixed dwelling; (ii) When there is reasonable ground to suspect that he may destroy evidence and (iii) When he escapes or there is reasonable ground enough to suspect that he may escape. In such cases, a warrant of arrest shall contain the name and address of the accused, the name of the crime, essential facts concerning the public action, the place to bring the accused or prison where he is to be detained, the date of issue, effective period of the writ and a statement that the warrant shall not be executed after the lapse of such period whence it shall be returned to the court of issuance, and after issuing the warrant signed and sealed by the presiding judge. Such warrants shall be shown to the accused.

184. In case of an arrest of a suspect for detention by a prosecutor or judicial police officials, in principle, the prosecutor or judicial police officials may arrest the suspect with a warrant of detention issued by the competent court judge upon request of the prosecutor. A public prosecutor or judicial police official may arrest the suspects without a warrant, i) if in case there are good reasons to suspect that the

person has committed crimes punishable with death penalty, penal servitude or imprisonment for life or three years or more, ii) if there is reasonable grounds to suspect that he may destroy evidence or may escape or has escaped, iii) if it is not possible to obtain a warrant of arrest from a judge of the competent district court due to urgent need, or iv) in case of flagrant offenders. However, even in such cases, if the public prosecutor or judicial police official fail to obtain a warrant of arrest within 48 hours or 72 hours from the time of the arrest from a judge of a District Court, the suspect shall be released immediately. According to the above provisions, the exceptional cases shall be subject to ex post facto sufficient judicial control.

185. A criminal case involving a juvenile requires special treatment through different procedures from those of an ordinary criminal case unless there exists any special cause. Concerning separate treatment of a juvenile delinquent and security of contact with family, the Juvenile Act provides that in the event a criminal case involving a juvenile is related to other ordinary case, the trial of the juvenile case shall be conducted separately from the other case if such treatment does not obstruct the trial proceeding.

186. Under the Penal Administration Act, the convicted person who are under 20 years of age is accommodated in juvenile reformatories and the convicted person who is 20 or more in age is accommodated in prisons. When chiefs of prisons or juvenile reformatories find some particular circumstances, the provisions may not be applied only within a period not exceeding six months. Even if adult and juvenile delinquents are accommodated to the same prison, they are held separately within the same prison.

187. Under the Juvenile Reformatory Act, male and female, and persons under 16 in age and persons aged 16 or more are separately accommodated so as to block the influence of wrongdoing. New entering juvenile delinquent is housed separately from general juvenile delinquent. After 10-day investigation for classification, the Juvenile Delinquent Treatment Deliberation Committee determines duration of treatment and education course in detail, on the basis of the result of investigation and the screening results.

188. There are 11 juvenile reformatories throughout the country, which are operated classified by their function as follows: four juvenile reformatories for school text education,

three for occupational education, one for females, two for major and habitual juvenile delinquents and two for a combined purpose of text and occupational education. Based on the juvenile delinquent's sex, age, entry experience, existence of confederate, characteristics of crime, duration of treatment and education course, the juvenile delinquent is accomodated to a separate facility or separately accomodated within the same facility.

189. For contact with family, interview is permitted at the fixed time and place unless such interview causes the disruption of protection and reformative education of the juvenile under protection and custody. With respect to correspondence, there is no restriction on the frequency and address. However, after censorship of letter, if it is found that the contents of the letter may cause disruption of reformative education, exchange of correspondence may be restricted to harmonize education and privacy of the juvenile. If it is specially necessary for reformative education, such as events calling for congratulation or condolence of the lineal family of the juvenile under protection, the juvenile is allowed out. The provision enables the juvenile to improve relations with the family and adjust to the society.

190. As regards the provision of paragraph (d) on the right to legal and other assistance, reference can be made to the Constitution providing 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. The Code of Criminal Procedure 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. Also, where the accused is a minor, the court may appoint a counsel ex officio. Accordingly, the provision stipulates special protection of juveniles whose capability of legal relief is relatively weak.

191. Juvenile delinquency decreased after 1990. In 1992, juvenile delinquency composed 6.4% of the total crimes. Most juvenile cases are dropped or dismissed; about 27.5% of the cases were prosecuted in the same year. The rate of suspended prosecution on youths is 25% points higher than that for all crimes.

<Table 15> Proportion of Juvenile Delinquency

(units: number, %)

Classification	1988	1989	1990	1991	1992
Total crimes	1,144,702	1,337,587	1,402,417	1,540,914	1,542,035
Juvenile delinquency	104,052	108,015	105,567	102,537	99,301
Ratio	9.1	8.1	7.5	6.7	6.4
Rate of prosecution	39.4	39.3	36.9	39.3	27.5

(c) The sentencing of juveniles, in particular the prohibition of capital punishment and life imprisonment (art. 37 (a))

192. The Constitution prohibits any acts involving torture and suchlike. Death penalty is provided for in the Criminal Code and the Special Law. Under the Juvenile Act, the minimum age to be subject to death penalty is 18 years of age, and in case of sentencing of death penalty and penal servitude for unlimited period for a child of less than 18 years of age, penal servitude for 15 years is sentenced in place of death penalty and penal servitude for unlimited period.

(d) Physical and psychological recovery and social reintegration (art. 39)

193. When a youth is released to his/her parents or guardians

from the rehabilitation center or juvenile reformatory, after-care services are provided. These are designed to promote reintegration of the youth in the community and productive activities so that the person can be self-supportive without being involved with another delinquency. Such activity is performed by the rehabilitation committee at the central and provincial level under the Ministry of Justice. There are 12 local centers and 52 branches established in prisons and juvenile reformatories. In addition, the Society for the Support of Rehabilitation is organized, most of whose members are business men of small- or medium-sized companies. Its service is focused on vocational guidance, including offering jobs, medical care, vocational training, financial assistance, paying transportation fee and lending enterprising fund.

2. Children in Situation of Exploitation, Including Physical and Psychological Recovery and Social Reintegration (art. 39)

(a) Economic exploitation, including child labour (art. 32)

194. The Labor Standard Act contains a number of provisions concerned with young workers. The Act specified that no child below 13 years old shall be employed in any work except for those who have obtained an employment authorization

certificate from the Minister of Labor. His/her employment shall cause no impediment to compulsory education. A child under 18 years shall not be authorized to engage in any work detrimental to morality or harmful to maintenance of health.

195. The working hours of those not less than 13 years old but less than 18 years old shall not exceed 7 hours per day and 42 hours per week. However, the working hours may be extended within the limits of one hour a day and 6 hours a week as maximum by a mutual agreement. A person under 18 year is banned to work at night, between 22:00 hours and 06:00 hours, or on any off-day, unless otherwise agreed to by the employee and authorized by the Minister of Labor.

196. In order to prevent economic exploitation of children, their employment contract and minimum wage are protected. No parents or guardians have authority to make an employment contract on behalf of a minor employee. When it may be deemed as disadvantageous to a minor employee, the parents, the guardian or the Minister of Labor may terminate the employment contract. Minimum wage is also guaranteed for a minor employee after 6 months of his/her employment.

197. In order to protect employed children's rights, chapter 12 of the Labor Standard Act prescribes punitive provisions about each violation, and 45 local labor offices guide and supervise all enterprises or places of enterprises employing permanent work force of 5 or more employees.

198. In April 1992, 32,952 children aged under 18 were economically active, which covered 0.6% of the entire workforce. Of them, the number of young workers under 13 were 118, 27 boys and 91 girls, and that of young labor between 14 and 17 were 32,834, 3,846 boys and 28,988 girls. Most of the young workers were employed in the manufacturing industry.

(b) Drug abuse (art. 33)

199. In order to protect children from the illegal use, production, and trade of drugs, the government punishes persons who sell psychotropic medicines to children under 14 years of age by penal servitude of not more than ten years or fine not exceeding 10 million Won. Persons who manufacture, import or sell opium, morphine or its derivatives or who possess them for the purpose of sale, are punished by penal servitude for not more than ten years.

200. The Hemp Control Act prohibits the import, export, manufacture, sale and purchase or brokerage, smoking or intake of hemp and any acts to provide with places, facilities, funds or means of transport for dealing in hemp. With respect to habitual violators, the maximum punishment may be a death sentence, otherwise by penal servitude for life or for not less than 10 years.

201. Treatment and rehabilitation of drug dependents are accomplished through 17 national or public hospitals and 5 private hospitals which are authorized as specialized hospital for drug abusers. They are treated with no charge. For the specialized and efficient treatment of drug dependents, the National Drug Rehabilitation Center having 200 beds is being constructed. While the drug dependents are decreasing, harmful chemical addiction, such as bond or protan gas, is causing a new problem. According to the survey on drug addiction of the youth including chemical material, 45,000 - 88,000 adolescent addicts are estimated to need treatment or intervention. As this problem is fairly new, however, the government's policy for prevention and treatment is not yet established. The chemical addicts may be treated in a psychiatric ward. Since chemical material addiction is,

however, not covered in the national health insurance, the use of the treatment facility is not as easy as drug abuse.

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

202. In order to protect children from sexual exploitation and abuse, the Criminal Code provides that a person who induces a minor female to engage sexual intercourse and takes any monetary gain, shall be punished by penal servitude for not more than three years or by a fine not exceeding 600,000 won. Under the Child Welfare Act a person who forces a child to commit or mediates an obscene act, or who induces the child to engage in an obscene act, shall be punished by penal servitude for not more than 10 years or by fine not exceeding 5 million won.

203. The Prostitution Prohibition Act forbids prostitution, inducement or coercion of prostitution, exhortation to be a partner in prostitution, or the provision of a place for such acts. Violators are punished by penal servitude for not more than three years. Illegal sexual exploitation acts on children are punished severely under this act.

204. The Act Concerning Restriction on Immoral Business

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.

205. The manufacture of pornographic materials is prohibited under the Criminal Code. A person who, for the purpose of distribution of obscene pictures, etc., manufactures, possesses, imports or exports obscene goods, is punished by penal servitude for not more than one year or by a fine not exceeding 400,000 won.

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

206. Of the Korean rules and measures for preventing the exploitation of children, special reference can be made to the Child Welfare Act. Article 18 of the Act forbids various kinds of exploitation as follows: (i) Act to place a disabled and deformed child open to public inspection; (ii) Act to have a child go about begging or to ask for alms taking advantage of the child; (iii) Act to have a child under 14 years of age do acrobatics with the object of public recreation or entertainment; and (iv) Act to have a child under 14 years of age be engaged in a bar or other entertainment business. The person who

UNITED
NATIONS



Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/SR.277
26 January 1996

Original: ENGLISH

인권 자료실		
유기종	자료부	
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A71-53

COMMITTEE ON THE RIGHTS OF THE CHILD

Eleventh session

SUMMARY RECORD OF THE 277th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 19 January 1996, at 10 a.m.

Chairperson: Mrs. BELEMBAOGO

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CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

REPUBLIC OF KOREA (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.96-10288 (E)

The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Republic of Korea (continued) (CRC/C/8/Add.21 and CRC/C.11/WP.4)

1. At the invitation of the Chairperson, Mr. Seung Ho, Ms. Myung Sook Kim, Mr. Joon-Hee Lee, Mr. Yong Dal Kim, Mr. Chang Ho An, Mr. Sangheon Um, Mr. Kang Hyeon Yun, Ms. Hyun Joo Oh, Mr. Min O Jung and Mr. Keywon Cheong (Republic of Korea) took places at the Committee table.
2. The CHAIRPERSON invited the Korean delegation to reply to the questions put by the members of the Committee.
3. Mr. Seung HO (Republic of Korea), referring to the age of marriage, said that most aspects of marriage in Korean society were governed by long-standing traditions. Grooms were usually two or three years older than brides, but wider age gaps were not excluded. The legislation on the minimum age of marriage reflected tradition as well as biological considerations. Traditionally, marriage required the consent of the parents of both parties, although that was not a legal requirement if the bride and groom were of the age of majority. Of course, since the Second World War changes had been taking place in the traditional attitudes to such matters and the Government was trying to harmonize tradition with the requirements of change.
4. Children could indeed seek counselling without their parents' consent by visiting a counselling or social welfare centre. The secrecy of such counselling was guaranteed by law. There were 79 child welfare consultation centres and 297 social welfare centres to which children had free access. They could also talk to one of the 3,000 social workers employed at the basic township level.
5. With regard to the educational opportunities of disabled children, he could inform the Committee that, 90.8 per cent of all disabled children were attending school as of January 1996. The Government thought that it would be possible to raise the figure to 100 per cent.
6. As to testimony given by children in court, a child could refuse to testify if he thought that a family member or a guardian might suffer as a result. The law prohibited compulsory testimony by children aged under 15.
7. The first principle in cases of sexual abuse was that a child could not bring his parents before a court, although he could do so in the case of a guardian. However, children had access to hot lines and social workers in the event of sexual abuse by their parents or other persons. The social worker could then initiate legal proceedings or seek legal assistance for the child.
8. Cases of the expulsion of children from school were very rare in Korea. In 1995, the graduation rates from the various levels of primary and secondary education had been 94 per cent or higher. The regulations governing suspension were very strict. Any such move was preceded by consultation between the child's teachers, the school counsellors and his parents, with the child present. The case would then be considered by the school disciplinary

committee, where the child had the right to state his views. The head teacher would then take the decision. If the child was expelled, the usual practice was to transfer him to another school. If the child was found to be quite unsuitable for education in the regular school system, he could be advised to attend a vocational school or continue his education by some other means.

9. On the parental preference for sons over daughters, he could confirm that the law prohibited foetal testing. All medical institutions must display clear announcements to that effect. It was true that some parents preferred sons to daughters, but the authorities regarded such attitudes as wrong and they enforced the law strictly. They were also trying to change such attitudes by means of information campaigns.
10. The first point to be made about conflicts between children and their adoptive parents was that the law made no distinction between adopted and natural children. If a child was treated badly, his adoptive parents were liable to sanctions. If the ill-treatment continued, the child could be entrusted to the care of the social services, which might take action to dissolve the adoption and find more suitable parents. If that was not possible, the child could be cared for in an institution until the age of 18. The views of any natural children were taken into account when their parents were considering adoption: the whole issue would be discussed in a meeting of the extended family, including the children.
11. On the question of children of mixed blood, the latest statistics showed that none of the approximately 2,000 children adopted abroad each year was of mixed blood. The problem had almost disappeared in the 45 years or so since the Korean war. In the past, mixed marriages had been almost unknown in Korean society, but times were changing and such marriages would no doubt become more common in the future. There was no legal obstacle to marriage to a person of another race or nationality.
12. With regard to the trial of civilians by military courts, he could confirm that there had been only 31 such cases over the past 5 years. Obviously, the practice had a negligible effect on civilian life.
13. The rights and needs of children were indeed taken into account in the formulation of the State budget. The law required that the Ministry of Health and Social Affairs and the Ministry of Culture and Sports must discuss the content of the proposed budget with the financial ministries before it was submitted to the National Assembly. In the 1996 budget, 22 per cent of the resources were allocated to national defence, 8.6 per cent to social development and 19 per cent to education.
14. Training programmes for members of the child welfare committees were organized annually on a provincial basis and included seminars, practical training and information about the Government's efforts to promote the welfare of children.
15. On the question of the monitoring of the application of the child welfare legislation, he had said at the preceding meeting that Korea did not have an independent body dealing with that matter. But the central and provincial authorities were open to any suggestions or complaints from the public

concerning the promotion of children's welfare and protection of their rights. All such suggestions or complaints were carefully recorded and a deadline was set for dealing with them.

16. Mrs. SANTOS PAIS said that promoting and protecting the rights of children in the Republic of Korea was a matter of adequate legislation, accompanied by measures to increase awareness and change attitudes. For example, in conformity with the Convention, national legislation should ensure that the minimum age of marriage for women and men was the same. There was also a need for campaigns to raise the level of awareness and gradually change the traditional mentality in that regard. The same could be said for disabled children and children born out of wedlock. Those special groups required the protection of the law, as well as measures to lessen any stigma attached to their status.

17. According to article 12 of the Convention, States parties must ensure the right of children to express their views freely and, in that connection, she was not sure whether the system of school disciplinary committees, with a single child representing the rest of the students, was adequate. Perhaps the Korean Government should consider other approaches, such as children's committees. In cases where a child had been separated from his parents as a result of abuse or neglect, it was important to ascertain the feelings and wishes of the child.

18. In general, there was an imbalance in the Korean national budget, which was weighted more heavily on the side of defence than on that of social welfare.

19. Pursuant to article 3 of the Convention, the best interests of the child should be borne in mind in all actions concerning the child and, in particular, with regard to the child's right to be heard in judicial proceedings.

20. Mrs. KARP recalled that the Korean Government's reservation to article 40, paragraph 2 (b) (v), of the Convention had been made on the grounds that, in the event of martial law, a single military trial was permitted. The number of civilians actually tried by military courts was, according to the report, very small. Presumably, the number of children in that situation would be even smaller. What then was the purpose of maintaining the reservation?

21. The lack of adequate social services for children was a matter of concern. Given the number of children in the Republic of Korea, social workers in that field must be burdened with extremely heavy case-loads. Were the laws in that area actually being implemented in full?

22. Mr. HAMMARBERG asked whether the Republic of Korea had any specific mechanism to ensure that children would receive an adequate share of the resources provided for in the national budget.

23. States parties could always take the minimalist approach to the Convention by seeing to it that they met the minimum standards it set. However, the Committee hoped that Governments would go further and use the

Convention as a source of inspiration for their initiatives in the area of children's rights. The Republic of Korea had the legislative framework to prevent discrimination against particular groups, including disabled children and children belonging to minorities. Yet, was the Government doing enough to prevent and eliminate discriminatory attitudes and practices with regard to children; how did it promote a system of values that was compatible with the spirit of the Convention? He had the impression that the Government was not taking a genuinely progressive stance in terms of education, launching awareness campaigns and encouraging political discussion on how the Convention could be used as an instrument of change.

24. Mrs. BADRAN said that, in view of the emphasis on education in the Republic of Korea, it was likely that the average age at which girls married was much higher than the minimum age allowed by law. If so, perhaps the law could be amended to reflect the social reality.

25. Mr. Seung HO (Korea) said that his Government had taken note of the Committee's suggestions and would bear them in mind when planning future action in the field of children's rights.

26. It was true that the minimum legal age of marriage for girls no longer reflected the reality in his country: most young women married in their twenties.

27. His Government did not rule out the possibility of reviewing the Civil and Penal Codes in terms of how well they reflected the new attitudes and practices which had emerged in the past several decades.

28. The CHAIRPERSON invited the delegation of the Republic of Korea to provide information on the questions the Committee had asked in connection with the section of the list of issues (CRC/C.11/WP.4) entitled "Civil rights and freedoms", which read:

"Civil rights and freedoms
(Arts. 7, 8, 13-17 and 37 (a) of the Convention)

15. With respect to the information contained in paragraph 50 of the report, please indicate whether the Government has any plans to review its legislation relating to nationality, in light of the provisions of articles 2, 3 and 7 of the Convention, particularly with a view to preventing statelessness.

16. In the light of paragraph 63 of the report, please provide information on any mechanisms in place to ensure that a child in school may receive instruction in his/her own religion. In addition, please indicate whether the Government has any plans to provide for alternative subjects for students in school who choose not to have religious instruction."

29. Mr. KOLOSOV said that, according to paragraph 50 of the report, a child born of a Korean mother and a foreign father might be deprived of a

nationality under certain circumstances. That would appear to violate article 7 of the Convention, under which States parties were bound to protect children from statelessness.

30. The report stated that children's freedom of expression was protected under the Korean Constitution because it granted all citizens freedom of speech. However, many societies did not regard children as full citizens and, consequently, the provisions of their constitutions might not always be applicable to children. There was a need for express provisions to reflect children's rights and freedoms.

31. According to the Korean Civil Code, parents were free to provide a religious and moral education for their children. That did not correspond fully to article 14 of the Convention, under which parents were entitled to provide direction to the child in the exercise of his or her right to freedom of thought, conscience and religion. It was important that the child's views should be taken into account in that regard. Considering that Korean students were required to attend the school nearest to their home, moreover, he wondered whether such an arrangement limited children in their choice of religious education.

32. Children in Korea appeared to have limited access to information. How did the media help them learn about other civilizations? What was the extent of their participatory rights within the educational system? Children's freedom of expression was also limited by the Korean national security law, which should be reviewed by the Government.

33. With regard to the protection of children, she asked whether police officers were trained to avoid ill-treatment of young people being held in detention centres. Were teachers trained to respect the provisions of article 28 of the Convention on measures to ensure that school discipline was administered in a manner consistent with the child's human dignity? Was there any contradiction between the teacher's right to inspect a student's personal belongings and the right to privacy as provided under article 16 of the Convention?

34. Miss MASON asked whether, in view of the great emphasis placed on academic achievement, Korean students engaged in extra-curricular activities. Did students participate in peer counselling groups in which children taught one another about their rights?

35. According to the Korean national security law, any individual threatening State security was subject to imprisonment. How did such regulations apply to children, particularly in view of the child's right to freedom of association?

36. According to the report, the manufacture of pornographic material was prohibited under the Penal Code. What other laws protected children from material which might be injurious to them? What was the role of the performance ethics committee?

37. Mr. Seung HO (Korea) said that the nationality of the father determined the nationality of the child. For example, a child of a Korean mother and a

foreign father would have the nationality of its father. If, for any reason, that proved impossible, the mother's nationality could be invoked. The overall goal was to avoid leaving any child stateless.

The meeting was suspended at 11.25 a.m. and resumed at 11.40 a.m.

38. Mr. Seung HO (Republic of Korea) said that no Korean legislation dealt exclusively with the rights and freedoms of children. Under the Korean Constitution, all citizens were considered equal and children were citizens like any others. Legally speaking, children must therefore be treated in the same way as adults; in practice, that treatment depended on the maturity of the child. To his recollection, no young children had been tried under the Military Court Law. It might rightly be asked why Korea maintained that law, particularly as it had been criticized by the international community. In 1945, Korea had broken into a communist regime in the North and a democratic regime in the South. Although a cease-fire had been declared in 1953, no peace agreement had ever been signed, and that meant that the two parts of Korea were still officially at war. It was therefore impossible to abolish the Military Court Law. The Korean Government agreed that it would be best if no such legislation existed, but, if it had not existed, it could be asked how many children's rights and freedoms would have been violated.

39. In principle, Korea tried to protect the privacy of schoolchildren. In fact, however, teachers sometimes violated the privacy of their pupils; that practice should perhaps be limited in so far as possible. Although every Korean school set its own disciplinary and administrative rules, the Korean Government periodically reviewed those rules for their compliance with certain standards, including those relating to the rights of the child.

40. The Republic of Korea, which occupied the southern part of the Korean peninsula and covered an area of 9,000 square miles, had a population of 44 million. Although the country had sufficient facilities for the provision of education to all Korean children, the individual preferences of each child could not always be taken into account. There might simply not be enough schools in a given area; a child from the rural provinces could not expect to enrol, for instance, in one of the Seoul city schools. But those limitations were purely physical and should not suggest any intention on the part of the Korean Government to restrict a child's freedom of choice.

41. The ill-treatment of children in detention was prohibited under Korean law and the Government was endeavouring to incorporate more progressive concepts into the relevant legislation.

42. Korean legislation did not discriminate against children of mixed American-Asian descent. In fact, no serious complaints of discrimination against such children had come to the attention of the Government. No modern society could close its borders and cultures and races inevitably mingled. However, the phenomenon of mixed parentage was relatively new in Korea and the Korean Government should take measures to foster an atmosphere of tolerance and acceptance, so that discrimination of that kind could not occur.

43. In Korea, there were three daily newspapers exclusively for children and every television station showed special children's shows. Programmes dealing