

Section 9. Periodic Review of Placement (Article 25)

Issue 21

Most child welfare facilities in Korea are geared toward infants, therefore unequipped to deal with the varying needs of children of different ages.

Recommendation 13

There is an urgent need for facilities and services to meet the various needs of children with difficulties, e.g., runaway shelters, family counselling centers, drug rehabilitation facilities, and protective services for abused children etc.

Issue 22

Even those facilities existing for infant care do not properly perform their purported function. The government subsidizes such facilities according to the number of infants in their care; consequently, such facilities attempt to take in as many infants as possible.

In 1993, a given infant care center had an average of 59 infants, while child care centers have on the average 78 children on their rolls. Those numbers are much higher than comparable statistics in Japan in 1988; 23 infants or 50 children per center, on the average.

Issue 23

The government provides little more than superficial guidance and monitoring of child welfare facilities, where human rights are violated on a large scale. Sexual abuse, assault and forced labor, verbal abuse, forcing parents to give up their children, seizure of financial support, etc., have been going on for the last ten years. The government has never exposed such activities through its own surveillance, and even when they are reported the government has rarely taken remedial actions.

CHAPTER 6: BASIC HEALTH AND WELFARE

Section 2. Disabled Children (Article 23)

Issue 24

There is no accurate data on the number of disabled children. The government estimates the number to be around 100,000, or 0.76% of the total child population, an unrealistic figure. According to the survey taken by the Korean Institute of Health and Social Welfare Research in 1990 survey, the prevalence rate of disabled children is 2.44%. Even the Education Ministry's annual report of 1994 to the National Assembly estimates a figure larger than that of the government's report: 223,963 disabled children, or 2.44% of the total child population. Other NGO organizations for the disabled estimate the figure to be 900,000 children, or 10% of the total child population.

Recommendation 14

A regular census count of disabled children should be carried out and all relevant government policies should be made in accordance to the results.

Issue 25

As stated in the government report, most disabled children are placed in adult facilities. Those facilities lack even basic professional services and funding so that most patients are simply left there without any rehabilitation programs. Funding, meager as it is, comes completely from the government, and again is based on a headcount, resulting in overcrowded, poorly-serviced facilities.

Recommendation 15

Disabled children require separate placement that is tailored to the degree and type of disability as well as the age of the child. The facilities should be operated by professional rehabilitation experts who can provide appropriate treatment for such children.

Issue 26

Korea lacks special education institutions for disabled children. The 21st Century Commission, an advisory group to the President, estimates that only 12.6% of the total disabled population is receiving special education (1994). Owing to limited government funding, special education institutions are poorly equipped and staffed. Efforts to integrate disabled children in regular schools is also extremely limited.

Recommendation 16

The government should establish more public special education institutions to meet the needs of disabled children. The special schools should be specialized according to different types of disability and gradually move toward integrated education.

Issue 27

Current laws mandate that companies with more than 300 employees hire the disabled at a rate of 2% of total employees. However, the employment rate of the disabled in government organizations is a mere 0.71%. Other industries are worse hiring an average of only 0.5% disabled workers. According to government statistics, the overall unemployment rate in Korea is at 2.1%, while that of the disabled is 32.6%. Most disabled workers (68.7%) are in manufacturing industries and are paid only US \$250 to 500 per month, much lower than the average wage in those industries (\$1,100).

Section 3. Health and Health Services (Article 24)

Issue 28

The medical insurance system in Korea provides insufficient medical care coverage, with heavy personal expenses that are too burdensome for the poor to pay for proper medical care for their children. Furthermore, medical coverage in Korea does not cover ultrasound, CT (Computer Tomography) or MRI (Magnetic Resonance Imaging) tests. There is

coverage for preventive medicine such as vaccination or physical check-ups. Hospitals needlessly use specialized medical consultation for which patients must pay, and hospitals make patients bear 55% of the cost of out-patient treatment, and over 50% for in-patient treatment. The aggregate of these facts demonstrate why poor families do not get proper medical care.

While it is possible to specialize in pediatrics in medical colleges, pediatricians per se are in reality only general practitioners who happen to treat children. In fact, most children are forced to see doctors who usually treat adults. Given the well-known fact of specific physical needs of children, pediatricians should be trained in all specialties specifically for child patients.

Section 4. Social Security and Child-Care Services and Facilities (Articles 18-3 and 26)

Issue 29

In Korea, government spending on social security is very minimal. The budget allocated to social security in Korea is 1.4% of the GDP. Korea's welfare budget is only 6.38% of the total budget, a rate lower than that of Bangladesh (12.3%) and Sri Lanka (18.6%). Both countries have a child allowance system but Korea has no plans to introduce such a system as yet.

Issue 30

The number of day care centers has increased dramatically over the last four years since the passage of the Child Care Law in 1991. Nevertheless, the government reports that only 2 million children needing day care in 1994, only 219,000 received such care, a mere 11%

The government does not take sufficient responsibility for caring children, especially working mothers. While government funds are limited, their allocation is not fully effective. There is then low quality control for child care and a lack of publicly-funded care. Available services are concentrated in big cities, so that mid-to-small size cities and rural areas do not have sufficient access. Government-sponsored child-care is not diversified enough to meet diverse demands of infant care, care of the disabled, and extended care. Due to a lack of after-school programs, children receive inadequate care--less than 1% of school children receive after-school care.

Recommendation 17

The government needs to actively change its focus away from administrative ease to children's rights, reform the system and sufficiently fund its child-care program.

CHAPTER 7: EDUCATION, LEISURE AND CULTURAL ACTIVITIES

Section 1. Education (Article 28)

Issue 31

Although class sizes have continued to decrease, the average class size is still too big. In 1994, the average size was 37.7 students for an elementary school class, 48.9 junior high school students and 47.4 high school students.

A. Problems According to School Level

1) Elementary School

Issue 32

Although on the decrease, there are still 1,027 first-grade classes, 643 second-grade classes and 125 third-grade classes that operate on the two-shift system because of lack of classrooms, an unstable educational environment.

Issue 33

The government has proceeded to merge and close 10% of small schools by the end of 1994. The government is thereby sacrificing the right to an equal education in the name of efficiency. In the Gapyung area, west of Seoul, residents filed a suit against the closure of the Doomil School and protested for over a year by conducting their own classes with residents serving as teachers.

Issue 34

The government should pay for school meals at the elementary school level. As of November 1994 only 38.2% of elementary schools are providing school meals. President Kim promised during his campaign to expand school meals to all elementary schools by 1997. He revised the law, however, so that parents have to bear the expenses for setting up the facilities needed to provide meals to students. This law makes it impossible for schools in most rural and mountainous areas from providing meals to students.

2) Junior and Senior High Schools

Issue 35

Life in secondary schools is quite restricted. The first priority is always advancement to the next level and this priority is used to keep rigid rules that are very strict and undemocratic. Infringement of human rights is common: unfair punishment, assaults, insults. Inadequate guidance, discipline is implemented to isolate the so-called troublemakers. Juvenile delinquency results directly from this system. In Korea a student has no right to speak his/her case before punishment, in direct violation of Article 12 of the Convention. And there is little means to prevent students from dropping out because of severe punishment on school performance.

Students also suffer from poor facilities such as small classrooms, undersized desk chairs, and unsanitary bathrooms.

3) Pre-school

Issue 36

In Korea, 78% of all kindergartens are private and profit-making. As pre-school education is not included in the public education system, children in the poor and rural areas cannot afford it.

4) Vocational Education

Issue 37

Vocational schools are conceived mainly as dumping grounds for students who have dropped out of the regular system. They are equipped with poor and outdated facilities and appear to be exploiting cheap labor. For example, agricultural schools sell the harvest by students and decide their budget for the following school year according to their performance--a self-perpetuating system of exploitation.

B. Education Budget

Issue 38

Korea's educational budget, 3.6% of the GNP, is smaller than those of many other countries, including those that are less developed than Korea. The natural outcome is a heavy economic burden--the total amount of money spent privately by individuals is US\$ 1.5 trillion, and on the average, an individual household spends 30% of its budget on education.

Section 2. Educational Goals

Issue 39

The "devotion to the welfare of mankind" is the stated goal of the Korean education system. This goal, however, is far beyond reach because of an educational system geared toward the college entrance exam. The system kills creativity and individuality in youth. Those not eligible for college often drop out, becoming juvenile delinquents or even committing suicide. The government announced educational reform on May 31, 1995 and must fulfill its promise.

Recommendations 18

1. The college entrance exam system, the source of most of the country's educational problem, should be sufficiently revised as promised by the educational reform plan of May 1995.
2. The educational budget needs to be increased to 5% as promised by the President's campaign.
3. Working conditions for teachers need improvement. Teachers need to be freed from teaching schedules and administrative tasks so that they may concentrate their effort on teaching.
4. Students need to be given more self-determination in decision-making that concerns their education.

5. Students deserve a fair hearing both before and after being suspended or expelled. needs to be guidance, counseling and special activities for those who are disciplined s discipline is a learning, not merely a penal experience.

6. Students need to be informed of their rights in school so that they can exercise rights autonomously.

Section 3. Leisure, Recreation and Culture (Articles 17 and 31)

Issue 40

Leisure, recreation and cultural activities for children are severely limited by the exam orientation of the education system. Most children spend their time in private ins or lessons after school. According to a survey by Hankyureh News in 1995 of 600 elem school students in the Seoul area, 79.6% go to private institutes or are privately tuto response to the question "What would you like to do if your parents allowed it?" 4 responded "Just play." In response to the question "What are you worried about 53.4% answered "exam results." Children cannot simply be children in Korea. High students suffer unstable emotions and pressure. Among junior and senior high students, 44% experienced anxiety about exams and accompanying bodily symptoms.

Recommendation 19

The government should reform education so that children can enjoy leisure, recreatio cultural activities.

Issue 41

There are not enough facilities for children to play and take part in leisure activities. even worse in urban poor and rural areas. According to a survey of 940 children, non ever had any private music or art lessons. Almost none ever go to music concerts, re plays, operas or puppet shows with parents or friends. Children over 14 years would go to adult establishments such as karaoke houses, coffee shops, drinking bars, video and pool halls.

Recommendation 20

There is minimal investment in cultural appreciation for children, as the government states. The government and local autonomous organizations should develop diverse pro for children to enjoy proper leisure, recreation, and cultural activities. They should also in space and facilities for such cultural events. Laws should be revised to financially s cultural facilities of privately-operated non-profit facilities such as the above.

Issue 42

There are not enough spaces that foster reading in children. In 1990, there were som million books published for children: 48% of them were reference books and comic Only 47% (4,893) of high schools in Korea have their own libraries. School libraries in have three books per student; there are 1,881 students per library. In 1992, the gov budget for books represents only 0.066% of the total educational budget.

Issue 43

There are serious harmful effects from violent and sexualized movies, dramas, pornographic video games and computer software. According to statistics on exposure of juveniles to such material, 53% of the students sampled had experienced such material through computer, 63.6% did by video tapes.

Recommendation 21

Korean government should strengthen the function of an agency to protect children from harmful audio-visual materials. At the same time, there must be media education in schools.

Chapter 8: SPECIAL PROTECTION MEASURES

Section 1. Children in Conflict with the Law (Articles 37, 39, 40)

Issue 44

Juvenile crimes, as stated in the government report, should be handled based on the principle of "education rather than punishment," and "separate justice for juveniles." These principles have not been abided by, however.

Issue 45

Most juvenile cases are interrogated under confinement and often the confinement period is prolonged so that youths are exposed to various negative influences. In 1993 alone, there were a total of 119,286 juvenile delinquency cases. Of them, 21,850 were arrested and processed through the general criminal courts, while 48,078 were prosecuted. Only 12,365 cases were referred to the juvenile department.

Issue 46

A juvenile who is arrested and detained for his crime is vulnerable to other negative influences because of prolonged detainment in a detention house or prison for adults. In 1993, of 23,256 juvenile crime cases, 4,119 were given prison sentences, 5,734 were given probation, and 11,037 were processed through the juvenile department. The average length of an initial trial was 2.9 months before a panel of judges and 2.3 months in a single court. After the second trial, which took an average of 2.7 months, 806 cases were given probation and 1,543 were forwarded to the juvenile department. For the first trial, juveniles typically stay at a detention center for two to three months, sometimes up to six months. If the suspect is not released by the first court, he/she is detained. In detention, juveniles are subject to influence from other criminals. Separation of juvenile criminal from adult criminals is urgently needed. Article 57 of the Juvenile Law provides for such separation during the proceeding, but the courts have ignored those provisions.

Recommendation 22

The following procedures should be adopted to solve the above problem:

1. Pre-trial determination of the status of juvenile cases. The courts, instead of the prosecution, should determine whether a case is sent to the prosecution as a general criminal case.

case or processed instead through juvenile protection proceedings.

2. Juvenile should be confined at a juvenile detention center or juvenile reformatory separate from adult criminals.

3. All juvenile proceedings should be closed to the public.

4. The court should ensure speedy trials.

5. Juvenile criminal cases should be minimized in favor of juvenile protection cases.

6. Juveniles, more vulnerable than adults, must be granted counsel by an attorney or assistants during interrogation. At present, the court appoints a lawyer only after prosecution begins. Attorney representation should be extended to juvenile protection cases.

Section 2. Children under Exploitation (Article 32)

A. Economic Exploitation (Article 32)

Issue 47

Under the Labor Standards Law, the government prohibits child labor. The law applies to companies with a minimum of five employees, and fails to protect from exploited children who work for companies with less than five employees.

Recommendation 23

The Labor Standard Law should protect all children from economic exploitation.

B. Drugs (Article 33)

Issue 48

Drug abuse among youth is not yet a serious problem in Korea but there are a considerable number of youths overdosing on medicine or inhaling hallucinogenic chemicals.

Recommendation 24

Medicine such as tranquilizers and stimulants can be purchased at a drug store without prescription in Korea which makes it easy for youths to misuse or abuse them. The system requiring prescription when purchasing such medicine should be adopted. More facilities are needed to treat youths with drug abuse at little or no cost.

C. Sexual Abuse (Articles 19, 34, and 39)

Issue 49

According to a 1990 study of women who had been sexually assaulted conducted by the Research Institute for Criminal Policy, 6.5% (146 of 2,262) of those surveyed had been sexually abused as a child. Sexual abuse of children accounts for about 29.4% of abuse cases reported to the Counseling Center for Sexual Assaults. Victims range in age from infancy to adults still suffering from the mental effects of childhood assaults. Of the offenders, 75.2% were not strangers to the victims. Among those offenders, 60.6% were neighbors, teachers, or friends' fathers, while 39.4% were family members or relatives such as fathers, stepfathers, brothers, cousins, uncles or grandfathers. The government report does not mention anything about sexual assaults against children.

Issue 50

The law provides that if the victim of a sexual assault is a child, s/he cannot file a without a legal representative. If the assailant is the child's legal representative (i.e. father or head of an institution if an abused child is under his custody), then the victim's relatives or a third party testifying to the case can file a suit. If the offender is the father, the mother would be the legal representative, but if she does not want to see the destruction of her family or she is unable to financially support her family herself, it is almost impossible to expect her to file suit. The provision makes it difficult, if not impossible, to pursue legal action against sexual assault. Even doctors, who are supposed to diagnose and sexually abused children, hesitate to issue their diagnosis as evidence to avoid getting involved in a long and complicated legal process.

Recommendation 25

Professions working closely with children (pediatricians, medical nurse, teachers, counsellors, policemen, social workers, psychiatrists, etc.) should be obligated to report either suspected or definite cases of abuse to the police, and to provide support during the course of interrogation or court trial. More private and public organizations need to be established to study, prevent and treat sexual abuse. Sexual abuse prevention program should be provided to children, parents and teachers.

Issue 51

No treatment programs and facilities are available for sexually abused children.

Recommendation 26

Government sponsored rehabilitation and counseling programs are needed to help the victims and their parents and other people suffering from sexual abuse.

Issue 52

Article 159 of the Code of Criminal Procedure provides that a person under age sixteen is incompetent to take a legal oath. The article also provides that if a child is strong enough both physically and mentally, to endure the proceedings, s/he may take the witness stand. The court has a final say as to whether such testimony will be accepted or not. In some cases, the basis for the rejection of a child's testimony is unclear.

Recommendation 27

Children are key witnesses in sexual abuse cases. Under proper court supervision, a child deserves a chance to explain the facts of his/her case and to secure his/her right against self-incrimination. The method of testimony can also be tailored to the situation such as voice recording, written letter, or videotape. In the case of cross examination of the child, the court can hear both sides separately in a closed courtroom to protect the victim from being further reminded of his/her frightening experience.

Issue 53

It is illegal for minors to work in adult entertainment or prostitution, but the laws against such trades must be more strictly enforced.

(regarding parental authority) in Civil Code define a child as a mere object which shall be obedient to parental authority. This ideology of Korean society makes it difficult to sufficiently recognize the rights of the child. For example, children are given no chance to plead their cases prior to suspension or expulsion in the school disciplinary system. In particular, Korean traditional patriarchal ideology comes into conflict with the general principles and civil rights and freedoms of the Convention more so than with any other provisions..

Korean traditional cultural values appear to be one of the main factors contributing to the persistence of prejudice and discrimination against some disadvantaged children. While there is little institutional discrimination set against female children, sexual discrimination seems to be deep seated in the cultural values of the society. This is evidenced by recent statistics showing that in Korea the number of male children is abnormally large when compared to that of female children. In 1994, the ratio of boys to girls under the age of 9 was 110.9:100. In Tae-gu area, of the infants born in 1994, the ratio of boys to girls amounted to 121.7:100 (Chungang Daily News, 1995. 5.19, p. 48). Many suspect that this skewed ratio of the sexes is caused by illegal abortion. Thus the lives of female children are threatened even before birth.

Children of mixed race also face severe discrimination. The situation of children of mixed race is not well known because there is little official data. Voluntary organizations estimate that there are about 30,000 to 70,000 people of mixed race in Korea (Sisa Journal, 1995. 4.27, p. 52). Since Korean society attaches great importance to ethnic homogeneity, they are treated with contempt and experience crisis in identity. Most of them suffer from poverty. Few enters college and no one has been accepted to work in public service. Although children of mixed race have certificates of residence and will have the right to vote and the duty to pay taxes when they grow up, they are not fully accepted as members of the Korean society.

Recommendation

The Korean government must first acknowledge that patriarchal ideology and cultural values of Korean society are in deep conflict with the philosophy of the Convention. In the long run, it needs to study ways to reconcile them with the values called for in the Convention. As a part of the overall efforts, the government should initiate nationwide programs to educate all strata of society about the rights of the child. In so doing, it also needs to establish a channel to collaborate with the NGOs.

3. Measures to Integrate National Law and Policy with the Provisions of the Convention

The Korean government does not sufficiently recognize and utilize the Convention as the philosophical and practical reference point when making laws and policies for children. Consequently, laws and policies made are often inconsistent and effective implementation of the Convention is being delayed.

Recommendation

The government should use the Convention as the common reference point guiding all laws and policies made for children.

4. Mechanism for Cooperating and Monitoring Implementation of the Convention

Currently, work related to children's rights, welfare, and education is performed by many different government agencies. Thus the lack of a controlling body to consistently coordinate and monitor the work of these agencies makes it difficult to determine the extent to which the Convention is being implemented in Korea. The government also does not sufficiently acknowledge the special roles that NGOs can play in encouraging the government and society to implement the Convention.

Recommendation

The government should establish a central body to coordinate and monitor the implementation of the Convention. This body may be named a Committee for the Rights and Welfare of Children and placed under the direct control of the President with sub-committees under the local government. The government should also recognize the diverse roles of different NGOs in enhancing and monitoring the implementation of the Convention.

III. Major Issues

1. Social Indicators Specific to Children

A national survey needs to be conducted regularly to collect data specifically on children in order to accurately assess the current status of children with respect to important social indicators such as nutrition, child abuse, disability, etc. It is not being done at present.

2. Survival and Development

- 1) Car Accidents (The Korea Transport Institute, Report No. 94-12, pp. 15-16)

The Rate of Deaths of Children under the Age of 14
from Total Number of Deaths from Car Accidents
by Country

	U.K	France	U.S	Japan	Korea	
ratio	7.2	4.8	7.0	4.3	11.7	8.8
(year)	(1988)	(1988)	(1988)	(1991)	(1991)	(1993)

- In 1992, of the total number of people who were injured from car accidents (325,943), 10.6% were children under the age of 14 (34,676).
- In 1992, of children under the age of 14 who died from car accidents, 56.1% were under the age of 6.
- In 1992, 78% of children under the age of 14 who died from car accidents were killed while walking on streets.

3. Protection of Privacy

1) School Inspection of Personal Belongings (Lee, S. W., 1995, p. 47)

· Of 634 high school students, 74.8% had his/her personal belongings inspected at least once.

4. Children Deprived of a Family Environment

1) Rapid Change in Korean Family Structures

· Korean family structures are rapidly changing with industrialization and modernization. Single parent families are increasing and families are experiencing more instability and stress. Korean government needs to make more serious and thoughtful efforts to help families cope with these inevitable changes by providing more tangible and effective support to the families in need.

· In 1993, there were 7,322 child-headed families. Child-headed families are families in which children are held responsible for supporting and taking care of their members. In a comprehensive study of child-headed families conducted in 1994, 26.4% was composed only of the child-head him/herself (Korea Institute for Health and Social Affairs, 1994). Children need care and guidance from adults. It is an overburden for children to be given the responsibility and designated as heads of families. Children of child-headed families are suffering from poor health from unbalanced diet, dropping out of schools from lack of guidance, and their homes often become the niche for juvenile delinquents. At present, most of the efforts for child-headed families made by the government is financial. The children of child-headed families need emotional support. Families composed only of children may be given the consistent and close care and guidance from adults they need perhaps through having some of them live together in small group homes under an adult's supervision.

5. Adoption

· The rights of an adopted child to express his/her own opinion should be guaranteed present, a child under the age of 15 can be adopted with the agreement of his/her representatives regardless of the child's opinion. The age limit should be lowered.

· The adopted child should have a right to know his/her birth parents. There should be a double birth registry system, under which an adopted child's birth family registration and adoption is kept in the custody of the family courts while he/she is registered in the adoptive family's registry.

· Dissolution of adoption and lawsuits seeking confirmation of lack of blood relationship should be banned. The adoptive parents can dissolve an adoption or cut off all relationship with their adopted child simply by filing a lawsuit regardless of the child's wishes. Lawsuits seeking adoption dissolution or confirmation of lack of blood relationship should not be allowed until the child reaches the age of twenty and the family is helped to resolve problems.

6. Abuse and Neglect: Physical and Psychological Recovery and Social Integration

· Laws against child abuse should be strengthened. The current version of the Welfare Act has no detailed regulations for the application of the law, providing enforcement mechanism. Thus detailed regulations for the application of the law should be made or a separate, comprehensive law against child abuse be made.

· Legal ground to intervene in an abusive situation is very minimal. The government officials and social workers do not have legal grounds to actively intervene in the abusive situation because of the lack of administrative orders; if they take the child into custody and remove the child from the abusive household, they can be charged with trespass or kidnapping. It is urgent that a legal system be established to enable intervention by an authorized person in cases of a

· There must be a mandatory reporting system for child abuse cases.

· Article 159 of the Code of Criminal Procedure provides that a person under age six is incompetent to take a legal oath. Under proper court supervision, a child must be given a chance to explain the facts of his/her case and to secure his/her right against self-incrimination.

· There must be proper psychological and physical recovery services for abused children

· The government report does not mention anything about sexual assaults against children. In 1992, sexual abuse of children under the age of 13 accounted for about 29.4% of abuse cases reported to the Counseling Center for Sexual Assaults (Korea Sexual Violence Relief Center, 1993).

· The law provides that if the victim of a sexual assault is a child, s/he cannot file a lawsuit without a legal representative. The provision makes it difficult, if not impossible, to pursue proper legal action against sexual assault.

7. Periodic Review of Placement

· The government subsidizes child welfare institutions according to the number of children in their care; consequently, such institutions attempt to take in as many children as possible. In 1993, an institution for children under the age of 3 had an average of 59 children while those with over the age of 4 had an average of 78 children. Children in need of homes should be raised in an environment as close to a family as possible so that child welfare institutions need to be transformed to small-sized group homes in the long run.

· The government provides little more than superficial guidance and monitoring of child welfare institutions. Sexual abuse, assault and battery, forced labor, etc., have been going on in some of these institutions for the last ten years without any intervention from the government. The government must take corrective actions.

8. Disabled Children

· There is no accurate data on the number of disabled children. A regular census of disabled children should be carried out and all relevant government policies should be made

accordance to the results.

- Most disabled children under the institutional care are placed in adult facilities. facilities lack even basic professional services and funding. Disabled children require se placement that is tailored to the degree and type of disability as well as the age of the

- Only 12.6% of the total disabled child population is receiving special education (1994 government must establish more public special education institutions to meet the needs disabled children. The special schools should be specialized according to different ty disability and gradually move toward integrated education.

- Current laws mandate that companies with more than 300 employees hire the disabl rate of 2% of total employees. The employment rate of the disabled in govern organizations, however, is a mere 0.71%. Other industries fare worse hiring an avera only 0.42% disabled workers.

9. Health and Basic Services

- The medical insurance system in Korea provides insufficient medical care coverage, le heavy personal expenses that are too burdensome for the poor to pay for proper medica for their children.

10. Social Security and Child-Care Services and Facilities

- In Korea, government spending on social security is very minimal. The budget allot social security in Korea is 1.4% of the GDP. Korea's welfare budget is only 6.38% o total budget. Most countries have a child allowance system but Korea has no pla introduce such a system as yet.

- Of 1.03 million children needing day care in 1994, only 219,000 received such care. 22%. Due to a lack of after-school programs, children receive inadequate care--less tha of school children receive after-school care. The government needs to reform the day system and sufficiently fund its child-care programs.

11. Education

- The major goal of educational system in Korea is to prepare students for college ent exam. The system kills creativity and individuality in youth. The first priority is alw advancement to the next level and this priority is used to keep rigid rules that are very and undemocratic. Infringement of human rights is common: unfair punishment, assau insults. Instead of guidance, discipline is implemented to isolate the so-called troublem Those not deemed eligible for college often drop out becoming juvenile delinquents or committing suicides.

- The government announced educational reform on May 31, 1995 and must ful promise. There needs to be guidance, counseling and special activities for those wh disciplined so that discipline is a learning, not merely a penal experience. Students nee informed of their rights in school so that they can exercise such rights autonomously.

· Korea's educational budget, 3.6% of the GNP, is smaller than those of many other countries including those that are less economically developed than Korea. The natural outcome is a heavy private economic burden--the total amount of money spent by private individuals is US\$22.6 trillion, and on the average, an individual household spends 30% of its budget on education. This private economic burden contributes to unequal opportunity of education.

· Limited budget also contributes to poor educational environment. Although class size continued to decrease, the average class size is still too big. In 1994, the average size was 37.7 students for an elementary school class, 48.9 junior high school students and 44.4 high school students. Moreover, although on the decrease, there are still 1,027 first-grade classes, 643 second-grade classes and 125 third-grade classes that operate on the two-shift system because of lack of classrooms, an unstable educational environment. The government should expand educational budget at least to 5% of the GNP as promised by President Kim.

· The government has proceeded to merge and close 10% of small schools in rural areas by the end of 1995. The government is thereby sacrificing the children's right to an education in the name of efficiency.

12. Leisure, Recreation and Culture

· Leisure, recreation and cultural activities for children are severely limited by the exam orientation of the educational system. Most children spend their time in private institutes or lessons after school. There is a lack of facilities for children to play and part in leisure activities. It is even worse in urban poor and rural areas.

· Only 47% (4,893) of high schools in Korea have their own libraries. School libraries in Korea have three books per student; there are 1,881 students per library (Seoul Daily August 1992). In 1992, the government budget for books represents only 0.066% of the educational budget. The central and local governments should expand the budget and diverse programs for children to enjoy leisure, recreation, and cultural activities.

13. Children in Conflict with the Law

· A juvenile who is arrested and detained for his/her crime is vulnerable to other negative influences because of prolonged detainment in a detention house or prison for adults. Of 23,256 juvenile crime cases, 4,119 were given prison sentences, 5,734 were probation, and only 11,037 were processed through the juvenile department (Ministry of Administration, 1994, 479, 956). For the first trial sentence, juveniles typically stay in a detention center for two to three months, sometimes up to six months. While in detention, juveniles are subject to influence from other criminals. Separation of juvenile criminal and adult criminals is urgently needed. Article 57 of the Juvenile Law provides for such separate proceedings, but the courts have ignored those provisions.

· The following procedures should be adopted to solve the above problem: 1) Pre-arrest determination of the status of juvenile cases. The courts, instead of the prosecution, determine whether a case is sent to the prosecution as a general criminal case or processed instead through juvenile protection proceedings; 2) Juveniles should be confined at a juvenile detention center or juvenile reformatory separate from adult criminals; 3) All ju

proceedings should be closed to the public; 4) The court should ensure speedy trial. Juvenile criminal cases should be minimized in favor of juvenile protection cases; 6) Juveniles, more vulnerable than adults, must be granted counsel by an attorney or other assistance during interrogation. At present, the court appoints a lawyer only after prosecution begins. Attorney representation should be extended to juvenile protection cases.

13. Children under Exploitation

1) Economic exploitation

· Under the Labor Standards Law, the government prohibits child labor. The law applies only to companies with a minimum of five employees, however, and fails to protect exploitation children who work for companies with less than five employees. The Labor Standards Law should protect all children from economic exploitation.

2) Drugs

· Drug abuse among youth is not yet a serious problem in Korea but there are considerable cases of youths overdosing on medicine or inhaling hallucinogenic chemicals. Thus a system requiring prescription when purchasing such medicine should be adopted. More public facilities are also needed to treat youths with drug abuse at little or no cost.

Ms. Chairperson and members of the Committee, we, the delegates of the Korea NGOs Coalition for the Rights of the Child, express our gratitude for giving us this opportunity to explain the situation of the rights of the child in the Republic of Korea. My name is Gi-Beom Lee, professor of education at Seoul National University. I also represent the Center for Child Rights, which is one of the organizations in the Coalition. To my right is Dr. Helen Noh, professor of social work at Seoul National University and to my left is ES Yu, the coordinator of the Coalition.

3.15. 1995. 21 organizations
200,000 flies

This is all and thank you very much for paying attention to our presentation till the end. I wish you all the best in your deliberation. Thank you.

Distr.
GENERAL
CRC/C/15/Add.51

COMMITTEE ON THE RIGHTS OF THE CHILD

Eleventh session

Concluding observations of the Committee on the Rights of the Child
Republic of Korea

1. The Committee considered the initial report of the Republic of Korea (CRC/C/8/Add.21) at its 266th, 267th and 268th meetings (CRC/C/SR. 266-268), held on 18 and 19 January 1996 and adopted¹ the following concluding observations:

A. Introduction

2. The Committee expresses its appreciation to the State party for engaging, through a high-level and multidisciplinary delegation, in an open and fruitful dialogue with the Committee. It welcomes the written information submitted by the delegation in reply to the questions included in its list of issues, as well as the additional information provided by the State party following the dialogue held with the Committee.

B. Positive aspects

3. The Committee notes with satisfaction that the Convention is directly applicable in the domestic legal order and can be invoked before the courts.

¹. At the 287 th meeting, held on 26 January 1996

4. The Committee welcomes the development of a National Plan of Action for children and its incorporation in the Seventh Five-Year Social-Economic Development Plan for 1992-1996, as well as the recent establishment of the National Committee on the Rights of the Child.

5. The Committee notes with satisfaction the importance recognized by the Government to education, considered as the "driving force of social and economic development".

6. The Committee also welcomes the openness reflected in the written replies and reaffirmed by the delegation during the dialogue to consider the possibility of withdrawing the reservations entered by the State party to the Convention. The Committee is encouraged by the undergoing revision of the Civil Code aimed at incorporating the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis. It is further encouraged by the fact that, as stated by the delegation, such a measure will enable the State party to withdraw its reservation pertaining to article 9, para. 3 of the Convention.

C. Factors and difficulties impeding the implementation of the Convention

7. The Committee notes the difficulties facing the Republic of Korea in the present period of political and economic transition. The efforts in securing a rapid economic growth have not always been matched by an appropriate level of realization of economic, social and cultural rights, in particular in relation to children belonging to the most disadvantaged groups affected by growing poverty. The recent emergence from a period of military rule has had a negative impact on the enjoyment of the fundamental rights and freedoms of children.

D. Principal subjects of concern

8. The Committee is of the view that the reservations made by the State party to articles 9 paragraph 3, 21 paragraph (a) and 40 paragraph 2 (b) (v) raise questions about their compatibility with the principles and provisions of the Convention, including the principles of the best interests of the child and respect for the views of the child.

L 0 8 11 11 11 *b168W L 0

9. The Committee is concerned at the insufficient measures adopted to ensure a permanent and effective coordinating and monitoring mechanism. The Committee also notes the insufficient measures taken to gather reliable quantitative and qualitative data on all areas covered by the Convention, to evaluate progress achieved and to assess the impact of policies adopted on children, in particular in relation to the most vulnerable groups of children.

10. The Committee is concerned about the insufficient measures taken to ensure that the principles and provisions of the Convention are widely known to children and adults. The lack of adequate training on the contents of the Convention of the various professional groups working with and for children, including teachers, social workers, judges, law enforcement officials, psychologists and health personnel, is also noted with regret.

11. As regards the implementation of article 4 of the Convention, the Committee notes with concern the inadequacy of measures taken to ensure the implementation of children's economic, social and cultural rights to the maximum extent of available resources. Insufficient attention has been paid in this regard to the areas of social and human development of children and to the needs of the most vulnerable groups of children.

12. The Committee is also concerned that the basic principles of the Convention, namely the provisions of its articles 2, 3 and 12, have not been adequately reflected in legislation, policies and programmes. Insufficient measures have been adopted to create awareness on these basic values of the Convention with a view to changing, as recognised by the report, the prevailing consideration and treatment of the child simply "as a mini-adult or immature adult". The Committee notes with concern the persistent discriminatory attitudes affecting girls - including in relation to the minimum age for marriage, disabled children and children born out of wedlock.

13. The Committee notes with concern the insufficient assistance provided for families to assume their responsibilities in the protection of children's rights.

14. The Committee expresses its concern at the insufficient measures adopted, including of legal nature, to ensure effective implementation of the civil rights and fundamental freedoms of children, such as in relation to the right to a nationality, freedom of expression,

thought, conscience and religion, as well as well to freedom of association and peaceful assembly. The threats to national security invoked by the Government have hampered the enjoyment of such fundamental freedoms.

15. The Committee is of the view that the approach in the field of adoption and the prevailing system of dissolution of adoption, raises questions as to its compatibility with the Convention, including in relation to the principle of the best interests of the child as the paramount consideration, as well as to the legal safeguards established by article 21. In this regard, the Committee is particularly concerned at the insufficient measures taken to ensure that adoption is authorized by competent authorities, on the basis of all pertinent and reliable information and of the informed consent of all persons concerned, including the child. The high rate of inter-country adoption is also of concern to the Committee. With regard to child abuse and domestic violence, the Committee is concerned at the lack of preventive policies and of adequate reporting mechanisms. Abandonment of children, the high rate of child headed families and the persistence of corporal punishment widely envisaged by parents and teachers as an educational measure, are other subjects of concern to the Committee.

16. The Committee is concerned at the insufficient consideration given in the education system to the aims of education as reflected in article 29 of the Convention. The highly competitive nature of the education system risks to hamper the development to its fullest potential of the abilities and talents of the child, and the child's preparation for responsible life in a free society.

17. Concern is also expressed at the insufficient measures adopted, including in the field of legal reform, to prevent situations of child labour. In this regard, the discrepancy between the age for completion of compulsory education and the minimum age for admission to employment is noted with particular concern.

18. The Committee is also concerned about the existing juvenile justice system and its lack of compatibility with the Convention, including articles 37, 39 and 40.

E. Suggestions and recommendations

19. The Committee encourages the Government to continue to consider reviewing its reservations to articles 9 paragraph 3, 21 paragraph (a) and 40 paragraph (b) (v), with a view to withdrawing them.
20. The Committee recommends that the Government strengthen its efforts aiming at promoting advocacy and creating awareness and understanding of the principles and provisions of the Convention in the light of its article 42. The Committee suggests that the Government develop public campaigns with a view to effectively addressing the problem of persisting discriminatory attitudes in particular towards girls, disabled children, children born out of wedlock, and that it adopts pro-active measures to improve the status and protection of these groups of children.
21. The Committee also encourages the State party to ensure training activities on the Convention to professional groups working with and for children, including teachers, social workers, judges, law enforcement officers, health personnel and officials entrusted with the task of ensuring data collection in the areas covered by the Convention. In the spirit of the United Nations Decade for Human Rights Education, the Committee further encourages the Government to give consideration to the incorporation of the rights of the child in the school curricula.
22. The Committee encourages the Government to pursue its efforts in order to ensure full compliance of its national legislation with the provisions and principles of the Convention, including non-discrimination (article 2), best interests of the child (article 3) and respect for the views of the child (article 12). The Committee particularly recommends that legislative measures be adopted with a view to ensure an equal minimum age for marriage for girls and boys in the light of article 2; to ensure the basic rights of all disabled children, in particular the right to education, in the light of article 23; to abolish any discrimination towards children born out of wedlock; to prevent any risk of statelessness for a child born from a Korean mother; to clearly prohibit any form of corporal punishment and to raise the minimum age for employment with a view to adjust it to the age of compulsory education. In the field of national and inter-country adoption, the Committee encourages the State party

to undertake a comprehensive legal reform to ensure its full compatibility with the principles and provisions of the Convention, as well as to consider ratifying the 1993 Hague Convention on Protection of Children and Cooperation in respect of Inter-country Adoption.

23. The Committee recommends that a permanent and multidisciplinary mechanism be developed for coordination and monitoring of the implementation of the Convention, both at the national and local levels, in urban and rural areas. The Committee encourages the State party to give further consideration to the establishment of an Ombudsperson for children or any equivalent independent complaint and monitoring mechanism. The Committee further encourages the promotion of a closer cooperation with non-governmental organizations.

24. The Committee also recommends that the system of data collection be improved and appropriate disaggregated indicators identified with a view to addressing all areas covered by the Convention, and evaluating progress achieved, while paying due regard to the situation of children belonging to the most disadvantaged groups.

25. The Committee strongly recommends that the Government of the Republic of Korea pay particular attention to the full implementation of article 4 of the Convention, and undertake all appropriate measures to the maximum extent of available resources for the implementation of the economic, social and cultural rights of children. Special attention should be paid to the situation of the most disadvantaged groups of children in the light of the principles of non-discrimination and the best interests of the child.

26. The Committee considers that greater efforts should be made to promote the participation of children in family, school and social life, as well as the effective enjoyment of their fundamental freedoms, including freedom of opinion, expression and association, which should be subject only to the restrictions as provided by the law and which are necessary in a democratic society.

27. The Committee encourages the State party to adopt further measures to ensure assistance for the family to ensure its responsibilities in the upbringing and development of the child, in particular in the light of articles 18 and 27 of the Convention. Special attention should be paid to the prevention of child abandonment, as well as to the prevention of, and

appropriate assistance to, child-headed families.

28. In the area of child abuse and domestic violence, the Committee recommends that the State adopts further measures to prevent such situations, and to protect and ensure appropriate physical recovery and social reintegration of children affected thereby. Consideration should be given to the establishment of a system of early detection, surveillance and referral.

29. The Committee encourages the State party to review its education policy, with a view to fully reflect the aims of education as reflected in article 29 of the Convention.

30. In the area of child labour, the Committee encourages the State party to adopt appropriate measures with a view to fully reflect the Convention, in particular article 32, in its legislation and practice. It recommends that consideration may be given to the ratification of ILO Convention No.138 on minimum age for admission to employment and encourages the State party to consider pursuing such actions in consultation with ILO.

31. The Committee recommends that the State party envisage undertaking a comprehensive reform of the system of juvenile justice in the spirit of the Convention, in particular articles 37, 39 and 40, and of other United Nations standards in this field, such as the "Beijing Rules", the "Riyadh Guidelines" and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. Particular attention should be paid to the consideration of deprivation of liberty only as a measure of last resort and for the shortest period of time, to the protection of the rights of children deprived of liberty, to a due process of law as well as to full independence and impartiality of the judiciary. Training programmes on the relevant international standards should be organized for all those professionals involved with the system of juvenile justice. The Committee would like to suggest that the Government of the Republic of Korea consider seeking international assistance in this area of the administration of juvenile justice, from the Centre for Human Rights and the Crime Prevention and Criminal Justice Branch.

32. The Committee recommends that the report submitted by the State party, the summary records of its consideration and the concluding observations of the Committee be

*b168W 0

disseminated as widely as possible within the country.

[Faint, illegible text]

[Faint, illegible text]

[Faint, illegible text]

[Faint, illegible text]

[Faint, illegible text]

[Faint, illegible text]

수신: 서준식대표
발신: 과노현
제목: 어린이청소년위원회의 종결 의견

공통지시사항: 조치는 조치로, 4조는 제4조로 고치실 것!

6. the openness reflected in written replies and reaffirmed by the delegation during the dialogue to consider the possibility of withdrawing... 위원회는 조약가입시 대한민국이 유보해놓은 조항들에 대해 철회가능성을 묻는 우리의 질문에 대해 한국정부가 서면답변서를 통해 보여주고 대화과정에서 대표단을 통해 재확인시켜준 열린 자세를 환영한다.
6. 중간에 direct contact 직접적인 만남 직접적 접촉(접촉은 만남보다 광범위한, 직접 전화도 포함)
7. not always been matched by 노력은 언제나... 부합되지 않았다: 노력이 언제나... 권리의 적정 수준의 실현과 부합한 것은 아니었다.
7. 중간에 children belonging to the most disadvantaged groups affected by growing poverty 이것은 특히 증대되는 빈곤의 영향을 받은 대부분의 빈곤층 어린이, 청소년들과 관련해서: 이 점은 특히 빈곤의 증대시 가장 커다란 불이익을 받게 되는 사회집단들에 속해있는 어린이, 청소년들과...
8. raise questions as to the compatibility... 위원회는 한국정부가... 유보한 처사는... 규정들과 반대되는 처사가 아닌가 하는 의문을 가지고 있다: 위원회는... 유보한 한국정부의 처사가... 규정들과의 양립가능성에 대한 의문을 제기한다고 보는 입장이다.
10. social workers 사회사업가: 사회복지요원
law enforcement officers 사법경찰관리: 법집행관리(경찰이 아니더라도 법집행 담당하기 때 문임)
11. to the maximum extent of available resources .. 권리를 현재 이용가능한 자원의 최대한에 이르기까지 이행하는 것을...: 권리를 가용자원을 최대한 동원하여 실현하는 것을...
15. as the paramount consideration 최상의 배려로서의: 가장 중요한 고려사항으로서의 조약과 맞지 않다는 의심을 갖고 있다: 조약과의 양립가능성에 대한 의문을 제기한다고 보는 입장이다
17. 고용이 허용되는 연령의 최하한선 사이의: 최저 고용가능연령 사이의
20. 조약 42조로 표현되는... 옹호하도록 되기 위하여: 조약 제42조에 따라... 옹호하도록 하기 위하여
21. 위의 10과 동일
22. 법률적 수단을 마련할 것을: 입법조치를 행할 것을
교육선: 교육을 받을 권리
고용이 가능한 연령의 최하한선을... 맞추기 위하여: 고용가능최저연령을... 맞도록
양립을 이루도록: 양립할 수 있도록
23. any equivalent independent complaint and monitoring mechanism
옴부즈맨 혹은 대등하고도 독립적인 청원기관과 감시기관 설립: 옴부즈맨 혹은 그에 견줄만한 독립적 고발 및 감시 기구 설립
24. appropriate disaggregated indicators 적절하게 분산된 지표: 적절하게 세분화된 지표
25. to the maximum extent of available resources 이용할 수 있는 자원을 극대화하도록: 가용자원을 최대한 동원하여 필요한
28. surveillance 관찰: 감시(단순 관찰보다 훨씬 밀도와 강도가 높은 감시를 말함)
30. 비준이 아라: 비준을 고려할 것을 권고하며 이 경우... 협의하에 일을 추진할 것을 권장한다.
32. 배포가 되도록: 배포되도록

အလှူအတန်း

၂၂၃၃ နေရာအတွက် စာရင်း
အတန်းအားဖြင့်

စာရင်း	၂၂၃၃	
	၂၂၃၃	၂၅

COMMITTEE ON THE RIGHTS OF THE CHILD

Membership

Name of Member

Country of nationality

- | | |
|------------------------------------|--------------------|
| Mrs. Hoda BADRAN */ | Egypt |
| Mrs. Akila BELEMBAOGO **/ | Burkina Faso |
| Mrs. Flora C. EUFEMIO */ | Philippines |
| Mr. Thomas HAMMARBERG **/ | Sweden |
| Mrs. Judith KARP **/ | Israel |
| Mr. Youri KOLOSOV **/ | Russian Federation |
| Miss Sandra Prunella MASON **/ | Barbados |
| Mr. Swithun Tachiona MOMBESHORA */ | Zimbabwe |
| Mrs. Marta SANTOS PAIS */ | Portugal |
| Mrs. Marilia SARDENBERG */ | Brazil |

*/ Term expires on 28 February 1997

**/ Term expires on 28 February 1999

25 OCT. 1995 REFERENCE DES BUREAU 00271401145

Ms. Sandra Prunella Mason, Barbados, 1991-1999

- *Member, Committee on the Rights of the Child*
- Teacher, lawyer and Magistrate of district and family courts in Barbados
- Former her country's ambassador to Venezuela and Colombia

Mr. Swithun Mombeshora, Zimbabwe, 1991-1997

- *Member, Committee on the Rights of the Child*
- Minister of State for Local Government, Rural and Urban Development
- President's personal representative to the Planning Commission on the World Summit for Children

Ms. Marta Santos Pais, Portugal, 1991-1997

- *Rapporteur, Committee on the Rights of the Child*
- Adviser in the Office of Documentation and Comparative law
- Lecturer, Faculty of Law, International University of Lisbon

Ms. Mariia Sardenberg, Brazil, 1991-1997

- *Vice-Chairperson, Committee on the Rights of the Child*
- Consulate General of Brazil in Rotterdam, the Netherlands
- Former Executive Co-ordinator to the Office of the Secretary-General of the Brazilian Ministry of External Relations, Brasilia, Brazil

*year of election and end of term

19.10.1995

- 2 -

Mr. Sangheon UM
Deputy Director
Local Education Planning Division
Ministry of Education

Mr. Kang Hyeon YUN
Second Secretary
Permanent Mission of the Republic of Korea, Geneva

Ms. Hyun Joo OH
Assistant Director
Human Rights & Social Affairs Division
Ministry of Foreign Affairs

Mr. Min O JUNG
Assistant Director
Women & Minors Division
Ministry of Labour

Mr. Keywon CHEONG
Director
Social Welfare Division
Korea Institute for Health & Social Affairs

The Permanent Mission of the Republic of Korea avails itself of this opportunity to renew to the Secretariat the assurances of its highest consideration.

Geneva, 9 January 1996

Secretariat of the
United Nations Center for Human Rights
Palais des Nations
1211 GENEVA 10

