

## STATEMENT

### Universal Periodic Review Pre-session 42 on Republic of Korea

Delivered by: Save the Children Korea

Date: 30 November 2022

#### Presentation of the organization

This presentation is delivered on behalf of Save the Children Korea. Save the Children Korea is a non-profit, non-partisan NGO and one of thirty Save the Children International members. Save the Children Korea has participated in the UPR processes since the second cycle.

#### Plan of the Statement

In today's presentation, I would like to draw your attention to five following issues: (1) UN CRC Implementation (2) Intercountry Adoption (3) Juvenile Justice (4) Universal Birth Registration (5) Violence against Children.

**(next slide)**

#### Statement

##### I. CRC Implementation

No recommendations was raised so far regarding the agenda.

In August 2020, the Korean government announced a plan to enact the Framework Act on the Child. Nonetheless, in the status quo, there is neither domestic legislations nor a permanent executive office to fully incorporate CRC in the national level. Raising awareness regarding CRC is another important issue. Next, child discrimination is very alarming. Children are prohibited in over 400 public spaces. And last, children's right to participation should be ensured, as stated by child delegates at the 19<sup>th</sup> ROK Children's General Assembly. .

**(next slide)**

➔ Recommendations (Therefore, following recommendations should be made, namely ~)

- Implement necessary legislative measures to fully incorporate CRC in national legislations
- Ensure inclusion of education on child rights to raise awareness
- Ratify CRC third Optional Protocol on a Communication Procedure, (granting children the right to lodge individual complaints against the State.)
- Develop child-friendly access to effective remedies and complaints mechanisms.

##### II. Juvenile Justice

In the 2<sup>nd</sup> cycle, Hungary made a recommendation to adopt child friendly justice system. No notable implementation was made. Moreover, no recommendations was raised so far regarding 'Minimum Age of Criminal Responsibility (MACR)' and 'Crime-prone Juveniles'

There has not been any developments, so moving on to new needs. The ROK government is very committed in strengthening punishment for juvenile offenders. This month, Ministry of Justice announced an advance publication of a legislative amendment, which fails to meet CRC recommendations. If the amendment passes, first, MACR would be lowered to 13, second, children over age 10 without an actual offense remains subject to criminal punishment, although detainment would now be banned.

**(next slide)**

→ Recommendations

- Reconsider the Juvenile Law amendment plan and maintain MACR to 14
- Establish comprehensive early intervention and prevention measures
- Repeal Article 4(1)(3) of the Juvenile Act on ‘crime-prone juveniles’

### III. Intercountry Adoption

In the 2<sup>nd</sup> cycle, 3 countries raised recommendations to ratify the Hague Convention on Intercountry Adoption. No recommendation was raised in the 3<sup>rd</sup>. ROK remains unratified..

After the 3<sup>rd</sup> cycle, the government did announce plans to establish a national adoption system meeting the international standards by 2021, and relevant bills were introduced in October 2021 but has not passed yet. The revision of the Child Welfare Act in 2021 has resulted in the increase of government roles in the intercountry adoption process, which before was dominantly managed by private adoption agencies.

Next, moving on to remaining challenges. Despite COVID-19, ROK ranked 3<sup>rd</sup> internationally for intercountry adoption in 2020. In February 2021, a report by the Netherlands government committee reported human rights violations occurred in intercountry adoption between ROK and the Netherlands. Such were committed by private adoption agencies, but with negligence of the ROK government. Because of these missing personal data, document forgery, maladministration, fraud and corruption, Korean adoptees experience extreme difficulties accessing their birth information today.

**(next slide)**

→ Recommendations

- Ratify the Hague Convention on Intercountry Adoption
- Establish transparent, effective, appropriated government mechanisms to monitor the process
- Develop implementation strategies to support vulnerable families
- Ensure adequate provision of support to guarantee the rights of adoptees to find birth families

### IV. Universal Birth Registration

In the 3<sup>rd</sup> Cycle, 7 states made recommendations. Relevant government actions were taken, but is yet universal as birth registration application is only open to nationals.

In 2017, the online birth registration system was introduced, which amplified accessibility. In addition, the government announced its policy plan to introduce a birth notification system – which allows medical professionals to notify child birth to local governments. Relevant law amendment was proposed this March and another bill on birth registration of foreign children this June.

These undocumented children remain vulnerable. Among reported child abuse cases from 2019 to 2021, 178 were undocumented.

**(next slide)**

➔ Recommendations

- Establish universal birth registration and available to all children regardless of parents' legal status or origins
- Pass the proposed amendment/enactment bills on the birth notification system and the Foreign Child Birth Registration Act
- Take actions to identify unregistered births, including by establishing monitoring mechanisms
- Ensure legal status of the child is not required during any of the birth registration process

## V. Violence against Children

8 countries made recommendations in the 3<sup>rd</sup> cycle regarding child violence. The recommendation was well-implemented. A key development was the abolishment of Article 915 in the Civil Act which thereby prohibits corporal punishment in any environment.

Nonetheless, there remain tasks to protect children from violence. First, public awareness on prohibition of corporal punishment is very low, as indicated by our survey results in 2022 - 78.8% of the respondents were unaware of the issue. Moreover, there has been a 21% increase of reported child abuse cases in 2020 than the year before. Third, the government budget on social expenditure is disproportionate to its GDP, and child protection spending is also below the OECD average. Last, there are not enough shelters for child abuse.

**(next slide)**

➔ Recommendations

- Implement follow-up policy measures on prohibition of corporal punishment
- Develop a comprehensive strategy and action plans to prevent and monitor all forms of violence against children
- Increase budget allocation for children and overall social expenditure