

## 4<sup>TH</sup> CYCLE UNIVERSAL PERIODIC REVIEW ON REPUBLIC OF KOREA

Save the Children believes every child deserves a future. In Republic of Korea and around the world, we do whatever it takes – every day and in times of crisis – to ensure the rights of every child to a healthy start in life, the opportunity to learn and protection from harm. With over 100 years of expertise, we are the world’s first and leading independent children’s organization – transforming lives and the future we share. Save the Children Korea has engaged in the Universal Periodic Review since the 2<sup>nd</sup> Cycle in 2012.

### 1. CRC IMPLEMENTATION

Although Republic of Korea (ROK) ratified the Convention on the Rights of the Child (CRC) in 1991, there is an absence of domestic legislation to fully incorporate CRC in the national level. In the status quo, there is no specific reference to ‘child’ in the *National Constitution*, while the *Child Welfare Act* and *Framework Act on Juveniles* regard children as recipients of social welfare, protection, and nurturing. After the 3<sup>rd</sup> UPR cycle, the ROK government announced its plan to legislate a *Framework Act on Children* as part of the *Master Plan for Child Policy II (2022-2024)* in August 2020, but is yet legislated.



**46.6%** of the child respondents said they have heard of CRC, while only **16.1%** reported they have heard of and know what CRC is<sup>i</sup>



Only in **17** cases have CRC been invoked in court judgements from 2009 to 2019<sup>ii</sup>



Over **400 No-Kids Zone** stores, restaurants, museums which prohibits entrance of children<sup>iii</sup>

### RECOMMENDATIONS TO THE ROK GOVERNMENT

- *Implement* necessary legislative measures to incorporate the Convention on the Rights of the Child in national legislations
- *Ensure* inclusion of education on child rights in school curriculums to raise public and children’s awareness
- *Ratify* the Optional Protocol to the Convention on the Rights of the Child on a Communication Procedure, granting children the right to lodge individual complaints against the State
- *Develop* child-friendly access to effective remedies and national complaints mechanisms at both national and local levels including measures such as introduction of the Ombudsperson system

### 2. INTERCOUNTRY ADOPTION

In 2013, ROK signed the *Hague Convention on the Protection of and Co-operation in Respect of Intercountry Adoption*, but remains unratified up until date. No recommendation was raised regarding intercountry adoption in the 3<sup>rd</sup> UPR cycle. In the *Master Plan for Child Policy II (2022-2024)*, the ROK government announced its legislation amendment and new legislation enactment plans to establish a national adoption system in line with the international standards by 2021. Relevant bills were introduced to the National Assembly in October 2021. Moreover, following the revision of the *Children Welfare Act* in 2021, the government plays a greater role in the intercountry adoption process as the Family Court, not private adoption agencies as before, now grants permission for adoption and perform relevant duties. (e.g., application for adoption, counseling biological parents, education, adoption screening, matching, post-adoption evaluation, and services)



**Ranked 3<sup>rd</sup>** for intercountry adoption in 2020 despite COVID-19 pandemic border closures  
Increase in ROK’s intercountry adoption cases from **259 in 2019** to **266 in 2020**<sup>iv</sup>



**Missing personal data/documents, Document forgery, Maladministration, Fraud and Corruption** were structurally identified in intercountry adoption from ROK to Netherlands before and after 1998<sup>v</sup>



**95%** of ROK intercountry adoptees are from **single-mother family backgrounds**<sup>vi</sup>

**Top 10 States of Origin\***

	2016	2020
1	China	Colombia
2	Congo DR	Ukraine
3	India	<b>South Korea</b>
4	Colombia	India
5	Russia	China (Mainland)
6	Vietnam	Haiti
7	Haiti	Bulgaria
8	Ukraine	Hungary
9	<b>South Korea</b>	China (Taiwan)
10	Bulgaria	Nigeria

### RECOMMENDATIONS TO THE ROK GOVERNMENT

- *Ratify* the Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption (1993) and take necessary measures to do so, such as, amend the Civil Act and the Act on Special Cases Concerning Adoption
- *Establish* transparent, effective, appropriated government mechanisms to monitor the intercountry adoption process
- *Develop* implementation of strategies to support families in vulnerable situations, such as single, minor or unmarried parents
- *Ensure* adequate provision of human, technical, financial and material support to effectively guarantee the rights of adoptees to request information disclosure to find birth families

## 3. JUVENILE JUSTICE

Under the current *Juvenile Act* and *Criminal Act*, the Minimum Age of Criminal Responsibility (MACR) is age 14 and Crime-prone Juveniles are subject to criminal punishment without an actual offence.

After the 3<sup>rd</sup> cycle, members of the 20<sup>th</sup> (2016-2020) and 21<sup>st</sup> (2020-2024) National Parliament have expressed strong interests to lower MACR. Most alarmingly, in November 2022, the Ministry of Justice announced an advance publication of legislative amendment on the *Juvenile Act* and *Criminal Act* to first, lower MACR from age 14 to 13 and second, retain provisions on Crime-prone Juveniles over age 10.

This clearly fails to meet recommendations in the CRC General Comment No.24 (CRC/C/GC/24) and paragraph 46, 47 in 2019 CRC Concluding Observations on ROK (CRC/C/KOR/CO/5-6).

### RECOMMENDATIONS TO THE ROK GOVERNMENT

- *Reconsider* the Juvenile Law amendment plan and maintain the Minimum Age of Criminal Responsibility to age 14 in line with CRC/C/KOR/CO/5-6
- *Establish* comprehensive measures for early intervention and prevention juvenile crime based on the understanding the limitations and improvements of the current juvenile system such as lack of facilities, delays in judicial proceedings and the poor management of juvenile offenders
- *Repeal* Article 4(1)(3) of the Juvenile Act on Crime-prone Juveniles

## 4. UNIVERSAL BIRTH REGISTRATION

Despite recommendations in the UPR 3<sup>rd</sup> cycle to establish a birth registration system regardless of status or nationality of parents, such system is not properly implemented in the status quo. Few developments have taken place. In 2017, online birth registration system was introduced, which increased accessibility.

Meanwhile, the ROK government addressed the establishment of a birth notification system in the *Master Plan for Child Policy II (2022-2024)*. Relevant legislation amendment was proposed in March 2022, but has not passed due to conflicts of interest. Another bill to enact the Foreign Child Birth Registration Act was introduced in June 2022.

### RECOMMENDATIONS TO THE ROK GOVERNMENT

- *Establish* universal birth registration available to all children regardless of parents' legal status or origins
- *Pass* the proposed amendment / enactment bills on both the introduction of the birth registration 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



Among reported child abuse cases at national child protection agencies from 2019 to 2021, **178 were undocumented**<sup>vii</sup>

## 5. VIOLENCE AGAINST CHILDREN

ROK has well-implemented recommendations in the 3<sup>rd</sup> cycle to continue efforts to eliminate domestic violence / corporal punishment of children. In 2021, Article 915 of the Civil Act was abolished, therefore corporal punishment in any environment is now prohibited. Nonetheless, further tasks remain to protect children.



**78.8%** of the respondents were unaware of the prohibition of corporal punishment in the Civil Act<sup>viii</sup>



**37,605 reported child abuse cases** in 2021, which is a **21% increase** compared to 2020<sup>ix</sup>

### RECOMMENDATIONS TO THE ROK GOVERNMENT

- *Implement* follow-up policy measures on prohibition of corporal punishment including promotion of positive discipline at home and public awareness campaign
- *Develop* a comprehensive strategy and action plans to prevent monitor all forms of violence against children
- *Increase* budget allocation for children and overall social expenditure proportionately to its GDP to meet the OECD average

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