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Item 6, Consideration of UPR reports

CONSIDERATION OF THE UPR REPORT OF THE REPUBLIC OF KOREA

Oral Statement on behalf of Save the Children and TRACK

Mr. President,

Thank you for this opportunity to speak on behalf of Save the Children and TRACK (Truth and Reconciliation for the Adoption Community of Korea) about the UPR recommendations for the Republic of Korea.

We welcome the Government's acceptance of most of the children's rights-related UPR recommendations, including: ratification of the Hague Convention, guaranteeing the legal status of the independent 'Child Rights Monitoring Center', and the establishment of a child rights sub-committee under the National Human Rights Commission.

We look forward to seeing the Government do its utmost to ensure substantive changes on implementation of these recommendations.

Notwithstanding, we would like to express concern about the following issues:

1. Improvement of the birth registration system

Nine states recommended that every child should be registered without discrimination regardless of the status and nationality of his or her parents.¹ The Government responded that the

¹A/HRC/22/10 –

Improve the registration of children with a view to ensuring that the statelessness of children is prevented (South Africa); Revise the single parent family support law and introduce legislation to ensure that all children are automatically and legally registered immediately after birth, regardless of parents' legal status and origin (Norway); Facilitate the implementation of a birth registration system to allow immediate registration at birth, independently of the status or nationality of parents (France); Provide for a full system of universal birth registration including immediate registration upon birth regardless of the parent's nationality or status in the country (Ireland); Consider the possibility to introduce a system of automatic registration of children born in the country, regardless of the parents' nationality or status (Italy); Revise the national legislation with a view to guarantee that all persons are registered at birth, independently of their migrant condition or the nationality of their parents (Mexico); Enact

current system is already fulfilling these rights.

However, according to Save the Children's research on refugee children in Korea², 19 out of 50 children in the sample were stateless. They cannot be registered under their parents' nationality for several reasons including persecution of the parents in their country of origin or the country has no embassy in Republic of Korea. The parents' temporary residence permit does not adequately protect the rights of their children.

The Government has revised the Special Adoption Law to allow for mandatory birth registration of children before adoption. It is a considerable improvement over existing practices. However, after the revision, there have been heated debates as to whether this creates barriers to adoption and increases child abandonment at baby boxes. In order to address these concerns, an automated birth registration mechanism at the hospital could be adopted. Also, to protect the privacy of single mothers, there should be a modification to the Registration System of Family Relationships.

2. Elimination of all forms of corporal and humiliating punishment in all settings

The Government accepted several states' recommendations on the prohibition of all forms of corporal and humiliating punishment in all settings. However, a provision in the Enforcement Decree of the Elementary and Secondary Education Act prohibits physical punishment only; and thus, leaves the possibility for humiliating and disciplinary punishment to be inflicted. The Korean Government should revise the law to prohibit these forms of punishment as soon as possible. Furthermore, the Government should prohibit all forms of corporal and humiliating punishment in all settings including home by law.

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measures regarding the civil registration of children at birth in order to fight the possible traffic in human beings (Romania); Carry out a legislative review so as to ensure an automatic and legal registration at birth, while guaranteeing the protection of personal data and especially the right to access such data (Switzerland); Review its birth registration system to safeguard the human rights of unwed mothers and children by (i) ensuring immediate birth registration is available to all children regardless of the parents legal status; (ii) ensuring that the birth registration accurately indicates the biological parent(s) of the child; and (iii) taking steps to prevent birth registration of children by third parties, such as adoptive parents, that could result in the occurrence of de facto adoptions in the absence of proper judicial oversight, which could also put children at risk of being trafficked (Canada);

²Kim HyunMee, et al.(2013). "A Study on the Living Conditions and Support Measures for Refugees Children in Korea"