

Disclaimer

The International Bureau for Children's Rights is pleased to share with the visitors of its official website this draft country profile on the status of the CRC implementation. This draft profile is the preliminary result of the ongoing research project that will eventually cover all the States parties to the Convention.

This draft is based on data that IBCR interns were able to collect from various Internet sources. As the information on the Internet is often limited and may contain inaccuracies, this profile is not meant to be complete or absolutely accurate. Still, IBCR has decided to publicize this draft profile for the purpose of awareness-raising and exchanging of information.

In the meantime, IBCR remains open to any comments, corrections and feedback readers may have. IBCR is seeking additional resources to improve this draft country profile and bring it to the expert level. The reports on Cambodia, Indonesia, Sri Lanka, Timor Leste, and Viet Nam are examples of expert level reports and are available on IBCR's official website thanks to the financial contribution of CIDA. The ultimate goal of this endeavour is to bolster international understanding of children's rights, disseminate knowledge about the CRC and assist Governments in its implementation.

REPUBLIC OF KOREA (SOUTH KOREA)

Introduction

The Republic of Korea is a stable democracy led by Kim Dae-jung who won the Nobel Peace Prize in 2000 for his work in the promotion of democracy and human rights in East Asia. The nation experienced an economic recession in 2001 but has since recovered with a GDP per capita that is similar to the lesser economies of the European Union. Between 2003 and 2005 growth moderated to about 4%, and the unemployment rate in 2005 stood at 3.7%. South Korea has built a solid economy, knows moderate inflation, and has a high literacy rate of 97.9%. The Korean population is one of the most ethnically and linguistically homogenous in the world. In 2005, the population was estimated at 48 million and only 19.4% are below the age of 15. The infant mortality rate is estimated at 7.05 per thousand live births.¹

There are currently political tensions between North and South Korea and it appears that relations between these nations have deteriorated somewhat in the past few years as a result of the American war on terrorism in which North Korea is considered a rogue state.² National Security Laws have been in existence since the 1950s to prevent communist infiltration from the north. This has resulted in some restrictions on civil liberties and freedoms including freedom of the press, freedom of speech, and the right to peaceful assembly and association. The fact that children are not well informed of their rights deriving from the Convention on the Rights of the Child has hindered its enforcement.³ As a result, domestic violence and abuse against children remain a major problem. As a country of origin and transit for trafficking, children have been victims. However, the Government has implemented laws to curb such practices and aid victims.

International Conventions and Treaties

- Convention on the Rights of the Child (CRC), signed: September 25, 1990; ratified: November 20, 1991
- Optional Protocol to the CRC on the Involvement of Children in Armed Conflict, signed: September 6, 2000
- Optional Protocol to the CRC on the Sale and Prostitution and Pornography of Children, signed: September 6, 2000
- Convention Relating to the Status of Refugees, ratified: December 3, 1992

Children's Rights

¹ "The World Fact Book", South Korea, CIA , available on-line at <http://www.cia.gov/cia/publications/factbook/geos/ks.html> (last accessed 1 June 2006)

² "V. Prevent Our Enemies from Threatening Us, Our Allies, and Our Friends with Weapons of Mass Destruction", The White House, June 1st 2002, available on-line at <http://www.whitehouse.gov/nsc/nss5.html> (last accessed 1 June 2006)

³ Supplementary Report to the Republic of Korea's Second Periodic Report on the Implementation of the CRC, 12 June 2002, p. 3, available on-line at http://www.crin.org/docs/resources/treaties/crc.32/South.Korea_ngo_report.pdf (last accessed 1 June 2006)

Education in Korea is compulsory up to the age of 15 and it is generally considered to be of high quality. Health care institutions are also well maintained and pervasive, providing literally all children with access to health facilities.⁴ However, the nation faces challenges in other areas of children's rights. Discrimination is widespread against girls, children born out of wedlock, and children with disabilities. Much of this discrimination stems from ancient beliefs and the cultural vestiges of the previous patriarchal order. The budget spent by the Family and Welfare ministry amounts to only 0.04% of the GDP or 1.9 million dollars. The major part of this money subsidizes asylums, so that children living at home nearly have no support.⁵

Implementation and publicity of the Convention are deficient as evidenced by the fact that an efficient independent monitoring body has not successfully been installed.⁶ With regards to Juvenile Justice, child offenders are provided with unsuitable punishments and prosecutors tend to emphasize the severity of crimes and choose punishment over reformation. Children also have limited access to counsel during legal procedures. The low mortality rate shows that the nation respects children's right to life.⁷ The **death penalty** for children has been abolished; however, children can still be punished with a maximum of 20 years of penal servitude for particularly heinous and cruel crimes.⁸

Sexual discrimination is another serious problem in South Korea, especially as it relates to pre-birth sex screening. For example, sexual biases deriving from the paternal Confucian belief system have led to an increase in the abortion of female babies.⁹ The ramifications of this were exemplified in a 1995 study which showed that for every 100 girls, 110 boys were born.¹⁰ The Government has enacted laws to prevent post-conception gender selection including the revocation of medical licenses from doctors who provide such services. In 1994 this law was somewhat amended so that doctors could face up to three years of imprisonment. The Government has augmented such approaches with an education campaign to address gender-preference abortions.¹¹

Children born out of wedlock are victims of **social and legal discrimination**. They are not only disadvantaged and segregated in schools and other social facilities but their domestic status is also unclear.¹² The Korean Government claims that the homogeneity of the nation has mitigated social discrimination. However, alternative reports suggest that there are several foreign workers in the country, many of whom face severe discrimination and also suffer from the uncertainty of their legal status.¹³ Their children are of course also indirectly affected. The Committee on the Rights of the Child also pointed out in its 2002 report that there are many problems with discrimination against females, disabled children and discrimination based upon

⁴ "Country Reports on Human Rights Practices- South Korea", US Department of State, 2002, available on-line at <http://www.state.gov/g/drl/rls/hrrpt/2002/18250.htm> (last accessed 1 June 2006)

⁵ Ibid

⁶, Ibid

⁷ "At a Glance: Republic of Korea", UNICEF, 2002, <http://www.unicef.org/infobycountry/repkorea.html>

⁸ "Periodic State Party Report to the Committee on the Rights of the Child", Republic of Korea, Concluding Observations, UN Committee on the Rights of the Child, 2003, available on-line at http://www.bayefsky.com/html/rokorea_t4_crc.php (last accessed 1 June 2006)

⁹ "Cultural Values and Human Rights: The Korean Perspective", Byung-sun Oh, Seoul 1997

¹⁰ Supra note 8

¹¹ "Country Report on Human Rights practices- South Korea", US Department State, 2004, available on-line at <http://www.state.gov/g/drl/rls/hrrpt/2004/41647.htm> (last accessed 1 June 2006)

¹² Supra note 3

¹³ Supra note 8

appearance, weight and age. The actual number of disabled children is not exactly clear because the data is only based on children attending school.

Various organizations in the country teach human rights **education**. Their programs aim to address human rights issues concerning students and teachers in South Korean schools. Major problems include corporal punishment, restrictions on freedom of speech for teachers and minimal possibilities for parents to collaborate. Allegedly 70% of all schools still allow corporal punishment and the school system is highly competitive. These issues have placed a great deal of psychological pressure on students¹⁴ and even caused some middle and high school students to drop out. Moreover, societal beliefs regarding the importance of higher education have led to the stigmatization of individuals in vocational schooling. The Committee on the Rights of the Child is concerned with this issue and has specifically called upon the Government to change the emphasis on school prestige.

Although many youth in South Korea have access to the internet there are certain laws which impede upon their **right to access information**. For example, the Government has recently established a surveillance committee which is vested with the powers to forbid and close websites regarded as dangerous for youth. This committee, which was ostensibly created in an attempt to protect young people from harmful information, uses the Government's Internet Content Rating system as their guide. The guide is considered to be somewhat arbitrary and therefore, may result in the unbridled censoring of information.

Child abuse is another serious problem in South Korea and the number of reported cases is increasing. The Government has made an attempt to address this issue by reforming its Law on Child Welfare so that more stringent punishments are imposed upon habitual offenders. A Child Counseling Center has also been established to deal with child abuse the center takes care of children abused and investigates these cases. However, measures for reintegration after **child abuse** are not well fulfilled. Due to an inappropriate budget, centers for abused children are rare particularly in rural areas. NGOs therefore estimate a high number of unreported cases.¹⁵ A survey conducted in 2002 about **prostitution** stated that more than half of the sexually exploited persons were juveniles. The Enjokosai, meaning a sexual relationship between an adult and a school girl under 19, has also caused the number of sexually exploited children to increase.¹⁶

The Juvenile Sexual Protection Act, voted in 2000, establishes a maximum sentence of 20 years imprisonment for the sale of the sexual services from persons younger than 19 years of age. It also establishes prison terms for persons convicted of the purchase of sexual services from youth under the age of 19. In order to combat **children trafficking**, South Korea has adopted many programs that assist victims. The Korean National Police Administration is also involved in prevention programs in schools. South Korea cooperates with Interpol and others national governments to arrest traffickers.

The number of **child workers** is increasing; they are used as cheap labor thereby permitting their employers to make higher profits. According to the Committee on the Rights of the Child, in 2000, 22.6% children were not paid for services rendered at all. The Government has not taken any serious steps to combat this economic exploitation. Therefore, the Committee on the

¹⁴ "Human Rights Education in Korean Schools", Asia Pacific Human Rights Information Center, March 1999

¹⁵ Ibid

¹⁶ Ibid

Rights of the Child urged the Government to take specific measures to eliminate the economic exploitation of children.¹⁷

¹⁷ Ibid