



**Convention on the  
Rights of the Child**

Distr.  
GENERAL

CRC/C/OPSC/KOR/1  
1 November 2007

Original: ENGLISH

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**COMMITTEE ON THE RIGHTS OF THE CHILD**

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 12 (1) OF THE OPTIONAL PROTOCOL TO THE  
CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF  
CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY**

**Initial reports of States parties due in 2006**

**REPUBLIC OF KOREA**

[1 April 2007]

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## I. GENERAL GUIDELINES

1. The Republic of Korea declares that “All citizens shall be assured of human worth and dignity and have the right to pursue happiness”. Article 10 of the Constitution of the Republic of Korea stipulates that “It shall be the duty of the State to confirm and guarantee the fundamental and inviolable human rights of individuals”. Article 34, paragraph 34 of the Constitution also stipulates that “the State shall have the duty to implement policies for enhancing the welfare of the young”.
2. The Convention on the Rights of the Child (CRC) was signed on 25 September 1990 and ratified on 20 November 1991, under the condition that certain paragraphs in conflict with related domestic laws would be reserved. It came into force on 20 December 1991. The Korean Government has further acknowledged the rights of children and has since pursued legal, institutional, and administrative innovations to enhance the level of social protection for children and promote their rights.
3. This report is the initial report that the Republic of Korea submitted to the Committee on the Rights of the Child on the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. It is based on governmental and non-governmental organizations’ (NGOs) activities to implement the Optional Protocol, which was signed on 6 September 2000 and came into force on 24 October 2004.
4. Following the recommendation of the Committee on the Rights of the Child, the Republic of Korea established the Child Policy Coordinating Committee, under the Office of the Prime Minister, responsible for ensuring that the State effectively combats the illicit transfer of all children under 18 (art. 11 of CRC), protects children from work that is likely to be hazardous or to interfere with the child’s development (art. 32), and protects children against abduction, sale, and all other forms of exploitation (arts. 34 and 36).
5. The Child Policy Coordinating Committee facilitates and coordinates the implementation of policies regarding children among relevant ministries. Due to its nature, however, the Committee has underperformed its monitoring function. This problem is being resolved in phases.
6. The Republic of Korea is taking active measures to protect children against the sale of children, child prostitution, and child pornography by establishing the Child Rights Monitoring Centre within the Korea Institute of Health and Social Affairs, a State-sponsored research institute, in accordance with the basic spirit of CRC.
7. The National Youth Commission was founded in April 2005 to oversee the functioning of youth-related policies and to implement measures for the protection and development of youth and the enrichment of youth welfare. The Commission is considered to have provided an opportunity to correct public perception of youth welfare through the reinforcement of existing protection against harmful environments and by eradicating child and youth prostitution. The Commission is also contributing to comprehensive, efficient, and effective administration of policies dealing with harmful environments for youth.

8. The Republic of Korea incorporates international treaties into domestic law. Article 6, paragraph 1, of the Constitution stipulates that “Treaties duly concluded and promulgated under the Constitution and generally recognized rules of international law shall have the same force and effect of law as domestic laws”. Therefore, a signed and declared international treaty has the force and effect of domestic law without the need for any additional process. CRC thus has the identical force and effect of law as the domestic laws of the Republic of Korea, since it has been agreed upon by the international community and is considered a widely recognized international treaty.

9. The Republic of Korea is making efforts to incorporate the majority of CRC provisions into domestic law and to ensure their implementation in protecting and enhancing the rights of children by adopting appropriate administrative and legislative measures. Regarding the three paragraphs reserved due to conflict with domestic law, visitation rights will soon be withdrawn, as the Ministry of Justice is working on the revision of Civil Law to rescind the visitation rights of parents.

10. Along with the Korean Committee for UNICEF, various NGOs, such as “Good Neighbours Korea”, “Corporation Leftovers Love Sharing Community”, “World Vision”, “Save the Children”, and the “Korean Association for the Prevention of Child Abuse and Neglect” founded Korea NPO Solidarity to carry out activities with the view to protecting the rights of children and to ensure that the recommendations of the Committee on the Rights of the Child are implemented.

11. The Republic of Korea established legal procedures to secure the rights and enhance the welfare of children and youths based principally on the Child Welfare Law, the Basic Law on Youth, and the Juvenile Protection Law Against Sexual Exploitation. It has also established and maintained institutions and undertaken a range of activities in both the public and private sectors to ensure that the duties of the State, society, and families are fulfilled in order to guarantee the rights of the child:

(a) The Juvenile Protection Law Against Sexual Exploitation, was enacted and revised in 2000 and 2005, respectively, to further protect children from sexual exploitation and sex offenders. It requires the registration of sex offenders and disclosure of their personal information, and places restrictions as well on their employment;

(b) The Comprehensive Measures on Harmful Environments for Youth, established in 2005, include systematic ongoing measures regarding how families and communities approach youth-related issues such as runaways, violence, and child prostitution. These issues arise as children and youth are increasingly exposed to harmful environments mainly due to the prevalence of materialism, fierce competition among commercial industries, and the downside of the digitalization accompanying the country’s most advanced IT infrastructure;

(c) In 2006, the National Youth Commission revised the Juvenile Protection Law Against Sexual Exploitation as follows:

- First, sexual offenders shall be spared punishment only if a victim clearly expresses that he or she does not want the offender punished, as opposed to past practice where sexual abuse was a crime indictable only upon complaint;

- Second, simple possession of child pornography shall be punished even if it is not held for commercial purposes;
- Third, the personal information of committers of all forms of sexual abuse of youth, including child prostitution, shall be publicly registered for 10 years. Residents of communities can refer to the information in an extensive enhanced registration and reference system;
- Fourth, additional restrictions have been imposed on the employment of sex offenders, such as banning offenders who have committed all forms of sexual abuse against youth, including child prostitution, from being hired by youth-related educational organizations for 10 years after sentencing.

12. Institutional and practical efforts to eradicate crimes against children, such as sexual exploitation or child prostitution, and to protect the rights of children continue to be carried out throughout society with public participation and oversight. These efforts are reinforced by active and supportive child policies and strict regulations on the sale of children, child prostitution, and child pornography.

## II. DATA

13. The Republic of Korea distinguishes children from youths in relevant laws embodying the fundamental spirit of the Constitution and the CRC. Since CRC defines a child as a person under the age of 18, domestic laws on the topic provide broader coverage for child protection. However, when requirements and disciplinary regulations for child protection in the Child Welfare Law conflict with the Youth Protection Law, which imposes more severe punishments, the latter law shall take precedence.

**Table 1**

### Age criteria of children in child protection laws

| Law   | Term     | Age      |
|---|----------|----------|
| Child Welfare Law                                   | Child    | Under 18 |
| Youth Basic Law                                     | Youth    | 9 to 23  |
| Youth Protection Law                                | Youth    | Under 19 |
| Juvenile Protection Law Against Sexual Exploitation | Juvenile | Under 19 |

**Table 2**

### Population of children under 18 (2005)

|            | 0-5 years        | 6-11 years       | 12-17 years      | Total              |
|------------|------------------|------------------|------------------|--------------------|
| Male (%)   | 1 650 186 (52.1) | 2 119 400 (52.8) | 2 075 219 (52.9) | 5 844 805 ( 52.6)  |
| Female (%) | 1 516 505 (47.9) | 1 897 017 (47.2) | 1 846 742 (47.1) | 5 260 264 ( 47.4)  |
| Total (%)  | 3 166 691 (28.5) | 4 016 417 (36.2) | 3 921 961 (35.3) | 11 105 069 (100.0) |

*Source:* Korea National Statistical Office, 2005.

14. The overall number of adopted children being given up for adoption is declining. In particular, the number of international adoption cases is decreasing as the Government is providing additional institutional and financial support to boost domestic adoption. Given the cultural value placed on bloodlines and resistance of the Korean society to open adoption, encouraging domestic adoption still remains one of the major challenges of the system of child protection.

**Table 3**

**Current status of adoption**

|               | 1990  | 1995  | 2000  | 2001  | 2002  | 2003  | 2004  | 2005  |
|---------------|-------|-------|-------|-------|-------|-------|-------|-------|
| Domestic      | 1 647 | 1 025 | 1 686 | 1 770 | 1 694 | 1 564 | 1 641 | 1 461 |
| International | 2 962 | 2 180 | 2 360 | 2 436 | 2 365 | 2 287 | 2 258 | 2 101 |
| Total         | 4 609 | 3 205 | 4 046 | 4 206 | 4 059 | 3 851 | 3 899 | 3 562 |

15. The following statistics are from the Comprehensive Study on Youth Exposure to Harmful Environments of 2005. The study was conducted to comprehensively and scientifically identify how youth are exposed to harmful environments in their daily lives, and to analyse the results in view of developing nationwide protection policies. For the study, a total of 15,323 youths, including 13,934 high school students and 1,389 juveniles in crisis (delinquents, runaways and students having difficulty adjusting to school environments), were individually interviewed through a systematic questionnaire (with a confidence level of 95 per cent, sampling error of  $\pm 0.8$  per cent for 13,934 high school students and  $\pm 2.63$  per cent for 1,389 juveniles in crisis).

16. The harmful media material that youth are most likely to be exposed to is TV-19 (TV programmes forbidden to those under 19 years of age) with 59.1 per cent of high school students and 74.5 per cent of juveniles in crisis reporting exposure. Among high school students, it is followed by websites containing sexual content (45.6 per cent), adult cartoons/magazines (43.0 per cent), and adult videos/movies (43.0 per cent). For juveniles in crisis, it is adult videos/movies (69.9 per cent), adult cartoons/magazines (69.2 per cent) and sports daily newspapers (68.9 per cent). According to the study, 56.6 per cent of juveniles in crisis and 37.9 per cent of high school students responded that they had been exposed to harmful contents of media.

17. Of all respondents, 4.9 per cent said that they had received offers to take part in prostitution. These offers were principally from online chatting partners (56.5 per cent), people introduced by friends (13.6 per cent), people they encountered at entertainment facilities (8.9 per cent), customers of telephone pornography shops (5.5 per cent), and people they met at bars (2.5 per cent). The most commonly reported motivation for prostitution was money (42.6 per cent), followed by curiosity/desire (26.6 per cent), temptation by adults (16.0 per cent), basic necessity for shelter/food/clothing (2.6 per cent), persuasion or pressure by peers (1.6 per cent), and being sexually liberal (1.2 per cent).

**Table 4**  
**Frequency of youth exposure to harmful environments (2005)**

|   | No. of respondents | Never | 1-2 per year | 1-2 per month | 1-2 per month | 3 or more per week | Average |
|---|--------------------|-------|--------------|---------------|---------------|--------------------|---------|
| Adult cartoons/novels/magazines prohibited to children under 19   | 13 704             | 57.0  | 20.4         | 12.4          | 6.0           | 4.2                | 0.80    |
| Adult videos/movies   | 13 658             | 57.0  | 21.5         | 12.2          | 5.4           | 3.8                | 0.77    |
| Sexually explicit websites  | 13 660             | 54.4  | 18.5         | 13.6          | 8.6           | 4.9                | 0.91    |
| TV programming forbidden to children under 19                     | 13 642             | 40.9  | 23.3         | 20.5          | 10.0          | 5.2                | 1.15    |
| Adult cable TV programmes   | 13 558             | 57.6  | 18.2         | 13.8          | 6.3           | 4.1                | 0.81    |
| Adult cartoons/novels/photos/videos on mobile phones              | 13 686             | 90.9  | 4.8          | 1.8           | 0.9           | 1.6                | 0.18    |
| Ads for premium-rate phone services for phone sex or prostitution | 13 684             | 91.9  | 3.5          | 1.8           | 1.1           | 1.7                | 0.17    |

*Source:* National Youth Commission, 2005 Comprehensive Study on Youth Exposure to Harmful Environments, 2006.

18. Even after the personal information of sex offenders began to be publicized under the Juvenile Protection Law Against Sexual Exploitation in 2000, sexual abuse of children and youths has been on the increase, producing more and more juvenile victims. More importantly, victims are getting younger. Of all juvenile victims, 25.7 per cent are under 13 and 31 per cent are aged 13 to 15. Of those involved in child prostitution, 19 were under 12, 268 were 13 to 14, 666 were 15 to 16, and 646 were 17 to 18 years old.

**Table 5**  
**Child victims of sexual abuse**

|   | 2002   | 2003   | 2004   |
|---|--------|--------|--------|
| Number of child victims of sexual abuse | 11 587 | 12 511 | 14 089 |
| Cases of child prostitution             | 1 270  | 1 349  | 1 593  |
| Number of victims of child prostitution | 1 221  | 1 316  | 1 599  |

*Source:* Policy Advisory Committee, 2006.

**Table 6****Figures regarding child prostitution and arrests**

| Year | No. of arrests | No. of persons arrested | Those arrested |                             |                   | Result    |               |
|------|----------------|-------------------------|----------------|-----------------------------|-------------------|-----------|---------------|
|      |                |                         | Offenders      | Related parties, e.g. pimps | Child prostitutes | Detention | Non-detention |
| 2001 | 1 255          | 2 034                   | 1 690          | 314                         | 30                | 803       | 1 231         |
| 2002 | 1 270          | 2 014                   | 1 510          | 477                         | 27                | 591       | 1 323         |
| 2003 | 1 349          | 2 099                   | 1 703          | 359                         | 37                | 579       | 1 520         |
| 2004 | 1 593          | 2 680                   | 2 202          | 425                         | 53                | 712       | 1 968         |

*Source:* National Police Agency, 2005.

**Table 7****Juveniles involved in prostitution by age group**

| Year | Under 12 | 13-14 yr. olds | 15-16 yr. olds | 17-18 yr. olds | Total |
|------|----------|----------------|----------------|----------------|-------|
| 2001 | 9        | 142            | 511            | 440            | 1 102 |
| 2002 | 20       | 187            | 503            | 511            | 1 221 |
| 2003 | 5        | 163            | 611            | 537            | 1 316 |
| 2004 | 19       | 268            | 666            | 646            | 1 599 |

*Source:* National Police Agency, 2005.

19. The National Youth Commission bans the circulation of pernicious materials to youths through the process of appraising possible harmful materials and publishing the results. The Commission also established comprehensive measures in 2005 for child protection online. It has been working to protect youths from harmful online materials and harmful media in conjunction with eight ministries, including the Ministry of Information and Communication and the Ministry of Culture and Tourism.

20. A perpetual monitoring system has been put in place in all media such as the Internet, broadcasting, publishing, and films as a part of the measures to deal with harmful materials available to youths. In addition, violators are liable to strict measures, such as a recommendation of the deletion of content and notification of results. Furthermore, the Government is working on an online ethics rating project by developing and distributing guidelines for online ethics to encourage self-regulation by the private sector.

**Table 8****Arrests of violators of the Juvenile Protection Law Against Sexual Exploitation**

| Year | Total  | Violations                                 |                       |                    |                   | Result    |               |
|------|--------|--|-----------------------|--------------------|-------------------|-----------|---------------|
|      |        | Visiting harmful shops/employing juveniles | Selling harmful drugs | Harmful activities | Harmful materials | Detention | Non-detention |
| 2001 | 24 948 | 9 730                                      | 13 316                | 1 174              | 728               | 524       | 24 424        |
| 2002 | 22 222 | 6 744                                      | 13 238                | 1 127              | 1 113             | 334       | 21 888        |
| 2003 | 17 771 | 4 954                                      | 10 820                | 1 024              | 973               | 226       | 17 545        |
| 2004 | 15 962 | 4 687                                      | 9 129                 | 1 437              | 709               | 150       | 15 812        |

*Source:* National Police Agency, 2005.



### III. PREVENTION

#### Public concerns and efforts towards prevention

21. Promotional materials on laws banning child prostitution and child pornography are produced and distributed. Sex education is provided by private organizations and campaigns and debates are held to raise public awareness on that issue. Joint vigilance by the public and private sector is maintained and a variety of activities are carried out including promotion through the media. Relevant public sector organizations are holding international symposiums to generate strategies to prevent overseas travel for the purpose of child prostitution. They have also adopted the Code of Conduct and are educating tourists in order to eradicate participation in overseas child prostitution by Korean tourists.

22. Private organizations, including watchdogs monitoring harmful environments, are playing active roles in preventing the circulation of harmful materials that encourage sexual intercourse, inappropriate relationships, or abnormal ways of having sex with children or youths:

(a) The Watchdog Monitoring Harmful Environments for Youth is a private organization that monitors, reports, and files complaints on violations of the Youth Protection Law. It also monitors harmful media materials, calls for corrections, and suggests solutions to relevant authorities;

(b) As of 2005, 276 civic groups and 97 educational facilities have been designated as watchdogs for monitoring environments harmful to youths.

23. To promote the enforcement of the Act on the Prevention of Prostitution and Protection of Victims, the Government installed electronic signboards in 85 regions across the country to prevent prostitution and raise awareness. In addition, the Government produced and distributed promotional booklets entitled "For a Prostitution-free Society" and leaflets entitled "In Beautiful Company in a Prostitution-free World" followed by online banner ads, educational videos to prevent prostitution, and launched the "White Tie Campaign".

24. The newly launched "White Tie Campaign" takes a different approach in encouraging younger generations to change their mindset regarding the distorted culture of sex by motivating people to voluntarily participate in the campaign instead of using punitive measures to prevent prostitution. During the campaign, considerable efforts have been made to build a national consensus against prostitution, such as publishing and distributing promotional leaflets and the stories of former prostitutes.

25. These campaigns are gaining traction. Public awareness of enforcement of the Act on the Prevention of Prostitution and Protection of Victims and the illegality of prostitution was 96 per cent as of late August 2005, up from 30.4 per cent when the law first took effect. In 2006, the Government started to use electronic signboards for education on the illegality of prostitution in order to prevent people from travelling abroad for prostitution. It formed citizen watchdog groups for monitoring prostitution in eight metropolitan areas across the country to

encourage voluntary participation by citizens in the reduction of incidences of prostitution. According to statistics, in 2006 there were 738 electronic signboards in 123 subway stations, 165 in 33 railway stations, 12 in 3 airports and 109 in the streets.

### **Prevention counselling**

26. Drawing upon government agencies such as the National Youth Commission, the Ministry of Education and Human Resources Development, the Ministry of Health and Welfare, and the Ministry of Labour, a variety of child and youth counselling centres were set up and are in operation under the supervision of these agencies. In addition, a number of civic and religious groups are offering private sector professional counselling services to children and teenagers experiencing difficulties, including sex-related issues.

27. Apart from counselling services, these centres also offer effective sex education to community teens in order to raise awareness on prostitution-related crime and foster a healthy culture of sex. They are actively launching promotions and campaigns as preventive measures against sexual crimes victimizing children and youths.

28. The Centre for Women's Human Rights has been established and managed for the effective implementation of measures promoting the prevention of prostitution. The Centre educates professional counsellors on prostitution and provides training for enhancing their expertise. Qualified candidates, including certified social workers, take a 100-hour course on theory and perform 50 hours of practice to become professional counsellors. They are dispatched to relevant facilities and counselling centres upon completion of their training, and play an important role in rescuing and supporting victims in the field.

### **Duty to report**

29. The Juvenile Protection Law requires teachers and faculty at schools, as well as staff at childcare and medical facilities, to report to the police on sex crimes against children and youth that they uncover on the job. Under the Act on the Punishment of Sexual Crimes and Protection of Victims, persons responsible for the protection, education, and treatment of youth under 18 are required to report to the police immediately upon discovering that a child in their facility is a victim of a sexual crime. If they fail to do so, they are fined.

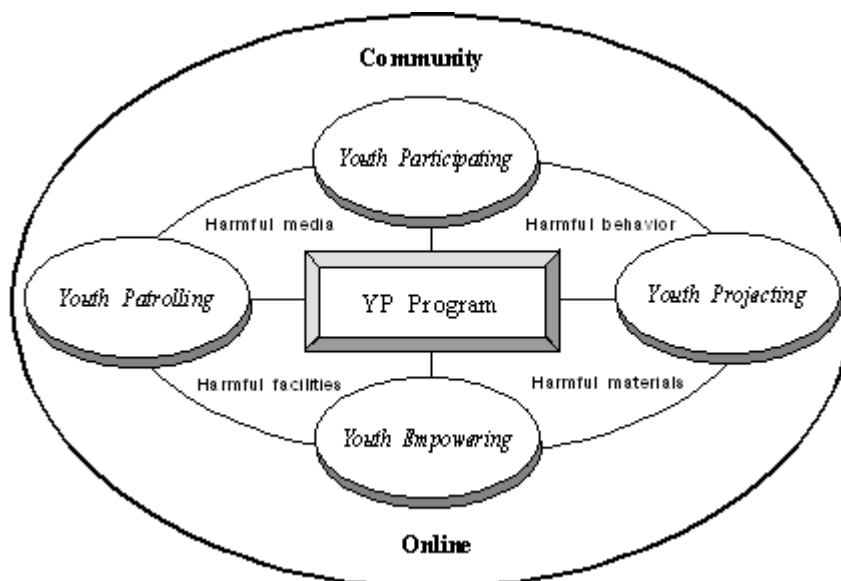
### **Youth participation**

30. The National Youth Commission is maintaining a programme called "Youth Patrol", under the Youth Protection Law, to educate youth on how to protect themselves from the sale of children, child prostitution, and harmful media materials by learning to be sensible and responsible.

31. As of 2006, 48 schools across the nation have been provided with the Youth Patrol programme as a pilot project. Civic groups too are playing an effective role both online and offline by supporting related club activities, educating parents, monitoring harmful environments, and conducting campaigns.

**Figure 1**

**Flow chart of Youth Patrol Programme**



#### **IV. PROHIBITION AND RELATED MATTERS**

##### **Criminal and penal laws**

32. To comply with the provisions of CRC, as well as to eradicate and prevent crimes related to the sale of children, child prostitution and child pornography, the Republic of Korea has enacted punitive measures under, inter alia, the Criminal Law, Child Protection Law, Youth Protection Law, Juvenile Protection Law Against Sexual Exploitation, Act on Punishment of Arranging Prostitution, and the Act on the Prevention of Prostitution and Protection of Victims.

##### **Maximum and minimum penalties**

33. Under article 288 of the Criminal Law, any person capturing or enticing others into sexual harassment, sexual abuse, or profit, as well as trafficking in women for sexual services shall be sentenced to a minimum of one year in prison. The Child Welfare Law stipulates that, regardless of the motive, child traffickers will be sentenced to up to 10 years in prison and those committing sexual abuse of children, including sexual harassment and rape, shall be sentenced to up to 5 years in prison.

34. The Juvenile Protection Law Against Sexual Exploitation includes punitive measures against those buying sexual services from youth or arranging such activities, producing and distributing child pornography, and sexually abusing youth (see table 9 below).

35. Under the Youth Protection Law, any person who makes a youth or arranges for him to have direct or indirect sexual relationships or entertain others through physical contact or exposure of body parts shall be sentenced to at least 1 year and up to 10 years in prison.

36. The Act on the Prevention of Prostitution and Protection of Victims, enacted in March 2004 and put into effect in September 2004, aims to prevent prostitution, protect victims and prostitutes, and promote self-reliance regardless of age. Therefore, child victims are protected by law. Unlike the Prevention of Prostitution Act of the past which focused more on the conditions of the facilities for victims, this Act stipulates that facilities, such as those for youth, general support, and foreigners, should be operated in full consideration of the major needs of victims.

**Table 9**

**Punishment by activity regarding juvenile protection  
from sexual exploitation**

| Type of sexual exploitation   | Punishment   |
|---|--|
| Buying sexual services from youths; distributing, displaying or showing child pornography   | Up to three years in prison or up to 20 million won fine |
| Making youth a victim of child prostitution   | Minimum of three years in prison                         |
| Providing a place for child prostitution or arranging such activity for profit; providing funds or facilities for such activity; hiring youth for such activity for profit                                    | Minimum of five years in prison                          |
| Encouraging or forcing others to provide a place for child prostitution, arranging sexual services, or buying sexual services of youth for profit; encouraging youths to be a victim of prostitution          | Up to five years in prison or up to 30 million won fine  |
| Selling, lending, and distributing child pornography for profit; possessing, transporting, or displaying child pornography for such purposes  | Up to seven years in prison                              |
| Trafficking in youth knowing that the youth will be a victim of child prostitution or pornography; trafficking or transporting youth to other countries or trafficking or transporting foreign youth to Korea | Life sentence or at least five years in prison           |
| Rape or quasi-rape against youth; forcing youth to be a victim of prostitution and receiving, demanding or promising any reward; producing, importing or exporting of child pornography                       | Minimum of five years in prison                          |
| Forceful sexual harassment or similar activities against youth  | At least one year in prison or up to 20 million won fine |
| Introducing youth to producers of child pornography   | At least one year and up to 10 years in prison           |

### **Sexual offences relating to child pornography**

37. Article 243 of the Criminal Law stipulates that any person who promulgates, sells, lends, publicly displays, or shows sexual documents, pictures, films, or other materials shall be sentenced to up to one year in prison or up to a 5 million won fine. Article 244 stipulates that any person who produces, possesses, imports, or exports sexual materials for the aforementioned purposes shall be sentenced to up to one year in prison.

38. Under paragraph 1, article 8 of the Juvenile Protection Law Against Sexual Exploitation, any person who introduces youths to a producer of child pornography and who produces, imports or exports child pornography shall be sentenced to at least 1 year and up to 10 years in prison, and at least 5 years in prison, respectively. Paragraph 2 of the same article stipulates that any person who sells, lends or distributes, possesses, transports, publicly displays, or shows child pornography for profit shall be sentenced to up to seven years in prison.

39. As the Youth Protection Law bans the circulation of harmful media material among children and youth, any person who violates this regulation shall be sentenced to up to three years in prison or up to a 20 million won fine:

(a) “Media material harmful to youth” means media material that is authorized to be distributed only to adults and not to youth. However, even media material that is allowed to be distributed to adults can be illegal material if it is deemed too obscene.

40. Clause 2, paragraph 1, article 65 of the Act on Promotion of Information and Communication Network Utilization and Information Protection, etc. stipulates that any person who distributes, sells, lends, or publicly displays sexual symbols, words, sounds, images, or videos shall be sentenced to at least one year in prison or at least a 10 million won fine.

### **Child trafficking**

41. Article 324 of the Criminal Law and article 113 of the Labour Standards Law prohibit behaviours constricting the mental and physical freedom of children or forcing children to work against their will. They stipulate that any person who discourages others from exercising their rights by using violence or intimidation or hires children under 15 shall be put in prison or fined.

### **Organ transplantation**

42. Articles 10 and 39 of the National Organ Transplant Act ban the extraction of all organs except bone marrow from children under 16 years of age. Any violator shall be sentenced to a minimum of two years in prison or even face a life sentence. Any person who extracts organs from a minor aged 16 or older shall spend at least two years in prison or face a life sentence except when the organs, again excluding bone marrow, are transplanted to a spouse, parents, brother, sister, uncle, aunt, or cousin.

43. Articles 6 and 40 of the National Organ Transplant Act stipulate that any person who trades or promises to trade money, profit, or other forms of rewards and delivers another’s organ to a third party or receives one to provide to a third party or promises such trade shall be imprisoned for at least two years. In other words, organ transplants of children under 16 are

completely prohibited. For minors aged 16 or older, organ transplants are allowed within limitations but transplants for profit are still banned. Therefore, any person who provides, trafficks and acquires children for the purpose of organ transplants to make a profit shall be punished.

### **Attempt of sexual exploitation**

44. Any commercial behaviour, even if it is not a direct sexual exploitation of children, which is highly likely to lead to sexual exploitation of children, is clearly regulated by the Juvenile Protection Law Against Sexual Exploitation. Therefore, anyone who causes a youth to entertain others through physical contact or exposure of body parts or arranges such behaviour for profit shall be punished by law.

45. Under articles 6 (3) and 9 (3) of the Juvenile Protection Law Against Sexual Exploitation, attempts of the aforementioned behaviours shall also be punished. Article 11 stipulates that if a legal entity violates the regulations, it shall be punished as well. Article 294 of the Criminal Law stipulates that any person who attempts to violate regulations stipulated in article 288 shall also be punished.

### **Jurisdiction and extradition**

46. Articles 42 and 44 of the Extradition Act regulate the extradition of foreign criminals. Extradition treaties that the Republic of Korea signed with other countries cover all crimes punishable by at least one year of imprisonment or more. Crimes stipulated in article 3 of the Optional Protocol are covered by extradition treaties as all of them are subject to at least one year of imprisonment under Korean law (Child Welfare Law, Youth Protection Law, Juvenile Protection Law Against Sexual Exploitation, Act on the Prevention of Prostitution and Protection of Victims). When Korean citizens commit a crime related to child prostitution overseas, Korean authorities shall make efforts to receive relevant information from their counterparts of the country involved and punish the criminal.

### **Seizure and confiscation of goods and proceeds**

47. The Youth Protection Law stipulates that the authorities can order the withdrawal of harmful media material without a warning message or a sealing package. If the order is not met, authorities can force the withdrawal or removal of those materials.

48. The Civil Law has special clauses to prevent the youth from being exposed to any possibility of sexual exploitation through a financial contract or agreement made through coercion. For instance, any purported right that a person engaging in harmful behaviour has over a minor regarding the harmful behaviour or any right an employer of a club or bar has over a minor regarding the employment of the minor shall be nullified regardless of form or contract.

49. Property and materials regarding crimes against children shall be confiscated and collected under the Criminal Law and the Criminal Procedure Law. If a person provides funds, land, or facilities with foreknowledge that it will be used for prostitution, profits shall be confiscated

under the Act on Regulations and Punishment of Concealment of Profit from Crime. Under article 58 and paragraph 2 of article 31 of the Food Sanitation Act, employers hiring a minor to entertain customers shall be punished by revoke of licence or by being closed down.

50. The aforementioned regulations and sentences regarding child prostitution and child pornography aim not only to punish criminal acts but to prevent sex crimes from taking place. Along with these, the following measures are in place for direct prevention of sexual crimes.

### **Employment restrictions**

51. Perpetrators of crimes against children are not allowed to manage or to be hired by schools, kindergartens, childcare facilities, private scholastic institutes, child welfare facilities, youth shelters, or any other kind of facilities involving youths for five years after sentencing.

### **Registering sex offenders**

52. Among offenders who have been sentenced to imprisonment two or more times for sexual crimes against children, those who are likely to commit a similar crime in the future are required to register their personal information, along with a photo, with the “Registered Sex Offenders System”. Victims, their legal representatives, and heads of youth education facilities can refer to the registered information.

53. The Public Disclosure System of Sex Offenders started in July 2000 under the Juvenile Protection Law Against Sexual Exploitation. The law requires personal information, including name, age, occupation, and description of the case to be displayed online for six months and on public boards for one month. So far, the personal information of 5,157 sex offenders (50 per cent of total sex offenders) has been disclosed.

**Table 10**

### **Progress of registered sex offenders system**

| Year  | To be deliberated | Displayed | To be educated | Educated | Administrative litigation<br>(No. of cases) | Administrative appeal<br>(No. of cases) |
|-------|-------------------|-----------|----------------|----------|---|---|
| 2001  | 300               | 169       | -              | -        | 1   | 1                                       |
| 2002  | 2 068             | 1 113     | -              | -        | 9   | 8                                       |
| 2003  | 2 446             | 1 188     | 122            | 74       | 8   | 8                                       |
| 2004  | 2 507             | 1 110     | 310            | 262      | 2   | 2                                       |
| 2005  | 2 769             | 1 044     | 654            | 420      | 1   | 2                                       |
| 2006  | 2 569             | 1 027     | 756            | 350      | 1   | 2                                       |
| Total | 12 659            | 5 651     | 1 842          | 1 106    | 22  | 23                                      |

54. Since the second half of 2003, an educational programme to prevent further crimes has been delivered to sex offenders whose crimes are relatively less serious and who are considered capable of learning from it. As of 2006, only 1 out of 1,106 persons educated has committed a second crime, which demonstrates the effectiveness of the programme.

### **Handling of material harmful to youth**

55. Harmful material from the media, such as obscene material, shall be marked and packaged so as not to be distributed to children. Any person who distributes such material to children for profit shall be fined or imprisoned under the law.

56. In addition, the Juvenile Protection Law Against Sexual Exploitation is in the process of revision to extend the employment restrictions on sex offenders to 10 years, require more sex offenders to register personal information, allow residents in communities access to registered information for the strengthened prevention of child prostitution and pornography and punish those who fail to report child-related sexual crimes.

## **V. PROTECTION OF THE RIGHTS OF CHILD VICTIMS**

### **Best interests of the child**

57. The Republic of Korea is making every effort to assure the rights of children and youths and protect them from physical, psychological, and emotional damage caused by the sale of children, prostitution, and pornography. Legal, administrative, and institutional measures necessary in the process of therapeutic rehabilitation have been put in place. Their goals include reintegration into society, physical and mental recovery, and restoration of identity with priority placed on the best interests of the children.

### **Child-focused criminal investigation**

58. The Juvenile Protection Law Against Sexual Exploitation stipulates that investigative agencies should respect human rights and the special characteristics of children when they conduct an investigation surrounding a child victim. If a victim is under the age of 16, the Act on the Punishment of Sexual Crimes and Protection of Victims allows the victim to make a statement via video recording to prevent subsequent damage caused by making a statement and repeatedly recalling traumatic memories. During the process, the will of a child victim should be respected as much as possible.

59. Under the Act on Punishment of Arranging Prostitution, etc., a related party is allowed to accompany a child victim during an investigation or trial in order to comfort the child. Under the Act on the Punishment of Sexual Crimes and Protection of Victims, specialized prosecutors or judicial police officers shall investigate a victim of a sexual crime.

60. In particular, an investigation room exclusively for women and children has been installed in every public prosecutor's office throughout the nation to comfort child or female victims and protect their privacy during investigations. The room is equipped with sound and video recording systems, one-way mirrors, or a monitor showing the inside to the outside, as well as child- and woman-friendly decoration.

61. The Criminal Law and Criminal Procedure Law mandate regulations that protect the human rights of a minor defendant such as having a State-appointed attorney. Regulations of weighted punishment on child prostitution are based on the primary consideration of protecting the interests of children.



### **Child information and protection of child privacy**

62. Under the Juvenile Protection Law Against Sexual Exploitation and the Act on Punishment of Arranging Prostitution, etc., judicial police officers or prosecutors should inform parents or guardians when they encounter an underage prostitute. To protect the privacy of the child, this Law stipulates that employees and staff at investigation agencies and courts shall not disclose the personal information of a child publicly or to others.

63. When a child victim is investigated or questioned as a witness and there is a possibility that the child could be harmed as an act of revenge, the personal information should not be included in the investigation record to protect the child under the Act on Punishment of Arranging Prostitution, etc. and the Act on Protection of Reporters on Specific Crimes.

### **Ensuring child victims' rights**

64. To protect a child victim of prostitution and support rehabilitation during investigation or trial, the victim shall receive training or counselling courses necessary for protection or rehabilitation. This is to ensure the rights of child victims and prevent subsequent damage. Currently, the protection system continues to be enhanced and sophisticated.

65. To protect child victims, public officials in charge of or involved in an investigation or trial shall not disclose personal information or photos of the target or child victims to others or to the media. They should take extra caution to respect the human rights, personal characteristics, and dignity of child victims throughout the process of investigation.

### **Social reintegration, physical and psychological recovery**

66. For the protection and rehabilitation of underage victims, the Juvenile Protection Law Against Sexual Exploitation requires victims to participate in educational or counselling courses by order of the prosecutor. Also, customized therapeutic and rehabilitation programmes for child and youth victims have been developed and provided by designated training facilities such as youth support facilities and centres for youth in four regions in the country:

(a) Drop-in centres for temporary stays, short-term shelters for youths, and mid- and long-term shelters are provided to temporarily support runaways who are vulnerable to sexual crimes such as prostitution, as well as to encourage them to return to their communities and homes;

(b) One-stop counselling services are available 24 hours a day, seven days a week via hotline 1388;

(c) Youth centres are in operation to help victims of child prostitution and youth suffering from problems; provide emergency rescue, protection and medical treatment; and support their self-reliance. In particular, NGOs in communities, the police, and authorities are building networks to support youth victims;

(d) Youth counselling centres that were in previous operation have been expanded into youth counselling support centres performing comprehensive functions by providing counselling services, supporting youth in crisis, performing activities to help youths, offering voluntary work, and providing information on human rights and social participation.

67. Under the Act on the Prevention of Prostitution and Protection of Victims, counselling centres and support facilities for victims of prostitution (categorized as facilities for general support, youth victims, self-reliance support, and foreign victims) have been installed and operated. In addition, hotline 1366, counselling centres, shelters, specialized clinics and free legal service centres have been put in place under the Act on the Punishment of Sexual Crimes and Protection of Victims.

68. Sexual abuse centres for children are providing counselling services both for children and parents, psychological treatment, and legal services especially for child victims under 13 years of age:

(a) As of 2005, 29 counselling centres for prostitution, 16 facilities to support minor victims of prostitution, 16 offices of hotline 1366, 195 counselling centres for sexual abuse, 3 centres for sexual abuse of children, 17 shelters for victims of sexual abuse, 11 one-stop support centres, 329 clinics, and 8 legal service offices are in operation;

(b) Statistics on the support from support facilities for youth victims of prostitution as of 2005 are: 774 protected; 3,086 cases of medical treatment; 87 cases of legal service; 498 cases of vocational training; and 738 cases of education to move to higher level in school.

69. Through these facilities, child victims have been provided with customized programmes, shelters, medical services and vocational training to become self-reliant. In particular, under the Child Welfare Law, 42 child protection organizations across the country are offering a variety of protection services such as therapeutic programmes for child victims of sexual abuse.

## **VI. INTERNATIONAL ASSISTANCE AND COOPERATION**

### **International cooperation and coordination**

70. The Republic of Korea has joined the international community in banning the sale of children, prostitution, and pornography. It is among the countries that co-sponsored a resolution of the General Assembly to protect the rights of children, especially girls vulnerable to trafficking and prostitution. In addition, it has been actively supporting other General Assembly resolutions to protect the rights of children.

71. Given that the main reasons behind the sale of children, child prostitution, and production and publication of child pornography are poverty and underdevelopment, the Republic of Korea is actively participating in the international efforts to support social development and poverty reduction. The President of the Republic of Korea announced “Korea’s Initiative for Africa’s Development”, a plan to support socio-economic development and poverty reduction in Africa, when he paid a visit to Africa in March 2006.

72. This initiative contains a plan to triple financial and technological aid in health and medical services, human resources development, agriculture and fishery, and information and technology by 2008. The Republic of Korea expects the initiative to contribute to balanced development and reduction in the sale of children and prostitution throughout Africa, where 70 per cent of the least developed countries in the world are located.

### **Governmental and non-governmental efforts**

73. The Juvenile Protection Law Against Sexual Exploitation stipulates that there should be an understanding that sexual abuse and exploitation of children are international crimes, and that efforts should be made to strengthen international cooperation in sharing criminal records, conducting research on crimes, performing international joint justice assistance, and extraditing criminals. If citizens of Korea commit sex crimes against children and are subject to punishment outside Korea, the Korean Government should make efforts to acquire information on the case in question from the country involved and punish the criminal, demonstrating Korea's active cooperation in international efforts to resolve such cases.

74. The Republic of Korea has been listed as one of the violators of human rights of children in island nations in the South Pacific such as Kiribati, as a result of which the National Youth Commission and the End of Commercial Sexual Exploitation of Children Korea (ECPAT) conducted a joint research. As a result, meetings of related ministries were held to come up with measures to uproot child prostitution overseas and the ministries have been setting up an action plan to this end.

75. In the private sector, projects to provide medical support and education in partnership with international NGO networks are ongoing. Also, research is being conducted to identify child prostitution offences committed by Korean tourists in South-East Asia, and cooperative systems will be put in place to provide policy advice and suggest desired solutions by Governments and NGOs.

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