



**Universal Periodic Review  
14<sup>th</sup> Session (2012)**

**Joint Submission**

**Situation on the Rights of the Child in Republic of  
Korea**

**Submitted by:**

**GNI – Good Neighbors International  
IIMA - Istituto Internazionale Maria Ausiliatrice  
VIDES International - International Volunteerism Organization for  
Women, Education, Development  
(NGOs in consultative status with ECOSOC)**

**Submitted in Geneva, April 2012**

## A. INTRODUCTION

1. The following report is a *joint submission* of the above mentioned organizations. Taking note of the significant advances achieved by the Republic of Korea to improve the citizens' quality of life and guarantee the full enjoyment of their rights, this report focuses on major issues affecting children in the Republic of Korea. Each section of the report conveys recommendations to the Government of the Republic of Korea.
2. This report is a result of an intensive consultation process that took place over the course of four months. Employing a methodology of empirical investigation, the data and information reflect the field experience of GNI experts on children's rights as well as approximately 665 IIMA and VIDES operators including professors, professional educators, young volunteers and other actors involved in the formal and informal education and health of children (in the age range of 4-18 years) and young people. An open-ended questionnaire was sent by VIDES to collect all pertinent information considering the report that resulted from the 1<sup>st</sup> cycle of the Universal Periodic Review<sup>1</sup> and the Concluding Observations of the Committee on the Rights of the Child in 2010<sup>2</sup>.
3. **IIMA** is an international NGO in special consultative status with the Economic and Social Council. IIMA is present in 95 countries where it provides education to children and adolescents, particularly the most disadvantaged and vulnerable.
4. **VIDES International** is an international NGO in special consultative status with the Economic and Social Council, which is present in 40 countries worldwide. Founded in 1987, VIDES promotes volunteer service at the local and international levels and protects children and women's rights.
5. **Good Neighbors International** is a humanitarian NGO in general consultative status with the United Nations Economic and Social Council, operating in 27 countries through community development projects in the field of education, health, water, sanitation, income generation and poverty reduction. Good Neighbors International promotes and protects children's rights through education, awareness building and policy recommendation based on its worldwide network of experts, researchers and volunteers.

## B. GENERAL REMARKS ON 1<sup>st</sup> UPR OF THE REPUBLIC OF KOREA

6. This NGO coalition welcomes the constructive participation of the Republic of Korea in the 1<sup>st</sup> cycle of the Universal Periodic Review (UPR). The present joint submission represents the follow-up to the UPR recommendations accepted by the Republic of Korea in 2008 regarding children's rights, including children of undocumented migrant workers and children with disabilities. It also reports concerns related to the poor reference to economic, social and cultural rights in the previous review, especially regarding education and health.

## C. THE MOST VULNERABLE GROUPS

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<sup>1</sup>The Republic of Korea passed its first Universal Periodic Review on May 7, 2008 in Geneva. The outcome document of the review was adopted during the 8<sup>th</sup> Session of the Human Rights Council (June 2008). U.N. Doc. A/HRC/8/40, 29 May 2008.

<sup>2</sup> U.N. Doc. CRC/C/KOR/CO/3-4, 2 February 2012.

7. This NGO coalition perceives children of undocumented migrant workers and children with disabilities as the most vulnerable groups in the Republic of Korea due to the discrimination they suffer in the enjoyment of their rights, including access to education and health care services.

8. In May 2008, the Government of the Republic of Korea accepted several recommendations,<sup>3</sup> which directly or indirectly aimed at ameliorating the situation of these specific groups. In particular, the Government has agreed to *ensure the effective protection of the rights of foreign workers in the country by strengthening the efforts to uphold the Act on the Foreign Workers Employment*,<sup>4</sup> and to *place special emphasis on women and children when formulating policies to protect the rights of migrant workers*<sup>5</sup>. Nevertheless, we regret that recommendation n. 7, which asked the Republic of Korea, *inter alia*, to accede to the International Convention on the Protection of the Rights of All Migrants Workers and Members of Their Families, did not enjoy the support of the country. Finally, we note with much satisfaction that the Republic of Korea accepted to *ratify the Convention on the Rights of Persons with Disabilities*, though holding reservation on Art. 25(e) of the Convention.

**9. This coalition of NGOs recommends the Republic of Korea to:**

- a) *Ratify the International Convention on the Protection of the Rights of All Migrants Workers and Members of Their Families;***
- b) *Withdraw its reservation to Art. 25(e) of the Convention on the Rights of Persons with Disabilities in order to guarantee people with disabilities the full enjoyment of their rights.***

#### **D. BIRTH REGISTRATION**

10. While welcoming the fact that birth registration is free in Korea and most children are officially registered at birth, we remain particularly concerned about the situation of children of undocumented migrant workers. According to the National Human Rights Commission of Korea, in 2010, 17,000 migrant children remained unregistered. As a result, they meet serious difficulties in accessing basic social services, such as health care and education.

**11. This coalition of NGOs recommends the Republic of Korea to:**

- a) *Fully implement Article 7 of the Convention on the Rights of the Child, ensuring all children the right to be registered immediately after birth;***
- b) *Pay special attention to the birth registration of the most vulnerable groups of children, especially children of undocumented migrant workers, in order to ensure them full enjoyment of their rights.***

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<sup>3</sup> Report of the Working Group on the Universal Periodic Review, Republic of Korea, Addendum, A/HRC/8/40/Add.1, 25 August 2008, Recommendations n. 2, 3, 15.

<sup>4</sup> Recommendation n. 3, *ibid*.

<sup>5</sup> Recommendation n. 15, *ibid*.

## **E. CHILDREN WITH DISABILITIES**

12. While welcoming the ratification of the Convention on the Rights of People with Disabilities by the Republic of Korea and the adoption of the Disability Anti-Discrimination Act, this NGO coalition remains deeply concerned about the situation of children with disabilities in the country and their access to education in particular. More than half of the schools with children with disabilities do not conform with the related norms often, witnessing overcrowded classes, a shortage of qualified teachers and lack of appropriate facilities and support.<sup>6</sup>

**13. This coalition of NGOs recommends the Republic of Korea to:**

- a) Fully implement Article 24 of the Convention on the Rights of Persons with Disabilities and Article 23 of the Convention on the Rights of the Child by taking effective measures to fulfill the right to education of children with disabilities.**

## **F. RIGHT TO EDUCATION**

14. This NGO coalition welcomes the efforts made by the Korean Government to ensure adequate and outstanding education countrywide. Nevertheless, we perceive four major issues affecting the education system in the Republic of Korea, such as: (i) the excessive cost of university and higher education; (ii) disparities in the quality of public education, especially between urban and rural areas; (iii) the persistence of the practice of corporal punishments at school; and (iv) the excessive pressure exercised by the education system on students.

### **Access to university and higher levels of education**

15. While welcoming the efforts of the Government to ensure access to primary and secondary education for all children through the provision of scholarships for the most disadvantaged students, we remain particularly concerned for the extremely high cost of university education, which by *de facto* hampers a large number of students from acceding higher education levels. Even when loans for University fees are available, the interest rates that students are required to pay back to the bank are very high. In some extreme cases, the frustration for being deprived of the possibility to complete their studies, combined with the extreme importance that is attributed to outstanding education in the country, has led students to commit suicide.

### **The quality of education**

16. While acknowledging that the quality level of education is generally high in the country, we note with concern that significant disparities still persist between urban and rural areas as well as among different districts of major cities. Such disparities are related to socio-economic factors, such as: (i) the high concentration of private institutions, called ‘academies’, and tutoring centers in certain urban areas; and (ii) the economic capacity to access to this

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<sup>6</sup> National Coalition for the Right of Education of People with Disability, “Press Release : Report on the Status of Classes for Children with Disability,” 7 October 2011, Online Source: <http://www.eduright.or.kr/vivaboard/content.asp?idx=8974&uid=bodo&gotopage=1&searcha=&searchb=&sgubun=1>

informal education. As a result, we note the displacement of a certain number of students to urban areas and favored districts in order to benefit from a better education. It should be noted that informal education has become in many urban zones a *de facto* pre-requirement to formal education. As a consequence, in some instances the school teaching is adapted to the improved preparation of those students taking advantage of extra educational activities, while other students are being left behind. In other cases, the improved performance of those students brings about lack of motivation and disregard by the teachers towards the excluded students. In general, prevalence of informal education has resulted in the increase of vulnerability for students with economic difficulties or living in a rural area. In fact, those children whose families cannot financially cover the extra costs of boarding schools and informal education do not have access to an equal quality education. This is particularly relevant if contextualized in the very competitive education system in Korea: students who cannot afford higher quality education are seriously disadvantaged in their opportunity to advance to university and therefore succeed in the labor market.

### **Corporal punishment in the educational system**

17. This NGO coalition welcomes the acceptance of the UPR recommendation n. 29 according to which the Republic of Korea will continue its efforts to implement educational measures promoting positive and non-violent forms of discipline in schools and at home.<sup>7</sup> Accordingly, we note with satisfaction that legal measures have been adopted in order to prohibit corporal punishment and the occurrence of such practice has consequently decreased.

18. Nevertheless, we express our concern about the persistence of this practice in schools, and especially the legal use of ‘indirect corporal punishment’ as a disciplinary measure. In particular, we report that there still exists a common belief that the prohibition of corporal punishments compromises the authority of teachers toward their students and, therefore, negatively affects the efficiency of the education system.

### **Extreme competition in the educational system**

19. The Korean education system is known to be extremely competitive and demanding. By way of illustration, in secondary schools, students are required to study a minimum of 10 hours per day. Extra courses are usually organized during the summer or other holidays, increasing the burden of study for learners. This high pressure on students’ performance exercised by the educational environment and their families significantly contributes to the high rate of suicides among children and young people.

**20. Consequently, this coalition of NGOs recommends the Republic of Korea to:**

- a) Adopt financial measures to facilitate access for children with economic difficulties to university and higher educational levels;***
- b) Improve the quality of education in rural areas of the country in order to reduce existing disparities with urban areas;***
- c) Promote raising awareness campaigns targeting teachers and parents in order to fully eradicate the practice of corporal punishments both in schools and at home***

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<sup>7</sup> Recommendation n. 29, *ibid.*

*in compliance with Article 19 of the Convention on the Rights of the Child and the national legal framework;*

- d) Reduce the pressure on students' performance through specific measures addressed to the school system and the families.*

## **G. SEXUAL EXPLOITATION**

21. While acknowledging the effort of the government to protect children from sexual exploitation through the amendment of the Act on the Protection of Children and Juveniles from Sexual Abuse and the reinforcement of punishment for offenders, we note that the proliferation of prostitution by minors is not diminishing and new problems are arising such as the increase of prostitution by younger children, and the expansion of prostitution by children from diverse social and financial backgrounds. Child sexual exploitation is facilitated by online communication and the increasing economic difficulties met not only by low income households but also middle class families.

*22. Therefore, this coalition of NGOs recommends the Republic of Korea to:*

- a) Strengthen online protection measures to prevent child sexual exploitation and restrain the use of online social networks as a means of advertising prostitution.*
- b) Develop a comprehensive policy addressing the root causes of child prostitution including the social alienation and economic hardship suffered by child victims of prostitution.*

## **H. RIGHT TO HEALTH**

### **Access to health care**

23. Children of undocumented migrant workers have particular difficulty in exercising their right to health because the Act on the Treatment of Foreigners in Korea seriously limits the type of medical services and health institutions they have access to, and health related policies based on the same Act require those children to disclose information about their parents who are also in a vulnerable situation.<sup>8</sup>

### **Computer Games addiction**

24. Game addiction and internet addiction is extremely common in the Republic of Korea. This NGO coalition expresses deep concern about the serious consequences that this phenomenon produces on children, such as encouraging the development of violent behaviors among children including physical violence and murder, and distorting their healthy social life both in school and at home.

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<sup>8</sup> National Human Rights Commission of Korea (NHRCK), "Press Release : Stable Medical Service for Undocumented Migrant Children Needed – NHRCK Recommends Improvement of Medical Aid Programme for Migrant Workers," 13 November 2011, Online Source: [http://www.humanrights.go.kr/04\\_sub/body02.jsp?m\\_link\\_url=04\\_sub/body02.jsp&m\\_id1=72&m\\_id2=75&m\\_id3=&m\\_id4=?NT\\_ID=24&flag=VIEW&SEQ\\_ID=603275](http://www.humanrights.go.kr/04_sub/body02.jsp?m_link_url=04_sub/body02.jsp&m_id1=72&m_id2=75&m_id3=&m_id4=?NT_ID=24&flag=VIEW&SEQ_ID=603275)

## **Suicide among children and young people**

25. The suicide rate among youth in the Republic of Korea is the one of the highest in the world. Among the causes, we highlight: excessive pressure for school performance and consequent depression when school report cards do not meet these expectations; social exclusion and bullying in schools. By way of illustration, we report the recent case of a 14-year-old boy who committed suicide because their classmates ordered him to play computer games for all day in order to level up their computer games' characters.

## **Early pregnancy**

26. We remain concerned by the high rate of teenage pregnancies, which increased by 5% compared to 2009. In this regard, we perceive as a major issue the lack of adequate social assistance for pregnant girls. Moreover, we highlight the existence of a generalized practice consisting of soliciting pregnant girls to drop out of school.

***27. Consequently, the NGO coalition recommends the Republic of Korea to:***

- a) Take adequate measures, including the amendment of the Medical Care Assistance Act in order to provide appropriate access to health services by undocumented migrants and their children;***
- b) Adopt all possible measures to reduce computer games addiction and its serious consequences on children's behavior;***
- c) Provide adequate support, including psychological support, to children and young people in order to discourage them from committing suicide;***
- d) Provide adequate assistance to pregnant girls, especially with regard to their integration in the educational system in order to ensure a better future for them and their children.***