

Submission to the Presessional Working
Group of the Committee on the Rights of
the Child on the Republic of Korea's
Implementation of the Convention on the
Rights of the Child

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National Human Rights Commission of
The Republic of Korea

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National Human Rights Commission of the Republic of Korea Submission to the Pre-sessional Working Group on the implementation of the Convention on the Rights of the Child(CRC)

A. Introduction

1. National Human Rights Commission of Korea (NHRCK) submits this report to the pre-sessional working group of the Committee on the Rights of the Child for generation of the List of Issues, before the Consolidated 3rd and 4th Periodic Report on implementation of the Convention on the Rights of the Child (hereinafter referred to as "CRC") by the Korean Government is reviewed. NHRCK, as an independent national human rights institution, having monitored the national implementation of CRC in this country, intends to provide information which the Committee on the Rights of the Child may refer to in generating the List of Issues.

2. The Consolidated 3rd and 4th Periodic Report by the Korean Government is better than the Consolidated 1st and 2nd Periodic Report, in both its compliance with the Committee's guidelines on preparation of the reports and the information it provides. Still, the Report is largely confined to describing the national legislation and policies concerning children and is not sufficient in critically assessing the implementation of the individual rights included in CRC. Accordingly, NHRCK hereby provides the Committee with information on the current situation of children's rights in Korea which is complementary to what is given in the Periodic Report.

3. This report, by reference to the General Guidelines regarding the Form and Content of Periodic Reports (CRC/C58/Rev.1), presents pending issues related to children's rights under the eight theme clusters and the Protocols and, for each of the issues, describes the situation on implementation, etc., followed by the questions which should be asked to the Korean Government.

B. Implementation of the Convention on the Rights of the Child

I . General Measures of Implementation of the Convention (Articles 4, 42 and 44 (6))

1. Reservations

1) Current situation

4. It is welcomed that the Government amended the Civil Code to withdraw the reservation to Article 9, paragraph 3 of CRC in October, 2008. However, the Government has not taken sufficient actions to withdraw its reservation to Article 21 (a) of CRC. The 'full adoption system' mentioned in the Periodic Report requires authorization of the Family Court for a legally effective adoption, while ordinary adoptions are still possible simply on a report basis.

5. The reservation to Article 40 (2) b-v remains effective under the Constitution and the Military Court Act and no review has been made on the relevant national legislation in an effort to withdraw the reservation. Meanwhile, in April 2007, the Government withdrew its reservation to Article 14, paragraph 5 of the International Convention on Civil and Political Rights (Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law).

2) Questions

6. What is the reason that the reservations to Article 21 (a) and Article 40 (2) b-v have not been withdrawn? What measures does the Government plan to undertake with a view to withdrawing the reservations?

2. Policy coordination and monitoring

Child Policy Coordination Committee

1) Current situation

7. The Periodic Report describes the Child Policy Coordination Committee (CPCC) as an agency responsible for drafting a comprehensive plan on child policy, coordinating the views among relevant

government ministries and monitoring and evaluating the policy implementation (paras. 25~27). In effect, however, CPCC, after having met for the first time in December 2004 and held the last annual session in November 2007, is practically inactive now. At present, CPCC is simply written in the Child Welfare Act, with no presence in reality. Consequently, the coordination on child policy in relation to implementation of CRC is being conducted separately, when necessary, with each of the relevant government ministries or departments.

2) Questions

8. Why is CPCC not functioning now? How is the intergovernmental process being made to monitor the implementation of CRC and coordinate the relevant policies?

Children's Rights Monitoring Center

1) Current situation

9. The Children's Rights Monitoring Center is part of the Korea Institute for Health and Social Affairs, a state-run research institute, but its monitoring of the CRC implementation is conducted as a program commissioned by the Ministry of Health and Welfare. The Children's Rights Ombudspersons (consisting of adults and children) appointed for the monitoring purpose had been operation until December 2008 but stopped functioning for the following one year and a half until new Ombudspersons were appointed in June 2010. In this light, it does not seem that the Children's Rights Monitoring Center is properly serving as a standing monitoring body within the Government. The Government has not undertaken sufficient measures to devise national legislation and ensure the budget for public monitoring.

2) Questions

10. What is the reason that the Children's Rights Monitoring Center is not established as a proper permanent body for monitoring of CRC implementation? What measures is the Government planning to take to ensure substantial performance by a public agency in this regard?

3. CRC application by judicial bodies

1) Current situation

11. Although the Periodic Report states that the general principles of CRC are reflected in the relevant legislations and rules, based on which the judicial procedures are conducted (para. 75), there are no reported cases where CRC was referred to in making judicial decisions. It is agreed that one of the reasons is the lack of the promotional and educational efforts to facilitate CRC implementation by judicial bodies.

2) Questions

12. What is the reason that the principles and articles of CRC are not applied when the judicial bodies making their decisions? What measures does the Government plan to take to address this problem?

4. Allocation of resources

1) Current situation

13. According to the 2009 OECD Family database, Korea ranked the lowest among the 26 Member nations in terms of the budget for child welfare as percent of GDP: this country recorded 0.17%, which compares with the OECD average of 2.3%.

14. Out of the overall budget for social health and welfare in 2009, child welfare took up the smallest portion of 1%, while old people's welfare accounted for 17%; the welfare for persons with disabilities, 3.0%; and day care and women's welfare, 9.4%.

2) Questions

15. Does the Government have any plan to increase the budget for child welfare to the degree that it, as expressed in percentage of GDP, will be comparable to the OECD average?

5. Data collection

1) Current situation

16. It is true that the various kinds of statistical data mentioned in the Periodic Report are used as

basic data for setting up and implementing the policies concerning children, but the statistical data are not sufficient enough for an adequate checkup of the CRC implementation because they are lacking detailed information by age group or regional area.

17. The Government has conducted the Youth Panel Survey (including first grade students and fourth grade students in elementary schools and first year students in junior high schools, until they become a freshman in college/university). Additionally, it began conducting the Child Panel Survey (including children aged 12 or below) in 2008. As a good consequence, there exists a set of longitudinal data with no age group missing from 0 to 18 years in age. However, due to the fact that the Child Panel Survey is conducted by the Ministry of Health and Welfare while the Youth Panel Survey is conducted by the Ministry of Gender Equality and Family, there is a problem of inconsistency in panel questions and survey respondents between the two Surveys, which in turn raises the question on the continuity of the survey outcomes. Furthermore, since the panel questions are focused on child welfare, the survey results are limited in providing an assessment of the general situation of children's rights in this country.

2) Questions

18. Does the Government have any plan to establish a comprehensive statistical system to measure the implementation of CRC?

6. Public awareness and education on CRC

1) Current situation

19. The efforts to increase public awareness towards CRC are being made only by a limited number of organizations including NHRCK. There are not sufficient school curricula on human rights, largely because of the schooling system centered around the college entrance exam, the low public awareness about the education on human rights and the lack of those specialized in human rights education. Both the UN's 1st World Programme for Human Rights Education (2005~2009) and NHRCK recommend that human rights education should be included in the school curricula, noting that human rights education might be less effective and deformed by the educators if it is left to the school's discretion. However, this recommendation has not led to substantial improvements in institutional arrangements in Korea. NHRCK also proposed a draft bill on human rights education with the aim of promoting human rights education in schools, other public institutions and the general civil society in 2007, but failed to have the bill enacted.

2) Questions

20. What measures does the Government envision to promote human rights education, including incorporation of human rights in the school curriculum?

II. Definition of the Child (Article 1)

1. Age of children with criminal responsibility

1) Current situation

21. The Government, despite the expressed disagreement from NHRCK, amended the Juvenile Act in 2007 to lower the age of children with criminal responsibility from the existing '12 or above and under 14' to '10 or above and under 14'.

22. NHRCK determines that the statistical data presented by the Government to support its argument that a growing number of serious crimes are committed by younger children are hardly justifiable for the revision of the age of children with criminal responsibility and that the revision is not only in violation of CRC and but also goes against the international tendency of raising the ages of responsible children. In this light, NHRCK recommended the Minister of Justice in 2006 not to revise downward the age of children with criminal responsibility.

2) Questions

23. What are the justifiable reasons for having lowered the age of children with criminal responsibility from the existing '12 or above' to '10 or above'? Does the Government have any plan to amend the Juvenile Act to raise the age of children with criminal responsibility?

III. General Principles (Articles 2, 3, 6 and 12)

1. Prohibition of discrimination

Discrimination against immigrant children

1) Current situation

24. According to the database of the Ministry of Justice, there are 19,659 foreigners in Korea who

have stayed in this country for longer than 90 days (from the date of their entry), are registered at the Immigration Office and fall into the schooling age (7~18) as of 2010. The data released by the Ministry of Education, Science and Technology shows that, as of 2010, approximately 11,700 immigrant children are enrolled in schools, including 1,748 children of migrant workers. Based on these sets of data, we can guess that about 8,000 immigrant children do not attend school. Meanwhile, there are no official statistical data on the number of unregistered immigrant children, but "The 2008 Survey on the Rights of Unregistered Immigrant Children" by the Ministry of Health and Welfare estimated the number at 8,259 (which compares to an estimate of 20,000 by the civic groups). All considered, it can be said that at least 15,000 immigrant children at their schooling age do not attend school.

25. "The 2010 Survey on the Rights of Education of Immigrant Children" by NHRCK reveals that the immigrant children at school experienced disregard and discrimination from Korean students on the ground of their foreign language accent, skin color and mother country and suffered threats or assaults or had their belongings taken away. These experiences prevented the immigrant children from adapting themselves to a school life in this country.

2) Questions

26. Please give the data which shows the situation on the school enrollment of immigrant children at their schooling age (7 or older and under 18). What measures does the Government undertake or intend to undertake to guarantee the right to minimum education of immigrant children and eliminate discrimination against them?

2. Respect for the views of the child

1) Current situation

27. The law on children provides for the respect for the children's views. However, there are no institutional guarantees for the children's right to participate in the matters that affect them at school, etc. For instance, the School Steering Committee, whose establishment is provided for in Article 31 of the Elementary and Secondary Education Act, is supposed to consist of the representatives from teachers, parents and community leaders, excluding the students of the school. In addition, although the Government recommends that children's views should be reflected in the process of devising or revising school regulations, the reality is that, at least in some schools, the process is mainly led by the headmaster or teachers and the students' participation in the process is no more than a formality.

28. As is described in the Periodic Report, when ruling on the matters such as parental authority, the Family Court is required to listen to the views of any child aged 15 or above (para. 91). Considering that children develop in both physical and mental terms at a faster pace now than before, the age of 15 is too late. Moreover, there are not sufficient institutional arrangements to speak for the children who have difficulty in expressing themselves for a reason of younger age or immaturity. NHRCK, already in 2009, expressed the view that legislative measures should be taken to address this problem (in presenting the opinion on the revision bill of the Civil Code).

2) Questions

29. What measures does the Government plan to undertake to guarantee that children's views are respected at school and they have the opportunity of participating in school matters? Does the Government have any plan to lower the statutory age of 15 from which the Family Court is required to listen to the children's views, and to create an institutional arrangement to represent the children who, for a reason of younger age or immaturity, have difficulty in fully expressing themselves?

IV. Civil Rights and Freedoms (Articles 7, 8, 13~17 and 37 (a))

1. Freedoms of expression, association and privacy

1) Current situation

30. In spite of the recommendation of the Committee on the Rights of the Child, the school regulations in many schools restrict the freedoms of expression and association of the children. Some school regulations still ban the students' political activities and after-school assemblies. The children's right to express their personality in relation to their hair length or style or clothing is being restricted by the school regulations or under the discretionary judgment of the school authority.

31. NHRCK has made several recommendations in regard of the restriction on the freedoms of expression and association. In 2005, NHRCK, noting that a forced haircut, against the student's will, constitutes a violation of his/her human rights, recommended that the restriction and control on hair length and style should be minimized to what is necessary for educational purpose and the students' views should be substantially reflected in that regard. Additionally, NHRCK recommended a remedial measure for the cases in which a student was forced to make a written statement and go

through a disciplinary procedure for having given out fliers at school (in 2008); a student in class was taken for investigation without prior consent of his parents or advance notice (in 2008); a student was expelled from school for having written and given out the fliers calling for liberalization of the hair code, without being given a chance to express his opinion on what he had done (in 2005); and a student was forbidden to run for the chairman of the student council, on the ground that he had been engaged in the activity to revise the school regulations (in 2009).

2) Questions

32. What is the reason that the children's freedoms of expression, association, and privacy are not fully protected at school? What measures could be undertaken to address this problem?

2. Freedom of religion

1) Current situation

33. In reality, the schools established by religious foundations require the students to join the religious activities at school, but the Government has not taken sufficient actions to resolve this problem. The same can be said about other institutions established by religious foundations. According to "The 2010 Survey on the Situation of Human Rights in Child Welfare Facilities" conducted by NHRCK, 47.1% of the childcare facilities and 74.3% of the institutions for children's protection and treatment require the children to participate in religious activities, and 8.3% of the children in the childcare centers and 10.8% of the children in the institutions for children's protection and treatment replied that they had been victimized for not having joined a religious activity.

34. More considerations must be made for religious minorities. For instance, the children who do not eat certain foods for a religious reason (e.g. pork) have some trouble in eating school meals, and the Muslim children find it difficult to offer a prayer at a particular time at school or kindergarten.

2) Questions

35. What are the reasons that the schools and other institutions which are established by religious foundations have not developed alternative programs to guarantee the children's freedom of religion? What measures could be undertaken to improve the situation? Additionally, does the Government have any plan to take actions to ensure that more considerations are made for religious minorities at

school or in other institutions for children?

3. Personal liberty, and prohibition of torture and other cruel, inhumane or degrading treatment or punishment

Corporal punishment

1) Current situation

36. The Periodic Report states that corporal punishment is prohibited in principle at school and allowed only in very limited cases when necessary for educational reasons (para. 144). NHRCK recommended in 2002 that corporal punishment should be expressly banned in the relevant legislation, noting that corporal punishment is a violation of the students' personal liberty. Still, corporal punishment remains as a controversial issue and is being used for allegedly educational purpose. Moreover, there exists no legislation banning corporal punishment on the ground of infringement on the rights of the child.

37. The tendency is that teachers are generous about corporal punishment. A survey conducted by the Korean Federation of Teachers' Associations in 2010 among the teachers in kindergartens and elementary and secondary schools showed that 82.1% of the respondents were opposed to a total ban on corporal punishment.

38. Recently, the education office in Gyeonggi Province announced an ordinance to protect students' basic human rights banning all forms of corporal punishment

2) Questions

39. What is the reason that, despite the repeated recommendations by the Committee on the Rights of the Child, corporal punishment prevails in this country? Does the Government have a plan to take legislative actions to prohibit corporal punishment?

Violence against student athletes

1) Current situation

40. Student athletes (students) are suffering a serious damage from violence against themselves. According to "The 2008 Survey on the Situation of Human Rights of Student Athletes" conducted

by NHRCK, 78.8% of the respondents experienced violence and 63.8% suffered sexual abuse, including sexual harassment, sexual misconduct and rape (27.9% were a victim of sexual assault by force or rape, not sexual harassment in verbal or visual terms). In this regard, NHRCK recommended in 2007 that the Government should come up with the measures to protect and promote the human rights of student athletes, including harsh sanctions against the violence to student athletes. Furthermore, NHRCK recommended in 2010 that the Government should create the guidelines for protection and promotion of human rights in the field of sports.

2) Questions

41. What measures does the Government plan to undertake to address the problem of violence against student athletes?

4. Children with no nationality

1) Current situation

42. Concerning the nationality of a child, the Republic of Korea acknowledges both paternal and maternal lineage and the principle of personal jurisdiction. Accordingly, the children of illegal migrant workers become stateless and may be denied all kinds of social benefits. The children who were adopted overseas and then were given up by the adopters also might become stateless. Indeed, in recent years, some reports have been made to the children protection agencies on the abuse against the children with no nationality.

2) Questions

43. Does the Government have accurate information on the status of stateless children? And, what measures does the Government plan to undertake to prevent children from becoming stateless?

V. Family Environment and Alternative Care for Children (Articles 5, 9~11, 18 (1) and (2), 19~21, 25, 27 (4) and 39)

1. Alternative care for children

1) Current situation

44. The Committee on the Rights of the Child, in the course of reviewing the 2nd Report, recommended that the Korean Government should place the families headed by children with no adult guardians in the care of foster families and expand the number of group homes and the foster care system by providing greater financial support to foster families and increasing the counseling and support mechanisms for foster families.

45. As was recommended by the Committee, some of the child-headed families have been replaced by foster families, increasing the number of the children in foster homes, although by a small margin. However, this comes from the rise in the number of the former children heads who were sent to their grandparents as their kinship care givers. Another problem here is that the children themselves must care for their grandparents. In this light, it is advisable to promote foster care by their relatives or other families who are able to provide substantial care and protection to those children. The reality is, however, that the number of the children living with the caregiving relatives or other foster families has decreased since 2007.

Table 1. The number of children in foster homes, by year

Year	Total	Grandparents' care homes	Relative care homes	Non-relative foster care homes
2006	14,465	9,062	4,160	1,243
2007	16,200	10,112	4,850	1,238
2008	16,454	10,709	4,519	1,226
2009	16,608	10,947	4,503	1,158

* Source: Ministry of Health and Welfare, 2010

2) Questions

46. What measures does the Government undertake to promote and support ordinary (non-relative) foster care homes as an alternative care system?

2. Adoption

1) Current situation

47. The Government's policy on adoption has not led to a substantial increase in national adoption, despite the Government's actions to protect the rights of the adopted children, improve the public awareness about adoption and support the adoptive families. In particular, the "Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption" has not been ratified by the Korean Government, because the relevant legislation and institutions, including the adoption permit system and a dedicated state agency are not established yet.

48. In spite of the Government's effort to promote national adoption, inter-country adoption still takes up a large majority of the total adoption cases. Almost all of the children with disabilities who are to be adopted are sent for inter-country adoption. A report by the Ministry of Health and Welfare shows that, during the years of 1995~2008, children with disabilities accounted for 0.5% (362 persons) in the total cases of national adoption (whereas children without disabilities accounted for 99.5%) and 24.0% (38,613 persons) in the total cases of intercountry adoption (whereas children without disabilities accounted for 76.0%).

49. As regards the adoption procedures, the children aged 15 or older should have a chance to give their consent to adoption, and an adoption may be dissolved by the agreement between the parties or by the court decision, in accordance with the Civil Code. The special law on promotion of adoption and the procedures of adoption does not have any provision on the dissolution of adoption and, therefore, there are many cases where adoption is dissolved simply by the agreement between the parties. According to the Justice Yearbooks published by the Supreme Court of Korea, the numbers of adoptions dissolved by agreement were 659 in 2005 and 729 in 2006, while those of adoptions dissolved by the court decision were 40 in 2005 and 33 in 2006.

50. The data on adoption is not managed in a systematic way. Since the individual adoption agencies do not exchange or share their data and information with each other, there exists a discrepancy in the information concerning the children to be adopted and those who want to adopt a child. Furthermore, as adopted children do not have easy access to their pre-adoption information, they have difficulty in finding their biological parents. In a bid to address these problems, the Government set up the Korean Central Adoption Resources in 2009. It is feared, however, that this agency may not function properly, given the lack of the legal foundation for its operation and the organizational and budgetary instability.

Table 2. The status of national and inter-country adoption, by year

Year	2003	2004	2005	2006	2007	2008	2009
National adoption	1,564	1,641	1,461	1,332	1,388	1,306	1,314
Intercountry adoption	2,287	2,258	2,101	1,899	1,264	1,250	1,125
Total	3,851	3,899	3,562	3,231	2,652	2,566	2,439
National adoption, as % of total	40.6%	42.1%	41.0%	41.2%	52.3%	50.9%	53.9%

* Source: Ministry of Health and Welfare, 2010

2) Questions

51. What are the specific reasons that the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption has not been ratified? What actions does the Government plan to take to ensure that the children's rights are not violated in the process of adoption or adoption dissolution and in relation to the management of the adoption-related data and information? What is the reason that intercountry adoption remains predominant? And what measures does the Government plan to undertake to address this situation?

3. Child abuse and neglect

1) Current situation

52. Despite the Government's consistent effort to prevent child abuse, the number of reported cases of child abuse continued to increase until it reached 9,309 in 2009. In particular, the cases of neglect and psychological abuse (two types of child abuse) are growing at the fastest rate and take up the largest portions in the cases of child abuse. In this light, the Government is required to take prompt actions to handle the cases of neglect and psychological abuse, as well as proactive measures to prevent occurrence of those cases.

53. According to a report by the National Child Protection Agency in 2009, the number of reported cases of repeated child abuse was 581, which underpins the need to provide consistent service to both the victims and the offenders of child abuse. The Periodic Report proposes more training and education programs, including cyber-education for the people responsible for reporting child abuse cases (para. 252). However, the 2009 publication released by the National Child Protection Agency, people who are not responsible for reporting child abuse takes up a much larger percentage (35,312 persons) than those with the reporting obligation (14,649 persons) in the total reported cases of child abuse.

Table 3. The number of child abuse cases, by type and year

	2003	2004	2005	2006	2007	2008	2009
Physical abuse	1,315	1,587	1,728	1,827	2,095	1,857	2,095
Psychological abuse	1,172	1,680	2,034	2,182	2,420	2,315	2,847
Sexual abuse	203	266	305	372	409	424	426
Neglect	1,514	2,071	2,416	2,842	3,018	3,105	2,939
Abandonment	126	160	176	106	92	94	43
Total	4,330	5,764	6,659	7,329	8,034	7,795	8,350

* Source: Ministry of Health and Welfare, *The 2009 Report on the National Situation of Child Abuse*

2) Questions

54. What measures does the Government plan to undertake to address the problem of child abuse, particularly including neglect and psychological abuse? What is the Government's plan on the follow-up service for the victims and offenders of child abuse with a view to preventing repeated child abuse? What measures does the Government plan to undertake to increase the proportion of the cases reported by those with the reporting obligation?

4. Maintenance of the child

1) Current situation

55. The Periodic Report states that the Family Litigation Act will be amended to facilitate the recovery of financial responsibility for the child in the event of divorce (para. 231). However, the amendment of the Family Litigation Act for the purpose mentioned above has yet to be made. As no guidelines exist on calculation and sharing of the financial responsibility for the child and divorce is made with no agreement on the financial responsibility for the child, including the child rearing expense, there are some cases where one party of the parents has to shoulder a greater burden of child rearing.

2) Questions

56. What is the Government's position about the introduction of the systems to enforce payment of the child rearing expense, such as "the enforcing order for the child rearing expense" (which is to recover the child rearing expense immediately from the property of the person with the obligation to pay the expense)" and "the state prepayment of the child rearing expense" (in which the Government prepays the child rearing expense for a certain period during which the responsible

person fails to pay the expense, and then exercise the right to indemnity to recover the paid expense from the responsible person)?

VI. Basic Health and Welfare (Articles 6, 18 (3), 23, 24, 26 and 27 (1)~(3))

1. Health service

Basic health of the child

1) Current situation

57. According to "The 2009 Study on Children and Youth", the average frequency of medical checkup in a year among the children recorded 0.6, which means that a majority of the children did not get any medical checkup in the whole year. The vaccination among the children aged 8 or below was rated at 70~80%.

58. A report made by the Statistics Korea in 2010 shows that the incidence of breastfeeding increased from 10.2% in 2000 to 24.2% in 2006 but is still low.

59. The 2009 Study on Children and Youth reveals that 45.1% of the children aged 12~18 did little exercise all through the week while the largest percentage of the children aged 3~11 did some exercise for 1~3 hours a week. The lack of exercise increases the probability of child obesity. By age group and income level, the incidence of child obesity was the highest in the poor class among the children aged 11 or below, and in the class immediately above the poverty line among the children aged 12~18. The National Youth Policy Institute conducted a survey of the children and youth ranging from fourth graders in elementary school to seniors in high schools in 2009, to identify the current status of child obesity in this country. The findings are that the general rate of child obesity in Korea is lower than in other countries, but the incidence of child obesity increases with age. In particular, the child obesity incidence is higher where the families have lower income and the parents have less education, which implies a significant relation between child obesity and poverty.

2) Questions

60. What measures does the Government undertake to promote medical checkup and vaccination of children? Please describe the Government's plan to prevent child obesity, for example, by establishing a medical service system for that purpose (in particular, taking into account the

correlation between child obesity and poverty).

Mental health of the child and their Internet addiction

1) Current situation

61. According to a 2008 survey by the Seoul School Health Promotion Center, the incidence of Attention Deficit Hyperactivity Disorder(ADHD) among the elementary school students in Seoul was rated at 3.8%. A 2009 publication by the Ministry of Health and Welfare shows that 29.9% of the secondary school students ever suffered from depression in 2005 and the rate was on the rise, recording 41.4% in 2006 and 41.3% in 2007.

62. According to a 2010 publication by the Statistics Korea, child suicides numbered 280 in 2005; 233 in 2006; 310 in 2007; 318 in 2008; and 450 in 2009, showing a sharp annual increase. In particular, the proportion of the children aged 15~19 was by far the largest, with 239 in 2005; 198 in 2006; 257 in 2007; 269 in 2008; and 369 in 2009.

63. The 2009 study of the National Information Society Agency reports that about 938,000 (12.8%) of those aged 9~19 were addicted to the Internet and 187,000 (2.6%) of them belonged to a high risk group which requires an immediate treatment. In a similar survey conducted by the Ministry of Gender Equality and Family among the children ranging from fourth graders in elementary schools to freshmen in junior high schools, it was found that about 20,000 (1.65%) of them belonged to the high risk group of Internet addiction.

64. The Periodic Report mentions 'providing mental health services' (para. 341), but fails to give detailed information on the mental health services specifically for children. In addition, the Report mentions the importance of early detection and treatment of mental disorders (para. 342), but also fails to present details on how to implement the programs for early detection and treatment.

2) Questions

65. What measures does the Government plan to undertake to promote mental health services for children? What actions does the Government plan to take to address the problem of growing child suicides? What measures does the Government plan to undertake to address the problem of children's Internet addiction?

2. Children with disability

Education of children with disability

1) Current situation

66. "The 2008 Survey on Persons with Disabilities" conducted in 2009 by the Ministry of Health and Welfare reveals that 74.5% of children with disability aged 9 or below did not use any day care facility and 80.5% of them did not go to a kindergarten. Namely, a large majority of children with disability aged 9 or below just stayed home, not using a day care center or a kindergarten.

67. A 2009 publication released by the Ministry of Health and Welfare shows that, as of 2008, there were 159 childcare facilities specifically for children with disability and 5,889 children with disability used these facilities, while there were 768 integrated childcare facilities with 3,513 children with disability. These figures tell us that a much larger number of children with disability used specialized facilities. Meanwhile, it is reported that 45% of the children with disability in need of childcare service use ordinary childcare facilities.

68. In 2007, the Ministry of Education, Science and Technology made a report that 35,340 children with disability were placed in special classes of ordinary schools while 7,637 children with disability were placed in ordinary classes. This means that children with disability and non-children with disability are still segregated in educational settings. The number of children with disability who are to be placed in ordinary classes is on the rise (the number increased by 1,704, respectively in 2008 and 2009) but there is an acute shortage of teachers with special education because the requirement for recruitment of those qualified teachers is only applicable to the schools with special classes.

2) Questions

69. What actions does the Government plan to take to realize completely free compulsory education for children with disability? Please specify the Government's plan on the full-scale implementation of the integrated education for children with disability in step with their development cycle.

Assistance for children with disability and their families

1) Current situation

70. The Government, in the 'Five-Year Plan on the Development of Policies on the Disabled (2008~2012)', announced that it would provide assistance for the families with children with

disability and expand rehabilitation treatment services for the children with disability younger than 18 with a brain disorder, language disorder or autism (paras. 312~315). At present, there are approximately 90,000 children with disability under the age of 18 with a brain or language disorder or autism and about 60,000~70,000 of them are in need of rehabilitation services. In 2009, these services were given only to 18,000 of them. The services available are far short of the demand. Furthermore, in a requirement for eligibility, the services are accessible only to the families whose monthly income is 100% or lower of the national average, and the out-of-pocket expense for the service was raised from 40,000 won in 2009 to 60,000 won in 2010.

71. The Government subsidies for the families with children with disability are given in three ways: disabled child allowance (4.5%); the support for educational expenses (4.9%); and the support for medical expenses (7.0%). These subsidies, however, will be reduced further as the Government has cut down on the 2011 budgets for the disabled child allowance by 100.3 billion won and the support for schooling of children with disability by 100 million won.

2) Questions

72. What is the Government's plan in relation to the assistance and services for children with disability and their families?

3. Child allowance

1) Current situation

73. The Korean Government provides child rearing allowance to a certain group of children in accordance with their parents' income level, instead of giving the universal subsidy of child allowance to all children. Child rearing allowance was previously available to the families with a child under the age of 24 months but, starting from January, 2011, is offered to the families immediately above the poverty line and with a child under the age of 36 months who does not use a childcare facility, and the amount varies depending on the age (in months) of the child.

2) Questions

74. What is the Government's position about the introduction of child allowance?

VII. Education, Leisure and Cultural Activities(Article 28, 29 and 31)

1. Competitive education geared to college entrance tests and the high costs of private education

1) Current situation

75. The problem of excessively competitive school education remains unresolved. The consequences are that children suffer physical and mental health problems and the children who have failed to adapt themselves to the competitive atmosphere drop out of school. Some stressed-out children even kill themselves. The Government has proposed various new systems in a bid to normalize public education, including the designation of autonomous private high schools and the college admission officer system, but it is feared that those systems have rather stepped up private education in the course. Disproportionate competition for college entrance, overemphasis on educational background, the growing costs of private education and the widening educational divide have yet to be solved.

76. According to the '2009 OECD Educational Index' released by the Ministry of Education, Science and Technology, Korea topped in the privately burdened portion of public schooling expenses. More precisely, the Korean Government covers 4.5% of the total public schooling expenses (which is lower than the OECD average of 4.9%) while the individual people pay 2.9% (which more than triples the OECD average of 0.8%).

77. The burden of private education costs is quite heavy. The 2009 statistical data on education shows that the private education participation rate of elementary and secondary school students was as high as 75.8%. According to a report of the Statistics Korea, the total cost of private education for elementary and secondary school students across the nation was estimated at 20 trillion 900 billion won in 2008. Private education expense accounted for 3% of the monthly average household expenditure in the 1990s, but it sharply grew to 12% in 2008. It is also reported that the households with the monthly average income of 7 million won or more spent 880% more on private education than the households that earned less than 100 million won per month, indicating a wide gap in private education expense between the haves and the have-nots.

2) Questions

78. What actions does the Government take to address the educational problems of excessively competitive school education, overemphasis on college entrance and too costly private education?

2. The right to education of the vulnerable groups of children

1) Current situation

Student athletes

79. "The 2008 Study on Human Rights of Athletes" conducted by NHRCK shows that the average number of regular class hours of an student athlete in secondary school (junior or senior high schools) was 2 hours when he/she was in a competition, and 4.4 hours when he/she was not, which was by far shorter than that of ordinary students. Furthermore, 82.1% of the respondents said that they didn't have supplementary lessons for what they had missed. In general, student athletes spend much more time on physical training than on regular lessons while at school and, as a result, they show a poor educational performance.

Child entertainers

80. According to the interview-based survey of 103 child entertainers conducted by the Youth Policy Analysis & Evaluation Center in 2010, 47.6% of them had ever missed more than half of the daily school lessons every week; 34.1% couldn't find enough time for their homework; and 40% didn't have their right to education fully guaranteed.

Child single mothers

81. A 2008 publication by the Ministry of Education, Science and Technology reports that 43% of the single mothers were in school and 23% got a request from the school to leave the school temporarily or permanently. According to the 2007 survey by NHRCK, 81% of the responding single mothers wanted to continue their schooling. NHRCK issued a recommendation that the Ministry of Education and other relevant government bodies undertake a measure to secure the rights to education of child single mothers in 2010.

Displaced North Korean children

82. A publication by the Ministry of Education, Science and Technology reveals that 1,143 displaced North Korean children attend to an elementary or secondary school. They often have difficulty in adapting themselves to the school life, largely because of the disruption of learning in the course of defection from the North and the language and cultural barriers in the South. The school dropout rate of displaced North Korean children is 6.1%, which is more than six times

higher than that of ordinary students (0.96%). To break down their school dropout rate by school level, the 2008 educational statistical data show that the rate is higher at the higher level of school: 1.4% in elementary schools; 9.0% in junior high schools; and 14.2% in senior high schools.

School dropouts

83. The numbers of school dropouts who have failed to adapt themselves to the school life and dropped out of school were 15,669 (0.8%) in junior high schools and 23,567 (1.3%) in senior high schools in 2005. Every year sees more than 30,000 school dropouts. However, only 2,872 persons (about 10% of annual dropouts) can be accepted by the authorized alternative schools now.

2) Questions

84. Does the Government have a systematic database on the right to education of the vulnerable groups of children, such as student athletes, child entertainers, child single mothers, displaced North Korean children and school dropouts? In addition, what actions has the Government taken to guarantee and promote their right to education?

3. Leisure and recreational facilities and their safety

Leisure facilities for younger children

1) Current situation

85. The youth-specific training facilities which are available to the children aged 9 or older have been governed by the Youth Activities Promotion Act. For this reason, the equipment and installments of the youth-specific training facilities are often unsuitable or even dangerous to the children under the age of 9: for example, the chairs are too high and the swimming pools are too deep for them. Moreover, there are not sufficient legal requirements or safety criteria on the activity facilities for younger children. There are only a few of leisure and recreational facilities for younger children that take into account their developmental characteristics. Concerns have been also raised about the safety of the playgrounds where younger children spend much of their time.

2) Questions

86. Does the Government have a plan to draw up a set of criteria on the leisure and recreational facilities that take into account the developmental characteristics of younger children? What measures

does the Government plan to undertake to expand the leisure and recreational facilities for children and promote safety of the facilities?

Safety of the child

1) Current situation

87. The deaths of children aged 14 or below due to safety accidents decreased from 15.3 per 100,000 population in 1999 to 6.0 in 2008, but the rate is still higher than the OECD average (in 2005) and places Korea in the 3rd standing among the OECD member nations (based on the 2009 data published by the Statistics Korea). When compared to some EU member states, Korea was 3.2 times higher with 8.7 deaths than Sweden with 2.7. Meanwhile, as the statistical data on children's safety accidents are only concerned with the children aged 14 or below, it is difficult to measure the status of the children aged 15 or older.

Table 4. OECD country standings in child fatalities from safety accidents

Year	OECD average	1st	2nd	3rd
2005	5.6	Mexico (13.6)	USA (9.2)	Korea (8.7)
1991~1995	10.5	Korea (25.6)	Mexico (19.8)	Portugal (17.8)

* Source: Statistics Korea, *OECD Intercountry Comparison of Child Fatalities from Safety Accidents*, 2009

2) Questions

88. Does the Government have an accurate understanding about the current status of safety accidents among the children aged 15~18? Does the Government have a plan to adjust the reference ages for statistical purpose in order to have a clearer understanding? And what measures does the Government undertake or plan to undertake to reduce children's safety accidents?

VIII. Special Protection Measures (Articles 22, 30, 32~36, 37 (b)~(d) and 38~40)

1. Sexual exploitation

Child sexual abuse

1) Current situation

89. The Government has increased protection of the victims of child sexual abuse in the course of criminal procedures, but the problem of secondary damage remains unresolved. The reason is not because no program exists to prevent such secondary damage, but because the program does not work properly in reality or is not effective enough. In effect, the practice of having the victims of sexual abuse make repeated statements is prevalent and the investigators cannot be trained to have sufficient expertise, despite the presence of the dedicated investigator system. In the process of interrogation, a child victim is supposed to be accompanied by a person he/she trusts, but in some cases, he/she was accompanied mistakenly by the person who was in favor of the offender. The courts of law in Korea have little space for a child to wait in before taking the witness stand in court.

90. In many cases, the families of the victims of child sexual abuse suffer as much as the children themselves but, under the current law, family members, relatives and other people who are in a close relationship with the child victims have no right to claim medical support. Counselling services or therapeutic programs are not offered to the siblings or school peers of the child victims (although the cases of sexual abuse at school have a serious adverse impact on school peers).

91. Schools usually conduct a one-off program on prevention of sexual abuse, by giving a lecture in the auditorium or broadcasting a lecture to the whole students or giving out printed materials. Once a case of sexual abuse occurs, schools often victimize the teachers who reported the case by treating them unfavorably in their personnel credits, or try to cover up or reduce the incident.

92. The Government has provided the ex-convicts of child sexual abuse with an educational program to prevent recurrence of child sexual abuse, but the program is neither streamlined nor financially sound. The Government has not made a systematic evaluation on the current status and the effect of the ongoing anti-recurrence measures.

93. Recognizing the need to address this situation, NHRCK recommended in 2010 that each of the relevant government ministries and agencies should improve their policies on supporting the victims of child sexual abuse and protecting their human rights.

2) Questions

94. It has been suggested that the measures to protect the victims of child sexual abuse in the course of criminal procedures and support them are not fully implemented or are not effective enough. Does the Government have a plan to improve those measures? What actions does the Government plan to take to correct the passive response of the schools in the event of child sexual abuse and their half-hearted program for prevention of sexual abuse? Does the Government have a system to monitor the implementation of the policy measures to prevent recurrence of sexual abuse and evaluate the effectiveness of those measures? What measures has the Government drawn up in response to the aforementioned NHRCK's recommendation in 2010?

2. Economic exploitation

Guaranteeing children's right to labor

1) Current situation

95. As is stated in the Periodic Report, child laborers are subject to special protection in Korea (para. 501). Still, the reality is that many children are exposed to poor working conditions, suffering unfair treatment and violations of the rights to health and education.

96. According to "The Supplementary Survey of the Economically Active Population Survey" published in August 2009 by the Statistics Korea, every one in five of the children aged 15~19 had a paid job, but 63.7% of the working children were paid less than the statutory minimum wage. The Survey also found that 18.5% of them worked longer than 7 hours a day (which is the statutory maximum workday for children) and only less than 10% were offered statutory working conditions, including social insurance programs and retirement pay. "The Analysis on Youth Part-time Jobs" (2010) published by the National Youth Policy Institute shows that 27.0% of the responding student workers and 54.0% of the responding children outside school ever did overtime work. Furthermore, they suffered verbal or physical violence or sexual harassment from customers, employers or senior workers while at work. At some workplaces, the employer instruct a child worker to take time off while he/she is not busy (for example, there are few customers at the store) and does not pay him/her for the time. Nevertheless, the school curricula hardly contain the subject of laborers' human rights that promotes the students' awareness about their rights as a worker.

97. In 2010, NHRCK recommended that the Government should figure out the status of the aforementioned irregular practice; come up with an action to remove the practice; revise the relevant

legislation to protect children's right to labor; reinforce the labor inspection on the workplaces employing children; take stronger proactive measures, such as the education on laborers' human rights for employers; and contain the subject of laborers' human rights as a compulsory one in the school curricula or take other measures to increase effectiveness of the subject.

2) Questions

98. What measures does the Government undertake to improve the poor working conditions of child workers? What measures has the Government come up with, in response to the recommendation (for improving the legislation and policies to protect the children's right to labor) that NHRCK made in this regard in 2010?

3. Immigrant children

Immigrant children's access to public education

1) Current situation

99. "The 2010 Survey of the Immigrant Children's Right to Education" by NHRCK found some cases where immigrant children were denied admission or transfer to the school. The Government amended the relevant legislation in 2008 to ensure that even the illegally staying immigrant children get schooling once their residence is confirmed, but the amendment is applicable only to elementary schools. NHRCK recommended the Government to extend the new system over to junior high schools (where Korean children receive compulsory and free education), and the Government revised the relevant legislation again in December 2010 in light of the NHRCK's recommendation.

100. In accordance with the amended legislation, immigrant children can enter the school only by proving their residence, but the NHRCK's survey in 2010 revealed that the practice of checking their visas was persistent in the pre-admission process, including the review of the documents submitted for their admission. For this reason, the immigrant children whose parents are unregistered foreigners have a particular difficulty in getting admitted to the school.

101. The level of Korean language training for immigrant children differs from school to school, depending on the capacity of the school concerned. Meanwhile, pre-school immigrant children are mainly dependent on individual persons or private organizations for Korean language skills, because there exists almost no public system of that purpose. Their poor Korean-speaking ability makes it hard for them to adapt themselves to the school life.

102. According to the NHRCK's survey in 2010, the key reasons of the immigrant children's school dropout are 'too difficult lessons at school', 'crackdowns on foreigners without a visa', 'disregard from Korean students' and 'the burden to pay school tuitions'. Although some schools make efforts to prevent their dropout, by giving guidance on their school life and providing mentoring and counseling service, many other schools do not make such efforts.

2) Questions

103. What measures does the Government undertake to prohibit immigrant children from being denied admission or transfer to school, strengthen Korean language training for immigrant children and prevent their school dropout?

Protection of children in the course of the crackdown on illegal migrant workers

1) Current situation

104. When illegal migrant workers are detected while living with their family, they are brought to a foreigners' shelter for protection before leaving this country. In this case, there are not sufficient institutional arrangements to protect their children. The foreigners' shelters do not take any other alternative measure than taking custody of their children. The Immigration Control Law does not include any particular provisions on treatment of unregistered immigrant children or minimum protective actions for the children in custody, such as humanitarian contacts with their parents. In some cases, unregistered immigrant children are left alone while their parents are in custody.

105. Under the Immigration Control Law, public servants are required to report an offender of the law or a person who is subject to forcible eviction if and when they find such person (public servants' reporting obligation). For this reason, some unregistered migrant workers would not have their children attend to school for fear that their illegal status might be revealed. The Government decided to exempt educational public servants (including teachers) from this obligation and notified all relevant educational institutions of this decision. However, it is not widely known yet to school teachers or migrant workers.

2) Questions

106. Does the legislation concerning immigration have a separate provision on protection of the human rights of immigrant children? If not, or if the provision is not sufficient, what measures could the Government undertake to address the problem? What actions does the Government plan to

take to prevent any adverse effect on the physical, psychological and emotional development of immigrant children, in the course of regulating illegal migrant workers and protecting the children?

4. Children in the entertainment or recreational business

1) Current situation

107. With the rapid growth of the entertainment or recreational business, children are taking part in all of the media areas and cultural sectors, including TV, radio, musicals, films and advertisements. Recently, a growing number of non-entertainer children make their appearance in this business.

108. As mentioned before, the right to education of child entertainers is not fully protected. Moreover, according to the interview-based survey of 103 child entertainers conducted by the Youth Policy Analysis & Evaluation Center in 2010, 35.9% of the respondents worked 8 hours or longer a day; 10.3% worked 40 hours or longer a week; and 41.0% worked nighttime or holiday hours. Another concern is that they are increasingly regarded as sexual objects. The survey found that 10.2% had ever 'overexposed' their body parts, 60% of whom were forced to do so. It was also revealed that they suffered insomnia (64.3%) and took medication for depression (14.3%).

2) Questions

109. What measures does the Government undertake to protect the human rights of child entertainers and other children in the entertainment or recreational business?

IX. Optional Protocols

1. Campaign and training on Optional Protocols

1) Current situation

110. As regards the campaign and training of the Optional Protocol on Sale of Children, Child Prostitution and Child Pornography, the Periodic Report states that the Government has developed training materials, enhanced sex education at school and distributed sex education textbooks to schools, conducted campaign programs to prevent sexual abuse and trained sex education teachers (paras. 536-539). However, in the process of formulation and implementation of these policy measures, the contents of the Optional Protocol are not fully taken into consideration.

111. As regards the campaign and training on the Optional Protocol on Children in Armed Conflict, the Periodic Report states that the training curricula for the Korean troops dispatched overseas include education on children's rights (para. 582). However, it is not possible to understand exactly how the provisions and principles of the Optional Protocol are implemented in the course. The Periodic Report also states that the Ministry of National Defense has monitored the implementation status of the Convention on the Rights of the Child and the Optional Protocol. But it is not easy to find the cases where the Ministry worked with other government ministries or agencies for collaboration or policy coordination.

112. All considered, it doesn't seem that the Government has carried out consistent and systematic programs for campaign and training on the two Optional Protocols.

113. At present, the general public has very low awareness about the Optional Protocols, and the campaign and training efforts for public servants and child-related specialists are not properly made.

2) Questions

114. Does the Government make full efforts to increase public awareness about the two Optional Protocols in all the areas within the national territory? Does the Government ensure that the ideas and principles of the Optional Protocols are reflected in the course of implementation of the relevant policies?

2. Implementation of the Optional Protocol on Sale of Children, Child Prostitution and Child Pornography

Child pornography

1) Current situation

115. Even though the Committee on the Rights of the Child once recommended the Korean Government to amend the national legislation in compliance to the relevant provisions of the Optional Protocol, the definition of child pornography and penal provisions contained in the law concerning sexual protection of children and youth do not conform to Article 2 (c) of the Optional Protocol. For instance, the child pornography as defined in the law does not include an adult who looks like a child engaged in sexual activities or the image of a non-existent child. The law imposes a criminal penalty only when a child under the age of 13 has directly participated in producing a material of child pornography, and does not provide for penalization of the cyber child

pornography using computer graphics technologies.

2) Questions

116. Does the Government have a plan to amend the legislation on child pornography in light of the relevant provisions of the Optional Protocol? Does the Government have accurate information on the victims of child pornography? What measures does the Government undertake to solve this problem?

Child prostitution

1) Current situation

117. According to the statistical data released by the Government, the incidence of child prostitution has decreased, largely thanks to the enactment of the Special Law on Prostitution in 2004 and the intensive and extensive crackdowns on prostitution in 2006. However, child prostitution is still persistent. In particular, child prostitution takes place in various channels, as is illustrated in the report that, in 2007, 93.6% (701 out of the total 839 cases) of the child prostitution incidents were Internet-based.

118. At present, the government policies to protect and support the victims of child prostitution are enforced by two ministries: the Ministry of Health and Welfare and the Ministry of Gender Equality and Family. This means a dual structure in the relevant legislation, the coverage of beneficiaries, the definition of criminal activities and the operation of service agencies. This duality might cause a confusion to both the enforcing ministries and the service users.

119. According to the statistical data released by the Ministry of Gender Equality and Family in 2010, the proportion of male children in the victims of child prostitution is low now but continues to grow, and the ages of the victims are getting younger.

120. Due to a large number of cases of child prostitution involving Korean people in Kiribati, Thailand and the Philippines, Korea is cited as a typical nation in violation of the children's human rights but the Korean Government has not taken responsive measures to address this issue.

Table 5. The number of victims of child sex trafficking, by gender (in no. of person (%))

Gender of victim	Year									Total
	2000	2001	2002	2003	2004	2005	2006	2007	2008	
Male	1	5	5	4	4	22	13	5	10	69
	(0.4)	(0.6)	(0.5)	(0.4)	(0.2)	(1.5)	(1.4)	(0.8)	(2.6)	(0.8)
Female	245	885	1019	1019	1916	1484	937	661	371	8537
	(99.6)	(99.4)	(99.5)	(99.6)	(99.8)	(98.5)	(98.6)	(99.2)	(97.4)	(99.2)
Total	246	890	1024	1023	1920	1506	950	666	381	8606
	(100.0)	(100.0)	(100.0)	(100.0)	(100.0)	(100.0)	(100.0)	(100.0)	(100.0)	(100.0)

* Source: Ministry of Gender Equality and Family, *The Analysis on the Trends of Child Sex Crimes*, 2010

Table 6. The number of victims of child sex trafficking, by age group and year

(in no. of person (%))

Age of victim	Year									Total
	2000	2001	2002	2003	2004	2005	2006	2007	2008	
7-13	19	50	78	75	127	153	71	54	47	674
	(7.7)	(5.6)	(7.6)	(7.4)	(6.6)	(10.2)	(7.5)	(8.2)	(12.9)	(7.9)
14-15	74	322	366	356	699	607	376	259	161	3220
	(30.1)	(36.4)	(35.8)	(34.9)	(36.6)	(40.5)	(39.6)	(39.5)	(44.2)	(37.6)
16-18	153	513	578	589	1085	740	503	343	156	4660
	(62.2)	(58.0)	(56.6)	(57.7)	(56.8)	(49.3)	(52.9)	(52.3)	(42.9)	(54.5)
Total	246	885	1022	1020	1911	1500	950	656	364	8554
	(100.0)	(100.0)	(100.0)	(100.0)	(100.0)	(100.0)	(100.0)	(100.0)	(100.0)	(100.0)

* Source: Ministry of Gender Equality and Family, *The Analysis on the Trends of Child Sex Crimes*, 2010

2) Questions

121. What actions does the Government plan to take to address various types of child prostitution, including Internet-based child prostitution and oversea tours for child prostitution? Does the Government have data and information on the victims of child prostitution? What measures does the Government undertake to provide the victims with protective and supportive services for their social reintegration and physical and psychological recovery (including the age-specific or gender-specific measures)?