

**Opinion of the National Human Rights Commission of Korea on the draft of revised General Comment No. 10 on children’s rights in juvenile justice**

The National Human Rights Commission of Korea (hereinafter, NHRCK), as an independent national human rights institution of Republic of Korea (hereinafter, ROK), submits its comment on the current draft of revised General Comments No. 10 (2007) as below to the Committee on the Rights of the Child.

**Regarding the paragraph 33**

The government of ROK(Ministry of Justice), amidst increasing public opinion requesting for strengthening punishment on violent crime committed by juveniles and abolishing the Juvenile Act, announced the 1st Master Plan on Prevention of Juvenile Delinquency (2019-2023) on 19 December, 2018, and stated that it plans to lower the age of criminal minors[[1]](#footnote-1) from the current 14 to 13.

However, the NHRCK expressed its opinion on 26 November, 2018, to the Speaker of the National Assembly and Minister of Justice that the partial amendment to the Criminal Act which lowers the age of criminal minors and the partial amendment to the Juvenile Act which lowers the upper limit of the age (under 14) of the children who violated the Criminal Act and aged from 10 to under 14 are against the idea of recovery and social reintegration of juvenile prescribed under the international human rights standards including the Convention on the Rights of the Child and are not desirable as practical measures to prevent juvenile crime.

The NHRCK agrees with the current draft of revised General Comment No. 10 which would increase the minimum age of criminal responsibility from 12 to 14, and hopes the revised General Comment be adopted and announced in the nearest future and be reflected in the consideration of report of ROK scheduled in September 2019.

1. In ROK, criminal minors, children under the age of 14, are not punished under the Criminal Act. However, children violated the Criminal Act and aged from 10 to under 14 are applied to the Juvenile Act and can be subjected to protective disposition which has the characteristic of detainment such as probation or placement in youth detention centers(under 6 months). [↑](#footnote-ref-1)