



*Permanent Mission of the Republic of Korea
Geneva*

*Avenue de l'Ariana 1 P.O.Box 42, 1211 Geneva 20
Tél: +41(0)22 748 0000 / Fax: +41(0)22 748 0001
geneva.korea@mofa.go.kr*

KGV/192/2025

The Permanent Mission of the Republic of Korea to the United Nations Office and Other International Organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights (OHCHR) and has the honour to submit, as enclosed, the response of the Government of the Republic of Korea to the joint communication from Special Procedures, dated 22 October 2025 (AL KOR 7/2025).

The Permanent Mission of the Republic of Korea to the United Nations Office and Other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights (OHCHR) the assurances of its highest consideration.

Geneva, 18 December 2025

Enclosed: as stated



Office of the United Nations High Commissioner for Human Rights (OHCHR)

The Government of the Republic of Korea's Response to the Joint Communication from Special Procedures

(17 December, 2025)

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.

In the aftermath of the Korean War, intercountry adoption was pursued as a protective measure in response to a sharp increase in the number of children in need of care and the limited availability of domestic child-welfare resources. At that time, intercountry adoption was intended to provide children requiring protection with stable and sustainable care within a family environment.

However, adoption procedures were largely conducted through private adoption agencies, and the State's responsibility and oversight functions were institutionally limited compared to current standards, resulting in structural constraints in ensuring comprehensive supervision.

Since the enactment of the *Act on Special Cases concerning Orphan Adoption* in 1961, which established the legal foundation for the adoption system in the Republic of Korea, the Government has undertaken multiple rounds of legislative reforms and institutional reforms. Through these efforts, the State has progressively strengthened its role and supervisory framework to better safeguard the rights of children, birth parents and adoptees throughout all stages of the adoption process.

As a State Party to the Convention on the Rights of the Child since 1991 and a member of the United Nations Human Rights Council for the 2025–2027 term, the Republic of Korea has, in close coordination with local governments and relevant ministries and upholding transparency and accountability in adoption policies, undertaken every legislative and administrative effort to ensure that the rights of the child are effectively protected and promoted.

In particular, through amendments to the *Civil Act and the Act on Special Cases Concerning Adoption*, Korea introduced a family court authorization system for adoption, thereby establishing procedural safeguards that strengthen State responsibility. In addition, amendments to the *Family Litigation Act* require family courts to hear the views of minor adoptees aged 13

and above during adoption authorization proceedings, reinforcing children's rights to be heard and to participate, as enshrined in the Convention on the Rights of the Child.

Furthermore, in order to realize policies that fully uphold the principle of the best interests of the child, the Government ratified the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption this year. To ensure the full and effective implementation of the Convention, relevant legislation has been comprehensively revised, including amendments to the *Special Act on Domestic Adoption* and the enactment of the *Act on Intercountry Adoption* (July 2025). In parallel, Korea has introduced a systemic reform of its adoption system by transitioning to a public adoption framework under which the State and local governments assume responsibility for managing and supervising the entire adoption process, thereby advancing human rights-centred policy approach.

Moreover, for the first time at the national level, past cases of alleged human rights violations related to intercountry adoption have been subject to fact-finding investigations by an independent State institution, the Truth and Reconciliation Commission. Following the investigations, the Commission issued recommendations aimed at restoring the rights of domestic and overseas victims, and at providing reparation and other remedial measures. In response, relevant ministries have translated these recommendations into concrete implementation plans and the President of Republic of Korea officially conveyed a sincere apology¹ and words of comfort to the overseas adoptees, as well as to their adoptive families and families of origin. These efforts demonstrate a coherent and forward-looking approach, whereby truth-seeking and accountability for past human rights violations are pursued in parallel with the incorporation of those lessons into the future adoption policies.

2. Please provide information on the measures taken to support full accountability and reparations for recognized and identified victims of human rights violations committed in the context of the intercountry adoption programme, including enforced disappearances.

The Government of the Republic of Korea formed the Truth and Reconciliation Commission pursuant to the *Framework Act on Settling the Past for Truth and Reconciliation* (herein after the *Framework Act*). The Commission was entrusted with investigating incidents in history, including alleged human rights violations, and with promoting social cohesion as part of a broader process of truth-seeking and reconciliation.

¹ Reference: official statement posted on the website of the Presidential Office (<https://president.go.kr/president/speeches/zhendxM2>)

In carrying out its mandate, the Commission assessed allegations of serious human rights violations on the basis of the constitutional principles of human dignity, value, and the right to pursue happiness, as well as under international humanitarian law, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Convention on the Rights of the Child. Its decisions reflected a holistic evaluation of the nature and patterns of violations, including their severity, complexity, and broader impacts. Over a four-year period, the Commission reviewed more than 20,000 cases and issued over 2,000 findings of truth, including 98 recognized victims of human rights violations in intercountry adoption-related cases.

However, as highlighted by the Commission itself, as well as domestic and international civil society organizations and the National Assembly, there has been a broad consensus that those efforts must not end with mere fact-finding. Rather, the process should progress toward comprehensive responsibility for redress, ensuring substantive right to meaningful and effective remedies for victims. Reflecting this shared recognition of our society, a bill to amend the *Framework Act* has been introduced and is currently in the deliberation stage in the plenary of the National Assembly.

Under the proposed amendments, the mandate of the Commission's third term would be strengthened in the following key respects. First, the scope of truth-seeking would be expanded to cover alleged human rights violations involving private adoption agencies. Second, the Commission would be granted additional powers, including the authority to request search and seizure warrants and to file criminal complaints or refer cases for investigation. Third, a legal basis would be established for enacting a separate statute to set standards for compensation or reparation for victims. In addition, a special provision would be introduced for exceptions to the statute of limitations for claims for damages arising from cases in which the Commission has issued findings of truth. Further details are provided in the latter part of this document.

3. Please provide information on the Government's plans to implement or respond to recommendations proposed by the Truth and Reconciliation Commission, as well as any plans to resume or reopen investigations into the unresolved cases.

In line with the recommendations of the Commission, the President of the Republic of Korea noted recent court judgements and the findings of investigations conducted by the Truth and Reconciliation Commission, which identified instances of unjust human rights violations in overseas adoption processes. Acknowledging the State's insufficient exercise of its

responsibilities in past adoption practices, he expressed a sincere apology to the individuals impacted.

The sincerity of a State apology is ultimately affirmed through the implementation of concrete non-recurrence measures. In this regard, the Government is preparing a detailed action plan outlining how it will implement the Commission's recommendations and institutionalize measures to prevent any recurrence and the Ministry of the Interior and Safety will coordinate these implementation plans.

Specifically, in order to ensure the effective implementation of the Commission's recommendations, the Ministry of the Interior and Safety has established the Committee for the Review and Coordination of Measures Concerning Past Affairs under the authority of the Minister. The Committee deliberates and adopts decisions related to: ▲setting the Government's overall direction for implementation; ▲monitoring and coordinating the implementation status of relevant ministries; and ▲overseeing follow-up measures concerning the work of commissions whose mandates have concluded. In the next phase, the Ministry will receive and consolidate implementation plans from all relevant ministries and manage progress and outcomes in a systematic manner.

The Ministry of the Interior and Safety, in consultation with relevant ministries and agencies responsible for civil status records, including family registries, will provide proactive support to victims of intercountry adoption identified through the Commission's findings of truth who seek to correct inaccuracies in their current family records.

The Ministry will ensure that the correction process is accessible and streamlined by offering clear procedural guidance on required document and steps, strengthening follow-up and accompanying assistance, and minimizing any legal or administrative burdens that may arise in the course of such rectification. These measures aim to facilitate timely and efficient corrections, thereby contributing to the protection of human rights and the promotion of social cohesion.

The Government is currently preparing for the launch of the Third Truth and Reconciliation Commission (TRC). The Third TRC is expected to embark on its mandate in February 2026, coinciding with the completion of the administrative closure of the Second TRC, and will immediately assume responsibility for continuing investigations into allegations of human rights violations that were left unresolved during the mandate of the Second TRC².

² The Second TRC, which concluded its investigative mandate after approximately four years, publicly released a comprehensive report summarizing its truth-seeking activities and findings on 18 November 2025. The remaining

The government will continue to support the Third TRC so that it may ensure institutional continuity with the previous Commission, and pursue additional truth through more systematic and thorough investigations, and in close cooperation with other relevant ministries and institutions, so that the Commission can put in place measures for reconciliation.

4. Please clarify how the suspension of the investigations conducted by the Truth and Reconciliation Commission is compatible with the State's obligation to conduct prompt, independent, impartial and thorough investigations into allegations of gross human rights violations.

The Second Truth and Reconciliation Commission, which was launched in 2020, investigated approximately 20,000 cases during its four-year mandate. However, due to the expiration of its investigative period, the Commission decided to suspend investigations into approximately 2,000 cases that remained pending.

The Government shares the view that the swift establishment of a Third Truth and Reconciliation Commission is necessary in order to respond to the strong aspirations of victims and their families for truth regarding past injustices, as well as to the calls from civil society organizations and academic circles both domestically and internationally. The Government also concurs with the recommendation that ensuring the smooth transfer of all records, including the investigative files of the Second Commission, is essential in securing continuity in truth-seeking efforts.

In advancing a follow-up Commission, the Government will closely monitor the progress of relevant legal procedures, including the passage of amended legislation by the National Assembly. At the same time, the Government remains committed to fulfilling its obligations to conduct investigations that are adequate, effective, and prompt, and to ensuring that the rights to truth, justice, reparations, and guarantees of non-repetition are upheld, including through the provision of appropriate and effective remedies.

5. Please provide information on planned measures to provide reparations to those who have already been recognized as victims by the Truth and Reconciliation Commission.

administrative closure procedures of the Second TRC are currently under way and are scheduled to be completed by 26 February 2026.

Under the *State Compensation Act*, the Government operates a legal system that enables individuals to file claims for damages against the State when public officials, in performing their official duties, cause harm through an intentional or negligent violation of the law. Where the relevant facts and the existence of harm are legally recognized³, the State provides compensation to the victim in accordance with judicial determination.

Under the existing legal framework, the absence of specific provisions on compensation and reparation means that following a finding of truth, victims are required to pursue individual litigation in order to obtain redress. This situation poses a significant challenge for victims to ensuring timely relief and in some cases, the lapse of statutory limitations has resulted in the denial of State liability.

In view of these concerns, proposals have been put forward to amend the *Framework Act on Settling the Past for Truth and Reconciliation* to establish a framework for redress.

The main elements of the proposal are as follows:

- (i) The amendment explicitly affirms the right of victims and bereaved families to submit their views during the truth-seeking process, and codifies the State's obligation to guarantee this right and to take measures to prevent further psychological harm to victims and their families during such proceedings.
- (ii) It introduces a new provision establishing a consultative platform for gathering opinions on the composition and operation of the Commission, the procedures for truth-finding, the protection of victims' rights, and matters relating to compensation, reparation, and the restoration of honor.
- (iii) It requires that standards for compensation or reparation for victims, bereaved families, and others affected by incidents subject to the Commission's findings of truth through an independent compensation act.
- (iv) It abolishes the objective statute of limitations for claims arising from cases where findings of truth have been issued. It also introduces a transitional measure allowing individuals whose subjective limitation period expired prior to the amendment's entry into force to file claims for damage within three years from that date, thereby expanding access to remedies.

³ With respect to cases in which the factual circumstances and legal proceedings remain ongoing, the Government will fully respect the judgments rendered by the courts and will take appropriate action in accordance with those outcomes.

- (v) The amendment enshrines the State's obligation to take necessary measures to provide compensation or reparation for victims recognized through findings of truth, as well as to ensure victim recovery, restoration of honor, guarantees of non-recurrence, and the promotion of social integration.

By establishing a comprehensive framework for prompt and equitable compensation, the proposed amendment is expected to remove the need for separate litigation by victims recognized through the Commission's findings of truth and to advance a just system of redress contributing to reconciliation and unity.

6. Please provide information regarding any plans to support biological families who may be searching for their children, including measures to assist in tracing their loved ones.

The Ministry of Health and Welfare implements the following measures to support adoptees in searching for and reconnecting with their families of origin:

- (i) Adoption-related records—formerly dispersed across child-care facilities, adoption agencies, and other institutions—are being centralized, collected, and transferred to the National Center for the Rights of the Child. The Ministry is also enhancing the preservation and management system for these adoption records.
- (ii) Procedures have been established to allow adoptee to request, and have access to, adoption-related information. In accordance with applicable law, birth-related information is provided through an adoption information disclosure mechanism.
- (iii) The National Center for the Rights of the Child, the Korean National Police Agency (KNPA), and the Overseas Koreans Agency jointly support DNA testing and registration to confirm the family relationships of adoptees of unknown origin. Overseas adoptees may submit DNA samples and register them either through diplomatic missions in their country of residence or police stations in Korea. Their DNA profiles are then compared against the domestic DNA database of missing children and their families. If a match is found, the police provide notification and support for family reunification.
- (iv) In cases where family identification cannot be achieved solely through adoption records or DNA information, additional support including media outreach and public announcements, may be offered at the request of the adoptee, in cooperation with relevant media organizations.
- (v) The government provides support for homeland visits by overseas adoptees, including coordinated visits to relevant agencies for family tracing, facilitation of meetings with

biological family members, and necessary support services such as correspondence exchange, translation, and interpretation.

7. Please clarify whether there are any measures to ensure that adoptions or placements of children that originated in gross human rights violations, including enforced disappearance, can be reviewed and, where appropriate, annulled.

The legal framework has been strengthened to ensure that, where the rights of a child are violated in the intercountry adoption process or where serious concerns arise regarding the procedural legitimacy of the adoption, the procedure may be suspended or subject to reconsideration.

Under the *Act on Intercountry Adoption*, if concerns arise during inter-agency consultations—such as doubts regarding the authenticity of the birth parents' consent, significant changes to the child's protection situation or legal status, or the emergence of facts requiring verification—the adoption procedure may be suspended, and the necessary fact-finding investigation may be undertaken.

If, during the investigation, there is reason to suspect a serious human rights violation or if it is determined that the adoption has not been carried out in accordance with lawful procedures, the adoption process may be suspended in accordance with the law. Relevant information is then shared among relevant national authorities involved in the intercountry adoption process.

8. Please clarify whether any investigation has been undertaken to determine the responsibility of individuals and private agencies involved in the falsification of data and documents.

Each year, the KNPA conducts joint nationwide searches with the families of missing children and other relevant persons by inspecting child-care and disability-care facilities across the country, contributing to broader truth-finding efforts⁴

9. Please provide information on the Government's plans to ensure that the Hague Convention on Intercountry Adoption is implemented in compliance

⁴ Overview of the Joint Family Search Programme: Since 2005, the police, relevant government agencies, and families of missing persons have conducted joint visits and inspections of child-care facilities and other locations vulnerable to human rights violations, with the aim of identifying long-term missing children and other missing family members.

with international human rights standards, including with respect to necessitating appropriate oversight and safeguards aimed at ensuring that adoptions take place solely in the best interests of the child.

To ensure that adoption is carried out in a manner that fully upholds the best interests of the child and with respect for his or her fundamental rights, the Government has strengthened public oversight and procedural safeguards throughout the adoption process through the implementation of the *Special Act on Domestic Adoption* and the *Act on Intercountry Adoption*.

Local government authorities determine appropriate child-protection measures through case review meetings, and they retain responsibility for the child's care until the completion of the adoption process.

For intercountry adoption, the Minister of Health and Welfare may approve an adoption only following a formal review by the Adoption Policy Committee, which determines whether intercountry adoption is in the best interests of a child for whom no suitable domestic placement would be available. The eligibility assessment and matching of prospective adoptive parents are also subject to deliberation by the Committee, thereby reinforcing State responsibility throughout the process.

Additional procedural safeguards are in place, including the requirement of authorization by the Family Court, home-study assessments, strengthened post-adoption monitoring, unified management and disclosure of adoption records, and mechanisms for the suspension or reconsideration of intercountry adoption procedures. These safeguards enhance child-protection standards at every stage of the process.

Furthermore, the Government is reinforcing cooperation frameworks with foreign Central Authorities to ensure the effective implementation of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption. These efforts aim to maintain a responsible, rights-based adoption system aligned with international human rights standards.

10. Please provide information on measures put in place to prevent and combat illegal acts and illicit practices that may result in the sale of children and illegal adoption.

To prevent and address illegal acts and illicit practices that may lead to the sale of children or illegal adoptions, the Government has put in place the following institutional safeguards:

First, the Republic of Korea has transitioned to a fully public adoption system in which national and local governments assume responsibility for all stages of the adoption process, thereby structurally eliminating opportunities for private or informal intervention. Throughout the process, strict procedural standards are applied in accordance with the relevant law, including mandatory counselling for birth parents, verification of the authenticity of consent, and the prohibition of any financial inducement, brokerage activity, or improper influence.

Second, when an illegal act is suspected, a legal and judicial mechanism is in place to transmit the case to investigative authorities. Relevant legislation further provides for penalties for illegal acts, thereby enabling appropriate and due measures to ensure accountability.

Third, post-adoption monitoring mechanisms are implemented to assess the child's adjustment, provide counselling and support services, and facilitate access to adoption-related information. These measures allow for early detection of risks and reinforce transparency and safety throughout the process.

The Government remains committed to further strengthening these safeguards to protect the rights of the child and to uphold the integrity of the adoption system.

Under Article 6⁵ of the *Act on Protection and Support of Missing Children*, individuals responsible for the care or supervision of children—such as those working in child-care facilities, shelters, and medical institutions—are legally required to report any discovery of a missing child to the police. Failure to comply with this obligation is subject to an administrative fine of up to KRW 2 million. /END/

⁵ Article 6 (Duty to Report) stipulates that any of the following persons shall, without delay, report to the police through the reporting system operated by the Commissioner General of the KNPA upon discovering a missing child in the course of performing his or her duties:

1. The head or employee of a child-care or protection facility;
2. A public official who takes exclusive charge of child welfare under Article 13 of the *Child Welfare Act*;
3. The head or employee of a juvenile protection and rehabilitation center under Article 35 of the *Juvenile Protection Act*;
4. A public official in exclusive charge of social welfare under Article 14 of the *Social Welfare Services Act*;
5. Medical personnel who practice medicine in, a person working at a medical institution defined in Article 3 of the *Medical Service Act*, and the head thereof;
6. A person who substantially protects and supervises children, etc. on the basis of business, employment relationships, etc.