

Mandates of the Special Rapporteur on trafficking in persons, especially women and children; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the sale, sexual exploitation and sexual abuse of children and the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence

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22 October 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on trafficking in persons, especially women and children; Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on the sale, sexual exploitation and sexual abuse of children and Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, pursuant to Human Rights Council resolutions 53/9, 54/14, 52/26 and 54/8.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning allegations of human rights violations arising in the context of intercountry adoption of children from the Republic of Korea between 1955 and 1999.

According to the information received:

Following the end of Korean War, the Government of the Republic of Korea reportedly arranged intercountry adoptions of about 141,778 children between 1955 and 1999, in collaboration with private adoption agencies and intermediaries in the Republic of Korea, Europe and North America.¹ The Ministry of Health and Welfare of the Republic of Korea later acknowledged that the surge in adoptions from the 1960s to 1980s² was driven in part by the Government's attempt to cut welfare spending to balance reductions in foreign aid as well as to lower the cost of assisting orphans and children born of interracial relationships. The consideration of potential adoptees was later widened to include children of single mothers. In order to facilitate intercountry adoption, the Government established preliminary institutional and legal grounds by creating a Child Placement Service in January 1954 and passing the Special Adoption Act for Orphans in September 1961. Under the 1961 Act, private adoption agencies were granted discretion to oversee a simplified adoption process, including child intake, adoptive parents screening, guardianship, legal processing, departure arrangements and finalization of adoption procedures overseas. Pursuant to this framework, intercountry adoptions were allegedly processed unlawfully between 1955 and 1999, in the absence of adequate governmental oversight and protective measures aiming at preventing, among others, the commission of human rights violations against

¹ Data estimated and considered by the Truth and Reconciliation Commission in its investigation into the human rights violations in the context of intercountry adoption cases.

² According to the Korea Adoption Services under the Ministry of Health and Welfare, 7,275 children were adopted overseas in the 1960s, which increased by about 6.6 times to 48,267 in the 1970s, and by 8.9 times to 65,321 in the 1980s. During the same period, intercountry adoptions often surpassed domestic adoptions. For more information, see: https://www.kadoption.or.kr/en/info/info_history.jsp

the children involved and their biological families. Within this context, the identities and familial histories of children were reportedly lost, falsified, or deliberately fabricated. In order to render children eligible for adoption, intermediary agencies and State authorities allegedly registered them as abandoned, irrespective of their actual circumstances and without express parental consent. Furthermore, adoptees were reportedly left without appropriate legal protections after being sent abroad for adoption. Parental consent and family court authorization only became mandatory for intercountry adoption after the 1961 Act was superseded with amendments, including the Special Act on Adoption of 2012, and requisite safeguards around intercountry adoptions were instituted from 2012 onwards. More recently, the Government passed the Special Act on Intercountry Adoption in July 2023, ensuring that intercountry adoptions are no longer managed independently or unilaterally by private agencies or intermediaries, and requiring that all adoption records are kept with the Korean National Center for the Rights of the Child.

In view of the above allegations, a total of 367 now-adult adoptees who have been sent overseas between 1964 and 1999 to eleven different countries filed a petition to the Truth and Reconciliation Commission in 2022³. The petitioners alleged a violation of the right to identity in the context of intercountry adoption procedures, noting that their identities had been altered, duplicated or wrongfully registered through forged documentation misrepresenting their status as abandoned children or orphans without the knowledge of, or express consent from, biological parents or legal guardians. Some petitioners also claimed that their adoptive parents did not meet the eligibility criteria, which resulted in their being placed in unfitting or abusive households or obtaining citizenship in the country of adoption only after they have reached the age of majority. Furthermore, the petitioners argued that the Government of the Republic of Korea should be held accountable for the human rights violations that occurred in the context of the intercountry adoption process, on the grounds that intercountry adoptions were conducted pursuant to established institutional and legislative mechanisms, with the Minister of Health and Social Affairs granting exclusive authorization to designated private agencies to process such adoptions, and noting the fact that requisite official documentation were produced by Government agencies, including the court, line ministries and local Government.

In response to the petition, the Government mandated the Truth and Reconciliation Commission to investigate human rights violations that occurred in the intercountry adoption process and related allegations concerning the Government's systemic failure in oversight and management. The Commission conducted three rounds of fact-finding investigations during its 47th, 56th and 63rd Committee Meetings spanning from December 2022 to September 2023 and reviewed adoption records, including from the National Archives, the Diplomatic Archives, the Seoul Archives and four major adoption agencies involved in intercountry adoption during the period concerned. Following a two-years and seven-month investigation, the Commission concluded during its 102nd Committee Meeting on 25 March 2025 that the Government of the

³ See press release on the Decision of the Truth and Reconciliation Commission on intercountry adoption available at: <https://www.jinsil.go.kr/en/>

Republic of Korea had violated the fundamental human rights of adoptees and bears responsibility for administering an intercountry adoption program without proper legislative frameworks, oversight or adherence to administrative procedures and safeguards. Furthermore, the Commission noted that the Government arranged intercountry adoptions as a cost-saving alternative to developing and implementing domestic child welfare policies. The Commission also concluded that the Government did not fulfil its obligations to protect the rights of children by delegating authority over the adoption procedure to private agencies and intermediaries, and thus neglected proper procedural oversight.⁴ For instance, the Commission found that in 1984, of the 7,964 emigration applications submitted for adoption, 82.9 per cent (6,599 cases) were approved on the same day and 16.1 per cent (1,279 cases) the following day. The Commission noted that these figures are indicative of the inadequacy and illegality of the review process, particularly in light of the State's obligations under international human rights law.

In addition, the Commission confirmed the following shortcomings and potential violations of human rights in the intercountry adoption process⁵: **(a)** lack of parental or guardian consent for adoption, **(b)** deliberate fabrication and falsification of child records purporting abandonment in violation of articles 228 and 229 of the Criminal Act, **(c)** intentional substitution of children's identities by private adoption agencies acting with discretionary authority, **(d)** tokenistic and perfunctory public notice for verifying the existence of legal guardians, **(e)** inadequate eligibility screening of adoptive parents, **(f)** negligence of private adoption agencies in their guardianship duties, **(g)** nonfulfillment of verification of citizenship attainment in the country of adoption, **(h)** adherence of State authorities and private adoption agencies to monthly quota requirements imposed by foreign agencies, **(i)** expedited case processing without applying adequate procedural safeguards, and **(j)** lack of effective regulation by the Government over adoption-related fees and the subsequent improper financial gain and incentivized illicit practices, including the imposition of compulsory surcharges and so-called 'donations' for adoption as well as the discriminatory application of reduced fees for the adoption of children with disabilities.

While the Commission does not have mandating authority, it recommended a set of reparative measures, including **(a)** a formal Government apology, **(b)** a comprehensive survey on adoptees' citizenship status and corresponding policy measures for assistance, **(c)** remedies for victims whose identities were falsified, **(d)** prompt ratification of the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption and **(e)** restoration of the adoptees' rights to identity.⁶

In April 2025, the Commission halted its investigations, a month ahead of the 26 May 2025 deadline, and reached decisions on 98 out of the 367 cases filed. The Commission confirmed that of the cases reviewed, 56 constituted human

⁴ Decision of the Truth and Reconciliation Commission concerning human rights violations in fifty-six intercountry adoption cases, including case file 2Ra-14447, 25 March 2025, Section III-1, pp. 172-173.

⁵ Ibid., Section II-3, pp. 66-122.

⁶ Ibid., section III-2, pp. 173-175.

rights violations, wherein documentation was either falsified or deliberately obscured by private adoption agencies, in a process facilitated by the Government. The remaining case reviews, which were deferred or left incomplete, have been suspended indefinitely due to unresolved disagreements among Commissioners, including with respect to applicable evidentiary standards. The resumption of the suspended investigations is contingent upon the Commission being granted a renewed mandate, which is subject to approval by Parliament. To date, the current Government administration has not issued a statement regarding its plans on the outstanding cases, and uncertainty persists as to whether the investigations will be resumed.

Case of a petitioner: Yooree Kim

One of the applicants of the petition, Ms. Sophie Yoo Ree Selve, was born in the Republic of Korea in 1972 and given the Korean name Yooree Kim. Following her parents' divorce, Ms. Kim and her brother alternated living between the paternal and maternal grandmothers' homes. In May 1983, Ms. Kim's mother placed her and her brother in temporary care at a private childcare facility. According to Government records, officials at the childcare facility consented to the transfer of Ms. Kim and her brother for intercountry adoption and signed an internal document as their legal guardian. Ms. Kim and her brother were subsequently registered for adoption on 23 December 1983 and Ms. Kim's case was established on the orphan registry on 27 January 1984 under case number K83-4721.

On 30 May 1984, Ms. Kim and her brother were transferred to Cantal, France, and came under the custody of their adoptive parents. Later findings revealed that the qualifications of Ms. Kim's adoptive parents had been misrepresented, and that the adoption had been approved despite the adoptive parents failing to meet the established eligibility criteria and lacking the requisite credentials. One such criterion was the age limit for adoptive parents, which the Government had set at 45 years. At the time of adoption, Ms. Kim's adoptive father had exceeded this limit by at least six years, and thereby should have been legally disqualified to participate in the process. Ms. Kim testified to having suffered psychological, emotional, physical and sexual abuse by the adoptive parents, and the adoptive father allegedly raped and sexually assaulted Ms. Kim. On 30 August 1990, Ms. Kim fled her adopted home and was placed in a State shelter in France. The following year, she lodged a complaint with the French authorities and reported her adoptive father for committing rape and sexual abuse against her. After two years of investigations, Ms. Kim's case was classified as unresolved and ultimately dismissed by a judge on the grounds of insufficient evidence.

In 1994, Ms. Kim travelled to the Republic of Korea to reconnect with her family and traced back the address and names of her biological parents. Upon reunification, Ms. Kim's birth parents confirmed that they have neither been informed nor have consented to the adoption of Ms. Kim and her brother. In 1995, Ms. Kim requested to obtain her adoption files from the French adoption agency, which managed her case in 1984. Following unsuccessful attempts to obtain information, Ms. Kim pursued avenues for redress in the Republic of Korea, and retrieved documents pertaining to her adoption history from the

Korean Government, including residential records confirming that both herself and her brother had been properly registered in the family registry under their father's name, which substantiated that legal custody had not been formally relinquished. Ms. Kim's adoption documents contained other discrepancies, including an alteration of the family name, family registry details, schooling history, guardianship and reasons for adoption. In particular, adoption documents indicate that Ms. Kim and her brother are orphans, without evidence to demonstrate any Government's attempts to find their parents based on available information.

Ms. Kim filed a petition to the Korean Government along with other victims of intercountry adoption for review and investigation by the Truth and Reconciliation Commission. Her case was one of 56 out of 367 cases recognized by the Commission as a human rights violation. Notably, the Commission confirmed that Ms. Kim was registered in the orphan's registry in 1984, despite having been formally registered in the family registry by her biological parents. The Commission also acknowledged that Ms. Kim had been unlawfully sent for intercountry adoption without express consent from her biological parents, who should have been able to retain and exercise their status as effective legal guardians. Furthermore, the Commission took note that Ms. Kim has suffered psychological, emotional, physical and sexual abuse by her adoptive parents. On 21 August 2025, Ms. Kim's lawyer filed an administrative claim to the court requesting reparations under the provision of the State Compensation Act. The Ministry of Justice is ordinarily required to respond within four weeks to decide on the request and to propose an appropriate sum, and no response has been issued to date.

While we do not wish to prejudge the accuracy of the information above, we express serious concern at the lack of effective access to remedies for adoptees and the possible denial of their rights to truth, reparations, and memorialization. While we welcome the official apology by President Lee Jae-myung on 2 October 2025, we recall that victims have also called for a recognition of the Government's complicity in the violations related to intercountry adoption. We also remain concerned that the actions taken thus far by the Government may fall short of sufficiently guaranteeing the right to truth, justice, and reparations for the human rights violations that took place in relation with the intercountry adoption system, including enforced disappearances. Victims should be entitled to the full remedies available under international and domestic law, including both judicial and non-judicial mechanisms, truth-seeking and prosecution initiatives, reparations, and guarantees of non-repetition.

Recalling the *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law* adopted by the United Nations General Assembly in its resolution 60/147, we stress the State's obligation to ensure equal and effective access to justice; adequate, effective and prompt reparation for harm suffered; and access to relevant information concerning violations and reparation mechanisms. Further, we highlight the obligation to ensure effective access to remedies without discrimination of any kind or on any ground, without exception.

We welcome the Government's efforts to strengthen the regulation of intercountry adoption, including the full ratification of the 1993 Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption after initial signing in 2013, which is in line with the recommendations of the Truth and Reconciliation Commission. In recognition of the fact that the Convention entered into force on 1 October 2025, we encourage the Government to implement the Convention's provisions in a human rights-compliant manner, including strengthening regulatory oversight by the Ministry of Health and Welfare in determining the child's adoptability and best interests as well as assessing the eligibility and suitability of prospective adoptive parents. We also take note of the enactment of the Special Act on Domestic Adoption and the Act of International Adoption in 2025, which mandated the transfer of all adoption records from private adoption agencies to the National Center for the Rights of the Child by July 2025, with aims to facilitate compliance with information requests from adoptees through a clearly mandated central Government agency, as required by the Hague Convention.

Notwithstanding the abovementioned advancements, we remain concerned by the lack of clarity regarding the availability and scope of appeal mechanisms for victims and families against the decision of the Commission concerning the findings of its investigations. In this regard, we express our serious concern regarding the suspension of investigations and the uncertainty surrounding their resumption. In several cases, victims have reported gross human rights violations, including enforced disappearance, which trigger the State's obligation to conduct independent, impartial, prompt, and thorough investigations. These investigations must aim to identify and prosecute those responsible and ensure reparations for the victims. This obligation is ongoing and non-derogable. A failure to resume the investigations would constitute a clear breach of international human rights standards. Moreover, the Government should facilitate victims' access to information, establish clear rules of procedure and accessible appeals mechanism and ensure effective investigations and remedies in relation to alleged human rights violations related to intercountry adoption. We reiterate the importance of a comprehensive memorialization programme to commemorate and preserve the lived experiences of children adopted from the Republic of Korea, in line with the Government's obligations to ensure the right to truth, justice and reparations and to guarantee non-repetition. Archives and other presentations of evidence of serious human rights violations should be preserved by the State to ensure accountability as well as support future investigation and transitional justice efforts, and effective access to remedies.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

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

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

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the

accountability of any person(s) responsible for the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

Please be informed that a copy of this letter has also been sent to the Permanent Mission of France.

Please accept, Excellency, the assurances of our highest consideration.

Siobhán Mullally
Special Rapporteur on trafficking in persons, especially women and children

Gabriella Citroni
Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances

Mama Fatima Singhaté
Special Rapporteur on the sale, sexual exploitation and sexual abuse of children

Bernard Duhaime
Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above.

We wish to recall the joint statement on illegal intercountry adoptions issued on 28 September 2022 by the Committee on Enforced Disappearances, the Committee on the Rights of the Child, the Special Rapporteur on the promotion of truth, justice, reparation, and guarantees of non-recurrence, the Special Rapporteur on the sale and sexual exploitation of children including child prostitution, child pornography, and other child sexual abuse material, the Special Rapporteur on trafficking in persons, especially women and children, and the Working Group on enforced or involuntary disappearances (CED/C/9), in which the experts observed that illegal adoptions occur through a variety of illegal acts or illicit practices, including adoptions involving fraud in the declaration of adoptability, falsification of official documents or coercion, lack of proper consent by biological parents, improper financial gain by intermediaries and related corruption. The experts recalled the obligations to prevent, punish and repair illegal intercountry adoptions, and called on States to establish and implement a single process for adoption that includes a holistic assessment of the child's full range of rights and adopt adequate regulation on procedures and safeguards, including in relation to the determination of adoptability. Experts also called on States to prohibit private and independent adoptions and ensure that intercountry adoptions are carried out only through accredited agencies. They emphasized the need for States to establish transparent, effective, appropriate and well-resourced mechanisms for overseeing and monitoring intercountry adoption processes, especially with respect to verifying the background and documents of children declared to be orphans. Experts called for the establishment and implementation of standardized information systems to obtain and share accurate and reliable data on intercountry adoptions, including children subject to adoption, their family and background. It was emphasized that statute of limitation should not be an obstacle for victims to access judicial remedies, considering the difficulties for child victims to make complaints. Victims, namely those who suffered harm as a direct result of illegal intercountry adoptions, have the right to reparation.

In this context, we wish to remind your Excellency's Government of its obligations under international human rights law, including the International Covenant on Civil and Political Rights (ICCPR), which the Republic of Korea acceded to on 10 April 1990. In particular, article 2(3) of the Convention obliges States parties to ensure that individuals whose rights under the Covenant are violated have access to an effective remedy, determined by competent judicial, administrative or legislative authorities, and that such remedies are enforced. Article 24 of the Convention affirms that every child has the right, without discrimination, to protection measures required by their status as a minor, and guarantees their rights to birth registration, name and nationality acquisition.

Furthermore, the *United Nations Basic Principles and Guidelines on the Right to a Remedy and Reparation* also affirms the duty of States to facilitate access to justice,

accountability, and reparation for survivors of gross violations, including through supporting efforts to identify and hold perpetrators and responsible States accountable (A/RES/60/147). The basic principles and guidelines also provide that pursuing justice and ensuring remedy and reparation for gross human rights violations requires States to take ongoing measures to meet their obligations, including prompt investigation and prosecution of perpetrators, ensuring victims' equal access to justice, and providing effective remedies and reparations to victims.

We also wish to recall the State's obligation's under the Convention of the Rights of the Child ratified by the Republic of Korea on 20 November 1991, in particular article 21, which calls on States Parties that recognize and/or permit the system of adoption to ensure that the best interests of the child shall be the paramount consideration. Moreover, article 21(a) requires that the adoption be authorized only by competent authorities, in accordance with applicable law and procedures, and on the basis of all pertinent and reliable information. Article 21(b) recognizes that intercountry adoption may be considered as an alternative means of a child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in their country of origin. The same article prescribes that the child concerned by intercountry adoption still enjoys safeguards and standards equivalent to those existing in the case of national adoption. Furthermore, articles 7 and 8 concerning nationality and the preservation of identity include the right to know and be cared for by one's parents. Article 9 provides that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Article 11 calls States parties to take measures to combat the illicit transfer and non-return of children abroad. Finally, article 35 calls on States parties to take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form, and article 38 urges States to protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

Article 3(1) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, ratified by the Republic of Korea on 24 September 2004, establishes that in the context of sale of children, improperly inducing consent, as an intermediary, for the adoption of a child in violation of applicable international legal instrument on adoption must be criminalized under criminal or penal law. Similarly, article 3(5) underscores that States parties should take all appropriate legal and administrative measures to ensure that all persons involved in the adoption of a child act in conformity with applicable international legal instruments.

In addition, we wish to recall the Convention on the Elimination of All Forms of Discrimination against Women ratified by the Republic of Korea on 27 December 1984. The Committee on the Elimination of Discrimination against Women, in its general recommendation No. 38 (2020) on trafficking in women and girls in the context of global migration, states that "obligations flowing to non-State actors to respect the prohibition of trafficking also arise from the peremptory norm (*jus cogens*) prohibiting slavery, the slave trade and torture, and the Committee notes that, in certain cases, trafficking in women and girls may amount to such rights violations" (CEDAW/C/GC/38, para. 15). Further, the Committee states that States parties are

obliged to provide appropriate and effective remedies, including restitution, recovery, compensation, satisfaction and guarantees of non-repetition, to women whose rights under the Convention have been violated and recommends States to ensure facilitated access to inclusive, age-sensitive and gender-sensitive complaint mechanisms and justice mechanisms, including through the provision of procedural and age-appropriate accommodations, for all women and girls who are victims of trafficking, including non-citizens (Ibid., paras. 43 and 100).

We underscore that ill-treatment, including forced adoption, may amount to violations of the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, which the Republic of Korea acceded to on 9 January 1995. In this context, we would like to recall the Committee against Torture general comment No. 3 (2012) on the implementation of article 14, in which the Committee stressed that “to satisfy procedural obligations, States parties shall enact legislation and establish complaints mechanisms, investigation bodies and institutions, including independent judicial bodies, capable of determining the right to and awarding redress for a victim of torture and ill-treatment, and ensure that such mechanisms and bodies are effective and accessible to all victims. At the substantive level, States parties shall ensure that victims of torture or ill-treatment obtain full and effective redress reparation, including compensation and the means for as full rehabilitation as possible” (CAT/C/GC/3, para. 5). Furthermore, in its concluding observations on the sixth periodic report of the Republic of Korea, the Committee noted that the State party should “ensure that, in law and in practice, all victims of torture and ill-treatment obtain redress, including by ensuring an enforceable right to fair and adequate compensation and the means for as full a rehabilitation as possible, in line with article 14 of the Convention.” (CAT/C/KOR/6, para. 39(c)).

With regard to standards related to sale of children and illegal adoptions, illegal adoption may come within the international legal definition of trafficking if the purpose is exploitive of both the natural parent(s) and the adopted child, given the failure to ensure the best interests of the child and rights of the child. The current international legal definition of trafficking stems from the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, ratified by the Government on 5 November 2015. Concerning children, it is important to note that the act and purpose of exploitation are sufficient to bring the impugned conduct within the scope of international law prohibition of trafficking in persons. As such, any considerations of the resumption or reinstallation of the Commission’s functions should ensure a process for effective investigation and remedies.

In the report on illegal adoptions, the Special Rapporteur on the sale, sexual exploitation and sexual abuse of children observes that “demands for truth, justice, reparation and guarantees of non-recurrence from victims of past large-scale or systematic cases of illegal adoptions continue to be ignored and inadequately addressed by States. Public instances of recognition of past wrongdoing are rare, depend on the willingness of those responsible and do not entail concrete action” (A/HRC/34/55, para. 88). In the same report, the Special Rapporteur calls on States to ensure that in all cases of systemic illegal adoptions, redress for victims is ensured through remedies that include reparations for victims and support to adoptees in their search for their origins. The Special Rapporteur also invites States to adopt adequate regulation on procedures and safeguards in relation to domestic and intercountry adoptions, including in relation

to the determination of adoptability, and establish effective and well-resourced mechanisms for overseeing adoption processes, especially with respect to strictly verifying the background of any child who is declared an orphan and his or her documents (para. 95(f)) as well as to ensure the right to truth, justice, reparation and guarantees of nonrecurrence of victims of large-scale illegal adoptions, inter alia, by reforming institutions that were either involved in or incapable of preventing abuses, and guarantee the effective and meaningful participation of victims in the design and implementation of measures to obtain comprehensive redress (para. 95(k)).

In her report on reparation (A/HRC/52/31), the Special Rapporteur on the sale, sexual exploitation and sexual abuse of children highlighted that victims and survivors should be given the opportunity to come forward and claim reparation when they feel physically and psychologically ready to do so and not be denied access because of narrow applications of the law and strict deadlines (para. 58). Reparation that focused on guarantees of non-repetition and underlying structural causes had transformative potential; the consequent healing of wounds and rebuilding of relations can therefore serve both individuals and societal groups (para. 17). The Special Rapporteur observed, however, that despite the significant work carried out in the area of victim-centred approaches to reparation and transitional justice, child victims and survivors of sale and sexual exploitation have hardly ever been afforded due reparation for violations committed against them as enshrined under international and regional human rights instruments, nor have they been provided with adequate opportunity to reconcile with their families and communities, nor witnessed adequate reforms to the systems intended to protect them (para. 8). Many national reparation programmes fail to address the traumas experienced by adult victims of violations that occurred when they were children (para. 57).

In addition, we wish to recall article 25(4) of the International Convention for the Protection of All Persons from Enforced Disappearance, which the Republic of Korea acceded to on 4 January 2023, which necessitates States Parties which recognize a system of adoption or other form of placement of children to have legal procedures in place to review the adoption or placement procedure and, where appropriate, annul any adoption or placement that originated in an enforced disappearance.

We recall the Guiding Principles for the Search for Disappeared Persons, which stipulate that the comprehensive search strategy for newborns and very young children must consider the possibility that their identity documents were falsified, and that they may have been separated from their families, assigned false identities, and placed in children's institutions or adopted by other families. These individuals - who may now be adolescents or adults - must be actively sought, identified, and have their true identities restored (principle 8(5)). We also recall that the search authorities should make effective use of relevant registers and databases containing information on births, adoptions, deaths, migration, and immigration, among others, that may assist in locating and identifying disappeared persons. States must take all necessary measures to ensure that search authorities have access to such information, including data held in the registers and databases of other countries (principle 11(5)) (CED/C/7).

Moreover, article 20 of the *Declaration on the Protection of All Persons from Enforced Disappearance* provides that the act of altering or suppressing documents attesting to children's true identity shall constitute an extremely serious offence, which

shall be punished as such. The same provision also provides that States shall devote their efforts to the search for and identification of such children and to the restitution of the children to their families of origin, including by uncovering the falsity of the adoption. Article 20 also stipulates that in States that recognize adoption, there should be a mechanism to review and, where appropriate, annul adoptions that originated in enforced disappearance, while allowing such adoptions to remain valid if consent is given by the child's closest relatives at the time of review. In this regard, the abduction of children of disappeared parents, or those born during their mother's enforced disappearance, as well as the falsification or suppression of identity documents, constitutes a grave offense and must be punished accordingly.

In its general comment on children and enforced disappearances, the Working Group on Enforced Disappearances, states that "States need to develop truth-seeking mechanisms that are child-sensitive and that assess how children were affected by enforced disappearances. The mandate of these mechanisms should make clear references to child victims of enforced disappearances. There should be proper allocation of resources to secure the proper expertise, methodology and structure" (A/HRC/WGEID/98/1, para. 24).

We recall the *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*, which provide that reparations may include the following forms: restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition. We would like to emphasize that the right to an effective remedy therefore encompasses both a substantive right to reparations and procedural rights necessary to access reparations, including accessing information. The right to an identity includes access to birth certificates and health records.

In the report on the visit to the Republic of Korea, the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence noted the lack of an accountability process or prosecutorial strategy to criminally investigate and prosecute the perpetrators of serious human rights violations, including in the context of intercountry child adoption (A/HRC/54/24/Add.1). In the same report, the Special Rapporteur also observes that the legal framework does not provide for reparations to victims of intercountry adoption. We underscore that accountability for human rights violations should be ensured through investigation, prosecution of perpetrators and victim assistance.