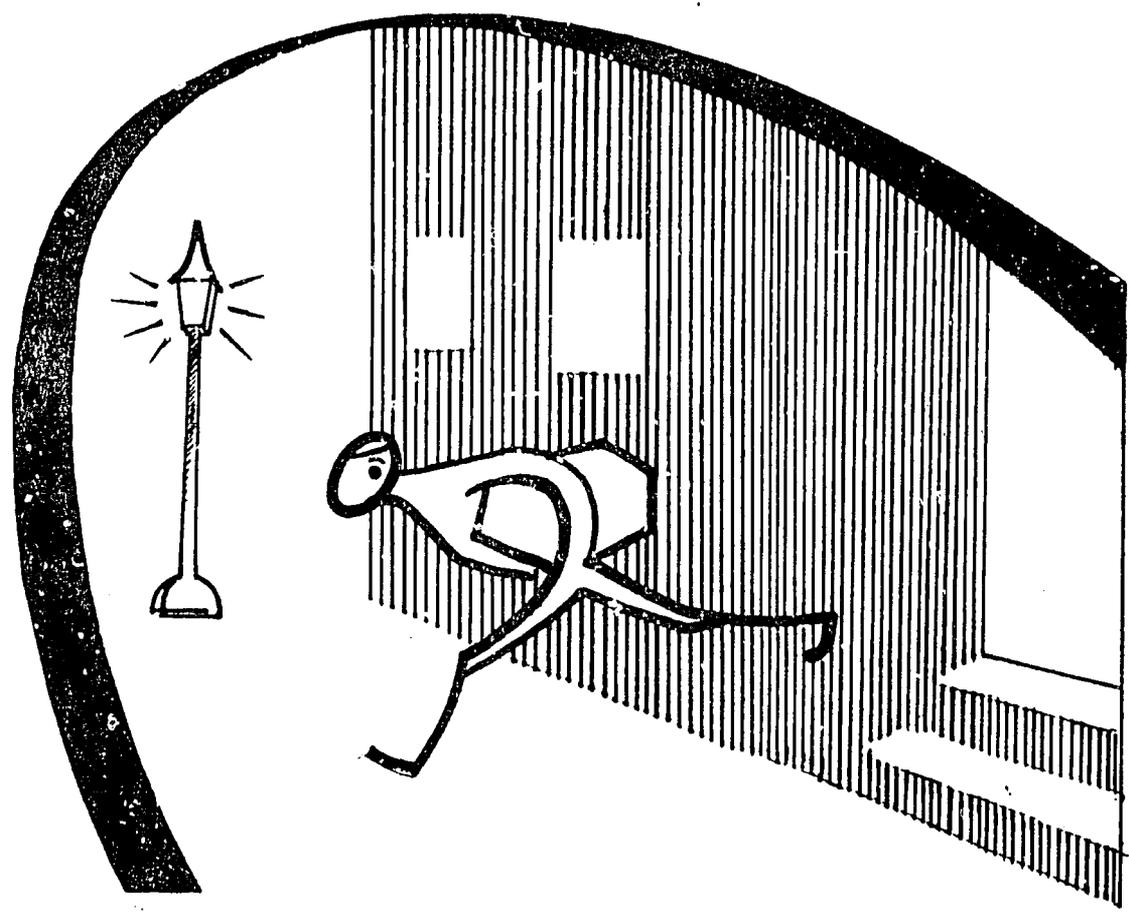


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THE JUVENILE DELINQUENCY PROBLEM IN KOREA

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UNITED STATES OPERATIONS MISSION TO KOREA

REPORT ON THE
JUVENILE DELINQUENCY PROBLEM
IN KOREA

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OFFICE OF TECHNICAL COOPERATION
COMMUNITY DEVELOPMENT DIVISION
SOCIAL WELFARE SECTION

Report on the Juvenile Delinquency
Problem in Korea

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The Juvenile Delinquency Problem in Korea

Reason for Study

Toward the end of 1958, the Ministry of Justice and the Ministry of Reconstruction began submitting urgent requests to the United States Operations Mission to Korea, for financial assistance in constructing a Juvenile House at Taejon to accommodate 980 boys and girls.

A letter from the Ministry of Reconstruction, dated 28 August 1958, stated in part: "Since the Korean War, which, as you know well, brought about terrible destruction in every field of our country, a great number of juveniles ranging from 10 years to 20 years old who lost their parents came to remain homeless, wandering street, and after all fall into juvenile delinquency.

"This tendency of juvenile delinquency, very miserable, has been rapidly increasing in the face of economic rehabilitation day after day since the war. For all this the facilities now existing to accommodate these degenerated boys are limited in small number no more than 4 houses of Seoul, Pusan, Taegu and Kwangju with total accommodation of 2300 rowdy and delinquent boys, but this figure is extremely small number compared with the total number of 75,929 boys in 1956."

The supporting data from the Community Development Division of USOM included a memorandum, dated 2 June 1959, which stated in part: "The need for such a program review and evaluation cannot be over-emphasized. Juvenile delinquency is a widespread, critical and growing problem which cuts across the responsibilities of several Ministries. The Ministry of Justice estimates a juvenile delinquent group of 80,000 known to police and courts. Present correctional institutions, already crowded far beyond maximum capacity, can provide custodial care for 2300 at a time but offer little or no rehabilitative or other training. In order to meet pressure of incoming numbers, the average length of stay is less than 2 months without differentiation between the first offenders and recidivists."

Negotiations were protracted, but finally it was agreed that a consultant would be employed to conduct a study of the entire field of juvenile delinquency and correctional services. However, it was stipulated that US funds would not be available for the construction of a juvenile house of Taejon, and that the study would be a strictly technical and advisory service.

Time of Study

Limited to 3 months, the study was conducted between the middle of March and the first part of June 1960.

Method of Operation

All the pertinent laws were analyzed. Studied also were a large number of books, articles, reports, statistical abstracts, letters, memoranda, and miscellaneous documents. *

Interviews and conferences were held with many individuals, including Korean officials, private citizens, university faculty and students; and a number of Americans, in government, in voluntary agencies, and in private business. Finally, there were visits to and inspections of many public and private resources and facilities in various parts of the country, operating under Korean and foreign auspices. Included were orphanages, police facilities of various types, the juvenile courts, the Seoul Child Guidance Clinic, and juvenile and adult correctional institutions. Because of strong motivation to make a useful contribution over and beyond a comprehensive analysis and report, an effort was made to bring about action of some kind wherever possible. To this end, a number of steps were taken.

A presentation on delinquency, as related to child care generally, was given at the National Social Workers Training Institute. Another presentation on problems in delinquency institutions was provided the staff of the National Reformatory at Mokpc. A formal report on some of the findings of the study was made at a regular meeting of the Child Welfare Committee in Seoul, and a terminal lecture to all interested parties provided some of the findings and recommendations. Consultation was given at two meetings of a sub-committee of the Child Welfare Committee, which was engaged in preparing a survey on street children. A number of significant, authoritative publications dealing with various phases of juvenile delinquency administration, including police programs, court operations, and institutional standards, were obtained through the courtesy of the US Children's Bureau. These were given to the US advisor to the National Police, the Juvenile Court of Seoul, and Ministry officials. In addition, a recommended bibliography was mimeographed and distributed to interested parties. **

* See Appendix A: Source Material for Study

** See Appendix B: Recommended Bibliography

Of potentially far greater significance was the abortive effort to create an inter-Ministry committee as a permanent structure to deal with the many facets of the juvenile delinquency problem. A good beginning was made, but before the plan could materialize, the fateful and eventful demonstrations broke out in April. Government was literally toppled, so that contacts and relationships with the various branches of government became simply impossible. When relative calm prevailed, the situation was no longer conducive to implementation of the plan. The interim character of the government did not give it the kind of stability upon which enduring relationships could be predicated, and, furthermore, the time for termination of the study was approaching.

At best, the group meetings, and the many discussions and interviews with Ministry officials, police, juvenile court judges, institutional personnel and university leaders, where every opportunity was taken to offer American insights and concepts, where needs in Korea were pointed out, and where, above all, the urgency of inter-government collaboration around a common problem was emphasized, may have resulted, here and there, in some changes in approach and attitude. The future must tell.

Introduction to Material

Making an analysis of a social problem like juvenile delinquency within a three month period is a complex, difficult task, even in one's own habitat, if more than a superficial study is the desired objective. The well-springs of human behavior generally are not often clear or understood, as we realize more and more from studies in the social sciences. An old Korean proverb, to the effect that "it is easier to know water 10 fathoms deep than to know a man one fathom high," eloquently underscores the same notion.

It need not be argued that a study of a social problem in a different culture, within a few months, should even more be considered hardly definitive, if at all reliable. However, these were the bounds within which the study was conducted. Despite the brevity of time and despite the serious handicaps imposed on the inquiry by the "revolution" in April, every effort was made to confirm, document or otherwise verify statements and written material, to look into a situation as objectively and with as much depth as possible, to avoid unsubstantiated theories, and to report the findings candidly and completely.

The material submitted here represents a distillate of impressions, information and data obtained during the time allotted for the study. Bearing in mind the limitations alluded to, it is hoped that the reader will focus less upon them than upon the depth of the inquiry, the validity of the ideas, and the soundness of the conclusions and recommendations.

The Context of the Problem

The problem of juvenile delinquency in Korea cannot be understood unless one considers and attempts to evaluate the context in which it appears. This context is economic and political, social and cultural. Juvenile delinquency, like any other example of social pathology, does not exist in a vacuum.

While Korean civilization goes back some 4000 years, its emergence as a republic is a recent phenomenon. For 40 years Korea was under complete Japanese domination, ending with the "liberation" in 1945. Following three years of military government, the birth of the Republic of Korea took place in 1948. There was scarcely an opportunity for its growth and development, in view of the frightful, devastating war of 1950-1953, which left the infant nation completely segmented, under circumstances which deprived it of many valuable resources which exist in the Northern part of Korea.

The consequences were otherwise staggering. On the basis of a number of reports, over a million lives were lost in the war, and another million were wounded, or became invalid, or just disappeared. An estimated 10 million people, including 2 million children, were homeless, without food and other basic necessities. There were 100,000 war orphans, and 300,000 war widows with some half-million dependent children. Perhaps it is not necessary to ring the grim register further. Kyong Cho Chung quotes from a neutral nations inspection committee report these tragic words: "The country is dead ... there is no activity ... the cities are completely destroyed." * Destruction of property totaled some \$3 billion.

The situation produced the customary human mobility of giant proportions. The total population swelled to over 22 million, as returnees and refugees, from China and Japan as well as North Korea, milled about. Now, with an increasing birth rate the population is advancing at a rate close to 2%, almost half a million people a year. The census figures for 1949 and 1958 show an inordinately high percentage of children under 15, well over 40%, as against 27% in the US and 20-30% in European countries, by contrast. **

* "Korea Tomorrow," by Kyong Cho Chung 1956.

** In an article on the problems of delinquency, in "Law and Politics," Feb. 1960, Kwon Soon Young, Chief Judge of the Seoul Juvenile Court, indicated that two-thirds of the population are children under 20.

There are some 4 million families in Korea, with an average size family of 5.4 persons. Almost 20% of the population is clustered in 3 large cities. About 70% of the people engage in farming. Density of the rural population, in regard to land under cultivation, is considered second highest in the world, 554 persons per square mile. While some industrialization is taking place, there are serious problems in accomplishing such a basic shift in the economy. Indications are that Korea has a long way to go in achieving a substantial degree of industrialization. The annual average per capita income for the years 1955-1957 has been estimated at under \$100. Problems of underemployment and unemployment are serious, and Korea today remains a very poor country, heavily dependent upon foreign aid, without which it would likely collapse.

The political background is one of marked instability. A nation does not become a democracy merely by decree. It must learn how to behave in keeping with democratic institutions and principles. Korea's brief history as a republic has been marred by unrest, turbulence and violence, aside from the Korean war, which culminated with the admittedly illegal elections of March 1960. During April, while this study was being made, the most violent episodes since the war occurred. There were bloody riots, involving thousands of students, which took place in the major cities. It is clear now, as the facts and consequences are assessed, that a genuine revolution happened, resulting in the overthrow of the government and the resignation of the President.

People at this time, especially students, are restive. With the tremendous emphasis upon education, it is likely that they will become even more vocal and aggressive, increasingly demanding freedom of expression, and the exercise of democratic prerogatives without suppression and police-state tactics, as well as the end of the now fully-acknowledged nepotism and corruption in government. Until some semblance of political stability occurs, which cannot eventuate until the present interim government is replaced by a political structure which shows promise of enduring qualities, the situation in Korea might reasonably be regarded as explosive.

There are cultural changes, too, of far-reaching significance. Traditionally, the behavior of individuals was governed by the family social structure, which, as in Oriental society generally, was much more extensive in its embrace than the immediate, nuclear family of parents and children so common in western society. Much has been written about the Confucian system of social relationships, the organization of the family, patriarchal authority and the reverence for ancestors. The behavior of individuals was regulated in accordance with standards imposed by such a social order. Individual and social relationships were stable because of the security provided in such a setting.

While custom is by no means dead in Korea, there are ample indications that family and other social controls are not as strong today, and, as a matter of fact, have been diminishing for some time. Kyung Cho Chung, who discusses the depth of Confucian values in Korean life, indicates that the old traditions have been in a process of change since the introduction of Christianity and western ideas during the 19th century. * Another author, Kyon Tay Kim, describing the significance of the some 1100 clans in Korea, states: "But, as is seemingly characteristic of present-day life, the younger generation is quite obviously drawing away from the traditional strong attachment to the family clan." ** Without solid research, one can only speculate on the consequences of the influences exerted by the American soldier, the Hollywood movies, and other media too numerous to mention, which tend to present models of behavior not in keeping with the Korean ideal. Of course this ideal has not been a static image, subject to internal pressure for change, as well as the external forces. Many of the younger, educated Koreans have in varying degrees departed from customary modes of behavior, for example, a trend likely to continue despite the real strength of the traditionalists in present-day Korea.

Account must be taken, too, of the fact that the war resulted in the literal destruction of thousands of families, so that many individuals lost the normal supports which customarily governed their way of living.

It seems reasonable to observe that as the trend toward basic change in the Korean society continues, traditional controls and restraints over individual behavior will diminish. When a people gives up something "good", it must have something equally good to replace it. This is another kind of vacuum which nature abhors, which, if not filled, tends to produce an anomy or normlessness, with all sorts of dire social consequences. Until a new societal stability is achieved, culture conflict seems inevitable, with some problematical, if not unfortunate, consequences for the Korean youth of tomorrow. Korea has been euphemistically referred to as a late-developing society. It would be more dynamic and realistic to refer to Korea as a country in marked flux, beset by a host of grave economic, political, social and cultural problems, involved in a grim struggle for survival, with signs that are not only disturbing but explosive as well, and with the future hardly predictable.***

* "Korea Tomorrow," op. cit.

** "Folklore and Customs of Korea" by Kyon Tay Kim 1957.

*** Such a summary description of Korea is not difficult to document, and is well supported by the authoritative Conlon report, which discusses the socio-economic and political picture in Korea. Study prepared at the request of the Senate Foreign Relations Committee by Conlon Associates, Ltd. Nov. 1, 1959.

It is against such a complex perspective that one must consider the growth and development of Korean children and youth in general, and the problem of juvenile delinquency in particular. Under the circumstances briefly sketched above, which present such serious problems for the nation as a whole, it is perhaps surprising that juvenile delinquency is not more extensive than it is.

The Nature of Juvenile Delinquency in Korea

Because of the dearth of recorded data and inadequate statistics, the following description of what delinquency is like in Korea cannot be regarded as entirely reliable. At best it reflects the opinions of presumably informed sources throughout the country. It seems that girls as yet are relatively more protected than boys, so that the ratio of female offenders to males is about 1 to 9, as contrasted with the 1 to 5 ratio in the United States. Invariably, girl offenders are prostitutes. A number of informants have reported that girls come from the rural communities to the few big cities, either because of destitution at home or because of "vanity", a much-alluded to reference to the desire of girls to acquire good clothes and other material benefits they believe exist in the cities. Some get jobs which do not last and turn to prostitution; others are literally picked up by pimps and gangsters at the railroad stations and forced into prostitution. This brief account of female delinquency is in keeping with the picture which obtains generally in the Orient. A United Nations study on prostitution indicates that surveys in many Far-Eastern countries have borne out that girls are driven to prostitution by poor socio-economic conditions. It quotes from the 1953 International Congress on Prostitution, which "declared itself convinced that economic and social factors are among the most important leading to prostitution..."; and the Second U.N. Seminar on Prevention of Crime and the Treatment of Offenders, held in Tokyo in 1957, which "observed that the problem of prostitution in Asia and the Far East is closely connected with the general level of living as well as with the status of women, and concluded that measures to raise the level of living and a programme directed towards raising the status of women to par with men will contribute considerably towards decreasing prostitution." *

Concerning boys, the distinction between the "woobum", those considered in danger of becoming delinquent, and the "bombup", delinquents who violate the law, is a shadowy one. In any case, in both categories are shoe-shine boys and newsboys, who are super-abundant and very much in evidence in the large cities, rag-pickers and beggars, prostitute guides, and "slicky-boys". The latter is

* "Study on Traffic in Persons and Prostitution", United Nations, New York 1959

a common reference to boys so "slick" and deft in the art of stealing that they can ingeniously steal right from under one's nose. It must not be assumed that every newsboy or shoeshine boy is a delinquent or even a woobum, but perhaps it need not be argued that urban streets, where these boys abound for long hours, day and night every day of the week, present obvious dangers to the health and morals of children. This is well documented in United Nations publications as well as other reports.

Another type is the "wangcho", or gang leader, who by force and intimidation organizes any of the above-mentioned types, bullying youngsters into continuance of their illicit activities, or levying tribute from boys, such as shoe-shine boys or newsboys, engaged in lawful activities. While some of the wangchos may technically be juveniles, i.e. under 20, it is believed that by far they are young men in their twenties and thirties, who themselves are well-organized and protected by questionable elements among police and politicians. *

During and after the riotous days in April, much was written about the many hooligans, "kangpae", and green-shirted young men of the Anti-Communist Center in Seoul, who were brutal in their violence, and were allied in many ways with high police officials and party leaders in government. According to the best of "evidence", these were not juveniles in any sense of the word, though some may have been under 20.

Aside from the wangchos and hoodlums male juveniles are characteristically involved in some form of stealing. This is considered commonplace in depressed areas in the Orient, as well as elsewhere. One exception is a police informant in Kwangju who said there were many cases of violence and assault in that city, for reasons which are not at all clear.

It was reported also by many informants, that, by and large, male and female delinquents come from the provinces and are found in the big cities. The Seoul Juvenile Court, which reported 9406 cases handled in 1958, incidentally almost 80% of the total delinquency cases heard in that year by all the juvenile courts in Korea, indicated that 7177 of the 9406 cases came to Seoul from the provinces. ** Best indications are that delinquency in Korea is

* In the Minutes of the 73'd meeting of the Child Welfare Committee in Seoul, dated 19 Feb. 1960 is found the comment that "it is no secret that these gangleaders (wangcho) are well organized and protected by questionable personalities, not only in Seoul, but in all big cities."

** Article by Judge Kwon, op. cit.; also, "Juvenile Delinquency in Korea," typed statement by Judge Kwon, dated 5 June 1959.

basically an urban problem, widely reported to be so in most of the so-called undeveloped countries.

Another different kind of observation must be made about the nature of delinquency in Korea. An impression at least is gained that delinquency here is rooted in socio-economic and cultural factors, as distinguished from delinquency which is psychogenic in origin. Data is very meager and unreliable. The Seoul Child Guidance Clinic has some very limited material on psychological and emotional problems of children and youth, but it seems evident, as William Healey pointed out in his classic work, "The Individual Delinquent", in 1951, that the conflicts and emotional problems are more likely the sequela of socio-economic factors, rather than psychogenic in their etiology. *

In any case, the answers must be found in research, which in the field of juvenile delinquency is non-existent in Korea. It should be pointed out that there is a good deal that we do not know about this matter in the United States, despite the fact that we are considered an advanced country. This problem is well described in the very stimulating Children's Bureau publication on research on delinquency, ** as well as in the most recent Report to the Congress on Juvenile Delinquency. ***

Reflecting upon conditions in Korea, the customary consequences of basic and rapid changes in a society, and the findings in comparable countries reported in various U.N. publications, it would not be farfetched to predict a growing incidence of mental and emotional problems in this country. The well-written U.N. Report on the World Social Situation develops this point as it states: "Also among observers in countries of this type, there is a fairly general consensus as to an increase in mental pathology, particularly in the sphere of psychoneurosis, behaviour disorders and psychosomatic afflictions." **** It cautions that a great deal of systematic research is needed before any specific conclusions can be advanced.

* Mimeographed, undated statement on Seoul Child Guidance Clinic (circa early 1960)

** "New Perspectives For Research on Juvenile Delinquency", Children's Bureau publication, #356- 1956.

*** "Report to The Congress on Juvenile Delinquency", U.S. Dep't of Health, Education, and Welfare, 1960.

**** "Report on the World Social Situation"- United Nations, New York 1957.

Extent of Delinquency

Determining the extent of delinquency and associated trends is difficult under the best of circumstances. In the United States, for example, the Children's Bureau, the only national source for comprehensive delinquency figures, has long called attention to incompleteness and inadequacy in statistical accounting. Many reasons are assigned, which cannot be considered here.

In Korea there is no national source for statistical data regarding the incidence of and trends in juvenile delinquency. It would be wise to develop one, which would comprehend adult offenses as well. Furthermore, the figures obtained from Ministries concerned with delinquency were disappointing. Data obtained indicated either poverty of statistical resources or lack of statistical know-how. Commonly, precise differentiation among categories did not obtain, and too often there was use of an undifferentiated category, such as "other" or "miscellaneous", with an improbably high percentage assigned to such category, 70% in one case.

Of course, the grinding halt to governmental activities caused by the April revolution made it impossible to pursue statistical lines of inquiry. Unfortunately, it is therefore impossible to report on a fairly simple item for example, such as the number of police actions in relation to juveniles for any given year. Because the police especially were hard hit by the revolution, data from this source is not available here.

Under the circumstances, it is possible only to record fragmentary bits of information about the extent of juvenile delinquency. Above, there is a 1959 reference attributed to the Ministry of Justice, to the effect that an estimated 80,000 delinquents were known to police and courts. Other bits of data are reported below in the discussion on correctional services and facilities. It must regretfully be concluded that this study has no valid basis for computing the extent of juvenile delinquency in Korea.

Despite the limited time for the study, and despite the fact that the revolution seriously impeded the study, the impression is firm that statistical methods must be markedly improved. Adequate accounting is imperative for a variety of reasons which need not be developed here. Adequate planning and appropriate research are impossible without the basic data. In addition, there should be developed a central bureau or department responsible for the development of standards of measurement and the compilation of data on juvenile delinquency on a national basis.

Another observation must be made. In the United States, juvenile delinquency is a much evident and observable problem. This is too documented to allow challenge. The report to the United States Congress on juvenile delinquency referred to it in alarming terms as a "raging epidemic". * A strong impression is that juvenile delinquency is not a palpable problem in Korea, in the sense that it is in the United States, and also in relation to the other so acute and manifest problems in Korea. This is obviously a relative statement, and of course is subject to challenge. The statement is made on the basis of personal observation, close scrutiny daily of two English language newspapers, and discussion with many informants who claim that "it was much worse several years ago."

The above must not be interpreted to mean that there is no delinquency problem in Korea. There is no question but that it does exist. To hazard some speculation, it could be predicted that there will be a sharp increase in delinquency during the next decade, as many of the problems now extant continue, as strains on children and youth increase in changing Korea, and as long as the presently inadequate provisions for protective and correctional services obtain.

Causation of Delinquency

The subject of the causes of juvenile delinquency is a vexing one. Much has been written over the years in the United States regarding this matter. We have not yet been able to answer very many of the basic questions. Hypotheses and conclusions exist in abundance, but have been satisfying neither to the social scientists nor to the general public. At best, we have been able only to recognize that a variety of factors and variables operate, as opposed to a single-factor causal theory; and that social, cultural and psychological factors conjoin in ways not entirely clear to produce deviant behavior, of which juvenile delinquency is only a part. While it is not possible to provide in a definitive manner a satisfying theory to explain delinquency in Korea, some observations can be made. By far, most of the officials concerned with some aspect of the delinquency problem attribute it to economic factors, destitution, poverty, and the like. While not denying the often traumatic consequences of such conditions, there is ample support for the position that this amounts to an over-simplification, and does not tend to explain satisfactorily enough why delinquency occurs, if we are to approach the matter in any scientific sense. Literature in the United States and England would support such a view.

* "Report to the Congress on Juvenile Delinquency," op. cit.

If a cardinal, fundamental item needed to be cited, first choice would be the changing social structure in Korea, with emphasis on the family in particular. Much has been written about dynamic changes affecting the family in underdeveloped countries, which has much application to Korea. How the family, which has customarily had a special significance in Oriental culture, operates to "manage" the behavior of individuals, is well treated in many writings. A United Nations report says this well and succinctly, declaring: "The primary importance of the family as the basic social unit in a stable society cannot be overestimated. The family is the repository of customs and tradition, spiritual and material values. Anything which affects the stability of the family has repercussions on both the individual and the structure of the society." *

Korea is hardly a stable society, and there is overwhelming evidence to the effect that the Korean family structure is, and has been for some time, undergoing basic change. Some of the facts which provide a basis for understanding what has been happening to Korea during the last decade have already been recited in grim catalog above. In such a setting juvenile delinquency finds a ready soil, as do other kinds of maladjustments. The key point is that the normal, traditional supports, in which roles are clearly defined and individuals enjoy a real sense of security - the very conditions which militate against maladjustments and deviant behavior, become weakened and even destroyed in some respects. The ensuing strains invariably bring about serious conflicts and problems of all sorts.

The U.N. Report on the World Social Situation, in this context, states as follows: "The position of children, who are caught between the new culture and the old, is apt to become especially uncertain and precarious. The increase of juvenile delinquency, with urbanization, is a matter of widespread concern." It states further: "There appears little doubt that the process of rapid transition from the one form of society to the other often brings with it a sharp increase in crime." ** The U.N. report on social service programs, cited above, develops this theme also, and states, in part: "The consequent disturbance in family life is a most important factor in the growing problem of juvenile delinquency..." While this report does not provide an answer to the question of causation, it does suggest the likely place to look for answers. Concerning the method of finding valid explanations, this must be found in extensive field studies and in systematic research. Without such study, findings must be regarded only as speculative, and

* "The Development of National Social Service Programmes" - United Nations, New York 1959.

** "Report on the World Social Situation," op. cit.

consequently unreliable. The much-alluded to UN reports make this crystal clear, as well as the comprehensive and hot-off-the press report to the U.S. Congress on delinquency in the United States. As indicated above, the kind of research needed does not exist in Korea today.

The Law in Relation to Delinquency

It was not possible to get an entirely clear picture of what the law has to say regarding the subject of delinquency, for a variety of reasons. To mention one, none of the many laws which were carefully reviewed, have been officially translated into the English language. The unofficial translations were crude, and oftentimes it was difficult to get the precise meaning, or to catch a significant nuance.

The Constitution is a good place to begin, for it is here that the sovereign expresses its philosophy and policy about those things it regards as important. The Korean constitution, in the preamble and article 5 of chapter 1, does refer to the promotion of the general welfare. However, this is couched in general terms, and does not refer to children. While it is undoubtedly questionable whether a constitution should mention specific groups, there may be some validity to inclusion of a statement of principle on children. There is no room to elaborate this further here, but it might be observed in passing that many informants have referred to a lack of an over-all concern for children in Korea. The explanation given is that traditionally Koreans had concern for children, for all people, who were within the extended family system, but not for those outside. If there is merit to such a view, the constitution could be considered a place to express a clear, firm statement of national social policy. Such a statement should express social welfare concerns for all people, more fully in addition to the special responsibility for children.

There is no overall law dealing with child welfare in Korea. It is submitted that there should be one, and that it should comprehend within its scope delinquent children and also those in danger of becoming delinquent, for the simple reason that these are children too, and need "child welfare". The general impression is gained that, in Korea, the thinking places dependent and neglected children in one corner, under "social welfare" auspices, and the delinquents and those in danger, in another corner, under "criminal" auspices, with administrative organization to support the separation. Such thinking is not sound. An all-inclusive law should be drafted to deal with the welfare of dependent, neglected, delinquent, and those in danger of becoming delinquent children, as well as those with special needs, such as feeble-minded, handicapped children,

etc. It would be sound, too, to set up a single, national administrative organization to deal with these groups, as opposed to responsibility vested in several governmental organizations. *

There is a proposed child welfare law, written in 1959, which appears to be a hodgepodge of heterogeneous items, reflecting little of Korean values and needs, excluding from its purview delinquents and those needing protective care, i.e. those in danger of becoming delinquents. The proposal is amateurishly constructed, and is replete with generalities and vague references. Writing legislation requires special skill, and the law in question is not well put together. **

The principal laws dealing with juvenile delinquency specifically are: the Reformatory Law, Juvenile Law, Juvenile House Law, and Juvenile Prison Law. Except for the Reformatory Law, these laws replaced 1942 Japanese laws which applied in occupied Korea. The impression is strong that the laws basically reflect Japanese concepts, rather than indigenous Korean needs and values. This impression requires more detailed study than this survey could provide. It should be stated that the limitations of the study do not permit intensive analysis of the various laws, so that only certain observations and key points are submitted.

The Reformatory Law (1923)

This law governs the one national "reformatory" in Korea, and is actually the Japanese Reformation Decree of 1923. This law indicates that the Governor-general of Korea may place in the reformatory a juvenile who falls into one of the following categories:

1. Delinquent children and those in danger of becoming delinquent, over 8 years of age and under 14, having no appropriate person who can exercise parental rights.
2. Juveniles under 14 whose parents or guardians request admission to the reformatory.
3. Juveniles committed by the Juvenile Court.

* Such a view is well supported by the U.N. report on national, social service programs, op. cit.

** Guidelines for drafting such legislation may be found in the 1957 Children's Bureau publication: "Proposals for Drafting Principles and Suggested Language for Legislation on Public Child Welfare and Youth Services."

4. Juveniles placed in a Disciplinary Isolation Quarter, with court approval.

Inmates may not be kept in the reformatory after they become 20 years of age, except for those juveniles falling into categories 3 and 4 above. With the same exceptions, inmates may be provisionally released with certain conditions imposed, upon approval of the Governor-general. Upon violation of the conditions, the discharge may be cancelled with similar approval.

Parents or guardians of inmates and provisional releasees may not exercise parental rights, which are vested in the superintendent of the reformatory. Exception is made in regard to certain practices of Korean family custom "law", such as exercise of HOJU's rights, and matters of inheritance. *

The law provides that administrative authorities, who find any juvenile falling under category 1 above, may detain such a person up to 10 days, and must report such a case to the Governor-general. Relatives or guardians of inmates falling into categories 1, 2, and 4 may apply to the Governor-general for discharge. If disapproved, a reapplication may be made after 6 months.

While the above consists of unofficial translations of excerpts of the law, so that the charge could be made that the whole picture is not set forth, it seems reasonably clear that serious questions arise about this legal hold-over.

First and foremost, there obviously needs to be created a Korean law to replace the Japanese decree. Such a law should reflect Korean concepts and values, and should be placed within the framework of the total child welfare legal picture. This is on the assumption of usefulness of the reformatory, about which there is major question, as treated below.

Since there is, of course, no Governor-general, his functions in respect to the law have been taken over by the Ministry of Health and Social Affairs. Another major question arises here. It is strongly urged that commitment of a child by executive order or administrative decree is completely untenable. Respect for the rights of individuals, parents in this case, requires that commitments

* HOJU: chief of the family; it is so interesting to observe that despite the restrictive controls exercised by the Japanese during their reign over Korea, certain Korean customs were respected and had the force of law. This condition was true in regard to other Japanese laws, for example, the civil code.

should rest exclusively upon judicial determination. This is too well-established to permit controversy. While category 3 permits commitment by the juvenile court, it was definitely ascertained that none of the four juvenile courts commits cases to the reformatory. Further data on the reformatory appears below.

The excerpts above permit other critical comments, which it is considered unnecessary to develop. The major objections are sufficient to warrant radical changes as far as this law is concerned.

The Juvenile Law (1958)

This law, which provides that basis for court action, is adequate enough in its statement of purpose and philosophy. Embraced in this is the objective of "sound fostering of juveniles", by means of protective measures for juveniles having anti-social tendencies, and criminal punishment for law violators in certain cases. The law further indicates that trials should be conducted "in a spirit of humane feeling and gentle attitude toward the juvenile". There are other sections in keeping with a salutary interest in juveniles, including study of background in each case, separation of juveniles from adults in several situations, prohibition of publicity which would tend to identify a juvenile, and some freedom from future disability by reason of court disposition. While the basic intent and attitude are clear, specific measures are not too clear, and seem to be vague, incomplete and unskillfully written. The impression is that the law is an amalgam of Japanese and American law, with perhaps insufficient study of what Koreans want for themselves. This condition is certainly understandable, and the comment should not be taken as destructive criticism. *

Some specific critical comments should be made. While the law defines juveniles as persons under 20, as in the present Japanese law, criminal responsibility under the Criminal Code begins at 14. There is the firm impression that many cases over 14 never get to the Juvenile Court in the first instance, disposed of instead by police, prosecutors, or criminal court. While the question of concurrent jurisdiction for juvenile and criminal courts, in relation to minors, is a moot point indeed, it is suggested that

* In an article on delinquency in "Law and Politics," Feb. 1960, by Judge Kwon of the Seoul Juvenile Court, an ardent protagonist for juveniles, he states: "The Korean Juvenile Law was made by those who had neither interest nor juvenile court experience, based on the Japanese juvenile law of 1948... it is only natural that the Korean juvenile law is a deformed child of the Japanese law, which is a bad transcript of the American law."

government consider the advisability of using the Juvenile Court more than it does as the place of origin for delinquent children, as well as those in danger of becoming delinquent. This can be done through the expedient of giving the Juvenile Court exclusive jurisdiction to hear cases in the first instance, say, for example, of all juveniles up to the age of 18. This would not need to affect the age of criminal culpability, since, in the amendment suggested, the Juvenile Court could be given the power to certify cases over 14 to the criminal court, after initial determination that the particular minor could not benefit from process under the Juvenile Law. Such a change would enable the Juvenile Court to have a more dominant role in carrying out the intent implicit in the doctrine of *parens patriae*, which evidently the Korean law is predicated upon. By far the majority of cases are referred to the court by police, which incidentally is true in the United States, but the law makes possible referrals only from police, other courts, and prosecutors. It is urged, in keeping with the comments above about the philosophy of the law and the suggested role for the Juvenile Court, that the law be amended to permit the filing of a petition in the juvenile Court by any person. This would make possible the referral of cases by schools, social agencies, civic minded individuals and organizations, and by parents. While segregation of juveniles from others is provided for, under various circumstances, the law must be considered deficient in not setting up special detention facilities, under the control and jurisdiction of the Juvenile Court. Detention facilities are completely inadequate in Korea, and one initial approach might be through the development of sounder concepts about detention, followed by appropriate legislative changes.

The Juvenile House Law (1958)

This law defines the functions of a Juvenile House, as the place to accommodate juveniles transferred there in accordance with the protection disposition under the Juvenile Law, and to provide them with a "correctional education." It also spells out the responsibility of the Ministry of Justice in connection with these facilities.

The law provides for separation of those under 16 from those over 16, of males from females, and, further, of those awaiting trial from those committed. This is sound only and at least to the extent that the law gives an expression of some understanding of the varying needs of differentiated groups, although there is serious question about how this expression becomes implemented.

As intimated above, it is not considered within the purview of this study to make a detailed legal analysis. Many, lesser points could be made, such as critical comments about the wisdom of "solitary confinement up to 20 days", or about the efficacy of

"strict discipline" as the best way to provide a "correctional education" but study limitations permit only broad, major observations.

One such observation concerns the legal provisions for administration and management of the Juvenile Houses. The law places these institutions under the control of the Ministry of Justice, but their organization capacity, staffing and training of personnel, and certain treatment measures are determined by Presidential decrees. While there is tradition in Korea for strong executive control, and perhaps some reasons for this, the efficacy of sound administration under such conditions must be seriously questioned. Those closest to the institutional setting must have maximal responsibility for its administration, subject to broad policies laid down by central government, by which is meant central administration (the Ministry of Justice, in this case), and not the executive branch of government. It is felt also that the law permits too much control in the central Ministry, with insufficient room for initiative, responsibility and management on the part of the institutional superintendent. This problem requires special study.

Another major comment concerns the use of detention of individuals awaiting trial, within such institutions. To claim that Korea cannot afford to build separate facilities for exclusively detention purposes is to beg the issue. The law, while making some provision for segregation, nonetheless places the detention function within the scope of the juvenile houses. Not only that, but it exempts from the treatment provisions those awaiting trial, subjecting them instead to the provisions concerning strict discipline and penalty for escape. This is particularly offensive since those awaiting trial are not guilty of anything, i.e. their cases have not been adjudicated at all. *

That detention is a special condition requiring special handling is too well developed in the literature to require too much documentation. The authoritative Children's Bureau publication on institutions for delinquents, to mention only one of many sources, states in this connection: "the short-term, temporary aspects of a detention program are not compatible with the long-range treatment

* The term "detention" is used here in its technical, professional sense, as it should be. The authoritative Standards and Guides for the Detention of Children and Youth, N.P.P.A., 1958, gives the accepted definition of detention as "the temporary care of children in physically restricting facilities pending court disposition or transfer to another jurisdiction or agency."

aspects of a training school program because each has different goals, serves different needs, and the dual function is not desirable for either facility." *

The Juvenile Prison Law (1958)

Article 1 of this law indicates that reformatory education is its objective for individuals who are "penalized" for "protective" reasons. Rehabilitation is viewed as education administered under "rigid regulation", with punishment for violation of discipline, including solitary confinement. In this respect, the law is very much like the Juvenile House Law in its expression of a philosophy of care which is questionable at least, in terms of how well this can motivate juveniles to modify attitudes and behavior.

Admission to the juvenile prisons is limited to juveniles who are at least 14 years of age, since according to article 9 of the Criminal Code the act of a person under 14 is not punishable. They must be under 20 years of age. Since the prisons are penal institutions, commitments are made only by the criminal courts.

The Juvenile Prison Law is strikingly similar to the Juvenile House Law, and this is the major critical comment. The very creation of two separate laws requires sharper differentiation in scope, purpose, objectives and functions. The prison law, in almost identical fashion, provides for separation of those under 16 from those over 16, segregation of males from females, and separation of those awaiting trial from those committed by the criminal courts. Further, those who are "temporarily entrusted", i.e. awaiting trial, apparently do not receive the same benefits of reformatory education and training as those committed. Finally, such things as organizational structure, treatment measures, staffing and training of personnel, are governed by presidential decree.

The same observations, in relation to the Juvenile House Law, must therefore be made in regard to the law in question.

Protective and Correctional Services and Facilities **

This section of the study deals briefly with the major "institutional" services in the protective and correctional continuum--

* "Institutions Serving Delinquent Children: Guides and Goals," Children's Bureau publication #360 - 1957.

** See Appendix C, Courts Handling Juveniles, and Appendix, Public Correctional Institutions for Juveniles.

police, juvenile court, probation, institutions, and parole. It is imperative that thinking be developed in Korea that there is in fact a continuum, that it is the same child, so to speak, who goes through the entire process. Only in this way can there be developed a gestalt, which permits the same society to express its will and concern for children, through its institutions, in a comprehensive and consistent manner, in keeping with basic principles of the doctrine of *parens patriae*.

The Police

Organizationally, the police are national, a part of the Ministry of Home Affairs. The Ministry has 4 bureaus, of which the Bureau of Police is one. This bureau has 6 sections, including a Criminal Investigation Section. There is no organizational unit which deals exclusively with juveniles. However, the women police consider the protection of juveniles within their scope of activities, and provide for programs of various kinds in the Seoul area.

One of these is the Student Consultation Center in Seoul. Its statement of purpose is quoted in its entirety because it reflects so well the police view of its function in providing protective services: "The purpose of this Students' Consulting Center is the protection, guidance, prevention of delinquencies, and rehabilitation of juveniles who are in an emotionally and physically transient period of adolescence and easily moved by simple emotions and feelings. With positive cooperation and supports from parents, school teachers, educational institutes, and other social institutes in conjunction with the Ministry of Education, police women of the National Police of the Republic of Korea have established this Center to aid and guide these young people to good relationships with their parents and the above mentioned social agencies in solving their personal troubles or problems regarding social matters, psychological points, family troubles, laws, and other personal or social problems outside the daily school life in the complicated modern society. This Center's fundamental object is to prevent alarming increases in delinquency to guide these young people in the sound and healthy functions of their lives in schools, families and society." * Students come to the center by themselves, or are referred by police or parents. Consultation on legal problems of students, sex problems during adolescence, misconduct due to parental neglect, emotional problems, and the like, is provided by police women who are not professionally trained to discharge such functions.

* Typed, undated statement titled "Functions of Consulting Center for the Student", provided by Women's Police.

Statistics quoted in the functional statement indicate that from 1 March 1959 to 29 Feb. 1960 a total of 170 cases were handled. Involved were 39 girls and 131 boys. Consultation was given to 141 students and 29 parents or other adults providing supervision. Concerning the nature of referral problems, 47 dealt with employment requests, 28 with student misconduct, 21 with "whereabouts of hoodlum students", 19 with school selection, and 18 with cost of education. Other situations came to the attention of the center, such as love affairs, transportation for poor students, and treatment of diseases, but the problems noted above appeared in greatest frequency.

While there is a count of "Action taken" and "Pending", the nature of the dispositions is not indicated. The lack of professional case recording makes it impossible to tell the process of case handling, the methods employed, the nature of the guidance offered, etc. On the basis of brief inspection and discussions, it would appear that there is considerable disparity between the very impressive statement of purpose quoted above and the actual performance of the center. Frankly, it is strongly doubted that the center actually does what it purports to do.

The Nam San Shoe-Shine Boy's School, established in 1952 in the city of Seoul, is another example of police activity in behalf of juveniles. The name belies its objectives and functions which are multitudinous. Of the 482 children (boys 271, girls 211) present at Nam San, some were placed by the police, some came from orphanages, and others do not live at the institution but come each day for education which their own homes cannot afford. Most of the boys have jobs outside, particularly shining shoes and selling newspapers. In addition to education provided by 13 qualified teachers, vocational training in sewing, knitting, weaving, wood working and other pursuits is provided by 9 instructors.

The Chongno Youth Community Center was completed in October 1959, with building material provided by foreign aid. Serving 93 children, the facility provides a home for boys between 12 and 19. They work outside peddling newspapers or as office boys, for example, and attend school on the premises at night. Teachers are university students who live at Chongno and volunteer their services. Although the institution is located in Seoul, a small percentage of the boys come from Seoul. Their homes were located in various parts of the country, a goodly number of the boys coming from the south-west provinces. Chongno expects to establish a kindergarden in the near future.

To mention a different type of protective action by police, on 15 April 1960 a small booth was set up at the Seoul railroad station. The purpose of the post is to keep an eye on some 8,000 students

who as commuters use the station each day,

Studies undertaken and contemplated by the police bureau in Seoul offer a final example of police concern for juveniles. In early Feb. 1960 the police in Seoul rounded up for study purposes over 300 street children and a survey project was completed. Planned are two other surveys: One on 1,500 children in so-called shoe-shine boys' schools, the other on 1,000 rag-pickers.

This account of some of the police facilities and services does not mention, but should at least be suggestive of many fundamental questions and problems. A few of these are submitted.

There is a major problem in funding. None of the items mentioned above is budgeted for. At best, some police personnel are supplied, and also the Korean government provides for orphanages generally an allotment for each child of grain and 30 hwan per day for side dishes. Financing is managed through contributions from police officers, churches, voluntary agencies, the public, and the U.S. Army. Adequate planning is impossible under these circumstances. Any government undertaking, if it is valid to begin with, should be budgeted for. There is also a night-marish picture presented as far as function is concerned. Nam San-Shine Boys' School, for instance, does not center around "shoe-shine" in any manner, serves almost as many girls as boys, and is a school, orphanage, and trade training center - all in one. Chongno, euphemistically referred to as a Child Welfare Center, is really an orphanage, as the term is used in Korea. The term "Student Guidance Center" connotes certain notions belied by the reality of the center. But aside from the semantic question, the very heterogeneity of services and functions offers cogent proof that at least some of the facilities were hastily and ill conceived, with little or no thoughtful and integrated, long-range planning.

However, granting the genuine and most commendable attitude of the police in wanting to do something protective of juveniles, and trying so hard to develop, maintain, and extend their programs; granting the need for services such as those mentioned; and even conceding the value and effectiveness of the activities themselves - the question, as to whether all this is really police business, must also be considered, as the most basic question.

The matter of what is appropriate police function in this day and age is still a moot point in the United States, with attitudes sharply divided. The excellent Children's Bureau report on juvenile police services discusses the question fully, presenting the different schools of thought. * It states: "Within the

* U.S. Children's Bureau - "Police Services for Juvenile", Publication #344-1954.

past two decades, police departments in many communities have been giving greatly increased attention to their crime prevention function. Much of this activity has been directed particularly toward juveniles. Few if any people would object to police interest in this work, but the particular form this activity has taken in some places has provoked question. There is no objection to prevention, in other words, but there is question as to what type of prevention program is appropriate for the police to undertake." It cannot be gainsaid that a progressive, modern approach to police work must contemplate activities conducive to prevention of delinquency and crime. Lynn D. Swanson, police consultant in the juvenile delinquency program of the U.S. Children's Bureau, offers a sound approach when he states: "The police role in the overall community - wide prevention of delinquency program includes the reporting of statistical data and other related information, representation in coordinating agencies, assisting in the development of the community-wide program and carrying out the delegated police role in the plan." ** Whatever the reasons and conditions were which induced the National Police to undertake activities of the type reported above, they have far exceeded their legitimate function as a police agency. Their interest in preventive work must be maintained at all cost and even strengthened, but programs should not include those that belong functionally within the province of other agencies, such as child welfare services, and should be established within the framework of an "over-all, community-wide" approach - a condition which is singularly lacking in Korea in relation to social welfare activities generally. Such an approach should be based upon sharply delineated functions to be provided by whatever agencies exist in the community, that are concerned with child care services. A partnership of effort, based upon rational, coordinated planning, thus becomes possible, as opposed to the haphazard, piece-meal, fragmented situation which is so shortsighted.

In addition to the basic question of appropriate police function, another major observation must be made concerning police organization. It is urged that government seriously consider the establishment of a separate juvenile section, which would handle juvenile services exclusively. Such a position is well-documented by literature referred to in various parts of this report. Employed in such a section should be officers specially selected by virtue of interest in children, basically, education and related experience. They should receive special training in "juvenile problems", in addition to their regular police training. It is urged also that training for all regular police officers include basic subject matter on children and youth.

To make a final observation about police, and this is a general comment, specific steps need to be taken, and to some extent are now

** "Police and Children" - U.S. Children's Bureau, a Reprint Article by Lynn D. Swanson in the Police Chief, June 1958.

being taken, in relation to three fundamental points: the setting up of standards of selection of police officers in accordance with a merit system plan, the complete removal of police from politics, and a program of education and human relations designed to destroy the present public image of police as a body to be feared and hated.

Juvenile Court

The Juvenile Law, as pointed out above, provides the statutory basis for the operation of the juvenile court, the principal judicial institution set up to deal with juveniles. There are 4 juvenile courts in all Korea, located in large urban areas. Each court has one judge, except for Seoul which has two.

This court is a branch of a district court, the highest court of original jurisdiction. This is sound and in keeping with best practice, since a juvenile court cannot exercise its inherently significant function if it is merely an inferior court.

Since there are only 4 courts, it perforce follows that each court has a vast jurisdictional scope, area-wise and population-wise. After visiting all of the courts, it seems clear that a consequence of this condition is that the court is used almost exclusively by the community in which the particular court is located. This means that communities outside the large metropolitan areas do not have access to the services which the juvenile court can presumably provide. The corollary is that delinquents outside the 4 urban centers receive either some form of police disposition, or else summary handling in a criminal court. A further point is that the number of judges assigned to the present courts cannot be expected to do much more than a superficial, summary-type job, since the court caseload potential is impossibly high.

Court coverage is therefore most inadequate for a nation of over 22 million people. One remedy, which should be considered, would be to administratively assign juvenile court functions to all the district courts, the legal authority for which jurisdiction they already have. Such a plan would make for more wide-spread judicial coverage in juvenile matters, which would insure more extensive service within the present 4 court areas, as well. All this would require, a priori, greater understanding by government generally and the judiciary specifically of the importance of the juvenile court system. Such understanding and appreciation of the significance of the juvenile court appear to be lacking in Korea.

Several comments have already been made in relation to the juvenile court, in the material above under the Juvenile Law. These concern the question of exclusive and concurrent jurisdiction, the sources for referral of cases to the court, and the matter of detention

of children. The latter point has been developed additionally under the section on The Juvenile House Law. Detention facilities are grossly inadequate in Korea. Not only should they be located physically in the court itself or very close by, to insure ready availability of juveniles for court dispositions, but in addition should be under the direct control of the court. Further, there needs to be developed the concept that detention in any case is not, and should not under any circumstances, be a place for "cold storage" of children. Some type of program, therapeutic in nature, must be provided for children in detention.

At present, children are detained in four types of facilities, instead of one. These include rooms or "waiting room" space in the court itself, police lock-ups, juvenile houses, and juvenile prisons. The place in the Seoul Juvenile Court, by far the most advanced juvenile court in the country, is like a page out of Charles Dickens. Juveniles are kept in the cellar, a veritable dungeon, seated on damp concrete floors, in a room with no appointments of any kind. There are two adjacent rooms, each roughly 10 by 15 feet in size, with ceilings under 7 feet high. One room is for girls, the other for boys. On one visit, over 40 boys were observed seated jam-packed on the floor, engaged in complete inactivity. Facilities for washing were not available, and the juveniles looked inordinately dirty. A strong smell of urine pervaded the setting, which must be regarded as completely unacceptable. It is impossible for the society to convey to juveniles under these circumstances its salutary intent to provide protective services for children in need of care.

With some exceptions obtaining in the court in Seoul, probation and clinical services, regarded as necessary adjuncts to a juvenile court, are lacking. The Seoul juvenile court has one untrained probation officer, the other courts none. In Seoul, the court has a psychiatrist, 2 psychologists, and two social workers. Most of this clinical personnel are part-time. Funds are not available for salaries, although they are supposed to be paid employees. The other 3 juvenile courts have no clinical staff. In Seoul there is also a child guidance clinic, organized in March 1958 through the far-sighted leadership of Judge Kwon. Apparently there are 13 professional staff, including psychiatrists, psychologists, and social workers. These are all part-time, voluntary personnel. Under these circumstances one must raise question about the service and coverage provided by the clinic. At best, it seems to be a somewhat pitiful, yet heroic effort on the part of a few dedicated people to introduce some modern, professional concepts of treatment. That the clinic is able to accomplish any good at all is to the credit of these individuals.

The provisions of the Juvenile Law requiring social and clinical investigation and study of each case, Articles 10 and 11, are, on the whole, paper provisions. They are not implemented, except for Seoul where they are implemented only in a very small number of cases which must be regarded as statistically insignificant. At best, in all the courts, including Seoul, some little "investigation" is undertaken by clerks, and then in only a relatively few cases. There are no budgetary provisions for implementation of the sound legislative intent evident in the articles referred to.

The following provides some idea of the work of the juvenile courts, in terms of volume and disposition of cases. *

* Data supplied by Judge Kwon.

JUVENILE CASES HANDLED BY JUVENILE COURT

Year	1955	1956	1957	1958	1959
Name of Court					
Seoul	1173	1379	7258	9406	5785
Taegu	414	629	567	512	1548
Pusan	631	486	1801	1565	1845
Kwangju	175	1125	824	717	790
Total	2393	3619	10450	12200	9153

JUVENILE CASES HANDLED BY ADULT CRIMINAL COURT

Year	1955	1956	1957	1958	1959
Number of Cases	3739	4456	5535	3829	3881

TOTAL JUVENILE CASES FOR BOTH COURTS

Year	1955	1956	1957	1958	1959
Number of Cases	6132	8075	15985	16029	13034

DISPOSITIONS BY SEOUL COURT

Type of Disposition	Dismiss to Parents	To Institution (e.g. orphanage)	Probation	Juvenile House	Dismissal (no hearing)
Year					
1956	378	202	14	679	90
1957	485	486	1	2736	3533
1958	1149	415	65	4327	3061
1959	1649	44	1	2273	1394

Figures can tell a significant story, but these do not. They raise more questions than provide answers. It should be indicated, first, that the data is not verified, nor is the source indicated. A strong impression remains that the figures cannot be relied upon. This focuses upon another problem that should be mentioned. It was almost impossible to get even the most elementary statistics anywhere. What was obtained was inconclusive, most unclear and incomplete, replete with statistical improbabilities and inaccuracies, and characterized frequently by large undifferentiated groupings, as pointed out elsewhere in this report.

Some additional comments can be made. The 1959 total of cases handled by all the juvenile courts adds up to 9968, instead of 9153 as indicated. The figure for Pusan for the same year is 1845. The judge in Pusan estimated that his court handled some 900 cases that year. These are small points, but they are mentioned because they are symbolic of some of the problems in reporting. In any case, whether the figure for Pusan is in fact 900 or 1845, what is more significant is that the juvenile court in Pusan is not "used". On the day of the visit, there were no cases at all on calendar, and this, in the second largest city in Korea, with a large population, and with a reportedly high delinquency problem. There is no coordination of protective and correctional services in that city, a condition which obtains in all the other cities, and for the nation as a whole, as well. Further, the juvenile court in Pusan appears to have no position of importance in that community. Discussion with the police in Pusan indicated that for a variety of reasons, they prefer to make their own dispositions, either keeping juveniles in police lock-up, under circumstances which are legally questionable, or else referring them to summary trial in a criminal court. The latter disposition often consists of incarceration in the same police-lockups. Juveniles were observed in the lock-up, a commingling of all kinds of cases and ages, with complete absence of program, a setting which does not meet even the most minimal of standards. The same situation was observed in Kwangju, and exists basically throughout the country.

It has already been pointed out that the figures can not provide any reliable index of the incidence of delinquency in Korea. It was confirmed, for example, that the provinces can not afford to send cases to the juvenile courts. One judge stated that he felt certain that police in the rural areas never even heard of the existence of the juvenile court.

The dispositions by the Seoul court reveal some interesting points. The one probation case for 1959 eloquently attests to the absence of probation service in Korea. On the large number of dismissals without hearing, Judge Kown makes the following comment: "The annual number of cases referred to the Seoul Juvenile Court does not indicate the

trend of juvenile delinquency but the frequency of the police arrest of them. The police arrested 3061 innocent children in 1958 and 1934 in 1959. In a sense the police made them anti-police and anti-social by inflicting a deep wound on their mind. The provisions of the juvenile law about "woobum" were prescribed to protect children in danger of becoming delinquent, but they have been misused and abused by the police only to hurt them. The need for juvenile police is very urgent." * The comment is reminiscent of contentions heard in the United States, but even discounting somewhat the "bias" of this particular judge, it is nonetheless reflective of the problem of use of the juvenile court which has been discussed above.

Other comments of a critical nature could be made, but limitations here make further analysis impossible. One final observation, however, needs to be made, to be regarded as the most significant point. It concerns the function and role of the juvenile court in the community. This court is and should be an important court. By definition, it already is a superior court, and not an inferior court. However, in actual practice, it does not command the position of significance it should. The "institutions" within the protective and correctional system in the various urban areas, police, court, institutional facilities for the detention and correction of juveniles, are disparate, divergent, and simply do not work together at all. They are all instruments of the very same society which gives them sanction, and can hardly be expected to carry out its protective intent in relation to children unless some collaboration and cooperation among them exists. The juvenile court is the logical institution to provide leadership in this direction. There is actually another more important reason in support of such a role for the juvenile court. Decisions which affect the custody of children and the natural, as well as legal, rights of parents, can and should only be made via judicial process. Unfortunately, this condition does not always obtain in Korea. The juvenile court is the only agency in the system which has a judicial role.

It should not be necessary to argue further the case for cooperation. In the desired situation, the juvenile court would be able to set basic policy which would govern in each community the handling of protective and correctional dispositions. This would point the way toward the handling of cases in a consistent, uniform manner, in keeping with the best professional principles of child care. Regular meetings of the various agencies, under the direction of the juvenile court judge, would make possible the airing of common problems and the reaching of joint decisions. All sorts of planning possibilities arise under these conditions.

* From article on Delinquency in Law and Politics, op. cit.

Correctional Institutions *

There are 7 correctional institutions in Korea. The National Reformatory, located on Koha Island, in the Yellow Sea off the southwest coast of Korea, near the city of Mokpo, is operated by the Ministry of Health and Social Affairs. The Ministry of Justice maintains 4 Juvenile Houses, at Seoul, Taegu, Kwangju, and Pusan, and 2 Juvenile Prisons, at Inchon and Kimchon. ** All these institutions were visited, except the one at Kimchon.

The terms "reformatory", "juvenile house", and "juvenile prison" do not have an exact counterpart in the American system. The word "house", in English, does not convey a correctional connotation. In a very gross sense, as best as it can be determined, the reformatory is designed for children in danger of becoming delinquent, the house is sort of a training school for those committed as delinquents by a juvenile court, and the prison is a penal institution for juveniles convicted in a criminal court. Actually, the distinction among these facilities is quite blurred in actual function and practice.

The Reformatory ***

Mokpo, as the institution on Koha Island is commonly referred to, was built by the Japanese in 1938. The basic law which governs this facility has already been discussed under The Reformatory Law above. The objections to this law have likewise been noted above.

There were 157 individuals in residence at the time of the visit. Of this number, 32 were from Seoul, 60 from Cholla Namdo, the province wherein Mokpo is located, and the rest from the remaining provinces. According to the Acting Director, the capacity of the facility is 150, but the expected, budgetary capacity is 250. This problem of capacity is a vexing one, not unknown to us in the United States, and is considered below.

There are young and old at Mokpo, from 8 to 20, although the largest cluster is in the 13-16 age group, but in addition there are 5 men in residence. These are homeless, disabled veterans who have been at the facility over 10 years.

Statistical data provided are revealing. Of the total of 157, about 100 began "vagrant life" between the ages of 7 and 11. Over 100 lived as "vagrants" for from 1 to 5 years. There were 54 "lone wolves" in this group, 34 roamed about in company with others, 25 were under

* See Appendix D: Public Correctional Institutions for Juveniles

** Seoul and Pusan have branches in addition to the main facilities

*** A detailed, mimeographed booklet, dated May 1960, describing Mokpo, with facts and figures was provided at time of visit.

gang leaders, and 44 were with their family members. Prior to admission, these juveniles lived outdoors, in caves, in the house of the "head tramp", with families, in other uncertain arrangements. Classification shows 66 listed as orphans, 26 as indigent, and 21, the third largest grouping, show mistreatment by the stepmother as the "motive". Under occupational behavior, the largest group, 67, is classified under "mendicancy". The others engaged in picking pockets, stealing, work as rag-pickers and prostitute guides, with a strong suggestion that practically all of them were involved in delinquent or near-delinquent activities of some kind. The acting-director estimated that about 70% were in the "bombup" or delinquent category, and 30% "woobom", in danger of becoming delinquent.

The largest number, 93, were admitted by way of "vagrant asylums" (receiving homes of institutions maintained by local, governmental welfare offices), 30 were referred by parents voluntarily, 16 came from orphanages, 8 from police and 10 from other sources. The latter include children picked up in the street by staff members. Admissions of any type require approval by the central Ministry of Health and Social Affairs. None is committed through any judicial process. According to Mokpo officials, the law requires at least 6 months stay in the institution. Average length of stay is 2 years, and most are then transferred to the National Boys' Trade Training Center, a resident facility in Inchon. *

The facilities at Mokpo are somewhat less than minimally adequate, even by Korean standards. There is farming and a school program. The carpentry vocational training is more fictional than factual, the shop being no more than a small shack to store wood, and a few tools. Officials, who were evidently sincerely motivated to do a good job, and who work under most difficult conditions in a truly isolated spot, stated that the lack of vocational training was the biggest problem.

Many grave questions exist regarding Mokpo - its remoteness and isolation from community life, the barrenness of its resources, the poverty of its program, the tremendous age span of its inmates (including 5 adults whose residence can hardly be considered valid), the indiscriminate commingling of dependent, neglected, near-delinquent and delinquent children, and, above all, the fact that children are committed there by Ministry action, and not by virtue of judicial process. This is offensive legally and morally, and has been discussed somewhat above.

* Operated by MHSAs for 300 older children from orphanages, as a vocational training center, on a living-in basis.

Juvenile Houses

It would be a fair statement to make that the juvenile houses, or training schools, to use a more functionally descriptive term, are adequate. Obviously, this would need to be regarded as a relative statement. In some respects, they would not meet standards as we know them in the United States, although, again in a relative sense, there are certain institutional settings in the United States that are quite inferior to the juvenile houses of Korea. In any case, a number of critical comments can and should be made about these institutions.

First, all of the facilities are badly overcrowded, the institutional "curse" which exists everywhere. The consequences of overcrowding are well-known. Two major ones can be mentioned: program becomes seriously affected, and there develops pressure for too-early release.

Overcrowding of course must be related to capacity. For book-keeping purposes, capacity is reckoned on the basis of 3 persons per pyong, or a 36 square foot area. Such a measurement would violently violate American standards, but it should be noted that whereas in the United States we use the term "bed" as the unit of measurement, in Korea people sleep on the floor, so that space is perforce regarded differently. However, whether the 3 per pyong ratio may be regarded as at least minimally adequate by Korean standards or not, the fact remains that in actual practice a 4 to 6 per pyong ratio obtains. The director of one juvenile house, pointing to a small room, stated that the boys slept, ate, studied and played in that one room - a condition which is more or less common in Korean institutions. Space is generally inadequate, as are facilities.

A count taken at the time of each visit indicates a total residency for all the houses of 1789, consisting of 1462 committed cases and 327 "awaiting trial". Because of a dearth of reliable statistical data, overcrowding to the extent of 35% can be offered only as a rough estimate.

The two most reliable indices of institutional effectiveness are program and personnel. Program in all the correctional facilities in Korea is heavily weighted with emphasis upon vocational training. This is most understandable considering conditions in this country. In the juvenile houses, a variety of vocational activities was observed: sewing, weaving, wood-working, shoe-making, to mention a few examples. There was the solid impression that the activities were useful, that officials used a good deal of initiative and ingenuity in figuring out things to do and managing with inadequate and insufficient instruments and machines. The major use of hand-work, including the making of shoes, makes it possible to command the time of many, so that "idle hands" were not in evidence.

Educational training is the second, major component of program, encompassing formal education for all grades, including high school. In addition to teaching, counselling is generally undertaken by teachers, as well as by administrative staff. Counselling would not be considered adequate by American standards, and does not meet the standards Koreans would like to achieve. This counselling is more group than individual, and more weighted with elements of admonishment and exhortation to be moral and patriotic than based upon principles of treatment and individualization of care. Clinical care, the use of social workers, psychologists, and psychiatrists, does not exist generally. Perhaps it cannot be demonstrated yet that clinical care, as we know it in the United States, is necessary in Korean institutions. However, the strong impression remains that some type of individualized "treatment" is necessary, based upon modern, professional concepts and principles.

Other elements of program of course exist: recreation, singing, band, drill teams, Boy Scouts, and art expression, to mention some of the activities observed.

Concerning personnel, in vocational work and teaching, the staff is apparently trained, although a study of qualifications could not be made. Systematic training programs for institutional staff do not seem to exist. The management of the daily living of the juveniles is handled by teachers, instructors, administrative staff, and helpers of various kinds, since a distinctive class of child-care staff did not seem evident.

While the ratio of personnel to inmates could not be obtained, there is the impression that there needs to be more personnel, and, further, that the use of personnel requires more in the nature of planning and budgeting. A common practice personnel-wise is the "choktahk" system: the employment of various types of personnel out of "general fund". Each institution has a table of organization, which does reflect planning and budgeting. Generally, it is inadequate, because money is tight, and when an institution feels certain personnel is needed, such as a dress-maker or handyman, the employment and payment of such personnel is managed out of general fund, since the table does not so provide. This is not in keeping with good planning practices. If there is validity to the employment of certain personnel, they should be budgeted for.

One consequence of the shortage of personnel is the employment of "tukmusaeng". This refers to the use of older boys to monitor or otherwise supervise other inmates. The reason for this is understandable, but the practice should be discouraged. Leadership qualities in inmates should be explored and capitalized to promote their growth and development, but responsibility for supervision rests with management exclusively, and should be not delegated.

Abuses which result from the use of boy leaders in supervisory responsibilities are well known in institutional practice. A poignant letter from a former inmate of one of the juvenile houses describes dramatically the extortion, bullying and brutality experienced by himself and others at the hands of the tukmusäeng.

The firm impression however must be recorded that in all the facilities visited, including the juvenile houses, personnel seemed interested in their work, many of them undoubtedly dedicated, and "hungry" to learn newer and better ways of working with juveniles. One could not help but feel a respect for them, since they have such a difficult job to do with so many lacks and needs of all sorts.

There are several major critical comments which require mention. The pressure for early release has been referred to above. While the average length of stay is without question under one year in all the juvenile houses, there are indications that on the whole residence is much too short to make possible any basic changes in behavior or lasting gains of any kind. Stay seemingly ranges from 2 or 3 months in Seoul to as much as 9 months in Pusan, and it should be noted that at least half of the total number of institutional inmates are found in the Seoul Juvenile House. Since after-care is non-existent in Korea, the extent of recidivism is likely inordinately high. More facilities, of course, provide an answer, but not the best answer, as discussed below.

The most significant comment about the juvenile houses concerns the use of detention. This has been alluded to elsewhere in this report. The juvenile houses are used much more for detained cases, i.e. those awaiting trial, than for its avowed, legal purpose, the provision of correctional education for those committed under a protective disposition. During 1958, of the some 19,000 cases handled by the juvenile houses, about 6,500 were committed cases, and over 12,000 were those awaiting trial. In 1959, 4,800 were committed and 9,200 detained, a total of 14,000. *

Detention and commitment functions should not be commingled. This has been discussed above. They are basically different functions, and should therefore be provided for separately, i.e. completely separate facilities with special programs designed to meet the needs of detained cases specifically.

* The Ministry explains the smaller 1959 figure as follows: "The number of children who need protection measures has ben steadily increasing. But the above statistics show that more children were taken into the 4 juvenile houses in 1958 than in 1959, because the government changed its policy to take in less children to enable the houses to keep children under their protection for a longer period instead of forcing them to release children after a short period to make room for new ones."

The irony of the matter is that while the detained cases are not guilty of anything, since their cases have not yet gone to trial, whatever treatment measures exist do not apply to them. As one house director honestly stated: "we have no responsibility under the law". His statement is accurate because the law specifically indicates that the rehabilitative aspects of the law apply only to the committed cases. The consequence of this situation is that those who are detained virtually sit all day on the floor in their packed room with nothing to do. This must be regarded as demoralizing. While the length of stay in detention does not seem inordinately long, a week or two, a large percentage of the total institutional population is affected. For example, of the almost 1,800 in residence in all 4 facilities, as counted during the visits, over 300 consisted of detained cases.

Juvenile Prisons

Less information exists about the juvenile prisons, since only one of the two facilities could be visited. According to information received from the Ministry of Justice, Inchon has a capacity of 436 but an actual population of 1,020, while Kimchon has a capacity of 396 but a population of 872. Regretfully, some doubt must be expressed regarding the reliability of the figures, although it is certain that overcrowding exists.

At the time of the visit to Inchon, there were 780 convicted boys, but, in addition 180 boys, girls and adults awaiting trial at the Inchon court. The same basic comments about program and personnel can be made here, as have been made in the case of the juvenile houses. Management evidently does a good job, the best no doubt it can do with personnel and facilities available. In addition to the school program, there is understandable emphasis upon vocational training. Boys were observed making wire nails, soldering elements in connection with neon lights, weaving mats, and busily engaged in other useful pursuits.

The Boy Scout troop and the band are an evident source of pride to the institution, and apparently to the boys themselves. The Scouts were organized in 1953, are now affiliated with Boy Scouts International. Recognizing the need for education and training "for those young people who have defiantly committed crimes which may disgrace their national traditions and moral principles", the troop was formed to give "such young criminals a chance of rebirth in the course of strict moral and physical education and discipline, and through a life of regularity".

The objections to the use of detention have already been amply noted, and need not be repeated. It should be observed that in Inchon, not only juveniles are detained, but also adults. It is submitted that children who need detention should have separate facilities from adults who require this kind of custody.

Another observation should be made. The juvenile prisons handle only boys, in the committed group. Question obviously arises concerning girls. The answer is that girls may be sent only to a juvenile house or to an adult prison. This raises an interesting question about how well institutions in Korea are differentiated according to function and purpose. The firm impression exists that they are not well differentiated, and this matter is developed further below. This condition may well explain the fact that while age-wise boys in the juvenile houses cluster in greatest frequency in the 16-18 group, with the 18-20 group next, girls appear most in the 18-20 category, with the 20-23 age group appearing next in frequency.

Probation

Probation service is essentially a two-fold function. One part entails the investigation, or social study of each individual case coming to the attention of the juvenile court. The purpose of the study is to submit a diagnostic and analytical portrayal of the individual, with a specific recommendation for his care and treatment, to enable the court to make an appropriate disposition of the case. The peril in treatment without diagnosis can best be understood through its obvious analogy in medicine.

The other component of probation is supervision, referring to professional oversight of cases for whom custody or incarceration of any kind is not indicated by the probation investigation. In this kind of disposition, the individual commonly returns to his own home, or the home of relatives, under certain stipulated conditions related to the needs of the particular case. If the conditions are violated, the court may then make another kind of disposition, such as an institutional program.

The juvenile law, while not referring to the term probation, by its reference to investigation of background, the use of diagnostic opinions by specialists, and placement by the court of an offender with his parent or guardian, makes it crystal clear that probation is intended, as the term is used in the technical literature. In actual practice, as expressed above, there is really not a single trained probation officer in the country. The courts do use investigators and clerks, who are not trained in the probation function. They do little more than obtain identifying data, and make some kind of inquiry in a relatively few cases. They are not able to follow up at all those cases permitted to return home by the juvenile courts.

This is a major point, which should receive serious consideration by the Korean government. There are several reasons. First, there is cogent reason to believe that because of the absence of

a probation service many individuals are committed to institutions unnecessarily. They are so committed, not because of an analysis of their needs, or because the resources of the home and community, however meagre, require such a disposition, but because only institutional resources basically are available for juveniles. This condition is morally questionable at least, as well as psychologically and emotionally damaging.

To mention another reason, probation is much less costly. In the United States, recent expert testimony before the United States Senate indicated that "Good probation service costs only one-fifteenth as much as good training-school services per child per year". * The figure is likely high; the ratio would be considerably lower in Korea. However, it can be well-demonstrated that probation is most significantly cheaper than institutional care.

There is a "booby-trap" in institutions, well known to experienced individuals. Institutions tend to swell in size, and to breed more institutions. Then they become the sole or main service offered, instead of becoming one and only one aspect of the total child-care service picture. Without question institutions are necessary, but they must exist exclusively for only those cases where it is conclusively established that only this type of care is dictated by the needs of particular case.

A U.N. report states in this connection: "The need to provide services for the treatment of crime and juvenile delinquency is urgent in most countries. Such treatment cannot be dissociated entirely from institutional services, but attention should be concentrated on the provision of probation and parole services, which are essentially preventive in character. Homes, hostels and schools for training young offenders are essential to the proper treatment of juvenile delinquency, but, with the increased skill in casework methods employed by probation officers and court social workers, the use made of institutional treatment should decrease. The development of probation services provides a good example of a social service producing an immediate economic return". The report states further: "Every caution should be exercised to prevent encouraging the creation of new residential institutions". **

Parole

Parole is a technical process well defined in correctional literature. It refers to the conditional release, by administrative process rather than judicial determination, of an individual from

*"Report on Juvenile Delinquency", before U.S. Senate, 1960, op. cit.

** "The Development of National Social Service Programmes", op. cit.

institutional confinement. It implies that the individual has received maximal benefit from care in the institution, so that further stay is not indicated. It implies also that some kind of supervision or after-care is needed, before the person is considered ready for complete discharge from official restraint. Under parole, an individual is released on the basis of certain conditions. If violated, the person may be returned to custody, or another disposition made. As a professional process of treatment of offenders, parole is very similar to probation.

While the Juvenile House Law and the Juvenile Prison Law, as well as the adult correctional laws, refer to after-care and provisional release, and even use the term parole, there is no implementation of the legislative intent. There is not a single parole officer in Korea. Parole is extremely useful and valuable. As in the case of probation, parole is significantly more economical than institutional service. In the absence of a parole program, the tendency to confine for longer periods of time than necessary unavoidably exists. Conversely, with a parole program institutional management can take more calculated risks in releasing inmates, although with a sound program these risks can be diminished.

Under the present circumstances, it is likely that institutional gains accomplished at Mokpo, the juvenile houses, and the juvenile prisons are nullified in a significant number of cases. One cannot tell precisely since research, so urgently needed does not exist. Experience in the field would indicate that recidivism, the repetition of anti-social behavior, is probably very high.

Government should entertain one of two possibilities for probation and parole. One common method is to employ personnel who perform exclusively probation functions, and attach them to the judiciary; and to set up a parole staff as an adjunct to institutional administration. This method is used in the state system in the United States. The other method is to employ personnel who carry both functions of probation and parole, the system used by the federal government in the United States. There are advantages and disadvantages which must be evaluated. In Korea, where government is national, and services centrally administered, the federal system might be useful, within the context of an overall, national correctional program.

Prevention

A look at juvenile delinquency requires consideration of programs of prevention. Meditation upon the ancient adage that "an ounce of prevention is worth a pound of cure" can lead only to a conclusion that there is a compelling logic about doing something to prevent a problem. While United States' conditions do not obtain

in Korea, fortunately, it might be interesting to observe that the cost of delinquency in America has been estimated recently at \$2.6 billions. A staggering cost, though one might prefer to look upon the inestimable cost of shattered lives. It is suggested that since the literature contains ample material about the wisdom of delinquency prevention programs, no further argument is needed.

Preventive programs can be regarded in one of two ways. The first is the broad, general approach, which is not aimed at delinquency prevention per se, but instead seeks to strengthen family and community life in every possible way. Examples are maternal and child-health stations, relief to destitute people, workshops for widows, vocational training for youth, YM and YWCA's, recreation programs, clinics and hospitals. They are preventive programs in the sense that their emphasis upon individual, family and community well-being is likely to prevent personal and social maladjustment of any kind. Programs of this broad nature do exist in Korea-under governmental, Korean voluntary, and foreign auspices. In government, a principal agency concerned with welfare is the Ministry of Health and Social Affairs. There are, in addition, some 80 foreign voluntary agencies, many of them of an evangelical nature, which respond to a variety of health and welfare needs. To the extent that all these efforts are successful, they are effective as delinquency prevention programs to the same extent. One way of looking at this point is to consider that without them maladjustments and problems of all sorts, including delinquency and crime, would likely be much worse.

In the second approach are programs specifically designed to deal with the prevention of delinquency as their principle objective. This approach makes possible a close and attentive concentration on the problem. Specific delinquency prevention programs were not found in Korea. It is urged that steps be taken to deal with this matter. A collaborative approach is suggested, involving the ministries of Health and Social Affairs, Justice, Home Affairs (Police), and Education, as well as the Juvenile Courts. Government should take leadership, although it is not suggested that programs need or should be public, tax-supported programs exclusively. There is room for private, voluntary programs and these should be encouraged. Any program is doomed to failure unless the help of private citizens is enlisted.

Both approaches, which have been described briefly, are necessary. To make a useful medical analogy again, in many countries there are programs of preventive medicine, designed to promote and protect the health of people generally but, in addition, for example, there are, malaria prevention programs specifically set up to combat malaria in those areas where the disease occurs.

Experience in the United States teaches us that in a democracy the approach which really "pays off", over the long haul is the citizen action approach. More and more we see in America the development of coordinating councils, organizations consisting of public officials and private citizens in a local community. On a "grass roots" level, these local organizations scrutinize conditions within their own area which affect the health, education and welfare of those living in the area, and then map out a plan of action. Another example of citizen action in America is the program of the National Probation and Parole Association, which organizes prominent citizens of a particular state for the purpose of dealing with delinquency and crime prevention and control at the state and local level. The congressional report on delinquency has this to say about the NPPA program: "The usefulness of a vigorous citizen-action program has been shown by activities carried on in eight states under a Ford Foundation grant to the NPPA. This program is about to be expanded to cover 22 more states." *

With the poverty extant in Korea and with the acute need of so many people to concentrate their time and energy on the grim pursuit of making ends meet, it might be challenged that such citizen-action approaches are pertinent to Korean conditions. Another objection, in a different vein, is the information provided by many knowledgeable people, Koreans and others, that Korea does not have a tradition of social and civic consciousness, that concern existed historically and traditionally for those within the extended family group.

There is no doubt some validity to these points. It is strongly suggested that they can become sterile rationalizations for doing nothing. It would be much more realistic and more dynamic to acknowledge that Korea is a young democracy in process of marked change, and that citizen programs can at least provide a direction which, on the basis of the experience of others, shows promise of demonstrable results. It is not urged that Korea at once set up citizen action programs. It is suggested that Korea think about it. In the last analysis, of course, Korea must devise its own programs, designed to meet its own particular needs in accordance with its own values.

Summary Analysis

It has been indicated in this report that delinquency is not a palpable problem in Korea, and this position has been explained. This is a deceptive point, because it definitely does not mean that delinquency does not exist. It does indeed exist, and while the actual extent of the problem is not known, it is firmly believed that the problem will sharply rise during the next decade. It is believed that the reason why delinquency does not emerge as a clear, sharply

* "Report on Juvenile Delinquency", op. cit.

differentiated image is that the problem merges and blends into the larger problem of personal and social maladjustment in Korea. The latter picture is a grim one, easy to describe and document, despite the evident advances that are constantly taking place.

Another reason that is so interesting is that the total child care picture is likewise blurred, with little differentiation among the categories of children needing care. Distinctions among categories in the United States, for example, are not so shadowy. There, although sharp lines of demarcation do not exist, we speak of and plan accordingly for dependent, neglected, delinquent children, as well as those considered in danger of becoming delinquent. Many jurisdictions in the United States define these categories in their legal provisions. In Korea, a street urchin is at once a member of all these categories.

The philosophy of care, however, is and should be a constant. Reference has been made to the need for a national, social policy with respect to the welfare of people generally, as a matter of major governmental concern, and to the welfare of children particularly. This policy should be firmly expressed in the law, and should find its expression in administration, preferably in a single governmental agency. A case is not being made here for a so-called welfare state. It is urged that in any democracy concern for people must become a distinguishing characteristic. The doctrine on *parens patriae* is the most significant philosophy in relation to the care and welfare of children particularly. It is implicit in a democracy, but must find clear expression in policy, law, and appropriate administration.

The U.N. report on social service programs, quoted above, effectively points out that "the functions of government regarding social service are not effectively carried out when, as in many countries, there is a dispersal of responsibility among a number of departments. Social service should be recognized as a specific area of social policy. It is therefore important that the administration of social service should be centered in a separate department of government...."

The study describes the elements of the correctional continuum, wherein a juvenile goes through a cycle—from the community, through police action to court, from court to institution, and then back to the community again. * It was emphasized that in order to achieve unity of process, the setting and observance of standards, and consistency of action in behalf of the juvenile who goes through the process, Korea needs to think in terms of a continuing correctional process, and plan accordingly.

Gaps in the continuum have been described, including a specific preventive program, probation and parole. These are indeed missing links, and should be provided for. The elements which do exist have

* See appendix E: correctional continuum

likewise been described. Concerning the law, emphasis has been placed upon the development of a social policy as expressed in legal provisions, and the creation of a comprehensive child welfare law. As to police, there are two major points: the creation of a separate juvenile police structure, and the removal of police from inappropriate police activities. The importance of the juvenile court, as the primary judicial institution involved in the matter of juvenile delinquency, and its pivotal role of leadership in regard to the protective and correctional forces in the community, were stressed.

As to institutional programs, considerable misgivings were expressed about Mokpo. Concerning the juvenile houses and prisons, the need for functional differentiation was pointed out, as was the improper use of detention. The strong suggestion was made that while institutions are most necessary the care of certain juveniles, there are many pitfalls which need to be avoided. The march toward the creation of more institutions, prevalent in Korea, should be halted, and in any case institutions should be related to and a part of a total child care spectrum, a significant part, but not the whole, as it appears to be in Korea. The heavy reliance upon institutions as the core of a child care program is not sound, and should be replaced by a more well-rounded program.

Of crucial importance and stressed throughout the report is the need for collaborative effort among the protective and correctional agencies, both on an interministry level nationally, and on a community level as well. Only in this manner can the forces of the society unite, discover and discuss common problems, and plan in an integrated and comprehensive manner. In this connection, the significance of citizen effort receives a good deal of attention.

Recommendations

Recommendations are found in a variety of places in this report. They are not repeated here. However, the following specific recommendations are made for the consideration of the Korean government.

1. The creation of a separate organizational unit of juvenile police. This should not be a part of a women's unit. Needs are different so that organization should be different. Such a unit should be staffed with specially selected officers, selected on the basis of their liking for children, special aptitudes, and related experience.
2. The discontinuance of inappropriate police activities, including institutions and guidance centers, with transfer of functions to child welfare agencies.

3. To increase juvenile court coverage, it is recommended that each district court throughout the nation undertake juvenile court jurisdiction, the legal basis for which already exists.
4. A long-range plan should be developed for creation of separate detention facilities, preferably as an adjunct of the juvenile court.
5. The Juvenile Law should be amended to provide for exclusive, original jurisdiction of all juvenile cases within the juvenile court, with appropriate arrangements for transfer of cases to the criminal court.
6. A comprehensive child welfare law should be adopted, embracing within its coverage dependent, neglected, delinquent children, and those in danger of becoming delinquent, with responsibility vested in the Ministry of Health and Social Affairs.
7. The Juvenile section of the Women's Bureau should be elevated to a separate Bureau level, in keeping with an expanded role in relation to children, which is recommended for this Ministry.
8. The reformatory at Koha Island, near Mokpo, should be abolished. The reasons for this are amply detailed in the report. There are legal and functional objections to this institution and, furthermore, it is most unsound to maintain a children's institution on an isolated island. To be effective, an institution should be within a community, and integrated into community life as much as possible.
9. The Juvenile Houses, which are intended for protective dispositions under the Juvenile Law, on the part of the juvenile court, as opposed to penal institutions for those convicted of crime, should be transferred to the jurisdiction of the Ministry of Health and Social Affairs. There is a wealth of information and literature available in support of the concept that protective and correctional institutions for juveniles exist for the purpose of implementing social welfare policy, and are best administered by agencies which have social welfare as their major concern. In Korea, this is the MHSA. Such a change would leave with the Ministry of Justice the management of penal institutions, which include the juvenile prisons.
10. Urgently recommended is the creation of a national inter-governmental committee as a permanent structure, consisting of representatives of the Ministries of Health and Social Affairs, Justice, Home Affairs (Police), Education, and the judiciary, including juvenile and criminal court representation. Such an organizational structure would make possible a global look at

the entire problem, understanding of the needs and problems of the respective member agencies, assignment of priorities in relation to steps to be taken, and necessary decisions as a consequence of the problem-solving process.

There are many other recommendations which appear in the report. These include the development of a central registry or bureau, whose function would be to keep a statistical accounting of delinquency and crime statistics, and significant trends, all of which is indispensable to effective planning; the organization of research activities, which can be accomplished under administrative and university auspices, likewise of inestimable value in sound planning; the institution of pre-service and in-service training programs under joint agency-university auspices; and the development of a merit system plan for the recruitment and selection of personnel.

Conclusion

Many remarks of a critical nature appear in this report. At all times, it was intended that ideas be challenged and principles critically evaluated, as the case required, and not people. Concerning the many people met in the course of the study, it can be said clearly that on the whole they gave every indication of being devoted to their work, and it was felt that they managed well indeed against many odds and under the most trying and frustrating circumstances.

It is earnestly hoped that the findings of this report will be useful to Korea. One can not help but feel love and admiration for this effervescent country, and because the assignment easily became a labor of love, the wish to have at least some of the ideas find expression in action is compelling. However, it is urged that the matter of greatest importance is not so much the adoption of an idea here or there, as it is the necessity that Korea should think about the concepts expressed and recommendations made. Korea alone can and should evaluate the findings, determine applicability and relationship to values it wants for itself, and make the appropriate decisions. It is well understood and deeply appreciated that the heart-rending circumstances in which Korea found herself as the result of wars, with all their tragic and devastating circumstances, made "crash" programs acutely necessary. There was no time to fuss with the niceties of function, and to plan except in relation to immediate needs, and short term objectives designed to offer instant help. It is urged that Korea begin to think ahead in terms of long-range objectives, and it is hoped that these findings will point the way toward future directions.

APPENDIX A

Source Material for Study *

1. Juvenile Law #489, promulgated 24 July 1958
2. Juvenile House Law #493, promulgated 7 August 1958
3. Juvenile Prison Law #493, promulgated 7 August 1958
4. Criminal Code #293, promulgated 3 October 1953
5. Code of Criminal Procedure (Number unknown), promulgated 23 September 1954
6. Penal Administration Law #105, promulgated 2 March 1950
7. Constitution of Korea (unofficial translation 27 November 1954)
8. Outline of Judicial System of ROK - Published 1959 by Supreme Court, Seoul, Korea
9. Organization Chart - ROK Office of Public Information 15 August 1959
10. Draft of proposed Child Welfare Law November 1959
11. "New Civil Code of Korea" - by Kim Chung Han, Professor of Law, Seoul National University (article in Justice, vol. 4 #1, dated 1 Feb. 1960, published by Korean Legal Center, Seoul)
12. "Organizations and Functions of The ROK Government" (Research Series #2, 1 April 1960) by Seoul National University School of Public Administration
13. "Juvenile Delinquency in Korea" - by Kwon Soon Young, Chief Judge, Juvenile Court, Seoul (Mimeographed, undated article)
14. "General Trend of Crime and Juvenile Delinquency with Special Reference to Recent Demographic Changes in ROK" - by Kwon Soon Young (typed article, dated 23 Feb. 1959, submitted to United Nations)

* While some of the items listed above do not deal with delinquency directly, they were nonetheless invaluable in providing insights regarding Korean life and culture. Not included is a large number of memoranda, letters, statistical notes and tables, and miscellaneous reports.

15. "Case study of Juvenile Delinquency" by Kwon Soon Young in Justice, Vol. 4 #1, 1 Feb. 1960
16. "Juvenile Delinquency Problems" by Kwon Soon Young in Law and Politics, Feb. 1960
17. "Seoul Child Guidance Clinic" (mimeographed article, author not indicated, undated)
18. "Report on the National Social Workers Training Institute" - by Lim, Pyung Hyun (mimeographed article, dated Jan. 1960)
19. "Proposed plan for vocational training for orphans" - by W. E. Rawie, Captain, U.S.N. (mimeographed article, dated 15 Feb. 1960)
20. New York Times Sunday supplement, 10 August 1958 - Article on Children in Welfare Institutions in Korea in 1957
21. "Report on Social Work Education in Korea" - by John Kidneigh, Dir. School of Social Work, University of Minnesota - 31 Aug 1954
22. "Frequency Tables of The Seoul Family Study" (Unpublished, undated mimeographed study by Dr. Evelyn Koh, Ewha University)
23. "Conlon report on Korea" (mimeographed article, 1 November 1959) - a study by Conlon Associates, Ltd, prepared for U.S. Senate Foreign Relations Committee
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38. "The Koreans and their Culture" - by Cornelius Osgood - 1951
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41. "Korean Report" by Korea Office of Public Information - Annual Issue

APPENDIX B

RECOMMENDED BIBLIOGRAPHY *

1. "Standard Juvenile Court Act, 1959 edition" - National Probation and Parole Association (N.P.P.A.), N. Y. City
2. "Standard Family Court Act, 1959" - N.P.P.A.
3. "N.P.P.A. Journal" - October 1959 (entire issue devoted to Standard Juvenile Court Act)
4. "N.P.P.A. Journal" - April 1959 (entire issue devoted to Standard Family Court Act)
5. "Standard Probation and Parole Act, 1955" - N.P.P.A.
6. "Guides for Juvenile Court Judges, 1957" - N.P.P.A.
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9. "Standards for Specialized Courts Dealing with Children, 1954" - U.S. Children's Bureau, Washington, D.C.
10. "Institutions Serving Delinquent Children: Guides and Goals, 1957" - U.S. Children's Bureau
11. "A Look at Juvenile Delinquency, 1960" - U.S. Children's Bureau
12. "Detention Planning, 1960" - U.S. Children's Bureau
13. "Juvenile Hall Standards in California, 1958" - California Youth Authority, Sacramento, California
14. "Parole in Principle and Practice, 1957" - N.P.P.A.

* The items are among the best professional, technical material available in the United States. While wholesale adaptation to Korea is of course not possible or advisable, the items contain much information about principles and practice which can be quite useful in work with delinquents in Korea.

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APPENDIX C

Courts Handling Juveniles

	<u>Juvenile Court</u>	<u>Criminal Court</u>
<u>Structure</u>	branch of District Court	District Court (chief trial court)
<u>Statutory Basis</u>	Constitution Court Organization Law Presidential decrees Juvenile Law Juvenile House Law Juvenile Reformation Decree	Constitution Court Organization Law Presidential decrees Criminal Code Juvenile Prison Law
<u>Administration</u>	under Supreme Court	under Supreme Court
<u>Number</u>	4	9, with 37 branches
<u>Location</u>	Seoul, Taegu, Pusan Kwangju	throughout Korea
<u>Jurisdiction</u>	protection cases	criminal cases
<u>Age Served</u>	to 20	over 14 and under 20
<u>Nature of Hearings</u>	private	public
<u>Source of Referrals</u>	police, judges, prosecutors	police, judges, prosecutors
<u>Separate Detention Facilities</u>	none	none
<u>Clinical Services</u>	none, except Seoul	none
<u>Probation Service</u>	none	none

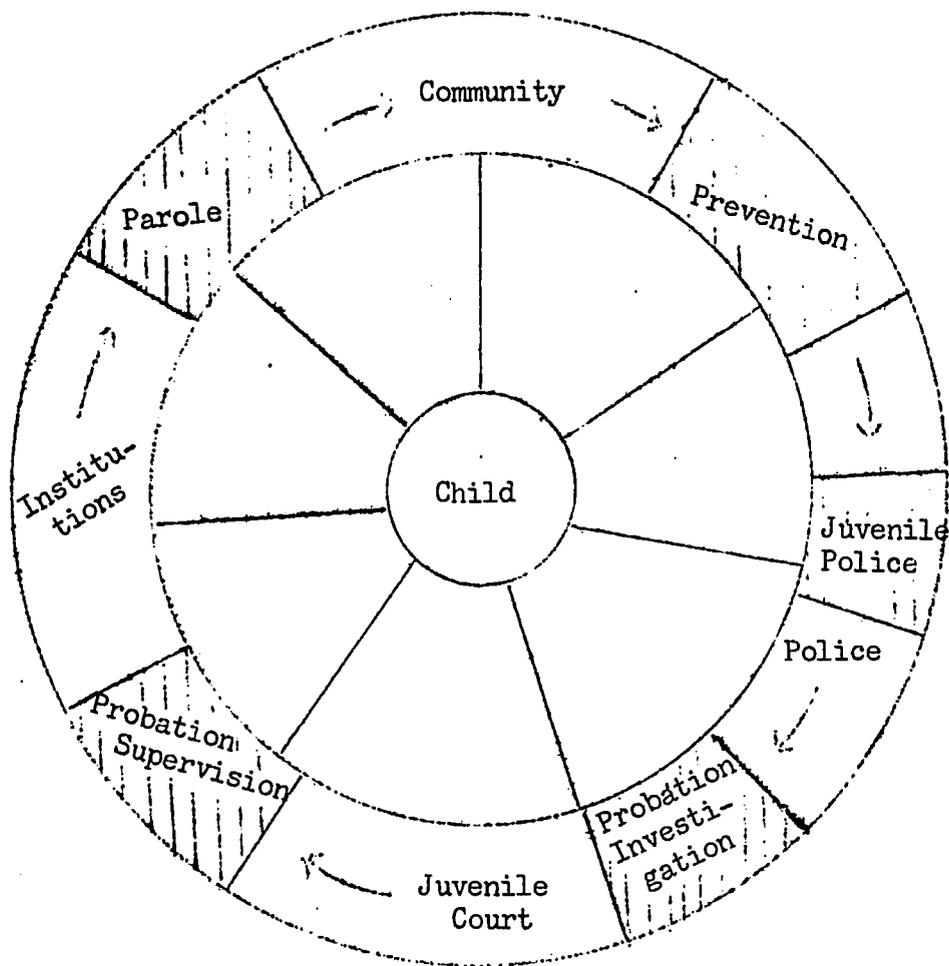
APPENDIX D

Public Correctional Institutions for Juveniles

	<u>Juvenile Reformatory</u>	<u>Juvenile House</u>	<u>Juvenile Prison</u>
<u>Legal Basis</u>	Juvenile Reformation Decree-1923 (Japanese)	Juvenile House Law (1958) Presidential decrees	Juvenile Prison Law ('58) Presidential decrees Penal Administration Law('58)
<u>Administration</u>	Ministry of Health and Social Affairs	Ministry of Justice	Ministry of Justice
<u>Number</u>	1	4 plus 2 branches	2
<u>Location</u>	Koha Island, Cholla Namdo	Seoul, Taegu Pusan, Kwangju	Inchon, Kimchon
<u>Capacity</u>	250	1990	832
<u>Age Served</u>	8 to 20	12 to 20	14 to 20
<u>Sex</u>	Both	Both	Both
<u>Type of Cases (gross)</u>	Mild cases Predelinquents	Severe cases Delinquents	Very Severe Cases Criminal cases
<u>Detention Function</u>	none	for detained and committed cases	for detained and committed cases
<u>Committing Body</u>	MHSA and Juvenile Court	Juvenile Court	Criminal Court
<u>Program</u>	Education and Vocational Training	Same	Same
<u>Parole Service and Program</u>	none	none	none

APPENDIX E

Correctional Continuum



Legend

Items in shaded areas indicate the services, within the constellation of protective and correctional services a modern society should have, which are absent in Korea. All these institutional forms impinge upon the child, and each has a significant role in affecting his future. It should be noted that it is the "same" child who comes from the community and eventually returns to the community. In order for the child to profit from his transit through the continuum, it is imperative that there be integrated effort among the various services.