



**International Convention on  
the Elimination  
of all Forms of  
Racial Discrimination**

Distr.  
GENERAL

CERD/C/63/CO/9  
10 December 2003

Original: ENGLISH

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COMMITTEE ON THE ELIMINATION  
OF RACIAL DISCRIMINATION  
Sixty-third session  
4-22 August 2003

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 9 OF THE CONVENTION**

**Concluding observations of the Committee on the  
Elimination of Racial Discrimination**

REPUBLIC OF KOREA

1. The Committee considered the eleventh and twelfth periodic reports of the Republic of Korea (CERD/C/426/Add.2), which were due on 4 January 2000 and 2002 respectively, submitted as one document, at its 1592nd and 1593rd meetings (CERD/C/SR.1592 and 1593), held on 8 and 11 August 2003. At its 1604th meeting (CERD/C/SR.1604), held on 18 August 2003, it adopted the following concluding observations.

**A. Introduction**

2. The Committee welcomes the reports submitted by the State party and the additional oral and written information provided by the delegation. It expresses its satisfaction with the progress reported. The Committee is encouraged by the attendance of a large delegation and expresses its appreciation for the candid and constructive responses of its members to the questions asked.

**B. Positive aspects**

3. The Committee notes with satisfaction the adoption of the National Human Rights Commission Act in 2001 establishing a national human rights institution.

4. The Committee welcomes legislation adopted in July 2003 establishing the Employment Permit System, which provides foreign workers with the same labour protection as domestic

workers. It also welcomes the amendment to the education regulations that allows foreign children of compulsory school age, including those of undocumented migrant workers, equal access to local schools.

5. The Committee welcomes the April 2002 amendments to the immigration regulations, which have facilitated the attainment of permanent resident status by foreigners, including members of the ethnic Chinese community.

6. The Committee notes with appreciation the progress made in improving the asylum system and the process for determining refugee status, in particular the expansion of the Refugee Recognition Council to include members of civil society and the increased access to social services and the labour market afforded to refugees.

### **C. Concerns and recommendations**

7. The Committee takes note of the view of the State party as to the homogeneity of its population. However, it also notes the information provided in the report about ethnic Chinese and other ethnic minorities living in the Republic of Korea.

In light of the absence of specific statistical data on the ethnic composition of society in the Republic, the Committee recommends that the State party provide an estimate of the ethnic composition of the population in subsequent reports, as requested in paragraph 8 of the reporting guidelines, and draws the attention of the State party to its general recommendation VIII concerning the self-identification of members of particular racial and ethnic groups. The Committee also suggests that the State party take into account its general recommendation XXIX on descent-based discrimination when gathering information on the situation of the Paekjong community.

8. The Committee regrets the lack of specific information in the State party's report on acts of racial discrimination and complaints and legal action by victims. The Committee reminds the State party that the absence of complaints and legal action by victims of racial discrimination may be the result of the absence of relevant specific legislation, or of a lack of awareness of the availability of legal remedies, or of insufficient will on the part of the authorities to prosecute.

The Committee requests that the State party include in its next periodic report statistical information, disaggregated by gender, on investigations and prosecutions launched and penalties imposed in cases of offences which relate to racial discrimination and where the relevant provisions of the existing domestic legislation have been applied. The Committee also requests more detailed information on how the term "unreasonable discrimination" in article 30 (2) of the National Human Rights Commission Act (2001) has been interpreted and applied in practice.

9. While taking note that there are ongoing discussions in the State party concerning the drafting of a Discrimination Prohibition Law, the Committee nevertheless remains concerned

that the legislation of the State party does not seem to respond fully to the requirements of article 4 of the Convention.

The Committee recommends that the State party review its domestic legislation in the light of general recommendation XV concerning the implementation of article 4 of the Convention and that it adopt specific legislation on the offence of racial discrimination and incitement of racial hatred in accordance with article 4.

10. The Committee remains concerned that foreign workers in the industrial trainee programme and undocumented migrants do not fully enjoy their rights as provided by article 5.

The Committee recommends that the State party continue to take measures to improve the situation of all migrant workers, in particular with regard to the right to security of person and to social security and social services. The Committee also recommends that the State party include in its next report information on the implementation of relevant provisions of article 5 for all foreign workers, including industrial trainees, undocumented migrants, refugees and asylum-seekers.

11. The Committee is concerned about the trafficking of foreign women to the State party for the purpose of prostitution, although it notes the State party's efforts to combat this phenomenon.

The Committee encourages the State party to expand and strengthen ongoing efforts to prevent trafficking and provide support and assistance to victims, wherever possible in their own language.

12. The Committee encourages the State party to consult with organizations of civil society working in the area of combating racial discrimination during the preparation of the next periodic report.

13. The Committee recommends that the State party disseminate information widely and raise public awareness of the domestic remedies available against acts of racial discrimination, on the legal avenues for obtaining compensation in cases of discrimination and on the individual complaints procedure under article 14 of the Convention.

14. The Committee recommends that the State party take into account the relevant parts of the Durban Declaration and Programme of Action when implementing the Convention in the domestic legal order, in particular in respect of articles 2 to 7 of the Convention, and that it include in its next periodic report information on action plans or other measures taken to implement the Durban Declaration and Programme of Action at national level.

15. The Committee recommends that the State party's reports be made readily available in the Korean language to the public from the time they are submitted and that the observations of the Committee on these reports be similarly publicized.

16. The Committee recommends that the State party submit its thirteenth periodic report jointly with its fourteenth periodic report, due on 4 January 2006, and that it address all points raised in the present concluding observations.

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