



# International Convention on the Elimination of All Forms of Racial Discrimination

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## Committee on the Elimination of Racial Discrimination 115th session

Geneva, 22 April–9 May 2025

Item 4 of the provisional agenda

**Consideration of reports, comments and information submitted  
by States parties under article 9 of the Convention**

### List of themes in relation to the combined twentieth to twenty-second periodic reports of Republic of Korea

#### Note by the Country Rapporteur

1. The Committee on the Elimination of Racial Discrimination decided at its seventy-sixth session<sup>1</sup> that the Country Rapporteur would send to the State Party concerned a short list of themes, with a view to guiding and focusing the dialogue between the State Party's delegation and the Committee during the consideration of the State Party's report. The present document contains a list of such themes. It is not an exhaustive list; other issues may also be raised in the course of the dialogue. No written replies are required.

#### Statistics

2. Updated statistics on the demographic composition of the population based on self-identification, disaggregated by gender, ethnic and ethno-religious origin and status as a migrant worker, refugee, asylum-seeker or stateless person.<sup>2</sup>

#### The Convention in domestic law and the institutional and policy framework for its implementation (arts. 1, 2, 4 and 6)

3. Specific examples of the application of the Convention in national courts. Additional information on measures taken to raise awareness of the Convention among judges, public defenders, law enforcement officials, other public officials, lawyers and the public, including non-citizens, and on the impact of such measures.

4. Steps taken to adopt comprehensive anti-discrimination legislation that defines and prohibits racial discrimination, including direct, indirect, multiple and intersecting forms, on all prohibited grounds, in accordance with article 1 of the Convention.<sup>3</sup> Specific measures taken to overcome the resistance in the National Assembly concerning specific grounds for the prohibition of discrimination.<sup>4</sup>

5. Updated data and statistics on the number of cases of racial discrimination reported to the relevant authorities, the nationality, gender and legal status of the complainants, the percentage of those complaints that were investigated and prosecuted, and the outcomes.

<sup>1</sup> [A/65/18](#), para. 85.

<sup>2</sup> [CERD/C/KOR/CO/17-19](#), para. 39.

<sup>3</sup> [CERD/C/KOR/CO/17-19](#), para. 6; [CCPR/C/KOR/CO/5](#), para. 12 (a); [CEDAW/C/KOR/CO/9](#), para. 13 (a); [E/C.12/KOR/CO/4](#), para. 23; and [CRC/C/KOR/CO/5-6](#), para. 17.

<sup>4</sup> [CERD/C/KOR/20-22](#), para. 14.



6. Results of the implementation of the third National Action Plan for the Promotion and Protection of Human Rights (2018–2022) and updates on the adoption of the next plan.

7. Measures taken to strengthen the independence of the National Human Rights Commission of Korea, including the process for the election of its members, and to ensure that it is provided with adequate human, technical and financial resources to be able to carry out its mandate effectively and independently, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). Information on complaints of racial discrimination received by the Commission and on follow-up action taken.

8. With reference to general recommendation No. 35 (2000), information on measures taken to explicitly criminalize racist hate speech, incitement to racial hatred and racist hate crimes in the national legislative framework, in full compliance with the requirements of article 4 of the Convention.<sup>5</sup> Information on measures taken to amend the relevant legislation in order to explicitly include racist motives as aggravating circumstances leading to enhanced penalties.<sup>6</sup>

9. Updated information on the handling of cases relating to racially motivated hate crimes and hate speech and acts of incitement to racial hatred and xenophobia, including complaints lodged, investigations carried out, prosecutions initiated, convictions and sanctions handed down and reparation granted to victims. Examples of sanctions taken under article 100 of the Broadcasting Act.<sup>7</sup> Measures taken to improve the reporting and monitoring of racist and xenophobic hate crimes and hate speech, including the establishment of a data-collection system in this regard. Update on the utilization of a term other than “illegal immigrants” in legislation and official documents.<sup>8</sup>

10. Further information on other concrete measures taken to prevent and combat racially motivated hate crimes and hate speech, incitement to racial hatred and xenophobia, including in the media, on the Internet and on social networks, in particular against Muslim refugees and asylum-seekers.<sup>9</sup>

#### **Situation of migrant workers (art. 5)**

11. Further measures taken to extend the rights of migrant workers under the Employment Permit System.<sup>10</sup> Measures taken or envisaged to amend the Labour Standards Act to ensure that equivalent standards, notably relating to working hours and holiday entitlement, are guaranteed across all sectors, including the sectors with significant numbers of migrant workers, such as the agriculture and fisheries sectors.<sup>11</sup> Measures taken to continuously increase the health insurance coverage of migrants<sup>12</sup> and reduce insurance fees.<sup>13</sup> Measures taken to expand the scope of beneficiaries of basic social support to all persons living on the territory of the State Party, irrespective of their national origin.<sup>14</sup> Examples of cases in which a foreign worker filed a petition with a regional employment and labour office following the employer’s violation of labour relations regulations.<sup>15</sup> Measures taken to monitor the implementation by businesses of the measures imposed following labour inspections.<sup>16</sup> Results of the execution of the third Master Plan for Immigration Policy (2018–2022).<sup>17</sup>

12. Steps taken to set up measures alternative to and less restrictive than the detention of undocumented migrants who cannot be deported immediately, to ensure periodic review of

<sup>5</sup> [CERD/C/KOR/20-22](#), para. 25.

<sup>6</sup> *Ibid.*, para. 25.

<sup>7</sup> *Ibid.*, para. 100.

<sup>8</sup> *Ibid.*, para. 19.

<sup>9</sup> [CERD/C/KOR/CO/17-19](#), para. 8.

<sup>10</sup> *Ibid.*, para. 10.

<sup>11</sup> [CERD/C/KOR/20-22](#), paras. 68–71; and [E/C.12/KOR/CO/4](#), para. 37.

<sup>12</sup> [CERD/C/KOR/20-22](#), para. 48.

<sup>13</sup> *Ibid.*, para. 50.

<sup>14</sup> [CERD/C/KOR/CO/17-19](#), para. 32 (b).

<sup>15</sup> [CERD/C/KOR/20-22](#), para. 70.

<sup>16</sup> *Ibid.*, para. 70, table 25.

<sup>17</sup> *Ibid.*, para. 15.

the lawfulness of their detention by an independent mechanism and to establish a strict upper limit on the length of detention.<sup>18</sup> Data on cases of the use of excessive force against undocumented migrant workers.<sup>19</sup> Statistics on crimes reported by undocumented migrants who have been victims of human rights violations since the adoption of the Enforcement Decree of the Immigration Act.<sup>20</sup>

13. Steps taken to review the compatibility of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families with the relevant national laws and with the characteristics of the labour market in the State Party,<sup>21</sup> and to ratify that Convention.<sup>22</sup>

#### **Situation of asylum-seekers, refugees and stateless persons (art. 5)**

14. Update on the measures taken to improve procedures for the determination of refugee status and related training of public officials and to resolve the extremely low rate of recognition of refugees.<sup>23</sup> Overview of the work of the Refugee Appeal Division.<sup>24</sup> Update on the activities of the Refugee Committee.<sup>25</sup> Update on the amendment to the Refugee Act to guarantee the provision of interpretation services for refugee applicants during application and submission processes.<sup>26</sup>

15. Results of the measures taken to fully integrate recognized refugees into society and the budget allocated for this purpose.

#### **Situation of foreign/migrant women (arts. 2 and 5)**

16. Further measures taken to grant equal rights to foreigners who have married a Korean citizen (“marriage migrants”).<sup>27</sup> Information on the judicial and administrative support provided to returned marriage migrants regarding divorce proceedings, child custody and child support. Measures taken to collect statistics on returned marriage migrant women and their children.<sup>28</sup> Measures taken to expand the beneficiaries of the National Basic Livelihood Security System.<sup>29</sup>

17. Results of the implementation of recent legislative amendments and policy changes related to support for victims of gender-based violence, which extend the scope of coverage to foreigners.<sup>30</sup> Statistics on the complaints lodged, investigations carried out, convictions of and sanctions imposed on perpetrators of gender-based violence, and the reparations provided to victims.

18. Results of the implementation of the Act on Prevention of Trafficking in Persons and Protection of Victims (2021)<sup>31</sup> and progress achieved through the first Comprehensive Plan for the Prevention of Human Trafficking (2023–2027). Update on the complaints lodged, investigations carried out, convictions of and sanctions imposed on perpetrators, and the

<sup>18</sup> CERD/C/KOR/CO/17-19, para. 18; CCPR/C/KOR/CO/5, para. 46 (a) and (b); and CAT/C/KOR/CO/6, para. 33 (c).

<sup>19</sup> CERD/C/KOR/CO/17-19, para. 16; and follow-up report submitted by a coalition of non-governmental organizations (NGOs), 27 February 2020, p. 3 (available at [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCERD%2FNGO%2FKOR%2F43365&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCERD%2FNGO%2FKOR%2F43365&Lang=en)).

<sup>20</sup> CERD/C/KOR/20-22, para. 74.

<sup>21</sup> Ibid., para. 105.

<sup>22</sup> CERD/C/KOR/CO/17-19, para. 35.

<sup>23</sup> CERD/C/KOR/20-22, para. 11.

<sup>24</sup> Ibid., para. 31.

<sup>25</sup> Ibid., para. 33.

<sup>26</sup> Ibid., para. 36.

<sup>27</sup> CERD/C/KOR/CO/17-19, paras. 21 and 22; and CERD/C/KOR/20-22, para. 41.

<sup>28</sup> CERD/C/KOR/20-22, para. 41.

<sup>29</sup> Ibid., para. 52.

<sup>30</sup> Ibid., paras. 86 and 87.

<sup>31</sup> Ibid., para. 95.

reparations provided to victims.<sup>32</sup> Measures taken to set up relevant training for police officers and immigration officials on identifying victims of trafficking in persons.

19. Update on the amendment to the Multicultural Families Support Act to broaden the definition of multicultural families.<sup>33</sup> Results of the implementation of the Overseas Multicultural Family Support Project.<sup>34</sup>

**Situation of foreign/migrant children (arts. 2 and 5)**

20. Updated and detailed information on the legislative proceedings for universal birth registration. Update on the draft act on birth registration of foreign children<sup>35</sup> and on the birth notification system.<sup>36</sup> Measures taken to ratify the Convention on the Reduction of Statelessness<sup>37</sup> and to ensure compliance of the Nationality Act with it.

21. Update on the planned amendment to the Framework Act on Education to guarantee that all children receive an education without discrimination.<sup>38</sup>

22. Update on the adoption of an amendment to the Immigration Act to limit the detention of foreign children under the age of 14.<sup>39</sup> Measures taken or envisaged to extend the scope of this amendment to avoid the detention of all minors.<sup>40</sup>

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<sup>32</sup> [CERD/C/KOR/CO/17-19](#), para. 26 (b) and (c).

<sup>33</sup> [CERD/C/KOR/20-22](#), para. 23.

<sup>34</sup> *Ibid.*, para. 21.

<sup>35</sup> *Ibid.*, para. 27.

<sup>36</sup> [CERD/C/KOR/FCO/17-19](#), para. 15; and NGO follow-up report, p. 5.

<sup>37</sup> [CERD/C/KOR/CO/17-19](#), para. 35.

<sup>38</sup> [CERD/C/KOR/20-22](#), para. 61.

<sup>39</sup> *Ibid.*, para. 80.

<sup>40</sup> [CERD/C/KOR/CO/17-19](#), para. 18; [CCPR/C/KOR/CO/5](#), para. 44 (b); and [CRC/C/KOR/CO/5-6](#), para. 43 (a).