



International Convention on the Elimination of All Forms of Racial Discrimination

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Summary record of the 2691st meeting*

Held at the Palais Wilson, Geneva, on Monday, 3 December 2018, at 3 p.m.

Chair: Mr. Amir

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The meeting was called to order at 3 p.m.

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

Combined seventeenth to nineteenth periodic reports of the Republic of Korea (CERD/C/KOR/17-19; CERD/C/KOR/Q/17-19)

1. *At the invitation of the Chair, the delegation of the Republic of Korea took places at the Committee table.*
2. **Mr. Kang** Jeong Sik (Republic of Korea), introducing his country's combined seventeenth to nineteenth periodic reports (CERD/C/KOR/17-19), said that 2018 marked an important year for human rights in the Republic of Korea, as the Government had adopted the Third National Action Plan for the Promotion and Protection of Human Rights and had announced the Third Multicultural Family Basic Plan and the Third Basic Plan for Immigration Policy, all three of which covered the period 2018–2022. The Government's objectives in that regard would be translated into action through dedicated implementation plans developed by the central and local authorities.
3. The Government had persevered in its efforts to introduce a comprehensive anti-discrimination law that covered racial discrimination and had made provision for such a law in the Second and Third National Action Plans. Public opinion would continue to be monitored in that regard. Although a comprehensive anti-discrimination law had yet to be adopted, any act of racial discrimination that constituted a criminal offence, such as defamation or insult, would be punished to the full extent of the law. The Government also intended to examine the legal characterization of acts of deliberate disinformation and the penalties applicable to such acts.
4. Under the Second National Action Plan, the Government had increased the number of providers of social integration programmes and had developed online education courses. The Act on the Protection and Promotion of Cultural Diversity and its enforcement decree had been revised, and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions had been ratified. In June 2013, the Government had established a refugee bureau and had adopted a set of guidelines on the treatment of refugees, which governed the operation of support centres and established the entitlement of applicants for refugee status to health care, housing and support in meeting their living costs. Special efforts had been made to strengthen the protection of vulnerable groups. Victims of sex trafficking could access multilingual counselling services and self-reliance and rehabilitation courses.
5. The Third National Action Plan provided for measures to protect the human rights of foreign nationals who had violated immigration law; establish a stable legal status for married migrant women; strengthen the integration of immigrants into society; monitor and improve the working conditions of migrant workers; strengthen the monitoring of racial discrimination and hate speech in the media; and protect the human rights of local workers employed by overseas companies. In that context, the Government had held two public hearings to gather the opinions of civil society and private sector experts and 18 meetings with non-governmental organizations (NGOs) working on human rights issues.
6. The Government operated a work permit system based on the principle of non-permanent residency. Since October 2011, less-skilled foreign nationals were permitted to enter the country for a period of employment but would subsequently have to return to their country of origin. Migrant workers with certain qualifications were permitted to work in the country for extended periods and to bring their families with them.
7. Migrant workers could freely change employer in certain circumstances, such as when their employer had mistreated them. The Government's efforts to improve the system for changing employers included the establishment of procedures to enable workers to change employer immediately if they had been sexually assaulted; a broadening of the definition of sexual harassment; and the introduction of standards for accommodation facilities so that migrant workers could change employer in the event of non-compliance with those standards. The Government was also striving to improve working and housing

conditions, prevent industrial accidents and strengthen monitoring. In addition, it was expanding its inspection programme to encompass a larger number of sectors, including the agricultural, livestock and fish farming industries, and providing training on how to protect the human rights of migrant workers.

8. In July 2013, the Republic of Korea had become the first country in Asia to have adopted a dedicated law on refugees, the Refugee Act, which governed such matters as refugee status determination, the right to legal assistance and interpretation services, and the right of appeal. The Act entitled legally recognized refugees to social security, certain benefits, Korean language courses and vocational training through social integration programmes. The Government granted work permits to applicants for refugee status, legally recognized refugees and persons holding humanitarian stay permits. The Refugee Committee, which consisted of government officials and civilian experts, was responsible for handling appeals. Its mission was to ensure the fairness and objectivity of refugee status determination procedures. In cooperation with the Office of the United Nations High Commissioner for Refugees (UNHCR), the government officials involved in that process underwent regular education and training.

9. Regardless of their parents' migration status, children born to foreign nationals in the Republic of Korea could be registered at the relevant foreign embassy. The Government issued birth certificates to children who could not be registered in that manner so that they could remain in the country. It had recently held a public hearing on the possibility of introducing a universal birth registration system and was planning to conduct further public consultations on the matter. The National Assembly would soon discuss a legislative amendment aimed at further strengthening the rights of children born to foreign nationals.

10. In the first half of 2018, the Government had granted humanitarian stay permits to a large number of Yemeni asylum seekers on Jeju Island through an expedited status determination procedure. It had provided them with employment opportunities, housing and social integration education in consultation with the Jeju provincial government and civil society groups. Their living costs had been subsidized, and they had been offered support in meeting the cost of any medical expenses incurred in connection with emergency surgery or childbirth. The Government planned to establish a mentoring system to facilitate the social integration of those asylum seekers and would continue both to raise public awareness of their situation and to cooperate closely with the international community, including UNHCR.

11. Foreign nationals were protected under legislation on the punishment of crimes of domestic violence, which granted the police emergency powers to respond to cases of domestic violence and provided for various other measures, including restraining orders and court-imposed victim protection measures. The Government was committed to guaranteeing the procedural rights of victims of domestic violence. It had also produced a guidebook for victims in four languages, including English. All human trafficking offences were subject to criminal punishment, and a number of factors constituted aggravating circumstances in that connection, including trafficking for such purposes as labour exploitation, sex trafficking and organ harvesting. The procuring of migrant women for prostitution was punishable under the Act on the Punishment of Arrangement of Commercial Sex Acts.

12. The Government had enacted the Multicultural Families Support Act in 2008 and had since developed policies for families in which only one spouse was a national of the Republic of Korea. Efforts were being made to raise public awareness of the diverse forms that family units could take, and policies were being developed to overcome prejudices in that regard. The Framework Act on the Treatment of Foreigners Residing in the Republic of Korea served to protect the human rights of foreign nationals and facilitate their integration into society. The Government operated under a multifaceted system through which laws, plans and policy measures were developed in consultation with relevant ministries with the ultimate aims of helping foreign nationals to adapt and contribute to Korean society and ensuring mutual understanding and respect.

13. Since February 2018, the Prime Minister's Office had been coordinating the work of the Immigration Policy Commission and the Multicultural Families Policy Commission in

order to align the policy areas for which they were each responsible. The Third Multicultural Family Basic Plan for the period 2018–2022 was aimed at protecting the human rights of migrant women by increasing the self-reliance of married immigrants, expanding their opportunities for social participation and strengthening the educational and social capacities of children from multicultural families.

14. Since 2014, the Government had expanded access to programmes conducted by the country's 218 family support centres, which offered a range of services, including Korean language courses, family counselling, childcare support, and interpretation and translation services. It was important to raise awareness of other races and cultures among teachers and other professionals. The Government would keep working to address negative attitudes towards migrants in everyday life.

15. In 2016, the Government had amended the National Human Rights Commission Act with a view to increasing the diversity of its commissioners and the transparency of the process by which they were selected. The amendments had established clear eligibility criteria and had widened the pool of eligible candidates. Commissioners came from a broad range of backgrounds and included lawyers, NGO activists and religious leaders. Under the new five-year plan announced by the Government in July 2017, the Commission would receive additional human and financial resources and undergo organizational changes. Those changes had already found reflection in the establishment of a discrimination remedy bureau and an armed forces human rights division.

16. **Ms. Jeong Moonja** (National Human Rights Commission of Korea) said that the number of foreign nationals resident in the Republic of Korea had increased over the previous decade and, as at December 2017, stood at some 2.18 million. That increase raised questions regarding living conditions in general and the social welfare system as a whole. The Government had revised the existing regulatory framework and improved public infrastructure with a view to ensuring the integration of migrants and fostering a multicultural society. However, there were a number of areas in which improvements were still required.

17. The Commission took the position that the term “illegal immigrants”, which was used in the Framework Act on the Treatment of Foreigners Residing in the Republic of Korea to describe those who were undocumented or had overstayed their visa, should be replaced, as it had negative connotations, implied that such persons were not entitled to legal protection, made them vulnerable to human rights violations and incited prejudice and hatred against migrants in society.

18. Following the arrival of the more than 500 nationals of Yemen on Jeju Island in April and May 2018, there had been a sudden backlash against immigrants. In addition, media coverage of the situation had involved deliberate disinformation, which ran the risk of manipulating public opinion. The Commission had urged the Government to improve the fairness of its refugee status determination procedures and ensure their compliance with international human rights standards and the Refugee Act. On a number of occasions, representatives of the Commission had visited Jeju Island to conduct interviews.

19. According to statistics compiled by the Ministry of Justice, nine persons had been killed and many more injured in immigration crackdown operations between 2008 and July 2017. The Commission had decided to launch an investigation into the death of a national of Myanmar during a Ministry of Justice operation on 22 August 2018. In that context, the Government should review its policy on undocumented migrants, which was currently focused on forced deportation.

20. The increase in the number of children born to migrants had drawn attention to the challenges that they faced in accessing maternal and childhood health-care services. For that reason, the amendment to the National Health Insurance Act and the Medical Care Assistance Act should be reviewed in order to guarantee health insurance coverage for the children of all migrants.

21. Many women migrant workers were employed at isolated locations and their shared living spaces were mostly under the complete control of their employers. That situation left them highly vulnerable to human rights violations, such as sexual assault, and made it

difficult for NGOs and government agencies to assist them. The National Human Rights Commission had recently recommended that women migrants who were victims of sexual assault should be allowed to immediately change their workplace and a dedicated counselling centre be set up for them. The Commission carried out monitoring to encourage the timely implementation of measures to ensure such migrants' human rights.

22. The Enforcement Decree of the Primary and Secondary Education Act had been amended to allow all migrant children to attend school. However, the Framework Act on Education, a higher law, granted such children only a limited right to education. Since many of those children missed out on universal education opportunities because of negligence or a lack of information on the part of their parents, the Government should take steps to actively encourage their attendance at school and fully ensure their right to education. In addition, given that many children were deprived of basic health, educational and social welfare benefits because of their parents' failure to register them at birth, the Government should ensure that all babies born in the Republic of Korea were officially registered, regardless of their nationality.

23. Efforts to combat trafficking in women for the purpose of sexual exploitation had not had much impact. In view of the overly narrow definition of trafficking in persons contained in existing domestic legislation, which made it difficult to identify victims, the Commission had prepared indicators for victim identification and protection. The next step was for the Government to draw up a victim-protection plan based on those indicators. All victims, including undocumented immigrants, should be granted an extension of stay or a temporary visa in order to allow them to seek remedies. Work should be carried out to investigate routes used by human traffickers.

24. **Ms. McDougall** (Country Rapporteur), commending the State party on its well-organized and helpful report, said that it was regrettable that more NGOs had not been consulted in its preparation.

25. The argument put forward by the national authorities to the effect that article 11 (1) of the Constitution, together with other pieces of legislation, fully covered the definition of racial discrimination and the prohibited grounds for discrimination required under articles 1, 2 and 4 of the Convention was not a convincing one. On the basis of the information provided by the State party in its report, no action had been taken to act on the recommendation made by the Committee in its previous concluding observations (CERD/C/KOR/CO/15-16, para. 6) that it should include in its legislation, among other things, a definition of racial discrimination that encompassed all prohibited grounds of discrimination in line with article 1 of the Convention. The Committee wished to know whether or not the State party intended to take steps to bring its legislation into line with, in particular, articles 1 and 4 of the Convention.

26. Information would be welcome on action plans and other measures taken to implement the Durban Declaration and Programme of Action. Information would also be appreciated on measures taken to set up a mechanism for the collection and analysis of statistics on complaints of racial discrimination brought before domestic courts and the National Human Rights Commission. It would be useful to know the number of investigations carried out into such complaints, the number of convictions and sanctions handed down, and details regarding any reparations made to victims. The absence of cases filed did not mean that there was an absence of discrimination but rather indicated a lack of adequate mechanisms for redress or a lack of trust in such mechanisms on the part of potential complainants.

27. Anti-refugee sentiment, if mishandled, could quickly turn into racist hysteria, as could be seen in the case of the Yemeni asylum seekers who had recently arrived on Jeju Island. It was important to put in place an appropriate legal and policy framework to prevent the spread of racist propaganda. The Government must spearhead efforts to defend multiculturalism and to curb xenophobia in public debate.

28. The Committee would appreciate information on the implementation, outcomes and indicators for success of the Second National Action Plan for the Promotion and Protection of Human Rights and on the influence of those elements on the design of any future

national action plan. It would be interesting to hear about any further efforts to adopt an act on the prohibition of discrimination following the unsuccessful attempt to do so in 2008.

29. With regard to measures to counter and prevent xenophobic discourse against foreigners by political and public figures, she would like to know what sanctions had been imposed under article 100 of the Broadcast Law. Information would also be welcome on complaints, investigations and sanctions regarding incitement of racial hatred and racist hate speech in the media, in particular against migrants and refugees, and any action taken against conservative Christian groups that had reportedly stirred up racist sentiment against Muslims.

30. She would like to know what measures had been taken to replace terms such as “illegal immigrants” with more neutral terminology in legislation, policy documents and official discourse. The Multicultural Families Support Act was applied only to families where one of the spouses was a citizen of the Republic of Korea. Where such unions ended in divorce, a former spouse who was a foreign national could remain in the State party only if the divorced couple’s children were nationals of the Republic of Korea. It was her impression that the very careful distinctions to be found in domestic laws and policies between citizens and the many categories of non-citizens were made with a view to extending protections and rights to only the very few such non-citizens who might meet the required racial and class standards.

31. **Mr. Kut** (Follow-up Coordinator) said that he wished to commend the State party for the timely submission of its 2013 interim report on the follow up given to the recommendations identified in paragraph 23 of the Committee’s previous concluding observations (CERD/C/KOR/CO/15-16). In its response to the report, the Committee had expressed regret at the State party’s assessment that no further amendments to the Employment Permit System were necessary and had requested the Government to give the necessary consideration to the matter. It had also asked the State party to provide information on the outcome of the review of the potential ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Also in its evaluation of the follow-up report, regarding undocumented migrant workers, the Committee had noted the lack of information concerning any measures taken to ensure that migrant workers who entered the country legally did not become undocumented as a result of the inflexibility of the work-permit system and the lack of statistical data on the detention and expulsion of undocumented workers. With respect to asylum seekers and stateless persons, the Committee, while appreciating the State party’s willingness to address issues in their regard, had noted with concern the absence of any plans to introduce legislative reforms that would permit the development of a comprehensive birth registration system for children of refugees.

32. **Mr. Marugán** said that he wished to know whether the State party intended to facilitate the naturalization of migrants and to render the corresponding decision-making process less discretionary. He asked whether the State party could provide an estimate of the number of migrant children whose births had not been registered and information on the government office with primary responsibility for the implementation of universal birth registration and its efforts to improve the situation in that regard.

33. With regard to the concerns expressed by the Committee in its previous concluding observations (CERD/C/KOR/CO/15-16, para. 11) concerning migrant workers in respect of, for example, residency eligibility, he noted that there had been no improvement in their situation. In that connection, it would be interesting to hear the delegation’s view on reports that restrictions related to employment periods, family reunification and the extension of period of stay had led to migrant workers living socially isolated existences in conditions of vulnerability and to the development of stereotypes regarding, and prejudice against, foreigners, in particular those from less-developed Asian countries, that could lead to discrimination and exploitation in their regard.

34. He would also welcome the delegation’s comments on reports that article 17 (3) of the Immigration Act could be arbitrarily interpreted to prohibit migrant workers from engaging in political activities; that migrant workers had been deported for carrying out trade union activities; that migrant workers had been injured or killed during violent

crackdowns by the Ministry of Justice; and that employers were rarely indicted for violations uncovered during labour inspections.

35. In the light of the above, he wished to know whether the Government intended, as had been recommended by the Committee in its previous concluding observations, to amend the Employment Permit System with regard to limitations on the number of times workers could change their place of work and on the job-seeking and employment periods. He would welcome clarification as to whether migrant workers could change their workplace only if they had been mistreated and information on the procedure in place to investigate and determine claims of such mistreatment.

36. The Committee would be interested to hear whether the State party intended to allow all migrant workers to enrol in and benefit equally from employment insurance schemes and whether it would abolish article 63 of the Labour Standards Act in order to protect the working conditions of migrant workers employed in the agricultural and fishing sectors. Information would be welcome on any other specific measures to protect migrant workers in those two sectors.

37. He wished to know whether the Government would halt targeted raids on and deportations of migrant workers involved in trade union activities and ensure basic labour rights, including the right to organize for all migrant workers. It would be useful to hear about any plans to increase the staff and funding of the labour inspection office in order to enable it to perform its functions effectively and to take effective measures concerning violations of the Convention rights of migrant workers, in particular those employed on fishing vessels operating on the high seas.

38. He wished to know whether the State party intended to develop a systematic training programme for refugee status determination officers on credibility assessment, interviewing and areas such as the assessment of claims based on sexual orientation and gender identity. He wondered whether the national authorities would provide such officers with guidance on the specific case profiles in order to ensure consistency and high quality in asylum claim assessments and to ensure that false generalizations linking Muslims, Arabs and certain nationalities to risks of terrorism or anti-social behaviour did not influence refugee status determination decisions.

39. In recent years there had been numerous cases of foreigners being detained for more than six months and in one case for six years. There had even been cases of refugees being detained, owing to the absence of any regular judicial review or limits to the length of detention. He would like to know whether the State party intended to amend article 63 of the Immigration Act to specify the grounds on which an individual subject to a deportation order could be detained and to limit the duration of detention.

40. **Ms. Izsák-Ndiaye** said that she would like to know whether the State party intended to extend the scope of the Multicultural Families Support Act in order to protect not only families involving the union of a citizen of the Republic of Korea and a foreigner but also families in which both partners were foreigners, which was the case for many migrants.

41. A major analysis of social media discourse in 2017 had found a very high number of derogatory keywords used in reference to migrant workers and undocumented migrants. She wondered how the State party planned to counter stereotyping of that kind. What lead was the Government taking in shaping public discourse on multicultural families and multiculturalism in general?

42. Although the State party had ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, the definition of trafficking given in its criminal legislation was considerably more restricted than that given in the Protocol, referring as it did only to purchase and sale, while omitting concepts such as transport, use of force and fraud or deception. Moreover, whereas the Protocol deemed the victim's apparent consent to be irrelevant in prosecuting trafficking offences, the State party's legislation made it an important consideration. She would like to know whether the State party planned to bring its definition of the offence into line with the Protocol.

43. Apparently, although there was legal provision for medical and psychological assistance to trafficking victims, implementation was problematic; she would like to know whether the State party planned to improve its support to victims. She would be interested to receive statistics on prosecutions and convictions for trafficking.

44. Women migrant workers accounted for over 30 per cent of the total number of foreign workers. The Labour Standards Act did not apply in many of the areas where they worked, such as domestic service and agriculture, and they were not covered by employment insurance and so were not eligible for maternity leave or unemployment benefit, for example. She would like to know whether there were any plans to extend protection to such women.

45. Although it was theoretically possible for migrant workers to move to another workplace if their employers violated labour law, workers were required to prove the abuse, which then had to be confirmed by a police investigation. That also applied to sexual harassment and sexual violence, about which, as experience had shown, women found it very difficult to make complaints. As a result many women victims found it impossible to change workplaces in practice. She wondered what the delegation thought could be done about that.

46. She would like to know how the State party planned to remedy the apparently discriminatory minimum wage provisions submitted in draft legislation to the National Assembly, allowing one set of minimum wages for migrant workers who had been in the country for less than two years and another set for those employed in agriculture and livestock rearing.

47. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance had recommended that the State party abolish the requirement to attend the international marriage orientation programme. However, if the State party decided to maintain the programme, she wondered whether it would be possible to include guidance modules on gender equality, which was frequently an important factor in conflict within families.

48. With regard to universal birth registration, she wondered whether a consultation to sound out public opinion on that subject, as mentioned in the delegation's introductory statement, was really necessary. What would be the expected outcomes?

49. Migrant children entering the country in the middle of their studies initially went into alternative schools; she wondered what plans there were to enable them to move into mainstream schools as soon as possible and begin learning Korean.

50. The Immigration Act contained no provision for taking children's best interests into account and over 200 minors had apparently been detained between 2015 and 2017 for violation of the Act. Special permission to stay was given in only a handful of cases and she would appreciate an explanation of what criteria were applied in such cases. How did the delegation believe children could be better protected from detention and deportation?

51. **Mr. Calí Tzay**, while commending the State party for its decision to grant Yemeni asylum seekers refugee status on humanitarian grounds, said that their situation remained unstable since the humanitarian visa needed to be renewed annually and in the meantime they were unable to obtain work or study. Given that refugee status normally needed renewing every three to four years, he wondered whether it would be possible to stabilize the Yemenis' situation, not least in order to permit family reunification.

52. He noted that concern had been expressed in certain quarters at the inhuman conditions many women temporary migrant workers lived in. He also noted the situation of holders of the E-6 visa employed in the entertainment business who frequently found themselves the victims of rape as a prelude to effectively being employed as prostitutes. Where they managed to escape their employers and bring a complaint, the perpetrators remained at large for lack of evidence and the women were deported.

53. Nationals of the Democratic People's Republic of Korea living in the State party numbered around 300,000 and their number was increasing. Despite their legal rights to housing and education, for example, they reportedly found it difficult to adapt and

moreover were regularly monitored by the police. He would like to know whether the State party had any plans to make it easier for nationals of the Democratic People's Republic of Korea to adjust to their new environment. He would also like to know whether he was correct in his understanding that, if they sought asylum in another country but their application was turned down, they forfeited their benefits on their return to the Republic of Korea.

54. **Ms. Dah** said that, with regard to the bill to revise the Multicultural Families Support Act, she was surprised that the Government, rather than simply enacting the legislation, should find it necessary to canvass public opinion. She noted that the same consultation procedure was to be applied in respect of universal birth registration.

55. **Mr. Murillo Martínez** asked whether the delegation could provide statistics on the numbers of stateless children. Could it comment on the figure of 10,000, reported in some of the information received by the Committee?

56. He would also appreciate statistics on women victims of domestic violence. He wondered why the State party did not keep separate statistics on racially motivated crimes, as mentioned in the report.

57. He would like to know what statistics were kept on members of the migrant population being held in detention centres and on the distribution of the various groups of foreigners in those figures. He would also like to know what languages were offered by the 24-hour telephone hotline service available to foreigners in detention for the reporting of incidents.

58. Lastly, he would appreciate information on the selection procedure for appointing the 25 members of the National Human Rights Policy Council. To what extent did the Council reflect national diversity?

59. **Mr. Avtonomov**, noting that, under the Framework Act on Employment Policy of 2015, discrimination in employment was prohibited on a lengthy list of grounds, said that he wondered why the grounds of race and colour had been omitted. He would be grateful if the delegation could clarify that point.

60. He would also like to know the outcome of measures implemented to improve the working conditions of migrant workers. In particular, he wondered how many migrant workers had applied for a change of employment on the grounds of unfair treatment or discrimination; how many such applications had been granted; and why so many cases of employment discrimination, unfair dismissal and unfair labour practices had been dropped by the National Human Rights Commission of Korea and the Labour Relations Commission. Updated information on the number and types of complaints made to those Commissions, to labour inspectors and to the courts, as well as the outcomes and remedies provided, would also be appreciated. Lastly, he would be interested to hear about any activities undertaken or planned by the State party as part of the International Decade for People of African Descent.

61. **Mr. Yeung Sik Yuen** said reports indicated that the Refugee Committee, which dealt with appeals against rejected applications for asylum, met on just six occasions each year during which time it considered thousands of individual appeals. If that was the case, he questioned the effectiveness and fairness of the refugee status determination procedure and wished to know what, if any, measures were envisaged to improve the system.

62. He would welcome an update on the steps taken by the State party to give full effect to the opinion issued by the Committee on an individual complaint brought against the Republic of Korea under article 14 of the Convention (*L.G. v. Republic of Korea*, CERD/C/86/D/51/2012). Although the State party had abolished the practice of requiring foreign teachers of English who were not ethnic Koreans to undergo mandatory drugs and HIV/AIDS testing — deemed by the Committee to be in violation of the State party's obligations under the Convention — he understood that the complainant had yet to receive compensation for the moral and material damages she had suffered.

63. **Mr. Diaby** said that he wished to know whether the steady decrease in the naturalization rate and the rise in nationalist and anti-migrant sentiment were connected

and, if so, what action the Government was taking to combat hate speech in the media and on social media. Referring to paragraph 6 of the State party's report, concerning the number of stateless persons residing in the Republic of Korea, he wondered to what extent the different groups of persons at risk of statelessness had been taken into account. He noted that, in the absence of a universal system of birth registration, diplomatic missions in the Republic of Korea were responsible for registering children born to their foreign nationals (CERD/C/KOR/17-19, para. 42), and would like to know what provision was made for registering children born to parents from States without diplomatic representation in the country. He likewise wondered whether children who had been abandoned by parents whose identity and whereabouts were unknown had the right to education, social welfare and access to basic services.

64. He invited the delegation to comment on reports that, from 2019, foreign migrants would be required to pay more than citizens for their health insurance, which, if true, might be considered as a discriminatory practice. He asked whether there were any specific provisions in place to restore citizenship to persons returning to the country after an extended period of residency in Japan; whether the Convention could be directly invoked in the courts until such time as comprehensive anti-discrimination legislation could be enacted and, if so, how the State party intended to encourage that practice; and what measures were envisaged to provide police officers with appropriate human rights training in order to prevent the excessive use of force, uphold the right to peaceful assembly and safeguard the personal integrity of human rights defenders. Lastly, what was the average duration of pretrial detention and how many nationals and non-nationals were currently being detained on that basis?

65. **Ms. Li** said that she wished to know what specific progress had been made towards finalizing a comprehensive anti-discrimination bill, including the activities that had been carried out by the council set up for that purpose; and why the existing legislation contained inconsistencies in the prohibited grounds of racial discrimination. For example, according to paragraph 17 of the State party's report, the Juvenile Welfare Support Act prohibited discrimination based on race, while the Administration and Treatment of Correctional Institution Inmates Act prohibited discrimination on the grounds of national or ethnic origin.

66. Referring to paragraph 20 of the State party's report, she noted that, although the Constitution did not contain a definition of indirect discrimination, the Constitutional Court had recognized that principle in a case concerning the differential treatment of men and women veterans. It would be useful to know whether that decision had had any impact on other cases involving indirect discrimination, in particular those concerning migrant workers and refugees.

67. **Ms. Mohamed** said that she wished to know more about the eligibility criteria for permanent residency permits. In particular, she wondered whether migrants and children under 5 years old were required to have resided in the country for a specific period of time without interruption and whether a foreign female spouse of a national of the Republic of Korea could retain her residency permit in the event of divorce. Lastly, she asked whether the country had enacted legislation to combat human trafficking.

68. **Mr. Marugán** said that, under article 63 of the Immigration Act, the immigration authorities were required to release immediately from detention persons awaiting deportation who had been detained for more than three months, unless approval for their continued detention was obtained from the Minister of Justice. He invited the delegation to explain why only one person had been released on that basis since 2012.

69. Regarding health care, he wished to know what the Government was doing to increase the proportion of migrant workers covered by health insurance, including by raising awareness among employers and employees in the agricultural sector. He was concerned at reports that the Ministry of Health and Welfare had interpreted the legislation governing the provision of social welfare for homeless persons — which made no reference to the nationality of beneficiaries — in a manner that excluded foreigners as beneficiaries, thus leaving them unable to obtain aid for housing, school meals or medical care. He wondered what measures were therefore being taken to ensure that all migrant children

could receive medical assistance, irrespective of their family status and to include migrants as beneficiaries of social welfare, either by challenging the legal interpretation of the Ministry of Health and Welfare or amending the legislation.

70. **Ms. Dah**, referring to paragraph 31 of the State party's report, which concerned the annual evaluation of action plans carried out under the Second Basic Plan for Immigration Policy, said that she would be interested to know how those assessments were carried out. In particular, she noted that one of the indicators concerned the extent to which clients were satisfied with the immigration counselling service and wondered how that was measured and whether corrective measures were implemented when negative reviews were received.

71. **Mr. Kang Jeong Sik** (Republic of Korea) said that the Korean delegation would provide its replies to the issues raised at the next meeting.

The meeting rose at 5.50 p.m.