



International Convention on the Elimination of All Forms of Racial Discrimination

Distr.: General
31 October 2018

Original: English
English, French and Spanish only

Committee on the Elimination of Racial Discrimination

Ninety-seventh session

26 November–14 December 2018

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 seventeenth to nineteenth periodic reports of the Republic of Korea*

Note by the Country Rapporteur

1. The Committee on the Elimination of Racial Discrimination decided at its seventy-sixth session (see A/65/18, para. 85) 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. This is not an exhaustive list; other issues may also be raised in the course of the dialogue. No written replies are required.

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

2. Further measures to include a definition of racial discrimination on the grounds listed in article 1 of the Convention in the State party's Constitution (art. 11 (1)) and in other laws (CERD/C/KOR/CO/15-16, para. 6; and CERD/C/KOR/17-19, paras. 14–19).

3. Update on the adoption of the Discrimination Prohibition Act, which defines and prohibits racial discrimination, including direct and indirect discrimination (CERD/C/KOR/CO/15-16, para. 7; and CERD/C/KOR/17-19, paras. 32–33).

4. Compliance of the Criminal Code with article 4 of the Convention: measures to criminalize racial discrimination and to provide for adequate sanctions for acts of racial discrimination; measures to include a racial motive as an aggravating circumstance in the Criminal Code for acts of racial discrimination; measures to declare as illegal organizations that promote racial discrimination (CERD/C/KOR/CO/15-16, para. 8; and CERD/C/KOR/17-19, paras. 34–35).

5. Measures to set up a mechanism to collect and analyse statistics on complaints of acts of racial discrimination brought to the attention of national courts and the National Human Rights Commission of Korea, the investigations carried out, the convictions and sanctions of perpetrators and the reparations provided to victims. Update on the results of such cases (CERD/C/KOR/CO/15-16, para. 9; and CERD/C/KOR/17-19, para. 37).

* The present report was submitted after the deadline in order to reflect recent developments.



6. Further measures to counter and prevent xenophobic discourse against foreigners, including by political and public figures. Sanctions imposed under article 100 of the Broadcast Act. Complaints, investigations and sanctions imposed against individuals and groups that promote incitement of racial hatred and racist hate speech in the media, including on the Internet, in particular against migrants and refugees (CERD/C/KOR/CO/15-16, para. 10; and CERD/C/KOR/17-19, paras. 108–112).

7. Results of the implementation of the second National Action Plan for the Promotion and Protection of Human Rights (2012–2016). Update on further measures to follow up the Durban Declaration and Programme of Action (CERD/C/KOR/CO/15-16, para. 20; and CERD/C/KOR/17-19, paras. 116–117).

Situation of migrant workers (art. 5)

8. Further measures to facilitate access to permanent residency for migrant workers under the Employment Permit System irrespective of visa status. Measures to broaden the possibilities for migrant workers to change workplaces with less restrictions and to report human rights violations in employment. Measures to improve access to social benefits by migrant workers (such as health care and housing), irrespective of their national origin and visa status (CERD/C/KOR/CO/15-16, para. 11; and CERD/C/KOR/16-17, paras. 67–69 and 72–73). Results of the implementation of the second Basic Plan for Immigration Policy.

9. Results of the labour inspections carried out and the statistics on undocumented migrant workers identified, detained and expelled from the country. Measures to prevent regular migrant workers from becoming undocumented, due to the inflexibility of the work permit system (CERD/C/KOR/CO/15-16, para. 12; and CERD/C/KOR/16-17, paras. 70–71).

10. Steps taken to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CERD/C/KOR/CO/15-16, para. 19; and State party's report, CERD/C/KOR/16-17, paras. 74–75).

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

11. Refugee determination procedure: results of the measures taken to improve the procedural rights of asylum applicants, to ensure adequate translation and interpretation services for asylum applicants throughout the procedure, to expand free legal aid and to ensure that the whole process is fair and transparent, including on appeal. Measures to set up a separate appeal procedure for non-referral of decisions on applications for asylum submitted at ports of entry (CERD/C/KOR/CO/15-16, para. 13; and CERD/C/KOR/16-17, paras. 44–47).

12. Measures to ensure that birth registration is available for children born in the State party to refugees, asylum seekers and holders of humanitarian status, irrespective of their origin (CERD/C/KOR/CO/15-16, para. 13; and CERD/C/KOR/16-17, para. 42).

13. Results of the measures taken to fully integrate recognized refugees into society. Budget for the resettlement of recognized refugees. Update on the activities of the Refugee Committee (CERD/C/KOR/CO/15-16, para. 13). Prevention of racial discrimination, racist hate speech and negative portrayal of asylum seekers and refugees.

14. Measures taken to address the situation of Yemeni asylum seekers on Jeju Island, without discrimination.

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

15. Measures to grant equal rights, upon separation and divorce, to foreign women married to Korean citizens, and facilitate their access to residency permits and to naturalization, irrespective of the length of the marriage. Measures to set up a mechanism to collect statistics on foreign women married to Korean citizens to whom residence permits were denied (CERD/C/KOR/CO/15-16, para. 14; and CERD/C/KOR/16-17, paras. 48–55).

16. Statistics on the complaints lodged, investigations carried out and convictions of perpetrators of domestic violence against foreign women married to Korean citizens, the

penalties imposed, and the reparations provided to victims (CERD/C/KOR/CO/15-16, para. 14; and CERD/C/KOR/16-17, paras. 53–55 and 81–85).

17. Results of the measures taken to combat trafficking in persons, especially of migrant women for labour and sexual exploitation, including the application of the relevant provisions of the Criminal Code. Update on the complaints lodged, investigations carried out, convictions of and sanctions imposed on perpetrators, and the reparations provided to victims (CERD/C/KOR/CO/15-16, para. 16; and CERD/C/KOR/16-17, paras. 89–94).

18. Update on the adoption of the bill that will broaden the definition of multicultural families in the Multicultural Families Support Act (CERD/C/KOR/CO/15-16, para. 17; and CERD/C/KOR/16-17, paras. 21–24).

National Human Rights Commission of Korea (art. 2)

19. Update on the implementation of the 2016 amendment to the National Human Rights Commission Act and the Committee's previous recommendation (CERD/C/KOR/CO/15-16, para. 18; and CERD/C/KOR/16-17, paras. 113–115).
