



International Convention on the Elimination of All Forms of Racial Discrimination

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Summary record of the 3149th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 29 April 2025, at 3 p.m.

Chair: Mr. Balcerzak

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

Reports submitted by States parties under article 9 of the Convention *(continued)*

Combined twentieth to twenty-second periodic reports of the Republic of Korea
([CERD/C/KOR/20-22](#); [CERD/C/KOR/Q/20-22](#))

1. *At the invitation of the Chair, the delegation of the Republic of Korea joined the meeting.*
2. **A representative of the Republic of Korea**, introducing the combined twentieth to twenty-second periodic reports of the Republic of Korea ([CERD/C/KOR/20-22](#)), said that a number of bills on discrimination had been submitted to the National Assembly since 2006. None of them had been adopted, but the four most recent ones had been discussed in greater depth than previous ones. Similar bills were to be introduced at the forthcoming session of the Assembly. Discrimination based on race, nationality or colour was nevertheless prohibited under the Constitution, and complaints could be filed with the National Human Rights Commission of Korea, which was empowered to investigate matters brought to its attention and recommend appropriate remedies.
3. The Government was currently implementing the fourth Master Plan for Immigration Policy. One of its main objectives was to create an environment conducive to the promotion of the rights and dignity of migrants. Key policy priorities included improving the detention system, strengthening the protection of migrant women and children, and improving refugee screening procedures.
4. In line with the Committee's general recommendation No. 35 on combating racist hate speech, the Government continued to monitor hate speech in the broadcasting media. In order to address potential racial bias and discrimination associated with artificial intelligence technology, it had also recently issued guidelines for user protection in that connection.
5. The Employment Permit System, which provided for the legal employment of foreign workers by small and medium-sized enterprises, had been in place since 2004 and had facilitated the entry of over one million migrant workers into the country. The World Bank had recognized the System as a model framework for migrant workers, since it not only facilitated the further development of such workers' skills but also promoted regular and stable working and living conditions through transparent job-matching. As part of ongoing efforts to safeguard the rights of migrant workers, the Act on Foreign Workers' Employment had been amended in 2021 to make attendance at human rights training courses a requirement for employers wishing to become eligible to join the System. Migrant workers themselves also received training on their rights and available remedies, both before and after arrival.
6. In support of the long-term settlement of migrant workers, the Skilled Worker Points System Visa Programme allowed foreign employees who had worked legally in the Republic of Korea for a certain period of time to obtain a long-term employment and family reunification visa.
7. Efforts were being made to bring detention procedures for foreigners subject to deportation into compliance with international standards. Under recent amendments to the Immigration Act, the maximum period of detention had been set at nine months, and provision had been made for the establishment of an independent committee to review the legality of detention. An open detention facility had been established to allow detainees greater freedom of movement. Human rights officers visited detention facilities to help deter and prevent ill-treatment.
8. Since the adoption of specific legislation on refugees in 2013, the number of asylum applications had increased dramatically, rising to over 18,000 in 2023. Several measures had been taken to enhance the fairness and effectiveness of the refugee status determination procedure. The application processing capacity of the Ministry of Justice had been increased, and training for officials had been reinforced. A professional certification system for the interpreters who assisted refugees had been introduced in 2021, and 393 certified interpreters now provided their services in 36 languages. Guidebooks on social adaptation were available in several languages and courses were offered on the country's legal and institutional system.

9. There were around 180,000 marriage migrants in the Republic of Korea, 80 per cent of whom were women. Korean nationals intending to sponsor migrant spouses could attend a special programme on international marriage to enhance mutual cultural understanding. Special services, such as counselling, interpretation, language training and parenting support, were also made available to marriage migrants through 244 family centres nationwide. For spouses seeking employment, a vocational training programme had recently been launched.

10. Three bills were pending in the National Assembly to establish compulsory registration at birth for all foreign children born in the Republic of Korea, regardless of their parents' legal status. The Republic of Korea had recently adopted a personalized education support plan for the growing number of migrant students which aimed to strengthen schools' capacity to provide tailored programmes based on students' nationality, language proficiency and length of stay.

11. To help immigrants adjust to Korean society, the Immigration and Integration Programme had been launched in 2009, in collaboration with local governments and universities, and now catered for more than 70,000 participants.

12. While the Framework Act on Social Security applied mainly to Korean nationals, foreigners were eligible for certain benefits under specific circumstances. Legally recognized refugees and some marriage migrants could obtain livelihood, medical, housing and education benefits under the National Basic Livelihood Security System. The Emergency Aid and Support System could also be extended to cover foreigners under certain conditions.

13. **A representative of the National Human Rights Commission of Korea** said that, since its establishment in 2001, the Commission had conducted investigations into human rights violations and acts of racial discrimination against migrants, made recommendations for the improvement of government policies and legislation on migrants and refugees, and advocated for the implementation of international human rights standards at the national level.

14. Ever more migrants were coming to the Republic of Korea to work or study and, indeed, in response to labour shortages caused by low birth rates and population ageing, the Government was actively seeking to increase the inflow of migrant workers. Yet many improvements were still needed in migration policies and in the public perception of migrants.

15. For example, even as it aimed to expand the migrant labour force, the Government had cut the budget for migrant worker support centres, which offered counselling services, Korean language teaching and legal education. In addition, while wage arrears among workers in general were declining, the level of unpaid wages owed to migrant workers was rising, with average annual arrears exceeding 100 billion won since 2019. Undocumented migrant workers who visited labour offices for consultation or redress could be detained and deported. Since the Government's announcement in late 2023 that it would halve the number of undocumented migrants, enforcement operations had, in some cases, resulted in migrants sustaining severe injuries.

16. Meanwhile, despite the fact that xenophobic sentiment among the public at large was worsening, especially in relation to undocumented migrants and immigrants from certain countries, Korean law still failed to address hate speech or hate-motivated crimes in a fully satisfactory manner. The Government needed to be more proactive in dealing with hate speech and incitement to hatred.

17. Although the number of asylum applications had reached around 20,000 per year, the refugee recognition rate remained at around 1 per cent annually – or 3 to 4 per cent, if humanitarian stay status was counted. Moreover, the entire process, including appeals, could take up to four years, during which time asylum-seekers were not allowed to work. The budget for a basic living allowance covered only around 2 per cent of asylum-seekers, and even that was not fully disbursed, leaving many asylum-seekers in extremely difficult circumstances.

18. She wished to urge the Government to make greater efforts to prevent foreign nationals from falling victim to gender-based violence, trafficking in human beings or other crimes and to ensure that those who did received recovery and support assistance.

19. If the Commission was to play a more active role in eliminating racial discrimination, appropriate allocations of human and financial resources were necessary. Furthermore, its independence needed to be upheld under all circumstances.

20. **Ms. Stavrinaki** (Country Rapporteur) said that she wished to welcome the distinguished delegation of the Republic of Korea and the representative of the National Human Rights Commission of Korea. She looked forward to a fruitful dialogue.

21. **Mr. Yeung Sik Yuen** (Country Task Force), noting that the State Party, in its new common core document ([HRI/CORE/KOR/2022](#)), stated that it did not produce population statistics disaggregated by ethnicity and race, said that the Committee wished to remind the State Party that such data were essential in order to enable it to properly evaluate the enjoyment of human rights by the various ethnic groups and to monitor any discrimination affecting them. There was no mention of the number of Muslims in the State Party, for example, which was of particular concern in the light of reports of that they were the targets of a significant degree of discrimination. One estimate put the size of the Muslim population at 200,000, and between 70 and 80 per cent of Muslims resident in the Republic of Korea were foreigners.

22. The number of foreign nationals living in the Republic of Korea had been steadily increasing but, in 2020, with the advent of the coronavirus disease (COVID-19) pandemic, it had dropped by approximately 500,000. He would be interested to learn more about the reasons for that decrease and, in particular, whether it had been related to travel restrictions. He wondered whether the death toll among foreign nationals had been proportionately higher, perhaps because of a lack of access to testing or vaccines.

23. Given that there had been over 20,000 Africans resident in the Republic of Korea in 2019 and that, despite entering the country as students or on business or tourist visas, the majority – including those who had graduated from universities in the Republic of Korea – ended up working illegally in the informal sector, he would be interested to receive updated figures on the number of Africans currently living in the State Party.

24. An average of some 11,000 foreigners, mainly Chinese and Vietnamese, had become citizens of the Republic of Korea through naturalization every year for the past 10 years. One of the requirements to be met by applicants was to be financially self-supporting. He would like to know what that entailed in terms of assets and income.

25. The Committee appreciated the statistics on refugees provided in the report, with figures broken down by nationality. Could the delegation provide similar figures for asylum applicants, also disaggregated by nationality?

26. Despite the fact that, in accordance with the Constitution, the Convention had been incorporated into the State Party's legal order and was thus directly applicable by the domestic courts, the country's courts had, in practice, been reluctant to refer to it, or indeed to any international treaties, in their decisions. There appeared to be a need to raise awareness of the provisions of the Convention. He would appreciate receiving information on measures taken to ensure its proper implementation through the appropriate training of members of the judiciary, the legal profession and law enforcement officials and on awareness-raising programmes for the general public and civil society.

27. Notwithstanding the existence of specific legislation prohibiting discrimination on grounds of country of origin, ethnicity, race or skin colour, there was still no definition of racial discrimination in domestic law, and the law did not cover all aspects of discrimination as defined in article 1 of the Convention. It was regrettable that there was still no comprehensive law defining and prohibiting direct, indirect, multiple and intersecting forms of racial discrimination.

28. He noted that, in its reports, the State Party attributed the National Assembly's failure to make progress in its overhaul of equal rights legislation to disagreement as to which grounds of discrimination, including sexual orientation, should be prohibited. He would like to know what measures the State Party planned to take to overcome resistance in the National Assembly to the adoption of a comprehensive anti-discrimination law. In the absence of such legislation, he would like to know whether it would be possible to introduce specific

legislation explicitly prohibiting racial discrimination in all its forms, in accordance with article 1 of the Convention.

29. He would welcome data on the number of cases of racial discrimination reported to the authorities, including the Human Rights Bureau and the National Human Rights Commission of Korea. Those data should include the complainants' nationality, gender and legal status, as well as information on related investigations and prosecutions and their outcomes. He would like to hear the delegation's comments on the reports of disputes among National Human Rights Commission members. He was particularly interested in learning whether the appointment process, which had long been the subject of concern, could have contributed to those disputes. He would also welcome a response to suggestions that the Commission was not properly performing its role in providing protection from discrimination, particularly for vulnerable groups, and to reports that activists had faced lawsuits for having protested about delays to their cases. It would be important to find out how effective coordination between the Commission and the Human Rights Bureau was ensured; whether problems had arisen because of their overlapping functions, particularly with regard to the investigation of human rights abuses; and which body took precedence when both were seized of the same matter.

30. The Committee wished to know when and how the State Party intended to amend its legislation to align it fully with article 4 of the Convention, including by explicitly criminalizing racially motivated hate crimes and making racial motivation an aggravating factor to be taken into account during sentencing, as well as when and how the State Party intended to implement a mechanism for gathering data on such crimes. Lastly, he would appreciate information on any steps taken to remove the term "illegal immigrants" from legislation other than the Framework Act on Treatment of Foreigners Residing in the Republic of Korea and to raise awareness of that change among public officials and citizens.

31. **A representative of the Republic of Korea** said that recommendations and opinions were sought from various sectors of society during the appointment of National Human Rights Commission members, who were also subject to specific qualification criteria. Draft legislation currently before the National Assembly would introduce an independent procedure for allocating the Commission's budget, provide for the establishment of its organizational regulations by presidential decree and set up a committee to recommend candidates for membership.

32. **A representative of the Republic of Korea** said that the fourth National Action Plan for the Promotion and Protection of Human Rights, which incorporated lessons learned during the implementation of the third Action Plan, had been the subject of consultation with government bodies and a human rights policy advisory group. Among its objectives were the strengthening and protection of the human rights of socially disadvantaged groups and minorities, including the protection of foreigners from violence and discrimination. The Plan, whose implementation was evaluated annually, provided for improvements in anti-discrimination legislation and, to that end, four bills had been submitted to the twenty-first National Assembly, which had reviewed them in a public hearing. Complaints of discrimination, including on grounds of race, could be lodged with the National Human Rights Commission.

33. While racially motivated violence, defamation and insults were punishable under the law, they were not specific offences, and statistics on racially motivated crimes were therefore not compiled. Racial motivations, which could constitute aggravating factors, were considered during the sentencing stage of court proceedings. The Government would continue to examine the need for improvements in laws on hate crimes and hate speech. The Framework Act on Treatment of Foreigners Residing in the Republic of Korea required national and local governments to adopt the necessary measures to prevent discrimination against foreigners and their children and to safeguard their human rights. The Government's activities in that regard included the distribution of awareness-raising videos on multiculturalism, the provision of education on multiculturalism and the encouragement of immigrants' active participation in society.

34. **A representative of the Republic of Korea** said that the Government worked with the Korean Communications Standards Commission to identify and examine broadcasts,

including online communications, that mocked or insulted individuals or groups on the basis of their race, ethnicity or country of origin or that sought to incite prejudice against them. The Commission could impose sanctions and demand corrections in such cases. Such incidents were also taken into account during relicensing, reapproval and broadcast evaluation procedures; major online portals and platforms were encouraged to self-regulate.

35. **A representative of the Republic of Korea** said that, in a recent case, the Seoul Central District Court, holding that the Convention and the International Covenant on Civil and Political Rights had the same legal force as domestic law and could be invoked directly, had used those instruments' provisions to rule that a model's refusal to pose in "blackface" make-up had not constituted a breach of contract, since such make-up was racially discriminatory. That ruling had been upheld by the Supreme Court. In a separate case, the courts had ruled that a request by a government official to require a foreign plaintiff to submit to HIV and drug testing had violated the Convention.

36. Education about the Convention was provided to the judiciary during human rights training provided by the Institute of Justice and in the training that judges received on international human rights treaties, for example. Students received instruction concerning racial discrimination, minorities and human rights, and families of mixed cultural backgrounds were invited to the Institute of Justice to receive information on international human rights instruments, including the Convention.

37. **A representative of the Republic of Korea** said that officials of the prosecution, detention, immigration and prison services received training on human rights and the proper performance of law enforcement operations in accordance with international law and human rights instruments. That training covered topics such as the Immigration Act and investigations into cases of trafficking in persons. The Institute of Justice provided human rights training to around 5,000 persons per year.

38. The four anti-discrimination bills that had been submitted to the twenty-first National Assembly had addressed race and direct and indirect discrimination and had defined a comprehensive range of grounds for discrimination. They had differed in terms of their scope of application and their provisions concerning remedies for victims, and the executive branch had provided opinions on each of them. They had been set aside when that term of the National Assembly had come to an end, and no similar bill had so far been submitted to the twenty-second National Assembly.

39. **A representative of the Republic of Korea** said that, as at 31 December 2024, there had been around 2.5 million foreigners residing in the country, around 54 per cent of whom were women. While statistics on resident foreigners were disaggregated by nationality, gender and visa status, no data were collected on their ethnicity or religious affiliation. Nevertheless, it was known that, in December 2024, there had been 320,000 persons from Islamic countries residing in the Republic of Korea, along with around 26,000 from African countries. Moreover, persons from China, Viet Nam and Thailand had accounted for around 55 per cent of the total. Approximately 20 per cent of the resident foreigners had work visas, while around 10 per cent were students. Of the 168 stateless persons residing in the country at the end of 2024, 138 were long-term residents, while the other 30 had visas valid for 90 days or less. Since the introduction of the refugee system in 1994, there had been close to 122,000 applications, of which approximately 1,500 had been accepted, and around 2,600 applicants had been granted humanitarian status.

40. **Mr. Yeung Sik Yuen** said that he wondered whether the appointment of members of the National Human Rights Commission by three separate bodies could partly account for the discord existing within the Commission.

41. **Ms. Stavrinaki** said that she hoped to hear confirmation of a stronger commitment on the part of the State Party to fulfilling its obligations under article 4 of the Convention. Clarification would be appreciated as to what steps the Government was taking to support draft legislation in that regard.

42. **Ms. Esseneme** said that she wished to know why the National Assembly had rejected the four bills on discrimination presented by the executive at the last session of the National Assembly. Perhaps the Committee could provide support for the drafting of a new bill that

would be more likely to win parliamentary approval, thereby ensuring that the Convention informed the statutory laws of the country. She also wished for more information about the nature of the reparations and the amounts of compensation awarded to foreign nationals who became victims of discrimination.

43. **Mr. Diaby** said that the nomination by the executive branch of members of the National Human Rights Commission could undermine the entity's independence.

44. He would like to hear the delegation's comments on the statement made by one of the Commission's influential members that there was no racial discrimination in the Republic of Korea. He also wished to know how many meetings had been held with civil society organizations while preparing for the review and how many of their suggestions had been included in the State Party's report.

45. **A representative of the Republic of Korea** said that the National Human Rights Commission was an independent body. A more detailed response would be provided in writing following consultation.

46. **A representative of the Republic of Korea** said that many people agreed that remedies for victims had not been applied equally. A more exhaustive review of the draft text of the next anti-discrimination bill would be required. The four previous bills had differed in terms of their provisions on punitive damages, the scope of authority of the National Human Rights Commission, fines, the burden of proof and the imposition of criminal penalties. Greater public consensus was needed on those issues.

47. **A representative of the Republic of Korea** said that applicants for naturalization had to show proof that they had a minimum of 60 million won in assets or an income equivalent to the previous year's per capita gross national income, which had been 44.05 million won in 2024. Spouses of Korean nationals and other naturalization applicants subject to special provisions had to document minimum assets or income of at least 30 million won.

The meeting was suspended at 4.34 p.m. and resumed at 4.47 p.m.

48. **Ms. Stavrinaki** said that, under the Employment Permit System, migrant workers were allowed to change workplaces only within designated regions and within a three-month time frame. She wished to know how the State Party monitored regional labour trends to assess whether such restrictions on mobility and residence remained necessary; whether the State Party provided any form of assistance to help migrant workers find alternative employment when needed in order to avoid becoming undocumented or being forced to leave the country; how many migrant workers had changed their workplace due to labour and human rights violations by employers under provisions introduced in 2017; and what the purpose was of requiring migrant workers to obtain a letter of release from their previous employer in order to change their place of work.

49. Although the admission quota for migrant workers had increased, it appeared that budget cuts had severely weakened support services. She understood that the 2024 budget for migrant worker support centres had been eliminated entirely. She would welcome information on the measures taken by the State Party to prevent human rights violations by private actors such as recruitment agencies, as well as on the progress of the migrant worker regional settlement support project in terms of the number of counsellors who had been hired and the number of weekend consultations held.

50. She wondered why the State Party considered avoiding the need to grant permanent residence as a legitimate reason for restricting the right to family reunification, especially when some migrant workers were permitted to remain in the country for up to nine years and eight months; whether it was considering eliminating the requirement for some migrant workers to depart and then re-enter the country and, if so, when; and how it ensured that such restrictions did not lead to the "recycling" of migrant workers, which placed such workers in a more vulnerable position.

51. The State Party had reportedly failed to apply the Committee's recommendation to amend the Labour Standards Act to ensure uniform protections across all sectors. It would be helpful to know why the State Party had instead opted to broaden the scope of exceptions.

She also wished to know what outcomes had been achieved under the third Master Plan for Immigration Policy.

52. Concerns had been raised regarding the minimum wage and the fact that the rate of wage arrears for migrant workers was more than three times higher than the corresponding rate for nationals. She wished to know why the number of businesses subject to labour inspections had fallen; what follow-up mechanisms were in place to ensure that businesses actually implemented the measures they were directed to introduce following such inspections; and whether there had been any follow-up on reports of instances of employer retaliation.

53. Following the deaths of two migrant workers housed in substandard accommodations, she wished to know what steps had been taken since the 2021 survey conducted by the Ministry of Employment and Labour had shown that almost half of all migrant workers were still housed in non-residential accommodations. Migrant workers were also 1.7 times more likely to die in industrial accidents than nationals owing to the inadequacy of occupational safety standards. She wished to know whether the State Party acknowledged that hazardous jobs were disproportionately assigned to migrant workers; what lessons it had drawn from the deaths of 18 migrant workers at an explosion at a battery manufacturing plant in 2024; and whether their families had received reparations.

54. It was her understanding that foreign nationals were unable to access local health insurance until they had been resident for six months. She wished to know what protections were available during that period and whether foreign nationals had to pay higher insurance premiums than nationals. In 2023, the Constitutional Court had ruled that restricting health insurance benefits for foreign nationals immediately upon non-payment of their premiums violated the principle of equality. She would like to receive an update on the implementation of that ruling and an explanation as to why the State Party had refused to allow foreign nationals with long-term residence status to retain their health insurance coverage after changing to another type of status.

55. She would welcome an update on the coverage and scope of the Basic Living Security Act and the measures taken to enable the registration and access to welfare services of migrants with disabilities pursuant to the recommendations made by the Committee in 2018 and by the Committee on the Rights of Persons with Disabilities in 2022.

56. The fact that the Emergency Aid and Support System operated under the principle of reciprocity was not legitimate justification for denying access to basic human rights for undocumented migrants who had been victims of abuses and were in need of protection. It would therefore be useful to know how the State Party determined the eligibility of vulnerable individuals, such as migrants and their dependents, and what measures were in place to prevent action being taken pursuant to false accusations made by abusive employers.

57. She wished to know how many times the exemption on reporting undocumented migrants during police investigations had been effectively applied and what measures had been taken to investigate and punish racially motivated crimes against undocumented migrants. The National Human Rights Commission had received a complaint from a foreign national who had been arrested for lacking proper documentation after having sought relief for wage arrears and had recommended amending the Immigration Act to exempt such cases from mandatory reporting to the immigration authorities, but the Ministry of Justice had rejected the recommendation on the grounds that financial claims did not warrant exemption. She wished to know whether the State Party would continue to treat financial issues and criminal acts perpetrated against migrants as entirely separate matters, when in practice a lack of adequate labour protections contributed to the exploitation of migrants.

58. Although it welcomed the introduction of a nine-month limit on immigration detention in March 2025, the Committee was concerned by the systematic use of immigration detention in the case of approximately 40,000 individuals annually. She would appreciate information on the availability and application of alternatives to immigration detention. While the introduction of a process for the review of the lawfulness of immigration detention by a Ministry of Justice committee was a welcome development, she wished to know how the independence of a committee composed entirely of Ministry of Justice officials would be ensured; how the State Party would ensure effective access to the review process; and what

safeguards were in place to inform detainees of the process and allow them to exercise their right to be heard.

59. She would welcome information on cases of the use of excessive force against undocumented migrant workers and the remedies provided to the victims, as well as statistics on crimes reported by undocumented migrants who had been victims of human rights violations since the adoption of the Enforcement Decree of the Immigration Act.

60. During crises such as the COVID-19 pandemic and the Itaewon crowd crush, undocumented migrants had reportedly been treated unequally, with limited access to vaccine options, free medical treatment and psychological services. She wished to know whether the State Party was considering extending support services to undocumented migrants under its national disaster policies.

61. **A representative of the Republic of Korea** said that the State Party had stepped up its support for migrant workers in a variety of ways since the submission of its report in June 2022. Labour laws such as the Minimum Wage Act, the Labour Standards Act and the Occupational Safety and Health Act applied equally to migrant workers and nationals. To avert the accumulation of wage arrears, combat forced labour and strengthen the protection of migrant workers' rights, guidance had been delivered and inspections carried out at 8,945 workplaces employing migrant workers in 2024. During the inspections, migrant workers had been interviewed with the help of interpreters to identify cases of forced labour. Under the 2022 amendments to the Immigration Act, persons who had employed migrant workers who had subsequently died in an industrial accident were prohibited from employing migrant workers thereafter. The Enforcement Decree of the Immigration Act had also been amended to require agricultural and fishery companies with fewer than five employees to enrol in the industrial accident compensation insurance scheme.

62. Under the Employment Permit System, all foreign workers were provided with information on their rights and the redress available for violations of those rights. Sixty-two counsellors had been deployed across regional employment offices nationwide in 2024 to advise migrant workers on the Employment Permit System and provide language support. Regional councils for the protection of migrant workers' rights convened at least twice a year to hear the opinions of people working in the field. The Government was committed to ensuring that migrant workers' rights were protected without discrimination.

63. The Employment Permit System allowed employers to hire unskilled migrant workers, who were permitted to enter the country under a specific labour contract. Such workers had previously been required to leave upon the termination of that contract, but they were now allowed to move to another workplace. The changes were intended not only to protect the human rights of migrant workers but also to ensure stable staffing levels for employers. Under the Permit System, migrant workers were allowed to work for 4 years and 10 months, with up to five workplace changes permitted. Changes made in response to non-payment of wage arrears and labour violations were exempted from the limit on the number of changes. Migrant workers were not required to submit evidence of violations; investigations by labour inspectorates or other agencies provided a frame of reference in such cases.

64. The elimination of the budget for migrant worker support centres marked a transition to a publicly led model aimed at making service delivery more efficient and effective. There had been an increase in the number of counsellors and offices, with the addition of 27 local labour offices to the existing 9 centres. Korean language education had been expanded to make it more accessible to migrant workers, and more local settlement support was now available.

65. **A representative of the Republic of Korea** said that, under the Labour Standards Act, regulations relating to break times and holidays did not apply to workers in the fisheries, forestry, livestock and agriculture sectors, as working hours in those sectors changed depending on the season and the weather. The exceptions relating to those sectors applied equally to nationals and foreign workers.

66. **A representative of the Republic of Korea** said that the Ministry of Employment and Labour strictly enforced regulations relating to wage arrears, making no distinction

between nationals and foreign workers. As a result, in 2024, the amount of wage arrears owed to foreign workers had fallen. Employers were required to take out wage guarantee insurance for foreign workers employed under the Employment Permit System. Labour inspectors took the existence of any wage arrears into account when assessing workplaces that employed foreign workers.

67. Under the Act on the Employment of Foreign Workers, where employees' wages were found to be in arrears at a particular workplace, employment permits were restricted or cancelled. Foreign workers who were owed wages had the same right as nationals to file complaints. In 2024, the authorities had processed around 10,000 cases reported by foreign workers. In order to facilitate redress procedures, interpreters were employed by services responsible for supporting foreign workers.

68. **A representative of the Republic of Korea** said that labour inspectors, accompanied by interpreters, conducted individual interviews of foreign workers as part of the inspection process.

69. **A representative of the Republic of Korea** said that, starting in January 2021, new employment permits were not issued to employers that housed their workers in makeshift accommodations that did not meet the established standards. Labour inspectorates examined the accommodations provided to foreign workers and took strict measures against employers that violated the corresponding regulations. Those measures included restrictions on the issuance of further employment permits.

70. Foreign workers enjoyed the same protections as nationals under the Occupational Safety and Health Act. In 2020, the Act had been amended to require employers to post warnings relating to hazardous sites, facilities and materials in the mother tongues of their foreign employees. In August 2024, measures to prevent industrial accidents in small workplaces that employed foreign workers had been stepped up. Such workplaces were subject to occupational health and safety inspections.

71. **A representative of the Republic of Korea** said that foreign migrants who had spent more than four years at a particular workplace underwent an assessment in which their skills, age, work experience and Korean language skills were taken into consideration. Foreign workers in possession of a skilled worker's visa who met the relevant requirements could apply to extend their period of stay and could also invite their families to join them in the Republic of Korea. If they met the income requirements, they could also apply for permanent residency.

72. The Government and local authorities made every effort to support the victims of accidents and their families and to prevent accidents from reoccurring.

73. In October 2022, 159 persons, including 26 foreign nationals, had been killed in a crowd surge that had occurred during Halloween festivities in Itaewon. Support teams had been set up to help families to repatriate their relatives' remains, and contributions had been made towards their funeral, medical and travel expenses. In the aftermath of the Itaewon disaster, the Ministry of Justice had set up a legal support team to provide legal assistance to foreign victims and bereaved families.

74. In June 2024, 18 migrant workers from China and Laos had been killed in a fire in Hwaseong. Dedicated teams had been formed to provide bereaved families with individual support services, including counselling and compensation. In order to prevent the recurrence of such incidents, the relevant ministries had jointly established measures to strengthen the safety arrangements for foreign workers in small workplaces and to ensure their swift evacuation from buildings where fires had broken out. Safety facilities and equipment were being augmented, and training in workplace safety was being provided to foreign workers. A support centre known as the Smile Centre provided counselling to injured workers and bereaved families.

75. In the aftermath of the Hwaseong fire, a legal support team had been established to provide legal assistance to victims and their families. The prosecution service and the Crime Victim Support Centre had provided victims and their families with financial support, including emergency living expenses. Following the Itaewon crowd crush and the Hwaseong fire, the Government had set up an emergency response team that worked with relevant

agencies to identify injured or deceased foreign nationals. It had also made it easier for bereaved families to enter and leave the Republic of Korea.

76. On 7 February 2025, the Immigration Act had been amended to establish that migrants could normally be held in detention for no longer than nine months. The amendment was scheduled to take effect on 1 June 2025. In cases where a person had applied for refugee status after receiving a deportation order or had committed a serious offence, the maximum period of detention could be extended to 20 months. Detained migrants could benefit from temporary release on humanitarian grounds, subject to certain conditions.

77. On 27 February 2025, a bill that would amend the Immigration Act to establish an independent body to be known as the immigration detention committee had been adopted by the National Assembly and would enter into force on 1 June 2025. The immigration detention committee would be affiliated with the Ministry of Justice but would be independent in respect of decision-making and the reviews that it would conduct. In order to ensure the committee's independence, the majority of its members would be external and its Chair would be appointed from among the external members. The Chief Justice of the Supreme Court and the President of the Korean Bar Association would be responsible for recommending external candidates to sit on the committee.

78. Accidents resulting in the injury or death of illegal immigrants mainly occurred when they became aware of a crackdown by the authorities and attempted to flee. All injuries and accidents were promptly reported to the relevant agency so that the injured persons could receive first aid. In order to prevent accidents, sites where a crackdown was to take place were visited in advance, and safety plans and measures were put in place. In areas where accidents were likely to occur, the excessive use of force during crackdowns was avoided. Following such operations, the surrounding area was always checked for injured persons.

79. **Ms. Stavrinaki** said that she would welcome more specific information on the nature of the complaints brought by migrant workers and the measures taken in response to them. She would be grateful for more information on the immigration detention committee that was to be established, including its composition and the mechanism to be used to determine which members would have voting rights. It would be interesting to know whether migrants held in detention centres had the opportunity to challenge their detention and, if so, whether they were eligible for legal assistance.

80. **Mr. Yeung Sik Yuen** said that he would appreciate the delegation's comments on reports that, according to the results of a survey conducted in 2021, 70 per cent of the respondents had reported that they had been subjected to hate speech, either online or offline, in the previous year. He was concerned to note that residents objecting to the construction of a mosque in the city of Daegu had barbecued pork products and left pig's heads in the vicinity of the construction site, prompting the National Human Rights Commission to declare the use of pork products to denigrate Islamic culture to be a form of hate speech. It would be interesting to hear about any measures being taken to ensure the peaceful resolution of the conflict surrounding the construction of the mosque.

81. He would be grateful for information on any investigations conducted into reports that organized gangs had filmed themselves assaulting and detaining persons assumed to be undocumented migrants and then posted videos of the incidents online in order to stir up hatred and violence. Information on any legal action taken against the perpetrators, any sentences handed down and any perpetrators who had been granted a reprieve would also be appreciated.

82. **Mr. Guissé** said that he would welcome information on so-called "co-ethnic migrants", that is, persons of Korean descent who had migrated to the Republic of Korea from China and other countries. He wished to know why the State Party had established the category of "marriage migrant", whether marriage migrants enjoyed any particular rights under the law and whether there was any connection between that category and the right to family reunification. Details on programmes designed to support international marriages would be appreciated.

83. **Ms. Tlakula** (Follow-up Coordinator) said that she would welcome further information on the nature of the approximately 45,000 cases of violations that had been

reported by migrant workers between January and November 2019 (CERD/C/KOR/FCO/17-19, para. 8). It would be useful to know whether police officers received any training concerning the rights of migrant workers and why the State Party did not keep statistics on the use of excessive force in crackdowns on illegal immigration. She would be grateful for information on the case of the migrant worker from Myanmar who had fallen and died during such an operation at a construction site and the worker from Thailand who had been found dead in the vicinity of the factory where he had worked in 2019.

84. **Mr. Diaby** said that he wished to know whether the State Party had conducted any investigations into the many fatal occupational accidents that had reportedly taken place and, if so, what the outcome of those investigations had been. He would be interested to learn about any individual or collective guarantees of protection afforded to migrant workers. It would be useful to know whether an investigation had been conducted into reports that members of the National Human Rights Commission had been the target of abuse. The Committee would appreciate the delegation's comments on reports that the Mayor of Seoul had stated that migrant workers might not have the same rights as nationals.

85. **A representative of the Republic of Korea** said that, under the amendment made to the implementing regulations of the Immigration Act in 2018, an exemption from the obligation to report undocumented migrants to the authorities could be applied in cases where migrants were victims of certain serious offences, such as acts of sexual violence. The exemption did not generally apply to migrants who reported wage arrears. In certain cases, however, the exemption might be applied in situations that were not explicitly covered by the Immigration Act. Foreign nationals subject to detention orders were allowed to voice their views on the matter, either orally or in writing. They were also allowed access to a lawyer.

86. **A representative of the Republic of Korea** said that the Government placed restrictions on employers' right to employ foreign nationals if the employers in question had been convicted of an act of sexual violence. Persons holding entertainment visas were subject to measures intended to identify victims of trafficking in persons. Conditional residency status was granted to undocumented children born in the Republic of Korea and to their parents.

87. Cultural diversity programmes were implemented to improve public perceptions of migrants, and courses to promote multicultural understanding had been strengthened. The fourth Master Plan for Immigration Policy was currently being implemented. A maximum period of administrative detention had been established for migrants, and steps had been taken to place detained migrants in open facilities.

88. Consideration was being given to the possibility of establishing a universal birth registration system for foreign children, and support for migrant women who were victims of violence was being strengthened. Steps were being taken to improve the treatment of refugees and to expand the range of measures taken to protect them.

The meeting rose at 6 p.m.