



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

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## Committee on the Elimination of Racial Discrimination

### Concluding observations on the combined twentieth to twenty-second periodic reports of the Republic of Korea\*

1. The Committee considered the combined twentieth to twenty-second periodic reports of the Republic of Korea,<sup>1</sup> submitted in one document, at its 3149th and 3150th meetings,<sup>2</sup> held on 29 and 30 April 2025. At its 3160th meeting, held on 7 May 2025, it adopted the present concluding observations.

#### A. Introduction

2. The Committee welcomes the submission of the combined twentieth to twenty-second periodic reports of the State Party. The Committee also welcomes the constructive dialogue with the high-level delegation and wishes to thank the State Party for the information that it provided during the Committee's consideration of the reports and after the dialogue.

#### B. Positive aspects

3. The Committee welcomes the ratification or accession by the State Party to the following international human rights instruments:

(a) The International Convention for the Protection of All Persons from Enforced Disappearance, on 4 January 2023;

(b) The Optional Protocol to the Convention on the Rights of Persons with Disabilities, on 16 December 2022;

(c) The Forced Labour Convention, 1930 (No. 29), of the International Labour Organization, on 20 April 2021.

4. The Committee also welcomes the following legislative and policy measures taken by the State Party:

(a) The adoption, in April 2021, of the Act on Prevention of Human Trafficking and Protection of Victims and the first Comprehensive Plan for the Prevention of Human Trafficking (2023–2027);

(b) The enactment, in December 2018, of the Framework Act on Prevention of Violence against Women;

(c) The amendment, in July 2023, of the Family Relations Registration Act, to address gaps in the birth registration system for nationals;

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\* Adopted by the Committee at its 115th session (22 April–9 May 2025).

<sup>1</sup> CERD/C/KOR/20-22.

<sup>2</sup> See CERD/C/SR.3149 and CERD/C/SR.3150.



- (d) The adoption of the fourth National Action Plan for the Promotion and Protection of Human Rights (2023–2027);
- (e) The adoption of the fourth Master Plan for Immigration Policy (2023–2027).

## C. Concerns and recommendations

### Statistics

5. The Committee notes the statistics provided by the State Party, including in its updated core document.<sup>3</sup> Nevertheless, the Committee is concerned about the lack of comprehensive statistics on the demographic composition of the population, regretting that the State Party does not collect data related to ethnic or ethno-religious identity, and on the socioeconomic situation of the various population groups such as migrants, asylum-seekers and refugees. This lack of comprehensive statistics limits the Committee's ability to properly assess the situation of groups exposed to racial discrimination, including their socioeconomic status, and any progress achieved by implementing targeted policies and programmes (arts. 1, 2 and 5).

6. **Recalling its general recommendation No. 8 (1990) concerning the interpretation and application of article 1 (1) and (4) of the Convention, and its guidelines for reporting under the Convention,**<sup>4</sup> the Committee recommends that the State Party collect and provide to the Committee reliable, updated and comprehensive statistics on the demographic composition of the population, based on the principle of self-identification, including on ethnic and ethno-religious groups, people of African descent, stateless persons and non-citizens, in particular migrants, asylum-seekers and refugees. It also recommends that the State Party produce statistics disaggregated by gender and age on the socioeconomic situation of those groups and on their access to education, employment, healthcare and housing, with a view to creating an empirical basis for assessing the equal enjoyment of the rights enshrined in the Convention.

### Convention in the domestic legal order

7. While noting that article 6 (1) of the Constitution of Korea stipulates that treaties duly concluded and promulgated shall have the same effect as domestic laws, the Committee is concerned that, in practice, the Convention is rarely invoked in judicial proceedings.

8. **The Committee recommends that the State Party conduct systematic training programmes and awareness-raising campaigns, in particular for judges, prosecutors, lawyers and law enforcement officials, including immigration officials, to ensure that the provisions of the Convention are invoked when relevant by and before domestic courts. It requests that the State Party include in its next periodic report specific examples of the application of the Convention by domestic courts.**

### National human rights institution

9. While acknowledging the contribution of the National Human Rights Commission of Korea (Republic of Korea) to the promotion and protection of human rights in the State Party, the Committee is concerned by reports that the long-standing failure to mandate the formation of a single, independent selection committee for the selection and appointment of its commissioners has led to serious problems in its functioning and effectiveness, and has undermined its relations with civil society organizations.

10. **The State Party should take the measures necessary to ensure a fully transparent, merit-based and participatory procedure for the selection and appointment of commissioners of the National Human Rights Commission of Korea (Republic of Korea), including through mandating, by means of legislation, the establishment of a single, independent committee for the nomination of candidates.**

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<sup>3</sup> [HRI/CORE/KOR/2022](#).

<sup>4</sup> [CERD/C/2007/1](#).

### Prohibition of racial discrimination

11. Reiterating its previous recommendations,<sup>5</sup> the Committee deeply regrets that the State Party has still not adopted comprehensive legislation that defines and prohibits direct and indirect racial discrimination on all of the prohibited grounds of discrimination provided under article 1 of the Convention. The Committee is concerned that the State Party's legislation restricts the equal enjoyment by non-citizens of several of the rights provided for under article 5 of the Convention to an extent that is not in compliance with the Committee's general recommendation No. 30 (2004) on discrimination against non-citizens (arts. 1, 2 and 5).

12. **The Committee reiterates its previous recommendation and urges the State Party to expedite the adoption of a comprehensive law that defines and prohibits direct and indirect racial discrimination on all prohibited grounds, in line with article 1 of the Convention, expressly prohibiting direct, indirect and intersecting forms of discrimination in the public and private spheres. The Committee recommends that the State Party review existing legislation in order to ensure that any restrictions to the equal enjoyment of rights by non-citizens are fully compliant with the Convention as interpreted in the Committee's general recommendation No. 30 (2004). In this context, the State Party should take into consideration the principle that, under the Convention, differential treatment constitutes discrimination if the criteria for such differentiation, judged in the light of the objectives and purposes of the Convention, are not applied pursuant to a legitimate aim and/or are not proportional to the achievement of that aim.**

### Complaints of racial discrimination

13. The Committee notes that the National Human Rights Commission of Korea (Republic of Korea) is mandated by law to receive and investigate complaints related to discrimination on the grounds of race, ethnicity or national origin and to make recommendations and referrals, and consistently receives a significant number of such complaints. The Committee regrets that the lack of detailed information received on the outcomes of such complaints, including complaints referred to the authorities for further action, does not allow for a proper assessment of access to effective remedies for victims (art. 6).

14. **The Committee recommends that the State Party:**

(a) **Conduct comprehensive and regular training programmes for prosecutors, police officers and other relevant public officials on the identification and documentation of incidents of racial discrimination, including discrimination based on national origin, and the situation of groups exposed to such discrimination;**

(b) **Undertake public education campaigns on the rights enshrined in the Convention and on how to file complaints of racial discrimination, including discrimination based on national origin, including tailored campaigns targeting migrants, asylum-seekers and beneficiaries of international protection;**

(c) **Collect statistics, disaggregated by age, gender and ethnic and national origin, on complaints of racial discrimination, including discrimination based on national origin, submitted to the National Human Rights Commission of Korea (Republic of Korea), and the outcomes of such complaints, including complaints referred to authorities for further action, and provide such statistics in its next periodic report, including detailed, disaggregated information on investigations undertaken, on administrative and criminal sanctions imposed and on reparations provided to the victims.**

<sup>5</sup> CERD/C/KOR/CO/17-19, para. 6.

### **Hate speech and hate crimes**

15. Recalling its previous recommendations,<sup>6</sup> the Committee reiterates its concern about the continued rise in racist hate speech, online and offline, in particular against migrants, asylum-seekers and refugees and persons of Chinese descent. The Committee notes with concern the hate speech directed against Muslim communities in the context of resistance to the building of a mosque in Daegu city and reports of groups detaining and threatening undocumented migrant workers and posting videos of such abuse on the Internet. The Committee is concerned that the legislative framework still does not contain provisions that explicitly criminalize racist hate speech and hate crimes in accordance with article 4 of the Convention and on all the grounds recognized in article 1. In this regard, the Committee regrets the State Party's failure to implement its previous recommendation to amend its Criminal Code to explicitly include racist motivations as aggravating circumstances with respect to criminal offences. The Committee also regrets that racially motivated crimes are classified and recorded only as general criminal offences such as defamation or assault, and that, as a result, no statistics are collected on such crimes (arts. 2, 4 and 7).

16. **Recalling its general recommendations No. 7 (1985) relating to the implementation of article 4 of the Convention, No. 15 (1993) on article 4 of the Convention and No. 35 (2013) on combating racist hate speech, the Committee urges the State Party to:**

(a) **Expedite without delay the amendment of its Criminal Code to include racist motivations as an aggravating circumstance with respect to criminal offences, with explicit reference to all the grounds of racial discrimination recognized in article 1 of the Convention, and adopt comprehensive legislation that includes explicit criminalization of racist hate speech and hate crimes in accordance with article 4 of the Convention;**

(b) **Firmly condemn any form of hate speech, including when expressed by politicians and public figures, ensure that such acts are investigated and adequately punished and strengthen training programmes for law enforcement officials, prosecutors and judges on the identification, registration and prosecution of such crimes;**

(c) **Implement public education campaigns to combat prejudice and hostility towards migrants, asylum-seekers and refugees;**

(d) **Enhance its efforts to combat the spread of racist and xenophobic hate speech in the media, on the Internet and on social media, in close cooperation with media outlets, Internet service providers and social media platforms, and ensure that independent and effective monitoring systems are in place, that racist or xenophobic content on the Internet and social media platforms is swiftly removed and that racist and xenophobic hate speech is systematically punished with adequate sanctions, including under the Broadcasting Act;**

(e) **Take effective measures to encourage the reporting of racist hate speech and hate crimes, including targeted public education campaigns in relevant languages on reporting channels and measures to identify and prevent discriminatory attitudes in the criminal justice system;**

(f) **Set up a mechanism to collect statistics, disaggregated by race, colour, ethnicity, national origin, religion, immigration status, gender and other indicators that would identify intersecting forms of discrimination, on racially motivated crimes, ensure that such a mechanism records information on complaints, investigations, prosecutions, convictions and sanctions imposed on perpetrators and reparations provided to victims, and include relevant statistics in its next periodic report;**

(g) **Take appropriate measures to resolve the delayed construction of the Daegu mosque, including effective government-facilitated mediation engaging all**

<sup>6</sup> Ibid., para. 8.

**stakeholders, and ensure an effective response to related racist or xenophobic hate speech, including the swift removal of hate-motivated banners.**

### **Migrant workers**

17. The Committee is concerned about the fragmented approach to regulation of migrant labour, in relation to both work visa schemes and applicable labour standards. The Committee notes certain measures taken that extend permitted grounds for change of employer as a result of factors unattributable to the migrant worker, and the modest progress in facilitating transition from the unskilled to the skilled visa category under the “Skilled Worker (E-7-4) Points System” since 2017. However, the Committee remains concerned about the restrictive criteria for change to a different type of visa, which hinders migrant workers’ access to long-term or permanent residence permits and increases the risk of irregular stays. The Committee also remains concerned that family reunification or accompaniment continues to be prohibited for unskilled workers and that it is unavailable in practice to the majority of those in the skilled workers category due to excessive income and residency stability requirements (art. 5).

**18. The Committee urges the State Party to implement wholesale changes to the Employment Permit System and other legislation applicable to migrant workers:**

- (a) To remove restrictions that prevent migrant workers from changing their workplace;**
- (b) To extend the maximum period of stay, in particular for unskilled workers;**
- (c) To enable migrant workers to change to a different type of visa more easily;**
- (d) To facilitate family reunification or accompaniment for both skilled and unskilled migrant workers and allow family members access to the labour market.**

19. The Committee remains concerned that certain aspects of the State Party’s labour legislation discriminate against migrant workers, directly or indirectly, and that labour protection standards are not adequately enforced. Specifically, the Committee is concerned that:

- (a) Sector-specific regulations for seafarers allow migrant seafarers to be the object of collective agreements that allow for wages below the minimum guaranteed for nationals, and that in practice they often receive lower wages;
- (b) The sectors exempted from working hours and holiday entitlement standards under article 63 of the Labour Standards Act are sectors employing a significant number of migrant workers, such as agriculture, livestock farming and fisheries, thereby exposing migrant workers to abuse;
- (c) Migrant workers are frequently victims of wage exploitation, in particular in the form of wage arrears;
- (d) Migrant workers are still housed in substandard accommodation, noting that, according to a 2024 survey by the Ministry of Employment and Labour, 6.7 per cent of foreign workers in the agricultural sector reside in non-residential facilities, and the construction certification scheme introduced following the death in December 2020 of a migrant worker housed in greenhouse accommodation has been ineffectively enforced;
- (e) Migrant workers are disproportionately employed in hazardous jobs and that the rate of industrial accident deaths among migrant workers is estimated by the National Human Rights Commission of Korea (Republic of Korea) to be twice as high as for Korean nationals, occupational safety standards remain inadequate, access to industrial accident compensation is limited and support systems for the families of victims of fatal workplace incidents are insufficient, notwithstanding certain measures taken by the State Party;
- (f) Migrant workers still face structural barriers to exercising their rights and receiving compensation due to a combination of vulnerabilities based on residence status,

language barriers, lack of awareness of legal systems and legal aid and restricted eligibility for compensation under the Crime Victim Protection Act on the basis of reciprocity (art. 5).

20. **In the light of its general recommendation No. 30 (2004) on discrimination against non-citizens, the Committee recommends that the State Party amend its labour legislation to address direct and indirect discrimination against migrant workers and ensure that labour standards are adequately enforced. The State Party should, in particular:**

(a) **Amend regulations that allow for the exclusion of migrant seafarers from minimum wage guarantees and ensure that migrant seafarers receive the same minimum wage as nationals in practice;**

(b) **Amend the Labour Standards Act in order to ensure uniform labour protections across all sectors, including sectors employing a significant number of migrant workers, such as agriculture, livestock farming and fisheries;**

(c) **Take appropriate measures to combat wage arrears, in particular those suffered by migrant workers, including through tailored support for bringing claims to court;**

(d) **Strengthen cooperation between relevant ministries and local governments to eliminate the use of non-residential facilities to house migrant workers and ensure that they receive adequate accommodation, including through effective enforcement of a robust construction certification scheme, with particular attention to the agricultural sector;**

(e) **Take appropriate measures to combat the disproportionately high rate of deaths among migrant workers as a result of industrial accidents, including by ensuring the effective enforcement of occupational safety standards in sectors employing large numbers of migrants in hazardous work and ensuring that migrant workers are provided with adequate occupational safety training in a language that they can understand;**

(f) **Ensure access to effective remedies and reparations for migrant workers who have experienced labour rights violations or who are victims of industrial accidents, and ensure that comprehensive support systems are in place for the families of victims of fatal workplace accidents;**

(g) **Strengthen the regional support system for migrant workers, including counselling and interpretation services, notably by ensuring adequate and sustainable funding and the availability of appropriately qualified staff;**

(h) **Include in its next periodic report statistics on visits of the labour inspection body, including data disaggregated by nationality of victim and type of violation identified, sanctions imposed and reparations provided to victims;**

(i) **Establish an institutional dialogue with representatives of migrant workers from all sectors to identify best practices in combating racial discrimination.**

#### **Undocumented migrants**

21. Noting the high number of undocumented migrants in the State Party, as shown in figures provided by the State Party, the Committee is concerned that:

(a) Taken together, the lack of regular migration pathways, the short duration of unskilled employment visas and the continued existence of labour shortages result in a high number of undocumented migrant workers;

(b) The State Party's exclusive focus on repression of irregular migration continues, with reports indicating that crackdowns by police and immigration officials continue to result in injuries and, in some cases, deaths;

(c) Exemptions to the obligation incumbent on public officials to notify immigration authorities upon identification of undocumented migrants, as provided under the Enforcement Decree of the Immigration Act, are limited in scope to cases involving the

protection of basic human rights or providing relief to victims of crimes. As a result, undocumented migrants who report rights violations such as wage arrears are subject to detention and deportation (arts. 5 and 6).

**22. The Committee recommends that the State Party:**

- (a) Investigate the root causes and backgrounds of undocumented migrants, increase the availability of options for regular migration and establish regularization pathways;**
- (b) Protect the human rights of undocumented migrants, including through effective measures against hate crimes, labour rights violations and other abuses;**
- (c) Take all measures necessary to ensure that any crackdown operations do not result in injuries or fatalities among undocumented migrant workers and ensure that police and immigration officials involved in such operations are provided with appropriate training, including on international standards on the use of force;**
- (d) Expand the exemptions from the notification obligation for public officials to ensure that undocumented migrants are not reported to immigration authorities when reporting labour rights violations or crisis situations;**
- (e) Prohibit the use of the term “illegal immigrants” or similar terms in official documents and remove any references to those terms remaining in legislation and regulations;**
- (f) Compile and make public statistics on migrants who have been directly or indirectly injured or who have died as a result of crackdowns, as well as information on the follow-up measures taken in those cases, including reparations.**

**Access to education**

23. Recalling its previous recommendations,<sup>7</sup> and notwithstanding certain measures taken by the State Party to improve migrant children’s access to education, the Committee remains concerned that such children continue to face obstacles at all levels of the education system and that the Framework Act on Education has still not been amended to include non-citizen children within the scope of compulsory education obligations incumbent upon the State. While noting the information provided by the State Party that preschool education and childcare subsidies are offered to children regardless of nationality, the Committee notes with concern reports indicating the ad hoc provision of financial support to migrant children for early childhood education and childcare support, which varies by municipality. The Committee remains concerned that undocumented migrant children reportedly still face barriers to school enrolment, such as inconsistent or excessive documentation requirements, especially at the high-school level. The Committee welcomes an initiative that provides residence status to migrant children who meet extended residency criteria or who are currently completing public education but regrets that only a small number of children have benefited from this initiative and that the measure appears to be ad hoc in nature. The Committee notes with concern reports that children who grew up in the Republic of Korea under a residence status linked to a visiting family or accompanying family visa based on their parents’ residence are obliged to apply for a student visa (D-2) if they pursue higher education but that the level of financial guarantees required for such a visa restricts the effective access of migrant and refugee children to university education (arts. 1, 2 and 5).

**24. The Committee recommends that the State Party:**

- (a) Amend the Framework Act on Education to extend compulsory education to all children without discrimination;**
- (b) Take appropriate measures, including regulations where necessary, to guarantee in practice migrant children’s right to education, including measures to facilitate school enrolment and prevent arbitrary denials of enrolment;**

<sup>7</sup> Ibid., para. 30.

(c) **Implement appropriate measures to ensure that all children, regardless of their residence status or location, have access to appropriate financial support for early childhood education expense and childcare support;**

(d) **Continue and expand support programmes for migrant children aimed at improving Korean language proficiency;**

(e) **Implement effective policies to ensure equal educational opportunities for migrant children, including access to higher education.**

#### **Access to social security**

25. Recalling its previous recommendations,<sup>8</sup> the Committee remains concerned that many non-citizens, including children and persons with disabilities, are excluded from health insurance coverage and social security policies. Notwithstanding the extension of eligibility to certain specific categories of non-citizens, the Committee is concerned about the restrictive application of the Basic Social Security Act and the Emergency Aid and Support System, which operate under the principle of reciprocity, noting that the principle of reciprocity cannot serve as a valid justification for denying access to basic human rights, in particular for vulnerable persons in need of assistance. While welcoming the extension of eligibility for health insurance to seasonal workers since June 2023, the Committee is concerned by the State Party's piecemeal approach to ensuring access to health insurance for all non-citizens and their families, including migrants on temporary visas, asylum-seekers and beneficiaries of humanitarian protection. In this regard, the Committee is concerned that asylum-seekers cannot enrol in the national health insurance scheme when they are not officially employed at a business subject to the National Health Insurance Act (arts. 1, 2 and 5).

26. **The Committee reiterates its previous recommendation<sup>9</sup> that the State Party review its social security policies and take appropriate measures to ensure that all persons living on its territory, irrespective of their national origin, receive basic social support and access to medical care. The Committee recommends that the State Party cease application of the principle of reciprocity to restrict the application of the Basic Social Security Act and the Emergency Aid and Support System to non-citizens, paying particular attention to ensuring effective access to assistance for non-citizens with disabilities. The Committee recommends that the State Party simplify the current fragmented system regulating access to health insurance for non-citizens, including the criteria for household members, and ensure that related insurance premiums are affordable.**

#### **Immigration detention**

27. The Committee notes that the Immigration Act as amended in March 2025 introduces a nine-month limit for immigration detention, which can be extended to 20 months in certain cases, and a review of the lawfulness of detention by a newly established committee of the Ministry of Justice (Immigration Detention Committee), with the new system due to become effective in June 2025. While the introduction of a limit is positive, the Committee is concerned by reports that recourse to prolonged immigration detention, including of asylum-seekers, is systematic in the State Party and that those persons granted temporary release are not provided with legal status, thereby exposing them to the risk of being detained again. The Committee is also concerned that the amended Immigration Act provides for longer periods of immigration for asylum-seekers, noting that those who lodge their asylum application from detention can be detained for up to 20 months. The Committee is further concerned about the de facto and prolonged detention of asylum-seekers who have been denied access to asylum procedures at ports of entry, often in conditions that are not compatible with human dignity. Notwithstanding assurances provided by the delegation on the proposed composition of the Immigration Detention Committee, which will include external experts, the Committee is concerned about the

<sup>8</sup> Ibid., para. 32.

<sup>9</sup> Ibid., para. 32 (b).



capacity of this entity to ensure prompt, independent and effective review of detention orders. The Committee is deeply concerned that the State Party's legal framework continues to allow the detention of children, without adequate consideration of the best interest of the child (arts. 2, 5 and 6).

**28. The Committee recommends that the State Party:**

(a) **Ensure that immigration detention is used as a measure of last resort, for the shortest possible period of time, and repeal legal provisions that provide for the extended detention of asylum-seekers for up to 20 months;**

(b) **Ensure that the lawfulness of the detention of immigrants be regularly reviewed by an independent judicial mechanism;**

(c) **Ensure that persons granted temporary release are provided with legal status and the means to sustain themselves if they are not permitted to work;**

(d) **Ensure that persons subjected to immigration detention are informed promptly, in a language they understand, of the process concerning their detention, including the possibility for review, and have effective access to legal assistance and translation and interpretation services provided by appropriately qualified professionals throughout the period of detention;**

(e) **Ensure that living conditions in immigration detention centres and ports of entry serving as de facto places of detention are in conformity with international standards and are subject to regular independent monitoring;**

(f) **Put an end to the immigration detention of children, including by amending the Immigration Act to prohibit the detention of children aged 14 and over, amending article 4 of the Immigration Detention Rules, which allows for the director of the detention facility to permit a child under the age of 14 to live with a detained foreigner if the child is dependent on the detainee, and prioritizing non-custodial alternatives to detention in such cases, and take similar measures to prohibit the de facto detention of children at ports of entry.**

**Asylum-seekers and refugees**

29. Recalling its previous recommendations,<sup>10</sup> and notwithstanding certain measures taken by the State Party, the Committee remains concerned about the capacity of the asylum system to provide swift, transparent and fair decisions on applications for international protection, the adequacy of safeguards to ensure respect for the principle of non-refoulement and the adequacy of living support assistance provided. In particular, the Committee is concerned about:

(a) The low number of personnel, the lack of fully trained screening officers and the independence and capacity of the Refugee Committee, which handles appeals against negative decisions, resulting in excessively long processing times and raising doubt about the system's capacity to carry out individualized assessments;

(b) The high proportion of non-referral decisions under article 5 of the Enforcement Decree of the Refugee Act that are issued to persons claiming asylum at ports of entry, denying them access to asylum procedures, and the limited access to legal assistance for challenging such decisions by means of administrative appeal or litigation;

(c) Reports that Ministry of Justice criteria for determining exceptions to non-refoulement obligations under the Convention relating to the Status of Refugees are not clearly delineated or sufficiently restrictive, and the reported issuance of deportation orders to recognized beneficiaries of international protection status;

(d) Reported cases of refoulement during the reporting period, including to China and the Democratic People's Republic of Korea;

<sup>10</sup> Ibid., para. 14.

(e) The low refugee recognition rate, notwithstanding a slightly higher rate for the granting of humanitarian protection status;

(f) Legal restrictions and practical obstacles concerning access to work permits, healthcare and basic needs assistance for asylum-seekers, noting that only 1–2 per cent of asylum-seekers actually receive the living allowance foreseen under article 40 of the Refugee Act, and only for about three months;

(g) The disparity in rights afforded to humanitarian status holders compared with recognized refugees, notably with regard to family reunification and access to basic services, leaving many reliant on non-governmental organizations for housing and support (arts. 5 and 6).

**30. The State Party should:**

(a) **Take all measures necessary to strengthen the capacity of the asylum system and reduce delays, including by ensuring the availability of an adequate number of appropriately trained officials for the individualized screening of applications and by reinforcing the independence and capacity of the Refugee Committee, which is tasked with handling appeals;**

(b) **Guarantee respect for the principle of non-refoulement, including by ensuring that the right of asylum-seekers to lodge asylum applications at ports of entry is effectively guaranteed in practice and ensuring the application of clear and transparent procedures for refugee status determination and related appeals, in line with international standards;**

(c) **Publish full statistics on asylum applications, disaggregated by nationality, including the number of asylum applications lodged and the number of successful applications, including after appeal;**

(d) **Amend national legislation, policies and practice to ensure effective access to work permits, essential healthcare and basic needs assistance for asylum-seekers and holders of humanitarian protection status;**

(e) **Grant the right to family reunification for holders of humanitarian protection status.**

**Discrimination faced by escapees from the Democratic People's Republic of Korea**

31. The Committee is concerned about reports indicating that, because escapees from the Democratic People's Republic of Korea are not considered "foreigners" under the domestic law of the Republic of Korea, they do not benefit from the legal safeguards against refoulement under the Refugee Act. While noting the State-funded support provided to escapees granted protection under the North Korean Defectors Protection and Settlement Support Act, the Committee is also concerned by reports that escapees are often stigmatized and face societal discrimination in areas such as education and access to employment (arts. 2 and 5).

**32. The Committee recommends that the State Party codify in national law the principle of non-refoulement for escapees from the Democratic People's Republic of Korea arriving in the Republic of Korea. The Committee also recommends that the State Party take appropriate measures to combat the stigmatization and racial discrimination faced by escapees, including in education and access to employment.**

**Migrant women**

33. Recalling its previous recommendations,<sup>11</sup> the Committee remains concerned about restrictions imposed on "marriage migrants", the majority of whom are women, which appear to be arbitrary in nature and contribute as a system to devaluing their rights to equality and non-discrimination. The Committee notes with concern, for example, that, further to dissolution of a marriage, "marriage migrants" continue to face obstacles to

<sup>11</sup> Ibid., para. 22.

obtaining secure residency status. The Committee is concerned that many marriage migrants, with or without children holding Korean nationality, have returned to their home countries without completing the divorce process due to language and bureaucratic barriers, including the high fees that they are required to pay. The Committee expresses additional concern that marriage migrants may face difficulties reporting gender-based violence due to their dependent residency status (arts. 2 and 5).

**34. The Committee urges the State Party to:**

**(a) Improve the system to allow marriage migrants to independently extend their stay and naturalize, regardless of the reasons for the dissolution of the marriage and whether they have custody of a child or are supporting a Korean spouse's parents, and simplify the permanent residency and naturalization processes;**

**(b) Ensure that migrant women are able to report gender-based violence and receive support for a stable residency, regardless of their residency status;**

**(c) Investigate the scale and situations of returned marriage migrant women and their children across various countries of origin and take the measures necessary to protect their rights and status.**

**Trafficking in persons**

35. The Committee acknowledges the range of measures taken by the State Party to prevent trafficking in persons, to protect and support victims and to strengthen prosecution of perpetrators, including through the adoption of the Act on Prevention of Human Trafficking and Protection of Victims, in 2021. The Committee is nonetheless concerned that trafficking in persons for the purposes of labour and sexual exploitation remains an acute problem in the State Party, that identification of victims remains deficient and that, despite increased efforts, the number of perpetrators convicted is low and sanctions are often inadequate. The Committee notes with concern that migrant workers are particularly exposed to labour exploitation and forced labour due to practices such as the confiscation of identification documents by employers. The Committee is concerned that the State Party continues to prioritize the verification of legal residency over identifying trafficking victims, which has led to deportations without proper victim identification, including for victims of sexual exploitation (arts. 2, 5 and 6).

**36. The Committee recommends that the State Party:**

**(a) Ensure the alignment of the Criminal Code and the Act on Prevention of Human Trafficking and Protection of Victims with international standards on trafficking in persons, including by supplementing, as appropriate, the punishment provisions and amending the definition of trafficking to ensure its comprehensiveness;**

**(b) Ensure that all cases of trafficking in persons are investigated thoroughly and that perpetrators, if convicted, receive adequate and deterrent punishment;**

**(c) Mandate the use of trafficking victim identification indicators by immigration officials and law enforcement agencies to actively identify victims of trafficking in persons and ensure protection for victims;**

**(d) Ensure that victims of trafficking, including trafficking for purposes of sexual exploitation, are not subject to criminal investigation or prosecution;**

**(e) Systematically provide residency status to migrants identified as victims of trafficking for at least the time necessary to receive adequate medical and psychological assistance and/or to pursue complaints until the conclusion of the remedial process;**

**(f) Ensure effective access to compensation for victims of trafficking.**

**Treatment of migrants in the context of disasters and health emergencies**

37. While noting the State Party's efforts to ensure access to testing and vaccination for non-citizens, the Committee is concerned by reports that migrants were the subject of some

discriminatory policies in the context of the State Party's response to the coronavirus (COVID-19) pandemic, including eligibility for emergency disaster relief funds being limited to certain categories of documented migrant and administrative orders by certain local authorities mandating testing for migrant workers. While free medical treatment was initially provided for foreign nationals diagnosed with COVID-19 upon entering the country, the system was subsequently changed to one based on the principle of reciprocity in relation to coverage of medical expenses, thereby limiting equal access for migrants. Following the Itaewon crowd crush in October 2022, the State Party provided funeral expenses and relief payments to foreign victims on the same basis as Korean nationals; however, the Committee is concerned by reported shortcomings in areas such as provision of information and support to bereaved families, including psychological counselling support and assistance with document issuance. While welcoming the inclusion of foreign residents in damage assessments and recovery targets in the Natural Disaster Investigation and Recovery Plan Manual, the Committee is concerned that this policy remains limited in effectiveness as it excludes undocumented migrants (arts. 2 and 5).

**38. The State Party should ensure the inclusion of appropriate measures in national disaster preparedness and response frameworks in order to guarantee that non-citizens benefit from equal protection in the context of disasters and health emergencies, regardless of immigration status. This should include ensuring effective access to information in relevant languages and providing financial assistance, healthcare and psychological support on an equal basis with nationals. The State Party should also take the measures necessary to ensure that non-nationals benefit from equal and non-discriminatory access to compensation, regardless of immigration status, and measures to ensure the provision of tailored support for foreign bereaved families.**

#### **Birth registration**

39. Recalling its previous recommendation,<sup>12</sup> the Committee regrets that children born to parents of foreign origin are not systematically registered, as legislation prohibits registration in the national birth registration system and parents may be unable to register the birth of their children with the embassies of their countries of origin, for a variety of reasons. While welcoming the State Party's willingness to introduce universal birth registration, the Committee is concerned that, despite the submission of relevant bills to the National Assembly, legislation on universal birth registration has still not been adopted (arts 1, 2 and 5).

**40. The Committee recommends that the State Party expedite the adoption of a law on universal birth registration, ensuring that all children born in the territory of the State Party are registered, regardless of their nationality and residence status.**

#### **Pathways to securing residency status and citizenship**

41. The Committee notes the information provided by the State Party on criteria and procedures for non-citizens to seek secure residency status or naturalization. However, the Committee is concerned that, in practice, only a very small proportion of non-citizens are able to obtain secure residency status or citizenship, despite extended periods of lawful residence in the State Party, including migrants on short-term visas and their families, marriage migrants, refugees and beneficiaries of humanitarian protection status (arts. 2 and 5). The Committee is also concerned about the lack of legal and sustainable avenues for children born and/or raised in the State Party who have migrant parents in an irregular situation.

**42. The Committee recommends that the State Party review its laws and policies applicable to long-term residency status and naturalization, in order to:**

**(a) Facilitate access to long-term residency status and naturalization for non-citizens who have lawfully resided in the State Party for an extended period. In**

<sup>12</sup> Ibid., para. 28.

**this context, the State Party should simplify procedures and consider harmonizing the current visa system;**

**(b) Provide children and youth born to migrant parents in an irregular situation with financially sustainable pathways to securing residency status or naturalization.**

#### **Stateless persons**

43. Noting a number of situations that can lead to statelessness in the State Party, including the situation of escapees from the Democratic People's Republic of Korea who are not granted citizenship and non-national children born in the Republic of Korea whose births are not registered, the Committee is concerned by the lack of laws or procedures relating to the recognition and treatment of stateless persons. The Committee is concerned that this shortcoming may lead to heightened vulnerability of stateless persons due to their lack of legal status, documents and/or identity, including the risk of being subjected to immigration detention and deportation (arts. 2 and 5).

**44. The Committee recommends that the State Party adopt effective measures to reduce and prevent statelessness and adopt a comprehensive law that defines the status and treatment of stateless persons, incorporating the provisions of the Convention relating to the Status of Stateless Persons. The State Party should consider acceding to the Convention on the Reduction of Statelessness.**

#### **Training, education and other measures to combat prejudice and intolerance**

45. The Committee welcomes information provided by the State Party on the provision of human rights training for immigration officers, including on the social integration of migrants, the protection of the human rights of foreigners, and multicultural sensitivity. It also welcomes the provision of training to students, parents and teachers on understanding multiculturalism within the education system. Nevertheless, the Committee is concerned about the reported prevalence of racist stereotypes and xenophobia directed at non-citizens, including migrants, asylum-seekers and refugees (art. 7).

**46. The Committee recommends that the State Party increase its efforts to conduct public awareness-raising campaigns, with measurable outcomes, targeting the general public, civil servants, law enforcement officials and members of the judicial authorities on the promotion of respect for ethnic and cultural diversity, tolerance, inter-ethnic understanding and acknowledgement of the contribution of non-citizens to society. The State Party should also mandate education on cultural diversity sensitivity in all schools in order to reduce exclusion of and racial discrimination against migrant and refugee children.**

### **D. Other recommendations**

#### **Ratification of other treaties**

47. Bearing in mind the indivisibility of all human rights, the Committee urges the State Party to consider ratifying those international human rights instruments that it has not yet ratified, in particular treaties with provisions that have direct relevance to communities that may be subjected to racial discrimination, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. The Committee recommends that the State Party ratify the Convention on the Reduction of Statelessness and the Domestic Workers Convention, 2011 (No. 189), of the International Labour Organization.

#### **Follow-up to the Durban Declaration and Programme of Action**

48. In the light of its general recommendation No. 33 (2009) on follow-up to the Durban Review Conference, the Committee recommends that, when implementing the Convention in its domestic legal order, the State Party give effect to the Durban Declaration and Programme of Action, adopted in September 2001 by the World

Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the outcome document of the Durban Review Conference, held in Geneva in April 2009. The Committee requests that the State Party include in its next periodic report specific information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level.

#### **International Decade for People of African Descent**

49. In its resolution 79/193, the General Assembly proclaimed 2025–2034 the Second International Decade for People of African Descent. Also in that resolution, the Assembly decided to extend the programme of activities for the implementation of the International Decade for People of African Descent adopted in its resolution 69/16, with a view to ensuring continuing efforts in promoting the respect, protection and fulfilment of all human rights and fundamental freedoms of people of African descent. In the light of this development, the Committee recommends that the State Party implement the programme of activities in collaboration with people of African descent and include in its next periodic report information on the measures adopted in that framework, taking into account the Committee's general recommendation No. 34 (2011) on racial discrimination against people of African descent.

#### **Consultations with civil society**

50. The Committee recommends that the State Party continue consulting and increasing its dialogue with civil society organizations working in the area of human rights protection, in particular those working to combat racial discrimination, in connection with the preparation of the next periodic report and in follow-up to the present concluding observations.

#### **Dissemination of information**

51. The Committee recommends that the State Party's reports be made readily available and accessible to the public at the time of their submission and that the concluding observations of the Committee with respect to those reports be similarly made available to all government bodies entrusted with the implementation of the Convention, including municipalities, in the official and other commonly used languages, as appropriate.

#### **Follow-up to concluding observations**

52. In accordance with article 9 (1) of the Convention and rule 65 of its rules of procedure, the Committee requests the State Party to provide, within one year of the adoption of the present concluding observations, information on its implementation of the recommendations contained in paragraphs 10 (national human rights institution), 16 (g) (government-facilitated mediation process to resolve the delayed construction of the Daegu mosque) and 40 (birth registration) above.

53. The Committee commends the State Party for the timely submission of its last follow-up report on its previous concluding observations.

#### **Paragraphs of particular importance**

54. The Committee wishes to draw the attention of the State Party to the particular importance of the recommendations contained in paragraphs 12 (prohibition of racial discrimination), 16 (hate speech and hate crimes), 22 (undocumented migrants), 28 (immigration detention), 30 (asylum-seekers and refugees) and 42 (pathways to securing residency status and citizenship) above and requests the State Party to provide detailed information in its next periodic report on the concrete measures taken to implement those recommendations.

**Preparation of the next periodic report**

55. The Committee recommends that the State Party submit its combined twenty-third to twenty-sixth periodic reports, as a single document, by 4 January 2030, taking into account the reporting guidelines adopted by the Committee during its seventy-first session<sup>13</sup> and addressing all the points raised in the present concluding observations. In the light of General Assembly resolution 68/268, the Committee urges the State Party to observe the limit of 21,200 words for periodic reports and 42,400 words for the common core document.

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<sup>13</sup> [CERD/C/2007/1](#).