



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

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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Seventy-first session

SUMMARY RECORD OF THE 1833rd MEETING

Held at the Palais Wilson, Geneva,  
on Thursday, 9 August 2007, at 3 p.m.

Chairperson: Mr. de GOUTTES

SUMMARY

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION  
SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE  
CONVENTION (*continued*)

Thirteenth and fourteenth periodic reports of the Republic of Korea

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*The meeting was called to order at 3:10 p.m.*

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION  
SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE  
CONVENTION (agenda item 4) (*continued*)

Thirteenth and fourteenth periodic reports of the Republic of Korea  
(CERD/C/KOR/14; HRI/CORE/1/Add.125; list of issues to be taken up, State  
party's written replies, documents without symbol distributed at the meeting in  
English only)

1. *At the invitation of the Chairperson, the delegation of the Republic of Korea took places at the Committee table.*

2. Mr. Dong-Hee CHANG (Republic of Korea) said that his country's thirteenth and fourteenth periodic reports mainly dealt with the latest developments in the Republic of Korea since the submission of the previous periodic report and took into account comments made by Committee members on that occasion.

3. Referring to efforts by his country to develop specific legislation on the elimination of racial discrimination, Mr. Dong-Hee Chang said that Korea's traditional social homogeneity left no room for racial discrimination. He said that even though the Korean Constitution did not specifically prohibit racial discrimination, the issue was deemed to come under the general provisions of Article 37(1), which states that "the freedom and rights of citizens shall not be neglected on the grounds that they are not enumerated in the Constitution" (CERD/C/KOR/14, para. 9). The principle of respect for human rights and the equality of all before the law enshrined in the Constitution applied equally to foreigners, except in the case of rights that by nature were considered to belong only to Korean citizens, such as the right to vote and the right to hold public office.

4. The Korean government had sought to adopt in 2006, at the recommendation of the National Human Rights Commission (*ibid.*, para. 12), a Discrimination Prohibition Act, which should provide a comprehensive and effective response to discrimination. The law would specifically criminalize discrimination based on race (*ibid.*, para. 26). The Planning Bureau working to promulgate the Discrimination Prohibition Act had been established in 2006 to coordinate all actions in this area, and the Ministry of Justice was currently working with other departments concerned to expedite its promulgation.

5. On the implementation of Article 2, the report contained additional information on the activities of the Human Rights Commission, the reform of the policies on foreigners (*ibid.*, para. 28), migrant workers (para. 33), ethnic minorities (para. 43) and refugees (para. 47). Mr. Chang said that based on the recommendations of the Commission, a National Action Plan for the Promotion and Protection of Human Rights 2007-2011 (para. 24) had been finalized and adopted in May 2007. That plan was a comprehensive, nationwide master plan that oversaw all laws, systems and policies governing human rights. It was expected to help strengthen the national infrastructure for the protection of human rights. The results of the Action Plan would be confirmed and published annually by the advisory council on the promotion and protection of human rights. The National Action Plan was currently being translated into English, whereupon it would be sent to the Office of the United Nations High Commissioner for Human Rights.

6. Mr. Dong-Hee Chang said that the basic law on the treatment of foreigners had been enacted and promulgated in July 2007; that was the first time the Republic of Korea had adopted specific legislation for the protection of foreigners. The law contained new provisions to help married immigrants and their children integrate into society, particularly through the teaching of Korean language and culture and support services for children. In addition, foreigners that had been granted Korean citizenship received an extensive three-year package of services under integration measures and policies.

7. Regarding the concerns expressed by the Committee on migrant workers and foreign industrial trainees, the representative of the Republic of Korea said that a number of important steps had been taken to promote migrants' human rights. The foreign trainee system had been abolished on 1 January 2007, so that the employment permit system (*ibid.*, para. 36), adopted in 2003 and in force since 2004, was currently the only one regulating foreign workers' employment. The system would probably need to be improved in the future. Abolition of the industrial traineeship system should enable a number of issues to be resolved, including the violation of migrant workers' rights and the illegal use of foreign labour.

8. As regards implementation of Article 3, the Republic of Korea condemned racial discrimination and had always opposed apartheid (*ibid.*, para. 55). No policy promoting segregation or racial discrimination existed in the country.

9. On the implementation of Article 4, the Republic of Korea condemned any notion or theory of superiority of one race or ethnic group over another, as expressly stated in Article 11 of the Constitution (*ibid.*, para. 59). Thus, acts of racial discrimination were punishable under Articles 307 and 309 of the Penal Code, relating to defamation in general and to defamation by publication, and Article 311 on libel. In addition, Article 51 of the Code provided that racial motivation was an aggravating circumstance.

10. Among the measures taken to ensure the rights set out in Article 5 of the Convention, the Korean government had worked to improve the procedure for recognition of refugee status and refugee assistance policies. To protect applicants' rights, the Government was currently considering a bill prohibiting the forced repatriation of persons whose application for refugee status was pending. A legal framework should also be established shortly to develop refugee assistance infrastructure and to enable refugees, as well as persons approved on humanitarian grounds, to stay and work legally in the country.

11. On the implementation of Article 6, the report explained the various protections and remedies available to victims of discrimination. Foreigners were entitled, on an equal footing with Korean citizens, to receive protective services, to avail themselves of legal remedies and to be compensated for discriminatory acts committed against them. Foreigners also received interpretation services in their language.

12. Since June 2006, the Korea Foreign Workers Support Centre (*ibid.*, para. 82) had provided foreign workers and their employers with services to produce a better understanding between them. The Support Centre also helped settle industrial disputes through a dispute resolution process and networking with the organizations concerned. Since 10 May 2007, illegal aliens had had the right to remain in the

Republic of Korea and work until the conclusion of any appeal proceedings concerning them and, in particular, had access to medical care.

13. On the implementation of Article 7, the representative said that Korea's periodic report gave information on the measures taken to promote human rights education in a number of sectors. Thus, as of 2009, Education for Human Rights would gradually be integrated into the curricula of primary and secondary education and values relating to human rights would be integrated in a systematic way. In addition, several training programmes to prevent violations of human rights had been offered to law enforcement personnel with the responsibility for matters relating to foreigners.

14. In response to the first question on the list of issues to be taken up concerning constitutional guarantees for non-citizens, Mr. Dong-Hee Chang said that under Article 6(2) of the Constitution, the status of foreigners was guaranteed as prescribed by international law and treaties. Also, Article 10 of the Constitution guaranteed the fundamental and inviolable human rights and the equality of all individuals, including foreigners. The only exceptions related to certain economic rights, e.g. the right to own land or engage in mining activities, or political rights like the right to vote and to stand for election, which were reserved for Koreans.

15. As regards the adoption of a definition of racial discrimination, Mr. Dong-Hee Chang said that, inasmuch as under Article 6(1) of the Constitution the Convention had the same effect as the domestic laws of the Republic of Korea, it was unnecessary to include a definition of racial discrimination in the law. In addition, the Government's policy was not to countenance any unjustified discrimination whatsoever on grounds of race, language, education, health, age, political ideology or country of origin.

16. Ms. Woo-Jung HAN (Republic of Korea) said that in line with the recommendation of the National Commission on Human Rights to the Prime Minister, the Government had worked to pass a Discrimination Prohibition Act by creating the Planning Bureau for the promulgation of the Discrimination Prohibition Act. On July 4, 2007, the matter had been entrusted to the Ministry of Justice, which was to pursue the promulgation of the Act as soon as possible through consultations with the relevant ministries.

17. The representative said that the Korean government was seeking to eliminate discrimination against naturalized aliens through the Basic Law on Treatment of Foreign Nationals in Korea that had entered into force the previous month. The Basic Law provided that married naturalized immigrants were entitled to benefits through the government support system for three years. In addition to providing the language training, cultural information and child care services mentioned above, a plan to support the education of children of multicultural families had been adopted in May 2006.

18. To promote respect for foreign nationals' human rights, the Government had in May 2006 established basic guidelines applicable to married immigrants and their children, migrant workers, alien permanent residents, naturalized foreign nationals and refugees. The Basic Law on Treatment of Foreign Nationals, promulgated 17 May 2007 and in force since 18 July 2007, facilitated their social integration and development. To ensure the effective implementation of this Act, the Ministry of Justice would be drawing up a five-year implementation plan.

19. Regarding the protection of the rights of married immigrants, the Government allowed foreign nationals whose spouse was dead or who were separated or divorced to remain in the country. If foreign nationals' identity documents had been confiscated by their Korean spouses, their registration as foreigners was not automatically cancelled. Upon presentation of documentary evidence of their marital relationship, they could be issued replacement identity documents. A residence permit could be granted if a third party certified the applicant's identity.

20. Ms. Woo-Jung Han said that because of false information disseminated through international marriage agencies and the exorbitant fees they charged, the National Assembly was currently considering a bill on the administration of marriage agencies. To prevent marriages of convenience, the Ministry of Justice was reviewing the Immigration Control Act (para. 32) to strengthen interview procedures prior to issuance of marriage licences and to investigate international marriage agencies. The Ministry of Gender Equity and the Family had adopted broader measures to help the wives of foreign nationals achieve a stable family life and to promote their social integration. Foster homes and emergency call centres had also been set up to protect foreign nationals who were victims of domestic violence.

21. Mr. Sang-Yong LEE (Republic of Korea) said that racial discrimination was a violation of Article 11 of the Constitution, which provided that all citizens were equal before the law. In addition, under Article 51(3) of the Constitution, racial discrimination was an aggravating factor in criminal matters: the penalties for racially motivated crimes were harsher. Mr. Lee added that no complaints of racial discrimination had been recorded in the country and that the Korean government therefore had no information on offences committed for reasons of racial prejudice. However, given the increasing number of foreign nationals married to Koreans and of migrant workers in the country, such offences might be expected to become more frequent, in which case the Government would consider appropriate action.

22. In response to question 9, Mr. Sang-Yong Lee said that the revision of the Immigration Control Act had been delayed because some of its provisions required careful review. The authorities planned to determine the legal basis for the employment, under certain conditions, of refugee claimants and persons permitted to reside in the country for humanitarian reasons. Once revised, the Act would also provide for the creation of a committee to review the situation of refugee claimants, extending the time for appeal where claims were dismissed and prohibiting forced repatriation of applicants whose refugee determination procedures were pending. All foreign nationals, including illegal aliens, were eligible for protection. Korea's new immigration legislation would emphasize the principle of respect for detainees' human rights and the prohibition of unfair discrimination based on sex, religion or country of origin.

23. Regarding question 10, Mr. Sang-Yong Lee says that the Republic of Korea was working tirelessly to fight against human trafficking and that trafficking in foreign nationals for purposes of prostitution was punished severely by the Act for the Punishment of Procuring Prostitution and Associated Acts adopted in March 2004. The Act provided that victims who were illegal aliens could not be deported until the case had been decided. Supportive measures and compensation for victims were also provided. The Public Prosecutor's Office had developed guidelines to enable public authorities to more effectively fight against trafficking in persons for purposes of prostitution, in particular by searching for and confiscating

the avails of the traffic. In August 2001, the Office had assigned prosecutor in each of its offices to take measures to suppress trafficking and had created teams to work with the police, Immigration and the Ministry of Labour. There were no statistics disaggregated by gender and nationality on trafficking in human beings. Committee members would, however, find in the written replies a table summarizing the number of police raids, arrests and prosecutions in trafficking cases over the past five years.

24. In response to question 13, on the serious problems faced by female migrant workers, especially when undocumented, Mr. Lee said that the right to a trial and the right to appeal to the National Human Rights Commission were guaranteed to foreign nationals, including illegal immigrants, whose rights had been violated. Since 10 May 2007, illegal aliens that had been deprived of their fundamental rights by being forced into prostitution and repeatedly physically abused could continue to reside and work in the country. The State granted a G-1 visa to migrant workers that were sexually abused in their workplace and did not deport them against their will. Agencies assisting migrant workers whose rights had been violated were not required to inform Immigration of the victims' illegal status.

25. Ms. Eun-Kyeong LEE (Republic of Korea) said that her country had a number of legal and institutional mechanisms aimed at eliminating discrimination against foreign workers and protecting their rights and interests under the employment permit system. Under the Constitution, the Labour Standards Act and the National Human Rights Commission Act, the Republic of Korea prohibited discrimination based on race, colour or ethnic origin and guaranteed equal working conditions regardless of nationality. Article 22 of the Act on Foreign Workers' Employment provided that foreign workers would not be subject to any unfair discrimination by their employers. Labour law, and in particular the Labour Standards Act, the Minimum Wages Act and the Occupational Safety and Health Act, applied to both foreign and Korean workers. In case of a work accident, all foreign workers, whatever their status, were allowed to stay in the country for treatment and redress. Finally, the Act on Foreign Workers' Employment allowed such workers to change jobs or workplaces under certain conditions.

26. Ms. Eun-Kyeong Lee said that the Labour Standards Act and the Sexual Equality in Employment Act provided protection for all workers, including migrants, in the event of discriminatory treatment in the workplace. If they wished to lodge complaints against their employers, migrant workers, whatever their status, could obtain advice and assistance at the 85 employment centres managed by the Ministry of Labour. The Labour Inspection Division, which had 46 offices around the country, dealt with all violations of labour law, while another division of the Ministry of Labour handled all matters relating to occupational health and safety. Moreover, the Ministry of Labour had set up call centres to provide advice on wages, layoffs, unions, safety and gender equality in employment. Other centres offered job opportunities and dealt with issues relating to stability of employment, vocational training and insurance. To ensure that foreign workers could take full advantage of the services provided by the centres, 29 interpreters were employed at 26 centres. In June 2006, an interpretive centre had been established to facilitate dialogue between foreign workers, employers and officials of the relevant government agencies. The centre, which offered interpretation services in seven languages, helped resolve employment disputes.

27. As regards question 14 on assistance to migrant workers, she said that to facilitate their integration into the country, these workers could receive training that covered, in particular, Korean language and culture, the employment permit system, and workplace safety. The duration of training was eighty-five hours for unskilled workers and thirty-eight hours for skilled workers. Employers must ensure that foreign workers receive this training within fifteen days after their entry. A migrant workers' centre had also been created to facilitate their integration and protect their fundamental rights. Brochures and newsletters were also published for migrant workers. Committee members would find other useful information on the Ministry of Labour website.

28. In response to question 15, on measures to protect migrant workers' trade union rights, the representative of Korea said that foreign workers legally present in the country were entitled to form and join unions. Workers who were illegal aliens did not enjoy equal rights but were entitled to protection and compensation in the event of a work accident. The application for registration of a migrant workers' union in Seoul/Gyeonggi/Incheon, with a membership of mostly illegal workers, had indeed been denied, but that decision was being appealed.

29. In addition to the Act on Foreign Workers' Employment, which expressly forbade discrimination in housing, mechanisms were in place to allow migrant workers to lodge complaints against their employers for violations of their rights. These included the Labour Relations Commission, a quasi-judicial agency that provided support to foreign workers in cases of unfair dismissal and discrimination in the workplace.

30. Mr. Hoon-Min LIM (Republic of Korea) said, in answer to question 16, that the National Human Rights Commission could, under Article 30 of the National Human Rights Commission Act, investigate cases of discrimination based on race, skin colour and national or ethnic origin. Of a total of 2,137 complaints received by the Commission between 2001 and 2006, 593 involved foreigners (i.e., the victim or the complainant was not a Korean citizen). In addition, 47 cases related to discrimination based on race, skin colour and national origin. Committee members would find a table of detailed statistics on complaints in his country's written replies to the list of issues to be taken up.

31. In response to question 17 concerning acts of racial discrimination against foreign nationals by officials of the Immigration Service, Mr. Lim said that training on the prevention of human rights violations was being organized for officials responsible for immigration control. In the first half of 2007, the Immigration Control Office and officials of Protective Services had conducted a study on foreign nationals' human rights situation. At each immigration control office, one official dealt specifically with human rights issues. In addition, outside experts (lawyers, teachers and representatives of civil society) were responsible for detecting any sign of human rights violations in the activities of public entities and for improving mechanisms for the promotion and protection of foreign nationals' rights. The Republic of Korea was considering ratifying the International Convention on Protection of the Rights of All Migrant Workers and Members of Their Families and was continuing to take steps to protect the rights and interests of foreign workers and prevent possible violations of their rights.

32. Mr. KEMAL (Rapporteur for the Republic of Korea) said that in many respects, the Republic of Korea had become a model for other developing countries.

Whereas, during the 50s, the State party had been at the same stage of development as its neighbours in Southeast Asia, it had now made impressive economic, social, scientific and technological progress. In view of those outstanding results, it was legitimate to hope that the country had done as well in the areas of human rights and the elimination of racial discrimination.

33. He recalled that the overwhelming majority of the country's population were ethnically and culturally Korean. Only 2% of the population had a different ethnicity: mainly migrant workers and foreign workers, one third of them ethnic Chinese. In recent years the country had attracted many migrants from China, South-East Asia and South Asia seeking a better life and willing to take jobs considered hard and degrading by Koreans. Racial discrimination was therefore mainly against exploited foreign workers and a small number of people from mixed marriages.

34. The Republic of Korea has acceded to many international instruments on human rights, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, ILO Convention No. 111 on Discrimination (Employment and Occupation), the 1951 Convention relating to the Status of Refugees and the Protocol thereto of 1967 and the 1954 Convention relating to the Status of Stateless Persons. Mr. Kemal read from the report, paragraph 10 (CERD/C/KOR/14) that "treaties duly concluded and promulgated under the Constitution and the generally recognized rules of international law shall have the same effect as the domestic laws of the Republic of Korea." The Convention had been ratified by the General Assembly and promulgated by the Government. It had the authority of a national law without any need for further legislation. From a legal standpoint, the Rapporteur had no objection to make, but he pointed out that, for clarity and for teaching purposes, it would be useful to adopt a specific law prohibiting racial discrimination. He asked, in that connection, whether the National Human Rights Commission had adopted the Discrimination Prohibition Act mentioned in paragraph 26 of the report.

35. Mr. Kemal read with satisfaction in paragraph 11 that the principle of respect for human rights and the equality of all before the law also applied to foreigners. He was glad to note, as well, that the Government had on 17 May 2007 adopted a law on treatment of foreign nationals aimed at making it easier for all foreigners to stay in Korea.

36. Among other positive developments, the Rapporteur welcomed the adoption of a National Plan of Action for the Promotion and Protection of Human Rights, which provided the framework for all human rights laws, systems and policies. He noted, however, that some non-governmental organizations had called the Plan of Action passive and unsatisfactory. He would like hear the delegation's point of view. He also welcomed the measures taken by the State party to improve its policy on foreign nationals and especially to promote respect for their rights and their integration into society. He was particularly glad of the statement in paragraph 34 that the authorities were working tirelessly to improve the treatment of migrant workers and protect their fundamental rights.

37. Mr. Kemal welcomed the implementation of the employment permit system, which aimed to regularize the employment of foreign workers, and hoped that that would put an end to the abuses suffered by foreign trainees and workers.



38. Citing allegations from reliable sources that workers were not always free to change jobs and employers would arbitrarily decide not to pay wages to some employees, Mr. Kemal asked the delegation whether it would not be better for the national economy if employees were given greater freedom, rather than tied to one employer, who sometimes wielded excessive power over them.

39. Mr. Kemal was glad to note, again, that the granting of refugee status in the State party was regulated by the 1951 Convention Relating to the Status of Refugees and the Protocol Relating to the Status of Refugees.

40. On the implementation of Article 4, Mr. Kemal noted, in paragraph 59 of the report, that under Article 11 of the Constitution, all citizens were equal before the law and there could be no discrimination in any field of political, economic, social or cultural life on account of gender, religion or social status; he asked the delegation to explain why race was not among the prohibited grounds of discrimination. Similarly, referring to paragraph 60 of the report, which indicated that acts of racial discrimination fell within the scope of Articles 307 and 309 of the Penal Code relating to defamation and defamation by publication and of Article 311, on libel, he wondered whether it would not be simpler to include an explicit reference to race in the Penal Code.

41. Regarding the implementation of Article 5 of the Convention, Mr. Kemal welcomed the rules adopted by the Government to protect foreign workers in the Republic of Korea and the humanitarian measures, mentioned in paragraph 74 of the report, for illegal sojourners from the six countries hit by the tsunami of 2004. He would be glad to learn whether the treatment of non-manual workers that migrated from Asia to work in the Republic of Korea was the same as for white-collar workers from Europe or the United States, and how many of these workers there were by region of origin.

42. Regarding the implementation of Article 6 of the Convention, Mr. Kemal noted in paragraph 75 of the report that “the Constitution and the relevant laws of the Republic of Korea ensure everyone within its jurisdiction effective protection and remedies against any acts of racial discrimination through competent national tribunals and other State institutions.” He said he had been told by NGOs that foreign workers did not receive interpretation services in their language, contrary to what was stated in paragraph 76 of the report; as a result, they were often unaware of their rights and did not really understand what they were supposed to agree to. Mr. Kemal would appreciate the delegation’s providing additional information in that regard.

43. The expert also requested additional information on the measures implemented by the State party to protect women against exploitation, and what exactly happened, in the event of divorce, to foreign women married to a Korean national: were they allowed to stay in the country and enjoy their fundamental rights or were they liable to be deported to their country of origin? Mr. Kemal also emphasized that the State party should take more active steps to protect workers in the sex industry from the worst forms of exploitation.

44. He then alluded to Korea’s pride in its ethnic homogeneity, which some held to be the cause of the considerable progress made by the State party in various fields, but which could also, if taken to an extreme, damage the country’s image and be detrimental to people of another race, culture or nationality residing in the country.

He noted that Korea needed immigrants to supplement the national workforce and in particular to occupy low-paying jobs that Koreans would not take. The arrival of foreign wives might also boost population growth in Korea, where the birth rate, at 1.08%, was below replacement rate. Mr. Kemal said that the birthrate crisis was particularly acute in the countryside, where farmers could no longer find Korean wives; in the long term, that could jeopardize the national economy.

45. Mr. VALENCIA RODRÍGUEZ said that the Republic of Korea was presented as an ethnically homogeneous country, although it lacked precise data on the ethnic composition of its population because that its censuses did not ask about ethnicity. He noted that there were other means than censuses to determine the percentages of the various ethnic groups in the population, and hoped that the study on the situation of migrant families would produce more information about people married to Korean nationals.

46. Noting the absence of legislation expressly prohibiting racial discrimination, Mr. Valencia Rodríguez considered it appropriate that the State party planned to fill that legal vacuum. He noted that the National Human Rights Commission was preparing a law on racial discrimination, which, he hoped, would build on the principles of the Vienna Declaration and Programme of Action and the recommendations of the Durban Conference. He asked that the Committee be kept informed of key aspects of the new law and of the National Plan of Action for the Promotion and Protection of Human Rights also being drawn up by the Commission.

47. Mr. Valencia Rodríguez requested clarification of the action taken on complaints filed by documented foreign nationals, as detailed in Table 5 of the report, and a summary of the decisions made in those cases. He would also like to know the broad outlines of the reform of the policy on foreigners referred to in paragraphs 28 and 29 of the report.

48. With respect to persons of Chinese origin, Mr. Valencia Rodríguez understood that granting Korean citizenship to children of mixed marriages was not a bar to their enjoyment of the other citizenship to which they were entitled. He asked the delegation to provide the Committee with information on the revision of the relevant laws.

49. With respect to migrant workers, whose numbers were increasing rapidly, Mr. Valencia Rodríguez asked for details of the “strict standards on the designation of trainee-sending countries” mentioned in paragraph 35 of the report. What were the criteria for the designation of those countries? What countries had been so designated?

50. Referring to the pride that Koreans took in their country’s ethnic homogeneity, Mr. Valencia Rodríguez asked the delegation to explain what the State party meant by “pure-blooded” persons and to give more details on the measures taken to put an end to tensions that could arise, to the detriment of “mixed-bloods”, because of that pride.

51. The expert would also like to know what changes had been made to the Immigration Control Act, and what their practical effects were, in particular on the exercise of their fundamental rights by refugees and asylum seekers.

52. On the implementation of Article 4 of the Convention, Mr. Valencia Rodríguez noted that the National Human Rights Commission Act and Articles 307 and 309 of the Penal Code, relating to defamation and defamation by publication, did give effect to Article 4(a) of the Convention. However, he would like more information on the legal value of those standards as regards the obligation of the Republic of Korea to make the dissemination of racist ideas an offence punishable by law; he took the view, as well, that the report did not present enough information on the implementation of Article 4(b).

53. Mr. SICILIANOS asked the delegation to indicate what was new in the Basic Law on Treatment of Foreign Nationals, promulgated 17 May 2007, relative to the previous legislation. What were the stages in the five-year plan adopted by the Ministry of Justice to implement that law?

54. Mr. Sicilianos asked whether, under the Act for the Punishment of Procuring Prostitution and Associated Acts, undocumented foreign victims could be deported while their cases were still sub judice. He also asked what support measures were being taken by the State party for victims of that traffic.

55. Mr. Sicilianos request more detailed information on the law relating to the administration of matrimonial agencies.

56. The expert welcomed the fact non-citizens and illegal aliens could refer to the National Human Rights Commission cases where they believed their rights had been violated but, noting that the Commission was an advisory body, he wondered whether, as such, it could make binding decisions. Similarly, he would like to know whether the decisions of the Labour Relations Commission, described by the state party as a “quasi-judicial” organization, provided effective protection and remedies against acts of racial discrimination within the meaning of Article 6 of the Convention.

57. Citing reliable sources, Mr. Sicilianos said that refugees from Africa had complained of being victims of racial discrimination in public places and the workplace and had said they were forced to work longer than their Korean colleagues for less pay. Mr. Sicilianos would be glad to have the delegation’s views on that point.

58. Mr. LINDGREN ALVES wondered whether the decision to stop issuing “art and entertainment” visas to foreign female dancers and singers employed in the entertainment industry was the best way to combat prostitution and trafficking in human beings, given that these measures penalized the victims, not the traffickers; he hoped, therefore, that the State party would re-examine the matter very seriously.

59. Mr. Lindgren Alves did not at all like the term “pure-blooded” and did not believe that it should necessarily be a source of pride for a country to be ethnically homogeneous. Indeed, the intermingling of races was in his view the only long-term solution to discrimination and segregation.

60. Mr. KJAERUM asked to what extent jobs in the public service were reserved exclusively for Korean nationals and whether it was true that the country’s major companies tended not to hire non-citizens, who clearly held the less desirable jobs.

61. Mr. Kjaerum would like to know why no member of the Hwagyos, an ethnic group of Chinese origin numbering some 25,000 persons, had applied for naturalization, given that most of them appeared to meet all the criteria for obtaining

Korean citizenship. He wondered what the obstacles might be or the reasons for their unwillingness to be naturalized.

62. Noting, in paragraph 44 of the report, that people born of mixed-race marriages were victims of “various forms of discrimination, largely invisible and not illegal”, Mr. Kjaerum asked whether the Basic Law on Treatment of Foreign Nationals in Korea that had come into force the previous month prohibited the various forms of discrimination mentioned. Also, what was the substance of the plan to support the education of children from multicultural families mentioned in the answer to Question 5 on the list of issues to be taken up? He would like to know, in particular, whether that plan covered children of mixed marriages only or also migrants’ children.

63. Mr. Kjaerum also noted that the State party seemed to have very precise knowledge of the number of documented foreign nationals in Korea and of the places where they lived and worked. He asked why the State party had not decided either to deport these people or to regularize their situation. He wondered whether the State’s inaction was not deliberate, as the foreign nationals were economically useful in that they took jobs Koreans did not want and could not unionize.

64. Referring to paragraph 42 of the report, Mr. Kjaerum asked what “normal hexane” was and why the authorities had sought to induce some 57,000 foreign workers with legal status to leave the country voluntarily. He did not understand why documented foreign nationals were encouraged to leave the country while nothing was done to expel those who were undocumented.

65. Finally, referring to paragraph 63 of the report, he asked why it was only “in principle” that naturalized foreigners had the same rights and duties as citizens.

66. Mr. AVTONOMOV, while he welcomed the measures taken by the State party to fight against trafficking in women, noted that although the authorities had drastically reduced the number of visas issued to dancers, singers’ visas were not subject to restrictions. He wondered whether that was not allowing the trafficking of women to continue in the State party.

67. Furthermore, since according to Korean law asylum seekers could not obtain an employment permit until they had been recognized as refugees, Mr. Avtonomov asked what happened to asylum seekers during the often lengthy period during which they were awaiting the competent authorities’ decision on asylum.

68. Welcoming the steps taken by the State party to implement the Committee’s recommendations in paragraph 10 of its concluding observations on the eleventh and twelfth periodic reports of the Republic of Korea (CERD/C/63/CO/9), in particular through the creation of the Committee for Foreign Workers’ Human Rights (para. 80 of the report), Mr. Avtonomov asked the delegation to disclose the results of the Committee’s investigation of the fire that occurred 11 February 2007 in an immigration detention centre in the port of Yeosu, causing the death of ten undocumented workers being held there, twenty others being injured.

69. In addition, Mr. Avtonomov noted with satisfaction that the industrial internship programme had in 2004 been replaced by a system of three-year contracts for foreign labour. Given that the contracts of the first wave of beneficiaries of the new system would come to an end in 2007 and that those workers were unlikely to be able to save enough money in three years to cover their travel and assist their families in their country of origin, we could expect some of them to remain in Korea, going underground to keep working. Was the State party ready for that problem and had it already planned measures to protect those workers' rights?

70. Mr. THORNBERRY would like to know more about the notion of ethnic homogeneity, how national history was taught in school and how the country was presented in textbooks. Referring to paragraph 21 of the report, he asked the delegation to explain in what way schools for foreigners constituted a "separate category" and to indicate what conditions such schools must meet to be accredited and why some were not. Finally, he asked whether public schools organized activities such as exchanges with schools for foreigners, to promote the integration of the students enrolled in them.

71. Like previous speakers, Mr. Thornberry considered the use of the "pure-blooded" concept dangerous, as it suggested racial superiority. He took it, however, that the report's authors were merely describing a situation, which they did not necessarily approve of, and maintaining a critical perspective on the issue. The delegation's comments on that point would be welcome.

72. Mr. TANG Chengyuan asked what form the discrimination against people from mixed marriages took. Was such discrimination evident in schools and workplaces? Had the countermeasures outlined in the report already been implemented?

73. Various reports indicated that in 2005 some 150 migrants had been victims of work accidents and had not received compensation, while some one thousand illegal workers had been deported without being paid. The delegation's comments on that point would be welcome.

74. Mr. CALI TZAY said some reports indicated that undocumented female migrant workers were victims of sexual harassment but, fearful of arrest and deportation, were unwilling to press charges. What was the State party doing to address that problem?

75. Mr. YUTZIS, endorsing the remarks made by previous speakers regarding the issue of purity of blood, noted that the vocabulary used to describe the people of a country and a nation's constituent parts should always be chosen with great caution. To solve the problem of discrimination, it was not enough to pass new laws: an interdisciplinary approach must be adopted by the State party. He would like to know what was involved in the institutional reform mentioned in paragraph 45 of the report and when it would be implemented.

76. Mr. PILLAI, noting with satisfaction that the Republic of Korea had made a declaration under Article 14 of the Convention, pointed out that no communication under that article had yet been submitted to the Committee. He wanted to know what was behind the absence of complaints. Had the State party established a national mechanism with the power to investigate complaints of racial discrimination?

77. The CHAIRPERSON advised the delegation that if the State party really wanted to give effect to Article 4 of the Convention, it must enact specific criminal laws criminalizing the acts referred to therein.

78. Mr Dong-Hee CHANG (Republic of Korea) assured the Committee that the homogeneity of the population and the concept of purity of blood were in no sense a source of pride, but only an explanation for the discrimination problems currently faced by the Republic of Korea. Before the 90s, because of the great homogeneity of the Korean population, the problem of racial discrimination had not arisen. With globalization, Korean society had had to deal with the phenomenon of immigration, which had resulted in sometimes hostile reactions from the ethnic Korean population. Hence, the need to adapt legislation to the new realities of Korean society had been felt only in the past decade.

*The meeting rose at 6 p.m.*