

**QUESTIONS PUT BY THE RAPPORTEUR IN CONNECTION WITH THE  
CONSIDERATION OF THE FOURTEENTH PERIODIC REPORT OF THE  
REPUBLIC OF KOREA (CERD/C/KOR/14)**

**General legal framework**

1. Please provide information on the extent to which the constitutional guarantees set out in Chapter II (“Rights and duties of citizens”) of the Constitution apply to non-citizens, bearing in mind the Committee’s General Recommendation No. 30 (2004) on discrimination against non-citizens (paragraphs 8-11 of the report).

**Definition of racial discrimination**

2. According to paragraph 9 of the report, the Constitution of the State party does not contain any specific reference to racial discrimination. Does the State party intend to include in the Constitution or in national legislation a definition of racial discrimination in keeping with article 1 of the Convention?

**Article 2**

3. Please provide updated information concerning the adoption of the National Action Plan (NAP) for the Promotion and Protection of Human Rights. Has the NAP been finalised? If not, when will it be adopted? Please provide detailed information on its content. (paragraphs 24-25 of the report)
4. Has the Discrimination Prohibition Act been adopted? If not, when will it be adopted? Please provide detailed information on its content. (paragraph 26 of the report)
5. According to paragraphs 45 and 46 of the report, the State party intends to formulate a comprehensive set of measures to eliminate discrimination against naturalised foreigners and children born from inter-ethnic marriages (so-called “mixed-bloods”). Please provide updated and detailed information on the set of measures (paragraphs 45-46 of the report).

**Article 4**

6. In addition to the information provided in paragraphs 59 to 61 of the report, and as requested in the previous concluding observations adopted by the Committee (CERD/C/63/CO/9, para. 9), please provide detailed information on legislative measures adopted by the State party to prohibit and punish racially motivated crimes in accordance with article 4 of the Convention. Do existing criminal provisions provide that racist motivation is to be taken into account as an aggravating factor for all types of criminal offences?

7. As requested in the previous concluding observations adopted by the Committee (CERD/C/63/CO/9, para. 8), please provide detailed information on the number of prosecutions and convictions and on the sanctions imposed with regard to criminal offences relating to racial discrimination.

#### Article 5

8. Please provide further information on the comprehensive reform the State party is currently undertaking to promote respect for the human rights of foreigners and facilitate their social integration in all areas of life (paragraphs 28-29 of the report).
9. Please provide updated and detailed information on the revision of the Immigration Control Act, with particular regard to measures aimed at strengthening the protection of refugees and asylum seekers during the refugee status determination process and to steps taken to eliminate abuses – including ill-treatment, prolonged detention and forcible return to their country of origin – perpetrated against undocumented migrant workers (paragraph 51 of the report).
10. In addition to the information provided in the report, please indicate what effective measures the State party has adopted and implemented to combat the problem of trafficking in persons. Please provide statistical data, disaggregated on the basis of gender and country of origin, on this phenomenon (paragraphs 85-88 of the report).
11. Please provide detailed information on the measures adopted to protect the rights of foreign female spouses and facilitate their integration in the society of the State party. Please also provide detailed information on the measures adopted to protect foreign female spouses from abuses perpetrated by international marriage agencies, such as withholding of essential information about their future husband (e.g. physical/mental conditions, marital status, criminal records...) and confiscation of identity and travel documents (paragraphs 43-46 of the report).
12. Please provide detailed information on the measures adopted to eliminate discrimination against migrant workers, including “white collar” workers, and ensure the equal effective and enjoyment of their rights under article 5 (e) of the Convention, irrespective of their country of origin, in particular with regard to (i) elimination of restrictions to job mobility, (ii) improvement of conditions of work, (iii) equal pay for equal work, and (iv) adequate medical treatment and compensation following industrial accidents and illness.
13. Bearing in mind the Committee’s General Recommendations No. 25 (2000) on gender-related dimensions of racial discrimination and No. 30 (2004) on discrimination against non-citizens, please provide detailed information on the measures adopted by the State party to prevent and redress the serious problems commonly faced by female migrant workers – and especially those without a documented status – including rape and physical assault at the workplace and lack of adequate reproductive health care.

14. Please provide concrete examples regarding the assistance and support provided to migrant workers, in particular with regard to delays in the payment of wages and to abuses and discriminatory treatment in the workplace. Please also provide further information on the extent to which persons of foreign origin have access to information regarding their rights and duties, as well as to the assistance of a professional interpreter, in their own language (paragraphs 81 and 84 of the report).
15. According to information received, the president and some leaders of the Migrant Workers Trade Union (MTU) have been arrested and forcibly returned to their countries of origin following the rejection by the Ministry of Labour of the MTU application for registration. Please provide detailed information on the measures adopted by the State party to guarantee the right of migrant workers to form and join trade unions as set out in article 5 (e) (ii) of the Convention.

### **Article 6**

16. Please provide information on the number and nature of communications concerning cases of alleged racial discrimination considered by the National Human Rights Commission and the Office of the Ombudsman in the last four years.
17. According to information received, the duty of public employees to notify the Immigration Control Office of any person believed to be in breach of the Immigration Control Act deters persons of foreign origin who claim to be victims of acts of racial discrimination – and in particular, undocumented migrant workers – from seeking protection and remedies in case of violation of their human rights. Please provide detailed information on the measures adopted by the State party to ensure that access by persons of foreign origin to effective protection and remedies in accordance with article 6 of the Convention (paragraphs 75-79 of the report).
18. Does the Act on Foreign Workers Employment provide any mechanism of redress in cases of violation by the employer of the prohibition of discrimination set out in article 22 of the Act? If not, is there any effective mechanism allowing migrant workers to lodge complaints against their employers in case of violation of their human rights, taking into account that under the Employment Permit System (EPS) the annual extension of contracts depends solely upon the willingness of the employer?

### **Article 7**

19. In addition to information provided in paragraphs 69 to 78 of the core document, please provide further information on specific training programmes and courses, if any, for members of the judiciary, policy-makers, law enforcement officials, teachers, social workers and other public officials on the provisions of the Convention and their application.

**General issues**

20. Does the State party envisage ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families ?

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