

## REPUBLIC OF KOREA

### Follow-up - State Reporting

#### i) Action by Treaty Bodies, including reports on missions

CERD, A/64/18 (2009)

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### Chapter IV. Follow-up to the consideration of reports submitted by States parties under article 9 of the Convention

48. In 2009, Mr. Amir served as coordinator and Mr. Prosper as alternate coordinator for follow-up to the consideration of reports submitted by States parties.

49. Terms of reference for the work of the coordinator on follow-up<sup>1</sup> and guidelines on follow-up to be sent to each State party together with the concluding observations of the Committee<sup>2</sup> were adopted by the Committee at its sixty-sixth and sixty-eighth sessions, respectively.

50. At the 1923rd meeting (seventy-fourth session) and the 1897th meeting (seventy-fifth session), held on 2 March and 17 August 2009 respectively, the coordinator on follow-up presented a report on his activities to the Committee.

51. Since the closing of the seventy-third session, follow-up reports on the implementation of recommendations regarding which the Committee had requested information were received from the following States parties: Austria (CERD/C/AUT/CO/17/Add.1), Belgium (CERD/C/BEL/CO/15/Add.1), Bosnia and Herzegovina (CERD/C/BIH/CO/6/Add.2), Canada (CERD/C/CAN/CO/18/Add. 1), Italy (CERD/C/ITA/CO/15/Add.1), New Zealand (CERD/C/NZL/CO/17/Add.1), Republic of Korea (CERD/C/KOR/CO/14/Add.1), Republic of Moldova (CERD/C/MDA/CO/7/Add.1), Turkey (CERD/C/TUR/CO/3/Add.1) and United States of America (CERD/C/USA/CO/6/Add.1).

52. At its seventy-fourth and seventy-fifth sessions, the Committee considered the follow-up reports of Belgium, Bosnia and Herzegovina, Israel, Italy, New Zealand, the Republic of Korea and the United States of America and continued the constructive dialogue with these States parties by transmitting comments and requesting further information.

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<sup>1</sup> For the terms of reference of the work of the coordinator on follow-up, see *Official Records of the General Assembly, Sixtieth Session, Supplement No. 18 (A/60/18)*, annex IV.

<sup>2</sup> For the text of the guidelines, see *Official Records of the General Assembly, Sixty-first Session, Supplement No. 18 (A/61/18)*, annex VI.

**Follow-Up - State Reporting**  
**ii) Action by State Party**

**CERD A/58/18 (2003)**

Annex VII

COMMENTS OF STATES PARTIES ON THE DECISIONS AND CONCLUDING OBSERVATIONS ADOPTED BY THE COMMITTEE AND REPLIES OF THE COMMITTEE

Eleventh and twelfth periodic reports of the Republic of Korea

The following comments were sent on 26 August 2003 by the Permanent Representative of the Republic of Korea to the United Nations Office at Geneva concerning the concluding observations adopted by the Committee following the consideration of the eleventh and twelfth periodic reports submitted by the State party: \*

"The Government of the Republic of Korea, in respect of factual accuracy and hence in support of the credibility of the Committee on the Elimination of Racial Discrimination, requests the concluding observations of the Committee to reflect the following:

"1. The deletion of the last three lines of paragraph 7:

‘The Committee also suggests that the State party take into account its general recommendation XXIX on descent-based discrimination when gathering information on the situation of the Paekjong community.’

"2. A change in line six of paragraph 7 to read: ‘Korean society’ instead of ‘South Korean society’."

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\*/ See paragraphs 487-502 of the present report. The comments refer to the unedited version of the concluding observations.

**CERD, CERD/C/KOR/CO/14/Add.1 (2008)**

**Information provided by the Government of the Republic of Korea on the implementation of the concluding observations of the Committee on the Elimination of Racial Discrimination**

[29 September 2008]

**Information on the way the Republic of Korea followed up on the recommendations contained in paragraphs 1, 13 and 17 of the concluding observations of the Committee on the Elimination of Racial Discrimination**

**Paragraph 11**

**Provide an English translation of the Act on the Treatment of Foreigners in Korea, as well as detailed information on its implementation**

1. The Korean Government has been drawing up the English translation of the Act on the Treatment of Foreigners in Korea, but it has yet to be finalized.
2. From 2007, 20 May of each year has been designated as "Together Day" in accordance with article 19 of the Act, which is celebrated with various events involving foreigners including married immigrants.
3. The Korean Government, in accordance with article 5 of the Act, is drafting the National Action Plan for Foreigners, which is to be finalized and come into effect in the latter half of this year.

**Further measures, including legislation, to prohibit and eliminate all forms of discrimination against foreigners, including migrant workers and children born from inter-ethnic unions, and to guarantee the equal and effective enjoyment by persons of different ethnic or national origin of the rights set out in article 5 of the Convention**

4. The Korean Government is making efforts to accommodate the 'prohibition of discrimination against foreigners and their children', which is stipulated in article 10 of the Act on the Treatment of Foreigners in Korea, into the National Action Plan for Foreigners.
5. With regard to the right to freedom of movement and residence within the border of the State set out in article 5 of the Convention, the Korean Government guarantees the enjoyment of the right by persons of different ethnic or national origin. However, foreigners, if they change their place of residence, need to declare the fact at the Local Immigration Office within 14 days of moving.
6. With regard to the right to leave any country, including one's own, and to return to one's country as set out in article 5 of the Convention, the Korean Government guarantees the right

without limitation, except when the foreigner is prohibited from leaving Korea due to the fact that an investigation or trial involving him/her is under way.

7. With regard to the right to nationality set out in article 5 of the Convention, foreigners may apply for Korean nationality regardless of their race if they meet certain criteria set out in the Nationality Act

### **Paragraph 13**

#### **Specific legislative measures to prohibit and punish racially motivated criminal offences in accordance with article 4 of the Convention**

8. Currently there is no special legislation prohibiting and punishing racially motivated criminal offences. However, the Criminal Act of the Republic of Korea punishes the perpetrators of criminal offences regardless of the race of the victims.

### **Expeditious move towards the drafting and the adoption of the Discrimination Prohibition Act**

9. The Korean Government has been conducting research on related domestic laws and foreign cases of similar legislation and is redoubling its efforts to introduce the Anti-Discrimination Act.

10. The Government submitted the draft of the Anti-Discrimination Act to the National Assembly in December 2007, but it was discarded automatically in May this year since the session of the National Assembly came to an end.

11. The Act is expected to include categories of the basis of discrimination such as sex, religion and race and areas where discrimination is prohibited such as employment and remedies for discriminatory acts.

### **Paragraph 17**

#### **Measures to strengthen the protection of the rights of foreign female spouses, inter alia, by ensuring that their legal resident status in case of separation/divorce does not depend entirely on the proof that the end of the relationship is to be attributed to the Korean spouse's fault**

12. The Korean Government operates emergency support centres for migrant women:

- The centres provide support for migrant women in close cooperation with the police, hospitals and protection facilities 24 hours a day, 365 days a year, especially when they are subjected to domestic violence, sexual violence and prostitution.
- The centres increased the number of languages for consulting services to eight (Vietnamese, Chinese, English, Filipino, Mongolian, Russian, Thai, Cambodian) and also expanded consulting services by providing two to five members of staff for each of the language services.

13. The Korean Government is planning to expand the operations of shelters for migrant women, increasing the number of shelters from four in 2008 to eighteen in 2009. The shelters will provide comprehensive services including temporary stays, medical and legal services and assistance to facilitate their departure.

14. Those who are scheduled to marry foreign women are provided with education and training so that they gain a deeper understanding of globalization and international marriages, multiculturalism and gender equality, relationships and communication, as well as laws and regulations related with international marriage, with the aim of preventing domestic violence.

15. If a foreign female spouse gets separated or divorced from a Korean male spouse, and the end of the relationship is attributed to the Korean spouse, the foreign female spouse maintains her legal residence status. The Korean Government is alleviating the burden of proof by the foreign female spouse by acknowledging not only the ruling on the divorce but the confirmation paper written by the certificated NGOs for women's rights as proof of fault.

16. Even if the end of the relationship is attributed to the foreign female spouse, she may keep her legal residence status if there is a need for her to raise children or support parents.

#### **Regulation of the activities of international marriage agencies**

17. The Korean Government introduced the Act on Regulation of Marriage Brokerage Agency, which came into effect on June 15, 2008:

- The Act strengthened control and oversight by the Government on international marriage brokerage agencies with the introduction of a registration system.
- The Act stipulates the prohibition of false or exaggerated advertisements, the responsibility of compensation for damages, and obligation to comply with laws and regulations of the country where agencies are operating. The Act also raised the level of punishment for failing to comply with the obligations under the Act.
- In accordance with the Act, those who are working in international marriage brokerage agencies get training with the aim of promoting the highest ethical standards.

18. Married immigrants are provided with relevant information and consulting services prior to their entry into Korea:

- The Korean Government stations officers for International marriage and immigration in Vietnam and the Philippines.
- The Korean Government operates call centres and provides orientation courses for married immigrants in Mongolia and Cambodia prior to their entry into Korea.
- Quarterly magazines containing useful information on life in Korea are published in five foreign languages and distributed to married immigrants.

**Measures, including provision of adequate information on the country and its traditions and the organization of Korean language courses, to facilitate the integration of foreign female spouses in the society**

19. The Multi-cultural Family Support Act is scheduled to take effect on 22 September 2008. It will enable the Korean Government to pursue policies for multicultural families in a more systematic way and in partnership with local governments and NGOs.

20. The Korean Government has been providing various services aimed at facilitating the settlement and integration of married immigrants into Korean society:

- The Multi-cultural Family Support Centre provides various services for married immigrants such as education on Korean language and culture, consulting on the education of children and distributing information in the form of magazines, leaflets and booklets on life in Korea.
- Workers in the Centre pay visits to those immigrants who have difficulty accessing it and support them by providing Korean language training and consultations on child-raising skills.
- The Centre helps immigrants in their efforts to get a job or start their own business through such services as education on agricultural skills. It also provides support for the establishment of groups to foster cooperation between people from each country with a view to enhancing self-help capacity-building.

21. The Korean Government also provides IT services to foreign female spouses including computers to underprivileged families of female immigrants as well as training courses on Korean language and IT for foreign female spouses.

22. The officers in the Immigration Control Office provide one-on-one consulting services to married immigrants to help them to solve various problems they encounter during their stay in Korea, thereby facilitating their settlement into the Korean society.