



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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Excellency,

I wish to inform you that the Committee on the Elimination of Racial Discrimination, during its 102nd session, considered the follow-up report submitted by the Government of the Republic of Korea, pursuant to article 9 (1) of the Convention and rule 65 (1) of the Rules of Procedure of the Committee.

The Committee welcomes the submission of the report, in response to its request to receive information within one year on the implementation of the recommendations contained in paragraphs 16 and 28 of the Concluding Observations (CERD/C/KOR/CO/17-19), adopted following the consideration of the State party's combined 17th to 19th periodic reports, at its 97th session, held in November-December 2018.

The Committee appreciates the opportunity provided to continue its dialogue with the State party and would like to draw the State party's attention to the observations mentioned below. The Committee requests that comments and responses on actions taken by the State party on these issues be included in its combined 20th to 22nd periodic reports, to be submitted in a single document by 4 January 2022.

Paragraph 16 of the Concluding Observations

The Committee notes the information provided by the State party under its Trade Union and Labor Relations Adjustment Act, according to which it guarantees the rights of migrant workers, regardless of their legal status, including the freedom to organize or join trade unions, and by which they cannot be deported by reason of trade union activities. The Committee regrets that the State party did not provide information on measures taken to prevent violence targeting undocumented migrant workers, including members of trade unions. The Committee welcomes the information on the reformed training courses provided to migrant workers prior to their arrival to Korea, however it

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regrets that the State party did not provide information on measures to intensify human rights training delivered to police, nor on trainings for immigration officers specifically on the protection of human rights defenders, the right to peaceful assembly, freedom of association and the right to organize.

While welcoming the information on the system in the State party that allows any worker, without prejudice to their immigration status, to report violations and seek a remedy for any damage caused by unfair labor practices, the Committee is concerned about reports that indicate that this system does not always work in practice, especially for undocumented migrant workers. The Committee notes the numbers provided by the State party on migrants deported following crackdowns, but regrets that the State party did not provide data on the number of investigations of cases in which excessive force was used in the course of such crackdowns on migrants. It requests the State party to include information on investigations it has conducted in such cases, and their outcomes, in its next periodic report. The Committee considers the response to this recommendation partially satisfactory and requests the State party to include, in its next periodic report, information on measures to fully implement the recommendation of paragraph 16 of the concluding observations.

Paragraph 28 of the Concluding Observations

The Committee thanks the State party for the information provided on the ongoing legislative proceedings for universal birth registration, and requests it to provide an update on this in its next periodic report. The Committee also notes the ongoing development of a “birth notification system” and requests the State party to also provide an update on this in its next periodic report, and confirm that the ‘birth notification system’ applies to all children regardless of their nationality and residence status, including migrant children, undocumented children and stateless children. The Committee notes the information provided by the State party that “the acquisition of nationality by acknowledgement” system intends to help a minor born out of wedlock, whose parent-child relationship is acknowledged by either of their parents who holds Korean nationality, to acquire nationality only with a simple notification to the Ministry of Justice. However, the Committee is concerned about reports that the system severely hinders birth registration of various groups of children and does not resolve all barriers to Korean citizenship for children born out of wedlock to a Korean father and a foreign mother.

The Committee also thanks the State party for the information provided on its Nationality Act, it is however concerned about reports according to which, contrary to the State party’s claims, not all children in the State party are protected from being stateless. The Committee reiterates its recommendation that the State party ratify the Convention on the Reduction of Statelessness. The Committee considers the response to this recommendation partially satisfactory and requests the State party to include, in its next periodic report, information on measures to fully implement this recommendation.

Rest assured, Excellency, that the Committee looks forward to continuing its constructive dialogue with the Government of the Republic of Korea, with a view to providing it with assistance in its efforts to ensure the effective implementation of the Convention.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,



Yanduan Li
Chair
Committee on the Elimination of Racial Discrimination