

**INTERNATIONAL  
CONVENTION  
ON THE ELIMINATION  
OF ALL FORMS OF  
RACIAL DISCRIMINATION**



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COMMITTEE ON THE ELIMINATION  
OF RACIAL DISCRIMINATION

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 9 OF THE CONVENTION

Fifth periodic reports of States parties due in 1988

Addendum

REPUBLIC OF KOREA

[21 March 1988]

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1/ For previous reports submitted by the Government of the Republic of Korea and the summary records of the meetings at which the Committee considered such reports, see:

- Initial report - CERD/C/61/Add.2 (CERD/C/SR.505-SR.506);
- Second periodic report - CERD/C/86/Add.1 (CERD/C/SR.564);
- Third periodic report - CERD/C/113/Add.1 (CERD/C/SR.681);
- Fourth periodic report - CERD/C/144/Add.1 (CERD/C/SR.787).

PART I: GENERAL

5. As emphasized in previous reports, racism or racial discrimination has been quite alien to the Korean people, due in large part to the fact that Koreans have maintained, by and large, a single ethnic group sharing one language and a homogeneous culture virtually throughout its known history.

6. Under these circumstances, additional domestic legislation is not considered necessary for the purpose of implementing the provisions of the Convention. In fact, no complaint of racial discrimination has been brought before the court or administrative authorities.

7. The Government of the Republic of Korea since its establishment in 1948 has consistently opposed racism and racial discrimination in all its forms including apartheid. It has long been a policy of the Korean Government not to maintain relations with South Africa in all fields, such as political, economic, cultural, sports and military. The Korean Government's position on apartheid was clearly demonstrated, when it closed the Johannesburg office of KOTRA (Korea Trade Promotion Corporation) on 30 June 1978. Trade, exchanges of persons and other exchanges with South Africa have been effectively discouraged during the period under review.

8. Information on the demographic composition of the population of the Republic of Korea is given as follows:

(a) The Republic of Korea is, basically, an ethnically homogeneous country with the population of around 42 million.

(b) As of 30 November 1987, the number of foreign nationals residing in the Republic of Korea stands at 42,791 or approximately 0.1% of the total population. Of these, as shown in the table below, more than 60% are of Chinese nationality, followed by Americans and Japanese.

Foreign nationals residing in the R.O.K.  
by nationality as of 30 November 1987

<u>Total</u>	<u>42 791</u>
Chinese	24 545
Americans (U.S.)	9 334
Japanese	3 531
Other nationalities	5 220
Stateless	161

(c) Given the considerably small number of foreigners, no serious problems have arisen on account of racial discrimination.

PART II: INFORMATION IN RELATION TO ARTICLES 2 TO 7

Article 2

9. During the period under review, new legislation relating to the Convention has not been made, in view of the fact that the existing legal system and practice are sufficient to ensure the implementation of the Convention. In this connection, it is reaffirmed that the Convention is already a part of the domestic law, in conformity with Article 5 of the Constitution. The Korean Government, however, will continue to give due attention to this matter to ensure more effective implementation of the Convention.

10. The human rights conventions, such as the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Protocol relating to the Status of Refugees are before the National Assembly for its consent to their ratification. The new National Assembly which will be organized by the general elections, slated for April 1988, is expected to consider ratifying these conventions as one of the items of its urgent agenda.

Article 3

11. The Government of the Republic of Korea remains fully committed to its anti-apartheid policy.

12. The Republic of Korea does not have diplomatic or consular relations with South Africa. Trade with South Africa has been effectively discouraged, particularly since the Korean Government shut down its trade promotion office (KOTRA) at Johannesburg in 1978.

13. Exchanges of persons between the Republic of Korea and South Africa have also been actively discouraged. Entry of South Africans even for a simple participation in the international conferences and meetings held in Korea, has been strictly controlled, as shown, for instance, in the World Energy Conference held in September 1987. Such restriction will also be applied to the Summer Olympic Games which will be held in Seoul this year.

14. The Republic of Korea has actively joined the international community in condemning the apartheid policy of South Africa. The Korean Government issued statements denouncing South Africa's invasions of Botswana in June 1985 and of Zimbabwe, Botswana and Zambia in May 1986 respectively. The Korean Government also participated in the World Conference on Sanctions against Racist South Africa held in Paris in June 1986 and numerous other international conferences held during the period under review.

15. Since 1978, the Republic of Korea has made contributions to the United Nations Fund for South Africa, the United Nations Education and Training Programme for South Africa, the United Nations Fund for Namibia and the United Nations Institute for Namibia. In addition, the Korean Government recently decided to contribute \$US 1 million in kind to the Africa Fund of the Non-Aligned Movement over a five-year period beginning this year.

16. The Korean Government annually sent messages from the Prime Minister or Foreign Minister to the United Nations on the International Day for the Elimination of Racial Discrimination (21 March) and on Namibia Day (26 August). The Korean Government's strong opposition to apartheid was well articulated in the Prime Minister's message announced last year on the occasion of International Day for the Elimination of Racial Discrimination.

17. The message read, in part, that "The Government of the Republic of Korea shares the view that apartheid should never be accommodated or appeased and only its total abolition can lead to genuine peace and stability in southern Africa", and that "The Korean Government expresses its full solidarity with the international community in the struggle against all forms of racial discrimination and its support for United Nations resolutions which aim at the speedy elimination of apartheid and the eradication of tensions in southern Africa."

#### Article 4

18. The information contained in paragraphs 26 to 27, 31 to 37 and 41 to 45 of the fourth periodic report remains applicable.

19. It is stressed again that the existing constitutional and legal framework is deemed satisfactory to ensure that Article 4 of the Convention is fully observed.

20. Necessity for initiating additional domestic legislations to implement the Convention has not been compelling, thus far, in the Republic of Korea. No case relating to Article 4 of the Convention has been brought before the judicial or administrative authorities. However, due attention will continue to be given to find better ways to reflect more effectively the spirit of the Convention in our domestic legal system.

#### Article 5

21. The information contained in paragraphs 49 to 54 and 57 to 60 of the fourth periodic report remains applicable, and additional information with respect to the questions raised during the consideration of the fourth periodic report is provided below.

22. As to the status of persons of "mixed parentage", relevant laws are designed in such a way to ensure that those persons should not be left stateless.

As the Committee is aware, the Korean legal system on the acquisition of nationality is based upon jus sanguinis, and Korean citizenship is, in principle, given to a person whose father is a Korean citizen. The Nationality Act has a supplementary provision to grant Korean citizenship to those born within the territory of the Republic of Korea when their parents' nationalities are not clear. Therefore, the Republic of Korea has an institutional guarantee for the persons of mixed parentage not to be left stateless.

23. With respect to the question of the "right to work", it is further reported that a minimum wage system was recently introduced in Korea, which came into effect as of 1 January 1988. All companies engaged in

28 manufacturing industries, including food, textiles, machinery and electrics, are required to observe the minimum wage system by the Labour Standard Act. The minimum wage is applied to all workers employed in those 28 manufacturing industries, regardless of sex, race or ethnic origin. The minimum wage is set, as a start, at approximately \$US 150 per month (\$1,800 annually). It is estimated that some 100,000 workers or 4.2% of the employees of manufacturing firms with 10 employees or more, will benefit. The Government plans to expand gradually the minimum wage system to cover other industries, and also to raise the minimum wage itself.

24. As stated in the first part of the report, more than 42,000 foreigners are residing in the Republic of Korea, of which nearly 60% are of Chinese nationality. A total of 53 foreigners' schools are now in operation throughout the nation, with a view to facilitating learning their own languages and culture.

#### Article 6

25. The information contained in paragraphs 63 to 67 of the fourth periodic report remains applicable.

26. Basic laws which can be invoked for the protection and remedies against racism and racial discrimination are the Constitution, Civil Code, Criminal Code, Code of Civil Procedure, National Compensation Act, Administrative Litigation Procedure Act and Criminal Compensation Act.

27. Under the relevant provisions of the laws mentioned above, Korean citizens and foreign nationals are entitled to protection, remedies and compensation against acts of discrimination including racial discrimination, committed by a person, a group of persons or central and local Government.

28. Protection, remedies and reparation guaranteed by the above-mentioned laws are accorded to Korean citizens and foreigners on an equal basis. The only exception lies in the compensation awarded by the Government, for the National Compensation Act provides in Article 7 that "this Act shall apply only in case where a mutual guarantee exists, if an alien is a victim or a damage sufferer".

#### Article 7

##### A. Education and teaching

29. The Constitution and other relevant laws provide that all citizens shall have the right to receive an equal education corresponding to their abilities. Education in elementary school for six years and in middle school for three years is compulsory and is provided to everyone in the Republic of Korea.

30. Article 81 of the Education Act clearly sets forth the principle of equality and non-discrimination by stipulating that elementary, middle and high schools, colleges and universities, and other educational institutions are "established for all people to receive education equally corresponding to their abilities without discrimination by their religion, sex or social status".

31. As mentioned in paragraph 24 of the present report, 53 schools have been established for foreigners in order to meet the varying educational needs of foreign nationals residing in Korea.

B. Culture

32. The Republic of Korea has observed Human Rights Day on 10 December every year with a view to propagating the basic principles of the Universal Declaration on Human Rights.

33. This year, a variety of events and other measures are being considered by the Korean Government in celebrating the fortieth anniversary of the Universal Declaration of Human Rights.

C. Information

34. As stated earlier in the report, the Korean Government sent messages every year on the International Day for the Elimination of Racial Discrimination (21 March) and on Namibia Day (26 August).

35. It would be worth noting that domestic press coverage relating to racial discrimination and apartheid, in recent years, became more and more frequent and extensive. Korean mass media lately has given increasingly high priority to the adverse effects of South Africa's policy of apartheid, which undoubtedly has contributed much to the efforts of the Government in enhancing the consciousness of the Korean people on the question of apartheid.