

Position paper #1

Human rights of all migrants, social inclusion, cohesion and all forms of discrimination, including racism, xenophobia and intolerance

Republic of Korea

The Republic of Korea has become a major migration destination over the last decade. Migrant population in the country has increased over five times from 244.2 thousands in 2000 to 1327.3 thousands in 2015¹, which accounts for 17.5% of the entire migrant population in the Eastern Asia². In order to support a social and humane life of the growing migrant population, the Republic of Korea, dedicated to the Universal Declaration of Human Rights and other core international human rights treaties, endeavours to ensure all migrants to fully enjoy their human rights. It also strives to counter all forms of discrimination, including racism, xenophobia and intolerance against all migrants. The Korean government has taken comprehensive approach to protect the human rights of migrants in the country and help their integration into societies. Taking this opportunity, my delegation would like to share some of them with other delegations.

A. Protecting migrants in vulnerable situations

In our effort to promote human rights, safety and dignity for all migrants, we pay special attention to specific needs of migrants in vulnerable situations. To provide meaningful human rights protection of all migrants in vulnerable situations, the Korean government introduced an article in the Immigration Control Act to oblige the authorities to provide special protection for migrants with diseases, pregnant women, old persons, children and adolescents.³ Furthermore, the government also established shelters to protect migrant women and their children who are the victims of various forms of violence (domestic violence, sexual violence, human trafficking, etc.). The shelters provide them with psychological counseling, medical care and legal assistance. Also, the government established a vocational training center not only to address their protection needs but to promote their empowerment in the longer term. The Korean government will continue these measures to promote inclusion of migrants, in particular, those in vulnerable

¹ According to the statistics of the Ministry of Justice, the number of migrants in the Republic of Korea is approximately 1.9 million as of December 2015, which is equivalent to 3.5% of the entire population, and is in steady increase.

² UN International Migration Report 2015

³ Article 56.3 of the Immigration Control Act

situations. We will continue to provide legal and psychological counseling for migrant women and their children affected by violence while increasing the number of shelters to protect them. Furthermore, we will support internship, vocational training and entrepreneurship for female marriage migrants to strengthen their capacity in the longer term.

B. Countering all forms of discrimination, including racism, xenophobia and intolerance

We believe that racism and xenophobia is closely relating to the exclusion of and discrimination against migrants. The Korean government thus strives to promote tolerance and respect for migrants by enhancing public awareness through education. The curricula for primary and secondary schools were revised in 2007, 2009 and 2015 to include education for human rights and respect for migrants. Training programs for teachers have also been expanded to promote the understanding on students in the context of migration. We will continue our commitment to counter all forms of discrimination, including racism, xenophobia and intolerance. Convinced that all are entitled to equal protection against discrimination and recognizing the aim of the UN TOGETHER initiative in this regard, we will continue our public education measures to prevent all forms of discrimination and promote respect, safety and dignity for all migrants in the country.

C. Right to education

We also recognize the right to education⁴ of migrant children and believe that access to education is fundamentally protective for children and youth in the context of migration⁵. To ensure the right to education to all migrant children, the Korean government provides primary and secondary education to migrant students regardless of their parents' immigration status⁶. Moreover, to support migrant children to better adapt to their school life, the Korean government allows them to enroll in or transfer to a school which has a special class dedicated to educating migrant students⁷. Furthermore, in cases where the immigrant parents of primary or secondary school students face immediate deportation for having caught for violating the Immigration Control Act, the parents are granted temporary release from deportation, which effectively allows them to take time to prepare

⁴ Article 26 of the Universal Declaration of Human rights; Article 28 of the Convention of the Rights of the Child

⁵ Para.82, In safety and dignity : addressing large movements of refugees and migrants (A/70/59)

⁶ Enforcement Decree of the Primary and Secondary Education Act(revised in February 2008 and December 2010)

⁷ Article 2.1 of the Multicultural Families Act

for their departure before they are ready to leave the country, in order to avoid abrupt discontinuation of education for the children. The Korean government will continue to take necessary measures to improve access to education of migrant children, including expansion of Korean language courses and tailored vocational consulting services.

D. Expansion of health care coverage

We believe that right to health is fundamental to all individuals including migrants, for it consists of the foundation of every human activity. International human rights treaties including the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the child recognize the right of everyone to the enjoyment of the highest attainable standard of health⁸. To help fulfill the right of migrants to health, the Korean government provides medical care to migrants who are not covered by existing health care systems. The beneficiaries of the program include migrant workers and their children, female marriage migrants and their children before acquisition of citizenship, refugees and their children who are not eligible for national health care system. The range of beneficiaries and participating medical agencies has been expanding since the launch of the program in 2005. The Korean government will continue to provide medical care for migrant workers to improve their access to essential health care services.

E. Access to justice

We cannot emphasize more the importance of access to justice to achieving integration and inclusion of migrants. To ensure sufficient and effective access to justice for all migrants, the Korean government introduced the pilot ‘community lawyers for migrants’ program in October 2015. The program provides all migrants with free legal counseling in 20 languages on a range of issues including civil, criminal, family and labour ones. The program is relating not only to the full realization of migrants’ human rights, but to the establishment of “firewalls” between immigration enforcement and public services, given that it is applied to all migrants regardless of their migratory status. To continue our commitment to effective access to justice and remedies of all migrants, we will assess the result of the 2015 pilot ‘community lawyers for migrants’ program. Based on our reflection on the lessons learned, we will expand the coverage on a progressive basis.
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⁸ Article 12 of the International Covenant on Economic, Social and Cultural Rights; Article 24 of the Convention on the Rights of the child