



Australian Government
Refugee Review Tribunal

Country Advice

South Korea

South Korea – KOR37682 – Mixed
ethnicity – Ethnic Japanese – Young
Nationalist Groups – Anti-Discrimination
laws – Family Registration System –
Christians – Internal relocation

25 November 2010

1. What is the current situation for people of mixed ethnicity in South Korea generally and of mixed Japanese-Korean ethnicity more particularly?

The Republic of Korea is racially homogeneous and there are no sizeable populations of ethnic minorities. Minorities reportedly continued to face societal discrimination and traditional attitudes limited opportunities for ethnic minorities. During 2009, it was reported that there was employment discrimination against mixed-race children, African-American teachers, and Korean-Americans. There were also reports in the local media of an increase in racially motivated offences as the number of foreign migrant workers and foreign English-language teachers continued to increase. In November 2009, it was reported that local women were being harassed for dating, travelling with, or marrying foreign men.¹

There has been increasing migration of foreigners to Korea in recent years and rising numbers of multicultural families.² The Ministry of Gender Equality and Family has said that the number of interracial children has risen from 44,258 in 2007 to 121,935 in 2010.³ A November 2009 report refers to discrimination still being a problem for foreign wives and their mixed-race children as they had not been accepted as part of society by Koreans. The Korea Immigration Service, in a blueprint on immigration policy that will be implemented until 2012, acknowledged that minorities in Korea suffer from discrimination. The children of multicultural couples are reported to be targets of discrimination and prejudice, with some children reportedly dropping out from school because they have been ignored by their classmates and teachers.⁴ A 2008 report by Seoul National University showed that more than 20 percent of mixed-race children had been bullied, while almost 34 percent had experienced ostracism because their mothers or

¹ US Department of State 2010, *Country Reports on Human Rights Practices for 2009 – Republic of Korea*, March, Introduction & Section 6 – Attachment 1

² Hicap, J. 2009, 'Discrimination Still Lingers Against Multicultural Families', *Korea Times*, 1 November – Attachment 2

³ Kim, M. & Kim, H. 2010, 'Immigration essential to solving low birthrate', *Joins.com*, 18 October – Attachment 3

⁴ Hicap, J. 2009, 'Discrimination Still Lingers Against Multicultural Families', *Korea Times*, 1 November – Attachment 2

fathers were foreigners, and many had dropped out of school.⁵ Multicultural children were reported to face obstacles when they applied to university or looked for jobs.⁶

Statistics from the Ministry of Health, Welfare and Family Affairs in 2005 indicate that more than half of the multiethnic families in South Korea were in the low-income bracket.⁷ A report from October 2009 refers to sixty percent of mixed-race children of preschool age being unable to attend kindergarten or childcare facilities because of lack of money. Far more biracial children attending childcare facilities were on the government's low-income family list than children from Korean families.⁸

The government is reported to be taking steps to assist multicultural families. Based on the government's plan on immigration, support services were to be implemented, textbooks revised, and the concept of multicultural families taught to Korean students.⁹ A January 2010 report refers to Seoul's Ministry for Health, Welfare and Family Affairs announcing plans to provide Korean language education and local child care centres for multicultural children, and increase financial support for married migrants yet to obtain South Korean citizenship.¹⁰ Four years ago, the Ministry of Gender Equality and Family established around 160 family-support centres offering language education and vocational training to help absorb multiethnic families. South Korea's ruling Grand National Party has supported multiethnic centres in each district and devised assistance programs for families. The government is reported to be encouraging international marriages, because of South Korea's ageing population and low birthrate.¹¹

South Korea's military authorities are also reported to be preparing to introduce measures to help mixed-race South Korean men adjust to the military, after a revision of the military conscription law allowed males from all ethnic backgrounds to join the military from 2011. The proposed measures include the addition of anti-discriminatory provisions to the military's code of conduct. Mixed-race males of Asian descent have been conscripted for mandatory service since 2005, but visibly mixed-race men were previously banned from military service amid concerns about racial discrimination.¹²

Another report refers to government ministries, private companies and civic groups having devised various programs and policies to help multiethnic families. There are reportedly at least seven government ministries involved in policy making regarding such families. Most existing programs are organised to help minorities adjust to life in Korea, and there are fewer programs to help sensitise Korean family members to the new culture.¹³ Some observers have said the government needs to come up with policies to

⁵ Park, S. 2010, 'KMA joins PTPI to back multi-ethnic families', *Korea Times*, 24 June – Attachment 4

⁶ 'Multicultural Celebrities Succeed Against Huge Odds' 2009, *Chosun Ilbo*, 27 November – Attachment 5

⁷ Kim, H. 2010, 'New citizens, new challenges', *Joins.com*, 4 January – Attachment 6

⁸ '60 Pct. of Biracial Children Not Attending Kindergarten' 2009, *Dong-A Ilbo Daily*, 13 October – Attachment 7

⁹ Hicap, J. 2009, 'Discrimination Still Lingers Against Multicultural Families', *Korea Times*, 1 November – Attachment 2

¹⁰ Kim, J. 2010, 'Multicultural children on steady rise in S.Korea, once proud to be homogeneous', *Xinhua News Agency*, 21 January – Attachment 8

¹¹ Kim, M. & Kim, H. 2010, 'Immigration essential to solving low birthrate', *Joins.com*, 18 October – Attachment 3

¹² 'South Korean military to take steps to help enlisted mixed-race personnel' 2010, *BBC Monitoring Asia Pacific*, source: Yonhap news agency, Seoul, 12 October – Attachment 9

¹³ Kim, H. 2010, 'New citizens, new challenges', *Joins.com*, 4 January – Attachment 6

encourage Korean society to embrace multicultural unions to help minimise strife between different cultures.¹⁴

An RRT research response dated 3 March 2008 includes information on the position of mixed race children in South Korea.¹⁵

Specific information was not located on the current situation for people of mixed Japanese-Korean ethnicity in South Korea. It is reported that in 2008, there were 36,204 international marriages in South Korea, of which 1,162 were Japanese women marrying Korean men and 2,743 were Japanese men marrying Korean women.¹⁶

There remain largely unresolved issues which cause tensions between Japan and South Korea, although diplomatic efforts and cultural exchanges have reportedly led to their relationship seeing huge progress over the past few decades. Issues between the two countries include compensation for Koreans who were comfort women and forced labourers during Japan's colonial rule over Korea between 1910 and 1945, sovereignty over Dokdo, Korea's easternmost islets,¹⁷ Japanese textbooks that critics say whitewash Japanese military atrocities during the war, and visits by Japanese government officials to the Yasukuni Shrine in Tokyo which honours Japanese war criminals along with Japan's war dead.¹⁸ In August 2010, a district court in Seoul gave a suspended two-year prison sentence to a representative of a Seoul-based activist group opposing Japan's claims to the South Korea-controlled Dokdo islets, for throwing stones at Japan's then ambassador to South Korea in July.¹⁹

A US Department of State background note on South Korea indicates that "memories of Japanese annexation still recall fierce animosity and resentment, especially among older Koreans." The background note also indicates that import restrictions on Japanese movies and the like have been lifted, and many Koreans, especially the young, follow Japanese pop culture. Aspects of Korean culture have also become popular in Japan.²⁰

An RRT research response dated 7 November 2008 includes information on the situation regarding anti-Japanese sentiment in South Korea.²¹

¹⁴ Kim, M. & Kim, H. 2010, 'Immigration essential to solving low birthrate', *Joins.com*, 18 October – Attachment 3

¹⁵ RRT Research & Information 2008, *Research Response KOR33021*, 3 March, (Questions 3 & 4) – Attachment 10

¹⁶ Hicap, J. 2009, 'Discrimination Still Lingers Against Multicultural Families', *Korea Times*, 1 November – Attachment 2

¹⁷ 'Unresolved past still lingers in minds of Koreans' 2010, *The Korea Herald*, 31 August – Attachment 11

¹⁸ Cho, K.W. 2010, 'S. Koreans call anew on Japan to repent on annexation anniversary', *Kyodo News*, 28 August – Attachment 12

¹⁹ 'S. Korean attacker of Japanese ambassador given suspended jail term' 2010, *Kyodo News*, 30 August – Attachment 13

²⁰ US Department of State 2010, *Background Note: South Korea*, 28 May

<http://www.state.gov/r/pa/ei/bgn/2800.htm> - Accessed 24 November 2010 – Attachment 14

²¹ RRT Research & Information 2008, *Research Response KOR33930*, 7 November, (Question 4) – Attachment 15

2. Are there any reports of attacks on or mistreatment against people of mixed Korean – Japanese ethnicity?

Specific information was not located on attacks on or mistreatment against people of mixed Korean – Japanese ethnicity in South Korea.

3. What information is there about young nationalist groups currently active in South Korea?

Specific information was not located on young nationalist groups currently active in South Korea.

4. Are there laws against discrimination on the basis of race and ethnicity? Is there any evidence that such discrimination is condoned by the State?

The US Department of State 2009 report on human rights practices in the Republic of Korea indicates that “[t]he law forbids discrimination on the basis of gender, religion, disability, social status, and race, and the government generally respected these provisions. However, traditional attitudes limited opportunities for women, persons with disabilities, and ethnic minorities. While courts have jurisdiction to decide discrimination claims, many of these cases instead were handled by the NHRC [National Human Rights Commission].”²²

According to information submitted by the Republic of Korea to the UN Committee on the Elimination of Racial Discrimination referred to in a report dated 23 January 2009, however, there was “no special legislation prohibiting and punishing racially motivated criminal offences” in the Republic of Korea. The Criminal Act of the Republic of Korea was reported to punish perpetrators of criminal offences regardless of the victim’s race. The government had submitted a draft Anti-Discrimination Act to the National Assembly in December 2007, but the draft Act was automatically discarded in May 2008 as the session of the National Assembly came to an end. The government was reportedly researching relevant legislation and “redoubling its efforts to introduce the Anti-Discrimination Act.” The Act was expected to include categories of the basis of discrimination, including race.²³

The Republic of Korea subsequently reported to the UN Committee on Economic, Social and Cultural Rights that “[a]s of May 2009, there have been no pending anti-discrimination bills in the National Assembly.”²⁴

²² US Department of State 2010, *Country Reports on Human Rights Practices for 2009 – Republic of Korea*, March, Section 6 – Attachment 1

²³ UN Committee on the Elimination of Racial Discrimination 2009, ‘Reports submitted by States parties under Article 9 of the Convention – 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’, UNHCR Refworld website, CERD/C/KOR/CO/14/Add.1, 23 January, p. 3

<http://www.unhcr.org/refworld/country,,,KOR,,4986f2ad2,0.html> – Accessed 19 November 2010 – Attachment 16

²⁴ UN Committee on Economic, Social and Cultural Rights 2009, ‘Implementation of the International Covenant on Economic, Social and Cultural Rights – Consideration of reports submitted by States parties in accordance with Article 16 of the International Covenant on Economic, Social and Cultural Rights – Replies by the

Another report indicates that in the Republic of Korea's first conviction involving racist remarks, a man who was fined for slander against an Indian research professor in November 2009 was convicted of "personal insult" because there was no racial discrimination law.²⁵ An article dated 1 November 2009 refers to the case spurring rival political parties in Parliament to begin drafting legislation which would define discrimination by race and ethnicity, and impose criminal penalties.²⁶

A further report indicates that when an opposition Democratic Party lawmaker posted a draft racial discrimination bill on his website in September 2009 to gather public opinion, the level of criticism caused him to revise his bill. The Democratic Party declined to adopt the revised anti-racism bill as official party platform. Experts attribute strong resistance to the anti-racism movement in Korea to activists organising negative campaigns against politicians sympathetic to foreigners, especially in cyberspace. They say offline opinion surveys better reflect the public's general opinion, and a telephone survey by the Democratic Party lawmaker on an anti-discrimination law found that more than 60 percent of respondents supported it.²⁷

In an earlier report submitted to the UN Committee on the Elimination of Racial Discrimination, referred to in a report dated 18 August 2006, the Republic of Korea submitted that:

Article 11, paragraph 1, of the Constitution provides that "All citizens shall be equal before the law, and there shall be no discrimination in political, economic, social or cultural life on account of gender, religion or social status." Even though the Constitution does not make specific reference to racial discrimination, the subject is deemed as having been covered under the comprehensive terms of article 37, paragraph 1, of the Constitution, which provides that the "Freedom and rights of citizens shall not be neglected on the grounds that they are not enumerated in the Constitution."

The report also indicates that under Article 6(1) of the Constitution, treaties concluded and promulgated under the Constitution and generally recognised rules of international law shall have the same effect as the Republic of Korea's domestic laws. The International Convention on the Elimination of All Forms of Racial Discrimination had been ratified and promulgated by the government and "has the same authority of domestic law and does not necessitate additional legislation." The National Human Rights Commission Act, under which the National Human Rights Commission was established, "explicitly prohibits discrimination on the basis of race, colour, descent, or national and ethnic origin,

Government of the Republic of Korea to the list of issues (E/C.12/KOR/Q/3) to be taken up in connection with the consideration of the third periodic report of the Republic of Korea (E/C.12/KOR/3) – Republic of Korea', UNHCR Refworld website, E/C.12/KOR/Q/3/Add.1, 28 August, p. 29

<http://www.unhcr.org/refworld/country,...KOR..4ad5d5270.0.html> – Accessed 19 November 2010 – Attachment 17

²⁵ Amnesty International 2010, *Amnesty International Report 2010 – Korea (Republic of)*, 28 May

<http://www.unhcr.org/refworld/country,...KOR..4c03a81dc.0.html> – Accessed 18 November 2010 – Attachment 18

²⁶ Choe, S. 2009, 'South Koreans struggle with race', *The New York Times*, 1 November – Attachment 19

²⁷ Lee, T. 2010, '70 % of Koreans hope to embrace multicultural society', *Korea Times*, 31 October – Attachment 20

and provides the grounds on which such acts can be declared illegal and be subject to punishment, as prescribed in article 4 of the Convention.”²⁸

A copy of the ‘Constitution of the Republic of Korea’ is attached.²⁹

Under Article 30(2) of the ‘National Human Rights Commission Act 2001’, a discriminatory act of violating the right of equality means an act of unreasonable discrimination as set out in the Article on grounds that include national or ethnic origin, race or skin colour.³⁰ The National Human Rights Commission reportedly does not have enforcement powers and its decisions are not binding.³¹

5. a. What information is contained in a person’s family record/ register under the new 2008 family registration system and who would have access to that information? b. Would a person routinely be expected to obtain a family record/ register for employment purposes? c. In what other circumstances would a person would be compelled to produce their family record/ register?

South Korea’s revised family registration law, which came into force on 1 January 2008, abolished the patriarchal family headship called hoju. Under the revised law, each family member was separated from the hoju, or family head, usually the father, through an individual register book. Each family member is registered under his or her own individual record book.³² The new law resulted in the Korean family registry system changing from a system based on the household into an individual registration system.³³

The previous family registry listed detailed personal information, including information on the birth, marriage and adoption of the family head and other family members, possibly leading to privacy breaches. Supreme Court officials were reported to have said that under the new registry system, individual registers listed the names of parents, spouse and children, but not information on brothers and sisters.³⁴ Another report refers to individual record books containing information on a “person’s birth, death, marriage and adoption, along with basic information on his or her spouse, parents and children.” Instead of the

²⁸ UN Committee on the Elimination of Racial Discrimination 2006, ‘Reports submitted by States parties under Article 9 of the Convention – Fourteenth periodic reports of State parties due in 2006 – Addendum – Republic of Korea’, UNHCR Refworld website, CERD/C/KOR/14, 18 August, p. 4

<http://www.unhcr.org/refworld/country,...KOR..45c30ba10.0.html> – Accessed 19 November 2010 – Attachment 21

²⁹ Republic of Korea 1948, ‘Constitution of the Republic of Korea’, UNHCR Refworld website, 12 July <http://www.unhcr.org/refworld/country,LEGAL,NATLEGBOD,,KOR,,3ae6b4dd14.0.html> – Accessed 19 November 2010 – Attachment 22

³⁰ Republic of Korea 2001, ‘National Human Rights Commission Act 2001’, Act No. 6481, UNHCR Refworld website, 24 May <http://www.unhcr.org/refworld/country,LEGAL,NATLEGBOD,,KOR,,3ddd1a634.0.html> – Accessed 19 November 2010 – Attachment 23

³¹ US Department of State 2010, *Country Reports on Human Rights Practices for 2009 – Republic of Korea*, March, Section 5 – Attachment 1

³² Shin, H. 2007, ‘New law takes on patriarchal family system’, *The Korea Herald*, 4 June – Attachment 24

³³ ‘Family registry will be based on “individual,” not “family head”, after 2008’ (undated), *Hurights Osaka (Asia-Pacific Human Rights Information Center)* – Attachment 25

³⁴ ‘Family registry to be replaced with simpler individual register’ 2007, *Korea.net news*, 3 June – Attachment 26

previous single certificate, five different certificates were to be issued under the new system by ward offices holding specified records.³⁵

The US Department of State Bureau of Consular Affairs reciprocity schedule for South Korea indicates that the new Family Relation Register has been organised for each individual family member “to protect personal information.” From 1 January 2008, new forms of family register certificates have been issued and an “individual and his/her immediate family members (parents, children, or spouse)” can apply for issuance of the new family register certificates. It is stated in the reciprocity schedule that:

According to the purpose of issuance, the certificates of family relation registers can be classified into five categories:

- (1) Identification certificate (Gibon jeungmyongseo)
- (2) Family relation certificate (Gajokkwankye jeungmyongseo)
- (3) Marriage relation certificate (Honinkwankye jeungmyongseo)
- (4) Adoption relation certificate (Ipyangkwankye jeungmyongseo)
- (5) Special adoption relation certificate (Chinyangja ipyangkwankye jeungmyongseo)

The information shown on the Identification certificate is the individual’s date of birth, place of birth, changed names, and death. The Family relation certificate shows the “names of spouse, parents (including adoptive parents), children (including adopted children) based on current family relationship.” The Marriage relation certificate provides information on a person’s marital status only. The former Family Census Register was “still available as an archived family relation register (Jejeok Deung-Bon) which was organized under the name of the ‘Head of Family.’”³⁶

In January 2008, in the first such ruling since South Korea introduced the individual registration system, a local court authorised the change of surname of an applicant woman’s son to that of her current husband. The son had been born to a Japanese father in Japan in 2001, and after divorcing, the woman remarried a South Korean man and gave birth to another son. The two sons had different family names, and the court was asked by the mother to allow the change of her first son’s surname to avoid possible bullying at school.³⁷

Specific information was not located on whether a person would routinely be expected to obtain a family record/ register for employment purposes.

³⁵ Shin, H. 2007, ‘New law takes on patriarchal family system’, *The Korea Herald*, 4 June – Attachment 24

³⁶ US Department of State Bureau of Consular Affairs (undated), ‘Korea, South Reciprocity Schedule’, Travel.state.gov website http://travel.state.gov/visa/fees/fees_4881.html?cid=3599 – Accessed 23 November 2010 – Attachment 27

³⁷ ‘Court grants first-ever family name change to child’ 2008, *Yonhap English News*, 9 January – Attachment 28

6. What is the current situation for Christians in South Korea generally?

According to the most recent census in 2005, the percentages of adherents of the predominant religious communities in the Republic of Korea are Buddhists 22.8%, Protestants 18.3% and Roman Catholics 10.9%. The constitution provides for freedom of religion and the government was reported to generally respect religious freedom in practice, although the freedom of some minority groups was restricted by military service requirements. Watchtower International, a Jehovah's Witnesses organisation, reported that as of April 2010, there were approximately 800 Jehovah's Witnesses in prison for refusing to serve active duty and around 80 others serving an average of 18 months imprisonment for conscientious objection to military service. A recently released US Department of State report on religious freedom in the Republic of Korea indicates that "[t]here were no reports of societal abuses or discrimination based on religious affiliation, belief, or practice, and prominent societal leaders took positive steps to promote religious freedom."³⁸

It is reported that Christianity has rapidly expanded in South Korea.³⁹ A report from September 2008 refers to the Buddhist community in South Korea being apprehensive about the rise in the Christian community's size and power in recent decades. President Lee Myung Bak is reported to be a Presbyterian elder, and in December 2007, at least half of the ministers in newly elected President Lee's cabinet were people professing to be Christian.⁴⁰

7. What information is there about restrictions on a person's ability to relocate within South Korea?

Most citizens of the Republic of Korea "could move freely throughout the country; however, government officials restricted the movement of certain DPRK [Democratic People's Republic of Korea] defectors by denying them passports."⁴¹

The information submitted by the Republic of Korea to the UN Committee on the Elimination of Racial Discrimination referred to in the report dated 23 January 2009 indicates that with regard to the right to freedom of movement and residence within the Republic of Korea, "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."⁴²

³⁸ US Department of State 2010, *International Religious Freedom Report for 2010 – Korea, Republic of*, November, Introduction, Sections 1, II & III – Attachment 29

³⁹ Landau, C. 2009, 'Will South Korea become Christian?', *BBC News*, 26 October <http://news.bbc.co.uk/2/hi/asia-pacific/8322072.stm> - Accessed 18 November 2010 – Attachment 30

⁴⁰ Shim, J.H. 2008, 'Korea's Buddhists in revolt', *Asia Sentinel*, 2 September – Attachment 31

⁴¹ US Department of State 2010, *Country Reports on Human Rights Practices for 2009 – Republic of Korea*, March, Section 2(d) – Attachment 1

⁴² UN Committee on the Elimination of Racial Discrimination 2009, 'Reports submitted by States parties under Article 9 of the Convention – 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', UNHCR Refworld website, CERD/C/KOR/CO/14/Add.1, 23 January, p. 2

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