



**RACISM**

# Daily Racial Discrimination in the Era of COVID-19

**HWANG, YUNJEONG** • member of Korean Bar Association

**2nd LAWASIA Human Rights Conference**

Saturday 9, 2021 • Online • Hosted by Korean Bar Association

**LAWYER HWANG**

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# TOPICS

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- II. Hate Crimes and Hate Speech to Asians in the World during COVID 19 Pandemic
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- V. Laws on Racial Discrimination and Hate Crimes and Speech in Each country



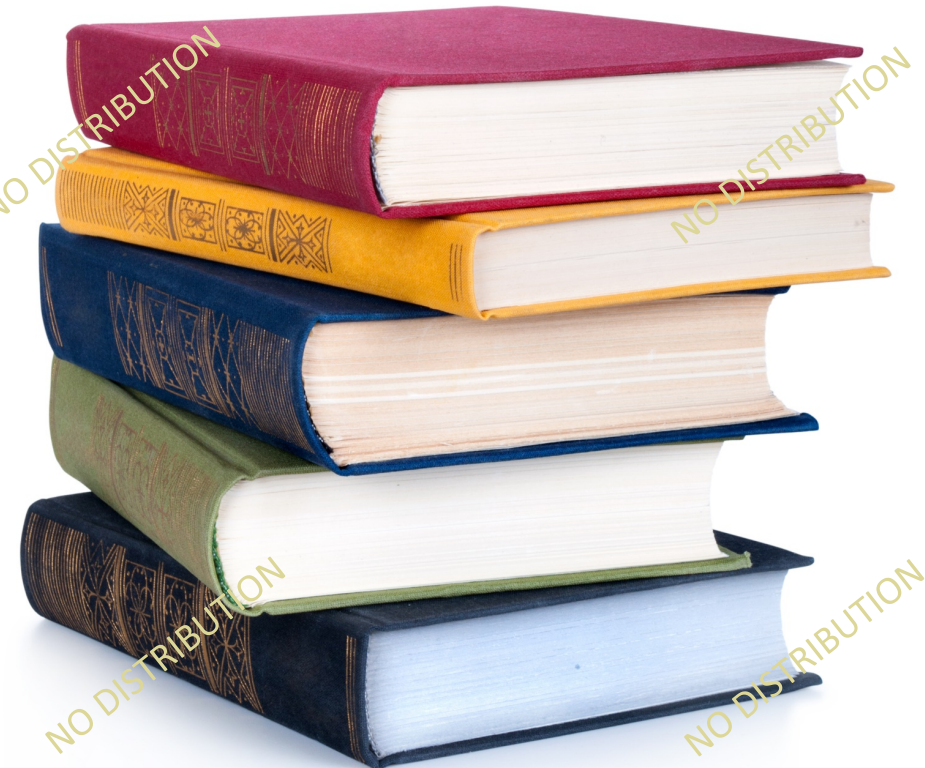
Racism is Virus.

# I. What is Racial Discrimination?

## *International Convention on the Elimination of All Forms of Racial Discrimination of UN Human Rights*

### *"Article 1*

1. In this Convention, the term "**racial discrimination**" shall mean **any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.**





## II. Hate Crimes and Hate Speech to Asians in the World during COVID-19 Pandemic



Iranic tv, recited from KBS NEWS (<https://news.kbs.co.kr/news/view.do?ncd=5127299>)

According to ["Stop AAPI Hate National Report"](#), in the U.S. from March 19, 2020 to June 20, 2021, **9,081** incidents of racial discrimination were reported to the organization.

Physical assault : 13.7%

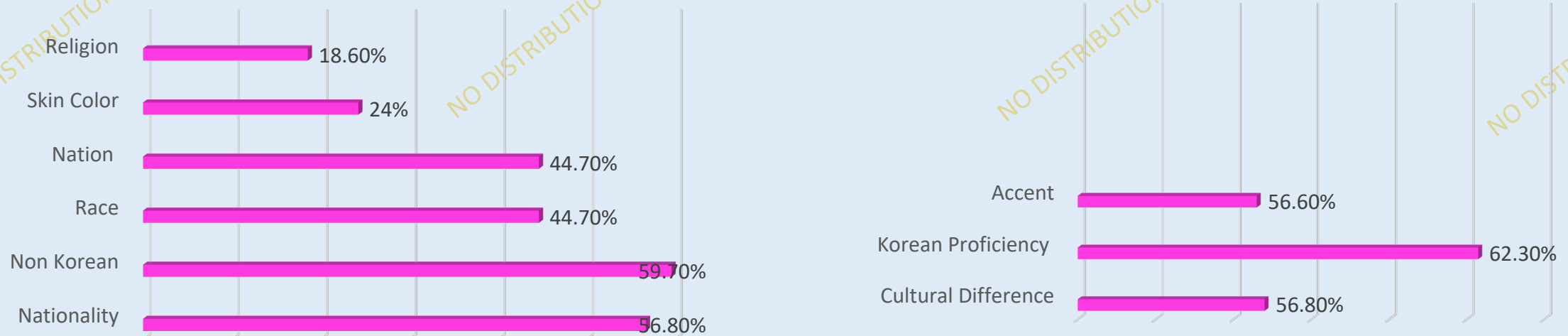
Civil rights violations: 11.0 %

Online Harassment: 8.3 %

### III. Racial Discrimination in Korea during COVID 19 Pandemic

#### 1. “Racial discrimination exists in Korea”, 70 percent of the expatriates responded

#### The Causes of Racial Discrimination



Source: 2019 Report, Human Rights Commission of Korea

# III. Racial Discrimination in Korea during COVID 19 Pandemic

## 2. Policies of Governmental Offices and Public Institutions



Administrative Order of  
COVID-19 Test to  
**ALL MIGRANT WORKERS**

National Human Rights Commission of Korea:  
*"The administrative order was discriminatory measure  
and the local government should establish fair  
disinfection policies".*



# III. Racial Discrimination in Korea during COVID 19 Pandemic

## 2. Policies of Governmental Offices and Public Institutions

Masks were not distributed to migrant workers and international students uninsured by health insurance!



# III. Racial Discrimination in Korea during COVID 19 Pandemic

## 2. Policies of Governmental Offices and Public Institutions



**NO COVID Relief Funds  
to Aliens !**



# III. Racial Discrimination in Korea during COVID 19 Pandemic

## 2. Policies of Governmental Offices and Public Institutions

Delay of KIIP Test !



# III. Racial Discrimination in Korea during COVID 19 Pandemic

## 3. Racial Discrimination in Private Sectors

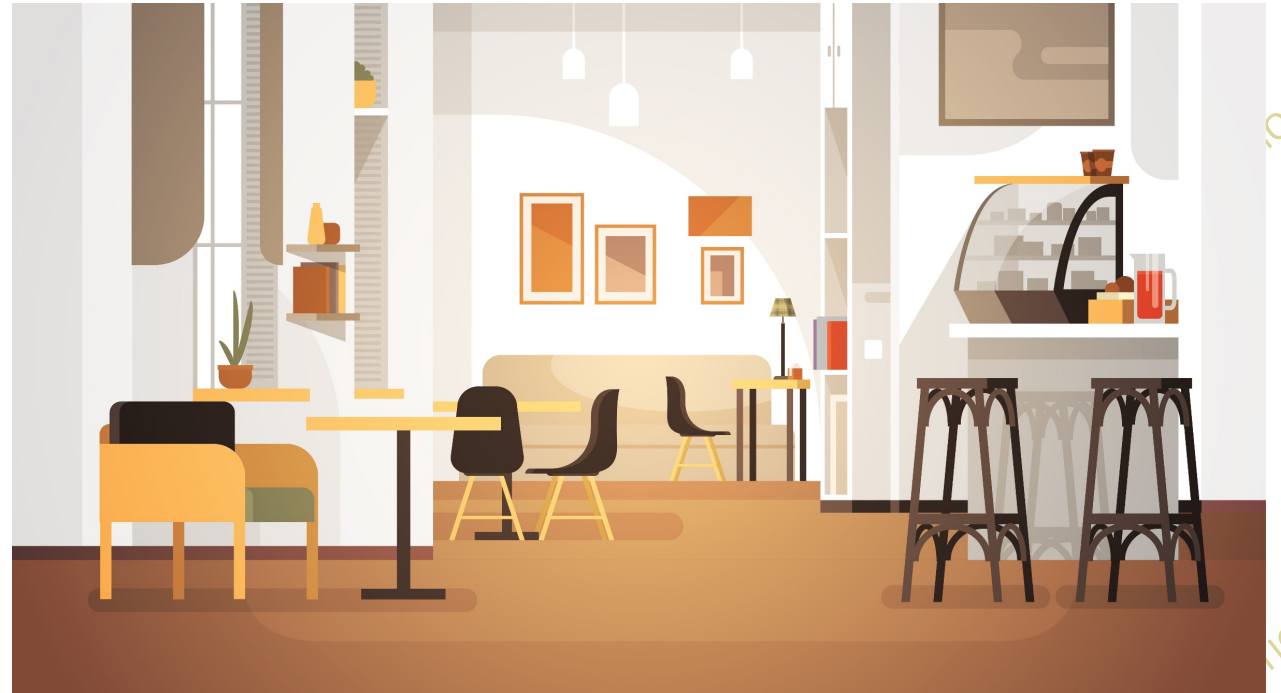


More Detailed Questionnaires for  
Aliens for Baseball watching

# III. Racial Discrimination in Korea during COVID 19 Pandemic

## 3. Racial Discrimination in Private Sectors

“No Foreigners” “No Chinese”  
signs in front of  
restaurants and shops!





# III. Racial Discrimination in Korea during COVID 19 Pandemic

## 3. Racial Discrimination in Private Sectors

### Racial Discrimination at workplaces

- Dismissal Warning to migrant workers for going certain areas
- Monitoring the migrant workers after work
- Different measures on migrant workers and Korean workers



# IV. Aliens' rights and legal status based on Constitution of the Republic of Korea and other Korean laws

## 1. Constitution of the Republic of Korea

### Article 6

(2) The status of aliens shall be guaranteed as prescribed by international law and treaties.

### Article 10

All citizens shall be assured of human worth and dignity and have the right to pursuit of happiness. It shall be the duty of the State to confirm and guarantee the fundamental and inviolable human rights of individuals.

**Rights to Liberty, Rights to Equality, Freedom of Occupation (to choose workplace)**

# IV. Aliens' rights and legal status based on Constitution of the Republic of Korea and other Korean laws

## 2. Other Korean Laws

### RESIDENTS VOTING ACT

#### Article 5 (Residents' Voting Rights)

(1) Residents over 19 years old and who fall under any of the following subparagraphs as of the base date of preparation of a pollbook pursuant to Article 6 (1) shall have the residents' voting right: Provided, That those who have no suffrage pursuant to Article 18 of the Public Official Election Act have no residents' voting right: <Amended by Act No. 9468, Feb. 12, 2009, Act No. 14192, May 29, 2016>

1. A person who has resident registration in a district over which the local government has jurisdiction;
2. A foreigner who is qualified for continuous residence in the Republic of Korea (including cases where he or she is qualified for continuous residence by permission for change of qualifications for staying or permission for extension of the period for staying) pursuant to Acts and subordinate statutes related to immigration control, and who is prescribed by ordinance of a local government.



## V. Laws on Racial Discrimination and Hate Crimes and Speech in Each Country

Country	Related Laws
Germany	Network Enforcement Act (Netzdurchsetzungsgesetz, NetzDG)
Canada	Criminal Code
New Zealand	Hate Speech Law proposed
Japan	Hate Speech Act of 2016
U.S.	Anti-Hate Crime Law
Republic of Korea	No specific clauses on hate crimes or speech including racial discrimination

**Thank you !**

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