

JOINT NGO SUBMISSION BY MINBYUN - LAWYERS FOR A DEMOCRATIC SOCIETY AND SOLIDARITY FOR ASIAN HUMAN RIGHTS AND CULTURE IN RESPONSE TO THE CALL FOR INPUT FOR THE PREPARATION OF THE REPORT OF THE UN HIGH COMMISSIONER FOR HUMAN RIGHTS PURSUANT TO THE HUMAN RIGHTS COUNCIL RESOLUTION 57/24 “EDUCATION AS A TOOL TO PREVENT RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE”

MINBYUN – Lawyers for a Democratic Society is an NGO with special consultative status with the United Nations Economic and Social Council (UNECOSOC) and strives to further the development of democracy in Korea through litigation, research, and investigation.

Solidarity for Asian Human Rights and Culture is an NGO that works towards peaceful coexistence between migrants and local communities, through advocacy and education for diversity and human rights.

1. Introduction

The Republic of Korea (“Korea”) is experiencing a rapid increase in its migrant population. As of the end of April 2026, the number of foreign nationals residing in Korea was approximately 2.87 million, while the number of undocumented migrants was estimated at around 340,000.¹ The school-age population of children with a migrant background (hereinafter “migrant children”) has also grown sharply. According to recent statistics from the Ministry of Education, as of April 2025, the number of students with a migrant background (hereinafter “migrant students”) in high school increased by 21.5% year-on-year, exceeding 30,000 for the first time.² This represents a 2.7-fold increase over the past five years.

However, Korea’s laws and policies concerning inclusive education for migrant children still require substantial improvement. Korea's school curriculum lacks an independent, mandatory framework for anti-racism and prejudice-prevention education. Existing multicultural education is oriented primarily toward supporting students with migrant backgrounds, rather than functioning as education focused on combating racism and hate speech.

In June 2026, members of a high school baseball team chanted derogatory slogans targeting an opposing school and its home region during a national high school baseball tournament. Although the incident did not concern racial or ethnic identity, it illustrates the absence of clear school-level norms and educational responses addressing derogatory group-based speech.

¹ Ministry of Justice, *Monthly Statistics in Immigration and Foreigner Policy* (in Korean), Apr 2026, https://viewer.moj.go.kr/skin/doc.html?rs=/result/bbs/227&fn=temp_1780641193356100.

² The Yonhap News, “High school students with migrant background now more than 30,000 for the first time... 2.7 increase in the last 5 years” (in Korean), 10 Jun 2026, <https://www.yna.co.kr/amp/view/AKR20260610071800371>.

In its 2019 concluding observations, the Committee on the Elimination of Racial Discrimination recommended that the Republic of Korea adopt a strategy to address prejudice, misunderstanding and misinformation concerning migrants and refugees, raise public awareness of their rights, and promote understanding and tolerance between refugees and the local population. It also recommended awareness-raising among migrant communities and school principals concerning migrant children's right to attend school.³

In the following sections, this submission will provide a more detailed account of such issues in the Korean context. We hope that this submission will assist the UN High Commissioner for Human Rights in assessing the situation at the international level.

2. Access to Education for Children with a Migrant Background

In Korea, children of foreign nationality may also be admitted to or transferred to public schools. Pursuant to Article 19 of the *Enforcement Decree of the Elementary and Secondary Education Act*, the guardian of a child or student who is a foreign national may, in place of the ordinary school enrollment or transfer procedures, apply for admission or transfer to the principal of the elementary school within the school district in which the child resides. In the case of middle schools and high schools, admission, transfer, and re-admission of foreign students are also permitted under the relevant enforcement decrees and school regulations. The Ministry of Education also operates guidelines on school admission and academic record management that allow children to apply for admission by submitting documents such as a lease agreement or a certificate of residence confirming their actual place of residence, even where they do not have foreigner registration or lawful residence status.

Measures have also been implemented to guarantee the right to education of children without lawful residence status. In January 2022, the Ministry of Justice announced the *Plan to Grant Residence Status to Guarantee the Right to Education of Long-Term Resident Children*, under which foreign children who were attending school in Korea without lawful residence status were granted a residence status for study purposes, and, upon graduation from high school, were allowed to obtain a residence status corresponding to their future path, such as further education or employment. This measure was implemented from February 2022 until 31 March 2025. In late March 2025, shortly before the expiry of the policy, the Ministry of Justice again announced the *Extension of the Guarantee of the Right to Education and Measures for Employment and Settlement for Foreign Youth Raised in Korea*, which will remain in effect until 31 March 2028. Under the new measure, not only eligible children but also their minor siblings may be granted residence status, and procedures were added to allow high school graduates to obtain employment and settle in Korea even where they do not enter university.

In 2023, the *Elementary and Secondary Education Act* was amended to explicitly include

³ Committee on the Elimination of Racial Discrimination, Concluding observations on the combined twentieth to twenty-second periodic reports of the Republic of Korea, CERD/C/KOR/CO/20-22.

children of foreign nationalities in the scope of “multicultural students” that gives rise to the duties of the State and local governments to adopt measures for equal educational opportunities. In 2026, the provision was further amended to change the term “multicultural students” to “students with a migrant background.”

3. Structural Barriers to Access to Education for Children with a Migrant Background and Efforts to Overcome Barriers

Despite the institutional progress described above, the education system of Korea does not yet guarantee universal and equal access to compulsory education for all migrant children. Such gaps in access may reinforce the social exclusion of migrant children and undermine the development of an inclusive school environment.

First, the regularization policy aimed at guaranteeing the right to education of migrant children is implemented temporarily by the executive branch without a statutory basis and applies only to those who satisfy certain requirements, including the length of residence in Korea, school attendance, and age. In other words, the fundamental right of children to education is made dependent on immigration policies and administrative discretion.

Second, under the *Enforcement Decree of the Elementary and Secondary Education Act*, the admission of a non-national child to elementary school requires the guardian to apply to the school principal and obtain the principal’s approval. This differs from the system under which the State identifies a child’s age and carries out school assignment and school enrollment notification. In other words, migrant children who are not nationals and therefore are not assigned resident registration numbers are excluded from the issuance of school enrollment notices under the Act. As a result, where their guardians are unaware that the children are entitled to attend school, the children may be unable to attempt enrollment at all or may enrol late. However, it should be noted that some municipalities have commendably taken proactive measures to overcome statutory limitations. Gimpo City, a municipality bordering Seoul where a significant number of migrants reside, has sent enrollment notices to all eligible non-national children in 2024. This effort was replicated and scaled up in 2025 to Gyeonggi Province, which surrounds Seoul and has the largest migrant population in Korea.⁴

Third, structural exclusion experienced by migrant children is even more pronounced at the pre-school stage. In July 2023, the National Human Rights Commission of Korea (NHRCK) recommended that measures be prepared to provide early childhood education subsidies to migrant children.⁵ However, under the Ministry of Education’s 2026 *Early Childhood Education Fee Support Plan*, children who do not hold Korean nationality remain excluded, except for refugees and “special contributors and others” recognized by the Minister of Justice

⁴ “No borders on the road to school... equal education enabled by enrolment notices for foreigner children, started by Gimpo City” (in Korean), Ministry of Culture, Sports and Tourism, <https://www.korean-culture.org/koreanet/view.do?seq=1054031>.

⁵ NHRCK, Decision of 22JinJeong0091400, 12 Apr 2023.

pursuant to Article 14-2(1) of the *Framework Act on Treatment of Foreigners Residing in the Republic of Korea*. Most non-national children therefore receive no support for kindergarten tuition or for childcare fees at childcare centers under the integration of early childhood education and care.

The United Nations Human Rights Council is currently discussing the possibility of developing an optional protocol to the Convention on the Rights of the Child (CRC) that would require the provision of at least one year of free public pre-primary education and free public secondary education to all children. In light of these international discussions, the categorical exclusion of children from support for pre-school education expenses on the basis of foreign nationality is difficult to reconcile with the principles of equality of educational opportunity and non-discrimination.

4. Limitations of Existing Education Policies in Addressing Racism and Discrimination

In the *Support Measures to Develop Talents of Migrant Background Students during the period of 2023 – 2027* (hereinafter *2023-2027 Support Measures*), a joint policy statement of relevant Ministries, the Government sets out three policy goals: “strengthening Korean language education to reduce discrimination in educational setting”, “fostering outstanding talent”, and “improving conditions of schools/areas with high concentrations of migrant students”. While the issuance of *2023-2027 Support Measures* is a positive step as the first inter-ministerial policy for migrant children, it has several shortcomings.

The plan largely frames educational inequality as a matter of Korean-language proficiency and educational adaptation. It contains few concrete measures aimed at addressing racism, xenophobic stereotypes, hate speech, discriminatory conduct by peers or staff, or the responsibility of the majority population to adapt to increasing diversity. The phrase “anti-discrimination” is only used in the context of “strengthening Korean language education.” The emphasis on “talent development” and support for high-achieving students may also risk diverting attention from students who experience interrupted schooling, social exclusion or discrimination and who require sustained rights-based support. The last stated goal of “Improving conditions of schools/areas with high concentrations of migrant students” also focuses on “reducing the burden on schools” by providing administrative support and has no mention of how to promote integration in areas with high concentrations of migrant students. With regard to Korean language education, many teachers and experts have pointed out that one of the problems with the current system is the lack of differentiated instruction based on proficiency level.⁶ The policy proposes to solve this problem by strengthening regional education centers for beginner-level learners of Korean language. However, this still does not address the lack of proficiency-appropriate education in school settings.

⁶ Kang, So-Yeong, *A Study on the Current Status and Improvement Directions of Korean Language Education Policies for immigrant background students* (in Korean), *Journal of CheongRam Korean Language Education*, 102, 37-73.

The *Measures to Support Individualized Education for Students with Migrant Backgrounds*, released in 2025 as a combined inter-ministerial report (hereinafter *2025 Support Measures*), presents four policy objectives. The objective to “increase personalized education for migrant students” - which is currently concentrated at primary education level - to secondary education, early education, as well as to migrant parents, is seen as a positive development. For the goal to “improve education level of schools with high density (defined as over 30%) of students with migrant backgrounds,” the government proposes to assign migrant students more evenly across different schools. Plans to assign more teachers and resources to schools with high density of migrant children are also included in the proposal. While the Government’s focus on integration is positive, the proposed use of distributed school assignment should come with appropriate safeguards to combat stigmatization. Also, such “distributed assignment” is only proposed when a “low-density school” and “high-density school” are situated near each other, and thus is expected to have limited impact. The *2025 Support Measures* also proposes to “strengthen capacity of teachers for education of migrant students” and to build “a sustainable support system for migrant students”, but does not address how labor conditions of Korean language teachers can be improved,⁷ or how schools can work with the local community to promote inclusion of migrant population.

5. Efforts of Local Governments to Educate Local Community Leaders to Combat Racial Discrimination and Foster Diversity

Efforts to combat racism through education should not be confined to schools. The attitudes and conduct of adult residents directly shape the wider social environment in which migrant children and their families live, learn and participate in community life. To eliminate hatred and racial discrimination against migrants in everyday life, educational interventions targeting grassroots civic organizations that directly shape public opinion and the social climate within local communities can be particularly effective. In this respect, members of residents’ autonomy committees and the heads of *tong* and *ban* —small neighborhood administrative units—perform important community functions. They serve as a bridge between local government and residents and perform administrative support functions in close contact with the local population. They provide a direct channel through which residents’ specific and everyday concerns are communicated to municipal authorities. By taking the lead in resolving community matters and conducting residents’ meetings, they directly facilitate communication between migrants and other residents at the grassroots level. Also, as important channels of communication among neighbors, they exert considerable influence on local public opinion and residents’ perceptions. Their understanding of the need to overcome racism and prevent discrimination can have a significant multiplier effect throughout the wider neighborhood and local community.

⁷ Many Korean language teachers in Korea are non-regular teachers and often required to work below 15 hours a week in order to be excluded from many statutory entitlements for regular workers.

Some municipal-level governments, including Ansan—a city with one of the highest proportions of migrant residents in Korea—have incorporated racial discrimination prevention training into regular monthly meetings in order to maximize both the effectiveness and reach of the training provided to members of residents’ autonomy committees and neighborhood unit heads. Rather than convening participants separately for training, the municipalities incorporated sessions on racial discrimination prevention and multicultural awareness into the official monthly meetings of residents’ autonomy committees and neighborhood unit heads, scheduling them immediately before or after the meetings. This approach has reportedly led to a substantial increase in participation.

Ansan provided the training to members of residents’ autonomy committees and neighborhood unit heads in every administrative *dong* within the city, thereby making the training available to all persons in the target groups. The training provided practical content based on everyday situations involving tensions or misunderstandings between migrant and non-migrant residents. It focused on how intercultural understanding and the principle of non-discrimination could be applied in practice.

Surveys and follow-up assessments conducted among participants indicate that the training may have significant positive effects. Although the majority of participants already recognized the importance and necessity of education on multicultural awareness and racial discrimination prevention, many reported that this was the first time in their lives that they had received systematic, in-person education on these issues. By providing accurate information to counter prejudice against migrants generated or reinforced by misinformation and disinformation, including so-called “fake news,” the training helped reduce participants’ misconceptions and prejudices concerning migrants. Improved awareness among community leaders who influence local public opinion is expected to strengthen their ability to mediate tensions between migrant and non-migrant residents and to contribute to a more inclusive and constructive atmosphere within local communities. This practice demonstrates how anti-racism and human rights education can be integrated into existing local-governance structures to reach adult citizens who would otherwise have limited opportunities to participate in such training.