

Republic of Korea

OFFICE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS

2018 Trafficking in Persons Report

Tier 1

KOREA, REPUBLIC OF: Tier 1

The Government of the Republic of Korea (ROK or South Korea) fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore South Korea remained on Tier 1. The government demonstrated serious and sustained efforts by identifying and providing services to a comparable number of victims relative to the previous reporting period, increasing inspections of entertainment businesses, and increasing efforts to reduce the demand for commercial sex acts. Although the government meets the minimum standards, it did not adequately address labor trafficking; the government investigated and prosecuted fewer cases, and penalized and deported trafficking victims due to inadequate identification efforts.

RECOMMENDATIONS FOR THE REPUBLIC OF KOREA

Increase efforts to investigate, prosecute, and convict traffickers under Chapter 31 of the criminal code, particularly for labor trafficking, and punish convicted offenders with sentences proportionate to the crime; train law enforcement officers, prosecutors, and judicial officials to understand “trafficking” does not require kidnapping, buying and selling, force, or confinement; establish and implement standard guidelines to proactively identify victims among vulnerable populations—including individuals arrested for prostitution, disabled persons, migrant workers in all visa categories, and workers on fishing vessels; establish and implement formal guidelines to refer sex and labor trafficking victims to services; designate a government entity responsible for coordinating efforts to combat both sex and labor trafficking; cease the penalization of victims for crimes they were forced to commit as a direct result of being subjected to human trafficking; investigate and prosecute those who use forced labor on South Korean-flagged fishing vessels; actively inspect industries with high potential for exploitation rather than relying on self-reporting of abuse by victims; draft and implement a trafficking-specific national action plan to guide governmental anti-trafficking efforts; establish a hotline to report potential trafficking crimes; proactively investigate and prosecute South Koreans soliciting child sex trafficking victims in South Korea and abroad; increase monitoring of trafficking vulnerabilities in South Korean government-issued entertainment visas, including verifying contracts and monitoring sponsoring establishments; and engage in efforts to reduce demand for forced labor, including in supply chains.

PROSECUTION

The government maintained law enforcement efforts. Chapter 31 of the criminal code criminalized sex and labor trafficking and prescribed penalties of up to 15 years imprisonment for trafficking crimes, which were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. In 2017, the government reported investigating 448 reported trafficking cases (562 in 2016), indicting 327 suspects (426 in 2016), and convicting 127 offenders (127 in 2016). Police investigated three cases of forced labor involving disabled victims. The government did not initiate any prosecutions under the trafficking statute in 2017. Of those convicted, 42 received suspended sentences and three were sentenced to a fine. Law enforcement entities did not have dedicated anti-trafficking teams. The government cooperated with foreign governments in the investigation and prosecution of sex trafficking cases. The government held numerous trainings throughout the year for prosecutors and law enforcement officers on sex trafficking issues and victim protection; however, government trainings did not address labor trafficking. Officials' understanding of human trafficking continued to be limited and inconsistent; there remained widespread, false perceptions that kidnapping, buying and selling, physical force, or confinement were required to qualify a case as trafficking. As a result, law enforcement and prosecutors pursued most trafficking offenses under provisions of the law with the less severe penalties. A police officer who engaged in commercial sex acts with a child was convicted under the act on the protection of child and juveniles against sexual abuse and sentenced to a fine of 15 million Korean Won (\$14,070) and 40 hours of "john school."

PROTECTION

The government maintained efforts to protect trafficking victims. The government identified and assisted 77 foreign sex trafficking victims, compared with 82 in 2016; comprehensive statistics for Korean or labor trafficking victims was unavailable; however the government reported identifying three labor trafficking victims and assisting 7,392 victims of sex trafficking or related crimes in 2017. The government continued to use and distribute guidelines established in 2013 to identify victims of sex trafficking but did not have guidelines to identify victims of labor trafficking. In 2016, the National Human Rights Commission distributed updated identification guidelines to government, but no agency had implemented these guidelines by the end of the reporting period. The Korean National Police Agency was responsible for guiding crime victims, including trafficking victims, from the initial point of contact with law enforcement to protection and support systems; however, the government did not issue or use formal guidelines for referring victims to services. The government did not report efforts to identify potential victims of trafficking aboard South Korean flagged fishing vessels. The Ministry of Gender Equality and Family (MOGEF) supported 96 facilities that provided services to female sex trafficking victims, in addition to victims of other types of crime. These facilities assisted trafficking victims through counseling services, shelter, education, and rehabilitation support. The government made some services offered through these facilities available to male victims, such as counseling, medical, and legal assistance. In addition, the government operated 31 counseling centers and shelters that trafficking victims with disabilities were able to access. Nonetheless, NGOs reported the quality of government services were not adequate for male, disabled, foreign, or juvenile victims. NGOs reported government officials lacked awareness of trafficking issues and did not utilize a victim-centered approach. As a result of ineffective identification procedures, authorities arrested, detained, and deported sex trafficking victims. Police and other government officials often

treated female South Korean and foreign sex trafficking victims as criminals, rather than identifying them as trafficking victims. The government offered foreign victims legal alternatives to their removal to countries in which they may face hardship or retribution. As an incentive to encourage foreign trafficking victims to participate in investigations and prosecutions, the government issued G-1 visas with permission to work for up to one year. However, NGOs reported authorities often did not make victims aware of their eligibility for G-1 visas and sometimes deported victims without referring to services. Victims could file a civil suit to receive restitution, and some victims received compensation during the reporting period.

PREVENTION

The government increased efforts to prevent trafficking. To raise awareness, the government conducted public service announcements, advertising campaigns, and events; distributed materials online; and publicized its anti-trafficking hotline. The Inspection Team for Implementation of the National Action Plan for the Promotion and Protection of Human Rights was responsible for coordinated governmental efforts to address sex trafficking but did not meet during the reporting period; there was no similar coordinating body for labor trafficking. In an effort to prevent exploitation among E6-2 entertainment visa holders, the government began to require visa holders to receive training on their rights and labor laws. In addition, MOGEF conducted inspections of 256 restaurants, bars, and illegal brothels (101 in 2016), and police arrested 323 building owners associated with illegal entertainment businesses. The Ministry of Employment and Labor (MOEL) inspected 20,000 workplaces for labor exploitation, in addition to 200 workplaces with high numbers of employees with disabilities and 3,069 businesses with foreign workers. The government found 7,053 violations in 1,510 workplaces with foreign workers (3,337 violations in 2016); MOEL instructed businesses to address violations, but it was unclear whether charges were brought against violators. MOEL provided interpretation and counseling services to migrant workers through 42 support centers that were partially funded by the government. The government did not operate a hotline specifically for reporting potential trafficking crimes, but MOGEF continued to operate hotlines in 13 languages that were accessible to trafficking victims, and the Ministry of Oceans and Fisheries continued to operate a hotline for foreign crewmembers on South Korean fishing vessels. The government lacked a trafficking-specific national plan of action; its 2012 human rights national action plan included some anti-trafficking efforts. The government did not make efforts to reduce the demand for forced labor. To reduce the demand for commercial sex acts, in 2017 the government began to require chatting websites and mobile applications to display a notice about sex trafficking and prostitution laws; provided schools, government agencies, local governments, and state-run corporations with anti-prostitution and trafficking education programs; and publicized the illegality of child sex tourism in airports, train stations, and travel agencies. South Korean men remained a source of demand for child sex tourism in Southeast Asia and the Pacific Islands. The government denied passport issuance to 11 South Koreans (four in 2016) for engagement in sex tourism abroad; the Gangwon Provincial Police arrested an individual suspected of operating a blog providing information to potential sex tourists. The government continued to provide anti-trafficking training to troops prior to and after their deployment abroad on international peacekeeping missions.

TRAFFICKING PROFILE

As reported over the past five years, the ROK is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. South Korean women are subjected to forced prostitution in South Korea and abroad. Some South Korean women enter destination countries on tourist, work, or student visas and are forced into prostitution in massage parlors, salons, bars, restaurants, or through internet-advertised escort services. Victims who owe debts to entertainment establishment owners or loan sharks are forced into prostitution. Some physically or intellectually disabled South Korean men are vulnerable to exploitation and have been forced to work on salt and cattle farms where they experience verbal and physical abuse, non-payment of wages, long work hours, and poor working and living conditions. Traffickers utilize smartphone applications to exploit victims, and South Korean children are vulnerable to sex trafficking through online recruitment. In need of money for living expenses and shelter, some runaway girls are subjected to sex trafficking.

Men and women from China, Thailand, the Philippines, Vietnam, Indonesia, and other countries in Asia, the Middle East, and South America are subjected to forced labor in South Korea and on fishing vessels registered and operated by South Koreans; some women from these regions are subjected to forced prostitution. Migrant workers, especially those from Vietnam, China, and Indonesia, can incur thousands of dollars in debt, contributing to their vulnerability to debt bondage. Approximately 400,000 low-skilled migrant workers, many employed under the government's employment permit system, work in fishing, agriculture, livestock, restaurants, and manufacturing; some of these workers face conditions indicative of forced labor. The ROK is a transit point for Southeast Asian fishermen subjected to forced labor on fishing ships bound for Fiji and other ports in the Pacific. Foreign fishermen aboard small fishing vessels operating beyond the purview of the government or owners' cooperatives are vulnerable to exploitation, including forced labor. Some foreign women on E6-2 entertainment visas—mostly from the Philippines, China, and Kyrgyzstan—are subjected to forced prostitution in entertainment establishments near ports and U.S. military bases. Some women from China, Vietnam, Thailand, the Philippines, and Cambodia, who are recruited for marriage to South Korean men through international marriage brokers, are subjected to forced prostitution or forced labor after their arrival. Some South Korean men engage in child sex tourism in Vietnam, Cambodia, Mongolia, and the Philippines.