

2019 Trafficking in Persons Report:

Republic of Korea

June 20, 2019

KOREA, REPUBLIC OF: Tier 1

The Government of the Republic of Korea (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. These efforts included funding and operating facilities to assist trafficking victims, training government officials to address sex trafficking, cooperating with foreign law enforcement in the investigation of trafficking cases, and coordinating government efforts to address sex trafficking. Although the government meets the minimum standards, it did not create formal guidelines for the identification of labor trafficking victims or provide training to law enforcement focused on labor trafficking. The quality of services offered by the government was not sufficient for male, disabled, foreign, and juvenile victims and authorities penalized, detained, and deported some victims for unlawful acts their traffickers compelled them to commit.

PRIORITIZED RECOMMENDATIONS

Proactively identify victims among vulnerable populations—including individuals arrested for prostitution and migrant workers. • Increase efforts to investigate, prosecute, and convict traffickers, particularly for labor trafficking, and punish convicted traffickers to significant prison terms. • Establish and implement formal guidelines for police, immigration, labor, and social welfare officials to identify and refer both sex and labor trafficking victims to support services. • Cease the penalization of victims for unlawful acts their traffickers compelled them to commit. • Revise the definition of human trafficking under South Korean law to more closely align with the definition in the 2000 UN TIP Protocol. • Increase efforts to train law enforcement officers, prosecutors, judicial officials, and social service providers to better understand trafficking as defined by international law. • Increase trafficking awareness training to officials working at migrant support centers and government hotlines. • Increase investigations and prosecutions of those who use forced labor on South Korean-flagged fishing vessels. • Designate a government entity responsible for coordinating efforts to combat both sex and labor trafficking. • Increase inspection of industries at high risk for exploitation to proactively identify victims, rather than relying on self-reporting of abuse by victims. •

Increase investigations and prosecutions of South Koreans soliciting child sex trafficking victims in South Korea and abroad.

PROSECUTION

The government maintained law enforcement efforts. Various articles under Chapter 31 of the Criminal Act, when read together, criminalized sex trafficking 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. Inconsistent with the definition of trafficking under international law, Article 289 (trafficking in persons) limited the definition of trafficking to require the buying or selling of another for exploitation and did not include a demonstration of force, fraud, or coercion as an essential element of the crime. However, Articles 288 (kidnapping, abduction, etc. for the purpose of indecent acts, etc.) and 292 (receiving, harboring, etc. of person kidnapped, abducted, trafficked or transported) could apply to trafficking offenses not covered under Article 289. Similarly, Article 12 of the Act on the Protection of Children and Juveniles Against Sexual Abuse incorrectly defined child sex trafficking to require transnational movement of the victim. However, various other articles under the law could be applied to child sex trafficking offenses that did not involve such movement. The absence of a law that defined trafficking consistent with international law resulted in inconsistent understanding of the crime among law enforcement and prosecutors, and inconsistent enforcement of trafficking-related laws.

Because there was no article in the Criminal Act that defined trafficking consistent with international law and because the government frequently conflated trafficking with related crimes such as prostitution, kidnapping, and other forms of sexual abuse, it was unclear how many of the investigations, prosecutions, and convictions reported by the government involved sex and labor trafficking. In 2018, the government reported investigating 372 cases (444 in 2017), indicting 109 suspects (101 in 2017), and convicting 75 offenders (90 in 2017) for crimes related to trafficking. The government reported sentencing the majority of those convicted for these crimes to unspecified terms of imprisonment; however, NGOs reported many traffickers did not receive significant prison terms. The government did not report any criminal investigations or prosecutions of child sex tourists, despite continued reports that South Korean men engaged in child sex tourism abroad. The government provided numerous trainings for police and prosecutors on sex trafficking; however, as in previous years, trainings for law enforcement did not specifically address labor trafficking, and some officials reportedly demonstrated a lack of understanding of the crime. Officials reported the Ministry of Employment and Labor (MOEL) treated some potential labor trafficking cases as administrative labor violations and did not refer these cases to law enforcement for criminal prosecution. Law enforcement entities did not have dedicated anti trafficking teams. The government cooperated with foreign law enforcement in the investigation and prosecution of sex trafficking cases. The government did not report any cases of investigations, prosecutions, or convictions of government employees

complicit in trafficking offenses; however, NGOs reported some police officers were involved in sexually exploiting children, some of whom may have been sex trafficking victims.

PROTECTION

The government maintained efforts to protect trafficking victims. However, it did not maintain comprehensive statistics on the number of trafficking victims it identified, and the government did not report if those assisted by the government were trafficking victims as defined by international law. Government officials used the Guidelines for the Identification of Sex Trafficking Victims to identify victims and refer them to support services. However, observers reported some officials did not adequately implement identification procedures and the government did not have formal guidelines for the identification of labor trafficking victims. The Korean National Police Agency operated teams that were responsible for guiding crime victims, including trafficking victims, from the initial point of contact with law enforcement to protection and support systems. The Ministry of Gender Equality and Family (MOGEF) supported numerous facilities that provided services to victims of crime. These facilities were available to assist trafficking victims through counseling services, shelter, education, and rehabilitation support. While these facilities primarily served female victims, the government made some services, such as counseling and medical and legal assistance, available to male victims. Nonetheless, NGOs reported the government services were limited for male, disabled, foreign, and juvenile victims. The government issued G-1 visas to foreign victims of crimes, which allowed victims to stay and work in South Korea for up to one year while cooperating in investigations and prosecutions; the government did not report the number of trafficking victims issued G-1 visas during the reporting period. Victims could file civil suits to receive compensation; the government did not report whether any victims received such compensation.

NGOs reported some government officials' lack of understanding of all forms of trafficking resulted in misidentification and the penalization of some victims for unlawful acts their traffickers compelled them to commit. Insufficient coordination among agencies resulted in the deportation of some trafficking victims after the completion of investigations of their traffickers. In addition, the government detained some foreign sex trafficking victims during investigations against their traffickers and deported them after investigations were completed. Officials punished some foreign victims who willingly came to Korea—often through fraudulent recruitment—but were later exploited by traffickers, as visa violators. NGOs reported the government's policy requiring child sex trafficking victims to stay in government shelters deterred victims from seeking assistance. In addition, when exploited workers contacted government hotlines or migrant support centers, some officials reportedly did not take steps to screen cases for potential indicators of trafficking or refer victims to services, and instead often encouraged workers to remedy their situation through their employer. The government did not report screening the more than 355,000 undocumented migrants detained in government facilities for indicators of trafficking.

PREVENTION

The government maintained efforts to prevent trafficking. The government continued efforts to raise awareness of sex trafficking through public broadcasting programs and ad campaigns. It did not report awareness efforts for labor trafficking. The Inspection Team for the Promotion of Policies for Preventing Sex Trade, which was responsible for coordinating governmental efforts to prevent prostitution and sex trafficking, met three times during the reporting period. The government did not take steps to coordinate efforts to address labor trafficking, and observers reported the absence of a dedicated government entity responsible for coordinating all anti-trafficking efforts resulted in insufficient efforts to protect victims. In August 2018, the government issued its third National Action Plan for the Promotion and Protection of Human Rights, which included some anti-trafficking efforts. MOGEF shut down websites used to advertise commercial sex acts and continued to distribute trafficking awareness leaflets to 20 diplomatic missions abroad. 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 (MOF) continued to operate a hotline for foreign crew members on South Korean fishing vessels; nonetheless, observers reported interpreters were sometimes not available when migrants called government hotlines, and the government did not report how many trafficking-related calls these hotlines received.

MOEL inspected 3,120 workplaces that employed migrant workers in 2018 but did not identify any cases of forced labor. MOF and MOEL conducted inspections of fishing vessels; MOF reported its inspections were mainly conducted with the companies that owned vessels, and inspectors rarely boarded vessels to speak with workers. MOEL provided pre- and post-arrival education to migrants working under the government's Employment Permit System (EPS); however, NGOs continued to report traffickers exploited migrant workers through EPS. MOEL provided interpretation, medical treatment, and counseling services to migrant workers through 43 support centers that were partially funded by the government. Local governments reportedly encouraged and provided financial assistance to South Korean farmers to pursue marriages to foreign women through brokers; these women may have been vulnerable to sex trafficking and domestic servitude. To reduce the demand for commercial sex acts, officials provided schools, government agencies, and other public organizations with anti-prostitution and trafficking education programs, and it publicized the illegality of child sex tourism in airports, train stations, and travel agencies. The government denied passport issuance to three South Koreans (11 in 2017) for engagement in sex tourism abroad. The government did not make efforts to reduce the demand for forced labor.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in South Korea, and traffickers exploit victims from South Korea abroad.

Traffickers exploit South Korean women and children in sex trafficking in South Korea and abroad. Some South Korean women enter destination countries on tourist, work, or student visas and are exploited in sex trafficking in massage parlors, salons, bars, and restaurants, or through internet-advertised escort services. Traffickers force victims who owe debts to entertainment establishment owners or loan sharks into prostitution. Traffickers have forced some physically or intellectually disabled South Korean men to work on salt and cattle farms. Traffickers subject men and women from China, Indonesia, the Philippines, Russia, Thailand, Vietnam, and other countries in Asia, the Middle East, and South America to forced labor and sex trafficking in South Korea. Some foreign women on E6-2 entertainment visas—mostly from China, Kyrgyz Republic, and the Philippines—are subjected to sex trafficking in entertainment establishments near ports and U.S. military bases. Migrant workers, especially those from China, Indonesia, Pakistan, and Vietnam can incur thousands of dollars in debt, contributing to their vulnerability to forced labor. Approximately 400,000 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. Traffickers exploit foreign workers on fishing vessels registered and operated by South Koreans. South Korea 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. Traffickers subject some women from Cambodia, China, the Philippines, Thailand, and Vietnam, who are recruited for marriage to South Korean men through international marriage brokers to sex trafficking or forced labor after their arrival. Some South Korean men engage in child sex tourism in Cambodia, China, Mongolia, the Philippines, and Vietnam.