

Trafficking in Persons Report 2013

KOREA, REPUBLIC OF (Tier 1)

The Republic of Korea (ROK or South Korea) is a source, transit, and destination country for men and women subjected to forced prostitution and forced labor. Some men and women from Russia, Pakistan, Kyrgyzstan, Uzbekistan, Kazakhstan, Morocco, Colombia, Mongolia, China, the Philippines, Thailand, Cambodia, the Democratic People's Republic of Korea (North Korea), Vietnam, Japan, and other Southeast Asian countries are subjected to forced labor, and some women are subjected to forced prostitution. Despite increased regulations on the E-6 entertainment visas, some foreign women who enter the country on this visa are forced into prostitution. Some women from less-developed countries recruited for marriage with South Korean men through international marriage brokers are subjected to forced prostitution or forced labor subsequent to their arrival in the ROK. South Korean women are subjected to forced prostitution domestically and abroad in destinations including the United States, Canada, Japan, and Australia. Some are coerced by traffickers to whom they owe debts. Commercial sexual exploitation of South Korean teenagers in the country remains a problem.

Migrant workers who travel to the ROK for employment can incur thousands of dollars in debts, contributing to their vulnerability to debt bondage. There are approximately 500,000 low-skilled migrant workers in the ROK from other countries, many of whom are working under the government's Employment Permit System (EPS). While both South Korea and origin countries consider the EPS a positive example of a guest worker program, non-EPS workers and some EPS workers still face conditions indicative of forced labor, including nonpayment of wages and work upon arrival in the ROK that differs from the job description offered to them in their country of origin.

The Government of the Republic of Korea fully complies with the minimum standards for the elimination of trafficking. The government enacted an amended criminal code in March 2013 that defines trafficking in persons as a distinct crime and prohibits all of its forms. The government reported an increased number of sex and labor trafficking convictions during the reporting period. The government also increased its diplomatic efforts in combating trafficking, and re-opened an investigation into alleged forced labor aboard South Korean-flagged fishing vessels operating in New Zealand waters. The government, however, still lacks comprehensive victim identification and referral procedures.

Recommendations for the Republic of Korea: Demonstrate efforts to investigate, prosecute, and convict trafficking offenders under the newly amended criminal code; take steps to increase awareness of child sex tourism and increase law enforcement efforts to investigate and prosecute South Koreans engaging in such acts; decrease the rate of suspended sentences and out-of-court financial settlements in sex and labor trafficking cases; develop and implement formal victim identification procedures to identify proactively trafficking victims among vulnerable populations, including women arrested for prostitution, migrant workers in the EPS, and illegal immigrants; investigate and prosecute offenders on South Korean-flagged fishing vessels; assist male labor trafficking victims; implement a new data

collection system for prosecutions and convictions that aligns with the newly amended criminal code; and conduct a comprehensive study or survey on the scope of labor trafficking in South Korea.

Prosecution

The ROK government took active steps to increase its law enforcement efforts during the reporting period. In March 2013, the National Assembly unanimously passed legislation that brings chapter 31 of the criminal code into conformance with the trafficking definitions of the UN Palermo Protocol. With this important step, South Korea now prohibits all forms of trafficking. The revised statute prescribes up to 15 years' imprisonment; these penalties are sufficiently stringent and commensurate with those prescribed penalties for other serious crimes, such as rape. Prior to the amendment of the criminal code, the government used its 2004 Act on the Punishment of Acts of Arranging Sexual Traffic and its Labor Standards Act to prosecute and punish most trafficking offenses. During the reporting period, under the law before it was amended, government authorities obtained convictions in 30 sex trafficking cases, compared with 11 from the previous reporting period, and obtained convictions in 19 labor trafficking cases, compared with three in the previous reporting period. Convicted sex trafficking offenders received sentences ranging from three to five years; some of the convicted labor trafficking offenders received suspended sentences, raising concerns that penalties are insufficient for this serious crime. During the reporting period, media and NGOs continued to highlight allegations of forced labor conditions aboard South Korean-flagged fishing vessels in New Zealand waters, including non-payment and underpayment of wages, and called for action by South Korean fishing companies. The National Human Rights Commission of South Korea issued a report stating the urgent need to protect the rights of foreign sailors hired by Korean deep-sea fishing companies. In 2012, prosecutors in Busan City dismissed criminal indictments against alleged offenders in one set of cases of labor abuses on ROK-flagged fishing vessels. In January 2013, the government reported that these cases had been reopened and there would be further investigations of 12 ROK-flagged fishing vessels. Despite reports of South Korean men engaging in child sex tourism in Southeast Asian countries, there have been no reported prosecutions or convictions for such crimes in the past six years.

During the reporting period, the government funded training for 410 local government officials, teachers, and police officers on investigating sex trafficking crimes against women and children. The Ministry of Justice also hosted three separate events to train prosecutors and investigators on sex trafficking crimes. The government did not report any investigations or prosecutions of government employees for trafficking-related offenses during the reporting period.

Protection

The ROK government sustained strong efforts to protect trafficking victims during the reporting period. The government provided financial support to NGOs that offer shelter, counseling, medical and legal assistance, vocational training, educational programs, and rehabilitation services to a variety of persons in need, including sex and labor trafficking victims. The Ministry of Gender Equality and Family (MOGEF) operated 18 shelters for victims of sex trafficking, sexual assault, and domestic violence. The Ministry of

Employment and Labor (MOEL) operated 34 Foreign Workforce Centers for Migrant Workers and one foreign workforce counseling center; 14 centers have lodging facilities where foreign workers can stay up to three months, with extensions possible. The government continued to operate one specialized shelter for foreign victims of sex trafficking, assisting 35 victims during the first half of 2012. The government also maintained an extensive network of support centers for foreign-born spouses and runaway teenagers, two groups vulnerable to trafficking in South Korea. The National Police Agency (NPA), in partnership with MOGEF, instituted a program in which social welfare counselors accompany police officers when arresting women involved in prostitution to identify potential victims of trafficking and provide assistance. The government offered foreign victims of trafficking legal alternatives to their removal to countries in which they may face hardship or retribution. The government's G-1 visa system allowed foreign workers to remain and work in South Korea for up to one year to participate in investigations against their employers. At least one of the 251 G-1 visa holders in 2012 was a victim of sex trafficking. Three victims of trafficking also received work permits during the reporting period. Victims of trafficking are not punished for crimes committed as a direct result of being in a trafficking situation. The government lacked systematic victim identification and referral procedures, though it reported it was in the process of drafting such procedures during the year.

Prevention

The ROK government increased its efforts to prevent human trafficking during the reporting period. The government continued to conduct a wide variety of campaigns to raise awareness of sex trafficking in South Korea. A new law passed in August 2012 required places of entertainment to post signs stating that debt bondage is illegal and to publicize the MOGEF trafficking hotline. MOGEF and local governments began joint inspections for compliance with the law and fined 18 businesses for noncompliance. MOGEF also operated hotlines in 14 different languages. In January 2013, the Ministry of Land, Transportation, and Maritime Affairs stated it had established a hotline for foreign crew members on vessels that is dedicated to assisting and rescuing potential victims of trafficking. South Korean embassies around the world provided educational materials to local NGOs and more than 5,000 foreign spouses emigrating to Korea. The NPA increased law enforcement efforts to target owners of large entertainment businesses that encourage commercial sex and arrested people who produced and distributed prostitution-related pamphlets. MOEL surveyed foreign workers about issues related to labor law violations and conducted inspections for violations of labor trafficking. South Korean authorities continued to train law enforcement and other government officials about trafficking and used a standardized training program on how to prevent forced prostitution. MOGEF dispatched civil experts to help and support Korean trafficking victims in Australia.

South Korean men remain a source of demand for child sex tourism in Southeast Asia and the Pacific Islands. The Korea Institute of Criminology in January 2013 published a report about child sex tourism by Korean nationals in Southeast Asia. The report recommended the government undertake a more robust public campaign outlining the repercussions of child sex tourism, greater cooperation with the travel industry to reduce demand, and increased law enforcement efforts to punish Korean nationals who engage in child sex tourism. The government posted child sex tourism warnings and information at

airport and railroad stations, as well as on the websites for South Korean embassies in Southeast Asian countries. The government reported confiscating some passports from South Korean nationals allegedly engaged in sex trafficking abroad, but could not confirm their involvement with child sex tourism. The ROK government continued to provide anti-trafficking training to troops prior to their deployment abroad on international peacekeeping missions.

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