

Republic of Korea

Office To Monitor and Combat Trafficking in Persons

2016 Trafficking in Persons Report

REPUBLIC OF KOREA: Tier 1

The Republic of Korea (ROK or South Korea) 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. Some victims who owe debts to entertainment establishment owners or loan sharks are forced into prostitution. Some disabled or intellectually disabled Korean men are forced to work on salt farms where they experience verbal and physical abuse, non-payment of wages, long work hours, and poor working and living conditions. South Korean children are vulnerable to sex trafficking and commercial sexual exploitation 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, the Philippines, Vietnam, Indonesia, and other countries in Asia, the Middle East, and South America are subjected to forced labor in South Korea; 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 500,000 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. 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. South Korean men engage in child sex tourism in Vietnam, Cambodia, Mongolia, and the Philippines. 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.

The Government of the Republic of Korea fully meets the minimum standards for the elimination of trafficking. During the reporting period, the government ratified the UN Convention against Transnational Organized Crime and the 2000 UN TIP Protocol. Authorities investigated 421 reported cases linked to human trafficking, indicted 146 cases involving 214 defendants, and obtained 64 trafficking convictions. The government conducted public awareness campaigns and maintained efforts to train public officials on anti-trafficking investigation procedures, victim identification, and victim protection. Despite the alignment of written law with anti-trafficking international standards, the government continued to narrowly define “trafficking” in practice, applying laws with lower penalties to trafficking crimes and failing to follow victim-centered procedures in law enforcement operations.

RECOMMENDATIONS FOR THE REPUBLIC OF KOREA:

Increase efforts to investigate, prosecute, and convict traffickers under the criminal code and ensure convicted offenders receive sufficiently stringent sentences; train law enforcement officers, prosecutors, and judicial officials to interpret “trafficking” as defined in the criminal code—not requiring kidnapping, buying and selling, force, or confinement; proactively identify trafficking victims among vulnerable populations—including individuals arrested for prostitution, disabled persons, and migrant workers in all visa categories—using standard victim identification guidelines; actively inspect industries with high potential for exploitation, such as salt farms, rather than relying on self-reporting of abuse by victims; proactively investigate and prosecute South Koreans engaging in sex acts with child sex trafficking victims in South Korea and abroad; increase monitoring of and establish measures to address trafficking vulnerabilities in South Korean government-issued entertainment visas, including verifying contracts and monitoring sponsoring establishments; and continue to investigate and prosecute those who use forced labor on South Korean-flagged fishing vessels.

PROSECUTION

The government sustained anti-trafficking law enforcement efforts. Chapter 31 of the criminal code prohibits all forms of trafficking and prescribes up to 15 years’ imprisonment for trafficking crimes; these penalties are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. The government continued to use the less stringent 2004 Act on the Punishment of Acts of Arranging Sexual Traffic, the Labor Standards Act, and the Act on the Protection of Children and Juveniles against Sexual Abuse to prosecute and punish most

trafficking offenses. The government investigated 421 reported human trafficking cases, indicted 214 suspects, and convicted 64 traffickers. Most of the convicted traffickers received sentences of less than three years' imprisonment, with fines and community service, but many offenders received suspended sentences in practice. Prosecutors and police officers complained of inconsistent application of immigration regulations and actual time served by those convicted. After a March 2014 case involving hundreds of disabled South Korean men exploited in salt farms, the government inspected over 800 salt farms and convicted 40 owners and brokers for various violations. However, more than half of those received suspended sentences, and employers subsequently began to evade inspection by having employees register as owner-operators of small plots of land. The Ministry of Justice and National Police Agency (NPA) held a series of training courses and seminars throughout the year for prosecutors, judges, and law enforcement officers on anti-trafficking issues, identification of victims, and victim protection. Prosecutors indicted two postal workers for running a prostitution ring and also indicted a police officer who attempted to assist them.

PROTECTION

The government sustained efforts to protect and assist trafficking victims. In 2015, NPA created a new victim protection division responsible for guiding crime victims, including trafficking victims, from the initial point of contact with law enforcement to protection and support systems. The government identified and assisted 58 foreign sex trafficking victims, compared with 58 in 2014; statistics for South Korean or foreign labor trafficking victims were unavailable. Although the government established sex trafficking victim identification guidelines in 2013 and implementation remained ongoing, many law enforcement officers reported not knowing about them, and the government continued to lack labor trafficking victim identification guidelines. Ministry of Gender Equality and Family (MOGEF) continued to support 91 facilities that provide services specifically to sex trafficking victims, and 8,410 persons used those facilities or services in 2015. Ministry of Employment and Labor (MOEL) operated 39 foreign workers' support centers and funded NGOs that offered similar services; hundreds of workers, some of whom were trafficking victims, received counseling, education, job training, and lodging. NPA continued to work with social workers when screening women involved in prostitution to identify and assist potential trafficking victims. Although the law provides that trafficking victims would not be punished, women in prostitution caught during police raids or arrested migrant workers were fined, required to attend training, or deported, without being screened for indicators of trafficking. Police reportedly forced some victims to recreate incidents in bars and clubs, and allowed club owners suspected of trafficking crimes to meet with victims held in detention where they may have threatened victims. The government maintained an extensive network of support centers for foreign-born spouses and runaway teenagers, two groups

vulnerable to trafficking. 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 trafficking victims to participate in investigations and prosecutions, the government issued G-1 visas with permission to work for up to one year. Victims could file a civil suit to receive restitution, but it is unclear how many victims pursued this option.

PREVENTION

The government increased efforts to prevent trafficking. In November 2015, the government ratified the UN Convention against Transnational Organized Crime and the 2000 UN TIP Protocol. In partnership with 16 city and provincial offices and over 200 agencies, MOGEF sponsored the first “Sex Trafficking Prevention Week” through the promotion of ROK anti-prostitution policies, online materials, public service announcements, and events to raise awareness of the dangers of sex trafficking. To mark the start of the campaign, MOGEF convened an international anti-sex trafficking symposium with participation from international experts. NPA conducted inspections to enforce laws prohibiting sex trafficking and labor trafficking in the fishing industry and sex trafficking and recruitment among tourists and tour groups. MOEL inspected 8,000 businesses employing minors, 506 businesses with at-risk female employees, and 3,000 businesses with foreign workers. MOGEF continued to operate hotlines in 13 languages accessible to trafficking victims, and the Ministry of Oceans and Fisheries continued to operate a hotline for foreign crew members. MOEL educated 4,552 persons on anti-labor trafficking laws and policies, and the government supported anti-sex trafficking programs in schools. The government lacked a trafficking-specific national plan of action, but included proposed anti-trafficking efforts in its human rights national action plan. To address demand for forced labor, the government continued to educate salt farm owners on labor rights and standards following the discovery of widespread abuses in 2014. To curb the demand for commercial sex acts, the government carried out awareness campaigns at airports, railroad stations, and with travel agencies. South Korean men remained a source of demand for child sex tourism in Southeast Asia and the Pacific Islands, traveling primarily on travel-agency-organized golf group tours or business trips. The government denied passport issuance to 15 South Koreans for engagement in sex tourism abroad; however, it did not prosecute or convict any South Korean sex tourists. The government continued to provide anti-trafficking training to troops prior to their deployment abroad on international peacekeeping missions and anti-trafficking training to its diplomatic personnel.

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