

South Korea - United States Department of State

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 investigating one case of labor trafficking on a fishing vessel, training officials on sex trafficking, distributing victim identification guidelines to police and prosecutors, holding an interagency meeting to discuss labor trafficking on fishing vessels, and adopting regulations aimed at reducing the vulnerability of entertainment visa holders to sex trafficking. Although the government meets the minimum standards, it did not track the number of identified trafficking victims and in some cases, authorities did not provide adequate care to victims. Authorities penalized, detained, and deported some victims for unlawful acts their traffickers compelled them to commit. The government did not sentence the majority of convicted traffickers to significant terms of imprisonment, adequately investigate labor trafficking crimes, or protect victims of labor trafficking. The absence of a comprehensive law that defined trafficking consistent with international law continued to undermine the government's anti-trafficking efforts.

PRIORITIZED RECOMMENDATIONS:

Proactively identify victims among vulnerable populations, including individuals in commercial sex and migrant workers. • Increase and improve training on victim identification guidelines to police, immigration, labor, and social welfare officials to ensure effective identification of victims of labor and sex trafficking. • Enact a comprehensive anti-trafficking law that criminalizes all forms of trafficking in persons, in line with the definition of trafficking under the 2000 UN TIP Protocol, and that prescribes penalties that are sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other grave crimes. • Increase efforts to investigate, prosecute, and convict traffickers, particularly for labor trafficking. • Cease the penalization of victims for unlawful acts their traffickers compelled them to commit, including by improving coordination between police and immigration in cases involving foreign victims. • Punish the majority of convicted traffickers to significant prison terms. • Improve the quality of specialized services provided to trafficking victims, especially male, juvenile, foreign, and victims with disabilities. • Establish and implement formal procedures for police, immigration, labor, and social welfare officials to refer both sex and labor trafficking victims to support services. • Increase efforts to train law enforcement officers, prosecutors, judicial officials, and social service providers to better understand "trafficking" as defined by international law. • Increase investigations and prosecutions of those who use forced labor on South Korean-flagged fishing vessels. • Establish a system to collect trafficking law enforcement and victim protection data that distinguishes trafficking from other crimes such as commercial sex. • Increase trafficking awareness training to officials working at migrant support

centers and government hotlines. • Increase interagency coordination on efforts to combat both sex and labor trafficking, including through the newly established interagency task force.

PROSECUTION

The government maintained law enforcement efforts but continued to make inadequate efforts to prosecute labor traffickers. 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 a 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 comprehensive law that defined trafficking consistent with international law resulted in varying understanding of the crime among law enforcement and prosecutors. Government officials frequently conflated trafficking with related crimes such as commercial sex, kidnapping, domestic violence, and other forms of sexual abuse.

While the government maintained general statistics on victims and offenders across all subsections of the criminal code, it did not adequately distinguish trafficking cases from related crimes such as commercial sex and kidnapping, in large part due to a lack of understanding by officials of what constituted trafficking and the lack of comprehensive trafficking legislation that conformed with international law. In 2019, the government reported investigating 395 cases (372 in 2018), indicting 90 suspects (109 in 2018), and convicting 77 offenders (75 in 2018) for crimes related to trafficking. The government reported sentencing 30 offenders to at least one year imprisonment but the majority of those convicted for trafficking-related crimes were sentenced to suspended terms of imprisonment or fines. Observers reported the government's failure to sentence traffickers to sufficiently stringent sentences resulted in some instances of previously convicted offenders resuming trafficking activities. The Korean Coast Guard (KCG) investigated one case involving labor trafficking in the fishing industry. A local NGO reported government efforts to investigate trafficking in the fishing industry were ineffective due to methods used to interview workers, which often involved preannounced visits that were also often conducted in locations such as the offices of labor unions where fishermen were not comfortable speaking openly. The government cooperated with foreign law enforcement, including from the United States, in the investigation and prosecution of sex trafficking cases. The government did not report any criminal investigations or prosecutions of South Korean men who, according to anecdotal reports, engaged in child sex tourism abroad.

The Ministry of Gender Equality and Family (MOGEF) provided sex trafficking

training to 417 of its new and current employees and to 452 police officers on victim identification and protection. 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, particularly in cases involving debt-based coercion. 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. Some NGOs expressed concern that the government often did not prosecute cases involving debt-based coercion due to a perceived lack of jurisdiction over recruitment that generally initiated in a victim's home country. Some officials reported the lack of an option to provide foreign trafficking victims with long-term or permanent residency discouraged victims from participating as witnesses in investigations of their traffickers. Official complicity in trafficking-related crimes was a concern, inhibiting law enforcement action during the year. From 2015 to 2019, law enforcement arrested more than 500 government officials, including police, for soliciting prostitution; the government did not report screening these cases specifically for potential trafficking crimes. The government sentenced one police officer to six years' imprisonment for leaking investigative information to the operators of a website advertising commercial sex acts, which may have been used for the exploitation of trafficking victims. The Korean National Police Agency (KNPA) fired 22 out of 30 police officers allegedly involved in leaking information on planned raids to a brothel operator; however, the government did not report investigating officers' potential involvement in trafficking crimes.

PROTECTION

The government maintained efforts to protect sex trafficking victims but made inadequate efforts to protect labor trafficking victims. Officials continued to be unable to track or provide the number of trafficking victims identified thereby making some aspects of their overall protection efforts unclear. The government reported distributing victim identification guidelines created by the National Human Rights Center of Korea (NHRCK) to police and prosecutors. MOGEF also continued to distribute the Guidelines for the Identification of Sex Trafficking Victims to Ministry of Justice (MOJ) and KNPA officials. Law enforcement referred individuals in commercial sex to support facilities operated by MOGEF but did not identify how many were victims of sex trafficking. MOGEF provided services to 6,924 individuals in its support facilities in 2019, compared to 6,887 in 2018. Observers reported some officials did not adequately implement identification procedures or take steps to proactively identify victims. MOGEF conducted outreach in "red-light districts" to assist individuals in commercial sex but did not report how many trafficking victims were identified through these efforts. Labor inspectors did not utilize victim identification guidelines during inspections. 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. In January 2020, the MOJ reported implementing new regulations that would increase opportunities for immigration officials to interact with entertainer visa holders and that would require entertainer visa holders to complete a sex trafficking identification questionnaire when renewing their visa status. However, a local NGO noted concerns that this measure required victims to self-identify, and that victims' well-founded fears of penalization and deportation made it unlikely they would reveal their exploitation through such

questionnaires.

KNPA operated teams that were responsible for guiding all crime victims, which could include trafficking victims, from the initial point of contact with law enforcement to protection and support systems. However, the government did not have a formal referral process to guide officials in referring trafficking victims to services. MOGEF supported 96 facilities that provided services to victims of crime. These facilities were available to assist trafficking victims through counseling services, shelter, education, and rehabilitation support; however, the government did not report providing services designed specifically for trafficking victims. While these facilities primarily served female victims, the government made some services, such as counseling, medical, and legal assistance, available to male victims. Nonetheless, some NGOs reported the quality of victim care was insufficient, particularly for male, victims with disabilities, 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. The government did not assist in the repatriation of any Korean victims exploited abroad during the reporting period. Victims could file civil suits to receive compensation; the government did not report whether any victims received such compensation.

NGOs continued to report 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. NGOs reported the government detained some foreign sex trafficking victims during investigations against their traffickers and deported them after investigations were completed. KNPA, MOF, and MOJ acknowledged some such instances of deportation of trafficking victims, including some who self-reported, and attributed it to a breakdown in communication between investigators and immigration authorities. KNPA reported it had a policy to not inform immigration officials of the illegal status of victims who self-reported their exploitation to authorities; however, this policy was not extended to victims who did not self-identify or were not accompanied by legal counsel or other service providers. One NGO reported police did not adequately identify foreign victims of sex trafficking and reported they were required to refer victims to immigration authorities within 48 hours. According to some NGOs, officials punished some foreign victims who willingly came to Korea—often through fraudulent recruitment—but were later exploited by traffickers, as visa violators.

PREVENTION

The government maintained efforts to prevent 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 twice during the reporting period. Members of the Inspection Team discussed measures to prevent sex trafficking, including through the online recruitment of minors through chat applications, and protections for entertainment visa holders. The government did not adequately coordinate efforts to address labor trafficking during the majority of the reporting period. However, in March 2020 the government established an interagency taskforce responsible for coordinating efforts to combat both sex and labor trafficking. The taskforce was chaired by the Deputy Foreign Minister and was composed of senior-level representatives from the

executive office of the president, Ministry of Foreign Affairs (MOFA), MOJ, MOGEF, KNPA, KCG, and MOEL. Nonetheless, observers reported the absence of a dedicated government entity responsible for coordinating all anti-trafficking efforts during the majority of the reporting period continued to result in insufficient efforts to protect victims. In November 2019 the MOFA hosted an interagency meeting to discuss labor trafficking in the fishing industry. The government did not report awareness efforts for labor trafficking, but continued efforts to raise awareness of sex trafficking through public broadcasting programs and ad campaigns. The Act on Prevention of Commercial Sex Acts and Protection required the government to conduct a survey on commercial sex every three years; during the reporting period MOGEF completed the survey covering the period of May to December 2019 and expected to publish the results in April 2020. MOGEF continued to distribute trafficking awareness leaflets to Korean diplomatic missions abroad and anti-trafficking organizations in countries where Koreans were vulnerable to trafficking. In January 2020, MOJ introduced regulations that limited the duration of stay for entertainment visa holders to six months and, in order to ensure workers maintain control of their alien registration cards, prevented the owners of entertainment establishments from completing visa paperwork on behalf of workers. MOGEF organized training sessions for teachers and law enforcement on the use of chat applications and other online tools used to facilitate commercial sex and sex trafficking. The government suspended cell phone numbers used to advertise commercial sex acts. To reduce the demand for commercial sex acts, officials provided schools, government agencies, and other public organizations with anti-commercial sex and trafficking education programs, and it publicized the illegality of child sex tourism in airports, train stations, and travel agencies. 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 officials reported the MOF hotline had not received a call in two years. During the reporting period MOF issued regulations that mandated deep-sea fishing vessels to provide internet access to crew members by 2022 in order to receive financial support from the government.

The government conducted interagency inspections of 59 establishments that employed migrant workers with entertainment visas and identified 65 violations but did not report if any victims of trafficking were identified through these efforts. MOEL conducted more than 10,000 labor inspections in 2019, including in workplaces that employed migrant workers and workers with disabilities, but did not identify any cases of forced labor. MOEL often provided employers advanced notice of when inspections would take place, allowing unscrupulous employers to hide indicators of trafficking and coach victims for interviews ahead of inspections. MOF and MOEL conducted inspections of fishing vessels; MOF reported its inspections were mainly conducted with companies that owned vessels and inspectors rarely boarded vessels to speak with workers. The lack of adequate enforcement of the Seafarers Law's prohibition of recruitment fees allowed recruiters to charge high fees that perpetuated debt bondage among migrant fishermen. KCG continued to conduct biannual operations to identify human rights violations against marine workers, which resulted in 81 arrests in 2019 (90 in 2018) for crimes related to non-payment of wages, abuse, and poor working conditions; however, the government did not report whether it identified any workers as trafficking victims.

NGOs continued to report traffickers exploited migrant workers through the government's Employment Permit System (EPS). MOEL provided pre- and post-arrival education to migrants working under EPS; however, NGOs claimed these trainings focused primarily on adapting to Korean culture rather than workers' rights and trafficking awareness. MOEL provided interpretation, medical treatment, and counseling services to migrant workers through 43 support centers that were partially funded by the government. To increase oversight of recruitment agencies, the MOF created a requirement in 2019 that agencies submit expenses incurred during their recruitment of migrant fishermen; however, NGOs expressed concern that the government did not adequately investigate recruitment agencies. NGOs reported the government's restrictions on the ability of migrant workers employed under EPS to change employers increased their vulnerability to exploitation. The government asserted it would permit workers who report exploitation or labor violations to MOEL to change employers while MOEL investigated their claims. According to NGOs, however, MOEL reportedly did not adequately investigate workers' claims and instead workers spent months attempting to prove their exploitation to MOEL before receiving permission to change their place of employment. In addition, a local NGO noted that employers who exploited their workers often only received small fines or suspended sentences.

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, including runaway youth and victims of domestic violence, in commercial sex including in bars, nightclubs, and other entertainment establishments. Traffickers increasingly utilized smartphone and chat applications to recruit and coerce victims to engage in commercial sex acts and to facilitate trafficking by communicating with purchasers of commercial sex. Chat room operators recruit Korean women and children, including child sex trafficking victims, and threaten them with the release of compromising photographs to coerce them to participate in the production of pornographic materials. 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 subject men and women from China, Thailand, Russia, the Philippines, Vietnam, Indonesia, and other countries in Asia, the Middle East, and South America to forced labor and sex trafficking in South Korea. Traffickers force victims who owe debts to entertainment establishment owners or loan sharks into commercial sex. Sex traffickers exploit some foreign women on E6-2 entertainment visas—many from the Philippines and Thailand—in bars and clubs, including “foreigners only” bars near ports and U.S. military bases. Job brokers, unscrupulous recruitment agencies, and managers of bars and clubs recruit foreign women under false promises of jobs as singers or performers but instead coerce victims to work excessive hours selling juice and alcohol, and to engage in commercial sex acts in clubs. Some victims are not provided an adequate number of days off, face harassment, verbal and physical abuse, and are paid below the minimum wage or have their wages withheld to discourage them from leaving Korea or seeking new employment. Some bar managers reportedly confiscated victims' passports or alien registration cards and restrict their ability to go outside their workplace. Women from the Philippines and other countries in Asia enter Korea on tourist visas after receiving false promises of short-term work in factories or other industries but then have their passports

confiscated by traffickers who force them to work in clubs and engage in commercial sex acts. Some women from China, Vietnam, Thailand, the Philippines, and Cambodia, who are recruited for marriages to South Korean men through international marriage brokers, are vulnerable to sex trafficking and forced labor after their arrival. Some South Korean men reportedly engage in child sex tourism in other Asian countries.

Traffickers have forced some physically or intellectually disabled South Korean men to work on fishing vessels and salt and cattle farms. Unscrupulous labor recruiters contribute to the forced labor of migrant workers, especially those from Vietnam, Pakistan, China, and Indonesia, through debt-based coercion by charging workers excessive fees, sometimes leading to thousands of dollars in debt. 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. Boat owners, captains, and job brokers 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 face exploitation, including forced labor, often through debt-based coercion. Anecdotal reports indicate government officials are complicit in trafficking and related crimes. Traffickers reportedly utilize partnerships with some law enforcement authorities to threaten victims with penalization and deportation and receive information from corrupt police and immigration officials ahead of raids or immigration checks. NGOs reported some government employees, including police, sexually exploit children and solicited individuals in commercial sex, some of whom may have been sex trafficking victims. 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 exploited in sex trafficking and domestic servitude.