

Trafficking in Persons Report

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REPUBLIC OF KOREA (Tier 1)

The Republic of Korea (R.O.K.) is primarily a source country for the trafficking of women and girls internally and to the United States (often through Canada and Mexico), Japan, Hong Kong, Guam, Australia, New Zealand, Canada, and Western Europe for the purpose of commercial sexual exploitation. Women from Russia, Uzbekistan, Kazakhstan, the People's Republic of China (P.R.C.), the Philippines, Thailand, and other Southeast Asian countries are trafficked for sexual exploitation to South Korea. A growing number of these foreign victims were trafficked to the R.O.K. for sexual or labor exploitation through brokered international marriages to South Korean men. South Korean men are a significant source of demand for child sex tourism in Southeast Asia and the Pacific Islands.

The Government of the Republic of Korea fully complies with the minimum standards for the elimination of trafficking. Over the last year, the government continued vigorous law enforcement efforts against sex trafficking and commercial sexual exploitation, and expanded protections offered to victims of sex trafficking. The government demonstrated appreciation for the perceived increase in transnational sex trafficking of South Korean women to the United States by increasing cooperative efforts with U.S. law enforcement investigators. These advances, however, were not adequately matched by an awareness of potential labor trafficking among South Korea's large foreign labor force. The South Korean government should take steps to ensure that the new Employment Placement System of labor recruitment offers greater protections to foreign workers by investigating and prosecuting cases of forced labor among migrant workers.

Prosecution

The R.O.K. government sustained progress in its anti-trafficking law enforcement efforts over the reporting period. The R.O.K. prohibits trafficking for the purpose of commercial sexual exploitation through its 2004 "Act on the Punishment of Intermediating in the Sex Trade and Associated Acts," which prescribes penalties of up to 10 years' imprisonment - penalties that are sufficiently stringent and commensurate with those prescribed for rape. Trafficking for forced labor is criminalized under the Labor Standards Act, which prescribes penalties of up to five years' imprisonment. In 2006, R.O.K. authorities conducted 190 trafficking investigations and prosecuted 36 cases. Convictions were obtained against 25 trafficking offenders, of whom 21 received prison sentences (although 10 of these were suspended). Prison sentences imposed on 11 traffickers ranged from 15 months to 6 years. In response to reports of increased sex trafficking of South Korean women to the United States, the South Korean police sent a delegation to the United States to improve joint cooperation in investigating the organized crime groups behind this trans-Pacific trafficking.

Protection

The Government of the Republic of Korea further strengthened its efforts to protect victims of trafficking over the last year. It spent \$19 million in support of an expanded protection network of 47 shelters - including 16 shelters for teenage victims and 3

shelters for foreign victims - 5 long-term group homes, and 27 counseling center programs, providing a wide range of services to South Korean and foreign victims of sex trafficking. Most of the shelters are run by NGOs that the government funds fully or in part. The government's Ministry of Gender Equality and Family (MOGEF) continued running a 24-hour hotline for South Korean and foreign victims of trafficking that referred victims to government or NGO-run shelters and counseling centers. The government encourages sex trafficking victims to assist in the investigation and prosecution of traffickers, and provides legal alternatives to the removal of foreign victims to countries where they may face hardship or retribution; this is done primarily through the Ministry of Justice's issuance of G-1 visas or an order of suspension of the victim's departure. The R.O.K. government does not penalize victims for unlawful acts committed as a direct result of their being trafficked. Recognizing the potential for increased trafficking through brokered international marriages, MOGEF in April 2006 released a comprehensive plan to address the needs of foreign brides in the R.O.K. that included recommendations for better regulating marriage brokers.

Although the Ministry of Labor increased its number of inspections of labor conditions at work sites by 18 percent (to 17,700), there were no reported prosecutions or convictions of labor trafficking offenders. Some employers were noted continuing to withhold the passports of foreign workers, a factor that may contribute to forced labor. In February 2007, the government completed a two-year phase-in period of the Employment Placement System (EPS), which is now in full effect. The EPS is a system of recruiting foreign workers through government-to-government channels that eliminates the role of private labor agencies and recruiters, many of which had been found to employ highly exploitative practices - including practices that facilitated debt bondage and forced labor. By March 2007, the R.O.K. government had signed 10 Memoranda of Understanding (MOUs) with governments of labor source countries that contained provisions guaranteeing basic rights of workers. Complementing the EPS, the Ministry of Labor in December 2006 opened a second Migrant Workers Center to support the needs of foreign contract laborers in the R.O.K. The full effect of the nascent EPS has not yet been assessed.

Prevention

The R.O.K. government sustained strong anti-trafficking prevention efforts through awareness raising campaigns. The Ministry of Justice expanded a "John's School" created to educate male "clients" of prostitution. In 2006, 11,000 male first-time offenders, who were arrested by R.O.K. police, participated in the program, which included testimony from trafficking victims. The MOGEF conducted four anti-trafficking seminars with NGOs to improve awareness, and it carried out a public awareness campaign against prostitution, placing 6,380 posters in public places of major cities. An inter-agency task force, with 14 ministries participating, met twice during the year to improve the government's coordination of anti-trafficking efforts.

Child Sex Tourism

NGOs cite a growing concern over R.O.K. men traveling to the P.R.C., the Philippines, Cambodia, Thailand, and elsewhere in Southeast Asia to engage in sex with children. Although the R.O.K. has a law with extraterritorial application that allows the prosecution of R.O.K. citizens who sexually exploit children while traveling abroad, there were no prosecutions under this statute during the reporting period. The Republic of Korea has not ratified the 2000 UN TIP Protocol.