



## NGO Submission

# Trafficking In persons (TIP) Report on the Republic of Korea

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## **Human Trafficking in South Korea**

### **Victims of Migrant Women**

Women who have entered the ROK with E-6 Entertainment Visa have been forced or manipulated into the sex industry including bars and clubs near US military bases and are subjected to prostitution or other forms of sexual exploitation. With the passive investigation of police, the traffickers using E-6 Entertainment Visa have never been prosecuted because it is difficult for the victims to prove coercive methods which are necessary to constitute crimes under the relevant laws regulating human trafficking. The lack of effective protection for the victims from the traffickers and their unstable legal status makes it more difficult for the victims to cooperate with police during the investigation and litigation.<sup>1</sup> The ROK government proposed revision of Criminal Code last year, but it is insufficient for regulating the current trafficking crimes in reality due to the lack of comprehensive definition of human trafficking in accordance with the Palermo Protocol. Women who migrated to the ROK through international marriage brokers can also be subjected to forced prostitution or forced labor.<sup>2</sup> With information disclosure applications, it is impossible to obtain the statistics on human trafficking of foreigners because of the ROK has not been recording/calculating them, which shows how the ROK policy on human trafficking has been superficial.

### **Victims of Trafficking for Forced Labor on Board Fishing Vessels**

Indonesian crews working aboard Korean fishing vessels in New Zealand waters have been subject to human trafficking.<sup>3</sup> Manning agents forced the workers to pay extortionate fees and confiscated their passports which can result in crippling financial consequences to the families. This method of using debt bonding to force crew members working is a common tactic. Thus they can be rendered powerless and subject to future exploitation. In terms of working conditions, Indonesian crews were in slum-like conditions with a lack of adequate food and water and were forced to work excessively long shift, sometimes even 53 hours. They experienced physical and verbal abuse and even sexual abuse. In many cases,

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<sup>1</sup> The victims of human trafficking are seen as "prostitutes," and authorities rarely take action or even attempt to investigate cases involving suspected traffickers. As a result, traffickers are able to contact family members of the victim, directly or indirectly, and most of trafficking victims either give up their cases or return to their countries of origin for their own personal safety, due to the pressures and threats by the traffickers. The combination of such factors makes it more infeasible to prosecute and punish traffickers. What may be seen as a passive attitude on the part of the trafficking victims stems from the lack of effective protection for the victims in Korean legal system: because there is no independent law that stipulates the protection and assistance for the human trafficking victims, the victims cannot but struggle to get by, as their status of residence does not allow them to work and thus they have no way of making a living while their cases are pending. Above all, even when recognized as a victim of human trafficking, after a long, drawn-out process of investigation and litigation, the victim is deported from the ROK as soon as her case is complete, regardless of reasons. (Sumi Park, Duraebang, from the NGO Joint Submission to the 14th Session of the UPR, <http://www.apil.or.kr/1085> 05/10/2012)

<sup>2</sup> Filipino women are married off to Japanese and Korean nationals, and the former's visas are paid for. However, cases reveal that women are eventually transferred to the sex industry, especially when they could not pay off their debts to the Japanese facilitator. (Jean Enriquez, "*The Demand Side of Trafficking and Sexual Exploitation in the Philippines: Focus on the Role of Korean Men*", <http://catwap.wordpress.com/resources/speeches-papers/the-demand-side-of-trafficking-and-sexual-exploitation-in-the-philippines-focus-on-the-role-of-korean-men/> 05/10/2012)

<sup>3</sup> *Oyang 70* Korean-owned fishing vessel sank in Southern Ocean. Six deaths and survivors were brought to Lyttelton. Claims of underpayment and harassment by surviving crew are investigated.

unreasonable deductions are made or the wages not be paid at all.<sup>4</sup> This was mentioned in the 2011 Trafficking in Persons Report for New Zealand and in the report by the United Nations Inter-Agency Project on human trafficking<sup>5</sup>, there is no specific legislation to address labor trafficking to criminalize this kind of cases.

### **Sex Tourism**

The South Korean men continue to be a source of demand for child sex tourism in Southeast Asia<sup>6</sup> and the Pacific Islands but there is no official statistics provided by the ROK government that the perpetrators were actually prosecuted for engaging in child sex tourism abroad or are there any efforts to reduce these acts. Although the child sex tourist can be prosecuted and punished under the Juvenile Protection Law Against Sexual Exploitation (enacted in 2000), the Anti-Prostitution Law (Prevention of Prostitution and Protection of its Victims Act and the Punishment of Soliciting Prostitution Act enacted in 2004), there is no official statistics on prosecutions or convictions of child sex tourists under these laws. This was also mentioned by the UN Committee on the Rights of the Child that no information has been provided by the ROK government with regard to measures taken to establish extraterritorial jurisdiction when the kind of crimes are committed abroad by nationals.<sup>7</sup>

### **State-Run Corporation Involvement in Forced Child Labor**

Global KOMSCO-Daewoo<sup>8</sup>, a partnership between Daewoo International and the Korea

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<sup>4</sup> The investigation by the University of Auckland found that: Inhumane punishment such as being made to stand on deck for hours without food or water in extreme weather conditions, crew often beaten for little or no reason, sexual harassment, including rape, fatigue causing accidents and injuries, and lack of protective or safety gear, intimidation and threats involving crew and their families, substandard conditions including little or no heating, drinking water a brownish rusty colour, food supplies rationed, crew fed fish bait, denied medical treatment and accidents covered up or not reported, muslim workers called dogs, monkeys and other names([http://www.auckland.ac.nz/uoa/home/news/template/news\\_item.jsp?cid=41493405/10/2012](http://www.auckland.ac.nz/uoa/home/news/template/news_item.jsp?cid=41493405/10/2012))

<sup>5</sup> Some foreign workers report being charged excessive and escalating recruitment fees, experiencing unjustified salary deductions, restrictions on their movement, confiscation of passports, and altered contracts or working conditions without their permission – all indicators of human trafficking. (2011 Trafficking in Persons Report, June 2011).

<sup>6</sup> In world-renowned island of Boracay alone, a famous tourist spot, Koreans constitute the largest number of these tourists. They are also among the most frequently mentioned sex tourist clients by the girls trafficked, who were part of a study. Korean men are frequent customers in nightclubs and massage parlors offering paid sex. In raids of sex dens in posh Makati area, women rescued allege that they were forced to have sex with foreign customers, mostly Japanese, Korean and Chinese nationals, in exchange for a fee ranging from P2,500 to P3,000 (\$50-60). The construction of international airports in the north of the Philippines facilitated the entry of tourists, especially male tourists from the North of Asia, directly to the “tourist spots” in Ilocos Sur and La Union, and these have become a “popular” destination of children trafficked from the poorest areas of the country such as Samar. Tourism campaigns are packaged in very sexualized ways, promoting therefore Filipino women in the process as part of packages. (Ibid)

<sup>7</sup> Concluding observations by the Committee on the Rights of the Child, forty-eighth session 2008 (CRC/C/OPSC/KOR/CO/1, para. 38)

<sup>8</sup> This joint enterprise consists of a 65% stake by KOMSCO and a 35% stake by Daewoo.

Minting & Security Printing Corp<sup>9</sup>, a State-run corporation, has been operating a cotton pulp production plant in Uzbekistan which is notorious for its use of forced child labor. Cotton pulp, which is used in making paper monies, checks, gift certificates, and bank security forms, as well as high-precision chemical products such as LCD, is produced in the plant. Though there has been high criticism from the international society regarding the use of forced child labor in harvest of the cotton, the corporation has not taken any action to avoid complicity in the forced labor.

### **Recommendation on the ROK**

The ROK should ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime to make sure that the traffickers are effectively prosecuted and convicted.

It should amend Criminal Code to adequately define trafficking and to include varied purposes and means of trafficking in accordance with Trafficking in Persons Protocol.

It should legislate comprehensive Anti Trafficking legislation to establish a legal framework to prevent and punish people trafficking, but also to assist and protect victims of trafficking in accordance with Trafficking in Persons Protocol.

It should ratify Work in Fishing Convention (2007) and ILO Conventions on Forced Labor. Korea has ratified neither of the ILO Fundamental Conventions on Forced Labor: Forced Labour Convention (No. 29) and Abolition of Forced Labour Convention (No. 105)<sup>10</sup>

It should investigate and prosecute human rights violations as well as labor abuses occurred in Korean fishing vessels and take every measure to remedy the damages.

It should proactively take steps to increase awareness of child sex tourism and to ensure that child sex offences are more specifically criminalized and penalized in domestic legislation in full compliance with Optional Protocol on the Sale of Child, Child Prostitution and Child Pornography.

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<sup>9</sup> Korea Minting and Security Printing & ID Card Operating Corporation (KOMSCO), established with full investment from the National Treasure under special law in the year of 1951, is the sole currency manufacturer in the Republic of Korea. It operates under the direct control of the government. Its major function is to manufacture the banknote, coin, national bond, various securities issued by the government, currency safety bond issued by the Bank of Korea, postage stamps, special government certificates and other special printed items. It also manufactures the papers needed for the printing of the above items, and other special paper. (<http://english.komsco.com/komsco/history.asp>).

<sup>10</sup> Korean government has made the pledges and commitments to continue to consider the ratification of the ILO Fundamental Conventions via voluntary pledges and commitments on human rights in accordance with General Assembly resolution 60/251.