

COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW

Republic of Korea - 2022

THE ELIMINATION OF ALL FORMS OF FORCED OR COMPULSORY LABOUR Protocol of 2014 P029 to the Forced Labour Convention

REPORTING

Fulfilment of Government's reporting obligations

p29 Fulfilment of Government's reporting obligations

yes

Involvement of Employers' and Workers' organizations in the reporting process

91. When preparing its report, the Government consulted [10.1]

a) The most representative employers organizations, b) The most representative workers organizations?

92. To which employers organizations was the report sent? [12] Please provide the list

- Federation of Korean Trade Unions - Korean Confederation of Trade Unions

93. To which workers organizations was the report sent? [13] Please provide the list

Korean Enterprises Federation

94. Please describe the consultation process(es). [10.2]

The Ministry of Employment and Labor of the Republic of Korea sent the government's report to the most representative groups, FK TU, KCTU, and KEF, and asked them to file their opinion if there is any specific. KEF has stated no specific opinion on the government's report. FK TU and KCTU sent their opinions to the government, and these have been shared within each department. The worker groups' opinions and the government's responses are attached to each questionnaire.

OBSERVATIONS BY THE SOCIAL PARTNERS

Employers' organizations

95. Did employers organizations comment on the report?
[11a]

Yes

Workers' organizations

96. Did workers organizations comment on the report?
[11b]

No

EFFORTS AND PROGRESS MADE IN REALIZING MEASURES TARGETED BY THE PROTOCOL

Ratification

Ratification intention

61. If you have ratified Convention No. 29 but not the 2014 Protocol to Convention No. 29, what are the prospects for ratification of the Protocol?

Unlikely

62. What, if any, are the impediments to the ratification of the 2014 Protocol to Convention No. 29?

Since the Convention No. 29 entered into force in April 2022, comparative analysis between protocols, national laws and systems is being conducted.

Existence of a policy and or plan of action for the suppression of forced or compulsory labour

63. Is there a national policy and plan of action aimed at realizing the principle of effective and sustained suppression of all forms of forced or compulsory labour through prevention, victim protection and access to remedies? [1.1]

Yes

68. Is there a national policy and plan of action setting out measures and specific action for combatting trafficking in persons for the purposes of forced or compulsory labour? [1.5]

Yes

69. Please describe these measures. [1.5]

In April 2013, Republic of Korea introduced human trafficking crime to Article 289 of the Criminal Act, which is the

	<p>framework act regulating the State's power of punishment, and legalized the concept of human trafficking by comprehensively defining the crime of human trafficking. Article 292 of the Criminal Act provides that a person engaged in kidnapping, abduction and trafficking for the purpose of committing a new type of crime such as labor exploitation, sex trafficking, sexual exploitation, or organ removal, shall be punished. The provision further regulates that aiding and abetting act of recruiting, transporting or transferring a person intended for a kidnapping/abduction or human trafficking, etc., is considered as an independent crime and thus, can also be harshly punished. Paragraph 2, Article 288 of the Criminal Act stipulates that a person kidnapping and abducting another for the purpose of labor exploitation, sex trafficking, sexual exploitation, or organ removal, shall be imprisoned for at least two years up to 15 years.</p>
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<p>70. Does the Government collect and analyse statistical data and other information on the nature and extent of forced or compulsory labour? [1.6]</p>	No
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<p>72. Does the Government envisage collecting data on forced or compulsory labour? [1.6.2]</p>	No
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Measures taken or envisaged to prevent forms of forced labour

<p>74. Have measures been taken or are measures envisaged for the prevention of all forms of forced or compulsory labour? [2.1]</p>	Yes
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<p>75. If so, please indicate the type of measures, [2.2]</p>	<p>a) Information, education and awareness raising targeting especially people in vulnerable situation and employers,d) Supporting due diligence by the public and private sectors</p>
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Measures taken or envisaged to protect victims of forced labour

<p>76. Have measures been taken or are measures envisaged for the identification, release, protection, recovery and rehabilitation of victims of all forms of forced or compulsory labour? [3.1]</p>	Yes
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<p>77. If so, please indicate the type of measures [3.2]</p>	<p>b) Legal protection of victims ,c) Material assistance for victims,d) Medical and psychological assistance for victims,j) Other</p>
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Measures taken or envisaged to facilitate access to remedies

78. Have measures been taken or are measures envisaged to provide victims of all forms of forced or compulsory labour with access to remedies? [4.1]	Yes
79. If so, please indicate the type of measures, [4.2]	a) Information and counselling for victims regarding their rights,b) Free legal assistance,c) Cost-free proceedings,h) Provision of penalties such as the confiscation of assets and criminal liability of legal persons
80. Please indicate whether the measures aimed at providing access to justice and remedies apply to all victims of forced or compulsory labour, irrespective of their presence or legal status in the national territory. [4.3]	Yes

Cooperation with other Member States, international / regional organizations or NGOs

81. Does the Government cooperate with other member States, international and regional organizations, or non-governmental organizations to achieve the effective and sustained suppression of forced or compulsory labour? [5.1]	No
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Special initiatives or Progress

85. Please describe any significant changes which have taken place since your last report (for example, changes in the legislative and institutional framework, launching of major programmes, new data, changes in the number of persons in forced labour who have been identified, released and protected, penalties imposed on perpetrators). [7]	In April 2021, the Act on the Prevention of Human Trafficking, etc., and the Protection of its Victims(or the Act on the Prevention of Human Trafficking) was legislated to prevent human trafficking, etc., and to protect its victims. The legislation sets the standards for the prevention of forced labor involving human trafficking and for the protection of its victims. The new legislation is expected to enter into force as of Jan. 1 2023.
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CHALLENGES IN REALIZING MEASURES TARGETED BY THE PROTOCOL

According to the Government / social partners

86. What are the main obstacles encountered by your country with regard to realizing the principle of effective and sustained suppression of all forms of forced labour through prevention, victim protection and access to remedies? [8]	b) Lack of information and data,g) Lack of resources in the institutional framework
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TECHNICAL COOPERATION NEEDS

Request

87. Does your Government think that it should establish technical cooperation activities with the ILO or pursue those that already exist for the prevention and effective suppression of forced or compulsory labour, victim protection and access to remedies? [9.1]

No