

COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW

Republic of Korea - 2023

THE ELIMINATION OF ALL FORMS OF FORCED OR COMPULSORY LABOUR

REPORTING

Fulfillment of Government's reporting obligations

Yes

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

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

Yes

97. Please provide URL(s) to the responses and comments of the employers and workers organizations to the above questions, if you have received them

91. When preparing its report, did the Government consult?
[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

Korea Enterprises Federation(KEF)

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

Federation of Korean Trade Unions(FKTU), and Korean Confederation of Trade Unions(KCTU)

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

After the completion of the government report, MOEL sent the report to three most representative workers and employers organizations for their comments in writing. KEF

	and FKTU have sent their respective comments to MOEL to which MOEL added some observations.
OBSERVATIONS BY THE SOCIAL PARTNERS	
Employers' organizations	
95. Did employers organizations comment on the report? [11a]	Yes
97. Please provide URL(s) to the responses and comments of the employers and workers organizations to the above questions, if you have received them	
Workers' organizations	
96. Did workers organizations comment on the report? [11b]	Yes
97. Please provide URL(s) to the responses and comments of the employers and workers organizations to the above questions, if you have received them	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	
Ratification	
Ratification status	
47. Has your country ratified the three forced labour instruments covered by the Annual Review: the Forced Labour Convention, 1930 (No. 29), the Abolition of Forced Labour Convention, 1957 (No. 105) and the 2014 Protocol to the Forced Labour Convention, 1930?	No
48. Please select the Conventions ratified, if any	a) The Forced Labour Convention, 1930 (No. 29)
Ratification intention	

50. What are the prospects for ratification of Convention No. 105?	Unlikely
51. What, if any, are the impediments to the ratification of Convention No. 29 and/or Convention No. 105?	With respect to the Convention No. 105, there are issues that require a social consensus building given the specific circumstances around South Korea such as the division of the Korean peninsula as well as issues such as review of the overall penal system, consultations among relevant ministries, and/or revision of domestic laws related to the Convention.
Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	
Constitution	
52. Have there been changes in law and practice in your country as regards the elimination of all forms of forced or compulsory labour?	Yes
53.b.	
Policy, legislation and/or regulations	
52. Have there been changes in law and practice in your country as regards the elimination of all forms of forced or compulsory labour?	Yes
53. If yes, please specify	c) Labour inspection/monitoring
53.c.	Continued efforts to strengthen labor inspection have been made in order to abolish forced labor through increase in the number of labor inspectors and enhancement of their capacities. In April 2021, the Act on Prevention of Human Trafficking and Protection of Victims ("Human Trafficking Prevention Act") (effective from January 1, 2023) was legislated in order to prevent human trafficking and to protect its victims. Hence, standards was established to prevent forced labor involving human trafficking and to protect the victims, and in relation to the Act, a 'Guidelines for Labor Inspectors on Responding to Human Trafficking, etc' were communicated.
Special attention to particular situations	

57. Has particular attention been paid to specific groups of population, workers or sectors of activity in the efforts to promote the elimination of all forms of forced or compulsory labour?	No
57.1. Please specify	No information
Prevention-Monitoring, enforcement and sanctions mechanisms	
52. Have there been changes in law and practice in your country as regards the elimination of all forms of forced or compulsory labour?	Yes
53.c.	Continued efforts to strengthen labor inspection have been made in order to abolish forced labor through increase in the number of labor inspectors and enhancement of their capacities. In April 2021, the Act on Prevention of Human Trafficking and Protection of Victims ("Human Trafficking Prevention Act") (effective from January 1, 2023) was legislated in order to prevent human trafficking and to protect its victims. Hence, standards was established to prevent forced labor involving human trafficking and to protect the victims, and in relation to the Act, a 'Guidelines for Labor Inspectors on Responding to Human Trafficking, etc' were communicated.
Involvement of the social partners	
55.1. Please specify and indicate the involvement of social partners	
Promotional activities	
54. Have efforts been made to promote the elimination of all forms of forced or compulsory labour in your country?	No
Special initiatives-Progress	
56. Have any initiatives resulted in successful examples or good practice in promoting the elimination of all forms of forced or compulsory labour?	No

60. Please provide URL(s) to any other information you may deem necessary.

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CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT

According to the social partners

Employers' organizations

58.d.

In order to ratify the Convention No. 105, there are prerequisites that need to be satisfied such as review of the Republic of Korea's overall penal system, which mostly imposes imprisonment without labor to negligence criminals and imprisonment with labor for most of the other punishments of restricting physical freedom, and reaching a social consensus on amending domestic laws such as the National Security Act, which restrictively punishes only the acts that bring about substantial danger to the fundamental order of free democracy given the specific characteristic of ROK as the only divided nation around the world.

58.f.

For cases of praising, promoting and spreading propaganda on anti-government organizations, knowing that it can endanger the existence and security of the nation or the fundamental order of liberal democracy (against the National Security Act), and engaging in illegal strikes that violate the procedures specified by laws (against the Trade Union and Labor Relations Adjustment Act), imprisonment with labor is prescribed by relevant laws.

Workers' organizations

58.d.

In order to ratify the Convention No. 105, there are prerequisites that need to be satisfied such as review of the Republic of Korea's overall penal system, which mostly imposes imprisonment without labor to negligence criminals and imprisonment with labor for most of the other punishments of restricting physical freedom, and reaching a social consensus on amending domestic laws such as the National Security Act, which restrictively punishes only the acts that bring about substantial danger to the fundamental order of free democracy given the specific characteristic of ROK as the only divided nation around the world.

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	procedures specified by laws (against the Trade Union and Labor Relations Adjustment Act), imprisonment with labor is prescribed by relevant laws.
According to the Government	
58.d.	In order to ratify the Convention No. 105, there are prerequisites that need to be satisfied such as review of the Republic of Korea's overall penal system, which mostly imposes imprisonment without labor to negligence criminals and imprisonment with labor for most of the other punishments of restricting physical freedom, and reaching a social consensus on amending domestic laws such as the National Security Act, which restrictively punishes only the acts that bring about substantial danger to the fundamental order of free democracy given the specific characteristic of ROK as the only divided nation around the world.
58.f.	For cases of praising, promoting and spreading propaganda on anti-government organizations, knowing that it can endanger the existence and security of the nation or the fundamental order of liberal democracy (against the National Security Act), and engaging in illegal strikes that violate the procedures specified by laws (against the Trade Union and Labor Relations Adjustment Act), imprisonment with labor is prescribed by relevant laws.
TECHNICAL COOPERATION	
Request	
59. What are the technical cooperation needs in your country to promote the elimination of all forms of forced or compulsory labour?	None