

COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW

Republic of Korea - 2023

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

REPORTING

Fulfillment of Government's reporting obligations

Yes

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

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

83. Have employers and or or workers organizations been consulted in the development and implementation of adopted measures? [6.1]

No

84. Please provide details and provide any relevant URL(s) [6.2]

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

Yes

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

Workers' organizations

83. Have employers and or or workers organizations been consulted in the development and implementation of adopted measures? [6.1]

No

84. Please provide details and provide any relevant URL(s) [6.2]

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

Yes

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 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 took effect in April 2022 in ROK, the Government has been analyzing and comparing the provisions of the Protocol and domestic legislation and institutions.

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

65. Please also indicate the manner in which employers' and workers' organizations have been consulted. [1.3]

No

66. Does the Government envisage adopting a national policy and/or plan of action in this regard? [1.4]?

67. Does the Government wish to receive ILO assistance in developing a national policy and/or plan of action in this regard? [1.4b]

No

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]

Forced labour is prohibited by Articles 10 (right to pursuit of happiness), 12 (personal liberty) and 15 (freedom of occupation) of the Constitution of the Republic of Korea and Article 7 (Prohibition of Forced Labour) of the Labour Standards Act. The Ministry of Employment and Labour (MOEL) has been carrying out labor inspections against workplaces on a regular or planned basis, or around the clock, inspecting any violations in relation to forced labor as well. In the event that the person whose rights have been

	violated due to forced labor and any third party who is aware of such violations report the case to any Regional Employment and Labor Offices, MOEL also has the authority to investigate such violations related to forced labor. In the event that the act of forced labor in violation of the Labor Standards Act is identified as a result of such inspections and investigations, the perpetrator can be subject to imprisonment with labor of up to five years or a fine not exceeding 50 million Korean won. In the meantime, based on Article 8 (Formulation of Comprehensive Plans for Prevention of Human Trafficking) of the Act on Prevention of Human Trafficking and Protection of Victims ("Human Trafficking Act"), the Government drew up the 'First Comprehensive Policy Plans for Prevention of Human Trafficking, etc. (2023-2027),' which encompasses the four areas of 'prevention,' 'protection,' 'punishment' and 'cooperation,' including: - building social consensus to prevent human trafficking, etc.; - providing customized support for victims and enhancing early identification; - enhancing capacities to tackle crimes such as human trafficking and protection of victims' rights; and - laying the foundation to implement policies to prevent human trafficking, etc. and strengthening cooperation.
70. Does the Government collect and analyse statistical data and other information on the nature and extent of forced or compulsory labour? [1.6]	No
72. Does the Government envisage collecting data on forced or compulsory labour? [1.6.2]	Yes
Measures taken or envisaged for systematic and coordinated action	
64. Please describe the measures envisaged, the established objectives and the authorities responsible for the implementation, coordination and assessment of these measures. Please provide any relevant URL(s) [1.2]	Forced labour is prohibited by Articles 10, 12 and 15 of the Constitution of the Republic of Korea and Article 7 of the Labor Standards Act. The MOEL has been carrying out labor inspections on workplaces on a regular or planned basis inspecting any violations in relation to forced labor as well.
Measures taken or envisaged to prevent forms of forced labour	
74. Have measures been taken or are measures envisaged for the prevention of all forms of forced or compulsory labour? [2.1]	Yes
75. If so, please indicate the type of measures, [2.2]	a) Information, education and awareness raising targeting especially people in vulnerable situation and employers.

75.a. Please provide a description of measures taken or envisaged:	The government has helped workers themselves to be clearly aware of their working conditions by making employment contracts in writing and continued to carry out labor inspections and awareness campaigns in order to ensure essential working conditions, e.g. through compliance with minimum wages, prohibition of delayed payment of wages and prohibition of forced labour.
Measures taken or envisaged to protect victims of forced labour	
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]	Yes
77. If so, please indicate the type of measures [3.2]	b) Legal protection of victims, c) Material assistance for victims, d) Medical and psychological assistance for victims.
77.b., c., d. Please provide a description of measures taken or envisaged:	Pursuant to Article 23 (Protection of Victims) of the Human Trafficking Prevention act, victims can be provided with supports in investigations and legal proceedings such as support in appointing legal representatives and confidentiality ensured during investigations. Pursuant to Article 24 (Invalidation of Claims arising from Illegal Causes) of the Human Trafficking Prevention Act, claims against the victims that arise from criminal acts and involve forced labor through human trafficking are deemed invalid. Articles 28 (Assistance with Medical Expenses) and 29 (Designation of Dedicated Medical Institutions) of the Human Trafficking Prevention Act are provisions which serve as a ground to assist victims of forced labor through human trafficking with medical expenses.
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]	b) Free legal assistance, 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
80.1 Please provide additional information (Optional):	When public officials identify undocumented migrants in the performance of their duties, they are required to report them to local Immigration Offices and offices in charge of foreigners without delay in accordance with Article 84(1) of the Immigration Act. However, in case it is acknowledged that it takes priority to relieve the damage for

	the relevant foreigners such as rescuing the victims of crime and redressing the human rights violation, the damage can be remediated through exemption of the obligation to report. In addition, pursuant to Articles 42 (Protection and Support for Foreign Victims) and 44 (Notice of Rights to Foreigners) of the Human Trafficking Prevention Act, the state government and local governments are required to endeavor for the foreign victims eligible for support under the law not to be excluded from such support for the reasons of their nationality or status of stay.
Non-prosecution of victims for unlawful acts that they would have been forced to carry out	
79.b., h. Please provide a description of measures taken or envisaged:	Victims of forced labor or a third party who comes to be aware of such a case can report it to a nearby Regional Employment and Labor Office. Through the relevant Employment and Labor Office, victims can be provided with support such as consultations in order to relieve the damage including receiving the delayed payment of wages for the period of forced labor and legal assistance free of charge. The perpetrators of forced labor are prescribed to: be subject to punishments such as imprisonment with labor for up to five years or a fine not exceeding 50 million Korean won, which is the strongest punishment as per penal provisions.
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
82. Please briefly describe the modalities of this cooperation. [5.2]	
Promotional activities	
90. Please provide URL(s) to any new information on efforts made to respect, to promote and to realize the principle of effective and sustained suppression of forced or compulsory labour through prevention, victim protection and access to remedies. [14]	N/A
Special initiatives or Progress	
85. Please describe any significant changes which have taken place since your last report (for example, changes in	With the enactment of the Human Trafficking Prevention Act in April 2021 (effective from January 1, 2023), the standards

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]

to prevent forced labor involving human trafficking and to protect the victims has been in force. The 'Guidelines for Labor Inspectors on Responding to Human Trafficking, etc.' was drawn up in relation to the Act, and were communicated.

CHALLENGES IN REALIZING MEASURES TARGETED BY THE PROTOCOL

According to the social partners

Employers' organizations

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

Workers' organizations

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

According to the Government

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

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

No

suppression of forced or compulsory labour, victim
protection and access to remedies? [9.1]