

## COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW

Republic of Korea - 2021

*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

p29 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 Korea Trade Unions (FKTU), Korean Confederation of Trade Unions (KCTU)

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

### OBSERVATIONS BY THE SOCIAL PARTNERS

Employers' organizations

<p><b>83. Have employers and or workers organizations been consulted in the development and implementation of adopted measures? [6.1]</b></p>	<p>No</p>
<p><b>95. Did employers organizations comment on the report? [11a]</b></p>	<p>No</p>
<p><b>Workers' organizations</b></p>	
<p><b>83. Have employers and or workers organizations been consulted in the development and implementation of adopted measures? [6.1]</b></p>	<p>No</p>
<p><b>96. Did workers organizations comment on the report? [11b]</b></p>	<p>Yes (KCTU) (by mail)</p>
<p><b>EFFORTS AND PROGRESS MADE IN REALIZING MEASURES TARGETED BY THE PROTOCOL</b></p>	
<p><b>Ratification</b></p>	
<p><b>Ratification intention</b></p>	
<p><b>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?</b></p>	<p>Unlikely</p>
<p><b>62. What, if any, are the impediments to the ratification of the 2014 Protocol to Convention No. 29?</b></p>	<p>As the Convention No. 29 has yet to take effect after its ratification, the ratification of the Protocol to Convention No. 29 will be reviewed later.</p>
<p><b>Existence of a policy and or plan of action for the suppression of forced or compulsory labour</b></p>	
<p><b>63. Is there a national policy and plan of action aimed at realizing the principle of</b></p>	<p>Yes</p>

<p><b>effective and sustained suppression of all forms of forced or compulsory labour through prevention, victim protection and access to remedies? [1.1]</b></p>	
<p><b>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]</b></p>	<p>Yes</p>
<p><b>69. Please describe these measures. [1.5]</b></p>	<p>In April 2013, Korea incorporated the concept of human trafficking into Article 289 of the 「Criminal Act」 (the framework act regulating the state's power of punishment) 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 the acquisition of organs, shall be punished. The provision further regulates that engaging only in the act of recruiting, transporting or transferring a person with the intent to commit a kidnapping/abduction or human trafficking, etc., is considered as an independent crime and thus, can also be harshly punished. Para. 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 the acquisition of organs, shall be punished by imprisonment for at least two years up to 15 years.</p>
<p><b>70. Does the Government collect and analyse statistical data and other information on the nature and extent of forced or compulsory labour? [1.6]</b></p>	<p>No</p>

<p><b>72. Does the Government envisage collecting data on forced or compulsory labour? [1.6.2]</b></p>	<p>No</p>
<p><b>Measures taken or envisaged for systematic and coordinated action</b></p>	
<p><b>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]</b></p>	<p>In Korea, forced labor is prohibited by Article 10(Right to Pursue Happiness), Article 12(Personal Liberty), Article 15(Freedom of Occupation) of the 「Constitution」 and Article 7(Prohibition of Forced Labor) of the 「Labor Standards Act」 . Through regular, occasional or special labor inspections, the Ministry of Employment and Labor investigates forced labor violations. Apart from these inspections, and investigation can also be launched if a worker whose rights and interests are infringed upon by forced labor or a third person who is aware of such infringement files a complaint to the labor office. If any forced labor practice in violation of the 「Labor Standards Act」 is found as a result of such an inspection and investigation, the perpetrator is punished by imprisonment for not more than five years or by a fine of not exceeding 50 million won.</p>
<p><b>Measures taken or envisaged to prevent forms of forced labour</b></p>	
<p><b>74. Have measures been taken or are measures envisaged for the prevention of all forms of forced or compulsory labour? [2.1]</b></p>	<p>Yes</p>
<p><b>75. If so, please indicate the type of measures, [2.2]</b></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>

## 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

## 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, e) Access to remedies and compensation, h) Provision of penalties such as the confiscation of assets and criminal liability of legal persons

## 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

## CHALLENGES IN REALIZING MEASURES TARGETED BY THE PROTOCOL

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

No