

work abroad about their prospective wages, visa fees, airfare, and medical examinations, and specifying that any administrative costs imposed on the employee should not exceed one month's salary. Since the new rules were gazetted, the MOL certified 25 private employment agencies, although the list of certified companies was not publicly available at the close of the reporting period. The MOL continued to require employment agencies sourcing jobs abroad in the hospitality and service sectors to obtain MOL approval of all employment contracts. The MOL required contracts deemed credible to be signed in the presence of a labor ministry officer, and required applicants to register with the Kenyan embassy in the host country. The government did not report efforts to reduce the demand for commercial sex acts. The Ministry of Foreign Affairs provided anti-trafficking training for its diplomatic personnel and vetted employment contracts between Kenyan diplomats posted abroad and their domestic workers to ensure their legality. The government's training for troops deployed overseas on international peacekeeping missions included a module that addressed human trafficking.

TRAFFICKING PROFILE

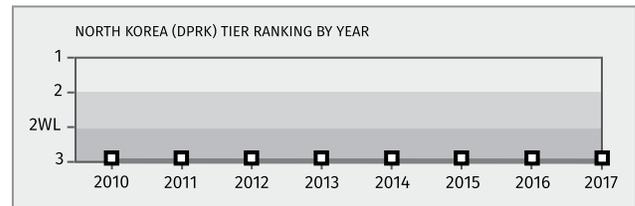
As reported over the past five years, Kenya is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Within the country, children are subjected to forced labor in domestic service, agriculture, fishing, cattle herding, street vending, and begging. Boys were increasingly subjected to trafficking. Girls and boys are exploited in commercial sex throughout Kenya, including in sex tourism in Nairobi, Kisumu, and on the coast, particularly in informal settlements; at times, their exploitation is facilitated by family members. Children are also exploited in sex trafficking by people working in *khat* (a mild narcotic) cultivation areas, near gold mines in western Kenya, by truck drivers along major highways, and by fishermen on Lake Victoria. Kenyans are recruited by legal or illegal employment agencies or voluntarily migrate to Europe, the United States, Southeast Asia, and the Middle East—particularly Saudi Arabia, Lebanon, Kuwait, Qatar, the UAE, and Oman—in search of employment, where at times they are exploited in domestic servitude, massage parlors and brothels, or forced manual labor. NGOs reported that IDPs who live close to a major highway or local trading center are more vulnerable to trafficking than persons in settled communities. Previous reports allege gay and bisexual Kenyan men are deceptively recruited from universities with promises of overseas jobs, but are forced into prostitution in Qatar and UAE. Nairobi-based labor recruiters maintain networks in Uganda and Ethiopia that recruit Rwandan, Ethiopian, and Ugandan workers through fraudulent offers of employment in the Middle East and Asia. Kenyan women are subjected to forced prostitution in Thailand by Ugandan and Nigerian traffickers. Men and boys are lured to Somalia to join criminal and terrorist networks, sometimes with fraudulent promises of lucrative employment elsewhere.

Kenya's largest refugee camp complex, Dadaab, hosts approximately 250,000 refugees and asylum-seekers, and the security situation inhibits some humanitarian access, assistance, and protective services. Some children in Dadaab and Kakuma refugee camps may be subjected to sex trafficking, while others are taken from the camps and forced to work on tobacco farms. Children from East Africa and South Sudan are subjected to forced labor and sex trafficking in Kenya. Reports assert domestic workers from Uganda, herders from Ethiopia, and others from Somalia, South Sudan, and Burundi are subjected to forced labor in Kenya. Trucks transporting goods from Kenya to Somalia returned to Kenya with girls and women

subsequently exploited in brothels in Nairobi or Mombasa. Nepalese and Indian women recruited to work in *mujra* dance clubs in Nairobi and Mombasa face debt bondage, which they are forced to pay off by dancing and forced prostitution.

KOREA, DEMOCRATIC PEOPLE'S REPUBLIC OF: TIER 3

The Government of the Democratic People's Republic of Korea (DPRK or North Korea) does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so; therefore, the DPRK remained on Tier 3. The government did not demonstrate any efforts to address human trafficking through prosecution, protection, or prevention measures. The government sponsored human trafficking through its use of forced labor in prison camps and labor training centers, facilitation of forced labor of students, and its provision of forced labor to foreign companies through bilateral contracts. It failed to protect potential trafficking victims when they were forcibly repatriated from China or other countries.



RECOMMENDATIONS FOR THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

End the use of forced labor in prison camps and among North Korean workers abroad; end the use of the death penalty and other harsh sentences for victims who are forcibly repatriated from destination countries, and provide assistance to trafficking victims in the DPRK and to North Korean victims forcibly repatriated from abroad; criminalize human trafficking and recognize it as a distinct crime from human smuggling; investigate and prosecute trafficking cases, and convict traffickers; establish transparent, bilateral work contracts used to deploy North Korean laborers to neighboring countries; eliminate coercion tactics used to monitor the movements and communications of workers in these contracts; increase transparency by allowing international human rights monitors to evaluate living and working conditions of these overseas workers; forge partnerships with international organizations and NGOs to combat human trafficking; allow North Koreans to receive fair wages, choose their form of work, and leave their employment at will; and accede to the 2000 UN TIP Protocol.

PROSECUTION

The government made no known anti-trafficking law enforcement efforts. North Korean laws do not prohibit all forms of human trafficking. Fair trials did not occur in the DPRK, and the government did not provide transparent law enforcement data during the reporting period. The government did not explain what provisions of law, if any, were used to prosecute trafficking offenses or protect victims. An unconfirmed NGO report indicated traffickers are sentenced based on the number of people they exploit: one to three victims results

in 10 years or more in forced labor camps, four to six victims results in an unlimited period in forced labor camps, and seven or more victims results in the death penalty.

During the reporting period, there were no known investigations, prosecutions, or convictions of traffickers. The government did not report whether it provided any anti-trafficking training to its officials. The government did not report any investigations or prosecutions of government officials for alleged complicity in human trafficking offenses.

PROTECTION

The government did not report any efforts to identify or assist trafficking victims. Government authorities did not provide protective services to trafficking victims and did not permit NGOs to provide these services. The government did not exempt victims from being penalized for unlawful acts committed as a direct result of being subjected to trafficking, and there was no screening of forcibly repatriated North Koreans to determine if they were trafficking victims.

North Koreans forcibly repatriated by Chinese authorities, including potential trafficking victims, were sent to prison camps, where they were subjected to forced labor, and possible torture and sexual abuse by prison guards. North Korean defectors reported instances of the government executing trafficking victims forcibly repatriated from China. Article 30 of the criminal code partially suspends civil rights of prison camp inmates; government officials used this provision to abuse victims in prison camps. The government reportedly subjected some forcibly repatriated victims who were pregnant to forced abortions, and reports indicate infants born to forcibly repatriated victims while in prison were killed. An estimated 20,000 to 30,000 children born to women from the DPRK live in China, and reports show some are unable to be registered upon birth, rendering them stateless and vulnerable to possible exploitation.

PREVENTION

The government did not report any efforts to prevent human trafficking. Government oppression in the DPRK prompted many North Koreans to flee the country in ways that made them vulnerable to human trafficking in destination countries. The DPRK made no efforts to raise awareness of human trafficking, train government officials, or screen migrants along the border for signs of trafficking. The government did not make efforts to reduce the demand for commercial sex acts or forced labor, nor did it provide anti-trafficking training to its diplomatic personnel. The DPRK is not a party to the 2000 UN TIP Protocol.

TRAFFICKING PROFILE

As reported over the past five years, the DPRK is a source country for men, women, and children who are subjected to forced labor and sex trafficking. Government oppression in the DPRK prompts many North Koreans to flee the country in ways that make them vulnerable to human trafficking in destination countries. Within North Korea, forced labor is part of an established system of political repression. The government subjects its nationals to forced labor through mass mobilizations and in North Korean prison camps. The DPRK holds an estimated 80,000 to 120,000 prisoners in political prison camps in remote areas of the country. In many cases, these prisoners have not been charged with a crime or

prosecuted, convicted, or sentenced in a fair judicial hearing. In prison camps, all prisoners, including children, are subject to forced labor, including logging, mining, or farming for long hours under harsh conditions. Political prisoners are subjected to unhygienic living conditions, beatings, torture, rape, a lack of medical care, and insufficient food. Many prisoners do not survive. Furnaces and mass graves are used to dispose the bodies of those who die in these prison camps.

The North Korean government operates regional, local, or sub-district level "labor training centers" and forces detainees to work for short periods doing hard labor, receiving little food, and subject to abuse, including regular beatings. Authorities reportedly send people to such centers if they are suspected of engaging in simple trading schemes or are unemployed. At the direction of the government, schools force students older than 14 years of age, including those in universities, to work without pay on farms for periods up to a month, twice a year; students who do not meet work quotas set out by the schools face physical abuse. In addition, school principals and teachers exploit students for personal gain by forcing them to work on farms or construction sites.

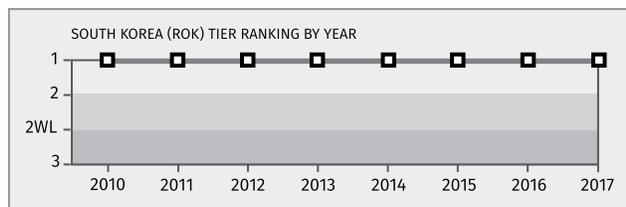
Many North Korean laborers sent by the government to work abroad under bilateral contracts with foreign governments also face conditions of forced labor. Estimates of the number of overseas workers dispatched and the amount of revenue those workers generated for the DPRK government vary widely; some estimates indicate the number of workers is in the tens of thousands in total. The majority work in Russia and China, but Middle Eastern, African, and other European and Asian countries also host North Korean laborers. Credible reports show many North Koreans working under these contracts are subjected to conditions indicative of forced labor, such as working excessively long hours in hazardous temperatures with restricted pay, for up to three years at a time. North Korean government "minders" restrict and monitor their movement and communications. North Koreans sent overseas do not have a choice in the work the government ultimately assigns them and are not free to change jobs. These workers face threats of government reprisals against them or their relatives in the DPRK if they attempt to escape or complain to outside parties. Workers' salaries are appropriated and deposited into accounts controlled by the North Korean government, which justifies its retention of most of the money by claiming various "voluntary" contributions to government endeavors. Workers receive only a fraction of the money paid to the North Korean government for their work and face punishment if they fail to meet production or work targets. Wages of some North Korean workers employed abroad reportedly are withheld until the laborers return home, increasing their vulnerability to coercion and exploitation by authorities. Other reports note these laborers work on average between 12 and 16 hours a day, and sometimes up to 20 hours per day, and are allowed only one or two rest days per month.

The North Korean government system of harsh punishment through forced labor camps or the death penalty can fuel trafficking in neighboring China. Many of the estimated 10,000 North Korean women and girls who have migrated illegally to China to flee abuse and human rights violations are particularly vulnerable to trafficking, and traffickers reportedly lure, drug, detain, or kidnap some North Korean women upon their arrival. Others offer jobs but subsequently force the women into prostitution, domestic service, or agricultural work through forced marriages. These women are subjected to sexual exploitation by Chinese or Korean-Chinese men,

forced prostitution in brothels or through internet sex sites, or compelled service as hostesses in nightclubs or karaoke bars. These victims often lack identification documents and bear children with Chinese men, which further hinders their ability to escape. If found by Chinese authorities, victims are often forcibly repatriated to the DPRK where they are subject to harsh punishment, including forced labor in labor camps or death.

KOREA, REPUBLIC OF: TIER 1

The Government of the Republic of Korea (ROK or South Korea) fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore, South Korea remained on Tier 1. The government demonstrated serious and sustained efforts by increasing the number of trafficking investigations, prosecutions, and convictions compared to the previous reporting period; conducting numerous awareness raising campaigns; providing services to 7,397 potential trafficking victims; and strengthening procedures to prevent trafficking among entertainment visa holders. Although the government meets the minimum standards, it continued to prosecute trafficking crimes under laws with lower penalties, and did not establish formal guidelines to refer victims to services. The lack of sensitivity among some police officials to victim experiences may have re-traumatized victims or put them at further risk. Some potential trafficking victims, including foreign women in prostitution, were detained or deported for crimes committed as a result of being subjected to trafficking.



RECOMMENDATIONS FOR THE REPUBLIC OF KOREA

Increase efforts to investigate, prosecute, and convict traffickers under the criminal code and ensure convicted offenders receive sentences proportionate to the crime committed; train law enforcement officers, prosecutors, and judicial officials to understand “trafficking” as defined in the criminal code which does not require kidnapping, buying and selling, force, or confinement; proactively identify trafficking victims among vulnerable populations—including individuals arrested for prostitution, disabled persons, and migrant workers in all visa categories—using standard victim identification guidelines; establish and implement formal guidelines to refer trafficking victims to services; designate a government entity responsible for coordinating anti-trafficking efforts; actively inspect industries with high potential for exploitation rather than relying on self-reporting of abuse by victims; draft and implement a trafficking-specific national action plan to guide governmental anti-trafficking efforts; proactively investigate and prosecute South Koreans engaging in sex acts with child sex trafficking victims in South Korea and abroad; increase monitoring of trafficking vulnerabilities in South Korean government-issued entertainment visas, including verifying contracts and monitoring sponsoring establishments; and continue to investigate and prosecute those who use forced

labor on South Korean-flagged fishing vessels.

PROSECUTION

The government increased law enforcement efforts. Chapter 31 of the criminal code prohibits all forms of trafficking and prescribes up to 15 years imprisonment for trafficking crimes; these penalties are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. In 2016, the government reported investigating 562 reported trafficking cases (421 in 2015), indicting 426 suspects (347 in 2015), and convicting 213 offenders (64 in 2015); however, only 33 were convicted under trafficking statutes. The government prescribed sentences ranging from fines of KRW 8 million (\$6,649) to seven years imprisonment; instances in which fines are used in lieu of imprisonment are inadequate to deter trafficking crimes. The Ministry of Justice (MOJ) held numerous trainings throughout the year for prosecutors and law enforcement officers on anti-trafficking issues and victim protection. Nonetheless, officials’ understanding of human trafficking was sometimes limited and inconsistent; there remained widespread, false perceptions that kidnapping, buying and selling, physical force, or confinement were required to qualify a case as trafficking. As a result, some prosecutors and judges applied trafficking charges to only the most serious cases, and prosecuted and punished most trafficking offenses under the less stringent 2004 Act on the Punishment of Acts of Arranging Sexual Trafficking, the Labor Standards Act, and the Act on the Protection of Children and Juveniles against Sexual Abuse. Five police officers reportedly engaged in commercial sex acts, including with children, during the reporting period. The government ordered one officer to pay a fine of \$2,000 and trial proceedings were ongoing for a second officer at the end of the reporting period; the three others were not subject to prosecution.

PROTECTION

The government maintained efforts to protect and assist trafficking victims. The government identified and assisted 82 foreign sex trafficking victims, compared with 58 in 2015; the government did not report statistics for South Korean or foreign labor trafficking victims. The government continued to use sex trafficking victim identification guidelines established in 2013. In August 2016, the National Human Rights Commission distributed updated identification guidelines to the MOJ, Ministry of Employment and Labor (MOEL), Ministry of Gender Equality and Family (MOGEF), National Police Agency (NPA) and 17 local governments to encourage more consistent, standardized criteria for victim identification. NPA was responsible for guiding crime victims, including trafficking victims, from the initial point of contact with law enforcement to protection and support systems; however, the government did not issue or use formal guidelines for referring victims to services. NGOs noted that without a government body designated to coordinate anti-trafficking efforts, establishing standards for conducting proactive victim identification among vulnerable groups remained a challenge. MOGEF supported 92 facilities that provide services specifically to sex trafficking victims and MOEL operated 39 foreign workers’ support centers. In 2016, the government assisted 7,397 potential trafficking victims through counseling services, shelter, education, and rehabilitation support. NPA continued to work with social workers when screening women involved in prostitution to identify and assist potential trafficking victims. Although the law provides trafficking victims with protection from prosecution, authorities detained women in prostitution, particularly foreign