

period, 40,592 Kenyans, the majority of which were women, registered to migrate to Saudi Arabia while 3,903 registered for other Middle East countries. The government continued to train thousands of migrant workers on trafficking and migrant rights before their departure; NEA provided homecare management training to support domestic workers to be effective in their new positions. NGOs reported the new regulations improved protections for migrant workers, but gaps remained. Although the government made efforts to vet recruitment agencies, numerous illegal, unregistered agencies remained in operation. Observers continued to report that migrant workers' salaries were withheld until the completion of their contract period to coerce them to stay longer. NGOs reported recruitment agencies bribed labor officials to bypass required procedures including allowing recruitment agents to sign the contract on the worker's behalf when the worker did not appear in person. Some observers noted gaps in legal protections and regulatory frameworks helped to perpetuate traffickers' exploitive tactics.

The government continued to implement the National Plan of Action Against Sexual Exploitation of Children 2018-2022. The government reported exclusively working with companies that signed the Code of Conduct for the Protection of Children from Sexual Exploitation, an agreement signed by companies that promised to train staff on the identification of child exploitation among guests and create an awareness within their facilities. While government efforts to curb child sex tourism continued during the year, local reports claimed these efforts largely involved prohibiting the entry of perpetrators at immigration checkpoints rather than arrests and prosecutions. The government made efforts to reduce the demand for commercial sex. The government did not report training its peacekeepers during the reporting period.

## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Kenya, and traffickers exploit victims from Kenya abroad. Within the country, traffickers exploit children through forced labor in domestic service, agriculture, fishing, cattle herding, street vending, and begging. Additionally, traffickers exploit teenage boys from nomadic tribes into cattle rustling. Traffickers also exploit girls and boys in commercial sex throughout Kenya, including in sex tourism on the coast in Nairobi and Kisumu, particularly in informal settlements; at times, family members facilitate their exploitation. Children are also exploited in sex trafficking by people working in *khat* cultivation areas and near gold mines in western Kenya, truck drivers along major highways, and fishermen on Lake Victoria. NGOs reported that internally displaced persons, particularly those who live close to a major highway or local trading center, are more vulnerable to trafficking than persons in settled communities. Kenyans are recruited by legal or illegal employment agencies or voluntarily migrate to Europe, Northern Africa, North America, Central and Southeast Asia, and the Middle East—particularly Saudi Arabia, Lebanon, Kuwait, Qatar, UAE, Bahrain, Iran, Iraq, and Oman—in search of employment, where, at times, they are exploited in massage parlors and brothels, or in forced manual labor or domestic service. 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. Kenya continues to serve as a transit point for Ethiopians and other East Africans seeking work in South Africa. Ugandan and Nigerian traffickers exploit Kenyan women in sex trafficking in Thailand. Young Kenyan men and women are lured to Somalia to join criminal and terrorist networks, sometimes with fraudulent promises of lucrative employment elsewhere. Authorities reported an increase in Ugandan girls subjected to trafficking in Kenya, specifically in Nairobi's Eastleigh neighborhood where business owners and employers often exploit them sexually and in forced

labor. Observers have reported traffickers transport girls to Somalia for exploitation in sex trafficking.

Kenya hosts approximately 492,802 refugees and asylum-seekers, primarily located in two camps: Kakuma Refugee Camp and Dadaab Refugee Complex. Refugees are generally required to live within the camps and have limited access to education and livelihood opportunities, therefore increasing their vulnerability to abuse and exploitation, including sex trafficking. Children from East Africa, South Sudan, and Nepal are exploited in forced labor and sex trafficking in Kenya. Stakeholders assert domestic workers from Uganda, pastoralists from Ethiopia, and others from Somalia, South Sudan, and Burundi are subjected to forced labor in Kenya when Kenyan youth vacate jobs to be educated and business owners need employees quickly; however, this trend has reportedly waned. Recruiters use debt-based coercion to force Nepali, Indian, and Pakistani women to work in *mujra* dance clubs in Nairobi and Mombasa, where they are forced to pay off the debt by dancing and through exploitation in the commercial sex industry. Increasingly, traffickers are bringing children and persons with physical disabilities from Tanzania and other neighboring countries to engage in forced begging and foreign victims are coerced to serve as facilitators and middlemen to further trafficking schemes. In 2019, due to increased oversight of recruitment agencies and enforcement of labor regulations, traffickers increasingly utilized online recruitment and relative referrals. Traffickers shifted targeting from coastal regions to vulnerable youth in rural areas and remote villages in Kenya. Increased awareness campaigns, trainings, and law enforcement efforts in the coastal region and in hotels and resorts have shifted the location of sex trafficking of minors to private hotels and short-term rentals.

## 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. During the reporting period, there was a government policy or pattern of forced labor in mass mobilizations of adults and children, in prison camps as part of an established system of political repression, in labor training centers, and through its imposition of forced labor conditions on DPRK overseas contract workers. It used proceeds from state-sponsored forced labor to fund government functions, as well as other illicit activity. The government did not demonstrate any efforts to address human trafficking.



## PRIORITIZED RECOMMENDATIONS:

End the use of state-sponsored forced labor, including among North Korean workers abroad and in prison camps used as a source of revenue and tool of political repression. • End the practice of summary executions and other harsh punishments, including forced labor, for victims who are forcibly returned

from destination countries. • Eliminate coercion tactics used to monitor and limit the movements and communications of workers overseas. • Cease the garnishing of wages of overseas workers for the purposes of furthering forced labor. • Provide assistance to victims exploited in the DPRK and to North Korean victims returned from abroad. • Criminalize sex trafficking and labor trafficking. • Investigate and prosecute trafficking cases and convict traffickers in accordance with the rule of law. • Increase transparency by allowing international human rights monitors to evaluate living and working conditions of workers, both domestically and abroad. • Forge partnerships with international organizations and NGOs to combat human trafficking. • Allow North Koreans to choose their form of work and leave their employment at will. • Accede to the 2000 UN TIP Protocol.

## PROSECUTION

The government did not report any law enforcement efforts. It is unclear whether North Korean laws criminalized sex trafficking or labor trafficking. Fair trials did not occur in the DPRK, and the government did not explain what provisions of law, if any, were used to prosecute trafficking offenses. The government did not provide law enforcement data; there were no known investigations, prosecutions, or convictions of traffickers or government employees complicit in forced labor or other trafficking crimes.

## PROTECTION

The government did not report any protection efforts. Government authorities did not report identifying any victims or providing protective services, nor did they permit NGOs to provide these services. Authorities penalized victims for unlawful acts traffickers compelled them to commit. The government treated returning victims as criminals for crossing the border. Reports indicated the government sent North Koreans, including potential trafficking victims, forcibly returned by Chinese authorities to interrogation centers, where the government subjected them to forced labor, torture, forced abortions, and sexual abuse by prison guards; in some cases, authorities potentially sent them on to prison camps. North Korean defectors previously reported instances of the government executing trafficking victims forcibly returned from China.

## PREVENTION

The government did not report any efforts to prevent trafficking. Government oppression in the DPRK prompted many North Koreans to flee the country in ways that heightened their risk of trafficking in destination countries. The DPRK made no efforts to raise awareness of human trafficking. The government did not make efforts to reduce the demand for commercial sex acts, 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, human traffickers—including government officials—exploit North Koreans in the DPRK and abroad. Within North Korea, forced labor is part of an established system of political repression and a pillar of the economic system. The government subjects its nationals to forced labor in North Korean prison and labor camps, through mass mobilizations, and in overseas work. The law criminalizes defection, and individuals, including children, who cross the border for the purpose of defecting or seeking asylum in a third country are subject to severe punishment, including indefinite terms of imprisonment and forced labor, or death. The DPRK holds an estimated 80,000 to 120,000 prisoners in political prison camps and an undetermined number of persons in other forms of detention facilities, including re-education through labor camps. In many cases, these prisoners

have not been charged with a crime or prosecuted, convicted, and sentenced in a fair judicial hearing. In prison camps, all prisoners, including children, are subject to forced labor, including in logging, mining, manufacturing, or farming for long hours under harsh conditions. Prisoners are subjected to unhygienic living conditions, beatings, torture, rape, a lack of medical care, and insufficient food. Many prisoners do not survive. The North Korean government operates regional, local, and sub-district level labor camps and forces detainees to work for short periods doing hard labor while receiving little food and being subjected to abuse, including regular beatings. Authorities reportedly send people to these camps if they are suspected of engaging in simple trading schemes or are unemployed; North Koreans who were not officially registered as being employed for longer than 15 days were at risk of being sent to labor camps for a minimum of six months.

Officials forcibly mobilized adults and schoolchildren to work in various sectors, including in factories, agriculture, logging, mining, infrastructure work, information technology (IT), and construction. An NGO reported the government withheld food rations or imposed taxes against adults who did not participate in these forms of forced labor. Schools receive compensation from the government for labor conducted by children, and officials occasionally sent schoolchildren to work in factories or fields for short periods to complete special projects. In addition, school principals and teachers exploit students for personal gain by forcing them to work on farms or construction sites. The effects of such forced labor on students included physical and psychological injuries, malnutrition, exhaustion, and growth deficiencies.

North Korean laborers sent by the government to work abroad, including through bilateral agreements with foreign businesses or governments, also face conditions of forced labor. Credible reports show many North Koreans working overseas are subjected to working excessively long hours in hazardous temperatures with restricted pay for up to three years at a time. Workers reportedly worked in a range of industries, including but not limited to apparel, construction, footwear manufacturing, hospitality, IT services, logging, medical, pharmaceuticals, restaurant, seafood processing, textiles, and shipbuilding. North Korean government “minders” restrict and monitor their movement and communications. 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 often 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. According to NGO reports, the North Korean government withholds 70-90 percent of wages from overseas workers, which generates an annual revenue to the North Korean government of hundreds of millions of dollars. 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.

In 2017, UN Security Council resolutions prohibited UN Member States from issuing new or renewed work authorizations to DPRK laborers and required States to repatriate North Korean nationals earning income overseas, subject to limited exceptions, including for refugees and asylum-seekers no later than December 22, 2019. At the end of 2019, tens of thousands of North Korean citizens continued to work overseas, primarily in Russia and China. Workers were also reportedly present during 2019 in the following

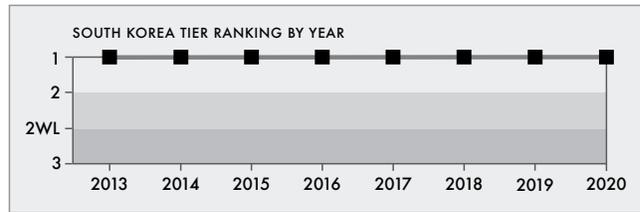
countries: Algeria, Angola, Bangladesh, Cambodia, Equatorial Guinea, Ethiopia, Guinea, Italy, Kyrgyzstan, Laos, Malaysia, Mali, Mongolia, Mozambique, Nepal, Nigeria, Oman, Poland, Qatar, Republic of the Congo, Senegal, Tanzania, Thailand, the United Arab Emirates, Vietnam, Zambia, and Zimbabwe. Many of these countries subsequently repatriated most or all North Korean workers during the year. However, reports suggested several countries either had not taken action or had resumed issuing work authorizations or other documentation, allowing North Koreans to continue working overseas, in violation of UN Security Council resolutions. Russia reportedly issued more than five times as many tourist and study visas to DPRK residents as it did during the previous year, strongly suggesting that these visas are being used as a workaround for workers. Russian statistics showed that nearly 7,000 North Korean citizens arrived in Russia during the first quarter of 2020. Of these, 753 registered with Russian migration authorities as workers, 1,975 as students, and approximately 3,000 as tourists—a multi-fold increase in the number of North Korean students and tourists from the previous year. Similarly, there have been numerous reports that factories in China are employing new or existing North Korean workers.

The North Korean government’s egregious human rights violations fueled human trafficking in neighboring China. Many of the North Korean refugees and asylum-seekers living illegally in China are particularly vulnerable to traffickers who lure, drug, detain, or kidnap some North Korean women upon their arrival. Traffickers also operate networks spanning from China into North Korea to recruit North Korean women and girls to smuggle into China. These women are subjected to physical abuse and sexual exploitation by their traffickers, forced into commercial sex in brothels or through internet sex sites, or compelled to work as hostesses in nightclubs or karaoke bars. Traffickers sell North Korean women to Chinese men for forced marriages, whereby they are subsequently forced into commercial sex, domestic service, agricultural, or other types of work. These victims often lack identification documents and bear children with Chinese men, which further hinders their ability to escape. As many as 30,000 children born in China to North Korean women and Chinese men have not been registered upon birth, rendering them stateless and vulnerable to possible exploitation. If found by Chinese authorities, victims are often forcibly returned to the DPRK, where they are subject to harsh punishment, including forced labor in labor camps, torture, forced abortions, or death.

## KOREA, REPUBLIC OF: TIER 1

The Government of the Republic of Korea (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. These efforts included investigating one case of labor trafficking on a fishing vessel, training officials on sex trafficking, distributing victim identification guidelines to police and prosecutors, holding an interagency meeting to discuss labor trafficking on fishing vessels, and adopting regulations aimed at reducing the vulnerability of entertainment visa holders to sex trafficking. Although the government meets the minimum standards, it did not track the number of identified trafficking victims and in some cases, authorities did not provide adequate care to victims. Authorities penalized, detained, and deported some victims for unlawful acts their traffickers compelled them to commit. The government did not sentence the majority of convicted traffickers to significant terms of imprisonment, adequately investigate labor trafficking crimes, or protect victims of labor trafficking. The absence of a comprehensive law that

defined trafficking consistent with international law continued to undermine the government’s anti-trafficking efforts.



### PRIORITIZED RECOMMENDATIONS:

Proactively identify victims among vulnerable populations, including individuals in commercial sex and migrant workers. • Increase and improve training on victim identification guidelines to police, immigration, labor, and social welfare officials to ensure effective identification of victims of labor and sex trafficking. • Enact a comprehensive anti-trafficking law that criminalizes all forms of trafficking in persons, in line with the definition of trafficking under the 2000 UN TIP Protocol, and that prescribes penalties that are sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other grave crimes. • Increase efforts to investigate, prosecute, and convict traffickers, particularly for labor trafficking. • Cease the penalization of victims for unlawful acts their traffickers compelled them to commit, including by improving coordination between police and immigration in cases involving foreign victims. • Punish the majority of convicted traffickers to significant prison terms. • Improve the quality of specialized services provided to trafficking victims, especially male, juvenile, foreign, and victims with disabilities. • Establish and implement formal procedures for police, immigration, labor, and social welfare officials to refer both sex and labor trafficking victims to support services. • Increase efforts to train law enforcement officers, prosecutors, judicial officials, and social service providers to better understand “trafficking” as defined by international law. • Increase investigations and prosecutions of those who use forced labor on South Korean-flagged fishing vessels. • Establish a system to collect trafficking law enforcement and victim protection data that distinguishes trafficking from other crimes such as commercial sex. • Increase trafficking awareness training to officials working at migrant support centers and government hotlines. • Increase interagency coordination on efforts to combat both sex and labor trafficking, including through the newly established interagency task force.

### PROSECUTION

The government maintained law enforcement efforts but continued to make inadequate efforts to prosecute labor traffickers. Various articles under Chapter 31 of the Criminal Act, when read together, criminalized sex trafficking and labor trafficking and prescribed penalties of up to 15 years’ imprisonment for trafficking crimes, which were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. Inconsistent with the definition of trafficking under international law, Article 289 (“trafficking in persons”) limited the definition of trafficking to require the buying or selling of another for exploitation and did not include a demonstration of force, fraud, or coercion as an essential element of the crime. However, Articles 288 (“kidnapping, abduction, etc. for the purpose of indecent acts, etc.”) and 292 (“receiving, harboring, etc. of a person kidnapped, abducted, trafficked or transported”) could apply to trafficking offenses not covered under Article 289. Similarly, Article 12 of the Act on the Protection of Children and Juveniles Against Sexual Abuse incorrectly defined child sex trafficking to require transnational movement of the victim. However, various other articles under the