

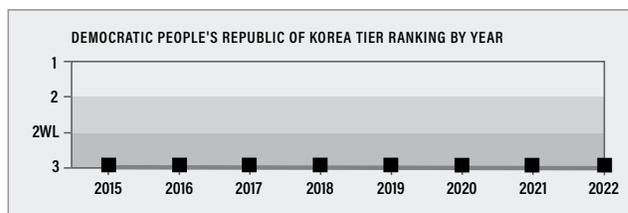
During the pandemic, traffickers increasingly exploited children in sex trafficking, including using online recruitment tactics, and in forced labor in domestic work and forced begging. Employment agencies, both legal and fraudulent, recruit Kenyans to work in the Middle East (particularly Saudi Arabia, Lebanon, Kuwait, Qatar, UAE, Bahrain, Iran, Iraq, and Oman), Central and Southeast Asia, Europe, Northern Africa, and North America, where traffickers exploit them in massage parlors, brothels, domestic servitude, or manual labor; Kenyans who voluntarily migrate in search of employment opportunities are also vulnerable to exploitative conditions. Observers report foreign employers often hold migrant workers' salaries until the completion of their contract period to coerce them to stay longer, and in some cases, employers sell migrant workers to another employer without a legal change in the employment contract, increasing their vulnerability to trafficking. Criminals involved in terrorist networks lure and recruit Kenyan adults and children to join non-state armed groups, primarily al-Shabaab, in Somalia, sometimes with fraudulent promises of lucrative employment.

Kenya hosts more than 500,000 refugees and asylum-seekers, primarily located in Kakuma Refugee Camp, Kalobeyei Integrated Settlement, and Dadaab Refugee Complex. Refugees are generally required to live within the camps with restricted movement and limited access to education and livelihood opportunities, increasing their vulnerability to labor and sex trafficking; children and LGBTQI+ persons in refugee camps are especially vulnerable. Nairobi-based labor recruiters maintain networks in Uganda and Ethiopia that recruit Burundian, Ethiopian, Rwandan, and Ugandan workers through fraudulent offers of employment in the Middle East and Asia. Kenya continues to serve as a transit point for migrants seeking work in South Africa, leaving these populations vulnerable to exploitation; traffickers exploit transient Ethiopians in forced labor and Burundian and Rwandan women in domestic servitude. Ugandan and Nigerian traffickers exploit Kenyan women in sex trafficking in Thailand. Authorities reported business owners and employers exploit Ugandan girls, particularly from the Karamojong region, in sex trafficking and forced labor in Nairobi's Eastleigh neighborhood. NGOs reported that during the pandemic, employers forcibly removed foreign national domestic workers from their homes, leaving them trapped in the country due to pandemic-related travel restrictions and border closures; unable to find new work due to economic scarcity or a safe way home; these individuals are increasingly vulnerable to trafficking. Recruiters use debt-based coercion to force South Asian women, primarily from Nepal, India, and Pakistan, to work in *mujra* dance clubs in Nairobi and Mombasa, where traffickers force them to pay off debts by engaging in commercial sex. Traffickers exploit Somali women and girls in sex trafficking in brothels in Nairobi and Mombasa. Increasingly, traffickers bring children and individuals with physical disabilities from Tanzania and other neighboring countries to exploit them in forced begging; traffickers often coerce foreign victims to serve as facilitators to further such trafficking schemes. Cuban medical professionals working in Kenya may have been forced to work by the Cuban government. PRC nationals employed in Kenya at worksites affiliated with the PRC's Belt and Road Initiative were vulnerable to forced labor, particularly in construction.

KOREA, DEMOCRATIC PEOPLE'S REPUBLIC OF: TIER 3

The Government of the Democratic People's Republic of Korea (DPRK) does not fully meet the minimum standards for the elimination of trafficking and, even considering the impact of the COVID-19 pandemic, if any, on its anti-trafficking capacity, 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. During the reporting period, there was a government policy or pattern of human trafficking in prison camps as part of an established system of political repression, in labor training centers, in the mass mobilizations of adults and children, and through its imposition of forced labor conditions on DPRK overseas workers. The government used proceeds from

state-sponsored forced labor to fund government functions, as well as other illicit activity.



PRIORITIZED RECOMMENDATIONS:

End the use of state-sponsored forced labor, including among DPRK workers abroad, in prison camps, and through mass mobilizations of adults and children. • End the practice of summary executions and other harsh punishments, including forced labor, for victims who are forcibly returned from other 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 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 all 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 DPRK 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, it used to prosecute trafficking crimes, if it did so. The government did not provide law enforcement data; there were no known investigations, prosecutions, or convictions of traffickers, including 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. Authorities treated returning victims as criminals for crossing the border. The government sent North Koreans, including potential trafficking victims, forcibly returned by People's Republic of China (PRC) authorities to detention and interrogation centers, where the government subjected them to forced labor, torture, forced abortions, and sexual abuse by prison guards; in some cases, authorities allegedly sent them on to prison camps. DPRK defectors previously reported instances of the government executing trafficking victims forcibly returned from the PRC.

PREVENTION

The government did not report any efforts to prevent trafficking. Government oppression in the DPRK prompted North Koreans to flee the country in ways that heightened their risk of trafficking in destination countries. The government 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 the DPRK, women and children are exploited in sex trafficking.

Female college students unable to pay fees charged to them by universities to meet demands set by the government were vulnerable to sex trafficking. Forced labor is part of an established system of political repression and a pillar of the economic system in the DPRK. The government subjects its nationals to forced labor in DPRK 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 a minimum of five years of “reform through labor.” In “serious” cases, the government subjects asylum-seekers to indefinite terms of imprisonment and forced labor, confiscation of property, or death.

The DPRK holds an estimated 80,000 to 120,000 persons 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. In many cases, the government also detains all family members if one member is accused or arrested. Authorities subject children to forced labor for up to 12 hours per day, do not allow them to leave the camps, and offer limited access to education. The government subjects prisoners to unhygienic living conditions, beatings, torture, rape, a lack of medical care, and insufficient food. Many prisoners do not survive. Reporting indicates the government utilized the COVID-19 pandemic to increase the number of political prisoners, thereby expanding its existing capacity to subject North Koreans to forced labor. Authorities allegedly treat individuals who do not wear face masks or who are found to violate quarantine rules as criminals guilty of political crimes and send them to political prison camps where they are subjected to a minimum of three months’ forced labor. In 2020, the government reportedly created new, and expanded existing, political prison camps to accommodate the resulting increased prison populations. In addition, following the enactment in December 2020 of a “Law on Rejecting Reactionary Ideology and Culture,” the government subjects children and adults to sentences that include forced labor in re-education through labor camps for consuming or distributing media from South Korea, the United States, or Japan. For example, in November 2021, authorities sentenced six high school students to five years’ hard labor for watching a South Korean drama series.

The DPRK government also 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 mobilize adults and school children to work in various sectors, including in factories, agriculture, logging, mining, infrastructure work, information technology, and construction. The government reportedly withholds food rations or imposes taxes against adults who do not participate in these forms of forced labor. There were reports that in 2020 government officials required all women in the area of Hyesan to work daily on construction and other projects; those physically unable to work had to pay a fine, and security forces arrested evaders. In 2021, the government forced nearly 14,000 married women from across the country to perform farm work in the South Hwanghae province to increase food production following a bad harvest and the 2020 trade suspension with the PRC, which cut off food imports. In October 2021, an international organization also reported that the government mobilized urban residents, discharged military personnel, and orphans to work on farms. The law requires all citizens of working age to work and “strictly observe labor discipline and working hours.” There are numerous reports that some farms and factories do not pay wages or provide food to their workers. During the implementation of short-term economic plans, factories and farms increase workers’ hours and ask workers for contributions of grain and money to purchase supplies for renovations and repairs. By law, failure to meet economic plan goals may result in two years of “labor correction.” 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 such as snow removal on major roads or meeting production goals. Schools also require students younger than the minimum working age to work to raise funds for faculty salaries and maintenance costs for school facilities. In addition, school principals and teachers exploit students for personal gain by forcing them to work on farms or construction sites. The government mobilizes children, including orphans, those who are unable to join the military, or those whose families are unable to bribe authorities, to participate in military-style shock brigades. They are forced to work for extended periods without pay and subjected to long working hours and hazardous work in construction, coal mines, farms, and factories. Authorities also sometimes subject children to mass mobilizations in agriculture away from their families, with excessive daily working hours, sometimes for periods of a month at a time.

DPRK workers 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 excessive hours, sometimes in hazardous conditions, with restricted pay for up to three years at a time. They reportedly 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. North Koreans work in a range of industries overseas, including but not limited to apparel, construction, footwear manufacturing, hospitality, information technology services, logging, medical, pharmaceuticals, restaurant, seafood processing, textiles, and shipbuilding. NGOs report the government manages these workers as a matter of state policy and that they were under constant and close surveillance by government security agents. Workers often reside in shared dormitories and have very limited freedom of movement. 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. In light of border closures related to the pandemic which prevent workers from returning home and require they remain abroad for extended periods, the government ordered harsher and strengthened control and surveillance over workers to prevent defections, including through threats of physical injury. Workers’ salaries are appropriated and often deposited into accounts controlled by the DPRK 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 DPRK government for their work and face punishment if they fail to meet production or work targets. The government withholds up to 90 percent of wages from overseas workers, who generate an annual revenue to the DPRK government of hundreds of millions of dollars. Wages of some DPRK workers employed abroad reportedly are withheld until the workers return home, increasing their vulnerability to coercion and exploitation by authorities. Some female North Koreans in the PRC working in restaurants or coffee shops are forced by their minders to engage in commercial sex acts with PRC national customers.

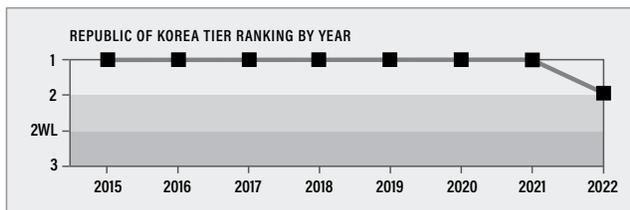
In 2017, UN Security Council resolutions prohibited UN Member States from issuing new or renewed work authorizations to DPRK overseas workers and required States to repatriate DPRK nationals earning income overseas by December 22, 2019, subject to limited exceptions. The vast majority of North Koreans employed outside the country continue to be in Russia and the PRC. There are an estimated 20,000-100,000 North Koreans working in the PRC, primarily in restaurants and factories. The Government of Russia allowed many North Korean workers to continue to enter Russia via fraudulent channels to work informally, for example by issuing tourist or student visas. In 2021, workers were also reportedly in Georgia (in Abkhazia, a Russia-occupied region), Algeria, Benin, Cameroon, Equatorial Guinea, Guinea, Indonesia, Iran, Laos, Mozambique, Republic of the Congo, South Sudan, Syria, and Tanzania. While some removed most or all of these workers during the year, reports suggested that some places either took no action or issued work authorizations or other documentation, allowing these individuals to work.

North Koreans seeking to leave the DPRK due to the government’s egregious human rights violations are vulnerable to sex and labor trafficking in the PRC. Many of the DPRK refugees and asylum-seekers living irregularly in the PRC are particularly vulnerable to traffickers

who lure, drug, detain, or kidnap some DPRK women upon their arrival. Traffickers also operate networks spanning from the PRC into the DPRK to recruit women and girls to smuggle into the PRC. For example, in border towns traffickers approach women with false promises of profitable employment that would enable them to pay broker fees associated with being smuggled to the PRC. 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 also sell DPRK women to PRC national 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 PRC national men, which further hinders their ability to escape. As many as 30,000 children born in the PRC to DPRK women and PRC national men have not been registered upon birth, rendering them stateless and vulnerable to possible exploitation. If found by PRC authorities, trafficking 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 2

The Government of the Republic of Korea (ROK) does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included creating a new training course for prosecutors, training seafarers' labor inspectors on trafficking, and initiating the process to draft new victim identification guidelines and a national anti-trafficking action plan. However, these efforts were not serious and sustained compared with the efforts during the previous reporting period, even considering the impact of the COVID-19 pandemic, if any, on the government's anti-trafficking capacity. The government initiated fewer prosecutions than in 2020, did not take steps to address longstanding concerns that government officials penalized foreign sex trafficking victims for unlawful acts traffickers compelled them to commit, and sometimes deported victims without providing them adequate services or investigating traffickers. Despite reports of the prevalence of labor trafficking among migrant workers in Korea, especially in Korea's fishing fleet, the government did not report identifying any foreign forced labor victims. Officials did not consistently utilize victim identification guidelines, and courts sentenced the majority of criminals convicted for trafficking-related crimes to less than one year's imprisonment, fines, or suspended sentences. Therefore South Korea was downgraded to Tier 2.



PRIORITIZED RECOMMENDATIONS:

Ensure police, immigration, labor, and social welfare officials consistently use victim identification guidelines to increase identification of victims of labor and sex trafficking. • Proactively screen for victims among vulnerable populations, including individuals in commercial sex, fishermen, and migrant workers. • Ensure implementation of the 2021 anti-trafficking legislation continues to (effectively) criminalize all forms of trafficking in persons, in line with the definition of trafficking under the 2000 UN TIP Protocol, and 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, including for those who use forced labor on South Korean-flagged fishing vessels. • Cease the penalization of victims for unlawful acts traffickers compelled them to commit, including by improving

coordination between police and immigration in cases involving foreign victims. • Sentence traffickers to adequate penalties, which should include significant imprisonment. • Provide trauma-informed training to law enforcement to ensure they use victim-centered approaches in investigations and victim protection. • 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. • Take steps to increase and enforce protections for migrant fishermen, including by enforcing prohibitions against document confiscation, and develop a more consistent and effective system for inspecting the labor conditions of fishing vessels. • Improve the quality of specialized services provided to trafficking victims, especially male, child, foreign, and disabled victims. • Establish a system to collect trafficking law enforcement and victim protection data that distinguishes trafficking from other crimes such as commercial sex. • Increase interagency coordination on efforts to combat both sex and labor trafficking. • Take steps to eliminate recruitment and/or placement fees charged to workers by labor recruiters in the ROK and workers' home countries and ensure any recruitment fees are paid by employers.

PROSECUTION

The government maintained its anti-trafficking law enforcement efforts; however, it did not increase prosecutions nor adequately penalize most 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 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 law could be applied to child sex trafficking offenses that did not involve such movement. The absence of a criminal offense that defined trafficking consistent with international law resulted in varying understanding of the crime among law enforcement and prosecutors and may have led officials to conflate trafficking with related crimes such as commercial sex, kidnapping, domestic violence, and other forms of sexual abuse. The Prevention of Trafficking in Persons, Etc. and Victim Protection Act, promulgated in April 2021 and which will come into effect in January 2023, included a definition of "trafficking in persons, etc..." that aligned more closely with the international definition of trafficking, but it did not include penalty provisions. The government stated penalty provisions were unnecessary because officials could prosecute traffickers under various statutes in the existing legal framework and a new criminal statute could harm existing efforts to prosecute traffickers. Numerous NGOs and anti-trafficking experts said the government had not effectively used the existing legal framework in recent years to prosecute traffickers and many traffickers often go unpunished and were skeptical this new law will result in increased trafficking prosecutions and convictions.

While the government maintained general statistics on victims and offenders across all subsections of the criminal code, it did not adequately distinguish trafficking cases from related crimes, such as commercial sex. This made it difficult to determine which law enforcement actions reported by the government involved human trafficking as defined by international law. The government reported investigating at least 64 potential cases of trafficking in 2021; it did not report the number of cases investigated in 2020. The government initiated prosecutions of 297 suspects (332 in 2020) and convicted 226 offenders (229 in 2020) for crimes related to trafficking, including 258 prosecutions and 212 convictions of traffickers who purchased commercial sex acts