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Summary of Research Papers 06



A Study of Establishing Protection and Support System for Human Trafficking Victims

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Victims**

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I . Introduction

1. Necessity and objective of research

The Human Trafficking Prevention Act, enforced from 2023, agrees with the definition of human trafficking in accordance with the UN Protocol on the Prevention of Human Trafficking and has prepared mechanisms to identify and protect victims.

Following the enforcement of this act, establishing a support system to identify human trafficking victims and connect them with relevant organizations is an urgent policy task. In this study, we conducted in-depth interviews with academic experts and activists to grasp the reality of human trafficking in South Korea, and to offer concrete recommendations for the protection and support of human trafficking victims, we reviewed policies of foreign countries that have rich experience in the protection and support of victims.

2. Research method

First, we reviewed the existing South Korean research on human trafficking and related laws, as well as human trafficking laws, related policy data, and news reports from foreign countries.

Second, we conducted in-depth interviews targeting relevant experts, activists, lawyers, and police. Specifically, we conducted 16 in-depth interviews with 9 experts from academia and related organizations such as a training institute; 27 interviews with 14 activists who provide support for prostitutes, migrant workers, and disabled victims of abuse, 6 interviews with 3 lawyers who support victims of sexual exploitation and labor exploitation; and interviews were conducted with 5 police officers who have experience in investigating prostitution.

The questions were about how the victim was discovered, how the victim entered the country and the environment of victimization, experience with investigation and difficulties with it, victim identification and the process of protection, needed support, and the role of agencies that protect rights.

II. Key issues related to human trafficking

1. Punishment of human trafficking

1) Foreign regulations on the punishment of human trafficking

In 2005, the crime of human trafficking was established in the Criminal Code of Japan. As in South Korea, human trafficking is subject to punishment, but it is limited because only trafficking for the purposes of profit, molestation, or marriage are subject to aggravated punishment,

as well as cases where there is harm to the victim's life or body. Similar to Korea, the purpose of exploitation for labor is included under the purpose of profit, and the purpose of coercion for prostitution is included under the purpose of molestation.

The US enacted the Trafficking Victims Protection Act in 2000 to prepare a comprehensive legal system for preventing and punishing human trafficking, and protecting and supporting victims. Provisions for punishment are divided into human trafficking for the purpose of sexual exploitation, such as prostitution, and human trafficking for the purpose of labor exploitation, and in the 2008 revision, content about human trafficking for sexual purposes was added.

The UK enacted the Modern Slavery Act in 2015 to strengthen its legal enforcement related to modern slave labor and human trafficking. Those convicted of human trafficking may face life in prison, while summary prosecutions may result in fines or prison terms of 12 months or less.

2) South Korean regulations on the punishment of human trafficking

In order to be considered a human trafficking crime, the crime must be for a purpose of exploitation such as prostitution, sexual exploitation, labor exploitation, or organ harvesting. Mostly human trafficking for the purpose of prostitution and marriage (including the trafficking of children) are targeted.

Article 289 Paragraph (1) of the Criminal Act of 2013 on the crime of human trafficking was newly established to make aggravated punishment possible to be imposed on human trafficking done for various purposes. As a result, crimes resulting in accident/fatality and

murder/death were newly established as aggravated crimes, and not only attempted crimes, but also preparation and conspiracy, were made punishable. In addition, a fine can be imposed in combination with the prison sentence stipulated in the statutory punishment.

3) Problems in the punishment of human trafficking in South Korea

In the process of punishment, the provisions for the punishment of human trafficking are absorbed into other related crimes and cannot be established independently, so they are not being properly utilized. Only the following number of cases have been applied: 3 in 2014, 6 in 2015, 8 in 2016, 3 in 2017, 2 in 2018, and 3 in 2019. We think that the problem is that the legislation on human trafficking was enacted without detailed reflection on the domestic situation, as legislation had been carried out in response to international requests.

There is also the problem that even precedents acknowledging human trafficking have been passive. South Korean court interpretations have a limited concept of trafficking and hardly recognize the establishment of the crime of human trafficking, and until recently, most cases of brokering prostitution were not recognized as strongly illegal crimes of coercion for the purpose prostitution, but were punished instead as the crime of brokering prostitution.

The response of criminal justice agencies such as the police and prosecutors is also a big problem. Even though was an element of human trafficking in a case in 2016 related to a Thai female massage parlor, the prosecution only pressed charges for coerced prostitution and forced adultery, and the court punished the business owner only for forced adultery.

2. Identifying victims of human trafficking

1) National Human Rights Commission's identification index and evaluation

The indices used by the National Human Rights Commission of Korea reference the UN Protocol to Prevent Trafficking in Persons and are categorized according to the three elements of human trafficking: the act, the means, and the purpose. They are constructed so victims of human trafficking can be differentiated and identified. Trafficking in persons is defined as "Acts of threat or force, or other forms of coercion for the purpose of exploitation, or other forms of coercion, kidnapping, fraud, deception, abuse of power, or exploitation of people in vulnerable positions, and also recruiting, transporting, transferring, harboring, or taking over people through the act of providing or accepting remuneration or benefits to obtain the consent of a person who has control over others."

In June 2016, the National Human Rights Commission of Korea recommended to the Minister of Justice, the Minister of Employment and Labor, the Minister of Gender Equality and Family, the National Police Agency, and the head of each metropolitan government that they use the identification index and make remedies, but there is a big difference between the index and the regulations for punishment for human trafficking in South Korea's criminal law, so they are not being utilized in each institution.

2) Foreign countries' identification indices for victims of human trafficking

In Japan, even if there is just one of the acts, it can be applicable.

As not all of them are required, a wider range of acts are applicable under human trafficking, as they are not limited to acts stipulated in the crime of human trafficking in Article 226-2 of the Criminal Law.

The US Adult Trafficking Identification Tool and Guidelines includes “force, fraud, and coercion” as three key means of human trafficking, as well as other ways or behaviors that victims experience in common.

Article 50 of the UK's Modern Slavery Act provides that the Secretary of State can establish regulations for the support and judgment of victims of slavery or human trafficking, but this has not yet been established.

3) Process of identifying victims of human trafficking

Based on the Human Trafficking Prevention Act, the direction of the victim identification index should be set with the goal of “protection and support” for victims, and a much wider range should be established as the standard for punishment. However, in the case of human trafficking for the purpose of prostitution, it is punished as voluntary prostitution, and in this case, there are many times when it is regrettable to separate human trafficking from prostitution, and it is realistic to divide the identification index and operate them separately.

As a consideration when developing identification indices, it is necessary to first establish initial identification indices for clearly involuntary victims of human trafficking for the purpose of prostitution and utilize them for crackdowns and initial investigations, and after that, carefully judge whether they are victims or not.

It is necessary to construct detailed procedures in which identification indices can be utilized. The National Human Rights Commission also recommended in April 2021 that the National Police Agency prepare a

detailed manual related to identification procedures and provide education.

3. Review of the police response system related to human trafficking

In the case of crimes such as human trafficking, various crimes are involved, so no one police investigative department is in charge. Protection against human trafficking and support for victims are not properly established, and neither are systems to investigate related crimes.

Crackdowns on prostitution are handled by the Division for Lifestyle Safety at police stations and the Customs Control Section of city and provincial police departments. Depending on how duties or functions are separated, the departments in charge may be expanded, and crackdowns and investigations may be separated, so proper investigations are not being accomplished.

III. Current status of human trafficking for sexual exploitation: In-depth interviews

1. Current status of prostitution as seen from on the ground

The structure and character of prostitution is changing as time passes. It was found that sexual exploitation continued by using women's cognitive vulnerability rather than physical force, and that after crackdowns, the business owners train women on what to say and do. It is observed that police generally believe that prostitution is mostly based on women's voluntary will.

Activists recognize foreigner sex workers as victims of human trafficking, and point out the need in the public sphere to identify them as such and provide protection and support for them.

Arts and entertainment visas are being misused to bring foreign women into South Korea for the purpose of prostitution. Meanwhile, there are many cases of women who engage in prostitution after entering the country without a visa or with only a short-term visa, and they continue to stay without being a registered foreigner even after the allowed period of stay has elapsed.

Elements of human trafficking can even be identified in environments where foreign prostitutes work. At the establishments where they work, sales quotas indirectly force women into providing sexual services, or the sales quotas imposed are so high that the women are not able to rest, and these are elements of human trafficking. Women are made into debtors under the pretext that they have to make payments in advance or they have to pay mediation fees, or they are not paid all of their wages under pretexts such as the employer is keeping savings for them.

2. Identification of victims on the ground

The police acknowledge that there are elements of human trafficking in the structure of the sex trade itself, but they emphasize the difficulties in identifying and protecting victims in real practice.

Activists point out that police need to actively consider and deal with indirect control and psychological domination together. Because of prior education or instructions they receive from the business owner, or because they are afraid of punishment, women do not testify that they have been victimized and are therefore classified as actors in the sex

trade.

The police have manuals related to prostitution and victim identification indices related to sex trafficking, but the reality on the ground is that it is difficult to utilize them in crackdowns, so therefore it is necessary to improve the system to create an environment where indices can actually be used. After developing a standard model to identify victims, training should be conducted so it can be properly utilized.

3. Improving police organization for effective investigation

On a practical level, there are difficulties in investigation because business owners who have lot of knowledge about related laws do not leave evidence. The fact that sex trafficking victims show an uncooperative attitude to the police and do not report brokers because they think that they themselves can be punished also makes investigation difficult.

There are many cases where even if police intend to offer victims protection or support, victims reject it or refuse to make a statement. The fact that groups that are dedicated to investigating crimes of human trafficking is insufficient, and the fact that know-how is not shared due to the constant change of personnel that investigate prostitution also makes the investigation process difficult.

It is necessary to establish a systematic organization dedicated to human trafficking crimes, and unify the crackdown and investigation into one organization that is in charge. It is necessary to train police personnel who specialize in prostitution investigations by strengthening their expertise and capabilities. Investigative capacity, such as the identification of sex trafficking victims through active statements, should be

strengthened to discover new methods for crackdowns and to share know-how.

4. Improvement of protection and support for foreign victims

Currently, most foreign women who are caught in prostitution crackdowns are handed over to the immigration office for violating the Immigration Control Act. Since activists are not given the opportunity or sufficient time to support victims, the system should be overhauled so there can be cooperation with victim support organizations in the crackdown and investigation stages.

Interpretation services provided during police investigations are insufficient. During late-night crackdowns, it is difficult for police to bring an interpreter with them, so they use a translation app. Interpreters who do belong to the police's pool of manpower do not receive training or education related to prostitution, so accurate interpretation of the victim's situation might not be performed.

Procedures that make it possible for support organizations to intervene and cooperate from the police crackdown or investigation stage should be activated, and sufficient counseling, resting time, and investigation processes are needed for victims to give testimony about the reality of the damage.

In order to actually restore the rights of foreign victims, it is necessary to provide comprehensive support that considers guarantees of labor rights, etc., not just immigration. For the victim's psychological stability, a grace period must be given until the legal case proceeds, or additional measures from institutions are necessary.

It is necessary to improve awareness of the gravity and seriousness

of crimes that fall under human trafficking for sexual exploitation. Because the level of awareness of victims of human trafficking for sexual exploitation is very low, active investigations about victims and protection for victims are not being done well.

IV. Current status of human trafficking for labor exploitation: In-depth interviews

1. System to import foreign workers

The Employment Permit System is a contract between the Ministry of Employment and Labor of Korea and the sending country's Ministry of Labor, and workers are imported through this system between two countries. Since the Employment Permit System is operated at the national level and there are no middlemen unofficially exploiting the system, there are not many fees to enter the country, and there is high demand from foreign workers who want to use the system.

In the agricultural and livestock sector, foreign labor is introduced not just through the employment permit system, but also the seasonal worker system. Seasonal workers are unable to engage in stable economic activities, so during periods when they are not working, the problems arise that they are forced to work through illegal introductions, or they become illegal residents, resulting in a weakening of their status. Under the seasonal worker system, only part of the wages are paid to workers, and the workers receive the rest when they return to their home countries. Some activists criticize this, saying that there is an element of human trafficking in these partial wage payments and the demand for families

and close friends to take joint responsibility for illegal residents.

The fishing sector is introducing foreign labor through the employment permit system and the foreign crew system. In the case of ships smaller than 20 tons and fish farms, the employment permit system is used, and in the case of ships larger than 20 tons, the foreign crew system is applied.

The imposition of excessive fees in the foreign crew system is pointed out as a problem. During the process of entering South Korea, requesting money in the form of fees, deposits, and administrative expenses is a violation of Korean domestic law, so these requests are made in the worker's home country. Difficulties that workers encounter are poor living conditions because fishing is conducted on remote islands or at sea; the boundary between rest and work is ambiguous; and they have to work long hours.

2. Problems with the foreign worker import system

Seasonal labor is difficult to manage, as it is excluded by the Ministry of Employment and Labor, and there is a problem in that most of the workers leave the workplace and become illegal residents. The excessive cost incurred when private agencies intervene in the recruitment process is one of the major reasons that makes foreign workers vulnerable to forced labor.

It is a problem that some foreign workers sign a contract, enter the country, and then leave their workplaces to work in different places as illegal residents. In order to solve this problem, the Korean government puts pressure on countries whose citizens have high rates of illegal stays and manages them to prevent them from leaving the workplace, but this

cost acts as a factor that increases the exploitation of labor.

In order to prevent bosses from seizing workers' identification cards to prevent them from leaving, the Seafarers Act includes a clause prohibiting such seizures, but there are no measures to punish or investigate ship owners who seize identification cards, and there are no measures to make them return the identification cards.

3. Current status of foreign workers

In the case of hiring foreign workers in the small-scale agricultural and livestock sectors, systematic management such as the treatment of workers according to the conditions of the workplace is not conducted because willingness to comply with legal standards is falling.

Foreign laborers are made to work under a wide range of poor working conditions that have elements of human trafficking, such as being sent away during agricultural off-seasons, or not being properly paid for their labor. Considering this situation, a plan to make and operate an association for the systematic management of foreign workers in regional communities is proposed.

The fishing industry is relatively labor intensive, and the proportion of foreign crewmen is gradually increasing. However, total statistics on the actual conditions have not been compiled, and the problems faced by migrant fishermen are not considered in the process of establishing policy.

It is very difficult for workers to change workplaces if they want to because they need the business owner's consent to move, and it is only possible for them to move to a vessel managed by the same company. There are even some cases when a shipowner reports a migrant fisherman

as having left the workplace when the worker moves to another ship, making the worker have the status of an illegal resident and forcing his deportation.

In the case of overdue wages, there are not many cases where the victim can receive the money because there is no criminal punishment against the employer. Some shipowners make laborers do additional, illegal labor in fish processing plants or fishing huts and do not pay them overtime.

4. Improving the system to protect and support foreign workers

In the process of introducing foreign workers, actors with different interests are complexly intertwined, so there is a tendency to block measures led by the public. In consideration of their own interests, ship owners' associations, fisheries cooperatives, maritime unions, management companies, etc. oppose the introduction of public institutions that introduce and manage foreign workers.

Activists from human rights groups point out that the Human Trafficking Prevention Act has limitations in addressing all factors related to human trafficking. Because there are no provisions for punishment, the effectiveness is low in reality, and since there is no stable guarantee for the worker's residence status, it is also insufficient in protecting victims.

When a worker decides to report or change their place of work, a stable residence status is not guaranteed during the procedure, so it is also not possible for them to report victimization. Because it is up to the victim to prove the fact of the damage, it is very difficult for the damage to be recognized and for the victim to receive aid.

In order to solve the problem of the exploitation of foreign workers, it is necessary to first improve the awareness of public officials who perform related tasks. Activists point out that the problem is that relevant public officials do not recognize the severity of the problem of overdue wages or human rights violations occurring at workplaces.

V. Current status of human trafficking exploitation of people with disabilities: In-depth interviews

1. Current status of people with disabilities who are exploited

People with disabilities are often sent to workplaces with a high risk of exploitation through their families or employment agencies; meanwhile, they are less likely to be lured in through kidnapping, violence, or intimidation. If exploitation continues without physical confinement, it is highly likely that not only the perpetrator, but also the victim, will not recognize the reality that they are being victimized.

Many cases of labor exploitation of disabled people have been discovered in rural farming and fishing areas. In addition to labor exploitation, such as cases of making people work in violation of the Labor Standards Act or delaying the payment of wages, cases of extorting disabled people's pensions have also been confirmed. Cases of labor exploitation targeting disabled people are also found in cities, but they are not recognized as crimes, and are simply judged to be a problem of overdue wages.

Methods to exploit disabled people for labor are becoming more and more clever as time goes by. After a legitimate employment contract is

drawn up and wages are paid, exploitation appears again as extortion in the name of fees for lodging or living expenses. By international standards, this constitutes an act of human trafficking, but it is currently not punishable under domestic criminal law. The families of victims also sometimes hand the disabled over to people who exploit them for labor. Because it is the family that put the victim with the perpetrator, the family does not make a police report, even after several years of extortion and exploitation.

2. Limitations of responses by investigative and government agencies

There are difficulties with reporting to the police and giving testimony due to the vulnerability of people with disabilities. In the case of victims of long-term exploitation, it is difficult for them to escape from the perpetrator's psychological control and domination, and they are reluctant to report to the police or give testimony due to fear of the perpetrator. Even if a victim statement is obtained, getting reliable testimonies is difficult because they are not concrete, or the victim only partially remembers.

There are also cases where the perpetrator uses his influence over the victim to keep him from making unfavorable statements against him. Perpetrators often contaminate victims' statements by censoring their statements and giving guidelines to other victims.

Problems arise due to the narrow interpretation of human trafficking in the law. In punishing human trafficking for the purpose of labor exploitation, whether or not the victim gave consent is not a requisite (Article 289 of the Penal Code). The scope of regulation is the same,

even if the person who is targeted -- such as a disabled person, a minor, or a foreigner -- has difficulty judging how harmful the perpetrator's request is. Therefore, even if an act of buying or selling a person occurs, if the targeted person does not resist or object during the process, it is sometimes regarded as a payment of fees for in the job placement process, not as receiving money or valuables in human trafficking.

Contamination of statements may occur due to the lack of professional workers' lack of disability and gender sensitivity, as well as lack of understanding of the harm victims have experienced. Professionalism should be raised by setting up a department that can be exclusively in charge of disabled victims and that can conduct regular training.

When a case of human trafficking for the purpose of exploiting the disabled for labor occurs, the punishment for the perpetrator is weak because the investigative agency does not recognize it as human trafficking. Therefore, even after being punished, perpetrators do not recognize their wrongdoing and continue to engage in human trafficking and labor exploitation, believing that there is no problem as long as there is no abuse visible on the surface.

3. Role of support agencies for disabled victims

In order to avoid legal problems during the site investigation and to collect evidence necessary for supporting victims in the future, activists collect evidence through audio and video recording, photography, etc. and conduct investigations. Activists are not given the right to visit and interview, so confirming real relationships is difficult.

4. Matters for improvement

The Sunflower Center provides a variety of support to victims at the time sexual exploitation occurs. Not only does it provide traveling investigation support services for victims with intellectual disabilities, but evidence and testimonies obtained by the Sunflower Center have the power of being recognized as evidence in court, and because the Sunflower Center already has expertise in supporting the disabled, consideration is necessary for this in the future so it can be utilized to secure testimony from victims with severe developmental disabilities or other mental disabilities.

In order for people to recover from victimization, they should be provided with a residential environment where they can stay stably as long as they are receiving support, but the reality is that the number of shelters for both long and short-term stays is insufficient, and there are insufficient human resources at shelters. Because of this, there have been cases where the victim returns to the perpetrator in order to have a place to stay. The current shelters are mainly for men and only individual admission is possible, so the problem is that if the victim is a woman, or a couple is victimized together, it is difficult for them to enter.

Experts believe that blind spots in protection can be eliminated by dividing shelters according to individual characteristics, and within shelters, providing services according to the types of damage or offering individual services according to the demand.

Experts believe that even if victims of human trafficking for labor can stay in shelters in the short term, in the long term, independent living support facilities with individual spaces need to be secured. Victims complain about discomfort with the control and regulation at shelters, and because they have been directly and indirectly exposed to experiences of abuse from others for a long time, they feel uncomfortable

having relationships with other people, and suffer from abuse even within the facilities.

For victims with intellectual disabilities, it is essential to connect with various resources such as public guardianship services and job training so they can become self-reliant and not be exposed to abuse or exploitation again in the community. In the case of regions other than the metropolitan area, the reality is that resources are in even shorter supply, and improvement is urgently needed.

Insufficient resources and manpower are problems that are pointed out as needing improvement in the future. On the grounds of relief for damages that have extended over a long time and support for self-reliance, help should be given for people so they can guard their rights and become self-reliant.

Human rights education is acutely needed to stop people with disabilities from being reintroduced to sites of abuse or exploitation. Adult rights education, disability human rights education, etc., should be provided to victims to help them correct their misconceptions about themselves and others, and they should have help to have healthy attitudes and actions.

VI. Recommendations to improve policy

1. Recognition of human trafficking and system improvement

Efforts to raise social awareness about human trafficking are demanded in light of the implementation of the Human Trafficking Prevention Act in 2023. Policy efforts are needed to ensure that, as presented in the law,

all mandatory reporters, police, prosecutors, maritime police, labor inspectors, inspectors of seafaring crews, and workers at immigration offices are well-informed about the concept of "human trafficking, etc."

In Article 4 of the Human Trafficking Prevention Act, even if the victim agrees to the exploitation, that does not influence the establishment of the crime of human trafficking, and there is also a provision that allows criminal acts committed by victims in the process of human trafficking to be reduced or exempted from punishment. Meanwhile, even though there is only a minority of cases where provisions for punishment have been applied to human trafficking crimes, it is hard to imagine that it is because there are only a few human trafficking crimes.

As the Anti-Human Trafficking Act is being implemented, there is a high possibility that Korea will be like foreign countries, where cases of victimization rapidly increased in the early days of implementing anti-trafficking laws and actively developing policies to protect victims, so efforts should be made to actively publicize the Anti-Trafficking Act that will soon be enforced, and social awareness of human trafficking has to be improved.

The protection of human trafficking victims is more closely linked to punishment than any other legislation, but in South Korea, legislation related to human trafficking is imperfect and incomplete. In 2013, through a revision of the Criminal Law, the crime of human trafficking was newly introduced, but intense concerns about protecting the human rights of human trafficking victims were not sufficiently reflected, and this law includes clauses on human trafficking that do not conform with standards on human trafficking in the UN Protocol to Prevent Trafficking in Persons.

These problems are also reflected in the application of the law, and regulations for punishing human trafficking crimes are rarely utilized. Rather than making a concept of human trafficking in a new law, we recommend amending the definition of human trafficking in the Criminal Law to conform to international standards.

2. System to discover and support human trafficking victims

Following the enforcement of the Human Trafficking Prevention Act, the direction of work related to the role of the rights and interests protection agencies should be drawn up as a manual and distributed to relevant agencies, including mandatory reporters and investigation agencies, and the content recommended is as follows.

Establish a human trafficking victim hotline that is open year-round, 24 hours a day. Incidents of human trafficking that are received should be reported to the police, and at the same time, the rights and interests protection agency should be informed of content related to the victim.

Once the investigative agency identifies a person who may potentially be a victim of human trafficking, the victim should be directed to a rights and interests protection agency that can inform them of the public service benefits they can receive if they are recognized as a victim. Close cooperation with rights and interests protection agencies is needed to find and support disabled people who have been victims of various types of abuse.

It is necessary to expand human trafficking victim support facilities that can be used by foreign victims of sexual exploitation; identify victims' daily needs; link them to psychological counseling, legal support, and interpretation services; link them to emergency medical services; and

support should be given to apply for a temporary visa (G-1) so they can secure legal residence status during the investigation cooperation period.

We suggest designating a support facility for human trafficking victims who are agricultural and livestock workers or fishermen under poor working conditions. Then, depending on developments in finding victims, it can be decided whether to expand it or not.

For victims of labor exploitation and human trafficking with disabilities, the existing shelter for disabled victims of abuse can be used as an emergency temporary shelter first, and once the identification of the victim is complete, it can be considered as a human trafficking victim support facility that provides guidance for disabled victims. A human trafficking victim support facility for the disabled should be installed in each region so victims can receive medical and psychological treatment, as well as legal support, so they can cooperate with the investigation.

3. Support for disabled victims of human trafficking

Overall principles and services that are demanded according to individual characteristics, and individual choice rather than strongly demanded shelter regulations, are respected. At the time they are found, human trafficking victims may feel fear, confusion, and disillusionment, so it is necessary to provide them with a space of their own where they can feel safe and secure. In the first month, they need support for adaptation and physical and psychological treatment and healing, and they need support for daily life, such as the registration of disabled status, application for basic livelihood benefits, application for the appointment of a guardian, reporting their residence, opening a bank account, and opening a mobile phone account.

A lawyer is appointed to file a criminal complaint or accusation or to support the investigation process, and meanwhile, the rights protection agency can be helpful in the role of being a trusted party that helps with testimony and accompanies the victim in the judicial process. About 1 to 3 months after admission, victims prepare in earnest for discharge and independent living. They can receive help with applications for government housing or general rental contracts and connection with welfare centers for the disabled or independent living centers for the disabled in their local area. Case management is given to the local administrative and welfare center.

If the victim has been exploited for many years, support for daily living is needed. For victims who have been living isolated from society, support for daily living, such as using public transportation and managing personal hygiene, is provided. If possible, case management should be carried out from the shelter where the disabled victim of human trafficking stayed until the early stage of community settlement. When necessary, guidance is provided on various vocational training programs conducted by welfare centers for the disabled, and help is given so people can register as National Basic Livelihood Security recipients.

4. Identification of human trafficking victims

The National Human Rights Commission of Korea created a human trafficking victim identification index in June 2016 and recommended that the Minister of Justice, the Minister of Employment and Labor, the Minister of Gender Equality and Family, the National Police Agency, and the head of each metropolitan government use it. However, the content of the UN Protocol to Prevent Human Trafficking was put in

just as it was, so there is a big difference between that and the provisions for punishing human trafficking in the Criminal Act. Therefore, utilization of the index on the ground is not harmonious.

According to the Act on the Punishment of Prostitution, women engaged in prostitution who are not confirmed as victims can become criminals, so they are presented as separate from those who are exploited in other fields. We suggest that identification indices for human trafficking victims be divided into an “initial screening stage” and an “official decision stage.” In areas other than victims of human trafficking for sexual exploitation, it would be good to interpret the provisions of the Human Trafficking Prevention Act as widely as possible and use the National Human Rights Commission's identification indicators as they are.

5. Improvement of police response system related to human trafficking

There is a big difference between the police and activists' perceptions of foreign prostitutes. This may be because most of the police officers are working in the metropolitan area and are more likely to have encountered women who are working out of their own volition, and activists are more likely to have encountered victims across the country. The police believe that the majority of adult women in brothels, whether Korean or foreigners, voluntarily engage in prostitution for money.

On the other hand, activists believe that they are subjected to psychological domination and forced prostitution; that they are not allowed to go outside or are restricted; wages are withheld; and they are physically confined and restrained. In addition, they believe that police

efforts to identify or protect victims by contacting organizations during crackdowns is rather low, and there is also a problem with the hasty crackdown method.

According to the 2023 Human Trafficking Prevention Act, crimes such as human trafficking are handled by various investigation departments within the police, but considering the fact that human trafficking is carried out in an organized way, specialization in this work is urgent. It is necessary to have the women's and juvenile crime investigation units of metropolitan and provincial police agencies be in charge of important human trafficking crimes, while police stations should respond to the remaining human trafficking crimes.

The Human Trafficking Prevention Act stipulates that public officials utilize indicators on the identification and protection of victims to be developed and announced in the name of the Minister of Gender Equality and Family. Public officials who should use them are not just prosecutors and judicial police officers, but also immigration officials, labor supervisors, labor supervisors of seafaring crews, and officials who do work relevant to foreigners.

In the case of crimes such as human trafficking targeting foreigners, crackdowns and investigations happen first, so handling illegal residents becomes a problem. If the following are expanded, they can sufficiently take charge of protecting and investigating foreign human trafficking victims: the immigration and foreigner policy department of the Ministry of Justice, which is in charge of immigration control; the special judicial police management, which investigates crimes related to immigration and crimes which are concurrent with immigration crimes; and special immigration investigation teams that are dedicated to investigating immigration-related offenders who mediate in illegal resident

environments, such brokering illegal employment and illegal immigration.

As currently being discussed, if the department for immigration and foreigners is expanded and a ministry for immigration is established, it can take charge of the work more effectively. A response system centered on the special judicial police needs further consideration.

6. Strengthening the public nature of the foreign labor force system

Breaking away from the practice of relying on private agencies, public institutions should take the lead in introducing foreign labor to increase transparency in introducing human resources and to eliminate exploitative structures that use brokers. Regarding the introduction of fishing crews, the Ministry of Maritime Affairs and Fisheries is responsible for the introduction of fishing crews, and an introduction system for other workers led by public institutions should be created. In the case of seasonal workers, the public nature should be strengthened to prevent human trafficking from occurring due to problems in the labor recruitment system.

7. The importance of resident visas for victims of human trafficking

It is expected that by reviewing matters referred to as measures to improve Article 11 of the Act to Punish Prostitution, it will be possible to prepare some improvement measures related to the sojourn requirements for foreign human trafficking victims.

Regarding the status of residence for foreign victims under the Anti Human Trafficking Act, we should be mindful of the existence of

difficulties in collaboration between the private sector and various government departments, not just the Ministry of Justice and the police, but also the Ministry of Gender Equality and Family, the Ministry of Employment and Labor, the Ministry of Oceans and Fisheries, and the Ministry of Health and Welfare. Problematic points in Article 11 of the Act to Punish Prostitution should be reviewed, and preparation plans should be made related to foreign victims' residence status and measures for their protection under the Human Trafficking Prevention Act by synthesizing the opinions of activists on the ground, investigation agencies, and immigration officers.

8. Improvement of interpretation support services for victims of human trafficking

Regarding interpretation services, the Ministry of Justice, the Ministry of Gender Equality and Family, the National Police Agency, the Prosecutor's Office, and the courts that carry out the work of protecting and supporting crime victims should form a consensus to make interpretation a policy task and propel it in a way that gets results. It is possible to reflect this as a promotion task in the annual implementation plan that is based on the Basic Plan every year and established by the head of the relevant agency. If consensus is formed between agencies, promoting the systematization of improvements in services for foreign trafficking victims, such as interpretation services, looks to be possible.

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