CHAPTER 4

Case Study 1: South Korea*

1 Introduction

This chapter conducts an in-depth case study of the complex legal situation of vulnerable migrants located at the intersection of human trafficking and labor migration—Filipina “entertainers” working in U.S. military camp towns in South Korea. This study presents narratives from the field and the analysis of relevant legal systems and practices useful for evaluating the efficacy of the current anti-trafficking regime discussed in Chapters 2 and 3. The findings of the research illuminate the ambiguous, complex and diverse realities of victimized and vulnerable migrant individuals, which cannot be adequately addressed by the approaches centering on crime and immigration law enforcement. South Korea is one of the least active destination states in implementing the anti-trafficking framework, although the state has adopted the relevant laws. This research investigates the reasons why the legal system does not work for the benefits of the individuals it is supposed to serve, and reveals how the law instead aggravates and reproduces the migrants’ multiple predicaments and vulnerabilities: The dichotomous law deprives the marginalized migrants of proper legal status, rights, and remedies, failing to recognize them either as trafficking victims or as migrant workers. The findings highlight the inadequacy of the current regime’s flattened perception and indiscriminate treatment of trafficking victims, in particular the repatriation policy, which does little to address the various rights violations that the migrants experience.

Section 2 of this chapter investigates the migration processes of Filipina entertainers through the entertainer visa system in Korea, their life and work under abusive conditions in U.S. military camp towns’ “foreigner-only clubs,” and the reasons why the majority of the entertainers are enduring their current situations. Section 3 examines these entertainers’ complex situations through the lenses of human trafficking and labor migration. It sets out five different groups of Filipina entertainers for analysis, based on their prior expectations.

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about their jobs and current desires after migration. This section demonstrates that victimhood and agency, as well as the vulnerability and aspirations co-exist within individual migrants’ multi-layered experiences. It also illuminates the diversity among these entertainers. Section 4 investigates the current legal responses of the Korean government. It analyzes the ways in which the legal system and practices effectively deny migrant entertainers’ legal status and rights either as trafficking victims or as migrant workers, and how the law successfully marginalizes them as “unlawful foreign hostesses.”

The findings in this section offer insight into why the current anti-trafficking regimes around the globe are doing such a poor job. This study also critically analyzes actual decisions by Korean courts and prosecutors in criminal cases brought by migrant entertainers against their employers. The section then evaluates the responses of Korea in terms of its human rights obligations and responsibilities. The Author’s first-hand experience in the field, working as a pro bono lawyer with My Sister’s Home—the only NGO in Korea specializing in supporting migrant entertainers in U.S. military camp towns—provided critical foundations for this study. This experience included: providing legal counseling for clients and staff, assisting them in filing legal claims, participating in actual investigation procedures by the police and prosecutors, meeting with entertainers’ employers, visiting recruiting agencies and the Korean Embassy in the Philippines, and interviewing relevant government officials in both states. The Conclusion discusses the adequacy of the current anti-trafficking regime in addressing the victimized migrants’ complex and diverse situations and the implications of this case study for shaping a better framework.

2 Migration and Work of Filipina Entertainers in U.S. Camp Towns in South Korea

A Overview of the Migration Process

1) Figures

Every year, more than four thousand foreigners enter South Korea with “art and entertainer” (E-6) visas. E-6 visas are issued with three subcategories: artists, or entertainers who will appear in the media (E-6-1); entertainers who

1 For the meaning of a hostess used in this chapter, see note 19 and the text accompanying note 27.

2 See Table 1.