

A Review of Data on Trafficking in the Republic of Korea

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June J.H. Lee prepared this report as an independent consultant to the International Organization for Migration. Opinions expressed in this document are those of the author and do not necessarily reflect the views of IOM.

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Prepared for IOM by

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GLOSSARY

FWR	Association for Foreign Workers' Human Rights (an NGO in Pusan, South Korea)
GI	Slang term for a US soldier (from US Government Issue)
GOK	Government of the Republic of Korea (South Korea)
IOM	International Organization for Migration
ITTP	Industrial and Technical Training Programme for Foreign Workers in South Korea
KCWU	Korea Church Women United (a Korean NGO)
KFSB	Korean Federation of Small- and Medium-Sized Businesses
KWDI	Korea Women's Development Institute
KRW	Korean won (currency, US\$ 1 is approximately equal to 1,300 won)
NGO	Non-Governmental Organization
US	United States
USSR	Union of Soviet Socialist Republics
YWCA	Young Women's Christian Association

Referenced South Korean Visa Categories:

B-2	Tourist/Transit visa category
C-3	Short-term Visitor visa category
E-6	Entertainer visa category
F-2	Spouse visa category

Korean Terms

인신매매 (人身売買): insinmaemae

– Literally: sale of human bodies, slave trade.

성 매매 (性 売買): seong maemae

– Literally: sale of sex, prostitution.

Both of the above terms can be understood to mean "trafficking" depending on the context of use.

새 움 터: saewoomtuh

– a place for new growth or buds.

The name of a Korean NGO dealing with prostitutes in military camp-towns.

1. EXECUTIVE SUMMARY

This study, which is part of IOM Seoul's continuing effort to bring together and publicize accurate information on trafficking in the Republic of Korea (hereafter, South Korea), collects and presents data that were locally gathered by South Korean organizations. However, in preparing this study it became immediately evident that there is not a clear or consistent definition of trafficking in South Korea. This, in turn, deprived researchers of a lucid delineation on what to measure in order to estimate the scale of trafficking in South Korea. In addition, even though there is trafficking of both local and foreign women from South Korea into other countries, this is not always regarded as trafficking, so there are few resources available which are useful to study trafficking out of South Korea.

Nevertheless, the plight of women trafficked into South Korea is quite serious, and this has mobilized some researchers and NGOs to study and report on the problem, despite the current informational limitations. The available information is presented after a discussion of both migration and the sex industry in the South Korean context in order to show how circumstances render trafficking (i.e., the trade of minors and women into South Korea) to be more closely associated with the sex industry than with other migration issues.

Estimates of the scale and organization of trafficking of women into South Korea were made using official government departure and arrival statistics, together with field report interviews with trafficking victims conducted by local NGOs and IOM offices. Such interviews were also used to assess the working conditions of these trafficked women.

Despite an overall lack of information and the above constraints on data collection, a few conclusions may still be inferred after reviewing the work of those in South Korea who have been addressing the trafficking issue:

- 1) Estimates based on official statistics and published reports suggest that up to 5,000 women could have been trafficked into South Korea for the sex industry since mid-1990s. However, the reliability of such an estimate is not high, and there is reason to believe that the actual number may in fact be much higher than this.
- 2) Women trafficked into the South Korean entertainment industry endure working conditions that clearly exploit them. Contracts, which these women freely sign, are nothing more than bait to lure them into abusive situations. Hidden fees, charges, employer fines, forced savings, and other fees often completely

deprive these women of salaried income, forcing them to sustain themselves on a commission system based on the sale of drinks, and can virtually turn them into indentured servants. There is also a present and real threat of violence if any of these women do not perform exactly as instructed. Other human rights violations are widespread, including illegal confinement, forced labour, and even forced prostitution.

- 3) Some of these women are brought to South Korea to provide sexual services and are required to do so sometimes *from the very first day they arrive*. Filipinas are particularly targeted for this kind of sexual exploitation, as their English language skills make them attractive to American service men interested in purchasing sex. However, women of other nationalities are also sexually exploited, since foreign workers are often easier to intimidate than local South Korean women.
- 4) It is clear that there is some level of organization in getting these women to South Korea. A conservative estimate would indicate that hundreds of women come to South Korea every month to be used in the sex industry. Those who bring these women to South Korea display a good working knowledge of the immigration regulations of all countries involved, as well as practical experience in understanding how immigration officials execute relevant rules and regulations. Whether or not there is a larger organized crime syndicate involved is, at this point, a matter for trained criminal investigators.

Finally, in order to illuminate official perspectives on trafficking issues in South Korea, as well as the views of outside observers, the Government of Korea's (GOK) response to a US Department of State's July 2001 assessment of the GOK's handling of trafficking issues has been summarized and translated, as well as a contemporary evaluation of the needs of Korean NGOs working in this field.

2. INTRODUCTION

Since 1999, the Seoul Office of the International Organization for Migration (IOM Seoul) has been involved with a local network of women's organizations and researchers working on issues related to trafficking into the Republic of Korea. IOM Seoul has also assisted the local media in the production of a news magazine programme on the topic of Filipina entertainers (i.e., sex workers/trafficking victims), and has actively participated in a series of meetings in which a network of women's organizations was established for the purpose of exchanging information on this problem and exploring programmatic possibilities.

This study represents IOM Seoul's continuing efforts to collect and publicize accurate information on trafficking in South Korea. In particular, detailed data on trafficking into South Korea is needed, as the dearth of this type of data severely handicaps the ability of even local organizations to address the issue. Hence, the aim of this report is to locate existing sources of useful information and identify those areas for which further research is needed. This effort will be a basis for future IOM programmes in South Korea, including information campaigns, technical cooperation, and assistance in return and reintegration of trafficking victims. Further, the collection and presentation of locally gathered data is expected to assist South Korean organizations to confront issues related to trafficking, and to encourage their continued efforts to study and report on this grave and growing problem.

2.1 Background

A Tier 3 embarrassment'

The congress of the United States of America has adopted a measure known as The Victims of Trafficking and Violence Protection Act of 2000, which required that the US Secretary of State submit a report to Congress in 2001 with respect to the status of severe forms of trafficking in human beings. This report classified nations by dividing them into three tiers. The top tier (Tier 1) lists nations in compliance with the minimum standards of this Act for the elimination of trafficking. Nations not in compliance with the minimum standards yet making significant efforts to comply with the standards are then placed in Tier 2. The bottom tier (Tier 3) lists those nations that do not meet even such minimum standards.

This *Trafficking in Persons* Report was released on 12 July 2001 and included South Korea among 23 countries which, according to the State Department, had

failed to meet minimum standards in attempting to stop the trafficking in human beings, mostly women and children who are exploited as prostitutes or placed in low-paying jobs with abusive employers. The entry for South Korea in this Report is cited below:

South Korea is a country of origin and transit for trafficking in persons. Young female Koreans are trafficked primarily for sexual exploitation, mainly to the United States, but also to other Western countries and Japan. Female aliens from many countries, primarily Chinese women, are trafficked through Korea to the United States and many other parts of the world. In addition to trafficking through the air, much transit traffic occurs in South Korean territorial waterways by ship.

While South Korea is a leader in the region on human rights and democracy generally, the Government has done little to combat this relatively new and worsening problem of trafficking in persons. Although it does prosecute alien smuggling activities such as visa fraud and possession or sale of fraudulent civil documents, there are no laws that specifically address trafficking. There are statutes against kidnapping and sale or purchase of sexual services with a juvenile, and maximum penalties for these are commensurate with those for rape. Although corruption occurs, there is no evidence that government officials are involved in trafficking in persons. Aliens are treated as immigration violators and deported. No government assistance is available for trafficking victims or to support NGOs involved in assisting trafficking victims. *Excerpt from: Trafficking in Persons Report. Released by the US Department of State, July 2001.*

Upon release of the above Report, the South Korean Government charged that the US Report negatively portrayed Korea and was not based on an adequate review of the country's situation. The suggestion that South Korea turns a blind eye to such practices shocked the government officials, who also readily admitted to the press that they were completely surprised by this Report (*International Herald Tribune*, 2001). In addition, the Korean Government urged Washington to make immediate changes to reflect conditions in the country, which included, for example, various articles of South Korean criminal law that heavily punish those involved in the sale of human beings for prostitution.

The media noted that the Government was embarrassed by this Report and indignant in its response. The Foreign Ministry issued statements to the effect that the Government did not accept the conclusions of this Report, claimed that it did not discuss any plans to "correct" such problems with American officials, and urged revision of the Report which, in their view, "depicted South Korea negatively without

adequate analysis” (*Korea Herald*, 2001b). A summary of the South Korean Government’s rebuttal to the points made or implied in this Report is included in the Appendix.

The “trafficking” of South Korean women to Japan or to the West or the numerous instances of Chinese women who are trafficked to the West via South Korea are still not widely highlighted in the Korean media. Nevertheless, while the subject can be sensitive and difficult to address, editorial writers in some South Korean papers used this opportunity to remind their readers of the well known fact that South Korea is itself a receiving country of trafficked women from countries such as the Philippines, Russia and other nations of the former Soviet Union. It was also openly admitted that some of these women are brought to South Korea using forged documentation. The growing demand for foreign workers in the sex industry is generally acknowledged as a sign of the growth of immoral and illegal practices within South Korea, and a problem that needs to be addressed by the Government (*Chosun Daily*, 2001; *Korea Herald*, 2001a).

An awakening awareness of the problem

There has been concern in South Korea over trafficking since the mid-1990s, when intermittent reports began appearing about foreign women (particularly from the Philippines) working in bars near US army bases. Prime time television news programmes, as well as news magazine specials, highlighted the problem of foreign women working illegally as prostitutes, and thus violating their E-6 or entertainment visas.

Despite media attention, however, there has not been any debate on the precise nature of the problem, except for a small number of meetings organized by South Korean Non-Governmental Organizations (NGOs) such as the Korea Young Woman’s Christian Association (YWCA), Korean Church Women United, and *Saewoomtuh* (a local NGO that addresses the issue of Korean prostitutes servicing the US military camp towns). These meetings attempted to discuss the depth of the problem and suggest possible solutions, and the hosting organizations focused most of their attention on the problems of foreign women in South Korea. However, there has not been adequate attention paid to those Korean women who leave their home country to work in, for example, bars and brothels in Tokyo or cities in the United States.

Furthermore, it has been noted among researchers on this subject that the South Korean Government and Korean NGOs differ in their perceptions of what trafficking involves. This can be a serious impediment to a fundamental understanding of the complexity of the problem, which is needed in order to address it effectively. For

instance, in the above-mentioned *Trafficking in Persons* Report (which ranked South Korea as a third tier country along with Sudan, Albania and others), South Korean government officials have emphasized that the US definition of trafficking is too broad to be practical. Additionally, the Korean Government's position vis-à-vis South Korean women going abroad is that these women use legal channels to leave Korea and enter their destination country. Moreover, they are perceived to be fully aware of the kind of work with which they will be involved. This, therefore, can mean, according to officials, that such women are not really "victims of any sort of trafficking". However, NGO staff in South Korea has argued that the Korean Government turns a blind eye to the larger structural problems, which compel these Korean women to knowingly leave their homes and become involved in the sex industry in Western countries.

Apart from the efforts of South Korean women's rights groups, NGOs working with migrants are also increasingly focusing on the growing problem of the trafficking of foreign women into the Korean sex industry. This is because such organizations encounter these foreign victims in the field and have noticed their rapid growth in volume. Therefore, South Korean NGOs working with migrant workers have joined several women's organizations in order to urge the Government to pay closer attention to this mounting problem and implement preventive and protective measures to aide trafficking victims and to ensure that traffickers are punished.

Terminology

Although there are concrete, legitimate issues to be addressed within South Korea regarding trafficking, there appears to be a problem with terminology, which has resulted in considerable confusion.

The South Korean Government does not have any official "working" definition of trafficking associated with people crossing an international border. Instead, the Korean term that is used, *insinmaemae* or "sale of human bodies", has generally been applied broadly and does not necessarily distinguish the "sale of human bodies" (or trafficking) of Korean nationals or of non-Koreans. This term also fails to provide any indication of whether or not given instances of trafficking, or "sale of human bodies", occurred completely within national borders, or if border crossings were involved. Within the Korean context, the term trafficking is almost always synonymous with prostitution.

The problems caused by such imprecise terminology became evident during a three-day South Korean Government sponsored NGO conference on trafficking, held after the release of the above-mentioned *Trafficking in Persons* Report in the sum-

mer of 2001. Although this conference on “trafficking” included invited experts from all over the world, it became clear during the drafting of the final conference resolution that the foreigners who had travelled to this meeting and the local NGO staff who had organized it were operating with different understandings of the term “trafficking”. In fact, local IOM Seoul staff had to intervene to provide the technical clarification needed in both English and Korean so that a common understanding of the issues at hand could be reached.

This lack of precise terminology and definitions remains an ongoing and serious problem. The South Korean Government has acceded to the 1962 Convention for the Suppression of Traffic in Persons and Exploitation of the Prostitution of Others, and the 1984 Convention on the Elimination of All Forms of Discrimination Against Women. However, the lack of a unified legal definition of the crime of trafficking (or the awareness or application of the UN convention’s definition at the working level) makes it unlikely that an adequate analysis of the phenomenon or uniform preventive and punitive policies will be established in South Korea in the near future.

Definitions

In this report, “trafficking” refers to the trade in women and minors. This comports with the United Nations General Assembly definition² that clearly defines “smuggling” as organized movement of people crossing borders illegally. However, in the Korean context, smuggling and trafficking frequently appear to be separate and distinct phenomena, because smuggling into South Korea involves rough sea travel, and as such, most of those smuggled to South Korea tend to be male.

Moreover, although trafficking is conceptually understood as a part of illegal migration, in South Korea, most trafficking does not actually involve illegal entry into the country. Not unrelated, trafficking in South Korea is not necessarily seen in conjunction with migration or irregular migration. Instead, due mainly to the ways in which the problem has been portrayed in the Korean media, South Koreans view trafficking within the context of the sex industry and human rights violations.

2.2 Data and methodology

Inherent limitations

Difficulties involving data collection on trafficking have been well noted in the IOM reference volume, *Migrant Trafficking and Human Smuggling in Europe* (IOM, 2000). The lack of a clear and consistent definition of trafficking and lucid

delineation on what to measure in order to estimate the scale of trafficking continue to create problems in South Korea.

In addition, although the US *Trafficking in Persons* Report drew international attention to the trafficking of both local and foreign women from South Korea into other countries, many levels of the Korean Government do not regard this matter as trafficking since these women use legal channels to leave South Korea and enter their destination countries. As noted above, the “official” operating assumption appears to be that these women are aware of the type of work with which they will be involved and therefore such women are not really “victims”. Accordingly, the Korean Government expends virtually no resources tracking or maintaining statistics that would be useful for studying the trafficking of Korean and foreign women into overseas sex industries.

Even local NGOs have limited ability to focus on the shipment or trans-shipment of trafficked women out of South Korea. Such organizations must frequently make the difficult choice to spend limited resources on issues within Korea in which their actions may affect specific and practical solutions.

Despite the dearth of attention and response to this ongoing problem, the plight of women trafficked to South Korea remains extremely serious. Despite the constraints on research, the conditions endured by these women have mobilized some researchers and NGO staff in South Korea to study and report on this problem. However, data available are extremely limited due to all of the problems mentioned above in data collection. In addition, resources related to these issues are scarce, and the efforts of students, volunteers and charity workers to gather data in the field are largely unsupported.

Resources employed

This study utilizes existing official government statistics as well as interview/field surveys that have been performed on topics that illuminate the situation faced by women who have been trafficked into South Korea. Additionally, where helpful, media reports were also scrutinized to see if they could provide any clarity or focus on this issue. Salient features of these data sources are discussed below.

Official sources

Official sources originate from government statistics that indicate parameters of the *possible* size of the number of trafficked victims. These sources cannot, of course, be relied upon to provide an exact number of those trafficked to South Korea. The

most useful data can be gleaned from the Ministry of Justice's *Departure and Arrival Control Year Book* series. However, the data in these yearbooks covers only the year listed on the cover. Statistics used in preparation of this report include:

- 1) Data on foreigners working in South Korea; and
- 2) Data on foreigners working as entertainers (E-6 visa holders).

Small-scale surveys and research efforts

Many of the materials reviewed for this report have not been published, but rather are proceedings from conferences and other small meetings held recently in South Korea.

Most notably, there is a paucity of systematic surveys that could offer a glimpse of the volume of ongoing trafficking in and out of South Korea. Nevertheless, though very small in number, there exist a few empirical research studies. These are based on interviews with trafficked women in military camp towns and in several cities that have entertainment districts catering mostly, though not exclusively, to foreigners in South Korea. Materials helpful in producing this report included:

- 1) Paek Jae-hui's Master's Thesis, 2000, *A Study on the Migrant Women into Korean Sex Industry: With a Focus on Filipinas in Military Camp Towns*, Ewha Woman's University.
- 2) Korea Church Women United, 1999, *A Fieldwork Report on Trafficked Women in Korea*, This report is based on a small-scale survey in South Korea covering four areas with US army bases and one section of a Russian business district, and also includes material from interviews with 23 foreign women working in these areas.

The above materials contain much information on trafficking routes and organization, working conditions in the sex industry, income ranges, and related information. Additionally, the following documents also proved to be particularly helpful:

- 1) The National YWCA of Korea's *Proceedings from the Asia-Pacific Regional Workshop on Trafficking in Women*; published in May 1999. Of interest in this workshop are two presentations on trafficking of Filipinas and Russian women to South Korea.
- 2) A Report on *Russian Migrant Women in Entertainment Sites in Pusan*, by the Association for Foreign Workers' Human Rights in Pusan (FWR), 2000. This is an unpublished manuscript.

Nevertheless, much basic information and data, such as the scale of trafficking and the characteristics and motivation of the women involved remains incomplete.

Media reports

There appears to have been a sudden growth in awareness of the trafficking of foreign women into South Korea during the second half of the 1990s, since most of the media search results on this topic are dated from 1995. However, much of this information is anecdotal and incident-related and is therefore reported in newspapers and current affairs magazines. Excerpts from some of the more informative articles have been used in preparation of this report.

Although media reports on foreign women's involvement in the sex industry in South Korea frequently allude to trafficking, the reportage is usually not extensive, nor do the reports contain very much empirical information on the subject. As a consequence, there is a widely accepted perception in South Korea that trafficking occurs only among women and that the victims are forced into sexual slavery without exception. This attitude is quite pervasive and in fact may influence the objectivity of data collected elsewhere. It may also explain why other aspects of the larger trafficking issue in South Korea have not received serious scrutiny.

Recently, however, an increasing number of media reports have been published on Russian and Eastern European women who work in the sex industry in South Korea. These reports include figures on Russian women staying in South Korea and those working in the entertainment industry. Some of this information has been used in this study, as there are very few formal surveys or research results available on this new and increasing phenomenon of Russian and Eastern European women making inroads into South Korea.

3. MIGRATION IN KOREA

As can be gathered from the preceding introduction, the trafficking problem in South Korea has peculiarities that require a brief explanation. This section attempts to discuss migration and the sex industry in their Korean contexts in order to demonstrate how circumstances in Korea render trafficking (i.e., the trade of minors and women into South Korea) an issue more closely associated with the sex industry than with other migration issues.

First, it should be kept in mind that South Korea defines itself as a non-immigrant country. No immigration law *per se* exists. It has a Departure and Arrival Control Act that specifies rules for entering and exiting South Korea and a Nationality Act that specifies the eligibility and the procedure for acquiring Korean nationality. However, apart from these two laws, there are no other laws or regulations that allow foreign residents in South Korea to be legally qualified as immigrants.

Furthermore, according to the Immigration Bureau, the physical avenues of illegal entry into South Korea that have been predominantly used thus far are via clandestine sea voyages. This is because the heavily militarized, fortified, and therefore impenetrable border between the Republic of Korea (South Korea) and the People's Democratic Republic of Korea (North Korea) makes crossing the De-Militarized Zone (DMZ), that is the *de facto* land border between North and South Korea, almost impossible. South Korea still maintains a defensive alert against the infiltration of water-borne North Korean espionage agents, so illegal sea entry (or smuggling) into South Korea can be quite dangerous. In fact, the increasing numbers of Chinese smuggled into South Korea are using this sea route, although the hardships encountered during these sea voyages are thought to be one of the reasons that these sea-borne smuggled Chinese tend to be male.

There are also increasing reports of incidents in which falsified invitation letters from South Korean employers are used by smuggling organizations in order to bring South-East or South Asians to Korea (*Weekly Dong-a*, 2001a). Those Asians entering South Korea via this particular method are also predominantly male and generally end up becoming undocumented workers in small factories and sweatshops.

Counterfeit passports are also used to bring people to South Korea illegally. As will be noted later, Russian women enter South Korea using either knowingly or unwittingly counterfeit passports prepared by criminal organizations working in both Korea and Russia (*Weekly Dong-a*, 2001a). In such cases, smuggling and traffick-

ing may indeed overlap. However, the extent to which this route has been used to traffic women from Russia is not known. The focus of both the media and existing research to date has instead been on those trafficked Russian women who enter South Korea with valid entertainer visas, short-term visitor visas, or tourist/transit visas.

In short, although the number of those smuggled into South Korea has been increasing, the majority of South Korea's undocumented migrants are still those who have overstayed their visas (Seol and Lee, 2001).

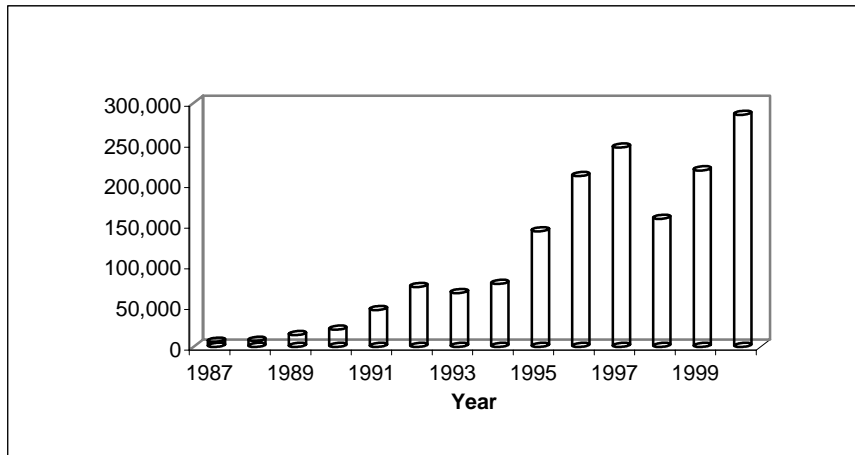
This section will present an overview of the Korean migration situation. In addition, it includes a discussion on the development of South Korea's sex industry, as the treatment of trafficked female workers is very much related to conditions in this industry.

3.1 Overview

The South Korean economic success of the 1980s drastically altered the regional labour landscape. Once a major labour exporter, South Korea has become a prime destination for migrant workers from developing countries due to a severe shortage of unskilled workers in small- and medium-sized industries. Also, South Korean workers developed the so-called "three-D syndrome", an aversion to difficult, dangerous and dirty jobs in factories, and sought relatively higher-paying employment in the construction sector.

As such, in 1991, political regulations and administrative institutions were introduced to recruit labour from foreign countries. The Korean Government found a solution in the Japanese model, and devised a similar programme called the Industrial and Technical Training Programme for Foreigners (ITTP). Launched on 26 October 1991, the programme was based on the *Guideline of Issuing Foreign Industrial and Technical Trainee Visas*, and promulgated by the Ministry of Justice. According to the regulations of this programme, imported foreign workers would enter South Korea as "trainees", not "workers". Although their visa status is "trainee", they actually work in factories without training and are regarded as "disguised workers". They generally perform unskilled jobs, in which the ability of workers matters little; therefore, most of them receive wages considerably lower than those received by South Korean workers. These migrants are also denied the workers' three basic rights of unionizing, collective bargaining and collective action. However, this Industrial and Technical Trainee programme was so adroitly implemented by the Government, that there were few objections to this programme, even from the trade unions (Seol, 2000b).

FIGURE 1
TOTAL MIGRANT WORKERS IN SOUTH KOREA OVER TIME, 1987-2000



Source: Ministry of Justice, "Departure and Arrival Control Year Book Series".

Figure 1 illustrates the growth of the population of migrant workers over time, and shows how the 1991 government-promulgated guidelines initiated a rapid increase in migrant workers in South Korea which was not seriously disrupted until the onset of the Asian Financial Crisis that began at the end of 1997. Table 1 provides this same information, with a more detailed breakdown of the categories of workers residing in South Korea. Note that the data represented herein does not include the soldiers or civilian employees of the United States military forces.

Even before the government-led labour importation programme was implemented, the *Dong-A Ilbo*, one of the major daily newspapers in South Korea, reported in 1987 that there were hundreds of Filipina domestic helpers in the southern part of Seoul. This was the first time that the presence of migrant workers was publicly reported in South Korea, and the number of foreign workers has increased drastically since then (Seol, 2000a). As Table 1 shows, the number of migrant workers in South Korea has increased quite noticeably: 6,409 in 1987, 14,610 in 1989, 21,235 in 1990, and 45,449 in 1991, as South Korea grew into a developed economy with relatively high wages and good working conditions. As a consequence, South Korea became an increasingly attractive destination for foreign workers, as these migrant workers were able to fill the "big three-D job hole" in the domestic labour market.

In November 1997, the Asian Financial Crisis struck the Korean economy. The collapse of the Korean economy had a devastating influence on the labour market.

Unemployment ballooned from 658,000 on 31 December 1997 to 1,665,000 on 31 December 1998. The unemployment rate increased to roughly 7 per cent, which more than doubled the rate of the previous year.

Increased unemployment was the biggest problem faced, not only by native workers, but also by migrant workers in South Korea. For example, over the entire period ranging from 1994 until August 1998, an estimated total of 13,061 trainees were dismissed from their jobs. Moreover, 63 per cent of these dismissals occurred in 1998 alone, and this figure represents only the number of trainees who completely lost full-time jobs, and excludes those with only part-time employment.

Undocumented migrant workers were even more vulnerable to the increasing unemployment, as most of them were working in vulnerable small- and medium-sized

TABLE 1
NUMBER OF MIGRANT WORKERS IN SOUTH KOREA, 1987-2000
(persons)

Year ¹	Total	Registered migrant workers		Industrial trainees	Un-documented
		Professional	Post-training workers ²		
1987	6,409	2,192	0	0	4,217
1988	7,410	2,403	0	0	5,007
1989	14,610	2,474	0	0	12,136
1990	21,235	2,833	0	0	18,402
1991	45,449	2,973	0	599	41,877
1992	73,868	3,395	0	4,945	65,528
1993	66,323	3,767	0	8,048	54,508
1994	77,546	5,265	0	24,050	48,231
1995	142,405	8,228	0	52,311	81,866
1996	210,494	13,420	0	68,020	129,054
1997	245,399	15,900	0	81,451	148,048
1998	157,689	11,143	0	47,009	99,537
1999	217,384	12,592	0	69,454	135,338
2000	285,506	16,995	2,068	77,448	188,995

Note: 1) In April 1998, the Working After Training Programme for Foreigners was introduced. Under this programme, trainees who pass certain skill tests after a two-year training period, can continue to work for one year as "workers" and thereby change their visa status to the "working after training" (E-8) category. The year 2000 saw the first group of these post-training workers. 2) The number of migrants is calculated as of 31 December of each year listed, except for 1992, when the tally was instead made on 31 July.

Source: Ministry of Justice, *Departure & Arrival Control Year Book Series*.

businesses, which, in 1998, went bankrupt at an average of about 150 per day. About 100,000 migrant workers left South Korea at the end of 1997 alone due to the economic crisis and the curtailments required for South Korea to receive its IMF bailout package.

However, even in such difficult times, the “three-D jobs” in South Korea could still not be filled with native workers. Many companies had difficulty finding native workers to fill the jobs vacated by migrant workers. South Korean workers would not tolerate poor working conditions any more, so a government incentive scheme of “replacing foreign trainees by native workers” ultimately failed. In South Korea it seems that such jobs are now exclusively accepted by migrant workers, regardless of the economy. This indicates that migrant workers in South Korea are in fact not taking jobs away from native workers. On the contrary, they are helping the Korean economy by accepting jobs South Korean workers would not consider taking.

With the recovery of the Korean economy in 1999, the demand for migrant workers once again increased. However, the Government did not expand the quota of trainees. A careful review of the data in Table 1 shows that this, in turn, resulted in the number of undocumented migrant workers dramatically increasing, since there was a swelling demand for foreign workers. Foreign workers could easily find relatively well paying work even if their visa had expired, which turned them into undocumented workers.

3.2 Details regarding the migrant workers in South Korea

In general, the Departure and Arrival Control Act, which is the *de facto* South Korean immigration law, does not allow unskilled foreign labour to enter South Korea in order to augment the workforce. Instead, as noted, unskilled migrant workers are allowed to enter only as industrial and technical “trainees”. Nevertheless, a large number of unskilled migrant workers have accumulated in South Korea for the purpose of employment. Statistics from Table 1, above, indicate that approximately 66 per cent of the migrant workers in South Korea were undocumented in 2000, and 27 per cent are not real workers, but “trainees”. The remaining 7 per cent of migrant workers in South Korea are either in the professional or “post-training workers” visa categories.

The large percentage of undocumented workers can be attributed to the low wages mandated for trainees under current regulations. However, the wage level of undocumented migrant workers has been found to approach a more or less fair market wage that reflects the growing demand for these workers. The fact that the wages of

the “legal” industrial trainees are much lower than those of undocumented migrant workers often results in the disengagement of trainees from their assigned companies, which then converts them into “undocumented migrant workers” (Seol and Lee, 2001).

TABLE 2
REGISTERED MIGRANT WORKER VISA CATEGORIES IN SOUTH KOREA

Visa Category	Description
E-1	University Professors
E-2	Language Teachers
E-3	Researchers
E-4	Technology Instructors
E-5	Professionals
E-6	Entertainers
E-7	Specific Activities that can't be done by native workers
E-8	Post-training Workers

As stated above, professional and technical workers account for about 7 per cent of the migrant workers in South Korea. They hold such jobs as university professors (E-1), language teachers (E-2), researchers (E-3), technology instructors (E-4), professionals (E-5), entertainers (E-6), and those engaged in specific activities (E-7) who cannot be replaced by native workers. Generally, they can easily obtain valid visas for employment in South Korea provided a specific company or recognized organization sponsors their visas. Most professionals come from highly developed countries such as the USA, Canada, Japan, UK, Germany, or France. According to Table 1, as of the end of 2000, there were more than 17,000 professional workers in South Korea, with language teachers up more than half. It is expected that the number of foreign professionals will increase very rapidly, since the Korean Government has recently deregulated the immigration policy for this category of workers.

Only about 2,000 post-training workers (E-8) visas were issued in 2000, as this is a new category introduced by a “Working After Training Programme for Foreigners”. Under this programme, trainees who pass certain skill tests after a two-year training period, can continue to work for one year as “workers” and thereby change their visa status to the “working after training” (E-8) category. The year 2000 saw the first group of these post-training workers (Seol, 2000b).

The migrant workers in Korea are largely from 14 different Asian countries, and there are some non-Asians as well, including a small number of Africans. In general,

these workers are sent to South Korea by 27 designated “sending agencies” in 11 Asian nations. The Training Corporation of the Korean Federation of Small and Medium Size Businesses (KFSB) brings these workers from the overseas sending agencies. Table 3 below provides a relative breakdown of the percentages of the predominant nationalities that comprise the migrant worker population of South Korea.

TABLE 3
NATIONALITIES OF MIGRANT WORKERS
IN SOUTH KOREA

Nationality	Percentage
Chinese	44.0
Filipinos	8.0
Indonesian	6.6
Vietnamese	6.5
Bangladesh	5.7
Thai	5.2
Mongolian	4.8
Others	19.2

Source: Ministry of Justice, 23 February 2001.

It has been estimated that currently approximately 35 per cent of migrant workers in South Korea are female. Since the most significant and obvious issues associated with human trafficking into South Korea are related to these female migrant workers, they are the major focus of this study. More precisely, a large number of the female migrant workers in the Korean entertainment industry are believed to be involved in prostitution, or are victims of human trafficking (Jeong, 2001).

3.3 The South Korean sex industry and foreign women

Although prostitution is a problem that has plagued almost all societies throughout history, there are distinct socio-cultural and historical factors that influence the features of this trade in every nation. In Korea, the modern sex industry traces its origins back to the Japanese colonial period (1910-1945), when prostitution was officially recognized, licensed, and even developed on a nationwide scale.

Following the defeat of Japan by the Allied forces in 1945, Korea was liberated from Japanese colonial rule, but occupied again by US forces until a republic was

established in 1948. US forces again returned to Korea in large numbers during the Korean War, which began in 1950, and have had bases in South Korea ever since.

Accordingly, even though the licensed prostitution industry ceased to exist when Korea was liberated from Japan, Korean prostitution easily transformed itself into an unlicensed, yet well-organized trade, targeting the military camp towns under joint US-Korean control that are still found in South Korea (KNYWCA, 1999b).

Efforts have been made to “officially” abolish prostitution, including a 1960 law legally prohibiting the practice. However, such endeavours have not been successful due to a variety of factors. Some observers have even suggested that an unwritten or *de facto* policy of the US military to “keep the men happy”, has resulted in a sort of collusion with local businesses, local government, and military bases to support a camp town entertainment/prostitution industry (Enriquez, 1999). In fact, the Korean Government itself has established 104 special red-light districts as a sort of compromise to minimize or at least contain prostitution.

Once diplomatic ties were re-established with Japan in 1965, new important avenues of foreign exchange opened up for South Korea and a sex tourism industry targeting Japanese men was born. In fact, South Korea’s overall sex industry started to flourish in the 1970s as South Korea’s economic development entered into full swing.

For the most part during the 1960s and 1970s, the sex industry has meant prostitution in several specific areas involving a specific class of South Korean women who cater various sexual services, mainly to foreign clientele (KWDI, 1998). In the 1980s, foreigner-oriented prostitution had decreased due to the reduction of US troops in South Korea, as well as to strong social criticism, while at the same time South Korean women themselves entered the sex industries of other countries (Moon, 1997).

In the 1990s, the sex industry started to diversify into new forms that included prostitution carried out not just in places like brothels, but also the pandering of sex in bars and restaurants, as well as in hotels, public bathhouses, and massage parlours. More organized prostitution services arranged by agencies also began to appear, and provide services to individuals on a case-by-case basis in various locations (KWDI, 1998). This greater diversification of the Korea sex industry also brought about an increased demand for women, working in a wider variety of locations.

Against this backdrop, foreign women have become an important source of labour to support this industry. However, many of these women were not initially imported to provide sexual services to South Korean clients. Rather, these foreign entertainers

were brought into South Korea since they were essential to the survival of the military camp town businesses, which had been suffering from a declining supply of South Korean women. Accordingly, this importation of foreign women into its bars and clubs signalled that South Korea now has a full-fledged international sex industry (Paek and Cheung, 1999).

4. THE SCALE AND ORGANIZATION OF TRAFFICKING IN SOUTH KOREA

4.1 Indications of scale

Precisely how many women are trafficked into South Korea and work in its sex industry is not known. Yet, as indicated in the earlier Data and Methodology section, one can make use of a variety of data sources and statistics in order to gauge the scale of the trafficking of foreign women into South Korea.

As indicated in Table 1 earlier, the number of foreign migrant workers who were in South Korea as of the end of 2000 totalled over 285,000. A foreigner working in South Korea will either be undocumented (i.e., employed at a facility with an improper visa status or contract), an industrial trainee, or a legally employed professional. Entertainers are considered professionals and are issued E-6 or entertainer visas.

The E-6 (or Entertainer) visas

The E-6 or Entertainer visa is available to “foreigners who, for the good of profit-making, wish to be engaged in activities such as music, art, literature, entertainment, performance, plays, sports, advertising, fashion modelling, and other occupations that correspond to those above” (Immigration Bureau, 2000: 85).

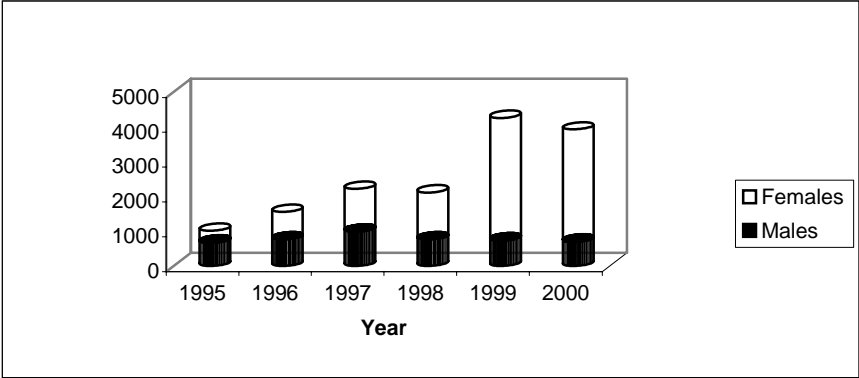
This visa category was created in 1994, two years after South Korea started importing foreign labour through its industrial trainee system in 1992. Officially, this visa is used in order to provide singers, musicians, and dancers to the Korean entertainment industry.

The illustration below provides evidence of a growing demand for entertainers (E-6 visa holders) that surpasses the demand for other migrant workers following South Korea’s recovery from the Asian Financial Crisis. Even though the number of male entertainers has been declining since 1997, the demand for foreign female entertainers has more than doubled since South Korea’s recovery from the crisis at the end of 1998.

On average, since 1995, over 90 per cent of the female entertainer visa holders that have entered South Korea came from either Asian or European countries. More specifically, there has been a growing preponderance of women from two particular

regions coming to South Korea as entertainers. These regions are the Philippine Islands in Asia, and the European nations that were formerly part of the Union of Soviet Socialist Republics (USSR).

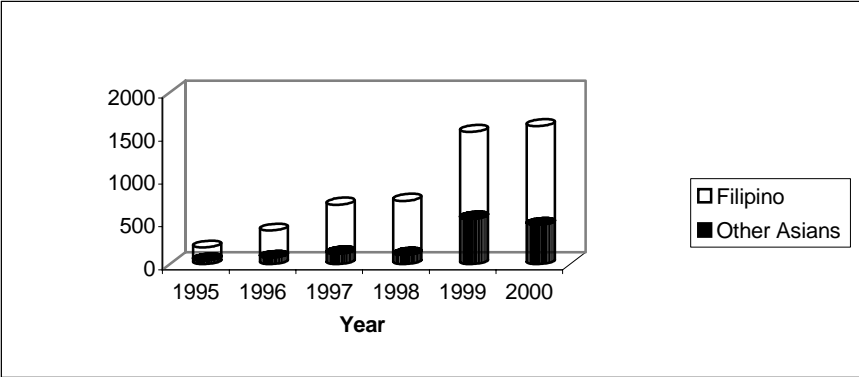
FIGURE 2
ENTERTAINER VISA HOLDERS IN SOUTH KOREA – 1995 to 2000



Source: Ministry of Justice, "Departure and Arrival Control Year Book Series".

The following two figures illustrate this very well. Figure 3 shows that Filipino women have always constituted the majority of the Asian entertainers coming to South Korea. This has remained true even after South Korea's recovery from the

FIGURE 3
ASIAN FEMALE ENTERTAINER VISA HOLDERS IN SOUTH KOREA

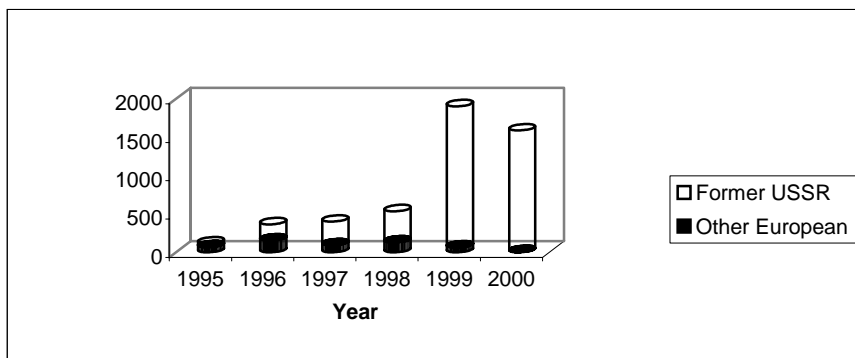


Source: Ministry of Justice, "Departure and Arrival Control Year Book Series".

Asian Financial Crisis, although their proportion in the overall stream of Asian female entertainers has slipped recently. Women from the Asian regions of the former Soviet Union (Uzbekistan, Kazakhstan, and Kyrgyzstan) are beginning to enter South Korea as entertainers in significant numbers, although total figures are not yet comparable to those coming from the Philippines.

Figure 4 provides a similar graph, which illustrates the growth in the numbers of female entertainers from European nations. Here it can be seen that women from those European nations that were formerly part of the Soviet Union (that is, Russia, Belarus and Ukraine) are clearly dominating the market for European entertainers in South Korea.

FIGURE 4
EUROPEAN FEMALE ENTERTAINER VISA HOLDERS IN SOUTH KOREA



Source: Ministry of Justice, "Departure and Arrival Control Year Book Series".

Tourist visas

In addition to trafficked workers entering South Korea using entertainer visas, some women who work in South Korea's sex industry come to South Korea with non-working visas. A 1999 field survey launched by a local NGO even discovered that most Russian women who were found working at bars in the southern port city of Pusan entered South Korea with either a B-2 tourist/transit visa or a short-term 90-day C-3 visitors visa (KCWU, 1999).

A Russian Embassy official in Seoul is reported to have said in an interview with a local news magazine that as of mid-2001 there were about 4,500 to 5,000 Russian women residing in South Korea. Among these, approximately 2,300 entered South

Korea with E-6 visas, and roughly 2,500 did with either short-term visitor visas (C-3) or tourist/transit visas (B-2). The latter group apparently overstayed their visas and work in bars and/or brothels (*Weekly Chosun*, 2001). This suggests that the number of Russian women working in the Korean entertainment industry is at least twice the number, which would be estimated using only the Korean Departure and Arrival Control statistics.

Fraudulent marriage

There is still another avenue open to those who enter South Korea to work in the sex industry. The Korean media is reporting increased cases of fraudulent marriage between South Korean men and Russian women. In such instances, an international marriage agency will arrange the marriages of Russian women to South Korean men. Then, according to reports, the Russian women, upon entry to South Korea through spouse visas (F-2), leave their husbands and divorce them, sometimes demanding alimony. It has also been reported that in some instances, Russian women have left their husbands, begun working illegally in South Korea and then applied for re-marriage through the same agencies who brought them from Russia (*Joongang Daily*, 2001).

Characteristics of the trafficked

While most foreign women who come to South Korea and engage in the sex industry have been predominantly from the Philippines and Russia, there are also women coming from Sri Lanka, Nepal, and Indonesia, though in very small numbers. Rarely though, there are women trafficked from countries in Latin America, such as Peru.

As for Filipinas in South Korea, there are estimates that there were about 1,000 working in US military base areas in 1999, according to officials of the Overseas Workers Administration of the Philippine Government. These women are indeed very young, sometimes even less than 20 years of age, and come mostly from Central Luzon, specifically in the Pinatubo area (Enriquez, 1999). The Korean weekly news magazine, the *Weekly Dong-a* (2001b), also reported that the Russian women trafficked are mostly in their twenties or younger, with some even in their early teens.

In terms of education, both the Filipinos and Russians tend to be well educated. Some are even college graduates (Paek, 2000). This tendency seems to be more pronounced among the Russian women, who are reported to have worked as doctors, lawyers, or school teachers before coming to South Korea and beginning to work as entertainers and/or prostitutes (*Weekly Chosun*, 2001).

Based on media reports and research conducted among foreign women working in the sex industry in South Korea, it is safe to assume that most of these foreign women entered Korea either with E-6 visas or tourist visas. Some of these women renew their visas before they expire, while others simply overstay. Recently, there have been increasing reports of use of falsified travel documents and marriage certificates to bring in foreign women who end up working in bars.

However, that there are very few reports of female industrial trainees being diverted to the sex industry (Jeong, 2001).

Beyond official accounts

Estimates based on official statistics and published reports suggest that at least 5,000 women could have been trafficked into South Korea for the sex industry. However, the reliability of such estimates is uncertain, and there is reason to believe that the actual number may be much higher.

IOM Seoul has also had direct first hand experience with several victims who were promised “nice jobs” in restaurants in South Korea and then forced to provide sexual services. The IOM Seoul office has made a deliberate effort to reach out to various local NGOs working with foreign women, in particular or women’s issues in general. Direct communication with these organizations around the country has provided indications of the pervasiveness of the problem.

Thus, it is not surprising that a local correspondent of a major international news journal reports sightings of numerous Russian women in the regions near the US military camp in Seoul. However, activists in smaller cities in South Korea report unofficial government estimates of about 200 Russian women working in the town’s bars and brothels. Even small towns (such as Gumi in the south-western part of the peninsula) have clubs that aggressively advertise their “Russian entertainers”.

In fact, there has been such a large influx of Russian entertainers into South Korea that their average monthly wage level has been cut in half, from about KRW 1,800,00 to 900,000 (or from US\$ 1,384 to US\$ 692). There are also reports of employers abandoning trafficked Russian women and disappearing without paying back wages, an indication that Russian entertainers have become an easily replaceable commodity.

This situation has not gone completely unnoticed, however. In addition to complaints about payment delay or non-payment of wages, there has also been an in-

crease in reports of violence, involuntary confinement, and sexual harassment against Russian women in recent years. These stories have been brought to the attention of the local Russian diplomatic delegation, and was even brought up by Russian President Vladimir Putin during his summit with Korean President Kim Dae-jung in early February 2001 (*Weekly Dong-a*, 2001b).

4.2 Indications of organization

Entertainment contractors and agencies

The Korea Special Tourism Association is the chief contractor for E-6 visa holders in South Korea. Approved and regulated by the Ministry of Culture and Tourism, the Association consists of 189 club owners from different US military camp towns in South Korea. While the Association issues documents for successful visa applications for women recruited from abroad, there are South Korean agencies that actually dispatch their employees overseas in order to recruit entertainers. These South Korean recruiters (called “managers” by the foreign women) are also responsible for handling issues related to the imported entertainers during their stay in South Korea.

There have been reports, however, that this Association has been involved in abuses of the entertainer visa. Some allegations suggest that this association has even been involved in assisting foreign women in obtaining counterfeit passports (KCWU, 1999).

The obscurity behind the processing of the official paperwork for sex industry workers is well known. It has been reported that most Filipino women who end up working in the sex industry do not know how their own visa paperwork was processed. They tend to leave the processing of the paperwork to local agencies or to the recruiter for overseas employment. In this way, opportunities for illegal practices and counterfeit passports, particularly for underage women, are abundant.

The Korean media has also reported that many Russian women who enter South Korea do so either knowingly or unwittingly, via assistance of the Russian mafia in collusion with South Korean crime organizations. It is reported that these organizations can make such high quality counterfeit passports that even if a woman is deported from South Korea, she could easily return with a new falsified passport (*Weekly Dong-a*, 2001a).

In addition to the Korea Special Tourism Association, there have been an increasing number of other agencies bringing foreign women into South Korea, not only as

entertainers, but also as mail-order brides. NGO observers have suggested that the Government process for approval and regulation of these agencies is rather lax (KCWU, 1999). A local newsmagazine, the *Weekly Chosun* (2001), noted that the number of these agencies has now grown to over 100 (a five-fold increase since 1998), and attributed a large part of this growth to the business of bringing Russian women to South Korea.

Recruitment and travel to Korea

The Government of the Philippines has been increasing its enforcement of regulations with regard to women leaving for employment abroad. This has somewhat restricted the flow of women who travel directly from the Philippines to South Korea to work as entertainers. However, to avoid complying with Philippine regulations, the agencies that recruit these women arrange for them to travel to a third country, with the purpose of this travel listed as either tourism, shopping, or to work as a domestic employee (or maid) of a fellow traveller.

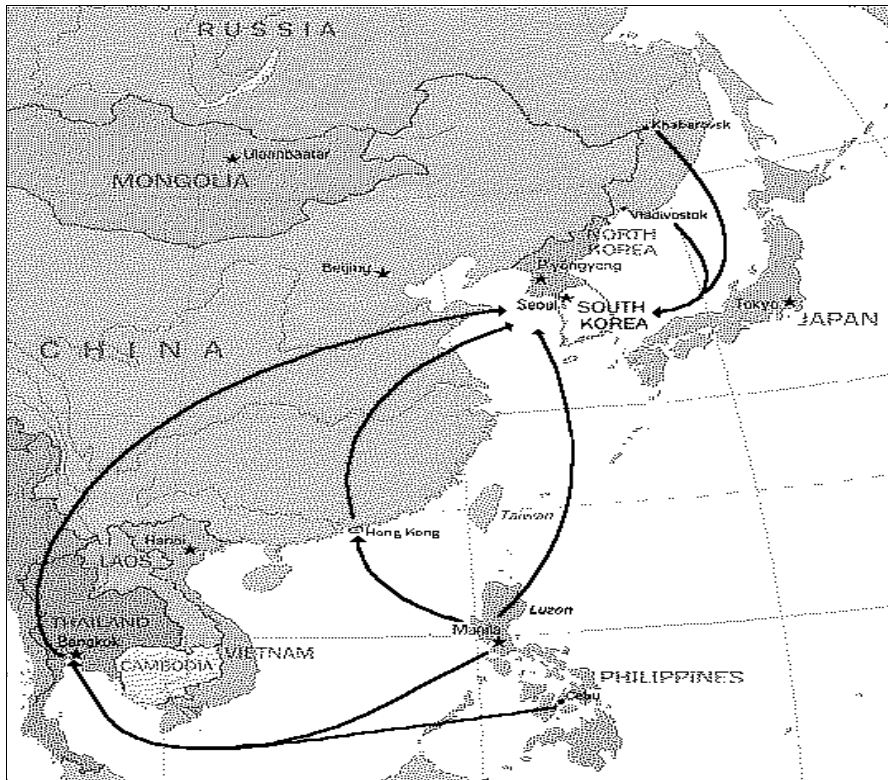
In the case of the Filipinas, typical accounts of recruitment indicate that the women learn of the opportunity to work in South Korea as an entertainer through friends, relatives, or even via advertisements. These women contact local recruiters, who provide the initial contract after either an audition or after looking at photographs of the women. A period follows in which the “visa arrangements” are made for the women by the recruiter. This period ranges in duration from one week to several months. Once the visa is issued, the Filipino agents who recruited these women take them first to Bangkok, Thailand, from the Subic or Cebu airports. In Thailand, the women’s Korean E-6 visa applications are made, by invitation from the Korea Special Tourism Association. Alternatively, they can then go to Hong Kong instead of Bangkok and apply for their E-6 visas there (KCWU, 1999).

One Filipina provided a field worker with details of her entry into South Korea:

Four of us went from Manila to Bangkok with a manager. She told me to tell the immigration officer that I was her maid, and the other people had to say they were her escort, secretary, and sister. We went to Bangkok first and spent three days there. It was only in Thailand that they told us we have to pay US\$ 1,500 for the ticket and paper processing. Then we came from Bangkok to Seoul, we told the Thai and Korean immigration officials that we would be working as “entertainers” in Korea. *A 20 Year-old Filipina Club Worker (KCWU, 1999)*.³

Travel arrangements for women from the former Soviet Union seem to be similarly organized. However, many of these women enter South Korea using either tourist/transit (B-2) or short-term visitor (C-3) visas, which are valid for up to three months. Most Russian women who come to South Korea with these visas are from cities in the Russian orient, such as Vladivostok and Khabarovsk (KCWU, 1999).

FIGURE 5
PRIMARY ROUTES TAKEN TO SOUTH KOREA



IOM Seoul recently became involved in a case that illustrates the process of bringing women into South Korea from the former USSR. This case involved a 29-year-old medical student from Kyrgyzstan who had to interrupt her studies for financial and health reasons. She answered a newspaper advertisement that read, “Do you want to see the world and earn money? Girls, come see us”. The recruiter explicitly stated that they were looking for girls from good families, as they were not

recruiting for sexual services, but instead looking for women to serve and dance with clients in order to encourage them to buy drinks. After she signed the contract, there were a number of delays, and she was handed over to a second company. By the time she had landed in South Korea, she had signed two additional contracts.

Her new job turned out to be at a bar whose patrons were American soldiers from a nearby base. Within one week, she learned that her first two months' salary would be withheld to cover her transportation to South Korea, her passport would be kept by the club owner, and she would be required to provide sex for the guests. She was also under the constant surveillance of club employees, both during and after working hours.

She escaped from this club, accompanied by another girl who had a sister working in a neighbouring city. After a month of working illegally as a dishwasher, she was arrested and put in a migration detention centre.

Although her family made appeals to the companies involved in sending her to South Korea for assistance in returning her to Kyrgyzstan, the companies insisted that they would not fund her return trip. Furthermore, interviews in the detention centre indicated that she had left her job for better pay elsewhere, which was a technical violation of her visa.

At this point, both IOM Seoul and a local women's organization became involved in the case, and arrangements were made to schedule another interview for her with an independent interpreter (not the one provided by club owner). However, some days before the interview her employer agreed to pay all of her return expenses, and the detention centre expedited her return to Kyrgyzstan.

Hence, this case has effectively been closed in Korea. With cost no longer an issue, this "visa violator" was sent home on the next plane. Any investigation into the circumstances of her case with regard to criminal activity by South Korean nationals was no longer practical. Although it would be improper at this point to suggest collusion of any sort, it would appear that those who brought this lady from Kyrgyzstan had a very good working familiarity with the procedures and working methods of the Korean immigration officials.

Organized crime or just good business?

It is clear that there is some level of organization involved in transporting these women to South Korea. A conservative estimate would indicate that hundreds of

women come to South Korea every month to be used in the sex industry. With such a volume, those who manage even a small part of this traffic would certainly develop expertise and skill in arranging the formalities required. Furthermore, those who bring these women to South Korea appear to have a good working knowledge of the immigration regulations of all of the countries involved, as well as practical experience watching how immigration officials enforce existing rules and regulations. Whether or not there are larger organized crime syndicates involved is, at this point, a matter for trained criminal investigators.

5. WORKING CONDITIONS – THE SOUTH KOREAN ENTERTAINMENT INDUSTRY

The working conditions of trafficked women in South Korea's entertainment industry are not good.

These women face difficulties with regard to collection of their wages, with their working hours and living conditions, with pressure to engage in sex-related services, and even with violence and other human rights violations. Reports from field studies undertaken by social workers, academics, and volunteers should be used to illuminate these issues. Otherwise, the nature and degree of the human misery of such working conditions cannot be adequately expressed. Furthermore, a summary of such field interviews provides those features of the situation that are critical in distinguishing the conditions in South Korea from other places which also have poor working conditions for trafficked women.

The following sections compile and summarize available miscellaneous reports from the field related to major issues confronting women who have been trafficked into the Korean entertainment industry (i.e., KCWU, 1999; KNYWCA, 1999a). These sections are provided in order to help convey a comprehensive understanding of the working conditions endured by these women, which are not possible from any tabulation of statistics.

For the most part, these accounts come from Filipino women, although women from other countries, including Russia, Ukraine, Nepal, Indonesia, and Sri Lanka, also endure similar conditions. Although the number of female entertainers from former USSR nations is now greater than that of from the Philippines, Filipinas represent the largest group of imported Asian female entertainers. Additionally, data collection from Filipinas has been facilitated by their knowledge of English. Furthermore, as will be shown later, the Filipinas often represent the most extreme cases of sexual exploitation, as they are specifically targeted for coercion in areas near military bases due to their English language skills. Nevertheless, media reports and observations by local NGO workers indicate that the patterns of abuse and violations with regard to Russian women are similar to those documented about the lives of trafficked Filipinas.

All names used in the citations herein related to the working conditions of these women are pseudonyms.

5.1 Wages and contract compliance

It is generally reported that the contracts that women sign before they come to South Korea to work in the entertainment industry guarantees them a salary of between US\$ 600 and US\$ 800 per month. However, it seems in actuality that these women end up being paid between US\$ 250 and US\$ 300 per month. A standard hidden fee seems to be a monthly deduction called a management fee, which can be as high as US\$ 300. This management fee is reportedly split between the owner of the clubs where the women work, and the agents who initially recruited them in their home countries or who assigned them to their employment sites in South Korea.

The case of Ophelia, a Filipina who ran away from her club, is not unusual:

How I got here: I've got a friend who helped introduce me to my Manager. She told me it was easy to go to Korea for a one-year contract. I read the contract and it said I would earn US\$ 600 per month and the job I was going to do was just entertain, ask what they want to drink and talk for a while, that's all. And it said in the contract that they'd pay for all things we need: food, house, personal. They were the one who'd provide all the things we need, so the contract was good. I have a son to support. I'm a single parent so I grabbed the opportunity. I arrived here in Korea in January 1998. When I arrived at the club the owner talked to me... and I found out that I wasn't going to earn US\$ 600, just 360,000 won (or about US\$ 275). And I'd get 20 per cent of the drinks. I didn't get my salary until 2 months later because they told us that we had to pay for our plane ticket... *Ophelia, Filipina Former Club Worker (KNYWCA, 1999a)*.

There is also a forced saving which accounts for a large part of their monthly wages. These savings should be paid after the women return to their home countries after completing their contracts. Additionally, some women are not paid their first two or three months' salary, as this money is garnished in order to cover their managers' costs for their air tickets, food and lodging, agency fee, visa and passport application fees, etc.

Typical complaints about payment of wages are reported as follows:

It says in the contract that we will be getting 660,000 won. So that is 500 dollars, isn't it? But our manager said we would get US\$ 300 and he would take US\$ 200. *A Foreign Club Worker (KCWU, 1999)*.

I get US\$ 250 for my salary and I share the drinks with my club owner according to a 4:6 ratio. But I didn't get the first three months' salary, they said it was for air ticket and food and lodging, etc. *Another Foreign Club Worker (KCWU, 1999)*.

Drink tickets

An important part of the job of foreign entertainers is to sell beverages. In fact, by reducing the women's salaries by charging management fees and the forced savings that are withheld until completion of the contract, the women are forced to rely almost exclusively on the money that they receive from the drinks purchased by customers. This often ends up being the only money that they have to live on and send home.

Often, each drink sold is counted as a "ticket". Although the number of drinks each woman must sell varies from club to club, if this quota of drinks is not met, a penalty is imposed. In some clubs, this means losing all of the tickets they have sold (or losing any credit or earnings for all drinks sold) on the day the quota is not met. Examples are cited in the following reports:

There is a drink quota in Club D. Also in other clubs. If the quota is ten drinks a day, and you get only seven, then you can't get your money for the drinks.... We can only sit with the customers for five minutes without a drink. The club owner will get mad at us if we can't get a drink after five minutes. *A Foreign Worker in Club D (KCWU, 1999)*.

Our club owner gets mad if we can't sell many drinks. The new girls have quotas. On Friday and Saturday, they have to sell 30 drinks a night. I have been here the longest, and my quota is 65. If we can't fulfil our quota, we don't get our drink money, but our club owner would still yell at us and get mad at us. *An Experienced Foreign Club Worker (KCWU, 1999)*.

One Filipina worker provided more details about her finances. She indicated that her monthly income was around US\$ 500 to US\$ 700. However, she has not received her salary, and was told that she will receive it only when she completes her contract. Every time she sells a drink, she gets a yellow ticket that is worth 3,000 won (or about US\$ 2.30). She gives these tickets to the person in charge of the bargirls, and receives her money (minus any fines or penalties) at the end of the month.

The situation is similar at other clubs:

For every US\$ 10 drink, we get 2,000 won (or about US\$ 1.50). If the lady in charge finds out that we have taken any tips from the customers, we have to pay a fine. So we hide our tips inside our panties and bra. If we are found out, we have to pay the penalty. *A Foreign Club Worker (KCWU, 1999)*.

Penalties

Club-specific rules and the penalties for breaking them, are an important mechanism to keep these foreign women locked in their jobs. In fact, some observers have referred to these penalties as “shackles”.

For example, one particular club charges foreign employees US\$ 20 for being five minutes late for work. If they are discovered dating an American soldier during their off hours, they are fined an additional 230,000 won (or about US\$ 176). However, it is possible to pay a US\$ 100 “bar fine” that allows them to miss an evening of work as long as they return to the club before midnight.

There are also fines that range from 200,000 to 300,000 won (or about US\$ 154 to US\$ 230) for “not doing one’s job properly”. Such a fine, when imposed, will completely negate their drink ticket earnings for that day. There are fines for breaking the work contract (US\$ 3,000), and if a woman quits because of marriage, the club owner may demand a penalty between US\$ 3,500 and US\$ 5,000.

Reported testimony about such penalties include:

If a Filipina wants to marry a GI, she has to pay a penalty of US\$ 5,000 to the club owner. It has not been written in the contract. In the contract, it only says that if you break the contract you have to pay US\$ 3,000. *A Filipina Club Worker (KCWU, 1999)*.

In the contract, it says that if we go to a hotel with our customers, we have to pay US\$ 5,000. Or if we are caught having a date with a GI, then we will have to pay a penalty of US\$ 100. I heard that our club owner does not like us to meet customers outside the club. She thinks that if we meet them outside, there will be fewer people coming to our club. We also get a penalty if we cry in the club and get drunk. *A Foreign Club Worker (KCWU, 1999)*.

I signed my contract in the Philippines, one copy in Korean, and one in English. I remember that there are fifteen conditions in the contract, and one says that if I break the contract, I will have to pay US\$ 2,000. But our club owner said if we break the contract, we have to pay US\$ 5,000...None of us here has a copy of the contract... We asked for a copy but they said no, you can't have one. *A 17-year-old Filipina Club Worker (KCWU, 1999).*

There seems to be quite a bit of variation regarding these penalties and how they are applied throughout the club entertainment industry. In fact, one club in the Songtan area charges the dating GI the bar fines imposed for a girl being off the job. The rate is 100,000 won (or about US \$77) to take a girl out of the bar for two hours, 200,000 won (or about US\$ 154) if she is out until 2:00 am, and 300,000 won (or about US\$ 230) if she is gone for the whole night.

In other clubs, after-hours dating is a means to draw customers and to ensure income to these club workers.

We work almost 11 to 13 hours a day. So we sleep a bit, and if we have a date the next day, we don't get much sleep. So we are really tired. But we have to have dates. Otherwise, how can we sell drinks? *A Foreign Worker in Club Y (KCWU, 1999).*

5.2 Working and living conditions

Working hours and days off

The contracts that most of these women originally signed state that they are obligated to work a maximum of only eight hours per day. However, reports from field studies indicate that club owners generally do not comply with such contractual provisions.

Yesterday, our club owner asked us to tell her about our thoughts these days. So we said that in the contract, we are supposed to start working only at 4 p.m., so why are we working now at 1 p.m. But the club owner said that our manager has been telling us lies. *A Foreign Worker in Club Y (KCWU, 1999).*

Additionally, contract provisions that specify four rest days a month are also not followed. Even when a club does provide a foreign worker two days off a month,

these rest days are not allowed until after the woman has been on the job for three months.

The lack of days off is frequently the immediate complaint registered when these women are interviewed about their working conditions. Moreover, a day off is often not an entire 24-hour period without any work. At some clubs, a rest day starts at 11:00 a.m. and ends at 6:00 p.m. These hours coincide with the times that the club is either closed or its business is extremely light.

In the case of the above worker at Club Y, she did not receive her first day off until her second month on the job, and then she started receiving two days off a month. Her working hours are quite long as her club is open from 1:00 p.m. until 1:00 a.m. (and until 2:00 a.m. on Fridays, Saturdays, and Sundays). Some workers in other clubs get even less time off.

(In reply to a question as to why she did not get any days off.) Maybe it is the same in other clubs. I have tried to talk to my club owner, but she said she can't give me any day off. *A Foreign Club Worker (KCWU, 1999)*.

The most difficult thing is when we cannot go out... we don't have any day off. At first we thought that we would get two days off every month. Maybe we are the only club like that. *Another Foreign Club Worker (KCWU, 1999)*.

...and we don't have days off, but in the contract we sign up it says after work you're free, you can go where ever you want to, and that's wrong because we're like a prisoner in our room... *Ophelia, Filipina Former Club Worker (KNYWCA, 1999a)*.

Housing

In the contracts signed by these women before they come to South Korea, there are clauses for the free provision of hygienic living quarters and meals. However, cases have been reported in which the club owners have only acted to locate accommodations in nearby motels or rented rooms. The women themselves pay for their own food and rent.

It should be noted here that South Korea does have a fairly unique real estate standard, whereby apartments or rooms are rented only after payment of a large

returnable deposit. Such deposits can be from 10 to over 30 times the monthly rent. In fact, this system also allows very large deposits to be made in order to live in a rent-free place.

The club owners or managers generally provide the deposits for accommodations for the club workers. A typical case would be one in which the club owner will provide the 1,000,000 won (or about US\$ 760) deposit, while splitting the 100,000 won (or about US\$ 76) per month room rent with their employees. Variations of this scenario can also be found, i.e., club workers paying all of their own rent or living rent free, but the large deposits are normally not required of contracted foreign workers. Nevertheless, the need to make large cash deposits before moving into a different rented place can act as a barrier to leaving, making these women hesitate when considering leaving their employer and the rooms provided by the club owner.

5.3 Sex, human rights, and violence

...it's hard to work at the club especially at weekends because a lot of GIs are drunk... they touch us sometimes. We ask for one month to think it over, and the boss tells us it's okay because the rooms [for sex with the GIs] are still not done yet... I can't bring myself to accept that I'm going to sell my body like meat, it's so hard to imagine. The boss takes away our alien registration cards so we can't go out...

...there is so much trouble in the clubs... why do all Korean guys coming to the club act like that they think all Filipinas came here for prostitution...I'm telling you this: maybe there are some doing it but there are some girls not doing it, we came here for the wrong job but we're trying our best to get a good job...

...we're still human, we need to buy foods and things we need. So please, don't judge us! We are here in your country trying to be good and earn money for our family... *Ophelia, Filipina Former Club Worker (KNYWCA, 1999a).*

Pressure to provide sexual services

It has been observed that contemporary South Korean society regards the difficulties of foreign entertainers as problems of specific individual women, or as problems for the countries from which these women come. The Korean media tend to focus on how such women engage in illegal activities, and present them as sources of

danger (such as AIDS or other sexually transmitted diseases) and harm to personal and public morality. Rarely do presentations of this topic in the media include an analysis of how the importation of these foreign women is made possible and sustained in South Korea.

Most of the women (particularly the Filipinas) who enter South Korea come with a performing artist or “entertainer” visas, were expecting to work as dancers, singers or waitresses. In fact, holders of entertainer visas are not supposed to sit at the table with GIs or to sell drinks. There are even regular checks performed by government officials at the clubs to verify that the women are working as dancers, and not sitting with the customers. However, successful club owners have ways of learning in advance the schedule of such checks, and accordingly inform their female employees to spend the evening dancing and not to talk to any customers when immigration officials are expected.

New arrivals from abroad are often immediately pressed into performing services that they did not anticipate before departing for South Korea. One example is the case of Roberta, who had experience working in a fast food chain restaurant in the Philippines, and fully expected to receive a position as a waitress when she came to South Korea. However, when she arrived, she was forced to wear sexy clothes and dance. “I didn’t want to do this, but I have no choice,” she said to the interviewer.

The case of Henrietta also illustrates this point. She came with four other Filipinas in 1999. As soon as she arrived at the club, and while still quite fatigued from her long journey, she was immediately asked to put on some “sexy clothes” and dance on stage. The club owner then offered the girls US\$ 100 to dance in the nude. Although Henrietta initially refused, the other four girls persuaded her, reminding her that they came to South Korea to make money. She felt she had no choice but to follow them.

She was also given instructions on how to perform “banana shows” and “chocolate shows”. These shows were “so dirty” that Henrietta’s group of Filipinas refused to perform them. However, in other cases, the persuasion of the club owners has been more effective.

I have to do the chocolate show. But I hated it. Can you imagine? We have to take a cold shower after doing that show, it was so cold. Before I came to Korea, I thought we just had to do “sexy dances”. ...I didn’t know I would have to dance naked. *A Foreign Club Worker (KCWU, 1999)*.

The Korean men taught us that show (the candle show). My friend was burnt by the candle wax, so she cried. But the man said, "Why are you crying? You don't want to do the show?" We can't say that, it will be a big, big problem if we say that. *Another Foreign Club Worker (KCWU, 1999)*.

Of course, such sexual duties are not specified in their contracts. Nevertheless, Filipino women are often made to dance in strip shows and to lure customers to buy them drinks by kissing them and teasing them sexually.

My father and uncle signed the contract with Ms. Ahn, I don't know the details. But my father thought that I was going to work as a waitress here, he didn't know I would be dancing. When I arrived here and found out about it, I called him and told him that I have to dance here, but he said "Do it, because you are there already." Then I talked to my younger brother and sister, they were crying, they said they missed me. I told them I miss you too. But I have to work. I have to work because of you. *A 20 Year-old Filipina Club Worker (KCWU, 1999)*.

It should be pointed out that not all Filipinas working in and around US Military installations in South Korea sell sex. In fact, some are even explicitly told not to engage in prostitution by the club owners. However, others are solicited or lured into prostitution by their club owners or even other Filipinas.

External factors that push Filipina entertainers into the sex industry are fairly obvious. Filipinos speak much better English than most Korean women living near US military bases, and are hence more accessible and attractive to the GIs. Furthermore, these Filipinas are indeed aliens in a foreign land, making them much easier to control and exploit than local Koreans. Hence, they are subject to various forms of human rights violations – restrictions on their free movement, heavy penalties for minor rule infractions, withholding of passports and salary, violence, and forced prostitution. It is their alien status (and sometime even an illegal status due to overstaying) that makes them so defenceless and vulnerable to exploitation by club owners and managers.

Women from the former Soviet Union are also subjected to similar treatment. An article in a recent newsletter of a locally run migrants' centre (Seoul Migrant Workers Centre, 2001) points this out. The article documented the case of two women from Uzbekistan who escaped from their club after being forced to provide sexual services. These women, both in the twenties, were duped by an employment agency that promised South Korean employment visas, and signed contracts for jobs at res-

taurants. However, they ended up entering Korea with tourist/transit visas (B-2), and were sent to a club to work instead. From the first day, they were threatened by the physical violence of their club owner to other foreign women in the club. The agency took their first month's salaries as the "introduction fee", and they were told that if they ran away, they would still have to pay US\$ 2,000 according to their contracts. They eventually escaped from their club without their passports and sought shelter in a local centre for migrants.

Confinement and violence

As bad as the situation can be at times, running away is also a risky endeavour. Filipino women are repeatedly warned by their club owners and managers that if they are caught running away, they can be sent to jail for up to a year. Even though this is a completely unfounded claim, most women are threatened into submission by the thought of going to a South Korean jail.

Nevertheless, some women do try to run away. Those who are caught are penalized with violence, confinement, fines (reaching US\$ 2,000) or even being transferred to a less desirable club.

Last month, our club owner found out our plans to run away. We couldn't go out for a month. We were like birds locked up in a birdcage for two weeks. We worked very hard and promised to sell many drinks, so she let us out again. She is like a snake....After we failed at running away, we didn't get our drink money for a whole month. *A Foreign Club Worker (KCWU, 1999)*.

Volunteers and others who deal with foreign club workers report frequent stories and experiences of violence perpetrated by club owners and managers.

5.4 Imported to be exploited

Women trafficked into the South Korean entertainment industry endure working conditions that clearly exploit them. The contracts which these women freely enter into in their home countries are nothing more than bait to lure them into abusive situations. These documents are designed to give the appearance of a legitimate international business transaction by enumerating terms and conditions binding both parties. However, the documents are not adhered to once the women enter South Korea, and hidden fees, charges and forced savings often completely deprive these

women of salaried income, forcing them to sustain themselves on the commission system based on the number of drinks sold. Furthermore, additional club-specific rules are also imposed on these women that heavily penalize them and can virtually turn them into indentured servants.

In addition, contractual promises regarding free lodging, expenses, and days off are frequently broken. The withholding of days off is a particularly pervasive abuse. It is believed that a significant number of these women work in conditions in which they have absolutely no days off during their entire stay in South Korea. Other “luckier ones” get some or half of the times off they were promised, but only after completing 20 to 30 per cent of their contract terms.

Finally, it is clear that many of these women are brought to South Korea not only to have their naïveté and lack of legal sophistication exploited by having them push drinks to bar customers in sweatshop-like conditions. In addition, these young women are often pressed to provide sexual services, sometimes from the first day they arrive. The Filipinas are particularly targeted for this kind of sexual exploitation, as their English language skills make them more attractive to American service men interested in purchasing sex. Furthermore, since the foreign workers are complete strangers they are often easier to intimidate into compliance with such pressure to provide sexual services than local Korean girls.

As noted, together with these precarious conditions, there is also a real, present and immediate threat of violence if any of these women fail to do what they are told. Other human rights violations are widespread, including illegal confinement, forced labour, and sometimes even forced prostitution.

5.5 Getting out/going home

Given such working conditions, it is not surprising that women often try to escape from their employers. However, this is not easy, since they are in a foreign country where they do not speak the language and often do not have their passports, which are retained by their employers. Generally, when foreign women escape from an abusive work place in South Korea, they end up in one of the following three situations:

Living and working underground as an undocumented worker

This situation is most frequent among the Filipina entertainers who escape their employers. There is an existing community of both documented and undocumented

Filipinos in South Korea who work in a variety of industries outside of the entertainment industry. This community includes members who speak Korean quite well, and can provide assistance to an escaped woman in finding employment and housing. Unfortunately, women from the former Soviet Union are not in close contact with this community as easily due to language problems and the small number of compatriots who have lived in South Korea over the long term.

Once the escaped woman has saved up enough money, she may wait for a periodic amnesty that the Korean Government provides to visa over-stayers. These amnesties are announced at irregular intervals and allow those working without proper documentation to leave South Korea without paying any fines. These amnesties are usually followed by an intensive crackdown on illegal workers. NGO observers have noted that these amnesties act to reduce the number of people the Government will have to detain (and feed and deport) following their crackdowns.

Being arrested and deported as a visa violator

As pointed out in the *Trafficking in Persons* Report released by the US Department of State in July 2001, trafficking victims who escape from their abusive jobs are treated as immigration violators and deported. This means run-away sex workers are criminals guilty of visa violations unless they submit their visa documentation in order to apply for a change of employer. This procedure sometimes can only be completed by leaving South Korea, which is difficult for these women to do, as the employers from whom they are fleeing usually hold their passports.

As criminals, they are liable to be fined or detained in a detention centre until fines are paid. However, immigration officials responsible for particular cases appear to have great latitude in the imposition of these fines and the length of detention. In many instances, if the details of a hardship-case detention become known to the local press or to an NGO active in the field, the woman may be unexpectedly deported with all fines waived (*Weekly Chosun*, 2001).

Surrendering themselves to local police/immigration officials

If an escapee turns herself in to the local authorities, and there is no doubt that she has a currently valid visa or is indeed a trafficking victim, the Government of South Korea will attempt to assist her in returning to her home country. However, this government assistance is generally conditional upon the fiscal budget cycle, as only a limited amount of money is available to cover such repatriation costs. The annual amount set aside for such costs is reportedly about US\$ 77,000, or enough to purchase about 190 airplane tickets at US\$ 400 each. Thus there are times in the year

when this budget is exhausted, and local NGOs must assist in sending the women home. In the event escapees approach their own embassies for assistance, IOM Seoul is often contacted to provide help, since the embassies have access to information about IOM's return assistance programmes.

6. RESPONSES OF THE GOVERNMENT OF SOUTH KOREA AND OF SOUTH KOREAN NGOS

The release of the US State Department's *Trafficking in Persons* Report in July 2001 resulted in a subsequent response/rebuttal prepared by the Government of the Republic of Korea (GOK) to its Tier 3 ranking in this report. The timing of this report was quite fortunate for this particular IOM Seoul review of South Korean trafficking data, as it produced a timely official GOK response to almost all of the issues addressed in this document. Furthermore, following the issuance of the GOK rebuttal to the US State Department's report, a previously scheduled South Korean NGO symposium was held that, in effect, generated what could be looked upon as a rebuttal to the GOK's response. It is rare that circumstances provide an opportunity to compare contemporary evaluations of an issue by government officials and informed outside observers.

6.1 GOK specific responses to South Korea's Tier 3 rating

The Government of the Republic of Korea has issued rebuttals (Ministry of Justice, 2001) to several points made or implied in the US State Department's July 2001 *Trafficking in Persons* Report. This report rated GOK efforts to minimize the trafficking of persons, mostly women and children exploited as prostitutes or forced into low-paying jobs by abusive employers, as "not in compliance with minimal standards".

Following are the five primary issues of concern raised in the State Department report with regard to the Republic of Korea, together with the responses provided by the Korean Ministry of Justice:

A) That South Korea is an origin and transit country of trafficked women:

GOK response:

- 1) South Korean women legally and on their own volition go to Japan and/or the US;
- 2) These women use tourist visas and other legal visas to travel to those countries. If they are engaged in the sex industry illegally, they should be subject to local law, not South Korean law; and
- 3) In transit cases, the Korean Government cannot intervene unless the transiting foreign women have false travel documents or have engaged in other criminal activities.

B) That the GOK forcibly deports trafficking victims to their home countries:

GOK response:

South Korea has established various protection and support facilities for women in distress, including prostitutes on the run. These facilities and other protective measures are available to foreign trafficking victims. Moreover, the Government of the Republic of Korea sends them back home without criminal punishment in order to comply with human rights protection standards.

In particular, the Government of the Republic of Korea considers that the above statement regarding forcible deportation of trafficking victims is based upon several cases involving Russian prostitutes. First of all, these women entered South Korea with the intention of engaging in the sex industry, and have admitted that they were aware of the activities in which they would be engaged. This was in violation of South Korea's Departure and Arrival Control Act. In addition, most of them were overstaying their visas. Nonetheless, the GOK has deported those Russian women without imposing fines.

C) That the Government has not responded to requests to resolve international trafficking problems:

GOK response:

- 1) South Korean police and law enforcement agencies have been actively participating in suppressing trafficking and other criminal activities involving women and children. The criminals involved in perpetrating these crimes have been heavily penalized.
- 2) The GOK has acceded to several international conventions related to trafficking:
 - (a) On 6 September 2000, the GOK signed the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography; as well as the Protocol to the Convention on the Rights of the Child;
 - (b) On 13 December 2000, the GOK signed the UN Convention against Transnational Organized Crime; similarly, the GOK also signed the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, which supplements the United Nations Convention against Transnational Organized Crime. On 29 March 2001, the

GOK signed the 1999 ILO Convention No.182 on the Worst Forms of Child Labour.

Additionally, the website of the Ministry of Foreign Affairs and Trade (MOFAT) (<http://www.mofat.go.kr/main/etop.html>) mentions:

The Republic of Korea ratified the Convention on the Rights of the Child in 1991 and is making efforts to fully implement the convention. Korea has also signed the Optional Protocol on the Involvement of Children in Armed Conflict and the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography. In addition Korea is pushing forward with domestic procedures to ratify the ILO Convention on Worst Forms of Child Labour.

3. GOK has been actively cooperating with international criminal investigations:
 - (a) In August 1999, the GOK penalized a Korean ship owner who attempted to enter Canada with 131 Chinese women aboard. It also supported the Canadian police investigation of this case.

Also from MOFAT site:

The Korean Government has launched a variety of initiatives for crime prevention and increased international cooperation in this field: The Korean Government has established the legal framework for crime prevention and control by enacting the Anti-Public Corruption Forfeiture Act and the Special Law Against Illicit Drug Trafficking in 1995.

The Korean Government has also concluded extradition treaties and treaties on mutual assistance on criminal matters with many countries in order to strengthen international cooperation.

The Government of the Republic of Korea has been fully contributing to the United Nations' effort to prevent the transnational crimes. In particular, it actively participated in the intergovernmental negotiations for the establishment of the UN Convention against Transnational Organized Crime, which was adopted by the 55th General Assembly of the United Nations in November 2000.

- (b) GOK carries out thorough monitoring of the entry and exit of trafficking-related personnel. Furthermore, when criminal activities by these people were detected, South Korean police actively pursue such cases.

D) That there is no legal code dealing with the problems of trafficking;

GOK response:

According to South Korean criminal law and other special laws, those involved in trafficking receive particularly heavy penalties, as the GOK considers trafficking in human beings as a grave human rights violation. These laws include (cited articles of law are included in the Appendix):

The Criminal Act

Article 288 (Kidnapping and Trading for Gain)

Article 289 (Kidnapping and Trading for Transportation to Foreign Country)

Article 292 (Receiving or Concealing Kidnapped or Purchased, etc.)

Act on the Aggravated Punishment, etc. of Specific Crimes

Enforcement Decree of the Act on the Aggravated Punishment, etc. of Specific Crimes

Article 5-2 (Aggravated Punishment of Kidnapping and Inducement)

Article 5-4 (Aggravated Punishment of Habitual Larceny, Robbery, etc.)

Article 5-8 (Formation of Organization With Intent to Steal, etc.)

Child Welfare Act

Article 29 (Prohibited Acts)

Juvenile Protection Act

CHAPTER III. 3

CHAPTER III Regulation of Establishments Harmful to Juveniles; Drugs Harmful to Juveniles; and Acts Harmful to Juveniles, etc.

Article 26-2 (Prohibition of Acts Harmful to Juveniles)

Juvenile Sex Protection Act

CHAPTER II. Punishment for Purchasing Sex with Juveniles, etc.

Article 5 (Purchasing sex of Juveniles)

Article 6 (Coercion of Juveniles, etc.)

Article 9 (Juvenile Trafficking)

Prevention of Prostitution, etc. Act

Article 25 (Penal Provisions)

- E) **That GOK does not support victims of trafficking and the NGOs who assist these victims;**

GOK response:

- 1) GOK has established various protection mechanisms, including (cited articles of law are included in the Appendix):

Child Welfare Act

Article 16 (Kinds of Child Welfare Facilities)

Juvenile Protection Act

CHAPTER IV Juvenile Protection Committee (JPC)

Article 27 (Establishment of Juvenile Protection Committee)

Article 28 (Function of Juvenile Protection Committee)

Article 28-2 (Meetings of Juvenile Protection Committee)

Article 29 (Composition of Juvenile Protection Committee)

Article 30 (Chairman of Juvenile Protection Committee)

Article 31 (Terms of Office of Members of Juvenile Protection Committee)

Article 32 (Autonomy and Job Security of Members of JPC)

Article 33 (Organization and Operation Juvenile Protection Committee)

Article 33-2 (Juvenile Protection Centre, etc.)

Article 33-3 (Seconding of Public Servants)

Article 33-4 (Appointment of Temporary Public Servants)

Prevention of Prostitution, etc. Act

CHAPTER III Welfare Facilities and Women's Welfare Clinic for Persons in Need of Protection

Article 11 (Type of Facilities Permitted)

Article 12 (Establishment of Facilities)

Article 13 (Operation of Facilities)

Article 13-2 (Measures for Priority Protection in Facilities)

Article 14 (Permission for Establishment of Women's Welfare Clinic)

Article 15 (Counsellor of Women's Welfare Clinic)

Article 16 (Duty of Trust)

Article 17 (Report on Closure, Suspension, etc.)

Article 18 (Closure of Facility, etc.)

- 2) Victims of trafficking can make criminal charges against their perpetrators of their human rights and request compensation through Korea's civil laws. Other legal assistance is also available.
- 3) GOK has supported various NGOs and their activities on victims protection
 - (a) Through Non-profit Organization Assistance Act, GOK has been providing financial and other supports to various women's rights and human rights organizations.
 - (b) GOK spends KRW 49 billion on supporting various *insinmaemae* victim protection facilities, programmes and hot line services operated by local governments as well as other NGOs.

6.2 Requests to the GOK by South Korean NGOs

In October of 2001, several South Korean NGOs organized a symposium that was, in fact, funded by the GOK to identify and articulate what needs to be done to establish a network to combat the Asian sex industry and to promote anti-sex trafficking laws in South Korea. This symposium produced several specific recommendations. These recommendations cast an interesting light on the GOK's rebuttal (above) to its ranking as a Tier 3 country in July 2001 by the US State Department's *Trafficking in Persons* Report.

Specifically, this symposium recommended that in order to solve the problems of international sex trafficking, the GOK must both establish a special legal and institutional support system, and must also work closely with NGOs (Saewumtuh et al., 2001).

Establish a legal structure

The symposium proposed that the GOK develop specific laws and regulations to address international sex trafficking and include several points outlined by a group of South Korean women's organizations in a Special Act on the Prevention of Sex Trafficking. Here "sex trafficking" is defined as the English translation of the Korean term *seong maemae*, which literally means "the buying and selling of sex", that was used by a GOK-affiliated Korean research institute.

Provisions to be considered for inclusion in this measure include the following:

That the GOK take responsibility for internationally trafficked women

- 1) That the GOK investigate thoroughly international trafficking criminal activities and prosecute those involved;
- 2) That the GOK cooperate with other countries more actively in order to solve the problem;
- 3) That the GOK actively protect trafficking victims;
- 4) That the GOK prepare support systems and programmes for the victims' protection while in South Korea;
- 5) That the GOK should not penalize victims' forced actions resulting from their victimization by international traffickers (i.e., a woman should not be criminally liable for forced prostitution);
- 6) That the GOK coordinate the actions/programmes of the various ministries related to trafficking;
- 7) That the GOK provide special training for government officials who deal with international trafficking.

Special regulations for victims

- 1) That the GOK should not forcibly deport a victim when a victim reports criminal activities of their traffickers, agrees to be a witness, and/or prepares a criminal law suit. Instead the victim should be entitled to a safe shelter and other welfare provisions equal to the level of legal safeguards officially guaranteed to South Korean nationals. (Note: this does NOT mean South Korean women actually benefit from whatever the legal provisions there might be in the legal code);
- 2) That a court should be able to enforce traffickers to make compensation to their victims;
- 3) That a translator and other persons designated by the victim should be able to attend the investigation proceeding of the victim.

Coordination of government agencies: that the Ministry of Gender Equality, Immigration Bureau, Ministry of Health and Social Welfare, and Ministry of Foreign Affairs and Trade must coordinate their actions in the following areas:

- 1) In initiating investigations when a woman is found with someone else's passports or when a woman reports that her passport has been withheld by a third person;

- 2) In the investigation of the routes, organizations, means and techniques of international trafficking;
- 3) In not penalizing the victim's criminal activities attributable to her being trafficked, but rather in providing relevant protection.

Support NGOs

The proceedings of the symposium mentioned above noted that even with a modicum of resources, some migrant workers' centres and women's organizations have been supporting the trafficking victims on their own in the following areas:

Advocating activities for a legal structure to deal with sex trafficking

Efforts have been made to include various points that should be included in a Special Act on the Prevention of Sex Trafficking. Furthermore, NGOs are requesting a special law to be established to exclusively deal with international trafficking problems.

Survey on international sex trafficking

Small migrant centres' and some women's organizations have carried out small-scale surveys on the nature of international sex trafficking in order to ascertain the needs of trafficking victims and try to prevent such problems in the future.

Provide support for the victims of international sex trafficking

Some migrant workers' centres and women's organizations provided counselling and have extended their services to trafficking victims. In order to continue and expand these services these organizations need financial and human resources assistance. Furthermore, these organizations need to be able to network among themselves, as well as with international NGOs, in order to more effectively address this growing problem that extends well beyond South Korea's national borders.

Rectify major problems with current laws

Finally, the symposium noted the major problems in the legal response to victims of sex trafficking (*seong maemae*):

1. The current Prevention of Prostitution, etc. Act is problematic because it punishes both the men who purchase sex and women who provide sex (the as-

sumption is that women are not forced to provide sex and/or are given no other avenue to support themselves);

2. There is a problem with corrupt South Korean police officers that take the side of the facilitator of sex trade in a dispute or simply end up penalizing only the women. Penalties on facilitators should be strengthened and enforced;
3. Victim support programmes and facilities are not effective. Currently trafficking victims hardly receive any support from the Korean legal structure.

7. SUMMARY AND RECOMMENDATIONS

This study is part of IOM Seoul's continuing effort to collect and publicize accurate information on trafficking of human beings in South Korea. This collection and presentation of locally gathered data should greatly encourage those South Korean organizations that confront issues related to trafficking to continue their efforts to study and report on these problems.

Nevertheless, as has been pointed out earlier, in South Korea there is no clear or consistent definition of trafficking. There is also no lucid delineation on what to measure in order to estimate the scale of trafficking. Moreover, although international attention was recently drawn to the fact that there is trafficking of both local and foreign women from South Korea into other countries, many levels of South Korean society do not regard this situation as trafficking *per se*. Accordingly, there are few resources available that would be useful for the study of trafficking of South Korean and foreign women into overseas sex industries.

The plight of women trafficked into South Korea is also quite serious, and this has mobilized some researchers and NGO staff in South Korea to study and report on the problem. However, data available are still quite limited due to the inherent problems in data collection on trafficking, and due to the dearth of resources allocated to address this problem.

Recently, there have also been media reports on foreign women's involvement in the sex industry in South Korea, with frequent allusions to trafficking. However, such reports rarely contain empirical information. As a consequence, there exists a widely accepted perception in South Korea that trafficking is only among women and that the victims are forced into sexual slavery without exception. This attitude is quite pervasive and, in fact, may influence the objectivity of data collected elsewhere. This may help to explain why other aspects of a larger trafficking issue in South Korea have not received any serious scrutiny.

Despite an overall lack of information and the above constraints on data collection, a few conclusions may still be inferred after reviewing the work of those in South Korea who have been addressing the trafficking issue:

- 1) Estimates based on official statistics and published reports suggest that up to 5,000 women could have been trafficked into South Korea for the sex industry since mid-1990s. However, the reliability of such an estimate is not high, and there is reason to believe that the actual number may in fact be much higher than this.

- 2) Women trafficked into the Korean entertainment industry endure working conditions that clearly exploit them. Contracts, which these women freely sign, are nothing more than bait to lure them into abusive situations. Hidden fees, charges, employer fines, forced savings, and other fees often completely deprive these women of salaried income, forcing them to sustain themselves on a commission system based on the sale of drinks, and can virtually turn them into indentured servants. There is also a present and real threat of violence if any of these women do not perform exactly as instructed. Other human rights violations are widespread, including illegal confinement, forced labour, and even forced prostitution.
- 3) Some of these women are brought to South Korea to provide sexual services and are required to do so sometimes *from the very first day they arrive* in South Korea. Filipinas are particularly targeted for this kind of sexual exploitation, as their English language skills make them attractive to American service men interested in purchasing sex. However, women of other nationalities are also sexually exploited, since foreign workers are often easier to intimidate than local Korean women.
- 4) It is clear that there is some level of organization in getting these women to South Korea. A conservative estimate would indicate that hundreds of women come to South Korea every month to be used in the sex industry. Those who bring these women to South Korea display a good working knowledge of the immigration regulations of all countries involved, as well as practical experience in understanding how immigration officials execute relevant rules and regulations. Whether or not there is a larger organized crime syndicate involved is, at this point, a matter for trained criminal investigators.

The most pressing recommendation that can come out of this survey of available data on trafficking in Korea is that an official consensus be reached on Korean terminology to describe the trafficking of women into situations where they are exploited as prostitutes or placed in low-paying jobs by abusive employers. Without responsible government departments and concerned outside observers and actors (such as NGOs and the media) agreeing on a clear or consistent definition of trafficking, it will be very difficult to establish methodologies to monitor this problem, or even to collect meaningful statistics. This will in turn prove to be a recurring barrier to the performance of effective studies on this topic in South Korea and to initiation of appropriate protective measures. Any communications on “trafficking” with local counterparts (either in South Korea, or in other parts of the world) should always carefully define the term in order to minimize any possible confusion.

As was pointed out in the recent NGO symposium (October 2001) held to establish a network to combat the Asian sex industry and promote anti-sex trafficking laws

in South Korea, there is also a need for local NGOs to be able to network better among themselves, as well as with international NGOs, in order to more effectively address the problem. This is an area which extends far beyond South Korea's borders, and in which IOM can provide immediate assistance. IOM offices in the sending countries of these trafficked women can be a great asset in efforts to undertake rudimentary data collection on the backgrounds of the women trafficked to South Korea. With such information, more thorough analyses can be performed so that concrete action plans and counter-trafficking proposals can be developed.

In addition to research efforts to collect accurate information on trafficking from sending countries, investigations on the cases of the trafficking victims need to be performed before their departure from South Korea. Of course, in doing so adequate protection of the victims needs to be provided and the prosecution of the responsible traffickers must be carried out. In addition to assistance in such fact finding, IOM could provide its global network in order to fortify this protection effort and ultimately assist the South Korean Government and NGOs in returning the trafficked women safely back home so that they can be reintegrated into their societies.

APPENDIX

Articles of law cited in the GOK's response to the Tier 3 ranking in the US Department of State's *Trafficking in Persons* Report:

The Criminal Act

(Directly quoted from the Korean Legislation Research Institute's web site, www.klri.re.kr)

Article 288 (Kidnapping and Trading for Gain)

- 1) A person who kidnaps another by force or inveiglement for the purpose of engaging in an indecent act or sexual intercourse or for gain shall be punished by limited imprisonment for not less than one year.
- 2) The preceding paragraph shall apply to a person who buys or sells a female for the purpose of prostitution.
- 3) A person who habitually commits the crimes of the preceding two paragraphs shall be punished by limited imprisonment for not less than two years.

Article 289 (Kidnapping and Trading for Transportation to Foreign Country)

- 1) A person who kidnaps another by force or inveiglement or buys or sells another for the purpose of transporting him out of the Republic of Korea shall be punished by limited imprisonment for not less than three years.
- 2) The preceding paragraph shall apply to a person who transports a kidnapped or purchased person out of the Republic of Korea.
- 3) A person who habitually commits the crimes of the preceding two paragraphs, shall be punished by limited imprisonment for not less than five years.

Article 292 (Receiving or Concealing Kidnapped or Purchased, etc.)

- 1) A person who receives or conceals another who has been kidnapped, sold, or transported as specified in Article 288 or 289, shall be punished by imprisonment for not more than seven years. (Amended by Act No. 5057, 29 December 1995)
- 2) A person who receives or conceals another who has been kidnapped as specified in Article 287 or 291, shall be punished by imprisonment for not more than five years. (Amended by Act No. 5057, 29 December 1995)

Act on the Aggravated Punishment, etc. of Specific Crimes

Enforcement Decree of the act on the aggravated punishment, etc. of specific crimes

Article 5-2 (Aggravated Punishment of Kidnapping and Inducement)

- 1) Any person who commits the crime as provided in Article 287 of the Criminal Act shall be punished aggravatingly depending on the intention of the kidnapping or inducement as follows:
 - (a) Where the person commits the crime with the intention of gaining any goods or interest on property, taking advantage of the anxiety of the parents of the kidnapped or induced minor, or of other person who is anxious about the safety of the minor, the person shall be punished by imprisonment for life or imprisonment for not less than five years; and
 - (b) Where the person commits the crime with the intention of killing the kidnapped or induced minor, the person shall be punished by capital punishment, imprisonment for life or imprisonment for not less than seven years.
- 2) If a person who has committed the crime as prescribed in Article 287 of the Criminal Act commits any one of the following acts, the person shall be punished aggravatingly as follows:
 - (a) Where the person acquires or demands any goods or interest on property, taking advantage of the anxiety of the parents of the kidnapped or induced minor, or of other person who is anxious about the safety of the minor, the person shall be punished by life imprisonment or imprisonment not less than ten years;
 - (b) Where the person kills the kidnapped or induced minor, the person shall be punished by death or life imprisonment;
 - (c) Where the person assaults, injures, confines or abandons the kidnapped or induced minor, or does any cruel act to the minor, the person shall be punished by imprisonment for life or imprisonment not less than five years; and
 - (d) Where the person commits the crime as referred to in subparagraph 3 resulting in the death of the minor, the person shall be punished by capital punishment, imprisonment for life or imprisonment not less than seven years.
- 3) Any person who prevents the kidnapped or induced minor from returning home by concealment or any other way or by aiding and abetting the person who

commits the crime as prescribed in paragraph (1) or (2) shall be punished by imprisonment not less than five years.

- 4) Any person who commits the crime as provided in Article 288, 289 or 292 of the Criminal Act shall be punished by life imprisonment or not less than five years. (Amended by Act No. 4291, 31 December 1990)
- 5) Any person who habitually commits the crime as prescribed in paragraph (4) shall be punished aggravatingly up to a half of the penalty prescribed for the crime. (Amended by Act No. 4090, 25 March 1989)
- 6) The attempts of the crimes as referred to in paragraphs (1), (2) (excluding paragraphs (2) 4 and (4)), shall be punished. (Amended by Act No. 4090, 25 March 1989)
- 7) Any person who conceals a person enables who commits the crime as specified in paragraphs (1) through (6), or enables such person to flee, shall be punished by imprisonment for not less than three years. (Newly Inserted by Act No. 4090, 25 March 1989)
- 8) Any person who makes the preparation or conspiracy with the intent to commit the crime as referred to in paragraphs (1), (2) 1 and 2, or (4), shall be punished by imprisonment for not less than one year. (Newly Inserted by Act No. 4090, 25 March 1989)

Article 5-4 (Aggravated Punishment of Habitual Larceny, Robbery, etc.)

- 1) Any person who habitually commits the crimes as prescribed in Articles 329 through 331 of the Criminal Act, or the attempts thereof, shall be punished by imprisonment for life or imprisonment not less than three years.
- 2) Any person who commits the crime as referred to in paragraph (1) jointly with five or more persons shall be punished by imprisonment for life or not less than five years.
- 3) Any person who habitually commits the crime as provided in Articles 333, 334, 336 and 340 (1) of the Criminal Act, or the attempts thereof, shall be punished by capital punishment, imprisonment for life or not less than ten years.
- 4) Any person who commits the crime as provided in Article 363 of the Criminal Act shall be punished by imprisonment for life or not less than three years.
- 5) The provisions of paragraphs (1) through (4) shall also apply in cases where a person who has been sentenced not less than three times to imprisonment for the crime as prescribed in Articles 329 through 331, 333 through 336, 340 and 362 of the Criminal Act, or the attempts thereof, again commits such crime, and is punished as a repeated offence.

(This Article Newly Inserted by Act No. 3280, 18 December 1980)

Article 5-8 (Formation of Organization with Intent to Steal, etc.). Any person who forms an organization or group with the intent to steal another person's goods shall be punished as follows:

- 1) The leader shall be punished by capital punishment, imprisonment for life or imprisonment not less than ten years;
- 2) The executives shall be punished by imprisonment for life or not less than five years; and
- 3) The members shall be punished by imprisonment not less than one year.

(This Article Newly Inserted by Act No. 3280, 18 December 1980)

Child Welfare Act

(Directly quoted from the Korean Legislation Research Institute's web site, www.klri.re.kr)

Article 16 (Kinds of Child Welfare Facilities)

- 1) Kinds of the child welfare facilities are as follows:
 - (a) Child rearing facilities: facility with a purpose of protecting and rearing the children requiring protection by committing them therein;
 - (b) Temporary protection facilities for children: facility with a purpose of temporarily protecting the children requiring protection, and devising a plan for future rearing and taking protective measures for children;
 - (c) Protection and treatment facilities for children: facility with a purpose of committing those children therein who indulge in delinquent acts or are likely to commit such acts, and who are without any protector, or for whom a person with parental power or a protector has applied for his being committed therein, or who are entrusted for protection by the Court of Family Affairs, a district court and a juvenile branch court, and lead them into the right path and thereby foster them into the sound members of society;
 - (d) Vocational training facilities for children: facility with a purpose of enabling the children aged 15 or older committed in a child welfare facility and the children of poor families to acquire the knowledge and skill required for supporting themselves;
 - (e) Assisting facilities for self-support: facility with a purpose of assisting the self-support of those who are discharged from a child welfare facil-

- ity by protecting them for a certain period during their employment preparation or after an employment;
- (f) Short-term protection facilities for children: facility with a purpose of protecting for a short period those children of general families which face temporary reasons causing them being unable to protect their children, and taking measures to assist the welfare of their families;
 - (g) Child counsel centres: facility with a purpose of counselling, treating and researching, etc. the problems of children and their families;
 - (h) Exclusive Facilities for Children: facility with purpose of providing services necessary for the maintenance of physical and mental health and the improvement of welfare by providing sound play, recreations and various conveniences, such as children's parks, children's playground, children's hall, facilities for sports, drama, cinema, scientific experiment display, children's resting and lodging places, camp ground, etc.; and
 - (i) Children's Welfare Centre: facility with purpose of providing services necessary for maintaining the children's physical and mental health and the improvement of their welfare.
- (2) A child welfare facility under paragraph (1) may be established as a general facility.
- (3) A child welfare facility may, except for its peculiar services, implement the services falling under any of the following subparagraphs:
- (a) Services to support children's families: Services to provide the children, families and community residents with counsel, advice and information for a sound growth of children in the community;
 - (b) Services for daytime child protection: Services to ensure a sound growth of children through individual protection and education for those who are unable to obtain any protection at home during day-time due to unavoidable reasons;
 - (c) Specialized counsel service for children: Services to provide the children unsuited to school, etc. with a counsel and treatment for moulding a sound personality, and to take measures for a prevention of school violence;
 - (d) Protection services for abused children: Services to find, protect and treat the abused children and to prevent the child abuse in a specialized way;
 - (e) Services of communal homes: Services with purpose of providing the children requiring protection with a family-like residential condition and protection; and
 - (f) After-school guidance service for children: Services with purpose of moulding a sound personality for the children of low-income families through individual protection and education after school.

Article 29 (Prohibited Acts) No person shall do the acts falling under any of the following sub-paragraphs:

- 1) Abusive acts inflicting an injury on a child's body;
- 2) Abusive acts such as a sexual harassment, sexual violence, etc. making a child feel sexually ashamed;
- 3) Emotional abusive acts inflicting an injury on the mental health and development of a child;
- 4) Non-interference acts such as abandoning a child under one's protection and supervision, or neglecting the basic protection, rearing and medical treatments including food, clothing and shelter;
- 5) Acts of trading children with others;
- 6) Acts to have a child engage in lewd acts or to mediate such acts;
- 7) Acts to place a disabled child to public viewing;
- 8) Acts to have a child go begging, or to ask for alms by utilizing a child;
- 9) Acts to have a child do acrobatics that are harmful to the child's health or safety, for the purpose of public recreation or entertainment;
- 10) Acts to mediate a rearing of a child and thereby obtain money, by other persons than an intermediary agency having a legal competence; and
- 11) Acts to use the money and goods that are donated or provided for the children, for other purposes than the original ones.

Juvenile Protection Act

(Directly quoted from the Commission on Youth Protection's web site, www.youth.go.kr)

CHAPTER III. 3

CHAPTER III Regulation of: Establishments Harmful to Juveniles; Drugs Harmful to Juveniles; and Acts Harmful to Juveniles, etc.

Article 26-2 (Prohibition of Acts Harmful to Juveniles). No one shall perform the act falling under each of the following sub-paragraphs:

- 1) The act of having juveniles sexually entertain through their physical contacts and the exposure of their sexual organs for the purpose of making profits, and other act of arranging such lascivious things;
- 2) The act of having juveniles drink with clienteles or entertain such clienteles with songs and dance, and other act of arranging such entertaining things for the purpose of making profits;

- 3) The act of having juveniles perform the lascivious act for the purpose of making profits or entertainment;
- 4) The act of showing the physically deformed parts of juveniles to the public for the purpose of making profits or entertainment;
- 5) The act of having juveniles beg for money or goods or using them as a means to beg for money or goods;
- 6) The act of abusing juveniles;
- 7) The act of having juveniles lure customers on the street for the purpose of making profits;
- 8) The act of disrupting public morality by permitting male and female juveniles to sleep on the same beds and other act of providing a place to that end; and
- 9) Deleted. (by Act No. 6261, 3 February 2000).

(This Article Newly Inserted by Act No. 5817, 5 February 1999)

CHAPTER IV Juvenile Protection Committee (Articles 27 ~ 33-4)

Article 27 (Establishment of Juvenile Protection Committee) The Juvenile Protection Committee shall be established under the jurisdiction of the Prime Minister to carry out the business of protecting juveniles under the provisions of this Act. (This Article Wholly Amended by Act No. 5817, 5 February 1999)

Article 28 (Function of Juvenile Protection Committee)

- 1) The Juvenile Protection Committee shall implement business matters falling under each of the following sub-paragraphs: (Amended by Act No. 5817, 5 February 1999)
 - (a) Matters concerning the establishment of basic plans for protecting juveniles against harmful environments and the appraisal of the progress status of the basic plans;
 - (b) Matters concerning the regulation of circulation of media materials harmful to juveniles, and the support for media materials beneficial to juveniles;
 - (c) Matters concerning the protection of juveniles against business places harmful to them;
 - (d) Matters concerning the protection of juveniles against drugs, etc. harmful to them;
 - (e) Matters concerning the conduct of education, publicity, treatment and rehabilitation, etc. for juveniles in order to protect them from violence and abuse;
 - (f) Matters concerning the receipt and handling of reports on the environ-

- ment harmful to juveniles, and necessary survey, research and education for protecting juveniles from such environments;
- (g) Matters concerning support for private sector organizations performing functions related to the protection of juveniles against the environments harmful to them, and the support for civil movements organized to clean up such environments;
 - (h) Matters concerning cooperation and support among administrative agencies for the purpose of protecting juveniles;
 - (i) Matters requested by the heads of relevant central government agencies with regard to the protection of juveniles; and
 - (j) Matters provided for, as being under the jurisdiction of the Juvenile Protection Committee, under this Act and other Acts and subordinate statutes.
- 2) The Juvenile Protection Committee shall implement policy measures falling under any of the following sub-paragraphs in relation to education, publicity, treatment and rehabilitation to protect juveniles: (Newly Inserted by Act No. 5817, 5 February 1999)
- (a) The formulation, implementation and assessment of plans for education and publicity necessary to protect juveniles from media materials, establishments and drugs, which are all harmful to them, violence and abuse against them, and the environment harmful to them;
 - (b) The installation and operation of facilities and the designation of treatment and rehabilitation facilities of national and public hospitals as well as general hospitals established under the Medical Service Act through consultations with the Minister of Health and Welfare for juveniles who have suffered from media materials harmful to them, drugs, establishments harmful to them, violence, abuse and the environment harmful to them; and
 - (c) Administrative and financial support for organizations and individuals engaged in activities on education, publicity, treatment and rehabilitation for juveniles who have suffered from media materials harmful to them, drugs, establishments harmful to them, violence, abuse and the environment harmful to them.

Article 28-2 (Meetings of Juvenile Protection Committee)

- 1) The meetings of the Juvenile Protection Committee shall consist of a plenary meeting (hereinafter referred to as the “plenary meeting”) which is attended by all members and a sub-committee meeting (hereinafter referred to as the “sub-committee meeting”) which is attended by some members as prescribed by the Presidential Decree.

- 2) The plenary meeting shall deliberate and vote on matters falling under each of the following sub-paragraphs:
 - (a) Matters related to drawing up basic plans for the protection of juveniles and assessing progress in implementing the plans;
 - (b) Matters this Act and other Acts and subordinate statutes prescribe that the Juvenile Protection Committee deliberate and vote on; and
 - (c) Other matters the plenary meeting deems it necessary to deal with for itself.
- 3) The sub-committee meeting shall deal with matters other than the matters referred to in paragraph (2), which are delegated by the plenary meeting.

(This Article Wholly Amended by Act No. 5817, 5 February 1999)

Article 29 (Composition of Juvenile Protection Committee)

- 1) The Juvenile Protection Committee shall consist of not more than thirteen members including one chairman. (Amended by Act No. 5817, 5 February 1999)
- 2) Any member of the Juvenile Protection Committee shall be a person of knowledge and experience and with a sense of mission, and its chairman shall be appointed by the President upon the proposal of the Prime Minister from among anyone falling under any of the following sub-paragraphs, and the other members of the Committee shall be appointed or commissioned by the President upon the proposal of the Prime Minister after recommendation of the chairman:

(Amended by Act No. 5529, 28 February 1998)

- (a) A person who is qualified to be a judge, public prosecutor, or attorney;
 - (b) A person who serves or served as an associate or higher professorship or equivalent positions at colleges and universities or officially accredited research institutes and whose academic major is a juvenile-related field;
 - (c) A person who serves or served at Grade III or higher positions for the government or equivalent positions for public agencies and has practical experience with juvenile-related affairs;
 - (d) A person who is specialized in juvenile affairs and has worked for juvenile-related organizations for not less than ten years; and
 - (e) Deleted. (by Act No. 5817, 5 February 1999)
- 3) The chairman shall be appointed to the position of Grade I state public official of the extraordinary civil service.
- 4) Deleted. (by Act No. 5817, 5 February 1999)

Article 30 (Chairman of Juvenile Protection Committee)

- 1) The chairman of the Juvenile Protection Committee shall represent the committee, and a member nominated by the chairman shall perform his duties on his behalf in a case where he is unable to perform his duties due to compelling reasons.
- 2) The Juvenile Protection Committee shall hold its meetings with the attendance of a majority of the total members and shall make a decision with a concurrent vote of a majority of those present.

Article 31 (Terms of Office of Members of Juvenile Protection Committee)

- (1) The terms of office of members of the Juvenile Protection Committee shall be four years, and they may be re-appointed for only another four-year term.
(Amended by Act No. 5817, 5 February 1999)
- (2) Where there is any vacancy in the position of members, the substitute member shall be appointed or commissioned within 30 days after the vacancy occurs, and the term of office of the substitute member shall be the remainder of the term of office of his predecessor.

Article 32 (Autonomy and Job Security of Members of JPC)

- 1) The members of the Juvenile Protection Committee shall not be subject to any instructions or interference by external forces in connection with their duties.
- 2) Any member of the Committee shall not be dismissed against his will except in the cases falling under any of the following sub-paragraphs:
 - (a) Where he has been consigned to an unsuspended sentence of imprisonment without prison labour or to a harsher sentence; and
 - (b) Where he is unable to perform his duties due to prolonged mental and physical hyposthenia.

Article 33 (Organization and Operation of Juvenile Protection Committee)

- 1) The Juvenile Protection Committee may set up and operate subcommittees in order to specialize in those affairs falling under its jurisdiction.
- 2) A secretariat shall be appointed in the Juvenile Protection Committee in order to deal with the affairs of the Committee.
- 3) Necessary matters concerning the organization and operation of the Juvenile Protection Committee other than those prescribed under this Act shall be prescribed by the Presidential Decree.

Article 33-2 (Juvenile Protection Centre, etc.)

- 1) A juvenile protection centre may be established under the Juvenile Protection Committee to protect temporarily juveniles from violence, abuse and the environment, etc. harmful to them.
- 2) The juvenile protection centre may have lawyers specializing in juvenile affairs to provide legal assistance and counselling including the process attorney to juveniles who have suffered damages.
- (3) A juvenile rehabilitation centre may be established under the Juvenile Protection Committee to help juveniles rehabilitate, who have suffered from violence, abuse and drugs.
- 4) Detailed matters concerning the juvenile protection centre and the juvenile rehabilitation centre referred to in paragraphs (1) and (3) shall be prescribed by the Presidential Decree.

(This Article Newly Inserted by Act No. 5817, 5 February 1999)

Article 33-3 (Seconding of Public Servants)

- 1) The chairman, when he deems it necessary to operate efficiently the Secretariat, may ask the heads of related administrative agencies to second their civil servants.
- 2) The heads of related administrative agencies, upon receiving the request referred to in paragraph (1), shall comply with the request unless special reasons exist for not complying with the request.
- 3) The seconded public servants, in performing their duties, shall be put under direction and supervision of the chairman.
- 4) The period for the seconded public servants to serve shall be two years in principle unless special reasons exist otherwise: Provided that the period may be extended within the limit of one year when the chairman deems it necessary to do so.

(This Article Newly Inserted by Act No. 5817, 5 February 1999)

Article 33-4 (Appointment of Temporary Public Servants)

- 1) The chairman, when he deems it necessary to carry out efficiently the juvenile affairs, may appoint public servants to serve on contracts under the provisions of Articles 2 and 47 of the State Public Officials Act.
- 2) Necessary matters concerning the number of contract public servants, qualifications for their appointment and their remuneration under paragraph (1) shall

be determined by the chairman after consultations with the Minister of Government Administration and Home Affairs.

(This Article Newly Inserted by Act No. 5817, Feb. 5, 1999)

Juvenile Sex Protection Act

(Directly quoted from the Commission on Youth Protection's web site, www.youth.go.kr)

CHAPTER II Punishment for Purchasing Sex with Juveniles, etc.]

Article 5 (Purchasing Sex of Juveniles)

Any person who purchases sex with Juveniles shall be sentenced to imprisonment up to three years or fined up to 20 million won.

Article 6 (Coercion of Juveniles, etc.)

- 1) Any person who commits any of the following shall be sentenced to imprisonment over three years.
 - (a) Any person who coerces Juveniles to be a counterpart in the purchasing of sex with Juveniles by violence or threats
 - (b) Any person who coerces Juveniles to be a counterpart in the purchasing of sex with Juveniles through fraudulent means or debt as payment in advance.
 - (c) Any person who coerces Juveniles to be a counterpart in the purchasing of sex with Juveniles by taking advantage of Juveniles under his/her protection or supervision in relation to jobs or employment
 - (d) Any person who vocationally allures or solicits Juveniles to be a counterpart in the purchasing of sex with Juveniles
- 2) Persons who commit sub-section 1 to 3 of Section 1 receive, require or express the intention to require such considerations, in whole or in part, shall be sentenced to imprisonment up to five years.
- 3) Attempt of Sections 1 and 2 shall be punishable.
- 4) Any person who allures or solicits Juveniles to be a counterpart in the purchasing of sex with Juveniles shall be sentenced to imprisonment up to five years or fined up to 30 million won.

Article 9 (Juvenile Trafficking)

- 1) Any person who traffics Juveniles being aware that Juveniles may be taken advantage of for the purchasing of sex with Juveniles and for obscene material using Juveniles shall be sentenced to life imprisonment or imprisonment over five years.
- 2) Any person who traffics Juveniles abroad or traffics Juveniles living abroad to Korea being aware that Juveniles may be taken advantage of for the purchasing of sex with Juveniles and for obscene material using Juveniles shall be sentenced to life imprisonment or imprisonment over five years.
- 3) Attempt of Sections 1 or 2 shall be punishable.

Prevention of Prostitution, etc. Act

(Directly quoted from the Korean Legislation Research Institute's web site, www.klri.re.kr)

CHAPTER III Welfare Facilities and Women's Welfare Clinic for Persons in Need of Protection

Article 11 (Type of Facilities)

- 1) The type of welfare facilities (hereinafter referred to as "facilities") for the persons in need of protection shall be as follows:
 - (a) Temporary shelter: The facilities for the temporary protection and counselling of the persons in need of protection;
 - (b) The facilities for proper guidance and protection: The facilities in which proper guidance and protection shall be given to the persons entrusted by the protective detention under Article 8 (1), and the facilities in which proper guidance and protection shall be given to the persons put into the facilities by the measures of the proper guidance and protection under Article 9 (1); and
 - (c) The facilities for independence and self-support: The facilities in which lodging, boarding, vocational guidance, etc. shall be given to the persons who have difficulty in adapting themselves to the society or have no residence among the persons in need of protection or the persons who are discharged from the facilities for proper guidance and protection within the limit of six months if requested by themselves.

- 2) The scope of specific functions of facilities referred to in paragraph (1) shall be prescribed by the Presidential Decree. (Newly Inserted by Act No. 5847, 8 February 1999)

Article 12 (Establishment of Facilities)

- 1) The State or local governments may install facilities for the sound rehabilitation of persons in need of protection into society.
- 2) When a person other than the State or local governments intends to install and operate such facilities, he shall file a report to the head of the Shi/Kun/Ku (limited to an autonomous Ku: hereinafter the same shall apply). (Amended by Act No. 5847, 8 February 1999)
- 3) Matters concerning standards for installation of facilities, standards for qualifications of employees, the number of such employees and procedures for filing reports as referred to in paragraphs (1) and (2) shall be prescribed by the Ordinance of the Ministry of Gender Equality. (Amended by Act No. 5358, 22 August 1997; Act No. 5454, 13 December 1997; Act No. 5847, 8 February 1999; Act No. 6400, 29 January 2001)

Article 13 (Operation of Facilities)

- 1) The head of the facility shall develop the sound sense of value and the independent ability of rehabilitation of the persons in need of protection and help them to adapt themselves to the society through counselling and training.
- 2) The head of the facility shall have a medical examination performed on the persons in need of protection within one month of them entering the facility. Where the person is in an unsatisfactory state of health, the head of the facility shall provide medical protection under the Medical Care Act.
- 3) The head of the facility shall guarantee the human rights of the persons in need of protection in guiding and protecting them.
- 4) Necessary matters concerning methods of and standards for operating such facilities shall be prescribed by the Ordinance of the Ministry of Gender Equality. (Amended by Act No. 5454, 13 December 1997; Act No. 5847, 8 February 1999; Act No. 6400, 29 January 2001)

Article 13-2 (Measures for Priority Protection in Facilities)

The head of the facility, upon a request for the accommodation of persons in need of protection, who want to be accommodated in such facility, from the head of an administrative agency including but not limited to the head of a police station, shall take measures to accommodate preferentially such people as prescribed by the Ordi-

nance of the Ministry of Gender Equality and report without delay their accommodation to the head of Shi/Kun/Ku. (Amended by Act No. 6400, 29 January 2001)

(This Article Newly Inserted by Act No. 5847, 8 February 1999)

Article 14 (Establishment of Women's Welfare Clinic)

- 1) The Mayor/Do governor or the head of Shi/Kun/Ku may establish a women's welfare clinic (hereinafter referred to as the "clinic") for the purpose of advising them on a sound way of living, through counselling.
- 2) When a person other than the State and local governments intends to establish and operate the clinic, he shall file a report to the head of Shi/Kun/Ku. (Amended by Act No. 5847, 8 February 1999)
- 3) The mother and child welfare clinic, which is established under Article 7 of the Mother and Child Welfare Act, may provide the services of the clinic.
- 4) The scope of business for clinics shall be prescribed by the Presidential Decree and necessary matters concerning standards for establishing and operating such clinics, standards for qualifications of employees, the number of such employees and procedures for filing reports shall be prescribed by the Ordinance of the Ministry of Gender Equality. (Amended by Act No. 5847, 8 February 1999; Act No. 6400, 29 January 2001)

Article 15 (Counsellor of Women's Welfare Clinic)

- (1) A women's welfare counsellor (hereinafter referred to as a "counsellor") shall be employed in the clinic which is established in the City/Do or the Shi/Kun/Ku (limited to an autonomous Ku) or under Article 14 (1). (Amended by Act No. 5847, 8 February 1999)
- (2) The counsellor's duties shall be as follows:
 - (a) The investigation and counsel of the family and the situation of the person in need of protection;
 - (b) Assistance to the person in need of protection to find employment;
 - (c) Proper guidance to prevent the generation of the person in need of protection;
 - (d) Investigation of the actual conditions of the person in need of protection;
 - (e) Good offices for the practical use of the facilities for persons in need of protection in a community;
 - (f) Family problem counsel, guidance and education for the formation of a sound community;
 - (g) The duties of the mother and child welfare counsellor as provided in Article 8 of the Mother and Child Welfare Act; and

- (h) Other duties necessary for the completion of the service for proper guidance and protection.
- 3) The counsellors shall be public officials of local governments, and necessary matters concerning qualifications for the appointment of such counsellors and standards for posting, educating, and training such counsellors, etc., shall be prescribed by the Presidential Decree. (Amended by Act No. 5847, 8 February 1999)

Article 16 (Duty of Trust)

Where the entrance into the facility of the person in need of protection was entrusted or requested to the person who establishes and operates the facility under Article 8 (1) or 9 (1), such entrustment or request shall not be refused without proper reason.

Article 17 (Report on Closure, Suspension, etc.)

Any person who intends to close, suspend or resume the operation of a facility or clinic on which a report has been filed under the provisions of Article 12 (2) or 14 (2) shall file a report to the head of Shi/Kun/Ku as prescribed by the Ordinance of the Ministry of Gender Equality. (Amended by Act No. 6400, 29 January 2001)

(This Article Wholly Amended by Act No. 5847, 8 February 1999)

Article 18 (Closure of Facility, etc.)

- 1) When a facility or a clinic falls under any of the following sub-paragraphs, the head of the Shi/Kun/Ku may order the suspension of the service or close such facility: (Amended by Act No. 5358, 22 August 1997)
 - (a) When the facility or clinic concerned does not satisfy the standards of establishment under Article 12 (3) or 14 (4);
 - (b) When the facility or clinic concerned refuses the trust, in contravention of the provision of Article 16 without proper reason;
 - (c) When the facility or clinic concerned fails to make a report, makes a false report, or refuses, interferes with, or evades the inspection, in contravention of the provision of Article 21; and
 - (d) When the facility or clinic concerned violates this Act or the order under this Act.
- 2) The detailed standard of the administrative measures under paragraph (1) shall be as prescribed by the Ordinance of the Ministry of Gender Equality, taking into consideration the reason for the administrative measures and the degree

of the violation. (Amended by Act No. 5454, 13 December 1997; Act No. 6400, 29 January 2001)

Article 25 (Penal Provisions)

- 1) Anyone who falls under one of the following subparagraphs shall be punished by imprisonment for not more than five years or by a fine not exceeding 15,000,000 won:
 - (a) A person who provides someone with a place for prostitution by way of business;
 - (b) A person who helps someone to prostitute by way of business; and
 - (c) A person who provides someone with funds, land, or buildings though he knows that they are used for the crimes of sub-paragraph 1 or 2.
- 2) Anyone who falls under one of the following sub-paragraphs shall be punished by imprisonment for not more than three years or by a fine not exceeding 10,000,000 won:
 - (a) A person who seduces or invites someone to prostitute by way of business, or who seduces, invites, or forces someone to be a customer of a prostitute by way of business;
 - (b) A person who provides someone with a place for prostitution;
 - (c) A person who helps someone to prostitute; and
 - (d) A person who promises to provide someone with a place for prostitution or to offer the good office of prostitution by way of business.
- 3) A person who seduces or invites someone to prostitute, or who seduces, invites, or forces someone to be a customer of a prostitute shall be punished by imprisonment for not more than two years or by a fine not exceeding 5,000,000 won.
- 4) In case of paragraphs (1) through (3), the imprisonment and the fine may be concurrently punished on them.

Statistics on E-6 Visa Holders (Entertainers) In South Korea

TABLE 4
TOTAL SOUTH KOREAN E-6 (OR ENTERTAINER) VISA HOLDERS

Year	Total All E-6 Visas		Asian E-6 Visas		European E-6 Visas		Other E-6 Visas	
	Males	Females	Males	Females	Males	Females	Males	Females
2000	693	3,223	460	1,613	143	1,594	90	16
1999	731	3,519	411	1,544	172	1,906	148	69
1998	760	1,345	319	740	240	538	201	67
1997	983	1,228	453	695	235	401	295	132
1996	762	788	331	393	282	367	149	28
1995	664	345	301	195	271	117	92	33

Source: Korean Ministry of Justice's *Departure & Arrival Control Year Book Series*.

TABLE 5
TOTAL SOUTH KOREAN E-6 (OR ENTERTAINER) VISA HOLDERS FROM SELECTED* ASIAN COUNTRIES

Year	Philippines		Uzbekistan		Kazakhstan		Kyrgyzstan		Mongolia		Viet Nam	
	Males	Females	Males	Females	Males	Females	Males	Females	Males	Females	Males	Female
2000	369	1,152	10	328	2	37	0	28	12	11	0	14
1999	355	1,013	24	399	0	32	2	35	3	1	0	3
1998	268	630	11	62	1	31	0	2	2	1	0	0
1997	355	571	1	21	13	67	0	1	0	0	0	1
1996	285	316	11	34	6	30	0	1	0	0	0	1
1995	271	150	7	19	6	14	0	0	0	0	0	0

Note: * The Asian countries tabulated here were selected because they accounted for 97.2 per cent of all the Asian female E-6 visa holders in the year 2000.

Source: Korean Ministry of Justice's *Departure & Arrival Control Year Book Series*.

TABLE 6
TOTAL SOUTH KOREAN E-6 VISA HOLDERS FROM SELECTED* EUROPEAN COUNTRIES

Year	Russia Federation		Ukraine		Belarus		Moldavi	
	Males	Females	Males	Females	Males	Females	Males	Females
2000	58	1465	22	47	12	60	7	
1999	50	1630	20	89	9	102	10	
1998	88	406	18	33	16	31	9	
1997	85	261	22	19	1	9	1	
1996	79	181	49	19	1	10	4	
1995	35	48	14	0	0	0	0	

Note: The European countries tabulated here were selected because they accounted for 99.5 per cent of arrivals in South Korea in the year 2000.

Source: Korean Ministry of Justice's *Departure & Arrival Control Year Book Series*.

NOTES

1. The 2002 US Government Department of State's *Trafficking in Persons* Report ranked South Korea as a Tier 1 country as it has made "extraordinary strides" since issuance of the Department's 2001 Report. Various efforts by the South Korean Government were cited in the Report, which include prosecuting more than 100 cases of traffickers in 2001 as well as establishing Joint Task Forces on Trafficking in Person in December 2001, although there still is no trafficking law *per se*. Other efforts to protect trafficking victims and to prevent trafficking were also listed in the Country Narratives section of the 2002 Report.
2. The United Nation's Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime was adopted in November 2000. It defines trafficking in person as "the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or the use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability, or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs".
3. The citations in the text found in Chapters 4 and 5 have been amended to enhance user readability. Immense care was taken to ensure that the meaning and value of the text were not altered.

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The US Trafficking in Persons Report (July 2001) included South Korea among 23 countries that, in the eyes of the US State Department, failed to meet minimum standards in attempting to stop the trafficking in human beings (mostly women and children) who are exploited as prostitutes or placed in low-paying jobs with abusive employers.

While the Report mentioned the "trafficking" of South Korean women to Japan or to the West, as well as instances of Chinese women trafficked via South Korea to the West, it failed to notice that South Korea is itself a receiving country of trafficked women from countries such as the Philippines, Russia and other nations of the former Soviet Union.

This IOM report is the first English language survey on trafficking into South Korea that systematically presents relevant data and research findings on this serious and growing phenomenon. In approaching this sensitive and difficult issue, it takes a balanced approach by including both the South Korean Government's responses to the above Trafficking in Persons report, as well as the viewpoints of South Korean NGOs. English translations of trafficking-related laws in South Korea are also included.

