Comparing and Contrasting Korean and Japanese Government Responses to Sex Trafficking

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Abstract

The purpose of this paper is to compare and contrast modern South Korean and Japanese government responses to the issue of sex trafficking. By comparing and contrasting both government responses, I aim to gain a greater understanding as to why the government responses in both countries have differed despite similar causes of trafficking and to look at the implications of the remedies enforced by the governments to combat sex trafficking. This paper will specifically examine factors such as law and policy, economic interests, NGOs, and law enforcement. By examining these factors, this paper will argue that the South Korean and Japanese government responses are heavily influenced by the prioritization of economic interest over human rights.

Keywords:

South Korea, Japan, sex trafficking, government, law, NGOs, policy, law enforcement, sex work, business, entertainment industry, stereotype, consent, coercion.
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1. Introduction

Sex trafficking is a problem in both the Republic of Korea and Japan.\(^1\) South Korea and Japan both have an existing history with sex trafficking, particularly with “comfort women” in the twentieth century.\(^2\) The general issue surrounding sex trafficking has continued into the twenty-first century. The Korean and Japanese governments have taken different actions to combat sex trafficking. The Korean government’s response to sex trafficking is to enact more laws and prosecute traffickers, but the government is criticized for the harsh treatment of sex trafficking victims.\(^3\) The Japanese government is praised for its continuing efforts to support NGOs, but is criticized for the lack of comprehensive laws against trafficking.\(^4\)

South Korea and Japan have both ratified the United Nations “Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children,” without reservations, supplementing the “United Nations Convention against Transnational Organized Crime (UNOTC).”\(^5\) The Protocol defines trafficking and contains recommendations to protect victims of sex trafficking.\(^6\) In ratifying the Protocol, the South Korean and Japanese governments agreed to identify and protect victims and to take steps to prevent sex trafficking.

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\(^1\) The Republic of Korea will be referred to as either South Korea or Korea for the rest of the paper.


\(^4\) *Trafficking in Persons Report: June 2017*, 225.


\(^6\) “Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children.”
Despite similar causes of trafficking and despite both Korea and Japan ratifying the protocol, why have the government responses differed? What are the implications for effective remedies to the problem of trafficking and the human rights of those affected?

**Objective**

My thesis will examine government responses in both Korea and Japan and compare and contrast sex trafficking within these countries. I will answer the overarching questions:

1) “Despite similar causes of trafficking, why have the government responses differed?”
2) “What are the implications for effective remedies to the problem of trafficking and the human rights of those affected?”

While these are the primary questions that I will be focusing on for my thesis, I will also answer other questions such as:

1) “What are the factors that influence sex trafficking in these countries?”
   a. These factors include legislative, sociological, and criminal influences.
2) “What actions have been taken by the governments both domestically and internationally?”
   a. I will examine a variety of different domestic and international actions, including laws, programs, and other practices.
3) “How can governments improve their response to the issue of sex trafficking?”

If possible, I will also look into the question of:

1) “How have the Korean and Japanese governments worked with organizations, both at the international level and domestically with NGOs, to effectively reduce sex trafficking?”

By examining government responses to sex trafficking, which include government laws and international bodies, I will provide a more thorough examination of the issue of sex trafficking as a whole. My thesis will investigate how well the South Korean government implements their laws and how sex trafficking victims are protected in Japan.

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7 For my thesis, I will focus on the sex trafficking of women. I recognize that some anti-trafficking measures are not gender-specific, so I will include those measures as they still affect female sex trafficking victims.
My hypothesis is that Japan may compensate for its lack of a sex trafficking law by supporting NGOs and other organizations dedicated to helping victims, whereas the Korean government may not be effectively implementing its extensive sex trafficking laws.

2. Theoretical Framework

The literature regarding sex trafficking in Korea and Japan largely revolves around the complications of understanding sex trafficking and the best ways to stop sex trafficking and help sex trafficking victims. Feminism is an important theoretical framework to use when examining the literature regarding sex trafficking. Author Hae Yeon Choo states that Korean feminism tends to emphasize women as victims of circumstances beyond their control.\(^8\) She specifically states that Korean feminists “…used the discourse of trafficked victims as a device to restore the moral status of migrant women and to hold the state accountable by pointing to its culpability in the plight of migrant hostesses and wives…”\(^9\) She argues that this victimization is problematic as that can inadvertently harm the feminist cause to support trafficking victims by reinforcing a hierarchy in which women are subordinate.\(^10\) Japanese feminism also treats sex trafficking victims as women who are in circumstances beyond their control. Otsuki Nami and Hatano Keiko would argue otherwise by stating that sex trafficking victims, regardless of the circumstances, are vulnerable and exploited to a certain degree.\(^11\) Trafficking victims use their

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agency to leave their countries and find work, but lose their autonomy when they are trafficked. South Korea acknowledges this situation, while Japan does not acknowledge it at all. The underlying feminist theory that can be applied here is recognizing to what extent these governments acknowledge agency and how they treat trafficked women in terms of returning their autonomy to them.

This leads to another ideological framework, which is the approach to sex work. Both South Korea and Japan criminalize sex work. However, they criminalize sex work differently. Does criminalizing sex work help stop sex trafficking, or should these countries focus on legalizing and regulating sex work to help prevent sex trafficking? How does their treatment of sex work affect their treatment of sex trafficking victims? Neither approach is correct or incorrect. I hope to use my research to gain further data on these different perspectives and learn more about how to stop sex trafficking.

3. Current Literature

This section addresses sex trafficking in both South Korea and Japan, and is comprised of (1) the legal definition of sex trafficking and (2) the attitude of civil society and states towards the sex industry and sex trafficking victims. The definition of sex trafficking differs depending on the country and has an effect on the way each country addresses the issue. While little research has been done on comparing South Korean and Japanese sex trafficking, examining the existing literature will help to provide context.

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Defining Sex Trafficking in the Two Countries

The definition of “sex trafficking” differs between South Korea and Japan. The Korean government defines sex trafficking in its “Act on the Punishment of Arrangement of Commercial Sex Acts, etc.” as an act in which people, juveniles, or addicts are forced or tricked into being trafficked.13 One important part of the Korean government’s definition of sex trafficking is in “Article 2 (Definitions),” which acknowledges that sex trafficking victims may initially provide consent, but can be trapped in the situation against their will.14 “Article 2 (Definitions), subclause 2,” states that people are under control “…even if the consent of a targeted person is obtained by means of provision of pre-payments, etc., such targeted person is kept from disengagement against his/her will…”15

The Japanese government does not have a formal definition or even a particular law explicitly against sex trafficking, and instead prosecutes sex trafficking under laws such as labor violations and child prostitution.16 These laws include “Japan’s 2005 amendment to its criminal code, which prohibits the buying and selling of persons, and other criminal code articles and laws, including the Labor Standards Law, and the Law for Punishing Acts Related to Child Prostitution and Child Pornography…”17 Author Meryll Dean argues that Japan’s narrow legal

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14 Act on the Punishment of Arrangement of Commercial Sex Acts, etc., Art. 2.

15 Act on the Punishment of Arrangement of Commercial Sex Acts, etc., Art. 2.


17 Thilagaraj and Latha, “Human Trafficking in Asia,” 137.
framework has led to inadequacies in protecting trafficking victims and preventing sex trafficking.\textsuperscript{18} She states that Japan has made progress to fulfill its obligation under the Trafficking Protocol with the 2005 reforms that revise the Criminal Code and Immigration Control and Refugee Recognition Law.\textsuperscript{19} Despite these revisions, however, she points out that the definition of trafficking in the Criminal Code is limited to “buying” and “selling,” which is not comprehensive.\textsuperscript{20} She also mentions other areas of concern, such as sex trafficking victims being at risk for deportation because these victims may be in violation of Japan’s immigration laws.\textsuperscript{21} Meryll Dean also states that Japan’s 2005 reforms have acknowledged that reform is necessary, but that Japan still needs to improve its laws if they want to fulfill their obligation under international law.\textsuperscript{22} The different definitions of sex trafficking demonstrate that governments have their own understanding and attitudes towards sex trafficking victims that influence how they approach the situation. The Korean government recognizes that women who consent to sex work can still be victims of sex trafficking, and therefore their anti-sex trafficking law provides a broader form of protection for sex trafficking victims than does Japan. These definitions serve as the basis of the legal understanding of sex trafficking. In addition, the police and lawmakers’ attitudes ultimately influence how sex trafficking is handled in each respective country.


\textsuperscript{19} Dean, “Sold in Japan,” 174.

\textsuperscript{20} Dean, “Sold in Japan,” 174–175.

\textsuperscript{21} Dean, “Sold in Japan,” 176.

\textsuperscript{22} Dean, “Sold in Japan,” 176–177.
Attitudes Toward Sex Trafficking

How each government defines victims of sex trafficking affects how governments, including their agents and agencies, respond to the issue. Different cultural attitudes towards sex trafficking can cause confusion as governments try to enact solutions to encompass all of the people victimized by sex trafficking. The lack of a cohesive narrative is reflected in the sex trafficking academic literature.\(^{23}\)

Scholars argue over whether sex work itself is inherently exploitative and perpetuates sex trafficking or is acceptable as long as people consent to being a part of the industry.\(^{24}\) The different views of sex trafficking are complicated by the variety of causes for sex trafficking. Trafficking victims are usually people who seek economic stability in other countries and are vulnerable to exploitation by strangers or by people they trust.\(^{25}\) Many trafficked people, mostly women, are trafficked because of the demand for sex. Governments have a difficult time monitoring this issue as traffickers can bring victims into a country legally.\(^{26}\)

Entertainment visas, or e-visas, is one way that traffickers bring trafficking victims into a country legally.\(^{27}\) In the case of South Korea, there are three factors involved in getting an e-visa.

\(^{23}\) “Narrative” refers to a societal construction of the experiences of sex trafficking victims.


\(^{26}\) Dean, “Sold in Japan,” 169.

The first is the recruitment of the victim, the second is the recruitment agency in the foreign country, and the final is the promotional agency in South Korea.\textsuperscript{28} The victim makes an audition video that demonstrates their ability to perform in legitimate entertainment, such as singing and dancing.\textsuperscript{29} This video, as well as a contract signed by the victim, are sent to the Korea Media Rating Board, where officials can recommend bringing the victim to South Korea.\textsuperscript{30} Once the Board recommends bringing the victim to South Korea, the Ministry of Justice creates a “Certificate of Eligibility of Visa Insurance (CEVI).”\textsuperscript{31} The victim then does a visa interview and is eventually given the visa to enter South Korea.\textsuperscript{32} The process of obtaining an e-visa in Japan is slightly different compared to South Korea. The victim attends an audition held by a promotion agency.\textsuperscript{33} When she is chosen by the agency, a Japanese promoter will place her in a club.\textsuperscript{34} The victim does not work for the club, but rather for the agencies that promote her talent.\textsuperscript{35} Japan only provides the e-visa to singers and dancers.\textsuperscript{36} The government also bans entertainers from interacting with their customers, which implies that the government is afraid that these entertainers will partake in sex work if given the opportunity.\textsuperscript{37} The ban, however, is not

\textsuperscript{29} Shin, “The Dichotomous Law,” 759.
\textsuperscript{31} Shin, “The Dichotomous Law,” 760.
\textsuperscript{32} Shin, “The Dichotomous Law,” 760.
\textsuperscript{34} Parreñas, \textit{Illicit Flirtations}, 30–31.
\textsuperscript{35} Parreñas, \textit{Illicit Flirtations}, 31.
\textsuperscript{36} Parreñas, \textit{Illicit Flirtations}, 30.
\textsuperscript{37} Parreñas, \textit{Illicit Flirtations}, 30.
regularly enforced.\textsuperscript{38} The lack of government oversight allows for victims to be lured into the sex trafficking industry in Japan.

The lack of government oversight in both countries is in part due to the criminal nature of sex trafficking. In Japan, the \textit{yakuza} and members of local law enforcement have a complicated relationship. The \textit{yakuza} are organized criminal syndicates that are involved in a variety of criminal activities, one of which is the trafficking of women domestically and internationally.\textsuperscript{39} The \textit{yakuza} hold a significant amount of economic power in Japan, with profits from controlling \textit{pachinko} businesses, a form of pinball gambling, averaging up to $500 million per year.\textsuperscript{40} The \textit{yakuza}'s power in Japan creates a dynamic with local law enforcement where some members of law enforcement rely on the \textit{yakuza} to stop crime outside the criminal syndicate (unorganized crime).\textsuperscript{41} Some members of local law enforcement will overlook illegal activity in exchange for bribes.\textsuperscript{42} South Korea also has criminal gangs involved in trafficking, primarily operating transnationally.\textsuperscript{43} The South Korean gangs, however, do not generally have the kind of relationship with the local law enforcement that the \textit{yakuza} have with the Japanese law enforcement. The relationship between the \textit{yakuza} and the Japanese law enforcement is unique and affects the enforcement of anti-sex trafficking measures.

\textsuperscript{38} Parreñas, \textit{Illicit Flirtations}, 30.


\textsuperscript{41} Johnson, “Police Integrity in Japan,” 31.

\textsuperscript{42} Johnson, “Police Integrity in Japan,” 31.

Further complicating the issue is identifying victims. The ability for a sex trafficker to bring a victim into a country legally makes it difficult for governments to identify who is a voluntary sex worker, who is a victim, or whether they are both (as is possible under the Korean definition). Governments are essentially unsure as to whether sex workers are trafficking victims, and whether to punish them or to treat them as trafficking victims. Academic debates reflect the confusion, and the attitudes can be divided into two viewpoints.

The viewpoint found in Japan is the idea of a naïve victim lured into sex trafficking by traffickers. Ramona Vijeyarasa states that this is the narrative that the global media likes to present to the world, particularly when the narrative refers to female sex trafficking victims.\textsuperscript{44} She argues that this naïve victim narrative is problematic as it disregards the agency that these victims have in seeking employment for the sake of economic gain.\textsuperscript{45} Limiting the different narratives that exist for sex trafficking victims can limit who is considered a victim. She notes that this narrative is also seen in government policies.\textsuperscript{46} Author Justin Stafford argues that this victimization narrative can have a positive effect on laws, and consequently on victims.\textsuperscript{47} He argues that by making the laws more focused on supporting victims, Japan will be able to better handle the issues of human trafficking and illegal migration at the same time.\textsuperscript{48} There is a lack of consideration regarding the experiences of victims in the laws. Nami Otsuki and Keiko Hatano note that the general Japanese public tends to discriminate against women, particularly foreign

\textsuperscript{44} Vijeyarasa, \textit{Trafficked Woman}, 6.

\textsuperscript{45} Vijeyarasa, \textit{Trafficked Woman}, 6.

\textsuperscript{46} Vijeyarasa, \textit{Trafficked Woman}, 7–8.


\textsuperscript{48} Stafford, “JAPAN’S BATTLE,” 183.
women, who are a part of the sex industry.\textsuperscript{49} The Japanese government actions end up punishing sex trafficking victims instead of protecting them.\textsuperscript{50} Nami Otsuki and Keiko Hatano suggest that encouraging this victimization narrative can incite sympathy by the general public and lawmakers.\textsuperscript{51} The victimization narrative has differing effects on efforts to prevent sex trafficking. I intend, in my research, to identify these effects.

The viewpoint found in Korea is the idea that sex trafficking victims are women who agreed to be sex workers, but are unaware of the extent to which they would be brutalized. Sallie Yea agrees with the notion by stating how victims are often forced by agencies to pay off a debt.\textsuperscript{52} She argues that there is a variety of reasons why someone would be involved in sex work, and therefore more vulnerable to sex trafficking.\textsuperscript{53} The Korean government recognizes that sex workers can also be trafficking victims, but chooses to criminalize sex work as a way to stop sex trafficking.\textsuperscript{54}

Understanding the perspectives of both governments is necessary when it comes to the protection of sex trafficking victims. The South Korean government not only defines sex trafficking victims, but also acknowledges the various circumstances that lead to becoming a victim. The Japanese government neither defines sex trafficking victims nor acknowledges the variety of circumstances that lead to victims being trafficked into sex work.

\textsuperscript{49} Otsuki and Hatano, “Japanese Perceptions,” 62.
\textsuperscript{50} Otsuki and Hatano, “Japanese Perceptions,” 56.
\textsuperscript{52} Yea, \textit{Trafficking Women in Korea}, 46–47.
\textsuperscript{53} Yea, \textit{Trafficking Women in Korea}, 47.
Both governments may benefit financially from sex trafficking. Because Japanese government officials may benefit financially from sex trafficking, they may not want to investigate it. The Japan Times Reports that Hidenori Sakanaka, a former head of the Tokyo Regional Immigration Bureau, investigated the places where women who received e-visas worked.\(^5^5\) He was pressured by his colleagues to stop his investigations, and was forced to transfer to another location.\(^5^6\) His situation is an example of the corruption and bribery of government officials which cause them to pressure each other to ignore the sex trafficking issue.\(^5^7\) The Japanese government also taxes the entertainment industry through taxing businesses that partake in the industry.\(^5^8\) Government officials can be less inclined to work towards helping victims if they are benefiting from sex trafficking.

The Korean government and economy also benefit from the industry. Author Seol Dong-Hoon would agree with the assessment that governments are partly responsible for the perpetuation of sex trafficking.\(^5^9\) He notes that the Korean government, despite stating that those with e-visas are not allowed to commit sexual acts for money, still played a role in trafficking women for sex.\(^6^0\) He specifically mentions how the government required that women applying


\(^{56}\) Silver, “The Trafficking Scourge.”

\(^{57}\) Silver, “The Trafficking Scourge.”


for an entertainment visas needed to take an HIV test, further showing that the Korean government was aware some e-visa recipients engaged in sexual acts for money.\textsuperscript{61} Part of the reason why the government policy has not been that effective is because of the profitability of the entertainment industry.\textsuperscript{62} Korean businesses spent around 1.23 trillion won, which is roughly 1.149 billion U.S. dollars, in 2013 on the sexual entertainment industry.\textsuperscript{63} In 2009, the government allowed companies to not report money spent on entertainment that exceeded 500,000 won, which is roughly 467 U.S. dollars.\textsuperscript{64} Like Japan, the Korean government also benefits from sex trafficking by taxing corporations who partake in the entertainment industry.\textsuperscript{65} Allowing for more women to easily be a part of the entertainment industry helps the Korean government by supplying the demand for women in the entertainment industry, where businesses can then spend money that will be taxed.

The literature regarding sex trafficking demonstrates the complexity of the issue. The Korean and Japanese governments define sex trafficking differently, and each country has a different attitude towards sex trafficking. Their attitudes are complicated by the fact that Korea and Japan both benefit from sex trafficking to a certain extent, so both governments are in a position where they attempt to prevent trafficking and help sex trafficking victims while also benefiting from sex trafficking.

\textsuperscript{61} Seol, “International Sex Trafficking,” 14.


\textsuperscript{64} Lee, “Korean Firms.”

\textsuperscript{65} Lee, “Korean Firms.”
4. Context

History of Sex Trafficking

Sex trafficking in South Korea and Japan was influenced by events during the late nineteenth to twentieth century. These events changed how sex and sexuality were perceived. Economic and political turmoil forced South Korea and Japan to change the way that the governments approached sex. The history of sex trafficking, while not widely reported prior to the twenty-first century, is ultimately defined by the history of sex work in those two countries.

Korea

Events during the twentieth century in Korea influenced how sex was sold. By looking at the history of sex work and the U.S. military influence, we can see the factors that ultimately influence sex trafficking. This section will only briefly summarize the history of sex trafficking because the issue was not widely reported prior to the twenty-first century, with one of the first reports published by a Korean NGO.66 The history of sex work, however, can help to provide some insight into the sex trafficking industry in South Korea.

Korean society, as far back as the Shilla Period (seventh to tenth century in the common era), controlled and regulated the performance of female sex and sexuality.67 The widely adopted beliefs and values of Confucianism, which emphasized and valued female chastity, helped to deter the development of a population of sex workers.68 What the government did during the Shilla period to facilitate sexual entertainment was to create and organize a specific caste of


female entertainers. These entertainers were known as the *kisaeng*, and what makes them so distinct is that women were born into the *kisaeng* caste. Since *kisaeng* were not allowed to marry, there was a constant population of women who were trained in the art of feminine performance for Korean men. *Kisaeng* were not sex workers in the sense that they would only sell their services for sex. Rather *kisaeng* were specifically trained in a variety of different skills, such as performing medical work, dancing, singing, playing instruments, and other related skills. When *kisaeng* performed sexual acts, it was based on what position they were in the *kisaeng* hierarchy. The lower they were on the hierarchy, the more often they performed sexual acts. High ranking *kisaeng* were not even considered sex workers; they were used as performers in government functions. The *kisaeng* served as a way for Korean men to fulfill their sexual and/or romantic desires without corrupting the rest of the pure Korean female population. The *kisaeng* were a specific group of women devoted to men. This is significant in the future of sex trafficking because the appeal of both the sexually confident *kisaeng* and the pure, filial Korean women helped to create a system of demand.

Another important time in Korean history that helped to influence the way that sex was sold in South Korea was the creation of U.S. military camps. These camps were created after the

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75 Lie, “Transformation of Sexual Work,” 312.
end of World War II when Japan surrendered and Korea gained its independence. When the U.S. military came to Korea, camp towns called gijichon developed around the military bases. These camps developed because the U.S. soldiers were a major source of income that could provide for the population. The U.S. soldiers created a demand for sex, and author Na Young Lee notes that, “The presence of U.S. troops contributed 25 percent of South Korea’s GNP, playing an especially important role during the 1960s, and prostitution and related business supported over half of the U.S. camptowns’ economy.” After the occupation of Korea by Japan, as well as during the Korean War and separation of Korea, South Korea was in a state of economic instability. The military camps were a source of income for many people in poverty, and encouraged women to become sex workers for the sake of supporting themselves and their families. These women did so knowing that they would not be able to fulfill the expectation of chastity that is desirable for the ideal women in Korea. This behavior demonstrates a different attitude towards sex, and shows the risks that women were willing to take for survival. Life in poverty allowed for women from various backgrounds to enter sex work. The U.S. military, while contributing to the “corruption” of Korean women, also helped to rebuild part of the Korean government’s economy and helped to develop the modern commercial sex industry. They arguably also helped to develop an international sex trade within South Korea in terms of creating international demand for Korean women.

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82 Lee, “Military Prostitution,” 466.
This development of commercial sex work was seen by the cooperation between the South Korean and the U.S. government to regulate and prevent the spread of STDs.\(^8^4\) The U.S. military was concerned that soldiers stationed in Korea could contract STDs, and so wanted an anti-STD policy that would protect the health of their soldiers.\(^8^5\) One of the first orders issued by the Korean government to control STDs was on September 24, 1945, when it “…established the Bureau of Public Health and Welfare with broad powers, and then, over several weeks, provincial level offices.”\(^8^6\) This policy shows how the Korean government created policies and laws in reaction to the changing patterns in sex work. This cooperation between the U.S. and Korean governments demonstrates that there was not only further regulation of sex workers, but that there were a specific set of expectations for an ideal prostitute. The Korean government was learning the tools to creating an effective sex industry.

The militarization of Korea by the U.S. relates to sex trafficking both by creating avenues for sex trafficking to occur and showed how the Korean government could benefit from the sex trade. The 1950s and 1960s demonstrated that not only was there a demand for Korean women, but that the Korean government and people could benefit from it. The U.S. military presence in South Korea helped to create a specific set of ideals for how a prostitute should act and also create the demand for those sex workers. This continued up until modern day and even after Russian and Filipina women either migrated or were trafficked into these military areas.\(^8^7\) Korean women were desirable for foreign men.

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\(^8^4\) Lee, “Military Prostitution,” 461.
\(^8^5\) Lee, “Military Prostitution,” 461.
\(^8^6\) Lee, “Military Prostitution,” 461.
\(^8^7\) Yea, “Foreign Women,” 501.
The twentieth century became a defining point for Korean history because of the way that sex became more available for women to partake in and use to escape poverty. The kisaeng no longer dominated the role as the major givers of pleasure for men and were losing significance. The U.S. military had a strong effect on Korea during this time because they helped to develop modern sex trafficking by fostering an international demand for sex, particular for Korean women. This shows that the Korean government was willing to sacrifice Korean women for economic gain.

Japan

Sex trafficking in Japan is defined by, more or less, a balance of values. The Japanese government recognized that sex work could be beneficial for the government when taxed. The Japanese government also recognized the benefit of international alliances. The growing international and domestic pressure to abolish sex work, including the practice of sex trafficking, placed the government in a position where the officials wanted to appease the international community while also benefiting from sex work economically. For the historical section on Japan, I will attempt to highlight some of the key moments that helped to define sex work, and ultimately sex trafficking, in the late nineteenth to twentieth century.

Prior to the twentieth century, sex work in Japan was less state organized and allowed for civilian bodies to have more control. An Ashikaga shogun named Yoshiharu, who was in office from 1521 to 1546, developed the Bureau of Prostitution as a way to tax sex workers.88 This organization demonstrated that the Japanese government recognized the trend of sex work and,

to a certain extent, legitimized sex work as a viable means of obtaining income for Japanese women and the country.\textsuperscript{89}

Despite this recognition, sex work in Japan was not seen favorably by society. Sex work in early Japanese history was based on rank and training. This existed as early as the eighth century in the common era, where higher class women, also known as courtesans, had more training and could perform other functions such as dancing and singing, ended up being more valued than lower class women who did not share the same level of training.\textsuperscript{90} Further state regulation influenced the way that sex workers were seen by creating criteria for legitimacy. The state continued to regulate sex work after initial areas for sex workers to live in were created by members of society. These districts, or walled communities, were the only places that they could legally live and work. The first district was created in the late 1500s to early 1600s by Hara Saburōzaemon, who served as a vassal of a powerful military leader Toyotomi Hideyoshi.\textsuperscript{91} He created a walled community near in Kyoto, which would eventually lead to a trend of \textit{rōnin}, who were unemployed samurai, to create and open brothels in walled areas.\textsuperscript{92} Initially, rules regarding how these pleasure districts could operate were established, limiting how long a patron could stay, where sex workers could work within the district, and at what times the district was allowed to be open.\textsuperscript{93}

\textsuperscript{89} Seigle, \textit{Yoshiwara}, 8.

\textsuperscript{90} Seigle, \textit{Yoshiwara}, 5–6.

\textsuperscript{91} Seigle, \textit{Yoshiwara}, 8.

\textsuperscript{92} Seigle, \textit{Yoshiwara}, 8.

Throughout the 1800s to 1900s, rules regarding the operation of pleasure districts varied, but the ways women became involved were similar. A notable example of how women became sex workers at this time was through sexual indentured servitude. Young girls were sold by their parents to brothel owners, often because the parents owed money to these owners. These girls then would help repay the debt by selling their bodies. This debt had to be repaid even if the women chose to leave the profession. One could argue that in addition to debt bondage and sexual slavery, and depending on the circumstances, this sale could also be domestic sex trafficking, as the young girl would most likely have to go and live in pleasure districts like Yoshiwara. The Japanese government recognized the benefit of taxing sex workers and kept loose laws so as to allow them to continue working within these districts. This reliance made districts powerful in the sense that a value was placed on the sex industry by the government.

The way that the government viewed sex work changed when international and domestic pressure forced the government to reconsider and reevaluate their approach. The change started in 1872 when the Japanese government freed Chinese slaves from a Peruvian ship that came to Japanese waters to repair their vessel. While the Japanese government argued that they did not condone slavery, the Peruvian government made the counterargument that female sex workers within the pleasure district was a form of slavery. In response to this international pressure, the

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100 Seigle, Yoshiwara, 221.
Japanese government created the Prostitute Emancipation Act (also called the “Cattle Release Act” after sex workers and geisha were compared to cows in the document.)\(^{101}\) This act released women from the debt system that forced a large number of them to become sex workers.\(^{102}\) If they wanted to continue being sex workers or geisha, then they had to register with the government and get a license.\(^{103}\) Geisha were not seen as sex workers exclusively, but as women who can engage in acts of sex work.\(^{104}\) Like the *kisaeng*, geisha were trained for entertainment purposes.\(^{105}\) The fact that the government separated the two categories, and the fact that the geisha had to get two licenses to engage in both entertainment and sex work, showed a distinction.

The way that the Act was phrased, particularly referring to these women as being similar to cattle, shows the Japanese government’s dehumanization of sex workers at the time, and to a greater extent, women. While the Act helped to deconstruct the existing system, officials mainly created the Act as a way to improve its international reputation. The government further regulated sex work by passing the 1901 Regulation for Control of Prostitution, which only recognized registered women as sex workers, and the later 1908 Ministry of Home Affairs Ordinance No. 16, which specifically deemed unregistered women as illegal sex workers.\(^{106}\) In doing so, the government, therefore, developed strategies to maintain international relations while benefiting from the sex industry. The Peruvian incident was an example of indirect

\(^{101}\) Seigle, *Yoshiwara*, 221–222.

\(^{102}\) Seigle, *Yoshiwara*, 222.

\(^{103}\) Seigle, *Yoshiwara*, 223–224.


\(^{105}\) Seigle, *Yoshiwara*, 174.

international pressure, but the U.S. military influence in Japan created a direct form of international pressure that influenced sex trafficking in Japan.

The U.S. military presence in Japan after the Second World War was an impactful moment in Japanese history in terms of its influence on sex trafficking and the sex industry as a whole. The U.S. military in Japan implemented anti-prostitution measures, particularly focusing on the issue of STD prevention.\(^{107}\) The U.S. also wanted the Japanese government to create specialized zones to limit sex work.\(^{108}\) The U.S. started shaping the way that the Japanese government operated the sex industry. Japan was concerned with U.S. soldiers intermixing with the local Japanese population, and so the government encouraged the prostitution of lower class female sex workers to cater to U.S. soldiers and maintain Japanese purity.\(^{109}\) One initiative that demonstrates this encouragement was the creation of the Recreational and Amusement Association (RAA) in 1945, whose purpose was to organize brothels to cater to U.S. military personnel.\(^{110}\) While the RAA shut down in 1946, it is significant because it showed how Japan devalued lower class female sex workers and used them as a buffer to protect the rest of Japanese society from U.S. soldiers.\(^{111}\)

The U.S. military engagement was a factor that helped to lead the development of sex work as being a divisive issue as more women consented to engaging in this industry for their own sake. This meant that, like Korean women, Japanese women were willing to take the risk to

\(^{107}\) Lee, “Military Prostitution,” 461.


\(^{110}\) Kramm, “Haunted by Defeat,” 602.

\(^{111}\) Fujime, “Japanese Feminism,” 38.
their reputation for the sake of supporting themselves and their families economically. The U.S. military presence helped to create an opportunity for women to earn money, but at the cost of harming “Japanese purity,” which is something the Japanese government valued.

After the Second World War, panpan started to become prominent.\(^\text{112}\) The panpan were women who followed western standards of beauty and behavior to appeal to soldiers.\(^\text{113}\) They were a symbol of “anti-Japanese behavior.” It was frightening for the Japanese at the time because media portrayed these girls as faceless, meaning that any women could become a panpan.\(^\text{114}\) To a certain extent, this was true. Panpan could come from a variety of backgrounds.\(^\text{115}\) A predominant factor was poverty, where panpan would congregate in areas with high levels of destruction for the war.\(^\text{116}\) Likewise, women could become panpan for a variety of other reasons, such as a desire to become more western or get an American partner.\(^\text{117}\)

Japanese women at the time disagreed on whether sex work should be legal. Japan passed the Prostitution Prevention Act in 1956, which outlawed sex work.\(^\text{118}\) This law was widely reviled by sex workers themselves, who argued that sex work was necessary for them to get out of poverty.\(^\text{119}\) It is important to note that women who were against sex work were often from affluent backgrounds, so there is a class issue between women that becomes more prominent at

\(^{112}\) Kovner, “Base Cultures,” 782.

\(^{113}\) Kovner, “Base Cultures,” 782.

\(^{114}\) Kovner, “Base Cultures,” 782.

\(^{115}\) Kovner, “Base Cultures,” 782.

\(^{116}\) Kovner, “Base Cultures,” 784.

\(^{117}\) Kovner, “Base Cultures,” 782.


\(^{119}\) Rowley, “Prostitution Prevention Act,” 44.
this time.\textsuperscript{120} The affluent women argued that sex work was a way to violate women’s rights.\textsuperscript{121} Even so, these two groups of women did recognize each other perspectives. Sex workers saw that these activists meant well while activists recognized that sex workers were seeking to lift themselves out of poverty.\textsuperscript{122} The influence of the U.S. military in Japan after the Second World War reveals how the sex industry became a moral versus economic issue. While sex work was seen as the violation of individual rights and bodily integrity, at the same time sex work was seen as a viable way for women to lift themselves out of poverty.

The 1960s and the 1970s became an important point in Japanese history because of the development and integration of the modern entertainment and sex industry with business. The 1960s saw a resurgence of the entertainment industry through the use of entertainment venues such as hostess bars.\textsuperscript{123} The popularity of these venues led to increased cases of sex trafficking of women, often violently, to meet the demand for hostesses.\textsuperscript{124} One reason why these venues were not criminalized was because people viewed the corporate entertainment industry as different from the sex industry.\textsuperscript{125} The Prostitution Prevention Act in 1956 only prohibited the sale of penetrative sex, which meant that, because these corporate entertainment venues were not brothels, they were permitted legally.\textsuperscript{126} Even some scholars considered the corporate entertainment industry to be separate from the sex industry.\textsuperscript{127} The problem, however, is that

\textsuperscript{120} Rowley, “Prostitution Prevention Act,” 40.
\textsuperscript{122} Rowley, “Prostitution Prevention Act,” 48.
\textsuperscript{124} Norma, “corporate entertaining,” 515.
\textsuperscript{125} Norma, “corporate entertaining,” 510.
\textsuperscript{126} Norma, “corporate entertaining,” 509.
\textsuperscript{127} Norma, “corporate entertaining,” 510.
these places did encourage the sexual trafficking of women. Author Caroline Norma mentions that these locations were places for men to not only foster business relations, but also to participate in sexual activity with women.¹²⁸ These two decades show that civilian bodies played a role in the rise of sex trafficking and the proliferation of the sex industry. Businessman prioritized their entertainment and economic gain over the well-being of women who were trafficked into the Japanese entertainment industry.

*Connection between South Korea and Japan*

Japan and Korea have an intertwined relationship when it comes to the development of sex trafficking in the twentieth century. The three following sections will focus on Japan’s colonization of Korea, the issue of “comfort women,” and the use of sex trafficking as an incentive for economic growth.

Japan’s colonization of Korea represents a significantly turbulent time for the country. Japan legalized sex work in South Korea shortly after its colonization in 1910, and used sex workers to entertain members of Japanese society, particularly the military, political, and business members of society.¹²⁹ In addition to the legalization of sex work in South Korea, there was a distinction created within the sex industry.¹³⁰ The three aforementioned categories of Japanese society each had a distinct class of sex workers that would cater to them. The *kisaeng* would entertain the political members, the new working class of sex workers would entertain the business members, and the peasant class would entertain the military members.¹³¹ The colonial


period of Japan created a demand for sex in South Korea, which is one of the contributing factors that led to an increase in sex trafficking.

The history of “comfort women” is currently one of the most well-known example of sex trafficking between South Korea and Japan. Western media sources, as well as academic authors such as Donna Hughes, refer to victims of the current sex trafficking situation in South Korea as “modern-day comfort women,” a continuation of the exploitation and enslavement of women for sexual purposes. While both “comfort women” and modern sex trafficking victims are exploited for sexual purposes, I argue that the phrase “comfort women” greatly mislabels and misrepresents the current sex trafficking situation in both South Korea and Japan. By not making a distinction between “comfort women” and “sex trafficking victims,” the circumstances and experiences surrounding each experience are minimized and misunderstood.

To provide some brief context, “comfort women” is a term for women kidnapped by the Japanese military during the 1930s and 1940s, roughly during the Second World War. Around 200,000 to 300,000 women were captured to be used as sex slaves for Japanese soldiers, and these women suffered prolonged physical, sexual, and mental torture. The women came from all over Asia, but the majority of women, roughly 90%, came from Korea. Korean women were targeted by the Japanese government because of the influence of Confucianism, which encouraged Korean women to maintain their chastity and meant that these women were less likely to carry STDs and therefore infect Japanese soldiers. There was also a colonial element

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132 Yea, Trafficking Women in Korea, 30.
133 Yea, Trafficking Women in Korea, 31.
134 Yea, Trafficking Women in Korea, 31.
135 Yea, Trafficking Women in Korea, 31.
to the enslavement. By targeting Korean women, Japan expanded colonial efforts already made in the past to subjugate the Korean population.\(^{137}\) After the women were released from their enslavement, they were further isolated in their countries because of prejudice surrounding their sexual enslavement.\(^{138}\) Comfort women, while trafficking victims, were a particular group of women captured and enslaved for a specific purpose by the Japanese government. Their experience has been repeatedly denied by the Japanese government, and only efforts made by private citizens in 1992, who examined the Japanese armed forces archive, revealed the extent of the systematic enslavement of women.\(^{139}\) “Comfort women” are unique compared to modern day sex trafficking victims. Modern day sex trafficking victims come from a variety of different circumstances and backgrounds. While the experiences of “comfort women” vary slightly, they are all characterized by being used as sex workers for the Japanese government. The history of comfort women is the history of Japan devaluing foreign women and sex workers.

Korea has used Japan’s interest in Korean women to benefit the country. Korea, in the 1960s and 1970s, focused on developing their economy through export-oriented industrialization, which relied on natural resources from foreign countries.\(^{140}\) The Korean government needed foreign investment to build their industries, and the Japanese government wanted to expand their businesses abroad.\(^{141}\) Japan invested in South Korea’s economy. To encourage the investment, the South Korean government used sex workers as an incentive for Japan to invest in South Korea.\(^{142}\) The government specifically advertised the sex industry to


\(^{141}\) Norma, “Demand from Abroad,” 405.

\(^{142}\) Norma, “Demand from Abroad,” 406.
Japan as “kisaeng tours.” By the 1940s to 1950s, however, *kisaeng* had become another term for prostitute. The Japanese companies in Japan would also help organize these tours, and the use of sex work in businesses eventually became an expected part of the culture that is still seen today. The South Korean government’s promotion of the “kisaeng tours” was effective. During the 1970s, Japanese men made up a majority of the population traveling to South Korea for tourism, and the primary reason for such a high statistic is because of the sex industry.

The tragedy of this situation is that the use of sex work in business practices is another way for Japanese men to subjugate Korean women. Journalist Matsuri Yayori notes how Japanese men dehumanized sex workers as “instruments of sex” who existed for the pleasure of men. Author Caroline Norma states that, “Kisaeng prostitution was an extension of this local corporate prostitution activity and represented for Japanese men newly permitted sexual access to a population of women who were… sexually subordinate.” The Korean government was exploiting Korean women to get economic benefits from Japan.

There was controversy at the time surrounding the government’s use of sex work in business practices. Many Korean women saw this as another form of exploitation of Korean women by the Japanese government. They held protests against the Korean government for encouraging and promoting this practice. These viewpoints eventually reached Japan by way

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144 Yayori, “Sexual Slavery in Korea,” 23.


of television, with many Japanese women protesting against the use of prostitution and sexual exploitation in business.\textsuperscript{151} There was a shared comradery between these two groups of women, who actively supported each other despite both governments ignoring their protests.

The economic relationship between South Korea and Japan during the 1960s and 1970s relates to sex trafficking because the use of sex in business is a practice that is seen today. The 1960s and 1970s helped to develop a culture that still exists to exploit women for the purposes of economic gain, and sex trafficking helps to fulfill that demand. This practice also shaped how integral sex trafficking has become economically and demonstrates how money is valued over women. It is another way to devalue and dehumanize women as mere units that are sacrificed so as to build the economy.

\textit{Conclusion}

The history of sex work and the sex industry, and the extension to the sex trafficking industry, is ultimately quite complex. There are a variety of different favors and attitudes that shaped and influenced how these industries developed in the late nineteenth century and throughout the twentieth century. The sex industry in South Korea can be summarized into three different stages: demand, development, and utilization of the sex industry. The early 1900s demonstrated that there was a demand for Korean women. The militarization of South Korea by the United States helped to develop the international sex trade, particularly when civilian populations had to engage in sex work to survive. The 1960s and 1970s showed how the Korean government utilized sex work as a way to benefit the country economically.

The sex industry in Japan changed depending on how the government could best benefit. The early 1900s had a solid system that helped perpetuate sex work. As the benefits of international relations became more apparent to Japan, the government shifted their laws to

\textsuperscript{151} Yayori, “Sexual Slavery in Korea,” 29.
appease international and some domestic populations. The shifting attitude towards sex work is further illustrated by more women actively and voluntarily becoming involved in the sex industry themselves to support themselves.

These patterns, the systems, and attitudes ultimately shape the factors that influence sex trafficking today. The post-war history of both these countries is one of development of sex trafficking along with the development of a corporate entertainment industry that created demands for women.

**Policy**

**Korea**

South Korean policy regarding sex trafficking can be divided into government approaches to sex work and sex trafficking. On October 15, 2014, the South Korean government worked with the United States government to create a Memorandum to deter prostitution.\(^{152}\) The Memorandum focuses on military members and states that women who work in entertainment areas were likely victims of sex trafficking.\(^{153}\) The Memorandum also states that military personnel are not allowed to engage in sexual acts in the camp towns outside of military bases, and may be punished if they choose to do so.\(^{154}\) The South Korean government policy to eradicate sex work is also mentioned in its approach to sex trafficking. The Ministry of Gender Equality and Family’s policy on anti-sex trafficking, known as the “Prevention of Violence against Women Children and Support for the Victim,” emphasizes the need to support victims of


\(^{153}\) *Command Policy Letter #12*, 1–2.

\(^{154}\) *Command Policy Letter #12*, 1–2.
sex trafficking so that these women do not return to sex work.\textsuperscript{155} Essentially, the South Korean government’s policy approach to ending sex trafficking is to stop sex work, but not to stop the use of entertainers.

\textit{Japan}

Japan’s policy towards sex trafficking is to meant to focus on providing support for the victims, but ends up not fulfilling that promise.\textsuperscript{156} The government released “Japan’s 2014 Action Plan to Combat Trafficking in Persons” as a way to outline what how they will treat victims of sex trafficking and which relevant bodies within the government will work with in order to prevent sex trafficking.\textsuperscript{157} This policy specifically outlines plans for the government to change their immigration laws, train law enforcement to better recognize sex trafficking victims, and work with IOM (International Organization for Migration) and NGOs to help victims of sex trafficking.\textsuperscript{158} To clarify, IOM is not an NGO, but rather an organization related to the United Nations.\textsuperscript{159} Japan’s policy approach to sex trafficking is to work with and support NGOs and the IOM, which can provide the expertise necessary to help sex trafficking victims. However, the specific government actions are focused on stopping traffickers as opposed to supporting victims.\textsuperscript{160} Victim support depends on the actions of the IOM and NGOs.\textsuperscript{161} Japan is also anti-

\begin{footnotesize}
\begin{itemize}
\item \textsuperscript{156} Chie Noyori-Corbett and David P Moxley, “Addressing Female Sex Trade Human Trafficking in Japan through NGO Advocacy Networks,” \textit{International Social Work} 61, no. 6 (June 2017): 957, doi:10.1177/0020872817695383.
\item \textsuperscript{158} \textit{Japan’s 2014 Action Plan to Combat Trafficking in Persons}, 11–12.
\item \textsuperscript{160} Noyori-Corbett and Moxley, “NGO Advocacy Networks,” 957.
\item \textsuperscript{161} \textit{Japan’s 2014 Action Plan to Combat Trafficking in Persons}, 12.
\end{itemize}
\end{footnotesize}
sex work when it comes to their government policy, partly because of their Prostitution Prevention Law which bans sex work. As such, the goal of the policy was to stop sex work by providing support to victims and enforcing anti-sex work measures.

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163 Japan’s 2014 Action Plan to Combat Trafficking in Persons, 10.
5. Methodology and Limitations

Methodology

Table 1: Contacts for Research

<table>
<thead>
<tr>
<th>Organization Name</th>
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<th>Method</th>
<th>Responses I Received</th>
<th>Achieved Interviews</th>
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For my research, I used a mixed-methods approach, with an emphasis on qualitative data. The sources of my data are primarily from research and interviews. I derived quantitative data from statistical information related to sex trafficking in both South Korea and Japan. I used
primary and secondary sources. I used journal articles, books, official reports from international organizations, such as the United Nations, and police reports. I also used news sources, paying attention to bias in reporting.

I focused on information written in English, and I used English translations of Korean and Japanese sources. Most of my research focused on the twenty-first century, though I used historical data to provide context to the sex trafficking situation in both South Korea and Japan.

Another method of data collection that I used was interviews. These interviews were to be qualitative and semi-structured interviews. I contacted trafficking NGOs in both South Korea and Japan. These interviews were either to be conducted in person or online (either in the form of Skype or a related service), through the telephone, or through email. How the interviews were conducted depended on the availability of the person that I would interview. I conducted these interviews in English, and I asked questions involving the topics of government support, government actions, NGO actions, and insights into sex trafficking in either Korea or Japan. Conducting interviews provided me with primary sources and first-hand research on the issue.

**Research Design**

My research design was focused on answering two main questions, “Despite similar causes of trafficking, why have the government responses differed, and what are the implications for effective remedies to the problem of trafficking and the human rights of those affected?” I planned out my research by considering the different factors involved when trying to answer these two questions. I realized that I needed to understand perspective and actions. To learn more about perspective, I intended to conducted interviews with NGO members so as to gain their perspective on how effective the government response was in mitigating sex trafficking. I had some difficulty with the interviews, which is explained in the limitations section below. The questions I created for the interviews were:
1) How did you come to be involved in [X organization]?
2) How/when/why was [X organization] founded?
3) What are the primary issues you/your organization works on?
4) What are the main strategies you use to address those issues?
5) What is your/your organization’s opinion on sex work?
   a. If the organization/person is pro-sex work
      i. Do you feel that you have support in your cause?
      ii. How does your organization feel about the sex work industry?
   b. If the organization/person is against sex work
      i. Do you feel that you have support in your cause?
      ii. How does your organization feel about the sex work industry?
6) What are your/your organization’s greatest obstacles?
7) What are the issues that you see when doing your work?
8) How do you feel about the government’s involvement in sex trafficking?
   a. What kind of effect do you/your organization believe they have on the issue?
      Why do you think that way?
   b. Do you believe that the government is supporting you/hindering your efforts?
9) Where do you think change needs to occur most?
10) Where in the issue of sex trafficking do you feel there needs to be more attention?

I tailored the questions depending on the interviewee. I also allowed for the interviewee to focus on other issues or go beyond the questions when I felt that it was useful for my research. My goal was to gain their perspective, which is why I tailored my questions to allow for some flexibility. Another way that I focused on gaining a greater understanding of the perspective of relevant parties was to substantiate my knowledge through written resources, including scholarly works, journal articles, governments reports, and legal codes. My research design focused on answering my two main questions, and predominately looked at the existing literature and research to analyze how effective government responses have been to prevent sex trafficking.

Limitations

My methodology and research design both demonstrate the process I used to undertake my study. That being said, my study does have limitations. These limitations can be divided into two types: the limitation of the study itself, and my personal limitations. The limitation relating to the study itself is that it can be difficult to determine cause and effect when it comes to the effectiveness of government responses. There are a variety of different bodies, such as NGOs,
that work either with the government or separately from the government to help victims of sex trafficking. Because of the variety of different people and bodies involved in the issue, it can be difficult to determine whether government actions are effective on their own or if they are effective only in conjunction with actions by other organizations.

I also faced limitations related to interviews. I had assumed that I could get more interviews for my study, either through Skype or other methods. I was only able to get one interview in each country, which means that my thesis will not be able to show a comprehensive understanding of NGO perspectives. I was not able to travel to South Korea and Japan due to personal reasons. My inability to travel is significant because many of the NGOs I reached out to would only agree to do interviews in person, rather than via teleconference or online. To compensate for the lack of interviews, I am using a variety of literary sources to get a broader understanding of NGO perspectives.

6. Findings

Throughout my paper, I have described the current situation and the context surrounding sex trafficking in both South Korea and Japan. For this section, I will utilize the knowledge I have gained to answer the questions: “despite similar causes of trafficking, why have the government responses differed, and what are the implications for effective remedies to the problem of trafficking and the human rights of those affected?” Based on my research and understanding, my initial hypothesis “Japan may compensate for its lack of a sex trafficking law by supporting NGOs and other organizations dedicated to helping victims, whereas the Korean government may not be effectively implementing its extensive sex trafficking laws despite bearing the majority of the responsibility” does not fully encompass the various factors that
influence the effectiveness of both the governments’ responses. In this section, I will present my findings on laws and policies, law enforcement, NGO involvement, and the role of business.

**Law Enforcement**

Law enforcement activity in both South Korea and Japan has an effect on government responses, as they are responsible for enforcing laws and policies. The South Korean and Japanese governments are similar in the way that relevant law enforcement bodies enforce their respective laws.

One challenge that both governments face when enforcing the laws is the laws themselves. While efforts have been made to improve laws, law enforcement has the capacity to oppose these new clarifications, which hinders efforts to stop sex trafficking. The Korean human trafficking attorney I interviewed mentioned that he and his colleagues attempted to work with the government to create a more comprehensive law to stop human trafficking. They specifically wanted to incorporate elements of the Trafficking Protocol into domestic law. They managed to gain the support of some government members, but the law was ultimately opposed by the Ministry of Justice. The Ministry argued that law enforcement does not need a new comprehensive law because there already are laws that prevent human trafficking. This is an example of a case where law enforcement would have benefited from this change because having a more comprehensive law and law enforcement training can lead to better victim protection. By preventing these efforts, the Ministry of Justice is hindering law enforcement’s ability to stop sex trafficking. Japan has a similar problem. Corrupt members of the government

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165 McFarland, interview.

166 McFarland, interview.

167 McFarland, interview.
at times attempt to stop sex trafficking investigations.\textsuperscript{168} As mentioned before, the Head of the Tokyo Regional Immigration Bureau was pressured to stop investigating female e-visa recipients.\textsuperscript{169} Overall, both countries face enforcement obstacles.

Korea and Japan have similar problems identifying victims of trafficking. There are women who have the characteristics of sex trafficking victims and yet do not consider themselves victims because they feel they have some agency.\textsuperscript{170} Many of these women chose to be trafficked because they wanted to escape poverty.\textsuperscript{171} The human trafficking discourse, arguably, can ignore the motivations and desires of the trafficked victims.\textsuperscript{172} This brings up the question of how much agency these sex trafficking victims truly have if they are being coerced.\textsuperscript{173} Members of law enforcement are trained either through internal workshops, or by NGOs, to identify victims of trafficking. Despite the training, however, some local law enforcement face difficulty in identifying sex trafficking victims.\textsuperscript{174} Part of this is due to the legal framework in which one of the most common forms of coercion, passport confiscation, is not often used as proof of a person’s status as a trafficking victim.\textsuperscript{175} The difficulty in identifying

\textsuperscript{168} Silver, “The Trafficking Scourge.”
\textsuperscript{169} Silver, “The Trafficking Scourge.”
\textsuperscript{170} Parreñas, \textit{Illicit Flirtations}, 267–268.
\textsuperscript{171} Parreñas, \textit{Illicit Flirtations}, 268.
\textsuperscript{172} Parreñas, \textit{Illicit Flirtations}, 268.
\textsuperscript{173} Parreñas, \textit{Illicit Flirtations}, 268–269.
\textsuperscript{175} Cho, “Experiences, Challenges, and Policy,” 45.
victims has an effect on government responses because it determines how and whether these victims are helped.

Even in circumstances in which enforcement authorities can identify victims of trafficking, corruption within local law enforcement leads victims to mistrust police. This mistrust exists in both South Korea and Japan. Sex trafficking victims have a history of distrusting law enforcement for a few reasons. Some law enforcement officers are involved in the sex trafficking industry themselves, including working with sex traffickers to allow them to continue the practice. In Japan, there are reports of local law enforcement members selling runaway sex trafficking victims back to brothel owners. Corruption is a problem as well, as local law enforcement are known to take bribes from businesses. Sex trafficking victims are often forced to stay to pay off the traffickers costs for bribing government officials and law enforcement. As such, it can be difficult for women to determine who in law enforcement they can reach out to for assistance, especially since members of local law enforcement have helped to continue the cycle of sex trafficking. There is also the additional barrier of language, as many of these women may not be able to speak the language of the country of residence. Author Rhacel Parreñas, who went undercover as a female entertainer in the entertainment industry in Japan, discusses how Japanese language skills are needed for entertainment workers to perform services, so some clubs provide material to help them learn the language. This

177 Moen, “SEX SLAVES,” 41.
178 Cho, “Experiences, Challenges, and Policy,” 44.
180 Hughes, Chon, and Ellerman “Modern-Day Comfort Women,” 915.
181 Parreñas, Illicit Flirtations, 108.
182 Parreñas, Illicit Flirtations, 108.
issue exists in South Korea as well, where women often cannot speak Korean when they arrive in Korea.\textsuperscript{183} Thus, it is difficult for victims to not only find someone to help them, but in some cases to even understand them.

The government and law enforcement should work together to stop sex trafficking. It is essential that local law enforcement both correctly identify victims and resist bribery. They have a strong influence on the effectiveness of sex trafficking remedies, and both the South Korean and the Japanese government laws are not effective if the enforcement of laws is not effective.

\textbf{NGO Involvement}

NGOs and other relevant bodies are an integral part in the protection of sex trafficking victims and the prevention of sex trafficking. As mentioned in the “Limitations” section, I do not have the data necessary to have a comprehensive understanding of the NGO perspective. Instead, I have researched how the Korean and Japanese governments work with NGOs to better help sex trafficking victims and will describe how NGOs are involved in stopping sex trafficking.

A similarity that both the Korean and the Japanese government share is that they both have relationships with NGOs that fight sex trafficking. They both fund programs that provide support to sex trafficking victims, and both countries have NGOs that are involved in training law enforcement officers to better identify victims. NGOs serve an important purpose in both countries because of their role in providing direct support to victims of trafficking. Therefore, it makes sense for governments to cooperate and work with NGOs to achieve their goals.

The difference between South Korea’s and Japan’s responses relates to how close the relationships are between the respective governments and NGOs operating in those countries. South Korea engages with NGOs less often compared to Japan. While South Korea does engage

\textsuperscript{183} Cho, “Experiences, Challenges, and Policy,” 41.
with NGOs by helping to fund programs, they do not engage with NGOs often. Because South Korea does not emphasize the need to work with NGOs to stop sex trafficking, the relationship is less likely to be prioritized. The relationship between the Japanese government and NGOs, however, runs deeper. The 2014 Action Plan states that the Japanese government must work more closely with IOM (International Organization for Migration) and NGOs to better provide support for victims of trafficking.\textsuperscript{184} The Japanese government places an emphasis on working with NGOs. This relationship, however, has deteriorated over the years as NGOs are receiving less funding from the government due to “financial viability.”\textsuperscript{185} Some of the programs Japanese NGO use to support sex trafficking victims, such as shelters, require more frequent financial support to maintain.\textsuperscript{186} As such, it can be difficult for Japanese NGOs to receive the support necessary to help sex trafficking victims. To summarize, the relationship between the South Korean government and NGOs is more distant, while the relationship between the Japanese government was closer because it is stated directly in its policy that the Japanese government has to cooperate and work with NGOs to achieve change. The relationship between Japan and NGOs, however, has deteriorated over the years, making the relationship slowly more similar to Korea’s relationship.

**Corporate Entertainment**

The business environment serves as a fundamental factor that influences the effectiveness of both South Korea and Japan’s responses because of how great an influence business has on the corporate entertainment industry. The corporate entertainment industry is related to sex trafficking because businesses, such as bars and hostess clubs where members of corporations go

\textsuperscript{184} Japan’s 2014 Action Plan to Combat Trafficking in Persons, 13.

\textsuperscript{185} Noyori-Corbett and Moxley, “NGO Advocacy Networks,” 962.

\textsuperscript{186} Noyori-Corbett and Moxley, “NGO Advocacy Networks,” 962.
to socialize, are where most of the sex trafficking occurs. The South Korean and the Japanese governments have a history of using sex trafficking as a way to gain economic benefits. The connection between sex trafficking and the business entertainment industry, while known, is not emphasized in international reports. The U.S. 2018 Trafficking in Persons Report, arguably the most influential anti-trafficking report globally, has a section on Korea that only mentions the entertainment industry briefly. The section on Japan only discusses the entertainment industry in relation to pornography. The business entertainment industry has a significant impact on sex trafficking that is relatively unfocused in the U.S. 2018 Trafficking in Persons Report, which has an impact as to the kind of information international readers learn from the sex trafficking situation in both Korea and Japan.

The impact of the entertainment industry can be described by author Sealing Cheng, who explains that there is a phenomenon called “economic nationalism,” which he describes as “…the market is a site for the production and transformation of values, practices, and identities pertaining to the nation.” In a way, the economic development of a country helps to build its national identity as it demonstrates its capability in the global market. The use of sex trafficking as an incentive for businessman to invest in the economy makes sex trafficking a component of this “economic nationalism.”

The way that businesses specifically contribute to this “economic nationalism” is similar in South Korea and Japan. Both the South Korean and the Japanese government benefit from sex

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189 Trafficking in Persons Report: June 2018, 245.

trafficking primarily through taxation of the entertainment industry. The Japanese government taxes the entertainment industry by taxing the businesses that are using the industry as a way of securing economic deals.\textsuperscript{191} The Korean government utilizes the same tool to benefit from sex trafficking.\textsuperscript{192} The entertainment industry has a large amount of power because of their financial influence and the government is willing to depend on them for revenue.\textsuperscript{193}

Both governments are also complicit in the use of sexual slavery in business. In South Korea, the President of the Korea Special Tourism Association, Kim Kyung-su, was arrested for his role in trafficking women into Korea, which he justified by stating that these sex trafficking victims were “industrial soldiers” that helped to contribute to the economy.\textsuperscript{194} He chose to prioritize the economic development of Korea over the human rights of victims. The idea that women are “industrial soldiers” that help to contribute to the economy feeds into the notion of “patriarchal capitalism,” which basically prioritizes the labor of men over women.\textsuperscript{195} A Korean businessman told author Kyoung-Ho Shin that “…the sex industry in South Korea has never cooled down because of the custom of Jeopdae Moonwha (culture of warm reception) in the Korean business community that considers the ‘relations’ very important for…. success.”\textsuperscript{196} The South Korean government is complicit in the use of sexual slavery in business, and the corporate entertainment environment allows for this continuation.

\textsuperscript{191} “Japanese Business Entertainment Expense.”
\textsuperscript{192} Lee, “Korean Firms.”
\textsuperscript{193} Shin, “A THEORETICAL VIEW,” 85.
\textsuperscript{194} Cheng, \textit{On the Move}, 68.
\textsuperscript{195} Shin, “A THEORETICAL VIEW,” 84.
\textsuperscript{196} Shin, “A THEORETICAL VIEW,” 84.
The Japanese government has also shown, to a certain extent, to be complicit in sexual slavery in business. When Hidenori Sakanaka, the former head of Tokyo Regional Immigration Bureau tried to investigate the places where women who received e-visas worked, he was pressured by his colleagues and demoted.\(^{197}\) Japan describes the use of the entertainment trade as the “water trade,” the exchange of alcohol and sex for economic investment.\(^{198}\) It is considered a “necessary evil,” and that attitude is perpetuated in both countries.\(^{199}\)

The difference between the business cultures in South Korea and Japan relates to the development of sex trafficking in history and the criminal connections. The Korean sex trafficking industry developed economically from businesses partaking in the victimization of Korean women.\(^{200}\) Japan was also involved in this situation, and acted as the buyer of the Korean women for their businesses in Korea.\(^{201}\) Korean economic development stemmed from the participation of sex trafficking industries abroad. Japanese businesses are heavily influenced by the *yakuza*.\(^{202}\) The reason why that relationship is unique is because the *yakuza* are seen as an “other police force” that stops unorganized crime.\(^{203}\) Japan has used that relationship to help lower criminal enterprises that the *yakuza* does not control by overlooking other crimes such as gambling.\(^{204}\) Korea has criminals that control clubs that contribute to sex trafficking, but not to

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\(^{197}\) Silver, “The Trafficking Scourge.”

\(^{198}\) Norma, “corporate entertaining,” 510.

\(^{199}\) Norma, “corporate entertaining,” 510.

\(^{200}\) Norma, “Demand from Abroad,” 406.

\(^{201}\) Norma, “Demand from Abroad,” 406.

\(^{202}\) Stafford, “JAPAN’S BATTLE,” 188.

\(^{203}\) Johnson, “Police Integrity in Japan,” 31.

\(^{204}\) Johnson, “Police Integrity in Japan,” 31.
the scale of Japan. The key point is that both Korea and Japan benefited from the entertainment industries and have reason to maintain the sexual entertainment industry.

7. Discussion

When examining my findings, three factors emerged that influence the effectiveness of the government responses against sex trafficking in South Korea and Japan. The three factors are the conflict of interest, the distinction between sex trafficking victims and the rest of society, and overall police bias.

Conflict of Interest

Based on my findings, both South Korea and Japan have a conflict of interest. Both governments benefit from sex trafficking through the taxation of the entertainment industry. Their engagement with the entertainment industry demonstrates that the governments are engaged in a practice that has them balance priorities between economic gain and human rights.

One way to determine conflict of interest is by examining the resistance to improving and changing laws for the benefit of sex trafficking victims. The South Korean government has ratified the “Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children,” which supplements the “United Nations Convention against Transnational Organized Crime (UNOTC)” without reservation, which means that South Korea agrees to follow the Articles laid out in the Protocol. Instead of integrating the Trafficking Protocol into domestic law, the South Korean government argues that the existing laws in the penal code are

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206 “Chapter XVIII Penal Matters: 12. a Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.”
enough to address its obligation to the protocol.\textsuperscript{207} The problem with that, however, is that the current laws in the penal code are not enough to protect sex trafficking victims. Part of the problem is a lack of understanding. The U.S. 2018 Trafficking in Persons Report describes that the Korean government does have the laws to prevent sex trafficking, but that the lack of understanding by government officials on the variety of factors that encompass sex trafficking, namely that sex trafficking victims are not just people who are violently kidnapped, affect the way that sex trafficking remedies are enforced.\textsuperscript{208} The human trafficking attorney mentioned that he and his colleagues attempted to work with the government to stop human trafficking by improving the law, but were stopped by the Ministry of Justice.\textsuperscript{209} The policies, however, further demonstrate Korea’s conflict of interest. South Korea’s policies can be contradictory. Some policies help reduce sex work while others encourage sex trafficking. One example of a policy that works to reduce sex work is the “Prevention of Violence against Women Children and Support for the Victim,” which focuses on providing support to sex trafficking victims.\textsuperscript{210} An example of a policy that does encourage sex trafficking is the e-visa policy, which is one of the ways the women are sex trafficked into South Korea.\textsuperscript{211} When the government benefits from sex trafficking by taxing the industries, these contradictions become more problematic.

Japan has a similar issue to Korea when it comes to their conflict of interest. The government also benefits from taxing businesses who partake in the entertainment industry.\textsuperscript{212}

\textsuperscript{207} McFarland, interview.

\textsuperscript{208} \textit{Trafficking in Persons Report: June 2018}, 257.

\textsuperscript{209} McFarland, interview.

\textsuperscript{210} “Prevention of Violence.”

\textsuperscript{211} Shin, “A THEORETICAL VIEW,” 85.

\textsuperscript{212} Silver, “The Trafficking Scourge.”
The main difference, however, is the relationship that the Japanese government has with the *yakuza*.\textsuperscript{213} The *yakuza* takes on the responsibility of policing certain crimes that do not affect their own interests.\textsuperscript{214} In exchange, however, the Japanese law enforcement gives some flexibility towards the *yakuza*’s own criminal businesses.\textsuperscript{215} As such, despite Japan’s efforts with the 2014 National Action Plan to help sex trafficking victims and stop the flow of trafficking, there is also the conflict of interest element when they allow the *yakuza* to continue with sex trafficking. The 2014 National Action Plan helps to demonstrate that Japan recognizes the importance of taking action to help victims of trafficking. At the same time, the emphasis on cooperating with IOM and NGOs can arguably be a way for Japan to push its responsibilities on other parties.

Both of these countries have conflicts of interest that inhibit their effectiveness. They both share a common incentive to continue benefiting from the sex trafficking industry through taxation. Laws and policies that are meant to help sex trafficking victims and stop sex trafficking are diminished in both significance and power when there is that additional economic incentive that the South Korean and Japanese governments gain from the corporate entertainment industry.

**Identifying a Sex Trafficking Victim**

Sex trafficking victims in South Korea and Japan are either portrayed as victims or criminals depending on the circumstances and the law. Sex trafficking victims can be both victim and criminal depending on how the law is interpreted. This influences the effectiveness of government to help victims because it demonstrates how governments perceive victims of trafficking. Sex trafficking victims and sex workers are separated from the rest of society and are

\textsuperscript{213} Johnson, “Police Integrity in Japan,” 31.

\textsuperscript{214} Johnson, “Police Integrity in Japan,” 31.

\textsuperscript{215} Johnson, “Police Integrity in Japan,” 31.
generally unwanted. This sentiment leads sex trafficked women to be victims without agency, shaped and molded depending on the agenda of whichever governmental or societal body engages with their situation. Many of these women, however, do consider themselves as beings with agency, particularly if they agreed to go abroad. By automatically attaching the label of victim without recognizing agency, government officials remove an essential part of the motivations that lead someone to become a victim of sex trafficking. The construction of a sex trafficking victim’s identity and the way they are treated by society influences government effectiveness because the understanding of the identity of sex trafficking victims provides a basis for how law enforcement views and treats these women.

Sex trafficking victims may be associated with sex workers, and therefore viewed negatively by government and society. Both governments utilize anti-sex work measures to stop sex trafficking despite benefiting, and at times contributing, to the proliferation of sex trafficking. South Korea’s law, the “Act on the Punishment of Arrangement of Commercial Sex Acts, etc.” recognizes that victims of sex trafficking can have some level of agency. The way that the Korean government approaches sex trafficking as a whole, however, leans more towards the anti-sex work approach. This means that efforts are made to prevent victims from becoming sex workers, regardless of whether victims choose to do so. South Korea emphasizes the idea that sex trafficking victims are naïve, but this understanding of a victim only applies once sex trafficking victims are identified as victims.

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217 Yea, Human Trafficking in Asia, 26.

218 Act on the Punishment of Arrangement of Commercial Sex Acts, etc., Art. 2.

219 “Prevention of Violence.”
that South Korean’s ineffective identification process resulted in sex trafficking victims being detained as opposed to supported. These women are viewed negatively by society, and the disdain for them as moral corrupters leads them to not receive the help that they need to recover and move on from their experience.

Japan has a similar problem of viewing sex trafficking victims negatively, but the government responses ignore the aspect of agency. The lack of a specific anti-sex trafficking law means that the definition of a sex trafficking victim is based on the Trafficking Protocol and the anti-sex work policy, even though the crime itself is prosecuted under child labor or other relevant laws. While the Trafficking Protocol provides an in-depth definition of sex trafficking and the identity of a sex trafficking victim, the Japanese government has not changed the laws to match the definition. Instead, the government has amended the Penal Code to criminalize the act of “selling or buying of persons.” The definition, however, is limited. The law demonstrates the lack of understanding by government officials and lawmakers when they describe trafficking in relation to “kidnapping” and “buying” but then not mention other forms of “coercion.” There is a particular idea of a sex trafficking victim who is someone who had no agency and no control of their situation. Sex trafficking victims, however, are not just kidnapping victims. To ignore the aspect of agency and more subtle coercion is to ignore a vast population of trafficking victims. To clarify, the point is not to say whether legalization or

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221 Trafficking in Persons Report: June 2018, 257.

222 Kim, “KOREA’S NEW PROSTITUTION POLICY,” 516–517.

223 Japan’s 2014 Action Plan to Combat Trafficking in Persons, 1.

224 Japan’s 2014 Action Plan to Combat Trafficking in Persons, 1.
criminalization of sex work will help or hinder efforts to stop sex trafficking. Both countries criminalize sex work, and while based on my research both governments’ models are not effectively helping sex trafficking victims, legalizing sex work may only provide more incentive for business to traffic and exploit women. One way that countries can improve their laws to help victims is to recognize the variety of different circumstances that encompass the experiences of sex trafficking victims.

**Local Law Enforcement Bias**

The bias that local law enforcement has when trying to identify victims of trafficking has an influence on the effectiveness of the government response to sex trafficking. As stated in the earlier section, the identification of a trafficking victim can be difficult. Some victims do not perceive themselves to be victims of trafficking because of their decision to pursue economic gain.\(^225\) Other sex trafficking victims may not be able to trust members of local law enforcement, either in South Korea or Japan, because of corruption amongst law enforcement.\(^226\) The inherent disconnect between victim and law enforcement creates a rift that is further exacerbated by the police perception of a sex trafficking victim, either due to their own biases or being restricted by the law.\(^227\) While NGOs also play a role in identifying victims of trafficking, it is usually law enforcement that play the greater role. Therefore, local law enforcement needs the necessary training to better identify and help victims of trafficking. The stereotyping of a sex trafficking victim leads certain groups of victims to be helped and other groups of victims to be ignored. This bias can lead to groups like Filipina women, who are among the most visible population of

\(^{225}\) Parreñas, *Illicit Flirtations*, 268.

\(^{226}\) Cho, “Experiences, Challenges, and Policy,” 44.

sex trafficking victims in Korea, to be targeted by law enforcement officers. Filipina women are often seen less as sex slaves and more as sex workers, leading to them to be deported rather than helped. The general stereotyping of a sex trafficking victim can lead to improper identifications and prevent support being given to actual victims.

Japan and Korea have both attempted to stop bias and educate their law enforcement authorities about sex trafficking through training sessions. Japan encourages law enforcement to attend training sessions alongside NGOs. South Korea has done something similar, in which law enforcement officials were trained to identify sex trafficking victims. Police training, however, only works as long as the police refer back to their training. Because of the anti-sex work law and the idea of a victim as a moral corrupter, South Korean police do not effectively implement measures to identify victims of sex trafficking. Japan also has this problem of ignoring victims of trafficking because of devaluing the individual. Police bias affects the way the law is implemented, and I found that the stereotyping of sex trafficking victims can serve as an obstacles for both South Korea and Japan because these ideas prevent victims from receiving support. South Korea’s law enforcement officers are trained, but their biases prevent sex trafficking victims from receiving the necessary support. When South Korean law enforcement officers look for signs of trafficking, they often attempt to find evidence of

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233 Yea, “Foreign Women,” 520.
imprisonment and assault, rather than passport confiscation or forced debt bondage, which are also evidence of sex trafficking.\textsuperscript{236} This stereotyping often prevents victims from receiving help. Japanese law enforcement’s ties to the yakuza has a negative effect because they ignore crimes in favor of economic gain.\textsuperscript{237} The law enforcement community in both countries needs to be better monitored to avoid corruption, and better trained to recognize their own biases.

8. Conclusion

Throughout this paper, I have explored many of the different factors that influence the effectiveness of government responses to sex trafficking. I found that my initial hypothesis “Japan may compensate for its lack of a sex trafficking law by supporting NGOs and other organizations dedicated to helping victims, whereas the Korean government may not be effectively implementing its extensive sex trafficking laws despite bearing the majority of the responsibility” is true to a certain extent. Japan prioritizes their policy, which focuses on NGO and UN support, over the improvement of their laws that do not adequately help sex trafficking victims. Likewise, the Korean government has a variety of laws related to sex trafficking, but they also support NGO bodies. My initial hypothesis assumed that there would be more differences between the responses. I found that the sex trafficking problem in both South Korea and Japan is similar because the responses to sex trafficking are similar. The key similarity is that these responses are shaped by prioritizing the economic benefits of sex trafficking over the human rights of the victims of sex trafficking.


\textsuperscript{237} Johnson, “Police Integrity in Japan,” 28.
Overall, my research on government responses to sex trafficking and the effectiveness of sex trafficking remedies helps to show that there is a need for more research into solutions to mitigate and prevent sex trafficking. My research has significance in the sense that my research will help add to the existing literature regarding sex trafficking in both South Korea and Japan. There is a currently lack of modern research comparing sex trafficking in both of these countries despite the similarities and shared history between the two countries. A majority of the research regarding sex trafficking that connects both countries is related to “comfort women” during the twentieth century, but that is inadequate to address the current issues of sex trafficking.238 By doing more research into the modern sex trafficking, my research will provide further analysis into the effectiveness of modern government responses.

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