

Human Trafficking and Labor Migration: The Dichotomous Law and Complex Realities of Filipina Entertainers in South Korea and Suggestions for Integrated and Contextualized Legal Responses

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ABSTRACT

This Article examines the complex legal situation of Filipina “entertainers” in U.S. military camp towns in South Korea: the individuals located at the intersection of human trafficking and labor migration. The Article investigates how the dichotomous law fails to recognize these entertainers as either trafficking victims or as migrant workers. The law therefore denies proper legal rights and remedies for the serious rights violations they suffer in the destination state. This research demonstrates that these migrants have diverse needs, aspirations, and transnational experiences that embrace both victimhood and agency. It illuminates the fundamental problems of the current global anti-trafficking regime, particularly the criminal justice and immigration control agendas of destination states that adopt flattened and paternalistic perception and treatment of trafficking victims. It makes concrete recommendations on how to overcome the law’s dichotomy and a crime-and-immigration-control-centered framework; empower victimized migrants in the human, civil, and labor rights contexts; and address the diverse needs of migrant individuals with comprehensive, integrated, and contextualized responses. Crucially, it proposes the right to stay and work in destination states as an effective remedy in itself, criticizing the current repatriation policy that does more harm than good to the individuals.

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