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To combat human trafficking in Korea, US Army leadership adopt a blended approach to awareness training. Army leaders across the Korean peninsula must place businesses that profit from human trafficking off-limits to US Soldiers. To increase policy enforcement, Army leadership should request additional military police to police the camp-towns adjacent to military installations. Finally, Army leadership must make clear that patronizing a prostitute is not acceptable and those found to be in violation will face prosecution. Taking these measures will greatly assist the Army in combatting human trafficking taking place in the camp-towns outside of its garrison gates.

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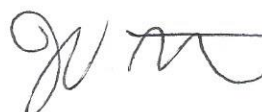
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I would like to thank the Military Police Corps for the honor and privilege to serve and lead Soldiers in both garrison and combat. Throughout my career, I have had extremely professional leaders that have mentored and guided me to achieve both my professional and personal goals. The topic of this paper, increasing United States Army efforts to stop human trafficking, would not have been generated without the passion I have built serving as a Military Police Officer in the United States Army and the ideals of Assist, Protect, and Defend inculcated within me as a member of the Corps of Military Police.

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Executive Summary

Title: The United States Army and Combating Human Trafficking in Korea

Author: MAJ Russell B Smith, United States Army

Thesis: To take a more active role in combating human trafficking, military leadership must place a greater emphasis on educating military personnel, put businesses that profit from trafficked persons off-limits, increase military law enforcement presence in areas known for trafficking, and prosecute military personnel who violate standing policies.

Discussion: Human trafficking is one of the most prolific areas of criminal activity around the world. Transnational organized criminal networks and terrorist groups alike have begun to shift from their more traditional funding sources to the illicit trafficking of humans as their main source of revenue. As such, combating human trafficking has become a priority for the United States Government, particularly, the Department of Defense. Despite the priority placed on combating human trafficking, and a Zero Tolerance Policy towards those who enable this illicit activity, the US military remains a key source of revenue for traffickers.

One area where this is particularly evident is in the camp-towns surrounding US Army bases in South Korea. Women primarily from Russia and the Philippines are trafficked to work as entertainers in the bars and clubs surrounding US Army bases. Once in Korea, trafficked women have their passports taken from them; bar owners then force them to work as prostitutes to pay off debts associated with their move. Since the airing of a 2002 Fox News report highlighting the US Military's involvement in the Korean sex industry, military leaders have taken actions to stop activities that facilitate the trafficking and exploitation of women. While the military is making progress, sex trafficking is still occurring around bases, as evidenced in the State Department's 2016 Trafficking in Persons report.

Conclusion: To combat human trafficking in Korea, US Army leadership must adjust the training Soldiers receive to better identify the perpetrators and victims of human trafficking, by adopting a blended approach to awareness training. Army leaders across the Korean peninsula must place businesses that profit from human trafficking off-limits to US Soldiers; doing so will send a clear message that the US military will not condone illicit activities in areas frequented by its Soldiers. To increase policy enforcement and deterrence of crime in off-post establishments, Army leadership should request additional military police for the sole purpose of policing the camp-towns adjacent to military installations. Finally, Army leadership must make clear that patronizing a prostitute is not acceptable and those found to be in violation will face prosecution. Taking these measures will greatly assist the Army in combatting human trafficking taking place in the camp-towns outside of its garrison gates.

Introduction

Human trafficking is one of the most prolific areas of criminal activity around the world today. A modern-day form of slavery, human trafficking is a direct result of globalization, economic differentiation, high levels of corruption, and the presence of regional conflicts that have caused mass displacement.¹ Historically, the US military has downplayed its contributions to this crime. Recent efforts by the Department of Defense (DOD) have begun to address the military's involvement in human trafficking and put measures in place to make the military more proactive in its fight to eradicate this crime. Despite these efforts, the DOD and particularly the United States Army in Korea "faces continuing challenges in preventing human trafficking."² The lack of effective recognition and awareness of human trafficking is perpetuating the problem as service members continue to partake unknowingly in activities that encourage human trafficking around bases. To take a more active role in combating human trafficking, military leadership must place a greater emphasis on educating military personnel, put businesses that profit from trafficked persons off-limits, increase military law enforcement presence in areas known for trafficking, and prosecute military personnel who violate standing policies.

This paper seeks to demonstrate the severity of the human trafficking problem facing the DOD, particularly the United States Army in Korea. The first part of this paper will provide a description of the legislative instruments available to combat human trafficking, describe the scale of international human trafficking and its effects on military operations. Additionally, the paper will provide a brief history and background of human trafficking in Asia, focusing on Korea and the US military. The remainder of the paper will examine how the US Army currently combats human trafficking in Korea, with recommendations for improvements.

Background

Over the past several years, the United States Legislative and the Executive branches have developed new policies and legislation to address and combat human trafficking. These efforts include Executive Order 13627, Trafficking Victims Protection Reauthorization Act (TVPRA) of 2013 and the National Defense Authorization Act (NDAA) for Fiscal Year 2013. Executive Order 13637 strengthens the government's policy on human trafficking by prohibiting contractors and subcontractors from engaging in specific trafficking related activities such as misleading or fraudulent recruitment practices, charging employee recruitment fees, and destroying or confiscating an employee's identity documents.³ The TVPRA expands upon the TVPA of 2000 by imposing reporting and compliance requirements on federal agencies, including the DOD, to ensure United States taxpayer money does not support activities that facilitate human trafficking. The Fiscal Year 2013 NDAA provides government agencies the ability to terminate a contract with a prime or subcontractor found to be engaging in human trafficking-related activities. These recent domestic efforts provide the federal government with more robust measures to fight human trafficking both at home and abroad.

In addition to the domestic policies and legislation, there are several international instruments enacted by the United Nations that obligate member-states to combat trafficking in persons. The 1926 Convention to Suppress the Slave Trade and Slavery, to which the US is a signatory but Korea is not, obligates all signatories to prevent and suppress the slave trade and progressively bring about the complete elimination of slavery in all its forms.⁴ The United Nations Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949, to which Korea is a signatory but the United States is not, charges

signatories to punish any person who procures, entices or leads away another person for the purposes of prostitution.⁵ Additionally, the convention outlines the procedures for extraditing offenders found to be conducting international trafficking for the purposes of prostitution. The Convention on the Elimination of All Forms of Discrimination against Women, adopted in 1979 by the United Nations, is often referred to as the international bill of rights for women. The United States has signed but not ratified the convention. Korea, however, has both signed and ratified the convention, obligating the country to commit themselves to undertake a series of measures to end discrimination against women in all forms.⁶

Currently, the main international instrument used in the fight against human trafficking is the United Nations Convention against Transnational Organized Crime. Member states have largely accepted the convention with 147 signing-on, to include both Korea and the United States. Three Protocols supplement the convention, only two of which pertain to combating human trafficking. These protocols are the Protocol against the Smuggling of Migrants by Land, Sea, and Air, and the Protocol to Prevent Suppress, and Punish Trafficking in Persons. Both protocols have had major achievements in the fight against human trafficking, the first of which solidified in international law, a definition for the smuggling of migrants; the latter was the first legally binding instrument to define trafficking in persons.⁷ These conventions, particularly the United Nations Convention against Transnational Organized Crime, provide the legal tools to tackle human traffickers and their criminal networks; however, the United Nations has found these tools to be failing due to the lack of effective international cooperation.⁸

According to Article 3 of the UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons, human trafficking is “the recruitment, transportation, transfer, harboring or receipt of

persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.”⁹ It is important to note the distinction between human trafficking and human smuggling. Human smuggling is the facilitation, transportation, attempted transportation, or illegal entry of a person(s) across an international border, in violation of one or more countries laws.¹⁰ As such, individuals being smuggled have generally given consent; this is not the case with trafficking.

The International Labor Organization “estimates that there are 21 million victims of human trafficking globally, of that 68% are trapped in forced labor, 26% are children, and 55% are women and girls.”¹¹ The proliferation of modern technology has made it easier to move people, enabling human trafficking to become a \$32 billion global industry; one of the fastest growing forms of transnational crime.¹²

The 2015 National Security Strategy lists transnational organized crime as a top security risk to the United States.¹³ The most profitable aspect of transnational organized crime remains the international drug trade; however, in the last few decades human trafficking has shown enormous growth.¹⁴ This enormous growth has lured many criminals to this area of transnational crime due to the high profits and low risk.¹⁵ Recent reports show that terrorist organizations have also begun to use human trafficking as a means of generating revenue to fund their causes. A recent *Forbes* report found that “al-Qaeda and other terrorist groups...have turned to illicit trafficking to replace traditional funding sources.”¹⁶ As such, fighting trafficking in persons has become a priority for the DOD.

Historically, military organizations around the globe have been the target by those who profit from both labor and sex trafficking. Military operations greatly impact sex trafficking through the introduction of foreign troops with the financial means and personal desire to have sex with prostitutes. Thus, an increase in military presence within a region results in traffickers rapidly expanding operations, moving women from outside of the region into areas where troops are present, to take advantage of the new market for prostitution. A 2002 report from the Conference on Trafficking and Peacekeeping found that “the arrival of relatively rich peacekeeping personnel drove the hasty establishment of brothels and in turn...solidified the links between UN personnel and trafficking syndicates.”¹⁷

Labor traffickers, much like sex traffickers understand that an increase in foreign troops increases the requirement for local labor. Traffickers exploit this new market by providing coerced individuals as labor to fulfill military contracts. The labor trafficker will often hold the identification documents of the coerced individual until a certain amount of money is paid. A 2005 investigation into the DOD contracting procedures in Iraq found that the hiring of many third country national workers took place under deceptive practices, and once hired, these workers had their passports confiscated. When international military organizations knowingly or unknowingly contribute to human trafficking, they are condoning behavior that undermines law and order and creates security gaps that are then subject to exploitation by transnational criminal organizations.¹⁸

Human trafficking affects almost every country in the world with most its victims originating in Asia.¹⁹ Asia has had a long history of labor exploitation, and the enslaving of women for sex became even more rampant throughout several significant military conflicts

within that region. Military personnel unfortunately exploited these conflicts for their own personal gain, perpetuating the problem rather than working towards its eradication, a problem that still occurs today. The exploitation of women in Asia predates World War II, with the Japanese military exploiting Korean “comfort women.”²⁰ Immediately after World War II, South Korea and other Asian countries who hosted US service members developed a highly-systemized sex industry. Seoul viewed prostitution as a way to entice America to continue its military presence,²¹ and even zoned the areas outside of camps as “Korean Special Tourists Areas” (KSTA) to accommodate such tactics. The designation of KSTA meant the location was open only to foreigners, where the sale of liquor was tax-free.²² Recent research conducted by Dong-Hoon and Geon-Soo in South Korea discovered “that the presence of ... foreign troops has only added to the demand that already existed in the strong domestic prostitution markets throughout Asia.”²³

As places like South Korea became more affluent and their economies prospered, foreign women instead were trafficked to replace local women. The introduction of foreign women into the Korean sex industry kept profit margins high for brothel owners. The burgeoning Korean economy meant that Korean women could gain lucrative employment outside of the sex-industry. Thus, rather than paying higher wages for Korean sex-workers, brothel owners sought foreign women, who were easier to control and lacked a safety network within the country, to fill the void left by departing locals.²⁴

Militarized prostitution depended exclusively on the sexual labor of Korean women until the mid-1990s, but around 1995 Filipinas and Russians began to enter Korea as “entertainers” to work in US military camp-towns.²⁵ Traffickers found loopholes in the Korean E-6 Culture and

Entertainment visa to facilitate the entry of the Filipino and Russian entertainers;²⁶ and upon entry, individuals had their passports taken and were subsequently transported to areas around Korea that cater exclusively to American troops.²⁷

The US military's involvement in the Korean sex industry became clear when a 2002 Fox News report found that "U.S. military personnel, particularly those stationed in South Korea, are engaged in activities that promote and facilitate the trafficking and exploitation of women."²⁸ According to the report, US military personnel were facilitating the patronage of offending establishments by providing Courtesy Patrols for the oversight of bars who trafficked persons working within. The report created a stir in Washington and prompted the Pentagon to take action, cracking down on servicemen and businesses "suspected of using trafficked women as 'entertainers,' placing them off-limits for periods of time. US commands also waged public awareness campaigns through radio and periodic education sessions to warn its troops that it does not condone Soldiers' association with prostitution and trafficking."²⁹ In 2008, General Walter Sharp, Commander for United States Forces Korea (USFK), stated that "[t]he attitude that 'what happens in Vegas stays in Vegas' will not be tolerated...in Korea."³⁰ He further argued, "USFK personnel at all levels must not engage in conduct that supports prostitution and human trafficking, and they should not tolerate those that do."³¹ Following this statement, and the publication of DoD Instruction 2200.01 – Combating Trafficking in Persons (CTIP) – each military department became required to ensure that all service members participate in annual CTIP awareness training programs.³² Currently, this required training marks the extent of the US Army's efforts to curb the use of prostitutes – a known driver of human trafficking.

Human Trafficking Training

Currently, the United States Army uses the DOD sponsored CTIP awareness training and requires all its personnel to complete the web-based training annually. The general awareness-training module starts with a brief introduction, which includes the definition of human trafficking and proceeds into two specific training scenarios. The scenarios focus on sex trafficking and labor trafficking and take approximately five minutes a piece to complete or “click through.” This is inclusive of a brief test incorporated in the training. The training module then goes into the six different domestic human trafficking policies that can affect all Army personnel and requires the user to pass a quiz to complete the training. A user can complete both the scenario and policy sections of the training by simply clicking through. In total, the training module took this author ten minutes to complete, and that included reading all the prompts. The average user will not take nearly this long, and can merely click through the module. Although a seemingly systematic approach to dealing with human trafficking, the use of only web-based awareness training appears to be woefully missing the mark for the Army and wider DOD.

As defense budgets have declined, so too have funds allocated for training, creating an increased reliance on distributed or web-based training within the DOD. Given the increased reliance on web-based learning modules, the US Army’s Training and Doctrine Command (TRADOC) conducted studies into the effectiveness of this training program. These studies found that due to limited engagement with the learner, utilization of only web-based learning methods did little to ensure that the absorption of the information was effective.³³ Based on these findings, the United States Army Learning Concept (ALC) for 2015 has mandated that classroom based Army training take a learner-centric approach.³⁴ Key to a learner centric

approach is blended learning - online or technology - delivered instruction combined with face-to-face instruction. This blend of delivery modes takes advantage of the efficiencies of self-paced, technology-delivered instruction with the expert guidance of a facilitator.³⁵ Further contributing to the effectiveness of blended learning is the social benefit of peer-to-peer interactions.

A 2010 US Department of Education study of online learning modalities found that blended instruction is more effective than purely online or face-to-face instruction,³⁶ giving validity to TRADOC's mandate that classroom instruction adopt a blended approach. Unfortunately, the current delivery of US Army human trafficking training does not include classroom instruction, and based on the 2015 ALC guidance, teaching will remain entirely online. However, there is precedence in TRADOC and the United States Army to introduce blended learning when no previous classroom instruction existed, a prime example being the Army's Sexual Harassment/Assault Response and Prevention (SHARP) program.

The SHARP program provides a model that demonstrates an excellent blend of online and face-to-face training. The Army mandates that each Department of the Army civilian, contractor, and service member conduct a semi-annual online-training module, followed by an extensive exam. The battalion-level SHARP advisor receives the results from the exam and the training completion statistics and then schedules SHARP Annual Unit Refresher Training (URT). URT is face-to-face small group facilitated interactive training conducted by US Army SHARP Academy graduates. To achieve certification to conduct URT, an individual must complete the in-resident 80-hour SHARP foundation course hosted at Fort Leavenworth, Kansas. Certification as URT means that the individual conducting training has the most relevant

information and is a subject matter expert in the field.

A 2014 report to President Obama on Sexual Assault Prevention across the DOD found that the Army had a decrease in sexual assaults, as did the other services. The Army stood out among the in terms of its victim reporting rate – a key component of the new SHARP training. The report cites that the Army’s increased emphasis on SHARP training “ha[s] resulted in a decrease in sexual assaults as well as an increase in reporting.”³⁷ Further, the report finds that one key to making SHARP training more effective was getting away from purely online training that “Soldiers felt was just ‘check the block’ and merely clicked through.”³⁸ As such, the Army’s combination of online self-study with small group face-to-face URT increased the overall effectiveness of SHARP training, as well as raised participant satisfaction with the program writ large.³⁹ Based on the effectiveness of the Army’s blended approach to SHARP training, a similar approach to human trafficking training would increase its effectiveness.

If the US Army is serious about combating human trafficking, it must heed the findings of both the TRADOC and Department of Education studies and use a blended approach to training delivery. To create a blended approach to human trafficking training, the US Army would have to create a framework for face-to-face interaction. The current DOD online training provides a sufficient online platform for the delivery of basic human trafficking concepts. By blending current online awareness training with mandatory classroom participation, the Army will more effectively engage the learner, a key failure of purely online training.

An effective training program will provide the Army with the required education necessary to prevent human trafficking. No training system is totally effective on its own, thus other mechanisms must be in place to address the other forces that affect human trafficking, such

as the businesses that profit from trafficked persons. One such method is the Army's ability to place businesses that profit from human trafficking off-limits to service members.

Off-Limits Establishments

Army Regulation 190-24, Armed Forces Disciplinary Control Boards and Off-Installation Liaison and Operations, states that the establishment of off-limits areas is a function of command and intended to help commanders maintain good order and discipline, health, morale, safety, and welfare of Service personnel.⁴⁰ The USFK Command Policy Letter #12, Combating Prostitution and Trafficking in Persons, dated 2014 gives each installation commander the ability to put those establishments that engage in activities detrimental to readiness, good order, and discipline, off-limits, particularly as it applies to establishments that support prostitution and human trafficking.⁴¹ Placing businesses off-limits prevents service members from being exposed to crime-conducive conditions and prevents off-limits establishments from receiving revenue from military personnel. The most recent copy of the Eighth Army Command Policy Letter #31 – Prostitution and Human Trafficking, dated 2011 largely follows the USFK policy memorandum; however, it gives Army garrison commanders the additional responsibility of posting a “current copy of the Area Off-Limits List in every unit area.”⁴²

The Eighth United States Army divides Korea into four areas – US Army Garrison Yongsan, Area I, Area III, and Area IV. Each of these areas has a responsible commander tasked with establishing which businesses to place off-limits, ensuring a current copy of off-limits areas is visible in each unit area. The following discussion will break down each area, examining its corresponding off-limits list, if applicable.

US Army Garrison Yongsan, located in Seoul, is the headquarters for all US forces stationed in Korea and hosts approximately 8,000 service members. To assist with establishing which businesses are off-limits, the garrison commander issued a policy memorandum on 29 July 2014, specifically addressing human trafficking and prostitution within off-post entertainment districts. In the memorandum, the commander directly tasks commanders at all levels to take an active role in ensuring service members remain safe by recommending businesses suspected of human trafficking to the garrison Armed Forces Disciplinary Control Board (AFDCB).⁴³ The Yongsan AFDCB per Army Regulation 190-24 investigates and determines whether a business should be off-limits. If the allegations prove to be true, the garrison commander places the business off-limits. The Yongsan Garrison off-limits list posted in June 2016 has 38 businesses placed off-limits. Thirty-five of the thirty-eight businesses are off-limits for prostitution and human trafficking; out of the remaining three, two were placed off-limits due to allowing underage drinking and one for force protection measures.

Area I, located in the northern portion of Korea around Dongducheon, serves as the Headquarters for the Second Infantry Division at Camp Casey with 10,000 US Soldiers, making up one of the largest concentrations of US forces in Korea. Unlike Yongsan, the garrison commander for Area I did not issue a policy memorandum outlining specific procedures for recommending businesses suspected of human trafficking and prostitution to the AFDCB. Although this should be a requirement, it is not against any regulation. Given the importance placed on deterring human trafficking and the local juicy bar system providing prostitutes to US service members,⁴⁴ one would think that the procedures would be completely transparent.

In the late 1990s Dongducheon had eighty-four clubs, and 700 to 800 registered club

women.⁴⁵ Club women were those cleared of venereal diseases by the Korean Ministry of Health and Welfare to work in the bars that serviced US servicemen.⁴⁶ A 2009 article by Hwant Hae-Rym for *Stars and Stripes* reveals that in the 70 bars outside of Camp Casey, the juicy bar scene is still very much alive and vibrant. The article finds that “[p]rostitution and indentured servitude are everyday realities at many of these popular hangouts for American soldiers.”⁴⁷ Despite the findings of Hae-Rym and this area’s reputation for providing prostitution to US Soldiers, it has only three businesses placed off-limits with no clear explanation listed on the off-limits list for doing so. This limited number of businesses is troubling given the history of prostitution in the area.

Area III, located at Camp Humphreys in Pyeongtaek, is home to approximately 9,000 US Soldiers. Like Area I, the Area III garrison commander did not publish a policy memorandum on the procedures for recommending a business to the AFDCB. However, despite not having a policy memorandum, Area III has placed 19 businesses off-limits. These businesses are off-limits for various reasons, including health and safety or allowing underage drinking; however, the majority are off-limits because of prostitution and human trafficking.

Area IV, headquartered at Camp Walker in Daegu, hosts approximately 4,000 Soldiers. Like both Areas I and III, Area IV has no published policy memorandum that explains the procedures for recommending a business to the AFDCB. Furthermore, Area IV does not have an off-limits list posted signifying that there are no businesses conducting activities that perpetuate human trafficking. The fact that Area IV does not have any businesses that meet the requirements to be off-limits is unlikely. Thus, it is unclear why the garrison commander has failed to place any businesses off-limits. However, the lack of an off-limits list in Area IV and

the limited size of other lists clearly demonstrates that there is a distinct difference in how garrison commanders and their AFDCBs are placing businesses off-limits.

Evidently, certain garrison commanders are doing more than others to place businesses that profit from prostitution and human trafficking off-limits. One area to explore more deeply is why the off-limits list in Area I (Dongducheon) is so small given the city's history of providing prostitutes to US Soldiers. One potential explanation for this, which could translate to other garrison areas, is that the US Army is keenly aware of the city's economic dependence on US Soldiers, and is turning a blind eye to prostitution taking place to maintain good relations with residents. Of Dongducheon's 70,000 residents, 15,000 depend on US Soldiers for their livelihoods, generating \$118 million dollars annually, mostly coming from the restaurant and bar industry.⁴⁸ These statistics will not be a surprise for the garrison commander, and he or she will undoubtedly be under pressure to keep good relations with the city leadership. Placing businesses on the off-limits list or banning Soldiers from drinking will cause major problems for the garrison commander with the city's elected leadership. For example, a recent alcohol ban on all Soldiers in Dongducheon resulted in stiff complaints to both the Area I garrison commander and the Commanding General of the Second Infantry Division. Local bar owners stated how alcohol restriction leads to huge economic losses, and fear it would cause a fatal blow to many bars, restaurants, and other entertainment facilities that cater to US Soldiers. Commanders can use an alcohol ban as leverage to force both local bar owners and government officials to be more proactive in the fight against human trafficking.

Government officials in Dongducheon also understand the importance of US Soldiers to the city's economy, and recent reporting indicates they are willing to ignore crimes such as

human trafficking to ensure that local businesses are making money. A recent article by the *Stars and Stripes* suggests that the dependence on prostitution and human trafficking could be the reason the crime is overlooked, reporting that there is an obvious lack of scrutiny of juicy bars in Dongducheon by the Korean government.⁴⁹ It went further to state that Korean government and police agencies suspect prostitution is occurring in the juicy bars; however, suggesting any crackdown on the juicy bars would likely cause problems with bar owners and [these are] steps they are not willing to take.⁵⁰ There is no question that human trafficking is occurring in Dongducheon and the dependence on US Soldiers for the economic viability of the city have led to officials to look the other way as women are trafficked in to support demand. Thus, it is the job of the US Army to curb demand by properly training Soldiers on how to identify human trafficking and prosecuting those found guilty of violating standing policies.

Despite the dependence of local economies, Army officials must do more to limit the amount of US dollars spent by Soldiers contributing to businesses that traffic in humans. An initial measure is to make it mandatory for all garrison commanders to publish and distribute the procedures for recommending businesses suspected of trafficking in persons to the AFDCB throughout their commands. Doing so will send a message to subordinate commands and businesses alike that the garrison commander is serious about human trafficking, and will take measures to ensure that US Soldiers are not contributing to businesses that profit from the crime.

Another solution, perhaps a more drastic means to limit funding to businesses that profit from human trafficking is the complete ban of US Soldiers consuming alcohol off-post. Although this would be economically catastrophic to several legitimate businesses, it would also damage businesses that profit from human trafficking. Given the severity of the crime and the

negative association of the US Military with human trafficking in Korea, such a ban is warranted and long overdue.

Military Law Enforcement

In terms of enforcement, current policies in Korea provide Military Law Enforcement personnel with adequate opportunity to provide increased policing presence in the camp towns around Army installations. For example, USFK Regulation 190-50 allows United States Law Enforcement personnel to have access to off-post establishments such as public recreational areas and public entertainment establishments, for the purposes of ensuring compliance with the Uniformed Code of Military Justice (UCMJ) and USFK policies.⁵¹ Additionally, each area Director of Emergency Services is given the authority to coordinate with the Korean National Police (KNP) to conduct “town patrols” in an effort to specifically identify businesses that support, harbor, or in any way sanction prostitution and human trafficking.”⁵² What currently prevents increased military police presence in locations off-installation is that they are spread too thinly between other missions and training requirements.

Currently, the United States Army has one battalion of Military Police assigned to the Korean peninsula, consisting of four companies aligned with one of the four areas – I, III, IV – and Yongsan Garrison. Each company has 170 personnel assigned, with 126 of that being military police, typically on a one year tour. The battalion’s mission is to train and provide law and order in Korea. Furthermore, it is responsible for providing security and mobility support operations to the Second Infantry Division.⁵³ Given the battalion and each company’s commitment to policing inside each garrison, as well as the training time required to remain

proficient mobility support operations, there is less time and resources left to policing outside of the garrison's gates, where human trafficking is taking place. The addition of military police forces in Korea with the sole purpose of patrolling garrison towns would limit the impact on current policing missions.

The problem of identifying the businesses that profit from human trafficking compounds when the limited policing assets are rotating on a yearly basis. Establishing rapport in a community, or identifying locations where criminal activity is taking place requires having the same police officer present in a community. This is an important tenet of community policing because it allows officers to develop a greater understanding of the community by building bonds with residents. Current US Army policy of stationing soldiers in Korea on one-year tours prohibits this type of community engagement. Given the limited number of military policing assets available for off-garrison policing combined with the inability to understand the community, the US Army's ability to combat human trafficking occurring in camp towns surrounding bases in Korea decreases dramatically.

The presence of police has shown to decrease criminal activity, and the military is no exception to this rule. The United States Army Military Police 2025 strategic plan lists active presence and engagement with the community as key to maintaining civil order, preventing crime, and enforcing the law.⁵⁴ Presence in a community provides law enforcement professionals with a working knowledge of the type of crime occurring in an area and builds a rapport with community members. Human Rights First recommends a three-pronged approach to combating human trafficking: increasing the risk to perpetrators, decreasing the profits that drive perpetrators, and increasing resources for anti-trafficking policies.⁵⁵ While the US Army

cannot take on the entire trafficking network, it can have a direct impact in Korea by focusing on those businesses that profit from human trafficking around military bases.

Key to increasing the risk to perpetrators is the identification of businesses that profit from human trafficking, a step that greatly benefits from the presence of law enforcement personnel. To properly address the criminal activity occurring in camp towns in Korea there must be a dedicated military police force working closely with the KNP. While US Military Police forces cannot enforce Korean law, they can enforce US laws on service members, and more importantly provide information on businesses that profit from human trafficking to the KNP who can enforce Korean law. An increasing presence of a US Military Police force outside of the garrison will enable those law enforcement personnel to build a greater rapport with the communities to which it serves, enabling the identification of businesses profiting from human trafficking and US service members in violation of Article 134 (Pandering and Prostitution).

Military Prosecutions

Article 134 (Pandering and Prostitution) of the Uniformed Code for Military Justice strictly prohibits US military personnel from patronizing a prostitute. Soldiers suspected of violations of Article 134 stand trial in the Fourth Judicial Circuit (Far East and Far West), which is responsible for US Army courts-martial proceedings in Korea. A thorough review of all accessible court-martial proceedings (from January 2015 to November 2016) revealed not a single case where a US Soldier faced prosecution for patronizing a prostitute in South Korea.

Soldiers in Korea not only fall under the UCMJ, but also under a Status of Forces Agreement (SOFA) between the United State and Korea. Under the SOFA, the Korean

government has exclusive or primary jurisdiction over almost every offense committed by US service members. As such, the Korean government could prosecute US Soldiers for solicitation of a prostitute, which is illegal in the country. However, as with prosecutions for violations of Article 134, an extensive review of all criminal prosecutions from January 2015 to November 2016 revealed zero convictions for the solicitation of a prostitute. In fact, the last prosecution of a US Soldier for violating the Prevention of Prostitution Act was in April 2014, by the Suwon District Court.⁵⁶ The Soldier received a fine of 2,000,000 Won or \$1,731.

A 2016 US State Department Trafficking in Persons Report brings the lack of prosecutions into question. The report found that foreign women are trafficked into Korea and forced to work as prostitutes near ports and U.S. military bases, thus implying that US service members are involved in the use of prostitutes.⁵⁷ If the report were in fact true, one would expect to see at least one US service member prosecuted in either the Korean courts, or the US Fourth Judicial Circuit, neither of which has occurred. Thus, either the implications of the 2016 TIP report are inaccurate, or both the US and Korean officials are not fully enforcing anti-prostitution legislation to seek convictions. If the US Army is serious about stopping human trafficking in Korea, it must increase its arrests and prosecutions of Soldiers found in violation of Article 134.

Conclusion/Recommendations

The US military's long historical participation in prostitution in Korea has created a culture that has tolerated and condoned sexual exploitation; it has produced a breeding ground for human trafficking, undoubtedly the most challenging global human rights crisis of the 21st

century. Despite efforts to implement policies and laws concerning military personnel in Korea, past and current strategies by military leadership have failed to make considerable progress in reducing human trafficking. There is clear evidence from both press and US government reports that US military personnel continue to contribute to human trafficking in Korea, as there is a lack of enforcement of regulations combined with the inconsistent discouragement of illegal behavior.

As the US military enters a new era of cracking down on sexual harassment and assault within its ranks, the problem of human trafficking has also received new scrutiny and greater attention. Congress is urging military leadership to become more actively engaged in reducing human trafficking in Korea by adjusting current approaches and improving existing methods that are noticeably lacking.

The recommendation of a blended approach to human trafficking training will more fully engage Soldiers by interacting both online and face-to-face, ensuring concepts are both absorbed and understood. In addition to a more interactive training module, the Army must adopt a more stringent policy on how it recommends placing businesses off-limits. All garrison commanders must publish how they plan to recommend businesses to the AFDCB. Additionally, garrison commanders should prohibit the consumption of alcohol off-post, understanding that doing so will have a significant impact on the local economy. This action sends clear a message to business owners that the US military will not condone illegal activity in areas frequented by US Soldiers. Although seemingly drastic, the US military must not be complicit in any activities that perpetuate human trafficking in Korea. Increasing the number of US Military Police forces working in conjunction with the KNP will help establish relationships in the garrison towns to identify those businesses that profit from human trafficking. This will ensure the enforcement of

US policies and regulations in camp towns adjacent to military garrisons and help detain those to be in violation. Army leadership must ensure that those who are found to be guilty of activities that perpetuate human trafficking, such as prostitution, are prosecuted to the fullest extent of the law. Failure to prosecute those guilty of patronizing prostitutes establishes a climate among troops and business owners that the US military condones this behavior.

Without a doubt, it is a long path toward complete eradication of this global epidemic; however, the steps outlined in this paper will steer military leaders, particularly within the US Army, in the right direction. No longer can military leadership ignore or downplay the problem of human trafficking but rather give it the serious attention it deserves. Adopting the measures herein sends a clear message that the U.S. Army does not condone activities that enable human trafficking; any person that engages in behavior that supports humans being trafficked is not a real Soldier. Any involvement of US military personnel in the perpetuation of human trafficking threatens the very basic human right to freedom the American Soldier seeks to defend. Until the US Army makes the adjustments highlighted in the paper, it will continue to be part of the problem rather than part of the solution.

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