

- In the morning of today (4.23), the government reviewed and confirmed a joint "Digital Sexual Crimes Eradication Measures" organized by the Office for Government Policy Coordination (Director: Roh Hyung-wook) at the State Affairs Inspection Coordination Meeting presided over by Prime Minister Chung Sye-kyun.
- Recently, new types of digital sex crimes have occurred online, such as "Nth room" and "Baksa room" cases using Telegram.
  - Many of the victims include minors, and malicious criminal methods cause public concern and anger.
- The government has prepared and promoted measures to prevent digital sex crimes on two occasions, but there have been limitations in responding to new crimes such as the evolution of criminal methods and the use of closed overseas platforms due to the development of information and communication technology.
  - △ Comprehensive measures against digital sex crime damage ('17.9)
  - △ Web-HDD Cartel Prevention' ('19.1)
- The characteristics of this crime are showing a new aspect that 1) specific victims rather than random victims were continuously exploited, 2) the offenders commercialized the victims by generating criminal profits through paid-in system, and 3) the offenders were organized by dividing roles in the criminal acts.

## <Comparing the latest criminal patterns and the situation when establishing existing measures>

	Situation when establishing existing measures ('17, '19)	the latest pattern of crime
<b><u>outline</u></b>	<ul style="list-style-type: none"> <li>• Focus on illegal filming and distribution using mobile phones and modified cameras</li> </ul>	<ul style="list-style-type: none"> <li>• <b>systematic sexual exploitation using Social Media such as Telegram</b></li> </ul>
<b><u>specificity</u></b>	<ul style="list-style-type: none"> <li>• Smaller and higher performance of photographic equipment</li> <li>• In public facilities, such as toilets, unspecific victims are randomly exposed</li> </ul>	<ul style="list-style-type: none"> <li>• Continuing and intensifying sexual exploitation of specific victims</li> </ul>
<b><u>distribution</u> <u>channel</u></b>	<ul style="list-style-type: none"> <li>• spread to web-HDD, porn sites, etc. and spread quickly to unspecified people</li> </ul>	<ul style="list-style-type: none"> <li>• Operators generate huge criminal profits through subscribers (paid buyers)</li> <li>• Distributed quickly through closed online platforms such as telegram, discode, etc.</li> </ul>
<b><u>type of</u> <u>perpetrator</u></b>	<ul style="list-style-type: none"> <li>• individuals filming with a hidden camera</li> </ul>	<ul style="list-style-type: none"> <li>• Types of perpetrators are more diverse and organized</li> </ul>

In response, the government prepared strong measures through a public-private TF centered on the Office for Government Policy Coordination, and in the process, it widely collected opinions from women's circles and related experts.

- Unlike previous measures, which were target-type by criminal means such as hidden cameras, this measure was prepared as a comprehensive measure to cover the overall digital sex crimes so that there would be no blind spots for new-type crimes.
- ※ The scope of 'digital sexual crimes' for this measure: 1, Illegal filming using a modified camera, 2, Composites and edits (deepfakes etc); 3, children and adolescents pornography (including video due to intimidation, coercion, grooming, etc.); and 4, videos distributed without the consent of the parties;
- Under the goal of "eradicating digital sex crimes," this measure will be implemented in four major strategies,
  1. Establishing the principle of zero tolerance for digital sex crimes
  2. Strengthening protection for children and adolescents
  3. Eliminate blind spots of punishment and protection
  4. Establishing the spread of social awareness of a serious crime,
- set-up 17 main tasks and 41 detailed tasks in the four major areas.

- The main contents of the measures for each field are as follows.

## **1. Strengthen the effectiveness of punishment**

- Although the punishment was not sufficient due to the relatively low sentence compared to the seriousness of the crime (enhancing punishment such as digital sex crime production), we plan to raise the legal penalty so that it can be punished as a serious crime in the future.

- In particular, we will strengthen punishment by setting a lower limit legal penalty for the sale of child and youth Sexual Exploitation, and establish a new punishment for advertising child and youth Sexual Exploitation through Social Media and the Internet to prevent enticement of demand.
- (a new establishment for preliminary and conspiracy of serious sex crimes) This time, there were cases where sexual violence was plotted through Social Media and then executed by offline.
- Like murder, which punishes preliminary and conspiracy charges, joint rape and rape of minors will be treated as serious crimes, and even if they were never committed but only prepared or plotted, they still will be punished for preliminary and conspiracy charges.
- (establishment of sentencing standards) Even though the legal sentence has been raised, the lack of application standards often resulted in lower sentences than the public's standards, which served as a distrust factor.
- In case of the prosecution, we have prepared and implemented the strengthened case handling standards and the legal penalty standards for digital sex crimes since April 9th.
- In addition, the Supreme Court's Sentencing Commission will set the sentencing standards for digital sex crimes as soon as possible.

□ (Strengthening the recovery of criminal proceeds) To curb crimes that are commercialized and profit-structured, we will greatly strengthen the recovery of criminal profits.

- In the case of overseas escape or death, we will newly apply the independent confiscation system\* which enables a confiscation without indictment or conviction, and will establish a new regulation that estimates any acquired properties or benefits during the period of crime as criminal proceeds.

\* Independent confiscation system: Prosecutors request the court to confiscate and collect without indictment → Court decision

□ (Expanding the identity disclosure) We will further expand the disclosure of digital sex offender's identity.

- From the stage of investigation, personal information such as face will be actively disclosed in case of important suspects.
- Releasing personal information of convicted criminals was previously limited to sexual offenders(ex. rape of a child); however, it will be expanded to include offenders charged with producing and selling of the child sexual exploitation materials.

## **2. Complete protection for adolescent and children.**

□ (Introducing the punishment for Online grooming) We will eliminate the blind spots of child protection by creating a punishment system for the online grooming that lures and tames children in order to sexually exploit them.

\* Punish a series of steps, such as demanding sexual images and videos→ threatening to release the materials→demanding to meet, etc.

□ (Increasing the age of statutory rape) The statutory rape is currently applied only for children under 13, but there has long been a debate on the appropriateness of the standard age due to the lack of protection

\*Standard age of statutory rape in other countries: 13 years old (Japan), 14 years old (Germany), 16 years old (UK), and the U.S. state by state (16–18 years old).

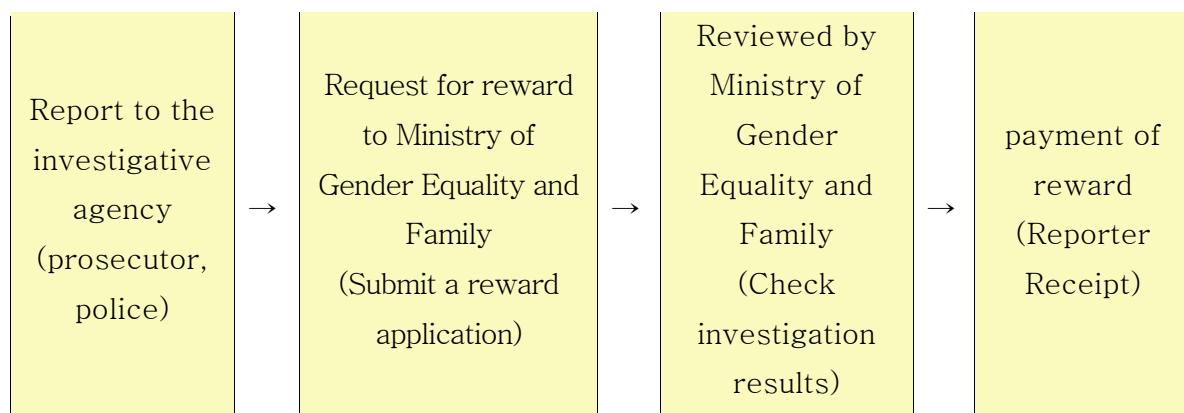
○ In order to expand the scope of protection for minors, such as the occurrence of a number of minor victims in this “Nth room” incident, we decided to raise the standard age for Statutory rape to be under 16.

□ (Introduction of undercover investigation) distribution of digital sexual exploitation materials is becoming more secretive, and detecting such crime is more difficult due to its obstructive and hidden nature. Thus, we will enable law enforcements’ undercover investigation which allows officers to disguise as minors in order to track down the digital sexual crimes.

○ Undercover investigation is currently used method for drug & prostitution investigation; it will immediately implemented to digital sexual crimes investigation as the investigation guideline is completed, and the legal ground will be provided after considering important issues such as protection of legal officers and ability of evidence in the court process.

(Introduction of the reward system) To enable more active detection of digital sex crimes online, we will establish a close monitoring network in which people participate by reporting digital sex crimes if they find them.

\* Payment will be given if the reported suspect is charged with the crime or suspended from indictment



### 3. Block demand and improve awareness

(Punishment of consumers, such as possession and purchase) We will raise the sentence for possessing the child sexual exploitation materials to raise awareness that demanding any CSEM is also a crime.

- At the same time, those who have been fined for possessing child sexual Exploitation materials were not given the employment restriction order for schools and daycare centers, but now they will be included in the objects for the employment restriction order.
- Currently, only possession of child sexual exploitation materials are punishable, but from now on, possession of any sexual

crime/exploitation materials will be punished with newly established regulation to eliminate the legal lope-holes.

- We will establish a new regulation on purchasing child sexual exploitation material to punish ones who are not possessing the materials but purchased them.
- (Enhancing the case-specific preventive education) There are concerns among many people about the involvement of minors and military officers in this case. We will provide customized preventive education for students, out-of-school teenagers, and military officers.
- In particular, we will develop education programs based on gender sensitivity for students to provide comprehensive school sex education that fosters correct gender values and attitudes.

#### **4. Enhance of victim support**

- (Defining as victim) As children subject to prostitution are treated as suspects who are "voluntary sex sellers" and subject to protective disposition, such as juvenile detention, they hesitate to report, and the perpetrator has misused them to strengthen exploitation, creating blind spots for protection.
- We will strengthen the protection instead of punishment by changing the definition of children involved in prostitution as 'victims' rather than 'subject children and juveniles.'

- (Support for rapid deletion of sexual exploitation materials) We will provide prompt support also at night, which is a vulnerable time zone for online distribution incidents.
- To that end, we will strengthen the function of the 'Digital Sexual Crimes Victims Support Center' under the Ministry of Gender Equality and Family, and operate the one-stop support system for 24 hours, including deletion, all-time counseling, and investigation support.

<Strengthening the support system for victims of digital sex crimes>

	<b>Current service</b>	<b>Improvement plan</b>
<b><u>report</u></b>	<ul style="list-style-type: none"> <li>• Phone or Online Centered</li> </ul>	<ul style="list-style-type: none"> <li>• Strengthen reporting functions by using chat-bot, etc</li> </ul>
Support for deletion	<ul style="list-style-type: none"> <li>• Support for deletion based on reported damage video</li> </ul>	<ul style="list-style-type: none"> <li>• <u>Pre-emptive response through a pre-tracking survey</u></li> </ul>
<b><u>Victim</u></b>	<ul style="list-style-type: none"> <li>• counseling, psychotherapy, legal assistance, etc</li> </ul>	<ul style="list-style-type: none"> <li>• victim-centered deep-seated counseling,</li> </ul>
<b><u>Support</u></b>		<p>Support for post-traumatic treatment and comprehensive case management</p>
<b><u>General</u></b>		<ul style="list-style-type: none"> <li>• <u>Research and analysis/preventive education/DB·statistics management</u></li> </ul>
<b><u>management</u></b>	-	

- We will further simplify the deletion process of the Korea Communications Standards Commission by applying “pre-deletion and post-review” procedure in order to provide quicker deletion support

\* Current procedure: victim's report → review → request operator to delete it  
(24 hours Requirements)

- (Enhance Corporation's responsibility) The Corporation's responsibility for distributed information and video is also a very important factor.
- We will expand the Corporation's responsibility of immediate deletion of sexual crime materials from illegal filming to all digital sexual crime materials; also, the technical measures will be expanded to include all corporations rather than just web-HDD operators.
- In case of violation, we will introduce punitive fines as a means of sanctions to strengthen the responsibility of private/business corporations in preventing the distribution of sexual exploitation materials.

#### **<Major Contents of Strengthening corporation's Duty>**

Current service	Improvement plan
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anti-distribution technical measures	<ul style="list-style-type: none"> <li>Only for Web-HDD corporation</li> </ul>	<ul style="list-style-type: none"> <li>For all Internet corporation</li> </ul>
Deletion target	<ul style="list-style-type: none"> <li>limited to illegal filming</li> </ul>	<ul style="list-style-type: none"> <li>Digital Sex crimes Offences Overall (illegal photographs + illegal edits + children and adolescents)</li> </ul>
means of sanction	<ul style="list-style-type: none"> <li>imposing a fine 20 million won or less)</li> </ul>	<ul style="list-style-type: none"> <li>the introduction of punitive fines</li> </ul>

- Under the Information and Communication Network Act, we will introduce offshore application regulations to apply the obligation to prohibit the distribution of illegal information to overseas businesses.
- (Reinforcement of the prevention of personal information leakage) If the victim's resident registration number needs to be changed to protect the victim from secondary damage online and direct crime threats offline through personal information leakage, we will shorten the processing period from the previous three months to within three weeks.
- Lastly, we will ban all social service personnel from handling personal information in administrative agencies and strengthen sanctions in case of information leakage while in service.
- Prime Minister Chung Sye-kyun called digital sex crimes "anti-

humanitarian criminal acts" and said, "The government will take this opportunity to take strong action with the attitude of rooting digital sex crimes to the end."

- The related ministries ordered us to show them the results of the law, not the plan, by immediately starting the revision of the law, such as the Juvenile Sexual Protection Act and the Criminal Profit Hidden Control Act.