

2016-2-17 엑파트코리아의 성과

July 2016 - June 2017. The achievement of ECPAT Korea

아동청소년 성보호를 위한 법률 개정 및 법집행 노력

부)그리고 입법자들은 물론 법률가들과 법집행 담당자들 인식재고를 위한 정보 공유

Law Amendment and Rigorous Enforcement Effort, Information sharing for Awareness Raising among Lawmakers and Legal Profession

한국의 아동청소년 성보호에 관한 법률은 아동성착취나 성학대로부터 아동을 보호하기 위해 제정되었으나 법조항과 그 집행 과정에서 여러가지 한계점을 드러내고 있어 엑파트코리아는 이 문제로 부터 피해아동을 보호하고 올바른 법집행이 실행되도록 지속적으로 노력하고 있다.

ECPAT Korea works to protect and support child sexual exploitation victims and ensure the enforcement of laws protecting children from sexual exploitation and sexual abuse. Although the ACT ON THE PROTECTION OF CHILDREN AND JUVENILES AGAINST SEXUAL ABUSE was made to safeguard children from sexual abuse, not only do its Articles have problems, but also it fails to provide adequate protection for victims in the process of enforcement.

1. 아동청소년성보호에 관한 법률 개정과 아동성착취 피해자를 위한 포괄적 보호시스템 구축

한국의 성착취 피해 아동은 대상청소년이라고 분류하여 아동보호 기관에서도 보호받지 못하고 있어 그 피해가 가중되고 있다. 엑파트코리아는 대상청소년 조항을 삭제 등을 골자로 한 아청법 개정 방안에 대한 연구보고서를 만들었다. 00당 김삼화 의원 등 국회의원들이 이 보고서를 바탕으로 아청법 개정안을 발의하여 현재 국회에 상정되도록 하였다.

1. Child Protection Law Amendment Effort & Construction of Comprehensive Support System for Child Sexual Exploitation Victims

ECPAT Korea wrote a report on the need of removal of the term "counterpart(s)" from the ACT ON THE PROTECTION OF CHILDREN AND JUVENILES AGAINST SEXUAL ABUSE, which refers to child victims in commercial sex acts. This implies that child sexual exploitation victims are not regarded as a 'victim'. As a result, the victims of child sexual exploitation could not be accommodated in care centers. Lawmakers including Nam In-soon of the Minjoo Party proposed amendment to the act. Now the bill is laid before the National Assembly.

엑파트코리아는 특히 올해 7월 26일 토론회를 통해 해당 법률의 신속한 개정과 아동피해자 보호를 위한 포괄적 보호 시스템 구축을 동시에 제안하였고 결과적으로 이 문제 해결과 관련된 정부부처 (법무부, 여가부, 보건복지부 등)들이 공동 대응할 것에 대한 논의를 이끌어내었다.

Meanwhile, ECPAT Korea held a forum on the construction of comprehensive protection system for child sexual exploitation victims on July 26 this year in an effort to accelerate the legal modification process. It generated positive outcomes as the Ministry of Justice, Ministry of Gender Equality and Family and the Ministry of Health and Welfare have vowed to join forces to resolve the issue.

또한 2016년 헌법재판소가 성범죄자의 취업을 제한하는 것이 위헌이라는 판결을 내린 후 이에 대한 대안적 개정이 이루어지지 않아 결과적으로는 성범죄자들이 아동관련 기관에 취업이 가능하게 된 것에 대해 여성가족부 등과 함께 개정 방향과 범위를 논의하는 토론회 등을 지속적으로 개최하고 있다. (각주)

ECPAT Korea also makes continuous efforts to hold forums with the Ministry of Gender Equality and Family on sex offender employment restriction after the Constitutional Court of South Korea ruled that the 10-year restriction on sex offender employment after release was unconstitutional in March 2016. Ex-convicts with sex crime records, therefore, are allowed to work with children and young people as no subsequent amendment has been since made to close this loophole.



Photo 1 A panel discussion at the forum on the construction of comprehensive protection system. On July 26, 2017. From right to left of the photo: Executive Director of ECPAT Korea Hyun-sook Lee, Jeong-ae Byeon of the Women's Human Rights Institute of Korea, Mi-rye Jeong of the National Coalition against Commercial Sex Acts and Deok-kyeong Yoon of the Korean Women's Development Institute. From left to right of the photo: Byeong-kyeong Ahn of the Ministry of Justice and Keum-soon Lee of the Ministry of Gender Equality and Family.



Photo 2 The forum on the construction of comprehensive protection system. On July 26, 2017. Forum participants. Third from the left of the photo is Executive Director of ECPAT Korea Hyun-sook Lee. First from the left of the photo is Byeong-Kyeong Ahn of the Ministry of Justice and the next is Keum-soon Lee of the Ministry of Gender Equality and Family. Sixth and seventh from the left of the photo are legislators In-soon Nam and Sam-hwa Kim

2. 아동피해자 보호 중심 법집행 노력 (pushing for law enforcement for child victims)

엑팓코리아는 법집행 과정에서 아동성착취피해자들의 인권이 보호되기는커녕 경찰이나 검찰에 의해 2차,3차 피해를 입고 심지어 피해 아동이 자살을 하는 경우 등이 발생하는 것에 대해 이를 강력히 규탄하는 기자회견과 아동이 보호되는 법집행에 대한 요청 노력을 계속하고 있다.(각주)

2. Child Sexual Exploitation Victims, at the Center of Law Enforcement Effort

ECPAT Korea makes continued efforts to prevent the secondary and further victimization child sexual exploitation victims suffer. This is mostly caused by police officers and prosecutors who have low awareness of child sexual exploitation. Some of the victims committed suicide after suffering secondary and tertiary victimization by police and prosecutors. The efforts include the protests and press conferences that harshly criticize police and prosecutors for their ignorance of and insensitivity to child sexual exploitation.

<관악구 성착취피해 청소년 살해사건 재발방지 공동행동>

엑팓코리아는 서울 관악구의 한 모텔에서 발생한 10대 청소년 성착취 및 살해 사건의 재발 방지를 위한 공동행동의 사무국을 맡아 93개의 단체와 함께 성명서발표, 공판 모니터링, 1인 시위, 기자회견 등 다양한 활동을 벌였다. 활동의 결과 2016년 0월 알선자 3인에게는 각각 징역 10년 6년, 4이 선고되었고 성매수자에게는 징역 40년 위치추적장치 20년 부착이 선고되었다.

성과 및 의의 :

<Joint Action on Prevention of Child Sexual Exploitation after Murder of Gwanak Teenage Sexual Exploitation Victim>

One of the biggest successes ECPAT Korea made was the joint action on the prevention of child sexual exploitation in the wake of a murder of a teenage girl in a motel. ECPAT Korea as secretariat took actions including issuing a statement, monitoring the trials, staging one-person protests and holding a press conference with 93 organizations. As a result, the three mediators involved in the case were sentenced to 10, 6 and 4 years to prison respectively in July 2016. The sex buyer was sentenced to 40 years in prison and he has to wear a GPS tracker device for 20 years after release.

The campaign contributed to raising awareness of child sexual exploitation of the legal profession. It also resulted in the consensus that purchasing the sex of children is the same with sexual exploitation. It marked the exemplary case of imposing severe punishment on the child sexual exploitation offenders.

3. 법률 전문가, 법집행 공무원 그룹 인식재고

엑팍코리아는 위 모든 문제점이 근본적으로는 경찰, 검찰, 판사 등의 법률 및 법집행 전문가 그룹이 실제로는 아동성착취에 대한 인식이 낮다는 것에 주목하고, 아동의 취약성과 특성을 이해하고 이를 바탕으로 법을 제정, 개정하고 실제 판결에 적용할 수 있도록 하는 노력을 기울이고 있다. 특히 올해 11월에는 '그루밍'이라는 한국에서는 다소 생소한 주제에 관한 연구 발표와 토론회를 개최하여 관련 판례와 법률 정비를 촉구하였다.

3. Awareness Raising among Legal Experts and Law Enforcement Officials

ECPAT Korea now puts efforts into making new legislation and amendments to the existing laws in a manner that fully reflects the vulnerability of children and youth in them after analyzing that law enforcement officers such as prosecutors and judges and police have low awareness of child sexual exploitation. This November, for example, ECPAT Korea held a forum on groomingⁱ, the concept that is not yet widely recognized in Korea in order to prompt the legal profession to improve the related laws.

이처럼 엑팍코리아는 아동성착취 근절을 위한 법개정, 제정 노력과 보다 근본적인 관련 공무원과 전문가들의 인식재고를 위한 연구를 계속하고 있습니다. 이러한 노력은 언론을 통한 사회적 환기를 가져오고 여성가족부, 법무부 등 관련 국가기관의 정책 결정에도 큰 영향력을 끼치고 있습니다.

In summary, ECPAT Korea works to modify and enact laws in favor of child sexual exploitation victims and to raise awareness of experts and government officials. Our efforts are contributing to making

positive changes in Korean society as media outlets pay more attention to the issues we raiseⁱⁱ and related government departments and Ministries including the Ministry of Gender Equality and Family and Ministry of Justice reflect those issues in their decisions.



Photo 3 A panel discussion at the grooming forum. (from left to right) ECPAT Korea head researcher Kim Mi-rang, Lawyer Kim Jae-ryeon, Psychiatrist Bae Seung-min, Judge Lim Soo-hee, ECPAT Executive Director Lee Hyun-sook, Chief Prosecutor Park Eun-jeong, Lawyer Won Min-kyeong, Child study professor Yoon Seon-yeong, Police officer Park Mi-hye.

ⁱ <ECPAT Korea Holds Forum on Grooming>

ECPAT Korea held a forum on child sexual grooming based on studies and surveys conducted on its own. The forum aimed at reflecting the human rights and perspectives of minor victims in child sexual exploitation cases to rigorously punish the perpetrators. So far, grooming has not been considered in the process of investigation and trials of child sexual exploitation crimes. The studies by ECPAT Korea analyzed sexual victim counselling cases undertaken between the beginning of 2014 and June 2017. The surveys involving 489 elementary school students and 609 middle school students were carried out in October 2017 to find out how many children were at risk of being groomed or already receiving grooming. With those materials and experts from a variety of fields including a judge, prosecutor and lawyers, ECPAT Korea hosted the forum on grooming on November 7, 2017.

According to the analysis of the Tacteenaeil(ECPAT Korea) Child and Youth Sexual Victim Counselling Center, sexual assaults caused by grooming amounted to 43.9 percent. The most dominant victim ages at the time of harm were between 14 and 16(44.1 percent). They were followed by a group whose ages were between 11 and 13 (14.7 percent). The youngest group aged between 6 and 10(14.7 percent) was also exposed to the danger of grooming. The high percentage indicated that younger children are not safe from perpetrators.

Assault and threat, which are the two of predictable elements that constitute sex crimes, accounted for 20.6 percent of the sex crimes in the analysis. But the more prevalent element found was the difficulty of

resistance/incapability of resistance(23.5 percent). The use of fraudulent means(deception, misleading the victim, manipulating the victim's psychological vulnerability)/ force stood at 17.6 percent. After excluding all above elements, there is a whopping 41.1 percent left, which are presumed to involve victimization as a result of grooming related tactics.

It should be noted that 11.8 percent of the cases could not constitute a sex crime. Regarding this, ECPAT Korea researchers interpreted that the lack of understanding of grooming brought about such consequences. The victims were aged between 13 and 16 and all the offenders were adults. In some cases victims were too embarrassed to resist. In other cases, they were lured by the offenders' nice attitudes, words or/and behavior. Most victims gradually accepted sexual offences, assuming other normal couples may go through such similar steps in relationships.

ⁱⁱ *Law Times*, November 8, 2017, <https://www.lawtimes.co.kr/Legal-News/Legal-News-View?serial=122548&kind=AE&page=4>

One in Ten Middle School Students “Experiences Sexual Approach Online”

Park Mi-yeong

Forum on Sex Crimes against Children and Young People

A Middle school girl A has recently come to know B on social media. The girl told him the problems weighing on her mind and slowly opened her mind to him. A's parents constantly beat her and B was there to listen to her. B was a nice counsellor to A. Having no one to rely on, A grew dependent on B. They got closer to each other. One day, B finally began to show his ulterior motive. He asked the girl to send him pictures of her body parts like the face and legs and suggested her to meet him so that he could give her some pocket money.

The above describes an example of grooming. Grooming is befriending children or young people in order to commit sexual acts. A call for stronger punishment on the act of grooming as part of sex crime is growing stronger. In the process of grooming, sex offenders target victims, gain their favor and trust and lure them to ultimately commit sexual exploitation. Grooming is a typical tactic found in sex crimes against children and young people.

Executive Director of ECPAT Korea Lee Hyun-sook held a forum on grooming at Eroom Center in Yeoido-dong, Yeongdeungpo-gu on 7 November, 2017. The title was 'how will we see the grooming in sex crimes against children and young people?'.

The forum presented the analysis of sexual victim counselling cases and surveys regarding grooming. The occasion aimed at taking measures to prevent grooming by taking a look at its effects on the development of children and young people and analyze the impact of grooming via court cases.

According to the survey involving 489 elementary school students and 609 middle school students across the nation on 'the practice of youth's online use and experience of sexual violence', approximately 10 percent of respondents(61) said yes to the question "is there anyone around you who are suspected to have suffered sexual violence or sex trafficking?". The survey was conducted by ECPAT Korea between 10 and 17 October, 2017.

84.7 percent of middle school respondents(515) and 69.1 percent of elementary respondents(337) said "I have ever talked with strangers online" when asked whether they have experiences of 'talking to strangers online'. In particular, those middle school students who said "met offline" amounted to 23.8 percent(145).

There were even cases where adolescents had sexual conversations online. On the question of "have you ever talked with sexual topics?", 4.3 percent(26) of middle school participants, 3.7 percent(19) of elementary school participants marked "yes". On the question of "has anyone approached you in a sexual manner?" 11.8 percent(72) of middles schoolers, 3.9 percent(19) of elementary schoolers answered "yes", revealing that children and young people are exposed to online sexual perpetration as well.

Executive Lee said "grooming is taking place extensively both online and offline and it is affecting more and more victims. For this reason, the act of grooming should be regarded as a stand-alone sex offense in the process of investigation and judicial proceedings." She added "The laws and system should be improved to include online grooming for punishment." She strongly argued that "the investigations and judicial proceeding of sex crimes should see if grooming took place in the process of offence. Also they should take into consideration the

perspectives of children and youth so that they fully reflect their rights. All these are to bring child sexual exploitation offenders to justice in a strict manner.”

Head of Tactennaeil Research Center Kim Mi-rang, Psychiatrist at Gachon University of Medical and Science Bae Seung-min, Head of Onsesang Law Firm Kim Jae-ryeon(45) gave presentations on cases related to grooming. Judge Lim Soo-hee (47) at the Seoul Southern District Court, Chief Prosecutor Park Eun-jeong(45) at the Seoul Eastern District Court and Lawyer Won Min-kyeong at Won Law Firm joined the discussion.