

Korea's Legislations to Eradicate Sexual Exploitation of Children and Juveniles

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Foreword

With the hope that the sharing of our experiences will open the way to better legislations and infrastructures, and above all, a change of perception . . .

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Korea's Legislations to Eradicate Sexual Exploitation of Children and Juveniles

Active participation in the international society's efforts to eradicate child or juvenile

- **1991** Ratification of UN Convention on the Rights of the Child
- **2000 & 2004** Signing & ratification of Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography

Enactment of legislations to eradicate sexual exploitation

- **1961** Enactment of Act on the Prevention of Prostitution
- **2004** Enactment of Act on the Punishment of Acts of Arranging Sexual Trafficking & Act on the Prevention of Sexual Trafficking and Protection of Victims Thereof
- **2002** Enactment of Act on the Protection of Juveniles from Sexual Abuse (title changed to “Act on the Protection of Children and Juveniles from Sexual Abuse”)

1. Punishment of child or juvenile sex-offenders (adult “customers”, pimps)

1) Broader definition of “act of purchasing child or juvenile sex”

Act on the Punishment of Acts of Arranging Sexual Trafficking

- Sexual intercourse, pseudo-sexual intercourse using parts of the body or implements

Act on the Protection of Children and Juveniles from Sexual Abuse

- Sexual intercourse, pseudo-sexual intercourse using parts of the body or implements
- Touching or exposing the whole or part of the body, which causes sexual humiliation or repugnance of ordinary people, masturbation

1. Punishment of child or juvenile sex-offenders (adult “customers”, pimps)

2) Harsher punishment

Trafficking or transport overseas of children or juveniles is punishable by a life sentence or imprisonment of not less than five years

1. Punishment of child or juvenile sex-offenders (adult “customers”, pimps)

3) Production, sale or possession of child or juvenile pornography

- Any person who produces, imports or exports child or juvenile pornography shall be punishable by imprisonment for not less than five years
- Any person who sells, lends or distributes child or juvenile pornography for commercial purposes, or possesses or transports child or juvenile pornography for the said purposes, or publicly exhibits or shows child or juvenile pornography shall be punishable by imprisonment for not more than seven years

1. Punishment of child or juvenile sex-offenders (adult “customers”, pimps)

3) Production, sale or possession of child or juvenile pornography

- Any person who distributes, publicly exhibits or shows child or juvenile pornography shall be punishable by imprisonment for not more than three years or by a fine not exceeding 20 million won
- Any person who recruits a child or juvenile for a child or juvenile pornography producer shall be punishable by imprisonment for not more than ten years

In Feb '08, a new provision was introduced to punish the simple “possession” of child or juvenile pornography by a fine not exceeding 20 million won

1. Punishment of child or juvenile sex-offenders (adult “customers”, pimps)

4) Adoption of system to punish coercive conduct (“grooming”) against children or juveniles

- Introduction of Act on the Punishment of Grooming in 2008
- Youth Keeper Program

인터넷상
성매수
행위 제의

Youth
Keeper 실행

증거화면
캡처

신고내용
작성

경찰청
사이버상담
신고센터에
접수

사건처리

아세요? 인터넷상에서 아동·청소년대상 성매수를 쉽게 신고하는 프로그램 -



YOUTH KEEPER!



인터넷상
성매수 행위 제의

신고 프로그램
YOUTH KEEPER 실행

증거화면캡처

신고내용작성

경찰청 사이버상담
신고센터에서 사건접수

사건처리

1. Punishment of child or juvenile sex-offenders (adult “customers”, pimps)

5) Suspension of prosecution prescription until child or juvenile becomes an adult

- Prosecution prescription commences when the victimized child or juvenile becomes an adult
- Increasing nationwide demand to completely abolish the prosecution prescription

1. Punishment of child or juvenile sex-offenders (adult “customers”, pimps)

6) Additional penalty for persons with the obligation to report a sexual offense

- In the event the head or employee of an institution, facility or organization related to children or juveniles, including schools, kindergartens and child welfare facilities, commits a sexual offense against a child or juvenile, they will be subject to additional penalty (up to 50%) of the relevant punishment.

1. Punishment of child or juvenile sex-offenders (adult “customers”, pimps)

7) Elimination of Offense Subject to Complaint Policy

- The Offense Subject to Complaint Policy was eliminated to enable the investigation and punishment of child or juvenile sex offense cases regardless of complaint by the subject.

2. Prevention of child or juvenile sexual abuse

1) Restriction of employment of sex offenders

- No person sentenced to a penalty or medical treatment and custody for committing a sex offense against a child or juvenile shall operate any facility nor work for a related institution, including school, kindergarten, and child welfare facility, for ten years.
- Regular examination is conducted on some 240 thousand institutions nationwide to monitor the implementation of related laws. In the event a sexual offender is found to be employed, the relevant institution is subject to legal sanctions.

2. Prevention of child or juvenile sexual abuse

2) Disclosure of sexual offender's personal information on the internet

- Persons subject to disclosure of information:

Information of any person who commits a sexual offense against a child or juvenile, such as sexual violence or purchase of sex, and is deemed likely to recommit the sexual offense will be disclosed for five to ten years, according to the penalty.

- Disclosed information:

Age, address (limited to such administrative district units as *Eup*, *Myeon*, and *Dong*), height, weight, photograph, summary of sex offense



2. Prevention of child or juvenile sexual abuse

3) Education to prevent the repetition of an offense

- An order to undertake courses necessary to prevent the repetition of an offense or program to treat sexual violence of up to 300 hours will be issued in conjunction with the judgment of conviction on persons committing sexual offense against a child or juvenile.

2. Prevention of child or juvenile sexual abuse

- 4) Policy enabling prosecutors to request for divestment of parental rights**
- Any prosecutor who investigates a sex offense case against a child or juvenile may, if the offender of the case is a person with parental rights of the victimized child or juvenile concerned, request the court to render an adjudication of divestment of parental rights in order to prevent the repetition of the offense.

2. Prevention of child or juvenile sexual abuse

5) Amendment of Passport Act to eradicate overseas sex trafficking

- The Passport Act was amended in 2008 to clarify the provision restricting the issuance of passports to nationals who commit sex offenses against children or juveniles outside the country and introduced a provision that can order the submission of their passports.

3. Protection & support for victims of child or juvenile sexual abuse

1) Protection and support for rehabilitation of victims of child or juvenile sex trafficking

- **One-stop Support Center, Sunflower Children's Center**
 - Provision of integrated medical, counseling, investigation and legal advice to victims of child or juvenile sex crimes in one place

3. Protection & support for victims of child or juvenile sexual abuse

1) Protection and support for rehabilitation of victims of child or juvenile sex trafficking

- Education, counseling and support for the victim's independence

- Victims of child or juvenile sex offense whom the prosecutor judges require 'protection or rehabilitation' will be subject to an education program, including psychological treatment, sex education, and career counseling, of up to 40 hours.
- Provision of homes and meals for victims of child or juvenile sex trafficking and support for their rehabilitation
- Victimized children or juveniles who have deviated from formal school education are referred to an education institution or alternative school.

3. Protection & support for victims of child or juvenile sexual abuse

2) Protection from criminal procedures

- **Accompaniment by a trusted person**

- A trusted person must accompany the victimized child or juvenile when the victim is questioned as a witness in a court or during investigations conducted by an investigative agency.

- **Video recording**

- Video recording of the testimony of the victimized child or juvenile is obligatory in order to prevent secondary damage.

3. Protection & support for victims of child or juvenile sexual abuse

2) Protection from criminal procedures

- **Right to legal assistance**

- If a prosecutor or police officer investigates the victimized child or juvenile, they are obligated to appear in front of an investigative agency and procedure in a public trial. In the event the victim is not represented by a lawyer, the victim may request for a public defender.

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In closing ...

Korea is committed to the establishment of policies to fundamentally prevent sexual offenses so that no more innocent young children and juveniles are sacrificed and will proactively cooperate with the requests of the international society.

Thank you