



# SOUTH KOREA

## COUNTRY OVERVIEW

*A report on the scale, scope and context of  
the sexual exploitation of children*



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# Acronyms

<b>ASEAN</b>	Association of South East Asian Nations
<b>CEDAW</b>	Convention on the Elimination of All Forms of Discrimination against Women
<b>CEFM</b>	Child, early and forced marriage
<b>CMR</b>	Country Monitoring Report
<b>CSAM/CSEM</b>	Child sexual abuse / exploitation material
<b>CRC</b>	Convention on the Rights of the Child
<b>CSEC</b>	Commercial sexual exploitation of children
<b>GDP</b>	Gross Domestic Product
<b>ICSE DB</b>	International Child Sexual Exploitation Database
<b>ILO</b>	International Labour Organisation
<b>INTERPOL</b>	International Criminal Police Organisation
<b>IOM</b>	International Organisation for Migration
<b>KCSC</b>	Korea Communications Standards Commission
<b>KOCCONET</b>	Korea Council of Children's Organisation
<b>MGEF</b>	Ministry of Gender Equality and Family
<b>NPA</b>	National Police Agency
<b>NGO</b>	Non-governmental organisation
<b>OCSE</b>	Online child sexual exploitation
<b>OECD</b>	Organisation for Economic Co-operation and Development
<b>OPSC</b>	Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography
<b>SAIEVAC</b>	South Asia Initiative to End Violence Against Children
<b>SDGs</b>	Sustainable Development Goals
<b>SEC</b>	Sexual exploitation of children
<b>SECTT</b>	Sexual exploitation of children in travel and tourism
<b>UNICEF</b>	United Nations Children's Fund
<b>UNODC</b>	United Nations Office on Drugs and Crime
<b>USFK</b>	United States Forces Korea
<b>UNWTO</b>	United Nations' World Tourism Organisation

# Preface

Over a decade since the publication of its first Country Monitoring Reports (CMRs) on Sexual Exploitation of Children, ECPAT International is sharpening its monitoring efforts in order to better address and represent the evolving incidence and existence of the sexual exploitation of children in the world today.

Recent years have seen some unprecedented opportunities that have embedded the child's right to protection from sexual exploitation more deeply into the global agenda, no more so than the global mandate to eliminate the sexual exploitation of children (SEC) enshrined in the Sustainable Development Goals (SDGs) adopted by world leaders in 2015. ECPAT International's decision to transform its Country Monitoring Reports into more concise and targeted ECPAT Country Overviews on SEC will ensure a more effective tool for advocacy at all levels and monitoring, including commitments made in the SDGs to end violence against children in all its different forms by 2030.

The report's structure aims at providing a comprehensive baseline of information on all manifestations of SEC in a country and an assessment of achievements and challenges in implementing counteractions - including the participation of children themselves - to eliminate SEC. They also suggest concrete priority actions urgently needed to proactively advance the national fight against SEC and enable the monitoring of the implementation of international instruments on child rights related to sexual exploitation that have been ratified by the State.

Furthermore, the ECPAT Country Overviews provide well-organised information and research, which can be used in preparing Alternative Reports and Additional Submissions to the Committee on the Rights of the Child and the Human Rights Council.

The preparation of this report is based on a review of the literature available on sexual exploitation. Drafts are shared with ECPAT members, relevant organisations, partners and local experts working on the ground who review the content and supplement the information with other local sources and analysis. ECPAT International greatly relies on the contributions of all those involved in producing these reports and would like to express its profound appreciation for their invaluable inputs.

This particular report addresses the different forms of sexual exploitation of children in South Korea. Children in South Korea are vulnerable to various forms of sexual exploitation including exploitation in prostitution, and online. Furthermore, South Korea is also a destination country for the trafficking of children for sexual purposes and there are cases of sexual exploitation of children in travel and tourism. While South Korea has sustained its efforts to address the issue of access to justice, it needs to improve child victims' and survivors' participation. It is worth mentioning that South Korea has recently submitted a Voluntary National Review Report on its progress and implementation towards achieving the Sustainable Development Goals.



## Executive Summary

The Republic of Korea (hereinafter South Korea) is a presidential democracy and is geographically located in East Asia. Children (persons under the age of 18 as defined by domestic law) represent around 17% of the population. Despite the devastation of the Korean War, South Korea is now the 11th largest economy in the world. Even though children generally enjoy high living standards, numerous factors may lead to their sexual exploitation.

South Korea accomplished a spectacular economic development and turned into a highly consumer-driven country. Children are heavily affected by consumerism and the pressure of money, which makes them vulnerable to **sexual exploitation in prostitution and online child sexual exploitation (OCSE)**. **Child sexual abuse/exploitation materials (CSAM/CSEM)** are produced not only by adults, but also self-produced by children who are very familiar with high technology. Although it is making efforts to eliminate the **sale and trafficking of children for sexual purposes**, South Korea is still considered a source, transit and destination country. In line with such a trend, the **sexual exploitation of children in travel and tourism (SECTT)** is a considerable problem, as South Korean nationals are one of the main sources of demand for SECTT in Asia. Furthermore, although cases of **child early and forced marriages (CEFM)** are almost non-existent in South Korea, some cases of international child marriage brokers have been revealed in recent years.

The South Korean government takes the eradication of SEC very seriously with strict and harsh punishments. It enacted the **Act on the Protection of Children and Juveniles against Sexual Abuse** to not only penalise SEC in

prostitution, but also OCSE. Although it enacted the **Act on the Punishment of Arrangement of Commercial Sex Acts** to criminalise the sale and trafficking of children for sexual purposes, South Korea does not have any explicit legislation regarding SECTT.

At the national level, **several pivotal bodies coordinate and design** both international and national policies on children and youth, such as the Ministry of Health and Welfare, the Ministry of Gender Equality and Family Affairs (MGEF), the Child Policy Coordination Committee and the National Human Rights Commissions. They adopted and formulated **several National Plans of Action and Measures**, which are rather broad, yet include SEC-related policies. Unfortunately, there is currently no comprehensive strategy, which solely focuses on SEC.

In terms of **preventive measures**, the government has established various programmes and entities. **The Korea Communications Standards Commission (KCSC)** accesses and orders the correction or deletion of harmful materials online for children and juveniles. Recognising that South Korea is a source of demand for SECTT, the police and the prosecutors organised a **joint investigation team** dispatched to many East Asian countries.

Several national laws and bodies allow **children's access to justice**. The Civil Act, the Civil Procedure Act, the Child Welfare Act, and the National Human Rights Commission uphold children's right to justice. However, despite such options, there is not yet a specialised juvenile court in place. Fortunately though, there are **several child-sensitive procedures**. Unfortunately, it appears that child victims are often denied the status of

victim and are frequently treated as offenders. In South Korea, **recovery and reintegration programmes** are provided for children through many institutions, such as the Korea Youth Counselling and Welfare Institute, the Sunflower Children Centres, and the Dream Centre. The Civil Act and the Crime Victim Protection Act both provide **compensation for victims of criminal offences, but neither are specifically targeted towards child victims of SEC.**

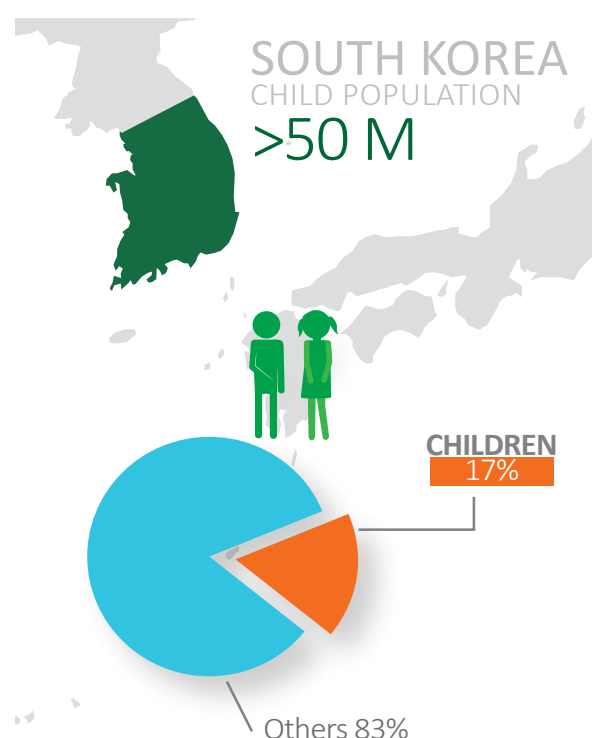
**Children's participation** in the country is integrated into many platforms and programmes. However, the latter mostly encourage the participation of children in general and not that of **child victims and survivors** in particular, which is something that should be addressed.

# Introduction

## COUNTRY OVERVIEW AND SPECIFIC VULNERABILITIES LEADING TO THE SEXUAL EXPLOITATION OF CHILDREN

South Korea is an East Asian country with a population of over 50 million inhabitants,<sup>1</sup> out of which 17% are children.<sup>2</sup> A presidential democracy, South Korea is a homogeneous country as nearly all of its population is of Korean origin.<sup>3</sup> Accordingly, its main language is Korean. Korea is not a religious country, as approximately 57% of the population does not have a stated religion.<sup>4</sup> Of those who are religious, various forms of Christianity are the most common.

According to the Child Welfare Act, a child is a person under 18.<sup>5</sup> However, this definition is not consistent in national legislation,<sup>6</sup> probably as a result of the unique Korean age system.<sup>7</sup> The age of marriage is 18,<sup>8</sup> but minors can get married with parental or guardian consent.<sup>9</sup> The age of



1 UNICEF (2017), "The State of the World's Children – Children in a Digital World", 176, accessed 27 March 2018, [https://www.unicef.org/publications/files/SOWC\\_2017\\_ENG\\_WEB.pdf](https://www.unicef.org/publications/files/SOWC_2017_ENG_WEB.pdf).

2 *Ibid.*

3 Central Intelligence Agency US (2017), "The World Fact Book: South Korea", accessed 17 October 2017, <https://www.cia.gov/library/publications/the-world-factbook/geos/ks.html>.

4 *Ibid.*

5 Child Welfare Act (1981), Article 3 "Definitions", accessed 18 October 2017, [https://elaw.klri.re.kr/kor\\_service/lawView.do?hseq=39028&lang=ENG](https://elaw.klri.re.kr/kor_service/lawView.do?hseq=39028&lang=ENG).

6 Under the Juvenile Act, a juvenile is a person under 19. Under the Civil Act, age of majority is set at 19. Under the Single Parent Family Support Act, a child is a person under 22, if enrolled in school. Under the same Act, an 'adolescent' single parent is someone under 24.

7 Generally, South Korea uses a chronological age system, which is two years ahead of the international age system. A baby is one-year-old upon birth and gains one year on the New Year's Day. For example, a baby is one-year-old when born on December 31 and will reach two years old the day after. Therefore, every person born on the same calendar year has the same age. The international age system is referred to 'man' age. (20 years old in Korean age is equivalent to 'man' 18 years old in international age).

8 Government of Korea (1958), "The Civil Act", Article 807 (Marriageable Age).

9 *Ibid.* Article 808 (Marriage Requiring Consent).

consent is 13,<sup>10</sup> one of the lowest in the world, which means that if a child over the age of 13 claims to have had a sexual activity with an adult in a consensual situation, there is no clear set standard for regulation, and the punishment is up to judges' discretion. Hence, in 2017, the Supreme Court found a 49-year-old man 'not guilty' of impregnating a 15-year-old girl, because the victim claimed that she loved the offender.<sup>11</sup>

In the 1960s, following the Korean War, South Korea was one of the poorest countries in the world. However, in just over one generation, it managed to become one of the wealthiest - a phenomenon known as the 'Miracle on the Han River'. In 2016, the country was the 11<sup>th</sup> biggest economy<sup>12</sup> with a GDP per capita of \$37,700;<sup>13</sup> and in 2015, its human development index ranked 18<sup>th</sup> in the world.<sup>14</sup>

The country's speedy development did not necessarily have a positive impact on children however. The government mainly focused its expenditure on state-building and development, and ultimately spent less than 1.5% of the country's GDP on Family and Child Welfare Policy.<sup>15</sup> Moreover, a study conducted by the Korean Ministry of Health, Welfare and Family Affairs indicated that children in Korea are the least happy children among OECD<sup>16</sup> members.<sup>17</sup> According to

Statistics Korea, the leading cause of death among youth (9-24 years old) from 2007 to 2015 (latest available data) was intentional self-harm and suicide.<sup>18</sup>

South Korea is well-known for its advanced education system. In 2016, primary school enrolment rates reached 98%.<sup>19</sup> However, the school environment in Korea can be fierce and the objective for many students is to enter a good university in order to obtain a 'decent paying job'. There is a popular saying in Korea that says, "If you sleep three hours, you may go to top universities, if you sleep four hours, you end up going to bad universities, and if you sleep more than five hours, forget about getting into any".<sup>20</sup> The stress and pressure that Korean children experience may be a factor increasing their vulnerability to sexual exploitation.

However, endless competition and consumerism are not the only potential factors leading to the sexual exploitation of children. Other factors include violence in school, such as bullying and sexual harassment. School bullying in South Korea has a long history.<sup>21</sup> The causes of bullying in school stem from the competitive environment and the culture of collectivism,<sup>22</sup> with many cases gaining the public's attention in recent years. What is problematic is that a vast number of bullying

- 10 Government of Korea (1953), "Criminal Act", Article 305 (Sexual Intercourse or Indecent Acts with Minor), accessed 18 October 2017, [https://elaw.klri.re.kr/kor\\_service/lawView.do?hseq=40950&lang=ENG](https://elaw.klri.re.kr/kor_service/lawView.do?hseq=40950&lang=ENG). A petition to increase the age of consent from 13 to 16 was submitted in 2012 to the National Assembly, but it was repealed.
- 11 MBN News (2017), "A head of an entertainment company sentenced 'innocent' for having a junior high school girl pregnant, what is grooming?", last modified 17 November 2017, accessed 17 November 2017, [http://mbn.mk.co.kr/pages/news/newsView.php?category=mbn00009&news\\_seq\\_no=3384483](http://mbn.mk.co.kr/pages/news/newsView.php?category=mbn00009&news_seq_no=3384483). (available in Korean)
- 12 World Bank (2016), "Gross Domestic Product 2016", World Development Indicators database, accessed 17 October 2017, <http://databank.worldbank.org/data/download/GDP.pdf>.
- 13 Central Intelligence Agency US (2017), "The World Fact Book".
- 14 United Nations Development Programme (2015), "Human Development Data", accessed 17 October 2017, <http://hdr.undp.org/en/data>.
- 15 Lee, Bong Ju (2017), "Government Budget Expansion for Child Welfare", *Kyunghyang Shinmun*, 28 February 2017, accessed 17 October 2017, [http://news.khan.co.kr/kh\\_news/khan\\_art\\_view.html?artid=201702282035025&code=990304](http://news.khan.co.kr/kh_news/khan_art_view.html?artid=201702282035025&code=990304) (available in Korean).
- 16 The OECD is an inter-governmental organisation with an official United Nations Observer status, established in 1960 and promoting economic development and world trade.
- 17 Park, Ju-Min (2014), "South Korean children finish last in happiness survey", Reuters, 4 November 2014, accessed 17 October 2017, <https://www.reuters.com/article/us-southkorea-children/south-korean-children-finish-last-in-happiness-survey-idUSKBN0IO00A20141104>.
- 18 Statistics Korea (2017), "Statistics on Youth", accessed 17 October 2017, <http://kostat.go.kr/portal/eng/pressReleases/13/3/index.board?bmode=read&bSeq=&aSeq=361664&pageNo=1&rowNum=10&navCount=10&currPg=&sTarget=title&sTxt>.
- 19 UNICEF (2017), "The State of the World's Children – Children in a Digital World", p. 156.
- 20 Ling Kwan (2017), "Depressed South Korean Student Reveals Why He Wants to Commit Suicide", *World of Buzz*, 12 June 2017, accessed 17 October 2017, <http://www.worldofbuzz.com/depressed-south-korean-student-reveals-wants-commit-suicide/>.
- 21 Saint Martin, Marlene (2016), "Bullying in South Korea: A Long-Lasting Burden to Carry", *Chicago Policy Review*, 13 May 2016, accessed 18 October 2017, <http://chicagopolicyreview.org/2016/05/13/bullying-in-south-korea-a-long-lasting-burden-to-carry/>.
- 22 No Bullying (2016), "Bullying in South Korea: The Why and the How", accessed 18 October 2017, <https://nobullying.com/bullying-in-south-korea/>.



cases are also linked to sexual harassment.<sup>23</sup> The School Violence Measures Committee of the Ministry of Education of Korea conducted a research on the phenomenon, and found that the number of reported cases of sexual harassment 'between classmates', tripled from 642 in 2012, to 1,842 in 2015. The research also found that 70.7% of school-based sexual harassment is from classmates.<sup>24</sup> As the research suggests, South Korean children may become more exposed and familiar to sexual violence, which could then lead to them being sexually exploited. While not necessarily transactional, new forms of image-based sexual harassment, including image-based 'sexual extortion' could also be viewed as sexual exploitation.

South Korea is a very conservative and Confucian country. However, the family structure is changing in a way that profoundly affects children. Statistics indicated 107,328 instances of divorce in 2016, and 52,800 cases in the first half of 2017.<sup>25</sup> While divorce does not always negatively affect children, changing family structures can lead to increased tension between parents and children, with evidence suggesting children may be more prone to run away from their homes.<sup>26</sup> Once children stop receiving support or protection from their home and school, they may become targets for sexual exploitation. Indeed, local media reports increasing number of runaway teens may be exploited in the sex trade.<sup>27</sup> A survey conducted in 2016 by the National Human Rights Commission of the Republic of Korea of young victims, shelter workers, police and juvenile justice workers indicated that many children who run away end up

## IN 2017 AN INCREASING NUMBER OF RUNAWAY TEENS MAY BE EXPLOITED IN THE SEX TRADE



in the sex trade.<sup>28</sup> In 2017, the Seoul government, with the help of a special report team from Sky Daily, discovered that more runaway children are entering the sex trade as a means of survival.<sup>29</sup>

23 Son, Ji-young (2015), "Massive school sexual harassment under probe", *The Korea Herald*, last modified 31 July 2015, accessed 18 October 2017, <http://www.worldaffairsjournal.org/content/school-sexual-harassment-scandal-under-investigation-south-korea>.

24 Webdesk (2017), "School sexual violence surge, victims are primary school students and the same classmates", *YTN News*, 24 February 2017, accessed 18 October 2017, [http://ytn.co.kr/\\_ln/0103\\_201702241021213671](http://ytn.co.kr/_ln/0103_201702241021213671). (available in Korean); Government of Korea, Ministry of Education (2017), "Survey on violence in schools", accessed 18 October 2017, <http://www.moe.go.kr/boardCnts/view.do?boardID=294&boardSeq=71579&lev=0&searchType=null&statusYN=W&page=1&s=moe&m=0503&opType=N>. (available in Korean).

25 Statistics Korea (2017), "Monthly, quarterly and annual population trends (birth, death, marriage and divorce statistics), Domestic Statistics", accessed 19 October 2017, [http://kosis.kr/statisticsList/statisticsList\\_01List.jsp?vwcd=MT\\_ZTITLE&parmTabId=M\\_01\\_01#SubCont](http://kosis.kr/statisticsList/statisticsList_01List.jsp?vwcd=MT_ZTITLE&parmTabId=M_01_01#SubCont).

26 Statistics Korea (2017), "Statistics on Youth".

27 Lee, Claire (2015), "More teenagers involved in sex Trade", *The Korea Herald*, 20 April 2015, accessed 19 October 2017, <http://www.koreaherald.com/view.php?ud=20150420000470>.

28 The National Human Rights Commission (2016), "Research on the circumstance of child/juvenile sex trade and human rights", (XV), p 29, accessed 27 October 2017, <http://www.humanrights.go.kr/ezpdf/customLayout.sp?encdata=0D7B46D1D35E32531C97F3A723AB28689C3721EE62B784ED42C56510A003811E617EAD152899E52852CB5F486516C2B1F17F9E59C48C68DA6FE55F8A54C867401FB1201771C712189362BE6DEE07078DC71C40E7E4D7377B346DDB5C619160D2CD7A56E9F1603FCDC8A80A57B515CD24EA6F7ABE99ACCCD541B85B005FD87DDACF15A70C5A7D9F848BE19BF6FD4057A485B00F5FD41B0997C#>. (available in Korean)

29 Webdesk (2017), "Focus on issue, lock up, assault, forced prostitution on 'runaway fam'", *Sky Daily*, 22 May 2017, accessed 19 October 2017, [http://www.skyedaily.com/news/news\\_view.html?ID=61542](http://www.skyedaily.com/news/news_view.html?ID=61542). (available in Korean)

# The Context of the Sexual Exploitation of Children in South Korea

## EXPLOITATION OF CHILDREN IN PROSTITUTION<sup>30</sup>

Article 2 (b) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OPSC) defines 'child prostitution' as "the use of a child in sexual activities for remuneration or any other form of consideration".<sup>31</sup>

According to Target 16.2<sup>32</sup> of the Sustainable Development Goals (SDGs), all types of sexual exploitation should be eradicated.

All forms of prostitution are illegal in Korea. Upon the enactment of the Prevention of Prostitution Act in 2004,<sup>33</sup> there was a massive crackdown on brothels and the industry quickly went underground, which made it more difficult to eradicate.<sup>34</sup> Nowadays, it is presumed to have spread into a variety of forms and establishments, such as bars, karaokes, barbershops, massage parlours, salons, kiss rooms, daedal rooms,<sup>35</sup> window rooms,<sup>36</sup> sitting cushion rooms,<sup>37</sup> ear-picking rooms,<sup>38</sup> officetels,<sup>39</sup> delivery, inn, love motels, *wonjo gyoje*,<sup>40</sup> etc.<sup>41</sup>

The most common manifestation of the exploitation of children in prostitution is found in *jogeon mannam*. This is a newly coined term that roughly translates to 'dating on a condition'. According to a survey of 198 respondents who had run away or been involved in the sex trade, 61.8%

30 ECPAT prefers the term 'exploitation of children in prostitution' instead of 'child prostitution' in line with the recently widely adopted Terminology Guidelines. Interagency Working Group on Sexual Exploitation of Children (2016), "Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse" (hereinafter Terminology Guidelines) adopted in Luxembourg, 28 January 2016, 30, accessed 7 March 2018, <http://luxembourgguidelines.org/>.

31 UN General Assembly (2000), "Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography" (hereinafter OPSC), A/RES/54/263, 25 May 2000, entered into force on 18 January 2002, Article 2(b), accessed 7 March 2018, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/OPSCCRC.aspx>.

32 Target 16.2: "End abuse, exploitation, trafficking and all forms of violence against and torture of children".

33 The Act is now repealed by the Act on the Punishment of Arrangement of Commercial Sex Acts, Etc.

34 Kang, Yewon (2014), "South Korea's Sex Industry Thrives Underground a Decade After Crackdown", *The Wall Street Journal*, 20 November 2014, accessed 19 October 2017, <https://blogs.wsj.com/korearealtime/2014/11/28/south-koreas-sex-industry-thrives-underground-a-decade-after-crackdown/>.

35 'Daeddal' roughly means being masturbated by someone else.

36 'Window room' is an establishment somewhat similar to the ones found in red light districts, where customers pick up girls standing behind glass windows.

37 A 'sitting cushion room' is where a customer sits with a prostitute and receives oral sex.

38 An 'ear-picking room', as the name implies, is where a customer's ears are picked usually by topless girls.

39 Officetel is an establishment set up as a private studio apartment where prostitutes treat customers as their boyfriends and offer sexual activities.

40 *Wonjo gyoje* or compensated dating originally comes from Japan's *enjo kosai*. The practice involves older men offering money or equivalent items to young girls in return for companionship.

41 Human Rights Council (2016), "Report of the Special Rapporteur on the sale of children and sexual exploitation on her visit to Japan", 3 March 2016, A/HRC/31/58/Add.1, para 9, p 4, accessed 19 October 2017, [http://spinternet.ohchr.org/\\_Layouts/SpecialProceduresInternet/Download.aspx?SymbolNo=A%2fHRC%2f31%2f58%2fAdd.1&Lang=en](http://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/Download.aspx?SymbolNo=A%2fHRC%2f31%2f58%2fAdd.1&Lang=en).

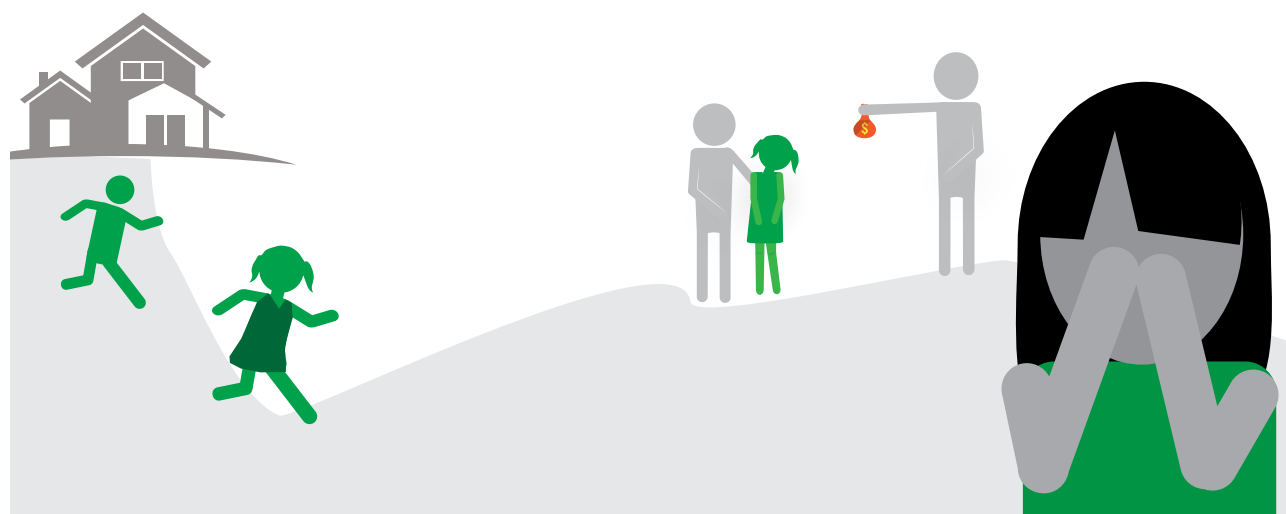
had engaged in *jogeon mannam*.<sup>42</sup> They are mostly arranged through online networking websites or chat applications. 87.9% of children who have engaged in *jogeon mannam* received money in return and 39.3% received items they desired.<sup>43</sup> The same survey revealed that 84.4% of children who experienced sexual exploitation also had runaway experiences. Furthermore, 48.6% replied that they entered the sex trade as a means to earn money for survival.<sup>44</sup> However, cultural norms prevent them from getting proper protection, as children do not want others to know about it. They believe they will be punished for their actions, even though Korean laws do not take

punitive approaches against minors involved in prostitution.<sup>45</sup>

According to the Korean National Police Agency, in 2016, 77 cases of juvenile boys (i.e. under the age of 19) and 1,811 cases of juvenile girls being raped were reported. These included 11 girls younger than six being raped.<sup>46</sup> Furthermore, 402 juvenile boys and 4,651 juvenile girls were victims of forced indecent acts with 22 boys and 132 girls being younger than six.<sup>47</sup> Recent statistics on the number of arrests regarding sex crimes against children and juveniles are summarised in the table below:

	Rape of juveniles	Rape of children under 13	Forcing juvenile to do indecent acts	Forcing children below 13 to do indecent acts	Juvenile forced prostitution	Purchasing children for sex	Selling children for sex	Intermediaries involved in exploitation of children in prostitution
2014 <sup>48</sup>	722	77	1,624	734	49	211	11	66
2015 <sup>49</sup>	677	82	1,453	770	59	169	10	59
2016 <sup>50</sup>	639	87	1,515	737	63	239	6	87

Sources from the National Police Agency



42 Government of Korea, Ministry of Gender Equality and Family (2017), "Survey on sex trade 2016".

43 *Ibid.*

44 *Ibid.*

45 *Ibid.*

46 Korean National Police Agency (2016), "Analysis on crimes 2016", p 63, accessed 20 October 2017, [http://www.police.go.kr/files/infodata/200197/2016/2016\\_02\\_4.pdf](http://www.police.go.kr/files/infodata/200197/2016/2016_02_4.pdf). (available in Korean)

47 *Ibid.* p 72.

48 Korean National Police Agency (2014), "Crime and Arrest Status", accessed 20 October 2017, [http://www.police.go.kr/files/infodata/200197/2014/2014\\_03\\_1.pdf](http://www.police.go.kr/files/infodata/200197/2014/2014_03_1.pdf). (available in Korean)

49 *Ibid.* (2015) accessed 20 October 2017, [http://www.police.go.kr/files/infodata/200197/2015/2015\\_03\\_1.PDF](http://www.police.go.kr/files/infodata/200197/2015/2015_03_1.PDF). (available in Korean)

50 *Ibid.* (2016) accessed 20 October 2017, [http://www.police.go.kr/files/infodata/200197/2016/2016\\_03\\_1.pdf](http://www.police.go.kr/files/infodata/200197/2016/2016_03_1.pdf). (available in Korean)

## ONLINE CHILD SEXUAL EXPLOITATION (OCSE)

Online child sexual exploitation (OCSE) can include child sexual abuse material (CSAM),<sup>51</sup> live streaming of child sexual abuse, online grooming of children for sexual purposes, sexual extortion of children and various CSAM-related conducts (production, distribution, downloading).<sup>52</sup> Article 2 (c) of the OPSC defines ‘child pornography’ as “any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes”.<sup>53</sup>

South Korea is known as a world leader in the Internet industry, with nearly universal Internet access, and the fastest Internet speed in the world.<sup>54</sup> As the World Bank and governmental data show, 83% of the population lives in urban areas<sup>55</sup> and has fibre-optic cables dating back from the 90s.<sup>56</sup> 99.5% of households have access to the Internet.<sup>57</sup> In 2017, there were 122.651 mobile phones per 100 population.<sup>58</sup> A study in 2016 found that 72% of children aged 11 or 12 own a smartphone,<sup>59</sup> and 60.8% of children under nine are using smartphones.<sup>60</sup> National statistics also indicate that 27.6% of middle and high school children were accessing harmful materials.<sup>61</sup>

# 60.8%

OF CHILDREN UNDER NINE ARE USING SMARTPHONES



In 2017, according to the report by the Ministry of Science and ICT, 100% of children in South Korea had access to the Internet.<sup>62</sup> A worrying trend is the involvement of children in uploading and distributing CSAM/CSEM. In 2014, the Seoul

51 ECPAT prefers the terms ‘child sexual exploitation material’ or ‘child sexual abuse material’, but in a legal context still uses ‘child pornography’ in line with the recently widely adopted Terminology Guidelines, 40.

52 ECPAT, “Issues we work on”, accessed 23 March 2018, <http://www.ecpat.org/issues-we-work-on/ending-sexual-exploitation-of-children-online/>.

53 OPSC, Article 2(c).

54 Webdesk (2017), “S. Korea has fastest internet speed in the world, PH slowest”, *Inquirer*, 20 May 2017, accessed 24 October 2017, <http://technology.inquirer.net/62890/s-korea-fastest-internet-speed-world-ph-slowest>.

55 The World Bank (2016), “Urban population (% of total)”, accessed 19 October 2017, <https://data.worldbank.org/indicator/SP.URB.TOTL.IN.ZS?locations=KR>.

56 Herz, J. C. (2002), “The Bandwidth Capital of the World”, *Wired*, 08 January 2002, accessed 24 October 2017, <https://www.wired.com/2002/08/korea/>.

57 Government of Korea, The Ministry of Science and ICT (2018), “2017 Report on Internet Usage”, accessed 15 February 2018, <http://www.msip.go.kr/web/msipContents/contentsView.do?catId=mssw311&artId=1374306>. (available in Korean)

58 World Bank (2016), “Mobile cellular subscriptions per 100 people”, accessed 19 October 2017, <https://data.worldbank.org/indicator/IT.CEL.SETS.P2?locations=KR>.

59 Chen, Heather (2015), “Asia’s smartphone addiction”, BBC News, 7 September 2015, accessed 19 October 2017, <http://www.bbc.com/news/world-asia-33130567>.

60 The Ministry of Science and ICT (2017), “2016 Report on Internet Usage”, p 28, accessed 24 October 2017, [http://www.msit.go.kr/cms/www/m\\_con/stats/\\_icsFiles/afiedfile/2017/03/16/2016%20%EC%9D%B8%ED%84%B0%EB%84%B7%EC%9D%B4%EC%9A%A9%EC%8B%A4%ED%83%9C%EC%A1%B0%EC%82%AC%20%EC%B5%9C%EC%A2%85%EB%B3%B4%EA%B3%A0%EC%84%9C.pdf](http://www.msit.go.kr/cms/www/m_con/stats/_icsFiles/afiedfile/2017/03/16/2016%20%EC%9D%B8%ED%84%B0%EB%84%B7%EC%9D%B4%EC%9A%A9%EC%8B%A4%ED%83%9C%EC%A1%B0%EC%82%AC%20%EC%B5%9C%EC%A2%85%EB%B3%B4%EA%B3%A0%EC%84%9C.pdf).

61 Statistics Korea (2017), “Statistics on Youth”.

62 The Ministry of Science and ICT (2017), “2016 Report on Internet Usage”, p 28.



Metropolitan Agency reported they had identified 117 Korean perpetrators who had uploaded or distributed CSAM/CSEM. 51% of those perpetrators were children and 28% were primary school children.<sup>63</sup>

According to the National Policy Agency (NPA), opened police cases of the production and possession of CSAM/CSEM dramatically increased nationally from 693 in 2014, to 1,198 in 2016,<sup>64</sup> child victims numbered as many as 1,973 in 2016 alone,<sup>65</sup> and 35% of all obscene cybercrimes were related to OCSE.<sup>66</sup> In 2017, the owner of one of the biggest websites containing CSAM/CSEM in South Korea was arrested. The website had its server in the United States, and uploaded over 460,000 CSAM/CSEM for 1.21 million members.<sup>67</sup> In 2017, a South Korean was imprisoned for bringing CSAM/CSEM into Canada<sup>68</sup> and the NPA of Japan arrested four South Korean nationals who sold CSAM/CSEM, such as DVDs, online.<sup>69</sup> The phenomenon is thus a huge problem in the country and children are being exploited online and/or exposed to CSAM/CSEM. Furthermore, according to a survey on sex trade conducted by the Minister of Gender Equality and Family, nearly 75% of adolescent respondents met perpetrators via online methods.<sup>70</sup>

Interestingly, the country is also notorious for media/Internet censorship. In 2017, it was ranked 63 out of 180 countries for press freedom.<sup>71</sup> The strict censorship can be interpreted positively as it attempts to regulate, monitor and track down harmful content, including CSAM/CSEM.<sup>72</sup> However, nowadays in South Korea, an online lawless zone known as 'Deep Web'<sup>73</sup> can be accessed, with numerous child sexual abuse materials. The Cybercrime Division explained that the IP address detours three times, which makes it almost impossible to investigate online CSAM/CSEM in the deep web.<sup>74</sup>

Online chatting and social network applications, like 'Kakao Talk', are reportedly used in South Korea to circulate CSAM/CSEM online. In 2015, the former president of Kakao Talk was indicted on the charge of not taking sufficient measures to prevent the circulation of CSAM/CSEM.<sup>75</sup> This is of particular concern because 99.2% of children are using Kakao Talk as a mobile messenger in South Korea.<sup>76</sup>

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- 63 Webdesk (2014), "Sexting, sharing nudity and unrestricted sexuality of primary school students", *Yonhap News*, 30 October 2014, accessed 24 October 2017, [http://www.ytn.co.kr/\\_ln/0103\\_201410301536486269\\_005](http://www.ytn.co.kr/_ln/0103_201410301536486269_005). (available in Korean)
- 64 Bak, Se-hwan (2017), "3 child molestation cases reported per day in S. Korea", *The Korea Herald*, 1 September 2017, accessed 24 October 2017, <http://www.koreaherald.com/view.php?ud=20170901000651>.
- 65 National Police Agency (2017), "Database on victims disaggregated by sex and age", accessed 24 October 2017, [http://stat.kosis.kr/statHtml\\_host/statHtml.do?orgId=132&tblId=DT\\_13204\\_501&dbUser=NSI\\_IN\\_132](http://stat.kosis.kr/statHtml_host/statHtml.do?orgId=132&tblId=DT_13204_501&dbUser=NSI_IN_132).
- 66 Kim Myung Jin (2017), "The number of OSCE crimes, nearly 2,500 cases in three years", *Chosun Media*, 14 October 2017, accessed 27 October 2017, [http://news.chosun.com/site/data/html\\_dir/2017/10/14/2017101400892.html](http://news.chosun.com/site/data/html_dir/2017/10/14/2017101400892.html). (available in Korean); also see for 2014 data [http://www.police.go.kr/files/infodata/200197/2014/2014\\_03\\_1.pdf](http://www.police.go.kr/files/infodata/200197/2014/2014_03_1.pdf). (available in Korea); For 2015 data [http://www.police.go.kr/files/infodata/200197/2015/2015\\_03\\_1.PDF](http://www.police.go.kr/files/infodata/200197/2015/2015_03_1.PDF). (available in Korean); For 2016 data [http://www.police.go.kr/files/infodata/200197/2016/2016\\_03\\_1.pdf](http://www.police.go.kr/files/infodata/200197/2016/2016_03_1.pdf). (available in Korean).
- 67 Webdesk (2017), "The owner of the 2<sup>nd</sup> Sora Net, consisting 1.21 members, was caught", *Yonhap News*, 16 May 2017, accessed 27 October 2017, <http://www.yonhapnews.co.kr/bulletin/2017/05/16/0200000000AKR20170516062100061.HTML?input=1195m>. (available in Korean)
- 68 Jung Min-ho (2017), "Korean jailed for brining child porn to Canada", *The Korea Times*, 31 July 2017, accessed 27 October 2017, [http://www.koreatimes.co.kr/www/news/nation/2017/08/120\\_233905.html](http://www.koreatimes.co.kr/www/news/nation/2017/08/120_233905.html).
- 69 Webdesk (2017), "Korean men earning 2.6 billion won by selling 'child pornography' in Japan", *Yonhap News*, 13 August 2017, accessed 27 October 2017, [http://www.ytn.co.kr/\\_ln/0104\\_201708131130068653](http://www.ytn.co.kr/_ln/0104_201708131130068653). (available in Korean)
- 70 Ministry of Gender Equality and Family (2017), "Survey on sex trade 2016".
- 71 Reporters without Borders (2017), "2017 World Press Freedom Index", accessed 24 October 2017, <https://rsf.org/en/ranking#>.
- 72 See e.g. Webdesk. (2014), "Why South Korea is really an internet dinosaur", *The Economist*, 10 February 2014, accessed 24 October 2017, <https://www.economist.com/blogs/economist-explains/2014/02/economist-explains-3>.
- 73 This website cannot be accessed through Internet Explorer nor Chrome, but with specific browser.
- 74 Munwha, Ilbo (2016), "Massive child porn, online underground world 'Deep Web'", 2 May 2016, accessed 27 October 2017, <http://www.munhwa.com/news/view.html?no=2016050201071121313001>. (available in Korean)
- 75 Tucci, Sherry (2015), "Child pornography indictment stuns Korea's most popular messaging app", *Dailydot*, 2 November 2015, accessed 24 October 2017, <https://www.dailydot.com/debug/korean-chat-app-under-fire-for-child-pornography-charges/>.
- 76 The Ministry of Science and ICT (2017), "Report on Internet Usage 2016", p 74.

## SALE AND TRAFFICKING OF CHILDREN FOR SEXUAL PURPOSES

Other social network applications used to share illegal content are Tistory, Naver Blogs, Twitter, Line, Ranchat and Tumblr. In 2016, 58% (47,480 cases) of obscene and sexual contents blocked or deleted by the Korean Communications Standards Commission were from Tumblr.<sup>77</sup> The latter is fast becoming a 'safe haven' for the exchange, distribution and viewing of CSAM/CSEM in South Korea since it does not ask for any adult verification, and does not contain detailed user information. The Commission has officially sent an email to Tumblr in August 2017 to request participation in a "self-regulating coordination system". However, Tumblr rejected the request and stated that "Tumblr is not regulated by Korea's law system, nor by its jurisdiction".<sup>78</sup>

Other worrisome trends are sexual extortion and revenge pornography. Sexual extortion, also called 'sextortion', is the blackmailing of a person with self-generated images, in order to extort sexual favours, money, or other benefits under the threat of sharing the material without the person's consent.<sup>79</sup> Revenge pornography refers to posting/distributing sexually explicit videos/images of an individual online, without his/her consent, as a way of harassing, blackmailing and defaming him/her.<sup>80</sup> The government recently cracked down on online sex crimes, and declared that 'revenge porn' offenders should be subjected to tougher punishments.<sup>81</sup> It was reported by the Chief Executive Officer of Santa Cruise<sup>82</sup> that most offenders in South Korea are teenage boys.<sup>83</sup>

The Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol), defines 'trafficking in persons' as "the recruitment, transportation, transfer, harbouring 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. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs".<sup>84</sup>

In case of child victims, Article 3(c) specifies that "the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered 'trafficking in persons' even if it does not involve any of the means stipulated in Article 3 (a)".<sup>85</sup> In other words, the Protocol recognises that children can never be willing participants to their own exploitation.

77 Webdesk (2017), "Porn Kingdom Tumblr rejecting self-regulation", The Korea Herald, 25 September 2017, accessed 24 October 2017, <http://www.koreaherald.com/view.php?ud=20170925000673&kr=1>. (available in Korean)

78 *Ibid.*

79 Terminology guidelines, 52..

80 Human Rights Council (2016), "Report of the Special Rapporteur on the sale and sexual exploitation of children on her visit to Japan", p. 5, para. 16, accessed 24 October 2017, [http://spinternet.ohchr.org/\\_Layouts/SpecialProceduresInternet/Download.aspx?SymbolNo=A%2fHRC%2f31%2f58%2fAdd.1&Lang=en](http://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/Download.aspx?SymbolNo=A%2fHRC%2f31%2f58%2fAdd.1&Lang=en).

81 Choi, He-suk (2017), "Korea fights back against 'revenge porn' digital sex crimes", The Korea Herald, 26 September 2017, accessed 24 October 2017, <http://www.koreaherald.com/view.php?ud=20170926000815>.

82 Santa Cruise is a company in South Korea that analyses and deletes unwanted personal online/media contents upon requests. More information available in Korean at <http://santacruise.co.kr/rb/?r=home>.

83 Webdesk (2017), "South Korea's 'digital laundry' industry fighting revenge porn one hi-tech sex crime at a time", *South China Morning Post*, 13 October 2017, accessed 24 October 2017, <http://www.scmp.com/news/asia/east-asia/article/2115260/south-koreas-digital-laundry-industry-fighting-revenge-porn-one>.

84 UN General Assembly (2000), "United Nations Convention against Transnational Organized Crime, Annex 2: Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime" (hereinafter Palermo Protocol), Res. 55/25 of 15 November 2000, Article 3 (a), accessed 7 March 2018, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/ProtocolTraffickingInPersons.aspx>.

85 Palermo Protocol, Article 3 (c).

For its part, the OPSC is dealing with the 'sale of children', defined as "any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration".<sup>86</sup>

Both concepts are often used in conjunction and without any clear distinction. However, despite a certain overlap, 'sale of children' is not identical to 'trafficking'. The 'sale of children' always involves some form of commercial transaction, which trafficking in children does not require, but does not necessarily include the purpose of exploiting a child (e.g. sale of children for illegal adoption). Therefore, 'sale of children' is not necessarily related to sexual abuse and sexual or other forms of exploitation. Lastly, the 'sale of children' can take place without physically moving the child out of his/her social environment, whereas trafficking inherently depends on the movement of the child.<sup>87</sup>

The issues of sale and trafficking of children for sexual purposes are contentious and sensitive in South Korea. During World War II, the Japanese government trafficked young girls and women from its occupied countries, particularly South Korea. Girls trafficked to Japan were as young as 10.<sup>88</sup> In 2016, the Japanese government apologised, but did not confirm 'forceful taking away'.<sup>89</sup> As a result, remaining survivors and NGOs are criticising the Japanese government harshly and the matter is still a source of tension between the two countries. Another child sex trafficking issue in South Korea stems from the United States

Forces Korea's (USFK) presence in the territory since the end of the Korean War. Incidents of sexual trafficking became serious following the USFK's deployment, and a regional report revealed in 2016 that foreign women and girls were being trafficked to perform services for the USFK.<sup>90</sup>

South Korea is continuing its serious and sustained efforts to eliminate human trafficking so that it fully meets the U.S. Department of State's 'minimum standards for the elimination of trafficking, accordingly, South Korea has remained on Tier 1<sup>91</sup> for 16 consecutive years (since 2002).<sup>92</sup> However, Tier 1 does not indicate whether there is a problem with human trafficking. It merely states that the country reaches the minimum requirements. As already stated, runaway children are particularly vulnerable to trafficking for sexual exploitation and the U.S. Department of State stated in its report that children are vulnerable to sex trafficking through online recruitment with runaway girls engaging in sexual exploitation in order to survive.<sup>93</sup> Even though the National Human Rights Commission proposed improved sex trafficking victim identification guidelines in 2016 (such as improved victim protection schemes), the government has not updated the 2013 guidelines. Therefore, there is an urgent need to collect information, including statistics and data, pertaining to child victims of sexual trafficking, disaggregated by age.

According to Target 8.7<sup>94</sup> of the SDGs, the government has to take immediate and effective measures to eradicate human trafficking. However, it appears that many investigated and prosecuted cases do not result in actual convictions in South Korea. 64 offenders in 2015 and 213 offenders in 2016 were convicted.<sup>95</sup>

86 OPSC, Article 2 (b).

87 Terminology Guidelines, 58.

88 Radhika Sanghani (2015). "The horrific story of Korea's comfort women-forced to be sex slaves during World War Two", *The Telegraph*, 29 December 2015, accessed 8 November 2017, <http://www.telegraph.co.uk/women/life/the-horrific-story-of-koreas-comfort-women---forced-to-be-sex-sl/amp/>.

89 CEDAW (2016), "Summary of remarks by Mr. Shinsuke Sugiyama, Deputy Minister for Foreign Affairs in the Question and Answer session", accessed 8 November 2017, <http://www.mofa.go.jp/files/000140100.pdf>.

90 ECPAT International (2016), "Global Study on Sexual Exploitation in Travel and Tourism, Regional Report, East Asia", p 35, accessed 13 November 2017, [http://www.ecpat.org/wp-content/uploads/2016/10/SECTT\\_Region-EASTASIA.pdf](http://www.ecpat.org/wp-content/uploads/2016/10/SECTT_Region-EASTASIA.pdf).

91 The U.S. Department of State places each country in its reports onto one of four tiers, as mandated by the Trafficking Victims Protection Act of 2000 (TVPA). The analyses are based on the extent of governments' efforts measured against the TVPA's minimum standards for the elimination of human trafficking, which are generally consistent with the Palermo Protocol. The governments of countries that fully meet the TVPA's minimum standards for the elimination of trafficking are ranked Tier 1.

92 US Department of State (2017), "Trafficking in Persons Report 2017", p 236.

93 US Department of State (2017), "Trafficking in Persons Report 2017", p 237, accessed 8 November 2017, <https://www.state.gov/documents/organization/271339.pdf>.

94 Target 8.7: "Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms".

95 US Department of State (2017), "Trafficking in Persons Report 2017", p 237.

The CRC Committee has expressed concern over the “low rates of prosecution for sexual exploitation of children”<sup>96</sup> and the “low rate of conviction of traffickers”.<sup>97</sup> The Committee on Economic, Social and Cultural Rights was also concerned that “a large number of women and children are trafficked for sexual exploitation along with a low rate of prosecution and conviction of traffickers”.<sup>98</sup> This may partly be explained by a lack of understanding and sensitivity among relevant law enforcement officers of ‘human trafficking’.<sup>99</sup>

## SEXUAL EXPLOITATION IN TRAVEL AND TOURISM (SECTT)

The sexual exploitation of children in travel and tourism (SECTT) is defined as any “acts of sexual exploitation embedded in a context of travel, tourism, or both”.<sup>100</sup> The UNWTO Framework Convention on Tourism Ethics recognises that the exploitation of children conflicts with the fundamental aims of tourism and should be strongly combated with the cooperation of all the States concerned.<sup>101</sup>



South Korea has a long history of sexual exploitation of children in travel and tourism. During the 1970s, Japanese tourists began to schedule sex parties itineraries throughout East Asia, and particularly South Korea.<sup>102</sup> Trips were organised to party with ‘*kisaengs*’, Korean female artists who worked as entertainers. Most *kisaengs* were very young and their careers peaked at 16 or 17.<sup>103</sup> By the end of the 1970s, more than 650,000 Japanese nationals travelled to Korea annually, and 80% of them met with *kisaeng*.<sup>104</sup> It became so popular that even a national airline, Japan Airlines, recommended *kisaeng* parties to tourists.<sup>105</sup>

At the start of the millenium, demand was evident from South Korea particularly travelling nationals. The issue was publicly recognised in the Pacific island of Kiribati, where Korean sailors were reported to have sexually exploited children.<sup>106</sup> Other incidences include Korean men travelling to the Philippines for sex, which led to the

96 Committee on the Rights of the Child (2012), “Concluding observations on the Report submitted by the Republic of Korea under Article 44 of the Convention”, para 72 (b).

97 *Ibid.* para 74.

98 Committee on Economic, Social and Cultural Rights (2012), “Concluding observations on the Report submitted by the Republic of Korea under articles 16 and 17”, E/C.12/KOR/CO/3, p.7, para. 25, accessed 21 November 2017, [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolNo=E/C.12/KOR/CO/3&Lang=En](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolNo=E/C.12/KOR/CO/3&Lang=En).

99 *Ibid.*

100 ECPAT International jointly with Defence for Children-ECPAT Netherlands (2016), “Offenders on the Move: Global Study on Sexual Exploitation of Children in Travel and Tourism” (hereinafter Global study on SECTT), accessed 7 March 2018, <http://globalstudysectt.org/global-report/>.

101 UNWTO (2017), “Consideration, approval or adoption of the UNWTO Framework Convention on Tourism Ethics”, Article 5 (3), UN Doc. A/RES/707(XII), accessed 5 February 2018 <http://cf.cdn.unwto.org/sites/all/files/docpdf/ares707xxiiconventionontourismethics.pdf>.

102 Amanda Jones (2010). “Human Trafficking, the Japanese Commercial Sex Industry, and the Yakuza: Recommendations for the Japanese Government”, Cornell International Affairs Review, Vol. 3 No. 2, pp.1-2.

103 *Ibid.*

104 Kaplan, David E. & Dubro, Alec (2003), “Yakuza: Japan’s Criminal Underworld”, University of California Press.

105 *Ibid.*

106 Webdesk (2010), “Child sex abuse in Kiribati criticised”, The Korea Herald, 6 April 2010, accessed 13 November 2017, <http://www.koreaherald.com/view.php?ud=20050707000028>.



phenomenon of ‘*Kopino*’, a term that describes children with a Korean father and a Filipina mother. Many fathers were young Korean students or short-term travellers who engaged in sexual activities.<sup>107</sup>

In 2015, Korean men were still a main source of demand for child sexual exploitation in travel and tourism.<sup>108</sup> The 2017 report by the U.S. Department of State revealed that some South Korean men travel specifically to engage in SEC offences in Vietnam, Cambodia, Mongolia and the Philippines.<sup>109</sup>

It seems that South Koreans are lacking knowledge and awareness on the phenomenon. A survey conducted in 2012 found that 77.7 per cent of South Koreans were unaware SECTT was illegal, and 78 per cent claimed they would not be punished even if they were caught.<sup>110</sup> In March 2017, nine South Korean men were arrested in the Philippines and extradited to South Korea for engaging in sexual exploitation. However, seven of them were cleared of suspicion without any conviction.<sup>111</sup> Despite having extraterritorial legislation, the efficacy and enforcement are questionable, and no explicit data on children are available. The root causes of South Koreans’ lack of awareness on the issue could partially be explained by the continuation of familiarised ‘sex tourism’. However, regardless of its causes, all forms of exploitation against children should end according to Target 16.2 of the SDGs.

## CHILD, EARLY AND FORCED MARRIAGE (CEFM)

The Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse (Luxembourg Guidelines) define ‘child marriage’ as “a marriage in which at least one of the parties is a child. It also refers to the act of marrying off children, usually young girls, with or without their consent”.<sup>112</sup> Some forms of child marriage are related to commercial sexual exploitation of children, in cases where child marriage is linked to forced child labour, slavery and bondage, servitude or payment of a dowry.<sup>113</sup>

Traditionally, in South Korea, a person has to obtain his/her parents’ consent in order to get married. However, perceptions on marriage are rapidly changing. Many people marry later on in life,<sup>114</sup> and young people are delaying dating, marriage and having children. This societal change may prevent child, early and forced marriages in South Korea.

Although the Ministry of Gender Equality and Family (MGEF) reported 29 illegal cases of international marriage brokers involving children in 2015,<sup>115</sup> little data on child, early and forced marriages could be found. UNICEF indicated that there have been no cases of child marriage from 2008 to 2014 in South Korea,<sup>116</sup> but reports from other organisations show a trend of Korean men going to Southeast Asia, particularly Vietnam, to seek young brides who are often trafficking victims and with the continued risk of them being children.<sup>117</sup>

- 107 Seok, Soon (2016), “Kopino: Can I Find My Father?”, *The Sungkyun Times*, 16 August 2016, accessed 13 November 2017, <http://skt.skku.edu/news/articleView.html?idxno=24>.
- 108 Women’s Human Rights Institute of Korea (2015), “Korean men are main consumer for child sex tourism”, accessed 13 November 2017, [https://www.stop.or.kr/news\\_issue\\_internal/entry/document\\_srl/40826](https://www.stop.or.kr/news_issue_internal/entry/document_srl/40826). (available in Korean)
- 109 US Department of State (2017), “Trafficking in Persons Report 2017”, p 237.
- 110 Na, Jeong-ju (2013), “Koreans drive demand for child prostitution in Southeast Asia”, *The Korea Times*, 30 January 2013, accessed 13 November 2017, [http://www.koreatimes.co.kr/www/news/nation/2013/01/116\\_129743.html](http://www.koreatimes.co.kr/www/news/nation/2013/01/116_129743.html).
- 111 Jung Ryu-soo (2017), “Suspects of prostitution in the ‘Philippines’ walk away with ‘no charge’”, *DongYang News*, 15 May 2017, accessed 14 November 2017, <http://www.dynews.co.kr/news/articleView.html?idxno=352659>. (available in Korean)
- 112 Terminology Guidelines, 63.
- 113 ECPAT International and Plan International (2015), “Thematic Report. Unrecognised Sexual Abuse and Exploitation of Children in Child, Early and Forced Marriage”, accessed 7 March 2018, [http://www.ecpat.org/wp-content/uploads/legacy/Child%20Marriage\\_ENG.pdf](http://www.ecpat.org/wp-content/uploads/legacy/Child%20Marriage_ENG.pdf).
- 114 Webdesk (2017), “S. Koreans’ average marriage age rises: report”, *Yonhap News*, 30 June 2017, accessed 17 November 2017, <http://english.yonhapnews.co.kr/news/2017/06/30/0200000000AEN20170630005800320.html>.
- 115 Webdesk (2015), “Minors are still selected for illegal international marriage”, *Seoul Broadcasting System News*, 19 March 2015, accessed 17 November 2017, [http://news.sbs.co.kr/news/endPage.do?news\\_id=N1002887535&plink=ORI&cooper=NAVER](http://news.sbs.co.kr/news/endPage.do?news_id=N1002887535&plink=ORI&cooper=NAVER)
- 116 UNICEF (2016), “The State of the World’s Children 2016”, p 152.
- 117 Ashley D. Jordana, “Situational Analysis on Child, Early and Forced Marriage in Vietnam, Laos, Myanmar and Cambodia”, *World Vision*, 32, accessed 14 June 2018, [http://www.wvi.org/sites/default/files/report\\_SituationalanalysisCEFMVietnamLaosMyanmarandCambodia-FINAL.docx-2.pdf](http://www.wvi.org/sites/default/files/report_SituationalanalysisCEFMVietnamLaosMyanmarandCambodia-FINAL.docx-2.pdf).

# International, Regional and National Commitments and Legislation on the Sexual Exploitation of Children

## Status of ratification of relevant international and regional instruments, reporting to human rights bodies and engagement with the special procedures of the Human Rights Council

International Instruments		Date of ratification/accession
Convention on the Rights of the Child - 1989		20 November 1991
Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography - 2000		24 September 2004
ILO Convention on the Worst Forms of Child Labour - 1999 (No. 182)		29 March 2001
UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and children – 2000 (supplementing the UN Convention against Transnational Organized Crime)		5 November 2015
Regional Instruments		Date of ratification/accession
None		N/A
Human Rights Bodies	Date of latest submitted report	Comments
Committee on the Rights of the Child (CRC review)	2008 -3-4th periodic report submitted  2002 – 2nd periodic report submitted  1994 – 1st periodic report submitted	Key concluding observations relevant to SEC: <ul style="list-style-type: none"> <li>• “more efforts to prosecute all acts of SEC;</li> <li>• ensure sanctions against the perpetrators of child sex crimes based on the severity of the offence;</li> <li>• continue efforts to rehabilitate offenders;</li> <li>• provide rehabilitation services to boys as well as to girls”.<sup>118</sup></li> </ul>
Committee on the Rights of the Child (OPSC review)	2008 – Concluding Observations of the CRC Committee 2007 – 1st report submitted	Key concluding observations relevant to SEC: <ul style="list-style-type: none"> <li>• “improve data collection on CSEC;</li> <li>• strengthen recovery and reintegration initiatives;</li> <li>• improve legal representation for child victims of CSEC”.<sup>119</sup></li> </ul>

Human Rights Bodies	Date of latest submitted report	Comments
Human Rights Council – Working Group on the Universal Periodic Review	2017 – Third cycle 2012 – Second cycle 2008 – First cycle	Key recommendations relevant to SEC: <ul style="list-style-type: none"> <li>• “increase efforts to criminalize human trafficking and take necessary measures for its prevention;</li> <li>• establish an effective mechanism to identify victims of trafficking;</li> <li>• pursue efforts to strengthen and protect children’s rights, and to integrate education on children’s rights into the school curriculum;</li> <li>• strengthen the institutional and legal framework to combat violence against children, in particular sexual violence”.<sup>120</sup></li> </ul>

## INTERNATIONAL AND REGIONAL COMMITMENTS

International commitments	
Commitment	Start date
The 2030 Agenda for Sustainable Development	2016
Global Partnership for Sustainable Tourism - a network of tourism stakeholders of the public and private sectors, non-profits, UN agencies and programmes, international organisations and academic institutions, who collaborate internationally, regionally or nationally to promote ‘sustainable tourism’ and transform the tourism industry.	2016
Partnerships for Sustainable Development Goals – an online platform that provides global engagement for multi-stakeholder partnerships and voluntary commitments from all stakeholders devoted to the implementation of the Sustainable Development Goals.	2015
WePROTECT - an international movement dedicated to national and global action to end the sexual exploitation of children online.	2014
Global Alliance against Child Sexual Abuse Online	
Regional commitments	
Commitment	Start date
ASEAN-Korea Centre - an inter-governmental organisation that promotes exchanges between Korea and the ten ASEAN Member States.	2009
SAIEVAC - an inter-governmental body with a vision that all children, girls and boys, throughout South Asia should enjoy an environment free from all forms of violence, abuse, exploitation, neglect and discrimination.	2006
The Bali Process - a forum for policy dialogue, information-sharing and practical cooperation for the region to address people smuggling, trafficking in persons and related transnational crimes.	2002

118 Committee on the Rights of the Child (2008), “Concluding Observations on the Report submitted by the Republic of Korea under Article 44 of the Convention”, accessed 18 October 2017, [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fKOR%2fCO%2f3-4&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fKOR%2fCO%2f3-4&Lang=en).

119 Committee on the Rights of the Child (2008), “Concluding Observations on the Report submitted by the Republic of Korea under Article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography”, accessed 18 October 2017, [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fOPSC%2fKOR%2fCO%2f1&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fOPSC%2fKOR%2fCO%2f1&Lang=en).

120 Human Rights Council (2017), “Report of the Working Group on the Universal Periodic Review of the Republic of Korea”, accessed 14 February 2018, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/368/86/PDF/G1736886.pdf?OpenElement>.

South Korea participates in the Sustainable Development Goals (SDGs) through various measures and plans. The country is a State party to the UN Sustainable Development Solutions Network and its National Assembly created a Special Committee on Sustainable Development in 2014.<sup>121</sup> In January 2016, South Korea directly addressed the SDGs through the Third Basic Plan for Sustainable Development 2016-2035.<sup>122</sup> The Five Global Sustainable Management Forums were held in 2016 to include respect for child rights as a form of Corporate Social Responsibility.<sup>123</sup> Most importantly, South Korea submitted a voluntary national report in 2016 with accurate data on its progress and implementation of the Sustainable Development Goals.<sup>124</sup> Following Target 1.2,<sup>125</sup> the Ministry of Health and Welfare enhanced a project called 'Dream Start', which prioritises child victims of sexual violence but is also accessible for poverty-affected children and in target local governments.<sup>126</sup> The project focuses on prevention of abuse, as well as interventions to treat and support victims and work with families. As of 2016, 134,853 children benefited from it,<sup>127</sup> and the project is running in 1,795 schools.<sup>128</sup> There is also an NGO called 'Korean Association for Supporting SDGs for the UN', which is in charge of 'partnership for SDGs global initiative',<sup>129</sup> and which has a

special consultative status with the UN. In terms of international commitments, the government is currently implementing the second Basic Plan for International Development Cooperation (2016-2020), which is designed to "improv[e] the rights of [the] child".<sup>130</sup> The National Police Agency Cyber Bureau is collaborating with the International Police by utilising the International Child Sexual Exploitation (ICSE) database hosted by INTERPOL<sup>131</sup> from 2013.<sup>132</sup> South Korea is a Member State of the United Nations World Tourism Organisation. The Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism was adopted in 2005, and signatories include Korea Tourism Association, Korea Association of Travel Agents, and Korea MICE Association, as well as two national airlines, Korean Air and Asian Airlines.<sup>133</sup> In 2017, the Ministry of Foreign Affairs, the Ministry of Health and Welfare, the Ministry of Unification and the Korea International Cooperation Agency convened with UNICEF to strengthen partnerships and discuss global policies further.<sup>134</sup>

In terms of regional commitments, in 2015, the MGEF hosted the International Symposium on Prevention of Sex Trade, focusing on Southeast Asian countries, including a special session for

121 Government of Korea (2016), "2016 National Voluntary Review - Year One of implementing the SDGs in the Republic of Korea: From a Model of Development Success to a Vision for Sustainable Development", p. 5, accessed 22 November 2017, <https://sustainabledevelopment.un.org/memberstates/republicofkorea>.

122 The Ministry of Environment (2016), "The Third Basic Plan for Sustainable Development 2016 2035", accessed 22 November 2017, [http://www.me.go.kr/home/web/policy\\_data/readdo.jsessionid=Xh0AKLmowe3wYd15Jnt10YTm1XIYs2k41CBCNhlWO1007WlZgkPslJaHW5F3DOEB.meweb1vhost\\_servlet\\_engine1?pagerOffset=0&maxPageItems=10&maxIndexPages=10&searchKey=&searchValue=&menuId=10259&orgCd=&condition.rnSeq=226&condition.orderSeqId=6662&condition.deleteYn=N&seq=6664](http://www.me.go.kr/home/web/policy_data/readdo.jsessionid=Xh0AKLmowe3wYd15Jnt10YTm1XIYs2k41CBCNhlWO1007WlZgkPslJaHW5F3DOEB.meweb1vhost_servlet_engine1?pagerOffset=0&maxPageItems=10&maxIndexPages=10&searchKey=&searchValue=&menuId=10259&orgCd=&condition.rnSeq=226&condition.orderSeqId=6662&condition.deleteYn=N&seq=6664). (available in Korean)

\* The Plan contains four vital targets with 14 strategic components and 50 tasks.

123 Committee on the Rights of the Child (2017), The 5<sup>th</sup> and 6<sup>th</sup> Periodic Report to the Un Committee on the Rights of the Child by the Government of the Republic of Korea, p. 10, para 27, accessed 4 January 2018, [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fKOR%2f5-6&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fKOR%2f5-6&Lang=en).

124 Government of Korea (2016), "2016 National Voluntary Review".

125 Target 1.2: "By 2030, reduce at least by half the proportion of men, women and children of all ages living in poverty in all its dimensions according to national definitions".

126 Ministry of Health and Welfare, "Dream Start", accessed 22 November 2017, <http://www.dreamstart.go.kr/>.

127 Committee on the Rights of the Child (2017), "The 5<sup>th</sup> and 6<sup>th</sup> Periodic Report to the UN Committee on the Rights of the Child by the Government of the Republic of Korea", p. 7, para 13.

128 *Ibid.* p. 37, para. 138.

129 Korean Association for supporting SDGs for the United Nations, <http://asdun.org/?ckattempt=2>. (available in Korean)

130 Committee on the Rights of the Child (2017), "The 5<sup>th</sup> and 6<sup>th</sup> Periodic Report to the UN Committee on the Rights of the Child by the Government of the Republic of Korea", p. 10, para. 25

131 ICSE, See more information at: <https://www.interpol.int/Crime-areas/Crimes-against-children/Victim-identification>.

132 NPA Cyber Bureau (2013), "Arrested 42 CSAM distributors by collaborating with Interpol", accessed 22 November 2017, [http://cyberbureau.police.go.kr/board/boardView.do?board\\_id=incident&id=4176](http://cyberbureau.police.go.kr/board/boardView.do?board_id=incident&id=4176). (available in Korean)

133 World Tourism Organisation, "Private Sector Signatories of the Commitment", accessed 22 November 2017, [http://ethics.unwto.org/private-sector-signatories-of-the-commitment?field\\_signatories\\_region\\_value\\_many\\_to\\_one=All&field\\_signatories\\_country\\_value\\_many\\_to\\_one=Korea%2C+Republic+Of](http://ethics.unwto.org/private-sector-signatories-of-the-commitment?field_signatories_region_value_many_to_one=All&field_signatories_country_value_many_to_one=Korea%2C+Republic+Of).

134 Ministry of Foreign Affairs (2017), "The 13<sup>th</sup> Korea - UNICEF Annual Policy Cooperation Conference", accessed 22 November 2017, [http://www.mofa.go.kr/webmodule/htsboard/template/read/korboardread.jsp?typeID=6&boardid=99&seqno=364674&c=&t=&pagenum=1&tableName=TYPE\\_DATABOARD&pc=&dc=&wc=&lu=&vu=&iu=&du](http://www.mofa.go.kr/webmodule/htsboard/template/read/korboardread.jsp?typeID=6&boardid=99&seqno=364674&c=&t=&pagenum=1&tableName=TYPE_DATABOARD&pc=&dc=&wc=&lu=&vu=&iu=&du).



UNODC's response to sale and trafficking of children and women for sexual purposes.<sup>135</sup> Furthermore, although South Korea is not a member state of the Association of South East Asian Nations (ASEAN), it participated in the Seventh High-Level Cross-Regional Roundtable on Violence against Children, in June 2017. One of the key events was the discussion of child delegates from South Korea on the issues of "child abuse and neglect, exploitation, harmful traditional practices and bullying".<sup>136</sup> In November 2017, the Ministry also hosted the Conference on Discussion of Law and Policy Seeking Prevention of Sex Trade.<sup>137</sup>

In 2017, Child Rights Coalition Asia, together with ECPAT Korea, Save the Children, and Plan International, hosted the Asia-Pacific Partnership Meeting of Child Rights Coalitions and Networks in Thailand, to strengthen collaboration with ASEAN in implementing child protection initiatives, specifically focusing on violence against children.<sup>138</sup>

## NATIONAL LEGISLATION

The Convention on the Rights of the Child (CRC) and its Protocol are directly applicable in the South Korean legal system. Article 6 (1) of the Constitution stipulates that "treaties duly concluded and promulgated under the Constitution and the generally recognized rules of international law shall have the 'same effect' as the domestic laws of the Republic of Korea".<sup>139</sup> However, when domestic laws and international laws are in conflict, national laws take precedence.<sup>140</sup> Moreover, South Korea maintains its reservation over the Article 40 (2) (b) (v)<sup>141</sup> of the Convention.

## Exploitation of children in prostitution

South Korea's legal instruments regarding the sexual exploitation of children in prostitution mostly comply with international standards. The enacted laws strictly punish people who engage in or facilitate sexual activities with children, and tend to treat children as victims and not offenders. However, it appears that many laws are dealing with the issues, and not all of them are consistent. A lack of uniformity and cohesion not only in the definitions, but also in the scope of application may cause confusion among law enforcement officials. Thus, they should be amended and consolidated.

Child sexual exploitation in prostitution is covered in the Act on the Protection of Children and Juveniles against Sexual Abuse, which defines purchasing sex from a child or juvenile as intercourse, bodily contact, nudity, and masturbation in return for (the promise of) something of value.<sup>142</sup> Under Article 7 (5) of the same Act, it is a crime to have sex with or to commit an indecent act against a child or juvenile through a deceptive scheme or by force, and it shall be punished by imprisonment of at least five years.<sup>143</sup> Article 13 criminalises "any persons who purchase sex from or solicit a child or juvenile into prostitution" with at least one year of imprisonment or a fine up to 50 million won (approximately \$45,000).<sup>144</sup> If an offence involves coercion, a person shall be imprisoned up to five years.<sup>145</sup> Moreover, under Article 15, if a person provides a place for or arranges the exploitation in prostitution of a child or juvenile, the crime shall be punished up to a limited term of at least seven years of imprisonment with labour.<sup>146</sup>

135 Ministry of Gender Equality and Family (2015), "International Symposium on Prevention of Sex Trade", accessed 22 November 2017, [https://www.stop.or.kr/news\\_announcement/entry/document\\_srl/50824](https://www.stop.or.kr/news_announcement/entry/document_srl/50824). (available in Korean)

136 ASEAN (2017), "Seventh High-Level Cross-Regional Roundtable on Violence Against Children", accessed 22 November 2017, <http://asean.org/asean-bolsters-global-partnership-to-end-violence-against-children/>.

137 Ministry of Gender Equality and Family (2017), "The Conference on Discussion of Law and Policy Seeking Prevention of Sex Trade", accessed 22 November 2017, [http://www.mogef.go.kr/nw/enw/nw\\_enw\\_s001d.do?mid=mda700](http://www.mogef.go.kr/nw/enw/nw_enw_s001d.do?mid=mda700). (available in Korean)

138 ECPAT Korea (2017), "017 Asia-Pacific Partnership Meeting of Child Rights Coalitions and Networks", accessed 8 December 2017, [http://www.tacteen.net/ep\\_sub0301/338773](http://www.tacteen.net/ep_sub0301/338773).

139 Government of Korea (1948), "The Constitution of the Republic of Korea", Article 6 (1), accessed 20 November 2017, [https://elaw.klri.re.kr/kor\\_service/lawView.do?hseq=1&lang=ENG](https://elaw.klri.re.kr/kor_service/lawView.do?hseq=1&lang=ENG).

140 Committee on the Rights of the Child (2002), "Supplementary Report to the Republic of Korea's Second Periodic Report on the Implementation of the Convention on the Rights of the Child", p 5.

141 Convention on the Rights of the Child (1989), Article 40 (2) (b) (v), is a provision ensuring that every child alleged or accused of infringing the penal law, has a right to be reviewed by a competent, independent and impartial authority or judicial body.

142 Government of Korea (2009), "Act on the Protection of Children and Juveniles against Sexual Abuse", Article 2 (4), accessed 20 October 2017, [https://elaw.klri.re.kr/kor\\_service/lawView.do?hseq=33019&lang=ENG](https://elaw.klri.re.kr/kor_service/lawView.do?hseq=33019&lang=ENG).

143 *Ibid.* Article 7 (5).

144 *Ibid.* Article 13.

145 *Ibid.* Article 14.

146 *Ibid.* Article 15

The Juvenile Protection Act and the Child Welfare Act offer some protection for children from exploitation in prostitution. The Welfare Act prohibits children from engaging in sexual activities and criminalises sexually harassing or abusing a child,<sup>147</sup> and the Juvenile Act prohibits business establishments from allowing access to and employing juveniles in businesses that may be sexual in nature.<sup>148</sup> Businesses are also prohibited from profiting from a juvenile engaging in a sexualised activity.<sup>149</sup>

Although it is not specific to child sexual exploitation in prostitution, the Criminal Act may provide some forms of criminalisation. It stipulates that having sexual intercourse or committing an indecent act on a minor shall be punished by imprisonment of a maximum of five years.<sup>150</sup> If an act was committed by a person who held his/her custody, the sentence rises to a maximum of seven years.<sup>151</sup> Article 305 prescribes punishment for having sexual intercourse with a child who is under 13.<sup>152</sup> If the victim is under 13, the Act on Special Cases Concerning the Punishment, etc. of Sexual Crimes will be applied. Under this Act, Article 7 (1), if a person rapes a child under 13, he/she can be punished with life imprisonment.<sup>153</sup> It is worth noting that, in the past, only a female could be a victim of rape crimes. However, the amendments were adopted in 2013 to be gender neutral.

Although not specific to 'child sexual exploitation in prostitution', the Act on the Protection of Children and Juveniles against Sexual Abuse provides accessory penalties for offenders who commit sexual offences. For instance, under the Act an offender's personal information –i.e. name, age, actual place of residence, body size, photograph, and a summary of offences- shall be released publicly.<sup>154</sup> The court may order offenders to notify authorities when moving or changing residence.<sup>155</sup> According to the Act on Probation and Attachment of Electronic Monitoring Device against Specific Criminal Offenders, the court may request the offender wear an ankle bracelet for tracking purposes.<sup>156</sup> Lastly, certain offenders of sex crimes may be sentenced to 'chemical castration' under the Act on Pharmacologic Treatment of Sex Offenders Sexual Impulses.<sup>157</sup> If a court recognises that it has reasonable grounds,<sup>158</sup> offenders could be subjected to that treatment for up to 15 years.<sup>159</sup> Furthermore, according to the Act on the Use and Protection of DNA Identification Information Article 5 (10), when a person commits a sexual offence against children,<sup>160</sup> a public prosecutor may collect a DNA sample for future investigation and to prevent potential crimes.<sup>161</sup> Such strict punishment may have contributed to a decrease in recidivism of child sexual crimes. The rate dropped from 8.1% in 2011 to 4.4% in 2016.<sup>162</sup>

147 Government of Korea (1961), "The Child Welfare Act", Article 17 (2), accessed 20 October 2017, [https://elaw.klri.re.kr/kor\\_service/lawView.do?hseq=39028&lang=ENG](https://elaw.klri.re.kr/kor_service/lawView.do?hseq=39028&lang=ENG).

148 Government of Korea (1997), "Juvenile Protection Act" Article 5 (2) (a) (viii), accessed 20 October 2017, [https://elaw.klri.re.kr/kor\\_service/lawView.do?hseq=38401&lang=ENG](https://elaw.klri.re.kr/kor_service/lawView.do?hseq=38401&lang=ENG).

149 *Ibid.* Article 30.

150 Government of Korea (1953), "The Criminal Act", Article 302, accessed 20 October 2017, [https://elaw.klri.re.kr/kor\\_service/lawView.do?lang=ENG&hseq=40950&joseq=JO0288000](https://elaw.klri.re.kr/kor_service/lawView.do?lang=ENG&hseq=40950&joseq=JO0288000).

151 *Ibid.* Article 303 (2).

152 *Ibid.* Article 305.

153 Government of Korea (2012), "The Act on Special Cases Concerning the Punishment, Etc. Sexual Crimes" Article 7 (1), accessed 20 October 2017, [https://elaw.klri.re.kr/kor\\_service/lawView.do?hseq=40947&lang=ENG](https://elaw.klri.re.kr/kor_service/lawView.do?hseq=40947&lang=ENG).

154 Korea, "Act on the Protection of Children and Juveniles against Sexual Abuse", Article 49.

155 *Ibid.* Article 50.

156 Government of Korea (2012), "Act on the Probation and Electronic Monitoring Device against Specific Criminal Offenders", Article 9, accessed 20 October 2017, [https://elaw.klri.re.kr/kor\\_service/lawView.do?lang=ENG&hseq=40949&joseq=JO0009020](https://elaw.klri.re.kr/kor_service/lawView.do?lang=ENG&hseq=40949&joseq=JO0009020).

157 Government of Korea (2011), "Act on Pharmacologic Treatment of Sex Offenders Sexual Impulses", accessed 20 October 2017, [https://elaw.klri.re.kr/kor\\_service/lawView.do?hseq=39181&lang=ENG](https://elaw.klri.re.kr/kor_service/lawView.do?hseq=39181&lang=ENG).

158 The crimes prescribed in Article 7 of the "Act on Protection of Children and Juveniles against Sexual Abuse" shall be executed with such medical treatment.

159 *Ibid.* Article 8.

160 A crime under any provision of Articles 7 and 12 through 14 (excluding cases under Article 14 (3) of the Act on the Protection of Children and Juveniles against Sexual Abuse).

161 Government of Korea (2010), "Act on Use and Protection of DNA Identification Information", Article 5 (1) 10, accessed 25 October 2017, [https://elaw.klri.re.kr/kor\\_service/lawView.do?hseq=41758&lang=ENG](https://elaw.klri.re.kr/kor_service/lawView.do?hseq=41758&lang=ENG).

162 Committee on the Rights of the Child (2017), "The 5<sup>th</sup> and 6<sup>th</sup> Periodic Report to the UN Committee", p. 48, para. 176.

Unfortunately, it appears that the law<sup>163</sup> takes a punitive approach on child victims of sexual exploitation. A Korean language version<sup>164</sup> of the Act on the Protection of Children and Juveniles against Sexual Abuse allows child victims to be punished. Additionally, according to Article 247 of the Criminal Procedure Act,<sup>165</sup> it is at a prosecutor's discretion to initiate a prosecution, regardless of the crime, based on the "age, an offender's relation to the victim, motive for and circumstances after the commission of the crime".<sup>166</sup> This arbitrariness can potentially lead to a legal loophole.

## Online child sexual exploitation (OCSE)

South Korean laws and local ordinances relating to OCSE are very comprehensive and in compliance with the OPSC.

Article 2 (5) of the Act on the Protection of Children and Juveniles Against Sexual Abuse defines 'child or juvenile pornography' as the "depiction of children or juveniles, or persons or representations that can be obviously perceived as children or juveniles, doing any act such as engaging in any other sexual act, in the form of a film, video, game software, or picture, image, etc. displayed on computers or other communications media".<sup>167</sup> It is worth noting that the definition includes any material, which can be perceived as CSAM/CSEM. The Act prohibits and punishes the production, import and export, as well as the sale, loan, distribution or provision of CSAM/CSEM for commercial purposes.<sup>168</sup> Downloading and possessing CSAM/CSEM is also punished<sup>169</sup> and viewing such materials can constitute possession under the Act.<sup>170</sup> The Act also requires

online service providers to post warnings against perpetrators on their servers, and punishes providers who fail to take appropriate measures against 'child or juvenile pornography'.<sup>171</sup>

Furthermore, although it is not specifically related to children and juveniles, the Act on Special Cases Concerning the Punishment, Etc. of Sexual Crimes penalises sexual extortion and revenge pornography. Sending sexually explicit materials to an individual is penalised,<sup>172</sup> so is the act of taking or distributing, in any way, photos or sexually explicit materials of another person, with or without his/her consent. The prescribed punishments are worse if the act was committed for profit.<sup>173</sup>

## Sale and trafficking of children for sexual purposes

The Act on the Punishment of Arrangement of Commercial Sex Acts defines human trafficking, including juveniles, as any acts that allow the transferral of a targeted person under the control of an individual to another, by any means, for the purpose of engaging in sexual acts.<sup>174</sup> The Act also explicitly states that victims of trafficking for sexual purposes will not be punished.<sup>175</sup> However, it seems that many cases involving human trafficking are not taken seriously and do not result in actual convictions. This can be explained by the fact that the penalty is significantly weak. According to the Act, a person who engages in trafficking for sexual purposes shall be punished for 'not more than' a year, or with 'misdemeanour' imprisonment, or with a fine not exceeding three million won (approximately 3,000 USD), or by a 'minor' fine.<sup>176</sup> The penalties are stricter in cases where the act

163 Korea, "Act on the Protection of Children and Juveniles against Sexual Abuse", Article 38.

164 The English Translation states 'no child', but in Korean, it states 'concerning child'.

165 Government of Korea (1954), "The Criminal Procedure Act", Article 247.

166 Korea, "Criminal Act" (1953), Article 51.

167 Korea, "Act on the Protection of Children and Juveniles against Sexual Abuse", Article 2 (5).

168 *Ibid.* Articles 11 (1) and (2).

169 *Ibid.* Article 11 (5)

170 In this regard, in 2015, the Seoul Western District Court applied the Act and sentenced a 24 year-old man to a one-year imprisonment and two years of probation on the charge of mere possession. The perpetrator bought 70 images and 20 video files from a 15 year-old girl and received them through Kakao Talk messenger. Even though he did not download and save the files on his smartphone, the court stated that he could "view, access, copy, distribute and delete the files on his will"; See also Jooang Ilbo (2016), "Court, child pornography received through Kakao can be punished for simple possession", Joins, 10 June 2016, accessed 25 October 2017, [http://news.joins.com/article/20682489?cloc=rss|news|home\\_list](http://news.joins.com/article/20682489?cloc=rss|news|home_list). (available in Korean)

171 Korea, "Act on the Protection of Children and Juveniles against Sexual Abuse", Article 17 (1) and (2).

172 Government of Korea (2012), "Act on Special Cases Concerning the Punishment, Etc. of Sexual Crimes", Article 13, accessed 25 October 2017, [https://elaw.klri.re.kr/kor\\_service/lawView.do?hseq=40947&lang=ENG](https://elaw.klri.re.kr/kor_service/lawView.do?hseq=40947&lang=ENG).

173 *Ibid.* Article 14.

174 Government of Korea (2004), "Act on the Punishment of Arranging of Commercial Sex Acts, Etc.", Articles 2 (3) (a)-(b) and 4.

175 *Ibid.* Article 6 (1).

176 *Ibid.* Article 21.

was committed by force, brokering, or arranging business.<sup>177</sup>

There are several other laws that punish the sale and trafficking of children for sexual purposes. The Act on the Protection of Children and Juveniles against Sexual Abuse punishes trafficking a child in or out of South Korea for the purpose of sexual exploitation, with imprisonment with labour for at least five years.<sup>178</sup> Trading a child is punished by the Child Welfare Act for a maximum of 10 years imprisonment.<sup>179</sup> In addition, the Criminal Act prescribes a maximum of 15 years' imprisonment for a person who kidnaps, abducts or traffics a minor for sex trade, sexual trafficking or sexual exploitation.<sup>180</sup>

### Sexual exploitation of children in travel and tourism (SECTT)

There is no explicit law provision that criminalises the sexual exploitation of children in travel and tourism, but The Passport Act may contribute to preventing such crimes. According to Article 12, the Ministry of Foreign Affairs can refuse to issue a passport to South Korean nationals who commit crimes punished with imprisonment for a period of at least two years.<sup>181</sup> However, the enforcement of the provision is based on the discretion of the Ministry, leaving a legal loophole. There is a need to enact the law that specifically addresses SECTT.

### Child, early and forced marriages (CEFM)

The main legal system that governs marriage in South Korea is the Civil Act. According to Article 807, "any person who is eighteen years old or

older may enter into matrimony".<sup>182</sup> Under Article 808, a minor may enter into marriage under certain conditions with both parents' (in some cases only one parent) consent,<sup>183</sup> co-signatures of both parties and two adult witnesses.<sup>184</sup> If minors enter into marriage, they shall be deemed to have attained majority.<sup>185</sup> However, under certain conditions, such marriages can be annulled.<sup>186</sup> Unfortunately, such claim for annulment cannot be made if the minor reaches the age of 19 or if the female party has become pregnant during the marriage.<sup>187</sup> In addition, the Marriage Brokers Business Management Act prohibits an arrangement of marriage if a person is under 18.<sup>188</sup>

South Korea neither signed nor ratified the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages.<sup>189</sup>

### Extraterritorial jurisdiction and extradition law

The South Korean legal system includes a provision for extraterritorial jurisdiction, which penalises nationals who commit sexual offences against children abroad. In accordance to the Act on the Protection of Children and Juveniles from Sexual Abuse, it is considered a crime and can be punished if a "Korean citizen commits a 'sex offence against a child or juvenile' outside the territory of Republic of Korea, pursuant to Article 3 of the Criminal Act".<sup>190</sup> The amendment to the Criminal Act in 2013 now applies to non-Korean nationals who commit such crimes against South Korean children overseas.<sup>191</sup> The sex offences against a child or juvenile include crimes of rape, indecent act by force, have sex by force, crimes

177 *Ibid.* Articles 18, 19 (20, and 20 (1) 2.

178 Korea, "Act on the Protection of Children and Juveniles against Sexual Abuse", Article 12.

179 *Ibid.* Article 17 and 71 (1).

180 Korea, "Criminal Act", Articles 287, 288, and 289.

181 Government of Korea (1961), "Law No. 940 of 1961: Passport Act", Article 12, accessed 21 March 2018, [http://elaw.klri.re.kr/eng\\_mobile/viewer.do?hseq=29285&type=part&key=44](http://elaw.klri.re.kr/eng_mobile/viewer.do?hseq=29285&type=part&key=44).

182 Korea, "Civil Act", Article 807.

183 Korea, "Civil Act", Article 808.

184 *Ibid.* Article 812 (2).

185 *Ibid.* Article 826-2.

186 *Ibid.* Articles 816 (1) and 817.

187 *Ibid.* Article 819.

188 Government of Korea, Ministry of Gender Equality (2016), "Marriage Brokers Business Management Act", Article 12-2, accessed 17 November 2017, [https://elaw.klri.re.kr/kor\\_service/lawView.do?hseq=40973&lang=ENG](https://elaw.klri.re.kr/kor_service/lawView.do?hseq=40973&lang=ENG).

189 United Nations Treaty Collection (2017), accessed 17 November 2017, [https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg\\_no=XVI-3&chapter=16&lang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=XVI-3&chapter=16&lang=en).

190 Korea, "Act on the Protection of Children and Juveniles from Sexual Abuse", Article 33, accessed 14 November 2017, [https://elaw.klri.re.kr/kor\\_service/lawView.do?hseq=33019&lang=ENG](https://elaw.klri.re.kr/kor_service/lawView.do?hseq=33019&lang=ENG).

191 Committee on the Rights of the Child (2017), "The 5<sup>th</sup> and 6<sup>th</sup> Periodic Report to the UN Committee", p. 54, para. 202.



related to OCSE, trafficking for sexual purposes, purchasing sex, business of arranging prostitution and etc.<sup>192</sup>

Furthermore, according to the Extradition Act, “any offender who is in the territory may be extradited to the Requesting State upon the request for the purpose of prosecution, trials, or punishment”.<sup>193</sup>

Unfortunately, the Act explicitly stipulates a provision of double criminality requirement, which means that the offence must be prohibited both in the perpetrator’s country of origin and in the country where the offence was committed.<sup>194</sup> The extradition may be denied when the offender is a South Korean national.<sup>195</sup> Such provisions create a large gap in bringing justice to the offenders.

It is considered a crime if a

“ Korean citizen  
commits a ‘sex offence against a child  
or juvenile’ outside the  
territory of the Republic of Korea,  
pursuant to Article 3 of the  
Criminal Act ”

From the "Act on the Protection of  
Children and Juveniles from  
Sexual Abuse", Article 33

192 *Ibid.* Article 2.2.

193 Government of Korea (1988), “The Extradition Act” Article 5, accessed 14 November 2017, [https://elaw.klri.re.kr/kor\\_service/lawView.do?hseq=42689&lang=ENG](https://elaw.klri.re.kr/kor_service/lawView.do?hseq=42689&lang=ENG).

194 *Ibid.* Article 6.

195 *Ibid.* Article 9 (1).

# National Response to the Sexual Exploitation of Children

## COORDINATION AND COOPERATION

The government does not have a responsible and comprehensive body that coordinates efforts on fighting the sexual exploitation of children. However, there are various institutions in charge of designing both national and international policies for children and young people. As a pivotal body, MGEF mainly takes responsibility in coordinating and implementing plans and programmes concerning children. The Ministry of Health and Welfare's task is to protect all citizens including children. The recent periodic State Party report to the CRC Committee in 2017 was prepared by the two ministries, and other relevant agencies such as the National Human Rights Commission of Korea, child/youth facility employees, and NGOs, and was then finalised by the Child Policy Coordination Committee.<sup>196</sup>

The MGEF established the Child Policy Coordination Committee to orchestrate policies implemented by various other relevant agencies. It not only facilitates and initiates various measures but also conducts research and publishes a

Comprehensive Survey on Status of Youth every three years. In 2015, it published an analysis on the trend and tendency of sexual offence against children and young people.<sup>197</sup> Moreover, in 2016, it published a report on harmful contents and environment for children.<sup>198</sup> Every year, the MGEF publishes the White Paper on Youth, based on the research and data gathered by concerted ministries; the latest one was published in December 2016.<sup>199</sup> The Paper includes information regarding protection from harmful materials and sex trade for juveniles as well as sex education for juveniles.<sup>200</sup> The Youth Statistics, which is very comprehensive and focuses on SEC, is released every year by the MGEF and Statistics Korea.<sup>201</sup>

The Ministry of Health and Welfare also governs strategies regarding children. It established the Division of Child and Youth Welfare and conducted Comprehensive Survey on the Conditions of Children every five years.<sup>202</sup> However, it is perceived as "inadequate to deal with the wide ranging scope of policies that affect children".<sup>203</sup> In 2015, to follow up on the recommendation, the Ministry of Health and Welfare formulated the first Master Plan for Child Policy (2015-2019). It has

196 Committee on the Rights of the Child (2017), "The 5<sup>th</sup> and 6<sup>th</sup> Periodic Report to the UN Committee", p. 3, paras 1-2.

197 Government of Korea, Ministry of Gender Equality and Family (2015), "Analysis on the trend and tendency of sexual offence against children and young people", accessed on 6 March 2018, [http://www.mogef.go.kr/mp/pcd/mp\\_pcd\\_s001d.do?mid=plc504](http://www.mogef.go.kr/mp/pcd/mp_pcd_s001d.do?mid=plc504). (available in Korean)

198 Government of Korea, Ministry of Gender Equality and Family (2016), "Research on harmful contents and environment for children", accessed on 6 March 2018, [http://www.mogef.go.kr/mp/pcd/mp\\_pcd\\_s001d.do?mid=plc505](http://www.mogef.go.kr/mp/pcd/mp_pcd_s001d.do?mid=plc505). (available in Korean)

199 *Ibid.* "White Paper on Youth", accessed on 6 March 2018, [http://www.mogef.go.kr/mp/pcd/mp\\_pcd\\_s001d.do?mid=plc502](http://www.mogef.go.kr/mp/pcd/mp_pcd_s001d.do?mid=plc502). (available in Korean)

200 *Ibid.*

201 *Ibid.*

202 Committee on the Rights of the Child (2017), "The 5<sup>th</sup> and 6<sup>th</sup> Periodic Report to the UN Committee", p. 8, para. 19.

203 Child Rights International Network (2014), "Access to Justice for Children: Republic of Korea (South Korea)", p. 14, accessed 22 November 2017, [https://www.crin.org/sites/default/files/republicofkorea\\_access\\_to\\_justice.pdf](https://www.crin.org/sites/default/files/republicofkorea_access_to_justice.pdf).

158 policies and tasks upholding children's best interests.<sup>204</sup>

Another major coordinator of child-related policy is the National Human Rights Commission of Korea.<sup>205</sup> It has a mandate to review and monitor legislation, policy and practice of relevant institutions. The Commission has set advancing the rights of children as a top priority.<sup>206</sup> It set up the Child Rights Focus Group to assist and advise on the implementation of the Convention on the Rights of the Child.<sup>207</sup> In 2016, the Commission established a Child Rights Committee to conduct independent monitoring of child and youth's rights.<sup>208</sup> In regards to the sexual exploitation of children, it published a research report on the context of sexual exploitation against children and juveniles in 2016.<sup>209</sup> As the Ministry of Justice is preparing the third National Action Plan for the Promotion and Protection of Human Rights (2017-2021), the Commission suggested to the government that the Plan should guarantee the human rights of all children and juveniles.<sup>210</sup>

Even though the MGEF is currently implementing the fifth Master Plan for Youth Policy, the Committee on the Rights of the Child has expressed concern that the Plans do not contain programmes relating to the OPSC.<sup>211</sup> Fortunately, the MGEF convened to improve and update the Second Comprehensive Measures for Youth Protection (2016-2018) and the upcoming Sixth Basic Plan for Youth Policy (2018-2022). The

MGEF agreed to focus on protecting children from harmful environments, such as CSAM/CSEM and 'sex trade' establishments, enhancing protection for children in vulnerable situations, including protection from sexual abuse and violence, and promoting rehabilitation programmes for victims.<sup>212</sup>

There are several other National Plans that may provide protection and prevention of SEC. The government established the Measures for the Eradication of Sexual Violence against Children and Women in 2012, and the Comprehensive Measures for the Prevention of Sexual Violence (2013-2017) which are currently being implemented. The First Basic Plan for Gender Equality 2015-2017 was adopted in 2015. It states that protection will be improved and assistance provided for child victims of sexual violence. It specifically noted that medical support and psychotherapy services for 'male' victims will be enhanced. Moreover, the Plan iterates efforts to develop support for SEC victims, including foreign victims and victims of human trafficking. Strict punishments of SEC-related business establishments, which exploit juveniles are also mentioned, along with cracking down on online CSAM/CSEM.<sup>213</sup> In November 2017, the MGEF held a public hearing for the draft of the Second Basic Plan for Gender Equality (2018-2022).<sup>214</sup>

Surprisingly, the Youth Ombudsman of Korea operated only from 2004 to 2006. However, other

204 Committee on the Rights of the Child (2017), "The 5<sup>th</sup> and 6<sup>th</sup> Periodic Report to the UN Committee", p. 6, para 11.

205 The National Human Rights Commission of Korea, "About the Commission", accessed 6 March 2018, <https://www.humanrights.go.kr/site/main/index002>.

206 *Ibid.*, "Priority Tasks", accessed 22 November 2017, <https://www.humanrights.go.kr/site/homepage/menu/viewMenu?menuid=002001001004>.

207 *Ibid.*, "Research on the national implementation of international children's rights standards", accessed 22 November 2017, <https://www.humanrights.go.kr/site/program/board/basicboard/view?menuid=001003001004&searchselect=boardtitle&searchword=%EC%95%84%EB%8F%99&pagesize=10&boardtypeid=16&boardid=611500>. (available in Korean)

208 Committee on the Rights of the Child (2017), "The 5<sup>th</sup> and 6<sup>th</sup> Periodic Report to the UN Committee", p. 7, para 12.

209 *Ibid.*, "Research on the environment and human rights situation of sexual exploitation against children and juveniles", accessed 22 November 2017, <http://www.humanrights.go.kr/ezpdf/customLayout.jsp?encdata=0D7B46D1D35E32531C97F3A723AB28689C3721EE62B784ED42C56510A003811E617EAD152899E52852CB5F486516C2B1F17F9E59C48C68DA6FE55F8A54C867401FB1201771C712189362BE6DEE07078DC71C40E7E4D7377B346DDB5C619160D2CD7A56E9F1603FCDCA80A57B515CD24EA6F7ABE99ACCCD541B85B005FD87DDACF15A70C5A7D9F848BE19BF6FD4057A485B00F5FD41B0997C>. (available in Korean)

210 Committee on the Rights of the Child (2017), "The 5<sup>th</sup> and 6<sup>th</sup> Periodic Report to the UN Committee", pp. 6-7, para. 11.

211 Committee on the Rights of the Child (2008), "Concluding observations on the Report submitted by the Republic of Korea under Article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography", paras. 11-12, accessed 22 November 2017, [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolNo=CRC%2fC%2fOPSC%2fKOR%2fCO%2f1&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolNo=CRC%2fC%2fOPSC%2fKOR%2fCO%2f1&Lang=en).

212 Government of Korea, Ministry of Gender Equality and Family (2016), "The Second Child Policy Coordination Committee", accessed 22 November 2017, [http://www.mogef.go.kr/nw/enw/nw\\_enw\\_s001d.do?mid=mda700](http://www.mogef.go.kr/nw/enw/nw_enw_s001d.do?mid=mda700). (available in Korean)

213 *Ibid.*, (2015), "The First Basic Plan for Gender Equality (2015-2017)", pp. 83-89, accessed 22 November 2017, [http://www.mogef.go.kr/mp/pcd/mp\\_pcd\\_s001d.do?mid=plc500](http://www.mogef.go.kr/mp/pcd/mp_pcd_s001d.do?mid=plc500). (available in Korean)

214 *Ibid.* "Public Hearing for the draft on the Second Basic Plan for Gender Equality (2018-2022)", accessed 22 November 2017, [http://www.mogef.go.kr/nw/enw/nw\\_enw\\_s001d.do?mid=mda700](http://www.mogef.go.kr/nw/enw/nw_enw_s001d.do?mid=mda700). (available in Korean)

bodies exist to monitor and promote children's rights, including the National Youth Policy Institute, which was established with the aim of developing policies closely related to children and young people's rights.<sup>215</sup> In 2013, it conducted research on comprehensive measures for protecting children and juveniles from sexual exploitation.<sup>216</sup> In 2016, it also conducted a situational analysis on child rights in Korea. The situational analysis specifically addressed the sexual exploitation of children by referring to preventive measures, statistics, punishments, and rehabilitation facilities.<sup>217</sup>

## PREVENTION MEASURES, AWARENESS-RAISING AND EDUCATION

South Korea has adopted a proactive attitude towards preventing SEC throughout the years.

The MGEF recommended strengthening prevention strategies by increasing the number of local and regional 'sex education centres' for children.<sup>218</sup> Early 2018, there were 58 such centres in the country (48 in buildings and 10 on educational buses)<sup>219</sup> Some provincial centres provide a programme on 'Understanding of Cross-border SEC' to intermediate and high school students. The educational buses conduct a SEC prevention campaign with the public sector in Seoul.<sup>220</sup> Moreover, to raise awareness among citizens, especially children, parents, and relevant institutions, the MGEF has set up an 'eradication

period of domestic violence, sexual violence and sex trade' from November to December 2017.<sup>221</sup> Additionally, since many runaway children are reportedly involved in sexual exploitation in prostitution, the government started operating 'Out-of-School Juvenile Support Centres'. Since 2016, 202 such centres are in place.<sup>222</sup>

The main responsible independent monitoring body that assesses and orders correction/deletion of harmful and illegal materials online is the Korea Communications Standards Commission (KCSC).<sup>223</sup> KCSC is responsible for requesting the labelling of and/or the deletion of harmful contents to children such as sexual violence, nudity or pornography, through the operator 'SafeNet'.<sup>224</sup> In the first half of 2017, the Commission reported 32,599 obscene and sex trade cases, blocked 28,528 websites, and deleted 450 websites.<sup>225</sup> A South Korean Child-Monitoring Smartphone Application, temporarily banned in 2015 because of security flaws, is now back on the market with a new name 'Cyber Security Zone', thanks to the government's efforts.<sup>226</sup> A similar application called 'Green I-Net' was also developed to prevent middle and high school students from being exposed to harmful materials including CSAM/CSEM.<sup>227</sup> Moreover, in 2017, ECPAT Korea hosted a forum on Child Sexual Grooming, with a specific focus on preventing demand for online grooming.<sup>228</sup>

In regards to education, the Child Welfare Act explicitly enforces child-related welfare facilities to formulate annual education plans with content on the "prevention of sexual violence and child abuse".<sup>229</sup>

215 The National Youth Policy Institute, "Introduction", accessed on 6 March 2018, <http://www.nypi.re.kr>.

216 *Ibid.* "Research on the comprehensive measures for protecting children and juveniles from sexual exploitation", accessed 22 November 2017, <http://lib.nypi.re.kr/pdfs/2012/13.pdf>. and <http://lib.nypi.re.kr/pdfs/2013/10.pdf>. (available in Korean)

217 *Ibid.* "A Situational Analysis on Human Rights of Children in South Korea", pp. 499-519, accessed 22 November 2017, [http://www.nypi.re.kr/brdrr/boardrrView.do?menu\\_nix=15klNsa2&brd\\_id=BDIDX\\_PJk7xvf7L096m1g7Phd3YC&srch\\_ctgry\\_idx=CTIDX00002](http://www.nypi.re.kr/brdrr/boardrrView.do?menu_nix=15klNsa2&brd_id=BDIDX_PJk7xvf7L096m1g7Phd3YC&srch_ctgry_idx=CTIDX00002).

218 Ministry of Gender Equality and Family, "The First Basic Plan for Gender Equality (2015-2017)", p. 91.

219 Information provided by Tacteen Nail/ECPAT Korea, the ECPAT's affiliated Member Group in South Korea.

220 *Ibid.*

221 *Ibid.*

222 Committee on the Rights of the Child (2017), "The 5<sup>th</sup> and 6<sup>th</sup> Periodic Report to the UN Committee", p. 15, para. 46

223 Korea Communications Standards Commission, "About KCSC", accessed 6 March 2018, <http://www.kocsc.or.kr/>. (available in Korean)

224 SafeNet, "Home", accessed 6 March 2018, <http://www.safenet.ne.kr/>. (available in Korean)

225 *Ibid.*, "Statistics 2017", accessed 6 March 2018, [http://www.kocsc.or.kr/02\\_infoCenter/info\\_Communion\\_View.php?ko\\_board=info\\_Communion&ba\\_id=11726&page=1](http://www.kocsc.or.kr/02_infoCenter/info_Communion_View.php?ko_board=info_Communion&ba_id=11726&page=1). (available in Korean)

226 Lee, You-kyung and Satter, Raphael (2017), "Rogue Korean child-monitoring app is back, researchers say", *Phys.org*, 11 September 2017, accessed 24 October 2017, <https://phys.org/news/2017-09-rogue-korean-child-monitoring-app.html>. (available in Korean)

227 Green I-Net, "About Green I-Net", accessed on 6 March 2018, <http://www.greeninet.or.kr/>.

228 ECPAT Korea (2017), "ECPAT Korea Hosts Forum on Child Sexual Grooming", accessed 8 December 2017, [http://www.tacteen.net/ep\\_sub0301/338616](http://www.tacteen.net/ep_sub0301/338616).

229 Korea, "Child Welfare Act", Article 31 (1) 1.



The Act on the Prevention of Commercial Sex Acts and Protection, Etc. of Victims also imposes a duty on relevant actors<sup>230</sup> to implement educational programmes to prevent commercial sex acts.<sup>231</sup> Recently, in March 2017, the MGEF promised to enhance preventive education and punishment for overseas sex trade through the ‘47th Committee on the Countermeasures to Overseas Sex Trade’.<sup>232</sup> In 2017, the Aha Sexuality Education and Counselling Centre for Youth, along with several other NGOs, including ECPAT Korea, initiated a campaign called ‘Puberty Party’ for primary school students to better understand sexuality and to prevent sexual exploitation.<sup>233</sup>

In 2017, the MGEF published a customised leaflet for people in specific occupational roles who have a legal duty to report sexual offences against children and juveniles.<sup>234</sup> Finally, the MGEF will initiate an educational project in 2018 to prevent recidivism of sexual offenders against children and juveniles.<sup>235</sup>

“The heads of State agencies, local governments, elementary schools, middle schools, high schools, and other public organizations specified by Presidential Decree [...] shall implement educational programs to prevent commercial sex acts in order to promote healthy values about sex, prevent commercial sex acts, and protect human rights [...]”

Act on the Prevention of Commercial Sex Acts and Protection, Etc. of Victims, Article 5(1).

## CHILD PROTECTION, ACCESS TO JUSTICE AND RIGHT TO REMEDIES FOR CHILD VICTIMS OF SEXUAL EXPLOITATION

### National complaint mechanisms

There are various legal mechanisms to access justice in South Korea if a child believes his/her rights were violated. Those include civil claims, petitions through administrative measures, and appeals to the National Human Rights Commission. Under the Civil Act, a child must obtain “the consent of his/her legal representative to perform any juristic act”.<sup>236</sup> According to the Civil Procedure Act, “a minor may conduct litigation only through his/her legal representative”, unless “[he/she] is able to independently conduct juristic acts”.<sup>237</sup> In general, parents or adoptive parents hold parental authority over a child,<sup>238</sup> and are considered legal representatives.<sup>239</sup> It specifically mentions that, when exercising authority, “priority shall be given to the welfare of a child”.<sup>240</sup> In cases where parents or persons with authority are not present, a court shall appoint a guardian as a legal representative for a minor,<sup>241</sup> and the guardian shall have “the same rights and duties as a person of parental authority”.<sup>242</sup> The Child Welfare Act provides similar measures. If certain persons in authority, such as heads of child welfare facilities or heads of schools, consider it is deemed necessary, they may apply for the appointment of a guardian,<sup>243</sup> and such application must respect the child’s opinion.<sup>244</sup> In case where a guardian abuses the child, a replacement shall be granted.<sup>245</sup>

230 State agencies, local governments, elementary schools, middle schools, high schools, and other public organisations.

231 Korea, “Act on the Prevention of Commercial Sex Acts and Protection, Etc. of Victims”, Article 5 (1).

232 Government of Korea, Ministry of Gender Equality and Family (2017), “47th Committee on the Countermeasures to Overseas Sex Trade”, accessed 24 October 2017, [http://www.mogef.go.kr/nw/enw/nw\\_enw\\_s001d.do?mid=mda701](http://www.mogef.go.kr/nw/enw/nw_enw_s001d.do?mid=mda701). (available in Korean)

233 Sexuality Education and Counselling Centre (2017), “Introduction”, accessed 24 October 2017, <https://www.ahacenter.kr:46165/network/press/28315>. (available in Korean)

234 Government of Korea, Ministry of Gender Equality and Family (2017), “Key policies: Human Rights Protection” accessed 6 March 2018, [http://www.mogef.go.kr/mp/pcd/mp\\_pcd\\_s001d.do?mid=plc504](http://www.mogef.go.kr/mp/pcd/mp_pcd_s001d.do?mid=plc504). (available in Korean)

235 *Ibid.*, “Anti-recidivism project for child sexual offenders”, accessed 8 December 2017, [http://www.mogef.go.kr/nw/ntc/nw\\_ntc\\_s001d.do?mid=news400](http://www.mogef.go.kr/nw/ntc/nw_ntc_s001d.do?mid=news400). (available in Korean)

236 Korea, “Civil Act”, Article 5 (1).

237 Korea, “Civil Procedure Act”, Article 55 (1).

238 Korea, “Civil Act”, Article 909 (1).

239 *Ibid.* Article 911.

240 *Ibid.* Article 912 (1).

241 *Ibid.* Article 928.

242 *Ibid.* Article 945.

243 Korea, “Child Welfare Act” (1981), Article 19.

244 *Ibid.* Article 19 (3).

245 *Ibid.* Article 19 (2); and Korea, “Civil Act”, Article 940.

Another legal option for a child is to file a petition<sup>246</sup> with the National Human Rights Commission<sup>247</sup> albeit under certain conditions.<sup>248</sup> The Commission may initiate investigation on its own if it finds reasonable grounds for a violation of human rights.<sup>249</sup> Furthermore, a child could also file a petition to the Commission with the help of a third party, including non-governmental organisations.<sup>250</sup> Although, the Commission has no juristic authority to make an entity comply with its recommendation,<sup>251</sup> it may refer a case to the Prosecutor General if the case amounts to a criminal offence.<sup>252</sup>

Despite various legal options from which children can choose, there is still a lack of legal forums, which prevents children from receiving full legal protection. There is no specialised juvenile court in South Korea. Instead, several Family Courts deal with cases involving children. However, they tend to focus on juvenile delinquency, rather than focusing on child victims.<sup>253</sup> The lack of an independent and comprehensive monitoring body for children poses a significant problem.

## Child-sensitive justice

There are several measures under the Criminal Procedure Act, which are child-sensitive. A person under 16 is exempted from taking an oath before testifying.<sup>254</sup> The Act allows the victim to be accompanied in court by someone who has

a “reliable relationship with [him/her]”, if she/he is younger than 13.<sup>255</sup> Moreover, it allows the court to hear a witness outside the courtroom depending on “his/her age, vocation, health condition, and other special circumstances”.<sup>256</sup> The Act also specifies that a child, juvenile, or victim of human trafficking and sex crimes<sup>257</sup> can testify via video or other transmission system.<sup>258</sup> In 2012, the Supreme Court stated that “submission of videotapes of child victims in a sexual offence case does not violate Article 10 (right to human dignity) and Article 11 (equality before the law and prohibition of discrimination) of the Constitution”.<sup>259</sup> In terms of protecting the privacy of child victims of sex offences, Article 55 of the Act on the Protection of Children and Juveniles against Sexual Abuse prohibits the publication of “any information or material such as their personal information or pictures, or disclose them through newspapers, magazines, or other publications, broadcasting or any information and communication network”.<sup>260</sup>

In regards to legal advice and aid, a child may be granted a litigation aid in accordance to the Civil Procedure Act. The latter stipulates that “a court may grant a litigation aid upon request of a person who falls short of the solvency to pay the costs of lawsuit”.<sup>261</sup> The Legal Aid Act explicitly prescribes the prohibition of legal services fees for a child.<sup>262</sup> According to the Korea Legal Aid Corporation’s website, people eligible for legal services<sup>263</sup>

246 National Human Rights Commission, “How to File a Complaint”, accessed 20 November 2017, <https://www.humanrights.go.kr/site/homepage/menu/viewMenu?menuid=002004001>.

247 National Human Rights Commission, “About the Commission”, accessed 20 November 2017, <https://www.humanrights.go.kr/site/main/index002>.

248 There are two conditions to file a petition: (1) violations of Articles 10 to 22 of the Constitution by state, local entities or protective facilities; and in case of (2) discriminatory act or any violation of the right to equality committed by a legal body or individuals.

249 *Ibid*, Article 30 (3).

250 *Ibid*, Article 30 (1) 1.

251 *Ibid*, Article 25.

252 *Ibid*, Article 45.

253 Committee on the Rights of the Child, “The 5<sup>th</sup> and 6<sup>th</sup> Periodic Report to the UN Committee”, pp. 49-50, para. 184.

254 Korea, “Criminal Procedure Act”, Article 159.

255 *Ibid*, Article 163-2 (2).

256 *Ibid*, Article 165.

257 A crime referred to in Articles 7, 8, 11 through 15, and 17 (1) of the Act on the Protection of Children and Juveniles against Sexual Abuse.

258 Korea, “Criminal Procedure Act”, Article 165-2.

259 *Ibid*. Supreme Court Decision, 2012Do3893

260 Korea, “Act on the Protection of Children and Juveniles against Sexual Abuse”, Article 55.

261 Korea, “Civil Procedure Act”, Article 128.

262 Government of Korea (1986), “Legal Aid Act” Article 7 (2) 5.

263 The scope of such services are civil, criminal, administrative, constitutional, family cases and particularly nominated cases for sexually abused children and victims of sexual violence.

are victims of sexual violence, student victims of school violence and foreign residents who are having financial difficulty.<sup>264</sup> Additionally, the Korean Bar Association<sup>265</sup> and the Korea Legal Aid Centre for Family Relations<sup>266</sup> also offer free or subsidised legal assistance to minors. Although it does not specify children, the Sexual Violence Prevention and Victims Protection Act also provides legal aid.<sup>267</sup> Lastly, South Korea adopted a Public Defenders System in 2013, which is exclusively in charge of providing prompt support for victims.<sup>268</sup>

Despite the presence of various child-sensitive measures in South Korea, the Committee on the Rights of the Child stated that “the questioning and legal process for child victims of sex offences remain inadequate”. It recommended “develop[ing] child-friendly procedural rules and ensur[ing] the child victim is treated with greater respect for his or her privacy and dignity”.<sup>269</sup> Representatives of the NGO sector stated that child victims of sexual exploitation in South Korea often see their victimhood denied and are sometimes treated as offenders.<sup>270</sup> Accordingly, in 2017, ECPAT Korea held a Forum on the Construction of Comprehensive Protection System for Child Sexual Exploitation Victims, to address this problem.<sup>271</sup>

A full amendment of the Family Litigation Act was proposed in 2017 to provide a child-friendly justice system, including measures for victimised children or juveniles, and allowing opinions of children under 13 to be heard.<sup>272</sup>

## Access to recovery and reintegration

Several legal frameworks focus on child victims’ access to recovery and reintegration. The Sexual Violence Prevention and Victims Protection Act imposes State and local governments to provide support for the rehabilitation of victims of sexual

violence.<sup>273</sup> The prescribed duties refer to Article 46 of the Act on the Protection of Children and Juveniles against Sexual Abuse.<sup>274</sup> According to the Child Welfare Act,<sup>275</sup> the government must establish a National Child Protection Agency,<sup>276</sup> and must provide measures, including “counselling, medical treatment, education for abused children and post management of the abused child’s family”.<sup>277</sup>

Furthermore, there are some centres, which specifically deal with child victims of sexual offences. The Sunflower Children Centre, established by the MGEF, provides counselling, medical support and psychological treatment

264 Korea Legal Aid Corporation, “Who is eligible to Legal Aid”, accessed 21 November 2017, <http://eng.klac.or.kr/english/infor/02.php>; <http://eng.klac.or.kr/english/infor/03.php>.

265 The Korean Bar Association, “Main activities”, accessed 21 November 2017, <http://www.koreanbar.or.kr/eng/pages/about/activities.asp>.

266 The Korea Legal Aid Centre for Family Relations, “Legal Counselling”, accessed 21 November 2017, <http://lawhome.or.kr/newhome/eng/sub02/body01.asp>.

267 Government of Korea (2010), “Sexual Violence Prevention and Victims Protection Act” Article 7-2 (1) and (3), accessed 21 November 2017, [https://elaw.klri.re.kr/kor\\_service/lawView.do?hseq=33724&lang=ENG](https://elaw.klri.re.kr/kor_service/lawView.do?hseq=33724&lang=ENG).

268 We Protect (2014), “Report Form of Global Alliance against Child Sexual Abuse Online of Republic of Korea”, p. 3, accessed 21 November 2017, [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/organized-crime-and-human-trafficking/global-alliance-against-child-abuse/docs/commitments/ga\\_commitment\\_-\\_republic\\_of\\_korea\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/organized-crime-and-human-trafficking/global-alliance-against-child-abuse/docs/commitments/ga_commitment_-_republic_of_korea_en.pdf).

269 Committee on the Rights of the Child (2012), “Concluding observations on the Report submitted by the Republic of Korea under Article 44 of the Convention”, paras. 82-83, accessed 21 November 2017, [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fKOR%2fCO%2f3-4&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fKOR%2fCO%2f3-4&Lang=en).

270 Webdesk (2017), “Adolescents who engaged in sex trade are not recognised as victims”, *Weekly Kyunghyang*, 08 August 2017, accessed 27 October 2017, <http://weekly.khan.co.kr/khnm.html?mode=view&code=115&artid=201707311815291&pt=nv> (available in Korean).

271 ECPAT Korea (2017), “Forum on Construction of Comprehensive Protection System for Child Sexual Exploitation Victims”, accessed 8 December 2017, [http://www.tacteen.net/ep\\_sub0301/337751](http://www.tacteen.net/ep_sub0301/337751).

272 Committee on the Rights of the Child, “The 5<sup>th</sup> and 6<sup>th</sup> Periodic Report to the UN Committee”, pp. 15-16, para. 49, and p. 17, para. 57.

273 Korea, “Sexual Violence Prevention and Victims Protection Act”, Article 3 (1) 4.

274 Korea, “Act on the Protection of Children and Juveniles against Sexual Abuse”, Article 46.

275 Korea, “Child Welfare Act”, Article 45 (1).

276 The National Child Protection Agency, “Institutional Introduction”, accessed 6 March 2018, <http://www.korea1391.go.kr/new/>.

277 Korea, “Child Welfare Act”, Article 46.

(liaising with hospitals), legal assistance, and post-management support for child victims of sexual offences only.<sup>278</sup> As of 2016, there are 37 centres across the country. Moreover, there is a Seoul Crisis Intervention Centre for Women and Children. The latter offers similar support for child victims of sexual exploitation, including victims of sexual trafficking. Child victims can apply for help at the centre, and when the offence requires legal assistance, the case is referred to Korea Legal Aid Corporation.<sup>279</sup>

## Access to compensation

There is no explicit provision for child victims of sexual exploitation to access compensation. Yet, various legal provisions allow compensation to be given to victims. According to Article 750 of the Civil Act, “any person who causes losses to or inflicts injuries on another person by an unlawful act, intentionally or negligently, shall be bound to make compensation for damages arising

therefrom”.<sup>280</sup> Article 751 allows compensation even if a crime does not cause economic damages.<sup>281</sup> No law allows punitive damages to be awarded to child victims in South Korea. The Sexual Violence Prevention and Victims Protection Act allows counselling centres to lodge complaints against sex offenders and claim compensation for damage”.<sup>282</sup> Similarly, the Act on the Protection of Children and Juveniles from Sexual Abuse allows counselling facilities to request civil and criminal procedures and to claim compensation for damage”.<sup>283</sup>

Additionally, although this may not qualify as financial compensation, the government eased the requirements in 2015 for crime victims to receive better housing support, including access to short/long-term care shelters and livelihood protection.<sup>284</sup> If parents are the perpetrators, victims also receive support and are placed in shelters.<sup>285</sup> Finally, to encourage children and juveniles to report sexual offences, the MGEF simplified the compensation procedure.<sup>286</sup>

278 Sunflower Children Centre, “About us”, accessed 6 March 2018, <http://www.child1375.or.kr/index.asp>.

279 Seoul Crisis Intervention Centre for Women and Children, “Legal background”, accessed 6 March 2018, <http://www.help0365.or.kr/eng.php>.

280 Korea, “Civil Act”, Article 750.

281 *Ibid.* Article 751.

282 Korea, “Sexual Violence Prevention and Victims Protection Act”, Article 11.5.

283 Korea, “Act on the Protection of Children and Juveniles from Sexual Abuse”, Article 46 (2) 4.

284 Committee on the Rights of the Child, “The 5<sup>th</sup> and 6<sup>th</sup> Periodic Report to the UN Committee”, p. 51, para. 191.

285 Information provided by Tacteen Nail/ECPAT Korea, the ECPAT’s affiliated Member Group in South Korea.

286 Government of Korea, Ministry of Gender Equality and Family (2014), “Simplifying compensation process for report of sexual offence against children and juveniles”, accessed 27 November 2017, [http://www.mogef.go.kr/nw/rpd/nw\\_rpd\\_s001d.do?mid=news405](http://www.mogef.go.kr/nw/rpd/nw_rpd_s001d.do?mid=news405).



## Child, Victim and Survivor Participation

Child participation is high in South Korea, but it appears that no initiative or campaign allows child victims and survivors of sexual exploitation to have their specific perspectives considered in law and policy-making.

According to the Child Welfare Act, “[for] all activities concerning children, the interest of children shall be considered preferentially”.<sup>287</sup> The Framework Act on Juveniles stipulates that “juveniles shall have the right to freely express their opinions and make their own decisions while disregarding external influences”.<sup>288</sup> The Act also imposes the State to hold special meetings every year with juveniles.<sup>289</sup> Besides the legislations, the Fifth Basic Plan on Youth Policy set juvenile participation as its second major goals.

At the ministerial level, under the jurisdiction of the MGEF, there are three distinctive child-related bodies where children engage in the decision-making process of policies that affect them. First, the Special Committee on Youth manages national level policies by submitting a recommendation directly to the government. Second, the Youth Participation Committee was created to review and coordinate ministerial and/or local level policies through various discussions, conferences, and

campaigns. Third, the Youth Steering Committee was found in order for children to evaluate and monitor youth-related facilities.<sup>290</sup>

With the authorisation of the Ministry of Health and Welfare, Korea Council of Children’s Organisation (KOCCONET) was established.<sup>291</sup> In November 2017, in order to participate in the process of submitting alternative reports to the CRC Committee, children voluntarily formed a working group and took part in the press conference.<sup>292</sup>

ECPAT Korea also conducts various campaigns with children on sexual rights, the prevention and protection from sexual exploitation. In 2017, an International Clean Media Conference was held, sponsored by ECPAT Korea, with the aim of paying attention to the voices of and encouraging children and adolescents’ participation.

Since 2003, the Korea Sexual Violence Relief Centre<sup>293</sup> held a survivors’ speech event annually. This forum provides survivors with opportunities to raise their voices regarding the experience of sexual victimisation. However, the participation of child victims of SEC in these forums is very low.<sup>294</sup>

287 Korea, “Child Welfare Act”, Article 2 (3).

288 Government of Korea (2004), “The Framework Act on Juvenile”, Article 5 (3).

289 *Ibid.* Article 12 (1).

290 *Ibid.* “Youth Participation Activity”, accessed 22 November 2017, [http://www.mogef.go.kr/sp/yth/sp\\_yth\\_f003.do?mid](http://www.mogef.go.kr/sp/yth/sp_yth_f003.do?mid). (available in Korean)

291 KOCCONET, “For children’s rights and happiness”, accessed 6 March 2018, <http://kocconet.or.kr/>. (available in Korean)

292 Webdesk (2017), “KOCCONET, presentation of UNCRC Child Report”, News Prime, 17 November 2017, accessed 22 November 2017, <http://www.newsprime.co.kr/news/article.html?no=395596>. (available in Korean)

293 The Korea Sexual Violence Relief Centre, “Who we are”, accessed 6 March 2018, <http://www.sisters.or.kr>. (available in Korean)

294 Information provided by Tacteen Nail/ECPAT Korea, the ECPAT’s affiliated Member Group in South Korea.

# Recommendations for Action

## INTERNATIONAL AND REGIONAL LEGISLATION, COMMITMENTS AND COORDINATION TO ENDING SEC

- Accede to the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure and the Convention on Consent to Marriage, Minimum Age for Marriage and registration of Marriages.
- Ratify the UNWTO Framework Convention on Tourism Ethics, and encourage travel agents and tourism agencies to become signatories to the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism.
- Cooperate with the regional/international community on all SEC-related offences by providing mutual legal assistance, exchange of information, and support in investigations.

## NATIONAL RESPONSE TO SEC'S MANIFESTATIONS

- Amend the definition of a child in national legislations to an individual below the age of 18, in accordance with international standards.
- Raise the age of sexual consent (currently set at 13).
- Strengthen the prosecution and conviction of SEC-related crimes to ensure the accountability of offenders.

- Incorporate and implement the provisions of international legal mechanisms, such as the Convention on the Rights of the Child, along with its Protocols, and refer to child-related international treaties, especially the CRC and OPSC provisions, in domestic courts.
- Contribute to the establishment of a responsible governmental and ministerial institution that is comprehensive and pivotal, together with sufficient authority and mandate, in dealing with SEC-related issues. As such, coordination among ministries and organisations should be improved.
- Ensure consistent definitions around SEC across different relevant legislation.
- Either amend the current laws related to OCSE or adopt a new law to regulate online practices, which might put children at risk.
- Revise the Act on the Protection of Children and Juveniles against Sexual Abuse to criminalise the act of knowingly accessing and viewing CSAM/CSEM on the Internet.
- Improve the identification of child victims of trafficking and develop a better tracking system for potential offenders.
- Adopt and enact national legislations that explicitly penalise crimes of SECTT.
- Conduct awareness-raising campaigns among South Korean nationals, liaising with the hospitality industry, as the majority of them are still unaware or ignorant of the consequences of SECTT.
- Abolish the principle of double criminality in the Extradition Act, which greatly hinders extraditing offenders, and establish extraterritorial jurisdiction over all SEC-related crimes.

- Develop an adequate training programme for law enforcement officials including judges, prosecutors, lawyers, policy officers, civil servants, social workers, schoolteachers, health workers and other professionals on all the manifestations of sexual exploitation of children.

## ACCESS TO JUSTICE AND RIGHT TO REMEDIES FOR CHILD VICTIMS OF SEXUAL EXPLOITATION

- Establish responsible courts with full authority to deal with cases of sexual exploitation, instead of referring them to other courts.
- Improve child-sensitive complaint procedures, reporting and petition mechanisms according to a child's best interests. Define the legal status and authority of the Korea Monitoring Centre for Children's Rights and re-establish the Office of the Ombudspersons for Children's Rights.
- Amend the Act on the Protection of Children and Juveniles against Sexual Abuse, which takes punitive approaches towards child victims and allows them to be punished as juvenile offenders.
- Improve the facilities in place for a child-friendly justice system and ensure the adequate implementation of existing provisions.
- Provide recovery systems commensurate to punishments not only for short-term rehabilitation programmes, but also for mid or long-term measures and post-management or follow-up care, until a full recovery is achieved and children can successfully reintegrate into their society and/or families.

- Provide better recovery and reintegration services to boy victims.
- Enhance compensation programmes to ensure that child victims of SEC receive adequate compensation in accordance with Article 9 (4) of the OPSC.
- Child, Victim and Survivor Participation
- Improve child participation platforms or forums on all aspects of SEC; establish more children-led initiatives and organisation, and encourage all children to participate in the decision-making processes that are relevant to them.
- Conduct more awareness-raising campaigns on victims' and survivors' participation, with the goal to reduce the stigmatisation of victims. This can be done by prioritising the best interests of child victims and survivors of SEC.

## RESEARCH NEEDS AND AGENDA

- Allocate more resources and strengthen the national data collecting system, including statistics and numbers, disaggregated by sex and age, especially pertaining to child victims of SEC.
- Undertake qualitative and quantitative research on the risk factors and root causes of SEC in particular around new forms of potential SEC (such as image-based sexual extortion).



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