

## Abstract

# Analysis on Prosecutors' Office Statistics on Violence against Women (II); Focusing on Digital Sexual Crimes and False Accusation

Deuk-kyoung Yoon

Jeong-hye Kim

Jae-yeong Cheon

Young-mi Kim

Recently, the Korean society has suffered from the epidemic spy cam problem where perpetrators use digital devices to illegally take images on certain body parts that can cause wrong sexual desire and shame. Over the past several years, the Korean Me-Too movement has shaped an environment in which victims of sexual violence came forward to talk about their case. Yet, it also met diverse barriers that would stop those misconducts from being revealed, including threat of counteractions by the wrong-doers and judgment of false accusation by investigative organizations.

This study is to analyze Korean Prosecutors' Office's statistics in relation to widespread digital sexual crimes and false accusation

in the society and suggest relevant implications.

First, for the analysis of digital sexual violence, this research investigated lists of charges, including of spy cam related crimes, handled by the prosecutors' office, and rulings by district courts. Then it proceeded with the investigation by filing and examining features and classification of crimes.

Regardless of a suspect's gender and in consideration of gender factors of digital sex crimes, proactive law enforcement actions, such as investigation and crackdown by policemen and prosecutors, are requested, and measures for victims, including support of digital records erasure, should be carried out as one-stop service. The alleged of those crimes are getting younger, but those aged 19 and below are showing higher rates of decisions of non-indictment or juvenile protection. Such young perpetrators are commonly targeting on victims of their age groups. Education programs, including of preventing young perpetrators from repeating crimes, providing thorough consultation, teaching gender-perception sensitivity, and leading proper Internet use, are in need. Illegal filming and distribution have a nature of continuing themselves unless being checked, so stronger steps, such as rigid law application to those caught for taking images more than 10 times, should be prepared so that such trait will not materialize itself in the first place. Guidelines for prosecuting illegal filming of the Supreme Prosecutors' Office (Oct. 2018) should be put in full place, and also detailed information of the place, object, medium of crime and whether a similar case is done in the past should be considered in the prosecution process.

Second, the study examined false accusation cases. Analysis on the 2017 and 2018 cases which prosecutors found false revealed that the rate of such charges that had been judged as groundless

yet indicted being convicted was a meager 28.7%. Put different, almost three quarters of false accusations cannot be completely determined as 'false.' They included cases where reporters thought themselves sexual victims. Related sexual actions of false accusations were perpetrated by someone whom victims knew and occurred in accommodations. These were the cases that not a few people in a society might understand such sexual behaviors as consented. Such situations failed to make someone fall in the category of victim, thus leading perpetrators to accuse him/her of false charge, or prosecutors not to charge such deeds.

False accusation applies to a case where a person accuses another of non-factual event. If a reported case of a sexual violence victim is proven not to be a fact, a passive interpretation of applicable laws, the victim would face false accusation. This wrong practice of legal understanding should come to a stop. Also, it is necessary for investigative organization and/or court houses to change their perspective on sexual violence, in order that victims will not meet unfair false accusation. Above all, counteraction against a victim should be not used as a defensive tool for an alleged or defendant. Such actions where an attorney instigates the alleged or accused to lodge false accusation charge against a victim with court should be recognized as a substantial violation of Attorney-at-law Act.