

An Analysis of Current Trends in Sexual Crimes, based on the Recent Online Sexual Crimes, such as Telegram 'Nth Room' Sexual Abuse Case

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Summary

- **As sexual crimes, which is a form of gender-based violence, are increasingly combining with digital technologies and online spaces, the public is witnessing new types of sexual crimes emerging in new areas. Sexual crimes are also incorporating conventional types of sexual crimes, gender-based violence, or other crimes to persist, repeat, and expand, and increase the extent of the damages.**
 - ① Illegal acts become widespread as offenders tend to have little awareness on the illegality of their actions.
 - ② Due to the characteristics of digital contents (i.e., consistency, reproducibility, modifiability, spreadability, etc.), the damages caused by the use of digital images can escalate exponentially.
 - ③ The anonymity offered in online spaces and the security measures provided by online platforms make it difficult to collect evidence of a digital sexual crime, while facilitating an easy cover-up of a crime.
 - ④ Online crimes specifically taking advantage of victims' vulnerabilities, such as crimes against children, adolescents, persons with intellectual disability or borderline intellectual functioning, etc., take place frequently but are difficult to detect, while the damages to adult women are seen as relatively minor.
- **Sexual discrimination against women contributes to sexual crimes that involve the use of digital images. As with other similar cases in the past, the Telegram 'Nth Room' case elicits a contradiction in which the suspects are viewed as abnormal and monstrous, while the victims are also criticized and blamed for the justification of their involvement in the crime. The 'Nth Room' case calls attention to the culture that generously embraces the sexual objectification and consumption of women.**

Introduction

- 'Women' are viewed as sexual symbols in societies in which sexual consumption of women is accepted as a normal behavior. The online space, when it fails to offer gender-neutral platforms, acts as an open space in which women are sexually consumed, insulted, and belittled.
- For many, the online space is no longer merely a 'virtual' space, but it offers a large part of 'reality'. Gender-based violence, which is a form of gender discrimination, now permeates online spaces and 'evolves' by combining with digital technologies. Yet, our society is not prepared to appropriately address the recent surges in digital sexual crimes.
- This paper offers analyses of: the Telegram 'Nth Room' case which received considerable attention recently; the characteristics of sexual crimes that use digital contents and occur through online spaces; and the associated trends in sexual crimes.

○○ on Twitter: "[#Middle School Girls #Sex #Breasts #Pussy #Panty #Dirty Talk #Pussies ...twitter.com](#)

[Re-post\] The figures of middle school girls these days, rudals-toto.net](#)

[Sitting next to high school and middle school girls and buying her beef | Girl group · Celebrity ...ilbe.com](#)

[I met a lot of middle school girls this month: :: Humor University, Humorous Materials, web.humoruniv.com](#)

[Free Board - Two middle school girls – BATTLEPAGE.COM v12 v12.battlepage.com](#)

[A 16-year-old middle school girl wore a crop top and showed everything to me... – Bulletin - Issue King](#)

[issueking.kr](#)

[I'd like to marry a high school girl or a middle school girl - World Football - FM Korea, fmkorea.com](#)

[A middle school girl's unusually beautiful legs - Instiz Inti Portal, instiz.net](#)

○○ ♡ pa Twitter: "[I hate tests...#Middle School Girls #Breasts #Outdoor Exposure... twitter.com](#)

[A female VJ who was already a G-cup in middle school, mt-guide.com](#)

[A story about having a sex with a middle school girl.txt | GIF board | Ilbe Repository, ilbe.com](#)

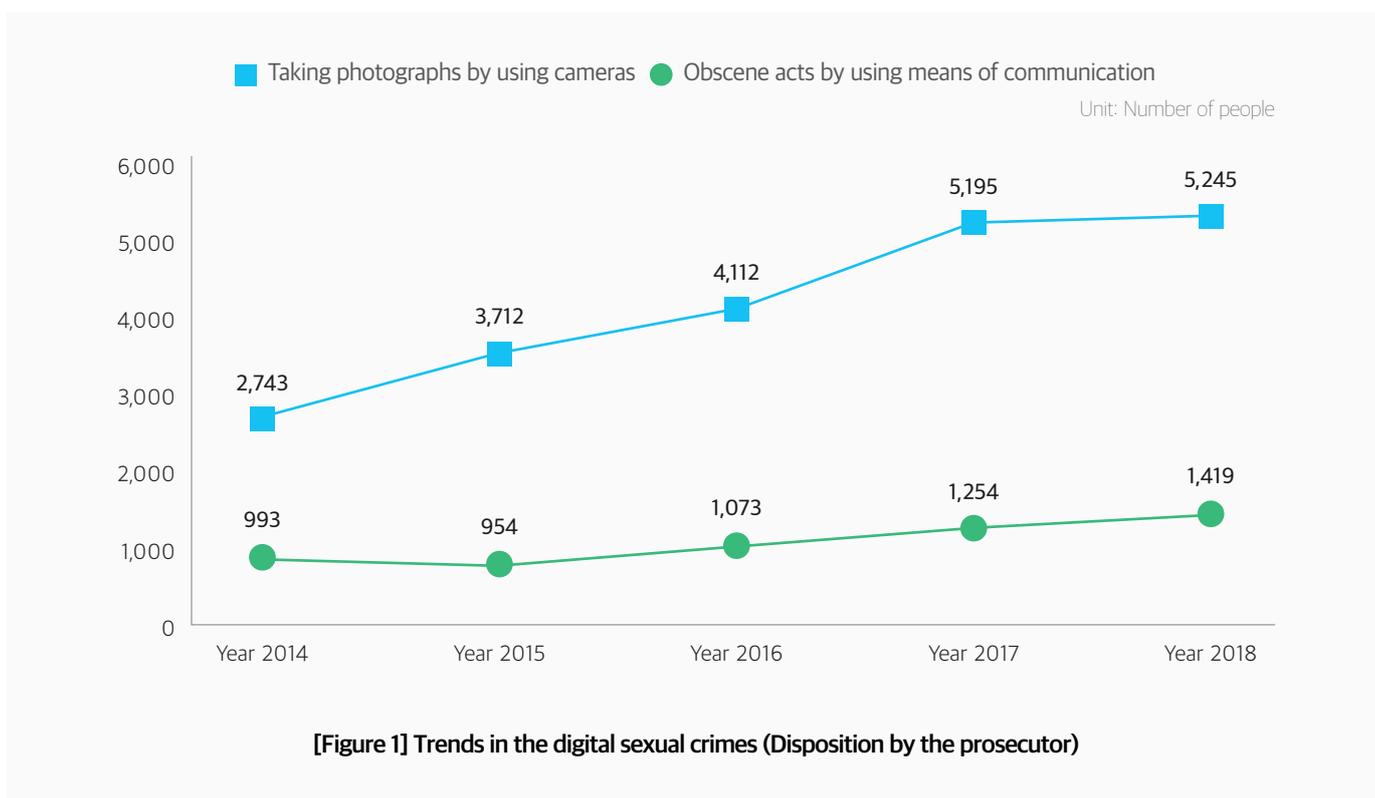
[Table 1] Titles of the post on the first page of Google image search for "middle school girls"

[Explanation] A minor modification in the Google search keyword from "female middle school students" to "middle school girls" led to the first page of the search results mostly showing the photographs of breasts or bodies that highlighted breasts, etc. Those posts mostly contained contents and comments that sexually objectified female middle school students. Even typical group photographs were interpreted as projecting sexual meanings and were used for sexual consumption. Such Google search results unequivocally demonstrated that even underaged women were described and consumed as sexual objects in the Internet space.

The characteristics of sexual crimes that use digital contents and occur through online space

Sexual crimes expand by combining with digital technologies and online spaces

- Many conventional concepts and definitions associated with sexual crimes are centered around the notions including assault, intimidation, or physical sexual contact such as rape and indecent act against vulnerable victims. Thus, the development and establishment of criteria for sexual crimes, efforts to raise awareness on sexual crimes (i.e., their criminality and seriousness), relevant investigation techniques, appropriate standards for determining statutory punishment and sentencing, and proper measures to protect the victims, also tend to be centered around the notion of physical sexual contacts.
- The technologies and tools that facilitate the production of digital images (e.g., photographs, videos, etc.) are increasingly accessible and the programs for the process and synthesis of images continue to improve and proliferate, creating an online environment that promotes the provision and distribution of those images. Consequently, such environment rapidly escalates sexual crimes that use photographs, image synthesis, image distribution, etc.



* Source: Supreme Prosecutors' Office (2019), Crime Analysis Statistics, 'The Results of Criminal Dispositions (General)'

* Note: The figures include the total number of violations involving 'taking photographs by using cameras' and 'obscene acts by using means of communication' outlined in the Act on Special Cases Concerning the Punishment, Etc. of Sexual Crimes, and excludes violations involving the Criminal Act, the Act on the Protection of Children and Youth against Sex Offences, and the Act on Promotion of Information and Communications Network Utilization and Information Protection, etc.

- New types of crimes combine with conventional gender-based violence and other crimes, increasing the severity of the crimes. For example, the potential for a mass distribution of images can facilitate the replication of crimes. Crimes can also expand and continue across both online and offline spaces, in which online/offline crimes are extended to offline/online space and offline/online spaces are used to facilitate or cover up online/offline crimes, consequently accelerating the scale of harms and damages. For example, sexual crimes in the past mainly involved one-on-one and offline indecent act and rape, assault and intimidation involving those acts, and the abuse of power or victim's characteristics for the justification of the crime. By contrast, now the perpetrators tend to commit assault, intimidation, indecent acts, rape, etc. against their victims in order to distribute or sell videos, demand their victims to share sexually exploitative photographs by blackmailing them with the disclosure of identity or distribution of photographs (i.e., 'sextortion'), or take photographs of their victims in order to cover up a rape. People increasingly commit online crimes in groups, encourage others to join crimes, use online media to plan group rapes, in order to actually engage in a rape or force prostitution. As various online threats, coercions, and sexual crimes combine with other online and offline sexual crimes and more, the crimes tend to persist or repeat to aggravate damages and to increase the scale of perpetrators.

🕒 Little awareness on the illegality of viewing sexually exploitive materials: They are just 'porns'

- Watching sexually exploitative videos, or 'porn (sexually explicit videos)', regardless of whether they were filmed upon consent or by sexual exploitation, has long been recognized as a part of adult subculture (male) indulging in 'secret enjoyment'. The government's measures to prevent the spread of sexual exploitation, including the ban on the possession of child or youth pornography, the closure of 'Soranet', and the response to the 'Nth Room' case, have not been taken seriously by the public, while the identification, development, and information sharing on the means to bypass these measures have ensued. Government interventions have been seen as excessive interference of 'privacy', while the consumption of 'porn' has been argued to be an 'entitlement' for men.
- In a culture that attaches little guilt to the sexual consumption of women, sharing and consuming the sexually explicit photographs of women are rarely seen as inexplicable behaviors of peculiar criminals, but are accepted as normal behaviors of 'ordinary colleagues'. As a consequence, anonymous individuals can share and enjoy sexually explicit photographs without any 'sexual shame'¹. The online space, where the consumption of sexually explicit images is openly shared, now serves as a space that diminishes a sense of criminality and guilt, instead of serving as a space for checking and reaffirming justice. In the process, being aware of the illegality of the act is even ridiculed, while the crime is flaunted and encouraged.
- The perpetrators view and possess the photographs with a sense of detachment from the actual victims. Such sense of detachment prompts the perpetrators to think their act of 'private consumption' would not directly harm or aggravate the damages on the victims. Many 'individuals' who share such view collectively contribute to the spread of the crime.
- Investigative organizations and courts often have little awareness that digital sexual crimes (i.e., those involving photography, distribution, image synthesis, etc.)

1) 'Sexual shame' is seen as the crucial factor that determines an indecent act and obscenity stated in the Act on Special Cases Concerning the Punishment, Etc. of Sexual Crimes. See [Table 2] for more information on the law.

[Table 2] Major laws related to digital sexual crimes

Law	Contents	Statutory punishment, etc.
Obscene acts by using means of communication (Article 13 of the Act on Special Cases Concerning the Punishment, Etc. of Sexual Crimes)	<ul style="list-style-type: none"> - A person who sends another person any words, sounds, writings, pictures, images, or other things that may cause a sense of sexual shame or aversion by telephone, mail, computer, or other means of communication, with intent to arouse or satisfy his/her own or the other person's sexual urges 	Punishment by imprisonment for not more than two years or by a fine not exceeding five million won
Taking photographs by using cameras, distribution etc. (Article 14 of the Act on Special Cases Concerning the Punishment, Etc. of Sexual Crimes)	<ul style="list-style-type: none"> - A person who takes photographs of another person's body, which may cause any sexual stimulus or shame against the will of the person photographed, by using a camera or other mechanism which has functions similar thereto - A person who distributes, sells, leases, provides, or openly exhibits or shows (hereinafter referred to as "distribution, etc.") a photograph taken (mentioned above) or its duplicate or a person who makes the distribution, etc. of a photograph taken or its duplicate against the will of the person photographed after the photograph taken was not against the will of the person photographed as at the time such photograph was taken - A person who distributes against the will of a person photographed for the purpose of making profits by using an information and communications network 	Punishment by imprisonment for not more than five years or by a fine not exceeding thirty million won, punishment of criminal attempts
Distribution, etc. of fake videos (Article 14-2 of the Act on Special Cases Concerning the Punishment, Etc. of Sexual Crimes)	<ul style="list-style-type: none"> - A person who edits, synthesizes, or processes (hereinafter referred to as "edited, etc.") photographs, videos, or audios (hereinafter referred to as "videos, etc.") targeting a person's face, body, or voice for the purpose of distributing them in a form that may cause sexual stimulus or shame against the will of the person subject to the video, etc. - A person who distributes the above edits, composites, processed videos (hereinafter referred to as "edits, etc.") or duplicates, or a person who makes the distribution, etc. of the edits, etc. or duplicate against the will of the person videotaped after the video taken was not against the will of the person videotaped as at the time such video was edited, etc. 	Punishment by imprisonment for not more than five years or by a fine not exceeding fifty million won, punishment of criminal attempts (Enforced on June 25, 2020)
Production, distribution, etc. of child or youth pornography (Article 11 of the Act on the Protection of Children and Youth against Sex Offences)	<ul style="list-style-type: none"> - Any person who produces, imports, or exports child or youth pornography* - Any person who sells, lends, distributes, or provides child or youth pornography for commercial purposes, or possesses or transports them for any of such purposes, or publicly exhibits or displays them - Any person who distributes, provides, or publicly exhibits or displays child or youth pornography 	<ul style="list-style-type: none"> Punishment by imprisonment with labor for an indefinite term or for a limited term of at least five years, punishment of criminal attempts Punishment by imprisonment for not more than ten years Punishment by imprisonment for not more than seven years or by a fine not exceeding 50 million won

Production, distribution, etc. of child or youth pornography (Article 11 of the Act on the Protection of Children and Youth against Sex Offences)	- Any person who procures a child or youth for a child or youth pornography producer, knowing that he/she is to be used for producing child or youth pornography	Punishment by imprisonment for at least three years
	- Any person who possesses child or youth pornography knowing that it is child or youth pornography	Punishment by imprisonment for not more than one year or by a fine not exceeding 20 million won
Obligations of online service providers (Article 17 of the Act on the Protection of Children and Youth against Sex Offences)	- Any online service provider who fails to take measures prescribed by Presidential Decree to detect child or youth pornography in the information and communications network managed by himself/herself or who fails to immediately delete the detected child or youth pornography and take technical measures to prevent or block transmission thereof	Punishment by imprisonment for not more than three years or by a fine not exceeding 20 million won This shall not apply where he/she has not been negligent in paying due attention or where substantial technical difficulty exists even though he/she has tried to prevent or block the transmission
Prohibition on circulation of obscene information (Articles 44-7, 73, 74 of the Act on Promotion of Information and Communications Network Utilization and Information Protection, etc.)	- A person who distributes, sells, rents, or displays information with obscene content openly in the form of code, words, sound, images, or motion picture through an information and communications network	Punishment by imprisonment for not more than one year or by a fine not exceeding ten million won
	- A provider of information and communications services or a manager or an operator of a message board does not perform as ordered by the Korea Communications Commission to reject, suspend, or restrict obscene information	Punishment by imprisonment for not more than two years or by a fine not exceeding 20 million won

* The term 'child or youth pornography' means depiction of children or youth under 19 years of age, or persons or representations that can be obviously perceived as children or youth, engaging in sexual intercourse, pseudo-sexual intercourse using part of the body, such as the mouth and anus, or implements, contacting or exposing all or part of the body, which causes sexual humiliation or repugnance of ordinary people, or masturbation, or 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 (Article 2 of the Act on the Protection of Children and Youth against Sex Offences)

🔗 The damage can increase exponentially due to the nature of digital contents

- Digital images can be preserved for an extended period of time without having their qualities compromised, can be reproduced infinitely, can spread rapidly, and cost little to store and distribute.
- Once created, a digital image can be modified without any restriction. Not only can the original copy be duplicated, but it can also be modified, be reproduced as a completely new content, and be distributed again. Thus, initial images that contain no sexual implication can be modified as sexually explicit images for through cropping, synthesizing, editing, etc. In other words, not only the images initially created through sexual exploitation, but also the general images, when edited and combined with other digital contents, can maintain consistency and spread widely for sexual consumption. This highlights that the sexual implication of the original photographs and their distribution and sexual consumption are not always consistent.
- Thanks to the consistency and spreadability of digital contents, digital images can be distributed indefinitely. As a consequence, the public is now paying attention to the damage caused by the 'distribution anxiety'. The victims' anxiety over the distribution of sexually explicit videos featuring themselves is not commonly present in conventional sexual crimes. Nevertheless, investigative organizations' treatment of distribution anxiety resembles that of domestic violence, in which an abused wife, who senses the impending assault while living under the constant threat of domestic violence, asks the police for help, but the police merely replies, 'We cannot intervene because the assault has not occurred yet.' That is, even when a victim is presented with a threat of distribution, or when the possession or distribution of a sexually explicit photograph is anticipated, the police often replies 'We cannot intervene because the photograph has not been distributed yet,' or 'Do not provoke the other party.' The police's reluctance to execute preemptive interventions exacerbates the victim's anxiety and helplessness, and once the photographs are distributed, there is no means to stop further distributions regardless of the extent of the initial distribution.
- Due to the modifiability of photographs (e.g., through editing, synthesizing, etc.), little can be done to prevent their further distributions once distributed. As keywords can also feature infinite variations, it is hardly effective to prevent long-term distribution or posting of the photographs through the blocking of keywords, although such means can prove helpful short-term.

🔗 Exploiting the victims' vulnerability

- As the information and communication devices become increasingly available, the access to private and personal communications without any constraint on time and space (e.g., SNS, chatting, games, etc.) continues to increase. With such trends, the perpetrators are now more likely to easily gain access to not only non-disabled women but also children and adolescents, persons with intellectual disability or borderline intellectual functioning, to target them through grooming, intimidation, isolation, etc.
- The punishment for child and youth pornography is relatively severe. However, when children, adolescents, persons with intellectual disability or borderline intellectual functioning are targeted as victims, the damage can perpetuate for a long time as the victims may not even recognize the crime. Also, it can take a considerable time for the people around the victims to notice the damage, unlike the crimes that occur via physical contact. In addition, the fact that the victims are required to collect initial evidence may hinder proper responses.

🕒 A crime based on sexist views

- Sexually consuming and distributing digital images, and threatening the victims with distribution of the pornographic images are the crimes that are based on discrimination against women. For example, a distribution of a pornographic video featuring sexual intercourse between a man and a woman tends to impact men and women differently, as our culture in general is tolerant of male sexuality whilst being conservative about female sexuality.
- The threat to distribute pornographic images of the victims can put psychological stress on the victims, forcing her to 'voluntarily' make a new digital image demanded by the perpetrator, instead of reporting the threat or asking for help. Such reluctance observed in the victims shows the extent of the stigma of being a 'rag' (dirty, sexually promiscuous woman). Under such double standards, women cannot exist as both sexual agents and the victims of sexual crimes simultaneously. Instead, women's manifestation of her sexual identity is perceived to convey her unrestrained sexual availability. Thus, only when a woman lacks sexual identity (i.e., by being 'pure') can she be recognized as a victim. The stigma of being a 'rag' attaches an image of 'promiscuity' as well as a notion of sexual 'availability', and thereby inviting further threats. A woman who is 'promiscuous' is perceived as 'dirty', sexually accessible, sexually exploitable, and contemptible.
- In a similar vein, there are increasing criticisms related to victim's behaviors (i.e., her agency) while the crimes take place. Under the current laws in which a rape is acknowledged only when the victim is presented with a threat and the level of physical assault that significantly impairs victim's ability to resist, the victims are more likely to get blamed for 'voluntarily' engaging in certain acts even if the acts were coerced. The perpetrators can manipulate their victims to act 'voluntarily' by threatening them, or make them worry that they may be seen as 'voluntary actor' or 'an accomplice involved in illegality'. The perpetrators can also make it difficult for the victims to recognize themselves as victims or to report damages, by manipulating the victims to think that their experience is a sexual transaction, not a sexual crime.
- Due to the undue perceptions on 'a typical victim' or 'a typical sexual crime', which make it difficult to acknowledge the actual damage of conventional sexual crimes, damages for adult women are less likely to be taken seriously compared to those for children and adolescents.

🕒 High likelihood of a cover-up for the crime

- The anonymity offered in online spaces and the security measures provided by online platforms are likely to impede investigations. For example, the technological features designed to enhance security (e.g., message encryption before sending, prohibition of forwarding, recording of captures, message deletion, automatic deletion, etc.) served as the means to leave no trace of the crime or to facilitate the destruction of evidence in the Telegram 'Nth Room' case.
- Many platform designers focus on security while neglecting the possibility that the platform may be used for criminal activities or unethical purposes. Consequently, when a crime occurs in a platform, the platform designers tend to be passive in cooperating with the investigation and often can not provide any record, as the platform is designed to discard all records. Also, many platforms now opt to use overseas servers, which increases the number of criminal cases requiring international cooperation in investigation to collect evidence. However, international cooperation often accompanies many challenges and delays.

- Although the difficulties of collecting evidence and the ease of concealing a crime contribute to the rise in digital sexual crimes, rigorous investigations can often lead to successful discoveries of useful evidence. In many sexual crimes that occur online, similar behaviors can be detected across online and offline spaces, as well as in various Internet and mobile platforms, which is why the security measures offered by particular platforms does not guarantee a complete cover-up. The crimes can also be revealed by internal reports or testimonies. In addition, the technologies that trace crimes are quickly advancing.

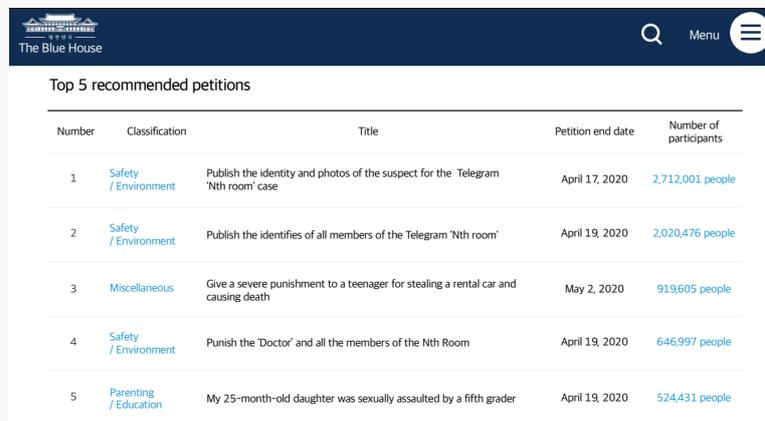
🔗 Understanding of the relevant technologies plays a crucial role in the likelihood of punishment

- The victims are often required to collect evidence during the course of investigation and receiving victim supports. Thus, the likelihood of detection and punishment of a crime depends largely on the victims' abilities and resources.
- Investigative organizations' attitudes and their level of knowledge of technologies have a significant impact on how the cases are handled. Investigative organizations sometimes respond inadequately to digital sexual crimes. For example, investigators in some cases regard digital sexual crimes as minor offence compared to other crimes, delegate the cases to a 'dedicated team' (e.g., Cyber National Police Agency), rely exclusively on the data provided by the victims' own 'investigation', or adopt narrow interpretations on relevant laws. However, in other cases, the scope of investigation gets expanded to detect unreported crimes, which can deter the spread of the crime and prevent further damage. Investigative organizations need a good understanding of online spaces and digital contents, not only to determine and implement the appropriate scopes and methods of evidence collection, but also to properly examine the details of the crimes.
- Judges who have insufficient understanding of the characteristics and harms of digital sexual crimes are likely to exempt criminals from punishments or give them light punishments. Also, lawmakers who lack understanding of digital contents and online spaces tend to neglect the need of relevant regulations and even consider those regulations as excessive. In turn, the perpetrators end up receiving the 'gift' of avoiding any punishment, thanks to the lack of technological knowledge among the victims, investigative organizations, judicial bodies, and legislators.

We must ask ourselves what contributed to the 'Nth Room' case

🔗 Stop demonizing particular individuals

- When the 'Doctor's room' operator of the Telegram 'Nth room' case was arrested, the public called for the disclosure of the operator's face and personal information. Over 2.7 million people signed a petition to the Blue House requesting the disclosure of operator's identity and photos. When the operator's identity was finally released, people started 'doxing' him. His past track records and criminal conducts surfaced, followed by diagnoses of him as a 'psychopath', etc. Such public outrage illustrated how the perpetrator was seen as inhumane and abnormal. When minor suspects (e.g., those aged 16, 12, etc.) were later found to be the members of Telegram, Discourse, etc., the public's focus shifted to the criticism of the laws dismissing the criminal punishment of minors, and eventually to the need of drastically revising the Juvenile Act.



Number	Classification	Title	Petition end date	Number of participants
1	Safety / Environment	Publish the identity and photos of the suspect for the Telegram 'Nth room' case	April 17, 2020	2,712,001 people
2	Safety / Environment	Publish the identifies of all members of the Telegram 'Nth room'	April 19, 2020	2,020,476 people
3	Miscellaneous	Give a severe punishment to a teenager for stealing a rental car and causing death	May 2, 2020	919,605 people
4	Safety / Environment	Punish the 'Doctor' and all the members of the Nth Room	April 19, 2020	646,997 people
5	Parenting / Education	My 25-month-old daughter was sexually assaulted by a fifth grader	April 19, 2020	524,431 people

[Figure 2] Top 5 recommended petitions from the Petitions to the Blue House bulletin board

- When an inhumane crime occurs, the public tends to separate the 'normal world' from the 'abnormal criminal', and regard the perpetrator as an abnormal and pathological monster. However, such tendency of attributing personal characteristics to certain crimes reduces the discussions on the communities' roles and responsibilities that contribute to such crimes. As can be witnessed from the widespread 'porn' culture and the sheer number of 'Nth Room' users, the practice of sharing sexual photographs is common in our society, yet the public have little awareness on the illegality of such act. When a crime is reduced to a problem caused by a 'monstrous individual', it ends up being regarded as an isolated 'case' detached from the undue perceptions widely held by the society. Instead of reducing the 'Nth Room' case to an isolated crime caused by an abnormal individual, the government should examine the case to address the culture that condones sexual crimes and the sharing of sexually exploitive videos.

👉 Stop blaming the victims: stop justifying the crimes by blaming the victims

- The public is observing a notable contradiction, in which the 'Nth Room' operators are being demonized, while the victims are also criticized and blamed for the justification of their involvement in the crime. In general, kissing does not equate to giving consent to sexual intercourse, and previous sexual intercourse does not imply that subsequent sexual intercourse is acceptable. As such, the victims' past behaviors or attitudes should not be used to justify sexual crimes against the victims. Claiming that the victims had reasons to deserve the crime only dilutes the perceived seriousness of the crime. The focus should be the behavior of the perpetrators, not the victims. Blaming the victims to justify the crime is comparable to perpetuating gender discrimination and misogyny that contributed to the 'Nth Room' case, which may give rise to other crimes similar to the 'Nth Room' case in the future.

👉 Focus on the culture that tolerates and accepts sexual consumption of women, not on specific cases

- The public should shift their focus from a 'specific case' of Telegram 'Nth Room' scandal to the general 'culture' that contributed to the 'Nth Room' case, as many operators, along with countless 'members', are found to have committed similar crimes in several other chat rooms, not just one. Despite the public attention on the investigation of the 'Nth Room' case, the sharing of sexual videos on the same or similar platforms, or attempts to identify the victims, have not ceased. Such phenomena demonstrates our present culture in which women are persistently defined as sexual objects and the sexual consumption of women are tolerated and accepted. The 'Nth Room' case reminds our society that we should continue to self-examine that culture.