

# KWDI ISSUE PAPER

**Research Title:** The Problem of Protecting Child and Youth Victims of Sexual Exploitation and Policy

**Response Measures:** Focusing on the Transmission of Sexual Images and Videos

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## Protecting child and youth victims of sexual exploitation and policy response measures: Focusing on the transmission of sexual images and videos

### Abstract

- As incidents of sexual abuse and exploitation of children and young people on chat platforms and social media are increasingly reported, public interest and demand for policy responses to this pressing issue have increased.
- However, little research has been conducted on the channels and processes of online sexual abuse and the exploitation and behaviors of the victims after incidents.
- So-called 'sexting' could be perceived as a process of development through which children and young people explore their sexuality. However, a comprehensive policy response is needed since many of them experience severe trauma.
- This study investigates the major processes and after-incident responses to cases of online sexual exploitation of children and young people. This study also examines perceptions and the current state of key stakeholders related to the sexting of children and young people, aiming to identify approaches to respond to crimes and protect victims.
- To achieve this objective, this study conducted in-depth interviews of children and young people, parents, employees of education institutions, employees of victim support institutions or experts in the field, and employees of investigation agencies.
- Drawn from the findings, this study provides policy recommendations in the following areas: (1) support for child/youth victims who decide against reporting; (2) police investigation improvement; (3) legal and institutional reforms; (4) greater interest and role of value-added telecommunications businesses; (5) improvement in organization and system in responding to online sexual exploitation; (6) institutional support regarding children's mobile phone monitoring; (7) educational approaches to protecting victims.

## 1. Background and research problem

- Reports of incidents of online sexual exploitation targeting children and young people are on the rise. There is a lack of research on how they are victimized and how they respond after the incident.
- This study identifies processes, the current state, and after-incident response of online sexual exploitation in terms of children and young people sexting. Through a thorough investigation, this study seeks to provide suggestions on how to respond to this type of crime and how to protect victims.

## 2. Research methods

### ● In-depth interview

#### 1) Children/young people

- ▶ Method: face-to-face and phone interview
- ▶ Period: 2 August 2021 - 17 September 2021
- ▶ Respondents: 6 people aged under 19 and 5 people aged between 19 and 24.
- ▶ Contents: Their use and perception of mobile devices, and direct and indirect experiences of online sexual exploitation.

#### 2) Parents

- ▶ Method: Phone interview
- ▶ Period: 30 July 2021 - 17 September 2021
- ▶ Respondents: Parents of children aged between 14 and 18 (including parents of victims of online sexual exploitation)
- ▶ Contents: Their perception of mobile device use and online sexual exploitation, and problems pertaining to response to and support of victims of online sexual exploitation.

#### 3) Employees of education institutions

- ▶ Method: Phone interview
- ▶ Period: 21 June 2021 - 13 July 2021
- ▶ Respondents: 11 employees working in education institutions (Six 'Wee Class' counseling officers, three school inspectors of the Office of Education, one school nurse, and one lawyer).
- ▶ Contents: Victimization of online sexual exploitation targeting children and young people and responses and support provided by education institutions.

#### 4) Employees of non-governmental organizations related to victim support

- ▶ Method: Face-to-face and phone interview
- ▶ Period: 9 June 2021 - 20 October 2021
- ▶ Respondents: 19 people working in non-governmental organizations related to victim support (human rights center, support center, counseling center, etc.).
- ▶ Contents: Support approaches for victims, main tasks and activities, channels through which victims reach out to the organization, service needs of victims, and ways to improve victim support services.

#### 5) Employees of Sunflower Centers

- ▶ Method: Phone interview
- ▶ Period: 14 October 2021 - 20 October 2021
- ▶ Respondents: 7 people in general Sunflower Centers and 3 in Sunflower Children Centers.
- ▶ Contents: Channels through which victims reach out to the center, details of crime and victimization, service needs of victims, and ways to improve victim support services.

#### 6) Employees of investigation agencies

- ▶ Method: Phone interview
- ▶ Period: Late August 2021 - Mid-September 2021
- ▶ Respondents: 11 police officers of the Cyber Sexual Violence Team under the provincial-level Police Agency.
- ▶ Contents: Tasks and activities, investigation experiences with cases of child/youth online sexual exploitation, prevention of secondary victimization during the investigation process, ways to improve the overall processes such as through professional training.

### 3. Research findings

#### Interviews with employees in the field of supporting children and young people

##### 1) Current situation of the online sexual exploitation of children and young people.

- Among victims of online sexual exploitation, 70-80% are children and young people, with the largest proportion in their late teens and early 20s.
- The major channels of falling into online sexual exploitation are chats conducted on KakaoTalk, Facebook, Line, Telegram, and online games and messages exchanged on TikTok and other platforms.
- Sexual exploitation starts with online grooming, sometimes developing further into offline victimization through non-consensual sharing and threats.
- What victims mostly want is deletion of their pictures on the Internet and consistent follow-up monitoring.
- Most victims prefer a case to be resolved without their parents' knowledge. However, in practice, conflicts often arise due to a lack of consistency in the way the police, hospitals, and victim support organizations deal with such cases without reporting to parents.

##### 2) Response of educational institutions

- In 'gender-equal schools', the schools strive to resolve cases in a victim-centered manner. However, some teachers do not have sufficient awareness of the severity of digital sexual violence or tend to perceive victims as somehow responsible for the incident.
- Some schools tend to take a negative attitude towards victim support and whitewash or cover up the case to protect the school's reputation. Thus, support from employees of educational institutions for victims of online sexual exploitation remains weak.

##### 3) Case management of the police

- The attitude of the police to child/youth online sexual exploitation varies by individual values and gender sensitivity. Particularly, some police officers take a stance that such cases should be reported to the victim's parents or legal guardians. This tendency tends to discourage victims from reporting their cases to the police.
- Within the police, guidelines for responses to child/youth online sexual exploitation have not been completely institutionalized. Therefore, there is confusion in managing cases in practice.

#### 4) Content deletion and blocking

Among victims of online sexual exploitation, 70-80% of the victims are children and young people, with the largest proportion in their late teens and early 20s.

- Secondary victimization occurs as the content created by online sexual exploitation is re-shared and a victim's personal information is spread.
- According to the Telecommunications Business Act, online platform businesses are supposed to delete content of child/youth sexual exploitation, but this does not apply to overseas-based websites. Hence, the degree of cooperation from such overseas-based websites varies by the discretion of website managers.
- The Korea Communications Standards Commission also requests deletion of sexually exploitative content in terms of voluntary control. Nevertheless, it is not legally binding and the content deletion depends on discretionary decisions made by website managers.



### Employees of Sunflower Centers

#### 1) Case reporting channel

- Many cases of child/youth online sexual exploitation are transferred to Sunflower Centers following recognition by parents rather than reporting by victims themselves.
- Victims sometimes reach out for phone consultation by themselves, and they mostly hope to resolve the case without their parents' knowledge. However, it is difficult to proceed with consultation and investigation without notifying the case to the parents.
- Most of the cases are transferred to Sunflower Centers through the center's association with the police as it investigates cases with the objective of recording statements.
- As to cases reported by teachers at school, teachers sometimes contact the center to inquire about cases.

#### 2) Consultation and support therapy

- When a victim's statement has been recorded, an initial consultation process is followed for the victim and his/her parents.
- Once consistent consultations are decided after an initial consultation, a series of several consultation sessions are held.
- Consultations and psychotherapy are conducted not only for the victim but also for his/her parents.
- In addition to consultation and psychotherapy, the victim and his/her parents are introduced to an agency that helps with the deletion of sexually-exploitative digital content.

### 3) Improvements to victim support

- Prevention education was suggested as one of the improvement areas regarding victim support.
  - Insufficient education is provided for children and young people on the risk of the use of mobile phones and smart devices. It is necessary to provide reality-oriented education for them, such as ways to use Internet devices responsibly, the risk of online grooming, and prevention of digital sexual violence.
  - Some such crimes are committed by those of similar or the same age. By providing specific case examples, it is possible to educate students and prevent incidents.
  - Education for prevention of reoccurrence is also important. Education is needed so that victims clearly recognize it as a crime when they are sexually exploited online. For victims, professional consultation and efforts to improve parent-child relationships should be made.
- Perceptions of victims as having voluntarily provided cause for such cases should be dispelled. It is necessary to prevent secondary victimization by helping victims recognize themselves as victims of a crime.
- Capacity development of employees of education institutions and investigation agencies is necessary so that the security and human rights of victims are ensured.



## The current situation of police investigation of online sexual exploitation

### 1) Victim-centered investigation system

- It is necessary to place protection of victims at the center of investigation practices and systems.
- Investigation of online sexual exploitation of children and young people should ensure victims' rights and protect them. Therefore, it is imperative to review to what extent the current investigation system is aligned with this principle.
- The main agent investigating online sexual exploitation of children and young people is determined depending on the age or disability of the victim, the degree of the severity of the sexually exploited content spread on the Internet, and other factors. According to these factors, the implementing agent may be a local police station or a provincial police office, or even a cyber investigation team or women/youth investigation team under the police. In a bid to minimize victims' struggle, confusion, and difficulty, discussion needs to be had over reform of the investigation system.

## 2) Strengthening investigation expertise

- Comprehensive training should be provided that focuses on online sexual exploitation of children and young people.
- Training curricula should cover the ever-changing nature of the online sexual exploitation of children and young people.
- The effectiveness of current crime investigation training should be reviewed, and the results integrated into future training programs.
- It is not pragmatically feasible to include every specific field-based investigation strategy and all up-to-date crime cases. In this respect, a more effective way to share such information needs to be explored

## 3) Review of institutional effectiveness and management

- A review should be conducted on the effectiveness of underage victim's defense rights, notification of the rights to parents or a person of trust at the table during investigation processes.
- A discussion should be had over approaches to guaranteeing victims' rights while ensuring their willingness to report cases.

## 4) Enhanced support for investigators

- It is necessary to develop approaches to enhance the expertise of investigators and their capacity to respond to cases.
- As the public has high sensitivity to online sexual exploitation, particularly against children and young people, the police takes such cases seriously. However, compensation for performances is insufficient and the level of stress and workload is high. Thus, police officers are reluctant to take such cases.
- Investigation of online sexual exploitation causes police officers stress, making them less inclined to pursue such cases. This phenomenon has a negative impact on the consistent development of professional investigators in this field.
- Along with more manpower and a better incentive system, it is necessary to support the psychological recovery of police officers involved in cases in this field.

## 4. Policy recommendations

### Policy improvement plans

#### 1) Support for child/youth victims who decide against reporting

- Children and youth victims who refuse to report a case
  - They are often extremely reluctant to inform their parents about the case.
  - According to officials in this field, child abuse is often committed by parents during the support process for victims. Such a negative response from parents may disturb recovery of victims and have a negative influence on victims' lives in the long term.
  - If victims decide against reporting the case for fear of their parents being informed, perpetrators will go unpunished and be likely to commit further crimes. Also, victims will not be able to get timely assistance and may miss out on an effective recovery.
- Change in the regulations for case investigation
  - It is necessary to revise the regulations of the Police Office that currently oblige notification of cases with underage victims to their parents.
  - It is ideal to proceed with investigation with the presence of a legal representative. However, it is necessary to investigate the case without a legal representative when underage victims do not want to inform or receive support from the legal representative.
- Notification of case progress only in terms of victims' rights
  - The Regulations of Police Criminal Investigation (Article 79) and the Regulations of Human Rights and Investigation stipulate protection of victims and prevention of secondary victimization. Thus, the honor and privacy of victims shall be protected.
  - If informing processes or results of the investigation may breach victims' honor or privacy, they should not be informed.
- Reform of the Regulations of Police Criminal Investigation (Article 13)
  - It is necessary to revise the Regulation (Article 13) that obliges investigators to inform case progress to a legal representative when a victim is underage.
  - Under the Criminal Act, negligent rape is dualized into victims under the age of 16 and victims under the age of 13. The Penal Code regards a person under 13 as not having ability in sexual decision-making. Reflecting this classification, an approach can be considered by which a case of a victim under 13 is reported to a legal representative, whereas notification is optional in a case of a victim over 13.
  - In the case when the police does not inform a legal representative after taking into account the victim's decision-making ability, it is still necessary to induce underage victims to exercise their rights with the backing a person of trust.



## 2) Improvement of police investigation

### ● Capacity development in the police investigation system

- The primary objectives in the investigation of online sexual exploitation of children and young people are that victims are protected, supported, and their rights guaranteed. It is necessary to review to what extent these objectives are fulfilled under the current police investigation system.
- There are currently multiple channels through which to report a case. In the future, it is necessary to simplify the channels and promote increased public awareness of the reporting channels.
- In response to newly emerging online sexual exploitation cases, it is necessary to adopt a crime prediction program with sufficient manpower to predict crime occurrence.
- In a bid to enhance expertise in case investigation, more pragmatic training programs and materials that include newly emerging crime patterns should be developed.
- The following ideas should be considered: more manpower, an improved incentive system, approaches that prevent investigators from walking away.

### ● More effective undercover investigation

- through anonymous or undercover investigation, police officers should disseminate awareness that online grooming is a crime.
- For a prompt response to such cases, training on gender-sensitivity should be provided for employees in investigation agencies and the Korea Communications Standards Commission that takes charge of deliberation over pornographic content.

## 3) Improvement of relevant laws and systems

### ● Penalties for attempted acts of online sexual exploitation

- In a bid to prevent the expansion of digital sexual violence, it is highly necessary to punish persons who prepare or attempt to commit digital sexual violence.
- A regulation on punishment should be created for persons who are about to start grooming, or prepare or attempt to commit digital sexual violence; according to the Act on the Protection of Children and Juveniles from Sexual Abuse, these include content creation and dissemination, conversation for the purpose of sexual exploitation, sharing sexually exploited content recorded by camera, spreading sexually exploited content for commercial purposes.

### ● More concrete terms concerning pornography and sexual humiliation in the system

- As the Supreme Court (Decision on 26 October 2017) pronounced that pornography means 'content expressing or depicting sexual parts of the body or sexual acts in an excessive and blunt manner', the Act on Special Cases concerning the Punishment, Etc. of Sexual Crimes should amend the current legal terms to clearer and more neutral terms; for instance, the term 'causing sexual humiliation' should be revised to the term 'acts or expressions that directly aim or indirectly remind of sexual parts of the body or sexual acts'.

- Punishment for sexting

- Legal definitions or relevant articles under the Act on the Protection of Children and Juveniles from Sexual Abuse may need to be supplemented. If recorded content was based on the consent or approval of a child or young person, such an act may not be identified as sexually exploited content. Then children and young people who committed sexting may be exempted from punishment or juvenile protective disposition.
- A new regulation should be developed so that children or young people who engage in sexting are not on a list of sexual violence perpetrators.

#### 4) Increased interest and role of value-added telecommunications businesses

- Facilitation in self-regulation by value-added telecommunications businesses

- In order to prevent crimes, self-regulation is key. Hence, self-regulation needs to be established and facilitated.

- Significance of the role of value-added telecommunications businesses

- Considering the severity of online sexual violence against children and young people, the institutions should oblige internet service providers to report cases.
- They should take more active measures such as reporting sexual violence against children and young people and sending warning messages to those who are suspected of online grooming.

#### 5) Institutional support for children's mobile device monitoring

- As one of the preventive approaches to online sexual exploitation of children and young people, parents should be able to monitor their children's use of mobile devices.
- As in the United States and Australia, it is necessary to disseminate and promote booklets that provide guidelines for parents of children of different age groups.
- As online sexual exploitation of children and young people takes place frequently via chat apps, essential blocking functions should be made available for certain apps.

## 6) Educational approaches to protecting child and youth victims

- 'Human rights education' for children and young people
  - Education that protects and supports victims is important for their recovery. Education should help children and young people recognize that even jokes or small pranks online or offline may be a crime breaching someone's rights and freedoms.
- The significance of educational approaches in dealing with cases between students
  - When cases occur between students at school, it is necessary for the whole school community to cooperate to support victims' recovery and to prevent reoccurrence.
  - Rather than punishment, an approach is needed that centers on recovery and the education of the wrongdoing student who is part of the school community.

Relevant ministry: Children and Youth Protection from Sexual Crimes Division, Ministry of Gender Equality and Family.
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