

Letter of Allegation to the Special Rapporteur on the sale of children, child sex-trafficking and child pornography: On Understanding the Realities of Human Rights in Child Sex-trafficking in the Republic of Korea and the Protection of Victims of Sexual Crimes in the Cyber Space

1. Information concerning the allegation

Author or organization	Stand Up Against Sex-Trafficking of Minors
Nationality	Republic of Korea
Victims	14-year-old child murdered by a sex purchaser 13-year-old child with intellectual disabilities exploited in sex-trafficking by an adult male Other children introduced to sex trafficking through smartphone applications
Assailants	The application operators who are introducing children to sex-trafficking Republic of Korea
Representative	Stand Up Against Sex-Trafficking of Minors (Legal Support Team) 6F Eunhye Bd. 9-1, 38-Gil, Dangsang-ro, Youngdeungpo-gu, Seoul, Republic of Korea 10up@daum.net

[Reference Material 1] Introduction of Stand Up Against Sex-Trafficking of Minors

[Reference Material 2] Materials from the press conference on the accusation and complaint

2. Background

Recently in the Republic of Korea, with the wide use of smartphones, children are flowing into sex-trafficking without even knowing that they are engaging in it. In March 2015, a fourteen-year-old child was murdered in a motel in Seoul by an adult sex purchaser she met on a chat application (hereinafter “app”). In April 2016, a thirteen-year-old child with intellectual disabilities was sexually exploited by six adult males using the chat app, nevertheless losing the damages claim suit against them. Smartphone apps and Internet websites are turning into the introductory path to sex-trafficking for children and juveniles. However, the government of the Republic of Korea has neglected such circumstances with the argument that the development (and operation) of smartphone apps is a private business.

3. Relevant laws and alleged violations

1) Internet websites and smartphone apps related to child sex-trafficking today

There are more and more children flowing into sex-trafficking as the wide use of smartphones led to an increased access of youths to chat or pornographic websites. Especially, ‘chat apps’ form an environment where the brokers of sex-trafficking can pretend to be a child by entering chat rooms with a random identity by arbitrarily choosing nicknames, sex, age, and residence, without a proper signing-up procedure for a membership. As there is no process to confirm private information such as ages and names, children can simply set up nicknames like ‘high school student’, ‘seventeen’ to use the chat app. Consequently, children start using chat apps for fun or without really understanding how they work and then get involved in sex-trafficking without realizing the reality.

Furthermore, such apps function in a way that the users cannot save the conversations. In some apps, the operators prevent the users from taking screen shots and operate the apps so that the whole conversation is deleted once a user leaves the chat room. Accordingly, the sex purchasers and

brokers can purchase sex or broker sex-trafficking without leaving any evidence, thus the victims or their guardians cannot accuse the sex purchasers or the brokers even if they want to afterwards.

2) The ‘children or juveniles involved’ provision as stipulated in the Act on the Protection of Children and Juveniles Against Sexual Abuse

Despite the huge number of children and juveniles unknowingly introduced in the sex-trafficking scene, the existing relevant Korean law, the Act on the Protection of Children and Juveniles Against Sexual Abuse, does not define them as ‘children or juvenile victims’ but as ‘children or juveniles involved’ in the act of purchasing sex, putting them under protective disposition as regulates the juvenile law. Thus, children and juveniles introduced in sex-trafficking, following investigation from investigative agencies such as the police and the prosecution, are either being sent to the Juvenile Court or having to complete a relevant curriculum. The problem here is that the protective disposition is not different from the protective disposition for juveniles who committed violent crimes such as robbery. Furthermore, they are under the same protective disposition as juveniles who committed sex crimes. As a result, as the sex purchaser or broker knows that there is such a process, they threaten the victim children. Afraid of the protective disposition which is actually equivalent to punishment to them, the children victims of sex-trafficking do not report the harm they suffered.

Aware of such problems, organizations such as Stand Up Against Sex-Trafficking of Minors (hereinafter “Stand Up”), together with the interested members of the National Assembly, proposed the amendment of the Act on the Protection of Children and Juveniles Against Sexual Abuse, to delete the stipulation on ‘children or juveniles involved’ so that the victims can be protected (8. 8. 2016) but the Act is still pending in the National Assembly.

3) The absence of an authority regulating sex crimes against children and juveniles in the cyber space.

Currently, the Korea Communications Standards Commission (hereinafter “the Commission”) regulates the apps where youth sex-trafficking occurs. Although Stand Up continues to request the shutdown of such apps to the Commission by continuously monitoring chat apps where sex-trafficking happens, the apps are seldom closed down and most of them are classified and processed as ‘non-existing urls’ or ‘not applicable’. ‘Not applicable’ means that the content of the request is not evidence of sex-trafficking. To be classified as sex-trafficking there should be evidence of sexual intercourse on the title of the chat room. However, when sex is trafficked in the apps, people communicate with the simplest abbreviations and then talk about the remaining details and conditions afterwards, verbally. Thus it is realistically impossible to report a sex-trafficking scene and prevent sex-trafficking.

Nevertheless, in the Republic of Korea, there is no other organization other than the Commission that figures out the types and circumstances of youth sex-trafficking.

4) The problem of an unprofessional investigative agency and the absence of a support system

According to the current policies, the women and juveniles department and the public order department of the police each takes charge of sexual violence and sex-trafficking. As the women and juveniles department is only responsible for sexual violence, domestic violence and violence at school, and as the public order department is responsible for the investigation and the crackdown of sex-trafficking, the victims of youth sex-trafficking who actually need protection are guided to call for investigation to the violent crime team, the criminal case team, or the intelligence investigation team. As a consequence, victims of youth sex-trafficking suffer secondary harm or do not get the adequate protection since the investigators do not know much about the aspects or nature of the sex-

trafficking crimes. Moreover, there is no public counseling center for victims of youth sex-trafficking and they cannot benefit from the court-appointed lawyer policy under the current law that stipulates that such policy exists for the protection of children and juvenile victims. Victims of youth sex-trafficking do not receive appropriate support from counseling to investigation and to legal support.

Since 2014, Stand Up has supported a thirteen-year-old with intellectual disabilities who had been sexually exploited by a number of male adults (see Reference Material 1). In this case, the six assailants found guilty of crimes. Later on Stand Up and the legal assistance team claimed for damages on the basis of the judgment of the criminal trial. It was a case of sexual violence committed against a child with borderline intellectual disability while she was running away from home, but the Korean investigation authorities did not understand the case as a whole. Accordingly they did not investigate the case with the victim but investigated the case of each case separately. The specificity of the age and disability of the child victim was not taken into account: by applying the regulation on ‘children or juveniles involved’ of the Act on the Protection of Children and Juveniles Against Sexual Abuse, the victim was regarded as a spontaneous sex seller after applying the simplistic analysis that there was no forcibleness because the child had made the chat room by herself. They considered the child not as a victim but as an active criminal by judging that she had received compensation by being treated ttubokki¹ and chicken, and paid the motel fee.

5) The absence of an exclusive government department in charge

Like the police, the present Korean Ministry of Gender Equality and Family supports youth sex-trafficking issues depending on the objects and themes. However, as there is no exclusive government department that takes charge of the support of victims of youth sex-trafficking, there is no long term prospective, plan and solution established. Different departments each take charge of

¹ Korean snack made of rice cake and spicy sauce.

support policies for youths in crisis, the operation and administration of youth support facilities, and the support for therapy, rehabilitation and education for victims of youth sex-trafficking. Thus, there is no department that is eventually responsible for victims of youth sex-trafficking.

Furthermore, even though the harmful consequences of children sex-trafficking problems are growing more and more serious, every year, the Korean government is cutting budgets for children and juvenile sex-trafficking victims (see Reference Material 1).

4. Conclusion

Therefore, it is requested that Special Rapporteur on the sale of children, child sex-trafficking and child pornography to:

- Recommend the government of the Republic of Korea to
 - 1) review the pending amendment of the Act on the Protection of Children and Juveniles Against Sexual Abuse as soon as possible to categorize victims of child sex-trafficking as youth victims so that they can receive legal assistance and appropriate support.
 - 2) understand the exact aspects and realities of child sex crimes in cyber space so that a proper separate organization can be set up to regulate crimes and a holistic support system is established to protect victims.
 - 3) analyze and raise the budgets to support youth victims of sex-trafficking.
- Make an official visit to the Republic of Korea to conduct further investigation on whether the Republic of Korea, a party to the UN Convention on the Rights of the Child and a member of the UN Human Rights Council, protects the victims of sexual crimes in the cyber space against children properly.

I. Stand Up Against Sex-Trafficking of Minors (“Stand Up”)

is an NGO that acts for the improvement of youth women working to support teenage female victims of sex-trafficking on the Internet. It runs the Cyber Peer-Counseling Program and the Seoul Youth Crisis Support Center with the support of the Ministry of Gender Equality and Family in the Republic of Korea. Selected as one of the ‘Partnership ON’ Innovative Leadership Institutions by the Asan Nanum Foundation, Stand Up operates the Special Counseling Booth Project for children victims of sex-trafficking ‘SNS (stands for “Stop N Start”)’.

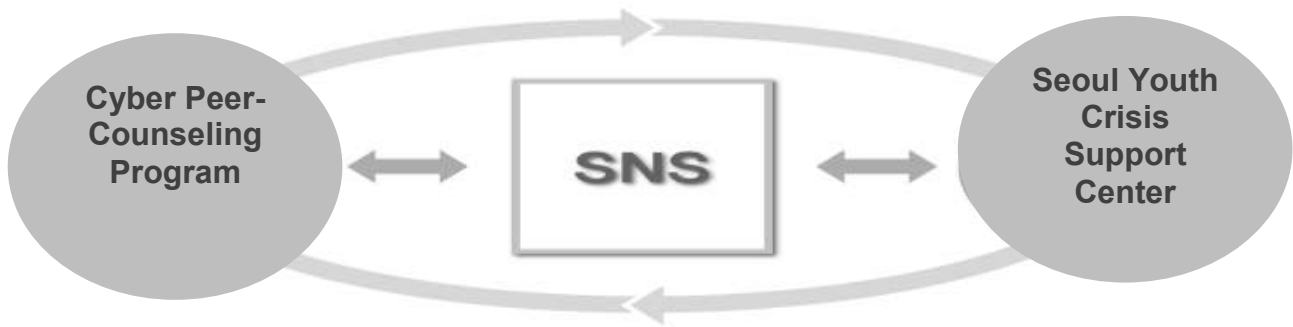
○ In the Cyber Peer-Counseling Program, the Cyber Peer-Counselors log in to chat websites, applications (“apps”) or Internet cafes where sex-trafficking takes place and attempt conversations with women and children who seem to be involved in sex-trafficking. With this ‘online outreach for youth at risk’, Stand Up supports the needs (of clients) by working with relevant organizations. At the same time, it continuously monitor sex-trafficking brokering and decoying websites and actively report sex purchasers and those encouraging the brokering of sex-trafficking.

○ The Seoul Youth Crisis Support Center is an education center ran under Article 39 of the Act on the Protection of Children and Juveniles Against Sexual Abuse and Articles 8,9 and 10 of its Enforcement Decree. The center runs around four to six sessions of Rehabilitation for Youth Sex-Trafficking Victims and provides the victims with various preliminary and follow-up supports such as legal and medical support, shelters, liaison with rehabilitation organizations, and educational support including a year-long counseling program support.

○ The Special Counseling Booth Project a.k.a. “SNS”(Stop N Start) cooperates closely with the Cyber Peer-Counseling Program, the Seoul Youth Crisis Support Center and the legal, medical,

counseling support team of Stand Up as an integrated support system to find, prevent, support damages, cure and aid the self-rehabilitation of juvenile victims.

<The integrated support system of Stand Up Against Sex-Trafficking of Minors for juvenile victims of prostitution>



II. Cases on sex crimes against children

1. Cases and problems of the regulation on ‘children or juveniles involved’ of the Act on the Protection of Children and Juveniles Against Sexual Abuse that punishes minors selling sex

[Case]

In July 2013, the court ruled that a seventeen-year-old girl who had been subject to sexual assault and had been forced into sex-trafficking by a member of a gang of runaway teenagers, be remanded in custody and be remitted to the Juvenile Court of the Seoul Family Court in order to prevent delinquency (*Yonhap News*, 07.07.2013 Article by Kim Su Jin).

In 2015, two thirteen-year-old girls who had been paid 10,000 won as the nominal carfare by a forty-year-old male adult who seduced them using a smartphone application (‘app’) and engaged in sexual perversion, were remitted to the Juvenile Court (*the300*, 09.08.2015 Article by Ji Young Ho).

=> Court custody and remittance to the Juvenile Court would certainly not be proper measures for victims. Above are cases of a seventeen-year-old girl, victim of forced sex-trafficking and thirteen-year-old girls, victims of sexual offence by an adult. If the victims were to be put into custody and remitted to the Juvenile Court as juvenile assailants who committed crimes such as assault or theft, how would people think that these girls were victims? In these judgments we can read the perspective of the justice department that aims to rehabilitate children and juvenile victims of sex crimes through correction and education under the assumption that they are ‘young prostitutes’. If such judgments prevail the youth victims of sex crimes will have to give up on the possibility of being protected by the law.

2. Cases and problems of support for children and juvenile victims of sex-trafficking

Case 1) The case of a seventeen-year-old who downloaded the app out of curiosity, was involved in sex trafficking once, during which she was secretly filmed by the blackbox in the sex purchaser's car, and was forced to have sexual intercourse with him as he threatened to disclose the video on SNS.

=> After the judgment, the assailant appealed against the decision and attempted unreasonable settlement to lower punishment after the appeal. Through some unknown route, the assailant obtained the victim's address and went to her to make a settlement. Unsuccessful, he deposited with depository without the victim's consent. In this process, the personal information of the victim's parents was disclosed. The problem was that the court had provided the assailant with the victim's personal information.

Case 2) The case in which the court held that the assailant who had purchased sex from a thirteen-year-old mentally handicapped child, did not have to compensate her as there was no infringement against the child.

1) Background

In June 2014, a thirteen-and-two-month-year-old child dropped her mother's smartphone while playing with it and broke the screen. Afraid of being scolded, the child decided to run away from home and made a chat room titled 'running away from home, anyone letting me stay?' on a chat app. She met an adult male. This child who had lower intellectual capacity than her peers and was often bullied at school did not have anywhere to go. She followed the man to a motel and was

raped. This was the child's first experience of sexual intercourse. Horrified and confused, she could not return home and tried to find friends on smartphone apps. Afterwards, she was sexually assaulted and molested by six male adults. The child was found within a week as her disappearance was reported but she was already not sound of mind. The child's mother reported the case as a sexual assault case to an investigative agency and stated about the sexual violence damage under the presence of a public defender. A thirteen-year-old child with the intelligence of a seven-year-old had ran away from home and neither of the dozen male adults she had met had contacted her parents. Instead they had sexually assaulted her. The mother relieved the child that it was not her fault and collected evidence of the assailants' identities from the incoherent words of the child, to submit them to the police. After the incident the child was extremely anxious and confused and even tried to commit suicide. In the end, the mother had to put the child in a mental hospital for psychotherapy. To make matters worse, the child was raped again by a male care worker at the mental hospital, where she was supposed to be protected.

The case was classified into two categories: first, the sexual assault while the child was away from home and second, the sexual assault at the mental hospital. That is, in the first sexual assault case, because the child had by herself made a chat room titled 'running away from home, anyone letting me stay?' and had been treated ttubokki¹ and chicken, it was recognized that the child had been spontaneous and compensated, and as a result the line of investigation had changed from sexual assault to sex-trafficking.

Six male assailants were specified and investigated for sexual assault but each case was perceived as a sex-trafficking case. Decisively, until December, only one out of three assailants has been prosecuted for youth sex-trafficking and the other two have been acquitted for lack of evidence as compensation was not acknowledged. Even though the child was only thirteen-and-two-months-

¹ A Korean snack made of rice cake and spicy sauce.

year-old, not only was sexual assault not recognized under the reason that it was not forced, but also was sex-trafficking not recognized as it was construed that there was no compensation.

2) The problems of investigative agencies and judicial agencies as understood while supporting the above case

(1) Convenient, insincere and unprofessional investigation

‘Why was it investigated as a sex-trafficking case and not as a sexual assault case?’

Even though this case was a sexual assault case that occurred while a thirteen-and-two-months-year-old child was running away from home for a week, the case was not investigated around the victim but around each assailant as individual cases, making it impossible to discern the case as a whole.

A simplistic application of the law that there was no compulsion in the sexual intercourse, without considering the specificity of the child’s age and handicap.

The perception that it was the child who had spontaneously suggested to sell sex as she had made the chat room on the smartphone app (the concept of ‘children or juveniles involved’ applied). Judging that the treats to ttubokki and chicken, and the payment of the motel fee by the sex purchasers were compensation.

Furthermore, the fact that an assailant took the child’s money to pay the motel fee and did not treat her for food after the sexual assault was perceived as absence of compensation, and that assailant was not prosecuted.

(2) Penalty levels are too weak (fine, probation)

The perception that a child has induced an adult to purchase sex : a social atmosphere which regards that the existence of adult sex purchasers cannot be helped and the attitude that children and juveniles should be supervised.

Penalty levels that fail to discourage the occurrence of crimes.

(3) The judgment of the court that even though the assailant was subject to criminal punishment but not liable for damages under civil law.

The problem of the Act on the Protection of Children and Juveniles Against Sexual Abuse. The Act categorizes children and juvenile victims of sex-trafficking as ‘children and juveniles involved’. Subsequently, the court subsequently treats them like sex-trafficking criminals by ruling that ‘they should be penalized but will be put under protective disposition as they are children and juveniles’.

III. The present conditions of smartphone applications related to children and juvenile sex-trafficking

1. Smartphone applications (apps)

Among the many sorts of apps, chat apps are becoming the scene for children and juvenile sex purchase and brokering. The contents below are the characteristics and changes of chat apps that contribute to the aggravation of children and juvenile sex-trafficking.

1) The characteristics of chat apps

(1) Anonymity

The most important characteristic of 'chat apps' is that one can log in directly after randomly setting up one's nickname, sex, age, and region, without a signing up process. The anonymity that let both men and women participate in conversations anonymously and chat with only nicknames and no phone numbers, increase the danger of and encounters through the chats. In addition, as one can arbitrarily set up his or her sex, the sex traffickers can pretend to be sex sellers and there are eventually many such cases.

(2) Adult certification process

At the time chat apps had begun to become the scene for sex purchase and trafficking, there was no adult certification process at all and minors could chat regardless of their age. However, after a teenage girl was murdered after being sexually exploited on 26 March 2015, the adult certification process was introduced to the chat apps.

However, most of the chat apps where there seems to be active sex-trafficking do not have an adult certification process. Instead, the applications are designed so that one should set his or her age range as up to twenty. Nevertheless nicknames such as '18' , '7teen', 'high school student' are used so that children and juveniles can be identified and these are used for the brokering of sex-trafficking. Some apps make the minimum age set-up as seventeen, with no adult certification process.

(3) The conversations cannot be saved.

What makes the chat apps convenient for the sex purchasers and traffickers is that the conversations are not saved. Not only the contents of the conversations cannot be saved, but also the moment one leaves the chat room, the conversations are deleted. Most users have conversations on the chat apps without exchanging phone numbers. Since the conversations are not saved, the chat room becomes a secret space for the app users. This is very convenient for the sex purchasers and traffickers as no evidence is left.

2) Changes in the operation methods of some apps

① Impossible to take screen shots

It is increasingly the case that some chat apps where sex-trafficking takes place, block the screen shot function. As it becomes impossible to keep evidence as an individual by taking screen shots of the conversations, it is difficult for children and juveniles to report sex purchasers and traffickers.

② How the chat apps work : charging points

In most apps, the user has to charge points in order to send messages to start a chat. The points are also the major route through which the app owners make profits. In some apps, the way these points are used are becoming more concrete.

For example, when the sex purchaser sends messages to a female juvenile he uses up his points while the juvenile gets points. As a result, the juvenile attempts a more and more stimulating conversation to continue the conversation and get more points. Eventually, the way the apps work with points encourage sex-trafficking as the female users do not need to charge points but can get them by merely chatting with the male users.

③ Video

Recently, video chats have become possible in some chat apps where sex-trafficking occurs. When the male user uses points to have a video chat, these female users get these points that can be transferred into cash. As a consequence, sex-trafficking happens via video chats.

3) The present conditions of the reports to the Korea Communications Standards Commission ('the Commission')

Stand Up Against Sex-Trafficking of Minors is continuously monitoring and reporting chat apps where sex-trafficking happens. The center takes screen shots of conversations showing evidence of sex-trafficking within the apps and request the shutdown of such apps to the Commission. However the apps are rarely shut down following the reports and most of them are classified and processed as ‘non-existing urls’ or ‘not applicable’.

Classification	Total	Non-existing urls	Repeated report	Restricted use for users	Unable to identify the content	Not applicable	Processing
Number of cases	94	19	17	10	2	29	17

As you can see on the table, most cases are processed to be ‘not applicable’. This means that the reported case is not classified as sex-trafficking. When we asked the Commission, we were told that to be classified as sex-trafficking there should be evidence of sexual intercourse on the title of the chat room. However, when sex is trafficked in the apps, people communicate with the simplest abbreviations and then talk about the remaining details and conditions afterwards, verbally. Thus it is realistically impossible to report a sex-trafficking scene and prevent sex-trafficking.

4) Constantly changing apps

As mentioned above, the apps are changing constantly under the name of updates: their names change often and oftentimes, apps that are currently used cannot be searched on google play.

5) Changes in neologism

The words related to sex-trafficking used on chat apps are usually abbreviations and neologism that change steadily. One reason for this is the fast changing online environment, but another is because users continue to coin new words as existing ones are banned on the apps.

Recently, there has been an increase in one type of sex-trafficking where the purchaser has to compensate for the photographs or videos that are shared. The neologism for this kind of sex-

trafficking is 'onpl'. This is the abbreviation of 'online play' and is a sort of sex-trafficking where the purchaser pays for sharing photographs or videos.

6) Changes of users

(1) Age range

The major change in the app users is their age range. There is an increasing number of younger people uploading provocative contents on the chat apps. This shows how the apps expose children and juveniles to obscene contents without control. Recently a primary school child was found using the app. We also discovered through promotions and counseling programs that primary school children chat on the apps using provocative words like 'slave'.

As you can see on the screen shots attached, there are also users who look for babies as sexual objects. As mentioned before, we can see that indiscreet conversations are taking place on the apps and that the age range of the users is lowering.

(2) Biracial women

Recently, there are sex purchasers looking for 'biracial women' on the apps and accordingly there are female users who emphasize the fact that they are mixed-blood. Foreigners do not use the chat apps due to the language barrier, but male users looking for biracial women can be seen as a phenomenon where the male users want a newer excitement.

2. Children and juvenile sex-trafficking is also happening through online advertisements, blogs, portals, and job sites of decadent entertainment establishments.

IV. Prevention and solution for sexual exploitation crimes against children and juveniles

In order to ameliorate the current situation where in of sex crimes against youth there is an ambiguous boundary between sexual assault and sex-trafficking, there needs to be the arrangement of the law, policies, victim support and a system.

1. Amendment of the Act on the Protection of Children and Juveniles Against Sexual Abuse

- An amendment of the Act that deletes the concept of ‘children and juveniles involved’ that punishes child sex sellers, deletes protective disposition and protects them as victims has been proposed at the National Assembly.

2. The need to fortify punishments and to raise the sentencing of sex offenders

- There needs to be an extended application of the public notification policy to the sex purchasers of children and juvenile sex. Currently, the provision regarding the age of statutory rape (which is 13 years) is the only law applicable to sex purchasers.
- The introduction of punitive damage

3.The actual condition in which no action is taken against the movement/evolution of cyber sex-trafficking from Internet website to smartphone apps, then to sexy broadcast (TV)

- The age of youth introduced into sex-trafficking is lowering.
- There needs to be a legislation that can restrict Internet websites, apps and broadcasts that are utilized as the scene for brokering sex-trafficking.
- There needs to be an expert in cyber investigation of sex exploitation crimes.
- The investigation technique that uses a cyber girl avatar to find and punish sex purchasers should be introduced as in developed countries.

4. Establishment of a support system for youth victims of sex exploitation (sex-trafficking)

- The support system has to integrate a continuum of care that includes [discovery, housing, education, medical care, legal support, counseling, rehabilitation] and makes online counseling possible. There needs to be an integrated support system.

5. Budget increase for youth victims of sex exploitation (sex-trafficking)

- The issue of youth sex-trafficking is getting more and more serious every year but the support budget for youth victims of sex-trafficking is being cut year by year.
- The confiscated proceeds of the crimes should be used to support the victims.
- The enterprises, the app and broadcasting operators and managers should bear a certain proportion of the expenses for victim support.

6. The vitalization of the report reward system

- The present policy punishes acts of proposing and decoying youths into sex-trafficking, and if a person reports such act the reporter is rewarded. However, this is actually impossible. To render the policy more effective, actual as well as attempted sex-trafficking and sexual assault should be punished.

7. The arrangement of a responsible department under the government, the prosecution and the police

- Under the current government, the victim support policy is handled by three different departments under the Ministry of Gender Equality and Family. However, the prevention and guiding of runaway teenagers, delinquency and violence, the counseling of teenagers exposed to violence and abuse, support for therapy and legal service, broad ranged support policies for youths in crisis such as the establishment and adjustment of comprehensive countermeasures for the establishment of the social safety net for youths in crisis are

conducted by other departments. That is, as the responsible department changes according to the objects and themes when it comes to sex-trafficking issues, there is no actual department that takes complete charge of youth sex-trafficking victim support. Even the departments in charge are separated and cannot establish long-term prospects, plans and solutions, and the same is true of investigative agencies.

- There should be a responsible department within the administrative department that can guarantee expertise.

V. The progress and plans of the activities of Stand Up Against Sex-Trafficking of Minors for the amendment of the Act on the Protection of Children and Juveniles Against Sexual Abuse and the measures for restrictions of chat apps

1. An amendment of the Act deleting the concept of ‘children and juveniles involved’ that punishes children selling sex, deleting protective disposition and protecting them as victims has been proposed at the National Assembly.
2. Press conference on the accusation and complaint against chat app operators and submission of the written information
 - Date and time: 11 October 2016, 2 p.m.
 - Complainant: Two youth victims
 - Accuser: Stand Up Against Sex-Trafficking of Minors and 255 organizations
 - Contents: The complainants and accusers submitted the accusation to the Seoul Central District Prosecutor’s Office after a press conference on the accusation against chat application operators.

3. A panel discussion planned on how to find measures for restricting chat a pps

- Date and time: 21 November 2016, 1 p.m. - 5 p.m.
- Place: National Assembly Member's Office Building, Conference room 9
- Host: Stand Up Against Sex-Trafficking of Minors, Member of the National Assembly Jeong Chun Sook's office, One Law Partners LLC, Sun (Pro Bono Center One Law Partners LLC), Seoul Social Welfare Public Interest Law Center

Press Release

Date and time : Tuesday 11 October 2016, 2:00 pm

Place : Auditorium of the Young Women's Christian Association of Korea

Date and Time of the Coverage :

Date and Time of the Distribution : 11 October 2016

Photographs : n/a

People/Organisations in Charge:

**Press Conference on the Accusation and Complaint Against Operators of Applications that
Pimp and Decoy Youth into Sex-trafficking**

○The Purpose and Development of the accusation and complaint

Recently, with the wide use of smartphones, youths are, without appropriate protection, being introduced to the scene of sexual violence and sexual exploitation.

Both the fourteen-year-old girl who has been brutally murdered by a male adult in a motel in Seoul in March 2015, and the thirteen-year-old mentally handicapped girl who has been sexually exploited by six male adults in April 2016 became victims through smartphone chat applications ('apps'). Right at this moment our children are exploited as instruments to satisfy the adults' sexual desire through chat apps that they can download, sign up and chat at without constraint. Because of these apps, numerous children are beaten, locked up, and threatened by their forced sex videos. Some children even catch venereal disease and suffer from sterility at an early age.

As we can observe, 'the development and operation of smartphone chat apps' became the initial path that decoy youths into scenes of sexual violence and sex exploitation and cannot be neglected anymore in the name of free private business.

As broadcasted lately on television programs including 'In Depth 60 Minutes' of KBS and 'The Its Know' of SBS, chat apps operators are very much aware of these problems. However, their sole interest is their own benefits such as hundred millions of advertising rates. Their argument is that the users are free to use the chat rooms as they want. Ignoring their social and legal responsibilities, the operators are not concerned at all about the physical and mental wounds of our children.

Along with the two out of the many youth victims who were raped, locked up, beaten and murdered through the chat applications accusing the operators, 255 organizations including Stand

Up Against Sex-Trafficking of Minors and fourteen lawyers decided to make a joint accusation against the chat apps operators and service providers for violation of the Act on the Protection of Children and Juveniles Against Sexual Abuse and of the Child Welfare Act to draw the matter under public attention and raise awareness about its seriousness, and to find a structural and fundamental solution to sex crimes through chat apps.

○Statement of the complainant

Hello, I am ____ and am nineteen years old.

I would like to clarify how I came to accuse the applications ('apps').

I first got to know *Sim Talk* when I was seventeen. I started using the app on a friend's recommendation. At that time I had moved from ____ to ____ a bit more than a year ago and I was still having a hard time adapting myself to the new town. When I first moved to the area, I finished middle school without causing any trouble. But as I entered high school at seventeen, it was harder for me to settle in. Then I started hanging out with bad kids whom I only had known the names in middle school and did things that a high school student should not do. By then, I was on bad terms with my dad, so I didn't want to go home and needed some pocket money. I asked my friends how I could make a lot of money easily. A friend told me about an app called *Sim Talk*. I went home and installed the app.

Once the app was installed, I had to write a profile. The minimum age selection was twenty. My age was not there, so I registered myself as twenty years old. It was my first time using the app so I logged in to the chat room and watched how people did. I watched for a while and started a conversation with a man who sent me a message as I thought that I could start chatting on my own.

After saying hello, the man asked me how old I was. I honestly said that I was seventeen. The man did not reply for a while but then started the conversation again. He asked me my height, weight, the cost, what is possible and what is not. I did not know how to reply, so I said the same thing as a woman in one of the chat rooms.

I replied : age 17, height 160, weight 46, cost 100,000 won for once, no doggy style, no ejaculation on the face, no internal ejaculation. He asked me to show him my picture and I did. Then he asked where I could see him. I said, in front of ___ bank at ___ dong (administrative district). He said that he would send me a message when he leaves and I got a message ten minutes later. He said that he would take about twenty minutes to come and told me to come out from when he messages me. I started to get prepared and to wear makeup. Twenty minutes later, I got in his car, we talked for a while and we went to his place. It was my first time, so I felt nervous and I was scared. But anyway we arrived at his place. He asked me to take a shower, so I took a shower. We talked for a while in his bed lying down then we kissed and had sex. After having sex, he gave me 100,000 won and I came back home by his car. At first, I thought that this was a one-time event and never again. Even though I needed pocket money it was too daft. I was only seventeen and I was horrified. Though I thought so, I found my second conditional date¹ through the app. I couldn't quit and did it two to three times every month.

You might all know how dangerous and tempting this app is for teenagers. All teenagers have a lot they want to buy, to do and to eat. You only have a limited amount of pocket money but you are scared that if you don't follow the trend you might be isolated from your friends and you start doing things that you should not do, like I did. Once you get started you get to think that a second time is not that hard if you already did it once, and you do it again. If you run out of money, you think that it is easy because you already did it and you keep doing it, unable to quit.

When I first installed the app and suggested a conditional date to the sex purchaser, there were a lot of people who liked me for my age. Some men said that they would pay me more if I

¹ "Conditional date" is a form of sex-trafficking in which a woman poses as a girlfriend while being paid by a man.

come wearing a uniform. The prettier and the younger, the more they would like you. Some people would do it even though they know that it is dangerous to touch minors

I used apps other than *Sim Talk* and had conditional dates for one year and a half.

Why do I think such apps should disappear and why am I accusing them? Because I went through a lot of frightening incidents I cannot forget. Those who made the apps would not know what many teenagers become because of these apps. When you read the news, five out of ten teenagers who ran away from home have conditional dates. Conditional dates should be a good way of making easy money for teenagers who ran out of home. Yet, in the end, you are damaged, physically and mentally. Not everybody you meet on conditional dates is nice. There are a lot of crazy men and there are a lot of terrible things that happen. This is not just about teenagers but also about female adults. I hope that they will stop as well. The reason why I decided to make an accusation is because I hope that there will not be victims like me. It is because these apps need to disappear in order for sex-trafficking to decrease, and for sad events to not happen. I beg for the legislation of a law on these apps and I do not want to see any more teenagers hurt by sex-trafficking.

○Contents of the Complaint and the Accusation

It has already been mentioned in the purpose of the complaint and accusation how children and juveniles are exposed to all sorts of crimes without protection through chat applications ('apps'). Now we will state in detail, the harms caused by chat apps.

First of all, the youth victims can easily sign up to most chat apps by arbitrarily submitting their sex and nicknames, as most chat apps do not even ask for the registration of an email account and as all apps do not require an adult certification process. There is no controlling device at any stage of the sign up process that attempts to prevent children and juveniles from signing up to the chat apps.

In addition, while the youth victims can freely talk to users by entering chat rooms with titles like 'chatting' or 'talk', pornographic contents or prohibited words in nicknames and postings are not filtered. Even if the user discovers pornographic contents on children and juveniles, he or she cannot constantly report such case to the online service provider. As a result, the youth victims are without defence, exposed to nicknames or postings with abbreviated words meaning sexual intercourse or pseudo-sexual intercourse².

Accordingly, youth victims including the claimant, came to sign up on the chat apps merely out of curiosity, received chats or messages from male adults proposing conditional dates and started sex-trafficking. Such conditional dates are becoming the means for the proliferation of subsequent sex crimes.

² Pseudo-sexual intercourse using parts of the body, such as the mouth and anus, or implements.

Thus, the accused did not take any measure to prevent youth victims from signing up to the chat apps, left them to be exposed to postings that can be used for sex-trafficking or pseudo-sexual intercourse by forming an environment where adults can easily purchase sex from children and juveniles, therefore committing mental abuse against and harming the mental health and development of the accusers who are minors and victims of youth sex-trafficking. Such is the reason for the accusation and complaint.

■The concrete facts on the crime committed by the accused and the defendants are as follow :

1. Violation of the Act on the Punishment of Acts of Arranging Sexual Traffic by running a sex-trafficking brokering business and violation of the Act on the Protection of Children and Juveniles Against Sexual Abuse by brokering the purchase of children and juvenile sex.

According to Article 19 Paragraph 2 Subparagraph 1 of the Act on the Punishment of Acts of Arranging Sexual Traffic, “a person who has engaged in the conduct of arranging sexual traffic, etc. as a profession” shall be punished by imprisonment for not more than three years or by a fine not exceeding 30 million won. Article 15 Paragraph 1 Subparagraph 2 of the Act on the Protection of Children and Juveniles Against Sexual Abuse, “a person who arranges the purchase of sex from a child or juvenile or a person who provides information on the arrangement thereof through an information and communications network as a profession” shall be punished by imprisonment with labor for a limited term of at least seven years.

In the chat apps set up and managed by the accused and the defendants, the trading of sexual intercourse and pseudo sexual intercourse, and ways to acquire riches or other proprietary benefits are discussed in detail, sex purchasers and their counterparts are linked, and the locations for sex-

trafficking are being concretely determined. The negligent acts of the accused and the defendants who are aware of this situation but do not provide any device to prevent sex-trafficking correspond to acts of encouraging and brokering sex purchase from children and juveniles. These acts are each violation of Article 19 Paragraph 2 Subparagraph 1 of the Act on the Punishment of Acts of Arranging Sexual Traffic and of Article 15 Paragraph 1 Subparagraph 2 of the Act on the Protection of Children and Juveniles Against Sexual Abuse.

2. Next is the violation of the Act on the Protection of Children and Juveniles Against Sexual Abuse by not taking any measure to prevent the distribution of pornographic contents using children and juveniles.

According to Article 17 Paragraph 1 of the Act on the Protection of Children and Juveniles Against Sexual Abuse and Article 3 Paragraph 1 Subparagraph 1 of the Enforcement Decree of the same Act, “any online service provider shall take measures to detect child or juvenile pornography in the information and communications network managed by himself/herself” shall be punished by imprisonment with labor for not more than three years or by a fine not exceeding 20 million won.

However, most of the apps set up and managed by the accused and defendants do not provide any means to directly report the detected illegal contents such as pornographic contents using children and juveniles to the online service providers. There are some chat apps that post links of youth counseling centers and the cyber police, but these are only indirect and evasive steps as in the end it has to be the online service providers who delete the illegal contents. Therefore the accused and defendants are violating Article 17 Paragraph 1 of the Act on the Protection of Children and Juveniles Against Sexual Abuse as they are not providing a device through which the users can directly report to the online service providers.

3. Next is the violation of the Act on Promotion of Information and Communications Network Utilization and Information Protection, Etc. by distributing information that publicly exhibits obscene codes or words.

According to Article 44-7 Paragraph 1 Subparagraph 1 and Article 74 of the Act on Promotion of Information and Communications Network Utilization and Information Protection, Etc., “no one may circulate information falling under any of the following subparagraphs through an information and communications network: information with an obscene content distributed, sold, rented, or displayed openly in the form of code, words, sound, image, or motion picture”. Whoever fails to comply with such Article shall be punished by imprisonment for not more than one year or by a fine not exceeding 10 million won.

In most of the chat apps set up and managed by the accused and the defendants, abbreviations that imply sex purchase and sex trafficking of youths are used in user nicknames and postings, and these obscene codes and words are not filtered properly so that anybody who logs in to the chat room can be exposed to them. Thus, the accused and the defendants who neglect the exposure of these obscene codes and words to unspecified masses violated Article 44-7 Paragraph 1 Subparagraph 1 of the Act on Promotion of Information and Communications Network Utilization and Information Protection, Etc.

4. Finally, the violation of the Child Welfare Act and the Juvenile Protection Act by emotional abuse against children and juveniles.

In Article 17 Paragraph 5 and Article 71 Paragraph 1 Subparagraph 2 of the Child Welfare Act it is regulated that “no one shall commit emotional abuse against a child that may injure his/her mental health and development” and whoever fails to comply with such Articles shall be punished by imprisonment with labor for not more than five years or by a fine not exceeding 30 million won.

The Juvenile Protection Act as well regulates in Article 30 Paragraph 6 and Article 57 that “no one shall abuse a juvenile” and whoever fails to comply with such Articles shall be punished by imprisonment with labor for not more than five years.

The accused and the defendants have abused children and juveniles emotionally by recklessly exposing them to indiscrete sex culture and sex crimes such as acts of decoying youth into sex-trafficking and obscene contents through the chat apps the accused and the defendants set up and manage. Such emotional abuse against children and juveniles is a violation of Article 17 Paragraph 5 of the Child Welfare Act and of Article 30 Paragraph 6 of the Juvenile Protection Act.

■ As observed above, the accused and the defendants failed to take measures to prevent youth from signing up on the chat apps, failed to let the users constantly report obscene contents using youth to the online service providers, and formed an atmosphere that facilitates youth sex-trafficking by exposing app users willing to purchase sex from youths, to nicknames and postings with abbreviations meaning sexual intercourse or pseudo-sexual intercourse.

We demand close examination as the accused and the defendants hereby committed the offences of Article 15 Paragraph 1 Subparagraph 2 of the Act on the Protection of Children and Juveniles Against Sexual Abuse, Article 17 Paragraph 1 of the same Act, Article 19 Paragraph 2 Subparagraph 1 of the Act on the Punishment of Acts of Arranging Sexual Traffic, Article 44-7 Paragraphs 1 and 9 of the Act on Promotion of Information and Communications Network Utilization and Information Protection, Etc., Article 17 Paragraph 5 of the Child Welfare Act and Article 30 Paragraph 6 of the Juvenile Protection Act.

Furthermore, we urge the confiscation of the profits generated from the chat apps users' usage fee or the collection of the value equivalent to such profits from the accused and the

defendants, as Articles 25 and 27 of the Act on the Punishment of Acts of Arranging Sexual Traffic regulates that “any money, valuables or other property gained by committing an offence ... shall be confiscated, and where such confiscation is not possible, the value equivalent to such money, valuables or other property shall be collected” and that “also the corporation or individual shall be punished by a fine”, and demand that the law be strictly enforced against the chat apps corporate bodies or the service providers.