

## GMVV Think Tank Working Paper:

### International Monitoring and Gathering of Independent Data for the Protection of Female Sexual Assault Victims in South Korea

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#### 1. Introduction

The Republic of Korea (South Korea) is a high-income economy<sup>1</sup> listed as no. 19 in the Forbes list for “Best Countries for Business” that showed great economic growth and global integration over the past decades. Today, South Korea is the 4th largest economy in Asia and the 11th largest economy worldwide by nominal GDP.<sup>2</sup> The 2016 UN Human Development Report places South Korea on rank 18 of the Human Development Index out of 188 countries and territories.<sup>3</sup> Yet, this high-tech industrialized economy is affected by a deep gender inequality. According to the World Economic Forum’s “Global Gender Gap Report 2017”, South Korea ranks 117th out of 142, putting the extend of its gender gap alongside Ethiopia, Benin and Tunisia. In spite of an ambitious modern media culture and a globally connected youth, the discussion of sexual assault on women is still a taboo in the male-dominated society of South Korea. South Korean President Moon Jae In stated on 26 February 2018 in the course of the Me-too-movement that “gender violence is an issue of a social structure that allows the powerful to sexually oppress or easily wield violence against

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<sup>1</sup> “GDP Growth: 2.8%, GDP per Capita: \$27,500, Trade Balance/GDP: 7%, Population: 51.2M, Public Debt/GDP: 46%, Inflation: 1%” Forbes, ‘South Korea’ <<https://www.forbes.com/places/south-korea/>> accessed 3 June 2018.

<sup>2</sup> World Bank, ‘GDP Ranking’ (2016 Ranking) <<https://datacatalog.worldbank.org/dataset/gdp-ranking>> accessed 3 June 2018.

<sup>3</sup> UNDP, ‘Human Development Reports: Korea (Republic of)’ <<http://hdr.undp.org/en/countries/profiles/KOR>> accessed 3 June 2018.

the weak [...] I applaud those who had the courage to tell their stories.”<sup>4</sup> The dimension and severity of sexual assault in South Korea, however, goes way beyond this debate. The danger of being raped is an omnipotent threat for South Korean females of any age in every sphere of their lives. According to a 2016 survey of the Ministry of Gender Equality and Family, eight out of ten interviewed women experienced harassment at work but stayed silent, believing that their testimony would not change the situation.<sup>5</sup>

Ultimately, it often seems impossible for the victims to come forward about their abuse or they often do not see their testimony leading to investigations or legal punishment. One of the victims in the latest sex scandal concerning the South Korean pop music (K-Pop) industry testified in April 2019 about being gang raped by five men, including former K-Pop-stars Jung Joon Young and Choi Jonghun. Both were arrested as part of the “Tokbang” chat rooms that are still under investigation and currently involve 16 high profile people and count 23 Social Media chat rooms, in which the young men shared explicit videos of having sex with women without their knowledge and videos of raping women after being drugged. In addition, they made fun of the victims and joked about drugging and raping various women, while commenting on each other’s videos (“You raped her, ha ha.”).<sup>6</sup> These chat rooms also include former member of Korea’s most influential group Big Bang Lee Seung-hyun (Seungri), who is currently investigated against because of providing prostitution services, distributing illicit footage, tax evasion and embezzlement. The Burning Sun, owned by Seungri, was shut down in February 2019 due to investigations on assault, prostitution, drug distribution, tax evasion and police corruption.<sup>7</sup> After the chat rooms were leaked to

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<sup>4</sup> The Straits Times, ‘South Korea President Moon Jae In Urges Action Against Growing #MeToo Sex Abuse Claims’

<<https://www.straitstimes.com/asia/east-asia/south-korea-president-moon-jae-in-urges-action-against-growing-metoo-sex-abuse-claims>> accessed 3 June 2018.

<sup>5</sup> DA Paulo, “In South Korea, a Society Faces up to an Epidemic of Sexual Harassment” (*Channel News Asia*, 29 March 2018) <<https://www.channelnewsasia.com/news/cnainsider/south-korea-sexual-harassment-revenge-porn-abuse-get-real-9987316>> accessed 4 June 2019.

<sup>6</sup> *ibid.*

<sup>7</sup> F Elgakhlab, “K-Pop is Being Rocked by a Sex Scandal: It’s Part of a Bigger Social Problem” (*Vox*, 29 April 2019) <<https://www.vox.com/2019/4/29/18306249/k-pop-sex-scandal-seungri-burning-sun>> accessed 4 June 2019.

the media, said victim recognized herself in a chat room conversation and later received images and videos of her via her lawyer, being unconscious and raped by a group and finally decided to sue the five men. Being asked about how she felt about the lawsuit, the victim answered: "I'm scared that my identity will be exposed and that people will know that I was victimized."<sup>8</sup>

## 2. Victim Protection, "Date Rape" and South Korea's Spy-Cam Epidemic

Unfortunately, the examples of abuse and sexual exploitation of women in South Korean society are manifold, including little girls entering school getting raped by teachers, high school girls getting gang raped by classmates, frequent "date rape", rape by family members and partners and female employees getting raped by co-workers. These stories are not isolated and guilt is given to the victims themselves. In 2004, at least 41 male high school students raped five female students over the course of 11 months.<sup>9</sup> None of the male students were convicted of criminal charges. The case, which is known as the "Miryang middle school girls rape incident", led to a Seoul High Court decision in 2007, in which the court held that the Miryang police officers have been guilty of negligence in protecting the victims. In June 2008, this decision was upheld by a Supreme Court decision. The court stated that "by making the victims identify their attackers in an open area, the police failed to protect the rights of the victims and caused them to suffer humiliation."<sup>10</sup> In addition, the police had leaked documents with information about the identity of the victims to the media. The court also took the insults of the victims by police officers into account, stating

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<sup>8</sup> Nate 뉴스, "피해여성 첫 등장" (Nate News, 18 April 2019) <<https://news.nate.com/view/20190418n30111?mid=n1008>> accessed 4 June 2019.

<sup>9</sup> K Rahn, 'Sexual Assault Case Provokes Uproar Police Under Attack for Mistreating Victimized Middle School Girls' (*The Korea Times*, 12 December 2004) <<https://web.archive.org/web/20050419130038/http://times.hankooki.com/lpage/200412/kt2004121217002910230.htm>> accessed 3 June 2018.

<sup>10</sup> MJ Ser, 'Court Orders State to Pay for ID Leak of Rape Victims' (*Korea Joong Ang Daily*, 17 June 2008) <<http://koreajoongangdaily.joins.com/news/article/article.aspx?aid=2891213>> accessed 3 June 2018.

that another factor in its ruling were comments made by a police officer that the girls had hurt Miryang's reputation.

Another infamous example of violent behavior against women involves the porn site "Sora.net" or "Soronet", which before getting shut down for the third time as the result of joint investigations of South Korea, the US and the Netherlands in 2016, counted around 1 Mio. users. Congresswoman Sun-Mi Jin, however, stressed that Sora.net was too interconnected with sexual crime to consider it as a simple porn site.<sup>11</sup> The site that was launched 1999 in South Korea, which today has the fastest Internet in the world, was used systematically to attract rape participators via a message board. One example representing a great number of similar incidents involved a person that invited people to "have a go for an hour or two" with his intoxicated girlfriend.<sup>12</sup> The use of date rape drugs has often been involved. Here, the discussion board offered a market place for such drugs. The case of "Sora.net", which was part of the clear web and is permanently on the edge to reappear, underlines the high accessibility of sexual crimes against women in South Korea, but also gives a positive example of successful international cooperation to reduce sexual assault against girls and women.

Currently, so-called "revenge porn" and digital voyeurism is a rising trend in modern high-speed Internet South Korean society. Women reported that it is an everyday common threat to be filmed in public toilets, hotels or even walking the stairs by spy-cams, known as "molka". According to a Channel News Asia investigation, "[i]n 2016, over 7,000 South Korean women found compromising videos of themselves on adult websites, a sevenfold increase in four years."<sup>13</sup> The Cyber Investigation Department at the National Police Agency in South Korea stated that they even found cameras in TV boxes, hair dryer holders and wall

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<sup>11</sup> H Cho, 'Sora.net: When Online Conspiracies Become a Reality' (Columbia Journal of Transnational Law' <<http://jtl.columbia.edu/sora-net-when-online-conspiracies-become-a-reality/?cn-reloaded=1>> accessed 3 June 2018.

<sup>12</sup> *ibid.*

<sup>13</sup> DA Paulo, "In South Korea, a Society Faces up to an Epidemic of Sexual Harassment" (*Channel News Asia*, 29 March 2018) <<https://www.channelnewsasia.com/news/cnainsider/south-korea-sexual-harassment-revenge-porn-abuse-get-real-9987316>> accessed 4 June 2019.

sockets. Although over 5,400 molka-related arrests were made since 2017, less than 2% were punished with a jail sentence.<sup>14</sup> However, based on President Moon's open demand for thorough investigations of spy-cam crime and the request to reopen previously closed investigations against high-profile men in favor to strengthen the rights of female victims, including the case of actress Jang Ja-yeon who committed suicide in 2009, and the open protests by women declaring that "my life is not your porn" and other female right activists' campaigns, there is currently a strong momentum for change in favor of protecting female victims in the short term and preventing exploitation and abuse of women in South Korean society in the long term.

### 3. Current Drivers for a Successful Project Implementation

Given that President Moon with his background as a human rights lawyer is currently credibly making gender inequality a priority of his agenda, the proposed project is not only thinkable, but also feasible.<sup>15</sup> This project would involve establishing an international commission in South Korea that collects data, documents and testimonies and develops proposals for a national office that centrally processes and tracks criminal complaints of female assault victims to the authorities in order to promote changes in legislation and programs for the victims, without the international commission or national office being vulnerable to corruption by being too tightly connected at the local level. This project could become a model project for the entire Southeast Asian region, since similar situations can also be found, for example, in Japan. The proposed project would involve four phases: data

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<sup>14</sup> F Elgakhlab, "K-Pop is Being Rocked by a Sex Scandal: It's Part of a Bigger Social Problem" (Vox, 29 April 2019) <<https://www.vox.com/2019/4/29/18306249/k-pop-sex-scandal-seungri-burning-sun>> accessed 4 June 2019.

<sup>15</sup> On 18 May 2018, for example, President Moon promised investigations of the sex crimes committed by martial law troops during the 1980 Gwangju Uprising, stating that "what is even more shameful is that now, 38 years later, we are still unaware of the depth of the wounds inflicted on the people of Gwangju and that we have failed to bring them comfort." YC Seong, JE Kim and GB Hwang, 'President Moon promises investigations into sexual crimes during Gwangju Uprising' (*Hankyoreh*, 19 May 2018) <[http://www.hani.co.kr/arti/english\\_edition/e\\_national/845375.html](http://www.hani.co.kr/arti/english_edition/e_national/845375.html)> accessed 3 June 2018.

collection, monitoring, optimization of the legal framework and law enforcement systems, and the establishment of a victim protection program.

Also given the global scale of news coverage concerning the current “K-Pop sex scandal”, women protection is given a national and international platform for the discussion of the issue, also addressing pop culture and thus reaching the broad South Korean public, since the K-Pop industry is worth USD 5 billion per year with a wide range of listeners of different ages and socio-economic backgrounds. International pressure from international media in combination with independent international monitoring of the handling of female victims’ rights during this case, and the ones that follow this milestone, could open doors for drastically safer lives of girls, teenagers and women all over the country, whose lives would otherwise be substantially ruined.

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