

Trends & Policies in Criminology and Justice

Analysis of Changes in Digital Sex Crimes and Evaluation of Policy Implementation - Effectiveness after the Nth Room Prevention Law

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- Contents** ▶
1. Overview
 2. Methodology
 3. Findings
 4. Policy Recommendations

Keywords

Digital sex crimes, Nth room prevention law (Anti-Nth room act), International cooperation, Prevention of distribution of digital sex crime materials, Victim support

1 Overview

The “Nth Room” case, where numerous women, including minors, were coerced into creating sexually exploitative videos via a messaging app, has underscored the gravity of digital sex crimes. This case has brought to light the urgent need for stringent measures against such crimes. Under the banner “Punishment is severe, protection is thorough,” the government has responded by enhancing penalties for digital sex crimes and implementing comprehensive measures. The enactment of the “Anti-Nth Room” legislation (Nth room prevention law), alongside the introduction of sentencing guidelines for digital sexual assault, aims to address and eradicate these crimes through improved legislative measures. This study examines the systematic implementation of these measures and evaluates their effectiveness in achieving desired policy outcomes.

○ Research Summary:

1. Analysis of the Anti-Nth Room Act

The specifics of the Anti-Nth Room Act, the legislative product designed to prevent similar crimes

- The legislative context and motivation behind the Act
- Detailed provisions and their intended impact
- Assessment of the Act’s strengths and areas needing improvement

2. Incidence and Nature of Digital Sex Crimes

The landscape of digital sex crimes, focusing on

- Trends in the prevalence of these crimes post-legislation
- Characteristics of perpetrators, including age, gender, and motives
- Victim demographics and the types of exploitation they face
- The shifting methods and platforms used for these crimes

3. Evaluation of Prevention Measures

Categorize and examine the implementation and impact of prevention measures, split into

- Punishment Enhancement Policies:
 - Expansion of the legal scope for punishment
 - Increased statutory sentences
 - New security measures and regulations for digital sex crime investigations
 - Introduction of sentencing guidelines to standardize judicial responses
- Victim Protection and Support Policies:
 - Enhanced responsibilities for Internet Service Providers (ISPs) to prevent illegal content distribution
 - Support mechanisms for content deletion provided by organizations and the Korea Communications Standards Commission (KCSC)
 - Challenges faced in enforcing these measures and their real-world effectiveness

4. Proposed Improvements

Building on prior research and feedback from various stakeholders

- Legislative amendments to close gaps identified during the Act's implementation
- Enhanced collaboration between enforcement agencies and international bodies
- Strengthening support structures for victims to ensure consistent and effective aid

2 Methodology

The study employs a multifaceted approach

- **Literature Review:** Comprehensive analysis of existing research and legal texts
- **Statistical Data Analysis:** Examination of crime incidence and enforcement effectiveness
- **Secondary Data Analysis:** Utilizing personal information registration data to identify trends
- **Content Analysis:** Reviewing digital sex crime judgments and transparency reports for insights
- **In-Depth Interviews:** Gathering perspectives from victim support organizations, KCSC officials, and police officers through interviews and Focus Group Interviews (FGIs)

3 Findings

Legislative and Preventive Measures

The government has made notable strides in amending laws to combat digital sex crimes. However, several issues persist:

- Need for more effective investigative procedures
- Expanding the scope of businesses obligated to prevent illegal image distribution
- Revising laws to bolster victim protection and support

Current Status and Characteristics of Digital Sex Crimes

- **Trends:** A notable rise in reported digital sex crimes, attributed to broadened punitive measures and rigorous police actions

Trends in the indictment and composition ratio of digital sex crimes (2012-2021)

Year	Total sex crimes		Physical sexual violence crimes			Digital sex crimes ³⁾		
	Case	Increase rate (%) ¹⁾	Case	Increase rate (%)	Composition ratio ²⁾	Case	Increase rate (%)	Composition ratio
2012	24,427	-	19,655	-	80.5	4,772	-	19.5
2013	31,151	27.5	22,301	13.5	71.6	8,850	85.5	28.4
2014	29,660	-4.8	21,048	-5.6	71.0	8,612	-2.7	29.0
2015	30,666	3.4	21,281	1.1	69.4	9,385	9.0	30.6
2016	29,303	-4.4	22,198	4.3	75.8	7,105	-24.3	24.2
2017	32,296	10.2	24,109	8.6	74.7	8,187	15.2	25.3
2018	31,753	-1.7	23,475	-2.6	73.9	8,278	1.1	26.1
2019	31,471	-0.9	23,536	0.3	74.8	7,935	-4.1	25.2
2020	31,413	-0.2	21,715	-7.7	69.1	9,698	22.2	30.9
2021	33,315	6.1	20,276	-6.6	60.9	13,039	34.5	39.1

※ Data source: Korean National Police Agency, 「Korean Police Crime Statistics」, each year

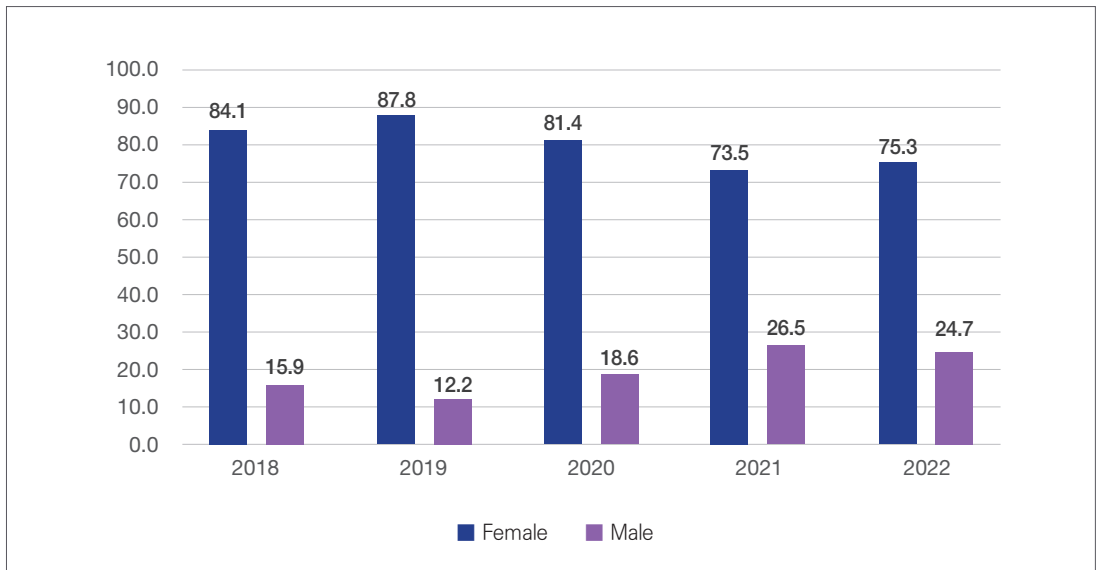
1) The increase rate refers to the year-on-year increase or decrease

2) Composition ratio refers to the proportion within total sex crimes

3) Digital sex crimes refer to offenses such as 'obscene acts by using means of communication (Act on Special Cases Concerning the Punishment, etc. of Sexual Crimes Art. 13)', 'taking photographs by using cameras (Act on Special Cases Concerning the Punishment, etc. of Sexual Crimes Art. 14)', 'editing/distribution of fabricated videos, etc' (Act on Special Cases Concerning the Punishment, etc. of Sexual Crimes Art. 14-2)', 'threatening/forcing with filmed material, etc. (Act on Special Cases Concerning the Punishment, etc. of Sexual Crimes Art. 14-2)', 'child or juvenile pornography (Act on the Protection of Children and Juveniles from Sexual Abuse Art. 11)'

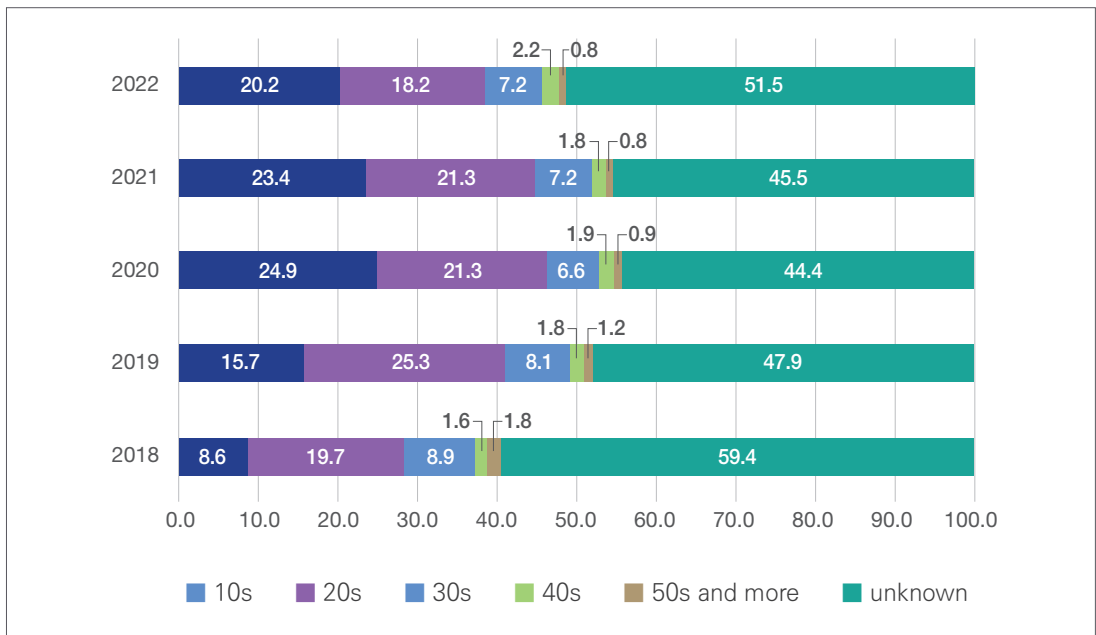
- **Perpetrators:** Predominantly young males, though the number of female offenders is on the rise
- **Victims:** Mostly females, with an increasing number of male victims

Gender distribution of digital sex crime victims (2018-2022)



※ Data source: Women’s Human Rights Institute of Korea (2023), 「2022 Report on Support for Digital Sex Crime Victims」

Age distribution of female victims of digital sex crimes



※ Data source: Women’s Human Rights Institute of Korea (2023), 「2022 Report on Support for Digital Sex Crime Victims」

- **Crime Types:** Ranging from illegal filming and distribution to cyber-bullying and threats
- **Platform Shift:** Decrease in web-hard distributions but a rise in adult site distributions

Platforms where support for the removal of victimized videos is received

* Unit: Number of cases (ratio)

Year	Total	Adult sites	Search engines	SNS	Community boards	P2P	Cloud	Others
2018	28,879 (100.0)	8,239 (28.5)	6,705 (23.2)	10,312 (35.7)	848 (2.9)	2,158 (7.5)	317 (1.1)	300 (1.0)
2019	95,083 (100.0)	26,170 (27.5)	31,369 (33.0)	4,337 (4.6)	2,042 (2.1)	29,359 (30.9)	190 (0.2)	1,616 (1.7)
2020	158,760 (100.0)	38,332 (24.1)	25,383 (16.0)	65,894 (41.5)	14,550 (9.2)	5,152 (3.2)	45 (0.03)	9,404 (5.9)
2021	169,820 (100.0)	59,113 (34.8)	30,372 (17.9)	31,980 (18.8)	29,608 (17.4)	5,181 (3.1)	344 (0.2)	13,222 (7.8)
2022	213,602 (100.0)	95,485 (44.7)	37,025 (17.3)	31,053 (14.5)	28,111 (13.2)	4,158 (2.0)	0 (0.0)	17,770 (8.3)

※ Data source: Women’s Human Rights Institute of Korea (2023), 「2022 Report on Support for Digital Sex Crime Victims」 p. 41

Police Investigations

Key techniques such as identity non-disclosure and disguise investigations are critical but face regulatory challenges. Practitioners advocate for

- Post-approval processes for identity non-disclosure in urgent cases
- Clear guidelines for undercover operations, including permissible activities and content

Prosecution and Sentencing Trends

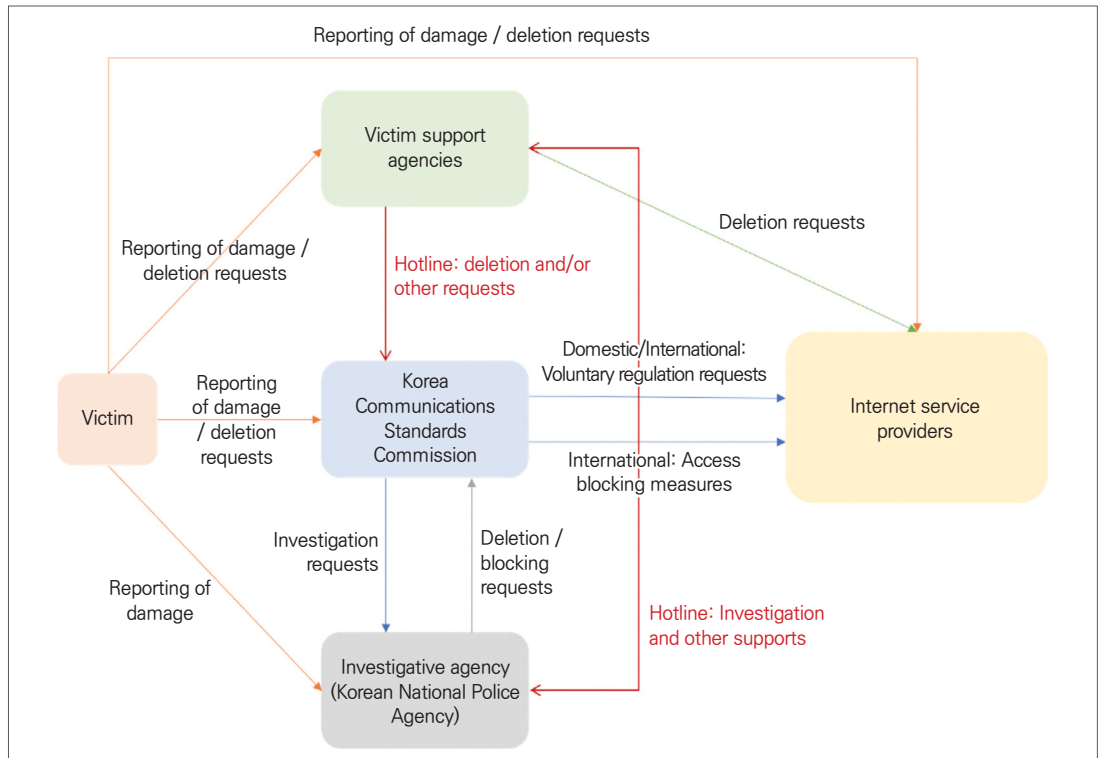
- **Prosecutorial Focus:** Aggressive prosecution of child and adolescent exploitation, though high rates of ‘no prosecution’ and ‘no charges’ for related crimes highlight enforcement gaps
- **Sentencing Guidelines:** The application of mitigating factors often outweighs aggravating factors, particularly the victim’s unwillingness to punish. This trend underscores the need for standardized documentation and clearer sentencing factors

Victim Support

Feedback from support organizations indicates

- Effective preventive measures and inter-agency cooperation
- Challenges in dealing with overseas servers and ensuring consistent victim support standards

Support system for digital sex crime victims



5-year operational performance of 'the Advocacy Center for Online Sexual Abuse Victims' (2018-2022)

Year	Number of victims	Number of supported cases				
		Total	Removal of offending videos	Counseling	Coordination with investigation/legal support	Medical \support coordination
2018	1,315	33,921 (100%)	28,879 (85.1%)	4,787 (14.1%)	203 (0.6%)	52 (0.2%)
2019	2,087	101,378 (100%)	95,083 (93.8%)	5,735 (5.7%)	500 (0.5%)	60 (0.1%)
2020	4,973	170,697 (100%)	158,760 (93.0%)	11,452 (6.7%)	445 (0.3%)	40 (0.02%)
2021	6,952	188,083 (100%)	169,820 (90.3%)	17,456 (9.3%)	708 (0.4%)	99 (0.1%)
2022	7,979	234,560 (100%)	213,602 (91.1%)	19,259 (8.2%)	1,525 (0.6%)	174 (0.1%)

※ Data source: Women's Human Rights Institute of Korea (2023), 「2022 Report on Support for Digital Sex Crime Victims」, p. 37.

- Need for a unified approach and better resource allocation to support victims

ISP Obligations

ISPs are largely compliant in deletion of illegal content, but transparency of the reports lack detailed information. Recommendations include

- Improving report transparency and accountability
- Monitoring the effectiveness of content filtering technologies

4 Policy Recommendations

1. Investigation

- Enhance the effectiveness of investigations by allowing post-approval for urgent identity non-disclosure cases
- Strengthen international cooperation to address cross-border digital sex crimes effectively

2. Punishment

- Redesign security dispositions tailored to digital sex crimes
- Standardize the documentation of sentencing deviations and clarify the application of mitigating factors, especially the 'unwillingness to punish'

3. Victim Support

- Establish a unified control tower for victim support
- Cultivate skilled human resources and expand education on digital sex crimes
- Ensure consistent and comprehensive support standards across different regions and organizations

4. Preventing Distribution

- Broaden the scope of illegal content definitions
- Require ISPs to report digital sex offense materials to the police
- Strengthen the supervisory role of the Korea Communication Commission and enhance transparency reporting requirements

By implementing these recommendations, we aim to foster a safer digital environment and ensure robust protection and support for victims of digital sex crimes.

- The Korean Institute of Criminology and Justice (KICJ) was founded in 1989 as the only national crime and criminal justice research institute in South Korea.

Originally established as the Korean Institute of Criminology (KIC), it underwent a name change in 2021, expanding its research scope to include areas such as civil affairs, international law, and immigration law under the broader umbrella of justice.

The KICJ conducts proactive interdisciplinary research to formulate and implement evidence-based policies for improved national crime prevention and criminal justice system, continually expanding its research endeavors in these diverse areas.

