

KOREAN APPROACH TO ONLINE PROTECTION FOR CHILDREN IN DIGITAL ERA

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Synopsis

- Introduction
- South Korea: Brief country profile & internet population
- Online Risks for Children
 - Cyber bullying
 - Online sexual exploitation and trafficking
 - Child pornography
 - Online addiction and online gaming
 - Cyber crimes including intrusion of privacy and breach of personal data
- Measures of Protections
 - Legal, technical, administrative and social measures in protecting children as online users

Introduction

- Children are the most cherished members of our society but most vulnerable to harm, abuse, violence and exploitation in both online and offline world.
- The UN Convention on the Rights of the Child (UNCRC) prescribes the fundamental rights of children particularly to safeguard the liberty and protect the safety, security and privacy of the children.
- It imposed obligation on the State Parties to protect the fundamental rights of children, which includes the right to life, survival and development; the right to be free and protected from harm, abuse, violence and exploitation; and the right to a fair trial and appropriate redress for children that have infringed or violated any law.
- These fundamental rights of the children particularly the right to be free from harm, abuse, violence and exploitation are being threatened with the existence of the Internet and the digital technology.

Internet and Children

- Without doubt Internet is an important source of information, education and communication for children and young people.
- But it also bring threats and risks to children's safety, security and privacy by exposing children not only to harmful, violence and inappropriate content, but also to strangers and pedophiles, who sexually exploit children and expose them to online abuse such as child pornography and child prostitution.
- The Internet also provides avenue for harassing, stalking and bullying online that threaten the physical and emotional security as well as privacy of the children.

Online protection is important

- Awareness of these online threats and risks is important but enforceable and integrated laws, effective technical, administrative and social measures need to exist alongside the awareness in order to protect the safety, security and privacy of children as internet users in this digital era.
- These measures are used and implemented in South Korea being the most wired society in the world.

South Korea: Brief Country Profile

- The country was established in 1948 but a democratic constitution was only enacted in 1987 following a massive protests.
- The constitution guarantees fundamental freedom of the citizen and protection of children rights are embodied in the general provision governing fundamental liberties as well as in various specific laws governing the welfare, education and well being of the children.
- South Korea ratified and acceded to all human rights treaties namely the UDHR, ICCPR, CESCR and UNCRC plus Optional Protocols
- It is a country that has successfully enhanced progression and development by merging technology along side culture and experience.

South Korea Internet Populations

- The overall population as of May 2013 is 51,034,494
- Percentage of online population in mid 2012 is 82.5%
- High Speed broadband of at least 14.2 Mbit/s with a peak internet connection speed of 44.8 Mbit/s
- Has the highest mobile internet penetration among mobile phone users with 53.1 million mobile subscriptions at the end of 2011. (more than one subscription per person)
- Between the age group of 12 – 19 about 80.7% of them are smartphone users and 78.9% are social media users. (2011)

Online Risks in South Korea

- Cyberbullying
 - internet repeated attacks, online gaming bullies and smart phones bullies
- Threats of sexual exploitation and child prostitution
 - compensated dating and child grooming
- Online child Pornography
 - Contributing to the increase in sexual crime against children
- Online addiction and online gaming
 - affecting grades and behaviors of juvenile
- Juvenile Cybercrime on the rise.

Cyberbullying

- Most serious among children and youth who use internet anonymity to lash out others virtually due to culture that discourage the young to speak their mind to the elders in the open and also due to academic pressures.
- Incidents of cyber bullying:
 - Repeated or persisted attacked due to jealousy by net bullies resulted in a suicide of a 16 year old girl who appeared on television with a popular actor to explain how she manage to loose 90 pounds in three months.
 - Internet gaming bullying - victims were forced to play online games by bullies for extra points in the virtual world.
 - Smart phone bullying where victim is forced to pay for WIFI access for the tormentors.

Threats of sexual exploitation and child prostitution

- More than 95% of commercial sexual exploitation of children in South Korea is arranged over the Internet
- ‘Compensated dating’ - online offers from suitors in the forms of gifts in exchange for sex or for grooming purposes.
- Internet chatting forum is used as main contact.
- Popular among school girls. A survey conducted by the Ministry of Gender, Equality and Family indicates that 20% of school girls in Busan engaged in sex trade.
- Contributing factors: childhood sexual violence, poverty, lack of family support, pressure from school and greed for luxury items.

Online child Pornography

- [Internet Watch Foundation](#) reported South Korea as one of the most significant contributor to child pornography.
- Availability of child pornography on the internet is one of the factors responsible for the increase of sexual offences against children.
- In 2012 a 9 year old girl was sexually molested and subsequently murdered by a repeated sexual offender who lived in the neighbourhood and around the same time a former navy was found to have sexually molested elementary students more than 50 times while working as a school guard.
- Korean police found out the common behaviour of these sexual criminals was they frequently watched child pornography on the internet.

Online Addiction and Online Gaming

- In 2010 about 160,000 kids between the age of 5 and 9 are found to be internet addicts due to long hours of playing online games.
- Result: neglect studies, lack of physical exercise and change in behaviors.
- Extreme scenarios:
 - A 15 year old boy committed suicide after killing his mother who scolded him from excessive playing of video games;
 - A parent's gaming addiction let their new born daughter died of malnutrition while consistently feeding their virtual child;

Juvenile Cybercrime

- The [Korean Cyber Terror Response Center \(KCTRC\)](#) reported an increase in cybercrime among the youth
- The 2005 Report provides the percentage and the type of cyber Crime involving Children namely:
 - Intrusion of privacy & personal information 26.8%
 - Cyber defamation 20.3%
 - Threatening or intimidation 14.0%
 - Sexual and Obscene e-messaging 13.5%
 - Cyber stalking 3.6%
- Cyber crimes prevail among youth due to exposure of violence on TV, movies, music video & computer games

Measures Combating Online Risks

- Laws and regulations
- Technological measures
- Administrative and cross governmental measures
- Traditional practice, Social response and public participation

Measures against Cyberbullying

- Laws, regulations & technical measures
 - Art 44-5 of the [Act on Protection of Communication Network Utilization and Information Protections \(CNA\)](#) and Art 29 & 30 of [Enforcement Decree of CNA](#) introduced [Registration of Real Name System \(RRN\)](#).
 - The system requires the ISPs to verify the identity of the internet users before allowing access to internet.
 - Reasons for introduction are: to stop baseless rumours, cyber defamation and privacy invasion.
 - The RRN system was challenged at the Constitutional Court in 2012 on the ground of breaching freedom of speech. The court held the system to be unconstitutional nevertheless considered the purpose of RRN to be legitimate.
 - The RRN was also abolished due to series of identity theft incidents nevertheless an I-pin system was introduced to allow access to the internet

Social Measures Countering Cyberbullying

- "Sun full" or "good reply" movement introduced by Prof. Min Byung Chul from Konkuk University for school children.
- It aims to counter bullies by flooding online forum with positive and cheerful comments and to discourage others from making vicious and negative online remarks.
- In June 2013, a proposal for an act on volunteer activities to promote the posting of positive comments in cyberspace and counter online bullying was presented to the National Assembly.
- In July 2013 educators in California adopted Sunfull movement and launched a nationwide plan in September 2013.

Measures Countering Child abuse, Sexual Exploitation, Child Trafficking and Child Prostitution

- Legislative measures combating child abuse, harm, neglect, violence and exploitation:
 - [The Child Welfare Act](#) – no harm, violence and cruelty on child health, welfare, physical and mental growth of a child
 - [The Framework on Juvenile Act](#) provides basis for content regulation on the media with aim to provide better environment for child physical and mental development
 - [Juvenile Protection Act](#) protect children from harmful act, abuse and violence by regulating the distribution of harmful media contents including drugs and restrict access to such entertainment establishment
 - [Act on Protection of Children and Juvenile from Sexual Abuse](#). It provides punishment for committing sex offences against children and synchronize the definition of sexual offences against children or juvenile with the Criminal Act also govern child pornography and punishment thereof
 - [2004 Act on the Punishment of Acts Arranging Sexual Traffic](#) and [Labour Standard Act](#) prohibits most aspect of trafficking and prescribed punishment up to 10 years and 5 years imprisonment respectively.
 - etc

Administrative measure against child abuse, neglect and exploitation

- National Plans for Child Protection and Development
 - In 2002, 2004, 2007, 2008- 2012, 2013- 2017.

Administrative measures against child trafficking and child prostitution

- Train law enforcement and other government officials on sex trafficking prevention.
- Upgrade data collection system to provide more detailed information on human trafficking prosecution
- Ministry of Gender, Equality and Family developed training materials on sex trafficking for juveniles in school and to public official, and conduct awareness campaign among juvenile and school children.
- Ministry of Foreign Affairs conduct a pre departure trainings for Korean participating in working holiday programs and training on anti trafficking for troops on international peace keeping mission.
- Sexuality Education and Counseling Centres for Youth help young people to develop healthy sexual identities and information about sex.

Measures on Child abusers and exploiters

- Registration and disclosure of identity of sexual offender to the public and. Since 2011 about 1,023 offenders personal information has been disclosed.
- GPS monitoring and tracking child offenders was also introduced.
- The Ministry of Justice runs 29 “John Schools” requiring convicted male ‘clients’ of prostitution to attend one day seminars on the risks of prostitution and sex trafficking.
- Restricting issuance of passport and Confiscation of passport for crimes committed against children outside jurisdiction by Korean nationals.

Protection for Child and Child Victims

- Children involved in prostitution are considered as victims not as offenders.
- The Government provides financial support to NGOs offering **shelter, counseling, medical assistance and rehabilitation services** to protect sex trafficking victims.
- The Ministry of Gender, Equality and Family operates **77 Shelters for runaway teenagers** to reduce vulnerability to commercial sexual exploitation.
- Ministry of Employment and Labor operates seven Migrant Worker's Centres nationwide
- Seoul Metropolitan City Government maintains 6 rehab and shelter centers
- **Restriction on Employment of registered child sex offenders** in school, fitness centers and other institution involving minors.
- **Supply a GPS beeper to School children** in certain targeted area.

Measures Combatting Online Child Pornography

- Legislative measures
- The Act of Protection of Children and Juveniles from Sexual Abuse
 - criminalizes production, import and export of obscene materials, sale, rental or distribution as well as possession of child pornographic materials.
 - imposed duty on ISPs to delete, prevent and block transmission of such materials.
- The Act on the Punishment of Sexual crimes and Protection of Victims
- The Act on Punishment for Grooming 2008.

Technical and social measures in combating child pornography

- **New technology** that automatically detects and deleted any items of child pornography and reports the uploader to the authority has been developed by Microsoft with a local university.
- **Filtering and blocking technologies** has been developed to filter contents on the internet. Korean Communication Standard Commission carry out the Internet content regulation.
- **“Nuri Cop”** are members of society who volunteers to clean up and patrol the internet by deleting child pornography images.

Content Regulations: Legislative measures

- [Telecommunication Business Act 1992](#) and the creation of the [Information Communication Ethics Committee](#) in 1995 (ICEC)
- The ICEC regulate the content of communication on the internet for the protection of youth and national security
- The Act allows ICEC to monitor internet discussion and contacted systems operators to get the information deleted.
- ICEC introduced [Internet Content Media Rating System](#) that provides criteria for indecent Internet sites, prevent cyber sexual violence and filtering of national illegal and harmful information
- [Internet Content Filtering Ordinance](#) was introduced in 2001 requiring the ISPs to filter access to a list of websites determined by ICEC thus public libraries and PC Bang must install filtering software to protect youth
- Role of ICEC is now taken over by the KCSC (Korean Communication Standard Commission)

Content Regulations

- Also governed by the [Communication Network Act](#) that contains provision to protect juveniles from harmful information distributed by network
- The Ministry of Information and Communication is responsible for the development and dissemination of content screening software, juvenile protection technology and education and publicity for juvenile protection.
- The Act requires labeling of media materials harmful to juvenile.
- In relation to contents in video product and games industry the content regulation is governed by [Juvenile Protection Act](#).

Measures addressing Online Addiction and Online Gaming

- **Legislative measure**
- The Ministry of Sport, Culture and Tourism introduced Cinderella Law that requires the online games operator to block children below the age of 16 from playing during a late night hour.
- **Technical measures**
 - Parental control mechanism known as “Selection System of Game Availability Period” was introduced in 2012 allowing parents to set the time when their children could play the games
- **Social measures** through camps and rehabilitation center as well as awareness campaign

Protecting Privacy and Data Protection of children

- Legislative Measure:
 - Personal Information Protection Act 2011
 - Act on Promotion of Information and Communication network Utilisation and Information Protection
 - For Protection of personal data of students
 - The Framework on Education Act and
 - The Elementary Secondary Education Act
 - National Education System and Rules on Operation of National Education Information System.
 - For Privacy of Child Victims – Act on Punishment of Sexual Crimes and Protection of Victims, Juvenile Act and Child Welfare Act

Conclusion

- In protecting the safety, security and privacy of children online, the South Korean government has adopted measures that combine both traditional and new methods to protect children as online user.
- At the same time those measures could ensure a safe internet environment for children in South Korea.
- Combination of legislative, administrative, technical and social measures indicates that protecting children in both online and offline is the responsibility of all people and at all level of society.
- Protecting our children in this digital era is protecting the future of the world generation.



THANK YOU

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