



Jubilee Campaign contribution to the United Nations Special Rapporteur on the sale and sexual exploitation of children Call for Inputs for a study on the sexual abuse and exploitation of children in the entertainment industry

The Exploitation of North Korean Defector Girls via the Lucrative Cybersex Industry

Jubilee Campaign would like to raise to the Special Rapporteur's attention the sexual and physical exploitation of North Korean defector girls via the cybersex industry, specifically regarding the consumption of such media in China and South Korea.

In 2019, Korea Future Initiative reported that approximately 60% of North Korean defector women and girls are trafficked into China, of which 30% are sold into prostitution, 18% are sold into marriage with Chinese men predominantly in rural areas, 9% sold into the cybersex industry, and the remaining 3% for whom details of their trafficking remain unclear.¹ In many cases, human traffickers manipulate defector women and girls into believing that they will find suitable employment in China. In reality, however, they sell these women and girls as brides for unmarried men who struggle to find wives due to the skewed gender demographics resulting from China's One Child Policy. The remaining women and girls are either sold into prostitution - usually working for brothels, bars - or into the cybersex industry.

1. What are the manifestations of the sexual abuse and exploitation of children within the entertainment industry? Please share examples of reported and adjudicated cases or incidences of cases reported within this industry.

In September 2019, two North Korean defector women, Lee Jin-hui and Kim Yena, told *The New York Times* their separate stories of being smuggled out of the DPRK and into China, where they were subsequently sold to brokers. Jin-hui was detained in a three-room apartment and forced to perform sexual activities on camera for 17 hours per day, 7 days per week.² Korea Future Initiative lists the following sexual violence that trafficked defector women and girls are subjected to while being filmed for view by paying audiences around the world: nudity, oral rape, anal rape, vaginal rape, gang rape, urination, defecation, humiliation, and forced masturbation with and without insertion of objects. Additionally, the victims are “dehumanised on camera and forced to conceal bruises with makeup, hair loss with wigs, and fatigue with drug abuse....”³ Girls as young as nine years old are victims of the exploitative and disgusting cybersex industry, and other Korean non-governmental organizations have

¹ Yoon Hee-soon, [Sex Slaves: The Prostitution, Cybersex & Forced Marriage of North Korean Women & Girls in China](#), *Korea Future Initiative*, 2019.

² Choe Sang-Hun, [“After Fleeing North Korea, Women Get Trapped as Cybersex Slaves in China”](#), *The New York Times*, 13 September 2019.

³ Yoon Hee-soon, [Sex Slaves: The Prostitution, Cybersex & Forced Marriage of North Korean Women & Girls in China](#), *Korea Future Initiative*, 2019.

observed that the prices which defector women and girls for vary according to their age and beauty, with the younger and more conventionally attractive listed for higher prices.

Studies have concluded that the largest viewership demographic of cybersex material of North Korean defector women and girls comprise South Korean men.⁴ In 2015, the South Korean government indicted the operators and administrators of a website that displayed pornography of North Korean defector women.⁵ In consideration of this, it is important to highlight a few supplementary high profile cases of cybersex crimes that have taken place in South Korea in more recent years. Despite the fact that there are no identified North Korean girl victims of these specific cases, they are worthy of discussion as they emphasize the ubiquity, secrecy, and sophistication of cybersex crimes in South Korea, some of which do prey on defector girls and women. Additionally, although our present contribution to the Special Rapporteur's call for inputs is focused primarily on the exploitation of North Korean girls, these horrific crimes have subjected hundreds of young South Korean girls to the most egregious forms of sexual violence.

Throughout 2019, various investigative journalism media outlets uncovered details that South Korean national Moon Hyung-wook established eight clandestine chat groups on the Telegram messaging application, numbered sequentially [the case is referred to as "Nth Room", in which he circulated pornographic photographs and videos for prices between \approx USD \$200 and \$1,200 in the form of cryptocurrency.⁶ Another man, Cho Ju-bin, operated a similar network on Telegram ("Baksa's Room") in which he coerced girl victims to provide him with their personal information, blackmailed them, and illicitly acquired sexual videos for circulation. The testimony of one anonymous victim of Nth Room, a middle schooler, shed light on Cho's modus operandi by which he used a combination of guilt and threats to compel her to send increasingly explicit sexual media of herself. Initially requesting photographs of her face and body, Cho escalated his demands and extracted a video of the girl victim using school supplies in a sexual manner which caused her physical injury. She has since recovered physically but suffers from lasting mental problems. The number of confirmed victims of the Nth Room and Baksa's Room cases (excluding unconfirmed and undisclosed victims) stands at 103, including 26 minor girls.⁷

Following the discovery of the extensive web of child pornography taking place on the Telegram app in South Korea, China's National Office Against Pornographic and Illegal Publications exposed five websites which circulated child sexual abuse photographic and videographic material that collectively garnered approximately 8 million users. Members who used secretive payment transfers for weekly, monthly, and yearly subscriptions could access content with taglines such as "four-year-old girl" and "big-eyed doll" for prices between RMB ¥30 and ¥3,000 (\approx USD \$4 - 420).⁸

2. How do power imbalances stemming from the vulnerabilities of children put them at risk of sexual exploitation and abuse within the entertainment industry?

(a) How does this apply in informal settings and in formal settings where contracts are executed?

(b) What are the contextual challenges in this regard and what strategies can be adopted to mitigate

⁴ Yoon Hee-soon, [Sex Slaves: The Prostitution, Cybersex & Forced Marriage of North Korean Women & Girls in China](#), Korea Future Initiative, 2019.

⁵ Subin Kim, ["Operators of webcam site exploiting defector women indicted"](#), NK News, 24 February 2015.

⁶ Laura Bicker, ["Cho Ju-bin: South Korea chatroom sex abuse suspect named after outcry"](#), BBC, 25 March 2020.

⁷ Ron Kim, ["Victim Of Telegram Nth Room Case Speaks Up About The Horrors She Faced As A Middle School Student"](#), Koreaboo, 24 March 2020. ; Chang May Choon, ["True crimes of Asia: Years after S.Korea's online sex slavery expose, digital sex crimes still rife"](#), The Straits Times, 25 July 2023.

⁸ Zhang Wanqing, ["China Cracks Down on 'Nth Room' Child Porn Sites"](#), Sixth Tone, 30 March 2020. ; Liu Mingyang, ["Child pornography website investigation: more than 8 million registered members, servers hidden overseas"](#), BJNews, 27 March 2020.

the risks?

Specifically within China, North Korean defector girls in the cybersex trafficking industry face myriad obstacles which trap them in a cycle of exploitation which is very difficult to escape. Having entered an unfamiliar country with no financial resources and no understanding of the world outside of North Korea, these girls are unable to establish residence for themselves and find alternatives to make money to support themselves. After being trafficked into cybersex work - which often takes place in small apartments that are locked - victims are repeatedly and forcefully fed narcotics and alcohol, causing them to develop drug-induced dependency upon their exploiters.⁹ Survivor Ye-na recalled one of her female ‘colleagues’ resorting to jumping out of the window of their sixth-floor apartment in order to escape the endless abuse.¹⁰ A 2009 survey revealed that North Korean defectors earned somewhere a net monthly income between RMB ¥3,000 and ¥4,000 (≈ USD \$417 and \$557) after reimbursing their procurers and paying rent for the hardly livable apartments in which they are confined. Additionally, “Children on the move are at high risk of sale and sexual exploitation. These children include migrants, asylum-seekers and children affected by conflict.... Undocumented and unaccompanied minors are also vulnerable owing to the risks being exacerbated by limited access to safe migration pathways, services and justice.”¹¹

The Chinese government’s rejection of North Korean defectors - and the constant threat of being repatriated to their home country - further endangers defectors who are improperly classified as “economic migrants” rather despite meeting the characteristics of refugees. Pursuant to Beijing’s and Pyongyang’s 1986 Mutual Cooperation Protocols for the National Security and Maintenance of Social Order in the Border Regions¹², China actively engages in mass deportations of North Korean defectors, despite that such conduct wholly violates the 1951 Convention on the Status of Refugees¹³ and its 1967 Protocol, both of which operate on the principle of non-refoulement.¹⁴ Even if defector girls escape the horrors of cybersex trafficking in China, their status as ‘economic migrants’ would render them susceptible to surveillance, capture, and forcible return to North Korea. In December 2020, United Nations experts noted with concern that a group of five defectors including a 14-year-old girl were facing potential repatriation in the future.¹⁵ Recent developments have raised disquiet that China will resume mass repatriations following the suspension of a three-year-long border closure between 2020 and 2023 which was enacted to mitigate transnational transmission of COVID-19.¹⁶ 1,000 to 2,500 defectors are stuck in limbo, and the observation via Google Earth that detention centers on the China-North Korea border have undergone extensive renovation and expansion indicates the possibility that “China is increasing its capacity to detain defectors ahead of their forced repatriation.”¹⁷

3. What are the specific issues of challenges pertaining to protecting children from sexual exploitation and abuse in the entertainment industry?
4. What are the legal and procedural barriers that may expose the child performers to exploitation and sexual abuse in the entertainment industry, and what measures can be implemented to address this issue effectively?

⁹ Yoon Hee-soon, [Sex Slaves: The Prostitution, Cybersex & Forced Marriage of North Korean Women & Girls in China](#), *Korea Future Initiative*, 2019.

¹⁰ Choe Sang-Hun, [“After Fleeing North Korea, Women Get Trapped as Cybersex Slaves in China”](#), *The New York Times*, 13 September 2019.

¹¹ United Nations General Assembly, *Sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse materia*, [A/77/L40](#), 12 July 2022.

¹² Jason Bartlett, [“China’s New Land Border Law is a Nightmare for North Korean Refugees”](#), *The Diplomat*, 29 October 2021.

¹³ United Nations General Assembly, [Convention Relating to the Status of Refugees, United Nations Treaty Series, vol. 189](#), 28 July 1951.

¹⁴ United Nations General Assembly, [Protocol Relating to the Status of Refugees, United Nations Treaty Series, vol. 606](#), 31 January 1967.

¹⁵ Jeongmin Kim, [“Pregnant North Korean women and teenage girl face possible repatriation in China”](#), *NK News*, 31 December 2020.

¹⁶ Kang Hyun-kyung, [“Clock ticks for China’s massive repatriation of N. Korean defectors”](#), *Korea Times*, 28 March 2023.

¹⁷ Ifang Bremer, [“China expanding prisons where North Korean escapees are held: Investigation”](#), *NK News*, 13 June 2023.

In 2022, the United Nations Secretary-General noted the following:

“While the digital space and new technologies offer many positive opportunities for children, they also present new risks and threats. Data collected during reporting show that, in 2020, more than 21.7 million reports indicated the existence of 65 million images, videos and other files comprising content of potential abuse and exploitation. Over 99 per cent of the online reports received CyberTipline in 2021 related to suspected child abuse material”.¹⁸

Notwithstanding many efforts to prevent the production and viewership of sexually explicit content in China, there are always loopholes and tools for online users to access any content they wish. All forms of pornography - both of adults and children - are illegal, as well as “obscenity”. Producing, selling, and disseminating pornographic movies, video recordings, images, books, and other sexually explicit media is criminalized by terms of imprisonment between one and ten years depending on the details of the case. “If the circumstances are serious” however, an individual can be sentenced to ten years to life in prison, though there is no clarification of what constitutes ‘extreme’ circumstances.¹⁹ An early 2020 investigation in China - undertaken before the height of the pandemic which correlated with an increase in pornography viewership - revealed that one domestic child pornography website recorded a membership of 8.6 million registered users. Whereas Chinese producers and distributors of child pornography are liable to severe punishments, as the criminal law does not stipulate punishments for citizens who browse, consume, and possess such content.²⁰ Furthermore, China’s use of monitoring technology to stringently control what content Chinese citizens are able to access online, the “Great Firewall” has historically been breached by the use of virtual private networks (VPNs) which not only allows users to conceal their IP address and identity, but also to ‘change’ the country where they are located. Therefore, individuals can access media that is prohibited in certain nations as well as ensure that their online activity is unattributable to them. In June 2020, Hunan province authorities issued an “administrative penalty” to a man who had been using a VPN for some time to “regularly access overseas erotic websites”.²¹ In July 2021, the Cyberspace Administration of China called upon some of the largest domestic tech giants - Kuaishou, QQ, Taobao, and Weibo - to “rectify” and “clear up” content including child pornography, and erotic and violent media.²²

In South Korea, the Nth Room and Baksa’s Room exposed the inefficacy of the nation’s attempts over the past few years to crack down on online sexual abuse content. Previously, in 2018, South Korean national Son Jung-wo was arrested following the discovery via investigation that he had been operating the child pornography website Welcome To Video, through which he circulated some 220,000 videos containing child sexual abuse and exploitation.²³ Despite the gravity and repulsive nature of his crimes, Son was sentenced to only two years in prison and a subsequent three-year probation term; even more unconscionable was the suspension of Son’s sentence on the grounds that he was young, he had no prior criminal history, he had an unhappy childhood, he had a family which is dependent upon him, and he had submitted letters of apology and remorse to the court.²⁴ Son had been released from detention after only six months, and during his second trial in April 2019 was sentenced to an abhorrently disproportionate term of imprisonment of just 18 months. Additionally, the High Court rejected extradition requests from

¹⁸ United Nations General Assembly, *Sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse materia*, [A/77/140](#), 12 July 2022.

¹⁹ International Labour Organization, *Criminal Law of the People’s Republic of China*.

²⁰ Shuhuan Zhou, [The regulation of child pornography in China and the United States: A comparative review of laws](#), *Child Abuse Review*, 24 May 2023.

²¹ Wang Xuandi, [“Hunan Man Punished for Using VPN to Watch Porn”](#), *Sixth Tone*, 29 July 2020.

²² BBC News, [“China: Taobao, Weibo fined for illegal child content”](#), 21 July 2021.

²³ Shim Kyu-seok & Yi Woo-lim, [“Operator of massive porn ring won’t be jailed during second trial”](#), *Korea JoongAng Daily*, 10 November 2020. ; Korea JoongAng Daily, [“Child pornography website operator appeals 2-year sentence”](#), 14 July 2022.

²⁴ The Korea Bizwire, [“Public Outrage Swells over Court’s Decision Not to Surrender Child Porn Site Operator”](#), 10 July 2020.

the United States, one of the leading nations of the international investigation that uncovered Welcome To Video. The final sentence faced by Son was just 24 months in prison for concealing financial profits from Welcome To Video's transactions.²⁵ Son and Welcome To Video were able to operate clandestinely for two years because the website was hosted on the dark web, a version of the internet in which websites are not publicly indexed on search engines and therefore are inaccessible without using custom software and rigorous encryption processes. Welcome To Video users - both producers and consumers of the content therein - also used the cryptocurrency bitcoin which obfuscates their identity and therefore anonymizes their online activity. The investigation of Welcome To Video, Son's arrest and imprisonment, and the identification of the website's 337 perpetrators - and 23 victims - show that, although data encryption is not wholly infallible, it is a leading obstacle that impedes countries' efforts to target child sexual abuse material (CSAM).²⁶

8. How can perpetrators, and those who enable or cover up sexual abuse in the entertainment industry be held accountable, and what measures can be taken to deter potential offenders, end impunity and foster a culture of reporting and transparency?

The South Korean government has taken several steps to crack down on digital sex crimes following the Nth Room and Baksa's Room cases, as well as the "Jung Joon-young KakaoTalk chatrooms" case by which a handful of high-profile Korean celebrities circulated nonconsensually-filmed sexual activities among themselves.²⁷ The "Nth Room Prevention Act", among other provisions: (1) identifying negligible rape as a crime in which an adult has a sexual relationship with someone under the age of 16 years rather than 13 years as previously codified; (2) eliminating the possibility substituting a five year term of imprisonment with a fine as punishment for negligent rape; (3) eliminating the statute of limitations for negligent rape; (4) outlining a maximum three-year prison term for individuals who purchase, download, consume, or possess illegal sexual video content; (5) raising the prison sentence from a maximum of five years to a maximum of seven years for individuals convicted of producing and distributing illicit videos of sexual exploitation; (6) introducing one year imprisonment and three years imprisonment for individuals who threaten or coerce others to film sexual videos, respectively; and (7) laws are also applied when activities conducted in foreign countries also affect domestic markets and users.²⁸ Numerous issues have been raised regarding these laws, largely that they are underwhelming and do not meet expectations of the public. Moreover, other pre-existing legislations in South Korea have been criticized for their inefficacy. The Act on Special Cases Concerning the Punishment of Sexual Crimes in Article 14 Section 2 stipulates a maximum five-year term of imprisonment for sex crimes committed with the facilitation of electronic devices; in comparison, such conduct is criminalized by a minimum of 15 years' imprisonment.²⁹

"Instead of amending faulty legislation, Seoul has taken steps to restrict access to sexually explicit material through blanket bans and regulations on pornography websites. While increasing regulatory capabilities and restrictions on accessing these websites inside South Korea may initially limit access to unwanted material, it does not address the core issue behind individuals choosing to pursue deceptive and violent methods to view and/or obtain explicit content. Banning pornography websites will only help diversify the

²⁵ Josh Smith, Soo-hyang Choi, & Joyce Lee, "[South Korean man jailed over proceeds from child porn site](#), *Yonhap reports*", *Reuters*, 5 July 2022. ; Andy Greenberg, "[Inside the Bitcoin Bust That Took Down the Web's Biggest Child Abuse Site](#)", *Wired*, 7 April 2022.

²⁶ Julia Hollingsworth, "[How Bitcoin transactions were used to track down the 23-year-old South Korean operating a global child exploitation site from his bedroom](#)", *CNN*, 20 October 2019. ; United States Department of Justice Office of Public Affairs, "[South Korean National and Hundreds of Others Charged Worldwide in the Takedown of the Largest Darknet Child Pornography Website, Which was Funded by Bitcoin](#)", 16 October 2019.

²⁷ Caitlin Kelley, "[Burning Sun Scandal: A Timeline of Allegations, Arrests and Involvement of Several K-Pop Stars \[Updated\]](#)", *Billboard*, 23 March 2019.

²⁸ Hong Sung-hwa, "[After the Nth Room: South Korea Combating Digital Sex Crime](#)", *The UOS Times*, 6 July 2020.

²⁹ Jason Bartlett, "[South Korea's Constant Struggle With Digital Sex Crimes](#)", *The Diplomat*, 26 January 2022.

methods by which illicit actors create new ways to access explicit material through unregulated mediums.”

The persistence of digital sex crimes following the implementation of the The Nth Room Prevention Act illustrates the legislation’s inadequacy and its lackluster deterrent power as punishments for such crimes are so disproportionately lenient. A 2021 study of online sexual crimes from the previous three years indicated a rise in incidences (1315 cases in 2018; 2087 cases in 2019; 4937 cases in 2020) and that females accounted for the largest proportion of victims (μ 84%). 2021 saw 17% more digital sex crimes than the previous year.³⁰ Additionally, “victims in their teens and 20s accounted for the majority in 2018, 2019, and 2020”.³¹ In September 2022, the Seoul Metropolitan Police Agency’s cybercrime unit announced that it was expanding its investigation into an Nth Room and Baksa’s Room copycat crime.³² More recently, in July 2023, a copycat crime termed “The Second Nth Room” victimized nine underage girls and disseminated 1,200 sexually exploitative videos of them.³³

Only as recently as 2015 did China announce its plans to address and eradicate a loophole in the nation’s penal code which failed to outline the crime of rape against a child, only classifying sexual acts upon a child as “prostitution with underage girls”, a categorization that minimizes the severity of the crime. Such unscrupulous conduct was only penalized by a term of imprisonment between five and fifteen years, and scholars and child rights activists emphasized that “compared to rape, the crime does not carry the same social stigma, and it also assigns some blame to the young victims by suggesting they use sex to seek favors such as cash”.³⁴ The current Criminal Law of the People’s Republic of China in Article 236 formally outlines that “illicit sexual relations with an underage girl not yet 14 years old, is considered rape and given a heavy punishment”. It additionally stipulates a term of imprisonment ten years or longer, life imprisonment, or the death penalty for “vile” circumstances of rape of a woman or girl minor; rape of multiple women or girls; rape of a woman or girl in public; gang rape; rape of a girl under the age of ten years; and rape resulting in “serious injury, death, or other serious consequences to the victim”.³⁵ Despite these progresses, there has not been observed to deter such crimes. In March 2023, the Supreme Procuratorate of China revealed that sexual offenses are the leading type of crime in the nation, and that 290,000 individuals since 2018 have been charged for sexual crimes perpetrated against or upon minors.³⁶

³⁰ Chang May Choon, [“True crimes of Asia: Years after S.Korea’s online sex slavery exposé, digital sex crimes still rife”](#), *The Strait Times*, 25 July 2023.

³¹ Woochun Jun, [A Study on Characteristics Analysis and Countermeasures of Digital Sex Crimes in Korea](#), *International Journal of Environmental Research and Public Health*, 21 December 2021.

³² Lee Jung-Youn, [“New digital sex crime raises questions over ‘Anti-Nth Room Law’”](#), *The Korea Herald*, 2 September 2022.

³³ Chang May Choon, [“True crimes of Asia: Years after S.Korea’s online sex slavery exposé, digital sex crimes still rife”](#), *The Strait Times*, 25 July 2023.

³⁴ CBS News, [“China to toughen law on sex with underage girls”](#), 24 August 2015.

³⁵ China Law Translate, [Criminal Law \(2021 edition\)](#), 28 December 2020. ; International Labour Organization, [Criminal Law of the People’s Republic of China](#).

³⁶ Yang Caini, [“Sexual Offenses Against Minors Rising in China, Says Government”](#), *Sixth Tone*, 2 March 2023.