

COUNTRY REPORT - KOREA

*By Mr. Dong Keun Lee**

I. INTRODUCTION

Sexual assault is now recognized as one of the more significant problems in modern society. The severity of the problem of sexual offences is the result of the number of individuals who are victimized and the degree of harm they suffer by their victimization.

A. Concept of Sexual Offences

1. Rape

Rape means to be forced to have sexual intercourse, usually by violence or threats of violence. If someone has sexual intercourse with a girl under 13, the crime of rape is constituted even if there was no violence. Rape is an offence based on accusation and it is possible to prosecute if there is accusation under the legal action. (Article 297, 305, 306, Criminal Law.)

2. Aggravated Rape

In cases of aggravated rape the punishment is doubled for the offender under some circumstances. If the offender is armed, or if more than one offender attempts to commit rape by force resulting in injury to the victim, such offenders can be sentenced to life imprisonment or 7 to 10 years imprisonment or more. (Article no. 6, Sexual Violence law)

3. Indecent Assault

Indecent assault is violence inflicted by threatening, and it infringes personal sexual independence. The offender can be sentenced to up to 10 years of imprisonment or up to a 15,000 dollars penalty. (Article no. 298, Criminal law)

4. Sexual Harassment

In any workplace, one may commit sexual harassment verbally and it leads to scandalous feelings and employment disadvantages or other damage.

The concept includes not only physical attachment, but also includes all sorts of behaviour such as lewd talk, dirty stories, enforcing sexual relationships and showing or sending offensive pictures or publications.

B. Types of Sexual Offence

1. Conventional Sexual Violence

Sexual violence is any physical, verbal, and psychological behaviour which infringes upon a women's right to decide her own sexual behaviour. Sexual violence is not limited to rape but extends to sexual harassment, child molestation, indecent exposure, and stalking. Any behaviour causing the fear of sexual violence and constraints on a person's activity as a result is also considered indirect sexual violence.

2. Cyber Sexual Harassment

Cyber sexual harassment means any behaviour sending one-sided sexual messages and giving discomfort to somebody through information networks.

(i) Verbal sexual harassment

Most cyber sexual harassment is comprised of abusive language. Users of the internet are able to remain relatively anonymous, and assaulters underestimate the magnitude of the sexual violence they inflict on the victim.

(ii) Sexual violence by images and sound

Sending obscene images or sound causes shame and discomfort to the victim. Usually it is done through on-line chatting, text messages and e-mails.

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C. Types of Victims

1. Juveniles

Sexual violence directed to a child under 18 years is also categorized as child sexual abuse. About 80% of such crimes are committed by persons who are known to the victims. Those persons can be divided into two types. One is sexual abuse by relatives. The other type is sexual abuse by ordinary people the victims see in their everyday life. Many of the assaulters force the victims to keep the abuse secret.

It means sexual violence committed against youth who are aged between 13 and 19. There are many male victims. Young people are becoming the main target of gangsters and armed robbery. Also compared with other generations, there is a high percentage of sexual violence by relatives, classmates and teachers.

2. Homosexuals

Most sexual violence is deeply related to the social hierarchy; from male to female, from senior to junior and from elder to younger. Consequently, we tend to believe that there would be no sexual violence among the same sex. We should understand that victimization by sexual violence can occur regardless of the person's sexual preference. Moreover, if the victims are homosexual and are threatened, it becomes harder for them to ask for assistance from their parents or the police. In Korea, the court is said to be rather reluctant to acknowledge the damage to homosexuals. However, if such an offence is committed against their will, it should be recognized as sexual violence. Homosexual persons in Korea require additional legal assistance in realizing their rights.

3. Handicapped Persons

When a handicapped person is victimized by a sexual offence, the law provides for heavier punishment for offenders compared to normal cases due to their weak and handicapped position. Unfortunately, our understanding of handicapped persons is still not sufficient, and we tend to neglect the fact that they have sexual preferences and desires. We need to respect their rights, at the same time we need to understand their physical differences.

D. Type of Offenders

1. Acquaintances

When the sexual violence is committed by a person close to the victim, the damage is often continued because victims are so disappointed with their relatives, and it is hard to ask others for help. Also other members of the family don't want to believe it's happened or even deny that it's happened because they are shocked and ashamed. People around them get angry or fearful and suffer from guilt that they couldn't help and protect the victim.

If the assaulter and victim are not separated the victim will require public help to be separated from the offender in order that he/she can recover from the harm.

According to a study conducted by the Korean Institute of Criminology (1990), 77% of offences were committed by persons who were known to the victim. It includes relatives (11.0%), neighbours (10.7%), colleagues (22.2%), date partners (6.3%), seniors and juniors (5.1%), teachers (2.8%) and clergymen (1.2%).

The victims tend to be very young when the offence is committed by relatives. The above study showed that 43% of victims of sexual offences by relatives were under 13 years of age and 40% of them were aged between 14 and 19.

2. Characteristics of Sexual Offenders

For the effective treatment of offenders, we need to discover the distinguishing characteristics of sexual offenders.

(i) Family problems and educational background

Research shows that most sexual offenders have low incomes and are poorly educated (Ford and Linney, 1995; Goodrow and Lim, 1998). They also have problems with relationships between their family members.

If there is no proper relationship between family members, one would find it difficult to relate with others in society. These facts may relate to the causing of sexual crimes by pressure.

(ii) Sex offenders strongly tend to deny their crimes

They are not able to recognize the true meaning of their behaviour and others' reaction due to their lack of proper communication skills. Sexual Offenders often lack proper communication skills; therefore, they are not able to imagine the consequences of their actions and the feeling of others that may be caused by their behaviour.

They are characterized by denial and rationalization of the results of their behaviour. Such characteristics often become obstacles in correcting their behaviour after they have offended.

(iii) Sex offenders cannot easily control their anger and they lack skills to control their emotions

A training programme is necessary to control their temperament.

(iv) Sex offenders lack social skills

Their limited social skills results in isolation. In order to treat sex offenders, training is required which can increase their social skills.

II. CURRENT SITUATION AND PROBLEMS OF SEXUAL OFFENCES IN KOREA

A. The Trend in the Number of Sexual Offences

Table 1 shows prosecuted cases of sexual offences in Korea. There was a slight decrease in cases of sexual crime from 1994 to 1997. But it shows the increasing tendency since 1998; 7886 cases in 1998, 8,830 cases in 1999, 10,189 cases in 2000, 10,489 cases in 2001, 9,435 cases in 2002 and 10,365 cases in 2003.

Table 1: Trend in the Number of Sexual Offences Committed

	No. of Occurrences			Rate (per 100,000)		
	Total No. of Sexual Violence Offences	Rape	Sexual Violence Law	Total No. of Sexual Violence Offences	Rape	Sexual Violence Law
1993	7,051	7,051		16.0		
1994	7,415	6,169	1,246	16.5		2.8
1995	6,174	4,912	1,262	13.8		2.8
1996	7,157	5,668	1,470	15.4		3.2
1997	7,120	5,665	1,445	15.5		3.2
1998	7,886	6,016	1,870	16.8		4.0
1999	8,830	6,410	2,420	18.6		5.1
2000	10,187	6,982	3,207	21.3		6.7
2001	10,495	6,911	3,584	21.9		7.5
2002	9,535	9,435		19.6		
2003	10,365	10,365		21.4		

Source: Prosecutors office criminal archives.

B. The Relationship between Sexual Offence and Previous Convictions

Table 2 shows the previous imprisonment experience of offenders who were sentenced to imprisonment for rape. As you can see the rate of offenders who have never been in prison is decreasing as the ratio was 53.6% in 1993, 49.4% in 1994, 40.8% in 1996, 36.6% in 1998, 33% in 2000 and 30.4% in 2001. On the other hand, the ratio of offenders who have a previous history of conviction is increasing. Notably, the percentage of rape offenders who have been in prison more than four times is increasing; 13.5% in 1993, 21.7% in 1996, 29.1% in 2000 and 30.6% in 2002.

Table 2: Previous Imprisonment Experience of Rape Inmates

Year	Rate of Offenders Previously Imprisoned	Once	2-3 Times	More than 4 Times	Numbers
1993	53.6	17.6	15.3	13.5	7311
1994	49.4	17.2	17.2	16.1	5247
1995	44.7	16.8	19.6	18.8	4682
1996	40.8	18.6	18.9	21.7	5254
1997	38.2	17.3	20.7	23.8	5092
1998	36.6	16.9	20.6	26.0	5113
1999	33.1	17.2	21.0	28.7	5750
2000	33.0	16.9	20.9	29.1	5627
2001	30.4	17.6	21.7	30.4	5241
2002	32.8	16.6	20.0	30.6	8166
2003	35.2	17.1	19.1	28.5	9044

Source: Jun Young Sil. Study on the rehabilitation programme for sexual offenders, 2005, p 16.

It is interesting to know whether an incarcerated sexual offender with previous imprisonment repeats the same offence (rape). Table 3 shows the result. The rate of offenders who committed rape was 12.7% in 1994, 12.4% in 2003.

Table 3: Percentage of Persons who Committed the Same Crime Among Rape Offenders who have Previously Served Prison Sentences

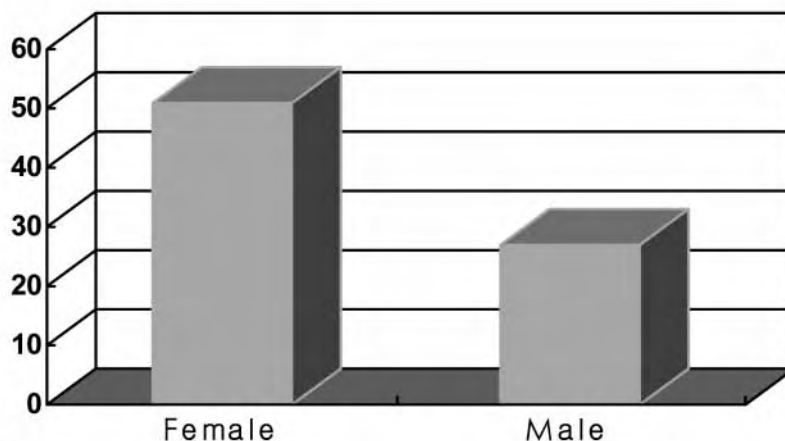
Year	Same Crime	Different Crime	Total
1994	12.7	87.3	2,655
1995	11.4	88.6	2,591
1996	12.1	87.9	3,110
1997	11.7	88.3	3,148
1998	12.7	87.3	3,244
1999	12.3	87.7	3,849
2000	12.2	87.8	3,770
2001	12.8	87.2	3,650
2002	14.1	85.9	5,508
2003	12.4	87.6	5,870

Source: Jun Young Sil. Study on the rehabilitation programme for sexual offenders. 2005. p. 17.

C. Cyber Sexual Violence

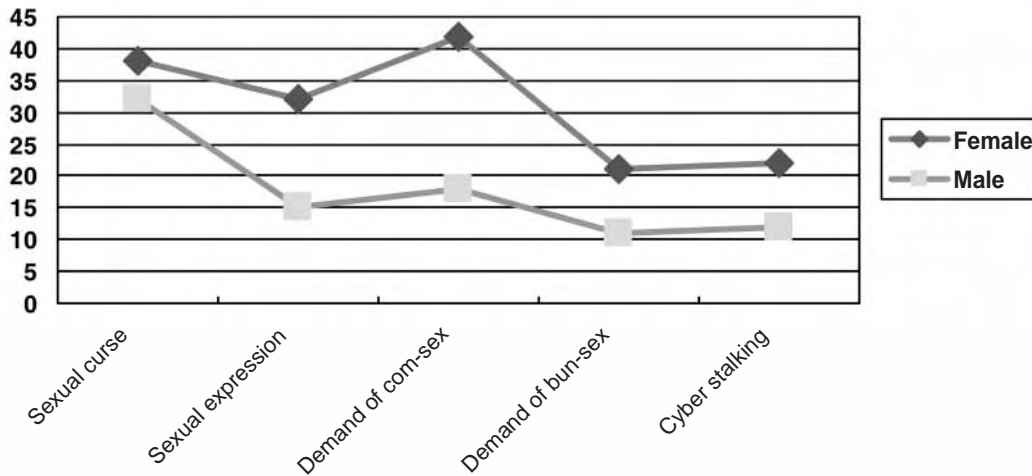
The Korea Women's Association (2001) conducted research on the situation of cyber sexual violence on the internet based on an internet survey. As you can see from Graph 1 and Graph 2, females tend to be victimized by cyber sexual harassment more than males. Among all internet users, 51.8% of women and 27.9% of men responded that they had experienced cyber sexual harassment.

Graph 1: Rate of Experience of Cyber Sexual Damage by Gender

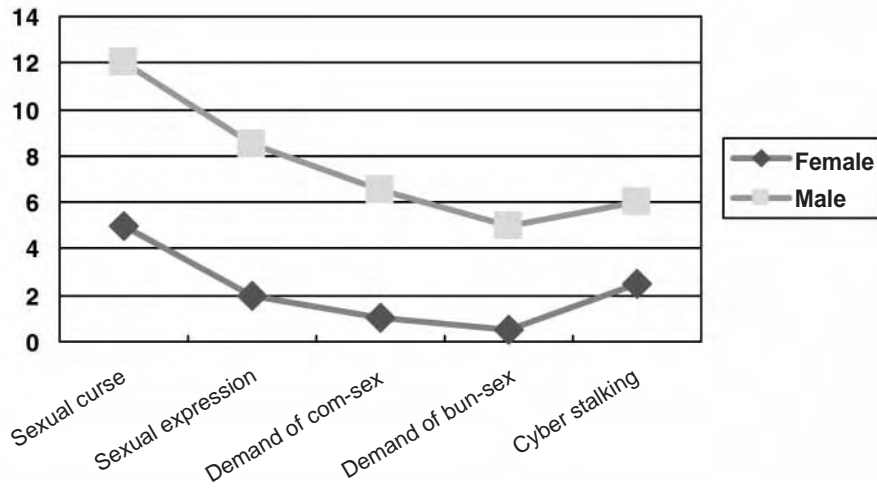


As you can see from Graph 2, the most frequent type of cyber sexual harassment against women was the demand for sexual intercourse on the internet (it is called "com-sex"). Graph 3 shows the ratio of respondents who have committed cyber sexual violence. As you would expect, a much higher rate of cyber sexual harassment is committed by men. However, a considerable amount of sexual harassment is committed by females.

Graph 2: Types of Cyber Sexual Harassment Experienced by Victims¹



Graph 3: Types of Cyber Sexual Violence Committed by Gender



Source: Korea Sexual Violence Relief Centre, Delete cyber sexual violence, 2001.

D. Problems of Hidden Crimes or Dark Numbers

It is very difficult for victims of sexual crime to file a complaint to the authorities. We need to realize the existence of the dark numbers. In other words official statistics do not fully reflect the real magnitude of offences. We should acknowledge the limitations of the official record.

According to research conducted by the Korean Institute of Criminology in 1990, only 2.2% of rape is reported to the police. According to the research done by the same institute in 1998, only 6.1% of sexual violence was reported to the authorities.

The same study showed 76.3% of women who felt victimized were harmed by minor offences.

43% of victims of sexual offences by relatives were under 13 years of age and 40% of them were aged between 14 and 19.

¹ Bun-sex: asking to have sexual intercourse on the internet and having real sexual intercourse.

III. THE CURRENT LEGISLATION ON SEX OFFENCES IN KOREA

Korea has endeavoured to stipulate various new laws to counteract the new sexual criminality in addition to the conventional criminal code.

A. The Juvenile Sex Protection Law

The Juvenile Sex Protection Law went into force on July 1, 2000. It includes provisions for: the protection of juveniles from sex offenders; the punishment of those purchasing sex from juveniles; the punishment for those who produce and/or distribute lewd materials involving juveniles; the punishment for sexual offenders; and rehabilitation and protection measures for juveniles subject to sexual offences.

This law also provides for the creation of the National Youth Commission, which is attached directly to the Office of the Prime Minister. The Commission unites Youth Policy faculties which were previously divided between the Ministry of Culture and Tourism and National Youth Protection Commission, and Office of the Prime Minister.

Most importantly, the Commission has the authority to register and decide whether to disclose the identity of sexual offenders to the public.

1. Sex Offenders Registration

(i) Persons becoming subject to the notification

According to article 22 and 23 of the youth protection law, when an offender sentenced for a sexual offence which victimized youth is released from prison and it is believed he may repeat the sexual offence, the offender is required to go to the Commission and register their identity such as their name, age, occupation, home address and photograph.

(ii) The period and sharing the information

The offender is required to notify the above within two months of becoming subject to registration by the Commission. The Commission has to maintain the profile of the sexual offender for five years. The victims of the sexual offender, their lawyer and youth-related educational institutions can access the profile of the sexual offender. The Commission must inform the local police agency director of the registered information. And the Commission can entrust the permission and management of the registered information to the local police agency.

2. Disclosure of Sexual Offender Profile

(i) Detail of public disclosure

According to article 20 of the Youth Protection Law, when an offender is sentenced for a sexual offence which victimized youth, it is possible to disclose the profile of the offender such as their name, age and occupation and detailed information about his crime.

Sentenced person means a person who has received punishment after the court has found him/her guilty of an offence; however, an offender who receives a suspension of prosecution or the non-institution of prosecution is not subject to this disclosure.

(ii) Offender subject to public disclosure

Under the youth protection law, the following criminals are subject to public disclosure.

- Sexual offenders who have victimized a youth
- Offenders of prostitution trafficking in youth
- Producers, importers and exporters of child pornography
- Offenders who trafficked youth

(iii) Contents of public disclosure

The following information on the offender is provided to the public:

- Name, age and date of birth;
- Occupation and address; and
- Information about their crime

(iv) Methods of public disclosure and term of disclosure

The information about the sex offender will be made public through the official gazette. Additionally the same information will be posted on the notice board of the Government building for a month and internet homepage of the Youth Committee for six months.

3. Result of Public Disclosure: Has the Crime Decreased after Public Disclosure?

A statistically significant decrease was not reported in sexual offences against youth after the introduction of the public disclosure system. Specialist often explain that it is because such policy increases social awareness towards sexual crime directed at youth and has resulted in a more strenuous effort by the police to control such crime. It is not easy to achieve the protection of youth in a short period of time.

4. Additional Measures of Public Disclosure

For the prevention of recidivism, the Committee carries out educational programmes for those who commit minor sexual offences instead of disclosing their information to the public. The programme started in the middle of 2003.

The Committee considers the eligibility of the offenders to participate in the educational programme but participation is based on the will of the offender.

The educational programme consist of the following: watching a video programme on victims' suffering and a documentary programme that relates to trafficking. The programme is designed so that the offender will eventually understand the damage caused to such youth and ultimately prevent them from repeating the same offence.

When the offender has used force in his offence, we provide such opportunities as interviews and testing by psychologists, psycho-drama group therapy and intellectual therapy.

So far, people who have received the educational programme seemed to have reacted positively. They seemed to understand the victims' suffering: more than 90% of the people who received the education have changed their attitude. The level of participation is evaluated high and the satisfaction in the subject is relatively high.

Moreover, for those who are dangerous sexual criminals, the Committee is planning to consider disclosing the pictures of the offenders and their detailed addresses. Amendments to the related laws are also under consideration to introduce limiting their employment in the educational sectors.

B. Act on the Prevention of Prostitution and Protection of Victims Thereof (2004)

The Act on the Prevention of Prostitution (Crimes) and Protection of Victims Thereof was enacted with the Act on the Punishment of Procuring Prostitution and Associated Acts to prevent prostitution, protect prostitution victims, and support their independence. The Act mobilizes support centres to shelter sex trafficking victims and prostitutes to receive medical treatment, legal aid and vocational training. These centres will facilitate victims for their smooth return to society and prevent re-entry into the sex industry. The director of the centre must accompany police during sex trafficking victim rescues, and the owner of the facility that maintains prostitution will face severe punishment.

C. Act on the Punishment of Procuring Prostitution and Associated Acts (2004)

The Act on the Punishment of Procuring Prostitution and Associated Acts was legislated by the National Assembly on March 22, 2004. The Act was designed to sever the channel between the supplier of prostitutes and middle persons by punishing human trafficking, specifically for the purpose of countering human trafficking. The solicitation to and extortion of prostitution is punished, and various types of punishment is enforced for each type of misconduct. The aim of the Act is ultimately to eradicate all forms of sex trafficking practices. Anyone who reports such acts will be rewarded; any profits received (money or other articles) through trafficking will be confiscated and penalized; and bonds issued by sex peddlers to prostitutes will become void. If a sex trafficker reports a crime to the authorities or surrenders him/herself, the punishment can be minimized or dismissed; and if anyone reports sex trafficking by a member of a crime organization, a reward will be issued.

D. Act on the Punishment of Sexual Crimes and Protection of Victims Thereof (1994)

The Act on the Punishment of Sexual Crimes and Protection of Victims thereof (1994) outlines the preventive measures for sex crimes, and protection of victims and punishment of the offenders. The Act has been revised nine times, and the eighth revision (December 11, 2003) strengthened the protection for victims in order to minimize any possible human rights violations during investigation and trials.

If the victim is under 13 years old or is disabled, a trusted person must be present during the interview by the authorities, and testimony shall be video-taped to preserve the evidence. The revision also allows video interviews for victims of sexual crimes such as rape and indecent assault.

E. A Bill on Electronic Monitoring

There is a high possibility that sexual crimes will be repeated by specific criminals. Therefore a bill on an electronic monitoring system was submitted to the Congress in September 2005 and it is currently under consideration. The bill stipulates that an electronic device be attached to sex offenders so the authorities are able to locate their position after their release from prison.

IV. PROTECTION OF THE VICTIM

A. Necessity of the Victims' Rights and Protection

Society sometimes maintains beliefs that totally contradict the reality that is represented by scientific evidence. The power of belief is too prevalent and victims are afraid of revealing the incident more than offenders. They can't accuse offenders and even accuse themselves. Therefore, most sexual violence is unreported and the problem of sexual violence does not attract public attention. The pain which is caused after the victimization can be worse.

Regardless of age, occupation gender and religion, every victim should have the right to have their harm recognized and respected and provided every means to overcome the incident.

The following are the rights acknowledged to the victim of sexual crime:

1. Rights during the process of investigation and trial

- Right to be acknowledged as a victim and treated regardless of their occupation, age, previous experience and the situation on the day of the incident.
- Right to be asked questions relating to the incident.
- Right to have no questions asked about previous sexual experiences.
- Right to be protected and not have their identity revealed.
- Right to request personal safety measures.
- Rights to be with their own family, lawyer and counsellor and right to tell their story in a comfortable environment.

2. Rights in the procedure of medical treatment

- Right to be treated carefully during the process of medical examination.
- Right to see medical staff who have knowledge of sexual injury/assault.
- In every process, they have the right to have things explained in a simple way.
- Right to be with friends, family and counsellors in the surgery.
- Right to request evidence related to the sexual injury and receive a medical certificate.

3. Rights in the media reporting process and protection measures

- Right to be protected without exposure of their identity in the report.
- Right to avoid infringement of their personality and privacy.
- Prior to interview, they have the right to be given a full explanation about predictable secondary damage.
- Right to be shown that they are able to overcome their damage in the reporting process.
- Right to be acknowledged as an independent identity without subjection or distortion by an image or matters which are not related to the incident
- Right to comply with the interview/not comply.

B. Victim Protection - Korea Sexual Violence Relief Centre (KSVRC)

The Korea Sexual Violence Relief Centre (KSVRC), which was established in April 1991 by women who aimed to create a society free from sexual violence, is the first specialised centre to provide counselling services to victims of sexual violence. In addition to counselling services, KSVRC provides the general public with not only various counselling services, but also sexual violence prevention education with the public. It also promotes public policy on sexual violence issues. KSVRC ultimately aims to create a gender-equal and alternative culture on sexuality.

1. Victim Support

(i) Counselling

KSVRC provides comprehensive psychological, legal, and medical assistance to help sexual violence survivors overcome their injuries and enjoy their lives.

(ii) Legal & medical assistance

KSVRC provides free legal counselling services with the support of volunteer lawyers. They also provide direct legal assistance when clients want to file a legal charge. Related assistance is also given by a number of psychiatrists, obstetricians and gynaecologists.

(iii) Shelters for sexual violence survivors

'Yulimtuh' is a space for sexual violence survivors to help them heal from psychological and physical injuries and enjoy their new independent lives. 'Ha-dam' is a space where survivors of sexual violence, over 18, can receive support for their efforts to create their own independent lives.

2. Other Activities

(i) Public education

KSVRC provides both experts and the public with education to prevent sexual violence and to create a gender-equal society.

(ii) Media monitoring & cyber activities

KSVRC provides information on gender-equal culture on sexuality via the Internet and leads movements to eliminate cyber sexual violence. It monitors the mass media to prevent secondary victimization of sexual violence survivors by the mass media.

(iii) Anti-sexual violence movement with men

This movement organizes various cultural activities to eliminate sexual violence and promote gender equity with our male supporters.

(iv) Citizen surveillance of the investigation and trial processes of sexual violence cases

The 'Citizen surveillance of the investigation and trial processes of sexual violence cases' was organized in 2004 to improve and alert the public about habitual problems in the justice system. It has been working hard to address secondary victimization problems, which sexual violence survivors face repeatedly during the investigation and trial processes.

V. TREATMENT PROGRAMMES FOR SEXUAL OFFENDERS IN KOREA

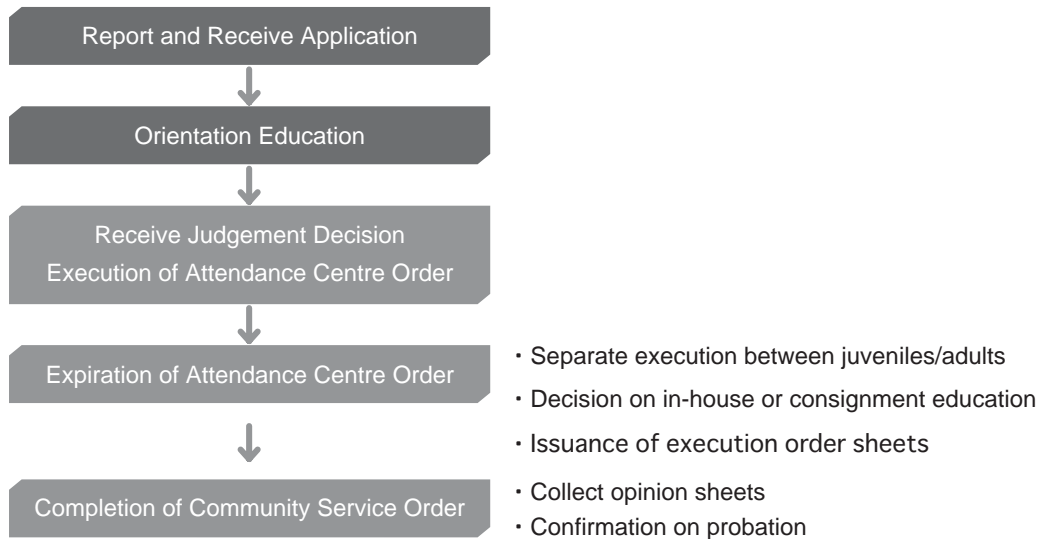
In the Korean correctional system, a stand-alone treatment programme for sex offenders is in its infancy. It is exercised as a part of various community orders.

A. Community-based Treatment Programme

1. Attendance Centre Order

An Attendance Centre Order is a court order given to a criminal who was engaged in habitual behaviours that are regarded as crime. Those who receive the order must attend lectures at their Probation & Parole Office or other organizations designated by the Probation & Parole Office for a certain period of time, while leading a free life, instead of being accommodated in prison. It is aimed to enhance a law-abiding spirit in the offenders, to make them understand the harm caused by sexual violence, to foster their physical and mental health, and eventually to foster adaptability to society in general.

Figure 1: Procedural Map for an Attendance Centre Order



(i) For adults

Attendance order programmes carried out by the Seoul Probation Office last at least five hours and up to six weeks. The purpose of the programme is to make offenders understand and find out about their problems, to practice social skills and to foster a proper understanding about sex.

By looking at assessment and evaluation programmes in terms of adult sexual offenders so far, the programme really seemed to assist them in understanding about themselves and victims. Individuals who require extra help can ask for special counselling.

(ii) For juveniles

Seoul Probation Centre is responsible for carrying out the Attendance Centre Order programmes for juveniles. The programme is based on “cognitive behavioural therapy”. A group will be formed based on an accurate assessment. The programme is divided into three phases: a six hour programme before assessment; 30 hours programme during processing and a four hours programme for after care.

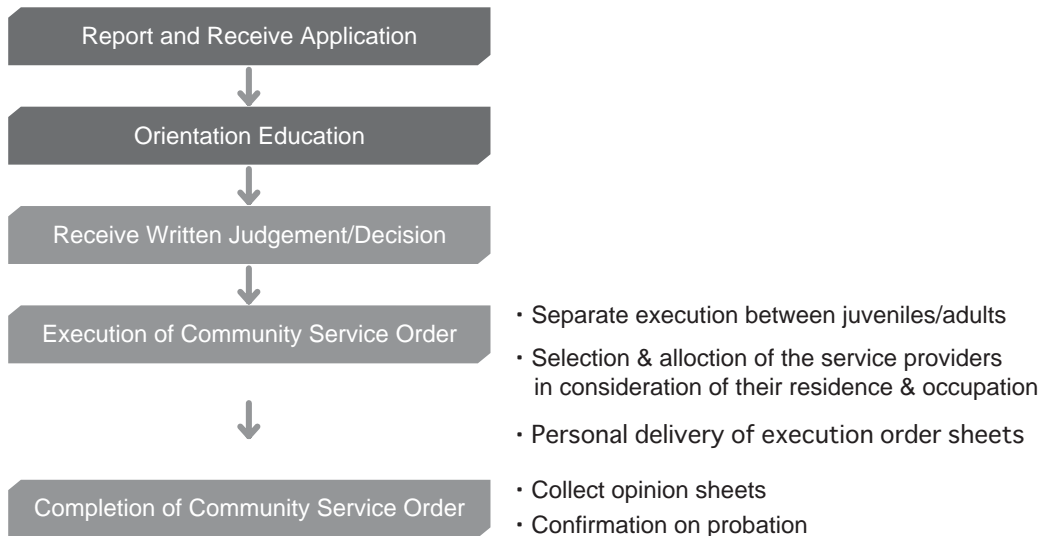
Each element should be supplemented by personal counselling.

2. Community Service Order

A Community Service Order is an order in which an offender found guilty engages in unpaid labour services in society for a certain period of time while leading a free life, instead of being incarcerated in prison.

While allowing an opportunity to make up for the damage that was inflicted upon society as well as an opportunity to show repentance, this order aims to cultivate labour spirits and recover self-esteem in the offender; thus, help them to return to society as a healthy person.

Figure 2: Procedural Map for Community Service Order



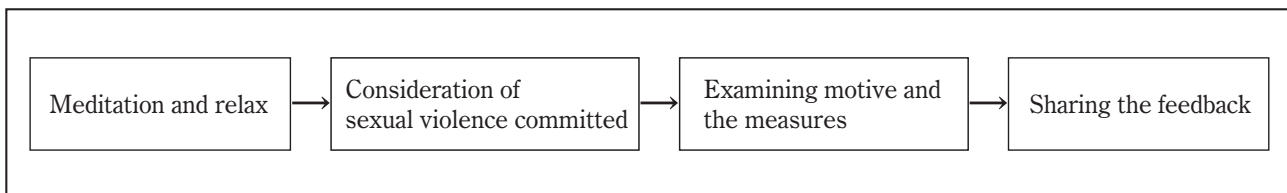
B. Institutional Treatment Programme

The primary purposes of the institutional treatment programme are to increase the offender’s motivation to avoid re-offending and to develop the self-management skills necessary to achieve this.

1. Treatment Programme for Adult Inmates

Suwon Detention Centre has been carrying out cognitive behavioural therapy for sexual offenders since March of 2006. Currently, five inmates participate in the programme.

Figure 3: Treatment Process of Cognitive Behavioural Therapy



The programme is divided into four stages as Figure 3 shows. In the first stage mediation and relaxation is provided for inmates. In the second stage, offenders need to consider their own sexual crimes. In the third stage, they have an opportunity to examine and face why they committed such a crime(s). Also, they need to consider what kind of measures they can take to counter their desire to commit such a crime again. In the last stage they have an opportunity to share their experience with others and receive feedback.

Generally, most of the participants were satisfied with the programme, but some were afraid that the contents of their offences were made known to the fellow participants around them.

2. Treatment Programme for Juveniles

Seoul juvenile training school carried out a cognitive behavioural therapy programme for juvenile sex offenders. The contents are the same as the one provided at Suwon Detention Centre.

VI. CONCLUSION: TOWARD AN INTEGRATED STRATEGY OF PREVENTION OF SEXUAL OFFENCES

A. Improvement of Public Disclosure System

A question was raised about the constitutionality of the public disclosure system of the sex offender profile. On 26 June 2003, the Constitutional Court of Korea ruled that the sex offender disclosure scheme stipulated by the Protection for the Youth Sex Act is constitutional. But some constitutional judges did not agree with the majority opinion and posed a question on the possibility of dual punishment. So the professors of criminal law and practitioners are expected to study and devise a better system which addresses the human rights of offenders.

B. Activating NGOs and Support

NGOs are playing a significant role in preventing sexual offences. Therefore, we need to establish a more effective support system for such NGOs.

C. Consideration of an Electronic Monitoring System (E.M.S)

In Korea, consideration is being made to realize the usage of an Electronic Monitoring System (E.M.S) such as by using electronic rings on offenders. However, it may cause both positive and negative effects on the current criminal justice administration. We need to study E.M.S more carefully and find out ways to minimize its negative effects.

D. Establishment of a Gene Bank

A Gene Bank can maintain a database of sex offender's genetic resources. In Korea, sooner or later, it will be established. We need to prepare for it.

E. New Legislation against Cyber-Sexual Violence

As explained in the previous sections, a considerable amount of victimization is reported concerning the sexual violence committed in cyber space. In the age of information technology, new laws to regulate cyber sexual violence may be also be required.

F. Comprehensive Treatment Programme

Most treatment programmes for sex offenders in Korea are done by attendance order. The programme is intended to change the sex offenders' mind through cognitive behavioural therapy. It tries to correct the cognitive distortion of the offenders and thereby tries to correct their behaviour. However, such orders are still not effective in preventing sex offences.

Programmes for sex offenders in Korea are not streamlined. It is really hard to retain the attendance of the offender because participation in the programme is voluntary. We need to consider compulsory participation in the programmes for sex offenders and more effective ways of operating such programmes. Establishing a connection between a programme that the offender can receive during his incarceration and a programme after release is also important.