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Master's Thesis of International Studies

**The Impact of Social Mobilization on
Court Decisions in Korean Sex Crime
Trials: The Case of South Korean
Politician Ahn Hee-jung**

한국 성범죄 재판에서 사회 동원이 법원
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The Impact of Social Mobilization on Court Decisions in Korean Sex Crime Trials: The Case of South Korean Politician Ahn Hee-jung

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Abstract (English)

The Korean society has witnessed tremendous changes in their attitudes towards women's rights during the last few centuries, with the key player being women's organizations, committees and other collective groups - in this paper summarized in the term of social mobilization - that joined forces to challenge the patriarchal and Confucianist characterized culture. One of the biggest challenges that Korea has yet to overcome is the fight against sex crimes committed against women, and beyond that, trials that deal with sexual violence, which have been under heavy criticism for not properly punishing the perpetrators or pass a too lenient sentence. A high percentage of the perpetrators emerges within the circles of the power elite, who abuse their position in society and escape legal consequences.

On these grounds, this research aims to investigate what impact social mobilization has on court decisions in sex crime trials. By taking former South Korean politician Ahn Hee-jung's sexual assault and rape incident of 2018-2019 as a case study, the analysis takes a look at the dynamics between the social mobilization for the victim and the support for the defendant - the fight between ordinary civilian workers and the power elite - from the accusation of the victim to the first ruling, which acquitted the defendant, up to the second ruling and final verdict, which declared the defendant guilty. The main focus lies on the examination of the efforts that the social mobilization force made for achieving a just trial and how these translate into the decisions of the court. The findings suggest that the continuous and united strength of the parties involved in the social mobilization force, backed up with clear evidence, comprehensive reports, petitions, coordinated events such as press conferences, demonstrations, broadcasting, debates, campaigns, and the willingness to support and protect the victim(s), have the potential to induce substantial change in court decisions in Korean sex crime trials. These results imply that social mobilization is likely to be evaluated as a signification variable for a successful sex crime trial, overcoming the abuse of the power elite, and strengthening the women's rights movement against sexual violence.

This study wants to point out the problematic nature of the power elite and the significance of the social mobilization force to fight against it. In addition, this paper wants to highlight the importance of a mandatory gender education to challenge the still prevailing conservative perceptions of women in the society, which does not only result in legal personnel

that pays attention to gender sensitivity, but also helps preventing sexual violence all together. It is also essential to improve the investigation and trial process, and acknowledge the rights of the victims to avoid secondary damages, as well as expand supporting systems for these victims.

Key words: Social Mobilization, Sex Crime Trial, Me Too Movement, Power Elite, Ahn Hee-jung, South Korea | Student Number: 2018-26781

Abstract (Korean) 국문초록

한국 사회는 지난 몇 세기 동안 여성의 인권에 대한 태도에 엄청난 변화들을 보여왔는데, 그 핵심 주체로는 사회적 동원의 용어로 요약하여 설명되어 있는 여성 단체, 위원회 및 기타 집단 단체들이 가부장적이고 유교적인 특징적인 문화에 도전하기 위해 힘을 합쳤다. 한국이 아직 극복하지 못한 가장 큰 난제 중 하나로는 여성의 성범죄와의 싸움이며, 그 너머로는 가해자를 제대로 처벌하지 않거나 지나치게 관대한 형량을 선고해 큰 비판을 받아온 성폭력 사건을 다루는 재판이다. 파워엘리트 내부에서는 가해자의 높은 비율이 나타나는데 이들은 사회에서 자신들의 지위를 남용하고 법적 책임을 회피한다.

이러한 근거로 이 연구는 사회적 동원이 성범죄 재판에 대한 법원 결정에 어떤 영향을 미치는지 조사하려는 목적이 있다. 안희정 성폭력 사건을 사례연구로 삼아 피해자 고발부터 피고인에게 무죄를 선고한 1심 판결까지 피고인과 피해자에 대한 피해자를 위한 사회적 동원과 가해자 위한 지지의 역학관계를 살펴본다.

피고에게 무죄를 선고한 첫 번째 판결은 두 번째 판결과 마지막 판결까지 유죄를 선고했다. 주된 초점은 사회동원단이 정의로운 재판을 달성하기 위해 기울인 노력과 이것이 어떻게 법원의 판결로 해석되는지에 대한 검토에 있다. 그 결과들은 명확한 증거, 종합 보고서, 탄원서, 기자회견, 시위, 방송, 토론, 캠페인 그리고 희생자들을 지원하고 보호하려는 의지와 같은 조정된 사건들을 뒷받침하는 사회 동원에 관련된 당사자들의 지속적이고 단합된 힘이 잠재력이 있다는 것을 암시한다. 한국 성범죄 재판에서 법원 판결에 상당한 변화를 유도하기 위해 사회적 동원이 성범죄 재판 성공, 권력층의 학대 극복, 여성 성폭력 반대운동 강화의 신호탄으로 평가될 가능성이 높다는 의미다.

이 연구는 권력층의 문제적 성격과 그것에 대항하기 위한 사회 동원력의 중요성을 지적하고 싶어한다. 또한, 본 논문은 여전히 사회에 널리 퍼져 있는 여성에 대한 보수적 인식에 도전하기 위해 의무적인 성교육의 중요성을 강조하고 싶어한다. 이것은 성 감수성에 주의를 기울이는 법조인들로 귀결될 뿐만 아니라 성폭력 예방에도 모두 도움이 된다. 수사 및 재판 과정을 개선하고, 2차 피해를 피할 수 있는 피해자의 권리를 인정하는 것은 물론, 이들 피해자에 대한 지원시스템을 확대하는 것 또한 필수적이다.

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1. Introduction

Sex crimes in South Korea (from here onwards referred to as "Korea") are one of the most serious and consistent issues in the society. According to a Statistics Korea report named "South Korean Societal Trends 2018", 29,357 sexual crimes have been measured in 2016, which converts to 56.8 incidents per 100,000 people. That means that sex crimes take place at an average of 3.4 per hour and 80.4 per day. The sex crimes included rape, indecent assault and illegal filming.¹ These crimes are often cases of dating or domestic violence, in which women become victims of violence in the relationship. As of last year, in 2019, the police charged 9,858 people with crimes against their intimate partners, which included murder, rape, battery and stalking —with the number of female victims being 9,682 of those cases.² Further newspaper statistics show that not only dating or domestic violence, but also sexual harassment and assault at the workplace reveal an upward trend in the last years, while convictions simultaneously went downwards.³ After-hours dinners, called "hwaesik" (회식), are described to be an integral part of the Korean working culture. During hwaesik, in which the food and drinks are paid for by the boss on the credit card of the company, it is common to spend hours singing together at karaoke and drinking alcohol beverages together. Unlike in the West, Korean Karaoke features private rooms for a large group of people. Even though these outings are meant to strengthen the team, they can often lead to making female employees feel uncomfortable and unsafe. A survey conducted by the Korean government in 2015 found out that eight out of ten respondents reported that they have experienced sexual harassment at the workplace, with the majority of those incidents happening during hwaesik. Due to the management or the authorities, however, the study illustrates that the victims are unlikely to report the harassment.⁴

Another term that has continuously emerged in the media during the last few decades are the high profile sex crimes committed by the so called "power elite" in the country -

¹ Eun-ju Jung, "Sexual crimes occur at rate of 3.4 per hour in South Korea," *Hankyoreh*, December 14, 2018, http://english.hani.co.kr/arti/english_edition/e_national/874473.html.

² Arin Kim, "Most victims of dating violence in Korea are women: police," *The Korea Herald*, June 29, 2020, <http://www.koreaherald.com/view.php?ud=20200629000695>.

³ Rukhsana Shama, "Korea urged to improve sexual harassment law after Seoul mayor's death," *The Korea Times*, July 27, 2020, https://www.koreatimes.co.kr/www/nation/2020/07/176_293226.html

⁴ Jason Strother, "South Korea's #MeToo Movement Challenges Workplace Sexual Harassment," *VOA*, November 11, 2019, <https://www.voanews.com/east-asia-pacific/south-koreas-metoo-movement-challenges-workplace-sexual-harassment>.

prominent individuals that are aware of their status and abuse their position in the hierarchical characterized structure they are situated in. The problem of the power elite is often explained in their insensitiveness towards sex crime issues and the assumption that it is justified treating people with a lower status in any given way without facing consequences.⁵

Although the country is considered to be one of the highly developed nations, the reason for sex crime occurrence can be found in the low level of achievement in terms of gender equality. This statement is further supported by various gender equality statistics such as the Global Gender Gap Index (GGI) 2020, published by the World Economic Forum, in which Korea ranks 108 out of 153 countries,⁶ the highest gender wage gap between OECD countries with 32,5% as of 2019,⁷ and a low share of women in politics⁸. Violence against women occupies 16,5% as of 2019⁹. Gender based violence in Korea is harsh reality.

Eliminating gender inequality goes hand in hand with eliminating sexual violence against women in order to ensure human rights. According to the Korea Sexual Violence Relief Center, sexual violence is commonly rejected and evaluated as "unimportant", "private" and "shameful". Attitudes towards women, shaped by the traditional, patriarchal, and Confucian background of the Korean society, highly influence the thoughts towards sex crimes such as sexual assault and rape. This results in many unaddressed sexual violence incidences that leave survivors without proper assistance and support.¹¹ Even though these thoughts are deeply rooted in many peoples' mind, sex crime law in Korea and the corresponding court decisions have seen tremendous changes over the last few decades. This can be traced back to the doings of various women's organizations, victim support groups, workers associations and many individuals —

⁵ Woo-ri Choi and Myeong-seon Jin, "Growing number of sex crimes by South Korea's "power elite"," *Hankyoreh*, November 12, 2014, http://english.hani.co.kr/arti/english_edition/e_national/664325.html.

⁶ World Economic Forum, *Insight Report: Global Gender Gap Report 2020* (Geneva, Switzerland: 2019, World Economic Forum), p.9.

⁷ OECD, *Gender Wage Gap (Employees)*, 2019, accessed on November 10, 2020, <https://data.oecd.org/earnwage/gender-wage-gap.htm>.

⁸ OECD, *Women in politics (Women ministers)*, 2019, accessed on November 10, 2020, <https://data.oecd.org/inequality/women-in-politics.htm>.

⁹ OECD, *Violence against women (Prevalence of violence in the lifetime)*, 2019, accessed on November 10, 2020, <https://data.oecd.org/inequality/violence-against-women.htm#indicator-chart>.

¹⁰ Measured by "Prevalence of violence in the lifetime: The percentage of women who have experienced physical and/or sexual violence from an intimate partner at some time in their life".

¹¹ "About KSVRC," Korea Sexual Violence Relief Center. accessed on November 10, 2020, <http://www.sisters.or.kr/eng/load.asp?subPage=450>.

generally summarized as the force of social mobilization. This force has in particular flourished through the beginning of the Me Too movement.

The Me Too (or #MeToo) movement is a movement against sexual harassment and abuse. The movement has its roots in 2006, with a woman named Tarana Burke. Burke created the movement, since she herself has fallen victim to sexual assault, and consequently wanted to help other women and girls, particularly women and girls of color, who also experienced sexual violence.¹² However, the movement did not become big until 2017, when it started emerging with sexual assault allegations, mostly targeting well-known men in politics in the media in the U.S. Since then, it started spreading around the world and also reached Korea, a country in which powerful men in the government, the entertainment and religious leaders became the key figures of alleged abuse¹³ - the power elite. The turning point of the Me Too movement in Korea was brought by Seo Ji-hyeon, a female public prosecutor, who accused a former Korean high-level prosecutor of groping her during a funeral in 2010, which she shared on national television.¹⁴ Other incidents followed: Ko Un, a prominent Korean poet and Nobel Prize for Literature candidate once, was accused of sexually harassing female literary, which resulted with his poems to be erased from textbooks. Director Kim Ki-duk, Golden Lion winner at the Venice Film Festival, came in trouble releasing his new movie as actresses expressed their allegations of rape attempts.¹⁵ In July of this year, the secretary of late Seoul Mayor Park Won-soon filed a complaint against him, accusing Park of sexual harassment over the last four years and her continuous call for help that have been left unheard. Given the hierarchical work relationship, this case has been evaluated as "an organized crime that was sustained by power".¹⁶ The same power abuse relationship can be witnessed in the case of the provincial Governor of the South Chungcheong Province, Ahn Hee-jung, who was accused of sexually

¹² Abby Ohlheiser, "The woman behind 'Me Too' knew the power of the phrase when she created it — 10 years ago," *The Washington Post*, October 19, 2017, <https://www.washingtonpost.com/news/the-intersect/wp/2017/10/19/the-woman-behind-me-too-knew-the-power-of-the-phrase-when-she-created-it-10-years-ago/>.

¹³ Strother, "South Korea's #MeToo Movement Challenges Workplace Sexual Harassment."

¹⁴ Nicola Smith, "South Korean public prosecutor sparks country's #Metoo moment with allegations of groping," *The Telegraph*, January 31, 2018, <https://www.telegraph.co.uk/news/2018/01/31/south-korean-public-prosecutor-sparks-countrys-metoo-moment/>.

¹⁵ Laura Bicker, "#MeToo movement takes hold in South Korea," *BBC News*, March 26, 2018, <https://www.bbc.com/news/world-asia-43534074>.

¹⁶ Minji Lee, "Civic groups call on rights commission to probe alleged sex abuse by late mayor," *Yonhab News*, July 22, 2020, <https://en.yna.co.kr/view/AEN20200722004900315>.

molesting and raping his chief secretary several times — which will serve as the case study for this research.

A huge impact in the change of court decisions in Korean sex crime trials has been made by various organizations, one of them being the "KWAU" — the Korean Women's Associations United. KWAU is an umbrella organization affiliated by seven chapters and thirty member organizations that aims to reach gender equality, democracy, and peaceful reunification of the Korean peninsula. Starting its work in 1987, KWAU has achieved tremendous successes in strengthening women's human rights, especially in the legal field, ranging from women related laws and policy reforms to public campaigns. Moreover, the creation of the Ministry of Gender Equality and the adoption of a gender-responsive budget was successfully established thanks to KWAU.¹⁷ In addition, the National Council of Sexual Violence Counseling Centers, the Citizens' Action with Me Too Movement and the Korean Women Workers Association are also noteworthy for their efforts in strengthening women's rights in the country. There are also many organizations and groups that emerged specifically focusing on helping and supporting one victim, or a group of victims.

Furthermore, the individuals in the civil society, who do not belong to any specific organization or group, are likewise making remarkable efforts to push for the development of women right's, and a just trial of sexual violence crimes. One example can be found in the official online channel on the Blue House website that president Moon Jae-in's administration has created in mid-2017 — a channel where citizens are able to file petitions. If the numbers of petitioners exceed 200,000 in a time period of 30 days, high-level and relevant government official has to respond to the petition explaining the government's stance and further possible procedures.¹⁸ After an eight months analysis of 160,000 public petitions, it was evaluated in May 2018 that the most mentioned terms in the petitions were "baby", "women" and "student".¹⁹ Furthermore, out of more than 20 answers, the sectors "human rights/gender

¹⁷ "Major Actions and Achievements," Korean Women's Associations United, accessed on November 10, 2020, women21.or.kr/major.

¹⁸ Tae-jun Kang, "What Is Next for South Korea's Official Online Petition Channel?," *The Diplomat*, November 10, 2018, <https://thediplomat.com/2018/11/what-is-next-for-south-koreas-official-online-petition-channel/>.

¹⁹ 박민경, "국민청원 최다 키워드는 아기·여성·학생...그 이유는," *중앙일보*, May 14, 2018, <https://news.joins.com/article/22621393>.

equality" hold the majority.²⁰ Out of the 82 petitions that had to be answered up to the point of this research, 12 petitions dealt with the topic of sexual violence.²¹

The aim of this research is to examine the social mobilization force and its impact on court decisions in Korean sex crime trials, by taking former Korean politician Ahn Hee-jung's sexual assault and rape incident of 2018-2019 as a representative case study. This case study plans to depict the dynamics between the social mobilization force on the victim's side and the support for the defendant - the fight between the power elite and the ordinary civilian workers - starting from the accusation of the victim to the first ruling, which acquitted the defendant, up to the second ruling and final verdict, which admitted the wrongdoings of the perpetrators and declared him guilty. By laying out the efforts made in favor of the victim and the defendant respectively, during the process of the prosecution, this study wants to portray how both sides proceeded in order to create suggestions on what can be done in the future to overcome the abuse of the power elite and improve the procedure of a legitimate, fair sex crime trial.

2. Purpose of the Study

Sexual assault and rape continue to be a common issue in Korea and are reportedly one of the most underreported serious crimes in the nation.²² Especially the believe of the power elite to be inviolable due to their position in hierarchy leaves many victims voiceless and weak. In order for the victims to find the courage to speak out, it is essential to guarantee them protection and a just trial against powerful figures. For this reason, we have to take a closer look at the process and factors that influence the decisions that are made in the court during sex crime trial, and see what roles the side of the power elite and the ordinary civil society play, how they react to each other and which effect is achieved.

The purpose of this research targets to display the impact of social mobilization on court decisions in Korean sex crime trials by showing the dynamics of the two oppositions, and identify how, in the end, the influence and achievements of the doings of various women's

²⁰ 김은희, "靑국민청원 16만건 분석해보니... "아기·여성 등 약자 위한 창구", 파이낸셜뉴스, May 14, 2018, <https://www.fnnews.com/news/201805141423208680>.

²¹ Petitions that death with sexual violence: 3rd, 10th, 21st, 33rd, 39th, 40th, 47th, 48th, 49th, 51st, 62nd, 76th, 80th, 81st. (Information retrieved from "대한민국 청와대" [Blue House]. 대한민국 청와대. <http://www.president.go.kr/>.)

²² Joohee Lee, Changan Lee, and Wanhee Lee, "Attitudes Toward Women, Rape Myths, and Rape Perceptions Among Male Police Officers in South Korea," *Psychology Of Women Quarterly* 36, no.3 (September 2012): 366.

organizations and associations, joint countermeasure committees, victims support groups, sexual violence counseling centers, lawyer groups and the united work of many individuals can help to overthrow the sovereignty of the power elite. The case study will present a suitable example to present this progress due to its recentness in the upswing of the Me Too movement and the impact of the efforts made by all parties involved. This research wants to highlight the importance of the social mobilization force to challenge prevailing conservative thoughts on gender equality and its effect in trials that deal with sexual violence against women who tackle prominent and powerful figures of the elite.

3. Methodology

This research will be conducted in a qualitative research design. In the first part, the literature review will examine the historical background of social mobilization in Korea, take a closer look at the reasons for sex crime occurrence, then and now, and move on to the law development through the social mobilization force to depict the shift in discourse of sex crimes in the society. It will then be evaluated how these changes of law translated (or did not translate) into the court decisions, and elaborate on the issues of secondary damage and victim protection.

The second part of this research will analyze the impact of social mobilization on the decisions in Korean sex crime trials under the presented analytical model, as well as presenting the research question. For giving a clear understanding of the term *social mobilization*, it will be drawn upon various theories, the essence of it will be explained and of what it is constructed of will be depicted. An analysis model adjusted for this case study will then be introduced to illustrate the role of social mobilization in this research's case study.

The model will then be applied to the case study of former Korean politician Ahn Hee-jung's sexual assault and rape incident of 2018-2019 by exploring the social mobilization force in favor of Kim, and the support on Ahn's side, before and after the first ruling, which pronounced the defendant Ahn Hee-jung not guilty. Ahn Hee-jung ruled as the 36th and 37th Governor of South Chungcheong Province from 2010 to 2018, and was considered as a nominee for the presidential election in 2017, but lost against front-runner Moon Jae-in. Kim Jieun, his secretary, accused him publicly in March 2018 of sexual assault and rape during her time in office starting in June of the previous year. After initially denying the accusations and

claiming it was consensual, Ahn eventually admitted his wrong-doings and resigned from his position as governor. During the first ruling on August 14th, 2018, Ahn was found not guilty by the Seoul Western District Court. However, due to heavy public protest the Court overturned his acquittal and Ahn was sentenced for prison for three and a half years. The final verdict was on September 9th, 2019.

The information will be drawn upon prior studies, academic journals, book chapters, posts on SNS through which the various organizations communicated, such as official websites or social media (Twitter and Facebook), newspaper articles and officials statements. The book written by the victim "I am Kim Jieun" (김지은입니다) will also serve as a primary source. The legal information of the court decisions will be retrieved from the reports of the Supreme Court. The final part will consist of evaluating the findings of the impact of social mobilization on court decisions in Korean sex crime trials, present limitations of the study, as well as further implications for the role of the society when it comes to handling cases of sexual violence.

4. Literature Review

The literature review will start with evaluating the reasons for sex crime occurrence in Korea, divided between "Crimes Concerning Sexual Morals", such as prostitution, distribution and manufacture of obscene pictures and public indecency, and "Crimes Concerning Rape and Infamous Conduct", encompassing the concept of a woman's sexual self-determination. Even though this research will focus on the latter type of sex crime which is suitable for the case study, it is undoubtedly linked with the firstly mentioned type of sex crime — with the reasons of sex crime occurrence stemming from the same source — and will therefore serve as an enhancement of the illustration and explanation of the argument. The second part will outline the achievements of social mobilization in the women's movement in the last few centuries to give the reader an idea of what has been done so far in terms of women's rights. The third part will discuss sex crime law and the shift in discourse achieved through the force of social mobilization. The following section will examine previous court decisions of sex crime laws, with providing one case study for highlighting an example of a deficient law implementation, as well as addressing the issues of secondary damage and victim protection, which play a significant role in sex crime trials.

4.1 Reasons of Sex Crime Occurrence

By identifying the reasons why sex crimes happen in a certain country, given the historical and cultural background, we can later explain how social mobilization emerged to challenge these occurrences, how it shaped the law, the decisions in the court, and also how to tackle it. Therefore, the first part of the literature review will look at origins of sex crime, firstly, in "Crimes Concerning Sexual Morals", with prostitution being the main focus, followed by "Crimes Concerning Rape and Infamous Conduct", encompassing the concept of a woman's sexual self-determination.

If we begin tracking down the reasons for prostitution in Korea, we arrive in the Joseon Dynasty, in which kisaeng (기생) played an important role in society. Kisaeng, also called the "Korean Geisha", were female servants that functioned as entertainment for men. After that, during the time of Japanese colonialism, a state-regulated listed system of prostitution was established. Even though after the liberation a movement called "movement to abolish licensed prostitution" (공창제 폐지운동) and a Prevention Prostitution Act (윤락행위 등방지법) (which will be talked about in more detail in the following paragraph), were targeted to tackle this issue, the reality did not look much different. So called "private" prostitution (사창) was prevalent throughout the country, as well as "camp towns" (기지촌) used from the American and Korean government, and during the Park Chung-Hee administration 104 "special districts of prostitution" have been set up. After re-establishing economic relations with Japan, sex tourism continued to increase and "the South Korean government promoted kisaeng tours as a matter of national policy".²³ Kyoung-Ho Shin also took an approach towards explaining the structural aspects of gender inequality by examining the globalizing Korean sex industry in a theoretical framework, in which the three foci are: (1) Korea's semi-peripheral position in the world-system, (2) the local culture of patriarchy, and (3) Korean government policy. Drawing upon the aftermath of the financial crisis, many women had to leave their workplace, returned to the household, or ended up in the informal job sectors — such as sex work. The gaps between regular workers (정규직) and irregular workers (비정규직) has been widening since the 1990s,

²³ Seung-kyung Kim, *The Korean women's movement and the state: bargaining for change* (New York: Routledge, Taylor & Francis Group, 2014), 40-42.

and with that the gap between men and women as well. By supporting sex tourism and prostitution near the bases of the U.S. military, Korea exploited women's bodies for the sake of government revenue and its relating rapid economic growth.²⁴ This can be traced back to the local culture of patriarchy that has been influenced by Confucian tradition, which contributed negatively to the "women's status in the structure of the labor force" during Korea's economy growth in the last four decades. It can be said that globalization had uneven impacts in the country, and in most cases benefited men and weighing down women at the same time — resulting in a work with a low payment, labor exploitation, sex tourism, poverty and the human trafficking of women and children.²⁵ This argument is further supported by the statements of certain public sector officials. The Korean minister of education during this time even said "The sincerity of girls who have contributed (with their c—ts) to their fatherland's economic development is indeed praiseworthy".²⁶ Even though we can observe that the main objective of prostitution in our age is not economic gain anymore, the conservatives attitudes towards women prevail and women's bodies continue to be exploited.

The next section will discuss the reasons behind "Crimes Concerning Rape and Infamous Conduct", which includes the concepts of rape myths and rape acceptance.

In many societies, rape continues to be a severe and constantly underreported crime. Daly and Bouhours conducted a study published in 2010 that examined victimization through surveys in five countries (Australia, Canada, England and Wales, Scotland, and the United States) and found out that in the past 15 years, the proportion of sexual violence victims who actually report the incident to the authorities lies around 14%. In comparison to other types of crime, it can be observed that the prosecution and conviction rates concerning rape are much lower.²⁷ This argument is further supported by a report from the Korea Sexual Violence Relief

²⁴ Kyoung-Ho Shin, "A theoretical view of the globalizing sex industry: world system position, local patriarchy, and state policy in South Korea," *Advances in Gender Research* 15 (2011): 85.

²⁵ *Ibid.*, 89.

²⁶ Kim, *The Korean women's movement and the state: bargaining for change*, 45.

²⁷ Kathleen Daly and Brigitte Bouhours, "Rape and attrition in the legal process: A comparative analysis of five countries," *Crime and justice* 39, no.1 (2010): 568.

Center (KSVRC), which states that 70% of the people who are being treated in the center only came to seek help a year or more after the assault took place.²⁸

One explanation for this can be found in rape myths, which are still a prevailing phenomenon, not only in Korea, but in many parts of the world. Rape myths are being defined as "attitudes and beliefs that are generally false yet widely and persistently held and that serve to deny and justify male sexual aggression against women".²⁹ The low rate of reporting rape, or sexual assault, is linked to these rape myths that imply particular societal perceptions of women involved in a rape incident and the perpetrators. A research collected data from 236 male police officers in Korea and found out that rape myths, especially rape survivors' myths (meaning that survivors of rape partially are responsible for the incident due to lack of physical resistance, intoxication, or revealing clothes) highly shape the judgement of rape situations. The results further suggests that police officers with stronger beliefs concerning rape myths are also more prone to have "greater rape-supportive attributions in the assessment of rape scenarios".³⁰

Another research analyzed that the sexual double standard and attitude towards women influence the relationship between gender and rape myths. Rightly pointing out, particular elements of rape myths reflect cultural norms and values within a society. The study was comprised of 327 college students in Korea, and they completed the Korean Rape Myth Acceptance-, Attitudes towards Women-, and the Sexual Double Standard Scale.³¹ A common attitude in the Korean society seems to be regarding rape as a sexual act, that a man commits if he has no control of his sexual urges. The excuse of "sexual urges" was often applied to explain the motivation behind rape in Korea. In 2007, the Division of Sexual Violence Counseling Center inspected 17 precedents for crimes of sexual assault. It was revealed that out of the reviewed cases of the Supreme Court of Korea, 9 out of the 17 cases (53%) used the term of "uncontrolled sexual urges" to interpret the motivation behind rape for men. The research has displayed that those supporting more traditional attitudes towards women are also more likely to

²⁸ 나길회, "거꾸로 가는 여성부 성폭력피해 지원정책," 서울신문, March 6, 2006, <http://www.seoul.co.kr/news/newsView.php?id=20060306007013>.

²⁹ Kimberly A. Lonsway, Susan Welch and Louise E. Fitzgerald, "Police training in sexual assault response: Process, outcomes, and elements of change," *Criminal Justice & Behavior* 28, no.6 (December 2001), 703.

³⁰ Lee, et al., "Attitudes Toward Women, Rape Myths, and Rape Perceptions Among Male Police Officers in South Korea," 371.

³¹ Joohee Lee, Jinseok Kim, and Hyunsung Lim, "Rape myth acceptance among Korean college students: The roles of gender, attitudes toward women, and sexual double standard," *Journal of Interpersonal Violence* 25, no.7 (2010): 1201.

engage in victim-blaming, believe in stereotypical ideas about rape perpetrators, and diminish the impact of rape on victims.³² These explanation can be converted to the occurrence of sex crimes committed by the power elite of the country, and are believed to have an insensitive attitudes towards sex crime issues and the assumption that it is justified to abuse their power to commit abuses without repercussion.³³

4.2 Social Mobilization in the Women's Movement

Korean women's movement have their roots in the late 19th century as a sign of resistance against politics and a culture that is characterized by Confucianist and patriarchal values, and gained a more solid foothold after the liberalization from Japan and the following dictatorships. Before the democratization of the country, women's movements symbolized the "homogenous category of women with a single collective identity, as a group member of the nation, the state, and/or working class". After the democratization, however, it became noticeable that women became not a united group, but consisted of many individuals with distinctive personalities. Women's movements were now composed of marginalized women such as migrant workers, illegal workers, sexual minorities, and women with disabilities. The first autonomous women's organization, *Chan-Yang-Hoe*, was formed in 1898. It was created to put an end to the traditional Confucian patriarchal system and provide education to younger women. During the Japanese colonization, women fought along the men during the Independence Declaration Movement on March 1st, 1919, albeit ultimately in vain. During the 1920s, Japan used women as cheap labor for the textile industry with the goal of reaching fast industrial development. Women's groups started to respond and organized strikes that opposed not only the low wage and the inhumane working conditions, but also being subjected to sexual harassment from the male workers. During the reign of president Lee Seung Man (1948-1960), the conservative "Korean National Council of Women" (KNCW) emerged, comprised of various professional, intellectual, and philanthropic groups that dealt with women's issues. Since the agenda of the KNCW, however, corresponded with the development state policy during the time of Park Chung Hee's military dictatorship, the organization has been highly criticized for its

³² Lee, Kim, and Lim, "Rape myth acceptance among Korean college students," 1216.

³³ Choi and Jin, "Growing number of sex crimes by South Korea's "power elite".

"acceptance" towards the military authoritarian developmental state. During the 1980s, the *Minjung*³⁴ movement started to emerge as an opposition to the military authoritarian developmental dictatorship. Within this movement, the *Minjung* women groups appeared, where women from all different social groups - workers, the urban poor, farmers, intellectuals and students - joined together. These groups fought for their labor and human rights, which also included the sexual discrimination and violence in the working environment. In 1987, the Korean Women's Associations United (KWAU) was established, comprised of 23 *Minjung* women's groups. The main goal of the KWAU at its beginning was the achievement of democracy and gender equality. In contradiction to the KNCW, which executed a more conservative agenda, the KWAU targeted the transformation of the social structure to tackle women's oppression. With the incubation of president Roh Tae-Woo in 1988, the government partly liberalized state policies and implemented a democracy led by the state, which enabled the KWAU to develop political spaces for women within democratic state institutions. This has resulted in legal amendments and legislative reforms, such as the following: the Equal Employment Opportunity Act in 1988, the Family Law (1989), the legislation of the Child Care Act (1991), the Equal Employment Opportunity Act (1989), the Punishment of the Crime of Sexual Violence Act (1993), the Prevention of Prostitution Act (1993), the Assistance of the Livelihood of Women Forced into Sexual Slavery by the Japanese Military Act (1995), the Basic Act for Women's Development (1995), the Prevention of Sexual Violence Act (1997), the Prevention of Family Violence Act (1997), the Punishment for Procuring Prostitution and Associated Act (2002), and the Abolition of Family Registration System (2003).³⁵ This system was called *Hojuje* (호주제), or householder registration system, and can be regarded as a symbol of the Confucian patriarchal characterized Korean society. The *Hojuje* legitimized that only the males can maintain the family lineage as the head of the family (*Huju*). Holding the first priority for the position of the *Huju*, this status in return can also only be succeeded by a male descendent in the family. A lineal descendent woman can only become the head of the family if there is no male in the entire family, or if the men give up all their succession rights of the *Huju*. Nevertheless, if a woman gets married, her name is removed from her maiden family

³⁴ The three principles of *Minjung* included Minjok-ism (Nationalism), Minju-ism (Democracy), and Minjung-ism (Populism).

³⁵ Song-Woo Hur, "Mapping South Korean Women's Movements During and After Democratization: Shifting Identities," In *East Asian Social Movements*, ed. Jeffrey Broadbent and Vicky Brockman, (New York, NY: Springer New York, 2010), 182-189.

register and therefore she loses the right to be the head of her maiden family. The children also have to take their father's family name. This system clearly represented the Confucian teachings that focus on the importance of the paternal lineage, and besides, highly discriminated women within their family. The law has been established in 1958, with three revisions in 1962, 1977 and 1990, respectively, however, without any major changes. Regardless of the strong stance of Confucian groups and a male-centered perspective of the National Assembly, the law was finally abolished in May 2005, with a new bill coming to transform Family Law in Korea. It has been examined that the efforts of women's political participation were a necessary condition in order to abolish the *Hojuje*. These efforts included the involvement of decision making in the administration, such as filing petitions, lawsuits and voting. In addition, activities such as campaigns, seminars, demonstrations and public hearings have also been proven to be a huge influence.³⁶

With these changes, the KWAU, one of the biggest groups that is involved in female political participation, aimed to improve the conditions for women in employment, maternity leave and protection, sexual and domestic violence, and affirmative action. The KWAU continues until today to change the rhetoric of female sexuality, which has always been silenced due to the Confucian patriarchal norms in Korean culture, and emphasize the importance of examining women's experiences of sexual violence.³⁷

4.3 Sex Crime Law and the Shift in Discourse

As mentioned in the section above, the social mobilization force in form of women's organizations has introduced numerous new acts to guarantee the preservation of women's rights. In the following paragraphs, it will be examined how sex crime law specifically changed over time in our modern era. As with the literature review part that dealt with the reasons of sex crime occurrence, this section will follow the analysis of firstly, "Crimes Concerning Sexual Morals", and secondly, "Crimes Concerning Rape and Infamous Conduct".

Seung-kyung Kim's "The Korean Women's movement and the state" illustrates how the women's movement in the last decades shaped law and policy changes in the country and their

³⁶ Jaelim Oh, "Women's Political Participation and the Change of Family Law A Case Study of the Abolition Process of Family Head System (the *Hojuje*) in Korea," *Asian Women* 23, no.2, 2007, 99-101, 106-107.

³⁷ Hur, "Mapping South Korean Women's Movements During and After Democratization," 189.

various accomplishments through political participation, after examining the former prevailing laws concerning women's rights. Even though granting women the right to vote in 1948 was the first step towards gender equality, laws concerning keeping women safe from sexual violence only kept coming scarcely afterwards.³⁸ The first law introduced concerning "Crimes Concerning Sexual Morals" was the Prevention Prostitution Act (윤락행위등방지법) in 1961, however, it is being described as a rather ineffective law. In January 1994, the prevention of Sexual Violence against Women and Protection of Victims was passed.³⁹

Giving that background, the author goes deeper into analyzing the institutionalization of the women's movements in Korea under the two women-friendly governments under the presidencies of Kim Dae jung (1998-2002) and Roh Moo Hyun (2003-2007). As of 2004, and the 17th National Assembly elections, the number of women in the assembly has expanded from 16 to 39.

Table 1: Law Development of Anti-Prostitution Law in "Crimes Concerning Sexual Morals"

Criminal Behavior	Prostitution Prevention Act 1961	Anti-Sexual Traffic Law 2004
	Remarks:	Remarks:
	First law introduced under the jurisdiction of "Crimes Concerning Sexual Morals"	(1) The Act on the Prevention of Commercial Sex Acts and Protection, etc. of Victims <i>managed by the Ministry of Gender Equality</i>
	Rather Ineffective	2) Act on the Punishment of Acts Arranging Sexual Traffic <i>managed by the Ministry of Justice</i>
Forcing the selling of sex (using violence, threat, fraud, relatives, employment, or pornography)	Up to five years of imprisonment; fine of up to 15 million won	Up to 10 years of imprisonment; fine of up to 100 million won
Accepting remuneration for forcing the selling of sex	Seven years of imprisonment; fine of up to 20 million won	More than one year of imprisonment
Forcing an underage person into the selling of sex	Up to 10 years of imprisonment	As specified in the Juvenile Sex Protection Act
Accepting remuneration for providing capital, land, building, or place used for the selling of sex	Up to five years of imprisonment; fine of up to 15 million won	Up to seven years of imprisonment; fine of up to 70 million won
Enticement or persuasion for purpose of the selling of sex of providing a place for the selling of sex	Up to three years of imprisonment or fine of up to 10 million won	Up to three years of imprisonment; fine of up to 70 million won

³⁸ Kim, *The Korean women's movement and the state*, 21.

³⁹ Ibid., 38.

Forcing the selling of sex by providing narcotics		More than five years of imprisonment
Forcing the selling of sex by confinement		More than three years of imprisonment
Advertisement for the selling of sex		Up to three years of imprisonment; fine of up to 30 million won
Gaining property through the selling of sex		Confiscation of property of a person who violated Articles 18, 19 and 20; if confiscation is not possible, then additional fines will be levied

Source: adapted from Yang (2004) and Kim (2014); modified⁴⁰

The KWAU (Korean Women's Association United) has made huge achievements with its passage of the "Anti-Sexual Traffic Act" in 2004 and the abolition of the "family-head system" in 2005. The Act of the Anti-Sexual Traffic Law (성매매방지법) consisted of two parts: firstly, of the Act on the Prevention of Commercial Sex Acts and Protection, etc. of Victims (성매매방지 및 피해자보호 등에 관한 법률) — managed by the Ministry of Gender Equality, and secondly, the Act on the Punishment of Acts of Arranging Sexual Traffic (성매매알선 등 행위의 처벌에 관한 법률) — managed by the Ministry of Justice. The idea of the law was to reach out and help those who are forced into prostitution and exploitation, and penalize those involved in procuring (see Table 1), and indeed, resulted in many people being arrested. As a matter of fact, another goal of this newly implemented law was to "de-stigmatize the women involved in prostitution and problematize issues of victimization and representation". The discourse of how to stigmatize prostitution also saw changes after the newly implemented law: rather than calling the women whores (창녀), ruined women (윤락녀), prostitute (매춘녀), and describing their work as "the buying and selling of sex" (성매매), newly terms such as "sex work" (성노동) and "sex worker" (성노동자) were introduced to illustrate their work more neutral and unstigmatized. Concluding, Kim evaluates the objective of the women's movement as "work for democratization and autonomy of Korean society and women's liberalization", and attributes its success to the close cooperation with the state administrations during the two women-friendly

⁴⁰ Kim, *The Korean women's movement and the state*, 53.

terms of Kim Dae jung and Roh Moo Hyun from 1998-2007, to strengthen the activism of civil society and participatory democracy.⁴¹

As presented by Cho⁴², a shift of the doings of Korean women concerning the strategy of sexual politics in the early 1990s could be observed: previously staying silent about those issues, women became more open to discuss sexual discourses in public, guided by various scholars and activists. Movements opposing violence against women were organized and accentuated the image of women as victims of sexual violence. Cho's study also explains in more detail the separation of women in society in terms of chastity. A woman of low-income, for instance, who uses her body as a commodity for economic reasons in the system of class, alternates to the role of an unchaste women in the system of sexuality. Therefore, as "unchaste women", they are separated from "chaste women" and classified outside of the moral code in the system of sexuality. Consequently, women's bodies are objects of lust, free from "moral burdens", and the blame will be laid upon women who allow their bodies to become a commodity. Interestingly, men from various different political backgrounds commonly try to justify their sexual desires as biological instincts and as a consequence of human evolution. In addition, rather than identifying the key issues of men and pimps, they identify them between women: classifying them in categories of prostitutes and "other women". "Other women" consist of mothers, who think that prostitution should be abolished to maintain the normal family under a crisis. Besides that, there are also "normal women", who accept prostitution since otherwise they would fall victim under sexual violence if men could not indulge their sexual desires, and "bourgeois women", who also approve prostitution to assure the rights of working class women. Even though "other women" are divided in diverse ways of class, family, nation-state and sexuality systems, in the end, all these categorizations are preserving the hierarchical gender system.⁴³ These classifications offer an interesting starting point of discussion in terms of sexual discourse.

⁴¹ Kim, *The Korean women's movement and the state*, 1, 38-39, 87, 115-116.

⁴² Joo-hyun Cho, "Intersectionality Revealed- Sexual Politics in Post-IMF Korea," *Korea Journal* 45, no.3 (2005): 88.

⁴³ *Ibid.*, 97-99, 103.

The following section will focus on sex crime law and the shift in discourse concerning "Crimes Concerning Rape and Infamous Conduct".

Table 2: Law Development of Rape Law in "Crimes Concerning Rape and Infamous Conduct"

Year	Law	Content
1953	Crime against Chastity (Chapter 32, Article 305)	Rape is defined as a penile–vaginal penetration against a woman’s will. The woman has to be forced or threatened and show utmost resistance towards the act to protect her chastity in order for it to be counted as rape.
1995	Rape and Indecent Act	Term change of rape from "Crime against Chastity" to being an "offense against the right to sexual self-determination".
		Remarks:
		The explicit reconceptualization of rape as the violation of a person’s right to sexual self-determination has not yet been embodied. A traditional ideology of the above mentioned chastity perception is still preserved, and the requirement of "utmost resistance" often demanded.

retrieved from Lee (2017)⁴⁴, Shin (2007)⁴⁵ and Cho (2008)⁴⁶

In many cases of sexual harassment, there is a huge gap between the legislation and the victims, of the ground, standard of judgement and content of the judgement when it comes to determine what act is sexual abuse and rape, and what is not. With the newly introduced law in 1994, previously not acknowledged cases of sexual violence finally had the change to be recognized, and sexual violence was displayed as a social problem, and not a private anymore (see Table 2). Victims do not need to be shy about it or hide the truth. In addition, apart from sexual abuse and rape, sexual harassment has been firstly officially recognized as well - when Ms. Woo, an assistant lecturer, filed a suit against her senior professor for sexual harassment. Prior to the case of Ms. Woo, there has been no legal control over an act for sexual harassment, but only the classification of rape (Art. 297 Korean Criminal Law) or sexual abuse (Art. 298). The case of Ms. Woo has been remarkably significant, since the Korean court firstly identified the concept of sexual harassment as a type of crime. The Seoul District Court firstly defined sexual harassment with the three following elements: "(1) unequal power relation between offender and a victim; (2) unpleasant and humiliated feeling, in other words unwelcome according to the victim’s subjective terms; and (3) recognition of one of two forms of sexual

⁴⁴ Seong-Ki Lee, "Statutory Rape in Korea: Do Teens have the Legal Capacity to give Consent to Sex?," *Journal of Korean Law* 16, no. 2 (June 2017): 290.

⁴⁵ 신윤진, "'擬制和姦'의 메커니즘," *공익과 인권*, 2, no.1 (2005): 96-97.

⁴⁶ Kuk Cho, "The under-protection of women under Korean criminal law," *Columbia Journal of Asian Law* 22, no.1 (2008): 126.

harassment."⁴⁷ Due to the efforts of women's organizations, especially the KWAU (Korean Women's Association United), the Act on the Punishment and Protection of Victims of Sexual Violence was implemented in 1994, the Act on the Special Cases concerning the Punishment, etc. of Domestic Violence, as well as the Act on the Protection of Victims in order to build a legal foundation to eliminate violence against women in 1997.⁴⁸ The victims were provided with a newly introduced protection system, that looks like the following: firstly, police officers and prosecutors are obliged to secure the privacy of the victims and reduce the number of unnecessary questions during the investigation. In case of the rape victim being a minor or lacking mental capacity, the statement and the investigation are being videotaped. If the case is an aggravated one, coupled with robbery or burglary, rape committed by a group of more than two persons, or usage of weapon, for example, the victim is allowed to sit with a person who has a reliable relationship with the victim, such as family members, friends, and counselors. Secondly, the court might also decide to conduct a closed trial, also on wish of the victim.⁴⁹

Despite introducing the new legislation, unreasonable and repressive questions during the investigation still prevail, as well as evidence brought up by the defender's attorney concerning the prior sexual relation of the victim. Hostile attacks against the victims are still observed in court and an additional and more definite legislation is needed to ensure the victims' rights to sexual autonomy. The "rape shield law", firstly passed in Michigan in 1974, is a proper reference, since the law restrict the admissibility of evidence that concerns the victim's past sexual behavior, as well as protecting the publication of the victim's identity.⁵⁰

For this discourse it is important to take a closer look at how rape is defined. There is an increasing criticism of how rape is dealt with under criminal law, with the main focus of critique being object limitations, male genital-centered definitions, and assault and threat. Shin's study looks at the attitude of the academic community concerning conventional norms, who believe that in order to call it "rape", the counterpart needs to show a strong resistance against the act.⁵¹ Cho (2008) draws upon this argument and critically reviews the requirement of

⁴⁷ Seon-ja, Cha, "A Study on the Concept of Power Relation in Sexual Harassment," *Journal of Korean Law* 5, no.2 (2006): 66, 77-78.

⁴⁸ Pilhwa Chang, "형사사법절차상 성폭력 피해자 보호방안에 관한 연구" (A study on the protection of victims of sexual violence in the criminal process), *The Korea Sexual Violence Relief Center*, December 2003, 180.

⁴⁹ Kuk Cho, "The under-protection of women under Korean criminal law," 134.

⁵⁰ Ibid., 135.

⁵¹ 신윤진, "‘擬制和姦’의 메커니즘," 97.

"utmost force/threat" that supposedly has to be used in Korea to consider rape a crime. This implies that the force/threat used while committing a crime "should be more severe than that required in the crime of battery or intimidation; the defendant must use "utmost force/threat" to "make the victim's resistance" completely impossible or extraordinarily difficult". Therefore, the level of the victim's hesitance is considered a critical measurement for the court's evaluation of a rape crime (also see Table 2). The Korean Supreme Court often dismissed cases of rape as "not-guilty", because the victim did not show enough active resistance. This has been criticized internationally, especially by the UN Human Rights Committee in 1999, remarking that it is incorrect to claim that the evidence of a woman's resistance is needed in order to call it a rape crime. In 2008, a bill has been submitted to the National Assembly with the goal of criminalizing coerced sexual intercourse, however, it did not pass. Nevertheless, there were a few cases in which the Supreme Court evaluated the requirement of "utmost force/threat" less strictly.⁵²

Another law development was the abolition of the so-called "Antragsdelikt" (친고죄).⁵³ Until then, the crimes of rape, "sexually indecent act[s] by compulsion", "quasi-rape", or "quasi-sexually indecent conduct" by taking advantage of another's unconsciousness or inability to resist, sexual intercourse with a minor or a mentally or physically handicapped person by using fraud, threat or force, and sexual intercourse with a minor under thirteen years old in the Penal Code could only be punished when a victim files a complaint. The thought behind this is the protection of the victim's honor and privacy. Originally a well reasonable thought, however, also been criticized for carrying the reverse effect of covering up, and reinforcing the practice of sexual violence. Oftentimes the woman is blamed in a sex crime, and due to the male-centered sexual norms that prevail in Korean society, a woman is unable to speak up against a male offender in a criminal process. It has been observed that in the majority of sexual violence crimes, the victim does not file a complaint. In addition, sexual autonomy is not taken seriously in rape law. Oftentimes when women file a complaint against their attackers, they are doubted by the prosecutors and considered making false statements, so-called "flower snakes" [꽃뱀], and suffer under further traumas due to the investigation process. Korea is among the fifteen

⁵² Kuk Cho, "The under-protection of women under Korean criminal law," 127-131, 140-141.

⁵³ 김아영, "성범죄 '친고죄' 60년 만에 폐지," 내일신문, June 18, 2013, http://www.naeil.com/news_view/?id_art=762.

strongest economies in the world, however, fails to guarantee and protect women's human rights enough in the criminal justice system.⁵⁴

4.4 Implementation of Sex Crime Law in Court

Rape incidents are often made into a "victim trial", do not concentrate on the right of sexual self-determination, and encounter the argument that rape is up to interpretation. Furthermore, the concept of chastity is still used to determine whether it was a crime or not. Rape is defined as when the male genital is inserted by using violence and threat. In order to determine a rape crime, we need to dismiss the concept of the degree of assault to judge. If consent is violated or the victim is being threatened, without the insertion of the male genital, the verdict should not be "innocent", but should be punished as "attempted rape". The severity of violence and threat should definitely be a factor to be considered in the case of a rape crime, however, it should not be used as a requirement to determine whether rape was committed or not. Furthermore, continuous efforts should be made to understand the experiences of rape victims and their rape cases so that these experiences can be used in the future to become rules for the basis of judgement. Even though there is an exceptional court rule that functions "in the interests of the defendant in case of reasonable doubt", serious reflection is needed to find out what made us doubting rape cases and whether such doubt really has been reasonable.⁵⁵

The following paragraph will depict the Miryang gang rape as a short case study to demonstrate an example in the flaws of the court decisions in Korean sex crime trial. The Miryang gang rape incident took place during 2004 and 2005, in which 44 high school students raped two sisters, middle school students, in the city of Miryang. The incidents happened frequently over a period of almost one year, even making use of numerous sexual instruments and the extortion of money. Although the outrage of netizens was enormous, and the attempts of various human rights lawyers and women's movement organizations for a strong punishment were prevalent, the case ended, disappointingly and shockingly, with only a few of the students sent to the juvenile court, and the rest being declared innocent. This incident serves a good example of how hierarchy still prevails and influences legal proceedings. The police revealed

⁵⁴ Kuk Cho, "The under-protection of women under Korean criminal law," 127-131, 140-141.

⁵⁵ 신윤진, "'擬制和姦'의 메커니즘," 공익과 인권, 2:1 (2005), 96-97.

not only the last name, but also the address of one of the victims, which significantly burdened the life of the family. In addition, the police handled the investigations sloppy and imprudently, asking the victim to point out all of the lined up 41 accused offenders, as well as asking questions such as "Did he insert [it] or not?". The victim afterwards had to be admitted to the hospital for psychiatric treatment. Furthermore, instead of blaming the offenders, victim-blaming became a prominent element during the investigations. This can not only be found in sexist remarks by the police officers: "young wenches like you, barely off your mother's milk, going around and seducing boys, have brought disgrace to my home- town, Miryang!", but also by observing the girlfriends of the rapists, who are defending their boyfriends and differencing between their own sexuality, and the sexuality of the victims, who are "dirty sluts" or "bitches". Beyond that, the parents of the rapists also expressed their opinions in television reporters' interviews, denying the responsibilities of their sons, blaming the girls of seduction, and pointing out their own sufferings. Another influential factor in that case was the father of the victims, who reached an agreement with six of the offenders. The father divorced the mother three years before the incident happened, was an alcoholic and has been violent to his daughters. Nevertheless, he still had parental rights and made that decision by himself, accepting a huge amount of money, without knowing what his daughters have been through. This serves as another evidence of patriarchal power — the father took control of his daughters' sexuality and made the decision based on his own will. We can observe that this family was viewed as "an abnormal family on the one hand and a normal, patriarchal family on the other." This "unchaste" image of the daughters' sexuality proved the traditional systems of class, gender, family, and sexuality. The rape case incident precisely depicts how the system of sexuality divides chaste and unchaste systems in class, locality, family, gender, and nation-state policies. In order to challenge these systems of sexuality, it is necessary to introduce a new language and theoretical tools which are able to look after their complexities. The female subject has been continuously disregarded in the prevailing system and needs to be reexamined in a new content to grasp the complexity of women's embodied experiences.⁵⁶

With the recent emergence of the Me Too movement and the "N-Bang incident", the court's sex trials continue to be under harsh criticism. The trials are accused of still not properly punishing the perpetrators, and some even mentioned the need to revise the law as a whole. The

⁵⁶ Cho, "Intersectionality Revealed- Sexual Politics in Post-IMF Korea," 106-111.

Justice Review Team of the Gender Law Research Society in the Court held a forum called "Looking Back Together on Sex Crime Trials" in September of this year, in which incumbent judges and citizens discussed sex crime trials and their future outlook. Due to the spread of COVID-19, more than 200 people have joined this meeting via Zoom, comprised of judges, lawyers, prosecutors, graduate students, activists, and professors at law schools. Courts are generally open for the public, however, there are usually not a lot of spectators who attend. This can be explained by the fact that many of the trials are on daytime during the weekdays, many are not interested if it is not related to them, or that the legal terms are difficult to understand. An anonymous female under the internet username "D_T_Monitoring" ("연대자D"), who was a victim of sexual violence herself, went to hearings that dealt with sexual violence crimes, and has continuously supported the victims. She continued to attend the hearings even if the incident had no personal relations to her, and traveled the country to attend various courts to monitor and record. After her observation, she highly emphasized the importance of why people should attend sex crime trials - namely, "If the judges, trial prosecutors, and defense counsel are aware that there is a victim in the audience, their attitude changes". The monitoring of sex crime trials, which targets supporting the victims, has expanded to a public movement. This sign of solidarity in the audience has become a solidarity method, in which people even outside from Seoul come to the city for the trial schedule to support the victims. "D_T_Monitoring" said that she realized "there is a role I can play", meaning that even non-experts and ordinary people can be of help by being in the audience during the trial.⁵⁷

In addition, women's organizations have raised questions and conducted research on secondary damages of the victims, and there has been a widespread consensus across the women's movement, academia, and the criminal justice circle on the seriousness of secondary damages suffered by victims of sexual violence crimes. Based on this consensus, the research analyzed cases of counseling on sexual violence and in-depth interviews with victims to understand the actual conditions of secondary damage and create the context of secondary damage in criminal justice procedures. Chang (2003) includes around 5600 cases of secondary damage complaints of sexual violence victims and so-called "psychic interviews" (심충면접) of the victims, in which they talk about their experiences. The conventional norms, attitude, and

⁵⁷ 이혜리, "피해자가 방청석에 앉자 그들의 태도가 달라졌다," 경향신문, November 11, 2020, http://news.khan.co.kr/kh_news/khan_art_view.html?art_id=202011121000001.

laws of the person in charge of the trial, as well as the deficiencies of the system were analyzed. The outcome of an analysis showed that those in charge of the trial had thoughts and attitudes that were no different from the patriarchal gender conventional wisdom of society. In other words, investigators and court officials presented an inappropriate attitude which blamed the victim and defended the perpetrator, saying things such as, "Sexual violence is a private matter, sexual violence is caused by the victim, most of the so-called sexual violence is consensual sexual relations, and the people who are accused of being a sexual offender, are not one, but only had sex." The conventional norm and attitude of the people in charge of the trial, who were supposed to assure and support the human rights of the victims, securing of evidence, and having the right of information, coupled with the lack of the system, were adding to secondary damage.⁵⁸

Kim (2007) examined the consciousness of sexual violence amongst judges, prosecutors and lawyers, while concentrating on the common notion of sexual violence and the problems that have emerged in the legal support process for sexual violence victims. Furthermore, the difficulties and limitation of these victims are revealed, calling out for more legal protection and a general direction of change. The research was conducted from June 16th, 2013 to July 18th, 2013 in Seoul and Gyeong-gi area, and comprised judges, prosecutors and lawyers. The candidates of the research were 81.2% male (288 people), 18% female (63 people), 81.8% in their 30s (217 people), 38.2% in their 40s (134 people), and 27.6% judges (97 people), 25.6% prosecutors (90 people) and 46.7% lawyers (164 people). Since the awareness can be assessed to be more progressive than in actual practice, it can be estimated that the difficulties the victims suffer during the legal process are even higher than in the presented study result. The result showed that the law, the interpretation, and the enforcement procedures are not gender-neutral, but highly led by male-centered stereotypes or consciousness, which results in more suffering of the victims through secondary damage. The survey showed that legal professionals showed an overall progressive tendency. However, the influence of alcohol, acquaintances, the victims' intentions and sexuality seem to play a huge role in determining the process of the ruling. The attitude towards precedents was also evaluated to be contrary to the result of the trial. Therefore, it can predict a gap between consciousness and actual behavior and that the victims will face much more difficulty in reality. The conventional norms of the

⁵⁸ Pilhwa Chang, "형사사법절차상 성폭력 피해자 보호방안에 관한 연구," 180-181.

prosecutors have shown to be the most conservative, which leaves women who fall victims of sexual violence in a rather unfavorable position. Prosecutors are not always able to actively represent female victims, although they have the role of protecting and representing them in court. Moreover, judges and prosecutors who have jurisdiction over the case should not ask questions that may put the victims in disadvantaged position. Victims of sexual violence suffer under shame or insults during the trial. Among the groups, female lawyers' consciousness was much more progressive than the one of their male counterparts. Even though the difference between the two age groups of 30s and 40s was not that different, the gender difference appeared to be statically significant in most of the cases. There was also no difference in awareness of sexual violence depending on whether or not they took gender equality education or have experiences concerning sexual violence. The results of the study show that the different genders have different perceptions of sexual violence.⁵⁹

A term that has been found more often nowadays connected with sex crime issues in the country is the one of the "power elite". The term originally emerged with Charles Wright Mills and his eponymous book in the 1950s, claiming that the power elite consists of men in positions who are able to "transcend the ordinary environments of ordinary men and women", with an incredible large decision making power.⁶⁰ One of the biggest elite groups can be found in the political circles, and this is not an exception in Korea. Since the liberalization in 1948 the ruling elite in Korea can be described as the "occupying leadership positions in the three branches of power [...], the legislative, the executive and judiciary branches." This includes National Assemblymen, the executive's branch bureaucrats, justices of the Supreme Court and other politicians. As mentioned by Byeong-Man Ahn, the elite in politics is just one part of the ruling elite that "monopolizes power and enjoy its advantages".⁶¹ Recently, high profile sex crimes have increased in the last decade, which experts explain in the sense of power that elites feel to commit abuses, since they are aware of their position in the hierarchy, the power relation and its functions. Lee-Im Hye-gyeong, the head of Korean Womenlink's sexual abuse counseling center expressed that the elites "[...] internalized the misguided idea that it's okay to

⁵⁹ 김지혜, "법조인의 성폭력 의식과 피해자 보호," 성폭력, 법정에 서다 (서울 : 푸른사상사, 2007), 426-427, 455-456.

⁶⁰ Charles Wright Mills, *Power elite* (New York: Oxford University Press, 2000), 3-4.

⁶¹ Byong-Man Ahn, *Elites and political power in South Korea* (Northampton, Mass.: Edward Elgar Publishing, 2003), 150-151.

do these things once you have reached a certain status". The Secretary-General of the Korea Sexual Violence Relief Center, Choi Ji-na, says the problem lies in the thinking of those people who believe they can treat people who possess a lower status in any given way. She also highlights that the people who are part of the elite tend to be more insensitive towards these issues. Lee Mi-jeong, researcher of the Korean Women's Development Institute, stated that predators "target the kind of people they can commit sex crimes against and not expect any problems".⁶²

Another important aspect pointed out in previous research is the fact that victims of rape are highly under-protected during the criminal process. When filing a complaint against the offender, one would expect that the criminal justice system makes sure to take care of the victim. The reality, however, looks more like the opposite. Many rape victims suffer due to the distrust of the investigators and go through further trauma. One of the main problems is that, in many cases, the victim only shows small injuries, fell victim to an acquaintance and has no witnesses. In addition, due to the heavily experienced rape trauma of the victim, it is often difficult to phrase consistent statements, which in turn makes the investigators doubt the victim's innocence. This has gone so far that the victim is being blamed as a "flower snake", as previously mentioned, which defines a woman that makes a "false extortionary claim". Moreover, during the investigation and the trial, the victim's trauma often intensifies by cause of the investigators who ask the victim unnecessary questions - such as if she has had previous sexual relations, what her feeling was when being raped, and to what extent she resisted. Besides, the victim often also has to confront the assailant in court, again. The attorneys of the defendant further doubt her credibility and integrity by criticizing the way she dresses, what her work is, how her sexual history looks like and what her sexual preferences are. Therefore, we do not have to wonder why so many rape crimes remain unreported. The research of Cho additionally brought together various previous researches to describe the Korean socio-cultural environment that revolves around the rape victim in trial and the male-centered rape myths existing in Korea. A common belief is, for instance, that when a woman says "no", she means "yes"; that many women fantasize about being raped (but decent women do not get raped); and that, if a woman really wants it, she is able to prevent rape to happen. Exactly these beliefs diminish a woman's integrity and support the abuse of a woman's right to sexual autonomy. Out

⁶² Choi and Jin, "Growing number of sex crimes by South Korea's "power elite"".

of all these reasons it can be seen that rape is still highly under-reported. The victim is afraid of reprisal or the public exposure, and also fears to suffer more damage during the criminal process.⁶³

The fact that many victims do not seek help can be drawn upon many dismissed rape cases in court. Since it is often not the case that the woman showed an “utmost resistance“, which the court demands as evidence and as a requirement to sentence the perpetrator, those cases are being rejected on the ground of it being "consensual sex" (화간), rather than rape (강간). It has also been found out that people who have a stronger belief in sex-role stereotype are also more likely to blame victims in sexual assault incidents. The Sexual Double standard in this research is explained as an individual having "a different evaluation of sexual behavior depending on whether a man or a woman engages in it".⁶⁴

This literature review has demonstrated the reasons behind sex crime occurrence in Korea, which can be found in the historical and cultural background, namely their Confucianist, patriarchal, gender-traditional context, which often supports rape myths beliefs and the relating supporting government policies. However, Korean Sex Law has seen a shift during the last 30 years, initiating a sexual discourse in public and changing legislation. This work has been mostly done by the efforts of the women’s movement, which especially sparked and succeeded during the two women-friendly presidencies of Kim Dae Jung and Roh Moo Hyun. However, law development still falls under much criticism. Especially in the case of Crimes Concerning Rape and Infamous Conduct, the implementation of the law and the court decisions are highly being disapproved with, as well as pointing out an inadequate victim protection and emerging secondary damage. Many perpetrators emerged out of the power elite within the country, who believe that they are safe and immune against legal consequence, given their position in society.

Nevertheless, the status-quo is being challenged, with a new force that has emerged to tackle the issues of a flawed sex crime law system in the country, which is social mobilization under the Me Too movement.

In the following analysis I want to contribute to the previous studies by analyzing the case study of a long, but successful, trial of a victim of sexual violence committed by a member

⁶³ Kuk Cho, "The under-protection of women under Korean criminal law," 131-133.

⁶⁴ Lee, et al., "Rape myth acceptance among Korean college students," 1203.

of the power elite. With two moving social forces - one in favor of the victim, one in favor of the defendant, the research plans to lay out the dynamics between the two oppositions and investigate their relation to the court decisions. This case study offers a suitable example for the power behind social mobilization, for both sides, and wants to highlight the importance of a strong civil society force that is able to challenge the power elite by examining its impact on court decisions in trial, which will hopefully set the ball rolling for more fair sex crime trials in the future to come.

5. Analysis Model and Research Question

This study aims to see how social mobilization influenced the court decisions that were made in the trial of Ahn Hee-jung's sexual violence and assault case of 2018-2019. First, it is essential to understand how social mobilization is being defined in this paper and in what context it will be analyzed. Social mobilization is being defined as the following:

*"the process of bringing together all societal and personal influences to raise awareness [...]. In order to employ social mobilization, members of institutions, community partners and organizations, and others collaborate to reach specific groups of people for intentional dialogue. Social mobilization aims to facilitate change through an interdisciplinary approach."*⁶⁵

Social mobilization is used as a tool of people's demands and needs. According to the WHO, social mobilization often rises out of "sense of shared grievance and injustice" and proposes alternative concepts and ideas that create a society and its development. In our modern times, the civil society has made use of new information technology through social media, which enables people to stand up for various topics - one of them lying in the women's movement and the ensuring of protecting women's rights in social justice.

A successful social mobilization force can be comprised by various stakeholders, such as the government, the civil society, (social) media, community leaders, and research and

⁶⁵ "Social Mobilization," World Health Organization, accessed on November 11, 2020, <https://www.who.int/healthpromotion/social-mobilization/en/>.

academic institutions. The government can take the civil society's engagement into consideration when it comes to decision making, as well as take measures of precaution if necessary. The civil society has the role to seek opportunities and create innovative tools. Social media can be used to engage a wide range of people and monitor the activities. Community leaders are able to assemble affected communities to act in response, and research and academic institutions are able to induce progress in the methods that evaluate social mobilization.⁶⁶

Social mobilization is often analyzed in the context of social movement theory. Since the social mobilization in this research's case study emerged within the Me Too movement, the following paragraph will explain in more detail with what social movement theories the Me Too movement can be explained, and give therefore a clearer picture of the social mobilization for this case study within the Me Too movement.

The Me Too movement can be best explained within in the frame of the Relative Deprivation Theory, the Collective Action Theory, and the Resource Mobilization Theory.

The Relative Deprivation Theory argues that a sense of grievance, the feeling of deprivation of one's position in a group or society⁶⁷, may end up in social movement. This theory is also often used to try to explain the occurrence of violence, such as in the book "Why Men Rebel" by Ted R. Gurr: when an individual senses that there is a gap between what he is receiving and what he thinks he deserves, this individual will get angry and start to rebel. If many people feel such a gap it will end in a rebellion.⁶⁸ The Me Too movement can be explained with this theory given the deprivation women feel at the workplace when facing sexual harassment.

Collective Action Theory assumes that individuals in a group act out of self-interest. If many individuals have the same interest, it will form a common interest or object of the group and will act to achieve this objective.⁶⁹ The Me Too movement has emerged with Tarana Burke to raise awareness of sexual assault and abuse, and after that more women started to speak out about their experiences. Individual women become part of a group with a self-interest they share with other women, which results in collective action.

⁶⁶ "Social Mobilization."

⁶⁷ Ralph H. Turner, "Review: Relative Deprivation and Social Justice: A Study of Attitudes to Social Inequality in Twentieth-Century England. by W. G. Runciman," *American Sociological Review* 32, no.1 (February, 1967): 132.

⁶⁸ Charles Tilly, "Review: Why Men Rebel by Ted Robert Gurr," *Journal of Social History* 4, no.4 (1971): 417.

⁶⁹ Mancur Olson, "The Logic of Collective Action," (Cambridge: Harvard University Press, 2009), 1.

The Resource Mobilization Theory has emerged in the 1970s, introduced by John D. McCarthy and Mayer N. Zald. In contrast to other social movement theories, the Resource Mobilization Theory moves away from explaining the reason of social movement in social psychology (such as the collective of grief and frustration that brings people together), and tries to analyze it within the context of what resources are available to induce a movement — how these resources have to be mobilized, how they are linked to other groups and how they are determined by external factors. The Resource Mobilization Theory looks at the dynamics and tactics that make a social movement grow, subside and change.⁷⁰ The Me Too movement has achieved many successes thanks to the resources it was able to mobilize - especially social media. Technology is being used as a tool to spread the stories told by many women and let their voices be heard.

The resources available during a social movement have also been explained within other theories, namely the one of "Contentious politics", whereas they are called "repertoires". Contentious politics "involves interactions in which actors make claims bearing on someone else's interests, leading to coordinated efforts on behalf of shared interests or programs, in which governments are involved as targets, initiators of claims, or third parties."⁷¹ Although Contentious politics involves politics, as the name implies, which this case study does not, the term repertoires can be used as a tool in this particular case study as well. Repertoires are "protest tactics" accessible at any given time for a social movement.⁷² This could be demonstrations, petitions, or campaigns, for instance.⁷³ During our modern time, technology has become a big part of mobilizing repertoires.⁷⁴ These are also highly used in this research's case study.

In this case study, the units of social mobilization that stand up for the victim are comprised of the following: the Ahn Hee-jung Joint Countermeasure Committee, the victim support group "People together with Kim Jieun", KWAU - Korea Women's Associated United, the National Council of Sexual Violence Counseling Centers, Citizens' Action with Me Too

⁷⁰ John D. McCarthy and Mayer N. Zald, "Resource Mobilization and Social Movements: A Partial Theory," *American Journal of Sociology* 82, no. 6 (May, 1977): 1212-1213.

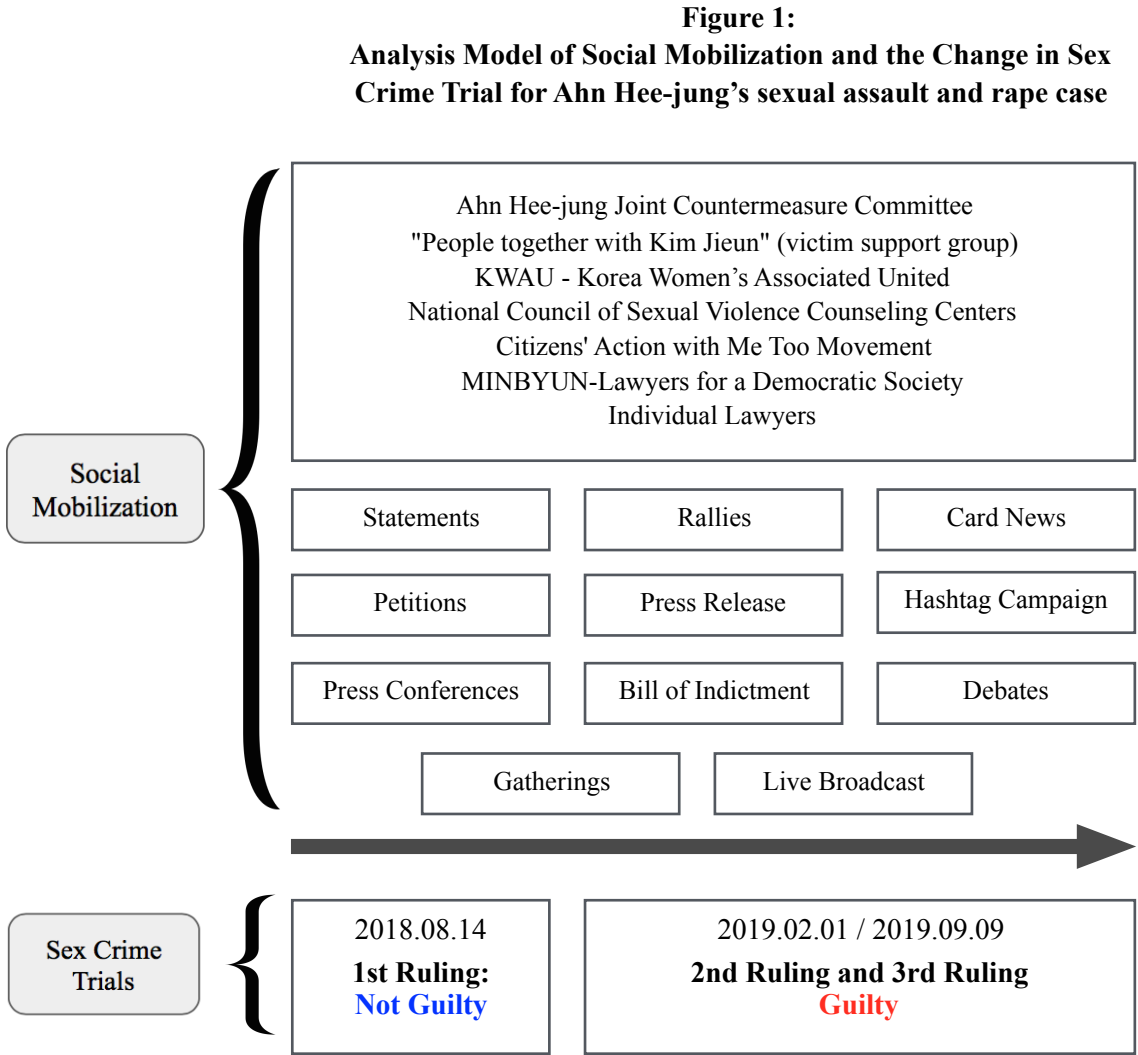
⁷¹ Charles Tilly and Sidney Tarrow, *Contentious Politics* (Oxford: Oxford University Press, 2007), 4.

⁷² David A. Snow, Sarah A. Soule, and Hanspeter Kriesi, *The Blackwell Companion to Social Movements* (Malden, MA: Blackwell Pub., 2004), 300.

⁷³ Tilly and Tarrow, *Contentious Politics*, 45.

⁷⁴ Brett Rolfe, "Building an Electronic Repertoire of Contention," *Social Movement Studies* 4, no.1 (May 2005): 65.

movement, MINBYUN-Lawyers for a Democratic Society and various other individuals. The repertoires these groups used to raise awareness about the issue were different kinds of statements, rallies, card news, debates, press releases, bill of indictment, debates, hashtag campaigns, press conferences, gatherings, live broadcasts. Figure one shows this analysis model.



The support on the defendant’s side is comprised of former colleagues, employees, his lawyers and anonymous netizens. However, there is very much likely more support for Ahn that cannot be visibly observed, since the doings of the power elite circle is occurring in the background and not open to the public eye.

This study displays the dynamics between the works of the social mobilization force alongside the victim and the supporters of the defendant as a member of the power elite, and see how these two oppositions impacted the court decisions in this sex crime trial. Women in Korea are raising their voices, after a longstanding silence of experiencing sexual harassment and abuse, to

challenge social norms and their relationship to prominent men in power positions. The court decisions in Korean sex crime trial will be examined of how the law is implemented given its essence. Since recent development of sex crime law has changed the discourse of how to define what sex crime is, it has as well been changed in the Korean Criminal Act. The main issue, nevertheless, is, that the thoughts of many people have not changed yet, which directly translates into the non-execution of the laws and further secondary damage. The research question therefore is as followed:

What is the impact of social mobilization on court decisions in Korean sex crime trials?

6. Case Study

This study takes Korean politician Ahn Hee-jung's sexual assault and rape incident of 2018-2019 as a representative case study to display the impact of social mobilization on the execution of Korean sex crime law. After a depiction of the case itself, the main analysis part will investigate the dynamics of the social mobilization for the victims standing against the support of the defendant, starting from the time before the first ruling, which acquitted the defendant, to the second and final ruling, which pronounced him guilty.

Ahn Hee-jung, the defendant, served as the Governor for the South Chungcheong province from July 10th, 2010 to March 6th, 2018, and came in second for the 19th presidential election within the Democratic Party of Korea. Kim Jieun, the victim, has been working in the public relations planning team for the defendant's presidential primary campaign from February 2017 to April 17th, 2017, got promoted on July 3rd, 2017, and started working as the chief secretary from December 20th, 2017 until March 5th, 2018. The position as chief secretary included to arrange and manage various meetings, events, domestic and international business trips, reservations for personal meetings, running errands, as well as assessing the governor during events and managing external requires and database policy data. Kim Jieun accused

Governor Ahn on March 5th, 2018, of six incidents of indecent assaults and four times custodial rape, in the period of July 2017 to February 2018.⁷⁵

6.1 Social Mobilization Before the First Ruling

Kim Jieun went public on the Korean television newscast "JTBC Newsroom" on March 5th, 2018, roughly two weeks after the last sexual assault incident took place. According to her, the motives to publicly speak about what happened were the recently emerged Me Too movement in Korea, that was sparked by Seo Jihyeon, a public prosecutor at the Tongyeong branch of the Changwon District Prosecutors' Office. Seo claimed to have been sexually harassed by former senior Justice Ministry official Ahn Tae-geun at a funeral back in 2010. After her confession, support spread across the country, as well as the demands for a proper investigation.⁷⁶ The other reason that made Kim decide to go public was a moment right after the last sexual assault incident. Even though Ahn apologized to her various times and proclaimed that he will not do it again, he committed sexual assault once more. According to Kim, she realized in this moment that she could not run away from this, and that she wanted to break out of this continuous cycle.⁷⁷ One day later, the complaint was submitted to the Seoul Western District Prosecutor's Office Kim's legal representative Jang Yoon-jung. The allegations of the complaint were "Custodial Rape" by Ahn, as well as "Sexual Molestation by Abuse of Occupational Authority". Jang declared that the victim's main goal is a fairly carried out investigation process, as well as averting any secondary damage for the victim, her family and any acquaintances. It was announced that South Chungcheong Provincial Police Agency also initiated an international investigation concerning Ahn's sexual assault. National Police Agency Commissioner General Lee Chul-sun attended the special committee on judicial reform at the National Assembly and also proclaimed to take necessary measures.⁷⁸

⁷⁵ 윤태호, "서울서부지방법원 2018고합75 안희정 전 충남도지사 강제추행 등 사건," 법률신문, August 28, 2018, <https://m.lawtimes.co.kr/Content/Case-Curation?serial=146014>.

⁷⁶ He-rim Jo, "Female prosecutor opens up about sexual harassment," *The Korea Herald*, January 30, 2018, <http://www.koreaherald.com/view.php?ud=20180130000855>.

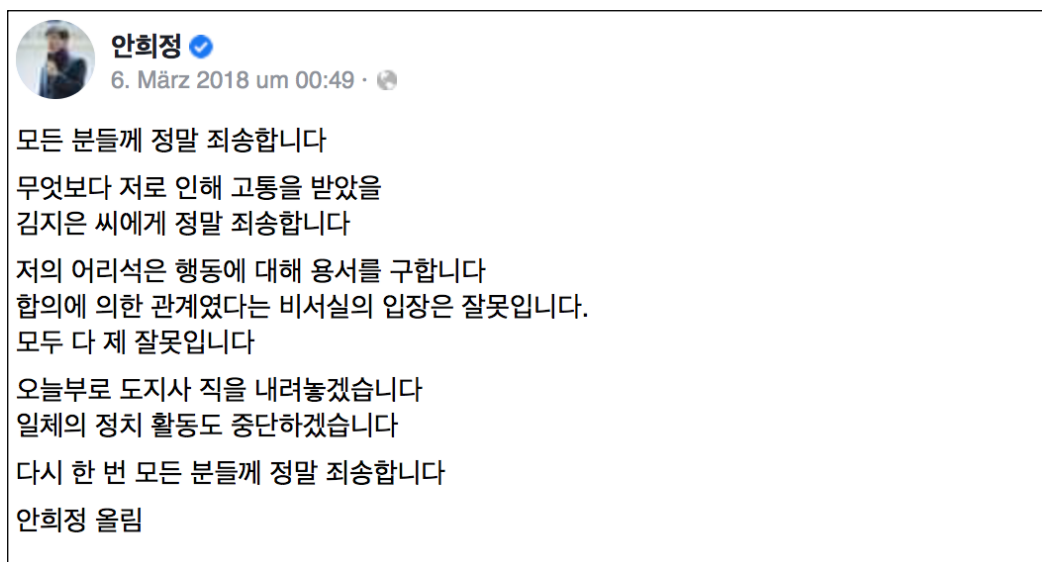
⁷⁷ 김지은, 김지은입니다: 안희정 성폭력 고발554일간의 기록 (봄알람, 2020), 23.

⁷⁸ 손서영, "안희정 '성폭행 피해자' 서울서부지검에 고소장 제출," *KBS News*, March 6, 2018, <https://mn.kbs.co.kr/news/view.do?ncd=3614742>.

In addition to the submission of the complaint, the "Ahn Hee-jung Joint Countermeasure Committee" published their first public statement with the slogan "Sex offender Ahn Hee-jung, take social and legal responsibility for your acts!" It has been declared that the National Council of Sexual Violence Counseling Centers, consisting of 128 sexual violence counseling centers across the country, claimed to support the victim and will be working with lawyers to avoid secondary damage during the investigation process. The committee called the society out to pay attention when victims appear in broadcasting, decide to file a complaint and join the Me Too movement to reveal their experiences. Governor Ahn was sent a warning that he should be aware of his abuse of power over the bodies of others, and that this should lead to a judicial responsibility. The resignation of his position and an official apology will not be enough to escape his responsibility.⁷⁹

The Korea Women's Associated United (KWAU) posted a statement declaring their support for the victim while demanding the defendant to take legal responsibility. They also called out for a restructure in politics to overcome the toleration of sexual violence. The statement was supported by the 28 member organizations of the seven branches of the Korean Women's Association.⁸⁰

In response to the prosecution process, Ahn Hee-jung posted an apology statement and announced his resignation and the end of all his political activities at the very same day.



⁷⁹ 안희정성폭력사건 공동대책위. 2018. "2018. 03. 06 [성명] 성폭력 가해자 안희정은 사회적·법적 책임을 지라!" Facebook, September 17, 2018, https://www.facebook.com/permalink.php?story_fbid=713186802373512&id=709658872726305.

⁸⁰ 여성연합, "[성명서] 안희정 도지사는 법적 책임을 정확히 지라! 정치권은 성폭력을 용인하는 성차별적 구조 개혁하라!," 한국여성단체연합, March 6, 2018, <http://women21.or.kr/statement/10839>.

"I am really sorry to everyone.
Most of all, I am really sorry to Ms. Kim Jieun,
who has been suffering under the pain I caused.
I beg for your forgiveness for my foolish behavior.
The assumption, that the relationship with the secretary was consensual, was wrong.
This is all my fault.
As of today, I will be resigning from my position as governor.
I will stop all political activities.
Once again, I am really sorry to everyone.
Ahn Hee-jung"⁸¹

Two days after the submission of the complaint, Ahn Hee-jung very abruptly canceled the press conference that was initially scheduled to be held that day. A public affairs officer of South Chungcheong Province delivered Ahn's message of the cancellation roughly two hours before its planned start. He explained himself to the public by claiming that the priority is to cooperate with the investigation. Many reporters were bewildered and protested. The sudden cancellation caused much criticism and was seen as a lost chance to apologize directly to the victim and to the residents.⁸²

On the same day, the victim support group "People together with Kim Jieun" issued their first statement. The support group consists of the people who worked together with Kim Jieun during the presidential election campaign for Ahn Hee-jung. In the statement, they explained that they believed in Ahn Hee-jung's values of democracy and human rights, however, after the incident their beliefs in him have completely disappeared. Some members of the group also stated to have been sexually harassed on various occasions and declared to stand together with Kim Jieun, that she will no longer be alone, and that they will protect her.⁸³

On March 9th, Kim Jieun gave her first testimony at the Seoul Western District Prosecutors' Office. The victim was questioned over 23 hours, getting called in at 10am in the

⁸¹ 안희정. 2018. "모든 분들께 정말 죄송합니다" Facebook, March 6, 2018, <https://www.facebook.com/steelroot/posts/1449280985183182>.

⁸² 송인걸, "안희정은 왜 기자회견을 취소했나," 한겨레, March 6, 2018, http://www.hani.co.kr/arti/area/area_general/835203.html

⁸³ 하정연, "'김지은과 함께 하겠다' 한데 뭉친 안희정 대선 캠프," 서울경제, May 8, 2018, <https://www.sedaily.com/NewsView/1RWVGH7KZ>.

morning and stayed until 9:30am on the following day. While being questioned, Ahn Hee-jung appeared to the office without being summoned by the prosecution. Ahn's lawyer announced in a one hour and 20 minutes notice before that Ahn would come to the office for questioning. Ahn was questioned from 5pm to 2:30am the next day. Due to his sudden, voluntarily appearance, the investigation of Kim was suspended for a while. The victim was said to have stayed calm and the investigation was well proceeded after a break. When the investigation was complete, Kim's legal representative Jeong Hye-sun talked with the reporters and said that Kim calmly stated what happened, what she can remember and the damage she had suffered. Ahn's sudden appearance encountered various critics, such as from Jeon Sung-hyeop from the National Council for Sexual Violence Counseling, declaring that Ahn's act was not an act of apology to the victim. When being asked by the reporters if he has any words for the victim, he stated "She was my adviser who supported me and worked hard for me. I am sorry that I made her feel lost and betrayed." Ahn furthermore stated to fully engage in further prosecution procedures.⁸⁴ The reason behind his actions are explained in Ahn trying to prevent the spread of public criticism, for him and the Democratic party.⁸⁵

The Ahn Hee-jung Sexual Violence Countermeasure Committee held a press conference at 11:30am in front of the National Assembly. Various representatives, co-representatives and directors of the Sexual Violence Counseling Center, KWAU, and National Alliance for the Settlement of Sex Trade were giving a speech. The purpose was to invoke the investigation of sexual violence in political circles and legitimate countermeasures. Gender discrimination and sexual violence were said to have always been an issue in politics, and although countless citizens, including women's groups, have expressed their critical thoughts about this problematic behavior, the political community has not taken enough action on it. Since the Me Too movement started showing signs to spread to political circles, it should be required for the political community to come up with fundamental measures to address deep-rooted gender discrimination and sexual violence in the society.⁸⁶

⁸⁴ 뉴스스, "김지은씨 24시간 검찰 조사... 안희정 출석에도 곳곳 진술," 조선일보, March 10, 2018, https://www.chosun.com/site/data/html_dir/2018/03/10/2018031000480.html.

⁸⁵ 한종구, "검찰 소환조사 아닌 '자진 출석 강행' 안희정, 왜 그랬나," 연합뉴스, March 9, 2018, <https://www.yna.co.kr/view/AKR20180309149000063>.

⁸⁶ 안희정성폭력사건 공동대책위. 2018. "2018.03.09.기자회견/국회 앞" September 17, 2018, https://www.facebook.com/permalink.php?story_fbid=713234419035417&id=709658872726305.

In a hand-written letter, published on March 11th, Kim thanked the people who stand behind her, but also expressed the hard time she had after becoming public. False information and discriminating attacks have been spreading in the internet, and although Kim said that she is not afraid of the wrong stories that spread about her in the internet, since they will be cleared out after the investigation, she asks the people to stop spreading false information about her family.⁸⁷

Two days later, the victim support group "People together with Kim Jieun" issued their second statement. The group announced that they have read Kim Jieun's hand-written letter and again expressed the secondary damage Kim is suffering because of these attacks, as well as declaring that the police also pledged strict legal action against the offenders to respond to the secondary damage. The group also revealed that they have received over thousands of e-mails in the last five days.⁸⁸ On March 14th, a second victim "Ms. A", filed a complaint at the Seoul Western District Prosecutors' Office.⁸⁹ The investigation for the charges of the second victim Ms. A started the following week, and she has been questioned by the prosecutors for 16 hours. Two days later, the National Council of Sexual Violence Counselors has decided to file a bill of indictment for Kim Jieun for the secondary damage caused. The cyber investigation unit of the Seoul Metropolitan Police Agency has also filed a bill of indictment against the secondary damage.

At the end of March, the victim support group "People with Kim Jieun" announced two more victims related to the Ahn Hee-jung sexual harassment case. The two victims were also working for him and were participating in Ahn's camp the previous year.⁹⁰ This was followed by the court rejecting an arrest warrant for Ahn, with the reason for the rejection being "no suspicion of destroyed evidence, no suspicion of escape." When Ahn was asked by the judge where the cell phone was, that was used in the event of the crime, Ahn answered it has been "destroyed". Regardless of this statement, the court rejected the arrest warrant, claiming

⁸⁷ 이가영, "안희정 성폭행 폭로' 김지은씨가 전한 손편지 [전문]," 중앙일보, March 12, 2018, <https://news.joins.com/article/22431963>.

⁸⁸ 채혜선, "'김지은 지지' 성명서 발표한 안희정 캠프 관계자들도 신분 노출 우려," 중앙일보, March 16, 2018, <https://news.joins.com/article/22446163>.

⁸⁹ Ibid, 56.

⁹⁰ 엄지원, "안희정 캠프 참여자들 2차 성명 "추가 피해자 2명 더 있다," 한겨레, March 25, 2018, <http://www.hani.co.kr/arti/politics/assembly/837545.html>.

there was no suspicion of escape and destruction of evidence.⁹¹ This decision can be evaluated as an act in favor of Ahn, since the argument of destroyed evidence was disregarded and the previously submitted statements, bills and press conferences, composed and organized by the Ahn Hee-jung Sexual Violence Countermeasure Committee, the victim support group and the National Council of Sexual Violence Counselors, have been completely neglected as well.

As a response to the warrant examination rejection, the Ahn Hee-jung Sexual Violence Countermeasure Committee published another statement, requesting the charge and arrest of Ahn Hee-jung to put an end to the power of prominent politicians. The Committee criticized the investigation's prosecution of Ahn's crimes. Up to the publication of their statement, three weeks have already passed since Kim's first testimony, the following outrageous public response, Ahn being expelled from the party and his resignation as a Governor. Ahn's prominent status as a politician definitely came in favor. He claimed that the relationship was a consensual one, he did not apologize to Kim directly and destructed the cellphone that was used during the times of crime, yet, he did not face any legal consequences. The Committee expressed that if the power of "the whole shocked nation" keeps moving forward, bringing more victims' stories to life until the day of the final trial, the court should clearly recognize the crime and pass a proper judgment.⁹² The "Citizens' Action with the Me Too Movement", a coalition of civic and women's organizations, firstly mentioned Ahn's case in their daily briefings, stating that the prosecution shows no progress and emphasized the need to properly investigate and punish the defendant with responding directly to Me Too movement.⁹³

At the beginning of April, the prosecution requested a re-appeal for Ahn Hee-jung's arrest warrant. The reason was the seriousness of the issue and the concern of destructed evidence. The Seoul Western District Prosecutors' Office said "[...] the physical and mental damage caused by the accuser is severe, secondary damage continues to occur online, and we can also acknowledge the circumstances of the destruction of evidence." The prosecution's request for an arrest warrant again indicated the same charges as the first arrest warrant, which

⁹¹ Ibid., 58.

⁹² 안희정성폭력사건 공동대책위. 2018. "2018. 03. 28. [성명] 안희정 구속기소를 촉구한다! : 30년 정치권력의 위력은 언제 멈춰질 수 있는가?" Facebook, September 18, 2018, <https://m.facebook.com/709658872726305/posts/713699405655585/>.

⁹³ 미투시민행동 상황실, "Day11 (3/30) 수사 진전 없는 검찰, 제대로된 수사과 처벌로 #미투에 똑바로 응답하라!", 미투 운동과 함께하는 시민행동, March 30, 2018, <https://metooaction2018.tistory.com/48>.

was rejected on the 28th of last month. The prosecution did not include charges against the second victim that has come upfront. The second accusation will be decided after further investigation, a prosecution official said.⁹⁴

During the following day, the Citizens' Action with the Me Too Movement anew referred to Ahn's case in their daily briefings, calling out for an arrest, and demand the court to recognize the former governor's political influence and his use of his power position in this sexual violence case.⁹⁵

Shortly after the request for the re-appeal, the court, once again, rejected the arrest warrant for Ahn Hee-jung. The judge in charge of the arrest warrant at the Seoul Western District Court, Park Seung-hye, explained that "there is room to argue over the criminal charges, and there is a lack of suspicion that the suspect will flee or destroy evidence beyond the scope of his right to defend himself." Following the first arrest warrant examination, the prosecution again judged that there was an insufficiency to prove the charges. In particular, the court mentioned that it is expected that a fierce legal battle will take place between the prosecution and the lawyers over legal issues such as whether the crimes can be judged as "Sexual Molestation by Abuse of Occupational Authority". The prosecution said it will conduct the investigation thoroughly and swiftly to finalize it.⁹⁶

On April 11th, the prosecution decided to indict Ahn Hee-jung without physical detention until the trial. The trial will only be conducted on charges of Kim. The charges of the second accuser, Ms. A, a staff member of the Better Democracy Institute, have been dropped.

On the other side, support for the victim showed a strong stance again: a prosecution official said, "Considering the consistent and detailed statements of the victim, the statements of witnesses who heard the victim's appeal, the log records of the use of the computer that shows that the victim made dozens of searches related to Me Too movement in the 10 days prior to the last sexual assault incident, the details of the victim's medical treatment at that time, and the results of the victim's psychological analysis, we recognized all crimes." On the other side,

⁹⁴ 장수경, "검찰, 안희정 전 충남지사 구속영장 재청구," 한겨레, April 2, 2018. http://www.hani.co.kr/arti/society/society_general/838754.html

⁹⁵ 미투시민행동 상황실, "Day13 (4/3) 성폭력 사건들의 명명백백한 진상규명 촉구한다!," 미투 운동과 함께하는 시민행동, April 3, 2018, <https://metooaction2018.tistory.com/53>.

⁹⁶ 장수경, "'안희정 구속영장 또 기각... 법원 '혐의 다뤄볼 여지 있다'," 한겨레, April 5, 2018. http://www.hani.co.kr/arti/society/society_general/839190.html.

charges related to the second complaint, Miss A, were dismissed. A prosecution official explained, "In general, there is a statement from the accuser that seems to correspond to the facts of the complaint, but there is also other circumstantial evidence that is inconsistent, so there is not enough evidence to prosecute the case". Ahn's side is expected to continuously deny the charges in future trials, claiming that he "admits the sexual relationship, but it was consensual," as he expressed it during the prosecution's investigation.⁹⁷

The Ahn Hee-jung Sexual Violence Countermeasure Committee published another statement as a response to the prosecution's decision to send Ahn to trial without physical detention. Firstly, the Committee welcomed the court's decision to accept the charges of the first complaint under the Special Act on the Punishment, etc. of Sexual Violence Crimes, that comprises "Sexual Molestation by Abuse of Occupational Authority". The Supreme Court expressed: "Since it is not asked whether it is tangible or intangible enough to subdue the victim's free will, it is possible to use not only violent assault and intimidation, but also social, economic, and political status or power [...]," The Committee drew upon 2017 counseling statistics of the Korea Sexual Violence Counseling Center and displays how 29.8% of all counseling sessions are being held due to damages that occur in business relationships. Out of these 29.8%, 64.8% of the perpetrators are bosses or employers. Nevertheless, there is a huge gap in punishment for sexual violence through power and status experienced by victims, since the majority of sexual violence is judged by the requirement of the "utmost resistance" of the victim. The sexual violence committed by Ahn Hee-jung is a prime example of sexual violence in which the status, his political power, is exercised as a force during the prosecution. The court has to determine the effect of its power so that there is no gap in punishment, and the prosecution is urged to make efforts to verify the charges based on a sincere investigation. The Committee also expressed their regret of the prosecution's decision to not indict the second case. The second victim, Ms. A, who also accused Ahn of sexual harassment, has been assisted psychologically, received counseling, without revealing that she is a victim of sexual violence. Ms. A testified on March 5th after hearing a media report on Ahn Hee-jung sexual violence case and realized that she was not the only victim. The prosecution of the first complaint made by Kim, and the non-prosecution of the second complaint made by Miss A, is a very paradoxical

⁹⁷ 연합뉴스, "검찰, 안희정 불구속 기소...두 번째 고소건은 증거부족," 한겨레, April 11, 2018. http://www.hani.co.kr/arti/society/society_general/840092.html.

case, since both were victims of a working power relationship. Last but not least, the Committee declares that they will continue to support the victims of sexual violence that fell under the force of status and power, and that they will "strive for a day when it becomes common sense for the issue of sexual violence by status and power to be properly judged and punished in Korean society."⁹⁸ A few days later, the Committee also published a press release requesting cooperation and providing relevant data to the victims of Ahn Hee-jung's sexual violence case to investigate secondary damages. The victims of Ahn's sexual violence were suffering severe secondary damage caused by personal information leakage, distribution of false information, and malicious comments. Even though the National Council of Sexual Violence Counselors filed a complaint with the cyber investigation unit of the Seoul Metropolitan Police Agency for secondary damage a month ago, the investigation process is being criticized for its slowness and the continuing severe secondary damage. The Committee demanded from the National Assembly to review the scale and extent of secondary damage that occurred due to the manipulative and organized comments online and correspondingly respond to the police's active investigation to punish those who produce and disseminate secondary damage.⁹⁹

Firstly, after the accusation of the victim, the social mobilization force took their voices on the streets, with a Me Too rally under the slogan of "Let's change the world with Me Too! Let's put an end to sexual discrimination and sexual violence!", organized by the "Citizens' Action with the Me Too Movement", on April 21st. At the rally, theatrical people, students, parents and professors from different backgrounds expressed their support and solidarity for the Me Too movement. The support group "People together with Kim Jieun" declared, relating to the charges against Ahn, that "the victim is hiding and shaking with fear, while the perpetrator is standing with his head raised up. The secondary damage is causing more pain to the victims and makes them afraid to speak up. Please send a message of support to Kim Jieun and the other numerous victims". In addition to Seoul, these rallies were simultaneously held in six regions across the country, including Gwangju, Jeonju, Daegu, Gimhae and Pohang. Prior to the main

⁹⁸ 안희정성폭력사건 공동대책위. 2018. "2018. 04. 11. [성명] 안희정 성폭력사건 서부지방법검찰청의 기소 결정에 대한 입장" Facebook, September 18, 2018, https://www.facebook.com/permalink.php?story_fbid=713700932322099&id=709658872726305.

⁹⁹ 안희정성폭력사건 공동대책위. 2018. "2018. 04. 18. [보도자료] 안희정 성폭력사건 피해자에 대한 2차 피해 수사촉구를 위한 협조요청 및 관련 자료제공" Facebook, September 18, 2018, https://www.facebook.com/permalink.php?story_fbid=713721032320089&id=709658872726305.

event, the Citizens' Action with the Me Too Movement collected signatures of around one million people to reform gender equality and began recruiting 10,000 people to support the Me Too movement.¹⁰⁰ These nationwide rallies are a big sign of solidarity and demonstrated how many people from different backgrounds came together to fight for this cause.

The support group "People together with Kim Jieun" published a support letter for Kim, expressing their regret for the unfair treatment she has got since her testimony, with accusations of it being fabricated and conspired. Kim's confessions had the goal to prevent the same damage being done to other people and initiate a trial for the proper punishment of the accused. They also drew attention to the issue of unequal power relationship issues between the assailant and the victim, countering the arguments of skeptics who are blaming the victims of not refusing the act when it happened, but speak up about it only now. The reason for this, however, is that the victim is often helpless in these situations and does not have the power to refuse. This is not only Kim Jieun's case, but also the case of many others. The group declared that victims of sexual violence who bravely speak about their damage is a sign of the power of solidarity, and the group asked the people to send a message of support to Kim Jieun and the other countless victims, quoting Kim Jieun herself "Please, join solidarity forces. Please protect me".¹⁰¹

At the trial preparation date on June 15th, held at the Seoul Western District Court, Ahn's lawyer expressed that "it was an act of adultery and violation of business power, but it was not against the will of the victim and it was based on mutual affection." On the other side, professor Kim Tae-kyung, who was in charge of analyzing Kim's psychology, and two officials from the South Chungcheong Provincial Government, served as witnesses for Kim. In addition, the prosecution asked the court to keep the entire hearing private, stating that a public trial would clearly violate the privacy of the victims and cause secondary damage. The court said they would decide until the next deadline. Judge Cho explained that the intensive hearing will

¹⁰⁰ 김희선, "'우리가 세상을 바꾼다' 전국 곳곳서 '미투' 집회," 연합뉴스, April 21, 2018, <https://www.yna.co.kr/view/AKR20180421057400005>.

¹⁰¹ 김지은과 함께하는 사란들 (@withyoujieun). 2018. "집회 주최측에서 저희가 쓴 글을 대독해주셨는데, 집회에 참가하신 분들 뿐 아니라 길을 지나는 시민들도 고개를 끄덕이며 박수를 쳐주셨습니다. 감사합니다. 끝까지 용기 잃지 않겠습니다. #안희정 #성폭행범 #처벌." Twitter, April 22, 2018, <https://twitter.com/withyoujieun/status/987887953752948736>.

start in early July, and that the trials are planned to be proceeding seven times, with the first trial's ruling to be made no later than the end of July.¹⁰²

The first trial took place in early June, and Kim Jieun and Ahn-Hee-jung both attended the trial. According to the prosecution, Kim has been called "Kim Slave" since her appointment to secretary last year July and had to manage Ahn's every move 24 hours a day. She was responsibly for carrying the governor's mobile phone, wet wipes, sunscreen and cigarettes, as well as keeping his cell phone in a plastic bag when taking a shower or taking a bath. Furthermore, the vertical relationship between the two was pointed out by displaying that "the accused (former Governor Ahn) always sent short messages such as 'Where are you?', 'Cigarette,' and 'Go to sleep,' but the victim (Kim) answered very politely." The court evaluated the case as a "typical influence-peddling sex crime" (전형적인 권력형 성범죄), "using the defendant's powerful status, power, and political and social influence," and "abusing extremely asymmetrical status and influence."¹⁰³

Ahn's side, on the other hand, argued that there was no abuse of authority, and that the relationship was not of a power and sexual violence nature. Furthermore, he is pointing out that "the prosecution is exaggerating the position of the Secretary. Kim is neither disabled nor a child", claiming that the incidents that happened and have been mentioned in the indictment, were Kim's own choice. After the completion of all procedures and the evidence investigations, the court decided to cancel the prosecution's witness questioning previously scheduled for July 4 and proceeded with it on June 6th.¹⁰⁴

The Ahn Hee-jung Sexual Violence Countermeasure Committee held a press conference in front of the Seoul Western District Court on the same morning to urge the judiciary to make a just ruling. The slogan of the press conference was "When we recognize power, we can retain power! We urge you to make a just ruling on the Me Too Ahn Hee-jung

¹⁰² 연합뉴스, "안희정 첫 재판부터 공방..." 권력형 성범죄" vs "위력 없었다", 서울신문, June 15, 2018, <https://www.seoul.co.kr/news/newsView.php?id=20180615800079>.

¹⁰³ 배재성, "'목욕 할때도 비닐에 핸드폰 담아 소지' 김지은씨의 '수행비서 매뉴얼'", 중앙일보, July 4, 2018, <https://news.joins.com/article/22770808>.

¹⁰⁴ 박다해, "'학벌 좋은 여성'이라 위력 안 통했다? 안희정 변론 논란", 한겨레, July 3, 2018, http://www.hani.co.kr/arti/society/society_general/851694.html.

sexual assault case!" They emphasized that their task force will continue to engage in victim support activities and pay attention to the trial process, in order to resolve this case.¹⁰⁵

On July 9th, the Seoul Western District Court held the third hearing and reviewed the questioning of four witnesses from the prosecution, including witnesses from the victim's side, Koo (Kim's acquaintance) and Jeong (Kim's co-worker).¹⁰⁶ Kim did not attend the trial. Kim's acquaintance Koo appeared first in trial and testified that Ahn held a very strong position, and that it would have been very difficult as a soft-tempered victim to express the intention against Ahn's will. Koo is a colleague who worked with Kim at Ahn's primary camp and is known to have often consulted with the victim and could observe Kim's change of heart shortly after she was appointed as Ahn's executive secretary. Furthermore, Koo stated that "If there was a sexual relationship between the former Governor Ahn and the victim Kim, I think it would have never been a consensual relationship", adding that power would have played an important role. Later that day, the witnesses' confessions continued, however, only the testimony about Kim's colleague, identified solely by the surname Jeong, were said to be released and the remaining two witnesses will be held behind closed doors.¹⁰⁷

In addition, critics pointed out that the media showed a sexual connotation while reporting and emphasizing the victim's medical records and specifically describing the method of crime. The monitor report, released by the Citizens' Coalition for Democratic Media, a civic group, cited three problems during the last six days with Ahn Hee-jung's reporting of the trial — highlighting the victim's medical records, referring explicitly to the body parts, describing the method of crime, and delivering it without filtering excuses for the perpetrators. These issues cause secondary harm, as well as making the victim a 'target of sexual behavior', rather than a victim of crime. Furthermore it was mentioned that "Kookmin Ilbo and Chosun Ilbo do not mention the name of former Governor Ahn Hee-jung, who was named the perpetrator in the title of the report, but only mention the name of Kim Jieun."¹⁰⁸

¹⁰⁵ 안희정성폭력사건 공동대책위. 2018. "2018.07.02. [활동보고] [기자회견] 위력을 인지할 때, 위력은 제지된다! #미투 안희정 성폭력사건 정의로운 판결을 촉구한다!" Facebook, October 4, 2018, https://www.facebook.com/permalink.php?story_fbid=722665498092309&id=709658872726305.

¹⁰⁶ 홍수민, "안희정 3차 공판 출석...오늘 김지은 지인·동료 증인신문," 중앙일보, July 9, 2018, <https://news.joins.com/article/22784289>.

¹⁰⁷ 유병돈, "'안희정은 왕, 거역하기 힘들었을 것' 세 번째 재판서 김지은 동료의 증언," 아시아경제, July 9, 2018, <https://news.v.daum.net/v/20180709131027251?f=m&rcmd=rn>

¹⁰⁸ 김수정, "피해자 진료기록·범행 상세 묘사.. 도 넘은 안희정 공판 보도," 다움뉴스, July 9, 2018, <https://news.v.daum.net/v/20180709053303102>.

At the day of the fourth trial on July 11th, the successor secretary of Ahn Hee-jung, only identified by his surname "Eo", posted a number of criticizing comments of Kim and admitted to have posted 30 to 40 posts comments on articles related to former Governor Ahn. These comments are comprised of unilateral personal attacks on Kim and her personal life, which were also mentioned in complaints by the National Council of Sexual Violence Counseling on March 16th. Eo claimed that Kim appeared to be "in a good relationship" with former governor Ahn, wanting his attention and that she was generally popular among men.¹⁰⁹

On the same day, Ahn's side sued the witness Koo on Kim Jieun's side, the former volunteer at Ahn's primary camp, who gave her testimony two days earlier, on charges of perjury. Koo, who worked with Kim at Ahn's presidential primary camp, told the court that he heard Ahn asking a media executive to stop covering and reporting and that he would let his wife Min Joo-won, 54, interview her to prevent it. However, Ahn's side refuted the claim, calling it a clear perjury.¹¹⁰

The Ahn Hee-jung Sexual Violence Countermeasure Committee replied to these charges with a statement. The Committee expressed that the charges Koo was charged upon "malicious perjury" (모해위증) - a crime that has a conspiracy purpose, and the defendant has concluded that the purpose of the witness was indeed conspiracy. Therefore, the defendant's side ignored the oath the witness took in the court. This step has been criticized to be an exemplary punishment for giving testimony against the defendant. In addition, the Committee stated that "reverse accusations are typical counterattacks by perpetrators accused of sexual violence to deny their charges and crimes. A colleague who helped the victim, someone who handled the complaint, and even a sexual violence counselor who supported the victim are charged with a variety of charges."¹¹¹

Support for the victim continued to be strong, when the victim support group "People together with Kim Jieun" published a joint statement one day later to express their solidarity

¹⁰⁹ 광상아, "'김지은 비난 댓글 30~40개 달았다'는 안희정 측 증인이 법정에서 한 진술," 허핑턴포스트코리아, July 11, 2018, https://www.huffingtonpost.kr/entry/story_kr_5b456696e4b07aea75453a31.

¹¹⁰ 한동희, "'김지은 측 '안측 모해위증 고소, 전형적인 가해자 역공격'," 조선일보, July 11, 2018, https://www.chosun.com/site/data/html_dir/2018/07/11/2018071103925.html.

¹¹¹ 안희정성폭력사건 공동대책위. 2018. 07. 11 [성명] [피해자측 증인 모해위증 고소에 대한 입장발표] " Facebook, October 4, 2018, https://www.facebook.com/permalink.php?story_fbid=722676441424548&id=709658872726305.

with the victim. Despite the efforts being done by the movement, sexual violence still prevails, they claimed, with most of the perpetrators not being punished properly, and a Me Too movement related bill still pending in the National Assembly. The support group expressed that they will continue paying attention to Ahn Hee-jung's sexual assault case and unite to prevent recurrence, and to resolutely resist any form of sexual violence, including sexual violence by force. In order to gather writers, the group published a Google Docs form, with the goal of gathering people who have been working together in different ways in their respective positions to join forces against sexual violence and support Kim.¹¹² The Ahn Hee-jung Sexual Violence Countermeasure Committee as well published a statement that disclosed a list of Ahn Hee-jung's reports on sexual violence. In addition, they countered the accusations of various newspaper reporters that blamed the victim for booking the hotels during the time of the crimes. The Committee highlighted that the chief secretary has the responsibility of booking accommodations, that these are accompanied by the driver, and that it gives no one the right to judge the incident that occurred during the job-related booking as an "agreed, voluntary sexual relation".¹¹³ The Committee issued a second statement that day with the title "Which victim of sexual violence would choose to go this way?", depicting the difficulties of victims of sexual violence to speak out, when they are under the force of power at the workplace.¹¹⁴

On July 13th, the fifth trial was held at the Seoul Western District Court, with a witness testifying in favor of Ahn. The witness, Mister Seong, who was close enough to be called "brother" by the victim Kim Jieun, appeared in court to testify the meaning of the online messenger conversations he exchanged with Kim. Seong was a worker for Ahn's youth team during the presidential campaign, and appeared as a witness for the defendant's side. Testifying about the meanings of the messages, Seong declared that there might have been a fan sentiment or an idol-like respect from Kim's side regarding former Governor Ahn.

¹¹² 김지은과 함께하는 사람들 (@stop_dirtyy). 2018. "[많은 서명 참여바랍니다] 그간 문단 내 성폭력 문제의 심각성을 지속적으로 제기하던 여러 작가들과 문학도분들이 #김지은과_함께하는_사람들 (@withyoujieun)과 연대하며 성명을 발표했습니다. 많은 서명 참여와 알티 부탁드립니다!!" Twitter, July 12, 2018, https://twitter.com/stop_dirtyy/status/1017327150297329664.

¹¹³ 안희정성폭력사건 공동대책위. 2018. "2018. 07. 12 [성명서] [안희정 성폭력사건 도넘은 보도리스트 공개]" Facebook, October 4, 2018, https://www.facebook.com/permalink.php?story_fbid=722743064751219&id=709658872726305.

¹¹⁴ 안희정성폭력사건 공동대책위. 2018. "2018. 07. 12. [성명] [어떤 성폭력피해자가 이 길을 가겠는가?]" Facebook, October 4, 2018, https://www.facebook.com/permalink.php?story_fbid=722743064751219&id=709658872726305.

Meanwhile, the lawyer on the victim side complained in front of the newspapers that even though the witness' prosecution has been interrogated in private, secondary damage is still severe due to the public exposure of the defendant's testimony.¹¹⁵ The Ahn Hee-jung Sexual Violence Countermeasure Committee published yet another statement denouncing the "worst ever examination of witnesses and media reports of sexual assault defendants", highlighting the secondary damage that occurred due to the mainly public testimonies of the witnesses of the defendant's side, that labeled Kim as a liar and a person who likes Ahn Hee-jung. The Committee urged to stop slandering the victim, properly judge the job the victim has performed, acknowledge Ahn Hee-jung's exercise of power, the assault committed under power and the need to punish him for adultery.¹¹⁶ A few days later it was also announced that 181 writers participated in the joint statement previously published by the victim support group "People together with Kim Jieun" two days before. The writers are comprised of novelists, poets, and report writers and said they would join forces with Kim Jieun to express that they will no longer tolerate sexual violence by force.¹¹⁷

In mid-July, the lawyers of Ahn intensively asked about the so-called "Sanghwawon Resort Incident," in which Kim supposedly broke into the couple's bedroom at dawn. On August 18th and 19th of 2018, Ahn Hee-jung and his wife were invited to a resort in Boryeong, South Chungcheong Province, for a two-day stay. The wife, Min Juweon, testified against Kim Jieun and expressed that she thinks that Kim Jieun liked the governor and therefore entered the room.¹¹⁸

For the sixth and penultimate trial on July 16th, chief Judge Cho Byung-koo decided to call in experts of psychological analysis for both sides. The testimony of the experts serves as indirect evidence and was expected to have a significant impact on the judgment of the court. In

¹¹⁵ 김지현, "'김지은, 안희정을 아이돌 바라보듯...팬심·존경심 있어'," 연합뉴스, July 13, 2018, <https://www.yna.co.kr/view/AKR20180713079900004>.

¹¹⁶ 안희정성폭력사건 공동대책위. 2018. "2018. 07. 13. [성명][역대 최악의 성폭력 피고측 증인심문과 언론보도를 규탄한다]" Facebook, October 4, 2018, https://www.facebook.com/permalink.php?story_fbid=722755764749949&id=709658872726305.

¹¹⁷ 김상훈, "작가 100인, '안희정 전 지사 성폭력 사건 피해자와 연대하겠다'... 공동 성명 발표," 뉴스페이퍼, July 15, 2018, <http://www.news-paper.co.kr/news/articleView.html?idxno=30378>.

¹¹⁸ 김은지, "'민주원 씨 '김지은, 새벽 4시 부부침실 들어와'," 동아일보, July 14, 2018, <https://www.donga.com/news/Society/article/all/20180714/91049283/1>.

addition, Ahn's former Secretary Kim and CUG system expert Ko also attended the trial as witnesses applied by the prosecution and former Governor Ahn. Both are known to have helped the victim after her appointment from secretary to chief secretary during the previous year. The trial was not made open to the public.¹¹⁹

At the end of July, various organizations anew showed their strong support for Kim. The Sexual Violence Relief Center issued a petition named "Let's file a petition together - Punishment of sexual violence under power". The petition had the goal to ensure a proper ruling for Ahn Hee-jung's sexual assault case, collecting signatures until July 30th to be then submitted to the 11th Criminal Division of the Seoul Western District Court.¹²⁰ Moreover, the Korean Sexual Violence Counseling Center, the Korea Women's Associated United, the Korean Women's Telephone and the Citizens' Coalition for Democratic Press organized an emergency debate/open forum on July 26th, focusing on the issue of sexual violence by power and secondary damage in the Ahn case. The event was hosted by the Citizens' Action with the Me Too Movement, and included presentations of various professors, representatives, secretary-general and researchers. The presenters talked, among other things, about the progress of Ahn's sexual violence case, secondary damage and the interpretation of "power" in work-related power adultery. The debate ended with a comprehensive discussion.¹²¹ In addition, the Citizens' Action with the Me Too Movement published a post with card news, having the goal of showing the power of solidarity, declaring that the Me Too movement is not over yet, and urge the people to become supporters of the movement to guarantee a proper punishment for sexual violence perpetrators.¹²²

On July 27th, the seventh and final trial before the first ruling took place and both Kim Jieun and Ahn Hee-jung expressed their final statement on the trial. Kim read a statement for

¹¹⁹ 조한대, "안희정·김지은 극과 극 평판...심리분석가 법정 선다," 중앙일보, July 16, 2018, <https://news.joins.com/article/22804376>.

¹²⁰ "[위력에 의한 성폭력] 제대로 된 판결을 촉구하는탄원서를 모집합니다!," 한국여성민우회, July 18, 2018, accessed on November 12, 2020, <http://www.womenlink.or.kr/notices/20381?page=8>.

¹²¹ 안희정성폭력사건 공동대책위. 2018. 07. 26. [순서] [긴급토론회] 위력에 의한 성폭력과 2차 피해-안희정 전 지사에 의한 성폭력 사건을 중심으로" Facebook, October 4, 2018, https://www.facebook.com/permalink.php?story_fbid=722771021415090&id=709658872726305.

¹²² 미투시민행동 상황실, "[카드뉴스] 뜨거운 연대의 힘을 보여주세요.," 미투 운동과 함께하는 시민행동, July 26, 2018, <https://metooaction2018.tistory.com/144>.

about 40 minutes that she had prepared in advance, stressing that she and the governor were not "lovers" and that she was a victim of sexual assault by force. Kim expressed:

"In politics, where reputation inquiry is important, you may not be able to work for the rest of your life due to the words of the governor, or on the contrary, you may work with recommendations," adding, "Many people ask me why I was assaulted four times and if I could not have avoided it, but if it were another secretary, she would have suffered the same damage. Ahn repeatedly said, after committing the crime 'I'm sorry for doing something so shameful to my employee. I will never do it again.' [...] I've never thought of the defendant more than a boss".

The victim also testified about the pain she suffered throughout the trial, with no proper protection during the interrogation, and the private, heartfelt and unnecessary questions from the lawyer's side. She as well mentioned that she was thinking about attempting suicide, however, the hope of the Me Too movement saved her. Kim added that she was not the only victim harmed by Ahn, but only one of the first-line victims. At the end, Kim requested a fair ruling from the judiciary and declared.: "If we fail to punish properly due to the limitations of society, monsters like the defendant will come out one after another".¹²³ A few days later, the victim support group "People together with Kim Jieun" linked this post to emphasize the arguments.¹²⁴ On July 30th, the website "misfits", a media and news organizations that tells the stories of the generations in their 20s, published an article about a visitor of the latest trial of Ahn's sexual violence case. The article is titled "We are going to win, we have to win, we have no choice but to win". The court allowed 40 people in according to a first-come-first-serve basis and the author of the article described the process of the trial. At the beginning of the trial, the visitor observed, that, after the victim made her final statement with a trembling voice, the audience could feel the pain and gasping was heard from the attendees. During the prosecution's final statement, it emphasized the extremely asymmetrical relationship between the victim and

¹²³ 황금비, "[전문] 김지은 "안희정 처벌 없다면 괴물 계속 나올 것"," 한겨레, July 27, 2018, http://www.hani.co.kr/arti/society/society_general/855173.html.

¹²⁴ 안희정 성폭력 사건 아카이브 (@2018_AN_archive). 2018. "#안희정 #성폭력사건 결심공판 후기 공유합니다. "검찰도 피해자의 말을 무턱대고 믿진 않는다. 하지만 증거를 모을수록 피해자를 의심하지 않게 됐다. 여성이 피해자인 성폭력 범죄에서, 왜 말하지 않으면 동의했다고 이해해야 하는가? 왜 특정한 피해자상을 요구하는가?" Twitter, July 31, 2018, https://twitter.com/2018_AN_archive/status/1024201110507020289.

the defendant and the interpretation of "power" in this case. It has been said that until now, the crime of "Sexual Intercourse by Abuse of Occupational Authority" is rarely penalized properly - even though there is a sentence of imprisonment of up to five years or fines of up to 15 million Won, most cases were punished with a fine. The prosecution also highlighted that indubitably, they can not blindly believe the victim's words. However, the gathered evidence can guarantee to not suspect the victims anymore and presented that the case meets all criminal requirements. The defense's lawyer, on the contrary, pleaded not guilty, citing the credibility of the victim's statement and lack of evidence. He also pointed out the victim's non-like "victim appearance". The visitor of the trial observed sighs bursting from the audience when the defense's lawyer expressed an unconvincing statement, and that the court administrator had to calm down the noisy audience. Ahn made his final statement and apologized to his supporters. Except for the lawyers on his side, there was supposedly no support from the audience. He did not apologize to the victim. In the end, he said "How do you take someone else's human rights by status? I will accept social and moral responsibility, but I hope the judgment of the law will be sincere."¹²⁵

August 14th marked the day of the first ruling, in which the Seoul Western District Court acquitted former South Chungcheong Governor Ahn Hee-jung of all sexual violence charges against his Secretary Kim. The content of the judgement looks as follows:

Judgment on the points of adultery and molestation by force:

- 1) While the victim was serving as the defendant's chief secretary and secretary for political affairs, the defendant had sufficient power to suppress the victim's free will due to the vertical power relation.
- 2) It could not be discovered at all that the defendant gave psychological burden to the victim on the grounds of unfair treatment, employment, promotion, and salary. Given the fact that it is difficult to say that the defendant abused his position by treating the victims and other officials of the provincial government in a coercive and

¹²⁵ 성두, "우리는 이길 것이다, 이겨야 한다, 이길 수밖에 없다 -안희정 권력형 성폭력 사건 재판 결심 공판 방청을 다녀와서-," *misfits*, July 30, 2018, <http://misfits.kr/17731>.

authoritative manner, the defendant's political and social status or influence alone cannot be said to have reached a situation where he is able to overpower the victim's free will.

3) Even if the distinct characteristics of the sexual violence victim are actively considered, there are many situations where it is hard to believe the victim's statement, which serves as the only direct evidence.

4) This is a case where there is no evidence that the defendant has permanently and generally overpowered the victim's free will by using political or social authority, although the defendant's expression of "hug me", with the purpose of having sexual intercourse with the victim, and him hugging the victim, in the case of individual components, might be powerful enough for the defendant to overpower the victim's free will. However, it cannot be said that there is a relation between the exercise of power and sexual intercourse or physical contact, or furthermore, there is no reasonable evidence of a crime that violates the victim's right to sexual self-determination.

5) This case shows not enough evidence to say that the defendant committed adultery and molestation after exercising his power to subdue the victim's free will. As the victim stated, the defendant has never explicitly demanded sexual intercourse. Generally speaking, this case did not reach the degree of rejection or resistance. Even if the situation was contrary to the victim's true innermost feelings, such circumstances alone, under the current punishment system of our sexual crimes, cannot be seen as a sexual assault crime in which the defendant's actions are subject to punishment.¹²⁶

¹²⁶ 윤태호, "서울서부지방법원 2018고합75 안희정 전 충남도지사 강제추행 등 사건," 법률신문, August 28, 2018, <https://m.lawtimes.co.kr/Content/Case-Curation?serial=146014>.

The Ahn Hee-jung Sexual Violence Countermeasure Committee held a press conference on the day of the sentence of the first trial. The Committee again gathered various directors, lawyers and activists from Sexual Violence Counseling Centers to talk about secondary damage tasks, legal principles, possibilities and limitations of the major judgements of sentencing and the meaning of sexual violence in power relations.¹²⁷ The Committee published a statement later that day, under the title of "Is there a license to allow countless 'power-violence'? We condemn the acquittal of the first trial!". The statement anew displayed the victim's position in the sexual violence case abused under social, economic and political power at the workplace. It highly criticized the human rights violation that occurred despite the Me Too declaration, and the court's failure to properly judge the situation and the influence of the defendant's power status that put the victim in this difficult position. In addition, this ruling can be seen as a huge setback for victims, silencing female workers who assist political, economic and social powers despite suffering sexual violence. The Committee called the prosecution out and demanded an immediate appeal against the judgement, as well as proclaiming their own continuing support for the victim, and that they will not tolerate human rights violations such as spreading false information about victims and abusive language. They announced various activities to come, including filing complaints, to continuously unite people and create a society in which victims can come out without being blamed and risking their lives.¹²⁸ The Korea Women's Associated United issued a statement with the title "Justice is dead - we condemn the first trial of Ahn Hee-jung's sexual assault case." The Association highly criticized the court's ruling by saying it ignored the voices of countless women who call out to reform the sexist power structure, and the misjudgment of the right of sexual self-determination in the case of rape.¹²⁹ The victim support group "People together with Kim Jieun" as well declared their lasting support for the victim until the end.¹³⁰ The Citizens' Action with the Me Too Movement called out the citizens

¹²⁷ 안희정성폭력사건 공동대책위. 2018. "2018. 08. 14. [기자회견] [순서] 안희정 성폭력사건 공동대책위원회 _ 1심 선고에 대한 기자회견" Facebook, October 10, 2018, https://www.facebook.com/permalink.php?story_fbid=726183384407187&id=709658872726305.

¹²⁸ 안희정성폭력사건 공동대책위. 2018. "2018. 08. 14. [기자회견] [성명] [무수한 '위력 성폭력'에 대한 허용 면허인가? 1심 무죄판결을 규탄한다!]" Facebook, October 10, 2018, https://www.facebook.com/permalink.php?story_fbid=726184371073755&id=709658872726305.

¹²⁹ 여성연합, "[성명] 사법정의를 죽였다 - 안희정 성폭력 사건 1심 선고를 규탄하며," 한국여성단체연합, August 14, 2018, <http://women21.or.kr/statement/11588>.

¹³⁰ 김지은과 함께하는 사람들 (@withyoujieun). 2018. "저희 김지은과 함께하는 사람들은 변함없이 피해자 옆에 함께 있겠습니다. 피해자가 끝까지 지치지 않도록 곳곳하게 굳건한 버팀목이 되겠습니다. #withyoujieun #가해자는_감옥으로_피해자는_일상으로." Twitter, August 14, 2018, <https://twitter.com/withyoujieun/status/1029240666340044801>.

after the announcement of the trial to participate in an emergency rally in front of the Seoul Western District Court.¹³¹

In the evening of the 14th of August, the Committee held an emergency rally in front of the Seoul Western District Court to denounce the court's decision of Ahn's acquittal. The Committee gathered citizens to protest against the "arrogant tribunal". Hundreds of people gathered and shouted "If Ahn is innocent, the judiciary is guilty." During the rally, various questions have been raised that highly criticized the trial's verdict. Firstly, it has been pointed out that Ahn Hee-jung did not submit evidence, and the court did not weigh this factor in. Ahn was suspected to have destroyed evidence by discarding his cell phone, but it was not considered as evidence destruction in the end. In addition, the court never actively asked about Ahn Hee-jung's change of statement. On March 6th, right after Kim Jieun's sexual violence disclosure, Ahn said on his Facebook page, "The assumption, that the relationship with the secretary was consensual, was wrong. This is all my fault." In fact, he had already admitted to the act of sexual violence. However, he changed his testimony when he appeared before the prosecution, saying, "I thought it was a consensual relationship". Bae Bok-joo, a standing representative of the National Council for Sexual Violence Counseling, pointed out, "The court did not ask any questions (about the reversal of this statement) to former Governor Ahn's statement". In fact, looking at the ruling, the court only said, "The victim's statement is questionable", but did not examine why Ahn changed his statement or why he did not submit his mobile phone. Secondly, the issue of "victimism" was condemned. Most of the court's rulings pointed out Kim's behavior as the chief secretary after the incidents. Kim has been put in a "victim stereotype" and it has been evaluated that she did not "act like a victim". Critics said that the court lacked the sensitivity of looking at the case from the perspective of the victims and emphasized the difficulties of women denying their bosses' orders due to the fear of losing their jobs and reputation. Thirdly, the scope of 'power' was limited to 'violence and intimidation'. Kwon Kim Hyun-young, a feminist activist, said, "Since 'power' (as defined by the current law) refers to enough power to subdue the victim's free will and does not ask whether it is tangible or intangible, it is possible to use social, economic and political status or authority as well as assault and intimidation". Jang Im Da-hye, an associate researcher, also

¹³¹ #미투 운동과 함께하는 시민행동 (@metooaction2018). 2018. "안희정 성폭력 사건 무죄 판결에 분노한 많은 시민들이 서부지법 앞으로 모이고 있습니다. 많은 연대의 힘을 보내주세요!" Twitter, August 18, 2018, <https://twitter.com/metooaction2018/status/1029307902769524737>.

pointed out, "The court judged that Kim did not become a victim of power abuse since there was no act of resistance," and therefore it can not be considered rape. "Even if there was no real act of resistance, it should be determined whether the victim's resistance itself was suppressed, or whether it was difficult to express free will", said Jang Im-hye, an associate researcher at the institute. "The concept of power includes assault and intimidation, but it is not limited to assault and intimidation. It is true that the court should judge the situation of the act, but the existence of power at the time cannot be proven only by actual acts of resistance". Moreover, the court did not consider the "Executive Secretary Manual" that Ahn turned over to Kim to follow. This manual included orders such as "You have to carry a mobile phone 24 hours a day" and "Even when taking a bath, you have to put your mobile phone in a plastic bag and take it with you". The court never recognized that Kim was in a power relationship where she has been routinely deprived of her free will. Fourthly, the court dismissed the concept of the "right to sexual self-determination". The court drew upon Ahn's logic claiming that Kim is an adult woman, not a child or a disabled person, and therefore estimated that the victim did not appear as a person who is unable to exercise her right to sexual self-determination. Feminist activists pointed out that this view distorts adult women's right to sexual self-determination. The Seoul Western District Court said that they will cross-examine the verdict of the first trial and their claims.¹³²

Evaluating the social mobilization force that stood strong for the victim starting from the time of the accusation until the first ruling, we can observe that Kim's side showed continuous support all throughout the trials. The various support groups, organizations, and committees published numerous statements, organized press conferences, rallies, debates, filed bills and petitions to demonstrate the existing unequal power relations and the committed abuse in this case, calling out for a just ruling and the protection of the victim(s).

The opposite side, Ahn's support circle, seems to be limited to his lawyers, and former colleges or employees, who acknowledge the unequal power relationship, however, strongly deny the non-consensual nature of the incident.

Even though the support for Kim has been huge since the beginning of the prosecution, backed up with enormous efforts and clear evidence, the court decided to acquit the

¹³² 박다혜, "[뉴스AS] 안희정 '1심 판결문'의 결정적 의문점 4가지," 한겨레, August 15, 2018, <http://www.hani.co.kr/arti/society/women/857716.html>.

defendant on all charges. It can be estimated that the court acted in favor of former Governor Ahn, also given the fact that the court belongs to the power elite circle as well.

6.2 Social Mobilization After the First Ruling

Social mobilization in favor of the victim continued to be strong after the first ruling, which acquitted the defendant. On August 17th, lawyer Park Hoon criticized the acquittal of Ahn's first trial, posting on his SNS that "the first trial's ruling is a ruling that does not have logical internal consistency itself". The lawyer pointed out that the court misapplied the concept of power, and that even though Ahn admitted to almost all of the charges, he has been acquitted because he insisted on the claim that it was consensual. Furthermore, the motive of sexual intercourse has been brought up. Park expressed "Let's assume there has been sexual intercourse without love. But why did he do that? For money, for loyalty, for seat keeping? They were in a business relationship of command and supervision. This is the key point". Park added that he foresees a guilty sentence in the next appeal, with an imprisonment of around five years.¹³³

A day later, another rally took place under the name "There is no state for women", organized by the "Citizens' Action with Me Too Movement", which was formed by more than 350 women-, labor- and civil society organizations. The participants gathered in front of the Seoul Museum of History in Jongno-gu, Seoul, on the afternoon of the 18th, and protested against the acquittal of Ahn.¹³⁴ In addition, the Ahn Hee-jung Sexual Violence Countermeasure Committee participated as well, and Kim Hye-jung, Assistant Director of the Korea Sexual Violence Counseling Center, stated that in reality, 95% of sexual offenders are male and have an upper hand in power relationships. This is exactly the case with Ahn's sexual violence incident, and the trial failed to properly judge that. The Assistant Director calls out for more people to join fundraising and petitions, and expressed that the citizens will fight to win the second and third trials for a fair and right society that stands against power. Jeong Hye-sun, co-lawyer of Ahn Hee-jung's Joint Countermeasure Committee, read out Kim's statement letter. She again

¹³³ 배재성, "박훈 "안희정, 운 좋았을 뿐..항소심서 징역 5년 확신"," 중앙일보, August 18, 2018, <https://news.v.daum.net/v/20180818143839463?f=m>.

¹³⁴ 김지현, "'여성에게 국가는 없다'... '안희정 무죄' 규탄 시민집회," 연합뉴스, August 18, 2018, <https://www.yna.co.kr/view/AKR20180818039200004>.

made her argument, said that she will stay strong until the end, and asked the citizens: "Everyone, please help me".¹³⁵

On August 20th, the court has agreed to not disclose the ruling of Ahn's acquitted. The Criminal Affairs Department of the Seoul Western District Court (Judge Cho Byung-koo) announced their decision to restrict the provision of the ruling on this case. A court official expressed that this decision has been reached due to over 60 applications for the provision of the ruling,¹³⁶ which showed the strong resistance of the society to accept the court's decision of the first ruling. At the end of the month, the Ahn Hee-jung Sexual Violence Countermeasure Committee published a hashtag campaign to gather many people to write about their anger and the problematic nature of the first trial of Ahn's sexual assault case. The Committee planned to submit many opinions and petitions to the second trial and asked the people to use the hashtags #NormalKimJieun #Article303 #AcknowledgmentofPower (#보통의김지은 #형법303조 #위력인정). The writings should be about the Article 303, Clause 1 of the Criminal Code, Article 10 Clause 1 of the Special Act on Sexual Violence, the application of the law, discussions of sexual self-determination, the problems of the trial's first ruling, and the character and kind of power abuse.¹³⁷ The Committee as well issued a statement urging the prosecution of Ahn's successor secretary, whom the Committee doubt as a suitable witness by highly criticizing the slanderous comments he has wrote about Kim a month ago.¹³⁸ The investigation of those comments postings started two days later, and it was reported that the successor secretary, as well as another aide of Ahn, used anonymous IDs and indeed posted critical or insulting comments on the portal site article or SNS through social networking accounts. They are also

¹³⁵ 안희정성폭력사건 공동대책위. 2018. "2018. 08. 18. [끝장집회] [발언] 여성에게 국가는 없다_김혜정(안희정성폭력사건공동대책위 한국성폭력상담소 부소장)" Facebook, October 10, 2018, https://www.facebook.com/permalink.php?story_fbid=726191684406357&id=709658872726305.

¹³⁶ 전현진, "[속보]법원, '안희정 무죄' 판결문 공개 제한 결정," 경향신문, August 21, 2018, http://news.khan.co.kr/kh_news/khan_art_view.html?art_id=201808211817001.

¹³⁷ 안희정성폭력사건 공동대책위. 2018. "2018. 08. 23. [당신의 글에 해쉬태그를!] #보통의김지은 #형법303조 #위력인정" Facebook, October 10, 2018, https://www.facebook.com/permalink.php?story_fbid=726202951071897&id=709658872726305.

¹³⁸ 안희정성폭력사건 공동대책위. 2018. "2018. 08. 23. [성명] [안희정 보좌진의 비방 욕설 댓글, 수사 기소를 촉구한다.]" Facebook, October 10, 2018, https://www.facebook.com/permalink.php?story_fbid=726203471071845&id=709658872726305.

known to have posted messages about Kim's personal life and made obscene comments,¹³⁹ which the Committee highly criticized due to the privacy violation of the victim.¹⁴⁰

At the end of August, the Committee held another rally, in front of the Seoul History Museum, with Kim Hye-jung (Assistant Director of the Korea Sexual Violence Counseling Center and member of the Ahn Hee-jung Joint Countermeasure Committee) as the speaker. She explained that the victim and the Committee have not publicly revealed much of the details of the incident, since they do not view it necessary to publish every single detail because of what an ordinary female worker suffers. In addition, it was also time to entrust the judiciary with their decision. Nevertheless, the first trial ended with much regret for the accuser's side, so that the people standing with the victim were forced to continuously participate to fight for justice. The reasoning of the court, such as "Why did you let it happen four times, and what did you do until the ten assaults?", and the claim that Kim did act "normal" after the incident, and did not show a "victim-like" behavior, is being condemned. Why was the the question not asked the other way around? Was the victim really able to easily break away from the instructions her boss gave her? The answer is no. Kim Hye-jung evaluated Ahn's sexual violence case as a typical case of women workers under the force of power, and advocated that gender equality needs to be achieved as the theme of the Me Too movement. In the end, they repeated their never-ending support for the victim.¹⁴¹ In mid-September, the Committee invited for a closed-door meeting of Korean jurists under the theme of "The Real Power X Law (현실의 위력 X 형법) Article 303 of the Criminal Code, Brave and Wisdom". The meeting consisted of various lawyers, jurists, prosecutors and judges, and talked about the investigation of Ahn Hee-jung's case, progress of the first trial's ruling, and the issuance of further reports.¹⁴²

On September 20th, Kim Jieun's contributing article "I want to be the worker Kim Jieun" was published through the Korean Confederation of Trade Unions' newspaper, Labor and

¹³⁹ 뉴시스, "'김지은 비난' 악플 단 안희정 측근 2명 입건," 뉴시스, August 22, 2018, https://newsis.com/view/?id=NISX20180822_0000396840&cid=10201.

¹⁴⁰ 안희정성폭력사건 공동대책위. 2018. "2018. 08. 23. [성명] [안희정 보좌진의 비방 욕설 댓글, 수사 기소를 촉구 한다.]" Facebook, October 10, 2018, https://www.facebook.com/permalink.php?story_fbid=726203471071845&id=709658872726305.

¹⁴¹ 안희정성폭력사건 공동대책위. 2018. "2018. 08. 25. [집회][발언]헌법앞성평등_그들만의 헌법 집회_김혜정 (안희정성폭력사건공동대책위 한국성폭력상담소 부소장)" Facebook, October 11, 2018, https://www.facebook.com/permalink.php?story_fbid=726506724374853&id=709658872726305.

¹⁴² 안희정성폭력사건 공동대책위. 2018. "2018. 09. 07. [대한민국 법률가 초대 비공개간담회] 현실의 위력 X 형법 303조_용기와 지혜 엮기" Facebook, October 11, 2018, https://www.facebook.com/permalink.php?story_fbid=726508811041311&id=709658872726305.

the World. In this article, Kim explained in detail how she joined Ahn's election camp, while working as a contract worker at a government ministry, and eventually being appointed to the position of Chief Secretary. Kim expressed her damage due to the sexual violence incidents and her ability to do something in fear of losing her job and reputation. Elaborating on the governor's misuse of power, she says: "The daily abuse through power felt by countless workers is not always a visible type of assault and intimidation". Kim expressed her wish to work in a normal work environment and return to be a worker, even if that is not possible.¹⁴³ Meanwhile, the prosecution submitted the statement of reason for appeal to the court¹⁴⁴.

At the end of October, the police decided to hand over about 20 people to the prosecution with the opinion of indictment, who posted malicious comments about Kim.¹⁴⁵ (The close aid 'A' was fined with 2 million Won in October this year, on the charges of defamation and insults under the Information and Communication Network Act.¹⁴⁶)

At the end of November, support for the victim still stood strong. The Ahn Hee-jung Sexual Violence Countermeasure Committee held another press conference as a reaction on the second trial of Ahn's sexual violence case. The press conference was titled "There is no power that solely exists", and it was held in the Justice Office at the Seocho Attorney's Office. The press conference consisted of six speeches. The first one was about the problems of the first trial of Ahn Hee-jung's case and expectations from the appeals court, held by Jeong Hye-sun, a lawyer of the victims' side. The second speech dealt with men in politics and women in governance, and the expanded political power and sexual power, presented by Lee Jin-ok, a representative of the Gender Political Research Institute, and the third one, "Kim Jieun, a non-regular worker, had the right to survive", was explained by the Joint Representative of the Korean Women's Workers' Association's Bae Jin-Kyung. Lee So-hee, Secretary of the Korean Women's Association Sexual Violence Counseling Center, continued with the fifth speech, "How does victimhood intercept victim testimony?", followed by the last one named "The

¹⁴³ 선명수, "'현재는 안희정 성폭력 피해 생존자...'노동자 김지은'이고 싶습니다", 경향신문, September 21, 2018, http://news.khan.co.kr/kh_news/khan_art_view.html?art_id=201809211533001.

¹⁴⁴ 노동과세계, "[기고] '노동자 김지은'이고 싶습니다.", 노동과세계, September 20, 2018, http://m.worknworld.kctu.org/news/articleView.html?idxno=248264&utm_source=dlvr.it&utm_medium=twitter.

¹⁴⁵ 이재희, "'김지은 악성댓글' 안희정 측근 등 무더기 검찰 송치", KBS뉴스, October 27, 2018, <https://news.kbs.co.kr/news/view.do?ncd=4060878>.

¹⁴⁶ 윤성민, "김지은씨에 악성 댓글 단 안희정 측근, 벌금 200만 원 선고", 경인매일, October 7, 2020, <http://www.kmaeil.com/news/articleView.html?idxno=244144>.

media should stop secondary damage through sexual violence reports immediately", presented by the Secretary of the General of the Citizens' Coalition for Democratic Press, Kim Eun-kyung. At the end, the Committee again emphasized that they are joined by supporting groups and citizens, and if the court found Ahn not guilty due to the legal damages, the misunderstanding of facts, and the lack of sensitivity to gender awareness, the appellate court will have to correct it and expect a just ruling.¹⁴⁷ Furthermore, the group "MINBYUN - Lawyers for a Democratic Society" submitted a written statement of opinion. The Committee expressed that they have made great efforts to support sexual violence victims, conduct research on the improvement of the system, as well as foster education on the prevention of sexual violence and sexual harassment. With this statement, the lawyers presented their opinions to the appellate court on the problems of the first ruling. The first argument pointed out the mistake that has been made while determining whether or not this was a case of exercising power in adultery or molestation, with the assertion that the first ruling should have more carefully investigated the social, economic and political power that was involved. Secondly, the judgement between the relation of power and adultery and molestation was evaluated as unfair, and the right of sexual self-determination not recognized correctly. Thirdly, the original verdict did not take into account the contradictory statements of the defendant. ("The assumption, that the relationship with the secretary was consensual, was wrong. This is all my fault.") This statement was enough of a testimony from the defendant, however, he changed it afterwards, and this was not pursued by the prosecution. Fourthly, the lawyers urged the court to examine not only the credibility of the victim's statement, as it has been done, but also the defendant's statement. Last but not least, the original judgement of this case regarding individual charges was being criticized. The goal of the statement was to induce a more thorough hearing to be conducted and for gender sensitivity to be taken more into consideration.¹⁴⁸ The Ahn Hee-jung Sexual Violence Countermeasure Committee published a post with card news declaring their support for Kim and demanding a guilty verdict for Ahn,¹⁴⁹ as well as holding another press conference, in front of the Seoul High

¹⁴⁷ 안희정성폭력사건 공동대책위. 2018. "2018. 11. 21 [기자회견] [안희정 전 충남도지사에 의한 직장 성폭력 사건 2심 대응 기자회견]" Facebook, November 21, 2018, https://www.facebook.com/permalink.php?story_fbid=749829195375939&id=709658872726305

¹⁴⁸ 민주사회를 위한 변호사모임 여성인권위원회, "[보도자료] 안희정 전 지사 형사 항소심 의견서 제출," 민주사회를 위한 변호사모임 여성인권위원회, November 23, 2018.

¹⁴⁹ 안희정성폭력사건 공동대책위. 2018. "[카드뉴스] <보통의 비정규직, 보통의 김지은 우리는 안다! 안희정은 유죄다!>" Facebook, November 27, 2018, "https://www.facebook.com/permalink.php?story_fbid=754782944880564&id=709658872726305."

Court. The title was "Is it only the matter of one Kim Jieun?" - pointing out to all the other female workers that suffer under power abuse. The Committee has collected the words of many people days before and published them in the form of card news, and read them out aloud to let their voices be heard. In addition, the conference comprised of a solidarity speech and the press conference reading.^{150 151}

In December, during the first round of the second trial took, Ahn repeated that the judgement of the first trial, which found him not guilty, was reasonable, anew claiming that the relationship was consensual. "Although there may have been a vertical power relationship between the governor and the secretary, but there was no adultery and molestation", Ahn's lawyer said. Ahn declined to answer reporters' questions, saying, "I'm sorry", and declined to comment in court as well.¹⁵² Kim's witness interrogation was held behind closed doors at the request of the prosecution to prevent secondary damage.¹⁵³

At the beginning of the new year, the Ahn Hee-jung Sexual Violence Countermeasure Committee posted another petition for a just ruling on the sexual violence case on former Governor Ahn, titled "This time, we need a different ending". The signatures for the petition were gathered through a Google Docs form link. The signatures were planned to be gathered until January 21st.¹⁵⁴ On the same day, the Committee uploaded a post named "Ask Ahn Hee-jung", with the intention of collecting questions to then deliver them to the prosecution on January 9th, the third round of the second trial. Since the first trial court ruled Ahn "not guilty",

¹⁵⁰ 안희정성폭력사건 공동대책위. 2018. "[기자회견 공지] 18.11.29 보통의 김지은들이 만드는 보통의 기자회견은 서울고등법원 '동문'에서 진행됩니다." Facebook, November 29, 2018, https://www.facebook.com/permalink.php?story_fbid=755843498107842&id=709658872726305.

¹⁵¹ 한국여성노동자회, "[함께해요] 보통의 김지은들이 직접 쓰는 기자회견문-20181129 안희정 위력에 의한 성폭력 사건 2심 재판 기자회견문 같이 써요," 한국여성노동자회, November 22, 2018, <http://kwwnet.org/?p=10389>.

¹⁵² 백주연, "안희정 측 성폭행 혐의 항소심 첫 공판서 "합의 하에 관계" 무죄주장," 서울경제, December 12, 2018, <https://www.sedaily.com/NewsView/1S8JV3FOWV>.

¹⁵³ 연합뉴스, "안희정, 항소심 법정 첫 출석...피해자 김지은씨 비공개 신문," 한겨레, December 21, 2018, www.hani.co.kr/arti/society/society_general/875318.html.

¹⁵⁴ 안희정성폭력사건 공동대책위. 2019. ""안희정에게 질문한다" 당신의 질문은 무엇인가요?" Facebook, January 3, 2019, https://www.facebook.com/permalink.php?story_fbid=778488199176705&id=709658872726305.

without asking him any questions, but only questioning and blaming the victim, this step can be evaluated as a countermove from the Committee to confront Ahn in the trial.^{155 156}

The third round of the second trial took place several days later, where Kim made her final statement, expressing how it took her eleven months to confess the incidents after they started happening, and that she has been afraid for a long time until she could finally tell the truth. Kim also said "For me, Me Too was no just a simple accusation, but a fight against unmeasurable power. [...] I sincerely ask you (the court) to carefully review the contents of the case and make a judgement based on the substantive truth". Jung Yoon-jung, Kim's attorney, read the statement on Kim's behalf.¹⁵⁷

On January 14th, the Citizens' Action with the Me Too Movement, the "MINBYUN - Lawyers for a Democratic Society", the Women's Rights Institute of Korea and the Ahn Hee-jung Sexual Violence Countermeasure Committee co-hosted a debate titled "Sexual violence by power, what is the criteria for judgment?", elaborating on the first trial of Ahn's sexual assault case by discussing the problems of the standards for judging sexual violence in power positions and the 'Justice Criteria' that reflects the context of the damage.¹⁵⁸

At the end of the month, the Ahn Hee-jung Sexual Violence Countermeasure Committee published that 6,750 people participated in the joint petition that demanded a guilty verdict for the sexual violence case of former Governor Ahn. The petition was submitted to the 12th Division of the Seoul High Court. In addition, anonymous petitions have been filed as well.¹⁵⁹

February 1st marked the day of the second ruling. The appellate court found former Governor Ahn guilty and sentenced him to three and a half years in prison. The 12th Division of the Seoul High Court, (Chief Judge Hong Dong-ki) overturned the first trial that acquitted Ahn

¹⁵⁵ 안희정성폭력사건 공동대책위. 2019. "[탄원서 연서명] 이제, 다른 결론이 필요합니다." Facebook, January 3, 2019, https://www.facebook.com/permalink.php?story_fbid=778581872500671&id=709658872726305.

¹⁵⁶ "안희정에게 질문한다," 서울여성노동자회, January 4, 2019, http://equaline.or.kr/board_VISf68/276276.

¹⁵⁷ 뉴시스, "[전문]'안희정 2심' 김지은 최후진술..."성폭행 피해 힘겨운 싸움", 중앙일보, January 9, 2019, <https://news.joins.com/article/23277200>.

¹⁵⁸ 여성연합, "[토론회] 위력에 의한 성폭력, 판단기준은 무엇인가 - 안희정 성폭력 사건 1심 판결을 중심으로," 한국여성단체연합, January 8, 2019, <http://women21.or.kr/rights/12768>.

¹⁵⁹ 안희정성폭력사건 공동대책위. 2019. "안희정 전 충남도지사 성폭력 사건에 대한 2심 유죄 촉구 공동탄원에 6,750명이 참여해주셨습니다!", Facebook, January 28, 2019, https://www.facebook.com/permalink.php?story_fbid=794036354288556&id=709658872726305.

of the charges of adultery, molestation and indecent assault. Ahn was found guilty in nine out of ten crimes. The court judged that the testimony made by the victim, Kim Jieun, which was not acknowledged in the first trial, is credible. "Even if the victim's statement is somewhat inconsistent in minor parts of the sex crime case, or the initial statement is somewhat unclear, we should not reject the sincerity", adding, "Kim's disclosure of the sexual assault damage is natural, given the circumstances, and it is hard to find a motive for false accusation". Kim's vulnerable position in the work relationship was acknowledged under the power exercised by Governor Ahn.¹⁶⁰

The Ahn Hee-jung Sexual Violence Countermeasure Committee organized a gathering on the same day to show solidarity for the victim, with the slogan "There is no state for women! We can't live like that! Let's destroy it!" In the afternoon, the Committee organized a press conference, in front of the Seoul High Court, followed by a rally at 6pm. The gatherings, press conferences and rallies were co-hosted with the Citizen's Action with the Me Too Movement, accompanied with hashtags such as #ThereIsNoPowerThatSolelyExists, #WeAreWatching, We Will Change. The Second Trial!, #ReplyWithAJustDecisionToSexualViolence! (#존재만 하는 위력은 없다 #지켜본다, 바꾼다. 2심! #위력성폭력_정의로운_판결로_응답하라).¹⁶¹

After the verdict, various spokesperson from the victim's side expressed their opinions on the second verdict. One of them was Kim Jieun's lawyer, Kim Duna, who declared that this ruling has clearly demonstrated what role power plays in the crime of sexual violence, and how the society should recognize it as such an act. It is meaningful that the Supreme Court did not disregard the victim's statement, recognized the consistency of the testimony, finding out that there is no motive for making a false accusation. In addition, Kim Duna thanked all the people for joining the force, and pronounces that "It may be the result of the hearts and voices of those who were with the court in anger over the acquittal of the first trial, and of all those who were with the court in the petition. It would have been impossible without the courage and solidarity of many people".¹⁶² Lee Hye-kyung expressed that she used to work as a secretary before, and

¹⁶⁰ 손현수, "서울고등법원 2018노2354 '비서 성폭행' 안희정, 항소심서 징역 3년 6개월, 법정구속", 법률신문, February 1, 2019, <https://m.lawtimes.co.kr/Content/Case-Curation?serial=150597>.

¹⁶¹ 안희정성폭력사건 공동대책위. 2019. "[2월1일, 안희정 성폭력 사건 항소심 선고공판 연대 액션 안내]" Facebook, January 31, 2019, https://www.facebook.com/permalink.php?story_fbid=795949134097278&id=709658872726305.

¹⁶² 안희정성폭력사건 공동대책위. 2019. "피해자 변호인 김두나님께서 첫번째 발언을 열어주셨습니다." Facebook, February 1, 2019, https://www.facebook.com/permalink.php?story_fbid=796683610690497&id=709658872726305.

even though she has not been a victim of sexual violence, she said that she knows too well how power is exercised. Lee said "Thank you and thank you Kim Jieun. If this had happened to me, would I have been able to do Me Too?" I don't think I could. But I think Kim Jieun encouraged me as a revelation".¹⁶³ Kwon Kim Hyun-young, a feminist researcher, evaluated the difference between the first and the second trial. According to her, if we ask the question "Who was the trial against?", we can answer: The first trial judged the victim, the second trial judged the defendant. Kwon expressed that the people who were complaining about the complexity of the case were mostly elites, executives, and people in higher positions in the society. On the other hand, people who were sure and convinced of the guilt of Ahn were employees, career-interrupted women and unstable workers. There should be a society where it is common sense to judge Ahn's behavior as exploitation, oppression and sexual violence with the usage of power. She expressed her deeply felt relief of the verdict of the second trial that has shown common sense and the victory of the Me Too movement against the battle of sexual violence.¹⁶⁴

After the second ruling, support continued to be strong for the victim's side. The support group "People together with Kim Jieun" posted a statement saying that even though the trial is not completed yet, many changes have been achieved. Sexual violence is not just a problem between men and women, but of power, and many people have acknowledged that. They announced that they will continuously support and protect Kim.¹⁶⁵ Also, the Ahn Hee-jung Sexual Violence Countermeasure Committee organized a Facebook live broadcast called "Why did the first trial and the appellate court's ruling have changed?", in which four of the victim lawyers presented different topics: firstly, lawyer Kim Doo-na, on "Judgment of power", secondly, lawyer Kim Hye-kyum on "Determining the credibility of the victim's statement", thirdly "Determining the credibility of the defendant's statement" by lawyer Choi Yoon-jung, and lastly "'Sexual Sensitivity' Perspective" by lawyer Seo Hye-jin. The broadcast was open to

¹⁶³ 안희정성폭력사건 공동대책위. 2019. "오늘 재판방청에 함께 해주신 이해경님의 발언입니다." Facebook, February 1, 2019, https://www.facebook.com/permalink.php?story_fbid=796696974022494&id=709658872726305.

¹⁶⁴ 안희정성폭력사건 공동대책위. 2019. "권김현영 여성주의 연구활동가님도 뜨거운 마음으로 함께 구호 외쳐주셨는데요. 오늘 오후 기자회견에서 발언해주신 내용을 이곳에도 공유합니다" Facebook, February 1, 2019, https://www.facebook.com/permalink.php?story_fbid=796697820689076&id=709658872726305.

¹⁶⁵ 김지은과 함께하는 사람들 (@withyoujieun). 2019. "안녕하세요 여러분. 저희가 트위터 활동을 잘 못하다보니 본의아니게 걱정을 끼쳐드린 것 같습니다. 죄송합니다. 저희는 변함없이 김지은씨 옆을 잘 지키고 있어요. 피해자가 숨지 않고 움츠러들지 않고 씩씩하게 일상을 살아갈 수 있는 사회가 됐으면 좋겠습니다. 여러분 앞으로도 함께해주세요." Twitter, February 11, 2019, <https://twitter.com/withyoujieun/status/1094771378723540992>.

gender reports and all public content producers. The trial decision analysis was as well published for the public on the same day.¹⁶⁶

Another attack against Kim were the accusations of Min Joo-won, wife of former Governor Ahn, who criticized the verdict of the second ruling after roughly two weeks of its announcement. Min asserted that Kim was not a victim of sexual violence, who tried to find a voice within in the Me Too movement, but that she was an active part in an affair. In the article which she posted on Facebook, Min claimed that Kim's statement about what happened in the hotel room in Sanghwawon in Boryeong, South Chungcheong Province, which was a key issue at the time of the first trial, was a lie. During the first trial, Min's statement was accepted, whereas the second trial did not accept the statement, citing that Min as Ahn's wife might have testified in favor of Ahn. Kim's lawyer immediately criticized Min's statement as an act of secondary damage and declared that they will respond to this. Despite the claims made by Min, legal experts expressed that the verdict concerning Ahn will not be overturned, since it is unlikely for the Supreme Court to change the outcome, given the fact that it would affect the overall structure of the case.¹⁶⁷

This post made by Min did not remain uncommented, with the Ahn Hee-jung Sexual Violence Countermeasure Committee publishing a post expressing the secondary damage caused by Min's post, and urging the people who are watching articles or broadcasts that indiscriminately report the secondary damage post to take a screenshot or photo as proof and report it in the comments.¹⁶⁸ Moreover, the Committee declared that even though these secondary damage acts are a typical behavior from the defendant's family, the distribution through the media in such a short period of time has even intensified the degree of secondary

¹⁶⁶ 안희정성폭력사건 공동대책위. 2019. "2심 판결의 의미! 피해자 변호인단에게 듣자" Facebook, February 11, 2019, https://www.facebook.com/permalink.php?story_fbid=803414240017434&id=709658872726305.

¹⁶⁷ 김진주, "안희정 부인 "미투 아닌 불륜" 주장에 김지은측 "2차 가해" 반발," 한국일보, February 14, 2019, <https://www.hankookilbo.com/News/Read/201902141607334762>.

¹⁶⁸ 안희정성폭력사건 공동대책위. 2019. "안희정 성폭력 사건 가해자 가족에 의한 2차 가해 및 그에 대해 무분별적으로 보도하는 기사, 방송 등을 보시는 분은 캡처나 촬영 등을 하여 본 글 댓글로 제보 바랍니다." Facebook, February 14, 2019, https://www.facebook.com/permalink.php?story_fbid=805063086519216&id=709658872726305.

damage, which resulted in them asking the people to look out for these posts and stop further secondary damage.¹⁶⁹

Approximately a week after the first one, Min uploaded a second assault post on Facebook, claiming "I can not acknowledge Kim as a victim of sexual violence based on what I see, hear, or experience. It has to be revealed that Kim is lying". In addition, Min posted previous telegram messages between Ahn Hee-jung and Kim Jieun, alleging that the two were dating.¹⁷⁰

As a response to this second post, the Ahn Hee-jung Sexual Violence Countermeasure Committee posted two rebuttal post defending the victim, her vulnerable position as a newbie in the environment and the impossibility of speaking up. They also asked again to stop publishing more media articles that are not true.^{171 172} A few days later, the Committee posted another statement called "Stop dictating the assailant's claims and join the media in the fight against the numerous "Ahn Hee-jungs" in daily life". The Committee appealed to the media, saying that many of them have spread false news without proper evidence, which caused more secondary damage. Reporters should more carefully review what they post and judge the position of the victim accordingly. Assault incidents and the spread in the media have a bad influence on the women that are trying to reach out with their voices through the Me Too movement since it started in 2018. This is not only about "one Ahn Hee-jung", but the numerous Ahn Hee-jungs that use their power to commit sexual violence.¹⁷³ At the beginning for March, the Committee published a press release and published a joint signature petition with the name "We need more

¹⁶⁹ 안희정성폭력사건 공동대책위. 2019. "[공유요청] 현재 구속 상태인 위력 성폭력 가해자 안희정의 배우자가 페이스북에 올린 글이 오늘 오전 뉴스를 통해 무분별하게 보도되고 있습니다." Facebook, February 14, 2019, https://www.facebook.com/permalink.php?story_fbid=805091986516326&id=709658872726305.

¹⁷⁰ 뉴시스, "문자메시지 공개한 안희정 부인... 대책위 "그만하라"," 한국일보, February 21, 2018, <https://www.hankookilbo.com/News/Read/201902211082396875>.

¹⁷¹ 안희정성폭력사건 공동대책위. 2019. "예상했던 것이 그대로 등장했습니다." Facebook, February 21, 2019, https://www.facebook.com/permalink.php?story_fbid=80938632753558&id=709658872726305.

¹⁷² 안희정성폭력사건 공동대책위. 2019. "피고인 측 두 번째 주장에 대한 글입니다." Facebook, February 22, 2019, https://www.facebook.com/permalink.php?story_fbid=810480829310775&id=709658872726305.

¹⁷³ 안희정성폭력사건 공동대책위. 2019. "[성명서] 가해자 주장 받아쓰기 그만하고 일상의 수많은 '안희정'을 향한 싸움에 언론도 동참하라" Facebook, February 26, 2019, https://www.facebook.com/permalink.php?story_fbid=812588475766677&id=709658872726305.

guilty verdicts for work power and sexual violence".¹⁷⁴ Furthermore, they also held a workshop on March 13th with people who want to join forces in their respective positions to fight, learn, and to be in solidarity. The name of the workshop was called "Against so many 'Ahn Hee-jungs' - workshops where you can participate", and it was posted with hashtags such as #AhnHee-jungIsGuilty #WeWhoAreLearningAndUniteWillWin #WeFightAsWeAre #KnowingPowerAndViolence # (#안희정은_유죄다 #공부하고연대하는우리가이긴다 #우리는우리답게싸운다 #위력성폭력알아가기) The Committee held the workshop together with the Gender Political Research Institute Women's TaxYeon)¹⁷⁵

On March 22nd, Min Joo-won uploaded a third assault post on Facebook.¹⁷⁶ Four days later, the victim support group "People together with Kim Jieun" published a statement made by Koo Ja-joon, who testified against Ahn and was later sued by the latter. Due to the emerged assault posts of Min Joo-won, Koo decided to write this statement.¹⁷⁷

At the beginning of April, the Committee uploaded another post about the petition, adding the fact that former Governor Ahn destroyed his phone and was not asked about it during trial, emphasizing the injustice that occurs when it comes to sexual violence cases despite evidence destruction.¹⁷⁸ Two weeks later, the Committee published another card news post about Ahn's Hee-jung's sexual violence case.¹⁷⁹

The Committee held a press conference in mid-June calling for the guilty verdict of the appellate trial. The conference took place at the Seoul Women's Plaza Gender Equality

¹⁷⁴ 안희정성폭력사건 공동대책위. 2019. "[보도자료] 안희정 전 충남도지사 성폭력 고발 1년, "침묵을 깨고 위력에 맞서다" " Facebook, March 5, 2019, https://www.facebook.com/permalink.php?story_fbid=817133141978877&id=709658872726305.

¹⁷⁵ 안희정성폭력사건 공동대책위. 2019. "[워크숍]수많은 '안희정'에 맞선, 당신도 참여할 수 있는 워크숍" Facebook, February 26, 2019, https://www.facebook.com/permalink.php?story_fbid=812835859075272&id=709658872726305.

¹⁷⁶ 김지은, 김지은입니다, 378.

¹⁷⁷ 김지은과 함께하는 사람들 (@withyoujieun). 2019. "안녕하세요. 진실을 증언했다가 안희정 지사에게 모해 위증으로 고소 당하고 최근 '혐의없음' 처분 받은 구자준입니다. 민주당 여사께서 제 실명을 거론하시며 너무 많은 거짓말을 하시기에 한 때 그를 존경했던 사람으로서 진실의 편지를 올립니다. 여사님, 부디 거짓말을 멈춰주십시오." Twitter, March 26, 2019, <https://twitter.com/withyoujieun/status/1110276968820301824>.

¹⁷⁸ 안희정성폭력사건 공동대책위. 2019. "2# 피고인 핸드폰은 파괴, 피해자 자료로 극딜 - 성폭력 <증거주의>의 불평등" Facebook, April 1, 2019, https://www.facebook.com/permalink.php?story_fbid=833353047023553&id=709658872726305.

¹⁷⁹ 안희정성폭력사건 공동대책위. 2019. "[카드뉴스] 변호사가 알려주는 안희정 성폭력 사건" Facebook, April 12, 2019, https://www.facebook.com/permalink.php?story_fbid=840416146317243&id=709658872726305.

Library. More than 200 activists from sexual violence counseling centers across the country participated to urge the Supreme Court for a guilty verdict.¹⁸⁰

The last big event organized before the final ruling was co-hosted by the Ahn Hee-jung Joint Countermeasure Committee on Sexual Violence and the Korea Sexual Violence Counseling Center called "June Movement for Anti-Sexual Violence; standing against the governor, and Sexual Violence under power". The event took place at the Korea Sexual Violence Counseling Center and two women held presentations - Baek Young-nam, former Hampyeong-gun Governor, current Jangseong-gun Governor, and chairman of the Jeonnam Women's Welfare Facilities Association. The second presenter was Bae Bok-ju, a representative of the National Council of Sexual Violence Counseling Centers.¹⁸¹

On September 9th, the third and final ruling took place and former Governor Ahn was found guilty by the Supreme Court (Chief Justice Kim Sang-hwan) in case of sexual assault, etc. The defendant was found guilty in five times of "Indecent Acts", and four times of "Custodial Rape", in the time frame of July 29th, 2017 to February 25th, 2018.

The law states, firstly, that the judgement of the evidence should be consistent with logic and firm rules, and that the degree of evidence to be found guilty should be beyond reasonable doubt. In this case, the testimony of the victim complies with these conditions, since there is no inconsistency in the statement itself and no clear motive or reason for making a false statement against the defendant.

Secondly, when the court conducts a hearing on a sexual violence case, it is important to not lose the "gender sensitivity" in order to understand the issue of gender discrimination and practice gender equality, considering the fact that victims of sexual violence suffer due to negative public opinion, disadvantaged treatment and the disclosure of their identity. It is not possible to view this specific individual case of sexual violence without considering the circumstances of the victim's statement.

¹⁸⁰ 안희정성폭력사건 공동대책위. 2019. "[기자회견문] 안희정 전 충남도지사에 의한 직장 내 성폭력사건 상고심. 대법원의 상식적인 판결을 촉구한다. 위력 성폭력은 유죄다!" Facebook, June 18, 2019, <https://m.facebook.com/709658872726305/photos/a.713225569036302/886034808422043/>.

¹⁸¹ 안희정성폭력사건 공동대책위. 2019. "안희정 성폭력사건 공동대책위원회 X 한국성폭력상담소" Facebook, June 10, 2019, https://www.facebook.com/permalink.php?story_fbid=880025325689658&id=709658872726305.

Thirdly, in the Special Act on the Punishment of Sexual Violence, etc. of Intervention of Supervisors or the Punishment of Sexual Assault Crimes, 'power' refers to enough power to subdue the victim's free will, and it does not require whether it is a tangible or intangible assault. Power can also be used in political, economical and social context. The court judged that adultery was committed through power abuse considering the defendant's status, the age of the victim, the relationship between the defendant and the victim, the circumstances leading to the act, the type of crime, and the circumstances at the time of the crime.

Table 3: Guilty Verdict of Ahn

CRIMINAL ACT	
Article 298 (Indecent Act by Compulsion)	<u>A person who, through violence or intimidation, commits an indecent act on another</u> shall be punished by imprisonment for not more than ten years or by a fine not exceeding 15 million won.
Article 303 (Sexual Intercourse by Abuse of Occupational Authority, etc.)	(1) <u>A person who, by means of fraud or by the threat of authority, has sexual intercourse with another who is under his or her protection or supervision for his or her business, employment or other relationship,</u> shall be punished by imprisonment for not more than five years, or by a fine not exceeding 15 million won.
ACT ON SPECIAL CASES CONCERNING THE PUNISHMENT, ETC. OF SEXUAL CRIMES	
Article 10 (Indecent Acts through Abuse of Occupational Authority, etc.)	(1) <u>A person who, through fraudulent means or by a threat of force, commits an indecent act on another person who is under his or her guardianship or supervision by reason of his or her business, employment, or other relationship</u> shall be punished by imprisonment for not more than two years or by a fine not exceeding five million won.

For the judgement on the grounds for the defendant's appeal (guilty verdict), the court found the defendant guilty in Indecent Act by Compulsion, Sexual Intercourse by Abuse of Occupational Authority (also: Custodial Rape), and Indecent Acts through Abuse of Occupational Authority (see Table 3) for the following reasons: firstly, the victim's statements regarding the damage are specific, consistent and reliable. Secondly, the testimonies of the witnesses, at the time right after the damage occurred, were also judged as credible. Thirdly, it has been said that it is hard to say that the speech and behavior of the victim before and after the crime were not visible, and that it is hard to reject the credibility of the victim's statement of damage, considering the surrounding circumstances. Fourthly, the power exercised by the defendant was judged as an intangible force sufficient to suppress the victim's free will. Lastly,

the way the defendant committed the molestation and adultery could also be reasonably judged as adultery or molestation under abuse of authority in the work place.

For the judgement on the grounds for the prosecutor's appeal (non-guilty verdict), the court found the defendant not guilty by reason of the insufficiency of evidence to prove that the assault in the governor's office took place. The result of the judgement is the rejection for both the defendant's and the prosecutor's appeal, and the partial guilty verdict for the defendant and the finalization of the original ruling that sentenced him to three and a half years in prison.

The case was reviewed in accordance with the existing Supreme Court precedents that confirm that there is no fault in the original judgment, such as misunderstanding the law on the reliability of the victim's statement, misunderstanding the law on work power, failing to fulfill the necessary psychology, or going beyond the limits of liberalism in violation of the laws of logic and experience.¹⁸²

The Ahn Hee-jung Joint Countermeasure Committee on Sexual Violence held their last press conference before the final trial on that day in front of the main gate of the Supreme Court.¹⁸³

(A detailed overview of the prosecution and the action of social mobilization can be found in Appendix 1).

¹⁸² 대법원 2019도2562 강제추행 등 사건 보도자료.

¹⁸³ 안희정성폭력사건 공동대책위. 2019. "[#안희정 성폭력사건 상고심 안내]" Facebook, September 4, 2019, https://www.facebook.com/permalink.php?story_fbid=940089819683208&id=709658872726305.

7. Findings

Table 4: Activities and Count of the Social Mobilization Force

Kind of Activity	Actor (Count of Activities)
Statement (including Joint Statements, Written Statements of Opinion, Statement in Briefings, Support Letters and Rebuttal Posts)	Ahn Hee-jung Joint Countermeasure Committee (11) Victim support group "People together with Kim Jieun" (5) KWAU - Korea Women's Associated United (2) Citizens' Action with the Me Too Movement (2) MINBYUN-Lawyers for a Democratic Society (1) Individual Lawyer Park Hoon (1)
Rally (Including Emergency Rallies)	Ahn Hee-jung Joint Countermeasure Committee (2) Victim support group "People together with Kim Jieun" (1) Citizens' Action with the Me Too Movement (3)
Card News	Ahn Hee-jung Joint Countermeasure Committee (2) Citizens' Action with the Me Too Movement (1)
Press Conference	Ahn Hee-jung Joint Countermeasure Committee (6)
Bill of Indictment	National Council of Sexual Violence Counselors (1)
Debate/Open Forum	KWAU - Korea Women's Associated United, Korean Sexual Violence Counseling Center, the Korean Women's Telephone and the Citizens' Coalition for Democratic Press (1) Citizens' Action with the Me Too Movement, MINBYUN-Lawyers for a Democratic Society (1)
Petition (Including Joint Petitions)	Ahn Hee-jung Joint Countermeasure Committee (3)
Press releases	Ahn Hee-jung Joint Countermeasure Committee (2)
Hashtag Campaign	Ahn Hee-jung Joint Countermeasure Committee (1)
Gatherings (Including Events/ Workshops)	Ahn Hee-jung Joint Countermeasure Committee (3)
Facebook Live Broadcast	Ahn Hee-jung Joint Countermeasure Committee (1)

This research had the goal of examining the dynamics between the social mobilization force that gathered for the victim and the support on the side of the defendant, and analyzing the impact it had on the decisions in Korean sex crime trials. The analysis divided the examination of this process into two parts: social mobilization before the first ruling (which acquitted the defendant), and social mobilization after the first ruling (which sentenced the defendant guilty).

The support in favor of Ahn Hee-jung in the period before the first ruling has proven strong enough to acquit the defendant of all charges. In comparison to the distinctly strong and visible support groups, organizations and committees that worked in favor of Kim, the supporters on Ahn's side proceeded further in the background with no clear, demonstrable large gatherings that advocated their support for the governor. Many (anonymous) netizens targeted

the victim online with hateful and shaming comments, in which victim-blaming made up a large proportion, as well as rape myths. The same approach was used by Ahn's lawyer, who emphasized that the prosecution exaggerated the position of the secretary, claiming that the relationship between them, since Kim is neither disabled nor a child, is based on Kim's own decisions and therefore consensual. Even though admitting that there was a vertical power relationship, crimes of adultery and molestation have been denied. The aides of Ahn - particularly his former secretary, and the successor secretary, have taken their strong stance to back up Ahn by maintaining that Kim was fond of the former governor. It could be observed that the key actors for Ahn's side and the approach they took, before and after the first ruling, did not change materially. Ahn's lawyers and supporters continued to insist on their statement of the relationship being consensual and Ahn's innocence of the charges.

A restraint in this research, which is further explained in the limitation part, is the hindered insight of the procedures within the court. Taking a look at the first ruling, we can not affirm that the judges responsible for the case declared Ahn innocent because of personal support for him. However, given the nature of the case - namely the strong evidence through the initial confession, for instance - we can come up with the assumption that some judges indeed were in favor of him, which can be explained in the context of the influence range of the power elite.

The social mobilization force in favor of the victim, Kim Jieun, on the other hand, showed a stance clear and strong since the beginning of the prosecution. Before the first ruling, the Ahn Hee-jung Joint Countermeasure Committee, the victim support group "People together with Kim Jieun", the National Council of Sexual Violence Counselors and the Citizens' Action with the Me Too Movement published various statements, claiming their support for the victim and mainly calling out for a just trial by demonstrating the nature of the case, submitted a bill of indictment, announced more victims, organized rallies, drafted submissions and held debates. After the first ruling, the above mentioned groups and their support for the victim remained solid to raise awareness about the court's misjudgment and deficient implementation of the law. This support furthermore spread to lawyer circles, such as the group MINBYUN-Lawyers for a Democratic Society, and the individual lawyer Park Hoon, for instance. The legal circle highly criticized the judgement of the first ruling by pointing out the ignorance towards the power

relation, the dismissing of the right of sexual self-determination, the initial confession of the defendant, and the doubts of the credibility of the victim's statement. (For an overview of the activities done in favor of Kim Jieun's support, see Table 4)

Taking a look at the dynamics between the opposite support factions, we can witness a strong response from the victim's side, continuously reacting to the defendant side's arguments, who kept denying the power abuse and claimed an existing insufficiency to prove the charges. At any given time, Kim's supporters maintained their stance, defended the victim, counter-argued attack posts and false testimonies, criticized the slow legal procedures, pointed out the flaws in the judgement, all backed up with clear evidence, to overall request a proper and just performed trial from the court.

Nine out of the ten previously verdicts of "not guilty" have been judged guilty in the second ruling, except one incident of "Indecent Acts through Abuse of Occupational Authority, etc.", due to lack of evidence. (See Table 5)

Table 5: Overview of the First Ruling's Verdict and the Second and Final Ruling's Verdict¹⁸⁴

	Date of Crime	Scene of Crime	Crime	First Ruling	Second and Final Ruling
1	07.29.2017	Boat in Russia	Indecent Act by Compulsion	not guilty	guilty
2	07.30.2017	Hotel in Russia	Custodial Rape	not guilty	guilty
3	08.10.2017	KTX Train	Indecent Act by Compulsion	not guilty	guilty
4	08.12.2017	In the Hallway in front of a Pub's Restroom	Indecent Act by Compulsion	not guilty	guilty
5	08.13.2017	Hotel in Seoul	Custodial Rape	not guilty	guilty
6	08.16.2017	Chinese Restaurant at a Hotel in Seoul	Indecent Act by Compulsion	not guilty	guilty
7	Mid~End 08.2017	Governor's Office	Indecent Act by Compulsion	not guilty	not guilty
8	09.03.2017	Hotel in Swiss	Custodial Rape	not guilty	guilty
9	11.26.2017	Official Vehicle	Indecent Acts through Abuse of Occupational Authority, etc.	not guilty	guilty
10	02.25.2018	Officetel in Seoul	Custodial Rape	not guilty	guilty

¹⁸⁴ 대법원 2019도2562 강제추행 등 사건 보도자료. (Translated from Korean to English)

8. Conclusion

The prosecution of former Korean politician Ahn Hee-jung's sexual assault and rape incident began with the confession of the victim, Kim Jieun, on public television on March 5th, 2018. Kim, working as Ahn's Chief Secretary in the prior eleven months, accused Ahn of six incidents of Indecent Acts and four times of Custodial Rape. Kim's testimony immediately mobilized a social force comprised of various women's organizations, committees, support groups, sexual violence counseling centers, lawyer groups and many individuals claiming support for her, using diverse kinds of activities, such as publishing statements, submitting bills of indictment, organizing rallies, drafting submissions and holding debates, to call out for a fair trial. The support on the opposition side included former colleagues and employees of Ahn, his legal representative and (anonymous) netizens. The approach of the former governor's faction primarily included blaming the victim by applying rape myths in their arguments and maintaining that the relationship between Ahn and Kim was consensual. Despite acknowledging a vertical power relationship, the accusation of power abuse was rejected by insisting that Kim is an adult woman and therefore must have been capable to exercise her right to sexual self-determination. Ahn's side also argued that Kim has been fond of the former governor.

The first ruling, on August 14th, 2018, acquitted former Governor Ahn, on the grounds of insufficient evidence to prove authorial power abuse committed by the defendant and suppression of the victim's free will, doubts of the victim's statements, and the judgement that the victim did not show enough resistance. This verdict encountered enormous backlash and criticism from the people on the victim's side. The support for Kim after the first ruling expanded to further lawyer circles, such as the group MINBYUN-Lawyers for a Democratic Society, and the individual lawyer Park Hoon, who highly condemned the sentence given by the court. One key point of the criticism was the fact that Ahn initially has already admitted in a Facebook post on March 6th, 2018, that the relationship was not consensual. The former governor changed his statement later on, however, was never questioned on it. Moreover, Ahn did not submit evidence, which the court did not weigh into their decision. He was also suspected to have discarded his cell phone, but it was not considered as evidence destruction in the end. Another issue was the "victimization" of Kim, namely the victim stereotype the court

projected on her, such as that she did not "act like a victim". Overall, the society highly criticized the failure of a proper judgement of this sexual violence case that silences female workers who assist political, economic and social powers, despite suffering sexual violence and who want to come upfront. During the time between the first and second ruling, the grouping of Ahn's supporters did not change materially and their statements remained unchanged.

The second ruling took place on February 1st, 2019, and the court overturned their previous verdict and eventually found the testimony made by the victim, Kim Jieun, which was not acknowledged in the first trial, credible. The belief in a motive for false accusation was also dismissed. The vulnerable position of the victim in the work relationship under the power exercised by Governor Ahn was acknowledged. This verdict was followed by three assault posts uploaded by Min Joo-Won, Ahn's wife, claiming that Kim Jieun is not a victim of sexual violence, that she does not acknowledge Kim as a figure in the Me Too movement, and that Ahn and her have been dating, which has been accepted as a testimony during the first trial. However, these assault posts did not influence the last verdict. The supporters on Kim's side immediately reacted to these posts, defending the victim and her vulnerable position, as well as identifying this as a typical secondary damage act from the defendant's side. The social mobilization force went strong until the final verdict, with organizing press conferences, filing petitions and posting statements.

It took the court a long process of a total 553 days to find the defendant guilty in nine out of ten crimes, and a prison sentence of three and a half years. The third and final trial took place on September 9th, 2019 and kept the verdict of the second ruling.

This study has demonstrated a detailed description of the dynamics between the actors and activities of the social mobilization fighting for the victim, and the privileged force supporting the defendant within the power elite alongside the prosecution of this sex crime trial. On the one hand, the social mobilization force that gathered for the victim has proven undoubtedly apparent and strong since the beginning of the prosecution. Various groups have collected their efforts to display the abuse of a vertical power relationship at the workplace, the victim-blaming and the diminishing of the right of sexual self-determination in this sex crime

trial case. The activities performed by all parties involved even grew and intensified after the first trial, showing a strong disapproval and anger towards the court's decision and the counteractions taken by the opposition. Kim's supporters consistently reacted to any action done in favor of Ahn's side at any given time, counter-argued, protected, called out for more helpers and demanded a just trial from the court. The support that is visible publicly for former Governor Ahn, on the other hand, appears to be rather stagnant and is restricted to some of his former colleagues and employees, his lawyers and (anonymous) netizens. Ahn's faction hardly took any measures against public accusations from the opposition side, keeping their statements within the court's hearings, or in a passive manner online through writings and the posting of comments that attacked and blamed the victim. Nevertheless, given the verdict of not guilty in the first ruling, despite sufficient prove and no submission of new evidence until the second and final verdict, it can be assumed that Ahn's power had a much more stronger reach than what was visible to the public eyes. This indicates an influential power elite that operates beyond of what civilians can observe and might be even strong enough to tolerate and justify ill-founded sex crimes.

Nonetheless, after analyzing this case study, it is likely to say that the united forces of social mobilization have the potential to induce substantial change in court decisions in Korean sex crime trials. The social mobilization force emerging within the Me Too movement did not only give the victim itself, but all her supporters a voice and the strength to come upfront, to fight against a powerful opponent for the guarantee of women's rights and the struggle against sexual abuse. Even though it is impossible to prove a casual relation between the social mobilization for Kim and the final verdict considering other outside factors, it is likely to say that the pressure brought about by all the involved women's organizations, committees, support groups, sexual violence counseling centers, lawyer groups and individuals played a significant role attributing to the change in court verdict.

9. Limitation

This study is limited in it being a sole, in-depth case study, and therefore not representing a broad range of examples, and may lack in universality. This could be an incentive for further researches that examine court decisions in the Korean court dealing with power abuse sex crimes committed by the power elite.

Another limitation was the non-disclosure of some hearings conducted in the trial, which might have led to an incomplete data collection. This also includes the hindered insight of the procedures within the court and the explicit procedures that were executed by the judges that led to the respective verdicts.

In addition, the main focus of this research was concentrated on the most prominent and biggest groups, organizations and committees that stood up for the case. There may be more groups or individuals that supported the victim, or the defendant, that are not mentioned in this research.

The recentness of this incident might be counted as a restraint. Delayed consequences or additional impacts could not be taken into consideration for this case study.

10. Implications

The results of this research depict the meaningful role that social mobilization can play in the longstanding fight of women against sexual harassment. The eventual conviction of former Governor Ahn after a long and weary process implies to further take a strong stance as a member of any organization, group, or committee, and as an individual. The consistency and assertiveness of all parties involved for the victim's side have proven to be fruitful in order to win this case against a member of Korea's powerful elite class. Especially with the upswing of the Me Too movement, the society has found a new driving force to push women's rights in sex crime trials forwards with a much broader range compared to a few decades ago. Further researches should focus on similar cases to identify the role of social mobilization even more precisely and, if possible, examine the structure within the power elite to break it down and block possibilities for them to escape legal consequences due to their prominent status.

Furthermore, a crucial part of sex crime trials that has to be cared for thoroughly is victim protection to avoid secondary damages. For systematically protecting victims of sexual violence crimes, the government is advised to reinforce personal protection systems, taking children and disabled victims into consideration, improving the environment of the investigation and the trial process, and acknowledging the rights of the victims in case of counter-prosecution. Moreover, it is necessary to expand the supporting systems for the victims, such as increasing the number of trustees and initiate a victim defense system, as well as demanding a right to request the reading for a trial report or actively participate in the trial.¹⁸⁵

In order to change the perception of the person who is in charge of the criminal justice procedures it is highly advised to induce a mandatory gender education. Rape myths have to be tackled down starting from its roots. Another measure for changing the perception of the criminal justice procedure personnel is proposing compensation and implementation guidelines to strengthen ethics regulations of the lawyers, and prepare more preliminary rules for judges' trial proceedings¹⁸⁶.

President Moon Jae-in, who is very outspoken about these issues and the Me Too movement, declared that simple changes in law alone do not solve this issue, but that "[...] we need to change our culture and attitude".¹⁸⁷ Step by step, without giving up and uniting forces together, it might be possible to not only overthrow the existing Confucian, patriarchal thoughts in Korean society, that highly contributed to the issues of sex crime, but also to weaken the influence of the power elite, to induce change in the minds of the people about Korean women's rights, sexual violence crimes, and guarantee fairly conducted trials.

¹⁸⁵ Pilhwa Chang, "형사사법절차상 성폭력 피해자 보호방안에 관한 연구," 181-182.

¹⁸⁶ Ibid., 181-182.

¹⁸⁷ Bicker, "#MeToo movement takes hold in South Korea".

11. Appendix

Appendix 1: Timeline of the prosecution and the action of social mobilization (Rulings underlined; social mobilization action in bold)

2018.03.05	<ul style="list-style-type: none">Victim Kim Jieun appears on the live broadcast of JTBS [News Room], Announcement of Sexual Violence Victims by Governor Ahn Hee-jungFirst public statement of the Ahn Hee-jung Joint Countermeasure CommitteeApology Statement of Ahn Hee-jung on Facebook
2018.03.06	<ul style="list-style-type: none">Submission of the accusation to the Seoul Western District Prosecutor's OfficeStatement of the Korea Women's Associated United
2018.03.07	<ul style="list-style-type: none">Investigation start of the Seoul Western District Prosecutors' Office
2018.03.08	<ul style="list-style-type: none">Ahn's cancellation to appear at the press conferenceVictim's support group "People together with Kim Jieun" issues the first statement
2018.03.09	<ul style="list-style-type: none">Victim's first testimony at the Seoul Western District Prosecutor's OfficeFormer Governor Ahn Hee-jung's unilaterally, voluntarily attendance of the prosecutionPress conference of the Ahn Hee-jung Joint Countermeasure Committee
2018.03.11	<ul style="list-style-type: none">Hand-written letter published by the victim
2018.03.13	<ul style="list-style-type: none">Victim's support group "People together with Kim Jieun" issues the second statementProsecution raids the office and the official residence of the former governor in South Chungcheong Province
2018.03.14	<ul style="list-style-type: none">Second Victim 'Ms. A' files a complaintProsecution raids the office and the official residence for a second time
2018.03.16	<ul style="list-style-type: none">Investigation for the Second Victim 'Ms. A' startsThe National Council of Sexual Violence Counselors and the cyber investigation unit of the Seoul Metropolitan Police Agency files a bill of indictment for Kim Jieun for the secondary damage caused
2018.03.17	<ul style="list-style-type: none">Victim's second testimony at the Seoul Western District Prosecutor's Office
2018.03.18	<ul style="list-style-type: none">Additional prosecution investigation is conducted for the second victim 'Ms. A'
2018.03.19	<ul style="list-style-type: none">Prosecution formally summons Ahn Hee-jung as a suspect
2018.03.21	

- Prosecution requests an arrest warrant for Ahn Hee-jung

2018.03.25

- **Victim Support Group "People with Kim Jieun" announces two more victims related to the Ahn's case**

2018.03.26

- Investigation of a warrant examination for Ahn, Ahn is absent

2018.03.27

- Ahn's statement to faithfully comply with this time's warrant examination

2018.03.28

- Ahn attends the warrant examination, arrest warrant gets rejected
- **The Ahn Hee-jung Sexual Violence Countermeasure Committee publishes another statement as a response to the warrant examination rejection**

2018.03.29

- Victim's third testimony at the Seoul Western District Prosecutor's Office

2018.03.30

- **Statement in the Briefing of the Citizens' Action with the Me Too Movement**

2018.04.02

- Prosecution requests a re-appeal for Ahn Hee-jung's arrest warrant

2018.04.02

- **Statement in the Briefing of the Citizens' Action with the Me Too Movement**

2018.04.05

- Arrest warrant gets rejected a second time

2018.04.11

- Prosecution decides to indict Ahn Hee-jung without physical detention until the trial
- **The Ahn Hee-jung Sexual Violence Countermeasure Committee publishes another statement as a response to the prosecution's decision**

2018.04.13

- Court allocates Ahn's case to Criminal Division 12

2018.04.18

- **The Ahn Hee-jung Sexual Violence Countermeasure Committee publishes a press release requesting cooperation and providing relevant data to the victims of Ahn Hee-jung's sexual violence case to investigate secondary damages**

2018.04.21

- **The Citizens' Action with the Me Too Movement holds a rally to express their support and solidarity for the Me Too movement**
- **The Victim Support Group "People together with Kim Jieun" joins the rally, and publishes a support letter for the victim**

2018.04.23

- Court allocates Ahn's case from Criminal Division 12 to Criminal Division 11

2018.06.15

- The Seoul Western District Court holds a trial preparation

2018.06.22

- The Seoul Western District Court holds a second trial preparation

2018.07.02

- 1st Trial (public)
- **The Ahn Hee-jung Sexual Violence Countermeasure Committee holds a press conference to urge the judiciary to make a just ruling**

2018.07.06

- 2nd Trial (closed)

2018.07.09

- 3rd Trial (partly closed)

2018.07.11

- 4th Trial (public), a witness of the defendant's side files a complaint under false testimony
- **The Ahn Hee-jung Sexual Violence Countermeasure Committee replies to these charges with a statement**

2018.07.12

- **The Victim Support Group "People together with Kim Jieun" publishes a joint statement to express their solidarity with the victim**
- **The Ahn Hee-jung Sexual Violence Countermeasure Committee publishes a statement that disclosed a list of Ahn Hee-jung's reports on sexual violence**
- **The Ahn Hee-jung Sexual Violence Countermeasure Committee issues a second statement to express the difficulties for victims to speak out**

2018.07.13

- 5th Trial (public)
- **The Ahn Hee-jung Sexual Violence Countermeasure Committee publishes another statement, denouncing the "worst ever examination of witnesses and media reports of sexual assault defendants"**

2018.07.16

- 6th Trial (closed)

2018.07.20

- **The Sexual Violence Relief Center issues a petition to ensure a proper ruling for Ahn's case**

2018.07.26

- **The Korean Sexual Violence Counseling Center, the Korea Women's Associated United, the Korea Women's Telephone and the Citizens' Coalition for Democratic Press organizes an emergency debate/open forum**
- **Card News by the Citizens' Action with the Me Too Movement**

2018.07.27

- 7th Trial, self-presented statement of the victim in court for 40 minutes

2018.07.30

- **Victim Support Group "People together with Kim Jieun" posts a link of the website "misfits", in which an individual published her observation as a visitor of the latest trial of Ahn's case**

2018.08.09

- Submission of a written statement of opinion of the victim's lawyer

2018.08.14

- 1st Ruling: Sentence of acquittal
- **The Ahn Hee-jung Sexual Violence Countermeasure Committee holds a press conference before the verdict of the first ruling to support the victim; publishes a statement later that day to condemn the acquittal**
- **Statement issued by the Korea Women's Associated United**
- **The Ahn Hee-jung Sexual Violence Countermeasure Committee, the Victim Support Group "People together with Kim Jieun", and the Citizens' Action with the Me Too Movement hold an emergency rally in the evening to denounce the court's decision**

2018.08.17

- **Lawyer Park Hoon uploads a post of criticism of the acquittal of Ahn's first trial**

2018.08.18

- **The Citizens' Action with Me Too Movement organizes a rally to depict the hardships of women who fall under the power of sexual violence, the Ahn Hee-jung Sexual Violence Countermeasure Committee participates as well**

2018.08.23

- Application for restricted reading of the ruling

2018.08.23

- **The Ahn Hee-jung Sexual Violence Countermeasure Committee publishes a hashtag campaign to gather many people to write about their anger and the problematic nature of the first trial of Ahn's sexual assault case; also issues a statement urging the prosecution of "slandorous comments made by Ahn Hee-jung's aide"**

2018.08.25

- **The Ahn Hee-jung Sexual Violence Countermeasure Committee holds a rally**

2018.09.04

- Ahn's case is being transferred within the Seoul High Court to Division 8

2018.09.17

- **The Ahn Hee-jung Sexual Violence Countermeasure Committee invites for a closed-door meeting of Korean jurists**

2018.09.20

- Victim publishes a contributing article "I want to be the worker Kim Jieun", talking about the abuse she suffered

2018.09.27

- Settlement on nine lawyers for the victim

2018.10.28

- Appellate trial for Ahn's case is reassigned from the Seoul High Court's Criminal Division 8 to the Criminal Division 12

2018.11.21

- **The Ahn Hee-jung Sexual Violence Countermeasure Committee holds another press conference as a reaction to the second trial of Ahn's sexual violence case**

2018.11.23

- **The Group "MINBYUN - Lawyers for a Democratic Society" submits a written statement of opinion**

2018.11.27

- **Card News by the Ahn Hee-jung Joint Countermeasure Committee**

2018.11.28

- The victim's lawyer submits a written statement of opinion

2018.11.29

- **The Ahn Hee-jung Sexual Violence Countermeasure Committee holds another press conference pointing out the suffering of female workers under power abuse**

2018.12.07

- The Seoul Western District Court holds a trial preparation for the second trial

2018.12.21

- First round of the 2nd Trial

2019.01.03

- **The Ahn Hee-jung Sexual Violence Countermeasure Committee posts another petition for a just ruling on the sexual violence case on former Governor Ahn, and uploads a post for collecting questions to ask to Ahn**

2019.01.04

- Second round of the 2nd Trial

2019.01.09

- Third round of the 2nd Trial

2019.01.14

- **Debate hosted by the Citizens' Action with the Me Too Movement, the "MINBYUN - Lawyers for a Democratic Society", the Women's Rights Institute of Korea and the Ahn Hee-jung Sexual Violence Countermeasure Committee**

2019.01.18

- Victim's defense counsel submits a written statement of opinion

2019.02.01

- 2nd Ruling: Sentence of Guilt, imprisonment for 3 years and 6 months
- **The Ahn Hee-jung Sexual Violence Countermeasure Committee organizes a gathering for showing solidarity for the victim**

2019.02.11

- **The Victim Support Group "People together with Kim Jieun" posts a statement concerning the trial**

2019.02.12

- **Facebook Live Broadcast of the Ahn Hee-jung Sexual Violence Countermeasure Committee about the trial's change in verdict**

2019.02.13

- Min Joo-won (Ahn's wife) uploads an assault post on Facebook
- **Counter-post of the Ahn Hee-jung Sexual Violence Countermeasure Committee about the secondary damage caused by Min's post**

2019.02.20

- Min Joo-won uploads another assault post on Facebook

2019.02.21

- The Ahn Hee-jung Sexual Violence Countermeasure Committee posts a rebuttal post defending the victim

2019.02.22

- The Ahn Hee-jung Sexual Violence Countermeasure Committee posts a second rebuttal post

2019.02.26

- The Ahn Hee-jung Sexual Violence Countermeasure Committee posts another statement to stop the spreading of false information

2019.02.27

- Publication of a Joint Review in the case of the Ahn Hee-jung Sexual Violence Countermeasure Committee

2019.03.05

- The Ahn Hee-jung Sexual Violence Countermeasure Committee publishes a press release and a joint signature petition

2019.03.13

- The Ahn Hee-jung Sexual Violence Countermeasure Committee holds a workshop

2019.03.22

- Min Joo-won uploads a third assault post on Facebook

2019.03.26

- The Victim Support Group "People together with Kim Jieun" publishes a statement made by Koo Ja-joon, who testified against Ahn and was later sued by the latter

2019.04.01

- The Ahn Hee-jung Sexual Violence Countermeasure Committee uploads another post about the petition

2019.04.12

- The Ahn Hee-jung Sexual Violence Countermeasure Committee publishes card news about Ahn's sexual violence case

2019.06.18

- The Ahn Hee-jung Sexual Violence Countermeasure Committee holds a press conference calling for the guilty verdict of the appellate trial

2019.06.19

- The Ahn Hee-jung Joint Countermeasure Committee on Sexual Violence and the Korea Sexual Violence Counseling Center co-host the event "June Movement for Anti-Sexual Violence; standing against the governor, and Sexual Violence under power"

2019.09.09

- 3rd Ruling, Final Conviction

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