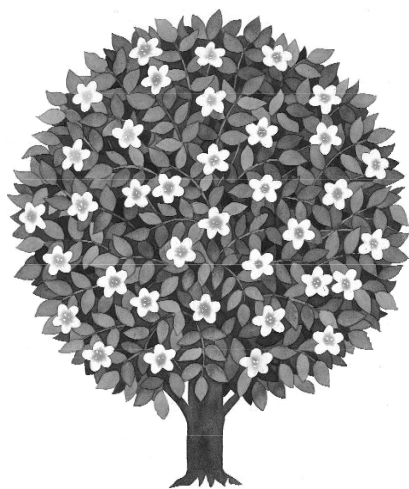


*Act on the Punishment of Procuring
Prostitution and Associated Acts*

*Act on the Prevention of Prostitution and
Protection of Victims Thereof*



Ministry of Justice
Ministry of Gender Equality



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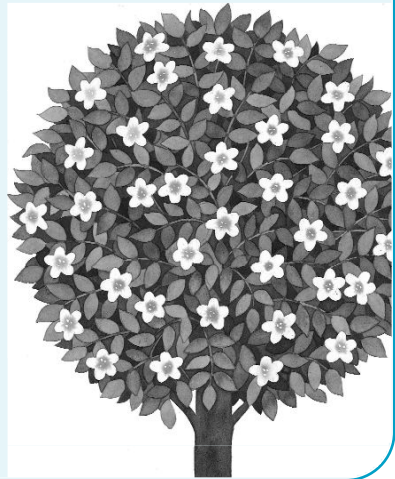
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Act on the Punishment of
Procuring Prostitution and
Associated Acts

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Act on the Prevention of
Prostitution and Protection of
Victims Thereof

Act on the Punishment of Procuring Prostitution and Associated Acts



Act on the Punishment of Procuring Prostitution and Associated Acts

Mar. 22, 2004 Act No. 7196

Chapter I General Provisions

Article 1 (Purpose)

The purpose of this Act is to eliminate prostitution, procuring prostitution and associated acts, and human trafficking for the purpose of prostitution, and to protect the human rights of victims of prostitution.

Article 2 (Definitions)

- ① For the purpose of this Act, the definitions of terms shall be as follows:

1. The term ‘prostitution ’ means on act of a person falling on the any part of the following sub-subparagraphs or being a subject thereof with an unspecified person in exchange for money, valuables or property benefits, or promising it:
 - (1) Sexual intercourse; and
 - (2) Quasi-sexual intercourse by means of part of the body including the oral cavity and/or the anus, or with sexual apparatus.
2. The term “Procuring prostitution and associated acts” means an act falling under any part of the following sub-subparagraphs:
 - (1) An act of an act of procuring or offering prostitution, alluring or coercing a person to be a counterpart in the purchasing of sex;
 - (2) An act of providing a place for prostitution; and
 - (3) An act of providing funds, land, or buildings with the knowledge that they are used for prostitution.
3. The term ‘human trafficking for the purpose of prostitution” means an act falling under any part of the following sub-subparagraphs:
 - (1) An Act of transferring a person under control and

management to a third party by means of deceptive scheme, force, or other forms of coercion with the purpose of producing photographs or virtual communication media which expresses obscene contents including sexual intercourse, an act of making a person sell sex, or an act of forcing obscene acts as a defined under Article 245 of the Criminal Law.

- (2) An act of transferring a subject under control and management to a third party providing and promising money, valuables, property benefits including advance payment to juveniles as defined under Article 2 subparagraph 1 of the Juvenile Protection Act (hereinafter referred to as ‘juveniles’), a person with mental disorder, or a person with serious disabilities as defined under the Presidential Decree or a person who protects and supervises the subject for the same purpose as sub-subparagraph (1);
- (3) An act of receiving a subject for the same purpose as sub-subparagraph (1) or to resell with the knowledge that acts under sub-subparagraph (1)

- and/or (2) are being carried out; and
- (4) An act of recruiting, transporting, harboring a person for the same purposes as sub-subparagraphs (1) and (3).
4. The term ‘victims of prostitution’ means a person falling under any part of the following sub-subparagraphs:
- (1) A person who is forced to sell sex by means of deceptive scheme, force, or other forms of coercion;
- (2) A person who sells sex intoxicated with narcotic drugs, psychotropic medicine or marihuana as defined under Article 2 of the Act on the Control of Narcotics and other Analogous Substances (hereinafter collectively referred to as “drugs”) by a person who protects or supervises through work, employment, or other relationship;
- (3) Juveniles, a person with mental disorder, or a person with serious disabilities as defined under the Presidential Decree who are procured or solicited to sell sex; and
- (4) A person who is trafficked for the purpose of

prostitution.

② A person is considered to be under control and management as stipulated in paragraph ① subparagraph 3 sub-subparagraph (1) of this Article when a situation falls under any part of the following subparagraphs:

1. When a person is prevented from leaving against one's will even if consent from the person based on debt bondage has been acquired; or
2. When an employer or a supervisor of another person, or a person who intermediates in immigration or employment, or assists as such, receives passports or analogous documents for reasons such as securing fulfillment of financial obligations for the purpose of selling sex.

Article 3 (Responsibility of the State)

① The state and local governments shall take legal and institutional measures and raise necessary funds regarding education and promotion of public awareness on the prevention and elimination of prostitution, procuring

prostitution and associated acts, or human trafficking for the purpose of prostitution.

- ② The state shall make efforts to enhance international cooperation and strengthen mutual legal assistance in criminal matters, preventing human trafficking for the purpose of prostitution.

Article 4 (Prohibition)

No one shall take part in activities falling under any part of the following subparagraphs:

1. Prostitution;
2. Procuring prostitution and associated acts;
3. Human trafficking for the purpose of prostitution;
4. An act of employing and recruiting another person for the purpose of prostitution, or introducing and intermediating work with the knowledge that the work is associated with prostitution; and
5. An act of advertising for activities and/or an agency where such activities are carried out, which fall under subparagraphs 1, 2, or 4.

Article 5 (Relationship with Other Acts)

In case where specific provisions are stipulated in the Act on Protection of Juveniles from Sexual Crimes with regard to provisions set out in this Act, the Act on Protection of Juveniles against Sexual Crimes shall supersede this Act.

Chapter II Protection of Victims of Prostitution

Article 6 (Exceptions to the Punishment for Victims of Prostitution and the Protection thereof)

- ① The victims of prostitution shall not be subject to punishment for prostitution.
- ② In case where there is a good reason to believe that the accused or a witness is a victim of prostitution in the process of an investigation, the prosecutor or the judicial police officer shall immediately notify the victim's legal representative, family members, relatives, or legal counsel, and take appropriate actions to protect the victim including personal protection, confidentiality of investigation, transfer of victims to family members, relatives, or assistance facilities and counseling centers for the victims. A prosecutor or a judicial police officer may not give notification when unavoidable circumstances exist such as protecting the privacy of the accused or the witness.

- ③ In case where the court or law enforcement agencies investigate or question as witnesses, reporters (report includes complaints and claims hereinafter) of crimes defined under this Act or victims of prostitution (hereinafter collectively referred to as ‘reporter, etc. ’), Article 7 or Article 13 of Protection of Reporters, etc. of Specific Crimes Act shall be applied mutatis mutandis. In such case, existence of concerns for retaliation are not required except for Article 9 and Article 13 of Protection of Reporters, etc. of Specific Crimes Act.

Article 7 (Duty to Report)

- ① When the head or staff members working in assistance facilities or a counseling centers for prostitution victims as defined under Article 5(1) and Article 10 of the Act on Prevention of Prostitution and Protection of Victims Thereof respectively, become aware of the facts regarding the victimization caused by prostitution through work, they shall immediately report to law enforcement agencies.

- ② Reporters of criminal acts defined under this Act shall not be put at a disadvantage by anyone because of the report.
- ③ Unless provided otherwise in other legal provisions, information or material that reveals the identity of the reporter such as personal information or pictures shall not be posted on the Internet, published, or broadcasted through the media.

Article 8 (Presence in Company of Persons Having Fiduciary Relations)

- ① The court may allow a reporter to be accompanied by a person having fiduciary relations when examining the reporter, etc. as a witness, by the court's own decision or at the request of the reporter, the reporter's legal representative, or the prosecutor.
- ② The law enforcement agency may allow a reporter to be accompanied by a person having fiduciary relations when investigating the reporter, etc., by the law enforcement agency's own decision or at the request of the reporter, the reporter's legal representative, or the prosecutor.

- ③ Juveniles, a person with mental disorder, or a person with serious disabilities as defined under the Presidential Decree shall be accompanied by a person having fiduciary relations on request subject to paragraph ① or ② unless there exists a special reason such as concerns for hampering of the trial or the investigation.
- ④ Anyone who accompanies a reporter in the examination or the investigation person to paragraph ① or ③ shall not unjustly influence the investigation or the trial by testifying for the reporter or leading the reporter's testimony.

Article 9 (Confidentiality of the Trial)

- ① The court may when necessary decide to hold a closed trial for reasons of privacy or protection of the reporter, etc.
- ② A reporter etc. and the reporter's family subpoenaed to testify as a witness may request that the examination of the witness be closed to the public for reasons of privacy or protection of the witness.

- ③ The judge may, when a request is made in accordance with paragraph ②, decide on the method or the place of the interrogation such as whether to allow such request or examining outside the court.
- ④ Article 57 paragraph ② or ③ of the Court Organization Act may be applied mutatis mutandis regarding the confidentiality of a trial subject to paragraph ① or ③.

Article 10 (Invalidation of Claims Arising from Illegal Causes)

- ① The claim that a person who procures prostitution and does associated acts, a person who employs and recruits those who sell sex or introduces and mediates prostitution, or a person who has trafficked another person for the purpose of prostitution has on those who sell sex or is planning to do so regarding one's deed shall be invalidated regardless of the form or pretext of the contract. The same shall apply when the claim is transferred to a third party or the liability is undertaken.
- ② The prosecutor or the judicial police officer shall check

and take into consideration whether money, valuables, property benefits were provided for the purpose of seducing and coercing prostitution or preventing a person from leaving the brothel when investigating a case regarding complaints and claims resulting from questionable noncompliance of a liability related to illegal causes as set forth in paragraph ①.

- ③ When investigating a person who sells sex or victims of prostitution, the prosecutor of the judicial police officer shall notify the person or the legal representative the fact that claims under paragraph ① are invalidated and that assistance facilities are available

Article 11 (Special Provisions for Foreign Women)

- ① When a foreign woman reports crimes under this Act or is investigated as a victim of prostitution, the case shall not be subject to a deportation order or an execution of social protection under Article 46 and Article 51 of the Immigration Control Act respectively until a decision is made on a disposition not to institute a public action or to

prosecute the case. In this case, the law enforcement agency shall take necessary actions for immigration management such as notifying the foreign woman's personal information and residence to the immigration control office.

- ② After deciding to prosecute a case subject to paragraph ①, the prosecutor may request the head of the immigration control office to suspend the execution of a deportation order or temporarily withdraw detention for a certain period of time in consideration of the damage status caused by prostitution, testimony or necessity of compensation, or other factors.
- ③ During a period when the execution of a deportation order is suspended or detention is temporarily withdrawn in accordance with paragraph ① or ②, the subjected foreign woman may be allowed to use the assistance facilities.
- ④ When investigating a foreign woman as a victim of prostitution, law enforcement agencies shall inform her of her right to claim compensation in accordance with the Act on Special Cases concerning Expedition etc. of Legal Proceedings.
- ⑤ When a foreign woman, the victim of prostitution, files a

claim for compensation in accordance with the Act on Special Cases concerning Expedition etc. of Legal Proceedings, paragraph ① may be applied mutatis mutandis until the order of compensation is confirmed.

Chapter III Protection Cases

Article 12 (Treatment of Protection Cases)

- ① Considering the character and motive of the case, the character and conduct of the person, the prosecutor shall send the case to the competent court as a protection case when there is good reason to believe that the person who sells sex be put under protective disposition under this Act unless there is a special circumstance.
- ② After reviewing a case on prostitution, if there is good reason to believe that it be put under protective disposition under this Act, the court may by decision send the case to the competent court of protection cases.

Article 13 0(Jurisdiction)

- ① The jurisdiction of protection cases (herein after ‘protection cases’) subject to this Act falls under the family court which has jurisdiction over the place of

prostitution or the place of residence or present domicile of a person who sells sex. Provided, that a family court is not established in the district, the district court has jurisdiction (including assistance. The same applies herein after).

- ② A protection case is examined and decided by a single judge.

Article 14 (The Decision of Protective Disposition, etc.)

- ① The judge may decide on any part of the following subparagraphs by decision when the necessity of protective disposition is recognized as a result of examination.
 - 1. No trespassing of a place or district recognized for concerns of possible prostitution;
 - 2. Probation under the Protection and Surveillance, etc. Act;
 - 3. Community service and attending lecture order under the Protection and Surveillance, etc. Act;

4. Disposition to the assistance facility under Article 5 paragraph ① subparagraph 1 or 3 of the Act on Prevention of Prostitution and Protection of Victims Thereof;
 5. Entrusting counseling to counseling centers for prostitution victims under Article 10 of the Act on Prevention of Prostitution and Protection of Victims Thereof; and
 6. Entrusting medical care to a medical institution taking exclusive charge under Article 33 of the Act on the Punishment of Sexual crimes and Protection of Victims Thereof.
- ② The decision on each subparagraph of paragraph ① may be made jointly.
 - ③ The court shall notify the prosecutor, the subject of the protective disposition, the probation officer, or the assistance facility and the counseling center for victims of prostitution, or the medical institution (herein after ‘designated institution ’) entrusted with the protective disposition without delay when the decision for protective disposition has been made. Provided, that when the protective disposition is entrusted to a designated

institution that is not run by the government, the head of that institution must consent to the designation.

- ④ The court shall send the probation officer or the head of the designated institution necessary information for education, counseling, medical care, or probation when a decision under paragraph ① subparagraph 2 or 6 is made.
- ⑤ The Protection and Surveillance, etc. Act shall apply *mutatis mutandis* in all other cases not subject to this Act regarding probation, community service and attendance center order.

Article 15 (Period of Protective Disposition)

The protective disposition under Article 14 paragraph ① subparagraphs 1, 2, 4, and 5 may not exceed 6 months and community service and attendance center order under subparagraph 3 of the same paragraph may not exceed 100 hours.

Article 16 (Change in Protective Disposition)

- ① The Court may at the request of the prosecutor, probation officer, or head of the designated institution change the type and period of the protective disposition once through a decision.
- ② When changing the type and period of the protective disposition under paragraph ①, the total length of the disposition may not exceed 1 year in case of protective disposition under Article 14 paragraph ① subparagraphs 1, 2, 4 through 5 and 200 hours in case of community service and attendance center order under subparagraph 3 of the same paragraph.

Article 17 (Other Legal Applications)

- ① Regarding protective disposition on prostitution cases that this act does not provide, Articles 13 through 17, 19 through 28, 30 through 32 paragraph ①, 34 through 38, 43, 44 and 46 through 55 of the Act on Special Cases Concerning Punishment of Domestic Violence, etc. shall apply mutatis mutandis and ‘crimes of domestic violence’ shall mean ‘prostitution’ and ‘family

protection cases” shall mean “protection cases.” Provided, that provisions that can not be applied to prostitution cases such as temporary measures, articles regarding the rights of victims or legal representatives shall not apply.

- ② Necessary matters regarding the investigation and trial of protection cases that are not provided in this Act shall be decided by the Supreme Court Regulations

Chapter IV Penal Provisions

Article 18 (Penal Provisions)

- ① Anyone who falls under any part of the following subparagraphs shall be punished by imprisonment for not more than 10 years or by a fine not exceeding 100,000,000 won:
1. A person who forces selling sex by means of assault or threats;
 2. A person who forces selling sex by deceptive scheme or other similar methods getting the person into trouble;
 3. A person who forces selling sex by using the fact that protection and supervision is provided for the person based on the relationship of family, relatives, employment or others; and
 4. A person who films videos, etc. expressing obscene material such as sexual intercourse by means of deceptive scheme or force.
- ② Anyone who falls under any part of the following

subparagraphs shall be punished by imprisonment of a definite term for no less than 1 year:

1. A person who commits a crime(including attempted crimes) under paragraph ① and received or requested and promised all or a part of the compensation thereof;
2. A person who forces juveniles, a person with mental disorder, or a person with serious disabilities as defined under the Presidential Decree to sell sex using deceptive scheme or force; and
3. A person who commits a crime under paragraph ① as a member of a criminal organization or group defined under Article 4 of the Punishment of Violence, etc. Act.

③ Anyone who falls under any part of the following subparagraphs shall be punished by imprisonment of a definite term for no less than 3 years:

1. A person who forces prostitution by means of confining a person or showing group or multiple force to that person;
2. A person who forces an abortion or sterilization by means of deceptive scheme or force using the employment and management relationship with the

- person who sold or will sell sex;
3. A person who trafficked persons for the purpose of prostitution; and
 4. A person who commits a crime under paragraph ② subparagraph 1 or 2 as a member of an organization or group defined under Article 4 of the Punishment of Violence, etc. Act.
- ④ Anyone who falls under any part of the following subparagraphs shall be punished by imprisonment of a definite term for no less than 5 years:
1. A person who forces the person receiving protection or supervision based on business, employment, or other relationship to sell sex using drugs;
 2. A person who commits a crime under paragraph ② subparagraph 1 or 3 as a member of an organization or group defined under Article 4 of the Punishment of Violence, etc. Act.

Article 19 (Penal Provisions)

- ① Anyone who falls under any part of the following subparagraphs shall be punished by imprisonment for not

more than 3 years or by a fine not exceeding 30,000,000 won:

1. A person who procures prostitution and does associated acts;
 2. A person who recruits persons for sex selling acts; and
 3. A person who introduces and/or mediates work making persons involve in prostitution.
- ② Anyone who falls under any part of the following subparagraphs shall be punished by imprisonment for not more than 7 years or by a fine not exceeding 70,000,000 won;
1. A person who procures prostitution and does associated acts vocationally;
 2. A person who recruits persons for prostitution and gets profits thereof;
 3. A person who introduces and mediates work making persons involve in prostitution and gets profits thereof.

Article 20 (Penal Provisions)

- ① Anyone who falls under any part of the following

subparagraphs shall be punished by imprisonment for not more than 3 years or by a fine not exceeding 30,000,000 won:

1. A person who advertises (herein after by means including publications, printed handouts, telephones, the Internet, or others) with the purpose of introducing and mediating work to make persons involve in prostitution or obscene acts as defined under Article 245 of the Criminal Code;
 2. A person who advertises a place where prostitution, procurement, or associated acts occur; and
 3. A person who provides advertisement offering or seducing acts of buying sex.
- ② Anyone who produces and supplies advertisement material or places an advertisement subject to paragraph ① as a business shall be punished by imprisonment for not more than 2 years or by a fine not exceeding 10,000,000 won.
- ③ Anyone who distributes advertisement material or published materials of advertisement subject to paragraph ① as a business shall be punished by imprisonment for not more than 1 year or by a fine not exceeding 5,000,000 won.

Article 21 (Penal Provisions)

- ① Anyone who sells sex or buys sex shall be punished by imprisonment for not more than 1 year or by a fine, detention, or minor fine not exceeding 3,000,000 won.
- ② Anyone who violates Article 7 paragraph ② shall be punished by a fine not exceeding 5,000,000 won.

Article 22 (Aggravated Punishment for Criminal Organization)

Anyone who forms or becomes a member of an organization or a group for the purpose of committing criminal acts as defined under Article 18 and Article 19 of this Act shall be punished under Article 4 of the Punishment of Violence, etc. Act.

Article 23 (Attempted Crimes)

The attempts to commit the crimes as prescribed in Articles 18 through 20 shall be punished.

Article 24 (Joint Punishment by Imprisonment and a Fine)

Crimes under Articles 18 paragraph 1, 19, 20, and 23(excluding attempted crimes under Article 18 paragraph 2 through 4) may be jointly punished by imprisonment and a fine.

Article 25 (Confiscation and Additional Collection)

Money, valuables or property benefits obtained by a person who committed criminal acts under Articles 18 through 20 shall be subject to confiscation and if confiscation is not possible, the equivalent amount of money shall be collected.

Article 26 (Mitigation or Remission of Punishment)

When a person who commits criminal acts under this Act reports to a law enforcement agency or voluntarily

surrenders oneself, the punishment may be mitigated or remitted.

Article 27 (Joint Penal Provision)

When a representative of a juristic person, or an agent, servant or employee of a juristic person or individual commits a crime under Articles 18 through 23 concerning the business of the juristic person or individual, a fine as prescribed in each corresponding Article shall be imposed on the juristic person or individual, in addition to the offender and if punishment with a fine is not provided a fine not exceeding 100,000,000 won will be imposed.

Article 28 (Recompense)

- ① Recompense may be given to anyone who reports crimes under Article 18 paragraph ② subparagraph 3, paragraph ③ subparagraphs 3 and 4 of the same Article, paragraph ④ of the same Article and Article 22 to a law

enforcement agency.

- ② Necessary matters regarding the standard and scope of compensation provided under paragraph ① shall be decided by a Presidential Decree.

Addenda

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation.

Article 2 (Annulment of Other Acts)

The Prevention of Prostitution, etc. Act will annul this clause.

Article 3 (Transitional Measures Concerning Penal Provisions)

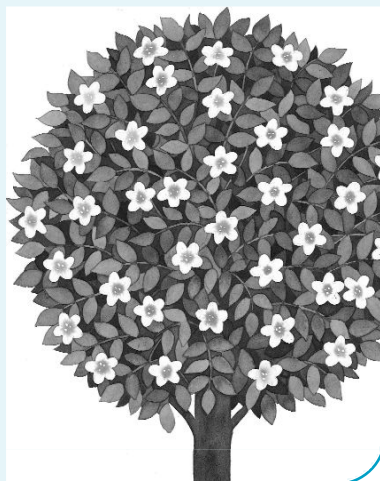
In the application of the penal provisions to the acts committed prior to the enforcement of this Act, the previous Prevention of Prostitution, etc. Act shall apply.

Article 4 (Transitional Measures Concerning Protective Detention, etc.)

If the implementation of protective disposition procedures, protective disposition, or proper guidance and protection measure is in progress under previous rules at the time of this Act's promulgation, the previous rules shall apply.

Article 5 (Amendment of Other Acts, etc.) : Omission

Act on the Prevention of Prostitution and Protection of Victims Thereof



Act on the Prevention of Prostitution and Protection of Victims Thereof

Mar. 22, 2004 Act No. 7212

Article 1 (Purpose)

The purpose of this Act is to prevent prostitution and to support the protection and self-reliance of victims of prostitution and those who sell sex.

Article 2 (Definitions)

For the purpose of this Act, the definitions are as follows:

1. “Prostitution” means acts defined under Article 2 paragraph (1) subparagraph 1 of the Act on the Punishment of Procuring prostitution and Associated Acts;

2. “Procuring prostitution and Associated Acts” means acts defined under Article 2 paragraph (1) subparagraph 2 of the Act on the Punishment of Procuring prostitution and Associated Acts;
3. “Human trafficking for the purpose of prostitution” means acts defined under Article 2 paragraph (1) subparagraph 3 of the Act on the Punishment of Procuring prostitution and Associated Acts; and
4. “Victims of prostitution” mean anyone defined under Article 2 paragraph (1) subparagraph 4 of the Act on the Punishment of Procurement Procuring prostitution and Associated Acts.

Article 3 (Responsibility of the State, etc.)

(1) The State and the local government shall provide legal and institutional devices and take necessary administrative and financial measures for the following subparagraphs to prevent prostitution and support the protection and self-reliance of the victims of prostitution and those who sell sex.

1. Investigation, study, education, and publicity for the prevention of prostitution, procurement and associated

acts, and human trafficking for the purpose of prostitution; and

2. The establishment and operation of facilities (including facilities for foreign women) to support the protection and self-reliance of victims of prostitution.
- ② The state shall make efforts to enhance international cooperation in order to prevent human trafficking for the purpose of prostitution

Article 4 (Preventive Education on Prostitution)

The head of primary and secondary schools shall pursue preventive education on prostitution in accordance with the Presidential Decree to develop sound values and prevent prostitution.

Article 5 (Type of Assistance Facilities)

- ① The types of assistance facilities for victims of prostitution and prostitutes who are willing to quit prostitution are as follows:

1. General Assistance Facility: The facility provides board and housing, and supports the self-reliance of victims of prostitution for up to six months;
 2. Juvenile Assistance Facility: The facility provides board and housing for up to one year and supports the self-reliance of juvenile victims of prostitution through school enrollment and education;
 3. Assistance Facility for Foreign Women: The facility provides board and housing for up to three months (foreign women subject to Article 11 of the Act on Punishment of Procuring prostitution and Associated Acts will be provided as such) and supports the return to the home state for foreign women who are victims of prostitution;
 4. Self-support Assistance Center: The facility provides the necessary support for victims of prostitution and prostitutes who are willing to quit prostitution.
- ② The head of the general assistance facility may as prescribed by the Ordinance of the Ministry of Gender Equality extend the period of assistance up to six months.
- ③ The head of the juvenile assistance facility may as prescribed by the Ordinance of the Ministry of Gender Equality extend the period of assistance until the juvenile turns 19 years old.

Article 6 (Establishment of Assistance Facilities)

- ①The state or the local government may establish and operate an assistance facility.
- ②When a person other than the state or the local government wants to establish and operate an assistance facility that person shall file a report to the head of Shi/Kun/Ku(the head of Ku refers to the autonomous district herein after).
- ③Necessary matters regarding the standard for establishment, procedure of report, and the qualification standard and size of the employees of an assistance facility shall be prescribed by the Ordinance of the Ministry of Gender Equality.

Article 7 (Affairs of the Assistance Facilities)

- ①A general assistance facility shall carry out the following affairs:
 1. Boarding and housing;
 2. Counseling and treatment for psychological stability

- and social adjustment;
3. Medical support such as transfer to a medical institution for treatment of illness and health care;
 4. Accompanying in witness examinations by the law enforcement agency and the court;
 5. Requesting necessary cooperation and assistance to legal institutions;
 6. Pursuing education for self-reliance and self-support and providing employment information;
 7. Assist the receiving of payment under social security-related acts such as National Basic Livelihood Security Act;
 8. Technical training (including entrusted education);
 9. Matters entrusted to the assistance facility by other legal provisions; and
 10. Other matters prescribed under the Ordinance of the Ministry of Gender Equality.
- ② A juvenile assistance facility shall provide education to help continue one's studies or encourage admission to an education institution other than that of each subparagraph of paragraph ①.
- ③ An assistance facility for foreign women shall carry out affairs under paragraph ① subparagraphs 1 through 5 and

9 and support the return to the home state.

④ A self-support assistance center shall carry out the following affairs:

1. Operation of a self-support community;
2. Job and technical training (including entrusted education);
3. Providing information for employment and opening a business;
4. Other necessary support for reintegration into the mainstream society prescribed under the Ordinance of the Ministry of Gender Equality.

Article 8 (Entering into Assistance Facilities)

- ① Anyone who wants to enter into an assistance facility shall adhere to the rules of admission.
- ② Anyone who wants to use the programs provided by an assistance facility shall adhere to the rules on usage set by that assistance facility.
- ③ The head of an assistance facility may take necessary measures such as an order to leave from the facility or to stop the usage against enrolled members or users who do

not adhere to the rules of admission and usage, or seriously obstruct the daily activities of the group.

- ④ Necessary matters regarding admission to an assistance facility and procedure of usage, rules of admission and usage are prescribed by the Ordinance of the Ministry of Gender Equality

Article 9 (Operation of Assistance Facilities)

- ① The head of an assistance facility shall guarantee to the fullest the human rights of the enrolled or user.
- ② The head of an assistance facility shall provide necessary support for counseling, education, providing information to develop the ability of the enrolled and the user to adjust to society, and for protecting the individual.
- ③ The head of an assistance facility shall provide a medical examination within one month of the admission for the health care of the enrolled, and when a health problem is detected necessary measures are taken such as receiving medical payments under the Medical Benefit Act, and when necessary, may request a medical institution for the

treatment of illness.

- ④ Necessary matters regarding the operation method and standard of as assistance facility shall be prescribed by the Ordinance of the Ministry of Gender Equality.

Article 10 (Establishment of Counseling Centers)

- ① The state or the local government may establish and operate a counseling center for victims of prostitution(herein after “counseling center”).
- ② When a person other than the state or the local government wants to establish and operate a counseling center that person shall report to the head of Shi/Kun/Ku.
- ③ A counseling center shall have a counseling office and may operate a protection office to temporarily protect users.
- ④ Necessary matters regarding the standard of establishment, procedure of report, standard of operation, and the qualification standard and size of the employees of a counseling center shall be prescribed by the Ordinance of the Ministry of Gender Equality.

Article 11 (Affairs of a Counseling Center)

A counseling center shall carry out the following affairs:

1. Counseling and outreaching
2. Informing matters regarding the usage of assistance facilities and the guiding and connecting to assistance facilities.
3. Rescue of victims of prostitution
4. Affairs under Article 7 paragraph ① subparagraphs 3 through 5.
5. Matters entrusted to a counseling center by other legal provisions.
6. Measures to protect the victims of prostitution prescribed by the Ordinance of the Ministry of Gender Equality.

Article 12 (Cooperation of Law Enforcement Agencies)

The head of a counseling center may request the head of a police station of jurisdiction for an officer under command to accompany when it is necessary to immediately rescue a

victim of prostitution. At such request, the head of the police station shall comply unless there exists a special reason.

Article 13 (Respecting the Intentions of the Victims of Prostitution)

The head of an assistance facility or a counseling center may not enroll a victim of prostitution into as assistance facility or protect him/her under Article 10 paragraph ③ against one's explicit intentions.

Article 14 (Support for Medical Expenses)

The state or the local government may support all or a part of the medical expenses regarding treatment items that are not covered under the Medical Benefit Act in case the head of an assistance facility requested for treatment of an illness under Article 9 paragraph ③.

Article 15 (Subsidy of Expenses)

The state or the local government may provide subsidies for the expenses used in the establishment and operation of assistance facilities and counseling centers.

Article 16 (Direction and Supervision)

- ① The Minister of Gender Equality, the Special Metropolitan City Mayor, a Metropolitan City Mayor, or a Provincial Governor (herein after referred to as Major/Provincial Governor), or the head of a Shi/Kun/ Ku may order a necessary report or require the submission of materials to the head of an assistance facility or counseling center, and have a related government official visit the assistance facility or counseling center to examine the relevant documents.
- ② The government official entering and inspecting under paragraph ① shall notify the assistance facility or counseling center of the purpose and time of the visit and inspection prior to the visit, and when entering, must

carry an identification to present to the relevant personal showing his/her competence.

Article 17 (Report on Closure, Suspension, etc.)

Any person who intends to close, suspend, resume the operation of an assistance facility or a counseling center on which a report has been filed under Article 6 paragraph ② or Article 10 paragraph ② shall file a report to the head of Shi/Kun/Ku as prescribed by the Ordinance of the Ministry of Gender Equality.

Article 18 (Prohibition of Operation for Commercial Purposes)

An assistance facility or counseling center subject to this Act may not be established and operated for commercial purposes.

Article 19 (Liability for Keeping Secret)

The head of an assistance facility or a counseling center, or the assistant, or any person who has been in such office, shall not divulge any secret which he has learned in the course of his duties.

Article 20 (Closure of Assistance Facilities and Counseling Centers)

① The Minister of Gender Equality, Major/Provincial Governor or head of Shi/Kun/Ku may order an end or suspension of affairs or close an assistance facility or counseling center when the assistance facility or counseling center falls under any part of the following subparagraphs:

1. When the assistance facility or counseling center does not satisfy the standards of establishment under Article 6 paragraph ③ or Article 10 paragraph ④;
2. When Article 16 paragraph ① is violated by not filing a report without good reason or filing a false report;
3. When Article 18 is violated;

4. When the head or the employees of an assistance facility or counseling center committed crimes under Article 2 paragraph ① of the Act on the Punishment of Sexual Crimes and Protection of victims Thereof against the enrolled and user;
 5. When subject to Article 40 paragraph ① subparagraph 3 and subparagraph 3 sub-subparagraph 2 of Social Welfare Service Act; and
 6. When this Act or an order under this Act has been violated.
- ② A hearing shall be held to order an end or suspension of affairs or close an assistance facility or counseling center under paragraph ①.
 - ③ Necessary matters regarding the specific type and standard of disposition under paragraph ① shall be prescribed by the Ordinance of the Ministry of Gender Equality

Article 21 (Delegation of Authority)

The Minister of Gender Equality or the Mayor/Provincial Governor may delegate a part of the authority under this Act

as prescribed by the Presidential Decree to the Mayor/Provincial Governor or the head of Shi/Kun/Ku.

Article 22 (Penal Provisions)

Anyone who falls under any part of the following subparagraphs shall be punished by imprisonment of not more than one year or by a fine not exceeding 5,000,000 won.

1. A person who establishes and operates an assistance facility without filing a report under Article 6 paragraph ②;
2. A person who establishes and operates a counseling center without filing a report under Article 10 paragraph ②;
3. A person who violates Article 18 or 19; and
4. A person who violates an order under Article 20.

Article 23 (Joint Penal Provisions)

When a representative of a juristic person, or an agent,

servant or employee of a juristic person or individual commits a crime under Articles 22 concerning the affairs of the juristic person or individual, a fine as prescribed in the Article shall be imposed on the juristic person or individual, in addition to the offender.

Article 24 (Fine for Negligence)

- ① Anyone who falls under any part of the following subparagraphs shall be punished by a fine not exceeding 3,000,000 won.
 1. A person who refuses, obstructs, or evades the entrance and inspection of a government official under Article 16 paragraph ①; and
 2. A person who violates Article 17.
- ② The fine for negligence under paragraph ① shall be imposed and collected by the Minister of Gender Equality, Major/Provincial Governor, or the head of Shi/Kun/Ku(herein after referred to as “authority”) as prescribed by the Presidential Decree.
- ③ Anyone who is insubordinate to disposition of fine of negligence under paragraph ② may make an objection to

the authority within 30 days after he/she was informed of the disposition.

- ④ When a person subject to the disposition of fine of negligence under paragraph ② makes an objection under paragraph ③, the authority shall immediately notify the fact to the court of jurisdiction, which shall, upon receiving the notification, bring the case of fine for negligence to a trial under the Non-contentious Case Procedure Act.
- ⑤ If no objection is made, and no fine for negligence is paid, in the period as referred to in paragraph ③, it shall be collected according to the examples of the national or local taxes in arrears.

Addenda

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation.

Article 2 (Transitional Measures concerning Assistance Facilities and Counseling Centers)

- ① Temporary shelters and facilities for proper guidance and protection, facilities for self-reliance and self-support, and women's welfare clinic established under the Prevention of Prostitution, etc. Act at the time when this Act enters into force shall each be considered as general assistance facilities and juvenile assistance facilities, self-support assistance center, counseling center for victims of prostitution respectively under this Act. Provided, that the facility standards provided under this Act is satisfied within two years of this Act's entering into force.
- ② Temporary shelters, facilities for proper guidance and protection, facilities for self-reliance and self-support, and women's welfare clinic established under the Prevention of Prostitution, etc. Act shall be reported as general assistance facilities, juvenile assistance facilities, self-support assistance center, counseling center for victims of prostitution, respectively within six months of this Act's entering into force.

Article 3 (Transitional Measures concerning Penal Provisions)

The Prevention of Prostitution, Etc. Act shall apply with regard to the application of penal provisions concerning acts committed before this Act came into force.

Article 4 (Amendment of Other Acts, etc.)

- ① A part of Social Welfare Service Act shall be amended as follows:

Article 2 subparagraph 1 sub-subparagraph 7 shall be amended as below.

7. The Act on the Prevention of Prostitution and Protection of Victims Thereof.

- ② A part of Chile Welfare Act shall be amended as follows:

Article 26 paragraph (2) subparagraph 6 shall be amended as below.

6. The head or employee of assistance facilities and counseling centers for victims of prostitution under Articles 5 and 10 of the Act on the Prevention of Prostitution and Protection of Victims Thereof.

③ A part of Juvenile Sex Protection Act shall be amended as follows:

“facilities for proper guidance and protection under Article 11 paragraph ① subparagraph 2 of the Prevention of Prostitution, etc. Act” in Article 15 paragraph ① shall be amended to “juvenile assistance facilities under Article 5 paragraph ① subparagraph 2 of the Act on the Prevention of Prostitution and Protection of Victims Thereof.”

④ When the Prevention of Prostitution, etc. Act and its provisions are quoted in other Acts at the time when this Act enters into force, if such provisions exist under this Act, that quote shall refer to this Act and its provisions as such.