

Act on the Prevention of Prostitution and Protection of Victims Thereof

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 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)

- ① The state or the local government may establish and operate an assistance facility.
- ② When 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).
- ③ Necessary 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)

- ① A 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 Major, 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 says 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.