

Korea
Act
1997
The Presidential Commission on Women's Affairs

Korea
Act
December 17, 1998
Presidential Commission on Women's Affairs

Prevention of Domestic Violence and Victim Protection Act

Special Act for the Punishment of Domestic Violence

Korea
Act
1997
The Presidential Commission on Women's Affairs

Korea
Act
December 17, 1998
Presidential Commission on Women's Affairs

Prevention of Domestic Violence and Victim Protection Act

Special Act for the Punishment of Domestic Violence

Korea
Act
1997

The Presidential Commission on Women's Affairs
The Prevention of Domestic Violence and

Victim Protection Act, Presidential decree No. 15826

3. Enforcement Regulation of the Prevention of Domestic Violence

and Victim Protection Act, The Ministerial Ordinance of the

Ministry of Health and Welfare No. 83

II. Special Act for the Punishment of Domestic Violence

Special Act for the Punishment of Domestic Violence

I. Prevention of Domestic Violence and Victim Protection Act

Law No. 5487, December 31, 1997

Article 1 (Purpose)

The purpose of this Act is to prevent domestic violence and to protect victims of domestic violence in order to nurture and promote family health and safety.

Article 2 (Definitions)

The definitions of terms used in this Act are as follows:

(1) "**domestic violence**" is defined as the acts prescribed in Article 2, subsection 0) of the *Special Act for the Punishment of Domestic Violence*.

(2) "**offender of domestic violence**" is defined as any person described in Article 2, subsection (4) of the *Special Act for the Punishment of Domestic Violence*.

(3) "**victim of domestic violence**" is defined as any person who has suffered a direct injury from domestic violence.

(4) "**temporary protection**" is defined as a limited period of protection for victims of domestic violence and other affected family members through such measures as the provision of board and lodging facilities.

Article 3 (Protection and Preservation of Families)

The State and local autonomous bodies shall make efforts to protect and preserve the family system and the health and safety of families so that every individual can enjoy a safe family environment.

Article 4 (Responsibility of the State and Local Governments)

1. The State and local autonomous bodies shall take the following measures to prevent and prohibit domestic violence.

- (1) Establish and operate a reporting system on domestic violence.
- (2) Conduct research, provide education, and run public awareness campaigns to prevent and prohibit domestic violence.
- (3) Establish and operate protective facilities for victims of domestic violence and provide other assistance to the victims.
- (4) Investigate and assess the actual occurrence and conditions of domestic violence.
- (5) Revise laws related to the prevention and prohibition of domestic violence and establish and enforce policies to prevent and prohibit domestic violence.

2. The State and local autonomous bodies shall take the necessary budgetary measures in order to fulfill their responsibilities prescribed under Paragraph 1.

Korea
Act
1997

The Presidential Commission on Women's Affairs

3. The Special City / large-sized city / province (hereinafter referred to as "city / province") and a city / Koon(county) / Koo(town) shall establish a unit and appoint civil servants responsible for the prevention and prohibition of domestic violence.

4. The State and local autonomous bodies shall develop and support domestic violence counseling centers and protective facilities to be established and operated in accordance with Article 5, Paragraph 2 and Article 7, Paragraph 2, of this Act, through such measures as funding assistance.

Article 5 (Establishment and Operation of Counseling Centers)

1. The State and local autonomous bodies may establish and operate domestic violence counseling centers (hereinafter referred to as a "Counseling Center").

2. If any person other than the state and local autonomous bodies desires to establish and operate a Counseling Center, he / she shall report to the mayor of a city or the governor of a province (hereinafter referred to as the Mayor / Governor").

3. The establishment standards of a Counseling Center and the qualifications, number, and reporting procedures of counselors the victims delivered from related facilities such as a police thereof shall be prescribed by the Ministerial Ordinance No. 83 of station. the Ministry of Health and Welfare.

Article 6 (Counseling Center Responsibilities and Services)

The responsibilities of and services provided by a Counseling Center are as follows:

(1) The Counseling Center shall receive reports on domestic violence and / or provide counseling in regards to domestic violence.

(2) The Counseling Center shall provide temporary protection to the victims who, as a result of domestic violence, are not able to lead a normal family and social life and / or are in need of urgent protection; or it shall deliver the victims to medical institutions or protective facilities.

(3) For the purpose of obtaining legal advice on such issues as the reporting of domestic violence to the police, the Counseling Center shall seek cooperation and support of the Korean Bar Association / Local Bar association and the Korea Legal Aid Corporation as necessary.

(4) The Counseling Center shall provide temporary protection the victims delivered from related facilities such as the police station.

(5) The Counseling Center shall conduct public education and awareness campaigns concerning the prevention and prohibition of domestic violence.

(6) The Counseling Center shall conduct research and investigate actual occurrence and consequences of domestic

Korea
Act
1997
The Presidential Commission on Women's Affairs

violence.

Article 7 (Establishment and Operation of Protective Facilities)

1. The State or local autonomous bodies may establish and operate protective, facilities for victims of domestic violence (hereinafter referred to as a "Protective Facility").
2. Social welfare organizations and / or other non-profit organizations may; with the permission of the Mayor / Governor, establish and protective facilities. operate a Protective Facility.
3. The establishment standards and authorization requirements of a Protective Facility shall be prescribed by the Ministerial Ordinance No. 83 of the Ministry of Health and Welfare.

Article 8 (Protective Facility Responsibilities and Services)

1. The responsibilities of and, services provided by a Protective. Facility shall be in accordance with the Presidential Decree No. 15826.
 - (1) The Protective Facility shall provide services described under the subsections of Article 6 of this Act.
 - (2) The Protective Facility shall provide temporary protection to victims of domestic violence.
 - (3) The Protective Facility shall provide assistance in obtaining both medical and counseling services and in returning victims to their families safely.
 - (4) The Protective Facility shall provide any services as may be entrusted to such a facility as prescribed by other Acts or laws.
 - (5) The Protective Facility shall provide other related services and assistance necessary to ensure the safety of victims of domestic violence.
2. The head of a Protective Facility may claim compensation from the offender of domestic violence for all expenses incurred under Paragraph 1 above. In such case, the procedures used to collect such compensation shall be in accordance with those used to collect from persons who fail to pay national or local taxes.

Article 9 (Obligation to Respect the will of the Victims)

The head of a Counseling Center or a Protective Facility may not provide protection described in Article 8, Paragraph 1, subsection (2) and Article 18 to victims of domestic violence against their expressed will.

Article 10 (Temporary or Permanent Closure of Counseling Centers or Protective Facilities)

In order to temporarily or permanently close to counseling Center or a Protective Facility established in accordance with Article 5, Paragraph 2 or Article 7, Paragraph 2 of this Act, a notification of such closure shall be made beforehand to the Mayor / Governor in accordance with the Ministerial Ordinance No. 83 of the Ministry of Health and Welfare.

Korea
Act
1997

The Presidential Commission on Women's Affairs

Article 11 (Supervision)

1. The Minister of Health and Welfare or the Mayor/Governor may require that the head of a Counseling Center or a Protective Facility make a report on his/her facility, and may require that the related civil servants investigate the operation status thereof and/or inspect related documents thereof, such as accounting records.
2. When a civil servant performs his/her duty under Paragraph 1 above, he/she should carry an identification card showing his/her employment capacity and show that card to the Counseling Center or the Protective Facility.

Article 12 (Cancellation of Permission, Suspension and Closure)

The Mayor / Governor may order suspension of operation or abolition of a Counseling Center or a Protective Facility or cancel the permission thereof if the Counseling Center or the Protective Facility comes under any of the following subsections.

- (1) If the establishment and operating standards under Article 5, Paragraph 3 or Article 7, Paragraph 3 are not met.
- (2) If there are fewer than the required number of counselors prescribed under Article 5, Paragraph 3, or if an unqualified counselor is employed
- (3) If, without any justifiable reason, a report ordered in accordance with Article 11, Paragraph 1 is not provided or made in falsehood, or if an investigation/inspection of the report is refused or evaded.
- (4) If, in violation of the regulations of Article 15 of this Act, the Counseling Center of the Protective Facility is operated for profits.
- (5) If any other act which violates this Act or the orders thereunder or runs counter to the purpose of establishment is committed.

Article 13 (Assistance in the Payment of Expenses)

The state and local autonomous bodies may assist in part in the payment of expenses incurred from the establishment and operation of a Counseling Center or a Protective Facility established in accordance with Article 5, Paragraph 2 or Article 7, Paragraph 2 of this Act.

Article 14 (Integrated Establishment and Operation of Counseling Centers and Protective Facilities)

The State or local autonomous bodies may establish/operate a Counseling Center or a Protective Facility established / operated in accordance with this Act in conjunction with other counseling centers or protective facilities, which are similar in their nature and designated by the Presidential Decree No. 15826 or may make recommendations to this effect.

Article 15 (Prohibition of Operation for Profits)

A Counseling Center or a Protective Facility may not be established or operated for profits.

Article 16 (Obligation. to Protect Confidentiality)

The head of a Counseling Center or a Protective Facility, his / her assistant and staff, both in and out of the office, shall not disclose any information which he/she has acquired in the performance of his/her duties.

Korea
Act
1997
The Presidential Commission on Women's Affairs

Korea
Act
1997
The Presidential Commission on Women's Affairs

Korea
Act
1997
The Presidential Commission on Women's Affairs

Korea
Act
1997
The Presidential Commission on Women's Affairs