

ACT ON PREVENTION OF HUMAN TRAFFICKING AND PROTECTION OF VICTIMS

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to contribute to promoting human rights by preventing human trafficking, etc. and protecting and supporting victims thereof.

Article 2 (Definitions)

The terms used in this Act are defined as follows:

1. The term "human trafficking, etc." means committing any of following acts for the purpose of any commercial sex act, sexual or labor exploitation, organ removal, or other forms of exploitation to recruit, transport, transfer, harbor, hand over, or receive persons: *Provided*, That where children or youth defined in subparagraph 1 of **Article 2 of the Act on the Protection of Children and Youth against Sex Offenses** (hereinafter referred to as "children or youth") or persons with disabilities under **Article 2 of the Act on Welfare of Persons with Disabilities** (hereinafter referred to as "persons with disabilities") are recruited, transported, transferred, harbored, handed over, or received, any of the following acts shall not be required:
 - (a) Assaulting, threatening, coercing, arresting, confining, capturing, enticing, or trading a person;
 - (b) Using deceptive means or force against a person, or taking advantage of the vulnerability and desperation of a person;
 - (c) Offering, or promising to offer, money and valuables or property gains to a person who protects and supervises persons due to business or employment relations or other forms of relations;
2. The term "crime of human trafficking, etc." means any human trafficking, etc. which falls any of the following crimes:
 - (a) A crime under **Article 274 of the Criminal Act** among the crimes of abandonment and maltreatment under Chapter XXVIII of Part II of that Act, and a crime under **Articles 287, 288, 289,**

- (b) 290, 291, 292, 294, and 296 of that Act among the crimes of kidnapping, abduction, or trafficking in persons under Chapter XXXI of that Part;
A crime under **Articles 18** and 23 (limited to an attempt of crimes under **Article 18 of the Act on the Punishment of Arrangement of Commercial Sex Acts**) of that Act;
- (c) A crime under **Articles 12 through 15 of the Act on the Protection of Children and Youth against Sex Offenses**;
- (d) A crime under **Articles 55 through 57 of the Youth Protection Act**;
- (e) A crime under **Article 71 (1) 1, 2** (limited to an act falling under subparagraph 7 or 8 of **Article 17 the Child Welfare Act**), 3 (limited to an act falling under subparagraph 10 of **Article 17** of that Act), and 4 of that Act;
- (f) A crime under **Article 107 of the Labor Standards Act** (limited to an act falling under **Article 7** of that Act);
- (g) A crime under subparagraph 3 of **Article 167** of the Seafarers' Act;
- (h) A crime under **Article 86 (2) 2 of the Act on Welfare of Persons with Disabilities**;
- (i) A crime under subparagraph 5 of **Article 85 of the Act on the Improvement of Mental Health and the Support for Welfare Services for Mental Patients**;
- (j) A crime under **Article 26 (1) of the Act on Support for Welfare and Self-Reliance of the Homeless**;
- (k) A crime under **Articles 44** (limited to a crime under paragraph (1) 2 through 6, 8, and 9 of that **Article**), **45**, and **48** (limited to a crime under subparagraphs 3 through 7 of that **Article**) of the **Organs Transplant Act**;
- (l) A crime under items (a) through (k), which is subject to aggravated punishment under other statutes.

Article 3 (Victims of Human Trafficking Eligible for Application of This Act)

- (1) Any of the following victims of human trafficking, etc. (hereinafter referred to as "victim") shall be protected and supported under this Act:

1. A child, youth, or person with a disability who suffers damage from human trafficking, etc.;
 2. A victim of a crime of human trafficking, etc. (hereinafter referred to as "victim of a crime");
 3. A person who suffers damage from human trafficking, etc. (excluding a person falling under either subparagraph 1 or 2) and is issued with a certificate by the Minister of Gender Equality and Family pursuant to **Article 14**.
- (2) A victim under paragraph (1) shall fall under any of the following:
1. A person with Korean nationality who suffers damage from human trafficking, etc. in the Republic of Korea or a foreign country;
 2. A foreigner who stays in the Republic of Korea as he or she suffers damage from human trafficking, etc. therein.

Article 4 (Consent of Victims)

- (1) Where an act falling under any item of subparagraph 1 of **Article 2** is committed, such act shall not affect the establishment of a crime committed by a person who engages in human trafficking, etc., even if a victim of the relevant crime consents to exploitation.
- (2) Punishment for a **criminal act** that a victim commits in the course of human trafficking, etc. may be mitigated or remitted.

Article 5 (Responsibilities of the State and Local Governments)

- (1) The State and a local government shall conduct investigations, research, education, and public relations necessary for preventing and eradicating human trafficking, etc. and protecting and supporting victims; prepare legal and institutional frameworks therefor; and finance the aforesaid activities.
- (2) The State shall recognize that human trafficking, etc. is an international crime and shall endeavor to strengthen international cooperation in sharing crime information, conducting criminal investigations and research, providing mutual

assistance under international criminal law, extraditing criminals, and performing other activities.

Article 6 (Rights of Victims)

Victims shall be guaranteed the following rights:

1. Right to aid and compensation for damage from human trafficking, etc.;
2. Right to information on investigative and trial proceedings and protection and support;
3. Right to participation in investigations and trials and to legal aid;
4. Right to privacy and protection of personal safety.

Article 7 (Relationship to Other Statutes)

This Act shall prevail over other statutes with respect to investigative and trial proceedings for crimes of human trafficking, etc., and protection of and support for victims: Provided, that where the application of other statutes is favorable to victims, the relevant statutes shall apply.

CHAPTER II ESTABLISHMENT OF FOUNDATION FOR PREVENTION OF HUMAN TRAFFICKING

Article 8 (Formulation of Comprehensive Plans for Prevention of Human Trafficking)

- (1) The Minister of Gender Equality and Family shall formulate and implement a comprehensive plan for the prevention of human trafficking, etc., the protection of and support for victims, and other matters (hereinafter referred to as "comprehensive plan") every five years, in consultation with the heads of relevant central administrative agencies and following deliberation by the Council for Policy Coordination on Prevention of Human Trafficking, etc. established under **Article 9**. The same shall also apply to any change to be made to the comprehensive plan.
- (2) A comprehensive plan shall include the following:
 1. Basic direction-setting for policies to prevent human trafficking, etc. and to protect and support victims;
 2. Domestic and international policy trends in human trafficking, etc.;
 3. Analysis of the current status of a crime of human trafficking, etc. and victims;

4. Matters regarding preventing human trafficking, etc.;
 5. Matters regarding identifying, protecting, and supporting victims;
 6. Matters regarding improving systems related to preventing human trafficking, etc. and protecting victims;
 7. Plans to raise and manage funds for implementing policies for preventing human trafficking, etc. and protecting and supporting victims;
 8. Matters regarding the sharing of roles among central administrative agencies related to policies for preventing human trafficking, etc. and protecting and supporting victims;
 9. Other matters prescribed by Presidential Decree, which are necessary for preventing human trafficking, etc. and protecting and supporting victims.
- (3) The head of a relevant central administrative agency shall formulate and implement an annual business plan for the prevention of human trafficking, etc., the protection of and support for victims, and other matters, and shall submit such business plan and records on the implementation of the business plan for the preceding year to the Minister of Gender Equality and Family.
- (4) The Minister of Gender Equality and Family shall formulate a comprehensive plan by compiling the business plans and records on implementation submitted pursuant to paragraph (3).
- (5) The Minister of Gender Equality and Family shall examine the outcomes of implementing a comprehensive plan each year, and shall reflect the results of such examination when changing the comprehensive plan under the latter part of paragraph (1) or formulating another comprehensive plan, if necessary.
- (6) Except as provided in paragraphs (1) through (5), matters necessary for the timing of, and procedures and methods for, formulating a comprehensive plan, and other matters shall be prescribed by Presidential Decree.

Article 9 (Council for Policy Coordination on Prevention of Human Trafficking)

- (1) A Council for Policy Coordination on Prevention of Human Trafficking, etc. (hereinafter referred to as the "Policy Council") shall be established under the authority of the Minister of Education concurrently serving as the Deputy Prime Minister, for deliberation on the following and cooperation and coordination among the relevant Ministries:
1. Formulation and implementation of a comprehensive plan;
 2. Major policy measures by field for preventing human trafficking, etc. and protecting and supporting victims;
 3. Development of and advice on policies for preventing human trafficking, etc. and protecting and supporting victims;
 4. Other matters that the chairperson deems necessary for preventing human trafficking, etc. and protecting and supporting victims.
- (2) The Policy Council shall be composed of up to 15 members, including the chairperson; the Minister of Education concurrently serving as the Deputy Prime Minister shall serve as the chairperson; the Minister of Gender Equality and Family as the vice chairperson; and the following persons as its members:
1. The Minister of Justice;
 2. The Minister of Culture, Sports and Tourism;
 3. The Minister of Health and Welfare;
 4. The Minister of Employment and Labor;
 5. The Minister of Oceans and Fisheries;
 6. The Commissioner General of the Korean National Policy Agency;
 7. The Commissioner General of the Korea Coast Guard;
 8. The heads of relevant central administrative agencies prescribed by Presidential Decree;
 9. A person commissioned by the chairperson from among those with extensive knowledge of and experience in preventing human trafficking, etc. and protecting supporting victims.

(3)

A member commissioned under paragraph (2) 9 shall hold office for a term of three years and may be re-appointed only for one further term.

(4)

The Policy Council shall have one executive secretary, who shall be appointed by the chairperson from among the senior executives of the Ministry of Gender Equality and Family.

(5)

Other matters necessary for the composition and operation of the Policy Council shall be prescribed by Presidential Decree.

Article 10 (Fact-Finding Surveys on Human Trafficking)

(1)

The Minister of Gender Equality and Family shall conduct a fact-finding survey on human trafficking, etc. in the Republic of Korea and foreign countries every five years, publish a comprehensive report on the actual status of human trafficking, etc., and utilize such report as basic materials to formulate policies for preventing human trafficking, etc. and for protecting and supporting victims.

(2)

Where deemed necessary for conducting a fact-finding survey under paragraph (1), the Minister of Gender Equality and Family may request the head of a relevant central administrative agency, the head of a local government, or the head of a related institution prescribed by Presidential Decree to submit materials or to provide cooperation necessary for the survey. In such cases, a person requested to submit materials or provide cooperation shall comply with such request unless there is a compelling reason not to do so.

(3)

Matters necessary for the methods and details of a fact-finding survey on human trafficking, etc. paragraph (1) and other matters shall be prescribed by Ordinance of the Ministry of Gender Equality and Family.

Article 11 (Education)

(1)

The State and a local government shall provide education on identification of victims of human trafficking, etc. and other matters to any of the following persons in order to prevent human

trafficking, etc. and protect and support victims, and shall submit the results of such education to the Minister of Gender Equality and Family: <Amended on Dec. 13, 2022>

1. A person who has the duty to file a report under **Article 21 (2)**;
 2. A person who works for a dedicated medical institution under **Article 29**;
 3. A person who works for a facility for supporting victims of human trafficking, etc. under **Article 33**;
 4. An immigration control official in charge of the duties prescribed in **Articles 25-2 and 46-2 of the Immigration Act**;
 5. A labor inspector under **Article 101 (1) of the Labor Standards Act**;
 6. A seafarers' labor supervisor under **Article 125 (1) of the Seafarers' Act**;
 7. A person who works for a State agency related to investigations into and trials on crimes of human trafficking, etc.;
 8. Other persons who work for institutions prescribed by Presidential Decree.
- (2) Matters necessary for the details and methods of education under paragraph (1), the scope of persons subject to education, and other matters shall be prescribed by Presidential Decree.

Article 12 (Raising Awareness of Prevention of Human Trafficking)

The State and a local government shall conduct publicity campaigns through various media, such as broadcasting, newspapers, and the Internet, to prevent human trafficking, etc. and protect and support victims.

Article 13 (Victim Identification Indicators)

- (1) To early detect victims and protect and support them, the Minister of Gender Equality and Family shall develop and publicly notify indicators for identification and protection of victims (hereinafter referred to as "victim identification indicators") and shall recommend that the heads of agencies, to which prosecutors, judicial police officers, immigration control officials, or public officials who

perform foreigner-related affairs, and other persons belong, utilize such indicators.

Consultation with the heads of relevant agencies shall be conducted when victim identification indicators are developed under paragraph (1).

The head of an agency recommended to utilize victim identification indicators pursuant to paragraph (1) shall submit records on such utilization to the Minister of Gender Equality and Family in accordance with the procedures prescribed by Presidential Decree.

Article 14 (Issuance of Victim Certificates)

(1)

A person who suffers damage from human trafficking, etc. or a person who has the duty to file a report under **Article 21** (2) may request the Minister of Gender Equality and Family to issue a certificate.

(2)

A committee for adjudication on cases of human trafficking, etc. (hereafter in this Article referred to as “adjudication committee”) shall be established under each local agency for protection of rights and interests of victims of human trafficking, etc. established under **Article 15** in order to deliberate and adjudicate on whether a person is a victim when issuing a victim certificate under paragraph (1). In such cases, matters necessary for the operation and composition of an adjudication committee shall be prescribed by Presidential Decree.

(3)

The Minister of Gender Equality and Family may issue a certificate following adjudication by an adjudication committee, as prescribed by Presidential Decree.

(4)

The Minister of Gender Equality and Family may delegate the issuance of certificates to the Central Agency for Protection of Rights and Interests of Victims of Human Trafficking, etc. established under **Article 15**.

(5)

Where the Minister of Gender Equality and Family issues a victim certificate to a foreigner, he or she may send relevant materials to the Minister of Justice to request the application of **Articles 25-2**

and 46-2 of the Immigration Act. <Amended on Dec. 13, 2022>

Article 15 (Establishment of Agencies for Protection of Rights and Interests of Victims of Human Trafficking)

- (1) The Minister of Gender Equality and Family shall establish a Central Agency for Protection of Rights and Interests of Victims of Human Trafficking, etc. in the Women's Human Rights Institute of Korea established under **Article 46-2 of the Framework Act on Gender Equality** to effectively implement the following Government's policies on the prevention of human trafficking, etc. and other matters:
1. Supporting local agencies for protection of rights and interests of victims of human trafficking, etc. under paragraph (2);
 2. Conducting surveys and research related to the prevention of human trafficking, etc.;
 3. Developing and disseminating policies related to the prevention of human trafficking, etc.;
 4. Conducting education and publicity campaigns related to the prevention of human trafficking, etc.;
 5. Training professionals in the prevention of human trafficking, etc.;
 6. Establishing domestic and foreign cooperative systems and conducting exchange activities for the prevention of human trafficking, etc.;
 7. Receiving reports on human trafficking, etc.;
 8. Other duties prescribed by Ordinance of the Ministry of Gender Equality and Family regarding the prevention of human trafficking, etc.
- (2) To promptly identify and protect victims and prevent human trafficking, etc., a local agency for protection of rights and interests of victims of human trafficking, etc. in charge of the following duties shall be established in the Special Metropolitan City, a Metropolitan City, a Special Self-Governing City, a *Do*, and a Special Self-Governing Province:
1. Receiving reports on human trafficking, etc., conducting on-site investigations, and taking emergency measures;

2. Providing victims with counseling and follow-up management services;
 3. Conducting education and publicity campaigns related to the prevention of human trafficking, etc.;
 4. Operating a committee for adjudication on cases of human trafficking, etc.;
 5. Other duties prescribed by Ordinance of the Ministry of Gender Equality and Family regarding the prevention of human trafficking, etc.
- (3) Where necessary for performing the duties prescribed in paragraphs (1) and (2), the head of the Central Agency for Protection of Rights and Interests of Victims of human Trafficking, etc., and the head of a local agency for protection of rights and interests of victims of human trafficking, etc. (hereinafter referred to as “agency for protection of rights and interests of victims”) may request the heads of relevant agencies prescribed by Presidential Decree to verify facts or provide relevant materials. In such cases, the head of a relevant agency requested to provide materials shall comply with such request unless there is good reason.
- (4) The Minister of Gender Equality and Family, the Special Metropolitan City Mayor, a Metropolitan City Mayor, a Special Self-Governing City Mayor, a *Do* Governor, or a Special Self-Governing Province Governor (hereinafter referred to “Mayor/*Do* Governor”) may designate a public institution under **Article 4 of the Act on the Management of Public Institutions** or a non-profit corporation that aims to prevent human trafficking, etc. to entrust it with the operation of an agency for protection of rights and interests of victims. In such cases, the Minister of Gender Equality and Family or a Mayor/*Do* Governor may subsidize such operation.
- (5) Matters necessary for the establishment and operation of an agency for protection of rights and interests of victims, qualification standards for workers of such agency, designation of an institution entrusted with the operation of the agency, entrustment of such operation,

subsidization, etc. shall be prescribed by Presidential Decree.

CHAPTER III SPECIAL CASES CONCERNING INVESTIGATIVE AND TRIAL PROCEEDINGS FOR CRIMES OF HUMAN TRAFFICKING

Article 16 (Special Cases concerning Appointment of Attorneys-at-Law)

- (1) A victim of a crime and his or her legal representative may appoint an attorney-at-law to defend the victim from any damage that can be caused in the course of criminal proceedings and to ensure legal aid.
- (2) **Article 27 (2) through (6) of the Act on Special Cases concerning the Punishment of Sexual Crimes** shall apply *mutatis mutandis* to an attorney-at-law appointed under paragraph (1). In such cases, "victim" shall be construed as "victim of a crime", and "victim, etc." as "victim of a crime and his or her legal representative".

Article 17 (Presence of Persons with Reliable Relationships)

- (1) Where a court examines a victim of a crime as a witness, it shall allow such victim to be accompanied by a person having a reliable relationship with him or her upon request by a prosecutor, the victim, or his or her legal representative, unless there exists any unavoidable reason, such as that the relevant trial is likely to be hindered.
- (2) Paragraph (1) shall apply *mutatis mutandis* where an investigative agency investigates a victim of a crime prescribed in that paragraph.
- (3) In cases falling under paragraphs (1) and (2), neither a court nor an investigative agency shall allow a person having a reliable relationship with a victim of a crime to accompany him or her if such presence is disadvantageous to the victim or if the victim does not desire the presence of the person.

Article 18 (Provision of Intermediaries)

Articles 36 through 39 of the Act on Special Cases concerning the Punishment of Sexual Crimes shall apply *mutatis mutandis* to investigations into and hearings on human trafficking, etc. In such cases, "victim of a sexual crime" and "victim" shall be construed as "victim of a crime".

Article 19 (Consideration in Investigative and Trial Proceedings)

- (1) An investigative agency, a court, and a person involved in litigation shall take care neither to damage the character or honor of a victim of a crime nor to infringe upon the privacy of such victim in the course of an investigation, a hearing, and a trial, by giving careful consideration to such factors as his or her age and mental state, or whether the victim has any permanent impairment.
- (2) When investigating a victim of a crime or conducting a hearing or trial, an investigative agency and a court shall create an environment where such victim can make a statement in a relaxed state and shall limit the frequency of investigations, hearings, and trials to the minimum necessary extent.

Article 20 (Non-Public Hearings)

- (1) A court may decide not to make public a hearing on a crime of human trafficking, etc. to protect the privacy of the relevant victim.
- (2) A victim of a crime and his or her family member who are summoned as witnesses may request a witness examination not to be made public on grounds of the protection of their privacy, etc.
- (3) Upon receipt of a request under paragraph (2), the presiding judge may decide on the methods and place for a witness examination, such as whether to accept the request, to make the witness examination public, and to conduct the examination at a place other than the court.
- (4) **Article 57 (2) and (3) of the Court Organization Act and Article 67 (2) and (3) of the Military Court Act shall apply *mutatis mutandis* to cases falling under paragraphs (1) and (3).**

CHAPTER IV REPORTING ON, AND PROTECTION AND SUPPORT FOR, VICTIMS OF HUMAN TRAFFICKING

Article 21 (Duty to File Reports)

- (1) Where any person becomes aware of damage from human trafficking, etc., he or she may file a report (including a criminal complaint and an accusation;

hereinafter the same shall apply) on such damage with an agency for protection of rights and interests of victims or an investigative agency.

(2)

Where the head of any of the following facilities or its worker becomes aware of damage from human trafficking, etc. in relation to his or her duties, he or she shall file a report on such damage with an agency for protection of rights and interests of victims or an investigative agency without delay:

1. A facility for supporting victims of human trafficking, etc. under **Article 33**;
2. An emergency hotline center under **Article 4-6 of the Act on the Prevention of Domestic Violence and Protection of Victims**, a counseling center related to domestic violence under **Article 5** of that Act, and a shelter for victims of domestic violence **Article 7** of that Act;
3. A support facility for victims of commercial sex acts under **Article 9 of the Act on the Prevention of Commercial Sex Acts and Protection of Victims** and a counseling center for victims of commercial sex acts under **Article 17** of that Act;
4. A counseling center for victims of sexual violence under **Article 10 of the Sexual Violence Prevention and Victims Protection Act**, a protection facility for victims of sexual violence under **Article 12** of that Act, and an integrated support center for victims of sexual violence under **Article 18** of that Act;
5. A child welfare facility under **Article 50 of the Child Welfare Act**;
6. A medical facility, welfare facility, confinement facility, and protective facility under **Article 2 of the Habeas Corpus Act**;
7. A youth protection and rehabilitation center under **Article 35 of the Youth Protection Act**;
8. A youth counseling and welfare center under **Article 29 of the Youth Welfare Support Act**;
9. A support center for children and youth victimized through commercial sex acts under **Article 47-2 of the Act on the Protection of Children and Youth against Sex Offenses**;
10. A welfare facility for persons with disabilities under **Article 58 of the Act on Welfare of Persons with**

Disabilities;

Other facilities prescribed by Presidential Decree.

No person shall take disadvantageous measures against a person who files a report on damage from human trafficking, etc. on grounds of such report.

Except as provided in other statutes, no person shall publish any information or material by which a reporting person or victim (hereinafter referred to as “reporting person, etc.”) can be identified, such as his or her personal information or photos, on the Internet or in publications or broadcast such information or materials through broadcast media.

Article 22 (Duty to Take Emergency Measures)

- (1) Upon receipt of a report on damage from human trafficking, etc., an employee of an agency for protection of rights and interests of victims or a judicial police officer shall go to the scene of human trafficking, etc. without delay. In such cases, the head of an agency for protection of rights and interests of victims or the head of an investigative agency may request each other to have an employee or judicial police officer accompany the other party, and upon receipt of such request, they shall instruct an employee or a judicial police office to do so unless there is good reason.
- (2) A person who goes to the scene of human trafficking, etc. under paragraph (1) shall separate a victim from a person who commits human trafficking, etc., or shall transfer the victim to an agency for protection of rights and interests of victims or a medical institution if medical treatment is deemed necessary.
- (3) A person who goes to the scene of human trafficking, etc. under paragraph (1) may access the scene and investigate or question a reporting person, etc., a relevant person, and any other person to protect a victim. In such cases, an employee of an agency for protection of rights and interests of victims may conduct an investigation or ask a question only to the extent necessary for protecting the victim.

(4)

A person who accesses the scene of human trafficking, etc. and conducts an investigation or asks a question under paragraph (3) shall carry identification indicating his or her authority and present it to a reporting person, etc., a relevant person, and any other person.

(5)

A person who conducts an investigation or asks a question under paragraph (3) shall take necessary measures, such as separating a reporting person, etc., a relevant person, and any other person from a person who commits human trafficking, etc. for investigation, so that they can make a statement freely.

(6)

No person shall refuse on-site investigations conducted by a person who is at the scene of human trafficking, etc., or obstruct his or her duties.

Article 23 (Protection of Victims)

(1)

Where a prosecutor or judicial police officer has reasonable grounds to believe that a suspect or witness has suffered damage from human trafficking, etc. in the course of an investigation, the prosecutor or judicial police officer shall notify such fact to his or her legal representative, relative, or attorney-at law without delay and shall take measures necessary for protecting him or her, such as protecting his or her personal safety and not making public the investigation.

(2)

Where there are reasonable grounds to believe that a legal representative, relative, or attorney-at law to be given notice under paragraph (1) has engaged in the act of human trafficking, etc., or where there is any unavoidable reason, including the protection of the privacy of a suspect or witness, such notice need not be given, notwithstanding paragraph (1).

(3)

Where a prosecutor or judicial police officer has reasonable grounds to believe that a suspect or witness has suffered damage from human trafficking, etc. in the course of an investigation, he or she shall contact a support organization, including a facility for supporting victims of human trafficking, etc. established under **Article 33**, to ensure that such suspect or witness is provided with

aid in investigative proceedings and counseling services.

(4)

Articles 7 through 13 of the Act on Protection of Specific Crime Informants shall apply *mutatis mutandis* where a court or an investigative agency investigates a reporting person, etc. or examines him or her as a witness. In such cases, "reporting, etc. of a crime" shall be construed as "reporting", and "informant, etc. of a crime" as "reporting person, etc.", respectively.

Article 24 (Invalidation of Claims Arising from Illegal Causes)

(1)

Any claims that a person who has committed a crime of human trafficking, etc. has against a victim in connection with the relevant crime shall be invalidated irrespective of the type or title of the relevant contract. The same shall also apply where the person transfers such claims or takes over the relevant obligations.

(2)

Where a prosecutor or judicial police officer investigates a criminal complaint or an accusation filed on grounds of non-fulfillment of obligations suspected to be related to illegal causes prescribed in paragraph (1), he or she shall verify whether money and valuables and other property gains are provided to entice or coerce victims for human trafficking, etc. and shall take such into consideration when conducting the investigation.

(3)

Where a prosecutor or judicial police officer investigates a victim, he or she shall notify the victim, his or her legal representative, etc. of the fact that claims prescribed in paragraph (1) are invalidated.

Article 25 (Support for School Entrance of Victims)

(1)

Where a victim or his or her lineal descendant family member who stays in the Republic of Korea at the time the victim suffers damage (hereinafter referred to as "victim, etc.") is a minor, the State and a local government may support him or her in entering school (including admission, re-admission, transfer, and transfer admission) to ensure that he or she

receives education in a school under **Article 2 of the Elementary and Secondary Education Act**.

(2)

Where it is necessary for a victim, etc. to enter school in an area other than his or her domicile, the victim, etc. shall be provided with support to enter school without any difficulty. In such cases, a person who provides such support shall take care not to infringe upon the privacy of the victim, etc.

(3)

Matters necessary for supporting school entrance under paragraph (2), such as the calculation of the number of days of school attendance, shall be prescribed by Presidential Decree.

Article 26 (Support for Employment of Victims)

(1)

The State and a local government may provide support for employment of a victim, etc., such as vocational training and job matching.

(2)

Matters necessary for the scope of persons eligible for support for employment and supporting employment shall be prescribed by Presidential Decree.

Article 27 (Legal Counseling for Victims)

(1)

The State may support a victim, etc. in legal counseling, legal representation, etc. (hereinafter referred to as "legal counseling, etc.").

(2)

The Minister of Gender Equality and Family shall support victims of crimes prescribed by Presidential Decree, such as children or youth, in receiving aid from attorneys-at-law.

(3)

The Minister of Gender Equality and Family may request the Korea Legal Aid Corporation established under **Article 8 of the Legal Aid Act** or any other institution prescribed by Presidential Decree to provide legal counseling, etc.

(4)

The State may bear expenses incurred in providing legal counseling, etc., as prescribed by Presidential Decree.

(5)

Matters necessary for the requirements for, details of, and procedures for, legal counseling, etc., and other matters shall be prescribed by Presidential Decree.

Article 28 (Assistance with Medical Expenses)

- (1) Where an agency for protection of rights and interests of victims or the head of a facility for supporting victims of human trafficking, etc. established under **Article 33** requests a medical institution to treat a victim, etc. for a disease or to take other measures, the State and a local government may provide assistance with all or part of medical expenses incurred in treatment items not covered by medical benefits under **Article 7 of the Medical Benefit Act**.
- (2) Matters necessary for the scope of and procedures for assistance with medical expenses under paragraph (1) and other matters shall be prescribed by Presidential Decree.

Article 29 (Designation of Dedicated Medical Institutions)

- (1) The Minister of Gender Equality and Family, a Mayor/*Do* Governor, or the head of a *Si/Gun/Gu* (the head of a *Gu* refers to the head of an autonomous *Gu*; hereinafter the same shall apply) may designate a national or public hospital, public health center, or private medical facility as an institution dedicated to treating victims, etc. (hereinafter referred to as "dedicated medical institution").
- (2) Upon request by a victim, etc., the head of an agency for protection of rights and interests of victims, or the head of a facility for supporting victims of human trafficking, etc. established under **Article 33**, a dedicated medical institution shall provide a victim, etc. with the following medical assistance:
1. Health counseling;
 2. Health examination;
 3. Treatment of diseases;
 4. Other physical and mental treatment prescribed by Presidential Decree.
- (3) Matters necessary for designating a dedicated medical institution under paragraph (1) and paying expenses incurred in medical assistance under paragraph (2), and other matters shall be prescribed by Presidential Decree.

Article 30 (Assistance with Livelihood Recovery)

- (1) Where there occurs any unavoidable reason that makes it impracticable to protect victims, etc. through a facility for supporting victims of human trafficking, etc. established under **Article 33**, such as that the facility is at full capacity, the State and a local government may provide victims, etc. with goods, money and valuables, etc., that are essential to their daily lives, within the budget, fully considering their living conditions, abilities to maintain livelihood, and other matters, so that they maintain the minimum livelihood.
- (2) Matters necessary for the scope of and procedures for assistance with livelihood recovery under paragraph (1) and other matters shall be prescribed by Presidential Decree.

Article 31 (Support for Return to Home Countries)

- (1) The State and a local government may operate a program to support victims who are foreigners in returning to their home countries.
- (2) Where a victim of a crime with the nationality of the Republic of Korea is found in a foreign country, the Minister of Justice may request the head of an overseas diplomatic mission to return such victim to the Republic of Korea or to provide other necessary cooperation, and the head of the overseas diplomatic mission so requested shall comply with the request unless there is a compelling reason not to do so.
- (3) The State and a local government may provide subsidies to cover all or part of the expenses incurred in supporting return to home countries under paragraphs (1) and (2).
- (4) Matters necessary for the scope of and procedures for support provided under paragraphs (1) and (2) and other matters shall be prescribed by Presidential Decree.

Article 32 (Restriction on Duplicate Support)

With respect to a victim, etc. who is receiving protection or education similar to that prescribed in this Act under other statutes, support provided pursuant to this Act may be restricted, as prescribed by Presidential Decree.

Article 33 (Establishment and Operation of Support Facilities)

- (1) The State and a local government may establish and operate a facility for supporting victims of human trafficking, etc. (hereinafter referred to as "support facility").
- (2) Where a person other than the State or a local government intends to establish and operate a support facility, he or she shall be designated by a Mayor/*Do* Governor or the head of a *Si/Gun/Gu*.
- (3) Types of support facilities shall be as follows:
 1. A general support facility: A facility that provides victims, etc. with accommodation and food and supports their self-reliance;
 2. A support facility for persons with disabilities: A facility that provides victims, etc. who are persons with disabilities with accommodation and food and supports their self-reliance;
 3. A support facility for children and youth: A facility that provides victims, etc. who are children or youth with accommodation and food and supports their self-reliance by helping them enter school, offering education, and using other means;
 4. A support facility for foreigners: A facility that provides victims, etc. who are foreigners with accommodation and food and supports them in returning to their home countries;
 5. A community facility for supporting self-reliance: A facility that provides persons who leaves a support facility prescribed in subparagraphs 1 through 4 with accommodation and other forms of convenience and supports their self-reliance.
- (4) The period of admission to each type of a support facility shall be as follows:
 1. A general support facility: Up to one year: *Provided*, That the period may be extended by up to one year and six months, as prescribed by Ordinance of the Ministry of Gender Equality and Family;
 2. A support facility for persons with disabilities: Up to two years: *Provided*, That the period may be

extended to a period required for recovery from damage, as prescribed by Ordinance of the Ministry of Gender Equality and Family;

3. A support facility for children and youth: Until a victim reaches 19 years of age: *Provided*, That the period may be extended by up to two years, as prescribed by Ordinance of the Ministry of Gender Equality and Family;

4. A support facility for foreigners: Three months (in cases falling under **Article 43**, the relevant period);

5. A community facility for supporting self-reliance: Up to two years: *Provided*, That the period may be extended by up to two years, as prescribed by Ordinance of the Ministry of Gender Equality and Family.

(5) The State or a local government may fully or partially subsidize the operation of a support facility.

(6) Matters necessary for the standards and procedures for designating a support facility, and standards for operating such facility, and other matters shall be prescribed by Presidential Decree.

Article 34 (Duties of Support Facilities)

(1) A general support facility shall perform the following duties:

1. Protecting victims, etc., and providing them with accommodation and food;
2. Providing victims, etc. with urgent rescue;
3. Providing victims, etc. with counseling and medical treatment for their psychological stability and adaptation to society;
4. Providing medical assistance, such as the transfer of victims, etc. to medical institutions, to treat them for diseases and to manage their health;
5. Accompanying victims, etc. for investigations by investigative agencies and witness examinations by courts;
6. Requesting the Korea Legal Aid Corporation established under **Article 8 of the Legal Aid Act** and other relevant agencies to provide necessary cooperation and support;

7. Educating victims, etc. on their self-reliance and self-sufficiency and providing them with information on employment;
 8. Supporting receipt of benefits under statutes or regulations related to social security, such as the **National Basic Living Security Act**;
 9. Helping victims, etc. receive assistance with medical expenses, living expenses, etc. provided under **Article 7 of the Crime Victim Protection Act**;
 10. Duties entrusted to supporting facilities under other statutes;
 11. Other duties prescribed by Ordinance of the Ministry of Gender Equality and Family to protect victims, etc.
- (2) A support facility for persons with disabilities shall perform various duties to support the self-reliance of persons with disabilities in addition to those prescribed in the subparagraphs of paragraph (1).
- (3) A support facility for children and youth shall provide education to children or youth to help them go to school or shall assist them in obtaining admission to an educational institution, in addition to the duties prescribed in the subparagraphs of paragraph (1).
- (4) A support facility for foreigners shall perform the duties prescribed in paragraph (1) 1 through 7 and 9 and those related to supporting victims, etc. in returning to their home countries.
- (5) A community facility for supporting self-reliance shall perform the following duties:
1. Operating self-sufficient communities;
 2. Providing employment and technical education (including entrusted education);
 3. Providing information on employment and business startup;
 4. Other duties prescribed by Ordinance of the Ministry of Gender Equality and Family, which are necessary for supporting adaptation to society.

Article 35 (Respect for Will of Victims)

The head of a support facility shall not perform the duties prescribed in **Article 34** against the expressed will of victims, etc.

Article 36 (Revocation of Designation of Support Facilities)

- (1) Where a support facility designated under **Article 33** (2) falls under any of the following cases, a Mayor/*Do* Governor or the head of a *Si/Gun/Gu* may revoke such designation or order the support facility to suspend its business operations: *Provided*, That in cases falling under subparagraph 1, the designation shall be revoked:
1. Where it is designated by fraud or other improper means;
 2. Where it fails to meet the standards for designation under **Article 33** (6);
 3. Where it is operated for profits in violation of **Article 39**;
 4. Where it fails to comply with a corrective order issued under **Article 45** (3);
 5. Other cases where there exist any grounds prescribed by Presidential Decree.
- (2) Standards for revoking designation or suspending business operations under paragraph (1) shall be prescribed by Presidential Decree in consideration of the grounds for the relevant disposition, the severity of violations, and other matters.

Article 37 (Hearings)

Where a Mayor/*Do* Governor or the head of a *Si/Gun/Gu* intends to revoke the designation of a support facility pursuant to **Article 36**, he or she shall hold a hearing.

Article 38 (Evaluations of Support Facilities)

- (1) The Minister of Gender Equality and Family may evaluate records on the operation of support facilities every three years and may reflect the results of such evaluation in supervision, support, etc.
- (2) Matters necessary for the standards and methods for evaluations under paragraph (1) and other matters shall be prescribed by Ordinance of the Ministry of Gender Equality and Family.

Article 39 (Prohibition on Business Operations for Profits)

No support facility under this Act shall be established or operated for profits.

Article 40 (Duty of Confidentiality)

The head of an agency for protection of rights and interests of victims, the head of a support facility, or a person who assists or has assisted such head shall not divulge any confidential information that he or she has learned in the course of his or her duties.

Article 41 (Integrated Establishment and Operation of Support Facilities)

The State or a local government may integrate support facilities established and operated under this Act with facilities having similar purposes prescribed by Presidential Decree to establish and operate an integrated facility or may recommend the establishment and operation of such integrated facility.

CHAPTER V SPECIAL CASES CONCERNING FOREIGN VICTIMS

Article 42 (Protection of and Support for Foreign Victims)

Pursuant to **Article 3**, the State and a local government shall endeavor not to exclude foreign victims eligible for support provided under this Act on grounds of their nationality or status of stay in providing protection and support for victims prescribed in Chapter IV.

Article 43 (Special Cases concerning Foreign Victims)

Articles 25-2 and 46-2 of the Immigration Act shall apply to suspending the execution of a written order for deportation issued to foreign victims, temporary release from detention, and an extension of the period of stay. <Amended on Dec. 13, 2022>

Article 44 (Notice of Rights to Foreigners)

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| (1) | Where an investigative agency investigates foreign victims, it shall notify him or her of aid in investigative and trial proceedings, special cases concerning the Immigration Act , the use of support facilities, the details of support, and other rights under this Act. |
| (2) | An investigation agency and a court shall provide interpretation and translation services necessary for foreign victims. |

CHAPTER VI SUPPLEMENTARY PROVISIONS

Article 45 (Guidance and Supervision)

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| (1) | The Minister of Gender Equality and Family, a Mayor/ <i>Do</i> Governor, or the head of a <i>Si/Gun/Gu</i> may order the head of a support facility to submit necessary reports or materials and may require relevant public officials to visit a support facility to inspect relevant documents, etc. |
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(2)

A public official who makes a visit and conduct an inspection under paragraph (1) shall inform the head of a support facility of the purposes, date, time, etc. of the visit and inspection before such visit, and shall carry identification indicating his or her authority and show it to relevant persons when making the visit.

(3)

Where the results of an inspection conducted under paragraph (1) fall short of the standards for operation prescribed in **Article 33 (6)**, the Minister of Gender Equality and Family, a Mayor/*Do* Governor, or the head of a *Si/Gun/Gu* may issue an order to take corrective measures within a fixed period.

Article 46 (Prohibition on Use of Similar Names)

No person other than a support facility under this Act shall use the name “facility for supporting victims of human trafficking, etc.” or any other similar name.

Article 47 (Delegation and Entrustment of Authority)

(1)

The Minister of Gender Equality and Family and the head of a relevant central administrative agency may delegate part of his or her authority under this Act to a Mayor/*Do* Governor or the head of a *Si/Gun/Gu*, as prescribed by Presidential Decree.

(2)

The Minister of Gender Equality and Family may delegate part of his or her authority under this Act to the Women’s Human Rights Institute of Korea under **Article 46-2 of the Framework Act on Gender Equality**, as prescribed by Presidential Decree.

CHAPTER VII PENALTY PROVISIONS

Article 48 (Penalty Provisions)

(1)

Any of the following persons shall be punished by imprisonment with labor for up to three years or by a fine not exceeding 30 million won:

1.

A person who violates **Article 38 (2) of the Act on Special Cases concerning the Punishment of Sexual Crimes** which is applied *mutatis mutandis* under **Article 18**;

2.

A person who takes any of the following disadvantageous measures against a person who

files a report on damage from human trafficking, etc., in violation of **Article 21 (3)**:

- (a) Dismissal, release from office, discharge, or other disadvantageous measures equivalent to the loss of status;
 - (b) Disciplinary actions, suspension from office, reduction of wages, demotion, restrictions on promotion, or other unjust personnel measures;
 - (c) Change of positions, transfer, non-assignment of duties, re-assignment of duties, or other personnel measures against a person's will;
 - (d) Discrimination in performance evaluations, peer reviews, etc., or differential payment of wages, bonuses, etc. based thereon;
 - (e) Restricting opportunities for education and training aimed to develop and improve vocational capabilities; limiting or removing available resources, such as budgets or human resources; suspending the use of security information or confidential information or revoking authority to handle such information; or discriminating or taking measures against a person that adversely affect his or her working conditions, etc.;
 - (f) Preparing a list of persons subject to surveillance or disclosing such list, or committing any act that causes physical or mental harm, such as group bullying, assault, and verbal abuse;
 - (g) Conducting an unjust audit or investigation of duties, or disclosing the results thereof;
3. A person who publishes on the Internet or in publications any information or material by which a reporting person, etc. can be identified, or broadcasts such information or materials through broadcast media, in violation of **Article 21 (4)**;
4. A person who violates **Article 8 of the Act on Protection of Specific Crime Informants** which is applied *mutatis mutandis* under **Article 23 (4)**.
- (2) A person who refuses an on-site investigation by, or obstructs the duties of, a person who goes to the scene of human trafficking, etc., in violation of **Article 22 (6)**, shall be punished by imprisonment with labor for up to two years or by a fine not exceeding 20 million won.

(3)

Any of the following persons shall be punished by imprisonment with labor for up to one year or a fine not exceeding 10 million won:

1.

A person who establishes and operates a support facility without obtaining designation under **Article 33 (2)**;

2.

A person who fails to fulfill the duty not to engage in business operations for profits under **Article 39**;

3.

A person who fails to fulfill the duty of confidentiality under **Article 40**.

Article 49 (Joint Penalty Provisions)

Where the representative of a corporation or an agent or employee of, or any other person employed by, the corporation or an individual commits any violations prescribed in **Article 48** in conducting the business affairs of the corporation or individual, the corporation or individual shall be punished by a fine prescribed in that Article in addition to punishing the violator accordingly: *Provided*, That this shall not apply where the corporation or individual has not been negligent in giving due attention to and supervision over the relevant business affairs to prevent such violations.

Article 50 (Administrative Fines)

(1)

A person who fails to file a report under **Article 21 (2)** without good reason shall be subject to an administrative fine not exceeding five hundred million won.

(2)

Any of the following persons shall be subject to an administrative fine not exceeding three million won:

1.

A person who refuses, obstructs, or evades a visit or an inspection by a relevant public official under **Article 45 (1)**;

2.

A person who fails to fulfill the duty not to use similar names under **Article 46**.

(3)

Administrative fines under paragraphs (1) and (2) shall be imposed and collected by the Minister of Gender Equality and Family or the head of a local government, as prescribed by Presidential Decree.

ADDENDUM <Act No. 18100, Apr. 20, 2021>

This Act shall enter into force on January 1, 2003.

ADDENDA <Act No. 19070, Dec. 13, 2022>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation: *Provided*, That . . . <omitted> . . . **Article 3 (1)** shall enter into force on January 1, 2023.

Articles 2 and 3 Omitted.