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**ACT ON THE PROTECTION OF CHILDREN AND JUVENILES
AGAINST SEXUAL ABUSE**

[Enforcement Date 29. Sep, 2014.] [Act No.12361, 28. Jan, 2014.,
Amendment by Other Act]

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CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to prescribe special cases concerning punishment for committing sex offenses against children or juveniles and the procedures therefor, prepare procedures for relieving and assisting victimized children and juveniles, and systematically manage sex offenders against children or juveniles, thereby protecting them against sexual abuse and assisting them to become sound members of society.

Article 2 (Definitions)

The terms used in this Act shall be defined as follows: <Amended by Act No. 11574, Dec. 18. 2012; Act No. 12361, Jan. 28. 2014>

1. The term "children or juveniles" means persons under 19 years of age: Provided, That persons for whom the first day of January of the year in which they reach 19 years of age has arrived shall be excluded;
2. The term "sex offenses against children or juveniles" means any of the following offenses:
 - (a) Offenses defined in Articles 7 through 15;
 - (b) Offenses against children or juveniles defined in Articles 3 through 15 of the Act on Special Cases concerning the Punishment, etc. of Sexual Crimes;
 - (c) Offenses against children or juveniles defined in Articles 297, 297 - 2, 298 through 301, 301 - 2, 302, 303, 305, and 339 of the Criminal Act;
 - (d) Offenses against children or juveniles defined in subparagraph 2 of Article 17 of the Child Welfare Act;

3. The term "sexual assault against children or juveniles" means sex offenses against children or juveniles, excluding those defined in Articles 11 through 15;
4. The term "purchasing sex from a child or juvenile" means doing any of the following acts to a child or juvenile or compelling a child or juvenile to do such act, in return for offering or promising to offer money, valuables or other property gains, services or favors to those who arrange the purchase sex from a child or juvenile, or those who actually protect and supervise the child or juvenile, or any third person:
 - (a) Sexual intercourse;
 - (b) Pseudo - sexual intercourse using part of the body, such as the mouth and anus, or implements;
 - (c) Contacting or exposing all or part of the body, which causes sexual humiliation or repugnance of ordinary people;
 - (d) Masturbation;
5. The term "child or juvenile pornography" means depiction of children or juveniles, or persons or representations that can be obviously perceived as children or juveniles, doing any act defined in any of subparagraph 4 or engaging in any other sexual act, in the form of a film, video, game software, or picture, image, etc. displayed on computers or other communications media;
6. The term "victimized children or juveniles" means children or juveniles who have become victims of offenses under subparagraph 2 (b) through (d) and Articles 7 through 14 (excluding the offenses provided for in Article 13 (1));
7. The term "children or juveniles involved" means children or juveniles who have become the counterparts in crime under Article 13 (1);
8. The term "online service providers" means persons prescribed by Presidential Decree, who provide services for other people to utilize online materials through an information and communications network (referring to an information and communications network defined in Article 2 (1) 1 of the Act on Promotion of Information and Communications Network Utilization and Information Protection, Etc.; hereinafter the same shall apply);
9. The term "registered information" means the information on persons subject to registration under Article 42 (1) of the Act on Special Cases concerning the Punishment, etc. of Sexual Crimes, which the Minister of Justice has registered in

accordance with Article 44 (1) of the same Act.

Article 3 (Caution in Interpretation and Application)

For purposes of interpreting or applying this Act, priority shall be given in considering the rights and interests of children and juveniles, and caution shall be given to prevent unfairly infringement of the rights of the relevant persons and their families.

Article 4 (Duties of State and Local Governments) (1) The State and local governments shall conduct surveys and research and provide education and guidance, as well as raise necessary funds by preparing a legal and institutional framework, to prevent sex offenses against children or juveniles and to protect them from sexual exploitation and abuse.

(2) In recognition that child and juvenile sex exploitation and abuse are international crimes, the State shall endeavor to reinforce international cooperation through sharing of criminal information, criminal investigations and research, cooperation under international criminal law, extradition of criminals, etc.

Article 5 (Responsibilities of Society)

Every citizen shall apply his/her utmost endeavors to rearrange social circumstances, and protect, guide, and educate children and juveniles to prevent them from becoming the counterparts or victims of any crime prescribed in this Act or from committing any crime prescribed in this Act.

Article 6 (Production, Distribution, and Broadcasting of Promotional Films) (1) The Minister of Gender Equality and Family shall produce promotional films for the prevention of and guidance on sex offenses against children or juveniles, and treatment and rehabilitation, etc. of victims and distribute them to persons in charge of broadcast programming defined in subparagraph 23 of Article 2 of the Broadcasting Act.

(2) The Minister of Gender Equality and Family may request terrestrial broadcasting business operators defined in subparagraph 3 (a) of Article 2 of the Broadcasting Act (hereinafter referred to as "broadcasting business operators") to broadcast promotional films referred to in paragraph (1) via each channel within the quota for non - commercial public service advertisements prescribed by Presidential Decree

pursuant to Article 73 (4) of the same Act.

(3) Every broadcasting business operator may broadcast promotional films he/she has produced independently, aside from promotional films referred to in paragraph (1). In such cases, he/she may request the Minister of Gender Equality and Family to provide necessary cooperation and assistance.

CHAPTER II SPECIAL CASES CONCERNING PUNISHMENT OF AND PROCEDURES FOR SEX OFFENSES AGAINST CHILDREN OR JUVENILES

Article 7 (Rape, Indecent Act by Force, etc. of Children or Juveniles) (1) Any person who rapes a child or juvenile by assault or threat shall be punished by imprisonment with labor for an indefinite term or for a limited term of at least five years.

(2) Any person who commits any of the following acts by assaulting or threatening a child or juvenile shall be punished by imprisonment with labor for a limited term of at least five years:

1. Putting genitals into a part of the body of the child or juvenile (excluding genitals), such as the mouth or anus;
2. Putting a part of the body (excluding genitals), such as fingers, or implements into the genital or anus of the child or juvenile.

(3) Any person who commits an offense prescribed in Article 298 of the Criminal Act against a child or juvenile shall be punished by imprisonment with labor for a limited term of at least two years or by a fine of at least ten million won, but not more than 30 million won.

(4) Any person who commits an offense prescribed in Article 299 of the Criminal Act against a child or juvenile shall be punished in the same manner as prescribed in paragraphs (1) through (3).

(5) Any person who has sex with or commits an indecent act against a child or juvenile by a deceptive scheme or by force shall be punished in the same manner as prescribed in paragraphs (1) through (3).

(6) Any person who attempts to commit an offense prescribed in paragraphs (1) through (5) shall be punished.

Article 8 (Illicit Sex, etc. with Disabled Children or Juveniles) (1) Where a person aged 19 or older has illicit sex with a disabled child or juvenile (referring to a child or juvenile with a disability defined in Article 2 (1) of the Act on Welfare of Persons with Disabilities, who is aged 13 or older and lacks judgment or decision - making capacity due to a physical or mental disability; hereafter the same shall apply in this Article) or makes a disabled child or juvenile have illicit sex with any third person, he/she shall be punished by imprisonment with labor for a limited term of at least three years.

(2) Where a person aged 19 or older commits an indecent act against a disabled child or juvenile or makes a disabled child or juvenile commit an indecent act against any third person, he/she shall be punished by imprisonment with labor for not more than 10 years or by a fine not exceeding 15 million won.

Article 9 (Bodily Harm or Injuries Resulting from Rape, etc.)

When a person who commits an offense prescribed in Article 7 injures or causes injury to any third person, he/she shall be punished by imprisonment with labor for an indefinite term or for at least seven years.

Article 10 (Murder after Rape, etc. or Rape, etc. Resulting in Death) (1) When a person who commits an offense referred to in Article 7 murders any third person, he/she shall be punished by death penalty or imprisonment with labor for an indefinite term.

(2) When a person who commits an offense referred to in Article 7 causes death of any third person, he/she shall be punished by death penalty or imprisonment with labor for an indefinite term or for at least ten years.

Article 11 (Production, Distribution, etc. of Child or Juvenile Pornography) (1) Any person who produces, imports or exports child or juvenile pornography shall be punished by imprisonment with labor for an indefinite term or for a limited term of at least five years.

(2) Any person who sells, lends, distributes, or provides child or juvenile pornography for commercial purposes, or possesses or transports them for any of such purposes, or publicly exhibits or displays them, shall be punished by imprisonment with labor for not more than ten years.

(3) Any person who distributes, provides, or publicly exhibits or displays child or juvenile pornography shall be punished by imprisonment with labor for not more than seven years or by a fine not exceeding 50 million won.

(4) Any person who procures a child or juvenile for a child or juvenile pornography producer, knowing that he/she is to be used for producing child or juvenile pornography, shall be punished by imprisonment with labor for at least three years.

(5) Any person who possesses child or juvenile pornography knowing that it is child or juvenile pornography shall be punished by imprisonment with labor for not more than one year or by a fine not exceeding 20 million won.

(6) Any person who attempts to commit an offense prescribed in paragraph (1) shall be punished.

Article 12 (Child or Juvenile Trafficking) (1) Any person who deals in or sends a child or juvenile to a foreign country or brings a child or juvenile living in a foreign country into the Republic of Korea, knowing that he/she will become an object of the purchase of sex or producing child or juvenile pornography, shall be punished by imprisonment with labor for an indefinite term or for at least five years.

(2) Any person who attempts to commit an offense prescribed in paragraph (1) shall be punished.

Article 13 (Purchasing Sex from Child or Juvenile, etc.) (1) Any person who purchases sex from a child or juvenile shall be punished by imprisonment with labor for at least one year, but not more than ten years, or by a fine of at least 20 million won, but not exceeding 50 million won.

(2) Any person who entices a child or juvenile to purchase sex from him/her or solicits a child or juvenile to prostitute shall be punished by imprisonment with labor for not more than one year or by a fine not exceeding ten million won.

Article 14 (Coercive Conduct, etc. against Children or Juveniles) (1) Any of the following persons shall be punished by imprisonment with labor for a limited term of at least five years:

1. A person who compels a child or juvenile to become the counterpart in purchasing sex from a child or juvenile by threat or assault;

2. A person who compels a child or juvenile to become the counterpart in purchasing sex from a child or juvenile by placing them into a troubling situation by means of advanced payment or other debt, or by a deceptive scheme or force;
 3. A person who compels a child or juvenile to become the counterpart in purchasing sex from a child or juvenile by taking advantage of the child ' s or juvenile's status under his/her protection or supervision due to his/her duties, employment, or any other relationship;
 4. A person who, for business purposes, entices or solicits a child or juvenile to become the counterpart in purchasing sex from a child or juvenile.
- (2) When a person who commits an offense prescribed in paragraph (1) 1 through 3 receives all or part of the consideration therefor, or demands or promises such consideration, he/she shall be punished by imprisonment with labor for a limited term of at least seven years.
- (3) Any person who entices or solicits a person to become the counterpart in purchasing sex from a child or juvenile shall be punished by imprisonment with labor for not more than seven years or by a fine not exceeding 50 million won.
- (4) Any person who attempts to commit an offense prescribed in paragraphs (1) and (2) shall be punished.

Article 15 (Business of Arranging Prostitution, etc.) (1) Any of the following persons shall be punished by imprisonment with labor for a limited term of at least seven years:

1. A person who provides a place for purchasing sex from a child or juvenile as a profession;
2. A person who arranges the purchase of sex from a child or juvenile or a person who provides information on the arrangement thereof through an information and communications network as a profession;
3. A person who provides capital, land, or a building knowing that it will be used for crimes referred to in subparagraph 1 or 2;
4. A person who helps a business place providing a place for purchase of sex from a child or juvenile or arranging the purchase of sex from a child or juvenile to hire a child or juvenile as a profession.

(2) Any of the following persons shall be punished by imprisonment with labor for not more than seven years or by a fine not exceeding 50 million won:

1. A person who entices, solicits, or coerces any third person to purchase sex from a child or juvenile for business purposes;
2. A person who provides a place for purchasing sex from a child or juvenile;
3. A person who arranges the purchase of sex from a child or juvenile or a person providing information on the arrangement of the purchase thereof through an information and communications network;
4. A person who promises any act referred to in subparagraph 2 or 3 for business purposes.

(3) Any person who entices, solicits, or coerces any third person to purchase sex from a child or juvenile shall be punished by imprisonment with labor for not more than five years or by a fine not exceeding 30 million won.

Article 16 (Coercive Conduct against Victims, etc.)

Any person who coerces a victim of a sex offense against a child or juvenile or a guardian defined in subparagraph 3 of Article 3 of the Child Welfare Act to reach a settlement by threat or assault shall be punished by imprisonment with labor for a limited term of at least seven years.

Article 17 (Obligations of Online Service Providers) (1) Any online service provider who fails to take measures prescribed by Presidential Decree to detect child or juvenile pornography in the information and communications network managed by himself/herself, or who fails to immediately delete the detected child or juvenile pornography and take technical measures to prevent or block transmission thereof, shall be punished by imprisonment with labor for not more than three years or by a fine not exceeding 20 million won: Provided, That this shall not apply where the online service provider has not been negligent in paying due attention to detect the child or juvenile pornography in the information and communications network or where substantial technical difficulty exists even though he/she has tried to prevent or block the transmission of the detected child or juvenile pornography.

(2) Online service providers of special type under Article 104 of the Copyright Act shall indicate words of warning, as prescribed by Presidential Decree, on the relevant screen or transmission program, clearly stating that a person who produces,

distributes, or possesses any child or juvenile pornography may be punished if the users search, upload, or download the works stored at their computers, etc.

Article 18 (Aggravated Punishment for Sex Offenses of Persons Liable to Report)

Where the head of an institution, facility, or organization prescribed in the subparagraphs of Article 34 (2) or an employee thereof commits a sex offense against a child or juvenile under his/her protection, supervision, or medical treatment, the punishment for such offense shall be increased by up to 1/2 of that prescribed for such offense.

Article 19 (Special Cases concerning Provisions for Mitigation under the Criminal Act)

@Articles 10 (1) and (2) and 11 of the Criminal Act may not apply to any sexual assault against a child or juvenile committed in a state of physical and mental incapacity induced by alcohol or drug.

Article 20 (Special Cases concerning Prescription of Public Prosecution) (1) The

prescription of public prosecution of a sex offense against a child or juvenile shall commence on the date the child or juvenile victimized by the relevant sex offense reaches the age of majority, notwithstanding Article 252 (1) of the Criminal Procedure Act.

(2) The prescription of public prosecution of any of the offenses prescribed in Article 7 shall be extended by ten years where any scientific evidence exists that may prove the relevant offense, such as DNA evidence.

(3) Where a person commits any of the following offenses against a person under 13 years of age or a person with a physical or mental disability, the prescription of public prosecution provided for in Articles 249 through 253 of the Criminal Procedure Act and Articles 291 through 295 of the Military Court Act shall not apply, notwithstanding paragraphs (1) and (2):

1. An offense prescribed in Article 297 (rape), 298 (indecent act by compulsion), 299 (quasi - rape, quasi - indecent act by compulsion), 301 (inflicting or causing another's bodily injury by rape, etc.) or 301 - 2 (killing another or causing death of another by rape, etc.) of the Criminal Act;
2. An offense prescribed in Article 9 or 10;

3. An offense prescribed in Article 6 (2), 7 (2), 8 or 9 of the Act on Special Cases concerning the Punishment, etc. of Sexual Crimes.

(4) Where any of the following offenses is committed, the prescription of public prosecution provided for in Articles 249 through 253 of the Criminal Procedure Act and Articles 291 through 295 of the Military Court Act shall not apply, notwithstanding paragraphs (1) and (2):

1. An offense prescribed in Article 301 - 2 (killing another or causing death of another by rape, etc.) of the Criminal Act (limited to murder after rape, etc.);
2. An offense prescribed in Article 10 (1);
3. An offense prescribed in Article 9 (1) of the Act on Special Cases concerning the Punishment, etc. of Sexual Crimes.

Article 21 (Concurrent Imposition of Punishment and Orders to Attend Education, etc.)

(1) When the court sentences a juvenile referred to in Article 2 of the Juvenile Act who has committed a sex offense against a child or juvenile to a suspension of sentence, it must issue a probation order.

(2) When the court declares a person who has committed a sex offense against a child or juvenile guilty, it shall concurrently issue an order to him/her to attend education necessary for prevention of recommitting a sexual assault crime, within the range of 500 hours or to complete a sexual assault treatment program (hereinafter referred to as "order to complete education"): Provided, That this shall not apply where any extenuating circumstance exists that makes it impractical to impose an order to attend education or order to complete education.

(3) Where the court sentences a person who has committed a sex offense against a child or juvenile to a suspension of execution, it shall concurrently issue an order to attend education prescribed in paragraph (2) within the period of the suspended execution, or an order to complete education when it imposes a fine or greater punishment: Provided, That no order to complete education shall be imposed concurrently if a person who has committed a sex offense against a child or juvenile is subject to an order to complete a sexual assault treatment program under Article 9 - 2 (1) 4 of the Act on Probation and Attachment of Electronic Monitoring Device against Specific Criminal Offenders.

(4) Where the court sentences a person who has committed a sex offense against a child or juvenile to the suspended execution of punishment, it may concurrently issue either of probation order or community service order, or both orders within the period of suspended execution.

(5) An order to attend education or order to complete education under paragraph (2) shall be executed within the period of the suspended execution when the execution of punishment is suspended, within six months from the day the judgment is made final and conclusive if punishment of a fine is sentenced, and within the period of punishment if imprisonment with labor or greater punishment is sentenced: Provided, That no order to attend education or order to complete education shall be imposed concurrently if a person who has committed a sex offense against a child or juvenile is subject to an order to attend education or to complete education under Article 16 of the Act on Special Cases concerning the Punishment, etc. of Sexual Crimes.

(6) An order to attend education or order to complete education under paragraph (2) shall be executed by the head of a probation office when it is issued concurrently with the suspended execution of punishment or with the sentence of punishment of a fine, and by the head of a correctional institution when it is issued concurrently with any sentence of imprisonment with labor or greater punishment: Provided, That where no sentence can be executed on account of the release or parole of the relevant person, or inclusion of the number of days of pre - trial detention, etc. before the order to attend education or order to complete education concurrently issued with the sentence of imprisonment with labor or greater punishment is fully executed, the unexecuted part of the order to attend education or order to complete education shall be executed by the head of a probation office.

(7) An order to attend education or order to complete education under paragraph (2) shall be executed as follows:

1. Diagnosis of and counseling for deviant abnormal behaviour;
2. Education for sound understanding of sex;
3. Other matters necessary for preventing sex offenders from recommitting an offense.

(8) The head of a probation office or correctional institution may wholly or partially entrust the Minister of Gender Equality and Family to execute an order to attend education or order to complete education pursuant to paragraph (2).

(9) The Act on Probation, Etc. shall apply mutatis mutandis to matters concerning probation, community service, orders to attend education, and orders to complete education, except as otherwise expressly prescribed by this Act.

Article 22 (Investigation before Judgment) (1) If deemed necessary for imposing a probation order, order for community service, order to attend education, or order to complete education pursuant to Article 21, the court may request the head of a probation office having jurisdiction over the place of the domicile of the accused to investigate the matters concerning the accused, such as physical and mental characteristics and conditions, psychosexual development process, background of growth, home environment, occupation, living environment, network of friends, criminal intent, medical history, relationship with the victim, and risk of re-offending.

(2) Upon receipt of a request made under paragraph (1), the head of a probation office shall conduct an investigation without delay and inform the relevant court of the results thereof in writing. In such cases, if deemed necessary, he/she may summon the accused or other related persons and question them or have a probation officer under his/her jurisdiction investigate necessary matters.

(3) The court may request the head of a probation office in receipt of a request made under paragraph (1) to report on the progress of the investigation.

Article 23 (Requests for Divestment of Parental Rights, etc.) (1) If the offender in the case is a person with parental rights or a guardian of the relevant victimized child or juvenile, a prosecutor who investigates a sex offense case against a child or juvenile shall request the competent court to render an adjudication of divestment of parental rights under Article 924 of the Civil Act or a decision on the replacement of a guardian under Article 940 of the same Act: Provided, That this shall not apply where any extenuating circumstance exists wherein no divestment of parental rights should be decided by adjudication or no decision on the replacement of a guardian should be made.

(2) The heads of the following institutions, facilities or organizations may request prosecutors to file a request referred to in paragraph (1). In such cases, the prosecutors in receipt of such request shall notify the heads of such institutions, facilities, or organizations of the outcomes of processing such request within 30 days after receipt of such request:

1. A specialized child protection institution under Article 45 of the Child Welfare Act;
2. A counseling center for the victims of sexual assault under Article 10 of the Sexual Violence Prevention and Victims Protection Act or a protective facility for the victims of sexual assault under Article 12 of the same Act;
3. A juvenile counseling and welfare center under Article 29 (1) of the Juvenile Welfare Support Act or a youth shelter under subparagraph 1 of Article 31 of the same Act.

(3) When the head of each institution, facility, or organization notified of the outcomes of processing pursuant to the latter part other than the subparagraphs of paragraph (2) has an objection to such outcomes, he/she may file a request prescribed in paragraph (1) directly with the competent court within 30 days after receiving the notification.

Article 24 (Decisions on Measures for Protection of Victimized Children or Juveniles)

Where the court adjudicates the offender in a sex offense case against a child or juvenile to be divested of his/her parental rights pursuant to Article 924 of the Civil Act, it may decide on a protective measure, such as delivering the relevant victimized child or juvenile to another person with parental rights or a relative, or to an institution, facility, or organization referred to in Article 45 or 46. In such cases, the court shall respect the opinion of the relevant child or juvenile.

Article 25 (Considerations in Investigation Procedures and Judicial Proceedings) (1)

Each of investigation agency, court, and person involved in the litigation shall pay attention not to impair the victim's character or honor or infringe upon his/her privacy in the course of investigation, examination, or judgment, taking into careful consideration the age, mental state, and existence of any stress disorder, etc. of the victim of the sex offense against child or juvenile.

(2) When investigating, examining, or judging a victim of the sex offense against child or juvenile, each investigation agency and court shall provide the victim with a circumstance in which he/she can make his/her statements comfortably, and shall minimize the number of investigation, examination, and judgment to the least required.

- Article 26 (Recording, Keeping, etc. of Images)** (1) Statements of a victim of a sex offense against a child or juvenile and the process of investigation shall be recorded with a recording device, such as a video recorder, and preserved.
- (2) No image under paragraph (1) shall be recorded when the victim or his/her legal representative expresses his/her intention that disapproves of the recording: Provided, That this shall not apply where the offender is one of those who have parental rights.
- (3) Image recording under paragraph (1) shall be made throughout the entire process from the commencement of investigation to the end thereof, to contain objective circumstances, and upon completion of the recording, the original image shall be sealed without delay in front of the victim or his/her attorney - at - law, and the victim shall be made to put his/her name and seal, or signature, thereto.
- (4) A prosecutor or judicial police officer shall record in protocol or in a separate document, the time the victim has arrived at a place of recording under paragraph (1), the start and finish time of recording, and other matters necessary to confirm the progress of recording process, and bind it with the investigative record as a file.
- (5) Where requested by a victim or his/her legal representative, a prosecutor or judicial police officer shall deliver to the requester a copy of the protocol prepared in the course of recording images, or allow him/her to play and watch the images.
- (6) The statement of a victim contained in the images recorded in accordance with the procedures in paragraphs (1) through (4) may be used as evidence when the veracity of its constitution is acknowledged, on the date of preparation of a trial or on the date of a trial, by the victim or a person in fiduciary relationship who has sit in company with the victim in the process of investigation.
- (7) No one shall use images recorded under paragraph (1) for any purpose other than investigation and court judgment.

Article 27 (Special Cases concerning Preservation of Evidence) (1) When any circumstance exists wherein it is substantially impracticable for a victim of a sex offense against a child or juvenile to make a testimony by presenting himself/herself on the date of trial, the victim, his/her legal representative, or the police may, by clearly explaining the reason, ask the prosecutor who investigates the relevant sex offense to request the preservation of images recorded under Article 26 or other

evidence, in accordance with Article 184 (1) of the Criminal Procedure Act.

(2) A prosecutor who is asked to make a request under paragraph (1) shall file a request for the preservation of evidence, if he/she deems that such asking has due grounds.

Article 28 (Sitting with Person in Fiduciary Relationship) (1) In examining a victim of a sex offense against a child or juvenile as a witness, the court shall require a person who is in a fiduciary relationship with a victim to sit in company with the victim, if requested by the prosecutor, victim or his/her legal representative, unless any extenuating circumstance exists, such as concern about disruption of the trial.

(2) Paragraph (1) shall apply mutatis mutandis where an investigation is conducted against the victim referred to in paragraph (1).

(3) In cases falling under paragraph (1) or (2), the court and the investigative agency shall not require a person who is in a fiduciary relationship with a victim to sit in company with the victim, if he/she is in condition unfavorable to the victim, or if it is contrary to the victim's wishes.

Article 29 (Reading or Photocopying Documents or Evidence)

A victim of a sex offense against a child or juvenile, his/her legal representative, or lawyer may read or photocopy the relevant documents or evidence after obtaining permission from the presiding judge.

Article 30 (Special Cases concerning Appointment of Lawyer for Victimized Child, Juvenile, etc.)

(1) A victim of a sex offense against a child or juvenile, or his/her legal representative may appoint a lawyer to protect himself/herself from any harm which may be caused during the criminal procedure and to ensure legal assistance.

(2) Article 27 (2) through (6) of the Act on Special Cases concerning the Punishment, etc. of Sexual Crimes shall apply mutatis mutandis to a lawyer appointed under paragraph (1).

Article 31 (Prohibition against Divulgence of Confidential Information)

(1) No current or former public official who is responsible for, or involved in, investigations or trials on sex offenses against children or juveniles shall make public or divulge to any third person any personal information that may identify such children or juveniles, such as the address, name, age, school, occupation and appearance of the victimized children

or juveniles or the children or juveniles involved, or their pictures, etc., or confidential information about the privacy of such children or juveniles.

(2) No head of any institution, facility or organization under Articles 45 and 46 or a person who has served or serves as their assistants shall divulge any confidential information he/she has become aware of in the course of performing his/her duties to any third person.

(3) No person shall publish any personal information that may identify victimized children or juveniles or children or juveniles involved, such as the address, name, age, school, occupation and appearance of such children or juveniles, or their pictures, etc. in newspapers or other publications, or make them public through broadcasting defined in subparagraph 1 of Article 2 of the Broadcasting Act (hereinafter referred to as "broadcasting") or any information and communications network.

(4) Any person who violates any of paragraphs (1) through (3) shall be punished by imprisonment with labor for not more than seven years or by a fine not exceeding 50 million won. In such cases, imprisonment with labor and a fine may be imposed concurrently.

Article 32 (Joint Penalty Provisions)

When the representative of a corporation, or an agent, employee, or other servant of the corporation or an individual commits an offense falling under any of Articles 11 (3) and (5), 14 (3), 15 (2) and (3), and 31 (3) in connection with the business of the corporation or the individual, not only shall such offender be punished, but the corporation or individual shall also be punished by a fine under the relevant provisions, and where such person commits an offense falling under any of Articles 11 (1), (2), (4) and (6), 12, 14 (1), (2) and (4), and 15 (1), not only shall such offender be punished, but the corporation or individual shall also be punished by a fine not exceeding 50 million won: Provided, That this shall not apply where such corporation or individual has not been negligent in paying due attention and supervision concerning the relevant duties to prevent such offence.

Article 33 (Punishment of Korean Citizens who Commit Offenses Overseas)

Where criminally prosecuting a Korean citizen who commits a sex offense against a child or juvenile outside the territory of the Republic of Korea, pursuant to Article 3

of the Criminal Act, the State shall endeavor to obtain criminal information swiftly from the relevant foreign country and punish such offender.

CHAPTER III REPORTS ON SEX OFFENSES AGAINST CHILDREN OR JUVENILES, AND EMERGENCY MEASURES AND SUPPORT THEREFOR

Article 34 (Reporting on Sex Offenses against Children or Juveniles) (1) Any person who becomes aware of the occurrence of a sex offense against a child or juvenile may report such offense to an investigative agency.

(2) When the head of any of the following institutions, facilities, or organizations and any employee thereof becomes aware of the occurrence of a sex offense against a child or juvenile in the course of performing his/her duties, he/she shall immediately report such offense to an investigative agency: <Amended by Act No. 12329, Jan. 21, 2014 >

1. Kindergartens defined in subparagraph 2 of Article 2 of the Early Childhood Education Act;
2. Schools defined in Article 2 of the Elementary and Secondary Education Act;
3. Medical institutions defined in Article 3 of the Medical Service Act;
4. Child welfare facilities defined in subparagraph 10 of Article 3 of the Child Welfare Act;
5. Welfare facilities for persons with disabilities under Article 58 of the Act on Welfare of Persons with Disabilities;
6. Child - care centers defined in subparagraph 3 of Article 2 of the Infant Care Act;
7. Private teaching institutes defined in subparagraph 1 of Article 2 and teaching schools under subparagraph 2 of the same Article of the Act on the Establishment and Operation of Private Teaching Institutes and Extracurricular Lessons;
8. Supporting institutions for victims, etc. of sexual traffic under Article 5 of the Act on the Prevention of Sexual Traffic and Protection, etc. of Victims and counseling centers for victims, etc. of sexual traffic under Article 10 of the same Act;
9. Single - parent family welfare facilities under Article 19 of the Single - Parent Family Support Act;
10. Counseling centers related to domestic violence under Article 5 of the Act on the Prevention of Domestic Violence and Protection, etc. of Victims and protection

- facilities for victims of domestic violence under Article 7 of the same Act;
11. Counseling centers for the victims of sexual assault under Article 10 of the Sexual Violence Prevention and Victims Protection Act and protective facilities for the victims of sexual assault under Article 12 of the same Act;
 12. Facilities for youth activities defined in subparagraph 2 of Article 2 of the Juvenile Activity Promotion Act;
 13. Juvenile counseling and welfare centers under Article 29 (1) of the Juvenile Welfare Support Act and youth shelters under subparagraph 1 of Article 31 of the same Act;
 14. Centers for the protection and rehabilitation of juveniles under Article 35 of the Juvenile Protection Act.

(3) Except as otherwise expressly provided for in other Acts, no person shall publish any information or material that may identify reporters, etc., such as their personal information or pictures, in publications, or disclose them through broadcasting or any information and communication network.

- Article 35 (Education of Persons Liable to Report)** (1) The heads of the relevant administrative agencies shall include educational contents related to the prevention of sex offenses against children or juveniles and obligations to report, in the curriculum for acquiring a license for the heads of institutions, facilities, or organizations under each subparagraph of Article 34 (2) and the employees thereof.
- (2) The Minister of Gender Equality and Family may provide education on the prevention of sex offenses and obligations to report to the heads of institutions, facilities, or organizations under each subparagraph of Article 34 (2) and the employees thereof.
- (3) Matters necessary for providing the education prescribed in paragraph (2) shall be prescribed by Presidential Decree.

Article 36 (Protection of Victimized Children or Juveniles)

@Articles 5, 8, 29, and 49 through 53 of the Act on Special Cases concerning the Punishment, etc. of Crimes of Domestic Violence shall apply mutatis mutandis where a person who commits a sex offense against a child or juvenile is in a family relationship prescribed in subparagraph 2 of Article 2 of the same Act with the relevant victimized child or juvenile, and it is necessary to protect such victimized

child or juvenile.

Article 37 (Counseling and Treatment of Victimized Children, Juveniles, etc.) (1) For physical and mental recovery of victimized children, juveniles, etc., the State may request the counseling facilities referred to in Article 46 or the medical institutions taking exclusive charge of victims of sexual assault designated under Article 27 of the Sexual Violence Prevention and Victims Protection Act to provide counseling or treatment programs (hereinafter referred to as "counseling and treatment programs") to the following persons:

1. A victimized child or juvenile;
2. The guardian or siblings of a victimized child or juvenile;
3. Other persons prescribed by Presidential Decree.

(2) No institution in receipt of a request to provide counseling and treatment programs under paragraph (1) shall reject such request without any justifiable ground.

CHAPTER IV GUIDANCE, PROTECTION, ETC. FOR CHILDREN AND JUVENILES

Article 38 (Investigation, etc. of Children or Juveniles Involved) (1) Notwithstanding Article 21 (1) of the Act on the Punishment of Acts of Arranging Sexual Traffic, no child or juvenile involved shall be punished in consideration of his/her protection and rehabilitation.

(2) Where a judicial police officer discovers a child or juvenile involved, he/she shall investigate the case promptly and forward it to a prosecutor without delay, attaching his/her opinion as to whether it is reasonable to handle the case as a juvenile protection case under the jurisdiction of the juvenile department of a family court or the juvenile department of a district court (hereinafter referred to as "juvenile department in the competent court") pursuant to the Juvenile Act.

(3) Where a prosecutor or judicial police officer discovers a child or juvenile involved, he/she shall notify the legal representative of the child or juvenile or a person who actually protects the child or juvenile (hereinafter referred to as "legal representative, etc.") thereof, if no extenuating circumstance exists.

(4) If the legal representative, etc. of a child or juvenile involved or the head of an institution, facility or organization referred to in each subparagraph of Article 34 (2) discovers a child or juvenile involved, he/she may notify the juvenile department in the competent court thereof.

Article 39 (Forwarding Cases to Juvenile Department) (1) Where a prosecutor deems it reasonable to impose a protective disposition under the Juvenile Act on a child or juvenile involved in consideration of the nature, motives, and consequences of the case forwarded pursuant to Article 38 (2) as well as the character and conduct of the offender, etc., he/she may forward the case to the juvenile department in the competent court.

(2) Where a prosecutor examines whether to forward a case to the juvenile department under paragraph (1) and concludes that forwarding it is inappropriate, and where he/she deems it necessary to provide protection or rehabilitation to the child or juvenile concerned, he/she shall require such child or juvenile concerned to complete necessary educational or counseling programs.

(3) Matters necessary for educational or counseling programs under paragraph (2) shall be prescribed by Presidential Decree.

Article 40 (Protective Dispositions on Children, Juveniles, etc. Involved) (1) A judge of the juvenile department in the competent court to which a case is forwarded pursuant to Article 39 (1) or 44 (1) may impose any of the following protective dispositions on the relevant child or juvenile:

1. A protective disposition prescribed in the subparagraphs of Article 32 (1) of the Juvenile Act;
2. A protective disposition to entrust the centers for the protection and rehabilitations of juveniles under Article 35 of the Juvenile Protection Act with guidance and protection.

(2) Where a disposition for probation referred to in Article 32 (1) 4 or 5 of the Juvenile Act is imposed on a child or juvenile involved pursuant to paragraph (1) 1, an order to attend education may be issued concurrently.

(3) A period of entrustment under paragraph (1) 2 shall be six months, but a judge of the juvenile department in the competent court may extend such period only once up to six months.

(4) Although the period of entrustment under paragraph (3) is not terminated, a judge of the juvenile department in the competent court may decide on the termination of such entrustment, if he/she deems it necessary.

(5) Where the court concurrently imposes an order to attend education pursuant to paragraph (2), the head of a probation office may entrust the Minister of Gender Equality and Family with the execution of such order to attend education.

Article 41 (Requests for Measures for Victimized Children, Juveniles, etc.)

If deemed necessary to keep a child or juvenile victimized by a sex offense out of harm's way or to protect him/her continuously, a prosecutor may file a request with the court for taking measures under subparagraphs 2 through 5, along with the probation under subparagraph 1: Provided, That the same shall not apply where the matters to be complied with are imposed to the offender in accordance with Article 9 - 2 (1) 2 and 3 of the Act on the Probation and Electronic Monitoring, etc. of Specific Criminal Offenders, such as prohibition from entry to a specific area:

1. Probation against the offender under the Act on Probation, Etc.;
2. Measures to separate the offender from the residence, etc. of the victimized child or juvenile or evict the offender therefrom;
3. Measures to prohibit the offender or his/her agent from approaching within 100 meters from the residence, school, etc. of the victimized child or juvenile;
4. Prohibiting the offender from contacting the victimized child or juvenile or his/her guardians by means of telecommunications defined in subparagraph 1 of Article 2 of the Framework Act on Telecommunications or by mail;
5. Measures necessary for protecting the victimized child or juvenile, such as a decision to entrust him/her to a protection facility prescribed in Article 45.

Article 42 (Judgments, etc. on Protective Dispositions on Victimized Children, Juveniles, etc.)

(1) When the court deems that a request for a protective disposition filed under Article 41 has reasonable grounds, a protective disposition for a fixed period not exceeding six months shall be sentenced by a judgment.

(2) Any of the protective dispositions prescribed in the subparagraphs of Article 41 may be imposed concurrently.

(3) A prosecutor may, if deemed necessary, request the court to extend the period of a protective disposition referred to in paragraph (1). In such cases, the number of

extensions shall be not more than three times, and the period of each extension shall not exceed six months.

(4) A judgment on a protective disposition shall be sentenced concurrently with a judgment on a sex offense against a child or juvenile.

(5) A victim or his/her legal representative may request the competent court to change the decision on a protective disposition, when the victim has moved his/her residence, etc. after the protective disposition had been rendered under subparagraphs 1 and 2 of Article 41.

(6) When the court decides to impose a protective disposition under paragraph (1), it shall notify each of prosecutor, victim, offender, probation officer, and head of the relevant protection facility entrusted with and performs a protective disposition: Provided, That if the protection facility is operated by a private entity, consent to the entrustment shall be obtained from the head of a protection facility.

(7) Article 43 of the Act on Special Cases concerning the Punishment, etc. of Crimes of Domestic Violence shall apply mutatis mutandis to matters necessary for executing a decision on protective disposition.

Article 43 (Change or Termination of Protective Dispositions on Victimized Children, Juveniles, etc.)

(1) A prosecutor may request the court to change the details of a protective disposition decided under Article 42 or terminate the effect thereof.

(2) Where any request is filed under paragraph (1), the court shall examine the appropriateness of the relevant protective disposition imposed on a victimized child or juvenile, and shall change its details or terminate its effect, if deemed necessary.

Article 44 (Treatment of Child or Juvenile Perpetrators)

(1) Where a child or juvenile who is more than 10 years, but less than 14 years old, commits any offense defined in subparagraph 2 (b) or (c) of Article 2 or Article 7, an investigative agency shall investigate it immediately, and forward the case to the juvenile department in the competent court.

(2) Where any child or juvenile who is more than 14 years, but less than 16 years old, commits any offense falling under paragraph (1) and the case is forwarded to the juvenile department in the competent court, the judge of the juvenile department in the court in receipt of the case may impose any of the following protective dispositions on such child or juvenile:

1. A protective disposition under each subparagraph of Article 32 (1) of the Juvenile Act;
2. A protective disposition entrusting a center for the protection and rehabilitations of juveniles established under Article 35 of the Juvenile Protection Act with guidance and protection.
- (3) Where a judicial police officer discovers any child or juvenile perpetrator referred to in paragraph (1), he/she shall notify the legal representative, etc. of such child or juvenile perpetrator thereof, if no extenuating circumstance exists.
- (4) Where a judge imposes a disposition prescribed in Article 32 (1) 4 or 5 of the Juvenile Act against a child or juvenile perpetrator whose case has been forwarded to the juvenile department in the competent court under paragraph (1) or (2), he/she shall issue an order to attend education necessary for the prevention of re-offending.
- (5) Where a prosecutor examines whether to forward a case of a child or juvenile perpetrator to the juvenile department and concludes that forwarding it is inappropriate, he/she shall require such child or juvenile perpetrator to complete educational or counseling programs necessary for the prevention of re-offending.
- (6) Matters necessary for educational or counseling programs referred to in paragraph (5) shall be prescribed by Presidential Decree.

Article 45 (Protection Facilities)

Juvenile supporting institutions under Article 5 (1) 2 of the Act on the Prevention of Sexual Traffic and Protection, etc. of Victims, juvenile counseling and welfare centers under Article 29 (1) of the Juvenile Welfare Support Act and youth shelters under subparagraph 1 of Article 31 of the same Act or centers for the protection and rehabilitations of juveniles under Article 35 of the Juvenile Protection Act may fulfill each of the following duties:

1. Duties prescribed in Article 46 (1);
2. Support for the protection and independence of children or juveniles involved;
3. Connecting and entrusting children or juveniles involved requiring long-term medical care, to other institutions.

Article 46 (Counseling Facilities) (1) Counseling centers for victims, etc. of sexual traffic under Article 10 of the Act on the Prevention of Sexual Traffic and Protection,

etc. of Victims and juvenile counseling and welfare centers under Article 29 (1) of the Juvenile Welfare Support Act may fulfill each of the following duties:

1. Receipt of reports on offenses under Articles 7 through 18 and counseling;
2. Connecting and entrusting children or juveniles involved to hospitals or relevant facilities;
3. Any other surveys and research related to child or juvenile sex trafficking, etc.

(2) Counseling centers for the victims of sexual assault under Article 10 of the Sexual Violence Prevention and Victims Protection Act and protective facilities for the victims of sexual assault under Article 12 of the same Act may fulfill each of the following duties:

1. Duties prescribed in the subparagraphs of paragraph (1);
2. Taking victimized children or juveniles disabled to live an ordinary life by sexual assault against them or who are in need of urgent protection due to other circumstances to hospitals or protective facilities for the victims of sexual assault, or providing them with temporary protection;
3. Helping victimized children or juveniles physically and mentally recover and return to the society;
4. Requesting the Korean Bar Association, the Korea Legal Aid Corporation and other relevant institutions to render necessary cooperation and support for taking judicial proceedings, such as civil and criminal procedures and claiming compensation for damage;
5. Public relations campaigns for the prevention and prohibition of sexual assault against children or juveniles;
6. Surveys and research on sexual assault against children or juveniles and damage therefrom;
7. Other duties required for protecting victimized children or juveniles.

Article 47 (Establishment and Operation of Institutions Specialized in Sex Education for Children and Juveniles) (1) In order to create sound sex values and prevent sex offenses, the State and local governments may establish institutions specialized in sex education for children and juveniles (hereinafter referred to as "institutions specialized in sex education") or entrust the relevant duties to specialized organizations.

(2) Matters concerning entrustment under paragraph (1) and matters necessary for qualifications for employees, including staff members of institutions specialized in sex education, and standards for establishment and operation thereof shall be prescribed by Presidential Decree.

Article 48 (Operation of Educational Programs, etc.) (1) In order to protect children and juveniles from sexual exploitation and abuse, protection facilities or counseling facilities referred to in Articles 45 and 46 may fulfill each of the following duties:

1. Guidance and protection of children or juveniles involved by means of education, counseling, etc. under Article 39 (2);
2. Operation of programs to help victimized children or juveniles and children or juveniles involved with treatment, recovery of stability and returning to society;
3. Operation of educational and counseling programs for legal representatives, etc. of victimized children or juveniles and children or juveniles involved;
4. Operation of educational and counseling programs for offending children or juveniles in sexual assault against children or juveniles, their legal representatives, etc.;
5. Education of experts in protection of children and juveniles against sexual abuse;
6. Other duties prescribed by Presidential Decree for protecting children or juveniles from sex offenses against children or juveniles.

(2) The State and local governments may partially subsidize expenses incurred in fulfilling the duties of protection facilities and counseling facilities under paragraph (1) within budgetary limits.

CHAPTER V DISCLOSURE OF PERSONAL INFORMATION OF PERSONS CONVICTED OF SEX OFFENSES, RESTRICTIONS ON THEIR EMPLOYMENT, ETC.

Article 49 (Disclosure of Registered Information) (1) With respect to any of the following persons, the court shall pronounce an order to disclose information prescribed in paragraph (3) through an information and communications network during the registration period prescribed in Article 45 (1) of the Act on Special Cases concerning the Punishment, etc. of Sexual Crimes (hereinafter referred to as "order to disclose information") in concurrence with a judgment on a sex offense

case against a child or juvenile: Provided, That the same shall not apply where the accused is a child or juvenile, or any other special circumstance against disclosure of personal information exists:

1. A person who commits sexual assault against a child or juvenile;
2. A person who commits a crime under any of Articles 2 (1) 3 and 4, 2 (2) (limited to paragraph (1) 3 and 4), and 3 through 15 of the Act on Special Cases concerning the Punishment, etc. of Sexual Crimes;
3. A person who has committed a sex offense against a child or juvenile under the age of 13 and is deemed likely to recommit a sex offense against a child or juvenile under the age of 13;
4. An unpunishable person under Article 10 (1) of the Criminal Act even though he/she has committed an offense falling under subparagraph 1 or 2, and is deemed likely to recommit an offense falling under subparagraph 1 or 2.

(2) A period of disclosure of registered information under paragraph (1) (which shall not exceed the period prescribed in Article 7 of the Act on the Lapse of Criminal Sentences) shall be counted from the date a judgment is made final and conclusive: Provided, That where a person subject to an order to disclose personal information (hereinafter referred to as "person subject to disclosure of information") is sentenced to an actual penalty or medical treatment and custody, such period shall be counted from the date the execution of such penalty or medical treatment and custody is wholly or partially terminated or exempted.

(3) Registration information provided for public disclosure pursuant to paragraph (1) (hereinafter referred to as "information for disclosure") shall be as follows:

1. Name;
2. Age;
3. Address and actual place of residence (up to road name as defined in subparagraph 5 of Article 2 of the Road Name Address Act and building number as defined in subparagraph 7 of the same Article);
4. Body size (height and weight);
5. Photograph;
6. Summary of a sex offense subject to registration (including date of judgment, name of the offense and pronounced sentence);

7. Previous criminal record of sexual assault (names of crimes and number of time of crimes);

8. Whether an electronic device is attached in accordance with the Act on the Probation and Electronic Monitoring, etc. of Specific Criminal Offenders.

(4) The detailed form and contents of information for disclosure shall be prescribed by Presidential Decree.

(5) Any person who intends to inspect information for disclosure via an information and communications network shall undergo procedures for actual name verification.

(6) Detailed methods of, and procedures for actual name verification, and technology and management for preventing information for disclosure from being leaked shall be prescribed by Presidential Decree.

Article 50 (Notification of Registered Information) (1) With respect to any of the following persons, who are subject to disclosure of information, the court shall issue an order to notify the persons prescribed in paragraph (5) of the information subject to notification under paragraph (4) (hereinafter referred to as "order to notify information") during a period set to disclose information under Article 49 by a court judgment, in concurrence with a judgment on a sex offense case subject to registration: Provided, That the same shall not apply where the accused is a child or juvenile, or where any other special circumstance against disclosure of personal information exists:

1. A person who has committed sexual assault against a child or juvenile;

2. A person who commits a crime under any of Articles 2 (1) 3 and 4, 2 (2) (limited to paragraph (1) 3 and 4), and 3 through 15 of the Act on Special Cases concerning the Punishment, etc. of Sexual Crimes;

3. An unpunishable person under Article 10 (1) of the Criminal Act even though he/she has committed an offense falling under subparagraph 1 or 2, who is deemed likely to recommit an offense falling under subparagraph 1 or 2.

(2) A person against whom an order to notify information is sentenced (hereinafter referred to as "person subject to notification of information") shall be deemed a person against whom an order to disclose information is sentenced.

(3) An order to notify information shall be executed within the following periods:

1. In cases of a person subject to notification of information who is sentenced to suspended execution, within one month from the date of the first registration of his/her personal information;
2. In cases of a person subject to notification of information sentenced to imprisonment without labor or greater punishment, within one month from the date of moving - in to the region where he/she shall be domiciled after being released from prison;
3. Where a person subject to notification of information relocates to another region, within one month from the date of registration of changed information.

(4) Information to be notified under paragraph (1) shall be as follows:

1. Where a person subject to notification of information is already domiciled or has moved in, information for disclosure under Article 48 (3): Provided, That his/her address and actual place of domicile referred to in Article 49 (3) 3 shall include his/her detailed address;
2. Where a person subject to notification of information relocates, information notified under paragraph (1) and information concerning his/her relocation.

(5) Information to be notified under paragraph (4) shall be notified to households of the persons with parental authority or legal representatives of children and juveniles residing in an Eup/Myeon/Dong where a person subject to notification of information is domiciled, the heads of day care centers under the Infant Care Act, kindergartens under the Early Childhood Education Act and the heads of schools as defined in Article 2 of the Elementary and Secondary Education Act, the heads of Eup/Myeon offices and Dong community centers (including Eups/Myeons/Dongs which share the common boundaries), the heads of private teaching institutes for school curriculum as defined in Article 2 - 2 of the Act on the Establishment and Operation of Private Teaching Institutes and Extracurricular Lessons, the heads of regional centers for children under Article 52 (1) 8 of the Child Welfare Act, and the heads of youth training facilities under subparagraph 1 of Article 10 of the Juvenile Activity Promotion Act. <Amended by Act No. 12329, Jan. 21, 2014 >

Article 51 (Execution of Orders to Notify Information) (1) The Minister of Gender Equality and Family shall execute orders to notify information.

(2) When a judgment on an order to notify information becomes final and conclusive, the court shall forward a certified copy of the written judgment to the Minister of Justice within 14 days from the date the judgment becomes final and conclusive, and the Minister of Justice shall forward the information on the person subject to notification of information at the time of initial registration and registration for change, period for notification, and information to be notified under the subparagraphs of Article 50 (4) to the Minister of Gender Equality and Family without delay so that the order to notify information can be executed within the period prescribed in Article 50 (3).

(3) Where a person subject to notification of information is released from prison, the Minister of Justice shall forward the following information to the Minister of Gender Equality and Family by no later than one month prior to his/her release:

1. A prearranged date on which a person subject to notification of information is to be released from prison;
2. A detailed address of the place of residence where a person subject to notification of information will be domiciled.

(4) The Minister of Gender Equality and Family shall execute an order to notify information in the manner of sending information to be notified under Article 50 (4) to the households of the persons with parental authority or legal representatives of children and juveniles residing in the region under his/her jurisdiction, the heads of day care centers under the Infant Care Act, kindergartens under the Early Childhood Education Act, the heads of schools as defined in Article 2 of the Elementary and Secondary Education Act, the heads of Eup/Myeon offices and Dong community centers, the heads of private teaching institutes for school curriculum as defined in Article 2 - 2 of the Act on the Establishment and Operation of Private Teaching Institutes and Extracurricular Lessons, the heads of regional centers for children under Article 52 (1) 8 of the Child Welfare Act, and the heads of youth training facilities under subparagraph 1 of Article 10 of the Juvenile Activity Promotion Act and posting it on the bulletins of Eup/Myeon offices or Dong (including Eups/Myeons/Dongs which share the common boundaries) community centers for 30 days. <Amended by Act No. 12329, Jan. 21, 2014>

(5) The Minister of Gender Equality and Family shall send by mail the information to be notified under Article 50 (4) to the households of the persons with parental

authority or legal representatives of children and juveniles residing in the region under his/her jurisdiction for whom birth reports, adoption reports or moving - in reports have been filed after having executed an order to notify information under paragraph (4), and to the heads of child - care centers under the Infant Care Act, kindergartens under the Early Childhood Education Act, the heads of schools as defined in Article 2 of the Elementary and Secondary Education Act, the heads of private teaching institutes for school curriculum as defined in Article 2 - 2 of the Act on the Establishment and Operation of Private Teaching Institutes and Extracurricular Lessons, the heads of regional centers for children under Article 52 (1) 8 of the Child Welfare Act, and the heads of youth training centers under subparagraph 1 of Article 10 of the Juvenile Activity Promotion Act who have failed to receive by mail the information to be notified on persons subject to notification of information. <Amended by Act No. 12329, Jan. 21, 2014>

(6) The Minister of Gender Equality and Family may entrust the head of the Eup/Myeon where a person subject to notification of information actually resides or the head of the relevant Dong community center with affairs concerning the mailing of information to be notified or posting thereof in bulletins under paragraphs (4) and (5) among the affairs related to the execution of an order to notify information.

(7) The head of an Eup/Myeon or the head of a Dong community center who is entrusted under paragraph (6) shall perform the affairs related to the mailing and posting in bulletins.

(8) The Minister of Gender Equality and Family may execute an order to notify information by any means, other than notification prescribed in paragraph (4).

(9) Matters necessary for the execution of orders to notify information and procedures for notification shall be prescribed by Ordinance of the Ministry of Gender Equality and Family.

Article 52 (Execution of Orders to Disclose Information) (1) The Minister of Gender Equality and Family shall execute orders to disclose information through an information and communications network.

(2) Where a judgment on order to disclose information becomes final and conclusive, the court shall forward a certified copy of the written judgment to the Minister of Justice within 14 days from the date the judgment becomes final and conclusive, and

the Minister of Justice shall forward the information on the person subject to disclosure of information at the time of initial registration and registration for change, period of disclosure, and information for disclosure prescribed in the subparagraphs of Article 49 (3) to the Minister of Gender Equality and Family without delay so that the order to notify information can be executed within the period of disclosure prescribed in Article 49 (2).

(3) Detailed matters concerning the execution of orders to disclose information, procedures for disclosure, management and other matters shall be prescribed by Presidential Decree.

Article 53 (Guidance and Publication of Criminal Information) (1) The Minister of Gender Equality and Family shall publicize the trends and tendencies of occurrence of sex offenses against children or juveniles, and other matters necessary for guidance on at least two occasions each year.

(2) To analyze tendencies, etc. of sex offenses under paragraph (1), the Minister of Gender Equality and Family may request the relevant administrative agencies to provide data on persons who have received final and conclusive verdict of guilty on their sex offenses.

Article 54 (Confidentiality)

No person who performs or has performed the duties of disclosing and notifying personal information of sex offenders subject to registration shall divulge any registered information that he/she has become aware of in the course of performing his/her duties.

Article 55 (Prohibition of Abuse of Information for Disclosure) (1) Information for disclosure shall be used only to identify persons who are likely to commit sex offenses in order to protect children and juveniles against sexual abuse.

(2) No one who ascertains information for disclosure shall do any of the following acts by using such information for disclosure:

1. Releasing information for disclosure through a newspaper, magazine, or other publication, broadcasting or information and communications networks;
2. Correcting or deleting information for disclosure.

(3) No one who has ascertained the information for disclosure shall discriminate against persons subject to disclosure of information by using such information for disclosure for any of the following purposes, other than for the purposes of protection from sex offenses subject to registration:

1. Employment (excluding employment by child or juvenile - related institutions, etc. under Article 56 (1));
2. Use of houses or social welfare facilities;
3. Education and vocational training at educational institutions.

Article 56 (Restrictions, etc. on Employment at Child or Juvenile - Related Educational Institutions, etc.)

(1) No one sentenced to a penalty or medical treatment and custody for committing a sex offense against a child, juvenile, or adult (hereinafter referred to as "sex offense") and for whom such sentence is made final and conclusive (excluding persons sentenced to punishment of a fine under Article 11 (5)) shall provide educational services directly to children and juveniles by visiting their homes, or operate any of the following facilities or institutions (hereinafter referred to as "child or juvenile - related institution, etc."), or work for or provide actual labor to a child or juvenile - related institution, etc. for ten years from the date on which the execution of such penalty or medical treatment and custody is wholly or partially terminated, or suspended or exempted: Provided, That for the purposes of subparagraphs 10 and 14, the same shall apply only to those performing security guard duties, and for the purposes of paragraph 12, the same shall apply only to medical personnel defined in Article 2 of the Medical Service Act: <Amended by Act No. 11690, Mar. 23, 2013; Act No. 12329, Jan. 21, 2014>

1. Kindergartens defined in subparagraph 2 of Article 2 of the Early Childhood Education Act;
2. Schools defined in Article 2 of the Elementary and Secondary Education Act;
3. Private teaching institutes defined in subparagraph 1 of Article 2 of the Act on the Establishment and Operation of Private Teaching Institutes and Extracurricular Lessons, teaching schools defined in subparagraph 2 and private tutors defined in subparagraph 3 of the same Article of the same Act (referring to private teaching institutes, teaching schools, and private tutors for children and juveniles designated by the Minister of Education, the use of which by children and juveniles is not

restricted);

4. Centers for the protection and rehabilitations of juveniles under Article 35 of the Juvenile Protection Act;
5. Facilities for youth activities defined in subparagraph 2 of Article 2 of the Juvenile Activity Promotion Act;
6. Juvenile counseling and welfare centers under Article 29 (1) of the Juvenile Welfare Support Act and youth shelters under subparagraph 1 of Article 31 of the same Act;
7. Child - care centers defined in subparagraph 3 of Article 2 of the Infant Care Act;
8. Child welfare facilities defined in subparagraph 10 of Article 3 of the Child Welfare Act;
9. Juvenile supporting institutions under Article 5 (1) 2 of the Act on the Prevention of Sexual Traffic and Protection, etc. of Victims and counseling centers for victims, etc. of sexual traffic under Article 10 of the same Act;
10. Housing management offices of collective housing defined in subparagraph 2 of Article 2 of the Housing Act;
11. Sports facilities designated by the Minister of Culture, Sports and Tourism, the use of which by children and juveniles is not restricted, among sports facilities established under the Installation and Utilization of Sports Facilities Act;
12. Medical institutions defined in Article 3 of the Medical Service Act;
13. Places of business for following businesses under the Game Industry Promotion Act:
 - (a) A business providing Internet computer game facilities defined in subparagraph 7 of Article 2 of the Game Industry Promotion Act;
 - (b) A combined distribution and game providing business defined in subparagraph 8 of Article 2 of the Game Industry Promotion Act;
14. Corporations providing security services defined in subparagraph 1 of Article 2 of the Security Services Industry Act;
15. Places of business for planning, supervising and operating juvenile activities defined in subparagraph 3 of Article 3 of the Framework Act on Juveniles for commercial purposes (hereinafter referred to as "business establishments for planning juvenile activities");

16. Places of business for training, instructing or counseling persons who provide, or intend to provide, services related to acting, dancing, playing musical instruments, singing, reciting, or other services related to artistic talents for commercial purposes (hereinafter referred to as "business establishments for popular culture and arts planning");

17. Any of the following institutions, facilities or places of business where the employment of children or juveniles or their entrance is permitted (hereafter referred to as "facilities, etc." in this subparagraph), the types of which are prescribed by Presidential Decree:

(a) Facilities, etc. where there exists, or it is likely to exist, a business or actual relationship wherein any force can be exercised between children or juvenile and the operator, workers or actual labor suppliers of the relevant facilities, etc.;

(b) Facilities, etc. favored or frequented by children or juveniles, where it is likely to occur any sex offense against a child or juvenile by the operator, workers or actual labor suppliers in the course of operating the relevant facilities, etc.

(2) The head of a local government, the superintendent of education or the head of a district office of education having jurisdiction over the establishment of, authorization for, or reporting on the establishment of child or juvenile - related institutions, etc. under the subparagraphs (excluding subparagraph 10) of paragraph (1) may inquire of the heads of the relevant agencies about the sex offense history of a person who intends to run a juvenile - related educational institution, etc.

(3) The head of each child or juvenile - related institution, etc. shall verify the sex offense history of a person currently working for or providing actual labor to the institution or a person intending to be employed by, or to provide actual labor to, the institution. In such cases, he/she shall request the heads of the relevant agencies to inquire about sex offense history after obtaining consent from the relevant person.

(4) Matters necessary for procedures for and scope of making inquiries about sex offense history under paragraphs (2) and (3) and other matters shall be prescribed by Presidential Decree.

Article 57 (Checking and Verification of Former Sex Offenders) (1) The Minister of Gender Equality and Family or the heads of the relevant central administrative agencies shall check and verify whether any person convicted of a sex offense, runs,

or is employed by or is providing actual labor to, a child or juvenile - related institution, etc. in accordance with the following classification, directly or by making inquires, etc. of relevant institutions. In such cases, checking and verification of child and juvenile - related institutions prescribed in Article 56 (1) 17 shall be done by the heads of the relevant central administrative agencies prescribed by Presidential Decree: <Amended by Act No. 11690, Mar. 23, 2013>

1. The Minister of Education: Kindergartens referred to in Article 56 (1) 1, schools referred to in Article 56 (1) 2, and private teaching institutes and teaching schools and private tutors for children and juveniles designated by the Minister of Education, the use of which by children and juveniles is not restricted under Article 56 (1) 3;
2. The Minister of Culture, Sports and Tourism: Sports facilities under Article 56 (1) 11 designated by the Minister of Culture, Sports and Tourism, the use of which by children and juveniles is not restricted, and places of business running a business providing Internet computer game facilities and combined distribution and game providing business under the items of Article 56 (1) 13, and business establishments for popular culture and arts planning under Article 56 (1) 16;
3. The Minister of Health and Welfare: Child - care centers referred to in Article 56 (1) 7, child welfare facilities referred to in Article 56 (1) 8 and medical institutions referred to in Article 56 (1) 12;
4. The Minister of Gender Equality and Family: Centers for the protection and rehabilitations of juveniles referred to in Article 56 (1) 4, facilities for youth activities referred to in Article 56 (1) 5, juvenile counseling and welfare centers and youth shelters referred to in Article 56 (1) 6, and juvenile supporting institutions and counseling centers for victims, etc. of sexual traffic referred to in Article 56 (1) 9, business establishments for planning juvenile activities referred to in Article 56 (1) 15 and persons providing educational services directly to children and juveniles by visiting their homes under Article 56 (1);
5. The Minister of Land, Infrastructure and Transport: Housing management offices of collective housing referred to in Article 56 (1) 10;
6. The Commissioner General of the Korean National Police Agency: Corporations providing security services under Article 56 (1) 14.

(2) If necessary for checking and verification under paragraph (1), the heads of the central administrative agencies referred to in the subparagraphs of paragraph (1) may request the heads of child or juvenile - related institutions, etc. or relevant supervisory institutions to submit relevant data.

(3) The Minister of Gender Equality and Family or the heads of the relevant central administrative agencies shall publicize the results of checking and verification conducted under paragraph (1) via an web - site, etc., as prescribed by Presidential Decree.

Article 58 (Requests to Dismiss Employees, etc.) (1) If any person is employed by, or provides actual labor to, a child or juvenile - related institution, etc., in violation of Article 56 (1), the head of a central administrative agency referred to in each subparagraph of Article 57 (1) may request the head of the child or juvenile - related institution, etc. to dismiss such person.

(2) The head of a central administrative agency referred to in each subparagraph of Article 57 (1) may request the head of a child or juvenile - related institution, etc. operating the child or juvenile - related institution, etc., in violation of Article 56 (1), to close the child or juvenile - related institution, etc.

(3) Where the head of a child or juvenile - related institution, etc. refuses a request to close the relevant institution under paragraph (2) without any justifiable ground or fails to meet requirements within one month, the head of a central administrative agency referred to in each subparagraph of Article 57 (1) may request the head of the relevant administrative agency to close such child or juvenile - related institution or to revoke the registration, permission, etc. thereof.

(4) Requests for closure and revocation of registration, permission, etc. under paragraph (3) shall be prescribed by Presidential Decree.

Article 59 (Monetary Rewards) (1) The Minister of Gender Equality and Family may grant monetary rewards within budgetary limits to a person who files a report with an investigative agency on a person who has committed an offense falling under any of Articles 8 and 13 through 15.

(2) Matters necessary for standards for, method of, and procedures for granting monetary rewards pursuant to paragraph (1), detailed amounts thereof, etc. shall be prescribed by Presidential Decree.

- Article 60 (Delegation of Authority)** (1) The authority of the Minister of Culture, Sports and Tourism, the Minister of Health and Welfare, the Minister of Gender Equality and Family, or the Minister of Land, Infrastructure and Transport granted under Articles 57, 58 and 67 may be partially delegated to the Special Metropolitan City Mayor, Metropolitan City Mayors, Do Governors, the Governor of a Special Self - Governing Province, or the heads of Sis/Guns/Gus (referring to the heads of autonomous Gus), as prescribed by Presidential Decree. <Amended by Act No. 11690, Mar. 23, 2013 >
- (2) The authority of the Minister of Education granted under Articles 57, 58 and 67 may be partially delegated to the superintendent of education and the head of a district office of education, as prescribed by Presidential Decree. <Amended by Act No. 11690, Mar. 23, 2013 >
- (3) The authority of the Commissioner General of the Korean National Police Agency granted under Articles 57, 58 and 67 may be partially delegated to the commissioner of a district police agency, as prescribed by Presidential Decree.

CHAPTER VI PROBATION

- Article 61 (Probation)** (1) A prosecutor shall request the court to issue an order to a person who has committed a sex offense against a child or juvenile and who is deemed at risk of recommitting an offense, to place him/her under probation under the Act on Probation, Etc. (hereinafter referred to as "probation order") from the time the punishment is completely executed: Provided, That this shall not apply where a prosecutor has requested a probation order under Article 21 - 2 of the Act on the Probation and Electronic Monitoring, etc. of Specific Criminal Offenders.
- (2) When the court examines a prosecuted sex offense against a child or juvenile and consequently acknowledges the necessity to issue a probation order, it may ask the prosecutor to request the probation order.
- (3) When a person who has committed a sex offense against a child or juvenile is punishable by imprisonment without labor or greater punishment and the court deems the request for a probation order is well - founded, a probation order shall be concurrently pronounced fixing a period of at least two years, but not more than five years.

(4) When necessary for issuing a probation order, the court may request the head of the probation office (including a branch thereof) having jurisdiction over the residence of the accused or the seat of the competent court (including the branch court; hereinafter the same shall apply) to investigate necessary matters concerning the accused, such as the motives of the crime, relationship with the victim, mental state, and risk of re - offending. In such cases, the head of the probation office shall investigate them without delay and notify the outcomes therefrom in writing to the relevant court.

(5) A probation period shall be calculated from the date the punishment of a person to be subject to such probation (hereinafter referred to as "person subject to probation") is completely executed, and if a person subject to probation is released on parole, it shall be calculated from the date of the provisional release.

Article 62 (Extension of Probation Period, etc. of Persons Subject to Probation) (1)

Where the risk of re - offending has increased, such as a person subject to probation violating matters, etc. to be observed under Article 32 of the Act on Probation, Etc. during a probation period, the court may extend the probation period in excess of the five - year term prescribed in Article 61 (3) upon request of the prosecutor, following the request of the head of the probation office.

(2) Matters to be observed under paragraph (1) shall be explained by the presiding judge at the courtroom as well as notified in writing.

Article 63 (Obligations of Persons Subject to Probation to Report) (1) A person subject to probation shall report to the head of the prison, junior correctional institution, detention center, military prison, or institute of forensic psychiatry, before being released therefrom, on the predetermined residence after the release, predetermined place of work, network of friends, and other matters prescribed by Presidential Decree as necessary for probation.

(2) A person subject to probation shall report in writing to the probation officer on the place of residence, job, and other matters prescribed by Presidential Decree, which are necessary for probation, within ten days after he/she is released.

Article 64 (Termination of Probation)

Where the Probation Review Committee established under the Act on Probation, Etc. deems that no risk of re - offending exists considering the satisfactory probation record of the relevant person subject to probation, it may decide to terminate the probation even before the end of the probation period.

CHAPTER VII PENALTY PROVISIONS

Article 65 (Penalty Provisions) (1) Any of the following persons shall be punished by imprisonment with labor for not more than five years or by a fine not exceeding 50 million won:

1. A person who divulges registered information he/she has become aware of in the course of performing his/her duties, in violation of Article 54;
2. A person who violates Article 55 (1) or (2);
3. A person who changes or deletes registered information without due authorization.

(2) Any person who violates a protective disposition imposed under Article 42 shall be punished by imprisonment with labor for not more than two years or by a fine not exceeding 20 million won.

(3) Where any person on whom concurrent punishment of imprisonment with labor or greater punishment and an order to complete education under Article 21 (2) was imposed has disobeyed any of the instructions of the head of the probation office or the correctional institution concerning the execution of the order to complete education, and again fails to comply with such instructions without any justifiable ground after receiving a warning under the Act on Probation, Etc. or the Administration and Treatment of Correctional Institution Inmates Act, he/she shall be punished by imprisonment with labor for not more than one year or by a fine not exceeding ten million won.

(4) Any of the following persons shall be punished by imprisonment with labor for not more than one year or by a fine not exceeding five million won:

1. A person who publishes information or material that may identify reporters, etc. in publications, or discloses them through broadcasting or any information and communications network, in violation of Article 34 (3);
2. A person who violates Article 55 (3).

(5) Where any person on whom concurrent punishment of a fine and an order to complete education under Article 21 (2) was imposed has disobeyed any of the instructions of the head of the probation office concerning the execution of the order to complete education and received a warning under the Act on Probation, Etc., but after that fails again to comply with such instructions without any justifiable ground, he/she shall be punished by a fine not exceeding ten million won.

Article 66 (Penalty Provisions)

If any person subject to probation re - violates the matters to be observed without any justifiable ground after he/she has been subjected to sanctions under Article 62 (1), he/she shall be punished by imprisonment with labor for not more than three years or by a fine not exceeding ten million won.

Article 67 (Administrative Fines) (1) Any online service provider who violates Article 17 (2) shall be subject to an administrative fine not exceeding 30 million won.

(2) Any of the following persons shall be subject to an administrative fine not exceeding 10 million won:

1. The head of a counseling facility or medical institution that refuses to provide counseling and treatment programs without any justifiable ground, in violation of Article 37 (2);
2. The head of a child or juvenile - related institution that refuses a request for dismissal made under Article 58 without any justifiable ground or fails to meet requirements within one month.

(3) The head of any child or juvenile - related institution, etc. who fails to verify the sex offense history of a person currently employed by or providing actual labor to the institution or a person intending to be employed by or provide actual labor to the institution, in violation of Article 56 (3), shall be subject to an administrative fine not exceeding five million won.

(4) Where the head of any institution, facility or organization falling under any subparagraph of Article 34 (2) and the employees thereof fail to report, or fraudulently report, to an investigative agency the occurrence of a sex offense against a child or juvenile that they became aware of in the course of performing their duties, they shall be subject to an administrative fine not exceeding three million won.

(5) Administrative fines under paragraphs (1) through (4) shall be imposed and collected by the Minister of Education, the Minister of Culture, Sports and Tourism, the Minister of Health and Welfare, the Minister of Gender Equality and Family, the Minister of Land, Infrastructure and Transport, and the Commissioner General of the National Police Agency.<Amended by Act No. 11690, Mar. 23, 2013>

ADDENDA <No. 11574, 18. Dec, 2012>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation.
Articles 2 and 3 Omitted.

ADDENDA <No. 11690, 23. Mar, 2013>

Article 1 (Enforcement Date)

(1) This Act shall enter into force on the date of its promulgation.
(2) The provisions amended pursuant to Article 6 of this Addenda, which were promulgated before this Act enters into force but the enforcement date of which has not arrived, shall enter into force ... <Omitted.> ... on the enforcement date of the relevant Act.
Articles 2 through 7 Omitted.

ADDENDA <No. 12329, 21. Jan, 2014>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation.
Articles 2 through 4 Omitted.

ADDENDA <No. 12361, 28. Jan, 2014>

Article 1 (Enforcement Date)

This Act shall enter into force eight months after the date of its promulgation.
Articles 2 and 3 Omitted.