

South Korea

National Child Protection Legislation

National Legislation

- Age of Child – Varies

[Child Welfare Act](#)

Art. 3 – Definitions

1. The term “child” means a person who is under 18 years of age.

[Act on the Protection of Children and Juveniles from Sexual Abuse](#)

Art. 2 – Definitions

The term “children and/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.

[Civil Act \(Amended by Act No. 8720, Dec. 21, 2007\)](#)

Art. 4 – Majority

Majority is attained upon completion of twenty full years of age.

- Age of Consent – **13 years of age**

[Criminal Act \(Amended by Act No. 5057, Dec. 29, 1995; Act No. 11574, Dec. 18, 2012\)](#)

Art. 305 – Sexual Intercourse or Indecent Acts with Minor

A person who has sexual intercourse with another who is under thirteen years of age or commits an indecent act on such person shall be punished under Article 297, 297-2, 298, 301, or 301-2.

- Age of Marriage – **18 years of age**

[Civil Act \(Amended by Act No. 8720, Dec. 21, 2007\)](#)

Art. 807 – Marriageable Age

Any person who is eighteen years old or older may enter into matrimony.

Art. 808 – Marriage Requiring Consent

(1) A minor shall obtain consent of both parents in order to marry. If one parent is unable to exercise the right of consent, the minor shall obtain the consent of the other parent, and if neither parent is able to exercise the right of consent, the minor shall obtain the consent of its guardian.

(3) In cases of paragraphs (1) and (2), if a minor or an incompetent does not have a parent or guardian, or its parent or guardian is unable to give consent, he may marry with the consent of its family council.

- Age of Criminal Responsibility – **14 years of age**

[Criminal Act](#)

Art. 9 – Criminal Minors

The act of a person under fourteen years of age shall not be punished.

- **Extraterritoriality**

- [Criminal Act](#)

- Art. 2 – Domestic Crimes**

- This Act shall apply to both Korean nationals and aliens who commit crimes in the territory of the Republic of Korea.

- Art. 3 – Crimes by Koreans outside Korea**

- This Act shall apply to all Korean nationals who commit crimes outside the territory of the Republic of Korea.

- Art. 4 – Crimes by Aliens on Board Korean Vessel, etc. outside Korea**

- This Act shall apply to aliens who commit crimes on board a Korean vessel or Korean aircraft outside the territory of the Republic of Korea.

- Art. 5 – Crimes by Aliens outside Korea**

- This Act shall apply to aliens who commit any of the following crimes outside the territory of the Republic of Korea:

- 1. Crimes concerning insurrection;
 2. Crimes concerning foreign aggression;
 3. Crimes concerning the national flag;
 4. Crimes concerning currency;
 5. Crimes concerning securities, postage and revenue stamps;
 6. Crimes specified in Articles 225 through 230 among crimes concerning documents; and
 7. Crimes specified in Article 238 among crimes concerning seals.

- Art. 296-2 – Universality**

- Articles 287 through 292 and [Article 294](#) shall apply to aliens who commit any of the crimes in these Articles outside the territory of the Republic of Korea.

- [Art. 287 – Kidnapping or Abduction of Minors; Art. 288 – Kidnapping, Abduction, etc. for Purpose of Indecent Acts, etc.; Art. 289 – Trafficking in Persons; Art. 290 – Inflicting or Causing Another’s Bodily Injury while in Kidnapping, Abduction, Trafficking in Persons, Transportation, etc.; Art. 291 – Killing Another or Causing Death of Another while Kidnapping, Abduction, Trafficking in Persons, Transportation, etc.; Art. 292 – Receiving, Harboring, etc. of Person Kidnapped, Abducted, trafficking or Transported; Art. 294 – Attempts]

- **Dual Criminality**

- [Extradition Act](#)

- Art. 6 – Extraditable Offenses**

- Extraditable offenses shall be limited to offenses that are punishable under the Acts of both the Republic of Korea and the Requesting State by death, life imprisonment, life imprisonment without prison labor, imprisonment for not less than one year, or imprisonment without prison labor for not less than one year.

- **Mandatory reporting requirements**

- [Act on the Protection of Children and Juveniles from Sexual Abuse](#)

- Art. 22 – Report on Sex Offense against Children or Juveniles**

1. Anyone who learns of the occurrence of a sex offense against a child or juvenile may report such to an investigative agency.
 2. The head of an institution, facility or organization falling under any of the following subparagraphs and the employees thereof shall, when they learn of the occurrence of a sex offense against a child or juvenile during the course of performing their duties, report such to an investigative agency without delay:
 1. Kindergartens under subparagraph 2 of Article 2 of the Early Childhood Education Act;
 2. Schools under Article 2 of the Elementary and Secondary Education Act;
 3. Medical institutions under Article 3 of the Medical Service Act;
 4. Child welfare facilities under subparagraph 5 of Article 2 of the Child Welfare Act;
 5. Welfare facilities for disabled persons under Article 58 of the Act on the Welfare of the Disabled;
 6. Nursery facilities under subparagraph 3 of Article 2 of the Infant Care Act;
 7. Private teaching institutes under 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 Educational Institutes and Extracurricular Lessons;
 8. Support facilities for victims of sex trafficking, etc. under Article 5 of the Act on the Prevention of Sexual Traffic and Protection, etc. of Victims thereof, and sex trafficking victim counselling centers under Article 10 of the same Act;
 9. Single-parent family welfare counselling centers under Article 7 of the Single-Parent Family Support Act and single-parent family welfare facilities under Article 19 of the same Act;
 10. Domestic violence-related counselling centers under Article 5 of the Act on the Prevention of Domestic Violence and Protection, etc. of Victims thereof, and domestic violence victim protection facilities under Article 7 of the same Act;
 11. Sexual assault victim counselling offices under Article 10 of the Sexual Violence Prevention and Victims Protection Act and sexual assault victim protection facilities under Article 12 of the same Act;
 12. Institutions for juvenile counselling, emergency rescue, etc. under Article 46 of the Framework Act on Juveniles and institutions for supporting juveniles, etc. under Article 46 of the same Act;
 13. Juvenile activity facilities under subparagraph 2 of Article 2 of the Juvenile Activity Promotion Act;
 14. Youth shelters under Article 14 of the Juvenile Welfare Support Act;
 15. Juvenile protection centers and juvenile rehabilitation centers under Article 33-2 of the Juvenile Protection Act. (3) Except as provided for in other Acts, no person shall place any information or material that may identify reporters, etc., such as their personal information or pictures, in publications, nor make them public through broadcasting or any information and communication network.
- **Obligations of Educational Institutions**

[Act on the Protection of Children and Juveniles from Sexual Abuse](#)

Art. 22 – Report on Sex Offenses against Children or Juveniles

1. Anyone who learns of the occurrence of a sex offense against a child or juvenile may report such to an investigative agency.
2. **The head of an institution, facility or organization falling under any of the following subparagraphs and the employees thereof shall, when they learn of the occurrence of a sex offense against a child or juvenile during the course of performing their duties, report such to an investigative agency without delay:**
 1. **Kindergartens under subparagraph 2 of Article 2 of the Early Childhood Education Act;**

2. **Schools under Article 2 of the Elementary and Secondary Education Act;**
3. Medical institutions under Article 3 of the Medical Service Act;
4. **Child welfare facilities under subparagraph 5 of Article 2 of the Child Welfare Act;**
5. Welfare facilities for disabled persons under Article 58 of the Act on the Welfare of the Disabled;
6. **Nursery facilities under subparagraph 3 of Article 2 of the Infant Care Act;**
7. **Private teaching institutes under 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 Educational Institutes and Extracurricular Lessons;**
8. Support facilities for victims of sex trafficking, etc. under Article 5 of the Act on the Prevention of Sexual Traffic and Protection, etc. of Victims thereof, and sex trafficking victim counselling centers under Article 10 of the same Act;
9. Single-parent family welfare counselling centers under Article 7 of the Single-Parent Family Support Act and single-parent family welfare facilities under Article 19 of the same Act;
10. Domestic violence-related counselling centers under Article 5 of the Act on the Prevention of Domestic Violence and Protection, etc. of Victims thereof, and domestic violence victim protection facilities under Article 7 of the same Act;
11. Sexual assault victim counselling offices under Article 10 of the Sexual Violence Prevention and Victims Protection Act and sexual assault victim protection facilities under Article 12 of the same Act;
12. Institutions for juvenile counselling, emergency rescue, etc. under Article 46 of the Framework Act on Juveniles and institutions for supporting juveniles, etc. under Article 46 of the same Act;
13. Juvenile activity facilities under subparagraph 2 of Article 2 of the Juvenile Activity Promotion Act;
14. Youth shelters under Article 14 of the Juvenile Welfare Support Act;
15. Juvenile protection centers and juvenile rehabilitation centers under Article 33-2 of the Juvenile Protection Act. (3) Except as provided for in other Acts, no person shall place any information or material that may identify reporters, etc., such as their personal information or pictures, in publications, nor make them public through broadcasting or any information and communication network.

[Child Welfare Act](#)

Art. 31 (Education for Safety of Children)

1. The heads of child welfare facilities, the heads of nurseries provided for by the [Infant Care Act](#), the heads of kindergartens provided for by the [Early Childhood Education Act](#), and the heads of schools provided for by the [Elementary and Secondary Education Act](#), shall formulate education plans and provide education for the following matters each year, as prescribed by Presidential Decree, in consideration of the ages of children subject to education: <Amended by Act No. 13653, Dec. 29, 2015>
 1. Prevention of sexual violence and child abuse;
 2. Precaution and prevention of disappearance and abduction

▪ **Prohibition to hold certain positions**

[Act on the Protection of Children and Juveniles from Sexual Abuse](#)

Art. 45 – Checking and Confirmation of Employment of Ex-Offenders of Sex Offense

- (1) The Minister of Gender Equality and Family or the heads of relevant central administrative agencies may check and confirm whether any person convicted of a sex offense is

employed by a child or juvenile-related educational institution, etc. in accordance with the following classification, directly or by referring to relevant institutions:

1. The Minister of Education, Science and Technology: Kindergartens under paragraph (1) 1 of Article 44, schools under subparagraph 2 of the same paragraph, and private teaching institutes and teaching schools for children or juveniles under subparagraph 3 of the same paragraph;
2. The Minister of Culture, Sports and Tourism: Sports facilities for children or juveniles under Article 44 (1) 12;
3. The Minister of Health and Welfare: Nursery facilities under Article 44 (1) 8 and child welfare facilities under subparagraph 9 of the same paragraph;
4. The Minister of Gender Equality and Family: Institutions for juvenile counselling or emergency rescue, etc. and institutions for supporting juveniles, etc. under Article 44 (1) 4, juvenile protection centers and juvenile rehabilitation centers under subparagraph 5 of the same paragraph, juvenile activity facilities under subparagraph 6 of the same paragraph, youth shelters under subparagraph 7 of the same paragraph, juvenile support facilities and sex trafficking victim counselling offices under subparagraph 10 of the same paragraph;
5. The Minister of Land, Transport and Maritime Affairs: Superintendent's offices of apartment units under Article 44 (1) 11. (2) The heads of central administrative agencies under any of the subparagraphs of paragraph (1) may, when necessary for checking and confirmation under paragraph (1), request the heads of child or juvenile-related educational institutions, etc. or relevant supervisory institutions to submit relevant data.

▪ **Employment Law**

[Act on the Protection of Children and Juveniles from Sexual Abuse](#)

Art. 46 – Request for Dismissal of Employees, etc.

1. The heads of central administrative agencies under any of the subparagraphs of Article 45 (1) may, if there exists a person employed by, or providing actual labor to, a child or juvenile-related educational institution, etc. in violation of Article 44 (1), request the head of the educational institution, etc. to dismiss such person.
2. The heads of central administrative agencies under any of the subparagraphs of Article 45 (1) may request the heads of child or juvenile-related educational institutions, etc. operating the child or juvenile-related educational institutions, etc. in violation of Article 44 (1) to close down such child or juvenile-related educational institutions, etc. being operated by them.
3. Where the head of a child or juvenile-related educational institution, etc. refuses a request for closure under paragraph (2) without any justifiable ground or fails to carry out requirements within one month, the heads of central administrative agencies under any of the subparagraphs of Article 45 (1) may request the head of a relevant administrative agency to close such child or juvenile-related educational institution or to cancel the registration or permission, etc. thereof.
4. Requests for closure and cancellation of registration or permission under paragraph (3) shall be prescribed by Presidential Decree.

- **Criminal Law - Defamation**

- [Criminal Act](#)

- Art. 307 – Defamation**

- (1) A person who defames another by publicly alleging facts shall be punished by imprisonment or imprisonment without prison labor for not more than two years or by a fine not exceeding five million won.
 - (2) A person who defames another by publicly alleging false facts shall be punished by imprisonment for not more than five years, suspension of qualifications for not more than ten years, or a fine not exceeding ten million won.

- **Private Fostering**

- No information found.

Sexual Offenses Against Children

[Act on the Protection of Children and Juveniles from Sexual Abuse](#)

Art. 7 – Rape, Molestation, etc. of Children or Juveniles

1. Any person who commits an offense as prescribed in Article 297 of the Criminal Act against a female child or juvenile shall be punished by imprisonment for a limited term of not less than five years.
2. Any person who commits any of the following acts by means of threatening or assaulting a child or juvenile shall be punished by imprisonment for a limited term of not less than three years:
 1. To put genitals into a part of the body (excluding genitals), such as the mouth or anus;
 2. To put a part of the body (excluding genitals), such as fingers, or implements into the genitals or anus;
3. Any person who commits an offense as prescribed in Article 298 of the Criminal Act against a child or juvenile shall be punished by imprisonment for a limited term of not less than one year or by a fine of not less than five million won but not more than 20 million won;
4. Any person who commits an offense as 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 rapes or molests a female 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 as prescribed in paragraphs (1) through (5) shall be punished.

Art. 7-2 – Special Cases concerning Provisions on Mitigation under Criminal Act

Where any person under the mentally handicapped status due to drinking or drug commits an offense as prescribed in Articles 3 through 11 of the Act on Special Cases concerning the Punishment, etc. of Victims of Sexual Crimes against a child or juvenile, Articles 10 (1) and (2) and 11 of the Criminal Act may not apply.

Art. 8 – 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 for a limited term of not less than five years.
2. Any person who sells, lends or distributes child or juvenile pornography for commercial purposes, or possesses or transports child or juvenile pornography for the said purposes, or publicly exhibits or shows child or juvenile pornography shall be punished by imprisonment with prison labor for not more than seven years.

3. Any person who distributes, publicly exhibits or shows child or juvenile pornography shall be punished by imprisonment with prison labor for not more than three years or by a fine not exceeding 20 million won.
4. Any person who possesses child or juvenile pornography shall be punished by a fine not exceeding 20 million won.
5. Any person who recruits a child or juvenile for a child or juvenile pornography producer, knowing that they are to be used for producing child or juvenile pornography shall be punished by imprisonment with prison labor for a period of not less than one year but not more than ten years.
6. Any person who attempts to commit an offense as prescribed in paragraph (1) shall be punished.

Art. 9 – Child or Juvenile Sex 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 Korea, knowing that they will become an object of an act of purchasing child or juvenile sex or producing child or juvenile pornography, shall be punished by imprisonment with prison labor for not less than five years.
2. Any person who attempts to commit an offense as prescribed in paragraph (1) shall be punished.

Art. 10 – Act of Purchasing Child or Juvenile Sex, etc.

1. Any person who purchases child or juvenile sex shall be punished by imprisonment with prison labor for not more than five years or by a fine not exceeding 30 million won.
2. Any person who entices a child or juvenile for purchasing their sex or solicits a child or juvenile to prostitute shall be punished by imprisonment with prison labor for not more than one year or by a fine not exceeding ten million won.

Art. 11 – Coercive Conduct against Children or Juveniles, etc.

1. Any of the following persons shall be punished by imprisonment for a limited term of not less than five years:
 1. A person who, by means of threat or assault, compels a child or juvenile to become a partner in an act of purchasing child or juvenile sex;
 2. A person who compels a child or juvenile to become a partner in an act of purchasing child or juvenile sex by placing them into a difficult situation by a deceptive scheme, advanced payment or other debts;
 3. A person who compels a child or juvenile to become a partner in an act of purchasing child or juvenile sex by taking advantage of their status under his/her protection or supervision due to their duties, employment or any other relationship;
 4. A person who, for business purposes, entices or solicits a child or juvenile to become a partner in an act of purchasing child or juvenile sex.
2. When a person who commits an offense as described in paragraph (1) 1 through 3 receives the whole or part of the consideration therefor, or demands or promises such consideration, he/she shall be punished by imprisonment for a limited term of not less than seven years.
3. Any person who entices or solicits a person to become a partner in an act of purchasing child or juvenile sex shall be punished by imprisonment with prison 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 as prescribed in paragraphs (1) and (2) shall be punished.

Art. 12 – Business of Arranging Prostitution, etc.

1. Any of the following persons shall be punished by imprisonment for a limited term of not less than seven years:
 1. A person offering places for acts of purchasing child or juvenile sex by profession;
 2. A person arranging acts of purchasing child and juvenile sex by profession;

3. A person providing capital, land, or a building, knowing that they are used in a crime referred to in subparagraph 1 or 2;
 4. A person causing an establishment offering a place for acts of purchasing child or juvenile sex or arranging acts of purchasing child and juvenile sex as a business to hire children or juveniles.
2. Any of the following persons shall be punished by imprisonment with prison labor for not more than seven years or by a fine not exceeding 50 million won:
1. A person enticing, soliciting or coercing another to purchase child or juvenile sex by profession;
 2. A person offering places for acts of purchasing child or juvenile sex;
 3. A person arranging acts of purchasing child or juvenile sex.
 4. A person promising any act under subparagraph 2 or 3 by profession.
3. Any person who entices, solicits or coerces another to purchase child or juvenile sex shall be punished by imprisonment with prison labor for not more than five years or by a fine not exceeding 30 million won.

Criminal Act

Art. 302 – Sexual Intercourse with Minor, etc.

A person who, through fraudulent means or by the threat of force, has sexual intercourse or commits an indecent act on a minor or feeble-minded person, shall be punished by imprisonment for not more than five years.

Art. 304 – Sexual Intercourse under Pretense of Marriage

A person who induces a female not habitually immoral to engage in sexual intercourse under pretense of marriage or through other fraudulent means, shall be punished by imprisonment for not more than two years or by a fine not exceeding five million won.

Art. 305 – Sexual Intercourse or Indecent Act with Minor

A person who has sexual intercourse with female under thirteen years of age or commits an indecent act on such a person shall be punished in accordance with Articles 297, 298, 301, and 301-2.

- Female Genital Mutilation (FGM)

No information found concerning FGM legal provisions in South Korea.