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FRAMEWORK ACT ON PREVENTION OF VIOLENCE AGAINST WOMEN

[Enforcement Date 25. Dec, 2019.] [Act No.16086, 24. Dec, 2018., New Enactment]

여성가족부 (권익정책과)02-2100-6306



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CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose) The purpose of this Act is to contribute to enhancing the dignity and human rights of individuals by clarifying the responsibilities of the State and local governments with regard to the prevention of violence against women and protecting and supporting victims and by providing basic matters for comprehensively and systematically promoting policies to prevent violence against women.

Article 2 (Basic Ideology) The basic ideology of this Act is to establish a society free from violence by promoting policies to prevent violence against women to ensure that all persons are safe from violence against women in the public and private spheres and to make further progress thereon.

Article 3 (Definitions) The terms used in this Act shall be defined as follows:

1. The term "violence against women" means gender-based violence or any act that violates the right to physical and mental well-being, safety, etc. by using violence against women, including domestic violence, sexual violence, sex trafficking, sexual harassment and persistent harassment, as defined in relevant statutes; intimate partner violence; violence using information and communication networks, etc.;
2. The term "victim of violence against women" means a person who has suffered violence against women, and her spouse (including a person in a de facto marital relationship), lineal relatives, and siblings;
3. The term "secondary victimization" means a case where a victim of violence against women (hereinafter referred to as "victim") suffers from any of the following:
 - (a) Mental, physical, or financial damage inflicted at any point during the entire process of handling cases of and recovering from violence against women, including investigation, trial, protection, medical care, and media reporting;
 - (b) Damage caused by group bullying, assault, abusive language, or any other conduct resulting in mental or physical harm (including damage caused by the use of

information and communications networks);

- (c) Any disadvantageous treatment prescribed in the following from an employer (referring to an employer, person in charge of business management, or any other person performing duties pertaining to workers on behalf of an employer) for reasons of reporting damage from violence, etc.:
 - (i) Dismissal, removal, lay-off or any other disadvantage to his or her position of such employee corresponding to the loss of position;
 - (ii) Disciplinary action, suspension from office, reduction of salary, demotion, promotion restrictions, or any other unfair personnel action;
 - (iii) Change of position, transfer, assignment of no duty, reassignment of duty, or any other personnel action against the will of such employee;
 - (iv) Discrimination in performance evaluation, peer evaluation, etc., and subsequent discrimination in payment of salary, bonus, etc.;
 - (v) Revocation of self-development opportunities such as education, training, etc.; limitation or removal of available resources such as budget, human resources, etc.; suspension of the use of security information or confidential information, or revocation of the authority for handling such information; or any other discrimination or action with adverse impacts on working conditions, etc.;
 - (vi) Preparation of a list of objects of caution or disclosure of such list, group bullying, assault or abusive language, or any other conduct resulting in mental or physical harm;
 - (vii) Conduct of an unfair audit or investigation of duties of employees, or disclosure of the results thereof;
 - (viii) Revocation of license, etc., or any other administrative disadvantage;
 - (ix) Termination of a contract of goods or services, or any other measure that provides financial disadvantage.

Article 4 (Obligations of the State and Local Governments) (1) The State and local governments shall formulate and implement comprehensive measures necessary to prevent violence against women and to protect, support, etc. victims.

(2) The State and local governments shall establish legal and institutional mechanisms necessary to prevent violence against women and to protect, support, etc. victims, and secure financial resources necessary therefor.

Article 5 (Rights and Obligations) (1) Every person has the right to live a life safe and free from violence against women, in all areas of life including family and society.

(2) Every person shall endeavor to prevent violence against women.

Article 6 (Relationship to Other Statutes) When enacting or amending other statutes with respect to preventing violence against women and protecting and supporting victims, it shall be in accordance with the purpose and basic ideology of this Act.

CHAPTER II FOUNDATION FOR PROMOTION OF POLICIES TO PREVENT VIOLENCE AGAINST WOMEN

Article 7 (Formulation of Master Plans of Policies to Prevent Violence against Women) (1) The Minister of Gender Equality and Family shall formulate a master plan of policies to prevent violence against women and protect and support victims (hereinafter referred to as "policies for preventing violence against women") every five years.

(2) A master plan of policies to prevent violence against women (hereinafter referred to as "master plan") shall contain the following matters:

1. Changes in and prospects of a domestic and foreign environment of policies to prevent violence against women;
2. Direction-setting and basic objectives of policies to prevent violence against women;
3. Tasks to be promoted regarding policies to prevent violence against women, and the methods thereof;
4. Procurement of financial resources related to promoting policies to prevent violence against women, and the methods of managing such financial resources;
5. Other matters prescribed by Presidential Decree as necessary for policies to prevent violence against women.

(3) When formulating a master plan, the Minister of Gender Equality and Family shall consult with the heads of relevant central administrative agencies in advance.

(4) A master plan shall be finalized after deliberation by the Committee on Prevention of Violence against Women pursuant to Article 10. The Minister of Gender Equality and Family shall inform the finalized master plan to the heads of relevant central administrative agencies, the Special Metropolitan City Mayor, a Metropolitan City Mayor, a Special Self-Governing City Mayor, a Do Governor, and a Special Self-Governing Province Governor

(hereinafter referred to as the "Mayor/Do Governor").

(5) Other matters necessary to formulate, amend, etc. a master plan shall be prescribed by Presidential Decree.

Article 8 (Formulation of Annual Implementation Plans) (1) The Minister of Gender Equality and Family, the heads of relevant central administrative agencies, and the Mayor/Do Governor shall formulate and execute an annual implementation plan (hereinafter referred to as "implementation plan") based on a master plan each year.

(2) The heads of relevant central administrative agencies and the Mayor/Do Governor shall submit an annual implementation plan for the following year and the results of executing an annual implementation plan for the preceding year to the Minister of Gender Equality and Family each year, as prescribed by Presidential Decree.

(3) The Minister of Gender Equality and Family shall analyze and evaluate the results of executing an annual implementation plan for the preceding year, and inform the results of such analysis and evaluation to the heads of relevant central administrative agencies and the heads of local governments.

(4) The Minister of Gender Equality and Family, the heads of relevant central administrative agencies, and the Mayor/Do Governor shall reflect the results of the analysis and evaluation prescribed in paragraph (3) in an annual implementation plan for the following year.

(5) The formulation of an implementation plan, the analysis, evaluation, etc. of the results of executing it, and other necessary matters shall be prescribed by Presidential Decree.

Article 9 (Cooperation in Formulating Plans) (1) Where it is necessary to formulate and execute a master plan or an implementation plan, the Minister of Gender Equality and Family may request cooperation from relevant central administrative agencies, local governments or public institutions.

(2) Where it is necessary to formulate and execute a master plan or an implementation plan, the Minister of Gender Equality and Family, the heads of relevant central administrative agencies, and the Mayor/Do Governor may request cooperation from related institutions, non-profit corporations, non-profit private organizations, etc.

(3) A person in receipt of a request for cooperation referred to in paragraphs (1) and (2) shall comply with it unless there is a compelling reason not to do so.

- Article 10 (Committee on Prevention of Violence against Women)** (1) The Committee on Prevention of Violence against Women (hereinafter referred to as the "Committee") shall be established under the Ministry of Gender Equality and Family to deliberate and adjust significant matters regarding policies to prevent violence against women.
- (2) The Committee shall deliberate and adjust the following matters:
1. Matters regarding formulating and executing a master plan and an implementation plan;
 2. Matters regarding major measures by subject matter of policy measures to prevent violence against women;
 3. Matters regarding institutional improvement in relation to policies to prevent violence against women;
 4. Matters regarding the coordination of and cooperation on projects related to policies to prevent violence against women;
 5. Matters regarding the analysis and evaluation of policies to prevent violence against women;
 6. Matters regarding examining the implementation of international treaties related to preventing violence against women signed by the Republic of Korea;
 7. Other matters prescribed by Presidential Decree as necessary to formulate and execute policies for preventing violence against women.
- (3) The Committee shall consist of up to 30 members including one Chairperson, taking into account the gender, age, disabilities, and background of migration, etc. of the members.
- (4) The Minister of Gender Equality and Family shall serve as the Chairperson of the Committee, and the following persons shall be the members:
1. The Vice Minister and public officials equivalent thereto of relevant central administrative agencies prescribed by Presidential Decree;
 2. A person commissioned by the Minister of Gender Equality and Family, among those with abundant expertise and experience in policies to prevent violence against women, etc.
- (5) The term of office of a member prescribed in paragraph (4) 2 shall be two years.
- (6) A working committee shall be established to support the operation of the Committee, including the review of matters subject to deliberation and coordination in advance, handling matters that have been delegated, etc.

(7) Other necessary matters for the composition, operation, etc. of the Committee and a working committee shall be prescribed by Presidential Decree.

Article 11 (Regional Committee on Prevention of Violence against Women) (1) A regional committee on prevention of violence against women shall be established under the jurisdiction of the Mayor/Do Governor (hereinafter referred to as "regional committee") to deliberate significant measures of local governments with respect to preventing violence against women.

(2) Matters necessary for the composition, organization, operation, etc. of regional committees shall be prescribed by ordinance of the relevant local government.

Article 12 (Factual Survey) (1) The Minister of Gender Equality and Family shall conduct a factual survey on violence against women with respect to violence against women omitted from factual surveys on sexual violence, domestic violence, sex trafficking, and sexual harassment prescribed in the relevant statutes.

(2) The Minister of Gender Equality and Family shall conduct a factual survey on violence against women every three years and announce the results thereof, utilizing them as basic data for formulating policies for preventing violence against women.

(3) The Mayor/Do Governor may conduct a factual survey on violence against women, if necessary.

(4) Matters necessary for the methods, contents, etc. of a factual survey on violence against women shall be prescribed by Presidential Decree.

Article 13 (Compilation of Statistics on Violence against Women) (1) The Minister of Gender Equality and Family shall regularly collect, produce and publish statistics on the current status of violence against women, etc. (hereinafter referred to as "statistics on violence against women") for the systematic management thereof.

(2) Where the Minister of Gender Equality and Family requests statistics on violence against women, the relevant central administrative agencies, local governments and public institutions shall provide such statistics.

(3) Matters necessary for the types of statistics on violence against women, the timing and method of publication, etc. shall be prescribed by Presidential Decree.

CHAPTER III BASIC POLICY MEASURES TO PREVENT VIOLENCE AGAINST WOMEN

Article 14 (Rights of Victims) Victims are guaranteed the following rights:

1. The right to receive support for the relief, protection, and recovery from damage from violence against women and for independence and self-reliance;
2. The right to protection and support necessary according to such relevant factors as gender, age, disability, migration background, etc.;
3. The right to be protected from secondary victimization.

Article 15 (Protection and Support for Victims) (1) The State and local governments shall prepare measures for providing support to victims, including or in relation to counseling, medical care, relief money, legal aid, employment, housing, school attendance, etc., and other measures necessary for the protection, recovery, independence and self-reliance of victims.

(2) The State and local governments may establish and operate facilities for protecting and supporting victims, and may provide administrative and financial assistance where any person other than the State or local governments establishes and operates such facilities pursuant to the relevant statutes.

(3) The State and local governments may provide all or part of the expenses necessary to protect and support victims.

(4) Victims may use facilities for protection and support under the Sexual Violence Prevention and Victims Protection Act, the Act on the Prevention of Domestic Violence and Protection of Victims, the Act on the Prevention of Commercial Sex Acts and Protection of Victims, etc.

Article 16 (Establishment of Cooperation Network between Related Institutions) The Mayor/Do Governor and the head of a Si/Gun/Gu (referring to the head of an autonomous Gu) shall establish a cooperation network among the relevant institutions, including facilities for supporting victims, medical institutions, educational institutes, legal and investigative agencies, etc. to efficiently protect and support victims.

Article 17 (Protection of Victims' Information) The State and local governments shall formulate and execute policy measures for protecting information regarding victims.

Article 18 (Prevention of Secondary Victimization) (1) The State and local governments shall prepare necessary measures for preventing secondary victimization, including guidelines on preventing secondary victimization and education for persons engaged in the relevant duties.

(2) The head of an investigative agency shall conduct education on preventing secondary victimization for persons responsible cases involving violence against women and other persons engaged in the relevant duties.

(3) Where secondary victimization occurs, the State and local governments shall take measures to minimize damage.

(4) Necessary matters under paragraph (2), including the scope of investigative agencies and education on preventing secondary victimization, shall be prescribed by Presidential Decree.

Article 19 (Education on Preventing Violence against Women) (1) The State and local governments may formulate and implement measures to provide education on preventing violence against women.

(2) The State and local governments may provide integrated education on preventing violence against women from a perspective of gender equality pursuant to the relevant statutes.

(3) The Minister of Education and the superintendent of office of education of the Special Metropolitan City, a Metropolitan City, a Special Self-Governing City, a Do, and a Special Self-Governing Province shall formulate and execute measures for conducting education on understanding and preventing violence against women at kindergartens defined in subparagraph 2 of Article 2 of the Early Childhood Education Act and at schools defined in Article 2 of the Elementary and Secondary Education Act and Article 2 of the Higher Education Act.

Article 20 (Public Relations) (1) The State and local governments shall formulate and implement policy measures for conducting a public campaign to improve awareness of violence against women and to protect and support victims.

(2) The State and local governments shall designate a prevention of violence against women week pursuant to the relevant statutes, which may be commemorated within an integrated framework with the sexual assault prevention week, the domestic violence prevention week, and the week for elimination of commercial sex acts.

(3) The Minister of Gender Equality and Family shall produce a promotional video on preventing violence against women, the treatment and rehabilitation of victims, etc., and distribute such video to broadcasting business entities defined in subparagraph 3 of Article 2 of the Broadcasting Act.

(4) The Minister of Gender Equality and Family may request that terrestrial broadcasting business entities defined in subparagraph 3 (a) of Article 2 of the Broadcasting Act transmit the promotional video under paragraph (3) by channel at the minimum of the programming rate prescribed by Presidential Decree for non-commercial public interest advertisements pursuant to Article 73 (4) of the same Act.

CHAPTER IV SUPPORT FOR ORGANIZATIONS RELATED TO POLICIES FOR PREVENTING VIOLENCE AGAINST WOMEN

Article 21 (Support for Non-Profit Corporations and Non-Profit Private Organizations) The State and local governments may provide administrative and financial support to non-profit corporations and non-profit private organizations that work to prevent violence against women, etc.

CHAPTER V SUPPLEMENTARY PROVISIONS

Article 22 (Delegation or Entrustment of Authority) (1) The Minister of Gender Equality and Family may partially delegate the authority under this Act to the Mayor/Do Governor, as prescribed by Presidential Decree.

(2) The Minister of Gender Equality and Family may partially entrust the duties under this Act to a specialized institution, corporation or organization related to policies for preventing violence against women, as prescribed by Presidential Decree.