

Diversion by Design: Dual-Track Processing and Penal Depth in the Republic of Korea's Gender-Based Violence Enforcement System (2024 Data Cycle)

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Abstract

This paper presents an outcome-based enforcement audit of the Republic of Korea's response to gender-based violence (GBV), using consolidated 2024 data from the Korean National Police Agency, the Supreme Prosecutors' Office, the Supreme Court of Korea, and the Ministry of Gender Equality and Family. Unlike jurisdictions where attrition emerges informally through prosecutorial discretion, Korea presents a case of diversion built into statute: the Act on Special Cases Concerning the Punishment of Crimes of Domestic Violence permits domestic violence cases to proceed either as ordinary criminal prosecutions or as "Home Protection Cases" before Family Courts, where protective dispositions substitute for penal sentencing. Applying the Lex Feminae Index outcome-based audit methodology, this paper finds that criminal indictment is a minority pathway for domestic violence: of 57,973 suspects who entered the justice system in 2024, only 1,841 were criminally indicted, while 19,253 Home Protection Cases were filed and 14,581 protective dispositions issued. Even where domestic violence convictions occur, more than 85% result in suspended sentences or fines. Sexual offense cases proceed through the ordinary criminal track with a high indictment-to-conviction conversion rate (82.8% first-instance conviction), yet 56% of convictions still result in suspended sentences, and only 37% in immediate custodial imprisonment. These findings, read alongside the Committee on the Elimination of Discrimination against Women's 2024 concluding observations on Korea and academic critique of the statute's family-preservation orientation, support a Grade D ("Weak Enforcement") classification: an operational but structurally diversion-oriented system in which statutory comprehensiveness does not translate into penal accountability.

I. Introduction

Legal systems are commonly evaluated by what they proscribe rather than by what they deliver. A century of law-and-society scholarship, beginning with Roscoe Pound's foundational distinction between “law in books” and “law in action,”¹ has cautioned against inferring protective capacity from statutory text alone. Most enforcement-gap research documents diversion as an informal phenomenon: cases attrite as prosecutors and police exercise discretion at successive decision points. The Republic of Korea presents a different and analytically sharper case, because its diversion is built into the statute itself. The Act on Special Cases Concerning the Punishment of Crimes of Domestic Violence formally authorizes two parallel pathways for a domestic violence case: ordinary criminal prosecution, or referral to a Family Court as a “Home Protection Case,” in which a protective disposition (counselling, restraining orders, or other rehabilitative supervision) substitutes for a criminal sentence.

This design lets us ask a sharper version of the question this Index applies across jurisdictions: **when a legal system builds diversion into the statute itself, does enforcement still deliver measurable protection for women after violence occurs?** This paper answers that question using the 2024 reporting cycle, the first baseline year for the Republic of Korea within the Lex Feminae Index.² The paper proceeds as follows. Part II situates the inquiry within the academic critique of Korea's dual-track domestic violence framework and the CEDAW Committee's 2024 concluding observations. Part III sets out the data sources and methodological limitations, including the institutional segmentation that distinguishes this dataset from a unified enforcement chain.³ Part IV presents findings across eight dimensions of the enforcement chain. Part V discusses the resulting structural assessment and grade determination. Part VI addresses limitations, and Part VII concludes.

¹Roscoe Pound, “Law in Books and Law in Action,” 44 American Law Review 12 (1910).

²See Part III, *infra*, and official sources cited therein.

³The Lex Feminae Index is an outcome-based enforcement-audit methodology developed by the author; grades are assigned strictly from enforcement outcomes, independent of legislative ambition or policy commitments.

II. Literature and Normative Framework

A. Diversion, Family Preservation, and the Limits of Protective Processing

Bae and Cho's recent analysis of Korea's domestic violence framework identifies the statute's family-preservation orientation, its narrow relational scope, and its structural incentives toward non-criminal disposition as the central weaknesses of the current system.⁴ Their critique highlights four specific mechanisms: a legislative purpose framed around “restoring peace and stability to families” rather than victim safety; a scope limited to marital and cohabiting relationships that

excludes dating violence and same-sex partnerships; a prosecutorial power under Article 9-2 to substitute counselling for criminal charges; and a victim's power to revoke a prosecution request, which the authors note is exploitable through intimidation.⁵ These mechanisms describe, at the level of statutory design, precisely the diversion pattern this paper measures at the level of 2024 enforcement outcomes.

B. The CEDAW Framework

The Republic of Korea is a State party to the Convention on the Elimination of All Forms of Discrimination against Women. In its 2024 concluding observations on Korea's ninth periodic report, the Committee on the Elimination of Discrimination against Women addressed gaps in the state's response to gender-based violence as part of its broader review.⁶ The persistence, in 2024 enforcement data, of a dual-track system in which criminal indictment remains a minority outcome for domestic violence suspects indicates that structural concerns of the kind the Committee's monitoring process is designed to surface remain reflected in outcome data.

C. Femicide as an Unmonitored Statistical Category

As in most jurisdictions surveyed under this Index, the Republic of Korea does not maintain a standalone penal offense or judicial statistical code for femicide. Intimate-partner and family-member homicide in Korea is tracked independently by civil society, principally Korea Women's Hotline, rather than through a unified state judicial dataset.⁷ This paper reports the resulting figure (Part IV.B) as an independently monitored count rather than an official judicial statistic, consistent with the broader regional femicide-monitoring gap documented in recent global estimates.

⁴Sungshin Bae & Hyein Ellen Cho, "The Fault Lines in Korea's Domestic Violence Laws," Monash Gender and Family Violence Prevention Centre / Asialink, Monash University (2024).

⁵Id. The authors identify the Act's family-preservation orientation, its narrow scope (excluding dating violence and same-sex partnerships), Article 9-2's prosecutorial discretion to substitute counselling for criminal charges, and victims' power to revoke prosecution requests as structural weaknesses.

⁶Committee on the Elimination of Discrimination against Women, Concluding Observations on the Ninth Periodic Report of the Republic of Korea, CEDAW/C/KOR/CO/9 (adopted June 6, 2024).

⁷Korea Women's Hotline (한국여성의전화) conducts independent annual monitoring of intimate-partner and family-member homicide based on media and case-record review, in the absence of a standalone judicial offense code for femicide; see also UN Women & UNODC, Femicides in 2024: Global Estimates of Intimate Partner/Family Member Femicides (Nov. 2025), situating Korea within regional femicide-monitoring gaps.

III. Data and Methods

A. Data Scope

This assessment relies on official statistical publications and data disclosures issued by the Korean National Police Agency, the Supreme Prosecutors' Office, the Supreme Court of Korea, the Ministry of Gender Equality and Family, and the National Assembly of the Republic of Korea for the 2024 reporting cycle.⁸ No NGO datasets, advocacy estimates, or media compilations are used as grading inputs; prevalence surveys and civil-society monitoring (such as the femicide count discussed in Part II.C) are referenced only for contextual background.

B. Administrative Counting Limits

Victim and suspect figures reflect administrative counting by offense category and procedural stage and may include multiple entries per individual within a given procedure or across parallel processing tracks. Protective dispositions and criminal indictments are recorded within distinct judicial channels and are not directly interchangeable units.

C. Institutional Segmentation and the Absence of a Unified Enforcement Chain

Police, prosecutorial, and judicial datasets in Korea are published by separate institutions and are not consolidated within a single offense-coded enforcement chain. Unlike the police–justice data-matching architecture available in some other jurisdictions this Index has assessed, the Republic of Korea does not publish a unified arrest-to-indictment-to-conviction longitudinal dataset for gender-based violence categories.⁹ Matching between police intake, prosecutorial decisions, and judicial outcomes therefore requires structural interpretation rather than direct case-level linkage. For this reason, Part IV presents criminal-track and dual-track (domestic violence) figures as parallel indicators of system scale rather than as stages of a single computable funnel.

D. Conviction Timing Clarification

Conviction figures reflect cases reaching judicial resolution within the 2024 reporting year and do not represent direct cohort conversion between complaints registered and convictions issued in the same calendar year. Criminal indictments, Home Protection Case transfers, and final convictions may correspond to cases initiated in prior reporting cycles.

E. Scoring Framework

⁸This assessment draws on 2024-cycle statistics issued by the Korean National Police Agency, the Supreme Prosecutors' Office, the Supreme Court of Korea, and the Ministry of Gender Equality and Family, together with National Assembly data disclosures, as consolidated by the author from these institutions' public releases. Unlike the French case, no single official report number consolidates these figures; each institution publishes its own series.

⁹The absence of a unified arrest-to-indictment-to-conviction dataset is stated in each publishing institution's own methodological notes; no institution has issued a joint linkage methodology of the kind available in some other jurisdictions, *supra* note 8.

The Lex Feminae Index applies an ordinal grading scale (A through F) analogous in structure to composite indicators used elsewhere in comparative socio-legal research, such as the World Justice Project's Rule of Law Index.¹⁰ Grades are assigned strictly by reference to enforcement outcomes across the eight dimensions examined in Part IV; legislative ambition, policy announcements, and budgetary commitments are excluded from the scoring criteria by design. The 2024 cycle establishes Korea's baseline profile within the Index; future cycles will measure progression or regression using the same indicators.

IV. Findings

A. Legal Recognition and Statutory Framework

The Republic of Korea criminalizes rape and sexual assault under the Criminal Act, domestic violence under the Act on Special Cases Concerning the Punishment of Crimes of Domestic Violence, and stalking under the Act on Punishment of Crime of Stalking.¹¹ Domestic violence cases may be processed either through criminal indictment or as Home Protection Cases before Family Courts, where protective dispositions may substitute for penal sentencing. The statutory framework is comprehensive in coverage of offense types, but its relational scope is narrower than it appears: because the Domestic Violence Punishment Act is framed around marital and cohabiting relationships, dating violence and same-sex partnerships fall outside its protective-order and Home Protection Case mechanisms and are handled, if at all, under general Criminal Act provisions.¹² On statutory design, the legal architecture permits both penal prosecution and rehabilitative court supervision; the dual-track structure this enables is examined at the enforcement level in Part IV.C below.

B. Reporting Accessibility and Victim Registration

For the 2024 reporting cycle, official Korean data record 77,150 police reports of dating violence, 14,874 sexual violence counseling-center victims, 4,254 child and adolescent victims, and 10,305 victims supported through digital sex crime victim services.¹³ Independent civil-society monitoring recorded 181 intimate partner homicides in 2024, a figure maintained outside the official judicial statistical system because no standalone femicide offense code exists.¹⁴ Victim support infrastructure is nationally accessible and operational; intake data, however, is institutionally fragmented across police, counseling, and independent monitoring channels without unified offense-coded consolidation.

¹⁰World Justice Project, Rule of Law Index, methodology overview (2024 ed.); cited here as a comparator for the use of ordinal composite grading in comparative socio-legal research, not as a source of Korea-specific data.

¹¹Criminal Act (Korea), as applied to rape and sexual assault; Act on Special Cases Concerning the Punishment of Crimes of Domestic Violence (Korea); Act on Punishment of Crime of Stalking (Korea), enacted March 2021 and in force October 21, 2021.

¹²Bae & Cho, *supra* note 4 (dating violence and same-sex partnerships fall outside the Act's protective scope because it is framed around marital and cohabiting relationships).

¹³Korean National Police Agency and Ministry of Gender Equality and Family, 2024-cycle victim intake and support statistics, *supra* note 8.

¹⁴Korea Women's Hotline, *supra* note 7.

C. Prosecutorial Filtering and Dual-Track Processing

Table 1 presents 2024 processing figures for sexual offenses, which proceed through the ordinary criminal track, and for domestic violence, which proceeds through the dual criminal/Home Protection track described in Part III.C.¹⁵

Table 1A. Sexual Offense Processing, 2024 Data Cycle

Sexual Offenses (Criminal Track)	2024 Figure
Suspects recorded by police	42,430
Formal indictments	32,281
Indictment rate (share of prosecutorial legal decisions)	80.7%
First-instance conviction rate	82.8%
Immediate custodial imprisonment (of convictions)	37%
Suspended imprisonment (of convictions)	56%
Fine-only outcome (of convictions)	7%
Recidivism (sexual offenses)	≈8%

Table 1B. Domestic Violence Processing, 2024 Data Cycle

Domestic Violence (Dual-Track)	2024 Figure
Suspects entering the justice system	57,973
Criminal indictments	1,841
Suspects transferred to Family Court for protective processing	4,833
Home Protection Cases filed	19,253
Protective dispositions issued	14,581
Domestic convictions resulting in suspended sentence or fine	>85%
Recidivism (domestic violence)	≈22%

Because police, prosecutorial, and judicial datasets are not case-linked (Part III.C), the domestic violence figures in Table 1B should be read as parallel volume indicators rather than sequential funnel stages. Read this way, the pattern is nonetheless clear on any reading of the denominators: criminal indictment (1,841) is smaller than every other domestic violence processing figure reported for 2024, including suspects entering the system (57,973), Home Protection Cases filed

¹⁵Supreme Prosecutors' Office of the Republic of Korea, 2024-cycle prosecutorial statistics, *supra* note 8.
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(19,253), and suspects transferred to Family Court for protective processing (4,833).¹⁶ Criminal indictment is, on these figures, a minority pathway for domestic violence, with protective and rehabilitative processing the dominant channel. Sexual offenses show a materially different pattern: indictment (32,281 of 42,430 suspects recorded, and 80.7% of prosecutorial legal decisions) and first-instance conviction proceed predominantly through the ordinary criminal track, without a comparable statutory diversion mechanism.

D. Conviction Ratios

Total convictions across reported sexual and domestic violence offense categories reached 83,007 in 2024, with a first-instance conviction rate of 82.8% for sexual violence cases reaching trial.¹⁷ Judicial conversion from indictment to conviction is therefore strong once a sexual violence case reaches the criminal track. Aggregate conviction totals cannot be directly matched to police intake, however, because of the absence of a unified offense-coded longitudinal dataset described in Part III.C; direct intake-to-conviction cohort tracing remains structurally fragmented.

E. Sentencing and Deterrence

Among sexual offense convictions, 37% resulted in immediate custodial imprisonment, 56% in suspended imprisonment, and 7% in fine-only outcomes; 39% of rape convictions and 22% of kidnapping convictions carried sentences of one year or more.¹⁸ More than 85% of domestic violence convictions resulted in a suspended sentence or a fine. A total of 347,292 summary orders were recorded across all categories in 2024, but offense-specific disaggregation for gender-based violence summary orders is not published, which limits full evaluation of the balance between fine-based and custodial enforcement. Recidivism stands at approximately 22% for domestic violence offenders and approximately 8% for sexual offenders.¹⁹ Sentencing activity is measurable and judicial conversion from conviction to sanction is documented, but custodial exposure is not the dominant outcome in either category: sentencing severity is therefore moderate rather than punitive, and the moderate-to-high recidivism figures indicate limits to the deterrent effect of the current sanction mix.

F. Protection Measures

In 2024, Korea recorded 19,253 Home Protection Cases filed, 14,581 protective dispositions issued, and 2,904 access-prohibition orders.²⁰ Protection measures are therefore widely deployed. Four confirmed lethal incidents occurred while official protection measures were active during the reporting cycle; public reporting does not provide a unified denominator linking the active-protection cohort to lethal outcomes, so this figure cannot be expressed as a rate. More broadly, protective supervision frequently substitutes for criminal prosecution in domestic violence cases rather than supplementing it (Part IV.C), and unified national tracking of breach outcomes and of individuals under active protection is not publicly consolidated. Lethal incidents under

¹⁶Ministry of Gender Equality and Family and Supreme Court of Korea, 2024-cycle Home Protection Case and protective disposition statistics, *supra* note 8.

¹⁷Supreme Court of Korea, 2024-cycle first-instance conviction statistics, *supra* note 8.

¹⁸Supreme Court of Korea, 2024-cycle sentencing distribution statistics, *supra* note 8.

¹⁹Sexual and domestic violence recidivism figures as reported in 2024-cycle official statistics, *supra* note 8.

²⁰Ministry of Gender Equality and Family and Supreme Court of Korea, 2024-cycle protection-order and lethal-incident monitoring statistics, *supra* note 8.

active protection are rare in absolute terms, but enforcement continuity within protected cohorts is not fully externally verifiable on current public reporting.

G. Data Integrity and Transparency

The Republic of Korea publishes police-recorded intake data, prosecutorial indictment ratios, judicial conviction totals, and protective disposition volumes through official national institutions. Enforcement data is nonetheless institutionally segmented: a unified longitudinal dataset linking police intake, prosecutorial decision, protective transfer, and final sentencing by offense category is not publicly available (Part III.C); no standalone judicial offense code for femicide exists (Part II.C); and summary order volumes are aggregated rather than disaggregated by gender-based violence offense category, limiting precise external verification of sanction composition at the category level. Data transparency is present at the level of each publishing institution; full chain-of-enforcement traceability across institutions remains structurally incomplete.

H. Climate Risk Context

The Republic of Korea experiences periodic natural disasters, including flooding, typhoons, wildfires, and extreme heat events, that result in temporary displacement. Official enforcement datasets do not integrate disaster-displacement status within gender-based violence offense reporting, and Korea is not classified within the Index framework as a high structural climate-displacement vulnerability jurisdiction. The Climate Risk Modifier accordingly does not alter the grade determination for the 2024 reporting cycle.

V. Discussion: Structural Assessment and Grade Determination

The central question posed in Part I, whether a system that builds diversion into statute can still deliver measurable protection, yields a structured answer on the 2024 data. The Republic of Korea maintains a comprehensive statutory framework criminalizing sexual violence, domestic violence, and stalking; police intake volume is substantial, and prosecutorial activity in sexual offense cases is measurable and largely follows the ordinary criminal track. Enforcement outcomes nonetheless demonstrate structural limitation in domestic violence case conversion and moderated penal exposure across core gender-based violence categories.

Under the Index's outcome-based criteria, the Republic of Korea's 2024 profile does not meet the threshold for **Grade C (Partial Accountability)**, for four reasons: the structural predominance of protective diversion over criminal indictment in domestic violence cases; the narrow penal exposure relative to domestic suspect intake on any reading of the 2024 figures (Part IV.C); the high reliance on suspended sentencing in both domestic violence and sexual offense convictions (Part IV.E); and domestic recidivism of approximately 22% alongside limited publicly consolidated breach-to-sanction escalation data (Part IV.F).

At the same time, the Republic of Korea's profile does not fall to **Grade E (Severe Enforcement Deficiency)**: sexual offense indictment and conviction conversion is measurable and active (Part IV.C–D); judicial institutions are operational across both tracks; protective measures are formally available and widely used (Part IV.F); and enforcement data, though institutionally segmented, is publicly published by each responsible institution (Part IV.G).

Taken together, an operational but structurally diversion-oriented enforcement system, in which statutory comprehensiveness does not translate into penal accountability for the majority of domestic violence cases, and in which suspended sentencing dominates outcomes even in the criminal track, supports a classification of **Grade D, Weak Enforcement**, with a **stagnant trend indicator** reflecting the structural persistence of this dual-track architecture within the current reporting cycle.²¹

VI. Limitations

This audit is subject to several limitations. First, because police, prosecutorial, and judicial datasets are not case-linked (Part III.C), the domestic violence figures in Part IV.C cannot be reduced to a single funnel-conversion percentage of the kind available in more consolidated systems; this paper presents them as parallel volume indicators and draws only the comparative conclusions the data can support.²² Second, victim and suspect counts reflect administrative counting conventions and may include multiple entries per individual across parallel processing tracks (Part III.B). Third, conviction figures reflect cases resolved within the 2024 calendar year rather than a tracked complaint cohort (Part III.D). Fourth, the intimate-partner homicide figure in Part IV.B derives from independent civil-society monitoring rather than an official judicial offense code, since no such code exists (Part II.C); this is itself a data-transparency finding rather than a limitation of this paper's method. Finally, as an outcome-based audit, this paper does not evaluate, and takes no position on, the adequacy of Korean legislative design, policy commitments, or resourcing decisions; it measures only whether current enforcement practice, as reflected in 2024 administrative outcomes, converts recorded violence into judicial and protective outcomes.

VII. Conclusion

Applying an outcome-based enforcement-audit methodology to the Republic of Korea's 2024 gender-based violence statistics reveals a system with comprehensive statutory coverage of sexual violence, domestic violence, and stalking, and an active, transparently self-reported set of national institutions. Its distinguishing structural feature, relative to other jurisdictions this Index has assessed, is that diversion from criminal conviction is built into statute rather than emerging solely from prosecutorial discretion: the large majority of domestic violence suspects are processed through Home Protection Cases or protective disposition rather than criminal indictment, and more than 85% of the domestic violence convictions that do occur result in a suspended sentence or a fine. Even sexual offense cases, which proceed through the ordinary criminal track with strong indictment-to-conviction conversion, show suspended sentencing as the

²¹Multi-cycle continuity as documented in each institution's successive annual releases; the Republic of Korea does not publish a single continuity report comparable to some other jurisdictions' models, *supra* note 8.

²²See Part III.C, *supra* note 9, on institutional segmentation.

dominant sanction outcome. These findings, read alongside academic critique of the Domestic Violence Punishment Act's family-preservation orientation and the CEDAW Committee's 2024 concluding observations on Korea, support a Grade D ("Weak Enforcement") classification under the Lex Feminae Index for the 2024 data cycle, and suggest that future gains in measured protection are more likely to come from narrowing the statutory diversion pathway and consolidating cross-institutional offense-level data than from further criminalization on paper.

References

Official Statistical and Institutional Sources

Korean National Police Agency, 2024-cycle crime and victim-intake statistics (dating violence, sexual violence, digital sex crime).

Supreme Prosecutors' Office of the Republic of Korea, 2024-cycle prosecutorial indictment statistics, sexual and domestic violence offenses.

Supreme Court of Korea, 2024-cycle first-instance conviction and sentencing statistics.

Ministry of Gender Equality and Family (Republic of Korea), 2024-cycle victim support, Home Protection Case, and protective disposition statistics.

National Assembly of the Republic of Korea, 2024 data disclosures on gender-based violence enforcement.

Korea Women's Hotline (한국여성의전화), independent annual monitoring of intimate-partner and family-member homicide, 2024 cycle.

Legal Instruments

Criminal Act (Republic of Korea).

Act on Special Cases Concerning the Punishment of Crimes of Domestic Violence (Republic of Korea).

Act on Punishment of Crime of Stalking (Republic of Korea), enacted March 2021, in force October 21, 2021.

Convention on the Elimination of All Forms of Discrimination against Women, opened for signature Mar. 1, 1980, 1249 U.N.T.S. 13 (ratified by the Republic of Korea 1984).

Secondary and Academic Sources

Bae, S. & Cho, H.E., The Fault Lines in Korea's Domestic Violence Laws, Monash Gender and Family Violence Prevention Centre / Asialink, Monash University (2024).

Committee on the Elimination of Discrimination against Women, Concluding Observations on the Ninth Periodic Report of the Republic of Korea, CEDAW/C/KOR/CO/9 (June 6, 2024).

Pound, R., Law in Books and Law in Action, 44 Am. L. Rev. 12 (1910).

UN Women & UNODC, Femicides in 2024: Global Estimates of Intimate Partner/Family Member Femicides (Nov. 2025).

World Justice Project, Rule of Law Index (methodology overview) (2024 ed.).