

LEGAL STUDY ON DOG MEAT BAN ACT AND ITS CHALLENGES IN SOUTH KOREA

ESTUDIO JURÍDICO SOBRE LA LEY DE PROHIBICIÓN DE LA CARNE DE PERRO Y SUS RETOS EN COREA DEL SUR

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ABSTRACT

In January 2024, the National Assembly of South Korea passed the Special Act on Terminating Breeding, Slaughter and Distribution of Dogs for Consumption (hereinafter referred as the Dog Meat Ban Act). This marks a new phase in animal law for South Korea, addressing an issue that has persisted for over 40 years. This study will examine the legal provisions and disputes related to dog meat consumption, a longstanding socio-legal conflict in South Korea. Initially, an overview of animal law system in Korea will be conducted, examining the legal status of animals, particularly dogs, within the legal framework. Considering the legal status of dogs, this study will analyze the existing issues and precedents related to dog consumption under current laws. Subsequently, the background and key provisions of the recently enacted law prohibiting dog consumption will be explored. The discussion will conclude by examining the significance and implications of this law.

KEYWORDS

Animal protection; Animal Law; Dog meat; Dog Meat Ban Act; South Korea.

RESUMEN

En enero de 2024, la Asamblea Nacional de Corea del Sur aprobó la Ley especial para poner fin a la cría, sacrificio y distribución de perros para el consumo (en adelante, Dog Meat Ban Act). Esto marca una nueva fase en el Derecho Animal de Corea del Sur, abordando un problema que ha persistido durante más de 40 años. Este estudio, examinará las disposiciones legales y las disputas relacionadas con el consumo de carne de perro, un antiguo conflicto socio jurídico en Corea del Sur. De entrada, se hará un repaso del sistema de Derecho Animal en Corea, examinando el estatuto jurídico de los animales, en particular de los perros, dentro del ordenamiento jurídico. Teniendo en cuenta el estatuto jurídico de los perros, este estudio analizará los problemas y precedentes existentes en relación con el consumo de perros según la legislación vigente. Posteriormente, se estudiarán los antecedentes y las disposiciones clave de la ley recientemente promulgada que prohíbe el consumo de perros. El debate concluirá examinando la importancia y las implicaciones de esta ley.

PALABRAS CLAVE

Protección de los animales; Derecho Animal; Carne de perro; Ley de prohibición de la carne de perro; Corea del Sur.

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1. INTRODUCTION

The issue of dog consumption began to be extensively discussed in South Korean around the time of the 1988 Seoul Olympics. Up until this time, dog meat was often consumed as a summer stamina health food. As the Olympics approached, the South Korean government, wary of international criticism of dog meat, banned the sale of dog meat in the city of Seoul. Once the Olympics were over and government crackdowns lessened, the dog meat restaurants were back in full swing.¹ Back then, the issue of unsanitary farming and slaughter of dogs was raised, but more people were consuming dog meat than today, and animal welfare awareness was much lower than it is today. This problem has persisted as a longstanding social and legal conflict in Korean society for over 40 years since then. In January 2024, the National Assembly of South Korea passed the Special Act on Terminating Breeding, Slaughter and Distribution of Dogs for Consumption (hereinafter referred to as Dog Meat Ban Act) during its session, thereby putting an end to the persistent social and legal issue of the dog meat consumption and its industry.

During the administration of President Yoon Suk-yeol (2022-2027), a consultative body was established to facilitate more effective discussions towards the termination of dog consumption, ultimately achieving success with the enactment of Dog Meat Ban Act (2024). Over the years, animal protection organization and citizens have advocated for a moral and ethical re-evaluation of dog consumption, while the Korean Dog Meat Association vehemently opposed it, citing infringements on their business and property rights. Previous attempts to terminate dog consumption during former administrations failed to yield results due to the inability to reconcile the interests of both sides.

¹ MBC NEWS. Announcement of City of Seoul – Ban of Dog Meat Sales (1984)

The governance demonstrated by the consultative body for terminating dog consumption reflects the South Korean government's commitment to animal protection, serving as a positive precedent for addressing animal-related issues in society. Through this study, the composition and role of the consultative body for terminating dog consumption will be explained, with the hope that similar bodies can be established and utilized domestically and internationally to address animal-related issues.

The issue of dog consumption presents complex societal and legal dimensions in South Korea. Considering the societal and legal status of dogs in Korean society, it becomes evident that various legal issues are intertwined with this topic. Additionally, with the rapid increase in companion animal ownership in Korea, it is anticipated that a variety of animal-related disputes will continue to arise in the future.

Prior to overview the Dog Meat Ban Act, it is important to examine the overall animal law system in South Korea, particularly focusing on the legal status of animals, including dogs, and related legal disputes and precedents. Subsequently, an exploration of the background and specific provisions of Dog Meat Ban Act is necessary, along with an assessment of potential future legal issues that may arise.

This study will begin by providing a brief overview of South Korea's animal law system prior to the enactment of the Dog Meat Ban Act, examining the legal status of animals, especially dogs, and related legal disputes and precedents. Following this, the background and specific provisions of the Dog Meat Ban Act will be explored, and potential future legal issues stemming from its implementation will be considered to conclude the discussion.

2. OVERVIEW OF ANIMAL LAW IN KOREA

2.1. Animal Law in South Korea

In South Korea, there are currently a total of 2,357 enacted laws, including the Constitution of Republic of Korea, which is the supreme law of Korea. Among these, there are 10 specific laws directly related to the protection and welfare of animals: Animal Protection Act (1991), Act on the Management of Zoos and Aquariums (2017), Laboratory Animal Act (2009), Livestock Industry Act (1963), Conservation and Management of Marine Ecosystems Act (2007), Act on the Prevention of Contagious Animal Diseases (1961), Aquatic Organism Disease Control Act (1961), Wildlife Protection and Management Act (2005), Act on the Conservation and Use of Biological Diversity (2013), Traditional Bullfighting Match Act (2003).²

² There are a total of 21 laws enacted concerning the exploitation of animals (such as breeding, slaughter, and related industries) as well as laws pertaining to habitats and natural environments. 1.

In terms of general laws concerning the protection and welfare of animals, Korea has Animal Protection Act. This law was initially enacted in May 1991. Subsequently, in April 2024, the law underwent a comprehensive revision where the number of provisions increased from 47 to 101. The purpose of this Act is to encourage a national sentiment of respecting life and to contribute to the harmonious coexistence of humans and animals by promoting the protection of animal life, guaranteeing safety and welfare of animals, and fostering a healthy and responsible culture of raising animals.³ The main contents of the Animal Protection Act are as follows: Purpose, Definition, Comprehensive Animal Welfare Plan, Adequate Breeding and Management, Prohibition of Animal Abuse, Transportation of Animals, Method of Delivery of Companion Animals, Method of Slaughtering Animals, Management of Fierce Dogs, Temperament Evaluation Committee, Companion Animal Behavior Instructor, Rescue and Protection of Animals, Acquisition of Animals Raising of Which Is Forsaken, Humane Disposal of Animals, Management of Animal Testing, Certification of Animal Welfare Livestock Farms, Companion Animal Industry.

Recent discussions regarding the enactment of the Framework Act on Animal Welfare have been prominent. There are ongoing discussions about introducing additional legislation to overcome the limitations of the current Animal Protection Act. The fundamental content of the proposed Basic Animal Welfare Act, which was pledged by the Democratic Party of Korea during the recent general election in April, emphasizes respecting the status of animals as living beings and focuses on restricting the indiscriminate operation of puppy mills. Additionally, there are discussions about provisions related to prohibiting animal ownership for individuals convicted of animal abuse, which were initially included in the comprehensive revision bill of the Animal Protection Act but ultimately removed before passage, into the Framework Act on Animal Welfare.

Particularly noteworthy is the active participation of President Yoon Suk-yeol and the first lady in animal protection-related events, demonstrating considerable interest in animal welfare. Since the President Yoon has been elected in 2022, he and the first lady

VETERINARY SERVICES LABORATORIES ACT 2. ACT ON CONSERVATION AND UTILIZATION OF CULTURAL HERITAGE 3. WETLANDS CONSERVATION ACT 4. ACT ON THE SUSTAINABLE MANAGEMENT AND RESTORATION OF TIDAL FLATS (GAETBEOL) AND ADJACENT AREAS THEREOF 5. LIVESTOCK PRODUCTS SANITARY CONTROL ACT 6. ACT ON THE MANAGEMENT AND USE OF LIVESTOCK EXCRETA 7. CATTLE AND BEEF TRACEABILITY ACT 8. ACT ON THE NATIONAL TRUST OF CULTURAL HERITAGES AND NATURAL ENVIRONMENT ASSETS 9. NATURAL ENVIRONMENT CONSERVATION ACT 10. ORNAMENTAL FISH INDUSTRY PROMOTION AND SUPPORT ACT 11. INSECT INDUSTRY PROMOTION AND SUPPORT ACT

You can find all these acts at: <https://www.law.go.kr/LSW/eng/engMain.do>

³ ANIMAL PROTECTION ACT, Article 1 (Purpose)

announced their passion for animals through official press release on animal welfare, specifically on service animals, animals in zoo, marine animals, wild animals including companion animals as well. The first lady visited an animal shelter in Netherlands and met Jane Goodall to share their love for animals when Dr. Jane visited Korea.⁴ Therefore, under this administration, it is expected that significant and incremental changes in animal-related laws and policies will continue, including efforts towards ending dog meat consumption.

2.2. Legal Status of Dogs in Korea

2.2.1. *Legal Status of Dogs in Animal Protection Act*

Until about 40 years ago, dogs were raised as livestock similar to pigs. Dogs were often kept tied up in yards or outside the house, and it was not common to give them names. However, starting in the 1980s, more people began to view dogs as “pets”. There was a literal increase in people who “cherished” dogs. Moreover, in the context of dog consumption, there was a distinction made between dogs raised for consumption (referred to as meat dogs) and those kept as pets.⁵ The Population and Housing Census conducted annually by the Statistics Korea aims to understand the characteristics of population size, distribution, structure, households, etc., and is utilized as fundamental data for various policy developments. In the 2020 census, a new question was added concerning companion animal ownership. This marked the first time that a survey on companion animal ownership was included in a statistical survey targeting a population of approximately 10 million people of about 51 million, whole population of South Korea.

As of the end of 2022, there were approximately 5.52 million households in South Korea that owned companion animals, accounting for 25.7% of all households. Among these companion animals-owning households, 71.4% owned dogs. It is estimated that the total number of dogs as companion animals in South Korea is around 4.73 million.⁶ In Korea, the social status of companion animals, particularly dogs, is increasingly regarded as integral members of families, with their roles and importance becoming more significant over time⁷. Considering this social status of companion animals, there is a growing need to give them special legal consideration. In particular, companion animals form relationships of companionship with humans and are thus evaluated to

⁴ Office of the President Republic of Korea, Press releases on Briefing Room.

⁵ KIM, R. E. Dog meat in Korea: a socio-legal challenge, *Animal Law* 14 (2008) 205. You can find more historical details on dog meat in this article.

⁶ HWANG, W. 2023 Annual Report on Companion Animals in Korea, KB Financial Group (2023) 6

⁷ *Ibid.* p.6

be deserving of special protection and welfare.⁸ How is the status of dogs evaluated in Korea's legal system?

The scope of animals covered by the Animal Protection Act is defined in Article 2 of the Act. The term "animal" means any of the following animals which are vertebrates with a developed nervous system capable of feeling pain: Mammals, Birds, Reptiles, amphibians, and fish provided that those kept for the purpose of human consumption shall be excluded.⁹ Therefore, dogs whether they are raised for consumption or not fall within the category of animals covered by the Animal Protection Act. In addition to the definition of "animal", the definition of "companion animals" is specifically defined and addressed separately within the law. The term "companion animal" means an animal which is kept for the purpose of companionship, such as dogs and cats.¹⁰ Dogs are included as animals covered by the the Act, receiving general protection under this law. Additionally, dogs are also considered companion animals, which entitles them to receive specific and additional protection under the law.

2.2.2. *Legal Status of Dogs in the Civil Act*

In the Korean Civil Act (1963), which regulates matters concerning personal property and family relations, the subject of rights is limited to human beings. The Civil Act defines "Things" as corporeal things, electricity, and other natural forces which can be managed. Land and things firmly affixed thereto shall be immovables. Land and things firmly affixed thereto shall be immovables.¹¹

Animals, including dogs, are classified as "things" under the Civil Act (Article 98). Therefore, dogs can be bought and sold like objects, and in cases where animals are injured or killed, one can claim compensation for resulting pecuniary damages from the other party.

In a case where the defendant, animal shelter euthanized two dogs that the plaintiff had placed in foster care with a foster fee, mistaking them for strays, the plaintiff sought damages and in calculating her damages, the plaintiff included two million won¹² in damages for the pain and suffering each of her two dogs would have experienced.¹³ The

⁸ HAHM, T. A Legal Study on the issues and Problems Related to Dog-Eating, *Environmental Law Review* 24-2 (2023) 253

⁹ ANIMAL PROTECTION ACT, Article 2 (Definition)

¹⁰ *Ibid.* Article 2 (Definition) The term "Companion Animals" includes the following: dogs, cats, rabbit, ferret, guinea pig, hamster.

¹¹ CIVIL ACT, Article 98 (Definition of Things) and 99 (Immovables and Movables)

¹² 2,000,000 KRW is equivalent to about 1500 USD or 1400 EUR

¹³ YOON, C. Analysis on Court Decision: Subjekt und Bereich des Schadenersatzanspruchs bei Toetung des Lieblingshundes, *Korean Lawyer Association Journal*, 63-1 (2014) 242-244 (Case 2013. 4. 25, 2012㉫118594 Supreme Court of Korea)

court have ruled that even though companion animals may have emotions, feel pain, and sometimes be treated as family members, they are legally classified as things under the law. Therefore, companion animals cannot be recognized as subjects capable of claiming damages for pain and suffering by themselves.¹⁴

However, there have been exceptional cases where courts have recognized special circumstances regarding companion animals when calculating compensation amounts. In a case in which the plaintiff's dog was injured in an automobile accident and the plaintiff sought damages while ordinarily, compensatory damages for unlawful acts cannot exceed the exchange value of the property, considering that these animals possess life, it can be acknowledged in accordance with societal norms that spending higher medical expenses on a dog than its market value as special circumstances for calculating compensation. Furthermore, there is a precedent where a small amount of compensation for mental distress (200,000 KRW) was recognized for the death of a companion animal.¹⁵¹⁶

In cases where a companion animal is injured or killed, the responsible party may face both civil liability for damages on animals as property resulting from an unlawful act and criminal liability for the destruction of property.¹⁷ When it comes to criminal liability, killing or hurting animals constitute the offense of animal cruelty under the Animal Protection Act and concurrently, the destruction of property under Criminal Act resulting in a more severe penalty due to the competition of the two offenses.

In this way, dogs in Korean are both subject to the application of the Animal Protection Act, considered as companion animals and family members, yet legally treated as things. This current legal framework has been subject to ongoing criticism from many scholars and citizens.¹⁸ The number of companion households treating animals like

¹⁴ *Ibid.*, p. 272

¹⁵ *Ibid.*, p. 272 (Case 2011. 7. 14. 선고 2010가단414531 Seoul Central District Court of Korea)

¹⁶ Korean courts evaluate damages as following: The concept of damages for unlawful acts can be divided into three categories, based on the nature of the infringement:

Actual Damages: These are damages that directly result from the unlawful act, representing the tangible losses suffered by the injured party.

Loss of Future Profits: This refers to the loss of potential future profits that the injured party could have obtained had the unlawful act not occurred.

Compensation for Mental Distress: This category includes damages awarded for the mental suffering and distress experienced by the injured party due to the unlawful act.

¹⁷ CRIMINAL ACT, Article 366 (Destruction and Damage of Property) A person who, by destroying, damaging, or concealing another's property document or special media records, such as electromagnetic records, etc., or by any other means, reduces their utility, shall be punished by imprisonment with labor for not more than three years or by a fine not exceeding seven million won.

¹⁸ In reference to a study on the need to change the legal status of animals and the resulting changes in animal protection laws, you can refer HAHM, T. A Study on Legislative Improvement of Animal Protection Act and the Changes in Legal Status of Animals, Environmental Law and Policy 28 (2022), to

family members continues to increase steadily, and at the same time, public awareness of environmental and animal issues is evolving. However, it is argued that the traditional legal system has not kept pace with these changing attitudes and awareness. As the need for improvement in the current legal system that treats animals as objects has arisen, the Ministry of Justice submitted an amendment to the Civil Act in October 2021 containing the statement “Animals are not things”,¹⁹ but it has not yet been passed by the National Assembly. The main content of this amendment involves adding a provision stating “Animals are not things” alongside the definition of things as currently stipulated in Article 98 of Civil Act, similar to provisions already enacted in Germany.

3. LEGAL ISSUES ON DOG MEAT

3.1. Is it legal to EAT dogs? – Conflict of Livestock Industry Act and Livestock Products Sanitary Control Act and Legal Vacuum

The legal debate regarding the act of consuming dog meat remains ongoing. According to the Livestock Industry Act, the term “livestock” means cattle, horses, sheep, goats (including milk goats (goats raised for milk), swine, deer, chickens, ducks, geese, turkeys, quails, ostriches, pheasants, goose, ass, donkey, rabbit, dog, honeybee, possum, ornamental birds, insects.²⁰ According to current law, dogs are classified as livestock. Therefore, under the purpose of the Act,²¹ individuals wishing to engage in dog farming can commence the operation by obtaining the permission of government.²²

a study on the need to introduce an animal protection clause in the constitution to ensure the inherent value and status of animals, you can refer CHOI, H. *Änderungen im rechtlichen Status von Tieren und Erwartungen des Übergangs in einen rechtsstaatlichen Tierschutzstaat*, Environmental Law and Policy 28 (2022) and to a study on how changes in the status of animals will affect the interpretation of criminal law and how criminal law should change the way it views animals, you can refer JOO, H-K. Changes in the Legal Status of Animals and the Criminal Law, Environmental Law and Policy 28 (2022).

¹⁹ Bill of amendment of CIVIL ACT
Article 98-2 (Legal Status of Animals)

1. Animals are not things

2. Except in cases where there are specific legal provisions concerning animals, the regulations concerning “things” shall apply mutatis mutandis to this Article.

²⁰ LIVESTOCK INDUSTRY ACT, Article 2 (Definition)

²¹ *Ibid.* Article 1 (Purpose) The purpose of this Act is to provide for matters related to the improvement and propagation of livestock, improvement of livestock environment, the structural improvement of the livestock farming business, the control of demand and supply, the stabilization of prices, and the improvement of distribution system for livestock and products thereof, etc. in order to contribute to the development of the livestock farming business, the increase of livestock farmers’ income and the stable supply of livestock products.

²² *Ibid.* Article 22 (Business Permission)

To slaughter and consume livestock raised under Livestock Industry Act, livestock must be slaughtered and processed according to Livestock Products Sanitary Control Act.²³ According to this law, the definition of livestock eligible for slaughter and processing as livestock products is as follows: cattle, horses, sheep (including rock goats, such as goats; hereinafter the same shall apply), swine (including raised wild boars; hereinafter the same shall apply), chickens, ducks, deer, rabbit, turkey, goose, ostrich, quail, and donkey as animals for food.

According to these two laws, under Livestock Industry Act, dogs can be raised for livestock purposes like cows and pigs, but under the Livestock Products Sanitary Control Act, slaughtering, processing, and consuming dogs as livestock products is prohibited. This is because dogs do not fall under the category of “livestock” as defined by Livestock Products Sanitary Control Act. It’s not that dogs are specifically exempted under the Act; rather, there is no provision addressing dogs under this law, creating a legal loophole.

In response to this issue, the Korean Dog Meat Association has argued that dogs should be designated as “livestock” under Livestock Products Sanitary Control Act, allowing for their distribution and consumption as livestock through sanitary and legal procedures similar to cattle or pigs.²⁴ On the contrary, animal welfare organizations have advocated for excluding dogs from the definition of “livestock” as defined in the Livestock Industry Act, thereby prohibiting livestock-like farming practices for dogs.²⁵

In conclusion, before the Dog Meat Ban Act was enacted in February 2024, consuming dog meat has not regulated involving the consumption of livestock products outside of regulated oversight. This not only deviates from the principles of animal welfare but also presents significant environmental and public health risks that must be considered seriously. Until now, the Korean government and legislative bodies have struggled to provide a clear resolution to this issue. I will explore in next chapter how the Dog Meat Ban act addresses these legal gaps and inconsistencies with the key provisions of the law.

²³ LIVESTOCK PRODUCTS SANITARY CONTROL ACT, Article 1 (Purpose) The purpose of this Act is to contribute to the sound development of the livestock industry and improvement in public health by prescribing the matters necessary for the raising, slaughter and disposal of livestock and the processing, distribution and inspection of livestock products in order to promote the sanitary management of livestock products and improvement in the quality thereof.

²⁴ NEWPOST. Korean Dog Meat Association “Chickens are small and cute, so are we not supposed to eat them?” (2020)

²⁵ FINANCIAL NEWS. Animal Protection Groups “Dogs excluded from livestock bill welcomed” (2018)

3.2. “Is the slaughter of dogs considered animal cruelty?”

– “Dog Slaughter by Electric Stunner” Case 2017-16732, Supreme Court of Korea

In September 2018, the Supreme Court of Korea made a significant ruling regarding the act of slaughtering dogs. The defendant, who was the operator of a dog farm, was prosecuted for violating the former Animal Protection Act Article 8(1)(1) by slaughtering dogs in a cruel manner at the farm’s slaughterhouse, where dogs were restrained and electrocuted using an electric stunning device applied to the dogs’ mouths. The lower court’s verdict that acquitted the defendant of the charges was overturned, as the court recognized errors in the judgment related to the criteria for determining “cruelty” under the said provision of the law, finding that essential aspects were not properly examined, thereby influencing the verdict.

In determining whether the act of “slaughtering dogs by applying an electric stunning device to their mouths” constituted animal cruelty prohibited under the former Animal Protection Act, which “cruel treatment”, specifically acts such as tying an animal’s neck to kill, the Supreme court considered the following factors:

- (1) The interpretation of “cruelty” in the context of prohibited acts of killing animals in a cruel manner under the former Animal Protection Act should be made objectively and normatively, not from the subjective perspective of specific individuals or groups, but from the standpoint of societal norms and average societal views at the time. The act of slaughtering dogs using an electric stunning device can be objectively and normatively evaluated as cruel based on societal norms, considering the method itself within the framework of societal consensus.²⁶
- (2) The former Animal Protection Act provides detailed regulations on slaughter methods tailored to minimize suffering based on the characteristics of livestock such as pigs, chickens, and ducks. While electric stunning is one of the approved methods, whether a slaughter method constitutes “cruelty” prohibited by Animal Protection Act depends on assessing the degree and duration of suffering inflicted on the animal, considering the specific characteristics of each animal. Even with the same slaughter method, the level of suffering experienced by animals during the slaughter process can vary depending on their individual characteristics. Therefore, it is essential to evaluate whether a particular method is deemed cruel based on the type of animal and the associated degree of pain endured.²⁷

In conclusion, The trial court should have considered the perception of dogs in society to determine whether the defendant’s act could be considered as killing a dog by a cruel method prohibited by Article 8(1)(1) of the former Animal Protection Act,

²⁶ Dog Slaughter by Electric Stunner Case 2017도16732(2018), Supreme Court of Korea, p. 2

²⁷ *Ibid.*, p.3

but the trial court erred in not conducting the necessary review such as magnitude of the current flowing through the iron skewer used by the defendant to slaughter the dog, the time it took for the dog to faint or die after being electrocuted, the environment of the slaughtering place, and the internal and external symptoms that the dog would experience as a result of the electric slaughter method, and the impact that allowing such a method of slaughter would have on public sentiment, including respect for animal life.²⁸

Through this ruling, the court emphasized that when determining whether a slaughter method is cruel, consideration must be given to the impact of allowing such methods on public sentiment regarding respect for animal life, the specific characteristics of the animals, the degree and duration of suffering that may result from the slaughter method, and the societal perceptions of the targeted animals at that time. The court highlighted the importance of maintaining respect for animal life even in essential acts like slaughter for consumption, acknowledging that societal perceptions of dogs have evolved over time and declaring that using electric stunning to slaughter dogs is an unacceptable “cruel” method in our society today.

4. LEGAL INTERPRETATION OF DOG MEAT BAN ACT

4.1. Background

4.1.1. *Establishment of a Social Discussion Committee and Government Consultative Body for Ending Dog Meat Consumption*

In December 2021, the Korean government initiated focused discussions towards ending dog meat consumption by establishing a social discussion committee and organizing a government consultative body. The committee consisted of 20 members including relevant organizations, experts, NGOs, and government officials. The government consultative body, chaired by the Chief Presidential Secretary, involved vice ministers from six ministries including the Ministry of Agriculture, Food and Rural Affairs, Ministry of Environment, Ministry of Food and Drug Safety, Ministry of Culture, Sports and Tourism, Ministry of Public Administration and Security, and Ministry of Economy and Finance.²⁹

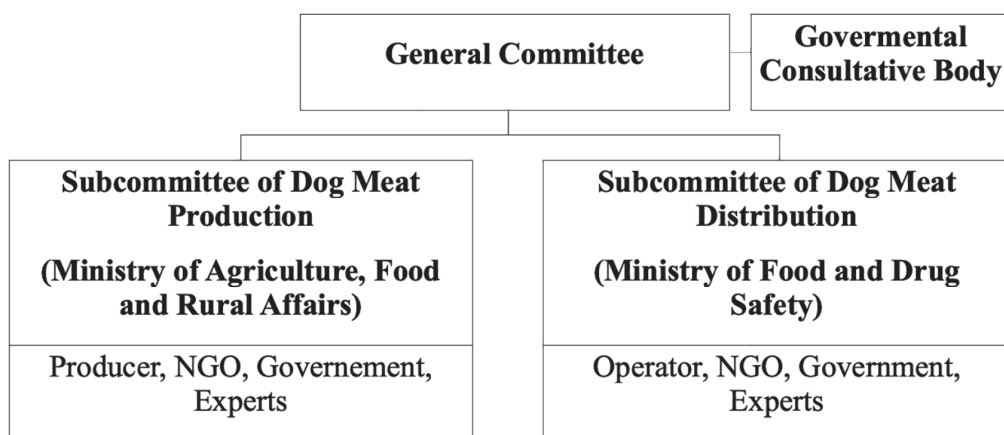
The committee proceeded with discussions divided into production and distribution subcommittees specifically addressing issues related to dog meat. The government

²⁸ *Ibid.*, p.4

²⁹ Ministry Joint Press Release, Establishment of a Social Discussion Committee and Government Consultative Body on Dog Meat Ban (2021)

consultative body's role was to develop specific measures to implement the outcomes of the discussions held within the committee. These organizations officially started work in December 2021 and committed to intensive discussions on ending dog meat consumption until April 2022.

Social Discussion Committee on Dog Meat Ban



The two bodies agreed to conduct a factual survey on the current status of dog meat consumption in Korea, along with a nationwide public perception survey on dog meat, to prepare the necessary foundational data for discussions. The Ministry of Agriculture, Food and Rural Affairs, as the overseeing ministry of animal protection laws, oversees the overall operation of this consultative body. They are responsible for supervising the survey of dog farming households, reviewing related challenges for improvement, and monitoring illegal activities. The Ministry of Food and Drug Safety, responsible for food and drug safety affairs, is tasked with conducting factual surveys on dog meat restaurants and distribution businesses, devising measures and monitoring illegal activities. The Ministry of Environment and the Ministry of Public Administration and Security both support the surveys and encourage cooperation with local governments. The Ministry of Culture, Sports and Tourism is responsible for public communication during the discussions on ending dog meat consumption. The Ministry of Economy and Finance is responsible for budgeting to advance the implementation of ending dog meat consumption.³⁰

³⁰ Ministry Joint Press Release, Intensive discussion for Dog Meat Ban by Social Discussion Committee and Government Consultative Body (2021)

4.1.2. Results of the Factual Survey and Public Perception Survey

The discussion committee and governmental bodies held a total of 14 meetings, consisting of 7 plenary sessions and 7 subcommittee meetings, from their inception until April 2022. In December 2021, a nationwide public perception survey on dog meat involving 3,000 adults was conducted. Additionally, from December 2021 to February 2022, government officials conducted on-site inspections of dog farm, dog slaughterhouse and restaurants jointly with relevant ministries to assess the operational conditions. This marks the first official government survey conducted on dog meat-related matters. The results of the surveys are as follows:³¹

Result of Factual Survey on Dog Meat Consumption

Dogs raised for consumption	Dog Meat Restaurant	Dog Farm Facility	Average Age of Dog Farm Operator	Dogs Slaughtered per year
500,000 450/each farm	1,666	1,156	63.8	388,000

As of September 2022, it was estimated that there are approximately 500,000 dogs being raised for consumption purposes in South Korea. There were 1,666 restaurants identified as selling dog meat, and 1,156 dog farming facilities. Approximately 380,000 dogs were slaughtered annually for consumption purposes.

According to the perception survey conducted by the Ministry of Agriculture, Food and Rural Affairs regarding the discontinuation of dog meat consumption:

- 55.8% of respondents believed that dog meat consumption should be discontinued.
- Regarding the legalization of dog slaughter for consumption purposes, 52.7% of respondents opposed the idea.
- When asked whether they eat dog meat, 85.5% of respondents stated that they do not eat dog meat. Additionally, 80% of respondents indicated that they have no intention of eating dog meat in the future.³²

Based on the comprehensive analysis of the survey results and public perceptions, it is evident that the dog meat industry is no longer sustainable in South Korean society. Particularly noteworthy is the average age of dog farming operators, 63.8 years old,

³¹ Ministry Joint Press Release, Inception of Social Discussion Committee and Government Consultative Body for Dog Meat Ban (2021)

³² KBS NEWS. 520,000 Dogs on Farms... 55.8% of Public Calls for End to Dog Meat Consumption (2022)

indicating a significantly aging population within this industry. This demographic trend suggests that the dog meat industry is declining and approaching obsolescence.

4.2. Interpretation of Dog Meat Ban Act (2024)

4.2.1. Purpose of the Act and Definition

The purpose of this law is to contribute to the realization of animal welfare values, emphasizing respect for life and harmonious coexistence between humans and animals, by establishing necessary measures to end the consumption of dog meat. The definitions of terms used in this law are as follows: “Dog farming facility” refers to a farm where dogs are raised for consumption purposes. “Farm operator” refers to the person who manages a dog farming facility. “Dog meat slaughterer or distributor” refers to a person who slaughters or processes dogs for consumption purposes or distributes and sells food made from dogs or dog-derived ingredients. “Dog meat food service provider” refers to a person engaged in general restaurant operations according to Article 36 of Food Sanitation Act (1962), where food is cooked and processed using dog meat or dog-derived ingredients for sale.³³ This law takes precedence over other laws when it comes to the ban of dog meat consumption.

4.2.2. Duty and Authorization of Government

According to this law, government and local governments must establish measures necessary to end the consumption of dog meat, and if necessary, provide administrative and financial support to implement these measures.³⁴ The Ministry of Agriculture, Food and Rural Affairs is mandated to formulate a “Comprehensive Plan for Dog Meat Ban”. This plan should encompass policies pertaining to the formulation and adjustment of key measures aimed at ending dog meat consumption, matters concerning the closure or transition of farm operators, dog meat slaughterers or distributors, and dog meat food service providers, as well as issues related to the protection and management of dogs abandoned by farm operators.³⁵

Furthermore, the Ministry of Agriculture, Food and Rural Affairs may conduct factual surveys on the operational status of operators, and other matters deemed necessary for the efficient formulation and implementation of the aforementioned plan. In conducting these surveys, the ministry may request the submission of necessary data from relevant

³³ DOG MEAT BAN ACT, Article 2 (Definition), Hereinafter, these entities will be referred to as “operators.”

³⁴ *Ibid.* Article 3 (Duty of Government) (1).

³⁵ *Ibid.* Article 6 (Comprehensive Plan for Dog Meat Ban).

central administrative agencies, local governments, and animal-related organizations. Those requested to submit data must comply unless there are specific reasons not to do so.³⁶

The Ministry of Agriculture, Food and Rural Affairs may require operators to submit necessary data for the performance of duties such as factual surveys. It may also authorize its officials to enter facilities or premises, inspect operational conditions, and examine relevant documents.³⁷ Furthermore, for operators who fail to comply with requirements such as submitting an action plan for closure or transition of operation, the Ministry may specify necessary measures and set deadlines for compliance.³⁸ The government may order the closure of facilities for operators who violate the order.³⁹ If the closure order is not complied with, government officials may take the following actions: Removal or deletion of signs or other business signage from the establishment, Affixing notices indicating that the establishment is not a lawful business, Sealing off necessary facilities or equipment essential for the operation of the establishment.⁴⁰ Furthermore, local government shall, based on the compliance measures mentioned above, order appropriate measures for the management, care, and protection of animals, including instructing dog farming facilities to transfer or otherwise manage animals they possess responsibly.⁴¹

Through this provision, the Ministry of Agriculture, Food and Rural Affairs has gained the authority to conduct foundational factual surveys underpinning all policies. It is anticipated that with the submission of closure and transition implementation plans by operators, the facilities can be more thoroughly investigated and managed based on these plans. Additionally, the Ministry has acquired the right to demand the submission of necessary data. Therefore, it is anticipated that the ministry will be able to demonstrate enhanced administrative capabilities in policy formulation and execution.

4.2.3. *Duty and Remedies of Operators*

According to the Dog Meat Ban Act, operators, as well as private organizations and relevant experts as defined in Article 4, Paragraph 3 of the Animal Protection Act, must actively cooperate with national and local government policies aimed at ending the consumption of dog meat.⁴²

³⁶ *Ibid.* Article 7 (Factual Survey)

³⁷ *Ibid.* Article 13 (Access and Inspection)

³⁸ *Ibid.* Article 14 (Order for Compliance) (1)

³⁹ *Ibid.* Article 14 (Order for Compliance) (2)

⁴⁰ *Ibid.* Article 14 (Order for Compliance) (3)

⁴¹ *Ibid.* Article 14 (Order for Compliance) (5)

⁴² *Ibid.* Article 3 (Duty of Government) (2)

Under this law, current operators must submit an operation report to local government within 3 months from the date of promulgation of the law.⁴³ The operation report must include the personal information of the declarant, the farm's name, operating period, address, contact information, current number of dogs being raised, average annual number of dogs raised, actual farming area, and total farm area.

Furthermore, along with the operation report, an action plan for closure and transition of facilities (hereinafter referred to as the "Action Plan") containing details related to closure or transition of dog meat facilities must be submitted to local government within 6 months from the date of promulgation of this law, and it must be faithfully implemented.⁴⁴ The Action Plan must specify the planned closure date of the business, details of measures for closure or transition, and the dates of implementation. The local government must conduct regular inspections at least once every six months to verify compliance with the plan submitted by operators. Additionally, inspections may be conducted as needed.⁴⁵

The state or local government must provide financial support for closure or transition of facilities to those who have submitted the operation report and the Action Plan Article 10, Paragraph 1 and Paragraph 3.⁴⁶ The specifics of support, including eligibility criteria, standards, and procedures, will be determined by presidential decree, which is currently under discussion.

4.2.4. *Prohibition and Punishment*

According to Article 5 of this law, no one may breed, multiply, or slaughter dogs for consumption purposes.⁴⁷ Furthermore, the establishment of new facilities for dog farming, slaughterhouses, facilities for distributing and selling food made from dogs as ingredients, and facilities for cooking, processing, and selling food made from dogs is also prohibited.⁴⁸

Anyone who slaughters dogs for consumption purposes in violation thereof shall be subject to imprisonment for up to three years or a fine of up to thirty million won⁴⁹.

⁴³ *Ibid.* Article 10 (Reporting and Submission of Action Plan) (1), there are three (3) types of reporting form according to the type of operators; operation report of Dog Farm facility, of Dog Slaughter and Distributor and Dog Meat Restaurant

⁴⁴ *Ibid.* Article 10 (Reporting and Submission of Action Plan) (3)

⁴⁵ *Ibid.* Article 10 (Reporting and Submission of Action Plan) (6)

⁴⁶ *Ibid.* Article 11 (Governmental Support for Closure of Facilities) and Article 12 (Governmental Support for Transition of Facilities)

⁴⁷ *Ibid.* Article 5 (Ban of Breeding, Slaughtering and Distributing Dogs for Consumption Purposes)

⁴⁸ *Ibid.* Article 9 (Ban of New Establishment of Dog Meat Facilities)

⁴⁹ 30,000,000 KRW is equivalent to about 22,000 USD or 20,000 EUR

Similarly, anyone who breeds or multiplies dogs for consumption purposes in violation thereof or distributes or sells food made from dogs or dog meat, shall be subject to imprisonment for up to two years or a fine of up to twenty million won.⁵⁰⁵¹

Anyone who establish or operate additional and new facilities without reporting, fail to submit an Action Plan, or fail to compile and retain Dog Management Register shall be subject to administrative fines of up to three million won.⁵² Those who unjustifiably refuse or obstruct requests for data submission under Article 13(1), or who refuse or impede entry or investigation pursuant to Article 13(1) without legitimate reason, shall be subject to administrative fines of up to one million won.”⁵³ ⁵⁴

4.3. Anticipated Effects

On April 30, 2023, the Ministry of Agriculture, Food and Rural Affairs established a dedicated task force named “Dog Meat Ban TF” to perform tasks necessary for the ban of Dog Meat. This task force consists of a total of 13 members, including officials from the Ministry of Public Administration and Safety, the Ministry of Food and Drug Safety, and staff from the Ministry of Agriculture, Food and Rural Affairs.

Once the enforcement of the Dog Meat Ban Act begins under the auspices of this task force, the dog farms and dog meat-selling restaurants identified in the previous survey results will become subject to the application of the law. This law clearly defines the scope of application, prohibited acts, and the obligations and roles of the state and administrative agencies, which is expected to resolve conflicts and legal gaps identified in the Livestock Industry Act and the Livestock Products Sanitary Control Act. Furthermore, it is anticipated that this law will prompt a reassessment of the supervisory role of negligent regulatory agencies that have previously neglected the ethical, social, environmental, and legal issues associated with dog meat consumption.

⁵⁰ 20,000,000 KRW is equivalent to about 15,000 or 13,000 EUR

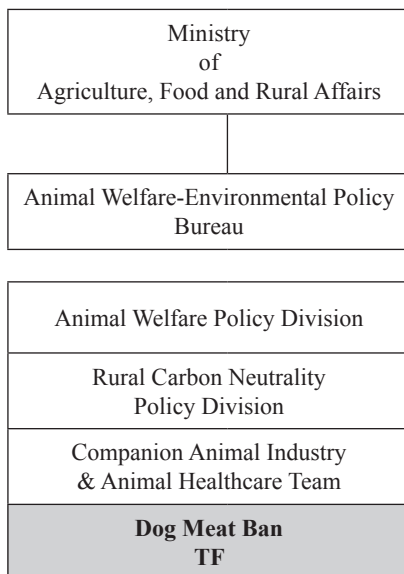
⁵¹ *Ibid.* Article 17 (Punishment)

⁵² 3,000,000 KRW is equivalent to about 2,200 USD or 2,000 EUR

⁵³ 1,000,000 KRW is equivalent to about 740 USD or 690 EUR

⁵⁴ *Ibid.* Article 18 (Administrative Fine)

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4.4. Legal challenges on dog meat ban act

4.4.1. *Management of Dogs on farm during Grace Period of Dog Meat Ban Act*

This law will come into effect on August 7, 2024, six months after its promulgation. However, certain provisions of the law may have different effective dates specified within them. According to Addenda, Article 1, Article 2, Article 7, Article 9, Article 10, Article 13, Article 14 and Article 18⁵⁵ are effective from the date of its promulgation. Articles 5 and 17 will be applicable three years after the date of promulgation.⁵⁶

As we discussed above, Article 5 of this law prohibits the breeding, slaughtering, distribution, and sale of dogs for consumption. Under this provision, no one may breed

⁵⁵ *Ibid.* Article 1 (Purpose), Article 2 (Definition), Article 7 (Factual Survey), Article 9 (Ban of New Establishment of Dog Meat Facilities), Article 10 (Reporting and Submission of Action Plan), Article 13 (Access and Inspection), Article 14 (Order for Compliance), Article 18 (Administrative Fine)

⁵⁶ *Ibid.* Addenda (Enforcement Date)

or slaughter dogs for consumption. Additionally, no one may distribute or sell food products prepared from dogs (including carcasses or meat) or use dogs as ingredients for cooking or processing food for consumption. Article 17 of this law specifies penalties. Anyone who violates Article 5 by slaughtering dogs for consumption is subject to imprisonment for up to three years or a fine of up to thirty million won. Those who violate Article 5, Paragraph 1 by breeding or multiplying dogs for consumption, or violate Paragraph 2 by distributing or selling food products prepared from dogs, are subject to imprisonment for up to two years or a fine of up to twenty million won. To sum up, these provisions will be enforced and applied from February 7, 2027.

Therefore, it is a harsh reality that, until the provisions prohibiting the breeding, slaughtering, distribution, and sale of dogs for consumption under this law come into effect on February 7, 2027, the 500,000 dogs still trapped in hellish dog farms are susceptible to slaughter. This tragedy extends beyond these 500,000 dogs, affecting their offspring and subsequent generations. The transitional period was established to serve as a buffer zone to minimize the economic and property rights impact on operators' transition and closure. However, considering the ultimate purpose and intent of this law, the measures for protecting the dogs on farms during this grace period are disproportionately inadequate compared to the protective measures for operators.

Fortunately, on April 26, 2024, the Ministry of Agriculture, Food and Rural Affairs issued an announcement requiring operators to maintain and store a "Dog Management Register" regarding the management of dogs they possess, starting from one year before the planned closure date and recording monthly updates from the 1st day of each month. This register must include comprehensive register of the total number of dogs held, their gender, mortality status, slaughter status, breeding status, and other pertinent details. Operators must maintain and retain this register until they receive financial support from the government for closure or transition.⁵⁷ Furthermore, the Ministry of Agriculture, Food and Rural Affairs must review the validity of this ordinance every three years and take measures for improvement or modification.⁵⁸ Through this ordinance, it is expected that during the grace period, the remaining dogs on farms can be managed and supervised in a more systematic manner respecting animal welfare and animal protection

4.4.2. Constitutional Challenges on Operators' Property Right

The Korean Dog Meat Association filed a constitutional petition and a request for injunctive relief against the recently enacted Dog Meat Ban Act, alleging that it is

⁵⁷ Ordinance of Ministry of Agriculture, Food and Rural Affairs, Regulations on Reporting and Registration of Dog Meat Farms 2024-32, Article 4 (Management of Dogs on farm)

⁵⁸ *Ibid.*, Article 5 (Term of Reassessment)

unconstitutional. On March 26, 2024, around 50 members of the association held a press conference in front of the Constitutional Court in Seoul, asserting that the Act infringes upon the people's freedom to choose what they eat⁵⁹ and violates the freedom of occupation and property rights of individuals engaged in related industries⁶⁰. Three representatives each from livestock farmers, distributors, and consumers filed the constitutional petition.⁶¹

This lawsuit is not the first of its kind. A consumer who regularly had enjoyed dog meat like any other food and an Operator engaged in the rearing and sale of dogs claimed the infringement of his health rights, environmental rights, pursuit of happiness, freedom of occupation and equality rights due to the legislative failure to enact laws regulating dog meat hygiene, rearing, slaughter, and distribution. They filed this constitutional petition on February 19, 2014.⁶² That is, the petitioners argue that by neglecting to implement strict hygiene management for dog meat despite the state's obligation to do so, their fundamental rights have been violated. Essentially, what the petitioners ultimately contend is that the failure to enact a law regulating hygiene management of dog meat, which is not substantially different from livestock meat such as beef, pork, and chicken regulated under the Livestock Products Hygiene Management Act, constitutes a violation of their rights.⁶³ This case was dismissed as untimely due to exceeding the statutory time limit for filing the petition, thus precluding a substantive review of the merits.

However, scholars assess that these claimants' arguments would likely have been rejected even in the substantive review. According to the Constitution, the Health Right means "The health of all citizens shall be protected by the State".^{64,65} In this matter, it is highly likely that a decision would conclude that the state has failed to fulfil its obligation to implement proactive policies to prevent the environmental and health risks caused by the dog meat industry from infringing on the health rights of the nation's citizens. Because the South Korean government demonstrated efforts to legislate and address

⁵⁹ CONSTITUTION OF THE REPUBLIC OF KOREA, Article 10 All citizens shall be assured of human worth and dignity and have the right to pursuit of happiness. It shall be the duty of the State to confirm and guarantee the fundamental and inviolable human rights of individuals.

⁶⁰ *Ibid.*, Article 15 All citizens shall enjoy freedom of occupation.

⁶¹ CONSTITUTIONAL COURT ACT, Article 68 (Grounds for Request) (1) Any person whose fundamental rights guaranteed by the Constitution are infringed due to exercise or non-exercise of the governmental power, excluding judgment of the courts, may request adjudication on a constitutional complaint with the Constitutional Court.

⁶² 2014헌마133(2015), Constitutional Court of Korea

⁶³ *Ibid.*

⁶⁴ The obligation of the state not to infringe upon the health rights of its citizens is characterized by a negative duty, while the duty to actively implement health policies to protect the health of the people is characterized by a positive duty.

⁶⁵ Constitution Article 36 (3)

issues related to dog meat around the time of the 1988 Olympics and the 2002 Korea-Japan World Cup, possibly in response to international criticism, it indicates that the government recognized the dog meat issue as culturally and hygienically problematic and in need of resolution.⁶⁶

Regarding the claim of infringement on the freedom of occupation of the claimants related to their choice of the dog meat industry as a profession, while the constitutional right to freedom of occupation is recognized, it may be difficult to acknowledge an infringement on this right due to the prevailing trend of many operators participating in the Dog Meat Ban Committee, acknowledging and consenting to the decline of the dog meat industry as a societal shift, and aligning with this trend.⁶⁷

5. CONCLUSION

The enactment of the Dog Meat Ban Act took far too long. Many dogs were sacrificed outside the bounds of the law, and many individuals failed to take responsibility. Despite being an urgent social and legal issue, the dog meat problem was neglected under the lax oversight of legislative and administrative bodies overseeing animal-related laws.

Given this past context, there is great anticipation for the role of the Dog Meat Ban Act moving forward. The establishment of committees like the Dog Meat Ban Task Force, including Social Discussion Committee and Government Consultative Body on Dog Meat Ban, holds significant meaning. Through the composition of these bodies, there is potential to overhaul the lax oversight on existing dog farms and the dog meat industry. Furthermore, the formation of these entities can be seen not only as a step towards ending dog meat consumption but also as a reflection of the Korean government's renewed commitment to animal welfare.

Furthermore, through the enactment of the Dog Meat Ban Act, I believe it can address the inconsistencies highlighted by the Livestock Act and Livestock Products Sanitation Management Act. It is hoped that this law will serve as a cornerstone for regulating all actions related to dog meat. However, during the grace period, proactive efforts must be made to devise ways to rescue the dogs currently on these farms. This will require active cooperation to facilitate surrendering ownership and transferring care responsibilities to the government and animal welfare organizations. While it may not be realistically possible to rescue all 500,000 dogs, it is imperative to allocate budgetary resources and provide policy support to save as many lives as possible. Additionally, as we saw above,

⁶⁶ CHOI, J. Constitutional Issues and Challenges for the Dog Meat Industry, *Environmental Law and Policy* 30 (2022) 69

⁶⁷ *Ibid.*, p.71

if the Constitutional Court maintains its precedent, although unlikely, public attention should be paid to the outcome of the constitutional challenge filed by Korean Dog Meat Association for their property right.

The movement towards ending dog meat consumption is now underway. I hope that the process of ending dog meat consumption in Korea can serve as a positive example for addressing other animal-related issues that other countries are facing.

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