

Human Rights Situation of LGBTI in South Korea



The Korean Society of Law and Policy on **Sexual Orientation and Gender Identity (SOGI LAW)** is a group of human rights lawyers and researchers working to advocate LGBTI people, to advance intellectual discussions on SOGI issues, and to bring changes to social and legal policies and systems so as to protect and promote the human rights of LGBTI people in South Korea. Founded in 2011, it has worked on numerous projects including lawsuits for the legal gender recognition of transgender people, survey studies on the lives and needs of LGBTI people and communities, and annual reports on the human rights situation of LGBTI people in South Korea.

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SOGI LAW's History and Major Activities

Aug. 2011	Founded (Chair: Chang Suh-yeon, Lawyer at Gonggam Human Rights Law Foundation)
Sept. 30, 2011	Co-organized a discussion with Professor Taniguchi Hiroyuki (Takaoka University of Law, Japan) with the Rainbow Action against Sexual-Minority Discrimination
Jun. 1, 2012	Participated in the process of developing Trans-Roadmap, a website containing information and human rights guidelines for transgender people (produced by the Group for Gender/Sexual Diversity "Dassi" and the Korean Lawyers for Public Interest and Human Rights)
Oct. 27, 2012	Participated in the academic conference "The Reality of LGBTI Rights in South Korea in 2012" (sponsored by the Supreme Court International Human Rights Law Society and the Seoul National University Center for Public Interest and Human Rights Law)
Mar. 15, 2013	Press release "Legal gender recognition possible without undergoing genital reconstruction surgery if transgender people have had their internal reproductive organs removed"
Jul. 31, 2013	Co-sponsored a lecture by Japanese transgender human rights activist Ueda Chihiro with the offices of National Assembly members Chang Hana and Jin Sun-mee and the Rainbow Action
Aug. 9, 2013	Commentary "The Supreme Court decision that denies the school's responsibility for student suicide due to homophobic bullying has neglected the judiciary's duty"
Sept. 14, 2013	Co-sponsored the discussion "How Are We to Proceed with Same-sex Union Litigations?" with the "My Fair Wedding" project and the Rainbow Action
Nov. 19, 2013	Commentary Commentary on Seoul Western District Court's Nov. 19, 2013 decision permitting legal gender recognition to a transgender person who had not fulfilled only external genital reconstruction out of all legal requirements
Mar. 10, 2014	Selected as grantee of the "Incubating Human Rights Organizations" project and moved into Human Rights Center Saram
Sept. 30, 2014	Coordinated an interview of Susanne Baer, a justice at the Federal Constitutional Court of Germany, by Professor Yi Zoon-Il of Korea University School of Law (press coverage: "Justice must also be shown for it to be practiced," Hankyoreh 21, vol. 1033, Oct. 2014)
Dec. 23, 2014	Commentary "Expressing condolences for the death of an intersex infant born with Klinefelter syndrome, we wish for a society where those born with diverse bodies, too, will be treated with respect" (jointly issued by Women with Disabilities "Empathy")

Sept.-Dec. 2014	Organized workshops on the South Korean LGBTI Community Social Needs Assessment Survey per gender identity/sexual orientation group (sponsored by Korean Gay Men's Human Rights Group "Chingusai")
Jan. 6, 2015	Hosted a discussion between Vitit Muntarbhorn and LGBTI rights activists (jointly sponsored by the Rainbow Action)
Feb. 2015	Co-organized a civil society discussion series on the Life Partnership Act with the office of National Assembly member Jin Sun-mee, etc.
Mar. 2015	Participated in the 59th session of the UN Commission on the Status of Women and engaged in networking activities (joint participation by our researcher Na Youngjung and the Rainbow Action)
Aug. 2015	Co-organized the 1st LGBTI Lawyers Meeting
Sept. 2015	Filed a petition against Lee Sungho, President of the National Human Rights Commission of Korea, who concealed the results of the survey on LGBT human rights situation
Oct. 2015	Joined International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA); Participated in ILGA-Asia Conference; Lawyer Ryu Minhee (Member of SOGI LAW; Korean Lawyers for Public Interest and Human Rights "Hope and Law") was elected as board member of ILGA-Asia.
Nov. 10, 2015	Release of the final result of "Fact-finding Research on Discriminations Based on Sexual Orientation and Gender Identity" commissioned by the National Human Rights Commission of Korea in 2014
Nov. 27, 2015	Co-organized a conference "Directions and Future of Gender Equality Policy, Theory, and Activism"
Feb.-Apr. 2016	Giving lectures for the 1st Chang-bi Academy "Sexual Minorities Questioning the Korean Society"
Mar. 2016	Lawyer Han Ga-ram (Korean Lawyers for Public Interest and Human Rights "Hope and Law") was appointed as Chair of SOGI LAW
Articles	<ul style="list-style-type: none"> - 2013 "Introduction to the Korean Society of Law and Policy on Sexual Orientation and Gender Identity," Korean Journal of Law & Society 45: 455-460. - "Problems Encountered in Describing the LGBTI Populations and Communities: With a Focus on the South Korean LGBTI Community Social Needs Assessment Survey," Sex and Gender Theory 32: 92-108 (Na Youngjung and Jeong Hyun Hee

Research	<ul style="list-style-type: none"> - Jun. 2012 - May 2014 "South Korean LGBTI Community Social Needs Assessment Survey" (commissioned by Korean Gay Men's Human Rights Group "Chingusai") - Jun. - Dec. 2014 "Survey on the Situation of Discrimination Based on Sexual Orientation and Gender Identity (joint research with Gonggam Human Rights Law Foundation; commissioned by the National Human Rights Commission of Korea)
Annual Reports	<ul style="list-style-type: none"> - May 18, 2014 Annual Review 2013: Human Rights Situation of LGBTI in South Korea (in Korean) - June 28, 2015 Annual Review 2014: Human Rights Situation of LGBTI in South Korea (funded by the Beautiful Foundation; Korean edition was originally published on May 17, 2015.) Launched a webpage for the Annual Reports (annual.sogilaw.org) - June 11, 2016 Annual Review 2015: Human Rights Situation of LGBTI in South Korea (funded by the April 9 Unification & Peace Foundation; Korean edition was originally published on May 17, 2016.)
SOGI Human Rights Academy	Jan. - Feb. 2016 The 1st batch of the 7-week course, "SOGI Human Rights Academy" (funded by the Human Rights Foundation Saram)
SOGI Colloquia	<ul style="list-style-type: none"> - 1st: "The Legal Requirements for and Issues of Transgender People's Legal Gender Recognition: With a Focus on the Decision of the Seoul Western District Court, Which Permitted Legal Gender Recognition without Genital Reconstruction"(Jun. 29, 2013) - 2nd: "The Meaning and Legal Issues of the Institutionalization of Same-sex Unions"(Aug. 20, 2013) - 3rd: "School Violence against LGBT Youths and the Responsibility of Schools: With a Focus on Supreme Court Decision 2013Da203215, 7/26/2013"(Apr. 26, 2014) - 4th: "Military Criminal Act and Homosexuality: The Discourse on Homosexuality Surrounding Article 92-6 of the Military Criminal Act and Civil Rights of LGBTI People"(May 21, 2014; jointly sponsored by the Network for Reporting Discrimination and Human Rights Violation against LGBTI in Relation to the Military)
Legal Representation and Advisory Activities	<ul style="list-style-type: none"> - Legal representation in lawsuits involving the legal gender recognition of transgender people (Seoul Western District Court and many others) - Provision of written opinions and advisory services on cases regarding sexual orientation and gender identity (National Human Rights Commission of Korea, etc.)
Coalitions	Rainbow Action against Sexual-Minority Discrimination ILGA - the International Lesbian, Gay, Bisexual, Trans and Intersex Association

Foreword **On the Publication of Annual Review 2015:
Human Rights Situation of LGBTI in South Korea**

It's been over 20 years since LGBTI human rights movements began in South Korea. We have seen many institutional changes, incidents, and movements including but not limited to: the inclusion of "sexual orientation" as a prohibited ground of discrimination in the National Human Rights Commission Act enacted in 2001, thus codifying a legal norm concerning the human rights of LGBTI people for the first time in the country's history; a movement in 2003 to delete a provision on homosexuality from the Criteria for Deliberation of Media Materials Harmful to Youths in the Enforcement Decree of the Juvenile Protection Act; a decision in 2006 of the Supreme Court of Korea that allowed legal gender recognition of a transgender person, and an ensuing movement to legislate the Special Act on Legal Gender Change for Transgender People; the concerted efforts in 2007 in response to the deletion, by the Ministry of Justice, of "sexual orientation" from the prohibited grounds of discrimination in the Anti-Discrimination Bill; the campaigns and legal advocacy in 2010 to urge a decision declaring the unconstitutionality of the crime of "disgraceful conduct" in the Military Criminal Act; the occupation of and sit-in protest in the Seoul Metropolitan Council building in 2011 for the passage of the original draft of Seoul Student Rights Ordinance, with "sexual orientation" and "gender identity" intact among the prohibited grounds of discrimination; and the occupation of and sit-in protest in the lobby of Seoul City Hall in 2014 in resistance to the abandonment of the Charter of Human Rights for Seoul Citizens by the Seoul Metropolitan Government.

We, the Korean Society of Law and Policy on Sexual Orientation and Gender Identity, began to publish the Human Rights Situation of LGBTI in South Korea series in 2014, aiming at establishing a system for collecting and recording each year the important events, laws, movements, and history concerning LGBTI people in the country. To accomplish such goals, we tried to touch on diverse fields relevant to sexual orientation and gender identity by referring to a list of issues used in the international community and sought to include all current laws concerning LGBTI people without omission. It was gratifying for us to see the prior reports quoted in diverse academic books,

papers and presentations during the past years.

South Korea is one of the countries with insufficient information on the status of LGBTI rights in the international community due to language and regional barriers. We have therefore keenly felt the need to translate our report into foreign languages and to distribute abroad information on the current issues and state of South Korea regarding sexual orientation and gender identity. Thus we began publishing an English translation of the report last year. This means a lot to us in that we now have a systematic channel to inform international human rights experts and activists of situation of South Korea.

I would like to express my special thanks to: Lawyer Cho Hyein who directed the project as editor-in-chief beside collecting relevant data and writing chapters, Professor Kim Jihye who generously took a position as editor of the English edition, and associate researcher Jeong Huyn Hee who coordinated the publication process. My thanks should also be extended to: lawyer Ryu Minhee, researcher Kim Hyunkyung, researcher Park Hanhee, and former associate researcher Na Youngjung, who contributed as authors; Kim Jumin, volunteer activist of "Hope and Law", and Im Yookyeong, who translated the Korean edition into English; and designer Lee Kyungmin, who beautifully designed this report and made it easier to read. Also, this year's report would not have been able to be published if it had not been for financial support from the April 9 Unification & Peace Foundation. My deepest thanks should go to the April 9 Unification & Peace Foundation.

I sincerely hope that this report will be read widely in and outside of South Korea and make a meaningful contribution in documenting and understanding the current human rights situation of LGBTI people in South Korea.

May 17, 2016

On the International Day against Homophobia,
Biphobia, and Transphobia(IDAHOBIT),

Han Ga-ram

Chair

Korean Society of Law and Policy on Sexual Orientation and Gender Identity

Contents

Foreword	8		
I . An Overview: LGBTI Human Rights in South Korea in 2015	13		
II . South Korea Rainbow Index in 2015	19		
III. LGBTI Human Rights Situation by Area	27		
1. Criminalization	29		
2. Equality and Non-discrimination	31		
3. National Human Rights Commission of Korea and local human rights bodies	36		
4. Employment	42		
5. Access to Goods and Services	47		
6. Education/Youth	50		
7. Military	60		
8. Police	64		
9. Detention/Correctional Facilities/Asylum	68		
10. Freedom of Expression, Assembly, and Association	70		
11. Hate Speech	76		
12. Hate Crime	82		
13. Human Rights Defenders	85		
14. Legal Gender Recognition	88		
15. Marriage Equality	92		
16. Sexual and Reproductive Rights	95		
17. Health	98		
18. Social Security	107		
19. Public Opinion/Media	109		
20. Survey/Research	114		
21. International Human Rights Mechanism	120		
		IV. Table of Current South Korean Laws on Sexual Orientation and Gender Identity	123
		Appendices	147
		1. List of Major Court Cases and Decisions by International Human Rights Instruments, National Human Rights Commission of Korea and Local Government Human Rights Committees in 2015	149
		2. SOGI-related Parts in the UN Human Rights Committee’s Concluding Observations on the Fourth Periodic Report of the Republic of Korea	152
		3. List of LGBTI Activist Groups in South Korea	154
		4. List of supporters for <Annual Review 2015: Human Rights Situation of LGBTI in South Korea>	158

Chapter I .

**An Overview:
LGBTI Human Rights in
South Korea in 2015**



The “Rainbow Sit-in Protest” in late 2014 served as an opportunity to identify the growth and confidence of the LGBTI community in Korea and social support for LGBTI human rights. However, as much as the LGBTI community made progress, systematic incitement to discrimination against LGBTI people also intensified and the discrimination and violence experienced by LGBTI people became more visible. The state’s policy to exclude LGBTI human rights was especially conspicuous in every aspect and the dubious stance of Korea as the President of the UN Human Rights Council drew strong criticism from home and abroad.

In 2015, anti-LGBTI groups and conservative Protestants started in earnest the movement to remove “sexual orientation” from the prohibited grounds of discrimination as provided in the National Human Rights Commission Act and protested against provisions related to LGBTI people in various ordinances of local governments. They argued for the so-called “conversion therapy” and have continuously hold events that incite discrimination against LGBTI people in the form of forums or discussions. They systematically complained against broadcasts that feature LGBTI people in a positive light and persistently created and disseminated news articles, publications, videos, and documentaries etc. that incite discrimination against LGBTI people. They held a large demonstration in opposition to Queer Culture Festival and hate crime even occurred in which a church elder threw human feces to the queer parade. Inside universities, LGBTI-related expressions were continuously damaged and posters that incited discrimination were posted.

The situation of the human rights violations of LGBTI people was further revealed. The publication of the results of the “Survey on the situation of discrimination based on sexual orientation and gender identity 2014,” which was conducted by the National Human Rights Commission of Korea, identified in detail the discrimination that LGBTI people face in all sectors of society. Cases of unfair dismissal based on sexual orientation and refusal to grant sick leave for the purpose of gender transition were reported as well as a transgender person who was coerced to undergo “conversion therapy” at a religious facility.

The most serious issue that appeared in 2015 was the recognition of

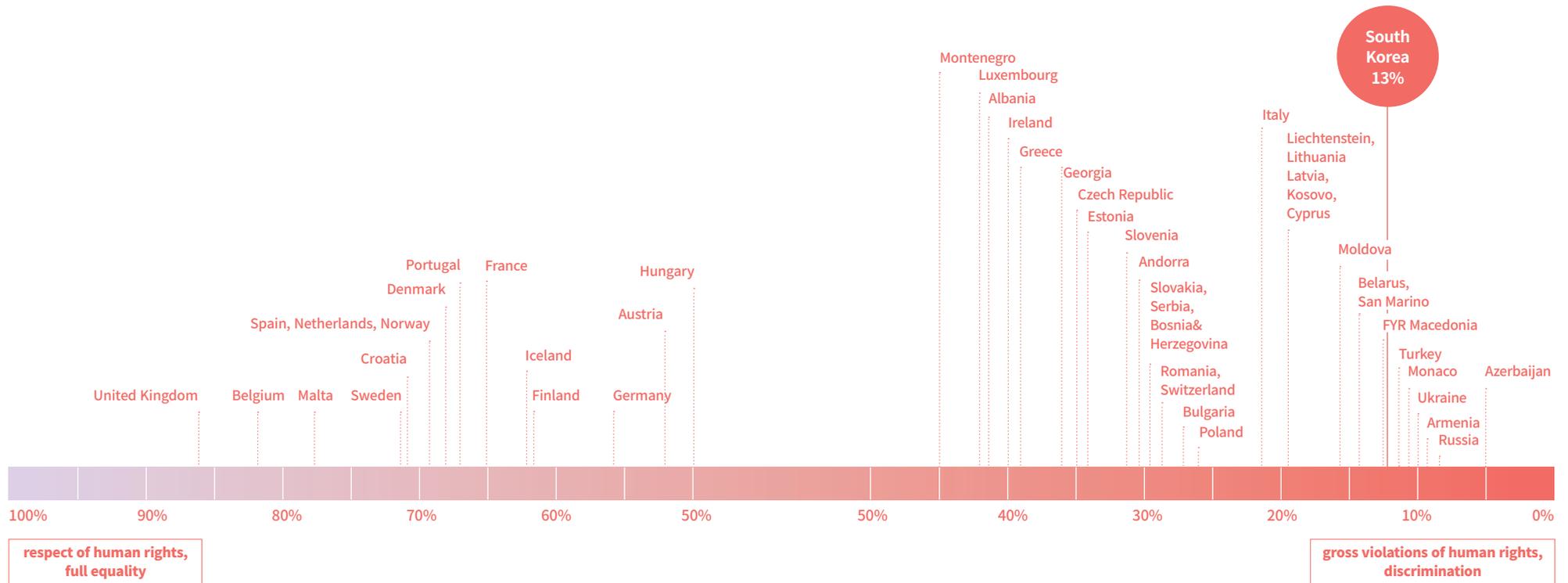
complaints made by anti-LGBTI groups and conservative Protestants by the State, local governments, and state agencies etc. These institutions have either publically displayed their will not to consider LGBTI people as a policy target group, or blatantly pursued policies that discriminate against LGBTI people. The Ministry of Gender Equality and Family sent an official document to Daejeon Metropolitan City and made a provision on the protection and support for LGBTI people to be removed from the city's "Gender Equality Ordinance" which had already been put to effect. The Ministry of Education intentionally deleted contents related to LGBTI people in the development and distribution of the "Nationwide Guideline for Sex Education Standards in School" The Ministry of Justice disapproved the application of a group for the promotion of LGBTI rights to be established as a legal entity. The police notified a ban of outdoor assembly regarding the Queer Culture Festival parade for the first time which took place for every year without a problem. The notice was later nullified by court decision. The Military Manpower Administration continued its custom of demanding irrevocable surgery as the criteria for military service exemption while criminally charging non-surgical transgender people for evasion of military service. The Korea Communications Standards Commission treated with discrimination expressions related to LGBTI people such as issuing a warning to a drama that broadcasted a kiss scene between two same-sex teenagers. The National Human Rights Commission of Korea received criticisms as people who lack awareness of LGBTI rights were appointed as non-standing commissioners and chairperson and as it allowed its premises to be rented for an event on so-called "conversion therapy."

In spite of such difficulties, the LGBTI community and human rights movement sustained growth. The largest ever Queer Culture Festival took place in Seoul and Daegu. In universities, the first ever openly out candidates were elected as the student body president and vice-president of the school's club association, and actions were organized in response to incidents of damaging LGBTI expressions. The movement to abolish the offence of "disgraceful conduct" in the Military Criminal Act continued. Experts provided opinions at the hearing of the same-

sex marriage litigation that the right to same-sex marriage should be guaranteed. Further, discussions on the right to form a family made progress as an international symposium on same-sex partnership rights took place with the participation of representatives from four countries. Two court decisions with positive implications were made in regards to the reproductive rights of transgender people, and the "2016 Korea HIV/AIDS Stigma Index Survey" in which people living with HIV/AIDS participate as pollsters was launched. LGBTI rights activists participated in the entire process of the examination of Korea's compliance with the International Covenant on Civil and Political Rights and reported on the situation of LGBTI human rights in Korea. In its concluding observations, the UN Human Rights Committee expressed concerns regarding the human rights situation of LGBTI people in Korea and made relevant recommendations through several paragraphs. The recommendations concerning discrimination against LGBTI were selected as a principal matter of concern, regarding which the Korean government has to submit information on its implementation status to the Committee within a year.

The following table shows the existence of laws and policies, or lack thereof, related to sexual orientation and gender identity in South Korea, and calculates the Rainbow Index in accordance with the framework of the ILGA-Europe Rainbow Map (Index) of May 2015 and the standards explicated in the ILGA-Europe Rainbow Map Explanatory Document.¹

The Rainbow Index for South Korea in 2015 was 13%, which increased by 0.85% points from the previous year. The increase is due to change in the weights and areas of evaluation, and does not imply actual change. In 2014, South Korea's index was similar to that of Macedonia (13%), which ranked 44th among 49 European countries. In 2015, too, South Korea maintained a similar index as Macedonia which ranked 43rd (13%) in 2015. Countries with indices lower than that of South Korea were Turkey (12%), Monaco (11%), Ukraine (10%), Armenia (9%), Russia (8%), and Azerbaijan (5%). Those with high indices included the United Kingdom (86%), Belgium (83%), Malta (77%), Sweden (72%), and Croatia (71%).



Equality and non-discrimination	Constitution (sexual orientation)	
	Employment (sexual orientation)	
	Goods and services (sexual orientation)	
	Other spheres of life (sexual orientation) ²	● 1.25
	Equality body mandate (sexual orientation) ³	● 2
	Equality action plan (sexual orientation) ⁴	
	Constitution (gender identity)	
	Employment (gender identity)	
	Goods and services (gender identity)	
	Other spheres of life (gender identity) ⁵	◎ 1.25
	Equality body mandate (gender identity)	
	Equality action plan (gender identity)	
	Law (gender expression)	
	Law and public policies (intersex)	
Family	Marriage equality	
	Registered partnership (similar rights to marriage)	
	Registered partnership (limited rights)	
	Cohabitation	
	No constitutional limitation on marriage ⁶	● 2

	Joint adoption	
	Second-parent adoption	
	Automatic co-parent recognition	
	Medically assisted insemination (couples)	
	Medically assisted insemination (singles)	
	Trans people can marry a person of the other gender ⁷	● 1
	Hate crime and hate speech	Hate crime law (sexual orientation)
Hate speech law (sexual orientation)		
Policy tackling hate crime and hate speech (sexual orientation)		
Hate crime law (gender identity)		
Hate speech law (gender identity)		
Policy tackling hate crime and hate speech (gender identity)		
Law (intersex)		
Legal gender recognition & bodily integrity	Existence of legal measures ⁸	● 1.5
	Existence of administrative procedures	
	Name change	● 1.2
	No “gender identity disorder” diagnosis/psychological opinion required ⁹	
	No compulsory medical intervention required ¹⁰	
No compulsory surgical intervention required ¹¹		

	No compulsory sterilisation required ¹²	
	No compulsory divorce required ¹³	
	Prohibition of medical intervention before child is able to give informed consent (intersex)	
Freedom of assembly, association, and expression	Public events held, no state obstruction (last 3 years) ¹⁴	
	Associations operate, no state obstruction (last 3 years) ¹⁵	
	No laws limiting expression (national/local)	● 2.8
Asylum	Law (sexual orientation)	
	Policy/other positive measures (sexual orientation)	
	Law (gender identity)	
	Policy/other positive measures (gender identity)	
Total		13%

- 1 For more information on the map, index, and the Explanatory Document, see: <http://www.rainbow-europe.org>
- 2 In relation to detention facilities, the Administration and Treatment of Correctional Institution Inmates Act and the Act on the Execution of Criminal Penalties in the Armed Forces and the Treatment of Military Inmates stipulate that inmates, without reasonable grounds, shall not be discriminated on the grounds of sexual orientation.
- 3 In accordance with the National Human Rights Commission Act, the National Human Rights Commission of Korea has the authority to investigate discriminatory acts violating the right to equality based on an individual's sexual orientation.
- 4 While the South Korean government's National Action Plan for the Promotion and Protection of Human Rights (NAP) includes categories related to "People with medical conditions and the sexual minority," there only are contents related to the review of legal principles for revising the object of the crime of "Rape" in the Criminal Act from "female" to "another [person]," and details related to the LGBTI human rights and equality are absent. (Although men, too, have come to be included among the objects of the crime of rape with the 2013 amendment of the Criminal Act and other laws, this change applies only to rape between members of the opposite sex. Regarding rape between people of the same sex, the crime of "Imitative Rape (Like-Rape)" is applied)
- 5 In relation to education, the Seoul Student Rights Ordinance proclaims that students have the right not to be discriminated on the grounds of their gender identities, and stipulates that superintendents of municipal offices of education, principals, teachers, and administrative staff at schools must strive to ensure LGBTI students' rights.
- 6 If marriage is limited to people of the opposite sex, the constitution would stipulate the definition of marriage as "union between man and woman", but there are no such clauses that either define or limit marriage in the Constitutional Law of Korea.
- 7 Transgender persons can marry only after one's gender reassignment is legally recognized.
- 8 There is no separate law for legal gender recognition, but legal gender recognition is provided through the court's interpretation of the Act on the Registration, etc. of Family Relationship and the Guidelines on the treatment of cases concerning transgender persons' application for legal recognition of gender reassignment etc., Supreme Court's established rules.
- 9 The Supreme Court's established rules, Guidelines on the treatment of cases concerning transgender persons' application for legal recognition of gender reassignment etc., requires "written diagnoses or appraisals from two or more professionally trained psychiatrists who diagnosed the applicant with transsexualism."
- 10 The Supreme Court's established rules, Guidelines on the treatment of cases concerning transgender persons' application for legal recognition of gender reassignment etc., demand investigations on "whether the applicant wished for surgical measures despite receiving psychiatric or hormone treatment etc. for a substantial period and underwent gender reassignment surgery under a qualified physician's judgment and responsibility, and whether his or her physical appearance, including the external genitals, has been changed to that of the opposite sex."
- 11 The Supreme Court's established rules, Guidelines on the treatment of cases concerning transgender persons' application for legal recognition of gender reassignment etc., demand a "written report of opinions and findings from the physician who performed gender reassignment surgery confirming that the applicant received gender reassignment surgery and currently exhibits a physical appearance similar to the genitals of the sex opposite to one's current biological sex."

- 12 The Supreme Court's established rules, Guidelines on the treatment of cases concerning transgender persons' application for legal recognition of gender reassignment etc., demands a "written diagnosis or appraisal in a professionally trained physician's name confirming that the applicant currently lacks reproductive capability and that there is no possibility for it to develop or be recovered in the future."
- 13 The Supreme Court's established rules, Guidelines on the treatment of cases concerning transgender persons' application for legal recognition of gender reassignment etc., require courts to investigate whether applicants are "currently married," thus demanding an unmarried state.
- 14 To hold "Coming Out Cultural Festival", the Rainbow Action against Sexual-Minority Discrimination applied for the use of the public stage installed on the "Walkable Street" near Hongik University in Seoul in 2013. However, Mapo District Office, under whose jurisdiction the area falls, rejected the application on the ground that "An event organized by sexual minorities [would] lead to civil complaints and disrupt harmony among the local residents" and that the vicinity was an "open area frequented by young students." In 2014, Seodaemun District Office, also in Seoul, abruptly cancelled its earlier approval for the use of the "Car-free Street" of Yeonse-ro (road) in the Sinchon area by the organizers and participants of the 15th Korea Queer Culture Festival only two weeks before the event. In 2015, Seoul Metropolitan Police Agency issued a notice of ban of parade regarding queer parade.
- 15 In 2014, Beyond the Rainbow Foundation submitted an application for approval of establishment to the Ministry of Justice etc. However, the Ministry of Justice rejected the application in 2015, citing that "the Foundation is an organization mainly for the promotion of the rights of minorities and, as such, its character is dissimilar to the organizations that are eligible for approval of establishment by the Ministry of Justice."



1. Criminalization

Movement to repeal the crime of 'disgraceful conduct' in the Military Criminal Act Continued

In 2015, human rights organizations/human rights activist groups continued to urge the repeal of the provision on 'disgraceful conduct' in the Military Criminal Act which punishes sexual acts between same-sex people, while the first bill for the abolishment of the crime was proposed in 2014. On June 9, 2015, before the opening ceremony of the Korea Queer Culture Festival (KQCF), the KQCF Organizing Committee and the Rainbow Action against Sexual Minority Discrimination held a press conference calling for the "repeal of Article 92-6 of the Military Criminal Act and the improvement of the rights of sexual minorities in relation to the military". These groups stated that the said provision spreads hate against LGBTI people and violates sexual autonomy and the right to equality. They further noted the human rights violations that LGBTI people experience in relation to the military and demanded improvement.¹

Article 92-6 of the Military Criminal Act provides that "anal intercourse or other disgraceful conduct" between military or paramilitary persons (civilian employee of the military, officer candidates etc.) "shall be punished by imprisonment with labor for not more than two years". This provision was amended in March 2013, and previously provided that "a person who commits gyegan or other disgraceful conduct shall be punished by imprisonment with prison labor for not more than two years". Inherited from the provision punishing "sodomy" in the Articles of War of the US Army, this provision has been in place since the enactment of the Military Criminal Act in 1962. In the amendment of 2013, the term gyegan, which was criticized for denigrating sexual acts between men as "acts between fowls", was replaced by "anal intercourse"

The UN Human Rights Committee recommends the repeal of 'disgraceful conduct' crime of the Military Criminal Act

On November 5, 2015, the UN Human Rights Committee expressed

concern regarding Article 92-6 of the Military Criminal Act, which punishes consensual sexual activities between men in the military, and recommended its repeal. It was the first time that the Committee recommended the repeal of the crime of ‘disgraceful conduct’ in the Military Criminal Act. The Korean government is obliged to report to the Committee within a year regarding the implementation of the Committee’s recommendations including the repeal of the said provision and

elimination of discrimination against sexual minorities (For the specific contents of the recommendation, refer to “Appendix 2. SOGI-related Parts in the UN Human Rights Committee’s Concluding Observations on the Fourth Periodic Report of the Republic of Korea”).²



¹ “Are you worried that your son will contract AIDS in the military?”, Pressian, 6/9/2015

² UN Human Rights Committee, “Concluding observations on the fourth periodic report of the Republic of Korea (CCPR/C/KOR/CO/4)”, 12/03/2015.

2. Equality and Non-Discrimination

Emergence of intense objection to non-discrimination regulations and threat to the National Human Rights Commission Act

There has been no attempt to propose or review an anti-discrimination bill since such bills were withdrawn in the National Assembly due to fierce protest from anti-LGBTI organizations and conservative Christians in 2013.¹ Those groups, including “Association of Five Organizations of Korean Christians and Believers in the National Assembly,” raised an issue with the provision that prohibits discrimination based on sexual orientation in the National Human Rights Commission Act. Recently, they began a campaign to remove the provision and announced that they would set this as a primary issue during the 20th National Election in April 2016.²

Removal of Provisions to protect and support LGBTI people in Daejeon Metropolitan City Gender Equality Ordinance

Anti-LGBTI groups’ interference with regards of gender equality principles has been more aggressive. On August 4, 2015, the Ministry of Gender Equality and Family requested Daejeon Metropolitan City to revise “Daejeon Metropolitan City Gender Equality Ordinance (entered into force on 07/01/2015).”³ It was to address a petition from Korean Christian Countermeasure Committee for Homosexuality. The Ministry stated on its official letter to Daejeon Metropolitan City that the Framework Act on Gender Equality (enacted on 06/22/2015), on which the ordinance was based, aims to guarantee women to have equal rights, duties, and opportunities in every field but does not include or define terms and policies related to LGBTI people. Therefore, it argued, the ordinance had been off the original purpose of the Framework Act on Gender Equality. The provisions concerned then were as following:

Daejeon Metropolitan City Gender Equality Ordinance

Article 3 (Developing an Implementation Plan for Gender Equality Policy)

② The implementation plan shall include following elements:

C. Protection and support for sexual minorities (“sexual minorities” refer to minority people regarding sexual orientation and gender identity such as gays, bisexuals, transgenders, and asexuals.

Article 22 (Support for Sexual Minorities)

- ① Mayor should put effort to ensure the same equal rights, participation and treatment of sexual minorities in every sphere.
- ② Mayor may provide support for sexual minorities as well under law and this ordinance.

As a response, LGBTI human rights organizations and women’s rights organizations formed “Roundtable for Gender Equality Reform” and kept protesting under a slogan “No gender equality without LGBTI human rights.” They requested for a meeting with the Minister of Gender Equality and Family but their request was not accepted. In Daejeon, “Campaign to Block Retrogressive Revision of Gender Equality Ordinance” was launched by an alliance of LGBTI people, women, youths, political parties.⁴

The Framework Act on Gender Equality is a whole revision of “Framework Act on Women’s Development” in accordance with the gender mainstreaming policy on the Beijing Declaration (1995) adopted by the 4th



Women's organizations and LGBTI human rights organizations protesting the Ministry of Gender Equality and Family in front of the Government Complex in Seoul © Lang: Web Magazine of the Solidarity for LGBT Human Rights of Korea

World Conference on Women. The Ministry of Gender Equality and Family was criticized for its authoritative interpretation regarding the provisions on protection of LGBTI people, because its interpretation contradicted the principle of mainstreaming non-discrimination included in the gender mainstreaming policy that tries to reflect diversity and intersectionality of age, race, disability, sexual orientation as well as gender.⁵ Unfortunately, the Revised Daejeon Metropolitan City Gender Equality Ordinance Bill was passed by the standing committee in September and adopted unanimously at the General Meeting on September 18, 2015.⁶

The debate over the Ordinance was extended to catalyze revision campaigns for other local ordinances on gender equality. For example, Gwacheon City Council removed provisions protecting LGBTI human rights (Article 16, Article 26) from Gwacheon Ordinance on Gender Equality (enacted on 08/02/2013) and revised it in entirety to “Gwacheon Ordinance on Equality of Two Genders” on November 13, 2015. This was a result of protests from Christian organizations such as the Association of Churches in Gwacheon. Anti-LGBTI and conservative Christian organizations argued that the term “gender equality” is problematic as it may include a variety of genders and that the ordinance should use “equality of two sexes” instead. Under the same context, these groups opposed to the Guro District of Seoul Gender Equality Ordinance Bill, arguing that it defined sex as “social gender” and thereby left a room for the rights of gays and transgender people to be included. The Bill ended up being adopted with the concerned phrase “social gender” removed from the original draft on October 1, 2015.⁷

UN Human Rights Committee made unprecedentedly strong recommendations related to LGBTI rights to the Korean government.

The UN Human Rights Committee included ending discrimination against LGBTI people as a primary recommendation in its “Concluding observations on the fourth periodic report of the Republic of Korea.” It said that “the State party should adopt



comprehensive anti-discrimination legislation, explicitly addressing all spheres of life and defining and prohibiting discrimination on all grounds, including discrimination based on race and sexual orientation and gender identity.“ It also stated clearly that “the State party should clearly and officially state that it does not tolerate any form of social stigmatization and discrimination, including propagation of so-called ‘conversion therapies’, hate speech, or violence against persons based on their sexual orientation or gender identity.” The Korean government should provide, within one year, relevant information on its implementation of the Committee’s recommendations including the ones on LGBTI human rights.⁸ (For the specific contents of the recommendation, refer to “Appendix 2. SOGI-related Parts in the UN Human Rights Committee’s Concluding Observations on the Fourth Periodic Report of the Republic of Korea”)

In the hearing regarding the appointment of Kim Hyun Woong as a new Minister of Justice on July 7, 2015, Kim was asked a question about his view on the Korean Queer Cultural Festival by a National Assembly member. In his response to that question, he said that “freedom of expression should be respected but it may be restricted for the sake of maintenance of order and public service” and that “[The Festival] does not comply with our society’s traditional values and norms so it should be regulated.”⁹ Much attention is drawn to how the government would respond to the recommendations of the UN Human Rights Committee when government officials openly make discriminatory comments on LGBTI people as shown in the above example.

- 1 “Are you worried that your son will contract AIDS in the military?”, Pressian, 6/9/2015
- 2 UN Human Rights Committee, “Concluding observations on the fourth periodic report of the Republic of Korea (CCPR/C/KOR/CO/4)”, 12/03/2015.
- 3 Ministry of Gender Equality and Family, Official Letter (Women’s Policy Division – 2693), “Request to improve “Daejeon Metropolitan City Gender Equality Ordinance,” 08/04/2015.
- 4 “LGBTI organizations denounces ‘the Ministry of Gender Equality and Family excludes LGBTI people’”, Yeonhap News, 08/13/2015.
- 5 Women’s Rights Committee and Minority Rights Committee of Minbyun-Lawyers for a Democratic Society, “Statement: Ministry of Gender Equality and Family must withdraw its request for revision of Daejeon Metropolitan City Gender Equality Ordinance to realize substantive gender equality policies.” 08/13/2015.
- 6 “Controversial Bill of Gender Equality that excludes LGBTI people adopted by Daejeon Metropolitan Council,” Oh My News, 09/16/2015.
- 7 “Ordinance bills on gender equality being threaten in multiple local districts,” Kyunghyang News, 08/17/2015.
- 8 UN Human Rights Committee, “Concluding observations on the fourth periodic report of the Republic of Korea (CCPR/C/KOR/CO/4)”, 12/03/2015.
- 9 “Kim Hyun Woong, Candidate for the new Minister of Justice, opposes same-sex marriage and says ‘Queer Pride should be restricted’”, Seoul Sinmun, 07/07/2015.

3. National Human Rights Commission of Korea and local human rights bodies

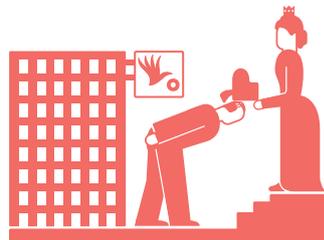
3.1 National Human Rights Commission of Korea (NHRCK)

ICC successively defers accreditation of NHRCK on the grounds of non-transparent appointment process of the president and commissioners

The International Coordinating Committee of National Human Rights Institutions (ICC) expressed concerns several times regarding the independence and appointment process of commissioners of the National Human Rights Commission of Korea.

In November 2008, the ICC re-accredited the NHRCK with 'A' status after reviewing its application. Yet ICC noted that "under article 5 of the founding Act, the process of appointing Commissioners, on nomination from the President, the National Assembly or the Chief Justice of the Supreme Court, does not provide for formal public consultation in the recruitment and scrutiny of candidates nor for the participation of civil society", and encouraged the "adoption of procedures that ensure a broad and transparent appointment process". However, as such issues were not improved, the ICC deferred consideration of the re-accreditation of the NHRCK for three times between March 2014 and March 2015.¹

The NHRCK was strongly criticized by the civil society when it appointed Pastor Choi I-u, who led the movement that opposed the anti-discrimination law and incited discrimination against LGBTI people, as a non-standing commissioner (nomination by the President of the Republic of Korea) on November 2014.² The Commission then appointed Lee Eunkyung as a non-standing commissioner (nomination by the ruling party) on January 2015. She is a deacon of a mega-church which is opposed to LGBTI rights and leads the movement against the legislation of an anti-discrimination law. Lee Eun-kyung is also the representative lawyer of the



law firm Sanji which is affiliated with Lee Tae-hee, a US attorney-at-law who is at the forefront of the anti-LGBT movement. A review on her qualifications as a human rights commissioner and experiences was likewise necessary, but she was nonetheless appointed as a human rights commissioner, once again drawing criticism regarding the appointment process of the Commission.³ On August 13, 2015, Lee Sung-ho, the former President of Seoul Central District Court, was appointed as the 7th chairperson of the Commission (nomination by the President of the Republic of Korea). However, Lee Sung-ho had a record of infringing the rights of a LGBT person in 2013 when he was the President of Seoul Southern District Court. He had ordered a transgender person who applied for gender reassignment recognition to submit "2 or more pictures that vindicate that the applicant possesses the external genitalia of a female". (For more information on this incident, see 14. Legal Gender Recognition)

On March 19, 2015, the National Human Rights Commission of Korea allowed the "2nd Forum on the Human Rights of Ex-Gays," which insists on gay conversion therapy, to take place on its premises. The incident drew the concerns of human rights groups from home and abroad.⁴ Human rights groups viewed the incident in line with the regression of the NHRCK's mandate to protect LGBTI rights, which is the consequence



Press conference by NGOs calling for the Blue House to provide an appointment process of the chairperson of NHRCK that ensures pluralism and transparency © Chamsaesang

of the compromise of the transparency and independence of NHRCK's appointment process and appointment of persons who have a background of anti-gay activities. Human rights groups strongly criticized that the event of anti-gay, human rights violating groups took place on the premises of NHRCK that has the responsibility to protect LGBTI rights.⁵ (For more information, see 11. Hate Speech)

In December 2014, the House Steering Committee made a resolution to present the National Human Rights Commission Act Amendment Bill which partially included the ICC recommendations. The bill was passed at a plenary session in January 2016. However, the passage of the bill was after the appointment of the questionable commissioners, and no improvements were made in regards to the ICC recommendation to ensure pluralism and transparency in the nomination and appointment process. As such, human rights groups commented that the amendment was only 'nominal' and was for the purposes of submitting materials to the ICC for the reaccreditation review which is scheduled for March 2016.⁶

LGBTI-related recommendations and other activities in 2015

On December 24, 2015, the National Human Rights Commission of Korea, in regards to remedy from discriminatory acts, observed that the refusal of a general hospital to perform middle ear infection surgery on person B, an HIV-infected patient, without reasonable grounds is discrimination against a person living with HIV, and recommended that the Minister of Health and Welfare prepare an effective measure at the national level to prevent recurrence (For more information, see: 17. Health)⁷

In regards to human rights policies, the NHRCK has been conducting research to prepare recommendations for the 3rd National Action Plan for the Promotion and Protection of Human Rights (NAP), which will be implemented in 2017. A review of the implementation status of the first and second NAP revealed that none of the recommendations related to LGBTI rights were implemented, which called into question the efficiency of the role of NHRCK. On November 10, 2015, a forum to discuss the results of the "Survey on the situation of discrimination based on sexual orientation and gender identity (2014)" took place,⁸ and work is underway

to prepare policy recommendations based on the results of the survey. The recommendations will be presented to each relevant ministries and agencies. (For more information, see 20. Survey/Research)

In regards to the implementation of international human rights protocols, a NHRCK's shadow report, which included a question on the legislation of an anti-discrimination law that covers sexual orientation, was submitted for the adoption of list of issues on February 21, 2015.⁹ On September 14, 2015, NHRCK submitted an independent report in relation to the review of the fourth state report on the International Covenant on Civil and Political Rights, and matters such as statistics of LGBTI discrimination in school and workplace, same-sex marriage litigation, and the incident of Daejeon Metropolitan City Gender Equality Ordinance were mentioned.¹⁰ On November 10, 2015, the chairperson of the National Human Rights Commission of Korea released a statement on the concluding observations of the UN Human Rights Committee on the fourth periodic report of the Republic of Korea.¹¹

In addition, NHRCK participated in the "Being LGBT in Asia" Workshop which was hosted by the Asia Pacific Forum of National Human Rights Institutions (APF) in February 2015.

3.2 Human rights bodies of local governments

Recommendations related to LGBTI people in 2015

On December 31, 2014, the Seongbuk District Office (Mayor Kim Young-bae) refused to implement the project budget allocated for the Rainbow Youth Support Center until the end of the fiscal year because pastors from local churches opposed it. The Rainbow Youth Support Center was a project proposed by grassroots organizations of Seongbuk district and was confirmed a budget of 59 million won through the citizen-participatory budgeting system of Seoul City. The Seongbuk District Human Rights Committee subsequently recommended on May 27, 2015 the following¹²:

a) to set and observe a principle regarding the implementation/non-

implementation of citizen-participatory budget; b) to make a public statement that the mayor will not, under any circumstances, accept claims that discriminate against and are hateful of minorities and reflect those in his/her administration; c) to conduct a survey on the situation of discrimination against LGBTI youth and complete it within 2015. However, as of May 2016, both the statement and survey on the LGBTI youth has not taken place.

The Human Rights Ombudsperson of Seoul City made two cases of recommendations regarding a complaint that concerned LGBTI people. In November 2014, Youth Pride Team of the Solidarity for LGBT Human Rights of Korea planned an event in which teenagers ask questions and freely talk about their concerns about sex and rented Seoul Youth Media Center as the venue for the event. However, the Center notified cancellation of approval on the grounds that “[the event can] deter the development of youth into persons of sound character”. The Youth Pride Team subsequently filed a complaint with the Human Rights Ombudsperson of Seoul City. On July 22, 2015, the Ombudsperson observed a violation of the freedom of expression of youth, and recommended the head of the Seoul Youth Media Center to carry out human rights education to its staff¹³ (For more information, see: 5. Access to Goods and Services).

Moreover, LGBTQ Youth Crisis Support Center DDing Dong was supposed to hold an exhibition on LGBTI youth at Jangsu Village as part of the “Maintenance Project of Hanok Village and the neighborhoods near Seoul City Wall” in June 2015. However, in the review process, the project manager stated that “We cannot sponsor a LGBTI exhibition because it is not compatible with the objective of the project”, and “If it was stated in the proposal that it is an LGBTI exhibition, it would not have been selected as part of the Maintenance Project of Hanok Village and the neighborhoods near Seoul City Wall.” DDing Dong then filed a complaint with the Human Rights Ombudsperson of Seoul City. On October 15, 2015, the Ombudsperson observed a violation of the right to equality, and made a recommendation to the Mayor of Seoul to take measures to prevent recurrence of refusal to support LGBTI-related events and to carry out human rights education regarding non-discrimination towards LGBTI

people on the staff members of the relevant office.¹⁴

- 1 1st deferral of accreditation, March 2014; 2nd deferral of accreditation, October 2014; 3rd deferral of accreditation, March 2015.
- 2 Statement: Nonsensical appointment of a human rights commissioner in violation of the National Human Rights Commission Act and ICC Recommendation; Choi I-u who refused anti-discrimination law should resign,” NGOs’ Collaborative Action to Put the National Human Rights Commission of Korea in its Place (NHRCK Watch), Minority Rights Committee of MINBYUN, and Rainbow Action Against Sexual-Minority Discrimination, 11/10/2014.
- 3 “We oppose the appointment of unqualified, anti-human rights figures which expedites the debilitation of the NHRCK”, Rainbow Action Against Sexual-Minority Discrimination, 1/9/2015
- 4 International Gay and Lesbian Human Rights Commission (IGLHRC) letter, “State Endorsement of Conversion Therapy for Gays and Lesbians in South Korea,” Rainbow Action Against Sexual-Minority Discrimination, 4/7/2015
- 5 “Joint Statement: We condemn the rental of National Human Rights Commission of Korea’s premises for an event on human rights-abusive ‘conversion therapy;” NGOs’ Collaborative Action to Put the National Human Rights Commission of Korea in its Place (NHRCK Watch), Minority Rights Committee of MINBYUN, and Rainbow Action Against Sexual-Minority Discrimination, 3/19/2015
- 6 “Statement: the Amendment to the National Human Rights Commission Act is rubbish and is pushing the NHRCK, whose ICC re-accreditation is deferred, further back toward a cliff”, NGOs’ Collaborative Action to Put the National Human Rights Commission of Korea in its Place (NHRCK Watch), 1/9/2016; “Amendment bill for the National Human Rights Commission Act passes the National Assembly... human rights groups say ‘nothing has changed’”, Hankookilbo, 1/8/2016.
- 7 National Human Rights Commission of Korea decision 14JinJung0951100, 12/24/2015
- 8 “The Commission holds a forum to discuss on the results of the ‘Survey on the situation of discrimination based on sexual orientation and gender identity’”, National Human Rights Commission of Korea website, 11/10/2015
- 9 National Human Rights Commission of Korea, Information Note on the International Covenant on Civil and Political Rights, 2/21/2015
- 10 National Human Rights Commission of Korea, “Independent Report of National Human Rights Commission of Korea for Consideration of Fourth Periodic Report of State to United Nations Human Rights Committee”, 9/14/2015.5.
- 11 “Statement on the concluding observations of the UN Human Rights Committee on the fourth periodic report of the Republic of Korea”, National Human Rights Commission of Korea, 11/10/2015.
- 12 “Recommendation on the matter of non-spending of budget for The Rainbow Youth Support Center”, Seongbuk District Human Rights Committee, Bill No. 2015-6, 5/27/2015
- 13 “Freedom of expression of youth violated by decision to not allow the rental of the City’s facilities”, Human Rights Ombudsperson of Seoul City, 14 Application-160, 7/22/2015
- 14 Human Rights Ombudsperson of Seoul City, 15 Application-50 Discrimination against LGBTI Youth due to refusal to support a village exhibition, 10/15/2015

4. Employment

Results of the first national survey on the status of discrimination against LGBTI people in employment published

Laws that directly or indirectly regulate employment discrimination based on sexual orientation and gender identity currently exist in Korea. The Labor Standards Act provides that “an employer shall neither discriminate against workers on the basis of gender, nor take discriminatory treatment in relation to terms and conditions of employment on the ground of nationality, religion, or social status” (Article. 6), and that “an employer shall not, without justifiable cause, dismiss, lay off, suspend, or transfer a worker, reduce his/her wages, or take other punitive actions against him/her.” (Article. 23(1)) In accordance, dismissal, layoff, suspension, etc. on the grounds of sexual orientation and gender identity is an unfair act without justifiable cause that is de jure null and void, and the worker may request a remedy from a labor relations commission (Article. 28(1)). The National Human Rights Commission Act provides that “an act of favorably treating, excluding, discriminating against or unfavorably treating a particular person regarding employment” is “a discriminatory act violating the right to equality” (Article 2(3)Ga). In addition, employment discrimination against LGBTI people is an unlawful act that violates the equality clause of the Constitution and the anti-discrimination clause of the National Human Rights Commission Act, and the person who has been discriminated against may receive compensation for mental and property damages.

Despite such legislations, there are no reported cases in which LGBTI people received legal remedy through the above-mentioned laws and even the situation of discrimination have not been surveyed at a national level. The National Human Rights Commission of Korea conducted in 2014 the “Survey on the situation of discrimination based on sexual orientation and gender identity”, which includes the situation of discrimination in employment, and presented the results on November 10, 2015. This was the first



time that the overall situation of employment discrimination against LGBTI people was revealed at a national level.¹ (For more information on the survey and the forum, see: 20. Survey/Research)

Survey on the employment sector was carried out through an online survey of 948 LGBT people (858 gays, lesbians, bisexuals, etc., 90 transgender). 57.8% of the respondents were employed, 8.6% were seeking employment, and 33.5% were unemployed (more than half were currently college students). Among those who were employed, 78.5% were wage workers while 21.5% were self-employed. In regards to wage workers, workplace types were diverse and the distribution was similar to that of total wage workers. However, 69.5% of homosexuals/bisexuals responded that “none of my work colleagues knows my [sexual] identity” and another 16.7% said “most of my work colleagues do not know my [sexual] identity,” demonstrating that most respondents have not revealed their sexual identities in the workplace. It was also shown that LGBTI awareness at workplace is closely connected with coming out; 55.8% of those who said they work at an LGBTI-friendly workplace responded that all or some of their colleagues know about their sexual identities, while 7.3% of those at a non-friendly workplace and 4.4% of those at a workplace with an unknown atmosphere have revealed their sexual identities at their workplace.

Among 619 homosexual/bisexual people who have sought employment, 13 (2.1%) said that they have experienced cancellation of job offer or refusal of employment. In the case of transgender people, 11 (15.5%) out of 71 said that they have experienced cancellation of job offer or refusal of employment because of their gender identity. Especially when their gender assigned at birth did not match the gender perceived by other people, 22.0% experienced refusal of employment. Regarding experience of discrimination or harassment at workplace, respondents reported discrimination in work assignment, opportunity for education/training, work evaluation, promotion, valuables other than wages, and employee welfare; threat of dismissal; and continuous chastisement, criticism and ridicule, sexual harassment, etc. that the respondent does not look feminine/masculine. 232 (44.8%) out of 568 homosexuals/bisexuals and 32

(64%) out of 50 transgender people said that they have experienced once or more times of discrimination/harassment at their current or recent workplace.

However, to the question about whether they have experience of protesting or take action against discrimination or harassment at workplace, only 6.6% of homosexuals/bisexuals and 21.1% of transgender people said yes. The top reasons for not responding to discrimination (multiple choice) were: in fear that their identities will be revealed, in fear that they will be harmed, and in fear that nothing will change. Of those who have been employed at least once, 14.1% of homosexuals/bisexuals and 16.5% of transgender people said that they have experienced dismissal or were advised to resign. Discrimination and harassment experienced from recruitment to every level of employment was shown to have diverse and negative influence. Experiencing unfair treatment in the recruiting process sometimes resulted in being discouraged in job search, giving up on desired jobs, or choosing workplaces of inferior conditions due to one's identity. Issues resulting from hiding one's identity, such as isolation and mental distress, voluntary resignation and career interruption etc., were also reported.

The report emphasized that, to tackle discrimination, LGBTI people should be recognized as a major target group when enacting policies related to employment discrimination; that prevention of and remedy for discrimination provided in the current legislation should be implemented; and that an anti-discrimination law that explicitly prohibits employment discrimination based on sexual orientation and gender identity and provides effective remedies should be enacted. The report also proposed the key contents for "Guidelines for the improvement of LGBTI equality at workplace" and "Guidelines for supporting workplace transition".

Restaurant worker is unfairly dismissed and verbally abused because of sexual orientation

Person A, a worker at a restaurant, unilaterally received a notice of dismissal, was outed to his family and verbally abused after his being gay was revealed. Person A worked part-time at a restaurant operated by a

devout Christian family in Daegu. According to Person A, a fellow worker exposed the fact that person A is gay when the owner family and entire staff was having a group dinner in October 2014. Person A was notified of dismissal on the spot. The son of the restaurant owner, a trainee pastor, unilaterally visited Person A's house and outed Person A to his mother. Person A also heard homophobic statements when he met with the restaurant owner to receive his wage which was delayed payment for 5 months.² Person A publicized his case via the Daegu Arbeit Workers Union, human rights events for LGBTI people, and the internet, and prepared to take legal action.³ However, the restaurant owner allegedly sold the shop and disappeared.

Transgender worker at a conglomerate resigns after her request for sick leave for gender transition is rejected

A news article reported that a transgender woman working at Samsung SDS applied for sick leave to undergo gender reassignment surgery but was rejected and that the person subsequently resigned. According to Small and Medium-sized Enterprises (SME) Daily, on December 24, 2015, a worker at a conglomerate applied for sick leave to undergo gender reassignment surgery but was rejected. The person then, as a protest, changed her picture in the staff profiles to a picture of her dressed as a woman. SME Daily reported that a screen capture of the profile is quickly spreading through SNS.⁴ The said worker is known to have resigned in late December 2015. Samsung SDS explained through the press that the worker has not applied for sick leave and that the rumor that the company pressured her resignation is not true.⁵ The worker who resigned did not reveal her stance and the specific background, and many of the facts remain unconfirmed.

The case highlighted the necessity for guidelines and policies at the workplace for supporting the transition of transgender people. Experts emphasized that while policies on sick leave generally follow employment rules or collective agreements, gender reassignment surgery is a medical procedure for resolving gender dysphoria and is different from the nature of plastic surgery. Policies on sick leave for gender transition should

therefore make progress in favor of transgender people as this is also in line with the global trend of diversity policies.⁶ LGBTI rights groups also commented that refusal by the company to grant leave to a worker who is in the process in transitioning and needs a surgery and recovery period, is the most typical form of discrimination against gender identity. The groups emphasized that a comprehensive support plan is needed for the protection of the rights of transgender people and support for transition.⁷

- ¹ The following is a summary of the research by Gonggam Human Rights Law Foundation (Principal Investigator: Chang Suh-yeon), “Survey on the situation of discrimination based on sexual orientation and gender identity 2014” pp.90-165, commissioned by the National Human Rights Commission of Korea.
- ² “Fired for being gay; visits home to say ‘your mom needs to know’”, Chamsaesang, 6/1/2015.
- ³ “Exposing an unfair dismissal tainted with homophobia”, website of the Solidarity for LGBT Human Rights of Korea’s web magazine ‘Rang’, 5/11/2015 (last visited: 5/1/2016).
- ⁴ “What is the truth behind the story of an LGBTI person who was ‘pressured to resign’ at a conglomerate?”, SME Daily, 12/24/2015.
- ⁵ “Controversy surrounds Samsung SDS about an LGBTI person who was pressured to resign”, Today Newspaper, 1/13/2016
- ⁶ “Sick leave for gender transition... what should be done legally?”, The Herald Business, 1/3/2016.7 National Human Rights Commission of Korea decision 14JinJung0951100, 12/24/2015
- ⁷ “[Commentary] The reality of discrimination against transgender people as demonstrated by the recent case of a transgender person’s resignation”, Solidarity for LGBT Human Rights of Korea, 12/29/2015.

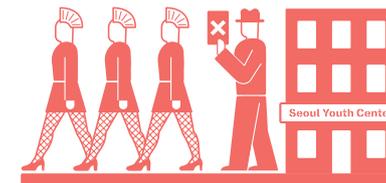
5. Access to Goods and Services

The Human Rights Ombudspeople of Seoul City decided that a city-run facility’s rejecting LGBTI organization’s application to use its space violated freedom of expression.

the Human Rights Ombudspeople of Seoul City concluded on July 22, 2015, that youth’s freedom of expression was violated when a city-run facility rejected an LGBTI organization’s application to use its space for an event to talk ever sex mainly with LGBTI youth.¹

The Seoul Youth Media Center decided not to allow the Youth Pride Team of an LGBTI human rights organization to use its space for the event.² The Center argued that they declined the team’s application because the event might hinder the youths from growing into healthy personalities given its contents and promotion materials are provocative. The event was primarily targeted to LGBTI youths and aimed to provide a space for discussion where they can freely share questions and concerns about sexuality. Its promotion material contained the following phrase: “From kiss to contraception, from romance to porn, from gays to transgender people.”

In the decision, the Human Rights Ombudspeople of Seoul City cited “2013 Research on Youth Sexual Culture in Seoul” that had revealed, among the respondents in secondary schools, 9.0% had felt feelings for same-sex friends and 5.3% had concerns regarding their sexual identity. Both “Homosexuality” and “contraception” gained 6.0% of the respondents for what they wanted to learn from sex education. The Ombudspeople emphasized that “youth should have access to accurate information about sex including the aforementioned ones as adolescence is a period when one’s identity is formed and they build up their ability to exercise sexual self-determination” and recommended the Mayor of Seoul Metropolitan City to take necessary measures and give the staffs of the Center human rights education in order to prevent recurrence of similar cases.



Jung-gu District Office of Daegu Metropolitan City disapproved Daegu Queer Cultural Festival to use an outdoor stage set up in a downtown neighborhood.

On June 2, 2015, the Jung-gu District Office of Daegu rejected an application of the Daegu Queer Cultural Festival Organizing Committee for using an outdoor stage in Dongsung-ro. The Organizing Committee decided to hold the 7th Daegu Queer Cultural Festival in Dongsung-ro, Daegu and then submitted the application on May 20. The Daegu Queer Cultural Festival, the only pride festival held in a region other than Seoul, has been held peacefully every year since 2009. The District Office explained that because some organizations strongly opposed the festival, it decided so for public safety concerns such as physical clashes if the event were to be held. However, civil society organizations including the Organizing Committee seriously criticized the decision, pointing out that use of the outdoor stage had been processed as if it were a permit system rather than a reporting system.” It was known that the decision came out right after a conservative Christian organization had met the Head of the District Office and requested him not to approve the Queer Cultural Festival to use the outdoor stage.³

This decision was not the last challenge that Daegu Queer Cultural Festival received from the State agencies. On June 5, 2015, The Daegu Police Department issued a notice of banning the outdoor assembly the Organizing Committee had reported. Fortunately, however, the Committee applied for a preliminary injunction to the Daegu District Court against the Police’s notice of the ban. The court accepted the application, and the festival was able to be held successfully on July 5, 2015. The Organizing Committee held the festival in the outdoor square not the stage, and almost one thousand people (estimate of the organizers) participated in the parade for two hours. Anti-LGBTI organizations and conservative Christians held a protest rally near Dongsung-ro. Yet the festival and parade were able to go peacefully and smoothly with help of the police controlling the traffic and allocating forces in preparation of possible conflicts.⁴ (See “10. Freedom of Expression, Assembly, and Association” for more details about Queer Cultural Festivals.)

Samsung Electronics excludes a gay dating application from its mobile application store.

Issue of discrimination against LGBTI people emerged when it was known to public that Samsung Electronics excluded an LGBT smartphone application from its mobile application store, Samsung Apps, claiming that the app “does not comply with Korean customs and laws.” On July 10, 2015, developers of “Hornet”, an American gay dating application, disclosed an “Application Screening Result Report” sent by Samsung in 2013 through BuzzFeed, an American Internet news service.⁵ The document reads that the app could not be listed because, “due to the local moral values or laws, content containing LGBT (Lesbian, Gay, Bi sexual, Transgender) is not allowed” in places like the Middle East, parts of east and south Asia, and LGBT-friendly places like the U.S. and the Nordic countries. The spokesperson of Samsung Electronics explained the ground of the decision, saying that the company “blocked LGBT-related contents in accordance with the countries’ ‘laws and customs’ not ‘moral values or laws.’” However, that explanation was not exempt from further in that Korean ‘laws’ cannot be a reason because gay dating service is legal in Korea and that it was baseless to see the gay dating service app violates Korean customs. Hornet CEO Sean Howell was able to get the program listed in Samsung’s app store in the U.S. and many other countries after a four-year process, but it is still blocked in South Korea.⁶

1 The Human Rights Ombudspeople of Seoul City, 14App-160: Decision on the violation of youth’s freedom of expression due to disapproval of space use in the city-run facility, 7/22/2015

2 See SOGI LAW, 2015, Annual Review 2014: Human Rights Situation of LGBTI in South Korea, p. 39-40

3 “Daegu Queer Cultural Festival, where will it take place this year?” Hankyoreh, 06/02/2015.

4 “Sexual minorities out in the street... tensions here and there,” Daegu Sinmun, 07/05/2015.

5 “Samsung and Google Censor LGBT Content In International App Stores”, BuzzFeed, 07/10/2015.

6 “Samsung does not approve LGBT apps,” The Huffington Post Korea, 07/20/2015. 07/05/2015. “

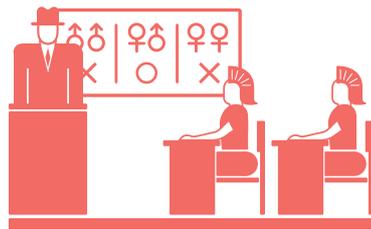
6. Education/Youth

The Ministry of Education developed and distributed the “Nationwide Guideline for Sex Education Standards in School” that excludes LGBTI youths.

The Ministry of Education banned sex education practitioners and schools from mentioning homosexuality, diverse sexual orientations, and the rights of LGBTI people, as it distributed the “Nationwide Guideline for Sex Education Standards in School (the Guideline hereinafter)” in February 2015. The Guideline claimed to provide standards for sex education in each phase of public education from kindergarten to high school. Yet it erased and/or distorted contents related to sexual orientation and gender identity. This is a serious discrimination committed by the state party violating LGBTI youth’s rights to education and health.

The Ministry of Education started their project to develop the Guideline in August 2013. It held a public hearing in January 2014 and a final reporting session in March of the same year. During the development, using the term ‘homosexuality’ was considered but then foundered by oppositions from anti-LGBTI organizations. But there was no channel through which LGBTI organizations and sex education experts could be informed of this and express their opinions. Their reason for not using the term “homosexuality”, suggested by a research paper for the development of the Guideline, was partial: they only indicated that twenty-nine anti-LGBTI organizations such as ‘Countermeasure Committee for Homosexuality Problems’, ‘Solidarity for Healthy Society’, and ‘National Coalition for the Right Sexual Culture’ had released their stance that “genuine human rights for gay people is not letting them live as gays for their entire lives and face a miserable ending with various diseases such as AIDS. It should be helping them escape from homosexuality and live a normal life.”¹

The Guideline, a product of this partial and biased development process, was released in January



2015, with no, or distorted, contents on LGBTI people and sexual or gender identity. For example, the section on ‘Gender Identity-Related Disorder’ shows a very different perspective from that of the mainstream academia, saying that “A person who has a healthy gender identity is confident in saying ‘I am a man’ or ‘I am a woman.’ ... Normally, your gender identity and gender role correspond. ... Gender identity disorder does not really result from biological factors. ... It is a matter of which gender a person is raised into in his or her upbringing. ... A research has also confirmed that the disorder can derive from sexual abuse.” Also, it asserted only a heterosexist view on sex education that its purpose is to “help people realize how men and women should love and help each other.” “Abortion, sexual minorities, and unwed mothers” were enumerated as examples of “ethical and moral decisions related to sex.” Claiming sexual orientation and gender identity to be a matter of ethics and morality coincides with the argument of anti-LGBTI organizations.

The teacher training program for implementation of the Guideline started from February 2015 and the materials used in the training included even more serious discrimination against and exclusion of LGBTI youths. They made a wrongful instruction with no legal grounds, stating “Teaching about homosexuality: Not legally allowed” as a “primary point in sex education in school.” It also prohibits mentioning “diverse sexual orientations.” As explained earlier, the term “homosexuality” had been left out in the development process of the Guideline, due to the opposition of anti-LGBTI organizations. In lieu of “homosexuality”, the Guideline used an alternative term “diverse sexual orientations.” Then again, however, the materials for training instructed “the prohibition from using the term ‘diverse sexual orientations’ and the request of the term’s removal from the Guideline.” Furthermore, another instruction read “Human Rights of Sexual Minorities: Relevant parts are requested to be removed.”

The Ministry of Education received strong criticisms on these biased practices. The ministry explained that it “did not actively include homosexuality in its national-level Guideline, because it “teaches about homosexuality in the context of human rights” and because homosexuality is not a general phenomenon in terms of sexual values (school education must

be implemented in accordance with neutrality of social, cultural, and religious values).”

Human Rights Watch, an international human rights organization, has written an open letter to Hwang Woo Yeo, the minister of education, and Moon Hyung-pyo the minister of health and welfare. It urged them to stop the training for the Guideline, revise the Guideline based on discussions with civil society and health and human rights experts, and announce their statements on the protection of LGBTI rights in school.²

Exclusion of sexual minorities was not the only problem raised about the Guideline. It was also brought up that its overall contents are anachronistic, human rights-infringing, and unscientific.³ To add, the biased and closed process of its development was subject to controversies. As a result, sex education experts and civil society organizations are urging the withdrawal of the current Guideline.⁴

Failure to introduce an “Ordinance Bill on Human Rights of Members of Schools in Gangwon Province”

On September 9, 2015, the Ordinance on Human Rights of Members of Schools in Gangwon Province (the Ordinance hereinafter) failed to be introduced to Gangwon Provincial Council at its Committee on Education. The Committee explained that they did not lay the ordinance because it kept generating social conflict.⁵

Gangwon Ordinance Bill of Human Rights in Schools was introduced to the council but was discarded automatically with termination of term in June 2014. Propositions 14 and 50 were subject to the biggest controversies in the ordinance bill. One was to guarantee the superintendent of education and principals of schools must guarantee minority students, such as LGBTI students and students with disabilities, a right to learn. The other regarded LGBTI rights and anti-discrimination, saying that “teachers and staff must not be discriminated based on their gender, (...) sexual orientation, (...) and so on.”⁶

In March 2015, the provincial Education Office announced that they would carry forward Gangwon Ordinance Bill of Human Rights in Schools that had been automatically discarded. The bill without propositions referring to sexual orientation was going to be discussed at the first public

hearing on April 24. However, the auditing ended up being halted due to interruption by “Pan-provincial Countermeasure Committee to Block Gangwon Ordinance of Human Rights in School” who had occupied the venue and chanted. The opposition party raised an issue that the office did not comply with an administrative regulation that it should make an announcement of public auditing at least 14 days before the event. They also argued that “they can never accept the Ordinance Bill promoting sexual depravity such as homosexuality because its fundamental purpose would remain the same even if it were revised.”⁷ The provincial education office filed a lawsuit against the organizations that interrupted the auditing for defamation based on false information.⁸ Yet, the conflict had remained, after the disruption of the public auditing and the opposition to a cooperation agreement between the provincial education office and the National Human Rights Commission. As a result, the Ordinance Bill failed again to be laid in the provincial council in September 2015.

Soongsil University cancelled their permission to a human rights film festival co-organized by its LGBTI student club.

The 1st Soongsil University Human Rights Film Festival, co-organized by the Women Student Council, the school’s LGBTI student club “SSU LGBT” and other organizations, was denied the permission to use a university building for the festival. The university notified its cancellation of the permission on November 9, 2015, the day before the festival. The school’s official letter to the organizers read that they “cannot give permission to host the festival on campus because the program contains some contents that do not comply with Christian values that are the basis of the university’s establishment.” A documentary film about the same-sex marriage of Kim Jho Gwang Soo and Kim Seung Hwan, My Fair Wedding, was included in the films they were going to screen.⁹

Behind this decision were protests and pressure from some conservative Protestant organizations.¹⁰ On November 7, an online Protestant community featured a post to encourage people to make protest calls to the Women Student Council, the Vice Dean, the Chief Chaplain, the Office of Academic Affairs, and the Office of Student Affairs, with their phone

numbers attached. The president of Women Student Council received a series of intimidating phone calls and text messages. On November 8, an officer from the university's Student Service Team urged the organizers to cancel the event but the organizing committee rejected it. The next day, November 9, the school notified them of the cancellation of the festival.

On November 10, the organizers including the LGBTI student club held a press conference to criticize the university for its cancellation of the permission to use the university building. The human rights film festival was eventually held in an outdoor space.

Posters and banners of LGBTI organizations in universities were damaged.

In 2015, there were a series of incidents where posters and banners for LGBTI-related events, welcoming newly incoming queer students, and coming out in celebration of IDAHOBiT, were unfairly pulled down or damaged.

Queer In PNU (QIP), a student organization for LGBTI rights in Pusan National University, hung a banner in campus to welcome LGBTI students on February 27, 2015. On March 2, the banner was found damaged.¹¹ QIP hung a new banner and put a hand-written poster and flyers urging not to damage materials of LGBTI people. However, again, the poster found damaged and thrown away on March 8.

DIMINOR, the LGBTI student organization of Dong-Ah Institute of Media and Arts, had their banner pulled down and posters damaged. They had put almost a hundred posters to raise awareness of LGBTI people and their organization from March 2, but only ten of them remained on March 9.¹²

Ah-Woong-Da-Woong, the LGBTI students' organization in Dankook University, started posting hand-written coming out posters from May 10 in celebration of IDAHOBiT. Members of the university showed positive reactions to the posters but the posters started to get damaged or gone from May 16.¹³

Election of the first openly gay president of a university students council / Independent LGBTI student activities

in universities

On November 20, 2015, an openly out LGBTI person is elected as student president for the first time in a university in Korea. Kim Bomi, who was the sole candidate for the student president position at Seoul National University, was elected. The voting rate was 53.3% and Kim gained 86.8% of the entire votes.¹⁴ She came out during the election's public conference on policies on November 5, saying "I want Seoul National University to be a space where all the members can affirm themselves and be proud to be who they are. This is why I would like to tell you here that I am a lesbian." Meanwhile, Lee Yewon who was also openly gay, was elected as the vice president of the Council of Student Organizations at Korea University. She explained why she decided to come out as following: "I am a capable representative before being a lesbian. So I did not hide [my sexual identity]."¹⁵

Korea University and Hankuk University of Foreign Languages revised their student council bylaws to include articles banning discrimination based on sexual orientation and gender identity. The revised bylaws came into effect from 2015.¹⁶ For example, the paragraph 1 of Article 12 in Chapter 2 of the Student Council Regulation of Hankuk University of Foreign Languages states "members of this council have right to



Press coverage of the coming out of Kim Bomi, the student president of Seoul National University © The Huffington Post Korea

participate in independent student activities organized by the council and they should not be discriminated based on their gender, sexual orientation, gender identity, race, ideology, religion, and disability in their participation.”¹⁷

As mentioned above, Pusan National University community witnessed LGBTI-related materials damaged on campus in early March. In response to this incident, approximately ten law school students formed the Task Force to Counter Hate Speech and the Infringement of Freedom of Expression “Don’t Tear.”¹⁸ Six student organizations in Pusan National University including “Don’t Tear” held the “round-table for countermeasure on hate speech and the infringement of freedom of speech on campus” to discuss fundamental solutions to these incidents on May 13.¹⁹

At Seoul National University, “Student and Minority Rights Committee” was established under the General Student Council on September 14. The Committee is composed of members of the Student Council, a student organization for disability rights, and LGBTI students’ group among others. They are supposed to collect opinions related to on-campus issues concerning student and minority rights and to respond to human rights violations.²⁰

Findings on discrimination against LGBTI students in schools and teachers’ perceptions on the issue²¹

National Human Rights Commission of Korea conducted the “Survey on the situation of discrimination based on sexual orientation and gender identity” in 2014 and presented the results on November 10, 2015 (For more information on the survey and the background of the presentation, see 20. Survey/ Research). The research revealed actual conditions of discrimination that LGBTI students experience in schools and the awareness and perceptions of teachers.

The survey was conducted with 200 LGBTI youths of 13-18 years old who, at the time of the survey, were attending or had attended secondary schools in South Korea. Thirteen percent of the respondents (26 youths) said they had never come out to anyone. Twelve point five percent said

they had only come out in online communities where they can stay anonymous. Thirty-nine percent of the respondents had been outed. Forty-eight percent of the youths responded that they had learned about sexual minorities in school, yet 13.5 percent of them stated the contents were rather discriminatory against LGBTI people. Almost all respondents (98%) testified that they had heard hate speech against LGBTI people from teachers and/or fellow students. For example, 78 percent of the respondents had been told from other students that love between men is unnatural. Forty-six percent of the students said that they had heard teachers saying “even heterosexual students can become homosexuals if the school teaches about homosexuality.” The informants had also been subject to bullying or harassment by teachers (20%) and other students (54%). These experiences of discrimination and bullying led the LGBTI students to get stressed (80.6%), have depression (58.1%), fall apart from their friends (52.7%), get discouraged from studying (46.2%), and be absent (11.8%). It was also connected to giving up higher education, dropouts, and transfer. Out of those who had experienced discrimination and bullying, 19.4 percent had attempted suicide and 16.1 percent had tried to hurt themselves.

The survey also examined perceptions of one hundred teachers in secondary schools across the country. The results showed that one out of five teachers had received human rights education related to LGBTI people. Forty-two percent of the respondents said they had students who they thought to be LGBTI. Thirty-four percent said they had LGBTI students who had been discriminated against or bullied for their sexual identities. However, only nine percent of the teachers responded that they had done counselling with regards to LGBTI issues. Although 73 percent of the respondents said their schools are equipped with counseling system for LGBTI students, only 31.5 percent thought those students would actually consult with teachers about their issues. They assumed the students would not feel comfortable about counseling in schools because they were afraid to be outed. On the other hand, a considerable number of teachers appeared to have biases against LGBTI people. Fifty percent of the teachers agreed on the idea that “love between men is not natural”

and 39 percent agreed that “homosexuality has negative influence to young students growing up.” Eighteen percent of the teachers agreed on the statement saying that “heterosexuals can change into homosexuals if they learn the concept of homosexuality in school.” Majority of the teachers said they would support students who seek counseling related to their sexual identities. However, other considerable number said that they would persuade their students that they must be simply confused because they were too young (29%), caution them not to give negative influence to other students (9%), and strongly warn them that it is an abnormal sexuality (3%). Six out of ten teachers thought that “teachers should support gay students so that they can be proud of their sexual identity and grow up with self-esteem.” But 70 percent of the teachers said they were having difficulties in access to relevant information. In this context, “provision of a list of counseling groups and counselors who have expertise in LGBTI issues” was their most frequent response for what they think is needed to guide and consult LGBTI students.

1 See Catholic University (Principal Investigator: Chung Hyesun), “Final Report of the Research Project to Strengthen Sexual Education in School,” 2014, p.354; See Rainbow Action against Sexual Minority Discrimination (Na Young-Jung), “LGBTI Organizations’ Opinion on the Ministry of Education’s 2015 ‘Guideline for Nationwide Sexual Education in School’, with a focus on secondary education,” 2015. You can access the Opinion document at the website of SOGI LAW (<http://sogilaw.org/56>; retrieved on 4/17/2016).

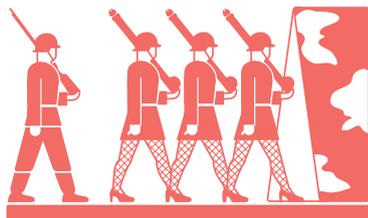
- 2 “Letter to the Government of South Korea on the Need to Recognize Sexual Orientation and Gender Identity in Sex Education,” Human Rights Watch, 5/3/2015, <https://www.hrw.org/et/node/269823> (retrieved on 5/1/2016).
- 3 “Anachronistic sex education of the Ministry of Education: kids know better,” No Cut News, 8/26/2015.
- 4 “Solidarity Statement: The Ministry of Education must immediately withdraw the “2015 National-Level Guideline on Sex Education in School,” Korea Women’s Hot line, 8/24/2015.
- 5 “Year-Long Conflict between Provincial Education Office – Provincial Council, Pending Issues of Education Carried over the Next Year,” Gangwon Ilbo, 12/24/2015.
- 6 “Four hundred churches and organizations in Chuncheon submit 6200 signatures, urging Gangwon Education Office to discard the Ordinance Bill of Human Rights in Schools,” Kookmin Ilbo, 2/5/2013.
- 7 “‘Do not promote homosexuality’...Chuncheon public auditing on Gangwon Ordinance of Human Rights in School was disturbed,” News 1, 4/24/2015.
- 8 “Gangwon Provincial Education Office takes a hard measure on the interruption of the public auditing on the Ordinance of Human Rights in School,” Yonhap News, 5/22/2015.
- 9 “Statement: Please join Soongsil University Human Rights Film Festival to stand against discrimination and hatred conducted by Soongsil University headquarter!”, QUV, 11/10/2015.
- 10 “Press Conference Statement: We denounce Soongsil University for oppressing student autonomy and discriminating against minorities!”, QUV, 11/10/2015.
- 11 “Statement regarding the damage of QIP’s posters and promotional materials in Pusan National University: We will not surrender to the faceless hatred,” LGBTQ University Student Alliance of Korea QUV, 3/11/2015
- 12 “Statement: Outcry for vanished posters and beyond hatred,” QUV, 4/1/2015.
- 13 Tweets by Ah-Woong-Da-Woong (@dkuqueer), 5/10/2015 – 5/16/2015, <https://twitter.com/dkuqueer> (retrieved on 4/16/2016)
- 14 “The first openly gay student council president was elected at Seoul National University,” Yeonhap News, 11/20/2015.
- 15 “LGBTI student organizations in approximately 30 universities. Newly incoming students also ask to join.” Joong-Ang Sunday, 12/20/2015.
- 16 “University communities are becoming more inclusive of gay people but we still have a long way to go... Why so?” Moduda-Injae, 7/6/2015.
- 17 Facebook page of Hankuk University of Foreign Languages, the post on 6/27/2015.
- 18 “A task force to address the issue of damaged posters on campus ‘Don’t Tear’ launched,” Pusan National University Weekly, 5/11/2015
- 19 “Discussion table for addressing the issue of damaged posters has opened,” Pusan National University Weekly, 5/18/2015.
- 20 “Opening Ceremony of the Student and Minority Rights Committee,” Seoul National University Journal, 9/19/2015
- 21 This section is a summary of the report from Gonggam Human Rights Law Foundation (Principal Investigator: Chang Suh-yeon), “A Survey on the Situation of Discrimination based on Sexual Orientation and Gender Identity,” commissioned by the National Human Rights Commission of Korea, 2014, pp. 12-81.

7. Military

Testis removal as standard for military exemption regarding transgender people challenged during the inspection of state affairs

In September 2015, National Assembly member Kim Kwang-jin who is affiliated with the National Defense Committee and the New Politics Alliance for Democracy, pointed out that the Military Manpower Administration forces MTF transgender people to undergo orchiectomy. Based on materials submitted by the Military Manpower Administration for the inspection of state affairs, National Assembly member Kim Kwang-jin stated that, while there were only 21 cases in which physical grade V (de facto exemption from military service) was issued on the ground of gender identity disorder, there were 104 cases where physical grade V was issued due to absent testis. National Assembly member Kim Kwang-jin analyzed that “this is the result of forcefully demanding an arbitrary standard that does not even exist in the rules for draft physical examination”, and criticized that “genital surgery such as orchiectomy is only a last resort and not a necessary process, and the general consensus of the healthcare profession is that genital surgeries should not be requested when recognizing one’s gender identity.”¹

In regards to gender identity disorder, Ordinance of the Ministry of National Defense “Regulations on Draft Physical Examination” prescribes that “among people whose history of medical treatment of over 6 months or hospitalization of over 1 month has been confirmed, ... a secondary military service disposition (physical grade V) is issued when there are several symptoms or a few serious symptoms sufficient for the diagnosis and determined to reasonably impede service.”² However, the Military Manpower Administration continues to receive criticism that it de facto demands irreversible surgery such as removal of testis, which does not have any basis in the rules, as a condition for exemption from military service regarding MTF transgender people. In October, 2014, a complaint was filed



to the National Human Rights Commission of Korea against the Military Manpower Administration on the ground of “human rights violation by the State” by a MTF transgender person who received an orchiectomy after being asked to undergo “an irreversible surgery” and then receive follow-up examination by the Military Manpower Administration.³ However, the Military Manpower Administration maintains such customs and non-surgical transgender people continue to be criminally charged on the ground of military service evasion or issued disposition for active duty service.

Non-surgical MTF transgender exempt from military service found innocent in a criminal case of ‘military service evasion’

As in 2014, the year 2015 also saw series of incidents in which the Military Manpower Administration brought criminal charges against non-surgical MTF transgender people for military service evasion who received a secondary military service disposition (physical grade V) on the ground of gender identity disorder in accordance with the Military Service Act and the Regulations on Draft Physical Examination.

In 2012, the Seoul Regional Military Manpower Administration accused that Person B, a transgender person who has been issued a secondary military service disposition (physical grade V) on the ground of gender identity disorder, posed as a transgender to evade military service by undergoing female hormone treatment and breast cosmetic surgery. The Seoul Regional Military Manpower Administration reported B to the Prosecutors’ Office who indicted her on the charges of violation of the Military Service Act.⁴

However, in July, 2015, Judge Jung Yong-seok from Seoul Central District Court rendered a judgment of not guilty. The court found that the Regulations on Draft Physical Examination only provides for “6 months of medical treatment due to gender identity disorder” as a requisite for a secondary military service disposition (physical grade V), and does require female hormone treatment and gender reassignment surgery. The court determined that Person B has gender identity disorder, taking into account the circumstances in which Person B worked at transgender bars,

maintained social life under a feminine name, and continuously received cosmetic surgery for an attractive appearance.⁵ The prosecutor appealed but the court of second instance dismissed the appeal and confirmed the acquittal.⁶

Non-surgical MTF transgender wins suit against the Military Manpower Administration to cancel disposition for active duty service

On November 19, 2015, the 7th division of the Seoul Administrative Court (Presiding Judge: Cho Han-chang) ruled that the disposition for active duty service regarding person A, a transgender person, is unlawful and should be canceled. On June 2014, The Military Manpower Administration had made a disposition for active duty service regarding person A on the grounds that person A received a “speculative diagnosis based on subjective complaints” as she did not undergo an irreversible surgery such as genital surgery. Person A subsequently filed a suit on January 2015 with the Seoul Administrative Court asking for the cancellation of the Military Manpower Administration’s disposition for active military service which was issued in spite of person A’s gender dysphoria.⁷

In the ruling, the Court stated that “The plaintiff does not seem to be feigning her gender identity, has been diagnosed with gender identity disorder after receiving psychiatric counseling therapy and psychological testing at the National Medical Center etc. for 4 years from 2010 to 2014, and sustained identification of herself as a female. The Seoul Regional Military Manpower Administration’s disposition for active duty service is unlawful as it seems likely that [the plaintiff will face] significant adversities while performing military service due to difficulties arising from gender identity disorder”.⁸

Human rights groups including the Network for Reporting Discrimination and Human Rights Violation against LGBTI in Relation to the Military pointed out that “the Military Manpower Administration is unilaterally forcing genital surgery such as removal of testis that does not even exist in the Regulations on Draft Physical Examination as a ground of military service exemption regarding transgender people”. They also welcomed the ruling, stating that “it is a ruling that recognized the illegality of the Military

Manpower Administration’s arbitrary disposition of military service”. They further urged for improvements in the current draft examination policy to reflect understandings of the lives of the persons concerned and ensure the rights of transgender people.⁹

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- 1 “Military Manpower Administration coerces removal of testis surgery, causing human rights controversy”, News1, 9/12/2015
 - 2 Regulations on Draft Physical Examination Art.11(1) [Asterisk 2] No.102, La.
 - 3 “Complaint filed with the National Human Rights Commission of Korea... coercion of genital removal surgery against a transgender person for military service exemption”, Yonhap News, 10/22/2014; The National Human Rights Commission of Korea’s decision for this case has not been announced as of April, 2016.
 - 4 “After 10 years, transgender person who is exempt from military service found not guilty of violating the Military Service Act”, News1, 7/11/2015
 - 5 Seoul Central District Court decision 2014GoDan5471, 7/9/2015
 - 6 Seoul Central District Court decision 2015No2795, 11/20/2015
 - 7 “The court finds that active military service disposition to a man who has Gender Identity Disorder is unfair”, Money Today, 11/27/2015
 - 8 Seoul Administrative Court decision 2015GuHab50900, 11/19/2015
 - 9 “Victory! - Lawsuit for the cancellation of the Military Manpower Administration’s active military service disposition to a transgender person”, Network for Reporting Discrimination and Human Rights Violation against LGBTI in Relation to the Military press release, 11/25/2015

8. Police

Hourly motels (in Korean, “hyugetel”) with homosexual customers, after being cracked down and indicted by the police, found by the court that its business acts did not constitute an acquiescence of lewd acts.

In January 2015, the Seoul Western District Court ruled that sexual acts between consenting same-sex adults at "amusement business affecting the public morals" (accommodations business, public bath business etc.) are not lewd acts.¹

Yongsan Police Station conducted a crackdown on saunas, hourly motels (in Korean, “hyugetel”) etc. used by homosexual people and transferred the business owner, who allegedly allowed many and unspecified persons to view lewd videos and was acquiescent to the sexual acts of customers, to the prosecutors' office. The Seoul Western District Prosecutors' Office imposed a fine of 5 million won on the business owner by a summary order for violation of the Act on the Regulation of Amusement Businesses Affecting Public Morals which provides that “a person carrying on the amusement business affecting the public moral shall not allow another person to conduct any lewd act or arrange or provide a service thereof”. The business owner demanded a formal trial. On January 1, 2015, the Court found the owner not guilty on the grounds that “when customers download and view lewd product by themselves without the intervention of the business owner, this cannot be seen as ‘an act that allows another person to watch or view lewd product’” and that “it is difficult to say that sexual acts between consenting adults are lewd acts”.²

Following the first instance judgment, the Seoul Western District Prosecutors' Office amended the indictment to change the applicable provisions from violation of the Act on the Regulation of Amusement Businesses Affecting Public Morals to violation of the School Health Act, and lodged an appeal. The court of second instance accepted the appeal and sentenced a fine of 2 million won on the ground that “the defendant operated a business where sexual acts can be performed when the sauna is located in a School Environmental Sanitation and Cleanup Zone”. This

judgment was finalized by the Supreme Court on December 28, 2015.³

Violation of the duty of confidentiality as prescribed by the Korean National Police Agency directive regarding the sexual orientation and gender identity of the suspect

Regarding news reporting of cases that concern LGBTI people, circumstances were revealed that the police provided information about the suspect's sexual orientation and/or gender identity which was irrelevant to the facts of the offense to the press.

A newspaper article by JoongAng Ilbo on November 12, 2015, describes information of a police investigation in detail like this: “Seoul Jongno Police Station ... on the charge of administering narcotics at a downtown accommodation business. According to the police, they first met at an online dating website for homosexuals and are suspected of administering methamphetamine at a motel in Jongno-gu on the 29.th of last month. Police investigation revealed that Song, Yoo and Kim (Aged 25) initially met to have same-sex acts.”⁴

In a case where a man, a former comedian, was indicted without physical detention, Donga Ilbo reported information that seemed to be provided by the police: “According to the police, (anonymous) admitted most of the allegations. However, (anonymous) reportedly stated that he is not gay and that the act was a mistake that he committed accidentally under the influence of alcohol.”⁵ When such facts were reported by several media, a person from Seoul Hyehwa Police Station who was in charge of the case raised an objection through ETODAY that “...homosexuality was never discussed. The suspect did not say that he's not gay. The suspect did make any statements about sexual identity and the police did not ask about it.”⁶ The sexual orientation and gender identity of a suspect that the police comes to know during investigation should not be revealed unless necessary in accordance with Article 76 of the “Rules on the duties of police officers for the protection of human rights” prescribed by the



Korea National Police Agency.

The police bans outdoor assembly regarding Queer Parade for the first time

Seoul Metropolitan Police Agency and Seoul Namdaemun Police Station issued a notice of ban regarding an outdoor assembly reported by the Organizing Committee of the Korea Queer Culture Festival to hold a queer parade. Soon after, Daegu Metropolitan Police Agency and Daegu Jungbu Police Station also issued a notice of ban regarding a street parade that was reported by the Organizing Committee of the Daegu Queer Culture Festival. The year 2015 was the first time that the police issued a notice of ban against queer parade that has continuously taken place for 16 times in Seoul and 7 times in Daegu. The organizers instituted, respectively, a revocation litigation against the notice of ban and applied for the suspension of the effect. The Seoul Administrative Court and the administrative division of Daegu District Court both ruled the suspension of the effectiveness of the notice of ban disposition. (For more information on the above-mentioned cases, see: 10. Freedom of Expression, Assembly, and Association)

Numerous pieces related to LGBTI people submitted at the 4th Korean National Police Agency Human Rights Film Festival

At the 4th Human Rights Film Festival held by the Korean National Police Agency, numerous pieces featuring LGBTI people were submitted. The film entitled “What should I do?” submitted by the Daejeon Dunsan Police Station came first place at the human rights film festival held by the Daejeon Metropolitan Police Agency. The film addressed human rights violations arising from prejudice against a transgender female criminal suspect during police investigation and detention.⁷ “Words I wanted to say” submitted by Busan Haeundae Police Patrol Company described the status of human rights through a story of a LGBTI person inside a police unit.⁸ The Patrol Company from the Busan Yeonje Police Station submitted “Coffee” which features prejudice against homosexuals. After realizing that his close colleague is gay, the protagonist of the film avoids and keeps away him. However, the protagonist discards prejudice against

homosexuals after handling a case on a gay high school student, and once again becomes close friends with the colleague. The piece received Special Award at the citizen’s section at the finals of the 4th Korean National Police Agency Human Rights Film Festival.⁹

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- 1 Seoul Western District Court decision no. 2014Gojeong1040, 2014Gojeong1100 (Combined), 1/13/2015.
 - 2 “Gay hyugetel... Nobody demanded for my sex”, Hankyoreh, 1/23/2015
 - 3 Supreme Court decision 2015Do1602, 12/10/2016
 - 4 “Homosexuals administered drug in a hotel in downtown Seoul... a man in his twenties is arrested and a man in his thirties escapes”, Joongang Ilbo, 11/12/2015.
 - 5 “Sexual molestation suspicions against (anonymous), not the first time? An ex-comedian with two previous convictions”, Dongang Ilbo, 5/20/2015
 - 6 “Hyehwa Police Station says ‘(Anonymous) never said he’s not gay... did not ask questions regarding his private life.’” ETODAY, 5/20/2015
 - 7 “Daejeon Police Report”, CMB Newswide, 7/15/2015
 - 8 “Busan Metropolitan Police Agency holds a preview and an awards ceremony of films awarded at the 4th Korean National Police Agency Human Rights Film Festival” IBS TV, 7/15/2015
 - 9 “Wins Special Award at the 4th Korean National Police Agency Human Rights Film Festival”, Busan Community Media Center , 9/15/2015 (last visited: 4/16/2016)
http://www.comc.or.kr/comc/board/board_notice.php?type=centernews&search_field=&search_string=&page=6&board_idx=view&idx=17110

9. Detention/Correctional Facilities/Asylum

Issues of detained LGBTI foreigners emerged from a survey on the situation of Immigration Detention Centers

The Korean Bar Association released the results of its survey on the situation of Immigration Detention Centers on February 6, 2015. The report pointed out structural problems of the detention system such as issues related to due process, long-term detention, and detention of children.¹ This study is the first research done by civil society. Viewing “protection” under the Immigration Control Act practically as an institution of detention that imprisons people, it investigated various items: solitary confinement in the Detention Centers, protection of LGBTI people, air-conditioning and hot-water supply, communication facilities like telephone and post, CCTV, uniforms and protective equipment they wear when going out, visits, physical check-ups, medical facilities, and treatment of mental patients. The investigation revealed that Hwaseong and Cheongju Immigration Detention Centers had had LGBTI detainees. The report concluded to recommend that guidelines for protection of LGBTI people in Immigration Detention Centers are needed. Meanwhile, the Ministry of Justice revised the “Foreigner Protection Decree” on June 15, 2015. Subparagraph 4 under Paragraph 1 of Article 9 in the revision included “special protection rooms for patients, pregnant women, and members of sexual minority groups in addition to rooms for men, rooms for women, and single-occupancy rooms in detention facilities. Paragraph 2 of Article 9 indicated a gender separation rule that a foreigner detainee who is male must be allocated to a room for male and female to a room for female. But “a child under 14, a member of sexual minorities, and others who are recognized, by the director of the centers, to have special circumstances” are exempt from this rule.

Seongdong Detention Center did not give necessary medication to an HIV-positive prisoner.

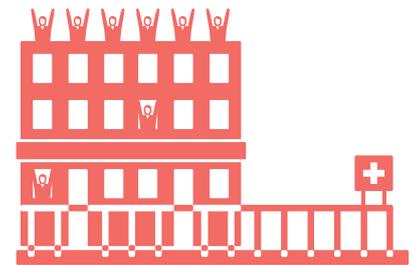
A news article on August 25 disclosed that an HIV-positive prisoner had not been provided with necessary medication in a timely manner at

Seongdong Detention Center.² The prisoner testified at the court that blisters were being formed on her body in her trial on August 19, 2015. She was also a transgender woman and had difficulties, while imprisoned, in getting hormone therapy and monthly medical treatment that she was receiving prior to imprisonment.

Seongdong Detention Center admitted its failure to provide her with medication for two days before the trial, but said it resumed giving her medication since August 20.

A gay person from Algeria granted refugee status in the trial of first instance.

Cheongju District Court ruled to overturn the decision of Cheongju Immigration Detention Center that denied refugee status to a gay person from Algeria one year ago.³ The court held that the plaintiff has “well-founded fear of being persecuted” as stated in the Convention and Protocol Relating to the Status of Refugees, considering that Algeria criminalizes homosexuality in its Criminal Law and relevant cases are indeed being proceeded across the country.



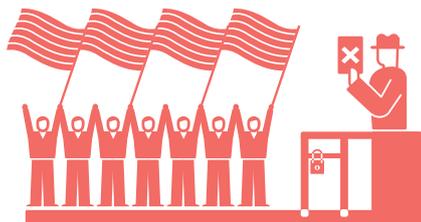
- 1 Korean Bar Association, Final Report of the Fact-Finding Research on Immigration Detention Centers, 2/2015, <http://www.koreanbar.or.kr/pages/common/fileDown.asp?types=1&seq=9672> “Gay hyugetel... Nobody demanded for my sex”, Hankyoreh, 1/23/2015
- 2 ““For a sin of loving...”: Transgender dying in the court,” Money Today, 8/25/2015.
- 3 “Number of application for refugee status skyrockets but the approval rate is extremely low,” Joong-Ang Ilbo, 6/19/2015.

10. Freedom of Expression, Assembly, and Association

Freedom of expression infringed by State institutions such as Korea Communications Standards Commission

On April 23, 2015, Korea Communications Standards Commission gave a “warning” to a JTBC drama “Seonam Girls High School Investigators” that had a scene of two high school girls kissing each other. This decision was based on Article 27 (Maintenance of Dignity) and Article 43 (Cultivation of Emotions for Children and Youths) of the Regulations on Broadcasting Review. The Commission stated that the case was not about judging homosexuality as right or wrong but was about the appropriate level for a kissing scene between high school girls. However, biases against homosexuality seemingly determined the gravity of its decision made to the program, considering that many commissioners gave opinions like “homosexuality is not a right set of values”, “I recognize their rights but do not want to promote it,” and “it gives a different feeling from what a kissing scene between opposite sexes give.”¹ “Warning” is a heavy disciplinary action that falls into a category of statutory sanction. A minority within the Commission voiced the Commission’s decision as unfair, citing its past decisions on opposite-sex youth kissing scenes. The Heirs (SBS, 2013) and Monstar (tvN, 2013) had received a “recommendation” and “submission of opinions” respectively.²

Also, the Commission blocked “Pink Map Korea”, a website that introduces gay businesses, by classifying it as a website containing illegal/harmful information. The decision was based on violation of Article 44-7 of the Act On Promotion Of Information And Communications Network Utilization And Information Protection, etc. The provision reads “No one may circulate information with an obscene content that is distributed, sold, rented, or displayed openly in the form of code, words, sound, image, or picture.”³ A British online news website “GayStarNews” criticized that “the Korean government infringes LGBTI spaces



for ‘moral values’” in an article.⁴

Meanwhile, the National Human Rights Commission of Korea dropped a column that addressed issues of LGBTI human rights violations and operation of the Commission from its own magazine, Human Rights. Sohn Ah-ram, author of prominent novels such as “Minor Opinion” and “D Minus”, sent his column “Who is the enemy of human rights?” to the Commission after the Communication and Cooperation Division had asked him for a draft to be featured in the magazine Human Rights. However, the issue of January/February of 2015 that was supposed to feature his article did not publish his column but another one. The Commission explained to Sohn that “the publication of the column and payment might be delayed due to internal situation in the Commission”; however, the column has not been published yet, as of May 2016.⁵

Police notified a ban on assembly with regards to the Queer Cultural Festival parade, and protest rallies against the Festival continued.

Seoul Metropolitan Police Agency notified a ban on assembly with regards to the 16th Queer Cultural Festival parade that had been planned to take place at Seoul Plaza on June 28, 2015. The police reasoned that the time and venue reported by the Festival organizing committee overlapped



Human rights organizations urging the police to secure safety at the queer parade © Voice of People

with a prior application and that the parade will cause inconvenience in traffic and citizen's commute. The application made prior to the Queer Cultural Festival was a protest rally by conservative Protestant and anti-LGBTI organizations. This rally also received a notification of ban on assembly.⁶ The Organizing Committee of Queer Cultural Festival applied for an injunction against this notification, which was granted by the 13th administrative division of Seoul Administrative Court on June 16, 2015, allowing the festival to take place.⁷ Prior to this, the Organizing Committee also requested for an injunction of ban on disturbance toward representatives of "Esther Prayer Movement Headquarter" and "Coalition for Love for Our Country and Our Children" which were planning to hold an event with a theme of "anti-homosexuality" near the Festival venue. Yet, this application was dismissed by the 51th civil collegiate division of Seoul Southern District Court on the ground that "there is no record to prove that the requested persons disturbed the event in 2014" and that "some of the expressions that they used in their past anti-homosexuality rallies may fall into a category of derogatory speech against LGBTI people but it seems they came out while they were trying to state opposing opinions."⁸ Seoul Metropolitan Police Agency's decision was followed by Daegu Metropolitan Police Agency. Daegu Metropolitan Police Agency notified



Protesters against the march and the festival at Daegu Queer Cultural Festival © Daegu Queer Cultural Festival

a ban on outdoor assembly with regards to the 7th Daegu Queer Cultural Festival that had been scheduled to take place on July 5, 2015. It reasoned that "it is obvious that the festival caused a serious inconvenience in traffic." Nevertheless, the 7th Daegu Queer Cultural Festival was held as scheduled, because the 1th administrative division of Daegu District Court granted suspension of effect of the ban notice, accepting the Daegu Queer Cultural Festival Organizing Committee's application.⁹

Continuing from 2014, conservative Protestant and anti-LGBTI organizations held protest rallies against the queer cultural festivals in Seoul and Daegu and disturbed the events in 2015 as well. During the parade in Daegu, a church elder threw excrement at a banner and participants. Daegu Jungbu Police Station booked this protester on suspicion of disturbing assemblies.¹⁰ (See "12. Hate Crime" of this report for more details.) Near the venue of Daegu Queer Cultural Festival, "Daegu Citizens' Rally/Joint Service to Urge to Stop Promoting Homosexuality" was held with approximately a thousand participants from Christian organizations like the Christian Council of Daegu. In Seoul, "Coalition for Love for Our Country and Our Children" held a rally with "anti-homosexuality" theme near the Queer Cultural Festival venue. There was no serious clash but police placed 60 units (5,100 police officers) near Seoul Plaza.¹¹

Despite these challenges, both festivals broke their records in terms of scale. The 16th Queer Cultural Festival in Seoul drew 30,000 participants and the 7th Daegu Queer Cultural Festival had 1,000 participants (both estimated by the organizers). On June 9, 2015, officers from 16 embassies attended opening ceremony of the Queer Cultural Festival at Seoul Plaza to proclaim their support for LGBTI human rights. Participating embassies were the United States, the United Kingdom, Israel, France, Canada, Norway, Belgium, Germany, Finland, Denmark, Spain, Sweden, Switzerland, Brazil, Argentina, Ireland, and Delegation of the European Union to the Republic of Korea. Thirteen ambassadors and embassy officers came up on stage and delivered their message of support for LGBTI rights.¹²

Ministry of Justice disapproved Beyond the Rainbow Foundation's application for corporate registration.

The Ministry of Justice disapproved an application for corporate registration by Beyond the Rainbow Foundation which is the first LGBTI human rights foundation. The ministry responded to the Foundation's application in November 2014, stating that "the Ministry of Justice deals with universal human rights so it is difficult to permit your foundation's case since it deals with biased subjects of human rights." The ministry had not officially notified the final determination as of February 2015. The "Rule on establishment and supervision of non-profit organizations under the jurisdiction of the Ministry of Justice" provides that, unless there are special circumstances, whether the establishment of the organization may be approved shall be reviewed within 20 days and applicants shall be notified of the results. On March 4, 2015, the Foundation filed a request to Central Administrative Appeals Commission, asking for the Ministry of Justice's action to permit the NPO registration of their foundation.¹³

On April 29, 2015, the Ministry of Justice eventually notified the foundation that their application for corporate registration was not accepted. The Ministry explained reasons for their decision as following: "The Ministry of Justice designs, directs, and coordinates policies on human rights in general for South Korea, and deals with giving permission of corporate registration of human rights advocate organizations. The concerned organization mainly aims to promote human rights of social minority population so it differs from organizations that are subject to our permission for incorporation." Consequently, the Foundation filed an administrative lawsuit to get the Ministry's rejection cancelled, to Seoul Administrative Court on July 27, 2015.¹⁴

Meanwhile, Seoul Metropolitan City approved a registration of "Sinnaneun Center," an LGBTI culture and art center, as a non-profit organization in May 2015.

- 1 "Record of Speech: 'No parent would accept homosexuality in Republic of Korea'", The Huffington Post Korea, 04/23/2015.
- 2 "Korea Communications Standards Commission decided a severe penalty in relation to a kissing scene between high school girls from 'Seonam Girls High School Investigators'", The Huffington Post Korea, 04/23/2015.
- 3 "Korea Communications Standards Commission's block on a website introducing gay businesses, 'Pink Map', triggers a controversy", Mediaus, 08/28/2015.
- 4 "South Korea takes down gay venue map website over 'moral values'", GayStarNews, 07/24/2015.
- 5 "Essay by A-ram Son has been 'dropped' from National Human Rights Commission's magazine", The Hankyoreh, 02/09/2015. 5.
- 6 "Police bans on outdoor assembly to both queer festival organizing committee and opposing organizations", Newsis, 06/25/2015.
- 7 Seoul Administrative Court decision 2015Ah10859, 06/16/2015; "Court decided a suspension on police's ban on queer cultural festival", Newsis, 06/16/2015.
- 8 Seoul Southern District Court decision 2015KaHap20173, 06/26/2015.
- 9 Daegu District Court decision 2015Ah10155, 06/24/2015; "Daegu Queer Cultural Festival that had been blocked by police takes place this year too", The Hankyoreh, 06/26/2015.
- 10 "'Elder who threw excrement at Daegu Queer Cultural Festival was booked," The Hankyoreh, 07/05/2015.
- 11 "Same-sex marriage legalized in the U.S. Queer Cultural Festival took place in Seoul Plaza... Clash with conservative Christian organizations' protests", Seoul Shinmun, 06/28/2015.
- 12 "Sixteen embassies attended opening ceremony of Queer Cultural Festival and proclaimed their support for LGBTI rights", The Huffington Post Korea, 06/10/2015.
- 13 "An LGBTI foundation filed an administrative lawsuit against the Ministry of Justice", Kyunghyang Shinmun, 03/04/2015.
- 14 "Beyond the Rainbow Foundation has the Ministry of Justice, that discriminates LGBTI people, summoned to court", Law Issue, 07/29/2015.

11. Hate Speech

The State turns a blind eye to the organized incitement to discrimination of anti-LGBTI groups and conservative Protestants

Hate speech against LGBTI people were made by professionals at state-operated buildings through the format of discussions and forums etc., drawing concerns that the intensity of organized incitement to discrimination has reached a serious level.

On March 19, 2015, the “Second Ex-Gay Human Rights Forum” took place at a conference room of the National Human Rights Commission of Korea (NHRCK).¹ Subsequently, the “Third Ex-Gay Human Rights Forum” took place at the 8th Meeting Room of the National Assembly Members Office Building on May 9, 2015.² These forums were jointly held by Holy Life, Chosen People Network, and People’s Solidarity for Healthy Society, and were organized to promote “ex-gay,” namely “conversion therapy,” to turn homosexuals into heterosexuals. Chosen People Network Executive representative Pastor Kim Kyu-ho, etc. emphasized that “homosexuality is not normal, but a kind of sex addiction that can be cured” and that “the real human rights issue is to help them escape from the pain of homosexuality”. Min Seong-gil, professor emeritus of psychiatry at Yonsei University, reportedly argued that “the claim that a homosexual cannot become a heterosexual is erroneous”, “there are many medical cases of treatments that have been reported, including by myself, to have successfully changed homosexuals into heterosexuals”.³ Such statements are directly contrary to the established position of

mental health professionals around the world. In 1990, the World Health Organization (WHO) removed homosexuality from their list of mental disorders. The American Psychiatric Association (APA) had already removed the section on homosexuality from its official Diagnostic and Statistical Manual of Mental Disorders (DSM) based on its statement in 1973. APA also strongly criticized claims on conversion



therapy, by saying that “there are no scientifically rigorous outcome studies to determine either the actual efficacy or harm of ‘reparative’ treatments”, and that “APA recommends that the APA respond quickly and appropriately as a scientific organization when claims that homosexuality is a curable illness are made by political or religious groups”.⁴

The fact that the so-called “Ex-gay Human Rights Forum” took place twice at the venue of the National Assembly and the National Human Rights Commission of Korea, which are state agencies that should uphold the Constitution, was also pointed out as a serious issue. It was criticized that the National Assembly and the National Human Rights Commission of Korea, which have the responsibility to protect the “dignity and equality of every person”, supported groups that incite discrimination against the citizens.

Accordingly, groups from the civil society published a statement that criticized the use of buildings of public institutions for events that promote the so-called ‘conversion therapy’.⁵ In a joint statement on March 19, the NGOs’ Collaborative Action to Put the NHRCK in its Place (NHRCK-Watch), Minority Rights Committee of MINBYUN, and Rainbow Action against Sexual-Minority Discrimination pointed out that conversion therapy is an act in violation of human rights that is prohibited in the academia and harmful to health. They also mentioned the closure of Exodus International in June 2013 with apologies to the gay community and emphasized that lessons should be learned from overseas ‘ex-gay’ organizations which disappeared into history. The International Gay and Lesbian Human Rights Commission (IGLHRC) also sent an open letter to the Korean government and expressed concerns.⁶ IGLHRC pointed out that allowing the premises of public institutions to be used by groups that promote discrimination against LGBT persons can be interpreted as a state-sponsored advocacy of hatred that could incite discrimination or violence. IGLHRC added that the Korean government has continuously expressed support for the protection of LGBTI rights, and that the mandate of the National Human Rights Commission of Korea includes protection of LGBTI people. IGLHRC finally urged that public institutions are not used for the promotion of prejudice and intolerance against LGBTI people.



Urgent meeting took place to discuss ways to respond to KBS board member Cho Woo-suk's incitement to discrimination
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On October 8, 2015, Cho Woo-suk, a board member of the Korean Broadcasting System (KBS), a public broadcasting service, continuously called homosexual people “dirty leftists” and made statements that incited discrimination against LGBTI people at a panel discussion titled “How to approach the problems of homosexuality and same-sex marriage,” held at the Korea Press Center.⁷ At the discussion, Cho Woo-suk argued that LGBTI people are trying to overthrow the State and revealed the specific names and personal information of human rights defenders while insulting, disparaging, and attacking them.⁸ (For more information, see: 13. Human Rights Defenders). Other than Cho Woo-suk, Min Seong-gil, professor emeritus of psychiatry at Yonsei University, and US attorney-in-law Lee Tae-hee also participated in the event and argued that homosexuality should be cured or corrected as it is abnormal, and made presentations that defined homosexuality as an immoral act and opposed the legislation of anti-discrimination law.⁹

These events were criticized in that they openly disparage gays as a group and promote prejudice and are a classic form of incitement to discrimination which intends to create hostility against LGBTI people in society. On November 5, 2015, the UN Human Rights Committee

stated in its concluding observations that “the Committee is concerned about... the widespread discrimination against lesbian, gay, bisexual, transgender and intersex persons, including violence and hate speech... the authorization of the use of the buildings of the National Assembly and of buildings of the National Human Rights Commission to host so-called ‘conversion therapies’ for lesbian, gay, bisexual and transgender persons”. The Committee also stated that “the State party should clearly and officially state that it does not tolerate any form of social stigmatization of, or discrimination against, persons based on their sexual orientation or gender identity, including the propagation of so-called ‘conversion therapies’, hate speech and violence.”, and the “State party should avoid the use of State-owned buildings by private organizations for so-called ‘conversion therapies’”.¹⁰ (For the specific contents of the recommendation, refer to “Appendix 2. SOGI-related Parts in the UN Human Rights Committee’s Concluding Observations on the Fourth Periodic Report of the Republic of Korea”)

Incitement to discrimination through the press, publications, films, and online platforms

Hate speech and incitement to discrimination also spread through the press, publications, films, and online platforms mainly by anti-LGBTI groups and conservative Protestants. “Kookmin Ilbo”, a newspaper company that is affiliated with Protestant groups, consistently posted articles that pointed out homosexuality as “decadent, perverted, and the main culprit of the spread of AIDS”. (For more information, see: 19. Public Opinion/Media.)¹¹ Baek Sang-hyun, a reporter for Kookmin Ilbo, published a book titled “Homosexuality is” (Mirae-sa, 2015) which describes homosexual people as “addicts” and “dangerous people” who transmit AIDS.

Internet broadcasting khTV (President: Kim Kwang-gyu) posted more than 100 videos which incite discrimination against LGBTI people on its website and Youtube during the year of 2015. It states that the purpose of the broadcasting is to notify the public of “the domestic situation over homosexuality and legalization of same-sex marriage, from which some western countries are suffering from, and the attempts to destroy the identity of our country and disrupt its economic development.”¹²

A documentary titled, “I am no longer gay (Director: Kim Kwang-jin)”, was produced and disseminated through the internet for free.¹³ The film contends through several interviews of people who claim to have escaped from homosexuality and people who are active in the anti-gay movement, that homosexuality should be cured and that the anti-discrimination law should not pass.¹⁴

Posters that incite discrimination against LGBTI people are put up in university campuses

Posters that describe homosexuality as the cause of AIDS were put up on several university campuses.¹⁵ The posters stated that “Due to AIDS, around 1000 youth and young adults are suffering every year,” arguing “[t]he close relation between homosexuality and the sudden rise in AIDS infection among young adults.” They also included other contents that incite fear against people living with HIV/AIDS and describe homosexuality as sexual perversion or social vice.

Reponses were also made within the university to the posters. “Knock On the Q,” a student organization for LGBTI human rights at the Seoul Institute of the Arts, criticized that “the posters are maliciously edited to relate homosexuality with AIDS.” The queer group at Sookmyung Women’s University and “Sookmyung Feminists Association (S.F.A.)” together put up a poster saying that “We condemn the school authorities who allowed the display of homophobic posters”.¹⁶ In their responding poster, Hanyang University LGBTI society “HY-QUEER” analyzed that “deep-rooted stigma is behind the conservative political forces’ use of AIDS as a tool to attack homosexuality” and criticized in detail the data and analyses used in the original poster.¹⁷

- 1 “The National Human Rights Commission of Korea does nothing for ex-gays... blatant discrimination”, Christian Today, 3/20/2015
- 2 “The Third Ex-Gay Human Rights Forum takes place at the National Assembly Members Office Building”, UpKorea, 5/11/2015
- 3 “The National Human Rights Commission of Korea does nothing for ex-gays... blatant discrimination”, Christian Today, 3/20/2015
- 4 “Therapies Focus on Attempts to Change Sexual Orientation (Reparative or Conversion Therapies”, APA Position Statement and Complementary Material, 5/2000.
- 5 Joint Statement: We condemn the rental of National Human Rights Commission of Korea’s premises for an event on human rights-abusive ‘conversion therapy’; NGOs’ Collaborative Action to Put the NHRCK in its Place (NHRCK-Watch), Minority Rights Committee of MINBYUN, Rainbow Action Against Sexual-Minority Discrimination, 3/19/2015.
- 6 “State Endorsement of Conversion Therapy for Gays and Lesbians in South Korea,” International Gay and Lesbian Human Rights Commission letter, 4/3/2015, see: <https://www.outrightinternational.org/content/outright-letter-officials-about-state-endorsement-conversion-therapy-gays-and-lesbians-south>
- 7 “KBS Board member says that group of homosexuals are dirty leftists,” Kyunghyang Shinmun, 10/08/2015.
- 8 “KBS Board member Cho Woo-suk, ‘Roh Moo-hyun is evidence of the coalition between homosexuals and leftists’”, The Huffington Post Korea, 10/9/2015.
- 9 “Same-sex marriage solely concerns LGBTI people? People are being deceived”, Christian Today, 10/8/2015.
- 10 “Concluding observations on the fourth periodic report of the Republic of Korea (CCPR/C/KOR/CO/4)”, UN Human Rights Committee, 12/3/2015.
- 11 “AIDS spread because of homosexuality? Discriminatory reporting by Kookmin Ilbo”, Media Today, 6/2/2015.
- 12 See: <http://www.khtv.org/>
- 13 “Shocking Documentary - I am no longer gay (final version)”, Mission Fund website <http://www.rtmusa.org/> (last visited: 4/11/2016)
- 14 “Onnuri Church holds a preview on the film ‘I am no longer gay’”, Newsnjoy, 2/1/2016.
- 15 “Who is putting up homophobic posters at universities?”, Hankyoreh, 12/10/2015; “Poster for us – things to remember when responding to HIV/AIDS phobia”, written by Another, Solidarity for LGBT Human Rights of Korea, 12/29/2015.
- 16 “Who is putting up homophobic posters at universities?”, Hankyoreh, 12/10/2015.
- 17 “Poster for us – things to remember when responding to HIV/AIDS phobia”, written by Another, Solidarity for LGBT Human Rights of Korea, 12/29/2015

12. Hate Crime

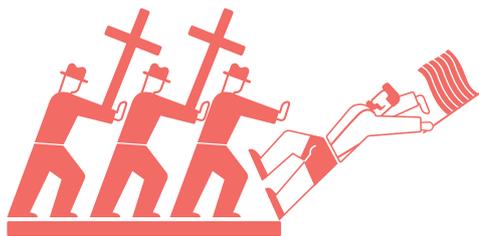
Excrement thrown over Daegu Queer Parade

A member of a conservative Christian organization interrupted Daegu Queer Cultural Festival that was held on July 5 in front of Daegu Department Store in Dongseng Street, by throwing excrement at the event. It was right after 800 participants began marching in the parade when one conservative Christian jumped into the parade and rushed toward the front, with excrement all over his body. He attempted to throw bottled excrement at a banner that participants were holding and tear the banner, but he was soon arrested.¹ The arrested was later revealed to be a church elder and was booked on a charge of disturbing rally.² On the same day, some other conservative Protestants interrupted the parade by lying over the ground at the front of the parade and were subsequently pulled over by police.³

This incident was not a simple disturbance but a hate crime that expressed hatred toward LGBTI people. It appears to be a result of intensified hate speech or incitement of discrimination from conservative Christians against LGBTI people.

Parents and religious institute forced a transgender woman to get “conversion therapy.”

A transgender woman in her early 20s was taken to a religious institute by her parents, and the religious institute physically abused her, tied her legs, and threaten to cut her genitals with scissors. This case was revealed by a crisis support center . The woman escaped from the religious institute, with a black eye, and asked LGBTQ Youth Crisis Support Center “DDingDong” for help in November, 2015. DDingDong began fundraising for this case on November 30 and has assisted her to be independent by providing her with psychological counselling, eye doctors visits, necessary items, and temporary housing fees.⁴



Recently, Korean and international human rights organizations have expressed concerns that anti-LGBTI organizations and conservative Protestants openly leading “ex-gay” movement, insisting on the so-called “conversion therapy” to convert gay people into heterosexuals because “LGBTI people are abnormal and unethical.” (See “11. Hate Speech” of this report for more details.)

The aforementioned case was a case of hate crime under the label “conversion therapy” and served as a reminder of the gravity of this issue and necessity for appropriate remedies. In its concluding observations on the fourth periodic report of the Republic of Korea on November 5, 2015, the United Nations Human Rights Committee recommended that the State party should “clearly and officially state that it does not tolerate any form of social stigmatization of and discrimination against persons based on their sexual orientation or gender identity, including propagation of so-called ‘conversion therapies’, hate speech, and violence.”⁵ (For the specific contents of the recommendation, refer to “Appendix 2. SOGI-related Parts in the UN Human Rights Committee’s Concluding Observations on the Fourth Periodic Report of the Republic of Korea”)

LGBTI-related posts got damaged and removed in universities.

In 2015, there were repeated cases of LGBTI-related posts being intentionally damaged or removed in universities. Queer In PNU (QIP), a student organization for LGBTI rights in Pusan National University, hung a banner on campus to welcome LGBTI students on February 27 but the banner was found damaged on March 2. QIP hung a new banner and put a hand-written poster urging not to damage the cultural productions of LGBTI people. However those materials were found damaged again on March 8.⁶ A similar case was found with DIMINOR, the LGBTI student organization of Dong-Ah Institute of Media and Arts. DIMINOR had put out almost 100 posters to introduce itself on March 2, but found only 10 or so posters were left when they checked only a week after, on March 9.⁷

Concerned organizations and LGBTQ University Student Alliance of Korea “QUV” released statements to seriously raise the issue of hate crimes toward LGBTI people. They argued that it was not fair for their

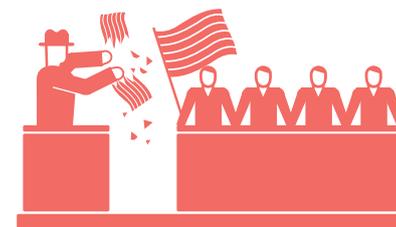
members to receive crude condemnation such as “they are dirty and they should get killed” and that their normal activities as university student groups to promote their organizations and express their opinions were hindered by criminal acts like theft and damage. They also stated that they would not stop their promotional activities as posts and materials are important channels to speak of the existence of LGBTI students in universities and to make them more visible.⁸

- 1 “Excrement thrown over a banner during Daegu Queer Cultural Festival,” *Kyunghyang Shinmun*, 7/5/2015; “A Christian threw excrement during the parade at Daegu Queer Cultural Festival,” *Oh My News*, 7/5/2015.
- 2 “Elder who threw excrement at Daegu Queer Cultural Festival was booked,” *Hankyoreh*, 7/6/2015.
- 3 “A Christian threw excrement during the parade at Daegu Queer Cultural Festival,” *Oh My News*, 7/5/2015. .
- 4 “Please give spring to Yeonghui”, an Introduction of the Fundraising Page, (last visited on 4/11/2016), <http://socialfunch.org/transgender23>
- 5 The UN Human Rights Committee, “Concluding observations on the fourth periodic report of the Republic of Korea (CCPR/C/KOR/CO/4)”, 12/3/2015
- 6 “Statement regarding the damage of QIP’s posters and promotional materials in Pusan National University: We will not surrender to the faceless hatred,” *LGBTQ University Student Alliance of Korea QUV*, 3/11/2015.
- 7 “Statement: Outcry for vanished posters and beyond hatred, with regards to the incident of damaged posters by DIMINOR – LGBTI student organization of Dong-Ah Institute of Media and Arts,” *LGBTQ University Student Alliance of Korea QUV*, 4/1/2015.
- 8 *ibid.*

Incitement to discrimination and assault on human rights activists by a board member of KBS, a public broadcasting service

On October 8, 2015, Cho Woo-suk, a board member of the Korean Broadcasting System (KBS), a public broadcasting service, took part in a forum titled “How to approach the problems of homosexuality and same-sex marriage,” which was held at the Korea Press Center and co-hosted by Citizens United for Better Society and the Lawyers Association for Liberty and Unification of Korea. Cho Woo-suk caused a controversy by referring to the identities and real names of LGBTI rights activists while criticizing them and inciting discrimination against LGBTI people. Cho Woo-suk stated that “there are 3 types of leftists; dumb, smart, and dirty leftists. By dirty leftists I refer to the group of homosexuals”; adding that “I believe in certainty that the goal of homosexuals is to overthrow the state”. Cho Woo-suk further stated that “if a social phenomenon is dirty then [we should] talk dirty or else we will fall victim by trying to be courteous. It is common sense to tell a dirty thing that it is dirty.”¹

At the forum that day, Cho Woo-suk made a slew of statements regarding homosexuality including: “Embarrassing and hideous act”; “It’s not my language that is dirty. The shameless acts and thoughts of homosexuals are embarrassing and dirty”; “That homosexuality is private sexual preference is a lie and highly sensitive political issue”; “Homosexuals are after the destruction of the church, overthrowing of the state, and dismantling of the family. They are the ultimate weapon of leftists who are after the destruction of the church, overthrowing of the state, and dismantling of the family”; “They are rude sons of bitches who enjoy anal sex at night and protest during the day asking for protection of human rights”; “Why do we have to care for their human rights? They are trying to screw up your precious tax money. There are endless reasons why we should complain against homosexuals”; “The war on



homosexuality is taking place in every area such as politics, education, culture and healthcare”; “We have the responsibility to rescue these people”.

Cho Woo-suk also stated that there is a link between homosexuals and leftists and focused his attacks on activist Jeong Yol, the representative of LGBTQ Youth Crisis Support Center DDing Dong, and activist Kwak Yi-kyong, the director of external affairs of the Korean Confederation of Trade Unions, who was formerly the director of operations of the Solidarity for LGBT Human Rights of Korea, by referring to their real names and identities. “The intimate relationship between homosexuals and leftists can be witnessed in various aspects of the group of activists on homosexuality. The person that shows this is Jeong Yol”, “as a homosexual, he has a boyfriend and dirty bastards do all sorts of things”, “it has not been shown whether he is an AIDS patient, but his partner is an AIDS patient,” said Cho Woo-suk. In regards to activist Kwak Yi-kyong, Cho Woo-suk attacked her by saying that “There is another activist called Kwak Yi-kyong. Needless to say, she turns out to be a leftist-commie. There is no need for further evidence of the dirty connection between homosexuals and leftist-commies”, “She is a member of the Democratic Labor Party and also served as member of its sexual minority committee. These sons of bitches are always doing stuff like this”. Cho Woo-suk continued his attacks through comments such as “bastards who are absorbed in false consciousness”, “pitiful bastards”, “the perpetrators and victims of the Korean society”, “we have to save these kids,” etc.

There were requests from some board members at the KBS board meeting held on October 14, 2015, to apologize for such statements and prepare plans for prevention of recurrence, but Cho Woo-suk refused these. In accordance, the said board members made a critical public statement that “Board member Cho attacked sexual minorities even though he had the responsibility as a board member of KBS to contribute to social integration by ensuring the public nature and fairness of the broadcasting and by protecting the socially marginalized.”² When asked by another media outlet what he thinks about the criticism from the civil society regarding his statements, Cho retorted by saying “what is there

that I cannot say as a board member of a public broadcasting service?” He further responded that “there is a mutual agreement with the National Human Rights Commission about Standards for Human Rights-Based Reporting which says that such statements should not be made. But that is not a guideline and in my view it can be ignored,” and that “There is no problem in saying that a disgusting thing is disgusting.”³

Through a statement on October 15, 2015, the Solidarity for LGBT Human Rights of Korea criticized that “many people who heard news of KBS board member Cho Woo-suk’s personal insults and hate speech felt angry and disastrous about the reality of the Korean society where public abuse and stigmatization against LGBTI people are brazenly committed”, and that “witch-hunting against human rights defenders who have devotedly worked for the rights of LGBTI people is an attack on the movement for the protection of the rights of all socially disadvantaged people including LGBTI people”. They also urged his resignation from the board of KBS which is a public broadcasting service.⁴ Ten LGBTI and media groups including Rainbow Action against Sexual-Minority Discrimination and the Citizens Coalition for Democratic Media held an urgent meeting on October 29, 2015 to discuss responses to Cho Woo-suk’s statements. They examined problems of Cho Woo-suk’s incitement of discrimination and attack against human rights defenders and resolved to take actions against such acts.⁵

1 "KBS Board member says that group of homosexuals are dirty leftists," *Kyunghyang Shinmun*, 10/08/2015

2 "'Homosexuals=dirty leftists' Board member Cho woo-suk refuses demands for apology," *Mediaus*, 10/14/2015

3 "KBS Board member Cho woo-suk says 'The Standards for human rights-based reporting can be ignored,'" *OhmyNews*, 10/29/2015

4 "KBS board member Cho woo-suk who attacked the movement for the rights of sexual minorities movement should resign," *Mediaus*, 10/16/2015

5 "Joint action needed for KBS board member Cho woo-suk who does not take responsibility for hate speech," *Newscham*, 10/30/2015

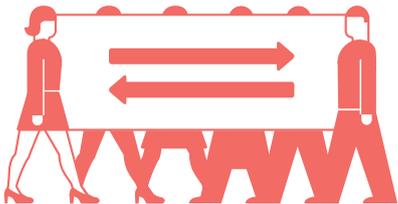
14. Legal Gender Recognition

Lee Sung-ho, the Chairperson of the National Human Rights Commission of Korea, requested a transgender person who had applied for legal gender recognition to submit a picture of her genitals when he was working at the Court as a judge.

Lee Sung-ho, then President of Seoul Central District Court, was nominated for chairperson of the National Human Rights Commission of Korea in July 2015. Soon after that, it became known that he had requested a transgender applicant to hand in a picture of her genitals when he was dealing with a case of legal gender recognition as a judge.¹ It was in 2003 when he was the president of Seoul Southern District Court that Lee sent an order of correction to the transgender woman who had applied for the legal gender recognition in September that year. The order required her to submit two photos that confirm that she has female genitals. As for this issue, Lee –then the nominee– explained that “order of correction has usually been taken care of by administrators in the court.” However, LGBTI rights organizations criticized him that “he was shifting the responsibility of the order of correction that could not have been issued without approval from judge.”² This fact was also pointed out at a confirmation hearing held by the National Assembly on August 11, 2015.³ Nonetheless, Lee was inaugurated as the 7th chairperson of the National Human Rights Commission of Korea on August 13, 2015.

Korean Supreme Court’s “Guidelines on the Clerical Processing of Cases of Transgender People’s Application for Legal Gender Recognition” (“the Supreme Court Guidelines” hereinafter) require applicants to submit documents such as a written opinion of doctor who performed the sex-reassignment surgery and a medical certificate by a specialist that confirms applicant’s

lack of reproductive capacity, but not a picture of genitals. Yet the Supreme Court Guidelines are merely established rules of administration applicable within the court. So each case of legal



gender recognition is reviewed and determined at judge’s discretion based on the aforementioned Guidelines. As a result, such cases where judges arbitrarily make requests for further materials or ask questions that could violate the applicant’s human rights, are often reported. For example, it was made known to public at a parliamentary inspection of state administration in 2013 that a family court had requested an FTM transgender applicant to submit a full-length photo with his clothes off.⁴

These cases of human rights violation reconfirm that it is necessary to raise awareness of the courts that unfairly paid more attention to shapes of genitals than to actual life of the applicants, and to enact a special Act on legal gender recognition of transgender people with a clear and simple standards and procedures that can better guarantee the human rights of transgender people.

Bucheon Branch of Incheon District Court approved legal gender recognition of a transgender person with a minor child.

Bucheon Branch of Incheon District Court (President: Lee Sung-bok) made a decision to approve the legal gender recognition of a transgender man with a minor child on May 27, 2015.⁵ This is the first officially known decision that approved legal gender recognition of a transgender person with a minor child.

Back in 2006 when the Supreme Court Guidelines were established, the Supreme Court was strict in its disapproval of legal gender recognition of transgender people with children by including “having no child” as a required condition for an approval. In 2011, the Court dismissed an application for the legal gender recognition by a transgender person with a minor child.⁶ They only mitigated the strict principle by changing the condition into “having no minor child” in the Guidelines in the same year. The majority opinion of the Supreme Court’s decision in 2011 stated that they cannot approve the legal gender recognition of transgender people who have minor children for the sake of “well-being of the children.” From a comparative legal perspective, however, such condition regarding having children only exists in two countries in the world: South Korea and Japan. Also, it has been subject to criticism that it is unfair to impose practical

hardships and discrimination, from which the children would suffer, upon their transgender parents.

The concerned applicant of the 2015 case has lived as a man and interacted with his daughter as a father for a long time. But he has had a lot of difficulties in his parenting since he could not get a job nor visit his child's school as a parent due to the lack of legal gender recognition. The recent decision of Bucheon Branch of Incheon District Court is based on its consideration of this specific situation of the applicant. This decision resonates with the minority opinion of the Supreme Court decision in 2011 that said "it may actually harm the well-being of the minor children to disapprove the legal gender recognition in case when a natural family relationship has been established in accordance with the transitioned gender of parents." This case showed that it is necessary to revise the Supreme Court Guidelines and enact a relevant law to guarantee the human rights of transgender people and their children. The United Nations Human Rights Committee, in its concluding observations on the fourth periodic report of South Korea in November 2015, has also recommended that the Korean government should "facilitate access to the legal recognition of gender reassignment."⁷

Two transgender men in their 50s, who had not had a sterilization surgery, obtained legal gender recognition after having applied for three times.

Bucheon Branch of Incheon District Court (President: Lee Sung-bok) approved legal gender recognition of two transgender men without sterilization in December 24, 2015.⁸ The applicants were 59 and 54 years old then, respectively. Both had lived as men for a long time but had not had a sterilization surgery for health-related issues. They submitted their first applications for legal gender recognition to Seoul Western District Court, with medical certificates from a university hospital that they "are not currently fertile nor are they going to be in the future as they have reached the menopause." Their applications were dismissed then. They re-applied to Cheongju District Court in 2015 but the applications were dismissed again. They finally succeeded in their third applications, to Incheon District

Court.

The Supreme Court Guidelines only require applicants to prove that they do not have reproductive capacity, by submitting medical certificates issued by specialists that confirm they are not fertile and that it is irreversible. But the Guidelines do not require a sterilization surgery as a prerequisite for legal gender recognition. Accordingly, the aforementioned applicants submitted the medical certificates from the university hospital but had their applications dismissed twice. The cases raised a question over the grounds of the courts' practice that forced transgender applicants' to have such intrusive surgeries. This decision, along with another decision by Seoul Western District Court⁹ that approved the legal gender recognition of transgender men without external genital reconstruction, has fueled the urge that the courts should change their standardized demand for surgical operations in legal gender recognition.

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- 1 "[Exclusive] Nominee for chairperson of the National Human Rights Commission of Korea, Sung-ho Lee, 'Submit a picture of your genitals' to a transgender person," Hankyore, 7/30/2015
 - 2 "Statement: Sung-ho Lee, nominee for chairperson of the National Human Rights Commission of Korea, is not qualified to address human rights. President Park must withdraw her nomination of Lee," Rainbow Action against Sexual-Minority Discrimination, 7/31/2015
 - 3 "Sung-ho Lee says 'Sorry to the victim' regarding his having requested a picture of genitals to a transgender person. [Confirmation Hearing] '30 years of legal career, both beneficial and harmful,'" Pressian, 8/11/2015
 - 4 "[Briefing of the Parliamentary Inspection] 'Legal gender recognition needs precise interpretation made by the Supreme Court,'" Newsis, 10/19/2013
 - 5 Incheon District Court (Bucheon Branch) Decision 2015Pa689, 5/27/2015
 - 6 Supreme Court en banc decision 2009Seu117, 9/2/2011
 - 7 The UN Human Rights Committee, "Concluding Observations on the Fourth Periodic Report of the Republic of Korea (CCPR/C/KOR/CO/4)", 12/3/2015
 - 8 Incheon District Court (Bucheon Branch) decision no. 2015 Gi135; 136, 12/24/2015
 - 9 Seoul Western District Court Decision 2012Pa4225, 3/15/2013.

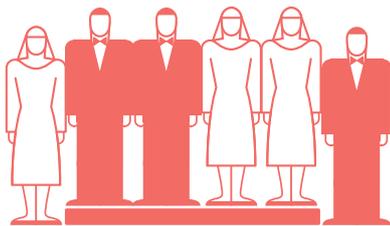
15. Marriage Equality

Court hearing for the first litigation on same-sex marriage in South Korea

A court hearing for the first litigation that directly deals with the validity of a same-sex marriage took place. On July 6, 2015, Seoul Western District Court held a court hearing for the case filed by Korean Network for Partnership and Marriage Rights of LGBT “Gagoonet.” They applied for objection to the denial of the marriage registration from the same-sex couple. The hearing was not open to public as it was a non-litigious domestic case.¹

Kim Jho Gwang-Soo and Kim Seung-Hwan had their public wedding on September 7, 2013. They submitted their marriage report to the Seodaemun-gu District Office on December 13, 2013. The office issued a rejection notice, referring to a Civil Act provision that a marriage is nullified when there is no consent between two parties of the marriage (Subparagraph 1 of Article 815) and other ones that included the term “husband and wife” (Article 826 and Article 834) for the grounds of their decision. Consequently, the applicants filed their objection to the office’s denial of the marriage registration.

The litigation team of 40 lawyers argued that the applicants had fully given consent to their marriage as proved in their public wedding and same-sex marriage cannot be a ground for nullification or cancellation under the Civil Act. They asserted that the office’s denial of the marriage registration is based on a wrongful interpretation of relevant provisions in the Civil Act so it is unlawful and unjust. The court hearing of two and a half hours was composed of arguments of the lawyers, questions toward the couple, and testimonies of legal and public health experts such as Oh Jungjin (Professor of Legal Philosophy at Pusan National University Law School), Han Sang Hee (Professor of Constitutional Law at Konkuk University Law School), and Kim Seung-Sup (Professor of Health Policy and Management at Korea University).²



The court hearing drew greater public attention as it was proceeded around the time when the US Supreme Court made a decision to legalize same-sex marriage across the nation (Obergefell v. Hodges; 6/26/2015). The case is still pending as of April 2016.

Continued discussion to establish the Life Partnership Act

The Civil Society Discussion Series on the Life Partnership Act were held at the National Assembly Members’ Office Building in order to discuss on legal protection and institutionalization of the rights to form families in a variety of forms.³ The conferences had three batches in February and March, co-hosted by the office of National Assembly member Jin Sun-mee, SOGI LAW, and Research Group on the Right to Form Families. It addressed the necessity of the Life Partnership Act and possible improvements in the current draft bill in the context of aging society, expansion of universal welfare, and family values.

The Bill on Life Partnership was drafted to provide two life partners who share housing and living but are not tied by marriage with the right to make medical decisions for each other, access to social welfare such as public housing and national health insurance, legal grounds to address domestic violence and property issues within the partner relationship. Jin Sun-mee prepared the Bill to lay it during the 19th National Assembly, but it has not been yet proposed as of April 2016.

International Symposium on Same-Sex Partnership Rights

“Couple in front of Law: International Symposium on Same-Sex Partnership Rights” was held at the National Assembly Members’ Office Building on June 20, 2015. Activists, politicians, and academics from three countries—that is, South Korea, Japan, and Taiwan— participated to share their experience and current situation of activism and legislative activities related to same-sex partnership rights in their own countries.⁴

Issues introduced through this symposium included contents and limitations of the ordinance on the issuance of certificate for same-sex partnership in Shibuya ward in Tokyo, Japan, debates on same-sex marriage among scholars of constitutional law in Japan, legislative trend



“Couple in front of Law: International Symposium on Same-Sex Partnership Rights” held in the National Assembly Members’ Office Building © Ilda

in Taiwan where revised draft of Civil Law to legalize same-sex marriage was discussed for the first time in the National Assembly in 2013, activities of Taiwan Alliance to Promote Civil Partnership Rights, and possibility of recognizing same-sex marriage and partnership in Korea with a focus on the case of the denial of the marriage registration of Kim Jho Gwang-Soo and Kim Seung-Hwan.⁵

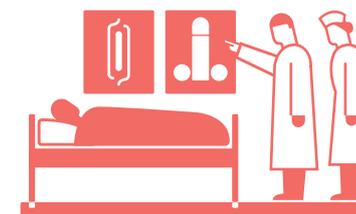
- 1 “Korea’s first ‘same-sex marriage’ of KIM JO Gwang-Soo and KIM Seung-Hwan; the first court hearing for their litigation for marriage registration has been held,” Joong-Ang Ilbo, 7/6/2015.
- 2 “Beginning of a journey toward equality, love, and dignity: Four issues regarding the interrogation for the first same-sex marriage litigation in Korea,” The Huffington Post Korea, 7/13/2015.
- 3 “Act on Life Partnership to protect relationships of care that used to be invisible,” Hankook Kyeongje, 2/13/2015.
- 4 The symposium was hosted by Sexual Minority Committee of the Justice Party, Korean Network for Partnership and Marriage Rights of LGBT “Gagoonet,” Research Group on Right to Form Families, Sexual Politics Committee of the Labor Party, Minority Rights Committee of the Green Party, Women’s Rights Committee and Minority Rights Committee of Minbyun-Lawyers for a Democratic Society, Rainbow Action against Sexual Minority Discrimination, and Korean Association of Gender and Law
- 5 “Same-sex marriage in Asia: how far has it gone?” Ilda, 06/28/2015.

Promotion of sexual rights of youth are called for the prevention of HIV/AIDS

On December 2, 2015, the “Forum on effective policies for the prevention and treatment of AIDS” took place at the National Assembly in celebration of World AIDS Day, which was held by National Assembly members Kim Chun-jin and Shin Sang-jin, and organized by the Korean Alliance to Defeat AIDS.¹ At the forum, the fact that HIV incidence among young people is significant was pointed out several times as a characteristic of HIV/AIDS status in Korea. Compared to the total rate of increase 8.80%, HIV incidence among people in their teens and twenties increased at a rate of 9.3% and 23.5%, respectively.

As of 2014, the total number of people living with HIV/AIDS in Korea was 12,757. In 2014, the number of new infections was 1,191 and continues to rise every year. At the same time, early detection of HIV infection, early treatment strategies, and development of medicines etc. deterred the occurrence of AIDS and many people living with HIV are maintaining their health which results in the increase of survival rate.

The increase in HIV/AIDS incidence among young people, despite development of strategies and technologies for its prevention, shows that LGBTI youth and young adults are not in fact accessing necessary resources. For the prevention of HIV, information on early and self-testing of HIV, accessibility to condoms, and capability to avoid risky and unconsented sexual intercourse, etc. are necessary. Comprehensive sex education, which includes information on sexual orientation and gender identity and diverse sexual activities is particularly essential. However, the Ministry of Education’s Guideline on Sex Education Standards in School drew criticism from home and abroad as it was composed of contents that are regressive to the promotion of the sexual health and rights of children and youth, including the deletion of educational contents



on sexual orientation and gender identity, etc. (For more information on the Guideline, please see: 6. Education/Youth) Regarding the Guideline, international human rights organization Human Rights Watch (HRW) sent a letter to the Minister of Education to deliver its opinion that information on sexual orientation and gender identity should be included in sexual education for the promotion of the sexual health and rights of children and youth, and that such a comprehensive sexual education contributes to the prevention of HIV spread.² HRW also mentioned in the letter that the UN Committee on the Rights of the Child (CRC) and UN Committee on the Elimination of Discrimination against Women (CEDAW) share the same opinion. The General Comment No.3: HIV/AIDS and the rights of the child by the CRC, which highlights the negative effects of discrimination based on sexual orientation on HIV education, was also quoted: “effective HIV prevention requires States to refrain from censoring, withholding, or intentionally misrepresenting health-related information, including sexual education and information and that, consistent with their obligations to ensure the right to life, survival, and development of the child (article 6), governments should ensure that children have the ability to acquire the knowledge and skills to protect themselves and others as they begin to express their sexuality.”³

Reproductive Rights of Transgender People

In 2015, in regards to the reproductive rights of transgender people, two positive decisions permitting the legal recognition of gender reassignment were made. On May 27, 2015, Incheon District Court Bucheon Branch (President: Lee Seong-bok) made a decision that permitted the legal recognition of a FTM transgender person’s gender reassignment.⁴ The person had a minor child and this was the first official decision to legally recognize the gender reassignment of a transgender person with a minor child. On December 24, 2015, the same branch permitted the gender reassignment of two FTM transgender persons in their 50s. The persons did not receive a surgery to remove reproductive ability, but were confirmed by medical certificates to be in their “menopause period” and “currently lacking reproductive ability”.⁵

Currently, the Supreme Court established rules, “Guidelines on the treatment of cases concerning transgender persons’ application for legal recognition of gender reassignment, etc.” provide for “whether the applicant has a minor child” and “whether the applicant has lost his/her reproductive ability and has little or no probability of re-transitioning to the previous gender in the future” as matters to be investigated. The two decisions mentioned above appear to be made based on the specific and actual circumstances of the applicants (For more information on the two decisions, please see: 14. Legal Gender Recognition.)

In addition, in its concluding observations that were announced on November 5, 2015, the UN Human Rights Committee made a recommendation to the Korean government to “facilitate access to the legal recognition of a gender reassignment”.⁶

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- 1 For reference, people in their 70s also showed a high increase rate of 11.8%. Jung Eun-gyung, “Booklet for the forum on effective policies for the prevention and treatment of AIDS”, Status of National Aids Control Projects, 12/2/2015
 - 2 “Response: Need to Recognize Sexual Orientation and Gender Identity in Sex Education”. posted on the website of Human Rights Watch, 5/4/2015 (last visited: 5/3/2016) <https://www.hrw.org/news/2015/05/03/letter-government-south-korea-need-recognize-sexual-orientation-and-gender-identity>
 - 3 UN Committee on the Rights of the Child, “General Comment No.3 HIV/AIDS and the rights of the child,” paras. 8, 16., 2003. (as translated into Korean by the National Human Rights Commission of Korea in 2006)
 - 4 Incheon District Court Bucheon Branch decision, 2015HoPa689, 5/27/2015.
 - 5 Incheon District Court Bucheon Branch decision, 2015HoGi134,136, 12/24/2015.
 - 6 UN Human Rights Committee concluding observations on the fourth periodic report of the Republic of Korea (CCPR/C/KOR/CO/4), 12/3/2015.

17. Health

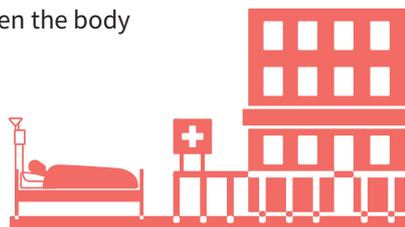
Complaint filed to the National Human Rights Commission of Korea regarding discrimination against a person living with HIV in dental treatment by a hospital

On October 22, 2015, a complaint was filed with the National Human Rights Commission of Korea regarding a hospital that committed acts of discrimination, including excessive infection control measures in the course of performing dental scaling on a person living with HIV.

In May 2015, Person A living with HIV made an appointment with the SMG-SNU Boramae Medical Center for dental scaling but received a notice of refusal. Person A subsequently submitted a complaint to the Seoul Metropolitan Government and Boramae Medical Center, and received in June a response from the hospital director saying that “corrective measures will be immediately carried out.” The hospital also stated in its written reply that “according to the HIV Infection Control Guidelines, a bylaw of the hospital, separate space or facility is not necessary when giving dental treatment other than abiding by the Standard Prevention Guidelines (to wear personal protective equipment).” However, when Person A revisited the hospital on October 2, he had to receive treatment in a separate room where the partitions, chairs, etc. were all covered in vinyl.¹

On October 22, 2015, Korean Network of People Living With HIV/AIDS ‘KNP+’ and others filed a complaint with the National Human Rights Commission of Korea and held a press conference. The complainants pointed out that “employing general precaution and abiding by standard guidelines should have been enough for the prevention of HIV infection” as “HIV is a virus that dies within around 3 seconds if exposed in air alone and the disease cannot be infected through airborne droplet or droplet nuclei because it dies 100% when the body

fluid dries”. Nonetheless, due to the discriminatory acts when providing medical treatment, such as covering chairs with vinyl, etc., Person A felt insulted and shame. The complainants



urged Boramae Medical Center to provide staff education and measures to address root causes and Seoul city to monitor and supervise its practices.²

Discrimination and refusal to provide medical treatment to people living with HIV/AIDS is a recurring issue. In 2011, the National Human Rights Commission of Korea found that Severance Hospital in Sinchon committed an act of discrimination when they refused to perform a hip surgery on a person living with HIV claiming that they did not have special gloves. The Commission made a recommendation to the hospital to prevent the recurrence of such incidents.³ A similar decision was made in 2015 regarding a refusal to perform a middle ear infection surgery. Experts pointed out that no special infection control measures are necessary just because a person living with HIV has visited a hospital. Kim Kack-kyun, the president of the Korea Dental Infection Control Association (faculty member of Seoul National University School of Dentistry), said that “in addition to protecting the privacy of the patient, an explanation that the measures were for the prevention of infection should have been made to the patient so that the patient does not feel ashamed”. He added that “special precaution is not necessary as the Standard Infection Control Guidelines are designed to prevent infection even when a patient receives medical treatment without disclosing his/her medical history (including HIV status)”.⁴ The “Guide on HIV/AIDS for medical practitioners” by the Korean Society for AIDS also does not recommend special measures in medical settings other than putting on personal protective equipment and performing general disinfection.⁵

National Human Rights Commission of Korea finds that refusal by general hospital to perform middle ear infection surgery on an HIV-infected patient is an act of discrimination and recommends the Minister of Health, Welfare and Family Affairs to take measures to prevent recurrence

On December 24, 2015, the National Human Rights Commission of Korea found that a general hospital’s refusal to perform middle ear infection surgery on Person B who is a person living with HIV was an unreasonable act of discrimination, and recommended the Minister of Health, Welfare

and Family Affairs to take effective measures at the national level to prevent recurrence.⁶ In August 2014, Person B attempted to make an appointment for surgery with the otorhinolaryngology department of Wonju Severance Christian Hospital after being diagnosed with middle ear infection that requires an operation. However, the hospital refused to perform the surgery claiming that “screens that block the spray of the patient’s blood are not installed in the surgery room” and Person B had to receive a middle ear infection surgery at another hospital in November. The Korean Network of People Living with HIV/AIDS “KNP+” and others subsequently filed a complaint about this case with the National Human Rights Commission of Korea on November 11, 2014.⁷

In its decision, the National Human Rights Commission of Korea ruled that although the hospital, the respondent, argues that a screen is necessary to completely block the spray of particles including the blood of the HIV-infected patient, “no special instruments are required other than gloves, protective eyewear or face shield etc. even if it is a surgery on a HIV-infected patient. Clothing, too, is not much more different than when operating on a general patient”, according to the surgeon who operated on person B and the opinion of the Centers for Disease Control and Prevention. Therefore, “the respondent’s refusal to perform surgery is an act of discrimination against a person living with HIV that did not take into account the patient’s right to treatment.” However, no separate measures were required, because the respondent had put in place reoccurrence prevention measures after the complaint had been filed.

On the other hand, the Minister for Health, Welfare and Family Affairs who participated in the case as an interested party stated that he “requested relevant associations and academies to conduct education and public awareness campaign regarding the provision of medical service to people living with HIV, and will continue education and campaign in the future as well”. The National Human Rights Commission of Korea pointed out that “In individual hospitals, people living with HIV, etc. continue to experience discrimination when receiving medical treatment,” and made a recommendation to the minister to “take more effective measures the national level for the prevention of recurrence”.

National Human Rights Commission of Korea holds an outreach program to provide human rights consultation for people living with HIV/AIDS

On March 26, 2015, the National Human Rights Commission of Korea held an outreach consultation program at Human Rights Center Saram in Mapo-gu, Seoul, for people living with HIV/AIDS. The Commission stated in a press release that “For people living with HIV/AIDS who lack access to adequate communication channels due to prejudice and misunderstanding, booths for individual consultation will be prepared and consultation on human rights, discrimination, and legal matters will be provided so as to offer a clue in resolving the human rights issues they may be experiencing”.⁸ The consultation program was carried out jointly with The Korean Network of People Living with HIV/AIDS “KNP+,” and events such as meeting with the Commission, one to one human rights counseling, legal consultation, exhibition of human rights books, etc. also took place.⁹

The UN Committee on the Elimination of Racial Discrimination recommends that the Korean Government compensate a foreign teacher for damages caused by a mandatory HIV/AIDS testing

On May 20, 2015, the UN Committee on the Elimination of Racial Discrimination published its opinion regarding an individual communication brought by a foreign teacher who was required to undergo HIV/AIDS testing. In the opinion, the Committee stated that the Korean government’s demands for HIV/AIDS testing is a violation of human rights and recommended that the government grant the teacher compensation for material and mental damages.¹⁰

The petitioner, a national of New Zealand who is currently residing in the United States of America, was employed in August 2008, by an elementary school in Ulsan Metropolitan City with a 1-year contract as an English teacher and entered Korea after being issued an E-2 visa (native-speaking instructor). The petitioner was informed by the Ulsan Metropolitan Office of Education, the employer, that E-2 visa holders are required to undergo medical tests to detect HIV/AIDS and illegal drugs, and received



Press conference urging the correction of discrimination against people living with HIV by Boramae Medical Center ©Beminor

the testing in September. In May, 2009, the petitioner received a notice from Ulsan Metropolitan Office of Education that HIV/AIDS testing, etc. is necessary once again for renewal of contract. The petitioner refused to be tested, protesting that the tests are only demanded from foreign teachers and not from Korean nationals or English instructors who enter Korea with an F-4 visa as overseas Koreans. The Ulsan Metropolitan Office of Education replied that “employment conditions for teachers from the Republic of Korea and foreign temporary teachers are different” and that “the tests are a way to judge the moral consciousness and humanities of a foreign instructor”. The Office subsequently refused re-employment of the petitioner. The petitioner requested remedies from the National Human Rights Commission of Korea and the Korean Commercial Arbitration Board, but her case was dismissed by both. The petitioner hence lodged a complaint with the UN Committee on the Elimination of Racial Discrimination.

In its ruling, the UN Committee on the Elimination of Racial Discrimination stated that demands for HIV/AIDS testing, etc. of foreign teachers, from which teachers who are Korean nationals or ethnically Koreans are exempted, are discrimination based on ‘ethnic origin’. The Committee added that demanding such testing for entry, stay and

residence, etc. purposes cannot be justified on public health grounds or any other ground. Accordingly, the Committee observed that compelling HIV/AIDS testing, etc. on foreign teachers “is a breach of the right to work without distinction as to race, colour, or national or ethnic origin, in violation of the State party’s obligation to guarantee equality in respect of the right to work as enshrined in article 5 (e) (i) of the International Convention on the Elimination of All Forms of Racial Discrimination.” The Committee then recommended that the Korean government grant the petitioner “compensation for the moral and material damages caused by the above-mentioned violations, including compensation for the lost wages during the one year she was prevented from working” and “appropriate responses to manifestations of xenophobia against foreigners by public officials, the media and the public at large”. The Committee also recommended that the government inform the Committee within 90 days about the measures taken.¹¹

Meanwhile, the Korean government stated in its reply to the UN Committee on the Elimination of Racial Discrimination that HIV/AIDS testing on foreign teachers has been suspended due to an amendment in the relevant laws in 2010. However, the “Guidance on foreign language teaching”, was amended on July 15, 2010, only to disallow the denial of visa issuance solely on the ground that the applicant is a person living with HIV. However, the Notification Concerning the Physical Examination for Employment for the Issuance of E-2 Visa, which took effect in 2011, continues to require HIV/AIDS and drug tests.¹²

The Ministry for Health, Welfare and Family Affairs amends the Enforcement Decree of the Medical Service Act to include People Living with HIV/AIDS in those eligible for admission to nursing homes

The Ministry for Health, Welfare and Family Affairs amended the Enforcement Decree of the Medical Service Act in December 23, 2015, in order not to include people living with HIV/AIDS in “persons ineligible for admission to nursing homes”.¹³ Intermediate care hospitals have refused the admission of people living with HIV/AIDS based on Article 36(2) of the previous version of Enforcement Rules of the Medical Service

Act which stipulated that “patients of infectious disease are not eligible for admission to intermediate care hospital”. However, the amendment changed “patients of infectious disease” to “infectious disease publicly announced by the Minister of Health and Welfare in accordance with Article 41(1) of the Infectious Disease Control and Prevention Act.” AIDS is categorized as Group 3 infectious diseases in the Infectious Disease Control and Prevention Act, but is excluded from “infectious disease with a particularly high risk of transmission publicly announced by the Minister of Health and Welfare”.

In an authoritative interpretation requested by the Centers for Disease Control and Prevention in 2011, the Ministry for Health, Welfare and Family Affairs stated that “the infection route of Acquired Immunodeficiency Syndrome (AIDS) is clear as it is transmitted through sexual intercourse or blood donation, and lacks the danger of spreading to many and unspecified people through daily communal living. Therefore, a person living with AIDS need not be interpreted as a ‘patient of infectious disease’ for the purpose of Article 36(2) of the Enforcement Decree of the Medical Service Act.” The current amendment reflected such existing interpretations by the Ministry for Health, Welfare and Family Affairs. Meanwhile, the amended articles will take effect on December 24, 2016, following a grace period of 1 year.

LGBTI people experience issues of visibility and discrimination in medical institutions

The National Human Rights Commission of Korea conducted the “Survey on the situation of discrimination based on sexual orientation and gender identity” in 2014 and presented the results on November 10, 2015 (For more information on the survey and the background of the forum, see 20. Survey/Research). The research revealed actual conditions of discrimination that LGBTI people experience when using medical institutions.¹⁴

92.7% of the 858 respondents who identify themselves as homosexual or bisexual said that they have experience using medical institutions (including hospitals, medical clinics, and public health clinics) in the past 5 years, and 0.5% said that they did not use a medical institution in fear they would

be treated unfairly due to their sexual identities. 14.2% of those who used medical institutions said they experienced discrimination. “Inappropriate questions” from medical care providers ranked highest with 10.1% of all respondents in regards to forms of discrimination, followed by “derogatory language or criticism”, “demands for unfair examination or treatment”, “difficulties in access to hospital wards”, and “refusal of examination or treatment”. Such experiences of discrimination appeared to be closely connected to visibility of homosexuals/bisexuals. 19.0% of the 795 respondents said that medical persons or workers “knew or suspected their identities,” and among them, 55.0% reported that they experienced discrimination. In comparison, only 4.7% experienced discrimination when medical persons or workers did not know or suspect the identities of the respondents. Also, regarding a question that asked, “Have you ever chosen not to reveal your identity to a medical person or worker when it was necessary to do so for appropriate consultation and treatment?”, 27.7% answered that they “did not reveal [their sexual identity] even though it was necessary.” Likewise, receiving appropriate consultation and treatment appeared to be a problem for LGBTI people as they cannot reveal their sexual identities at medical institutions.

In regards to transgender people, 86.7% of the 90 respondents answered that they have “experience using a medical institution within the past 5 years”, and another 3.3% said that they “did not use a medical institution in fear that they would be treated unfairly due to their gender identity”. 70.5% of the 78 people who used medical institutions said that medical persons or workers “knew or suspected their identities,” thereby demonstrating that visibility of transgender people in medical institutions is high. 35.9% of those who used medical institutions said that they have experienced discrimination. “Inappropriate questions” from medical persons, etc. ranked highest with 20.5%, followed by “derogatory language or criticism”, “refusal of examination or treatment”, “demands for unfair examination or treatment”, and “difficulties in access to hospital wards”. In regards to experience of medical treatment concerning gender transition, experience of discrimination was higher. 50.7% of the 51 people who have experienced discrimination said that “medical treatment related to

gender transition was not covered by insurance,” which was followed by “lack of knowledge among doctors, etc.(39.4%)”, “refusal of consultation, examination, or medical treatment (14.1%)”, “demand of consent from parents when undergoing surgery (14.1%)”. In addition, regarding the question “Have you ever chosen not to reveal your identity to a medical person or worker when it was necessary to do so for appropriate consultation and treatment?,” 32.1% of the respondents said that they “did not reveal [their gender identity] even though it was necessary”.

- 1 “HIV-infected patient went to the dentist to find the chair wrapped in vinyl”, Mediatoday 10/22/2015
- 2 “Press release - SMG-SNU Boramae Medical Center, do not discriminate against people living with HIV!”, Korean Network of People Living With HIV/AIDS and 12 other organizations, 10/22/2015
- 3 National Human Rights Commission of Korea decision 11JinJung0034200HIV, 6/10/2011
- 4 “What if a person living with HIV visits my dental clinic?-No problem if you abide by the Standard Infection Control Guideline”, Daily Dental, 10/30/2015
- 5 Korean Society for AIDS; Korean Alliance to Defeat Aids, “Guide on HIV/AIDS for medical practitioners”, 2008.
- 6 National Human Rights Commission of Korea decision 14JinJung0951100, 12/24/2015
- 7 “Person living with HIV files complaint to the National Human Rights Commission of Korea against hospital that refused to perform surgery”, Korea NGO News, 11/12/2014
- 8 “National Human Rights Commission of Korea”, News1, 3/25/2015
- 9 “On March 26, the National Human Rights Commission of Korea will hold outreach human rights consultations”, notice on the website of Korean Network of People Living with HIV/AIDS, 3/8/2015 (last visited: 5/3/2016)
- 10 “UN says AIDS testing on foreign lecturers in Korea is human rights violation”, YTN, 5/21/2015
- 11 Committee on the Elimination of Racial Discrimination, [L.G. v. Republic of Korea, Communication No.51/2012], CERD/C/86/D/51/2012, 12. Jun. 2015
- 12 “Enforcement Rules of the Immigration Control Act Article 76(2), Attached Table 5-2, notification on the contents and methods of drug testing as included in the physical examination form for employment, which E-2 (speaking instruction) visa holders are required to submit when applying for alien registration, and requirements of medical institutions specified by the Minister of Justice” (Ministry of Justice Notice no. 2011-23. as of 1/24/2011)
- 13 “Enforcement Decree of the Medical Service Act” (The Ministry for Health, Welfare and Family Affairs Decree No. 375, partly amended in 12/23/2015)
- 14 The following is a summary of the research by Gonggam Human Rights Law Foundation (Principal Investigator: Chang Suh-yeon), “Survey on the situation of discrimination based on sexual orientation and gender identity,” 2014, pp 166-167, which was commissioned by the National Human Rights Commission of Korea.

Exclusion and Discrimination in National Health Insurance enrollment and benefits

Transgender people are completely excluded from medical security with regards to transition. They receive medical treatments related to the transition for various reasons from mitigating dysphoria with their bodies to fulfilling courts’ requirements for legal gender recognition. Nevertheless, the state does not deem the entire process of the transition, such as psychiatric diagnosis, hormone therapy, and surgical operations, eligible for coverage by the National Health Insurance. This results in heavy financial burdens imposed solely on the transgender people and makes it hard for them to raise issues when they had troubles during the medical interventions. Also, lack of medical security may lead them to conduct medical actions for themselves (e.g., self-prescribed hormone use), consequently causing adverse effects on their health.¹ Despite these problematic situations, the South Korean government has never examined if medical actions regarding the transition are performed in proper procedures and at appropriate expenses.

Meanwhile, same-sex partners are not eligible to be dependents in the National Health Insurance. The National Health Insurance is a universal health care system that mandate every citizen, excepting those who are eligible for separate health care coverage (e.g., health care system for low-income citizens), to be enrolled as policyholders or their dependents. Policyholders are classified into employer-provided and locally-provided ones. The employer-provided policyholders’ spouses, the siblings, parents, and lineal descendants “who are financially supported mainly by the employer-provided policyholders and do not have other means of remuneration or income” are eligible for being dependents so they do not have to pay contributions. Different-sex partners are acknowledged as dependents not only when



their relationship is a legal marriage but also when it is a de facto one. On the contrary, same-sex partners are not recognized as such even when they live together and support each other financially. Consequently, when one person in a same-sex couple is enrolled in the National Health Insurance as an employer-provided policyholder, their same-sex partner with no income cannot be enrolled as their dependent but must enroll separately as a locally-provided policyholder and pay higher insurance premiums.

¹ Horim Yi et al., 2015, "Transgender People's Access to Health Care in Korea," *Health and Social Welfare Review* 35(4):64-94. doi: <http://dx.doi.org/10.15709/hswr.2015.35.4.64>

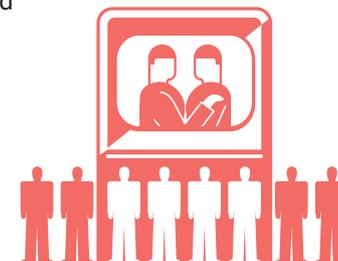
In Korea, 53% of the public supports same-sex marriage or partnership

In an online public opinion survey conducted by the internet media company BuzzFeed and the global research group Ipsos, 53% of all Korean respondents supported some legal recognition of same-sex union. 27% of the 500 Koreans who participated in the survey said that "same-sex couples should be allowed to marry legally," while 26% said that "same-sex couples should be allowed to obtain some kind of legal recognition, but not to marry".¹ This percentage was ranked 20th among the 23 countries that were surveyed. With the exception of 7 countries including India, Russia, etc. where internet access is limited and the sample size small, Korea de facto came in last place.²

The survey was conducted online for 2 weeks from April 24 to May 8, a month before Ireland legalized same-sex marriage through popular vote. 17,000 people aged 16 to 64 participated from 23 countries.

The Korean Broadcasting System (KBS) announces "KBS Guidelines on Fairness" which prohibits the promotion of unfair prejudice against LGBTI people in its programs

On March 2, 2015, the Korean Broadcasting System (KBS) published the "KBS Guideline on Fairness" which included provisions that discrimination and unfair prejudice against LGBTI people should be avoided. The guideline is comprised of 3 general standards, i.e. fairness, accuracy, and diversity, and 7 specific standards by sectors.³ The "diversity" chapter of the general standards stipulates that "KBS should play a role in resolving social conflicts and integrating the society by reflecting diverse opinions and interests without discrimination based on social status or class, gender, age, religion, place of birth, political opinion, nationality, race, etc." and provides that "cautions should be made so as not to promote unfair prejudice against LGBTI people".⁴



However, a report that violated the guideline was aired through the main news program of KBS. According to Mediaus, an online media that provides media critiques, KBS “News 9” aired an exclusive report that criticized the police’s inappropriate response to drug crimes on November 11, 2015. In the process, the report revealed a title that said “‘Drug dating’ through a gay website...” Also, when explaining the crimes of a suspect, the report mentioned that “The police suspects that the men went to a motel together to administer drugs after meeting through a website for gay dating.”⁵ In drug crimes that involve heterosexuals, the sexual orientation of the suspects is not mentioned. Likewise, information on the suspect’s sexual orientation was unnecessary in this case. The report was delivered in a manner that strengthens negative prejudice among viewers that drugs equal homosexuality, and is in clear violation of the “KBS Guideline on Fairness”. KBS amended the title of the online article as “Stumbling police misses a drug criminal in broad sight.”

Korea Communications Standards Commission regulates contents related to LGBTI people

Unfair regulation on contents related to LGBTI people continued. On April 23, 2015, the Korea Communications Standards Commission sanctioned Seonam Girls High School Investigators, a drama from JTBC that aired a same-sex kiss scene, by issuing a ‘warning’ as a statutory sanction. The fact that the Commission has blocked “Pink Map Korea,” a website that introduces clubs and bars for LGBTI people, since February 3, 2015, also spread through foreign press coverage. (For specific information of this incident, please see 10. Freedom of Expression, Assembly, and Association)

The life and legal recognition for same-sex couples is highlighted in “SBS Special: We got married”

On June 7, 2015, “SBS Special” aired a program that allows viewers to reflect upon the meaning of same-sex marriage/partnership through the voice and daily lives of same-sex couples who live in societies that legally recognize same-sex marriage and where not. The program compared the life of a gay couple in their thirties living in Korea who

held a wedding ceremony in front of their families and friends but who cannot consent to each partner’s hospitalization because their marriage is not legally recognized in Korea, and stories of families being formed in countries where same-sex marriage is legalized such as the Prime Minister of a country marrying his partner of the same sex and a gay couple who adopted a child with a disability. In the production concept, the production team stated that they intended to reflect on values that our society should aim for by looking at the controversy around same-sex marriage.

The program received protests from anti-LGBTI groups since the trailer aired. The Coalition of School Parents for Uprighting the Next Generation submitted a written opinion along with the signatures of 78,689 people. They argued that homosexuality would be promoted/incited if ‘We Got Married’ is aired as it is and stated that they will carry out nation-wide boycotts against SBS and its sponsors, protests and assemblies with school parents and ex-gays throughout the country.⁶ The Coalition for Moral Sexuality etc. ran full-page advertisements on Chosun Ilbo and Donga Ilbo that demanded the cancellation of the broadcast.⁷

The program received the 184th Monthly PD Award which is conferred by the Korean Producers & Directors' Association. The selection committee evaluated that the program is “timely in that legalization of same-sex marriage is a global trend” and “significant in that it brought up the issue of same-sex marriage through a real case of a Korean gay couple”⁸. However, despite such a noteworthy award, VOD service for the said program is currently not provided on the website of SBS due to “requests from the production team”.⁹

Kookmin Ilbo, leads discrimination and hate against LGBTI people

Kookmin Ilbo, one of the 10 major daily newspapers and known for its affiliation with Protestant groups, continuously produced articles that disparage LGBTI people and problematize them by connecting them with AIDS. The newspaper spread discrimination and logic of hatred against LGBT people through series of articles as short as 2-3 episodes and long as 10 episodes, including “Urgent Review: Investigating the truth about

Queer Culture Festival (1-10 episodes, 5/28-6/11)”, “Invasion of homosexuality, should we let this be? (1 & 2 episodes, 6/26)”, “Revealing the truth behind the logic of same-sex marriage legalization (1-3 episodes, 7/31-8/4)”, “In-depth review: Revealing the interconnectivity between AIDS and homosexuality (1 & 2 episodes, 8/19-8/20)”, “Middle/high school text books that only highlight the viewpoint of homosexuals (1 & 2 episodes, 9/1-9/2),” etc.

In the articles “Urgent Review: Investigating the truth about Queer Culture Festival”, Kookmin Ilbo falsely publicized the fact that the city of Seoul violated the statues regarding the use of Seoul Plaza, and, through the arbitration of the Press Arbitration Commission, was order to publish a reply by Seoul City regarding the articles from June 2, 4, and 5.¹⁰ In response to the criticism that the contents of the articles which said that “sexual preferences can be changed,” etc. violated the Standards for Human Rights-Based Reporting¹¹, Paek Sang-hyun, the journalist who wrote the series of articles, reportedly said that the Standards for Human Rights-Based Reporting is wrong and will continue to raise issues in relation to this matter¹²

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- 1 「Of 23 Countries Surveyed, Majority (65%) in 20 Countries Support Legal Recognition of Same-Sex Unions」, Ipsos, 5/29/2015 (last visited: 4/16/2016) <http://www.ipsos-na.com/news-polls/pressrelease.aspx?id=6866>
 - 2 The list of the 23 countries is as the following. The number inside parentheses is the percentage of respondents who support some legal recognition of same-sex unions. Spain (86%), Great Britain (84%), Sweden (82%), Ireland (81%), Belgium (78%), Germany (78%), France (76%), Canada (75%), Argentina (75%), Italy (75%), Australia (74%), Mexico* (70%), United States (68%), Brazil* (61%), China* (58%), South Africa* (58%), Japan (58%), Poland (56%), Hungary (54%) and South Korea (53%), India* (47%), Turkey* (46%) and Russia* (20%). Among these, those marked with an asterisk is where the number of respondents were significantly low, thereby requiring a more careful interpretation.
 - 3 “KBS Guideline on Fairness, what are the contents”, Mediaus, 3/9/2015
 - 4 “Commissioners of the Korea Communications Standards Commission, write a letter of apology to us”, Mediaus, 4/13/2015
 - 5 “[Reporter’s Notebook] Recommending that KBS carefully read the KBS Guideline on Fairness”, Mediaus, 11/12/2015
 - 6 “Boycott against SBS will ensue if program that promotes same-sex marriage is aired”, Christian Today, 6/5/2015
 - 7 “(Full-page Ad) Lee Woong-mo, President of SBS, Yoon Seok-min, CEO of Taeyoung Engineering and Construction (major stockholder of SBS), we ask you to maintain fairness in broadcasts related to same-sex broadcasting”, Chosun Ilbo, 6/4/2015; Donga Ilbo, 6/5/2015.
 - 8 “2 pieces including ‘SBS Special – We got married’ win the 184th Monthly PD Award”, PD Journal, 7/27/2015.
 - 9 “Due to requests from the production team, VOD service for this episode is not provided”, SBS website notice, 6/7/2015 (last visited: 4/16/2016)
 - 10 “Kookmin Ilbo and the Protestant’s nonsensical attack against Park Won-soon”, Mediatoday
 - 11 Chapter 8 of the ‘Standards for Human Rights Reporting’, which was jointly enacted by the National Human Rights Commission of Korea and Journalists Association of Korea, prohibits hate speech and expressions that disparage LGBTI people and employ prejudicial terminology (e.g. sexual taste)). It also prohibits expressions that connect LGBTI people with socio-pathological phenomenon such as drugs or specific diseases like AIDS.
 - 12 “Kookmin Ilbo, distorts statistics and claims the ‘Standards for Human Rights-Based Reporting’ is erroneous”, Mediatoday, 6/17/2015.

20. Survey/Research

The “2016 Korea HIV/AIDS Stigma Index Survey” commences with the support of UNAIDS

From October 2015, the “2016 Korea HIV/AIDS Stigma Index Survey” will be conducted for a year. This survey is part of “The People Living with HIV Stigma Index” conducted by UNAIDS in over 65 countries from 2008.¹ This is the first time for Korea to participate. The Korean Network of People living with HIV/AIDS (KNP+) supervises while the 2016 Korea HIV/AIDS Stigma Index Survey Joint Group conducts the survey with the sponsorship of UNAIDS.²

Fifteen people living with HIV/AIDS will conduct, as interviewers, questionnaire surveys of 150 people and in-depth interviews of 10 people, all of whom are also living with HIV/AIDS.³ The results are expected to provide basic data for understanding the discrimination and stigma that people living with HIV/AIDS experience in Korea, and proposing necessary policies. The final report is scheduled to be published in September 2016.

Seoul City publishes a report on the results of the “Seoul Survey on the human rights situation of minority children and youth”

In March 2015, the results of the “Seoul Survey on the human rights situation of minority children and youth” were made public. This was a follow-up survey of the “2012 Seoul Survey on the situation of child rights” and was conducted on sexual minorities, out of school children and youth, people with disabilities, single mothers, North Korean defectors, and residents in welfare facilities in order to find out specific policy needs of minority children and youth and to prepare support plans.⁴ Seoul Foundation of Women and Family made an agreement with Seoul City in April 2014, and carried out the project until February 2015.

Fifty-five LGBTI youth in middle/high school and those who dropped out of school participated in the survey (questionnaire survey: 50, interview: 5, survey



period: 10/23/2014-1/23/2015). Survey included LGBTI-specific questions (age of awareness of one’s own sexual orientation or gender identity, experience of counseling services and their effectiveness, coming out and outing experience, experience of discrimination, participation in LGBTI groups, health, knowledge and use of service providers etc.) and general questions (experience of domestic abuse and violence, experience of running away from home, experience of violence in school as offenders or victims, experience of usage of harmful substance, experience of privacy invasion at home and school, experience of human rights education etc.).

According to the survey results, 78% of the respondents answered that “sex education that includes information on sexual orientation and gender identity” to the question that asked for the “most necessary policy to prevent degradation and unfair treatment against LGBTI people (multiple choice)”. The results were reflected in the policy proposal section which warned that human rights violation can arise even from human rights education and pointed out that sex education materials in which only men and women appear do not cover diverse sexual orientation and gender identity and can constitute psychological violence against LGBTI people. The “Guidelines for the protection of the rights of minority children and youth (for workers in care facilities)” highlighted that ignorance, discrimination, violence, abuse, neglect against LGBTI people cannot be justified and emphasized the importance of acceptance, support, prohibition of outing, and protection of privacy for children or youth who have come out or are struggling with their identities.⁵

National Human Rights Commission of Korea holds a forum to present and discuss the results of the “Survey on the situation of discrimination based on sexual orientation and gender identity”

On November 10, 2015, the National Human Rights Commission of Korea held a forum to present and discuss the results of the “Survey on the situation of discrimination based on sexual orientation and gender identity,” which was attended by around 200 people consisting of activists, researchers, students, etc.⁶ The survey was the first large-scale investigation conducted on LGBTI people at the national level. Gonggam Human Rights Law Foundation carried out the research commissioned by

the National Human Rights Commission of Korea from June to December in 2014. The goals of the survey included determining the current status of discrimination based on sexual orientation and gender identity to seek better policies. It also aimed to gather basic data that would guide a long term plan for the state anti-discrimination agencies with a view to improving LGBTI rights. The situation of discrimination was investigated in various sectors, including education, employment, use of goods, services, and facilities, government entities such as military and administrative agencies, and media, through an online survey on 1,126 LGBT people (including 200 teenagers) and an online attitude survey on 100 middle/high school teachers. Based on the results from the survey, as well as from the research on relevant domestic and foreign legal system and human rights programs overseas, policies were proposed. (For specific information on each sector, see: 4. Employment, 5. Goods/Services, 6. Education/Youth)

The forum mainly focused on the experience of LGBTI people in education and employment sectors and of transgender people at health and government agencies, and policy proposals. Experts in law, public health, and human rights participated in the discussion.⁷

Meanwhile, the presentation was delayed for more than 6 months compared to the timeline in which most other researches commissioned by the Commission are published and the presentation was almost dismissed. In accordance with common practices, the final report should have been made public through the website of the Commission around late February and the forum should have been held in the first half of the year. However, the Commission did not do so for a prolonged time due to protests and pressure from anti-LGBT groups. When the Commission delayed again the presentation that was due late September, Gonggam Human Rights Law Foundation that conducted the research viewed this as a “violation of the right to equality by a state agency” and filed a complaint against the chairperson of the Commission and the director of the discrimination investigation division. Specifically, the complaint stated that “Delaying announcement of the report on the human rights of LGBT people for a prolonged time compared to other reports is unfair treatment on the ground of sexual orientation in the provision and use

of goods and services, committed by the Commission which has the utmost responsibility to improve the human rights of minorities and the socially disadvantaged. The Commission is paying attention to anti-LGBT groups and conservative Protestants and is committing a discriminatory act which falls under ‘violation of the right to equality by a state agency’ that is prohibited by the National Human Rights Commission Act.” The Commission explained that “the timeline was adjusted merely due to scheduling issues of the Commission”.⁸

The forum took place and the report was made public 2 months after the complaint was filed. The Commission dismissed the complaint to the Commissioner on the ground that the forum was held.

Currently, the Commission is in the process of preparing policy recommendations that will be made to relevant ministries and agencies.

The Asan Institute for Policy Studies publishes research on public attitudes toward LGBTI persons

In April 2015, the Asan Institute for Policy Studies published a research that analyzed public attitude and trends regarding homosexuality and same-sex marriage, and the possibility of politicizing LGBT rights as a political issue. The report analyzed that public attitude toward LGBTI people have improved continuously in the last 5 years.⁹

According to Asan Annual Survey, tolerance toward homosexuality rose from 15.8% in 2010 to 26.7% in 2014, support for same-sex marriage rose from 16.7% to 28.5%. The rate of increase was especially high among people in their twenties and thirties. In a public opinion poll conducted in early December 2014, when the Rainbow Sit-in Protest was taking place, 32.8% reported that they have “no reservations at all” about homosexuality. Fifty percent of the respondents who self-identify as progressive and 21.8% of conservatives answered that they have “no reservations at all” against LGBTI people.

The report pointed out that public awareness of anti-discrimination law concerning LGBTI people was not high. Forty two point eight percent (42.8%) responded that they “don’t know at all” about legislation regarding non-discrimination toward LGBTI people, 17.3% responded “know



Presentation of the results of the “Survey on the situation of discrimination based on sexual orientation and gender identity”, National Human Rights Commission of Korea

somewhat”, and only 2.2% responded “know very well”. However, to a question that asked if he/she views discrimination against LGBTI people as a human rights issue, 47.1% responded that it is a human rights issue.

The report forecasted that it is unlikely that politicians would politicize the issue in the near future due to the political landscape of Korea, notwithstanding the fast-changing social environment. The report evaluated the Rainbow Sit-in Protest as an incident that showed both the possibility and limits of politicizing LGBTI issues. The protest was triggered when Seoul mayor Park Won Soon, a politician who was seen progressive, retracted his support of LGBTI people in the process of enacting the Citizen’s Charter of Human Rights. The report further noted that conservative groups successfully framed their arguments through the phrase “homosexuality promotion” and suggested that LGBTI issues should be approached in terms of “human rights protection”.

- 1 For more information, see: <http://www.stigmaindex.org> (last visited: 4/16/2016)
- 2 “2015 Announcement of 10 major issues regarding AIDS and press conference on the commencement of the UNAIDS Stigma Index Survey”, 11/26/2015 (last visited: 4/16/2016) http://knppplus.org/bbs/board.php?bo_table=notice&wr_id=38
- 3 ““People living with HIV/AIDS who experience discrimination conducts survey on stigma index as interviewers”, Beminor, 11/30/2015
- 4 “Report of survey findings on the human rights situation of minority youth” Seoul Open Government Portal, 8/5/2015 (last visited: 4/16/2016) <http://opengov.seoul.go.kr/sanction/5588589>
- 5 “Seoul Survey on the human rights situation of minority children and youth”, Seoul Foundation of Women and Family (Head researcher: Lee Seung-mi), p.220, 377, 554, 2015.
- 6 “National Human Rights Commission of Korea holds a forum to present and discuss the results of the ‘Survey on the situation of discrimination based on sexual orientation and gender identity’” National Human Rights Commission of Korea website, 11/10/2015 (last visited: 4/16/2016)
- 7 “15% of LGBT youth harassed by friends”, Hankyoreh, 11/10/2015
- 8 “Civil societies file complaint against the Chairperson of the National Human Rights Commission of Korea for delaying the announcement of the results of the ‘Survey on the human rights situation of LGBTI people’”, KBS, 9/15/2015
- 9 “Korean Voters and Issues III: Public attitudes toward LGBT people”, Asan Institute for Policy Studies website Issue Brief, 4/1/2015 (last visited: 4/16/2016)

21. International Human Rights Mechanism

UN Human Rights Committee addressed Korean LGBTI human rights in its review of the report of South Korea.

On November 5, 2015, the UN Human Rights Committee released its concluding observations of overall situation of civil and political rights in South Korea, at a press conference with the presence of Vice Chair Anja Seibert-Fohr in Geneva. The Committee expressed its concern and gave recommendations about human rights situations of LGBTI people in Korea by committing many paragraphs on “non-discrimination” and “discriminations based on sexual orientation and gender identity.”¹ In particular, ending discrimination against LGBTI people, immediate release and pardon of conscientious objector to military service, and protection of freedom of peaceful association and assembly were indicated as three primary recommendations that the Korean government should provide relevant information on its implementation within one year.

The Committee also requested the Korean Government to “clearly and officially state that it does not tolerate any form of social stigmatization of, or discrimination against, persons based on their sexual orientation or gender identity, including the propagation of so-called “conversion therapies”, hate speech and violence.” Some of their specific recommendations included strengthening the legal framework to protect LGBTI people, repealing Article 92-6 of the Military Criminal Act, avoiding the use of State-owned buildings by private organizations for so-called “conversion therapies”, developing inclusive sex education programs that provide students with information regarding sexuality and diverse gender identities, facilitating access to the legal recognition of gender reassignment, developing and implementing public campaigns and provide training for public officials to promote awareness and respect for diversity in respect of sexual orientation and gender identity.

Prior to the release of the concluding



Representatives of the South Korean Human Rights Organizations Network in Geneva, participating in the review of the implementation of the International Covenant on Civil and Political Rights by the Korean government

observations, the Committee reviewed the 4th periodic report of the Korean government from October 22 to 23 during its 115th session.² In the list of issues it adopted at the 113th session to have a focused review, the Committee raised questions about human rights of LGBTI people and people living with HIV/AIDS through three items: 4. Effort to establish comprehensive anti-discrimination legal framework; 6. Measures to combat discriminations against LGBTI people and people living with HIV/AIDS, decriminalization of same-sex activities in military, jurisprudential inequality between different-sex rapes and same-sex rapes under the Criminal Law; 19. Mandatory HIV-testing of foreigners, detainees, and soldiers.³ In its replies to the list of issues, the Korean government did not provide any information on measures to counter discriminations against LGBTI people and repeated its previous, reserved stance regarding the repeal of Article 92-6 of the Military Criminal Act.⁴

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- 1 The UN Human Rights Committee, “Concluding observations on the fourth periodic report of the Republic of Korea (CCPR/C/KOR/CO/4)”, 12/03/2015
 - 2 UN OHCHR, “The Human Rights Committee considers the report of the Republic of Korea,” 10/23/2015. <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=16646&LangID=E>
; “Video: Questions and replies related to LGBTI rights and anti-discrimination during the UN CCPR’s review of the 4th report of the Korean government,” Rainbow Action against Sexual-Minority Discrimination’s website, 11/09/2015 (last visited on 05/09/2016). <http://lgbtact.org/?p=881>
 - 3 The UN Human Rights Committee, “List of issues in relation to the fourth periodic report of the Republic of Korea (CCPR/C/KOR/Q/4)”, 04/28/2015.
 - 4 The Government of the Republic of Korea, “Replies of the Republic of Korea to the list of issues (CCPR/C/KOR/Q/4/Add.1),” 07/31/2015.

Chapter IV. Table of Current South Korean Laws on Sexual Orientation and Gender Identity



Area	Title of Law	History	Contents
Military	Military Criminal Act	<p>Enacted in 1962.</p> <p>With the 2009 revision of Article 92 as Article 92-5, the statutory punishment increased from imprisonment with prison labor for up to one year to imprisonment with prison labor for up to two years. In effect since Feb. 3, 2010.</p> <p>With the major revisions in 2013 of laws related to sexual violence including the Criminal Act, the provisions on sexual violence in the Military Criminal Act were revised as well. In the process, the term <i>gyegan</i> was deleted and replaced with the term “anal sex” (reflecting the opinion of the Ministry of National Defense).</p>	<p>In the past, Article 92 (Disgraceful Conduct) in Chapter 15 (Other Crimes) provided, “A person who commits <i>gyegan</i>¹ or other disgraceful conduct shall be punished by imprisonment with prison labor for not more than one year;” even punishing mutually consensual sexual acts between same-sex soldiers by not requiring coercion as an element.</p> <p>The 2009 revision stipulates Article 92-5 (Disgraceful Conduct) “A person who commits <i>gyegan</i> or other disgraceful conduct shall be punished by imprisonment with prison labor for not more than two years” under Chapter 15 (Crimes of Rape and Molestation), thus raising the statutory punishment.</p> <p>The 2013 revision stipulates Article 92-6 (Disgraceful Conduct) “A person who commits anal sex or other disgraceful conduct on a person falling under any provision of Article 1(1) through (3)² shall be punished by imprisonment with prison labor for not more than two years.”</p> <p>In both 2002 and 2011, the Constitutional Court of Korea ruled the article to be constitutional.³</p> <p>Although National Assembly member Min Hong-chul proceeded with a bill in 2013 for the revision of the law to punish sexual acts between females as well, he withdrew it after controversy over the proposed change.</p>

General	National Human Rights Commission Act	Enacted in 2001. The provision on discriminatory acts violating the right to equality transferred from Article 30 (Matters Subject	<p>As discriminatory acts violating the right to equality, the provision stipulates acts of favorably treating, excluding, differentiating, or unfavorably treating an individual in employment, in supply or use of goods and services, or in education or use of educational facilities, etc. on the ground of sexual orientation as well as acts of sexual harassment (Article 2 Subparagraph 3).</p> <p>When a discriminatory act occurs in relation to the performance of duties by state institutions or is committed by corporations, organizations, or private persons, the victim or any individual or organization that is aware of such facts may file petitions (Article 30 Paragraph 1).</p> <p>Even without petitions, the National Human Rights Commission of Korea may conduct investigations ex officio when there is a reasonable ground to believe a discriminatory act exists and the matter is serious (Article 30 Paragraph 3).</p> <p>The National Human Rights Commission of Korea may conduct investigations on such acts and mediate or recommend relief measures, rectification, or disciplinary actions, or report to the authorities when discriminatory acts are found to have occurred (Articles 40, 42, 44, etc.).</p> <p>Article 2 (Definitions) The definitions of terms used in this Act shall be as follows:</p> <p>3. The term “discriminatory act violating the right to equality” means any of the following acts committed without reasonable cause based on sex, religion, disability, age, social status, region of origin (including place of birth, first-registered domicile, one’s legal domicile,</p>
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<p>one’s legal domicile, and major residential district where a minor lives until he/she becomes an adult), national origin, ethnic origin, physical conditions including appearance, marital status such as married, single, separated, divorced, widowed, and de facto married, race, skin color, thoughts or political opinions, family type or family situation, pregnancy or birth, criminal record of which effective term of the punishment has expired, sexual orientation, academic background or medical history, etc; Provided, That an act of provisionally treating favorably a particular person (including groups of particular persons; hereinafter the same shall apply) for the purpose of remedying existing discrimination, and the enactment or amendment of laws and regulations and the formulation and enforcement of policy to this effect, shall not be deemed as the discriminatory act violating the right to equality (hereinafter referred to as the “discriminatory act”):</p> <p>(a) Any act of favorably treating, excluding, differentiating, or unfavorably treating a particular person in employment (including recruitment, hiring, training, placement, promotion, wages, payment of commodities other than wages, loans, age limit, retirement, and dismissal, etc.);</p> <p>(b) Any act of favorably treating, excluding, differentiating, or unfavorably treating a particular person in the supply or use of goods, services, transportation, commercial facilities, land, and residential facilities;</p> <p>(c) Any act of favorably treating, excluding, differentiating, or unfavorable treating a particular person in the provision of education and training at or use of educational facilities or vocational training institutions; and</p>
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(d) An act of sexual harassment [which means sexual comment or act made by employers, employees or workers of public institutions (which mean government institutions, local governments, schools established under Article 2 of the Elementary and Secondary Education Act, Article 2 of the Higher Education Act and other laws, and public service-related organizations under Article 3(2)(1) of the Public Service Ethics Act) that causes the sense of sexually-related humiliation or degradation by using his/her position or in relation to business and etc.; or disadvantage in employment by reasons of refusal to respond to such sexual language, act or other demand]

Correctional facilities	Administration and Treatment of Correctional Institution Inmates Act	Provision newly added with the entire revision of the Criminal Administration Act in 2007. In effect since 2008.	Article 5 (Prohibition of Discrimination) Prisoners shall, without reasonable grounds, not be discriminated on the grounds of sex, religion, disability, age, social status, region of origin, national origin, ethnic origin, physical conditions including appearance, medical history, marital status, political opinion, sexual orientation , etc. As for remedies for violations of the rights, it provides for interviews with the heads of correctional facilities, petitions, etc. (Articles 116 and 117).
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Correctional facilities/military	Act on the Execution of Criminal Penalties in the Armed Forces and the Treatment of Military Inmates	Provisions newly added with the entire revision of the Military Criminal Administration Act in 2009. In effect since May 2010.	Provisions are almost identical to those above (Articles 6, 101, and 102).
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Administrative rules and Supreme Court established rules on sexual orientation and gender identity

Area	Title of Law	History	Contents
Legal gender recognition	Guidelines on the Clerical Processing of Cases of Transgender People's Application for Legal Gender Recognition (Supreme Court established rules on family relationship registration)	Enacted in 2007 in response to the successful legal gender recognition of a transgender person through a 2006 Supreme Court decision. ⁴ Revised in 2009 in partial acceptance of a 2008 recommendation from the National Human Rights Commission of Korea. ⁵ Previously, legal gender recognition was not permitted to transgender people with (a) child(ren) regardless of the child(ren)'s age(s). In accordance with a 2011 Supreme Court decision, however, ⁶ this has been revised to investigate the presence of (a) minor child(ren) so that if transgender people's children have reached majority, legal gender recognition may be permitted. With the 2013 revision of the age of majority in the Civil Act from 20 years to 19 years, the possible age to apply for legal gender recognition was changed from 20 years to 19 years.	These Guidelines provide the procedures, etc. for the application for and decision-making on legal gender recognition. They provide the list of documents to be submitted and the matters to be investigated. Article 3 (Attached Documents) (1) The applicant shall attach the following documents to the application form in Article 9 Paragraph 1 of the Non-contentious Case Procedure Act: 1. A basic certificate of the family relationship register, a family relationship certificate, and a transcript/abstract of the resident register; 2. <u>Written diagnoses or appraisals from two or more professionally trained psychiatrists who diagnosed the applicant with transsexualism;</u> 3. <u>A written report of opinions and findings from the surgeon who performed gender reassignment surgery confirming that the applicant received gender reassignment surgery and currently exhibits a physical appearance similar to the genitals of the sex opposite of his or her biological sex</u> [When a written report of opinions and findings in the name of the surgeon who performed gender reassignment surgery cannot be attached, the applicant may explain the reasons for his or her inability to attach the report and submit a written physical appraisal in another professionally trained physician's name. In the case where the applicant received gender reassignment surgery overseas, he or she shall submit a written

diagnosis (a written physical appraisal, a report of opinions and findings) from a physician professionally trained in plastic surgery or obstetrics and gynecology in South Korea confirming that the applicant currently has the external genitals, etc. of the gender opposite his or her sex as a result of the surgery.];

4. A written diagnosis or appraisal in a professionally trained physician's name confirming that the applicant currently lacks reproductive capacity and that there is no possibility for reproductive capacity to develop or to be recovered in the future as well;

5. The applicant's statement of his or her growth environment and letters of guarantee from two or more references (the statement of growth environment and the letters of guarantee from references shall include: (i) a specific statement of the applicant's interpersonal relationships including relationships with members of the opposite sex and public life for each period including infancy, childhood, youth, adulthood, etc.; and (ii) a statement to the effect that the applicant continuously lived with a gender identity or self opposite of his or her biological sex for a certain duration from before receiving gender reassignment surgery, received gender reassignment surgery as a manifestation of such a gender identity or self, and leads public life in great satisfaction with the gender identity or self currently established since gender reassignment surgery.); and

6. A written consent from the parents.

Article 6 (Matters for Investigation) To examine a case applying for legal gender recognition, the court is to investigate

the following grounds regarding the applicant:

1. Whether the applicant, as a national of the Republic of Korea, is a person of legal capacity aged 19 or above, is currently married, or has (a) minor child(ren);

2. Whether the applicant has experienced continuous pain due to the disagreement between his or her inherent, biological sex and consciousness since his or her growth period due to transsexualism and felt a sense of belonging to the opposite sex instead;

3. Whether the applicant still wished for surgical measures despite prolonged treatment through psychiatric treatment or hormone treatment and therefore received gender reassignment surgery under a qualified surgeon's judgment and responsibility and whether his or her physical appearance including the external genitals has been changed to that of the opposite sex;

4. Whether, as a result of gender reassignment surgery, the applicant has lost reproductive capacity and whether the likelihood of his or her re-transition into his or her original sex in the future is absent or extremely thin;

5. Whether the applicant has special circumstances such as applying for legal gender recognition for the intention or purpose of using it for acts that are criminal or evade the law.

Criminal procedure

Regulations on the Duties of Police Officers for Human Rights Protection (Korean National Police Agency Directive)

Enacted in 2005.

Article 2 Subparagraph 4 defines "**Sexual minorities**" as "Those who are minorities in terms of their own sexual identities including homosexuals, bisexuals, and transgender people."

Chapter 4 (Investigation) Section 3 (Protection of Social Minorities) Article 76

(Investigation of Sexual Minorities) stipulates, “When a sexual minority person does not wish to disclose his or her sexual identity, it shall be respected to the greatest extent possible. Even when [his or her sexual identity] must inevitably be disclosed to the family and others, the reasons shall be explained adequately,” thus **restricting outing**.

Chapter 4 (Investigation) Section 4 (Guarantee of the Human Rights of Confinees) Article 80 (Consideration for the Socially Marginalized) Paragraph 4 provides, “**As for confinees who are sexual minorities, when they so wish,** measures such as solitary confinement shall be taken.”

The first use of the term “sexual minorities” in administrative rules.

Criminal procedure Regulations on the Duties of Police Officers for Human Rights Protection (Ministry of Public Safety and Security Directive) Originally enacted in 2007 as a Korea Coast Guard Directive but revised as a Ministry of Public Safety and Security Directive with the absorption of the Korea Coast Guard by the newly created Ministry of Public Safety and Security following the tragic sinking of the MV Sewol.

The same provisions as above, with slight differences in their positions.

Criminal procedure Working Rules on Investigations Protecting Human Rights (Ministry of Justice Directive)

In effect since 2006.

Article 4 (Prohibition of Discrimination) Individuals related to cases including suspects shall, without reasonable grounds, not be discriminated on the grounds of sex, religion, age, disability, social status, region of origin, race, nationality, physical conditions including appearance, medical history, marital status, political opinion, **sexual orientation**, etc.

Criminal procedure Regulations on the Confinement and Escort of Suspects (Korean National Police Agency Directive)

In effect since 2007.

Article 19 (Guidelines on Confinee Protection Officers’ Performance of Duties) (2) Confinee protection officers shall continuously make rounds inside detention houses while on duty to examine confinees’ movements, endeavor to prevent accidents by especially taking care that the following acts do not occur, and take emergency measures and report immediately to the main officer in charge of protecting confinees so that necessary measures will be taken when unusual circumstances are discovered:
11. Acts of bullying or discrimination against people with disabilities, **foreigners, sexual minorities, et al.**

Criminal procedure Regulations on the Confinement and Escort of Suspects (Ministry of Public Safety and Security Directive)

In effect since Sept. 2011.

Originally enacted as a Korea Coast Guard Directive but revised as a Ministry of Public Safety and Security Directive with the absorption of the Korea Coast Guard by the newly created Ministry of Public Safety and Security following the tragic sinking of the MV Sewol.

The same provisions as above.

The reference to the bullying of sexual minorities as above was not included in the past, unlike the Korean National Police Agency Directive, but recently added.

Military/correctional facilities Directive on the Execution of Detention in a Guardhouse and Standards for the Treatment of Disciplinary Guardhouse Inmates (Ministry of National Defense Directive)

Enacted in Feb. 2011.

Article 5 (Prohibition of Discrimination) Disciplinary guardhouse inmates shall, without reasonable grounds, not be discriminated or unjustly treated on the grounds of rank, age, religion, academic background, region of origin, appearance, **sexual orientation**, etc.

Military	Regulations on Examination such as Draft Physical Examination (Ordinance of the Ministry of National Defense)	A proviso added in 2008 in accordance with a 2007 recommendation from the National Human Rights Commission of Korea. ⁷	In principle, urological examinations implemented as a part of military conscription physical examinations must be conducted with partitions separating individuals. In the case of transgender people, however, the examinations can be replaced by a written decision from a court, or a certificate of physical examination or a statement of radiological findings, etc. indicating the subject to be a transgender person (proviso in Article 8 Paragraph 2 Subparagraph 10).
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Military	Regulations on Examination such as Draft Physical Examination (Ordinance of the Ministry of National Defense)	In the partial revision of Dec. 7, 1978, “sexual perversion” was introduced as a criterion for evaluating mental and physical disabilities. In the revision of Jan. 30, 1999, the stipulation “sexual perversion” was deleted and the current expression “gender identity disorder, sexual preference disorders” was inserted and has been maintained to the present.	Depending on the degree, “gender identity disorder, sexual preference disorders, etc.” can be assigned physical grades III, IV, V, and VII. ([Attached Table 2] Degree of and evaluation standards for Diseases and Mental and Physical Disabilities) (※ In practice, homosexuality is not classified as a sexual preference disorder but gender identity disorder is applied to transgender people. “Sexual preference disorders” are not included in general lists of mental diseases.)
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Military	Directive on the Management of Military Units (Ministry of National Defense Directive)	With the case of human rights violations against a gay male soldier that occurred in Feb. 2006 ⁸ as the impetus, the Guidelines on the Management of Homosexuals in the Military were enacted in April 2006. Because of LGBTI people’s criticism, the Guidelines above were partly revised and promoted in 2008 as	Included in Theme 4 (Accident Prevention) Chapter 7 (Military Service of Homosexual Soldiers). This Directive provides for equal treatment, non-discrimination, restrictions on outing, strengthened education, disallowance for all sexual acts by homosexual soldiers, etc.
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			Ministry of National Defense Directive No. 898 “Directive on the Management of Homosexuals in Military Camps.” Incorporated into the Directive on the Management of Military Units, enacted in 2009, without changes in the contents.
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Public Health	Blood donation questionnaire form (Minister of Health and Welfare Public Notice)	Stipulated as a form in the Enforcement Decree of the Blood Management Act. The item “sexual contact with (a) member(s) of the same sex” was changed to “in the case of males, sexual contact with (an) other male(s)” in 2005 in accordance with a 2004 recommendation from the National Human Rights Commission of Korea. ⁹ Separated from the Enforcement Decree of the Blood Management Act and adopted as a Minister of Health and Welfare Public Notice in 2009.	Those with the experience of “sexual contact with (an) unspecified member(s) of the opposite sex or, in the case of males, sexual contact with (an) other male(s)” within the past one year are barred from donating blood, thus <u>differently establishing sexual contact between members of the opposite sex and sexual contact between males in terms of “specificity.”</u> According to the determination criteria on the blood donation questionnaire of the Korea Centers for Disease Control and Prevention, “Sexual contact means an act including and exceeding deep kissing.”
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Korea Immigration Service	Foreigner Protection Decree (Order of the Ministry of Justice)	Decree on the treatment of inmates in foreigner detention facilities facing deportation In June, 2015, the Ministry of Justice newly enacted a rule on “LGBTI	Article 6(4) provides that, in regards to body searches that are conducted for the purpose of admission to foreigner detention facilities etc, a public official of the same-sex should be in charge; Provided, that “when the foreigner is a <u>sexual minority</u> , his/her opinion should be respected and a person of the
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people” when amending legislations to improve treatment within foreigner detention facilities.

opposite-sex designated by the head of the foreigner detention facility may perform the search”.

Article 9(1) provides for “special cells for patients, pregnant women, **sexual minorities**, etc.” in regards to division of cells in detention facilities, and provides an exception for **sexual minorities** regarding the principle of “men should use men-only cells and women should use women-only cells” in the second paragraph.

National Human Rights Commission of Korea	Operation Guidelines on the Human Rights Education Center of the National Human Rights Commission of Korea (Ordinance of the National Human Rights Commission of Korea)	Operation Guidelines on the Educations and trainings conducted by the Human Rights Education Center of the National Human Rights Commission of Korea Enacted in Feb. 2012.	Article 3(2) (Basic principles of human rights education) Human rights education should respect the differences of learners and oppose prejudice and discriminatory acts based on sex, religion, disability, age, social status, region of origin, state of origin, ethnic origin, physical condition such as appearance, marital status, or whether pregnant or having given birth, types or forms of family, race, skin color, ideology or political opinion, record of crime whose effect of punishment has been extinguished, sexual orientation , academic career, medical history, etc. and should strive to improve the situation.
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Local ordinances on sexual orientation and gender identity

Area	Level	Title of Ordinance	History	Contents
Education	Regional local government	Gyeonggi Province Student Rights Ordinance	Enacted in Oct. 2010.	Article 5 (Right Not to Be Discriminated) (1) Students have a right, without reasonable grounds, not to be discriminated against based on sex, religion, age, social status, region of origin, national origin, ethnic origin, language, disabilities, physical conditions including appearance, pregnancy or birth, family type or family situation, race, skin color, thoughts or political opinions, sexual orientation , medical history, punishments, academic grades, etc. (2) Schools shall actively endeavor to guarantee the human rights of students who experience difficulties due to the grounds shown in Paragraph 1.
Education	Regional local government	Gwangju Student Rights Ordinance	Enacted in Oct. 2011.	Article 20 (Right Not to Be Discriminated) (1) Students have a right not to be discriminated against based on sex, religion, ethnicity, language, age, sexual orientation , physical conditions, economic circumstances, academic grades, etc. and to enjoy equal treatment and learning. (2) Schools shall endeavor to guarantee the human rights of students who experience difficulties due to the grounds shown in Paragraph 1.

Education Regional Seoul Student Enacted in Jan. 2012.
local Rights
government Ordinance

Article 5 (Right Not to Be Discriminated) (1) Students have a right not to be discriminated against based on sex, religion, age, social status, region of origin, national origin, ethnic origin, language, disabilities, physical conditions including appearance, pregnancy or birth, family type or family situation, race, economic status, skin color, thoughts or political opinions, **sexual orientation**, **gender identity**, medical history, punishments, academic grades, etc.

(2) Founders and managers of schools, and principals, teachers, and administrative workers at schools shall actively endeavor to guarantee the human rights of students who experience difficulties due to the grounds shown in Paragraph 1.

Article 14 (Right to Have Personal Information Protected)

(1) Students have a right to have **personal information such as** family, friends, academic grades, medical history, records of punishments, non-payment of educational fees, counseling records, and **sexual orientation** (hereinafter referred to as “personal information”) protected.

Article 28 (Guarantee of the Rights of Minority Students) (1) Superintendents of municipal offices of education, founders and managers of schools, and principals, teachers, and administrative workers at

schools shall endeavor so that minority students such as poverty-stricken students, students with disabilities, students from single-parent families, students from multicultural families, foreign students, athletes, **sexual minorities**, and working students (hereinafter referred to as “minority students”) are appropriately guaranteed the rights demanded depending on their characteristics.

(8) Superintendents of municipal offices of education, and principals, teachers, and administrative workers at schools shall not divulge **information on or the contents of counseling regarding students’ sexual orientation and gender identity** to others (Guardians are to be excluded. The same shall hereinafter apply.) without [the students’] consent and, even when urgent for safety reasons, shall respect students’ wishes to the greatest extent possible.

“Gender identity” stipulated as a prohibited ground of discrimination for the first time.

Going beyond stipulation as prohibited grounds of discrimination, this Ordinance explicitly states the right to protection of personal information, rights as minority students, etc.

General	Regional local government	Seoul Human Rights Ordinance	Enacted in Sept. 2012.	Article 6 (Respect for Human Rights and Non-discrimination) (1) All citizens shall be respected of their human rights and shall not be subjected to <u>discrimination prohibited by relevant laws including the Constitution and the National Human Rights Commission Act.</u>
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Children and youth	Regional local government	Seoul Ordinance on the Protection and Promotion of Human Rights of the Child and Youth	Enacted in Oct. 2012.	Article 7 (Principle of Non-discrimination) (1) Children and youth have a right not to be discriminated against based on age, sex, religion, social status, region, nationality, ethnicity, language, disabilities, physical conditions including appearance, pregnancy or birth, family type or family situation, race, economic status, skin color, thoughts or political opinions, <u>sexual orientation, gender identity</u> , medical history, punishments, academic grades, employment type, etc. (2) The Mayor and heads and employees of facilities shall actively endeavor to guarantee the human rights of children and youth who experience difficulties due to the grounds shown in Paragraph 1.
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Education	Regional local government	North Jeolla Province Student Rights Ordinance	Enacted in Jun. 2013.	Article 8 (Right Not to Be Discriminated) (1) Students shall not be discriminated <u>on grounds that fall under the definitions of discriminatory acts in Article 2 Subparagraph 3 of the National Human Rights Commission Act.</u> ¹⁰ (2) Founders and managers of schools, and principals, teachers, and administrative workers at schools shall actively endeavor to guarantee the human rights of students who experience difficulties due to the grounds shown in Paragraph 1. Article 38 (Guarantee of the Rights of
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				Minority Students) (1) Superintendents of municipal offices of education and principals at schools shall endeavor to the greatest extent possible so that minority students such as students in poverty, students with disabilities, students from single-parent family, grandparent-grandchildren family, or multicultural family, athletes, <u>sexual minorities</u> , and maladaptive students are appropriately guaranteed the rights demanded depending on their characteristics. (2) Superintendents of municipal offices of education and principals at schools shall establish human rights education programs necessary for mitigating prejudice and discrimination against minority students and special career/employment programs for minority students.
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General	Regional local government	South Gyeongsang Province Human Rights Protection Ordinance	Enacted as "South Gyeongsang Province Human Rights Promotion Ordinance" in March 2010. *Amended the title of the ordinance to the current one in Dec. 2013.	Article 5 (The rights and responsibilities of citizens of South Gyeongsang Province) <As amended in 2013.12.12.> (1) Citizens shall be assured of human dignity and are entitled to equal treatment and the right to a life worthy of human beings. (2) Citizens shall not be discriminated, without reasonable grounds, on the grounds of sex, religion, disability, age, social status, region of origin, state of origin, ethnic origin, physical condition such as appearance, medical history, marital status, political opinion, and <u>sexual orientation</u> , etc.. (3) Citizens shall respect and not infringe the human rights of others, and shall not discriminate without reasonable grounds. Especially, persons in charge of the operation or management of facilities for caring for many persons shall strive to prevent the infringement of the human rights of minorities.
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General	Basic local government	Daejeon Metropolitan City East District, Ordinance on the guarantee and promotion of human rights	Enacted in April. 2015.	Article 6 (Rights of residents, etc.) (1) Residents shall be assured of human dignity and are entitled to equal treatment and the right to a life worthy of human beings. (2) Residents shall not be discriminated, without reasonable grounds, on the grounds of sex, religion, disability, age, social status, region of origin, state of origin, ethnic origin, physical condition such as appearance, medical history, marital status, political opinion, and sexual orientation , etc..
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General	Basic local government	Busan Metropolitan City Suyeong District, Human Rights Promotion Ordinance	Enacted in Dec. 2010.	Article 5 (Rights of residents, etc.) (1) Residents shall be assured of human dignity and are entitled to equal treatment and the right to a life worthy of human beings. (2) Residents shall not be discriminated, without reasonable grounds, on the grounds of sex, religion, disability, age, social status, region of origin, state of origin, ethnic origin, physical condition such as appearance, medical history, marital status, political opinion, and sexual orientation , etc..
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General	Basic local government	Busan Metropolitan City South District, Human Rights Promotion Ordinance	Enacted in May. 2011.	Article 5 (Rights of residents, etc.) (1) Residents shall be assured of human dignity and are entitled to equal treatment and the right to a life worthy of human beings. (2) Residents shall not be discriminated, without reasonable grounds, on the grounds of sex, religion, disability, age, social status, region of origin, state of origin, ethnic origin, physical condition such as appearance, medical history, marital status, political opinion, and sexual orientation , etc..
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General	Basic local government	Busan Metropolitan City Yeonje District, Ordinance on the guarantee and promotion of human rights	Enacted in July. 2015.	Article 5 (Rights of residents, etc.) (1) Residents shall be assured of human dignity and are entitled to equal treatment and the right to a life worthy of human beings. (2) Residents shall not be discriminated, without reasonable grounds, on the grounds of sex, religion, disability, age, social status, region of origin, state of origin, ethnic origin, physical condition such as appearance, medical history, marital status, political opinion, and sexual orientation , etc..
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General	Basic local government	Busan Metropolitan City North District, Human Rights Promotion Ordinance	Enacted in March. 2012.	Article 5 (Rights of residents, etc.) (1) Residents shall be assured of human dignity and are entitled to equal treatment and the right to a life worthy of human beings. (2) Residents shall not be discriminated, without reasonable grounds, on the grounds of sex, religion, disability, age, social status, region of origin, state of origin, ethnic origin, physical condition such as appearance, medical history, marital status, political opinion, and sexual orientation , etc..
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General	Basic local government	Busan Metropolitan City Haeundae District, Human Rights Promotion Ordinance	Enacted in Nov. 2010.	Article 5 (Rights of residents, etc.) Residents shall not be discriminated, without reasonable grounds, on the grounds of sex, religion, disability, age, social status, region of origin, state of origin, ethnic origin, physical condition such as appearance, medical history, marital status, political opinion, and sexual orientation , etc..
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General	Basic local government	Seoul Metropolitan City Eunpyeong District, Ordinance on the guarantee and promotion of human rights	Enacted in October. 2015.	<p>Article 2 (Definitions) The definitions of terms used in this Ordinance shall be as follows:</p> <p>2. “Discriminatory act violating the equal right” means, in accordance with Article 2(3) of the National Human Rights Commission Act, an act of favorably treating, excluding, discriminating against or unfavorably treating a particular person, without reasonable grounds, on the grounds of sex, religion, disability, age, social status, region of origin (referring to a place of birth, permanent domicile, principal area of residence before the full adult age, etc.), state of origin, ethnic origin, physical condition such as appearance, marital status such as single, separated, divorced, widowed, remarried, married de facto, or whether pregnant or having given birth, types or forms of family, race, skin color, ideology or political opinion, record of crime whose effect of punishment has been extinguished, sexual orientation, academic career, medical history, etc.: Provided, That the temporary favorable treatment to a particular person (including a group of particular persons; hereafter the same shall apply in this Article) to solve the existing discrimination, the enactment and amendment of ordinances and the formulation and enforcement of policy to this effect shall not be deemed a discriminatory act violating the equal right.</p>
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General	Basic local government	Ulsan Metropolitan City North District Human Rights Promotion Ordinance	Enacted in Jan. 2011.	<p>Article 4 (Rights of residents, etc.) (1) Residents shall be assured of human dignity and are entitled to equal treatment and the right to a life worthy of human beings.</p> <p>(2) Residents shall not be discriminated, without reasonable grounds, on the grounds of sex, religion, disability, age,</p>
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				social status, region of origin, state of origin, ethnic origin, physical condition such as appearance, medical history, marital status, political opinion, and sexual orientation , etc..
General	Basic local government	Ulsan Metropolitan City North District Human Rights Promotion Ordinance	Enacted in April. 2013.	<p>Article 5 (Rights of residents, etc.) (1) Residents shall be assured of human dignity and are entitled to equal treatment and the right to a life worthy of human beings.</p> <p>(2) Residents shall not be discriminated, without reasonable grounds, on the grounds of sex, religion, disability, age, social status, region of origin, state of origin, ethnic origin, physical condition such as appearance, medical history, marital status, political opinion, and sexual orientation, etc.</p>

- 1 A derogatory reference to anal sex between men.
- 2 Soldiers or members of the paramilitary personnel (civilian military employees, officer candidates, et al.).
- 3 See the Constitutional Court of Korea decision 2001Hun-Ba70, 6/27/2002; Constitutional Court of Korea decision 2008Hun-Ka21, 3/31/2011.
- 4 Supreme Court en banc decision 2004Seu42, 6/22/2006.
- 5 See the National Human Rights Commission of Korea combined decision 06Jin-Cha525/06Jin-Cha573, 8/25/2008. In this decision, the National Human Rights Commission of Korea stated that there were nine elements of human rights violations among the requirements for legal gender recognition including genital surgery, age of 20 or above, lack of past or current legal marital status, and completion of or exemption from mandatory military service and recommended their revision.
- 6 Supreme Court en banc decision 2009Seu117, 9/2/2011.
- 7 See the National Human Rights Commission of Korea decision 07Jin-In533, 7/20/2007. This decision concerned a case where although an FTM transgender person whose legal gender had been changed to male by a court ruling submitted the court's written judgment and a written diagnosis for prospective soldiers from a professionally trained physician during military conscription physical examinations, the physician in charge of conscription demanded personally to verify and did visually inspect the transgender person's lower body. The decision acknowledged the violation of personal rights and recommended both the Minister of National Defense and the Commissioner of the Military Manpower Administration to revise the Regulations on Examination Such as Draft Physical Examination so as to minimize transgender people's sense of humiliation in physical examination processes.
- 8 At the time, the unit demanded that the victim prove his homosexuality by submitting photographs of him having sexual relations with a member of the same sex and forcibly took a sample of his blood for HIV/AIDS tests even though there were no suspicions of his infection. Regarding this case, human rights activist groups created an organ for investigating human rights violations against homosexuals in the military and responded, and the National Human Rights Commission of Korea acknowledged the case to constitute human rights violations (National Human Rights Commission of Korea Plenary Committee decision 06Jin-Cha87, 6/26/2006). As for the detailed development and contents of this case, see Cheong Yol, "A watershed in the rights of LGBTI people in the military," "Rainbow Wind of Human Rights to Promote LGBTI Rights in Relation to the Military! Blowing Gently in the Military" Project Sourcebook, Solidarity for LGBT Human Rights of Korea and Korean Gay Men's Human Rights Group "Chingusai," 8-12/2008.
- 9 National Human Rights Commission of Korea decision 03Jin-Cha664, 8/3/2004. The Solidarity for LGBT Human Rights of Korea filed a petition to the National Human Rights Commission of Korea arguing that "I had sexual contact with (a) member(s) of the same sex or (an) unspecified member(s) of the opposite sex in the past one year," which is one of the conditions prohibiting a respondent from donating blood on the blood donation questionnaire form that must be completed in advance, constituted discrimination based on sexual orientation. The Commission judged the case to be one of discrimination, stating, "It can aggravate the prejudice that has viewed homosexuality as a cause of AIDS," and advised the Minister of Health and Welfare to revise the condition. Following this recommendation, however, the Minister of Health and Welfare only excluded sexual relations between women and has continued to maintain sexual relations between men as a ground for the prohibition of blood donation.
- 10 "[G]ender, religion, disability, age, social status, region of birth (including place of birth, first-registered domicile, one's legal domicile, and major residential district where a minor lives until he/she becomes an adult), national origin, ethnic origin, appearance, marital status (i. e., married, single, separated, divorced, widowed, and de facto married), race, skin color, thoughts or political opinions, family type or family status, pregnancy or birth, criminal record of which effective term of the punishment has expired, sexual orientation, academic background or medical history, etc."



List of Major Court Cases and Decisions by International Human Rights Instruments, National Human Rights Commission of Korea and Local Government Human Rights Committees in 2015

1. Decisions

Decision of a court that found an owner of a sauna not guilty of violating the Act on the Regulation of Amusement Businesses Affecting Public Morals which provides that “a person carrying on the amusement business affecting the public moral shall not conduct any lewd act or arrange or provide a service thereof” on the grounds that sexual acts between two consenting adult males in a room divided by partitions is not a lewd act

-Seoul Western District Court decision 2014GoJeong1040, 2014GoJeong1100 (combined), 1/13/2015

Decision of a court that the posting of homophobic statement regarding a homosexual person is an unlawful act

- Seoul High Court decision 2014Na2044596, 5/8/2015

Decision of a court that recognized the gender reassignment of a transgender person with minor children

- Incheon District Court Bucheon Branch decision 2015HoPa689, 5/27/2015

Decision of a court that found a non-surgical MTF transgender person, who was publically indicted for allegedly feigning to be a transgender in order to evade military service, not guilty of violating the Military Service Act

- Seoul Central District Court decision 2014GoDan5471, 7/9/2015

- Seoul Central District Court decision 2015No2795, 11/20/2015

Decision of a court that cancelled the disposition of active military service regarding a non-surgical MTF transgender person

- Seoul Administrative Court decision 2015GuHab50900, 11/19/2015

Decision of a court that recognized the gender reassignment of an FTM transgender person in his 50s who was diagnosed to “be in a menopausal status and currently lacking reproductive abilities”

- Incheon District Court Bucheon Branch decision 2015HoGi135, 136, 12/24/2015

2. International Human Rights Instruments Recommendations

Recommendation of the UN Human Rights Committee to adopt anti-discrimination legislation, repeal the offence of “disgraceful conduct” of the Military Criminal Act, and facilitate access to the legal recognition of gender reassignment, after expressing concern regarding the widespread discrimination against lesbian, gay, bisexual, transgender and intersex persons, including violence and hate speech in Korea

- UN Human Rights Committee, Concluding Observations on the Fourth Periodic Report of the Republic of Korea (CCPR/C/KOR/CO/4), 12/3/2015

Opinion of the UN Committee on the Elimination of Racial Discrimination that demanding HIV testing to a foreign native-speaking instructor for purposes of employment constitutes racial discrimination

- UN Committee on the Elimination of Racial Discrimination, Communication No. 51/2012 (L.G. v. Republic of Korea), CERD/C/86/D/51/2012, 6/12/2015

3. Decisions by National Human Rights Commission of Korea and Human Rights Committees of Local Governments

Decision of the National Human Rights Commission of Korea that a general hospital's refusal to perform middle ear infection surgery on a person who is a person living with HIV constituted an unreasonable act of discrimination, and which recommended the Minister of Health, Welfare and Family Affairs to prepare a national-level plan to prevent recurrence.

-National Human Rights Commission of Korea decision 14JinJung0951100, 12/24/2015

Decision of the Human Rights Ombudspeople of Seoul City that the refusal of a youth center operated by Seoul City to allow its facilities to be used for an event planned by a youth team of a LGBTI human rights group on the grounds that the advertising phrases such as “From kissing to contraception, romance to porn, homosexuals to transgenders” is obscene, constitutes violation of the Freedom of expression of youth

- The Human Rights Ombudspeople of Seoul City decision 14 Application-160, Refusal to allow the use of the City's facilities is violation of the freedom of expression of youth, 7/22/2015

Decision of the Human Rights Ombudspeople of Seoul City that the Seoul City's refusal to support an exhibition on LGBTI youth which was planned to be hold at Jangsu Village as part of a village maintenance project constitutes a discriminatory act that violates the right to

equality

- The Human Rights Ombudspeople of Seoul City decision 15 Application-50, Refusal to support village exhibition is discrimination against LGBTI youth, 10/15/2015

Recommendation of the Seongbuk District Human Rights Committee, regarding Seongbuk district's non-implementation of the budget allocated for Rainbow Youth Support Center in 2014, to the Mayor of Seongbuk district to not accept claims that discriminate against and are hateful of minorities, and to conduct a survey on the situation of discrimination against LGBTI youth

- Seongbuk District Human Rights Committee Bill No.2015-6, Recommendation on the matter of non-implementation of budget for The Rainbow Youth Support Center, 5/27/2015

SOGI-related Parts in the UN Human Rights Committee’s Concluding Observations on the Fourth Periodic Report of the Republic of Korea (CCPR/C/KOR/CO/4, 12/3/2015)

1. The Committee considered the fourth periodic report submitted by the Republic of Korea (CCPR/C/KOR/4) at its 3210th and 3211th meetings (see CCPR/C/SR.3210 and 3211), held on 22 and 23 October 2015. At its 3226th meeting, held on 3 November 2015, it adopted the following concluding observations.

Non-discrimination

12. While noting the existence of a number of individual laws prohibiting specific forms of discrimination, the Committee is concerned that comprehensive anti-discrimination legislation is lacking. It is particularly concerned about the current lack of legislation defining and prohibiting racial discrimination and discrimination on grounds of sexual orientation and gender identity (arts. 2 and 26).

13. The State party should adopt comprehensive anti-discrimination legislation, explicitly addressing all spheres of life and defining and prohibiting discrimination on all grounds, including discrimination based on race and sexual orientation and gender identity. This legislation should impose appropriate penalties for direct and indirect discrimination, committed by both public and private actors, and provide effective remedies.

Discrimination on the grounds of sexual orientation and gender identity

14. The Committee is concerned about:

- (a) The prevailing strong discriminatory attitude towards LGBTI persons, including violence and hate speech;
- (b) The punishment of consensual same sex sexual conduct between men in the military according to Article 92-6 of the Military Criminal Act;
- (c) The authorization of the usage of the buildings of the National Assembly and of buildings of the NHRCK to host so-called “conversion therapies”, for LGBTI persons;
- (d) The lack of any mention of homosexuality or sexual minorities in the new sex education guidelines; and
- (e) The restrictive requirements for legal recognition of a gender reassignment. (arts. 2, 17 and 26)

15. The State party should clearly and officially state that it does not tolerate any form of social stigmatization and discrimination, including propagation of so-called “conversion therapies”, hate speech, or violence against persons based on their sexual orientation or gender identity. It should strengthen the legal framework to protect LGBTI individuals accordingly, as well as repeal Article 92-6 of the Military Criminal Act, avoid the usage of State-owned buildings by private organizations for so-called “conversion therapies”, develop sexual education programs that provide students with comprehensive, accurate and age-appropriate information regarding sexuality and diverse gender identities, and facilitate access to the legal recognition of a gender reassignment. It should also develop and carry out public campaigns and training to public officials to promote sensitivity and respect for diversity in respect of sexual orientation and gender identity.

Dissemination of information relating to the Covenant

58. The State party should widely disseminate the Covenant, the First Optional Protocol thereto, the text of its fourth periodic report, the written replies to the list of issues drawn up by the Committee and the present concluding observations among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, and the general public. The State party should ensure that the report and the present concluding observations are translated into the official language of the State party.

59. In accordance with rule 71, paragraph 5, of the Committee’s rules of procedure, the State party should provide, within one year, relevant information on its implementation of the Committee’s recommendations made in paragraphs 15 (discrimination on the grounds of sexual orientation and gender identity), 45 (conscientious objection) and 53 (peaceful assembly) above.

60. The Committee requests that the State party provide in its next periodic report, due for submission on 6 November 2019, specific up-to-date information on the implementation of all its recommendations made in the present concluding observations and on the Covenant as a whole. The Committee requests that the State party, in preparing the report, continue its practice of broadly consulting civil society and non-governmental organizations operating in the country. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words.

List of LGBTI Activist Groups in South Korea

ADVOCACY ORGANIZATIONS

- Beyond the Rainbow Foundation ▪ www.rainbowfoundation.co.kr
- Collective for Sexual Minority Cultures “Pinks” ▪ www.facebook.com/ypinks
- Ivan Stop HIV/AIDS Project (ISHAP) ▪ www.ishap.org
- Korean Gay Men’s Human Rights Group “Chingusai” ▪ www.chingusai.net
- Korean Network of PLWHA “KNP+” ▪ www.knpplus.org
- Korean Sexual-Minority Culture and Rights Center (KSCRC) ▪ www.kscrc.org
- Lesbian Counseling Center in South Korea ▪ www.lsangdam.org
- LGBTAIQ Crossing the Damn World “Totally Queer” (also known as “Wanbyun”)
 - www.wanbyun.org
- Mapo Rainbow ▪ www.maporainbow.net
- Network for Glocal Activism ▪ www.glocalactivism.org
- Rainbow Solidarity for LGBT Human Right ▪ www.queer.or.kr
- Sexual Rights for Youth ▪ cafe.naver.com/youthsexualright
- Sinnaneun Center (‘Sinnaneun’ means exciting) ▪ www.sinnaneun.org
- Solidarity for HIV/AIDS Human Rights “Nanuri+” ▪ www.aidsmove.net
- Solidarity for LGBT Human Rights of Korea ▪ www.lgbtpride.or.kr
- Transgender Human Rights Organization Establishment Committee “Chogakbo”
 - www.transgender.or.kr
- Resistant Group against Gender Binarism “Travelers” ▪ blog.naver.com/gender_voyager
- UnniNetwork(lesbian-feminist initiative group) ▪ www.unninetwork.net

Networks

- Collective Action for IDAHOT ▪ www.facebook.com/IDAHOinKorea
- LGBTQ University Student Alliance of Korea “QUV” ▪ quvkorea.tistory.com
- Rainbow Vote ▪ www.rainbowvote.org
- Korean Network for Partnership and Marriage Rights of LGBT “Gagoonet”
 - www.gagoonet.org
- Rainbow Action against Sexual-Minority Discrimination ▪ www.lgbtact.org

PRIDE/CULTURAL/ARTS GROUPS

- Daegu Queer Culture Festival ▪ www.queer.or.kr/xe
- Rainbow Store ▪ www.rainbowstore.net
- Rainbow Factory ▪ cinerainbow.blog.me
- Korean Lesbian Community Radio Group “Lezpa” ▪ www.lezpa.net

- UNNIE Choir (queer feminists' chorus) ▪ www.facebook.com/iknowsisters
- Seoul Pride Film Festival ▪ www.spff.kr
- A Film Studio ▪ www.facebook.com/afilmstudio
- G-Voice (gay men’s chorus) ▪ www.chingusai.net
- Korea Queer Cultural Festival ▪ www.kqcf.org
- Korea Queer Film Festival ▪ www.kqff.co.kr
- Sunshine Bookstore ▪ www.sunnybooks.kr

COMMUNITY & ACTIVIST GROUPS AT UNIVERSITIES

- “Byunna: Sexual minority Human Rights Group of Ewha Womans University”
 - blog.naver.com/ewhabyunna
- Chongshin University: “KkangChongKkangChong” ▪ blog.naver.com/rainbowincsu
- Chonnam National University: “Lights on me” ▪ twitter.com/lightsonme_
- Chung-Ang University: “Rainbow Fish” ▪ www.rainbowfish.kr
- Daejin University & CHA University: “Neverland” ▪ www.facebook.com/neverland.queer
- Dankook University: “A-woong Da-woong” ▪ twitter.com/dkuqueer
- Dongduk Women's University: “Cotton Candy” ▪ twitter.com/DDW_CC
- Dongguk University: “QUD” ▪ www.facebook.com/qud.dongguk
- Duksung Women's University: “Be B” ▪ twitter.com/dsunibebs?&s=09
- Hankuk University of Foreign Studies: “Qsadia” (HUFS Qsadia)
 - www.facebook.com/qsadia.hufs
- Hanyang University: “Hanyang Queer Rights Committee” ▪ www.facebook.com/HYQRC
- Hongik University: “Hongbansa” ▪ cafe.daum.net/hongikinlove
- Inha University and Inha Technical College: “Queer INHA Community”
 - www.facebook.com/qinhacity
- Kaywon University of Art and Design: “Prisma” ▪ twitter.com/prismakaywon
- Konkuk University: “Cue the Felix” ▪ cuethelifelix.blogspot.kr
- Korea Aerospace University: “Queerospace” ▪ twitter.com/gaviatorkau
- Korea National University of Arts: “Pri:sm” ▪ twitter.com/prismknu
- Korea University: “People to People” ▪ www.queerkorea.org
- Kyung Hee University: “Mainstream” ▪ www.facebook.com/khumainstream
- Kyungpook National University: “Kivans” ▪ twitter.com/KNUKivans
- Pohang University of Science and Technology (POSTECH): “LINQ”
 - www.facebook.com/POSTECH-LINQ-378309212183757
- “Queer in Pusan National University” (QIP) ▪ cafe.daum.net/queerinpnu
- Seoul Institute of the Arts: “Knock on the Q” ▪ blog.naver.com/knockontheq
- “Queer in Seoul National University” (QIS) ▪ www.queerinsnu.com

Seoul National University of Science and Technology: “Watergaybird”

- www.facebook.com/watergaybird517

Seoul Women’s University: “SwuQ” ▪ www.facebook.com/SwuQueer0

Sogang University: “Dancing Q” ▪ www.facebook.com/sgDancingQ

Sookmyung Women’s University: “Qhoot” ▪ twitter.com/smuqueer

“Soongsil University LGBT”(SSU LGBT) ▪ www.facebook.com/SSULGBT

Sungkyunkwan University: “Queerholic” ▪ www.facebook.com/qhsince1398

University of Seoul: “Queer Generation” ▪ twitter.com/kkimmeta

University of Ulsan: “THISWAY” ▪ twitter.com/thisway_us

Yonsei University: “Come Together” ▪ www.facebook.com/yonsei.cometogether

Yonsei University: “Queer We Are” ▪ twitter.com/QueerWeAre

PUBLICATION/ARCHIVES

Bisexual Webzine Bimoin ▪ bimoim.tistory.com

Information on Transgender Rights in Korea: Trans-Roadmap ▪ www.transroadmap.net

International Human Rights News “Tong Center” ▪ www.tongcenter.org

Journal of Queer and Humanities Vvira ▪ notein-between.weebly.com/index.html

Korea Queer Archive “Queerarch” ▪ www.queerarchive.org

Lesbian Institute for Lesbian Life Records ▪ blog.daum.net/lesbian2013

Queer Feminist Magazine “Ferm” ▪ www.facebook.com/ferm.unninetnetwork

World LGBT News in Korean “Mitr” ▪ mitr.tistory.com

RESEARCH GROUPS

Archiving Institute for Lesbian Life History ▪ blog.daum.net/lesbian2013

Institute for Trans/Gender/Queer ▪ www.runtoruin.com/2059

Korean Society of Law and Policy on Sexual Orientation and Gender Identity

- www.sogilaw.org

Korean Society of LGBTI Studies ▪ www.lgbtstudies.or.kr

Postcolonial Queer Studies Working Group ▪ www.facebook.com/pcqstudies

LEGAL GROUPS

Human Rights Law Foundation “Gong-Gam” ▪ www.kpil.org

Korean Lawyers for Public Interest and Human Rights “Hope and Law”

- www.hopeandlaw.org

Counselling & SHELTER

LGBTQ Youth Crisis Support Center “DDingDong” ▪ www.ddingdong.kr

Any Kinds Counseling Institute (affiliated with Beyond the Rainbow Foundation)

- www.878878.net

Political Parties

Minority Rights Committee of the Green Party ▪ www.kgreens.org

Sexual Minority Committee of the Justice Party ▪ www.justice21.org/go/rainbowrights

Sexual Politics Committee of the Labor Party ▪ www.facebook.com/npplgbt

RELIGIOUS GROUP

Christian Solidarity for World without Discrimination “Chasegiyeon”

- www.facebook.com/chasegiyeon

Social and Labor Committee of Jogye Order of Korean Buddhism

- www.facebook.com/salowee

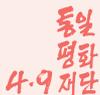
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