

LGBTI RIGHTS IN THE REPUBLIC OF KOREA

UPR Info Pre-sessions

Anti-discrimination Law – Issue 1

- 19 countries (Albania, Argentina, Australia, Brazil, Canada, Chile, Colombia, Denmark, France, Honduras, Ireland, Israel, Italy, Norway, Slovenia, Sweden, United Kingdom, United States, and Uruguay) made recommendations.
- All noted by the ROK.
- In May 2022, fifteen years after the Anti-Discrimination Act bill was first proposed in 2007, the first public hearing was held at the Legislation and Judiciary Committee at the National Assembly.
- Four bills are pending at the National Assembly.

Recommendations – Issue 1



- Enact a comprehensive Anti-Discrimination Act that prohibits all forms of discrimination, including sexual orientation and gender identity.

Legal Recognition for Transgender Persons – Issue 2

- There were no recommendations.
- Since a 2006 Supreme Court decision, transgender persons can legally change their gender. However, according to rules by the SC,
 - Only non-married adults,
 - without legally minor children,
 - who have been diagnosed with ‘transsexualism.’
 - received psychiatric/hormone therapy
 - and undergone sterilization surgeries, are eligible for legal gender change
- The abusive transgender legal recognition process is a big hurdle for many trans persons in the ROK.

Recommendations – Issue 2

- Exclude forced sterilization surgery, genital reconstructive surgery, and other abusive requirements such as divorce, having no minor child, and age requirement for the precondition of legal gender recognition of transgender persons.

Recognition of Same-sex Relationships – Issue 3

- There were no recommendations.
- There is no recognition of same-sex couples in the ROK.
- There are more than 1,000 rights and benefits related to marriage.
- Although de facto relations are not legal marriage, there are several recognition and benefits, such as national health insurance.
- In 2021, a gay couple sued the national health insurance corporation for cancelling its coverage of one of the partners as a dependent of a de facto relationship. In January 2022, Seoul Administrative Court ruled against the couple, saying matrimony in South Korea is still considered a union between a man and a woman.

Recommendations – Issue 3

- Ensure that same-sex couples are provided with equal rights and responsibilities as opposite-sex couples in de facto relationships in terms of economic and social rights and benefits, such as reproductive health, social security, pensions, and national health insurance.
- Legalize same-sex marriage.

Thank you

From all the members of our coalition:

- ❑ Rainbow Action against Sexual Minority Discrimination (43 LGBTI Rights NGOs)
- ❑ South Korean NGOs Coalition (461 NGOs)