



Oral Statement

Prepared by Rainbow Action against Sexual Minority Discrimination (43 LGBTI Rights NGOs)

Delivered by Ms. Minhee Ryu

Contact: lgbtqact@gmail.com

Distinguished Chair and State Delegates,

I speak on behalf of the Rainbow Action against Sexual Minority Discrimination, a coalition of 43 LGBTI rights NGOs in the Republic of Korea.

Current Situation

LGBTI persons in the Republic of Korea suffer from widespread discrimination, violence, and hate speech daily. For the last cycle, 21 states made 22 Sexual Orientation Gender Identity (SOGI)-related recommendations to the ROK. However, the ROK only noted all LGBTI-related recommendations.

Today we would like to address the current situation and the three most pressing issues:

- (1) Anti-discrimination Law, (2) Legal Recognition for Transgender persons, (3) Recognition of Same-sex Relationships

Comprehensive Anti-discrimination Law

According to an NHRCK survey, more than 94% of LGBTI persons responded that they had experienced online hate speeches, and 92% responded that they fear being verbally and physically harassed, discriminated against, and mistreated based on their sexual orientation and gender identity. Regardless of such widespread discrimination, the government of the Republic of Korea failed to enact an anti-discrimination law that includes sexual orientation and gender identity.

In the third cycle of UPR in 2017, 19 countries (Albania, Argentina, Australia, Brazil, Canada, Chile, Colombia, Denmark, France, Honduras, Ireland, Israel, Italy, Norway, Slovenia, Sweden, United Kingdom, United States, Uruguay) made recommendations regarding the anti-discrimination law. However, the ROK only noted all recommendations.

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. However, still to this day, the law still needs to be passed.

We, therefore, urge that the following recommendations on the anti-discrimination law be made at the upcoming UPR session.

Suggested Recommendations:



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

Legal Recognition for Transgender Persons

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. Because it requires transgender people to undergo medical procedures to secure legal recognition of their gender identity.

Suggested recommendation

- 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

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 canceling 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.

Suggested Recommendations:

- 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.

Gender Ministry Issue

Lastly, as a part of the Korean CSOs, we would like to address a pressing issue related to women’s rights. Recently, the Yoon government introduced a bill to abolish the ministry of gender and family. Under the new system, the gender ministry’s functions would be split between the several ministries. And there will be a lower-level bureau called “Population and Family Gender Equality Headquarters.” With a vast



gender pay gap, gender-based violence, and discrimination against women, Korea's gender ministry should be strengthened, not abolished.

Suggested Recommendation:

- Immediately withdraw the bill to abolish the MOGEF and take measures to strengthen the capacity of national machineries for gender equality, in line with the Beijing Platform for Action in 1995 and the 65th Agreed Conclusions of the Commission on the Status of Women in 2021, including by reinforcing the mandate and the role of the MOGEF and creating a department exclusively dedicated to gender equality policy in all ministries.

Dear delegates,

This discrimination and human rights violations in the Republic of Korea are incompatible with the Universal Declaration of Human Rights, the Human Rights Treaties that the Republic of Korea has ratified, and the Constitution of Korea. We encourage many states to give the Republic of Korea recommendations on our areas of concern.

Thank you.