

NGO statement of the Republic of Korea  
UN Periodic Review of Human Rights Council  
by Huso Yi

delivered by **Canadian HIV/AIDS Legal Network** on behalf of:  
**Korean Sexual-Minority Culture and Rights Center**  
**Alliance Against Homophobia and Discrimination of Sexual Minorities**

On behalf of the civil societies of the Republic of Korea, in particular of the eighty six joint grassroots human and cultural rights organizations, we would first like to thank the UN Human Rights Council for this opportunity to address this NGO statement to Recommendation 23 of the Working Group report, which recommends that "discrimination on the basis of sexual orientation be included in the draft antidiscrimination bill", and we note also the exclusion of six other categories from the Bill: "educational status, family type, military status, nationality, language, and criminal or detention record."

In the original version of the proposed bill, those categories of protection were included, as recommended by the National Human Rights Commission, with the following categories of "sex, disability, age, nationality, ethnicity, race, skin color, origin of birth, appearance, marriage status, pregnancy status, religion, ideology or political belief, or social status." Last November, all of sudden, the seven categories were dropped without any public discussion or reasonable explanations and passed to the Congress. Only response by the Ministry of Justice was, "Even though the categories have been dropped, it doesn't mean that individuals who are and will be discriminated based on those categories should be discriminated."

However, we know that from history that exclusion is indeed a tacit approval for discrimination against groups that need protection. We are deeply concerned that it may provide basis of further structural and inter-personal violence upon sexual minorities, such as political-religious groups publicly announced, "If homosexuality is allowed, the morals of our society will immediately collapse and the society will become a world of animals. We must stop homosexuality." Such untrue and prejudicial allegations are not only wholly unfounded, insulting, and degrading to sexual minorities, but they create a climate of hostility and hatred that can endanger the well-being of sexual minorities who are suffering from enormous stigma. Then, discrimination based on sexual orientation and gender identity will be a "natural consequence" in our society.

As noted in the UPR Working Group report, for the past two decades, Korea has made significant achievements in democracy. Accomplishment of Constitution Rights such as freedom of speech and political associations has reached toward recognition of diversity and acceptance of differences as well as increasing accountability for the disadvantaged and marginalized. Globally, the country also demonstrated international leadership to uphold and respect international law protecting minorities. Our civil societies are very proud of being a part of the nation's efforts toward equality and equity. With profound concerns, we have been very disappointed and alarmed by a growing chasm and communication gap between civil societies and the current Administration in the discourse of human rights and well-being of citizens.

The Universal Declaration of Human Rights begins as "All human beings are born free and equal in dignity and rights." In order to fully acknowledge the Declaration, the non-discrimination law must be inclusive and explicit. We urge the current government to continue to engage in our nation's endeavors to promote civil rights of minorities and to re-confirm its commitment to the leadership of International Human Rights by reintroducing the six dropped categories with specification of gender identity in the federal non-discrimination law immediately. By doing so, the law will fully realize its intent of human rights protection in the Republic of Korea.