



**INTERNATIONAL GAY AND LESBIAN
HUMAN RIGHTS COMMISSION**
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Regional Update: Asia

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South Korea: LGBTQ Activists Ramp Up Efforts Under New Right-Wing Government

This regional update was prepared by the International Gay and Lesbian Human Rights Commission (IGLHRC), and submitted to the United Nations Human Rights Council in partnership with the Alliance Against Homophobia and Discrimination Against Sexual Minorities from South Korea. An electronic version of this publication is available on our website: www.iglhrc.org

Overview

South Korea's policies on LGBTQ issues have been relatively progressive. The country prohibited employment discrimination based on sexual orientation in 2001, and permitted people who had undergone gender reassignment surgery to get personal documents reflecting their changed gender identity in 2006. But homophobia persists and LGBTQ activists continue to fight discrimination in schools and in the military. Many gay websites remain censored.

The country's LGBTQ movement is currently strategizing about how to stall a negative decision on the proposed anti-discrimination bill, which, in its most recent draft, eliminates seven protected categories including sexual orientation. The LGBTQ movement is also contemplating how to weather the next five years under the administration of newly elected ultra-conservative President, Mr. Lee Myung-bak.

Fear for the Future under the New Administration

Representatives of the Alliance Against Homophobia and Discrimination Against Sexual Minorities, a coalition of 40 LGBTQ groups and individual activists, are concerned by the prospect of President Lee's new administration. Mr. Lee is noted for his staunch support of big business and rapid economic expansion. He has stated in the press that homosexuality is abnormal and that the only "normal union is between a man and woman." He has also angered disability activists by saying that there are certain circumstances when abortion is unavoidable, such as when fetuses have disabilities. It is not known how these views might translate into harmful policies for communities that are seen as dispensable, including people with disabilities, LGBTQ communities, migrant workers, and single mothers. However, as noted by South Korean

activist, Ibanjiha, one of the organizers with the Alliance Against Homophobia and Discrimination Against Sexual Minorities, “We expect that we’re going to face more severe homophobia and discrimination under the new regime.”

Current Anti-Discrimination Bill

In 2007, under the administration of President Roh Moo-hyun, the South Korean Ministry of Justice drafted an anti-discrimination bill designed to bolster the country’s National Human Rights Commission Act (which prohibits discrimination on the basis of sexual orientation and other criteria) by requiring the government to develop plans to eradicate discrimination. But bowing to pressure from Christian groups and big business, the bill excluded seven protected categories, including sexual orientation. In response, South Korean LGBTQ groups formed the Alliance Against Homophobia and Discrimination Against Sexual Minorities to join other discriminated groups to lobby for the restoration of sexual orientation as a protected category in the anti-discrimination bill¹. The legislation is currently pending in the Legislative and Judiciary Committee which is expected to vote in favor of the current version of the bill without the seven categories, after which the bill will be voted into law by the South Korean parliament.

Yi Hu-so, co-director of the Korean Sexual Minorities-Culture and Rights Centre, who is currently at Columbia University in New York, points out, “What is alarming is that the excluded seven categories are the very societal concerns South Korea must face and protect ... discrimination of people with disabilities, people with HIV/AIDS in [the] workplace, discrimination and victimization of foreign labor workers and North Korean refugees, domestic violence and discrimination of spouses from China and Southeast Asian countries, discrimination of prisoners of conscience by political belief, single-mother or single-father family or domestic partnership[s] ... and lesbian, gay men, bisexuals, transgender people, and those who might be regarded or perceived as one of those categories. Without those protective categories in the Anti-Discrimination Act, it is

clear that [the] South Korean government neglects its accountability and responsibility to preserve the Constitution.”

New Anti-Discrimination Bill

In an attempt to fend off the decision by the Legislative and Judiciary Committee and garner support for a bill with protections for traditionally marginalized communities, the Alliance Against Homophobia and Discrimination Against Sexual Minorities is now working with human rights lawyers to develop a new anti-discrimination bill.

According to one of the human rights lawyers, Chang Suh-yeon, the highlights of the new bill include:

- restoration of the seven eliminated categories;
- changes to the evidentiary rules in discrimination cases so that those who practice discrimination will have to prove no wrong-doing (instead of the current law which requires victims to provide evidence of discrimination);
- introduction of mandatory punitive damages to be paid to victims of discrimination with malicious intent; and
- granting of legislative power to the National Human Rights Committee to decree the new anti-discrimination bill as law.

Mobilizing Grassroots

A 2008 South Korean Queer Activist Camp is being planned as part of the renewed fight for justice in the present social and political climate. Camp Coordinator Ibanjiha says, “[When] M.B. Lee was elected President of South Korea, every activist here was so freaked out and devastated in some respect. Of course we knew it was highly possible to see him as President, but I think we’d striven for something different, something positive.” She emphasizes, “I don’t want to say that the work activists have done is just in vain. We’ve learned a lot and met many people we can work with in the future. I think we’re on the right track with formulating a new anti-discrimination bill.”



Human Rights Abuses in Indonesia:
Violation of freedom of expression, assembly and association against sexual minorities

To help them with their strategies, the Alliance Against Homophobia and Discrimination Against Sexual Minorities has asked for international support and attention. For more information, contact Kim Yoo-suk at: lgbtact.korea@gmail.com and Ibanjiha at: ibanjiha@gmail.com

ENDNOTES

¹ <http://www.iglhrc.org/site/iglhrc/section.php?id=5&detail=799>



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