



HUMAN
RIGHTS
WATCH

“I Thought of Myself as Defective”

Neglecting the Rights of LGBT Youth in South Korean Schools

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Glossary

Asexual: The sexual orientation of a person who experiences little or no sexual attraction to other people.

Bisexual: The sexual orientation of a person who is sexually and romantically attracted to both women and men.

Cisgender: The gender identity of people whose sex assigned at birth conforms to their identified or lived gender.

Gay: A synonym for homosexual in many parts of the world; in this report, used specifically to refer to the sexual orientation of a man whose primary sexual and romantic attraction is towards other men.

Gender Expression: The external characteristics and behaviors that societies define as “feminine,” “androgynous,” or “masculine,” including such attributes as dress, appearance, mannerisms, hairstyle, speech patterns, and social behavior and interactions.

Gender Identity: A person’s internal, deeply felt sense of being female or male, both, or something other than female and male.

Gender Dysphoria: The formal diagnosis that medical professionals use to describe persons who experience significant discontent with their sex assigned at birth.

Genderqueer: Identifies as neither male nor female, a combination of male and female, or otherwise outside a strict gender binary.

Heterosexual: The sexual orientation of a person whose primary sexual and romantic attraction is toward people of the other sex.

Homosexual: The sexual orientation of a person whose primary sexual and romantic attractions are toward people of the same sex.

Intersex: An umbrella term that refers to a range of traits and conditions that cause individuals to be born with chromosomes, gonads, and/or genitals that vary from what is considered typical for female or male bodies.

Lesbian: The sexual orientation of a woman whose primary sexual and romantic attraction is toward other women.

LGBT: Lesbian, gay, bisexual, and transgender; an inclusive term for groups and identities sometimes also grouped as “sexual and gender minorities.” The acronym may also include “I” for “intersex” or “Q” for queer.

Nonbinary: Identifies as neither male nor female.

Outing: The act of disclosing another person’s sexual orientation or gender identity to other individuals who are not aware that the person is LGBT.

Queer: An inclusive umbrella term covering multiple identities, sometimes used interchangeably with “LGBTQ.” Also used to describe divergence from heterosexual and cisgender norms without specifying new identity categories.

Sexual Orientation: The way in which a person’s sexual and romantic desires are directed. The term describes whether a person is attracted primarily to people of the same or other sex, or to both or others.

Transgender: The gender identity of people whose sex assigned at birth does not conform to their identified or lived gender. A transgender person usually adopts, or would prefer to adopt, a gender expression in consonance with their gender identity but may or may not desire to permanently alter their physical characteristics to conform to their gender identity

Summary

Park Beom-seok, a 22-year-old gay man, suspected that he might be gay when he was eleven or twelve years old. Still, he struggled to find support in his school environment. Classmates in middle school used “gay” as a slur, targeting boys who were perceived to be gay, and causing Park Beom-seok to try to hide any suggestion that he might be gay from his peers. Even in a fairly liberal school, lesbian, gay, bisexual, and transgender (LGBT) issues were not discussed: “It was like the concept didn’t exist, people just kept it hush hush.” As a result, he did not know who to turn to for advice, and remembers that “there was no system which supported me.” Looking back on his time in school, he recalls, “I think I wanted to hear ‘you are not alone.’”

Park Beom-seok’s situation is not unique. Young LGBT people in South Korea often experience intense isolation, fearing rejection from friends and family and lacking trusted, knowledgeable adults to whom they can turn for information and support. Experiences that cause students to feel like misfits and outsiders—including bullying and discrimination, invisibility and misinformation in curricula, and rigid gender segregation—can further deepen the isolation that young LGBT people experience in schools. This mistreatment and lack of support can seriously affect the well-being of LGBT children, jeopardizing their health and rights.

Yet thus far, little progress has been made to foster inclusive and affirming school environments throughout the country. The National Human Rights Commission of Korea (NHRCK), like many other domestic and international human rights bodies, has affirmed that LGBT people are entitled to the same human rights as everyone else. Even as domestic public opinion warms to LGBT rights and neighboring governments take steps toward LGBT equality, however, South Korea’s government has failed to make meaningful progress, citing intense religious and conservative opposition to justify inaction. Despite longstanding advocacy efforts, the National Assembly of South Korea has yet to approve a comprehensive anti-discrimination law, leaving LGBT people vulnerable to being fired, evicted, or mistreated because of their sexual orientation or gender identity.

Conflicts over LGBT rights in South Korea have been particularly acute where children are concerned. Opponents of LGBT rights have rallied against basic nondiscrimination

protections, erroneously claiming that such protections will turn children gay. They have opposed local student rights ordinances simply because these ordinances recognize the rights of LGBT students among their many other provisions. Where government bodies have voiced support for LGBT rights in schools, they have faced significant pushback and sustained public protest from vocal conservative opponents.

Yet young LGBT people are badly in need of support. As this report documents, drawing on incidents from the mid-2010s to the present day, LGBT students are often the targets of bullying and harassment in schools from both students and teachers. Many young LGBT people struggle with anxiety, depression, thoughts of suicide, and other mental health concerns due to the discrimination they face but lack any safe place to turn.

When young LGBT people seek assistance or support from teachers or counselors, they may instead be “outed” to school authorities or parents. They are also unlikely to have adequate resources to safeguard their physical health, as sexuality education in South Korea does not equip young LGBT people with the information they need to be healthy and safe. And for young transgender people, whose gender identity differs from their sex assigned at birth, rigid segregation by gender can exacerbate all these concerns.

The bullying and discrimination that young LGBT people experience is not only a matter of government inaction, but the product of existing policies that foster discrimination and isolation. The government has excluded discussions of LGBT people from sexual education curricula, funded mental health programs where counselors have discouraged students from being LGBT, and made it difficult for transgender students to attend school consistent with their gender identity.

The consequences of government policies can be devastating to the health and human rights of young LGBT people. As this report illustrates, bullying and discrimination can be traumatic for LGBT youth, disrupt their ability to learn, and have lasting effects on their education and employment prospects.

When young LGBT people are exposed to anti-LGBT messaging at home, in church, and in media, it is especially important that the government provide rights-affirming resources and support. Although robust public debate can be healthy, the government has a responsibility to protect the human rights of vulnerable groups.

As the information in this report illustrates, the marginalization that LGBT students face can seriously undermine a range of human rights violations in schools including their right to education; right to be free from violence; rights to privacy, to health, and to information; and right to be free from discrimination.

A stronger commitment from the government and from school officials is crucial if the human rights of LGBT children and young adults are to be respected, protected, and fulfilled in South Korean schools. Lawmakers should ensure that all young people—regardless of sexual orientation or gender identity—are safe, healthy, and able to receive an education. At a minimum, this requires swift and tangible action to address bullying and harassment, violations of privacy, mental health stressors, withholding of relevant information, and discrimination that LGBT students too often experience in school.

Methodology

Human Rights Watch and the Allard K. Lowenstein International Human Rights Clinic at Yale Law School conducted the research for this report between February 2019 and May 2021. Most of the interviews were conducted during research trips to Seoul in March and August 2019, as well as Cheongju, North Chungcheong Province, and Cheonan, South Chungcheong Province in August 2019. Additional interviews were conducted around Seoul and remotely from March to May of 2021. To identify interviewees, researchers conducted outreach through LGBT organizations, including university and high school LGBT student groups.

Researchers conducted a total of 67 interviews with 26 secondary school students or recent graduates and 41 teachers, counselors, administrators, parents, service providers, advocates, and experts on education. Of the twenty-six students and recent graduates, seven identified as gay boys or men, four identified as lesbian girls or women, five identified as bisexual girls or women, one identified as a pansexual woman, two identified as bisexual boys or men, one identified as bisexual and nonbinary, one identified as an asexual girl, three identified as transgender boys or men, two identified as genderqueer, two identified as questioning, and two did not indicate how they identified. The categories overlapped somewhat, with some students identifying with more than one identity.

Interviews were primarily conducted in Korean with translator assistance. Some interviews were conducted in English. Interviewees did not receive compensation. When possible, interviews were conducted one-on-one in a private setting. Researchers also spoke with interviewees in pairs, trios, or small groups when interviewees asked to meet or when time and space constraints required meeting members of organizations simultaneously. Researchers obtained oral informed consent from interviewees after explaining the purpose of the interviews, how the material would be used, that interviewees need not answer questions, and that they could stop the interview at any time.

Human Rights Watch sent a copy of the report's findings by email, fax, and post to the Ministries of Education, Gender Equality and Family, and Health and Welfare, and the National Human Rights Commission of Korea (NHRCK) on July 21, 2021 to obtain their input

on the issues students identified. Human Rights Watch requested responses from these agencies by August 18, 2021 to incorporate their views into this report.

Pseudonyms are used for all interviewees who are students, teachers, or administrators in schools. Unless requested by interviewees, pseudonyms are not used for individuals and organizations who publicly work on the issues discussed in this report.

In line with international standards, the term “child” refers to a person under the age of 18.¹ Age in Korea is calculated differently than age is generally calculated internationally.² When conducting interviews, Human Rights Watch asked interviewees for their international age.

¹ Convention on the Rights of the Child (CRC), adopted November 20, 1989, G.A. Res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989), entered into force September 2, 1990, art. 1.

² Embassy of the Republic of Korea to Norway, “The Unique Age Counting System of Korea,” November 4, 2019, https://overseas.mofa.go.kr/no-en/brd/m_21237/view.do?seq=33 (accessed July 8, 2021).

I. Background

In 1997, a group of LGBT activists protested in front of Tapgol Park in Seoul against homophobic representations of LGBT persons in middle school and high school textbooks. These textbooks included discriminatory and misleading comments about LGBT people, including that “[l]ove and sex between members of the same sex are responsible for a number of side-effects including AIDS.”³ The demonstration marked one of the first instances of LGBT activism in South Korea and the beginning of efforts by students, parents, teachers, and community leaders to ensure LGBT students were afforded access to an inclusive education, in which their identity and dignity were respected.⁴

After more than two decades of activism, LGBT children and young adults continue to face systematic rights violations in South Korean schools. Many LGBT students report bullying and harassment from other students, teachers, and administrators because of their real or perceived sexual orientation or gender identity. LGBT students are often reluctant to disclose they are LGBT to friends or family and live in fear of being “outed” by classmates, teachers, or counselors who learn of their sexual orientation or gender identity.

A climate of isolation and fear can generate considerable anxiety and mental health consequences for LGBT youth, which are exacerbated when students who seek help face homophobic or transphobic messaging instead of affirmation and support. Discussions of LGBT people and issues are generally excluded from school curricula, leaving LGBT students with insufficient information about their identities, sexuality, health, and rights. And because classrooms, facilities, and programs are often segregated by gender, transgender students are at particular risk of discrimination or exclusion in schools.

Marginalizing LGBT students can seriously undermine a range of human rights in schools, including the right to education. A survey of 200 LGBT students released in 2015, for example, found that seven of the eleven respondents who dropped out of school did so

³ Hyun-young Kwon Kim and John (Song Pae) Cho, “The Korean Gay and Lesbian Movement, 1993-2003: From ‘Identity’ to ‘Community’ to ‘Human Rights,’” in *South Korean Social Movements: From Democracy to Civil Society*, ed. Gi-wook Shin and Paul Y. Chang (New York: Routledge, 2010), p. 215.

⁴ See, for example, Lee Woo-young, “Seoul Council Passes Student Rights Ordinance,” *Korea Herald*, December 20, 2011, <http://www.koreaherald.com/view.php?ud=20111220000760> (accessed July 9, 2021); Lee Hyo-sik, “Student Rights Ordinance Causes Stir,” *Korea Times*, October 26, 2011, http://www.koreatimes.co.kr/www/news/nation/2011/10/113_97376.html (accessed July 9, 2021).

because of discrimination and mistreatment related to their sexual orientation or gender identity.⁵ As documented in this report, these conditions also threaten the right to be free from violence; rights to privacy, to health, and to information; and the right to be free from discrimination.

The discrimination that LGBT people experience is part of a broader context of discriminatory attitudes and conduct in South Korea. Discrimination based on race, sex, religion, and nationality is often expressed openly, and acutely felt by members of minority groups.⁶ The prevalence of discriminatory attitudes in public discourse can add to the marginalization that minority groups experience and make protective legislation even more important.

Patterns of discrimination and hostility are also replicated in South Korean schools. While bullying can rise to the level of physical violence, it most frequently takes the form of persistent exclusion and isolation, or *wang-ta*, which can seriously affect students' well-being and ability to learn.⁷ A series of recent high-profile incidents have highlighted how pervasive this bullying can be and the consequences for students who are targeted.⁸

The government has not yet adequately addressed persistent challenges facing LGBT students in schools. The government's programs to reduce school bullying and promote

⁵ National Human Rights Commission of Korea (NHRCK), *Survey on Discrimination based on Sexual Orientation and Gender Identity*, December 2014, <https://www.humanrights.go.kr/site/program/board/basicboard/view?currentpage=4&menuid=001003001004&pagesize=10&boardtypeid=16&boardid=611289> (accessed July 9, 2021), p. 38.

⁶ Da-sol Goh, "In Korea, Double Standards on Racism," *Asia Times*, March 24, 2020, <https://asiatimes.com/2020/03/in-korea-double-standards-on-racism> (accessed July 9, 2021); Ock Hyun-ju, "7 in 10 Foreign Residents Say 'Racism Exists' in S. Korea," *Korea Herald*, March 20, 2020, <http://www.koreaherald.com/view.php?ud=20200320000695> (accessed July 9, 2021); Joohee Kim, "South Korea Shows Workplace Gender Discrimination is Alive and Kicking," *Nikkei Asia*, October 15, 2019, <https://asia.nikkei.com/Opinion/South-Korea-shows-workplace-gender-discrimination-is-alive-and-kicking> (accessed July 9, 2021).

⁷ Seungha Lee, Peter K. Smith, and Claire P. Monks, "Perceptions of Bullying-Like Phenomena in South Korea: A Qualitative Approach from a Lifespan Perspective," *Journal of Aggression, Conflict and Peace Research*, vol. 3 iss. 4 (2011), pp. 210-221; Hyojin Koo, Keumjoo Kwak, and Peter K. Smith, "Victimization in Korean Schools: The Nature, Incidence, and Distinctive Features of Korean Bullying or *Wang-Ta*," *Journal of School Violence*, vol. 7 iss. 4 (2008); pp. 119-139.

⁸ Im Eun-byel, "Miss Trot 2' Gallops to Success with 30% Viewership Share," *Korea Herald*, February 7, 2021, <http://www.koreaherald.com/view.php?ud=20210207000148> (accessed July 9, 2021); "Volleyball: Twin South Korean Stars Suspended Over Bullying," *The Straits Times*, February 15, 2021, <https://www.straitstimes.com/sport/volleyball-twin-south-korean-stars-suspended-over-bullying> (accessed July 9, 2021); Kim Boram, "Past School Bullying Claims Spread Like Wildfire to S. Korean Entertainment Scene," *Yonhap News Agency*, February 24, 2021, <https://en.yna.co.kr/view/AEN20210224007100315> (accessed July 9, 2021); "Hyunjin: K-pop Star's Apology for School Bullying Sparks Debate," *BBC News*, March 1, 2021, <https://www.bbc.com/news/world-asia-56235160> (accessed July 9, 2021).

mental health do not sufficiently address sexual orientation or gender identity, making them ineffective for LGBT youth.

The Ministry of Education’s national sexuality education curriculum created in 2015 and reviewed in 2017 excludes any mention of LGBT people and their sexual and reproductive health, with early messaging from the government creating confusion about whether teachers are permitted to mention LGBT issues in the classroom at all.⁹ Indeed, some teachers have faced a strong negative reaction from parents and the public for voicing support for LGBT students, creating a chilling effect and discouraging other teachers from offering support. While lawmakers have debated national legislation to address discrimination in education and other settings, they have not yet enacted meaningful protections.

In the absence of national action, some local and provincial governments have passed student rights ordinances that guard students against discrimination in schools. These ordinances are geographically limited, and could be strengthened by nationwide anti-bullying protections, inclusive curricula, and affirming, confidential mental health support. The ordinances are also highly vulnerable to popular pressure and have faced vocal opposition from religious groups who oppose protections for LGBT children and young people. Advocates have stressed that in the absence of national action it is difficult to effectively guarantee LGBT students’ rights to equality, health, and education nationwide.

While the government has been slow to protect the rights of LGBT people, public opinion in South Korea is rapidly changing.¹⁰ In 2021, a Gallup opinion poll found that 81 percent of the public believed it was unfair to fire an employee because of their sexual orientation,

⁹ Human Rights Watch, Letter to the Government of South Korea on the Need to Recognize Sexual Orientation and Gender Identity in Sex Education, May 3, 2015, <https://www.hrw.org/news/2015/05/03/letter-government-south-korea-need-recognize-sexual-orientation-and-gender-identity>; Um Ji-won, “New Sex-Ed Guidelines Forbid Teaching about Homosexuality,” *Hankyoreh*, March 30, 2015, http://english.hani.co.kr/arti/english_edition/e_national/684591.html (accessed July 9, 2021); Kyle Knight, “South Korea Backslides on Sex Education,” Human Rights Watch dispatch, February 17, 2017, <https://www.hrw.org/news/2017/02/17/south-korea-backslides-sex-education>; Jin Min-ji, “Growing Calls in Korea for Better Sex Education,” *Korea JoongAng Daily*, March 6, 2018, <https://koreajoongangdaily.joins.com/news/article/article.aspx?aid=3045301> (accessed July 9, 2021).

¹⁰ Kim Ji-yoon et al., “Over the Rainbow: Public Attitude Toward LGBT in South Korea,” Asan Institute for Policy Studies, April 17, 2015, <http://en.asaninst.org/contents/over-the-rainbow-public-attitude-toward-lgbt-in-south-korea> (accessed July 9, 2021).

and 38 percent favored the legalization of marriage for same-sex couples.¹¹ Responses to the poll varied by age; 73 percent of respondents in their twenties supported the legalization of marriage for same-sex couples, compared to only 17 percent of respondents over the age of sixty.¹² In 2017 and 2018, Busan, Jeju Island, Incheon, Gwangju, and Jeonju all had their first Pride festivals.¹³ In 2019, nearly 70,000 people attended the Pride parade in Seoul, making it the largest LGBT event in the country's history.¹⁴

Nonetheless, a vocal segment of the public has strongly opposed any recognition of LGBT rights in the country. In 2018, participants at the Incheon Queer Culture Festival were physically attacked and verbally abused by protesters,¹⁵ and in 2019, thousands of police officers were assigned to protect LGBT people and their allies from a much larger crowd of opponents.¹⁶ In 2019, organizers cancelled the Busan Queer Culture Festival, saying that they could not guarantee the safety of participants after local authorities denied permission to hold the event.¹⁷

Efforts to protect LGBT rights have faced stiff resistance from highly organized Protestant groups, which have significant influence in the country, strong political ties, and the ability to mobilize large groups of people against legislation.¹⁸

¹¹ Gallup, "Daily Opinion No. 448 (May 3, 2021) – Evaluation and Reason for Government Response to COVID-19, Legalization of Same-Sex Marriage, Recognition of Homosexuality," May 5, 2021, <https://www.gallup.co.kr/gallupdb/reportContent.asp?seqNo=1210> (accessed July 9, 2021).

¹² Ibid.

¹³ Ock Hyun-ju, "Permission Sought to Hold Queer Festival in South Gyeongsang Province on Nov. 30," *Korea Herald*, November 3, 2019, <http://www.koreaherald.com/view.php?ud=20191103000161> (accessed July 9, 2021).

¹⁴ Ibid.; Human Rights Watch, *World Report 2020* (New York: Human Rights Watch, 2020), South Korea chapter, <https://www.hrw.org/world-report/2020/country-chapters/south-korea>.

¹⁵ Crystal Tai, "Why Is South Korea So Intolerant of Its Gay Community?" *South China Morning Post: This Week in Asia*, September 17, 2018, <https://www.scmp.com/week-asia/society/article/2164130/why-south-korea-so-intolerant-its-gay-community> (accessed July 9, 2021).

¹⁶ Human Rights Watch, *World Report 2020*, South Korea chapter, <https://www.hrw.org/world-report/2020/country-chapters/south-korea>.

¹⁷ Haps Staff, "3rd Busan Queer Culture Festival Canceled," *HAPS*, August 20, 2019, <https://www.hapskorea.com/3rd-busan-queer-culture-festival-canceled> (accessed July 9, 2021).

¹⁸ "Protestant Evangelicals in South Korea Wield Outsize Political Power," *Economist*, November 28, 2019, <https://www.economist.com/asia/2019/11/28/protestant-evangelicals-in-south-korea-wield-outsize-political-power> (accessed July 9, 2021).

Lawmakers have cited this opposition to justify inaction on proposals to protect LGBT people from discrimination in law and policy.¹⁹ Despite longstanding advocacy efforts, the National Assembly of South Korea has yet to approve a comprehensive anti-discrimination law, leaving LGBT people vulnerable to being fired, evicted, or mistreated because of their sexual orientation or gender identity.²⁰

Instead, some lawmakers have repeatedly sought to remove “sexual orientation” from the mandate of the National Human Rights Commission of Korea (NHRCK), in an attempt to prevent that body from investigating and addressing discrimination against LGBT people in education, employment, public services, and other areas.²¹ South Korea’s Military Criminal Act prohibits same-sex conduct among soldiers, punishing such acts with up to two years in prison.²² The government has not recognized same-sex partnerships, making it difficult for same-sex couples to access health insurance, pension, and survivor benefits.²³ While courts have established stringent requirements for legal gender recognition, these are highly restrictive and have not been formalized into law and policy.²⁴

As advocates press for stronger commitments from the South Korean government, its inaction on LGBT rights sends a dangerous signal to children and young adults. LGBT students grapple with hostile messages about their sexual orientation or gender identity, a dearth of resources and support networks, and uncertainty about what their future holds.

¹⁹ Shin Ji-hye, “Debate on Anti-Discrimination Law Gains Momentum,” *Korea Herald*, June 20, 2021, <http://www.koreaherald.com/view.php?ud=20210620000168> (accessed July 9, 2021); Ock Hyun-ju, “Gay Rights Neglected on Korea Campaign Trail,” *Korea Herald*, April 26, 2017, <http://www.koreaherald.com/view.php?ud=20170426000830> (accessed July 9, 2021); Ju Hui Judy Han, “The Politics of Homophobia in South Korea,” *East Asia Forum*, July 4, 2016, <https://www.eastasiaforum.org/2016/07/04/the-politics-of-homophobia-in-south-korea> (accessed July 9, 2021); Thom Senzee, “LGBT Activists Protest at Seoul City Hall Over Delay of Human Rights Charter,” *Advocate*, December 8, 2014, <https://www.advocate.com/world/2014/12/08/lgbt-activists-protest-seoul-city-hall-over-delay-human-rights-charter> (accessed July 9, 2021).

²⁰ Park Da-hae and Kwon Ji-dam, “National Assembly Fails to Hold Debate on Comprehensive Non-Discrimination Legislation,” *Hankyoreh*, May 31, 2019, http://english.hani.co.kr/arti/english_edition/e_national/896150.html (accessed July 9, 2021).

²¹ Ryan Thoreson, “South Korea Shouldn’t Backslide on LGBT Rights,” Human Rights Watch dispatch, November 27, 2019, <https://www.hrw.org/news/2019/11/27/south-korea-shouldnt-backslide-lgbt-rights>.

²² “South Korea: Military ‘Sodomy’ Law Violates Human Rights,” Human Rights Watch news release, March 7, 2019, <https://www.hrw.org/news/2019/03/07/south-korea-military-sodomy-law-violates-rights>.

²³ “1056 LGBTQs in South Korea Filed Complaints to the Civil Rights Commission for Recognition of Rights to Same-Sex Couples,” Gagoonet press release, November 14, 2019, <http://gagoonet.org/?p=24630> (accessed July 9, 2021).

²⁴ Rainbow Action Against Sexual Minority Discrimination, *Human Rights Violations on the Basis of Sexual Orientation, Gender Identity, and HIV Status in the Republic of Korea*, March 2017, https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/KOR/INT_CAT_CSS_KOR_27029_E.pdf (accessed July 9, 2021), paras. 8-9.

II. Bullying and Harassment

Bullying is a serious problem in South Korea and takes various forms. Students interviewed by Human Rights Watch described different forms that bullying can take. Many young people are ostracized by peers, a form of bullying known as wang-ta. Others face more overt forms of harassment, including physical violence and verbal slurs.

The experiences of Lee Sang-yeop, a 24-year-old gay man, illustrate some of the different forms that bullying and harassment can take. In high school, when he disclosed to a friend that he liked a fellow classmate, the friend shared that information widely and outed him to his peers. As a result, his friendships with other students “fell apart,” he was excluded from group activities, and he was harassed by classmates who repeatedly said negative things about LGBT people. In one incident, he was kicked in a school toilet. Although he said the hostility was “frustrating and suffocating,” he did not know of adults he could turn to for help. He told Human Rights Watch that none of his teachers said anything positive about LGBT people, and that he worried about rejection and possibly being kicked out of his home if he told his parents he was gay.²⁵

Park Beom-seok, a 22-year-old gay man, suspected that he might be gay when he was 11 or 12 years old. Still, he struggled to find support in his school environment. Classmates in middle school used “gay” as a slur, targeting boys who were perceived to be gay, and causing Park Beom-seok to try to hide any suggestion that he might be gay from his peers. Even in a fairly liberal school, lesbian, gay, bisexual, and transgender (LGBT) issues were not discussed: “It was like the concept didn’t exist, people just kept it hush hush.” As a result, he didn’t know who to turn to for advice, and remembers that “there was no system which supported me.” Looking back on his time in school, he recalls, “I think I wanted to hear ‘you are not alone.’”²⁶

According to government data, about 60,000 students or 1.6 percent of students surveyed reported being victims of school violence in 2019.²⁷ A survey of academic studies

²⁵ Human Rights Watch video interview with Lee Sang-yeop, gay man, April 29, 2021.

²⁶ Human Rights Watch video interview with Park Beom-seok (pseudonym), gay man, May 7, 2021.

²⁷ Kim So-hyun, “60,000 Students Were Victims of School Violence: Survey,” *Korea Herald*, August 27, 2019, <http://www.koreaherald.com/view.php?ud=20190827000689> (accessed July 9, 2021).

estimated in 2017 that bullying is even more common, with between 30 and 60 percent of South Korean youth being involved as a victim or perpetrator in school bullying.²⁸ Bullying can affect students regardless of their personal characteristics, but frequently intersects with discriminatory attitudes to single out and target students who are different in some way.²⁹

As discussed below, bullying can make it difficult for students to learn and can contribute to mental health concerns. South Korea's national statistics bureau has found that both bullying and loneliness are common causes of suicidal ideation among South Koreans aged 11 to 18,³⁰ and suicide has been the most common cause of death for young South Koreans since 2011.³¹ South Korea has the highest per capita suicide rate in the Organization for Economic Cooperation and Development (OECD).³² The government has pledged to lower the suicide rate by 2022.³³

To address adolescent mental health issues and bullying in schools, the South Korean government established the WEE (“We, Education, Emotion”) Project in 2008.³⁴ The project includes counseling at the elementary, middle, and high school levels, coordinated with

²⁸ Subin Park et al., “Violence Victimization in Korean Adolescents: Risk Factors and Psychological Problems,” *International Journal of Environmental Research and Public Health*, vol. 14(5) (2017), p. 2.

²⁹ Ibid.

³⁰ Statistics Korean Statistical Information Service, “Suicidal Thoughts and Reasons for Suicidal Thoughts (Population Over 13 Years Old),” November 18, 2020, https://kosis.kr/statHtml/statHtml.do?orgId=101&tblId=DT_1SSHE130R&conn_path=I2https://kosis.kr/statHtml/statHtml.do?orgId=101&tblId=DT_1SSHE130R&conn_path=I2 (accessed July 9 February 5, 2021). The data indicate that stress and the pressure to get good grades are the most common motivator for suicidal ideation; as noted below, stress can also be exacerbated by isolation and discrimination in school environments. Ages are adjusted to reflect that the data is provided according to South Korea's system for calculating age, which includes time in the womb as part of one's age and incorporates both the lunar and solar calendar.

³¹ Yonhap, “Suicide Remains Leading Cause of Death for S. Korean Teens, Youths,” *Korea Herald*, April 27, 2020, <http://www.koreaherald.com/view.php?ud=20200427000687> (accessed July 9, 2021); Hwang Soo-yeon, “Suicide, The Number One Cause of Death for Adolescents in the 8th Year – 27% Experienced “Depression,”” *JoongAng Ilbo*, April 27, 2020, <https://news.joins.com/article/23763872> (accessed July 9, 2021).

³² Organization for Economic Cooperation and Development (OECD), “Suicide Rates,” <https://data.oecd.org/healthstat/suicide-rates.htm> (accessed July 10, 2021).

³³ Yonhap, “Korea's Suicide Rate Highest among OECD Members,” *Korea Times*, October 29, 2018, https://www.koreatimes.co.kr/www/nation/2018/10/281_257761.html (accessed July 10, 2021).

³⁴ Rosa Minhyo Cho and Mikyung Park, “Analyzing the Effectiveness of the Korean National Anti-Bullying Program – WEE Project,” *International Review of Public Administration*, vol. 20 (2015), pp. 287-304; Ministry of Education, Science and Technology, “WEE Project Assists Students' School Adaptation,” press release, March 25, 2009, <https://m.pulsenews.co.kr/view.php?year=2009&no=186615> (accessed July 10, 2021).

centers throughout the country.³⁵ As part of this program, the Ministry of Education provides participating schools with counselors and resources.³⁶

However, researchers have questioned the WEE Project's efficacy. One study of nearly 3,000 students from 63 middle schools in Seoul found that the WEE Project was not associated with any change in students' likelihood of being subjected to, or subjecting other students to, verbal or physical bullying.³⁷

Moreover, the WEE Project does not specifically address bullying of LGBT students, who are particularly vulnerable to bullying and harassment in middle and high schools.

In a 2012 online survey, 96 percent of 255 LGBT student respondents in Seoul reported experiencing discrimination or bullying.³⁸ The most commonly reported forms of bullying were degrading language and bias (80 percent), social exclusion (31 percent), and verbal aggression and threatening behavior (29 percent).³⁹ Other surveys similarly suggest LGBT students encounter high rates of verbal and physical violence.⁴⁰

Two high school teachers interviewed by Human Rights Watch expressed concern that colleagues who taught the WEE classes had not received training or materials on LGBT issues and were unequipped to provide support to LGBT students.⁴¹ One remarked that:

the teachers don't know anything about LGBT issues. They say, you're complicated, you're going through changing times, think about it more,

³⁵ Human Rights Watch interview with Yoon-Lee SungWon, counselor, Seoul, March 15, 2019.

³⁶ Cho and Park, "Analyzing the Effectiveness of the Korean National Anti-Bullying Program," *International Review of Public Administration*, pp. 289-290.

³⁷ *Ibid.*, p. 294.

³⁸ United Nations Educational, Scientific and Cultural Organization (UNESCO), "From Insult to Inclusion: Asia-Pacific Report on School Bullying, Violence and Discrimination on the Basis of Sexual Orientation and Gender Identity (2015)," <https://unesdoc.unesco.org/ark:/48223/pf0000235414> (accessed July 12, 2021), p. 31; Rainbow Act Ivan School, 2013, Results from 2012 Survey on Human Rights of Sexual Minority Students in Seoul.

³⁹ United Nations Educational, Scientific and Cultural Organization (UNESCO), "From Insult to Inclusion: Asia-Pacific Report on School Bullying, Violence and Discrimination on the Basis of Sexual Orientation and Gender Identity (2015)," <https://unesdoc.unesco.org/ark:/48223/pf0000235414>, p. 29; Rainbow Act Ivan School, 2013, Results from 2012 Survey on Human Rights of Sexual Minority Students in Seoul.

⁴⁰ 10 Magazine Staff, "Dding Dong Safe Space for LGBT Youths," *10 Mag*, April 3, 2015, <https://10mag.com/dding-dong-safe-space-for-lgbt-youths> (accessed July 12, 2021).

⁴¹ Human Rights Watch interviews with Kwon Seul-ki. and Roh Min-ji (pseudonyms), high school teachers, Seoul, March 17, 2019.

don't decide yet, or the more difficult problem is that teachers just call their parents and out their identity. They think it's the right thing to do because they didn't go through any teacher training.⁴²

While students most often perpetrate this bullying, teachers also do so. A survey of 200 LGBT young people commissioned by the NHRCK and carried out by GongGam Human Rights Law Foundation in 2014 found that 54 percent had been harassed by fellow students, but 20 percent had also been harassed by teachers.⁴³ Notwithstanding the prevalence of bullying against LGBT youth, the signature South Korean anti-bullying program fails to provide specific policies aimed at assisting and supporting LGBT students.

Interviewees who spoke with Human Rights Watch additionally noted that when bullying occurs, few schools have mechanisms in place for students to confidentially report it.⁴⁴ Where official procedures do exist, students may be reluctant to use them because they fear that they will face hostility because of their sexual orientation or gender identity, be outed as LGBT, or experience retaliation in the school environment.⁴⁵

One advocate who works with LGBT youth told Human Rights Watch that when a student reports sexual harassment or violence:

[t]he counselor is more likely to be shocked not by the sexual violence, but by the student's sexual identity—thinking the student's sexual identity or gender identity is the bigger problem, and [mistakenly thinking that] reporting this to the parents is their duty.⁴⁶

Ahn Min-jun, a 25-year-old transgender man, told Human Rights Watch that when he reported persistent bullying to teachers in secondary school, they suggested that he

⁴² Human Rights Watch interview with Roh Min-ji, March 17, 2019.

⁴³ Human Rights Watch interview with Joo Sung-hyun, NHRCK, Seoul, March 13, 2019; NHRCK, *Survey on Discrimination based on Sexual Orientation and Gender Identity*, 2015, <https://www.humanrights.go.kr/site/program/board/basicboard/view?currentpage=4&menuid=001003001004&pagesize=10&boardtypeid=16&boardid=611289>, pp. 27-28.

⁴⁴ Human Rights Watch interview with Park Edhi, counselor, DDing Dong, Seoul, March 12, 2019.

⁴⁵ Human Rights Watch interviews with Song Ji-eun, advocate, DDing Dong, Seoul, March 12, 2019, and Moon Jin-gyoung, NHRCK, Seoul, March 13, 2019.

⁴⁶ Human Rights Watch interview with Song Ji-eun, March 12, 2019.

identify as a girl and find a boyfriend to stop it.⁴⁷ He also described an anti-bullying assembly at his school where students were asked to submit anonymous comments about their experiences, and then teachers tried to identify the author of the comment.⁴⁸

Other students do not report bullying or harassment because they doubt it will achieve anything.⁴⁹ Lee Bo-reum, a 21-year-old lesbian woman, told Human Rights Watch that she did not seek help from teachers when other students excluded her, verbally harassed her, and destroyed her property. She had noticed when a teacher stayed silent when students made anti-LGBT comments in class. “Even if I reported these incidents, no teachers would have helped me,” she said. “I had no trust in teachers.”⁵⁰

Because students do not expect that reporting mechanisms will be confidential or effective, formal reports of bullying in school are rare, and have typically been filed by supportive parents or advocates on behalf of LGBT youth.⁵¹

In interviews with Human Rights Watch, multiple students interviewed described being bullied by other students and teachers during middle school and high school.⁵² While some incidents involved physical or sexual assault, most of these students reported being subject to exclusion, verbal harassment, and cyber bullying because of their sexual orientation or gender identity. Regardless of the form they take, bullying and harassment seriously jeopardize the health and rights of LGBT students in South Korean schools.

Exclusion

Exclusion, particularly ostracization, is one of the most common forms of bullying that LGBT youth in South Korea face. Students in South Korea spend an average of 14 hours per day in educational settings, making exclusion in those environments particularly

⁴⁷ Human Rights Watch interview with Ahn Min-jun (pseudonym), transgender university student, Seoul, August 7, 2019.

⁴⁸ Ibid.

⁴⁹ Human Rights Watch interviews with Lee Bo-reum (pseudonym), lesbian woman, Seoul, March 23, 2021; and Jin Pu-reun (pseudonym), lesbian woman, Bucheon, April 2, 2021.

⁵⁰ Human Rights Watch interview with Lee Bo-reum, March 23, 2021.

⁵¹ Human Rights Watch interview with Moon Jin-gyoung, March 13, 2019.

⁵² Human Rights Watch interviews with Choi Ji-hye (pseudonym), bisexual university student, Seoul, March 11, 2019; Kim Hyun (pseudonym), genderqueer university student, Seoul, March 14, 2019; Cho Ji-hoon (pseudonym), gay university student, Seoul, March 11, 2019; Do Bo-kyung (pseudonym), gay university student, Seoul, March 11, 2019; Kang Eun-ji (pseudonym), bisexual university student, Seoul, March 13, 2019.

isolating.⁵³ Interviewed students described how other students ostracized young LGBT people, or told Human Rights Watch that they felt alone or isolated during secondary school.⁵⁴ Teachers also observed that their LGBT students experienced isolation in school.⁵⁵ Choi Ji-hye, a 22-year-old bisexual university student, described this exclusion based on her experience in high school:

If and when you are known or rumored to like other women, then you will be completely ostracized in very subtle ways. They will have nothing to do with you. It's a cold-shoulder treatment. You can't even go to the teacher and ask for help. For all three years of high school you are with the same students. My school was very conservative, and you have to stay in school from 9:00 a.m. to 10:00 p.m., so it made it very hard.⁵⁶

Ostracization can spread beyond the secondary school environment as well, including to “cram schools” where students from a variety of schools study in the evenings. Cho Ji-hoon, a gay 25-year-old student, said that in his hometown:

[t]here was a rumor that the student head of an all-girls school was found kissing another girl in the toilet. Because all the cram schools were in the area, the rumor spread through all the cram schools in just a week, and by extension in all the other schools. She became the laughingstock of the whole community.⁵⁷

The widespread fear of ostracization also prevented students who transgressed gender norms from associating with each other. Ahn Min-jun, the 25-year-old transgender student who experienced bullying in secondary school, recalled that: “I graduated from a girls’

⁵³ Brian Park, “The Heavy Academic Pressure in South Korea,” *Herald Insight*, June 13, 2019, <http://www.heraldinsight.co.kr/news/articleView.html?idxno=596> (accessed July 12, 2021).

⁵⁴ Human Rights Watch interviews with Do Bo-kyung, March 11, 2019; Kang Eun-ji, March 13, 2019; Bae Hyun-woo (pseudonym), bisexual transgender university student, Cheongju, August 9, 2019; Gang Seo-hyeon (pseudonym), lesbian high school student, Seoul, August 10, 2019; Jin Pu-reun, April 2, 2021; Lee Bo-reum, March 23, 2021; and Kim Do-hyun, gay transgender man, Seoul, March 24, 2021.

⁵⁵ Human Rights Watch interviews with Kwon Seul-ki, March 17, 2019; Roh Min-ji, March 17, 2019; and Park Hyun-ie, sexuality educator, AHA Sexuality Education and Counseling Center for Youth, Seoul, August 9, 2019.

⁵⁶ Human Rights Watch interview with Choi Ji-hye, March 11, 2019.

⁵⁷ Human Rights Watch interview with Cho Ji-hoon, March 11, 2019.

middle school.... Some friends had short hair, and they liked wearing pants for the uniform, but they also [avoided] being associated with me.”⁵⁸

This ostracization can take a toll on students and jeopardize their right to education. As Yoon-Lee SungWon, a counselor who works with LGBT young people, told Human Rights Watch:

[My client] was outed by his friend who knew about his sexual identity. After that, every student in school knew about him. There was no physical bullying, but nobody would talk with him. He was alone in the class. He was a great student before that but he couldn't concentrate with the situation happening in the class, so he slept through every class.... [H]e was really depressed and helpless.⁵⁹

Roh Min-ji, a high school teacher, observed in 2019 a student who was outed at school and rejected by her peers:

One of our [lesbian] students, she cannot pay attention to class at all. She doesn't want to come to school. She just comes to get a graduation certificate. She wants to drop out of school. We had a talk and she decided to get the graduation certificate, so she's just hanging on.⁶⁰

Gang Seo-hyeon, the 18-year-old lesbian high school student, told Human Rights Watch in 2019 that when she hears homophobic jokes and comments from classmates, “I just shut myself off.”⁶¹ As Yoon-Lee SungWon, the counselor, observed, this takes a toll on student well-being:

It's not just about the disconnection, it's also about [the lack of] belonging. That has a negative effect on general mental health. It will also have a negative effect in adjusting to school settings.⁶²

⁵⁸ Human Rights Watch interview with Ahn Min-jun, August 7, 2019.

⁵⁹ Human Rights Watch interview with Yoon-Lee SungWon, March 15, 2019.

⁶⁰ Human Rights Watch interview with Roh Min-ji, March 17, 2019.

⁶¹ Human Rights Watch Interview with Gang Seo-hyeon, August 10, 2019.

⁶² Human Rights Watch interview with Yoon-Lee SungWon, March 15, 2019.

Exclusion can be exacerbated by a general sense of isolation, as some students do not know that there are others like them or do not know how to make sense of their same-sex attraction or gender identity.

Recalling his secondary school experiences, Do Bo-kyung, a 26-year-old genderqueer university student, said “the isolation is very harsh.”⁶³ Kim Do-hyun, a 25-year-old gay transgender man, told Human Rights Watch that “I felt depressed throughout my middle school days. I cried a lot at the library alone, thinking something went wrong and I felt that I was the only one weird person.”⁶⁴ Lee Bo-reum, a 21-year-old lesbian woman, said:

During my high school days, I had no queer friends, and nobody could sympathize with me. I felt gloomy.... There was no information [about LGBT people] or people who could share information.⁶⁵

After graduating from high school, she said:

I belatedly figured out that there are many lesbians, and the number was much bigger than I'd expected. It was cathartic. I found out that I'm not alone and I'm not that unique.⁶⁶

Yoon-Lee SungWon told Human Rights Watch:

[I]nvisibility is the biggest thing that students are confronting in school. They know about the issues, but teachers don't have knowledge or any background. So, teachers can say in the class: “We don't have those kind of kids in our school.”⁶⁷

Lee Matthew, a teacher in one of the few South Korean schools with an LGBT student group, told Human Rights Watch:

⁶³ Human Rights Watch interview with Do Bo-kyung, March 11, 2019.

⁶⁴ Human Rights Watch interview with Kim Do-hyun, March 24, 2021.

⁶⁵ Human Rights Watch interview with Lee Bo-reum, March 23, 2021.

⁶⁶ Ibid.

⁶⁷ Human Rights Watch interview with Yoon-Lee SungWon, March 15, 2019.

The first time it was raised with a previous principal that there was probably going to be LGBT organizing at our school, the former principal said point blank there are no gay students at our school and that was the end of the conversation.⁶⁸

The invisibility of LGBT youth fosters a vicious cycle where students are reluctant to come out because they lack support, but schools fail to provide support because they do not believe they have LGBT students in their schools.

As discussed below, the isolation that LGBT students experience is exacerbated by the fear of being outed more widely to friends or family who may not be aware of a student's sexual orientation or gender identity, as well as a lack of confidential mental health resources that students can turn to for support.

Verbal Harassment

Verbal harassment, which may include hate speech, discrimination, or derogatory remarks, is another common form of bullying that LGBT youth reported in surveys and to mental health counselors.

A survey conducted by the Seoul Metropolitan Government in 2014 revealed that roughly 80 percent of LGBTI students reported hearing various forms of discriminatory speech against LGBTI people.⁶⁹ In a survey commissioned by the NHRCK in 2014, the last year for which figures are available, 92 percent of LGBT adolescents reported discriminatory comments from other students and 80 percent of LGBT adolescents reported discriminatory comments from teachers.⁷⁰ The government has not taken meaningful action to reduce these figures; as described below, advocates and students indicated to Human Rights Watch that discriminatory comments are still common in schools.

⁶⁸ Human Rights Watch interview with Lee Matthew (pseudonym), high school teacher, Cheonan, August 12, 2019.

⁶⁹ Rainbow Action Against Sexual Minority Discrimination, "Human Rights Violations on the Basis of Sexual Orientation, Gender Identity, and HIV Status in the Republic of Korea: Joint Civil Society Submission to the Committee on the Elimination of Discrimination Against Women," February 2018, https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/KOR/INT_CEDAW_NGO_KOR_30115_E.pdf (accessed Jul 12, 2021), para. 15. "LGBTI" was used in this survey rather than "LGBT" to also include young intersex people.

⁷⁰ Ibid; NHRCK, *Survey on Discrimination based on Sexual Orientation and Gender Identity*, <https://www.humanrights.go.kr/site/program/board/basicboard/view?currentpage=4&menuid=001003001004&pagesize=10&boardtypeid=16&boardid=611289>, p. 20.

Song Ji-eun, an advocate at DDing Dong, an LGBT youth crisis support center, said that in her experience:

LGBT youth are exposed more to verbal violence than physical violence. For example, ‘You’re so gay,’ or using words like ‘gay’ or ‘lesbian’ in a demeaning manner to make fun of you or pick on you.⁷¹

One sexuality education teacher told Human Rights Watch that “the word ‘gay’ is a very frequently used slur among students ... it’s sort of like calling someone an idiot. And also, it’s a slur used for students who are effeminate, who are timid, who are not good at sports.”⁷²

Students echoed this assessment, observing that demeaning comments about sexuality started as early as elementary and middle school.⁷³

Moon Hae-won, a 21-year-old bisexual woman, said that in middle school even though “[n]obody around me had come out ... there was still bullying or harassment, calling someone lez or gay, especially for boys who appeared to be effeminate.”⁷⁴ Lee G., a 24-year-old gay man, said that “‘you look gay,’ this is used as a term of abuse.”⁷⁵ Kim Hyun, a 21-year-old genderqueer student, told Human Rights Watch that their classmates would say that LGBT students were “strange” or “weird.”⁷⁶ Han Ji-woo, a 17-year-old girl, recalled a Christian classmate saying that homosexuals should die.⁷⁷ Kim Do-hyun, a 25-year-old gay transgender man, told Human Rights Watch that after watching a film in class:

⁷¹ Human Rights Watch interview with Song Ji-eun, March 12, 2019.

⁷² Human Rights Watch interview with Hahn Young-sook (pseudonym), sexuality education teacher, Seoul, August 11, 2019.

⁷³ Human Rights Watch interviews with Kang Eun-ji, March 13, 2019; Cha Ellen (pseudonym), lesbian university student, Cheongju, August 9, 2019; Jang Su-bin (pseudonym), asexual high school student, Seoul, August 10, 2019; Kim Na-yoon, bisexual high school student, Seoul, August 11, 2019; and Jeong Yu-jin (pseudonym), high school student, Cheonan, August 12, 2019.

⁷⁴ Human Rights Watch interview with Moon Hae-won (pseudonym), bisexual woman, Seoul, August 13, 2019.

⁷⁵ Human Rights Watch interview with Lee G. (pseudonym), gay man, Seoul, March 27, 2021.

⁷⁶ Human Rights Watch interview with Kim Hyun, March 14, 2019.

⁷⁷ Human Rights Watch interview with Han Ji-woo (pseudonym), queer high school student, Seoul, August 10, 2019.

A classmate said, ‘All homosexuals should be shot dead.’ The remarks left me trembling with rage, so I had to leave the classroom and calm down outdoors.... The teacher didn’t stop it.... Other classmates just laughed.⁷⁸

Roh Min-ji, a high school teacher, noted that homophobic comments in the classroom are rampant, “but teachers use it as a joke, they don’t think it’s a problem.”⁷⁹

LGBT youth and former students interviewed by Human Rights Watch reported that they directly experienced verbal abuse from classmates.⁸⁰ Ahn Min-jun, the 25-year-old transgender man who was bullied in middle school, recalled that when classmates discovered that he was struggling with his identity, they would sit by him in class or in the cafeteria and repeat stereotypical comments about LGBT people and people with HIV/AIDS.⁸¹ He told Human Rights Watch that this verbal harassment exacerbated his distress and caused him to wash himself compulsively:

I’d just keep it to my heart and go home. At that time, I think that I’m dirty – taking, and taking, and taking a shower. I had this problem until I was 22. Almost six times per day. I felt dirty, so I just wanted to take it off.⁸²

As many students wait to come out until after secondary school, verbal abuse is directed at students who are gender non-conforming or fit stereotypes associated with being lesbian, gay, bisexual, or transgender, regardless of whether they actually identify as such.

Cho Ji-hoon, a 25-year-old gay university student, recalled:

At my school, if a student was a bit more ‘feminine’ you are often called ‘faggot’ or ‘you’re so gay,’ even if they are just saying it jokingly.⁸³

⁷⁸ Human Rights Watch interview with Kim Do-hyun, March 24, 2021.

⁷⁹ Human Rights Watch interview with Roh Min-ji, March 17, 2019.

⁸⁰ Human Rights Watch interviews with Jin Pu-reun, April 2, 2021; Kim Do-hyun, March 24, 2021; Lee Bo-reum, March 23, 2021; and Lee G., March 27, 2021.

⁸¹ Human Rights Watch interview with Ahn Min-jun, August 7, 2019.

⁸² Ibid.

⁸³ Human Rights Watch interview with Cho Ji-hoon, March 11, 2019.

Because this harassment is often based on gender norms, students who transgress those norms are frequent targets.⁸⁴ As Gwon Soo-jin, a transgender advocate, described her secondary school experience:

Because you have girls' and boys' classes, if you are a male student in the boys' class and if the student is not so masculine, if that student seems to be effeminate, people would say, "Why don't you go to the girl's class?"⁸⁵

Students were also targeted if they were seen to be socializing too closely or intimately with same-sex peers.⁸⁶ Students were also harassed for not engaging in heterosexual relationships. Jang Su-bin, an 18-year-old asexual high school student, described how she came out to her roommates, who harassed and pressured her to show interest in boys.⁸⁷

When their sexual orientation or gender identity was known, students described additional peer harassment.⁸⁸ Jin Pu-reun told Human Rights Watch that once it became known that she was a lesbian, she was singled out for harassment and "the older students criticized me saying: 'You are homosexual, you're dirty.'"⁸⁹ Bae Hyun-woo, a 21-year-old bisexual transgender man who recently graduated from high school, recalled that:

When I was outed, I was bullied. Some girls said, 'Oh, you're dirty,' or 'Oh, you're a lesbian' when I just sat down in a chair or was on the way to the cafeteria.⁹⁰

⁸⁴ Human Rights Watch interviews with Gonghyun, advocate, Asunaro, Seoul, August 13, 2019; and Han Ji-woo, August 10, 2019.

⁸⁵ Human Rights Watch interview with Gwon Soo-jin (pseudonym), transgender rights advocate, Seoul, March 13, 2019.

⁸⁶ Human Rights Watch interviews with Yang Min-seo (pseudonym), high school student, Cheonan, August 12, 2019, and Kwak Eun-seo (pseudonym), high school student, Cheonan, August 12, 2019. Research indicates these dynamics can be gendered; in a 2017 survey of more than 600 middle schoolers in Seoul, boys were 2.5 times more likely than girls to say that they would keep their distance or terminate a friendship if a friend was gay or lesbian. SOGILAW, *Human Rights Situation of LGBTI in South Korea* (2017), p. 139.

⁸⁷ Human Rights Watch interview with Jang Su-bin, August 10, 2019.

⁸⁸ Human Rights Watch interview with Han Ji-woo, August 10, 2019.

⁸⁹ Human Rights Watch interview with Jin Pu-reun, April 2, 2021.

⁹⁰ Human Rights Watch interview with Bae Hyun-woo, August 9, 2019.

Teachers and other school personnel may also verbally demean LGBT people.⁹¹ Even when they are not being intentionally malicious towards LGBT students, teachers repeat harmful stereotypes that isolate LGBT youth.

Kim Na-yoon, a 17-year-old bisexual student, said that “even teachers, often, they say that sexual minorities should be quiet.... They say that in class. And students who are listening to it, they feel not very pleasant.”⁹² Kang Eun-ji, a 25-year-old bisexual university student, observed this behavior from teachers at her secondary school:

Teachers would joke, ‘Are you lesbian? Why are you behaving gay?’ They thought that no one would be hurt by their words.⁹³

Lee G. recalled similar comments from teachers who would joke, “Are you gay? Are you lez?” and that this climate encouraged him to keep his sexuality concealed.⁹⁴

At times, discriminatory statements were overtly derogatory. Kim Do-hyun, the 25-year-old transgender man, told Human Rights Watch:

One thing I remember during my high school days is a teacher, who was teaching ethics, said homosexuals are wrong while explaining the concepts of yin and yang. He said yin and yang should be harmonious, and thus homosexuals should not be accepted. I was shocked.... Later, after graduation, I told him that I’m gay and he said I’m unnatural. So, I responded: “The way I am is the most natural status for me.”⁹⁵

Lee Bo-reum, a 21-year-old lesbian woman, described one incident where a science teacher told the class that, as a Christian woman, she had “corrected” some lesbian students through the power of prayer.⁹⁶

⁹¹ Human Rights Watch interview with Kim Chan-young, advocate, Chingusai, Seoul, March 13, 2019.

⁹² Human Rights Watch interview with Kim Na-yoon, August 11, 2019.

⁹³ Human Rights Watch interview with Kang Eun-ji, March 13, 2019.

⁹⁴ Human Rights Watch interview with Lee G., March 27, 2021.

⁹⁵ Human Rights Watch interview with Kim Do-hyun, March 24, 2021.

⁹⁶ Human Rights Watch interview with Lee Bo-reum, March 23, 2021.

Lee G. recalled an episode during high school that was particularly egregious:

It was May or June when queer parades usually take place, and opening the door of the classroom, the first remark the teacher made was, “Hey guys, do you know about queer parades?” My heart started beating.... Just as expected, the teacher argued that bestiality will be legalized if same-sex marriage is legalized, how promiscuous and dirty homosexuals are, how negative their influence is.

My heart was about to burst. It was so stressful, and my face became flushed. I faced down not to show my reaction. I trembled in every limb. Other friends were not interested in what was going on, but I hated the situation. I wanted to refute the teacher. If I just keep silence, some friends might believe his remarks because he was a teacher. I wanted to show that someone was opposing to the teacher.

With a quivering voice, I said: “Teacher, you’re wrong.” I don’t remember what I said because I was so nervous. Then another classmate agreed with me saying: “[Lee G.] is correct. If the laws should be based on the Bible, people cannot divorce. [According to your argument,] divorce should be prohibited as well.” The teacher paused for few seconds but didn’t stop.

I was so stressed throughout the day. What I still remember is I was majoring in Japanese and I was good at it. Usually, I got the perfect score on pop quizzes. But on the day, I didn’t even score 50 percent on the pop quiz. I went to the dormitory and was lying in bed. I was so sad; my heart was still beating hard.... I didn’t cry but was so depressed for the whole day.... My friend, who later came out as lesbian, and I were in the same classroom and heard the hate speech by the teacher. I thought I was the only LGBT person there, but later, I heard from her that she had a hard time as well.

Students confronting this kind of homophobia are in a vulnerable position. Although Lee G. showed courage in speaking up, he did so mindful of the potential consequences:

I remembered that college admission application deadlines were approaching. ‘If I make a fuss here, the teacher might bring me to the teachers’ office and scold and shame me in front of other teachers,’ that’s what I thought. If the teacher had a grudge against me, he might have said: ‘This student is very lazy’ in my student record. That’s what was in my head.⁹⁷

Verbal harassment from teachers leaves young people in a vulnerable position, with limited support. One high school teacher expressed frustration that she could not do more for a lesbian student when her colleagues told the student that same-sex attraction is wrong: “She’s always coming to me and saying to me that teachers said this kind of hate speech today, and my classmates said this, and I cannot really help her.”⁹⁸

This verbal harassment takes a toll on the mental health and education of LGBT students, including students who are not out to their peers or teachers. Do Bo-kyung, the 26-year-old genderqueer university student, recalled their experience being disillusioned and hurt by the hateful words used against LGBT people at their secondary school:

I also had a crush on a fellow student for five years at the same school, but I heard that boy and his friends talking about how gay people are so gross that they should not be in public spaces, they should be hidden. That was painful, and I realized I guess I have to learn to live a life of pain and suffering.⁹⁹

⁹⁷ Human Rights Watch interview with Lee G., March 27, 2021.

⁹⁸ Human Rights Watch interview with Roh Min-ji, March 17, 2019.

⁹⁹ Human Rights Watch interview with Do Bo-kyung, March 11, 2019.

Cyberbullying

As most students in South Korea have smart phones and computer access, cyberspace has become a popular domain for harassment, where students can be anonymous and schools have little power to regulate conduct.¹⁰⁰

Song Ji-eun of DDing Dong said that being a victim of cyberbullying was a frequent motivation for LGBT youth coming to DDing Dong for help:

[S]ometimes an LGBT young person will be ‘outed’ on Facebook, so others will leave comments such as ‘you’re so gay,’ ‘this person slept with so-and-so,’ [or] ‘this person slept with this many people.’¹⁰¹

Kim Na-yoon, the 17-year-old bisexual student, described an incident where an anonymous student posted attacks on her and the club she started for LGBT youth at her high school, saying that she was making the school unpleasant and that nobody wanted to know about LGBT issues.¹⁰²

Schools may also have difficulty policing harassment when it is indirectly aimed at LGBT students. Roh Min-ji, a high school teacher, explained that students will post disparaging comments on their Facebook pages about an LGBT classmate, “but not mention the person’s name. But everyone knows the context. Targeting the person, and everybody’s commenting about it.”¹⁰³ Given the prevalent use of social media among high school students, students bullied online are also vulnerable to bullying at school.

Cyber harassment can also be a product of social isolation in the school environment. Song Ji-eun of DDing Dong explained why this is a particular concern for LGBT youth:

¹⁰⁰ The Korea Information Society Development Institute found that, in 2018, more than 95 percent of middle school and 95 percent of high school students in South Korea owned smartphones. Kim Rahn, “96 percent of Korean Teens Own Smartphones,” *Korea Times*, October 13, 2019, https://www.koreatimes.co.kr/www/nation/2020/12/119_277023.html (accessed July 12, 2021).

¹⁰¹ Human Rights Watch interview with Song Ji-eun, March 12, 2019.

¹⁰² Human Rights Watch interview with Kim Na-yoon, August 11, 2019.

¹⁰³ Human Rights Watch interview with Roh Min-ji, March 17, 2019.

For LGBT students, because it's hard for them to meet friends and meet someone for romance offline, due to many restrictions, they often meet people online, and form online relationships through social network sites or apps. What happens is that because in that process you exchange your personal information, including name and picture, some of those other people using the same site or app can threaten those youths, saying if you don't do this for me, I'll out you.¹⁰⁴

Schools may encounter difficulty monitoring and punishing cyber bullying, particularly when it is anonymous. This only underscores the importance of interventions to encourage acceptance of LGBT students and discourage cyber bullying before it occurs. In part, this requires proactive steps to address the persistent social isolation and discrimination that LGBT students face in schools.

Physical or Sexual Assault

LGBT youth told Human Rights Watch that physical bullying is less common than verbal harassment or cyberbullying but is still a concern for students. As an LGBT advocate observed, a main reason that few cases have been reported concerning physical or sexual assault based on sexual orientation or gender identity is “because few LGBT youth disclose their sexuality.”¹⁰⁵ Teachers noted that some LGBT students had experienced physical bullying in school, for example, but this is not always perceived as homophobic bullying because LGBT students are rarely out to teachers and administrators.¹⁰⁶

Students noted that young people who are known to be LGBT are often sexually harassed or assaulted, with comments like “because you're gay you must like this.”¹⁰⁷ Cho Ji-hoon, a gay 25-year-old university student, described how classmates at an all-boys school harassed other students while changing for gym class: “In that situation, if you happen to be pretty or feminine, then other students will often try to undo your underwear.”¹⁰⁸ Do Bo-kyung, another gay university student, recalled how students in secondary school can be

¹⁰⁴ Human Rights Watch interview with Song Ji-eun, March 12, 2019.

¹⁰⁵ Ibid.

¹⁰⁶ Human Rights Watch interviews with Roh Min-ji, March 17, 2019, and Pae Jun-young (pseudonym), teacher, Seoul, March 17, 2019.

¹⁰⁷ Human Rights Watch interviews with Do Bo-kyung, March 11, 2019, and Cho Ji-hoon, March 11, 2019.

¹⁰⁸ Human Rights Watch interview with Cho Ji-hoon, March 11, 2019.

sexually assaulted when they are outed, noting that “[i]f you’re considered pretty, you’re easily objectified sexually, and subjected to sexual violence.”¹⁰⁹

One advocate suggested that physical and sexual harassment was particularly prevalent toward gay boys and transgender girls, who “are subjected to sexual harassment by their classmates, for example, because of their appearance and their behavior.”¹¹⁰

When students are outed, advocates told Human Rights Watch that it increases their risk of physical violence.¹¹¹

Ahn Min-jun, the 25-year-old transgender man, described the bullying he faced when he told classmates in middle school, before he transitioned, that he thought he might be a lesbian; students hit him in the shoulder and threw away his books and other possessions. As a result of the bullying, he tried to go back in the closet and struggled with his identity privately until high school.¹¹²

Lee Bo-reum, a 21-year-old lesbian woman, faced increasing harassment as rumors spread about her, particularly after her sexual orientation was revealed to other students. She found that pictures of her face were scratched out of attendance books, and she was regularly bullied. She played an expensive brass instrument when she was in high school, and in one incident, she came back from the bathroom to find that it had been badly damaged. She told Human Rights Watch she began suffering from depression, insomnia, and eating disorders, and began habitually injuring herself when she was severely stressed, leaving scars on her wrists. She eventually left school, recalling “I didn’t want to stay at school anymore, even one second.”¹¹³

¹⁰⁹ Human Rights Watch interview with Do Bo-kyung, March 11, 2019.

¹¹⁰ Human Rights Watch interview with Song Ji-eun, March 12, 2019.

¹¹¹ Human Rights Watch interviews with Song Ji-eun, March 12, 2019, and Do Bo-kyung, March 11, 2019.

¹¹² Human Rights Watch interview with Ahn Min-jun, August 7, 2019.

¹¹³ Human Rights Watch interview with Lee Bo-reum, March 23, 2021.

III. Privacy and Confidentiality

Very few young LGBT people in South Korea share their sexual orientation or gender identity with anyone at school or at home.¹¹⁴ Without adequate guarantees of confidentiality, there may be few, if any, spaces where LGBT students feel they can share their sexual orientation or gender identity without fearing they will be outed.

Outing is the act of disclosing another person's sexual orientation or gender identity to individuals who are not aware that the person is LGBT. It not only violates LGBT students' privacy, but often threatens their safety and well-being. Outing puts LGBT students at risk of bullying and harassment, discrimination, and backlash from friends and family. It can be damaging to their mental health, and exacerbate feelings of anxiety, depression, and isolation.

Existing legislation does not adequately protect the confidentiality of LGBT youth seeking mental health assistance. The Act on the Prevention of Suicide, last amended in 2018, and Act on the Improvement of Mental Health, last amended in 2019, each prohibit disclosure of confidential information by mental health professionals, but neither law makes clear that a person's sexual orientation or gender identity constitutes confidential information and should not be disclosed.¹¹⁵ Similarly, these laws do not expressly require that mental health programs consider diverse sexual orientations and gender identities, though they mention other personal characteristics. The Act on the Prevention of Suicide calls for state policy to be attentive to gender, age group, social class, and category of motive, while the Act on the Improvement of Mental Health specifies that national and regional mental health plans should be attentive to age and gender.¹¹⁶

¹¹⁴ Human Rights Watch interview with Song Ji-eun, March 12, 2019.

¹¹⁵ Act on the Prevention of Suicide and the Creation of Culture of Respect for Life, Act No. 15899 (2018), https://elaw.klri.re.kr/eng_mobile/viewer.do?hseq=49889&type=part&key=36 (accessed July 12, 2021), art. 24; Act on the Improvement of Mental Health and the Support for Welfare Services for Mental Patients, Act. No. 16377 (2019), https://elaw.klri.re.kr/eng_service/lawView.do?lang=ENG&hseq=51221 (accessed July 12, 2021), art. 71.

¹¹⁶ Act on the Prevention of Suicide and the Creation of Culture of Respect for Life, Act No. 15899 (2018), https://elaw.klri.re.kr/eng_mobile/viewer.do?hseq=49889&type=part&key=36, art. 2(1); Act on the Improvement of Mental Health and the Support for Welfare Services for Mental Patients, Act. No. 16377 (2019), https://elaw.klri.re.kr/eng_service/lawView.do?lang=ENG&hseq=51221, art. 7(3)(2).

Human Rights Watch heard of no formal, required training on LGBT issues for school counselors and other mental health professionals to ensure that they are competent and qualified to assist LGBT young people.¹¹⁷

In some instances, school personnel are responsible for outing students they believe to be LGBT.¹¹⁸ Counselors, after learning about a student's identity or orientation in a confidential therapy session, may out students to homeroom teachers and parents.¹¹⁹ Advocates and young LGBT people told Human Rights Watch that such outings are a "frequent occurrence."¹²⁰ In one case recounted by DDing Dong, the support center for LGBT youth, a student told the school counselor about their sexual orientation, and "the next day, the homeroom teacher and all the other teachers seemed to know. And later, the homeroom teacher told the student's parents."¹²¹

One of South Korea's LGBT youth vloggers, Luke Williams, shared his experience on YouTube in 2017 of being outed by his homeroom teacher.¹²² Luke shared his sexuality with his teacher, who promptly called his mother without his permission and outed him.¹²³ Though his parents were supportive, the *Korea Herald* noted their response was "unexpected."¹²⁴

While some counselors and teachers may out students for malicious reasons, advocates, parents, and students told Human Rights Watch that they may at times out students because they are uncertain of what to do when they learn a student is LGBT.¹²⁵ As Lee Hye-jin, a member of PFLAG, a group for parents and allies of LGBT children, explained:

¹¹⁷ Human Rights Watch interview with Yoon-Lee SungWon, March 15, 2019.

¹¹⁸ Human Rights Watch interviews with Ryu Min-hee, lawyer, Korean Lawyers for Public Interest Law, Seoul, March 10, 2019, and Song Ji-eun, March 12, 2019; Human Rights Watch telephone interview with Jo Chun-hee (pseudonym), former teacher, March 13, 2019.

¹¹⁹ Human Rights Watch interviews with Lee Hye-jin, parent, Seoul, March 14, 2019, and Cho Ji-hoon, March 11, 2019.

¹²⁰ Human Rights Watch interviews with Nam Woong, co-chair of steering committee, Solidarity for LGBT Human Rights of Korea (HaengSungIn), Seoul, March 12, 2019; members of PFLAG, Seoul, March 14, 2019; Cho Ji-hoon, March 11, 2019; and Kang Eun-ji, March 13, 2019.

¹²¹ Human Rights Watch interview with Song Ji-eun, March 12, 2019.

¹²² "Out and Proud: Growing Influence of LGBT Korean Youtubers," *Korea Herald*, July 28, 2017, http://www.koreaherald.com/view.php?ud=20170728000729&fbclid=IwARoYjgL2CfMrT3k9aJK1l-e75NAKmVsavjD1ZBsChNDDiGROolom_bPPw_4 (accessed July 12, 2021).

¹²³ Ibid.

¹²⁴ Ibid.

¹²⁵ Human Rights Watch interviews with Park Edhi, March 12, 2019; Do Bo-kyung, March 11, 2019; Nam Woong, March 12, 2019; and Lee Hye-jin, March 14, 2019.

If a student seeks help from a teacher or counselor, it might be a slight relief, because they're doing something, but even then, counselors and teachers are equally ignorant, so they cannot provide appropriate counseling, help, or leadership. Even worse, when LGBT students seek help with counselors or teachers, these authority figures often feel that they need to, and actually do, contact parents. That's something LGBT students fear and that makes them afraid. If and when parents are contacted, the problem becomes worse.¹²⁶

Ahn Ji-young, a public health teacher at a high school in Seoul, told Human Rights Watch that she had LGBT students in her class but did not tell the school because she thought they would be punished.¹²⁷

Some South Korean schools have attempted to systematically identify LGBT students, including through surveys administered to the student body.¹²⁸ Lee Bo-reum, the 21-year-old lesbian woman, said her school circulated such a survey asking if students were aware of any homosexuals or homosexual behavior there.¹²⁹ These accounts are similar to incidents that have occurred in the past. In 2014, one school sent students a survey indicating that it wanted to “prepare a healthy and wholesome school environment” and asking what grade had the most gay and lesbian students and what measures the school should take regarding gay and lesbian students.¹³⁰ One teacher interviewed by Human Rights Watch noted that, although these efforts to identify and punish LGBT students are less common today, they do continue in some schools.¹³¹

¹²⁶ Human Rights Watch interview with Lee Hye-jin, March 14, 2019.

¹²⁷ Human Rights Watch interview with Ahn Ji-young (pseudonym), high school public health teacher, Seoul, March 11, 2019.

¹²⁸ Human Rights Watch interviews with Do Bo-kyung, March 11, 2019; Cho Ji-hoon, March 11, 2019; Choi Ji-hye, March 11, 2019; and Nam Woong, March 12, 2019.

¹²⁹ Human Rights Watch interview with Lee Bo-reum, March 23, 2021.

¹³⁰ Rose Troup Buchanan, “South Korean Pupil Labels School’s Survey on How to ‘Deal With’ Homosexual Students ‘Absurd,’” *Independent*, December 16, 2014, <https://www.independent.co.uk/news/world/asia/south-korean-pupil-labels-schools-survey-on-how-to-deal-with-homosexual-students-absurd-9927887.html> (accessed July 12, 2021); Joseph Patrick McCormick, “Student Gives Excellent Answer When School Asks ‘How Should We Punish Gays?’” *PinkNews*, December 15, 2014, <https://www.pinknews.co.uk/2014/12/15/student-gives-excellent-answer-when-school-asks-how-should-we-punish-gays> (accessed July 12, 2021).

¹³¹ Human Rights Watch interview with Kwon Seul-ki, March 15, 2019.

These measures not only jeopardize the privacy and well-being of LGBT students but can also contribute to bullying and discrimination by suggesting to the student body that being LGBT is wrong.

Schools may also inadvertently out transgender students or graduates by revealing that their gender identity differs from their sex assigned at birth. Many schools are segregated by gender, and the school's name may indicate the presumed gender of their students and graduates. For a transgender boy or man, this name will automatically show that their sex assigned at birth was female, outing that boy or man as transgender; transgender girls and women will be outed by being compelled to disclose that they attended a boys' school.¹³² Even a transgender person who has legally changed their gender may still have to list their school's name on their resume or provide a transcript to apply for college or jobs, effectively outing them as transgender.¹³³

Regardless of their motivation or methods, school personnel jeopardize the safety and well-being of LGBT students when they engage in outing.¹³⁴ The threat of being outed by teachers and counselors often makes LGBT students afraid to seek counseling.¹³⁵

Gang Seo-hyeon, an 18-year-old lesbian girl, told Human Rights Watch that because of concerns about confidentiality, "I never volunteered for those counseling sessions.... [W]e do have mental health surveys, and I know some kids answer honestly to them and get the help they need. But I don't answer them honestly."¹³⁶ Lee G., a 24-year-old gay man, was conscious of his sexuality in high school but did not seek support because he did not trust that services would be confidential or competent:

I doubted whether the counselors would keep my [sexual orientation] secret. Their knowledge on LGBT youth was also doubtful.... Adults around

¹³² The South Korean government also "outs" transgender individuals through their citizenship number. Every citizen, including transgender persons, must hold a citizenship number. This number must be shown to buy a home, vote, or to get a job. Included in this number is a code that identifies a person's sex assigned at birth. Human Rights Watch interviews with Lee Seung-hyun, legal advocate, Seoul, March 14, 2019, and Gwon Soo-jin, March 13, 2019.

¹³³ Human Rights Watch interviews with Park Hanhee, attorney, Korean Lawyers for Public Interest and Human Rights, March 15, 2019; and Park Edhi, March 12, 2019.

¹³⁴ Human Rights Watch interview with Lee Hye-jin, March 14, 2019.

¹³⁵ Human Rights Watch interviews with Lee Hye-jin, March 14, 2019, and Yoon-Lee SungWon, March 15, 2019.

¹³⁶ Human Rights Watch interview with Gang Seo-hyeon, Seoul, August 10, 2019.

me were usually not LGBT-friendly, so my doubts were based on my own experiences.¹³⁷

In addition to deterring students from seeking mental health services, outing can deter LGBT students from reporting bullying and discrimination.¹³⁸ While there are official mechanisms in place for students who have been subject to sexual harassment or violence in school to submit a complaint, schools struggle to keep teachers from deducing the identity of students who report mistreatment.¹³⁹

¹³⁷ Human Rights Watch interview with Lee G., March 27, 2021.

¹³⁸ Human Rights Watch interview with Yoon-Lee SungWon, March 15, 2019.

¹³⁹ Human Rights Watch interview with Joo Sung-hyun, March 13, 2019.

IV. LGBT Youth and Mental Health Challenges

Young LGBT South Koreans dealing with mental health challenges are faced with a “triple burden:” first, social stigma towards mental health issues; second, barriers faced by LGBT people in accessing inclusive care; and third, difficulties preventing youth from accessing mental health services.

Many South Koreans do not seek mental health care due to social stigma.¹⁴⁰ Because LGBT people are not protected from healthcare discrimination based on sexual orientation or gender identity, many LGBT people are additionally concerned about being outed, criticized, or refused mental health services if providers learn of their sexual orientation or gender identity.¹⁴¹

According to one counselor, mental health providers in South Korea are not required to undergo training on LGBT issues, and there are few providers who are known to have cultural competency working with LGBT people.¹⁴² The counselor told Human Rights Watch that there is no Korean-language textbook about counseling LGBT clients, and that in his professional education, he could recall only one passing reference to LGBT people.¹⁴³ In some instances, mental health professionals leading professional education workshops had made derisive and inaccurate comments about LGBT people, including that adolescent homosexuality is an epidemic and a form of sex addiction.¹⁴⁴ Despite these obstacles, the counselor noted he routinely gets calls from colleagues who find themselves working with LGBT clients and are eager for accurate information about how to serve them effectively.¹⁴⁵

¹⁴⁰ Zhisong Zhang et al., “Overview of Stigma against Psychiatric Illnesses and Advancements of Anti-Stigma Activities in Six Asian Societies,” *International Journal of Environmental Research and Public Health*, vol. 17 (2020): p. 280; Jong-Ik Park & Mina Jeon, “The Stigma of Mental Illness in Korea,” *Journal of Korean Neuropsychiatric Association*, vol. 55 (2016): pp. 299-309; Human Rights Watch interview with Yoon Mi-kyung (pseudonym), transgender advocate, Trans Liberation Front, Seoul, March 13, 2019.

¹⁴¹ As one transgender activist told Human Rights Watch: “If you have mental health issues, and you’re an LGBT person, you have double-bias, double-discrimination, which makes it even harder to voice or state your opinions or your facts: I’m an LGBT person with mental health issues. It’s a double burden.” Human Rights Watch interview with Ha Eun-jung (pseudonym), transgender advocate, Transgender Liberation Front, Seoul, March 13, 2019.

¹⁴² Human Rights Watch interview with Yoon-Lee SungWon, March 15, 2019.

¹⁴³ Ibid.

¹⁴⁴ Ibid.

¹⁴⁵ Ibid.

Young people face additional challenges in obtaining mental health care. Even more than adults, young people are unlikely to have the material resources to access private mental health services. Unfortunately, public mental health services are ill-prepared to provide assistance to LGBT young people. In many instances, these services even exacerbate mental health struggles by stigmatizing or denigrating LGBT youth seeking assistance.¹⁴⁶

As noted above, counselors and other mental health professionals sometimes fail to preserve confidentiality or out young LGBT people to teachers, parents, or other authority figures. Unlike their counterparts in many other countries, leading professional organizations have not issued formal positions regarding so-called “conversion therapy”—the discredited practice of trying to change a person’s sexual orientation or gender identity—and other issues facing young LGBT people.¹⁴⁷ The Korean Counseling Psychological Association (KCPA) has expelled one counselor who advertised conversion therapy but has not formally adopted a position against the practice.¹⁴⁸

Yet various studies confirm that the need for accessible, confidential mental health services is particularly acute for LGBT children and young adults. While each study examined different indicators, they all paint a bleak picture for LGBT youth mental health outcomes and underscore the urgent need for inclusive and competent mental health services:

- Analysis of government data collected in the 2016 Korea Youth Risk Behavior Web-based Survey, a government research initiative, indicates that same-sex-attracted youth have higher odds of suicidal ideation, suicidal plans, and suicide attempts, even after adjusting for other factors that may impact mental health, such as economic status and alcohol use.¹⁴⁹

¹⁴⁶ Human Rights Watch interview with Yoon Mi-kyung, March 13, 2019.

¹⁴⁷ Human Rights Watch interview with Ha Eun-jung (pseudonym), transgender advocate, Transgender Liberation Front, March 13, 2019. Other professional bodies internationally have unequivocally clarified that same-sex attraction and/or being transgender are not mental health conditions. For a compilation of some of these statements, see Human Rights Watch, “Have You Considered Your Parents’ Happiness?”: *Conversion Therapy Against LGBT People in China*, November 2017, https://www.hrw.org/sites/default/files/report_pdf/china1117_annex.pdf, appendix 1.

¹⁴⁸ Lee Bora, “First Expulsion of Counselors Who Attempted Homosexual ‘Conversion Therapy,’” *Kyunghyang*, February 8, 2019, http://news.khan.co.kr/kh_news/khan_art_view.html?art_id=201902080600085 (accessed July 12, 2021); Human Rights Watch interview with Yoon-Lee SungWon, March 15, 2019.

¹⁴⁹ Yeunhee Kwak and Ji-Su Kim, “Associations Between Korean Adolescents’ Sexual Orientation and Suicidal Ideation, Plans, Attempts, and Medically Serious Attempts,” *Iranian Journal of Public Health*, vol. 46(4) (2017), p. 475-484; Mi Young Kwon, “The Effect of Sexual Orientation on Suicidal Ideation in Korean High School Students,” *Journal of Korean Public Health Nursing*, vol. 34(1) (2020), p. 87-98.

- In one survey of 3,208 LGBTI people, 623 of whom were 18 or younger, conducted by Chingusai in 2014, 45.7 percent of LGBTI people 18 or younger reported that they had attempted suicide, and 53.3 percent reported that they had attempted self-harm.¹⁵⁰ By contrast, government data suggest 4.3 percent of South Korean 15- to 19-year-olds overall report they have attempted suicide.¹⁵¹
- An analysis published in 2020 of 2,055 LGBT youth counseling cases from DDing Dong from the previous five years found that 12.4 percent involved self-harm or threats of suicide.¹⁵²

In the absence of meaningful action by the government, these concerns remain persistent even among those who are able to seek out counseling and assistance. Data for LGBT youth in rural areas is scarce, but young LGBT people in those areas are even less likely to have access to supportive resources.

Regional Disparities in Accessing Mental Health Care

LGBT youth also face regional disparities in access to mental health care. Although young LGBT people in Seoul can find it difficult to access mental health care, young LGBT people outside Seoul face even steeper barriers in accessing counseling and other support services. According to a counselor-advocate, support for LGBT students is “limited to the Seoul area. Outside of Seoul, we have nothing.”¹⁵³

When asked about rural access to services, another advocate told Human Rights Watch that “counseling services, medical systems are all in Seoul,” and it is “very difficult to get services outside.”¹⁵⁴ LGBT young people seeking specific services may

¹⁵⁰ Chingusai, *Key Results of the South Korean LGBTI Community Social Needs Assessment Survey*, June 14, 2014, <http://cfile6.uf.tistory.com/attach/257A4C35544E09DB3E14F1> (accessed July 12, 2021), pp. 34-35; Rainbow Action Against Sexual Minority Discrimination, “Human Rights Violations on the Basis of Sexual Orientation, Gender Identity, and HIV Status in the Republic of Korea: Joint Civil Society Submission to the Committee on the Elimination of Discrimination Against Women,” https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/KOR/INT_CEDAW_NGO_KOR_30115_E.pdf, para. 16; Human Rights Watch interview with Kim Chan Young, March 13, 2019.

¹⁵¹ Korean Statistical Information Service, “Suicidal Thoughts and Reasons for Suicidal Thoughts (Population Over 13 Years Old),” *Korea Statistics*, https://kosis.kr/statHtml/statHtml.do?orgId=101&tblId=DT_1SSHE130R&conn_path=12.

¹⁵² Kang Jae-gu, “Young LGBTQ S. Koreans Rejected by their Families and Peers,” *Hankyoreh*, July 2, 2020, http://english.hani.co.kr/arti/english_edition/e_national/951994.html (accessed July 12, 2021).

¹⁵³ Human Rights Watch interview with Yoon-Lee SungWon, March 15, 2019.

¹⁵⁴ Human Rights Watch interview with Ryu Min-hee, March 10, 2019.

face even higher barriers. A trans activist confirmed that, “[e]specially as you go south, there are no doctors that can provide counseling in terms of gender dysphoria.”¹⁵⁵

In interviews with Human Rights Watch, students themselves described the stressors and mental health issues they faced. Cha Ellen, a 24-year-old lesbian, recalled being outed when she was 15:

I couldn’t ask about that to anyone or get counseled or something.... I thought I’m flawed. I thought, why should I live like this, and why can’t I like boys? At the time, I felt depressed. It was a year-and-a-half, feeling that.¹⁵⁶

Ahn Min-jun, a young bisexual transgender man, recalled that his mother took him to a hospital as a teenager because “she thought I felt really not at peace, easily angry and screaming, and thought I had a problem mentally. She didn’t know I was bullied at school.”¹⁵⁷ Fortunately, he was able to access books and materials that discussed what it means to be transgender. Ahn Min-jun told Human Rights Watch, “When I knew I was transgender, a big weight was off my shoulders.”¹⁵⁸

Pae Jun-young, an elementary school teacher, observed that teachers who want to be supportive are often unequipped to support their students. He recalled a friend who had two high school girls who were dating in her class, who ultimately died by suicide in 2018:

[E]ven though [the teacher] had LGBTQ friends around her, she didn’t have any information to give to these students in class. So, what she can do is to tell them to be careful about outing, because they’re having a relationship in school, and it can be risky to their families and their school life.¹⁵⁹

¹⁵⁵ Human Rights Watch interview with Ha Eun-jung, March 13, 2019.

¹⁵⁶ Human Rights Watch interview with Cha Ellen, August 9, 2019.

¹⁵⁷ Human Rights Watch interview with Ahn Min-jun, August 7, 2019.

¹⁵⁸ Ibid.

¹⁵⁹ Human Rights Watch interview with Pae Jun-young, March 17, 2019.

The need for support is acute. DDing Dong, the organization that provides counseling and services for LGBT youth in crisis, counseled more than 300 young people in 2018 and 400 young people in 2019, the last year for which figures were available.¹⁶⁰ According to DDing Dong staff, the main topics that young people raised were depression and other mental health concerns, typically because of conflicts at home and discrimination and isolation at school. Since 2015 onwards, DDing Dong has had over 2,000 cases through KakaoTalk and in-person services.¹⁶¹

The mental health issues that LGBT youth face are particularly acute for young transgender people.¹⁶² In South Korea, judicial guidelines only permit a legal change of gender if a person is over the age of majority, unmarried, without children, and has parental consent, among other requirements.¹⁶³ As a result, transgender youth are unable to legally transition, which may exacerbate gender dysphoria and increase their risk of mental health challenges.¹⁶⁴

A 2015 study on suicide risk among LGBT youth in 10 countries, including South Korea, concluded that transgender youth had the highest odds of attempted suicide compared with their non-transgender peers, a finding that likely remains true today as the government has yet to meaningfully address bullying, isolation, and discrimination in schools.¹⁶⁵ These challenges can continue throughout the lifespan; a study of LGBT mental health conducted in 2016 by researchers at the Graduate School of Korea University concluded that transgender adults “are generally more vulnerable to negative social experiences and mental health problems,” including depression and suicidal ideation.¹⁶⁶

¹⁶⁰ Human Rights Watch interview with Song Ji-eun, March 12, 2019; Dding Dong, “2019 History,” <https://www.ddingdong.kr/xe/history#eng> (accessed July 12, 2021).

¹⁶¹ Ibid.; Kang Jae-gu, “Young LGBTQ S. Koreans Rejected by their Families and Peers,” *Hankyoreh*, http://english.hani.co.kr/arti/english_edition/e_national/951994.html.

¹⁶² Human Rights Watch interviews with Yoon-Lee SungWon, March 15, 2019; Ha Eun-jung, March 13, 2019; and Park Edhi, March 12, 2019.

¹⁶³ Human Rights Watch interviews with Gwon Soo-jin, March 13, 2019; Lee Seung-hyun, March 14, 2019; Kaleidoscope Human Rights, *Shadow Report to the U.N. Human Rights Committee Regarding the Republic of Korea’s Protection of the Rights of LGBTI Persons*, January 2015, para. 4.21.

¹⁶⁴ Human Rights Watch interview with Gwon Soo-jin, March 13, 2019.

¹⁶⁵ Ester Di Giacomo, Micheal Krausz, Fabrizia Colmegna, Flora Aspesi, and Massimo Clerici, “Estimating the Risk of Attempted Suicide among Sexual Minority Youths: A Systematic Review and Meta-Analysis,” *JAMA Pediatrics*, vol. 172 iss. 12 (2018).

¹⁶⁶ Horim Yi, Hyemin Lee, Jooyoung Park, Bokyoung Choi, and Seung-Sup Kim, “Mental Health Disparities and Social Experiences of LGBT Individuals in South Korea: Rainbow Connection I & II,” Poster, Preaching to the Choir: International LGBTQ Psychology Pre-Conference of ICAP 2018, <https://osf.io/xpse3/wiki/home> (accessed July 12, 2021).

Provision of mental health services can be critical for the health and well-being of young LGBT people. Unfortunately, in the absence of training, both school-based and non-school-based mental health support is lacking for young LGBT people in South Korea.

Mental Health in Schools

Many schools in South Korea have taken steps to strengthen the mental health resources available to students. Since it was introduced in 2008, counselors work with the WEE Project, operated by the Ministry of Education, in each school.¹⁶⁷ Each school is supposed to have a counselor on staff.¹⁶⁸ Whether schools have sufficient counselors for the student body and whether they are prepared to provide mental health support—including to LGBT young people—varies widely.¹⁶⁹ Some students, including in Seoul, told Human Rights Watch that their school did not have a counselor at all.¹⁷⁰ In others, teachers function as counselors, or counselors are not sufficiently trained for the role.¹⁷¹ As one sexuality educator said:

[T]he government pledge was to place a trained counselor at each school. That has not happened yet.... There are far more schools without a counselor than those that have one. And even when you have a counselor at a school, whether or not students can talk openly and in an accepting way about LGBTI issues is completely up to that individual counselor.¹⁷²

Song Ji-eun, who works with LGBT young people in crisis at DDing Dong, observed that “very often, these counselors are misinformed or biased, and they end up becoming perpetrators of secondary violence or victimization.”¹⁷³ As Yoon-Lee SungWon noted, “[m]any people have a bad experience in their WEE classes in middle school or high

¹⁶⁷ Human Rights Watch interview with Yoon-Lee SungWon, March 15, 2019; Cho and Park, “Analyzing the Effectiveness of the Korean National Anti-Bullying Program,” *International Review of Public Administration*; Ministry of Education, Science and Technology, “WEE Project Assists Students’ School Adaptation,” <https://m.pulsenews.co.kr/view.php?year=2009&no=186615>.

¹⁶⁸ Human Rights Watch interview with Song Ji-eun, March 12, 2019.

¹⁶⁹ Students from one school told Human Rights Watch their school had one counselor for a student body of approximately a thousand students. Human Rights Watch interview with students in Cheonan, August 12, 2019.

¹⁷⁰ Human Rights Watch interview with Kim Hyun, March 14, 2019.

¹⁷¹ Human Rights Watch interview with Yoon-Lee SungWon, March 15, 2019.

¹⁷² Human Rights Watch interview with Hahn Young-sook, August 11, 2019.

¹⁷³ Human Rights Watch interview with Song Ji-eun, March 12, 2019.

school ... [which] makes them have more severe symptoms or develop disorders, marginalizing them even more.”¹⁷⁴

These negative experiences include counselors suggesting conversion therapy, telling students that being LGBT is immoral, or trying to convince students they will grow out of being LGBT.¹⁷⁵ In one case described by DDing Dong, a student reported to a counselor that he was forced into unwanted sex with an older man he was dating.¹⁷⁶ The counselor was more shocked and concerned that the student had engaged in same-sex activity than the fact that the student had been sexually assaulted, and outed the student to others.¹⁷⁷ Without training and accountability, school counselors have not been a reliable or trusted resource for LGBT youth seeking support.

Mental Health Outside Schools

Resources outside school environments are important for young people, including young LGBT people, who have left school or are unable to find support in that setting. The Ministry of Gender Equality and Family has recognized the need for dedicated youth mental health services, and funds municipal adolescent health centers.¹⁷⁸ The ministry also runs the 1388 Youth Helpline, a telephone line for young people seeking mental health assistance.¹⁷⁹

However, neither the adolescent health centers nor the 1388 Youth Helpline have been reliable sources of support for LGBT youth. One counselor told Human Rights Watch that when he was working in an adolescent health center, his colleagues were “having a hard time meeting LGBT clients because they aren’t prepared, so they think LGBT clients are tricky,” and “[m]any counselors didn’t want to counsel LGBT clients.”¹⁸⁰ He suggested that “[i]f the LGBT youth is lucky, they will meet a counselor who is LGBT or has LGBT friends or

¹⁷⁴ Human Rights Watch interview with Yoon-Lee SungWon, March 15, 2019.

¹⁷⁵ Human Rights Watch interviews with Kim Chan Young, March 13, 2019; Ha Eun-jung, March 13, 2019; Park Hyun-ie, August 9, 2019; and Yoon-Lee SungWon, March 15, 2019.

¹⁷⁶ Human Rights Watch interview with Park Edhi, March 12, 2019.

¹⁷⁷ Ibid.

¹⁷⁸ Human Rights Watch interview with Yoon-Lee SungWon, March 15, 2019.

¹⁷⁹ Ibid; 1388 Youth Helpline, https://www.cyber1388.kr:447/new_/eng/sub05_1.asp (accessed July 12, 2021).

¹⁸⁰ Human Rights Watch interview with counselor, March 2019.

knows the issue. If they aren't lucky, they will meet a conservative Christian counselor who will lead them to conversion therapy or a Christian church."¹⁸¹

As one sexuality educator noted, the centers "are numerous, in every city, county, and lower administrative units, and state subsidized. It would be good if those established youth counseling centers were equipped with counselors who are fully informed about LGBTI issues, but that is not the case."¹⁸² As a result, "organizations that are ready and knowledgeable enough to provide counseling to LGBTI students and their parents are very few in number."¹⁸³

The 1388 Youth Helpline is similarly unequipped to provide support for LGBT young people. As of March 2019, the Korean government had yet to adopt any required training courses to prepare the helpline's counselors to address the needs of LGBT youth.¹⁸⁴ On the contrary, counselors have been instructed to reinforce harmful messages that are likely to exacerbate mental health issues. In the past, the helpline's online guidebook has suggested that homosexuality is temporary, blaming the "trend" on South Korea's gender-segregated schools and listing "homosexuality" in the website's "Problem Solving FAQ" section.¹⁸⁵

Advocates report that counselors on the 1388 Youth Helpline often make disparaging remarks about LGBT people, further alienating vulnerable youth who contact them in search of reassurance and support.¹⁸⁶ One advocate told Human Rights Watch that counselors on the 1388 Youth Helpline would say "Oh, you can be cured" if they are called by LGBT youth. Or, "Oh you're so immature and young. You'll grow out of it."¹⁸⁷ Another

¹⁸¹ Ibid.

¹⁸² Human Rights Watch interview with Park Hyun-ie, August 9, 2019.

¹⁸³ Ibid.

¹⁸⁴ Human Rights Watch interview with Yoon-Lee SungWon, March 15, 2019.

¹⁸⁵ The Korean Society of Law and Policy on Sexual Orientation and Gender Identity, *Human Rights Situation of LGBTI in South Korea*, 2016, http://annual.sogilaw.org/review/review_2016_en/1902 (accessed July 12, 2021), p. 23; Human Rights Watch interview with Park Hyun-ie, August 9, 2019.

¹⁸⁶ Human Rights Watch interviews with Yoon-Lee SungWon, March 15, 2019, and Yun Candy, advocate, Korea Sexual-Minority Culture and Rights Center, Seoul, March 14, 2019; Ko Han-sol, "Depressed LGBT Youth Told by Counselor, 'Choose Not to be Gay,'" *Hankyoreh*, February 24, 2017, http://english.hani.co.kr/arti/english_edition/e_national/784066.html (accessed July 12, 2021).

¹⁸⁷ Human Rights Watch interview with Yun Candy, March 14, 2019.

recalled a counselor on the 1388 Youth Helpline who told a young person, “You are a teenager and you can’t decide your sexual identity yet. Wait until your 20s.”¹⁸⁸

Young people interviewed by Human Rights Watch similarly indicated that the 1388 Youth Helpline had been unhelpful or discouraging. Kim Do-hyun, a gay transgender man, said “I know about 1388, but I’ve never used it. I just didn’t think about using it. I had no expectation about it and assumed that the counselors would be ignorant of sexual minorities.”¹⁸⁹ Lee Bo-reum, a 21-year-old lesbian woman, said she used the 1388 Youth Helpline service in her late teens to ask if her sexual identity was normal or not, and was told, “It depends on how you think.”¹⁹⁰ Jin Pu-reun, a 22-year-old lesbian woman, recalled:

When I was having a hard time, I contacted the 1388 Youth Helpline and found that it’s a pointless service.... The 1388 counselors were so ignorant. How can we get support from those who were ignorant of LGBTs?¹⁹¹

In some instances, counselors—including those associated with government-funded services like the 1388 Youth Helpline—have in recent years urged LGBT young people to undergo conversion therapy. In 2016, the Network to Eliminate Conversion Therapy, an association of roughly 20 human rights groups, conducted a survey of 1,072 LGBT people about their counseling experiences.¹⁹² About 30 percent of respondents received counseling through programs for middle and high school students, including the WEE Project and counseling centers. Nearly 40 percent of those surveyed said the counselor “did not understand or sympathize” with their sexual orientation or gender identity when they sought support; many reported counselors calling them immoral, suggesting they could be cured, or erroneously suggesting same-sex attraction is rooted in childhood abuse.¹⁹³ Human Rights Watch is unaware of any action taken by the government to educate counselors on the Helpline about LGBT issues.

¹⁸⁸ Human Rights Watch interview with Yoon-Lee SungWon, March 15, 2019.

¹⁸⁹ Human Rights Watch interview with Kim Do-hyun, March 24, 2021.

¹⁹⁰ Human Rights Watch interview with Lee Bo-reum, March 23, 2021.

¹⁹¹ Human Rights Watch interview with Jin Pu-reun, April 2, 2021.

¹⁹² Ko Han-sol, “Depressed LGBT Youth Told by Counselor, ‘Choose Not to be Gay,’” *Hankyoreh*, http://english.hani.co.kr/arti/english_edition/e_national/784066.html.

¹⁹³ *Ibid.*

As the government, schools, and other public health mechanisms have failed to provide adequate support, LGBT youth are often forced to rely on informal networks to receive information about mental health care.¹⁹⁴ However, these resources are not a substitute for affordable, accessible programs. Informal networks may not be widely known to students in need, and young people typically must be aware of specific websites or apps to access them.

Furthermore, peer support and LGBT advocacy organizations may not be professionally equipped to deal with mental health crises. One advocacy organization, the Transgender Liberation Front, noted that teachers and counselors had regularly contacted them seeking resources for providing mental health support. As an advocate cautioned:

Our organization [is] not professionally qualified to provide counseling, even if we try. If we say the wrong thing, we might have the wrong effect on people who come to us for counseling.¹⁹⁵

¹⁹⁴ Human Rights Watch interview with Nam Woong, March 12, 2019.

¹⁹⁵ Human Rights Watch interview with Ha Eun-jung, March 13, 2019.

V. LGBT Issues in the Curriculum and Classroom

Debates about LGBT representation in school textbooks have been ongoing for decades in South Korea. To date, efforts to promote inclusive representation of LGBT persons and issues in textbooks have been unsuccessful. In the 2013-2014 school year, the textbook company *Kyohaksa* published one high school textbook that contained content on anti-LGBT bullying and discrimination.¹⁹⁶ It prompted backlash from conservative groups and lawmakers from both major parties demanded an “immediate correction,” arguing the textbook encouraged gay sex by calling for respect.¹⁹⁷ The textbook was “considerably revised” in response. In 2020, a series of children’s books dealing with gender and sexuality distributed by the Ministry of Gender Equality and Family were recalled under pressure from conservative lawmakers, who claimed in part that they “beautified homosexuality” by acknowledging same-sex relationships.¹⁹⁸ The books had been approved by a panel of teachers and experts, and have been used to teach children about these issues in other countries for many years.¹⁹⁹

The debate over textbooks is emblematic of the politicization of LGBT issues in schools, which silences supportive teachers and deprives students of information they need to lead healthy lives and exercise their rights.

As of May 2021, the Ministry of Education had yet to produce national guidelines that integrate conversations about sexual orientation or gender identity into school curricula or discourage harmful representation of LGBT people. The government has omitted coverage

¹⁹⁶ Rainbow Action Against Sexual Minority Discrimination, “Human Rights Violations on the Basis of Sexual Orientation, Gender Identity, and HIV Status in the Republic of Korea: Joint Civil Society Submission to the Committee on the Elimination of Discrimination Against Women,”

https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/KOR/INT_CEDAW_NGO_KOR_30115_E.pdf, para. 17; US Department of State, “Human Rights Report: Republic of South Korea,” 2013, <https://2009-2017.state.gov/j/drl/rls/hrrpt/2013humanrightsreport//index.htm> (accessed July 12, 2021).

¹⁹⁷ Ibid.; Jungmin Kwon, “Spectacularizing the Homosexual Body: The Secret Rendezvous Among Global Gay Media, Local Straight Women, and the Media Industry in South Korea” (Ph.D. diss., University of Illinois at Urbana-Champaign, 2014), p. 199.

¹⁹⁸ Yoon So-yeon, “Criticism of Sex Ed Books for Kids Raises More Questions than Answers,” *Korea JoongAng Daily*, September 17, 2020, <https://koreajoongangdaily.joins.com/2020/09/17/culture/features/Nadaum-childrens-book-sex-education/20200917195006881.html> (accessed July 12, 2021).

¹⁹⁹ Ibid.

of LGBT issues in sexuality education.²⁰⁰ LGBT students report other problems with discussions of LGBT issues in the classroom as well.

School Curricula

In South Korean schools, affirmative representations of LGBT people and LGBT issues are virtually absent from classroom discussions. Students and recent high school graduates interviewed by Human Rights Watch stated that LGBT people or LGBT issues were never mentioned in their classes.²⁰¹

Kim Hyun, a genderqueer, pansexual 21-year-old student, said: “Teachers never talked about LGBT people.... [they assume] none of the students were LGBT.”²⁰² Kwon Seul-ki, a high school teacher, recalled hearing a colleague claim that they “don’t have those kind of kids in our school,” dismissing the possibility of there being LGBT students.²⁰³

According to recent high school graduates, parents of former students, and activists, concepts like sexual orientation or gender identity are not openly discussed.²⁰⁴ Indeed, students noted that when talking about couples and personal life, their teachers would assume they would only seek heterosexual relationships and would never recognize the possibility that students can have diverse sexual orientations or gender identities.²⁰⁵

For LGBT students, the silence surrounding sexual orientation and gender identity, including the absence of role models, can have frustrating and painful consequences.²⁰⁶

²⁰⁰ Committee on the Rights of the Child, “Concluding Observations on the Fifth and Sixth Periodic Reports of the Republic of Korea,” CRC/C/KOR/CO/5-6, October 24, 2019,

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/KOR/CO/5-6&Lang=En (accessed July 12, 2021), paras. 16-17, 41-42; Ryan Thoreson, “UN Body Urges South Korea to Improve Sexuality Education,” Human Rights Watch dispatch, October 16, 2019, <https://www.hrw.org/news/2019/10/16/un-body-urges-south-korea-improve-sexuality-education>; Kyle Knight, “South Korea Backslides on Sex Education,” <https://www.hrw.org/news/2017/02/17/south-korea-backslides-sex-education>.

²⁰¹ Human Rights Watch interviews with Choi Ji-hye, March 11, 2019; Kang Eun-ji, March 13, 2019; Kim Hyun, March 14, 2019; Cha Ellen, August 9, 2019; and Kwon Seul-ki, March 15, 2019.

²⁰² Human Rights Watch interview with Kim Hyun, March 14, 2019.

²⁰³ Human Rights Watch interview with Kwon Seul-ki, March 15, 2019.

²⁰⁴ Human Rights Watch interviews with Choi Ji-hye, March 11, 2019, and Nam Ji-yeon (pseudonym), parent, PFLAG, Seoul, March 14, 2019; Human Rights Watch telephone interview with Jo Chun-hee, March 13, 2019.

²⁰⁵ Human Rights Watch interviews with Choi Ji-hye, March 11, 2019; Cho Ji-hoon, March 11, 2019; Bak Sung-min (pseudonym), genderqueer university student, Seoul, March 11, 2019; and Kim Hyun, March 14, 2019.

²⁰⁶ Human Rights Watch interview with Bak Sung-min, March 11, 2019.

Choi Ji-hye, a 22-year-old bisexual woman, described how she developed romantic feelings for other girls in secondary school, but “[b]ecause the school curriculum is so heteronormative and cis-gender focused it’s hard for students to realize their own sexuality,” and she did not do so until college.²⁰⁷ Other students similarly recalled being confused, feeling strange, or grappling with their identity because they did not have adequate information about LGBT people.²⁰⁸ Bae Hyun-woo, a 21-year-old transgender man, recalled:

I just listened to them saying, how could it be, I can’t understand it, in class. I felt it’s denying myself, right in front of me. I had a serious depression at the time, in middle to high school. The big problem is I thought of myself as a defective product. I couldn’t come out to a counselor or the hospital after that, because of what they said and how they denied me. And this was before identifying as [a transgender man] – I just thought, I don’t think I like boys that much. Am I a lesbian? The depression ended near graduation of high school.²⁰⁹

According to Pae Jun-young, an elementary school teacher, this ignorance about gender and sexuality can be difficult for LGBT students:

I met my former students in the LGBT community after they became adults. And I heard about their stories, about their years in the schools, and they had a really hard time in middle school because of identity confusion and crisis. Because they don’t have any information about LGBT... What I hear from past students is that some of them know their identity and feel these things since 3rd grade in elementary school, but they don’t know of any information, so they just think, what am I, who am I?²¹⁰

²⁰⁷ Human Rights Watch interview with Choi Ji-hye, March 11, 2019.

²⁰⁸ Human Rights Watch interviews with Bak Sung-min, March 11, 2019; Kim Hyun, March 14, 2019; and Ahn Min-jun, August 7, 2019.

²⁰⁹ Human Rights Watch interview with Bae Hyun-woo, August 9, 2019.

²¹⁰ Human Rights Watch interview with Pae Jun-young, March 17, 2019.

When teachers do refer to LGBT persons or issues, they often do so in ways that reinforce and exacerbate stereotypes and prejudice.²¹¹ Do Bo-kyung, a gay 26-year-old university student, said that “many teachers still think ... gayness is a disease” and “can be aggressively transphobic and homophobic.”²¹² An advocate at DDing Dong recounted that in one case, a teacher in a Korean literature class described challenging grammatical concepts as “transgender grammar” because they are “so out of place and unusual.”²¹³ In another case, a teacher described male and female as “positive and negative,” in reference to opposing electric charges, and as “the natural order.”²¹⁴

Lee Bo-reum, a 21-year-old lesbian woman, said that in her sophomore English class, the teacher included some texts that referenced gay and transgender people, but did not say anything when students called them “dirty” and “disgusting” and made comments about HIV/AIDS and anal sex.²¹⁵ The failure to provide instruction and guidance in these circumstances can exacerbate the harassment and isolation that LGBT students already experience.

In part, this is because teachers generally are not provided with the training or tools to build an inclusive classroom setting. At one teacher-training conference, a lecturer allegedly said that gay students “desire to conquer and possess members of the same sex, other people of the same gender, and to harass and to inflict harassment and violence on other members of the same sex.”²¹⁶

Human Rights Watch heard that there is no required official training for teachers on LGBT issues and limited awareness about LGBT students’ rights.²¹⁷ Pae Jun-young, an elementary school teacher, recalled that when he raised LGBT issues during a training on human rights, the vice commissioner complained and said they should not be included.²¹⁸

²¹¹ Human Rights Watch interviews with Do Bo-kyung, March 11, 2019; Ha Eun-jung, March 13, 2019; Cho Hyein, attorney, Korean Lawyers for Public Interest, Seoul, March 15, 2019; and Park Edhi, March 12, 2019.

²¹² Human Rights Watch interview with Do Bo-kyung, March 11, 2019.

²¹³ Human Rights Watch interview with Song Ji-eun, March 12, 2019.

²¹⁴ Ibid.

²¹⁵ Human Rights Watch interview with Lee Bo-reum, March 23, 2021.

²¹⁶ Human Rights Watch interview with Park Edhi, March 12, 2019.

²¹⁷ Human Rights Watch interviews with Cho Hyein, March 15, 2019, and Roh Min-ji, March 17, 2019.

²¹⁸ Human Rights Watch interview with Pae Jun-young, March 17, 2019.

As another high school teacher explained, “[t]eachers don’t understand LGBT issues, and they don’t want to talk about it.”²¹⁹

In some instances, teachers have also deterred or prohibited students from organizing assemblies or student organizations to support their LGBT peers. In one instance, students said administrators discouraged them from discussing LGBT issues at a school assembly on gender issues because it might make other students uncomfortable.²²⁰

Yet many teachers want to support their LGBT students. Kwon Seul-Ki, the high school teacher, told Human Rights Watch:

Students are getting information from internet communities or websites, so teachers and the education system need to provide basic information about LGBTQ issues and concepts. And also, they need to know what they’re saying—gay, or expressions aren’t just jokes or play. It’s hate speech, and it can be discrimination. Students have to know about this. I want to put these kinds of things in the program.²²¹

If teachers show a more inclusive approach towards LGBT persons and issues, however, they expose themselves to backlash and job repercussions.²²² One advocate for LGBT youth observed that even when teachers want to be supportive, “complaints from parents are so rapid and strong that it really hampers and prevents well-meaning teachers from mentioning or educating students about these issues.”²²³

In one high-profile incident in 2017, a teacher who did an interview about feminist education was forced to take a leave of absence after parents complained and the incident was seized upon in conservative media.²²⁴ Her personal information was leaked online and

²¹⁹ Human Rights Watch interview with Roh Min-ji R., March 17, 2019.

²²⁰ Human Rights Watch interview with Kim Na-yoon, August 11, 2019.

²²¹ Human Rights Watch interview with Kwon Seul-ki, March 17, 2019.

²²² Human Rights Watch interview with Lee Hye-jin, March 14, 2019.

²²³ Human Rights Watch interview with Song Ji-eun, March 12, 2019.

²²⁴ Human Rights Watch interview with Hahn Young-sook, Seoul, August 11, 2019; Yun Seung-min, “This Time, a Report Filed against a Teacher Who Taught Feminism,” *Kyunghyang Shinmun*, September 21, 2017, http://english.khan.co.kr/khan_art_view.html?code=710100&artid=201709211520427 (accessed July 12, 2021); Yi Jae-deok, “Public Debate on Feminist Education, All Thanks to the Support from Citizens and Colleagues,” *Kyunghyang Shinmun*,

she was the subject of widespread online harassment, and then spent two years fighting a court challenge from conservative groups who alleged that showing students video of LGBT people marching constituted child abuse.²²⁵ The teacher ultimately was cleared of wrongdoing, was able to keep her job, and won a civil lawsuit alleging defamation by conservative groups, but the incident kept her out of the classroom for over a year.²²⁶ Her case was cited by teachers interviewed by Human Rights Watch as an example of the risks they took by supporting LGBT students. One high school teacher commented, “[a]fter that, we’re much more afraid of being openly supportive.”²²⁷

Furthermore, teachers who are supportive of LGBT students may be accused of impermissibly engaging with political issues. Because LGBT issues are often understood as political issues,²²⁸ teachers who make comments supporting LGBT rights or affirming LGBT identities risk reprimand.²²⁹ A former teacher observed that if a teacher comments on LGBT issues, they are regarded as “too political, or trying to force [their] values on the students.”²³⁰ The result is that teachers may hesitate from showing support and understanding to LGBT students, further isolating young LGBT people who may not have support from peers or family.

Sexuality Education

South Korea’s public-school curriculum requires sexual education from elementary school onwards.²³¹ In 2015, the Ministry of Education released new guidelines for the curriculum, identifying 30 topics for instruction. Each school is required to choose 15 topics to cover in 15 hours.²³² Schools must report implementation of the program through a website managed by the Ministry of Gender Equality and Family.²³³ In their current form, existing

October 31, 2017, http://english.khan.co.kr/khan_art_view.html?code=710100&artid=201710311526217 (accessed July 12, 2021).

²²⁵ Human Rights Watch interview with Choi Hyeon-hui, teacher, Seoul, August 12, 2019.

²²⁶ Human Rights Watch interview with Choi Hyeon-hui, August 12, 2019.

²²⁷ Human Rights Watch interview with Kwon Seul-ki, Seoul, March 17, 2019.

²²⁸ Human Rights Watch interview with Pung Yun-seo (pseudonym), questioning, Seoul, August 13, 2019.

²²⁹ Human Rights Watch interview with Roh Min-ji, Seoul, March 17, 2019.

²³⁰ Human Rights Watch telephone interview with Jo Chun-hee, March 13, 2019.

²³¹ Human Rights Watch interview with Kang Sunjoo, research professor, Yonsei University School of Public Health, Seoul, March 11, 2019.

²³² *Ibid.*; Human Rights Watch interview with Park Hyun-ie, August 9, 2019.

²³³ Human Rights Watch interview with Kang Sunjoo, March 11, 2019.

guidelines strongly emphasize gender stereotypes, and do not acknowledge diverse sexual orientations or gender identities.

Human rights groups have widely criticized the national sexuality education curriculum.²³⁴ Despite vocal opposition from various groups, as of June 2021, the 2015 guidelines, reviewed in 2017, remain in place.²³⁵ In the wake of the #MeToo movement in South Korea, public advocates have called for better sexuality education, and, indeed, the government has sought expanded sexuality education lessons in schools.²³⁶

The lack of inclusive sexual education leaves young LGBT people vulnerable to HIV and other STIs, for which infection rates have increased in South Korea in recent years.²³⁷ According to UNAIDS, in 2018, there were 1,200 new reported cases of HIV, up from 219 new reported cases in 2010.²³⁸ One cohort study of 1,442 people in South Korea with HIV from 2006 to 2016 found that around 94 percent of HIV infections occurred through sexual contact, with about 34 percent of those infections resulting from same-sex activity and about 26 percent resulting from sexual activity with both men and women.²³⁹ According to the Korean Centers for Disease Control and Prevention in 2017, fewer infections—about 33 percent—are from same-sex activity or sexual activity with both men and women.²⁴⁰ The

²³⁴ Jin Min-ji, “Growing Calls in Korea for Better Sex Education,” *Korean Joogang Daily*, <http://koreajoongangdaily.joins.com/news/article/article.aspx?aid=3045301>.

²³⁵ Isabella Steger and Sookyong Lee, “South Koreans are Tired of Bad Sex Education – and Bad Sex – in the #MeToo Era,” *Quartz*, July 27, 2018, <https://qz.com/1289137/south-korea-has-a-sex-education-problem-and-these-teachers-are-trying-to-fix-it> (accessed July 12, 2021). The changes since 2015 have been largely cosmetic. As one sexual education teacher noted, “After criticism, it was revised in 2017, but [it’s] not much different. Because of criticism, they’ve taken it off the internet, and actual revision or improvement really has not been made.” Human Rights Watch interview with Hahn Young-sook, August 11, 2019.

²³⁶ Steger and Lee, “South Koreans are Tired of Bad Sex Education – and Bad Sex – in the #MeToo Era,” *Quartz*, <https://qz.com/1289137/south-korea-has-a-sex-education-problem-and-these-teachers-are-trying-to-fix-it>; Minhye Park, “Back to School: Addressing the Shortfalls of Sexual Education in South Korea,” *NOVAsia: Yonsei University Graduate School of International Studies*, no. 37, November 23, 2018, <http://novasiagsis.com/back-school-addressing-shortfalls-sex-education-south-korea> (accessed July 12, 2021).

²³⁷ Kim So-hyun, “HIV Spread at Record Levels in Korea,” *Korea Herald*, July 14, 2020, <http://www.koreaherald.com/view.php?ud=20200714000628> (accessed July 12, 2021); Human Rights Watch interviews with Kang Sunjoo, March 11, 2019, and Ryu Min-hee, March 10, 2019.

²³⁸ UNAIDS, “Republic of Korea,” <https://www.aidsdatahub.org/country-profiles/republic-korea> (accessed July 12, 2021); Kim Da-Sol, “HIV, AIDS Cases in South Korea on the Rise,” *Korea Herald*, September 27, 2016, <http://www.koreaherald.com/view.php?ud=20160927000778> (accessed July 12, 2021).

²³⁹ Yunsu Choi et al., “Epidemiological Characteristics of HIV Infected Koreans: Korea HIV/AIDS Cohort Study,” *Epidemiology and Health*, vol. 41 (2019), accessed July 12, 2021, doi: 10.4178/epih.e2019037.

²⁴⁰ Ibid.

number of young people newly infected with HIV has gradually risen, with Koreans in their teens and 20s accounting for nearly 40 percent of new infections in 2019.²⁴¹

Students voiced frustration at a limited sexuality education curriculum that focused excessively on promoting marriage and childbirth and preventing sexual intercourse rather than on positive relationships, safer sex practices, and other comprehensive sexual health information. Choi Ji-hye, a 22-year-old bisexual university student, reported that her sexuality education course had been limited to a “video that mentions eggs and sperms, and how people get pregnant.”²⁴² Cha Ellen, a 24-year-old lesbian university student, said “We had very basic sex education, just egg and a sperm, and then you’re pregnant, then giving birth.”²⁴³

Guidance on prevention of STIs is limited. Choi Ji-hye recalled that her sexuality education course did not even mention STIs.²⁴⁴ When STIs are referenced, courses do not always inform students about how to prevent or treat them; one study using data collected in 2014 and 2015 found that 56 percent of people ages 18-19 and 80 percent of people ages 20-29 had not received information about STIs as a part of sexuality education.²⁴⁵

One activist for HIV-positive people stressed that “school education, if and when it mentions HIV, makes reference to AIDS as a fearful disease that leads to death.”²⁴⁶ He told Human Rights Watch that due to misinformation, “when I first tested positive and found out, I thought I must die now really soon. That’s what many had said, even if that’s not true.”²⁴⁷ In fact, advances in antiretroviral therapy allow people with HIV to live long, full lives.²⁴⁸

²⁴¹ Yonhap, “S. Korea Sees Increasing Young HIV Patients: Report,” *Korea Times*, July 20, 2020, http://www.koreatimes.co.kr/www/nation/2020/07/119_293077.html (accessed July 12, 2021); Myeongsu Yoo et al., “Characteristics of Adolescents and Young Adults with HIV in the Republic of Korea from 2010 through 2015,” *Scientific Reports*, vol. 10, 9384 (2020), accessed July 13, 2021, doi: 10.1038/s41598-020-66314-0.

²⁴² Human Rights Watch interview with Choi Ji-hye, March 11, 2019.

²⁴³ Human Rights Watch interview with Cha Ellen, August 9, 2019.

²⁴⁴ Human Rights Watch interview with Choi Ji-hye, March 11, 2019.

²⁴⁵ Human Rights Watch interview with Cho Ji-hoon, March 11, 2019; Sun Tae Ahn et al., “Analysis of Sexual Behaviors among Adults in Korea: Results from the ‘Korean National Survey on Sexual Consciousness,’” *The World Journal of Men’s Health*, vol. 39 no. 2 (2021): 366-375.

²⁴⁶ Human Rights Watch interview with Soju, Youth PL Community of Korea “R,” Seoul, March 13, 2019.

²⁴⁷ Ibid.

²⁴⁸ “Living Well with HIV,” *The Lancet HIV*, vol. 6 iss. 12, November 24, 2019, accessed July 12, 2021, [https://doi.org/10.1016/S2352-3018\(19\)30379-0](https://doi.org/10.1016/S2352-3018(19)30379-0).

Despite their emphasis on preventing intercourse, sexual education courses rarely instruct students on contraceptive use, which is an important part of comprehensive sexuality education.²⁴⁹ Choi Ji-hye recalled that her sexuality education course “did not mention how to buy or put on a condom.”²⁵⁰ One high school sexuality education teacher, Ahn Ji-young, confirmed that high school courses do not always teach students how to use a condom.²⁵¹ Schools are often reluctant to provide information regarding condoms due to outspoken opposition from conservative groups.²⁵² According to Ivan Stop HIV/AIDS Project (iSHAP), an organization specializing in sexual health services for LGBT people, young people’s access to condoms also may be constrained by social mores: even though there is no legal age for purchasing condoms, a shopkeeper might still refuse to sell condoms to minors.²⁵³

The absence of accurate information about contraception, sexual health, and relationships in sexual education curricula is even more acute for young LGBT people. In interviews with Human Rights Watch, students, recent graduates, teachers, and LGBT advocates all confirmed that LGBT issues are absent from sexual education courses.²⁵⁴

Instead, classroom discussions in sexuality education courses are often laden with misinformation or derogatory remarks. Kim Na-yoon, a 17-year-old bisexual girl, asked her teacher what she should know about LGBT people and was told that young people should be skeptical about same-sex attraction because it is often a phase.²⁵⁵

In addition to being heterosexist, educators and advocates have decried the curriculum as misogynist, sexist, and reinforcing gender roles.²⁵⁶ Even at co-educational schools,

²⁴⁹ Human Rights Watch interview with Choi Ji-hye, March 11, 2019; and G. Lee, March 27, 2021. As UNESCO has noted: “It is essential for young people who plan to have, or are already having sexual intercourse, to receive information about the full range of modern contraception, including the dual protection against pregnancy and STIs provided by condom use.” UNESCO, “International Technical Guidance on Sexuality Education: An Evidence-Informed Approach,” 2018, <https://www.unfpa.org/sites/default/files/pub-pdf/ITGSE.pdf> (accessed July 12, 2021); p. 18.

²⁵⁰ Human Rights Watch interview with Choi Ji-hye, March 11, 2019.

²⁵¹ Human Rights Watch interview with Ahn Ji-young, Seoul, March 11, 2019.

²⁵² Human Rights Watch interview with Kim Hyun-goo, director, Ivan Stop HIV/AIDS Project (iSHAP), Seoul, March 12, 2019.

²⁵³ *Ibid.*

²⁵⁴ Human Rights Watch interviews with Do Bo-kyung, March 11, 2019; Park Edhi, March 12, 2019; Soju, March 13, 2019; Ahn Ji-young, March 11, 2019; Kang Eun-ji, March 13, 2019; Kim Hyun, March 14, 2019; Kim Do-hyun, March 24, 2021; Lee Bo-reum, March 23, 2021; and Lee G., March 27, 2021; Human Rights Watch telephone interview with Jo Chun-hee, March 13, 2019.

²⁵⁵ Human Rights Watch interview with Kim Na-yoon, August 11, 2019.

²⁵⁶ Human Rights Watch interview with Park Edhi, March 12, 2019; Human Rights Watch telephone interview with Jo Chun-hee, March 13, 2019.

sexuality education courses are often delivered in gender-segregated classes.²⁵⁷ Hahn Young-sook, a sexuality educator, noted:

What the Ministry of Education in its materials and curriculum would stress, is that men should be like men, you should be manly, a woman should be womanly. If you want to avoid that as a teacher, you have to create your own materials.²⁵⁸

In interviews with Human Rights Watch, many LGBT students experienced sexuality education courses as a space for discipline and surveillance rather than learning and reflection. One university student remarked: “The purpose of sex education in this country is to prevent sexual troublemakers. It’s not about encouraging youth to think about and discover themselves, their sex, and form relationships. It’s about not getting into trouble sexually.”²⁵⁹ A youth advocate similarly noted that, under the national curriculum, sexuality “is not a matter of freedom or rights, but what is stressed is morality, restraint, abstinence, and obedience to norms.”²⁶⁰

One sexuality educator told Human Rights Watch, “Teachers are not ready, not prepared to talk about LGBT topics in a professional manner even if they want to—many want to avoid it—in contrast to students, who want to ask, to learn, to know.”²⁶¹

Yet beyond the national sexuality education curriculum, teachers responsible for sexuality education courses are not provided with comprehensive training.²⁶² Instead, one activist reported, teachers interested in developing their knowledge must go out of their way and seek training from private organizations or activist groups.²⁶³ Some do, and sex educators indicated that some teachers have expressed interest in learning more about these topics and being a resource for students seeking this information.²⁶⁴

²⁵⁷ Human Rights Watch interview with Bak Sung-min, March 11, 2019.

²⁵⁸ Human Rights Watch interview with Hahn Young-sook, August 11, 2019.

²⁵⁹ Human Rights Watch interview with Do Bo-kyung, March 11, 2019.

²⁶⁰ Human Rights Watch interview with Gonghyun, August 13, 2019.

²⁶¹ Human Rights Watch interview with Park Hyun-ie, August 9, 2019.

²⁶² Human Rights Watch interview with Yun Candy, March 14, 2019.

²⁶³ Ibid.

²⁶⁴ Human Rights Watch interviews with Yun Candy, March 14, 2019; Park Hyun-ie, August 9, 2019; Hahn Young-sook, August 11, 2019.

Outside information can help well-meaning teachers better understand the challenges faced by LGBT students. But omission of LGBT issues from the national sexuality education curriculum and mixed messaging from the government have deterred attempts to discuss LGBT sexual health issues in the classroom, and deter supportive teachers from addressing homophobic or transphobic comments made during class.²⁶⁵ As a high school teacher observed, because LGBT issues are not discussed in the curriculum, “You don’t have a manual or standard you can use to say this is what gay people are like, this is why you shouldn’t use ‘gay’ in a negative way. You can’t give any of that explanation.”²⁶⁶

The extent of knowledge about the topic also varies widely among instructors. One student said a Home Economics instructor delivered their sexuality education course.²⁶⁷ Another said their instructor simply played a video by a famous Korean sexuality educator.²⁶⁸

In some instances, instructors from outside organizations are brought in to provide sexuality education courses. One university student who had enrolled at an alternative school noted that their sexuality education course was given by a person from a Christian organization who made homophobic remarks during the lecture and described homosexuality as a disease.²⁶⁹

Conversely, feminist and LGBT advocates have found it difficult to directly offer sexual health lectures at schools.²⁷⁰ When LGBT activists are invited to speak, either on sexual health or LGBT issues more broadly, schools can face significant backlash. In one case, for instance, a middle school withdrew an invitation to an LGBT sexual health activist after a community group circulated an online petition demanding the lecture be cancelled.²⁷¹ Even outside educators are often told not to discuss homosexuality in their lectures, with schools pointing to the guidelines accompanying the national curriculum as a rationale.²⁷²

²⁶⁵ “South Korea: Amend Sex Education Guidelines,” Human Rights Watch news release, May 3, 2015, <https://www.hrw.org/news/2015/05/03/south-korea-amend-sex-education-guidelines>; Human Rights Watch interviews with Hahn Young-sook, August 11, 2019; and Soju, March 13, 2019.

²⁶⁶ Human Rights Watch interview with Hahn Young-sook, August 11, 2019.

²⁶⁷ Human Rights Watch interview with Cho Ji-hoon, March 11, 2019.

²⁶⁸ Human Rights Watch interview with Choi Ji-hye, March 11, 2019.

²⁶⁹ Human Rights Watch interview with Do Bo-kyung, March 11, 2019.

²⁷⁰ Human Rights Watch interviews with Soju, March 13, 2019; and Yun Candy, March 14, 2019.

²⁷¹ Human Rights Watch interviews with Yun Candy, March 14, 2019; Hahn Young-sook, August 11, 2019; and Park Hyun-ie, August 9, 2019.

²⁷² Human Rights Watch interview with Park Hyun-ie, August 9, 2019.

A limited sexuality education curriculum significantly impedes young people's access to information about sexual health. Without open and accurate instruction, LGBT students reported turning to the internet, pornography, novels, and other friends for guidance, sources of information that are incomplete and potentially harmful.²⁷³

Informal self-instruction cannot replace comprehensive sexuality education, leaving many young LGBT people lacking essential information about sexual health, consent, and healthy relationships. An advocate for people living with HIV, for instance, noted that in his encounters with young LGBT people, few are aware when and how they can, and should, access STI testing.²⁷⁴ Han Ji-woo, a 17-year-old queer student, said:

I'm still reluctant about what I learned myself. I don't know if it's wrong information, I got it from the internet. I think it's bad there's no person who can teach sexuality education and tell us if a point is fake.²⁷⁵

Lifting restrictions on sexuality educators and incorporating factually accurate and affirming LGBT content into sexuality education curricula is essential to keep LGBT youth safe and healthy. It is also essential to allow educators to be able to support LGBT students in secondary schools. As Hahn Young-sook, a sexuality educator, said:

[It's] definitely necessary, especially with how in middle school and high school the students start puberty. So many of them will be questioning or will be agonizing over their own identities. But because of the absence of official channels for information, and because of that atmosphere, these students can't talk to anyone, not peers, teachers, or parents, so they feel alone. So if we have that sort of education, then these students will have someone they can trust and talk to.²⁷⁶

²⁷³ Human Rights Watch interviews with Do Bo-kyung, March 11, 2019; Kim Hyun-goo, March 12, 2019; Kim Hyun, March 14, 2019; Bae Hyun-Woo, August 9, 2019; Cha Ellen, August 9, 2019; Jang Su-bin, August 10, 2019; Han Ji-woo, August 10, 2019; Kim Na-yoon, August 11, 2019; Kwak Eun-seo, Cheonan, August 12, 2019; and Gang Seo-hyeon, Seoul, August 10, 2019.

²⁷⁴ Human Rights Watch interview with Soju, March 13, 2019.

²⁷⁵ Human Rights Watch interview with Han Ji-woo, August 10, 2019.

²⁷⁶ Human Rights Watch interview with Hahn Young-sook, Seoul, August 11, 2019.

Debates and Discussions

LGBT issues are structurally absent from school curricula. When they do arise, it is typically in the context of debates on contemporary social issues in social studies or civics courses.²⁷⁷ In these debates, the class examines a particular issue, such as capital punishment, access to abortion, or LGBT rights, and students are divided into groups for and against the topic at hand.

According to students, the debate often centers around whether students support or oppose homosexuality.²⁷⁸ One high school teacher told Human Rights Watch she would pose the question: “What do you think about LGBT, good or bad?”²⁷⁹ She would then have students debate the pros and cons of LGBT people, though she told Human Rights Watch that she made sure to agree with a point in favor of LGBT people at some point in the discussion to support human rights. Bak Sung-min, a recent graduate, recalled a civics textbook prompting a debate on arguments in favor of or against homosexuality.²⁸⁰

Students told Human Rights Watch that these debates did not prompt thoughtful discussion or encourage students to “think about LGBT people in a more comprehensive, holistic and open-minded way.”²⁸¹ Often, these debates were not accompanied by any framing discussion, which might introduce LGBT issues in a neutral, factual manner.²⁸² As one university student noted:

They’re not based on enough or proper information ... the textbook will say ‘recently there’s been a social controversy due to the LGBT Pride parade. Discuss.’ That’s all the information given. There’s only a statement saying that something is a controversy. No background information.²⁸³

Without information, when participating in these debates, students rely solely on their preexisting—and often prejudiced—ideas. A member of a university LGBT group told

²⁷⁷ Human Rights Watch interviews with Do Bo-kyung, March 11, 2019; Bak Sung-min, March 11, 2019; Choi Ji-hye, March 11, 2019; Song Ji-eun, March 12, 2019; and Ahn Ji-young, March 11, 2019.

²⁷⁸ Human Rights Watch interview with Do Bo-kyung, March 11, 2019.

²⁷⁹ Human Rights Watch interview with Ahn Ji-young, March 11, 2019.

²⁸⁰ Human Rights Watch interview with Bak Sung-min, March 11, 2019.

²⁸¹ Human Rights Watch group interview with QUV, Seoul, March 11, 2019.

²⁸² *Ibid.*

²⁸³ *Ibid.*

Human Rights Watch, “when students are made to oppose homosexuality... one argument often used is that gay people cause AIDS, and that HIV+ people have to be treated using precious tax money, and that is a waste of national wealth.”²⁸⁴ When the debate is framed in neutral terms it suggests that everyone is entitled to their own opinion on whether being LGBT is acceptable, and does not convey that freedom to express one’s sexual orientation and gender identity is a basic human right.

As a result, these debates can be difficult for LGBT students who are encouraged, if not required, to be active participants. A recent graduate explained that these debates are often tied to grades and points, compelling participation even when students are uncomfortable debating their identities.²⁸⁵ In many cases, students are not given a choice as to the position they must defend.²⁸⁶ A group of four LGBT graduates from four different high schools all remembered being assigned by their teachers to “speak against homosexuality.”²⁸⁷ One of them, Do Bo-kyung, a gay 26-year-old university student, remembered his distress at the time:

[W]hat shocked me was that people like me could be opposed by others for being the person I was. And what was more shocking [were] the things students said among themselves after those debates because those were their true beliefs, and not just their positions in a debate.

Because of that class session.... I realized I could be opposed by others simply for liking someone from the same gender. This was the first time I realized I was a member of a minority, and I would have to live as a gay person that could be oppressed by society.²⁸⁸

Instead of providing an informative, inclusive, and affirming educational experience, current curricular practices drive LGBT students further into a sense of marginalization and isolation.

²⁸⁴ Ibid.

²⁸⁵ Human Rights Watch interview with Bak Sung-min, March 11, 2019.

²⁸⁶ Ibid.

²⁸⁷ Human Rights Watch group interview with QUV, March 11, 2019.

²⁸⁸ Human Rights Watch interview with Do Bo-kyung, March 11, 2019.

Challenges for LGBT Teachers

The climate in schools in South Korea can be difficult for LGBT teachers as well as LGBT students. LGBT educators face significant challenges if they are open about their sexual orientation or gender identity in schools, and many feel they are unable to be out at work or in other public settings.²⁸⁹ This hesitation is in part because of prevailing public attitudes; one study in 2019 found that only 45 percent of respondents would be comfortable working with lesbian or gay coworkers.²⁹⁰

As noted above, it is also because South Korea currently lacks employment protections that prohibit discrimination based on sexual orientation or gender identity or offer protection to those who are fired. One gay male teacher told Human Rights Watch, “I can’t really come out as openly gay. I’m too afraid to do that because of the atmosphere in South Korea.”²⁹¹

Another teacher told Human Rights Watch she had identified as a lesbian since she was in the eighth grade and had been with her partner for 12 years, but was not out to her colleagues and still told them she lived with her cousin.²⁹² She expressed frustration but said she had to be cautious, noting that few teachers felt it was safe to be out in the workplace: “I don’t know people who are out as teachers, but within the LGBT community, I know of many teachers.”²⁹³

Some interviewees suggested schools are unwilling to hire openly LGBT teachers because they fear backlash from parents.²⁹⁴ Students and teachers remarked that parents may believe harmful and false stereotypes that LGBT teachers harass or exploit children sexually, that all LGBT people are promiscuous, or that LGBT people are “immoral people” who are unfit to teach children.²⁹⁵

²⁸⁹ Human Rights Watch interviews with Pae Jun-young, March 17, 2019; and Ryu Min-hee, March 10, 2019.

²⁹⁰ Timothy S. Rich and Isabel Eliassen, “What’s Behind South Korea’s Persistent LGBT Intolerance?” *The Diplomat*, March 19, 2019, <https://thediplomat.com/2019/03/whats-behind-south-koreas-persistent-lgbt-intolerance> (accessed July 12, 2021).

²⁹¹ Human Rights Watch interview with Pae Jun-young, March 17, 2019.

²⁹² Human Rights Watch interview with Hahn Young-sook, August 11, 2019.

²⁹³ Ibid.

²⁹⁴ Human Rights Watch interview with Do Bo-kyung, March 11, 2019; P. Jun-young, March 17, 2019.

²⁹⁵ Human Rights Watch interviews with Do Bo-kyung, March 11, 2019, and P. Jun-young, March 17, 2019.

Aspiring LGBT teachers are aware that they will likely be subject to job discrimination. University students told Human Rights Watch that their transgender peers studying to become teachers are concerned that no school will be willing to hire them.²⁹⁶ Indeed, some LGBT students have had difficulty being placed because of discrimination based on their sexual orientation or gender identity.²⁹⁷ Jo Chun-hee, a transgender woman and educator, described how gendered requirements can exclude transgender students. As part of their training, students at teacher colleges often complete practicums at primary or secondary schools. Jo Chun-hee recalled the case of one transgender student who applied for a practicum at a school but was told “they could not accept the student unless they got rid of their makeup, wore pants, and cut their hair.”²⁹⁸

Teachers who secure positions may still be subject to discrimination from supervisors and colleagues. In one incident, a senior teacher told Jo Chun-hee she should submit her resignation on a day she was wearing make-up. The next day, at a staff meeting, the school’s vice-principal remarked that “men should behave like men, and women should behave like women, and set good examples for the students.”²⁹⁹ Throughout her tenure at that same school, and despite knowing her gender identity, other teachers kept asking Jo Chun-hee why she wore makeup.³⁰⁰ When she worked in a temporary position at another school, wearing long hair and a skirt or dress, a supervisor at the school similarly told her: “Present yourself correctly as a male, this is not the way to present yourself, and if you show up like this, people are going to talk about you.”³⁰¹

Such practices suggest to students that it is permissible to mistreat someone because of their sexual orientation or gender identity. After leaving a school in which she was previously employed, Jo Chun-hee returned for the graduation ceremony of her former students. She told Human Rights Watch “When I got to the graduation ceremony, other teachers gawked at me as if I was a freak. My students were unable to approach me.”³⁰²

²⁹⁶ Human Rights Watch interview with Do Bo-kyung, March 11, 2019.

²⁹⁷ Human Rights Watch interview with Pae Jun-young, March 17, 2019.

²⁹⁸ Human Rights Watch telephone interview with Jo Chun-hee, March 13, 2019.

²⁹⁹ Ibid.

³⁰⁰ Ibid.

³⁰¹ Ibid.

³⁰² Ibid.

Like support for LGBT students, teachers may feel they cannot express support for their LGBT colleagues for fear of being too political. Roh Min-ji, a high school teacher, remarked that “As a teacher in Korea, we have to put ourselves away from political issues. We cannot talk about these things, because it’s thought of as a political thing to say LGBT is okay.... [I]t’s not easy to be supportive at all. As LGBT teachers, they cannot come out of the closet.”³⁰³

The result is that young LGBT people may not have role models they can look to as examples of healthy LGBT adults. Roh Min-ji suggested “it’s important for LGBT youth to meet LGBT grown-ups, because they can’t imagine what it would be like to be a grown up. That’s why so many [die by] suicide—they can’t imagine a future.”³⁰⁴

³⁰³ Human Rights Watch interview with Roh Min-ji, March 17, 2019.

³⁰⁴ Ibid.

VI. Gender Identity Discrimination

LGBT students are often subject to other forms of discrimination based on sexual orientation and gender identity in schools. Policies that rigidly define a student's sex may pose particular difficulties for transgender students. Schools tend to use a student's sex assigned at birth rather than their gender identity to determine which school or homeroom, dress code, and bathrooms and changing facilities they may use. In general, students have no choice about following school policies that segregate students by gender, particularly if the student is not already out to teachers or administrators.³⁰⁵ When these policies are inflexible, they can cause significant distress for transgender students who do not identify with their sex assigned at birth.

Gender Segregation in Schools

In South Korea, many educational settings are sex-segregated, either at the school-wide or classroom level.³⁰⁶ Students may be assigned to a sex-segregated school that does not match their gender identity. A transgender boy, for instance, may be forced to attend a “girl's school.”³⁰⁷ At the same time, in co-educational schools, a homeroom class may be sex-segregated.³⁰⁸ Both students and teachers said that schools typically treat students according to their sex assigned at birth rather than their gender identity.³⁰⁹

Segregation based on gender can create difficulties for transgender students. Students who do not conform to gender stereotypes, such as “feminine boys” or “masculine girls,” are at heightened risk of bullying and harassment.³¹⁰ As Bak Sung-min, a 21-year-old genderqueer university student, observed: “[I]t's very difficult to live as a transgender student.... You're forced to be part of the male or female student community.”³¹¹ Kim Do-

³⁰⁵ Human Rights Watch interview with Yoon-Lee SungWon, March 15, 2019.

³⁰⁶ Hosung Sohn, “Mean and Distributional Impact of Single-Sex High Schools on Students' Cognitive Achievement, Major Choice, and Test-Taking Behavior: Evidence from a Random Assignment Policy in Seoul, Korea,” *Economics of Education Review*, vol. 52 (2016), p. 165; Human Rights Watch interview with Park Hanhee, attorney, Korean Lawyers for Public Interest Law, Seoul, March 15, 2019.

³⁰⁷ Human Rights Watch interview with Ryu Min-hee, March 10, 2019.

³⁰⁸ Human Rights Watch interviews with Roh Min-ji, March 17, 2019, and Bak Sung-min, March 11, 2019.

³⁰⁹ Human Rights Watch group interview with QUV, March 11, 2019.

³¹⁰ Human Rights Watch interview with Lee Hye-jin, March 14, 2019.

³¹¹ Human Rights Watch interview with Bak Sung-min, March 11, 2019.

hyun, a 25-year-old gay transgender man, said: “I started realizing my identity as I enter[ed] middle school. There are girls-only and boys-only middle schools, it made me think about my gender.... It was the moment when I thought about gender for the first time.”³¹²

Discrimination can also take its toll on the health and well-being of transgender students. In gendered spaces, any divergence from gender norms is especially visible and can expose students to bullying, harassment, and feelings of isolation.³¹³ In one case in 2018, DDing Dong counseled a transgender boy who was experiencing significant stress at school. He struggled because school activities, uniforms, and restrooms were segregated by gender. When he told his teacher about these problems, the teacher outed him to his parents. Instead of making accommodations, the school and family reinforced one message: “Do not reveal your identity, you’re the one that’s thinking wrong.” The student managed to remain in school only with the help of medication.³¹⁴

In exceptional cases, schools may affirm a transgender student’s gender identity. Teachers told Human Rights Watch about a “very special” case in which a school recognized a transgender boy’s identity.³¹⁵ In that instance, the school kept his identity a secret, treating him like other male students without forcing him to come out.³¹⁶ The teachers emphasized that these cases are extremely rare, yet do exist in South Korea.

School Uniforms

One LGBT human rights advocate indicated that “[t]he most immediate issue for transgender youth is gender expression.”³¹⁷ Many schools require students to wear gendered uniforms or follow gendered dress codes in ways that impose discriminatory and stereotypical gender norms and marginalize students whose gender expression varies

³¹² Human Rights Watch interview with Kim Do-hyun, March 24, 2021.

³¹³ Human Rights Watch interview with Gwon Soo-jin, March 13, 2019.

³¹⁴ Human Rights Watch interview with Park Edhi, March 12, 2019.

³¹⁵ Human Rights Watch interview with Pae Jun-young, March 17, 2019.

³¹⁶ Ibid.

³¹⁷ Human Rights Watch interview with C. Gio, Solidarity for LGBT Human Rights of Korea (HaengSungIn), Seoul, March 12, 2019.

from those norms, including LGBT students.³¹⁸ Schools typically require students to wear uniforms based on their sex assigned at birth rather than their gender identity. While schools are increasingly adopting gender-neutral trousers as an option for girls, many schools still require children who are assigned female at birth to wear skirts.³¹⁹ Lee Bo-reum, a 21-year-old lesbian woman, recalled that “I really hated skirts, they were too uncomfortable.... I was a person who loved soccer and sports. In order to wear pants, I lied to teachers that I had a sun allergy.”³²⁰ Even when girls can wear trousers, they may be discouraged from doing so by students or teachers.³²¹ As Kang Eun-ji, a 25-year-old bisexual woman, recalled:

We could choose skirts or pants, but I think there was pressure to choose skirts because my friends didn’t want to stand out. Less than 10 percent or 5 percent of [female] students chose to wear pants. They would be asked all the time, ‘Why would you wear pants?’ by students or teachers.³²²

These types of comments and scrutiny can be particularly damaging for transgender youth, as they may draw unwanted attention or exacerbate feelings of gender dysphoria. As Bae Hyun-woo B., a 21-year-old transgender man, experienced discomfort with gendered dress codes and began to come late or miss class to avoid drawing attention to his appearance:

I had to wear a skirt while attending high school, and I had to live as a girl. I felt awkward and felt like an outsider among girls. And also, teachers insisted that I behave like a girl, and would ask why my hair was too short, tell me I should grow my hair like a girl.... I would be late to avoid the teacher.³²³

³¹⁸ Claire Lee, “How Teen Feminism is Changing School Uniforms in South Korea,” *Korea Herald*, October 22, 2018, <http://www.koreaherald.com/view.php?ud=20181021000211> (accessed July 12, 2021).

³¹⁹ Human Rights Watch interviews with Jang Su-bin, August 10, 2019; Song Ji-eun, March 12, 2019; Yun Candy, March 14, 2019; Claire Lee, “How Teen Feminism is Changing School Uniforms in South Korea.”

³²⁰ Human Rights Watch interview with Lee Bo-reum, March 23, 2021.

³²¹ Human Rights Watch telephone interview with Jo Chun-hee, March 13, 2019; Human Rights Watch interview with Kang Eun-ji, March 13, 2019.

³²² Human Rights Watch interview with Kang Eun-ji, March 13, 2019.

³²³ Human Rights Watch interview with Bae Hyun-woo, August 9, 2019.

While gendered dress codes can be stressful for any transgender youth, individuals interviewed by Human Rights Watch suggested that uniform restrictions are particularly challenging for transgender girls.³²⁴ One advocate observed that, while transgender boys may be able to wear pants, transgender girls can rarely wear skirts.³²⁵ Park Hanhee, a transgender lawyer, reported that transgender girls in boys' schools face severe harassment, cannot wear uniforms or hairstyles of their choice, and cannot express their gender identity.³²⁶ Ryu Min-hee, another lawyer, told Human Rights Watch that she knew of only one exceptional case in which the school had allowed a transgender girl to wear a skirt. The student in that case had parents who were supportive and who asked the school principal for permission.³²⁷

When transgender students do not follow dress codes, they may be harassed or punished. Kim Hyun, a 21-year-old genderqueer university student, told Human Rights Watch that students in their high school were monitored for uniform infractions at the school's gates. If the individual's uniform did not conform with requirements, teachers gave penalty points and, at times, forced the student to stand and wait until all other students had come or required the student to go home and change.³²⁸ Harassment and punishment can disrupt a student's education, causing some students who openly express their gender identity to miss time in class or even drop out of school.³²⁹

³²⁴ Human Rights Watch interviews with Park Hanhee, Korean Lawyers for Public Interest Law, Seoul, March 15, 2019, and Lee Seung-hyun, March 14, 2019.

³²⁵ Human Rights Watch interview with Lee Seung-hyun, March 14, 2019.

³²⁶ Human Rights Watch interview with Park Hanhee, March 15, 2019.

³²⁷ Human Rights Watch interview with Ryu Min-hee, March 10, 2019.

³²⁸ Human Rights Watch interview with Kim Hyun, March 14, 2019.

³²⁹ Human Rights Watch interviews with Nam Woong, March 12, 2019; Song Ji-eun, March 12, 2019; and Lee Seung-hyun, March 14, 2019.

VII. South Korea's Legal Obligations to Protect LGBT Students

While domestic protections for LGBT students are uneven in South Korea, all students are entitled to a core set of human rights under international law.

South Korea is party to multiple agreements that require the state to respect, protect, and fulfill the rights of LGBT children in schools. These agreements include the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Rights of the Child (CRC), and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).³³⁰

The UN treaty bodies that periodically review state practice have drawn attention to the discrimination that LGBT people face, including in educational settings, and have urged South Korea to reform domestic laws and practices to ensure that LGBT students are able to enjoy their rights.³³¹

The Committee on the Rights of the Child has specifically urged South Korea to address bullying, provide comprehensive sexuality education that is LGBT-inclusive, adopt anti-discrimination legislation that includes protections for LGBT children, and conduct public

³³⁰ International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976 (acceded to by South Korea in 1990); International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, A/6316 (1966), 993 U.N.T.S. 3, entered into force January 3, 1976 (acceded to by South Korea in 1990); CRC, ratified by South Korea in 1991; Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted December 18, 1979, 1979 G.A. res. 34/180, 34 U.N. GAOR Supp. (No. 46) at 193, U.N. Doc. A/34/46, entered into force September 3, 1981 (ratified by South Korea in 1984).

³³¹ Committee on the Rights of the Child, "Concluding Observations on the Fifth and Sixth Periodic Reports of the Republic of Korea," CRC/C/KOR/CO/5-6, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/KOR/CO/5-6&Lang=En paras. 16-17, 41-42; Committee on the Elimination of Discrimination against Women, "Concluding Observations on the Eighth Periodic Report of the Republic of Korea," CEDAW/C/KOR/CO/8, March 14, 2018, <https://undocs.org/CEDAW/C/KOR/CO/8> (accessed July 12, 2021), paras. 12-13, 23; Committee on Economic, Social, and Cultural Rights, "Concluding Observations on the Fourth Periodic Report of the Republic of Korea," E/C.12/KOR/CO/4, October 19, 2017, <https://undocs.org/en/E/C.12/KOR/CO/4> (accessed July 12, 2021), paras. 24-25, 56; Human Rights Committee, "Concluding Observations on the Fourth Periodic Report of the Republic of Korea," CCPR/C/KOR/CO/4, December 3, 2015, <https://undocs.org/CCPR/C/KOR/CO/4> (accessed July 12, 2021), paras. 12-15.

campaigns to raise awareness about discrimination.³³² These recommendations are consistent with the UN High Commissioner for Human Rights' guidance "that States establish national standards on non-discrimination in education, develop anti-bullying programmes and helplines and other services to support LGBTI youth, and to provide comprehensive, age-appropriate sexuality education."³³³

Right to Education

The right to education is affirmed in both the ICESCR and the CRC, as well as the Constitution of the Republic of Korea.³³⁴ Article 31 of the constitution affirms that "[a]ll citizens shall have an equal right to an education corresponding to their abilities," and that "[t]he State shall promote lifelong education."³³⁵

The right to education is restricted when the State withholds information relevant to LGBT students. It is also impaired when bullying, isolation, or discrimination result in persistent stress or mental health issues that make it difficult for LGBT students to remain in school and focus on learning.

As UN experts and treaty bodies have recognized, the right to education also encompasses the right to comprehensive sexuality education. The UN Special Rapporteur on the Right to Education has said: "The right to education includes the right to sexual education, which is both a human right in itself and an indispensable means of realizing other human rights, such as the right to health, the right to information and sexual and reproductive rights."³³⁶ To ensure the right to education is respected, the Committee on the Rights of the Child has said that sexuality education provided by schools:

³³² Committee on the Rights of the Child, "Concluding Observations on the Fifth and Sixth Periodic Reports of the Republic of Korea," CRC/C/KOR/CO/5-6, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/KOR/CO/5-6&Lang=En, paras. 16-17, 41-42.

³³³ United Nations Educational, Scientific and Cultural Organization (UNESCO), "From Insult to Inclusion: Asia-Pacific Report on School Bullying, Violence and Discrimination on the Basis of Sexual Orientation and Gender Identity (2015)," <https://unesdoc.unesco.org/ark:/48223/pf0000235414>, p. 10.

³³⁴ ICESCR, art. 13; CRC, art. 28.

³³⁵ Constitution of the Republic of Korea, <https://www.wipo.int/edocs/lexdocs/laws/en/kr/kro61en.pdf> (accessed July 12, 2021), art. 31.

³³⁶ UN Human Rights Council, Report of the United Nations Special Rapporteur on the Right to Education, Vernor Muñoz, A/65/162, July 23, 2010, <https://undocs.org/A/65/162> (accessed July 13, 2021), para. 19.

should include self-awareness and knowledge about the body, including anatomical, physiological and emotional aspects, and should be accessible to all children, girls and boys. It should include content related to sexual health and well-being, such as information about body changes and maturation processes, and designed in a manner through which children are able to gain knowledge regarding reproductive health and the prevention of gender-based violence, and adopt responsible sexual behavior.³³⁷

It is crucial that this information is not only provided to cisgender, heterosexual students, but to LGBT students as well. The Committee on the Rights of the Child has identified lack of “access to sexual and reproductive health services and information” as a particular issue for “[a]dolescents who are lesbian, gay, bisexual, transgender and intersex.”³³⁸

As the special rapporteur on the right to education has noted, comprehensive sexuality education “must be free of prejudices and stereotypes that could be used to justify discrimination and violence against any group,” and “must pay special attention to diversity, since everyone has the right to deal with his or her own sexuality without being discriminated against on grounds of sexual orientation or gender identity.”³³⁹ Where curricula do not meet these standards, the Committee on the Rights of the Child has said that the right to education may require “the fundamental reworking of curricula to include the various aims of education and the systematic revision of textbooks and other teaching materials and technologies, as well as school policies.”³⁴⁰

To advance the right to education, South Korea should adopt anti-bullying and nondiscrimination policies that protect LGBT students in educational settings; provide counseling services that offer confidential support and allow all students to focus in

³³⁷ Committee on the Rights of the Child, “General Comment No. 15 (2013) on the Right of the Child to the Enjoyment of the Highest Attainable Standard of Health,” CRC/GC/15, April 17, 2013, <https://www.refworld.org/docid/51ef9e134.html> (accessed July 12, 2021), para. 60.

³³⁸ Committee on the Rights of the Child, “General Comment No. 20 (2016) on the Implementation of the Rights of the Child During Adolescence,” CRC/C/GC/20, December 6, 2016, <https://undocs.org/en/CRC/C/GC/20> (accessed July 12, 2021), para. 33.

³³⁹ UN Human Rights Council, Report of the United Nations Special Rapporteur on the Right to Education, Vernor Muñoz, A/65/162, <https://undocs.org/A/65/162>, paras. 63, 23.

³⁴⁰ Committee on the Rights of the Child, General Comment No. 1, The Aims of Education, U.N. Doc. CRC/GC/2001/1 (2001), para. 18.

school; and incorporate LGBT issues into school curricula, including comprehensive sexuality education.

Right to Health

The right to health is affirmed in both the ICESCR and the CRC. The ICESCR recognizes “the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.”³⁴¹ The CRC explicitly provides that children are entitled to this right, and obligates governments to “ensure that all segments of society, in particular parents and children, are informed [and] have access to education,” and “develop preventive health care, guidance for parents and family planning education and services.”³⁴² The Constitution of the Republic of Korea also affirms the right to health, pledging that “[t]he health of all citizens shall be protected by the State.”³⁴³

The right to health is closely linked to other human rights. The Committee on the Rights of the Child has said that “to fully realize the right to health for all children, States parties have an obligation to ensure that children’s health is not undermined as a result of discrimination, which is a significant factor contributing to vulnerability,” including discrimination on the basis of “sexual orientation, gender identity and health status.”³⁴⁴

When LGBT children are bullied, harassed, and stigmatized, their right to physical and mental health is impaired along with other rights. In its General Comment on adolescent health and development, the Committee on the Rights of the Child therefore urged governments to “take the necessary actions to prevent and prohibit all forms of violence and abuse, including sexual abuse, corporal punishment and other inhuman, degrading or humiliating treatment or punishment in school, by school personnel as well as among students.”³⁴⁵

³⁴¹ ICESCR, art. 12.

³⁴² CRC, art. 24(1) and art. 24(2)(e)-(f).

³⁴³ Constitution of the Republic of Korea, <https://www.wipo.int/edocs/lexdocs/laws/en/kr/kro61en.pdf> (accessed July 12, 2021), art. 36(3).

³⁴⁴ Committee on the Rights of the Child, General Comment No. 15 (2013) on the Right of the Child to the Enjoyment of the Highest Attainable Standard of Health, U.N. Doc. CRC/GC/15 (2013), para. 8.

³⁴⁵ Committee on the Rights of the Child, General Comment No. 4 (2003), Adolescent Health and Development in the Context of the Convention on the Rights of the Child, U.N. Doc. CRC/GC/2003/4 (2003), para. 17.

States also fail to live up to their obligations to protect the right to health when counseling services offered by the state convey harmful messages or violate confidentiality, and when age-appropriate information that promotes health is unduly withheld from students. The Committee on the Rights of the Child has said that “[a]ge-appropriate, comprehensive and inclusive sexual and reproductive health education, based on scientific evidence and human rights standards and developed with adolescents, should be part of the mandatory school curriculum and reach out-of-school adolescents.”³⁴⁶ The committee has also said that governments must “refrain from censoring, withholding, or intentionally misrepresenting health-related information, including sexual education and information, and... ensure children have the ability to acquire the knowledge and skills to protect themselves and others as they begin to express their sexuality.”³⁴⁷

To ensure the right to health, South Korea should work to curb violence and discrimination in schools, and to proactively improve counseling services and school curricula to ensure they reflect the needs of LGBT students as well as heterosexual, cisgender students.

Right to Access Information

The ICCPR recognizes that everyone has “the freedom to seek, receive, and impart information and ideas of all kinds.”³⁴⁸ The CRC reaffirms that children enjoy this freedom.³⁴⁹ The right can only be restricted when necessary to preserve the rights of others or the protection of national security, public order, public health, or morals.³⁵⁰

States deny access to information when they categorically withhold age-appropriate information about sexual orientation and gender identity from students, including information that is relevant to their sexual and reproductive health. They also limit access to information when they prohibit teachers and other school personnel from offering affirmation and support in the classroom.

³⁴⁶ Committee on the Rights of the Child, General Comment No. 20 (2016) on the Implementation of the Rights of the Child During Adolescence, U.N. Doc. CRC/C/GC/20 (2016), para. 61.

³⁴⁷ Committee on the Rights of the Child, General Comment No. 3 (2003), HIV/AIDS and the Rights of the Child, U.N. Doc. CRC/GC/2003/1 (2003), para. 13.

³⁴⁸ ICCPR, art. 19(2).

³⁴⁹ CRC, art. 13(1).

³⁵⁰ CRC, art. 13(2).

To ensure that children can exercise their right to access information, South Korea should encourage teachers to provide affirmation and support to LGBT students, and affirmatively incorporate material about LGBT people into school curricula.

Freedom from Discrimination

While the ICCPR, ICESCR, CRC, and CEDAW do not specifically reference sexual orientation and gender identity, the treaty bodies that interpret and apply these treaties have each clarified that they prohibit discrimination on these grounds.³⁵¹ The UN High Commissioner for Human Rights has therefore said:

Freedom from discrimination is a fundamental obligation of States under international law, and requires States to prohibit and prevent discrimination in private and public spheres, and to diminish conditions and attitudes that cause or perpetuate such discrimination. To this end, States should enact comprehensive anti-discrimination legislation that includes sexual orientation and gender identity among protected grounds.

Schools violate the freedom from discrimination when students are bullied or harassed, deprived of information, or otherwise disadvantaged because of their sexual orientation or gender identity.

The UN special rapporteur on the right to education has said that a curriculum that presumes all students are heterosexual “normalizes, stereotypes, and promotes images that are discriminatory because they are based on heteronormativity; by denying the existence of the lesbian, gay, transsexual, transgender and bisexual population, they expose these groups to risky and discriminatory practices.”³⁵²

³⁵¹ See, for example, Committee on the Rights of the Child, General Comment No. 15 on the Right of the Child to the Enjoyment of the Highest Attainable Standard of Health (Art. 24), U.N. Doc. CRC/C/GC/15 (2013), para. 8; Committee on the Elimination of Discrimination Against Women, General Recommendation No. 28 on the Core Obligations of States Parties under Article 2 of the Convention on the Elimination of All Forms of Discrimination Against Women, U.N. Doc. CEDAW/C/GC/28 (2010), para. 18; Committee on Economic, Social and Cultural Rights, General Comment No. 20, Non-Discrimination in Economic, Social and Cultural Rights (Art. 2, Para. 2), U.N. Doc. E/C.12/GC/20 (2009), paras. 11, 27, 32; UN Human Rights Committee, *Toonen v Australia*, U.N. Doc. CCPR/C/50/D/488/1992 (1994), para. 8.7.

³⁵² UN Human Rights Council, Report of the United Nations Special Rapporteur on the Right to Education, Vernor Muñoz, A/65/162, <https://undocs.org/A/65/162>, para. 69.

The right to nondiscrimination includes recognition of a student’s own gender identity. UNESCO therefore recommends that laws and school policies “should recognise self-defined gender identity with no medical preconditions or exclusions based on age, marital or family status or other grounds.”³⁵³ The Human Rights Committee has specifically urged South Korea to provide mechanisms for legal gender recognition.³⁵⁴

South Korea should prohibit such discrimination in its national laws, municipal ordinances, and school policies to affirm the rights of LGBT students. It should also ensure that school resources and curricula are reflective of the full diversity of the student population, including students with diverse sexual orientations and gender identities.

Freedom from Violence

The ICCPR and the CRC both recognize that children have the right to be free from bullying, harassment, and violence. The ICCPR affirms a child’s right to “such measures of protection as are required by his status as a minor, on the part of his family, society and the State.”³⁵⁵ Similarly, the CRC requires governments to “protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation.”³⁵⁶

The Committee on the Rights of the Child has observed that the state must protect students who are particularly likely to face bullying and violence, and that “[g]roups of children which are likely to be exposed to violence include, but are not limited to, children ... who are lesbian, gay, transgender or transsexual.”³⁵⁷ It has emphasized that bullying, harassment, and violence against LGBT youth are violations of children’s rights,

³⁵³ United Nations Educational, Scientific and Cultural Organization (UNESCO), “From Insult to Inclusion: Asia-Pacific Report on School Bullying, Violence and Discrimination on the Basis of Sexual Orientation and Gender Identity (2015),” <https://unesdoc.unesco.org/ark:/48223/pf0000235414>, p. 20. UNESCO also suggests that schools should “include more than the binary sex or gender options for those who identify outside of male and female.” Ibid.

³⁵⁴ Human Rights Committee, Concluding Observations on the Fourth Periodic Report of the Republic of Korea, CCPR/C/KOR/CO/4, <https://undocs.org/CCPR/C/KOR/CO/4> paras. 12-15.

³⁵⁵ ICCPR, art. 24(1).

³⁵⁶ CRC, art. 19.

³⁵⁷ Committee on the Rights of the Child, General Comment No. 13 (2011), The Right of the Child to Freedom from All Forms of Violence, U.N. Doc. CRC/C/GC/13 (2011), para. 72(g); Committee on the Rights of the Child, General Comment No. 20 (2016) on the Implementation of the Rights of the Child During Adolescence, U.N. Doc. CRC/C/GC/20 (2016), paras. 33-34.

and that schools that allow these practices to take place do not comply with the Convention on the Rights of the Child.³⁵⁸

To protect children from bullying and violence, the committee has urged states to make proactive interventions, including challenging discriminatory attitudes that foster harassment,³⁵⁹ putting reporting mechanisms in place,³⁶⁰ and providing guidance and training school personnel to respond to violence effectively.³⁶¹ When taking these steps, the committee has stressed that children themselves should be involved “in the development of prevention strategies in general and in school, in particular in the elimination and prevention of bullying, and other forms of violence in school.”³⁶²

South Korea should expressly prohibit bullying based on sexual orientation, gender identity, and other grounds, and develop effective and confidential mechanisms for reporting and recourse should bullying or violence occur in schools.

³⁵⁸ See, for example, Committee on the Rights of the Child, Concluding Observations: Sweden, U.N. Doc. CRC/C/SWE/CO/5 (2015), para. 15; Committee on the Rights of the Child, Concluding Observations: the Bolivarian Republic of Venezuela, U.N. Doc. CRC/C/VEN/CO/3-5 (2014), para. 27; Committee on the Rights of the Child, General Comment No. 1, The Aims of Education, U.N. Doc. CRC/GC/2001/1 (2001), para. 19.

³⁵⁹ Committee on the Rights of the Child, General Comment No. 13 (2011), The Right of the Child to Freedom from All Forms of Violence,” U.N. Doc. CRC/C/GC/13 (2011), para. 47(a)(i).

³⁶⁰ *Ibid.*, para. 49.

³⁶¹ *Ibid.*, paras. 50-51.

³⁶² *Ibid.*, para. 63.

Recommendations

To the Government of South Korea

- Enact a comprehensive anti-discrimination law, including provisions on sexual orientation and gender identity that would prohibit discrimination in educational settings.

To the Ministry of Education

- Develop guidelines for anti-bullying and anti-discrimination policies that are inclusive of sexual orientation and gender identity, inform students how to confidentially report incidents of bullying, and specify meaningful remedies and consequences for bullying.
- Integrate material on sexual orientation and gender identity into the WEE Project.
- Establish training programs to help teachers, counselors, and administrators develop competency around LGBT issues, including how to recognize bullying targeting LGBT students and how to effectively prevent and intervene against bullying.
- Instruct schools that they should respect student privacy and confidentiality and should not administer surveys or other tools that aim to identify and expose LGBT students in the student body.
- Ensure that mental health programs within school, including the school counseling system, effectively serve LGBT youth, and are staffed with professional counselors with competency for working with LGBT youth.
- Publish an interim and long-term plan to address regional disparities in mental health resources in school for LGBT young people.
- Redesign the national sexuality education curriculum to include affirming materials about varied sexual orientations and gender identities and expressly address the sexual health concerns of LGBT students, including accurate, objective information on prevention and treatment for HIV and other STIs.
- Develop guidelines for educational systems to respect and affirm transgender students, including in dress codes and uniform policies.

To the Ministry of Health and Welfare

- Inform all mental health providers and their patients of mental health providers' obligation to respect patient confidentiality. Establish mechanisms that permit people to report breaches of patient confidentiality and hold mental health providers accountable for breaches through sanctions up to losing the right to practice.
- Strengthen young people's awareness of HIV prevention and access to HIV testing and facilitate access to confidential testing.

To the Ministry of Gender Equality and Family

- Revise the guidelines and training manuals for mental health programs outside of school, including adolescent health centers and the 1388 Youth Helpline, to ensure that the programs effectively serve LGBT youth.
- Publish an interim and long-term plan to address regional disparities in mental health resources outside of school for LGBT young people, including LGBT youth crisis resources.
- Staff programs with professional counselors with the appropriate training certification and licensing, including competency for working with LGBT youth.

To School Administrators

- Adopt anti-bullying and anti-discrimination policies that are inclusive of sexual orientation and gender identity, inform students how to confidentially report incidents of bullying, and provide meaningful remedies and consequences for bullying.
- Develop policies prohibiting teachers and counselors from outing students, including to their families, and facilitating confidential reporting and accountability when such incidents occur.
- Ensure that sexuality education curricula expressly affirm varied sexual orientations and gender identities, address the sexual health concerns of LGBT students, and emphasize pressing sexual health concerns, including accurate, objective information on prevention, testing, and treatment for HIV and other STIs.

- Integrate lessons on the rights of LGBT people into human rights and social studies curricula.
- Develop policies to respect and affirm transgender students, including in dress codes and uniform policies.

To Counselors and Teachers

- Maintain the confidentiality of LGBT students except in extreme cases involving imminent risk of harm to self or others.
- Integrate LGBT issues into classroom discussions in a rights-based manner that does not engage students in debating the morality or legitimacy of LGBT rights.
- Provide supportive resources for students who may be struggling with their sexual orientation or gender identity.

To Textbook Publishers

- Edit textbooks to include introductions to LGBT rights and avoid framing discussions on LGBT rights as a debate about their morality or legitimacy.

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“I Thought of Myself as Defective”

Neglecting the Rights of LGBT Youth in South Korean Schools

In South Korea, lesbian, gay, bisexual, and transgender (LGBT) students encounter a range of challenges in educational environments. Many LGBT students experience bullying, harassment, and exclusion in school, which can jeopardize their physical safety and mental health. They often lack support systems, and worry that teachers and counselors will disclose their sexual orientation or gender identity to others if they turn to them for help. LGBT issues generally are not included in sexuality education curricula, and students rarely encounter messages recognizing LGBT people and affirming their human rights.

Drawing from interviews with more than 60 current and former students, educators, and advocates, *“I Thought of Myself as Defective”* explores the difficult environments that LGBT students often navigate in schools in South Korea. This report, produced in conjunction with the Lowenstein International Human Rights Clinic at Yale Law School, documents how mistreatment and a lack of protections in schools can jeopardize the rights and well-being of LGBT students.

To better protect the rights of all students in South Korea, lawmakers should enact comprehensive antidiscrimination legislation that protects LGBT people in schools and other settings. Officials should also take positive steps to ensure that LGBT children are protected from bullying and have access to the information and support they need, from information about gender and sexuality to confidential mental health resources in and outside of school.

(above) A transgender university student who feels uncomfortable in men’s bathrooms and has faced harassment in women’s bathrooms pauses in front of gendered facilities.

(front cover) A lesbian high school student who attends a religious school and doesn’t feel safe confiding in unsympathetic teachers stands alone outdoors.

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