

MUJIGAE KOREA

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Professor Douglas Sanders¹
sanders_gwb @ yahoo.ca

ABSTRACT:

The existence of homosexuals in South Korea was routinely denied in the past. In the 1990s a number of changes began, notably the expansion of the gay bar scene, a set of activist organizations and public “pride” events. The firing of popular television actor Hong Suk Chun in 2000 was a major public event, giving new visibility to homosexuals. The sensational transsexual star Harisu has also changed public perceptions. The new international support for “human rights” led South Korea to establish a National Human Rights Commission in 2001. The Commission had a mandate to deal with discrimination on the basis of “sexual orientation” and acted positively on that mandate, including funding gay and lesbian organizations to carry out particular programs.

KEY WORDS: *South Korea, Human Rights, Transsexual, Film, Pride events.*

Does the rainbow flag, the international symbol of modern gay and lesbian activism, fly in Asia? A trick question, for Asia is really six regions.² It is the largest and most varied of the five ‘regions’ recognized by the United Nations. It includes two giants, China and India, whose cultures have had great influence beyond their borders, as well as Japan, the world’s second largest economy.

Asia-wide meetings of lesbian, gay, bisexual and transgender (LGBT) activists are rare. Some meet on the sidelines of the Asia-Pacific AIDS conferences. 500 academics

¹ Professor Emeritus, Faculty of Law, University of British Columbia, Vancouver, Canada, LL.M. Professor, Faculty of Law, Chulalongkorn University, Bangkok, Thailand, Resource Person, Program in Human Rights Studies and Social Development, Mahidol University, Bangkok. I would like to acknowledge comments and information from Huso Yi, Borizaru and Professor Kwak Nohyun of the Korea National Open University, former Secretary General of the National Human Rights Commission.

² Middle East, Central Asia, South Asia, Southeast Asia, East Asia and North Asia.

and students attended a one-off academic conference on LGBT issues in Bangkok in 2005 organized by Australian academics.³ A small International Lesbian and Gay Association (ILGA) world conference was held in Manila, The Philippines, in 2003, but, unfortunately, was boycotted by most Filipino organizations. 120 delegates attended an Asia regional conference of ILGA in Chiang Mai, Thailand, in January, 2008, funded from Europe. This seemed to promise an on-going regional LGBT organization. Absent from the Chiang Mai meeting were any representatives from South Korea or Japan. The older Asian Lesbian Network which held four regional conferences from 1991 to 1998, had held a similar promise of an ongoing regional organization.⁴

Of the richer or larger countries in Asia, we seem to have the least information on LGBT issues and activism in South Korea. Perhaps Korea gets overlooked because of the dominance of neighboring Japan and China. LGBT activism is weak throughout this neighborhood, so mutual support is rare.⁵ Language and nationalism are barriers. No regional or sub-regional ongoing Asian LGBT organization yet exists that is able to support and publicize Korean issues. As in other Asian countries, Korean activists will have better links with a Western country, in this case the United States, than to its neighbors or other parts of Asia. Two million Korean-Americans live in the United States.⁶ The Sydney gay and lesbian Mardi Gras in Australia is also known and fairly accessible.

Some support for LGBT issues in Korea has come from the U.S.: (1) an award in 1999 recognizing the first gay and lesbian organizations by the small International Gay and Lesbian Human Rights Commission (IGLHRC), then based in San Francisco, (2) publicity about particular issues (the internet censorship issue, the firing of Hong Suk Chun, the anti-discrimination law controversy) by IGLHRC, Rex Wockner's media service, and Human Rights Watch, based in New York, and (3) a modest grant to the lesbian organization Kiri Kiri from the Astrea Foundation, based in New York (brokered

³ It had local co-sponsorship from the human rights program at Mahidol University. Five Koreans presented papers.

⁴ 4 Korean representatives from Kiri Kiri were at the Taipei meeting in 1995 and one was at the Manila meeting in 1998. The other ALN meetings were in Bangkok in 1991 and Japan in 1993.

⁵ Chingusai, the first gay male organization, formed in 1994, participated in a "mass assembly outside the Japanese Embassy in Seoul in support of the lawsuit raised by OCCUR (Japanese LGBT group)" June 18, 1997, according to the organizations leaflet entitled Chingusai, copy obtained at the world conference of the International Lesbian and Gay Association in Manila, The Philippines, November, 2003 (the only ILGA meeting that had Korean representation). The OCCUR case was a lawsuit against the Tokyo government for a discriminatory denial of the use of a government owned residential facility generally available for workshops and conferences. Mutual support has been quite strong in Europe, particularly in relation to the former Eastern Bloc countries which have turned to Europe after 1991. It seems to be significant, as well, in Latin America, where the regional ILGA organization and other links have been increasingly active.

⁶ Awkward bedfellows, *The Economist*, September 9, 2006. There is a large Korean population in Japan which has faced considerable discrimination.

by Koreans living in the U.S.). Gay media and western-based LGBT organizations will report on Korean events, but only if they are fed information from a Korean source.⁷ As in Japan and Taiwan, language has been a major factor in keeping the local groups isolated from regional or international LGBT activities.⁸

We can propose a Korean time-line to guide us in a focus on Mujigae Korea (rainbow Korea), a phrase used by Korean activists. Kim Hyun Go, an important activist, called the late 1990s the golden age of activism in South Korea. We see this in the time-line:

1. The development of a gay bar scene from 1980.
2. The first LGBT organizations 1991-1993
3. Books and translations from 1994.
4. The first university student groups in 1995.
5. The internet: Another Love and Exzone from 1996.
6. Gay film festivals from 1997.
7. Buddy magazine in 1998.
8. The Korea Queer Culture Festival from 2000.
9. The firing of Hong Suk Chun in 2000.
10. The National Human Rights Commission in 2001.
11. Internet censorship - Exzone and the Youth Protection Act – 2001.
12. Activist changes from 2002.
13. Military issues from 2004.
14. Recognizing relationships.
15. The anti-discrimination law.
16. Transsexual issues.

But, first, some background and context.

THE CONTEXT

Korea has a long history and considerable cultural and social coherence. It is not simply the cultural bridge between China and Japan. After isolation as the ‘hermit

⁷ For Japan, Taiwan, Thailand and Indonesia there are Western-based academics, with local language fluency, who have written on local LGBT developments. No equivalent seems to exist for South Korea. Matt Kelley, a Korean-American living in Korea, has written columns on Korea for *fridae.com*, based in Singapore, an on-line magazine with news of LGBT activities in Asia. Otherwise he is a travel writer about Korea.

⁸ No representatives from these countries were at the International Lesbian and Gay Association world conference in Geneva in 2006, which, in any case, had few individuals from Asia. Korean representatives have not been at regional or international AIDS conferences, conferences which have facilitated links among some Asian LGBT activists.

kingdom' in the 19th century, it was a colony of Japan from 1910 until 1945. At the end of World War II it was summarily divided into Russian and American spheres. Syngman Rhee ran the South Korean government from 1948 to 1960 with strong U.S. backing. The North invaded the South, prompting a devastating war from 1950 to 1953, with the involvement of both Chinese and U.S. troops (the first major proxy war in the larger cold war).

Massive civil society demonstrations took place in the 1960 "April revolution." Syngman Rhee went into exile in Hawaii. In 1961 a military coup brought Park Chung Hee to power. He went on to win two elections and stayed in power for 18 years until his assassination in 1979 by his intelligence chief. The Rhee and Park periods saw strong centralized state direction of the economy leading to major industrialization and a long period of high growth.⁹ Civil society protests erupted against the terms of the Japan-Korea normalization in 1965. The Kwangju rebellion in May 1980 was a major civil society protest. It was violently suppressed. Many were killed and thousands were arrested. New repressive laws were enacted. In June, 1987, thousands flooded the streets of Seoul to protest the authoritarian government of Chun Doo Hwan, in what is remembered as the events that ended military rule. The protesters involved

...a broad coalition of social groups, professions and classes. Students, intellectuals and religious leaders played a prominent role, as they had in earlier anti-authoritarian protests. Middle-class, white-collar professionals joined as well, with their own demands for political and economic rights, particularly unionization. And constituting a critical new element in the democratic movement were the blue-collar workers, a more visible, vibrant, and militant labor force than South Korea had ever seen before, a direct product of the country's rapid industrialization since the 1960s.¹⁰

The protests led to direct presidential elections. In the 1988 presidential election, the opposition divided between Kim Dae Jung and Kim Young Sam, allowing the governing party candidate Roh Tae Woo, a military man, to be elected. In 1990 Korea ratified the

⁹ While Park was an authoritarian figure, he presided over a long period of economic growth, with surprising successes in shipbuilding, steel, chemicals and automobiles. Cumings notes that Park was the most popular leader in postwar Korea (more than 70 percent of the population said so in a 1994 poll): Bruce Cumings, *Korea's Place in the Sun*, Norton, updated edition, 2005, 326. His daughter, Park Geun Hye, ran for the nomination of the Grand National Party in the 2007 election and was popular enough to barely lose to Lee Myung Bak, who won the election and assumed the presidency in early 2008.

¹⁰ Sunhyuk Kim, *Civil society and democratization in South Korea*, in Charles Armstrong, *Korean Society: Civil society, democracy and the state*, 2nd edition, Routledge, 2007 (hereinafter Armstrong (2007)), 53 at 54.

two major U.N. human rights treaties.¹¹ Kim Young Sam allied himself with the governing party, and won election as president in 1992, serving the standard five year term from 1993 to 1998. Surprisingly, in 1995, Chun Doo Hwan and Roh Tae Woo were both indicted for the 1979 military coup that had occurred after Park's assassination and for the Kwangju massacre of civilian protesters.

The evolution from military to civilian rule took its next big step with the election of Kim Dae Jung in 1997, a figure with no military links, who served as president from 1998 to 2003. Kim Dae Jung represented the Cholla region in the South-West, an area largely bypassed in the government directed industrialization of the previous decades. He was seen as a dissident, and had been imprisoned and almost killed by previous governments.¹² He came to power at the moment when the 1997 Asian financial crisis crippled Korea, and the country was accepting a \$57 billion International Monetary Fund bail-out. The currency lost half its value. The government rapidly nationalized many of the banks. Nine of the fourteen commercial banks became foreign owned. Daewoo, one of the large conglomerates (called *chaebol* in Korea) collapsed. At the time, it was the biggest corporate bankruptcy in history. Its head was sentenced to ten years in prison for corruption, but pardoned.

Kim Dae Jung initiated the "sunshine policy" of opening-up to North Korea, and met North Korean President Kim Jong Il in Pyongyang (after Hyundai paid \$500 million to the north to facilitate the meeting). Kim won a Nobel Peace Prize for reaching out to the North. For our purposes, he is important for establishing a strong national human rights commission that recognized and supported LGBT civil society organizations. His government also established a Ministry of Gender Equality in 2001.¹³

¹¹ These are the *International Covenant on Economic, Social and Cultural Rights* and the *International Covenant on Civil and Political Rights*. Korea also ratified the optional protocol to the *Covenant on Civil and Political Rights*, allowing individual communications to the Human Rights Committee alleging violations of treaty rights. The Committee was established by the treaty. First individuals must exhaust domestic remedies. The Human Rights Committee in *Toonen v Australia* ruled that discrimination on the basis of sexual orientation is a form of discrimination on the basis of sex, and prohibited, for that reason, by the treaty. Korea has ratified other UN human rights conventions: race (1978), women (1984), children (1991), torture (1995), disability (2008).

¹² After Kim Dae Jung's near success in 1971, the government targeted him. He was run over by a truck, kidnapped, placed under house arrest, prosecuted and almost executed. Presidents Carter and Reagan in the United States appealed for his life to be spared and he went into exile in the United States.

¹³ "...as in Japan, companies, despite some improvement, still discriminate heavily against women, especially those with children. Just one-third of South Korean women go back to work after having children, half the OECD average. The World Economic Forum's ranking of sex equality puts South Korea 98th out of 128 countries." The Economist, The odd couple: A special report on the Koreans, September 27, 2008, 4. The Ministry of Gender Equality took a leading role in drafting a tough anti-prostitution law which took effect in September, 2004: AFP, Sex workers protest crackdown, Bangkok Post, October 20, 2004, 8.

There had been a “harsh anti-labor environment of the past fifty years.” Kim Dae Jung did not have a base in labor. Until 1998 it was illegal for labor to involve itself in politics. Kim brought organized labor into mainstream politics:

President Kim got labor’s acquiescence in his reforms if not outright support with a master stroke in January 1998, one that made for far-reaching political changes: under his direction, for the first time in Korean history labor leaders met with leaders of business and government to work out fair and equitable policies to deal with the IMF crisis, a kind of “peak bargaining” arrangement that represents labor’s biggest gain ever. After tough negotiations Kim got labor to agree to large layoffs (which ultimately quadrupled the pre-crisis unemployment rate, albeit from 2 to 8 percent, not a high rate by Western standards) in return for the right to exist legally and to participate in politics and field candidates for elections. When labor leaders took this deal back to the rank and file it was soundly rejected, and many called for a general strike. ... But months of labor peace followed the January 1998 agreement, punctuated by sudden day-long shutdowns and sporadic actions...¹⁴

In December, 2002, Roh Moo Hyun was elected president, a self-made human rights and labor lawyer. The conservative old-guard candidate was decisively defeated. A generational cleavage emerged in the election of 2002 that led to Roh’s victory.

Those under 40 years of age voted for Roh by a margin of almost 2 to 1, while those over 50 preferred Lee by 61 to 37%. People in their 20s and 30s are half of the voters, but, traditionally, cynical or indifferent to politics. ... What is noticeable is the abruptness of the emergence of the young power. ... These new generations went from political apathy to passion, emerging as a political mainstream in the election.¹⁵

Roh’s surprising victory left him at the mercy of conservative national assembly members, who managed to impeach him temporarily. That backfired, and Roh’s supporters won a majority of seats in the National Assembly in April, 2004 and he was reinstated as President by the Constitutional Court.¹⁶ He sought a free trade agreement with the U.S. and, as part of the political price for that, sent troops to Iraq. His term ended with a sense of lost opportunities and weak, indecisive leadership.

¹⁴ Bruce Cumings, *Civil society in West and East*, in Armstrong (2007), 9 at 27.

¹⁵ Heng Lee, Professor of Political Science, Inje University, *Democratic Consolidation and the 2002 Presidential Election*, seminar presentation, University of British Columbia, May 9, 2003, copy in possession of the author. South Korean politics is intense, and both Kim Dae-jung and Roh Moo-hyun lost popularity at the end of their terms in office.

¹⁶ Donald Greenless, *Election-Day Spring Kleeping*, *Far Eastern Economic Review*, April 29, 2004.

Roh was succeeded in February, 2008, by the conservative Lee Myung Hak, ending “a ten year run for the progressives.”¹⁷ Lee had run the giant construction arm of Hyundai, then the country’s largest and most powerful *chaebol*. In an interview with a leading newspaper a number of months before his election victory, Lee stated his opposition to homosexuality as “abnormal,” while at the same time identifying himself as a “feminist.”¹⁸ Lee’s conservative Grand National Party won a narrow majority in the National Assembly in elections in April, 2008.¹⁹ Public opposition erupted in May with massive demonstrations against Lee for agreeing to drop the ban on U.S. beef (a concession made in order to get the Bush administration to move on the Korea-U.S. free trade agreement). Fighting took place in the National Assembly when the governing party pushed through the U.S.-Korea trade agreement, and on subsequent issues.

The Min Jun Nodong, or Democratic Labor Party, a smaller party with representatives in the Korean parliament, has a committee on LGBT rights. It normally gets about 10% of the vote in national elections. In the 2008 national assembly elections the party had a lesbian candidate, the first out LGBT candidate in Korea. She was unsuccessful.

As this brief history demonstrates, there has been a remarkable modern history of civil society activism in South Korea, exceeding, it seems, any other Asian country.

Korean students were central activists in the politics of liberation in the late 1940s, in the overthrow of the Rhee regime and the politics of the Chang regime in 1960-1961, the repudiation of Korea-Japan normalization in 1965, and the resistance to the Park and Chun dictatorships in the period 1971-1988. Particularly, in the 1980s, through the *minjung* ideology and praxis (a kind of liberation theory stimulated by the Latin American example), Korean students, workers and young people brought into the public space uniquely original and autonomous configurations of political and social protest – ones that threatened many times to overturn the structure of American hegemony and military dictatorship.²⁰

¹⁷ The Economist, The odd couple: A Special Report on the Koreas, September 27, 2008, 6. The Economist cautions that Kim Dae Jung and Roh Noo Hyun “were liberal in the Korean sense (that is, slightly less pro-business and pro-American).” Lee’s hopes for the best birthday presence, The Economist, December 15, 2007, 33. While their liberalism may have been modest, they were more progressive than the members of the national assembly, who continue to represent regional interests and fight among themselves.

¹⁸ Action Alert: South Korea-Presidential Candidate condemns homosexuality, International Gay and Lesbian Human Rights Commission, May 29, 2007.

¹⁹ Rites of spring, The Economist, April 12, 2008, 38.

²⁰ Bruce Cumings, Civil Society in West and East, in Armstrong (2007) 9 at 29.

The changes of political leadership in South Korea in the late 1980s and 1990s were accompanied and promoted by new forms of civil associations and non-governmental organizations (NGOs). Collectively, these organizations constituted an emerging civil society, engaged with and yet apart from the political system. Few countries in the world surpassed South Korea in the number, extent, and involvement of civil society groups, which often played key roles in advocating and enabling the political involvement of ordinary citizens.

By the end of the 1990s there were literally thousands of NGOs operating in South Korea. Among their activities has been the monitoring of public officials, campaigning for judicial reform and economic justice, and “disqualification” of candidates deemed unfit to run for office.²¹

Today the Republic of Korea has a population of around 48.5 million, with one of the lowest rates of population increase in the world, lower even than Japan. The marriage rate has been declining. People are marrying later and having fewer children. Divorce rates have gone from a very low level to among the world’s highest.²² The per capita GDP is \$20,000, high for Asia, but only half that of Japan.²³ It is the fourth largest economy in Asia and the 11th in the world. Since 2003 its largest trading partner has been China, surpassing the United States.²⁴ The country is highly urbanized. Seoul, the capital, has 10 million people. The government website divides the population into 43% Buddhist, 34.5% Protestant and 20.6% Catholic. The Protestant churches tend to be socially conservative.²⁵ Korea has ratified the major UN human rights treaties, and the constitution has a broad anti-discrimination clause.²⁶

THE REGIONAL CONTEXT

²¹ Armstrong (2007), 4.

²² Norimitsu Onishi, Divorce in South Korea: Striking a New Attitude, New York Times, September 21, 2003. This article placed the rate as higher than Japan and lower than the U.S..

²³ ROK and Japan are the only Asian members of the Organization for Economic Cooperation and Development, often referred to as the ‘rich men’s club’ of countries.

²⁴ “Last year [2004] China replaced the United States as South Korea’s most important trade partner. For each of the past three years China has received more foreign investment from South Korean firms than any other country. Two million South Korean tourists visited China last year, and more Korean students (some 35,000) are now studying in China than in the United States.” Christian Caryl, Is three a crowd?, Newsweek International Edition, June 20, 2005, 32.

²⁵ “The most prolific producer of Christian missionaries, on a per head basis, is now South Korea. The biggest Bible publishing houses are in Brazil and South Korea.” The Economist, The battle of the books, December 22, 2007, 75.

²⁶ Article 10: “All citizens shall be equal before the law and there shall be no discrimination in political, economic, civic or culture life on account of sex, religion or social status.” This is a general affirmation of equality, not limited to the three specified grounds on which discrimination is condemned.

There are formal political groupings in parts of Asia. The ten member Association of Southeast Asian Nations, ASEAN, seems the strongest, and has “ASEAN + 3” meetings that include China, Korea and Japan. There are no formalized political or economic groupings for East Asia or North-East Asia – no NAFTA, no EU, no OAS, not even a relatively weak organization like ASEAN or the even weaker SAARC, the South Asia Association for Regional Cooperation. There are high levels of trade and investment between China, Japan and Korea, but no stabilizing trade agreements or regional political bodies. Animosity continues to break out over bitter memories of colonization and wartime atrocities. APEC, the Asian Pacific Economic Cooperation forum keeps meeting, but seems of little political or economic importance.

In 2009, ASEAN established a regional human rights commission with a modest mandate. There are no other regional or sub-regional human rights treaties or bodies in Asia. Some human rights issues are addressed in the work of the U.N. Economic and Social Commission for Asia and the Pacific, based in Bangkok, Thailand. Two loose regional umbrella organizations group local human rights NGOs together – Forum Asia (based in Bangkok) and the Asian Human Rights Commission (based in Hong Kong). The Asia Pacific Forum groups together national human rights commissions, including the National Human Rights Commission of Korea. Of these various regional organizations, only the Asia Pacific Forum has addressed LGBT issues, and only beginning in 2009.²⁷

HOMOSEXUALITY IN KOREA

Korean criminal law has never prohibited homosexual acts, though they are forbidden for members of the military. Any depiction of homosexuality was prohibited in films until 1998, when the rule was eased to only bar the “excessive representation of homosexuality.”

As in China and Japan, homosexuality can be found in parts of Korean cultural history. The *hwarang*, “flower of youth,” were leaders of a military group in the Silla Dynasty (BCE 57 – CE 935). Vernacular poetry of the era depicts homoerotic desire among these elite, graceful, masculine warriors. Other stories tell of elite homosexuality

²⁷ Korea-focused LGBT news or analysis can come from Human Rights Watch which has a LGBT section in New York headed by long-time activist Scott Long. HRW has published on LGBT issues in Asia. The Asia Pacific Forum held a meeting of member organizations on the Yogyakarta Principles in 2009, giving them a very positive endorsement and deciding to continue to discuss the issues. See www.asiapacificforum.net.

in the Koryo and Choson dynasties.²⁸ But it is Confucianism that sets norms in modern Korea.

In South Korea, as in Japan and Taiwan, a homosexual identity conflicts with strong family expectations of marriage and procreation. In 1990 a gay Korean wrote:

As one of the countries with a Confucian background, discussing homosexuality in public has been taboo. Also many Korean gays regard their condition as an odd mental disorder, which is incurable. Most Korean gays are forced into marriage because of pressure from family and society.²⁹

Seo Dong Jin explains:

...most Korean homosexuals consistently see family as the biggest problem troubling them. Moreover, they see the discovery of their homosexual identity by their family as the greatest possible calamity threatening their future.³⁰

It was common for local people, in the past, at least, to say there were no gay or lesbian Koreans. An Australian filmmaker

...asked a north Korean about homosexuality in Korea, who firmly answered that there are no gays in North Korea. If you asked the same question a decade ago in South Korea, citizens would have answered exactly the same. I can still hear Margaret Cho (Korean-American comedian) imitating in her one-woman show, her mother's words "Oh, no gay in Korea."³¹

The Lonely Planet guidebook cautions gay and lesbian travelers about their behavior:

Korea has never passed any laws that overtly discriminate against homosexuals, but this should not be taken as a sign of tolerance or acceptance. Korean law does not mention homosexuality because it's considered so bizarre

²⁸ Young-Gwan Kim, Sook-Ja Hahn, Homosexuality in ancient and modern Korea, *Culture, Health & Sexuality*, January-February 2006, 8(1), 59-65.

²⁹ Che Hae Yong, Current Gay Situation in Korea, submitted to the third Asian Lesbian and Gay Conference, Bangkok, Thailand, August 24-25, 1990 (English slightly corrected). The quotation indicates internalized homophobia on the part of Korean gays, something that has been strong in the West in the past.

³⁰ Seo Dong-Jin, Mapping the Vicissitudes of Homosexual Identities in South Korea, in Gerard Sullivan, Peter A. Jackson, *Gay and Lesbian Asia*, Harrington Park Press, 2001, 65 at 77.

³¹ Cho Mi-hee, Coming out in Korea? (letter to the editor), *Korea Herald*, December 21, 2000. North Korea stated in 2006 that there were no homosexuals in the country and no North Koreans with HIV/AIDS.

and unnatural as to be unmentionable in public. Many older Koreans share the outlook of conservative American Christian fundamentalists. Younger people are less prejudiced than their parents, so some progress is being made, although only one celebrity so far has outed himself.

Virtually all Korean gays and lesbians keep their sexual orientation a secret from their extended family, work colleagues and friends, though the closet door is inching open. Major cities have a handful of gay clubs, bars and saunas, although they maintain a low profile. Despite increasing discussion of the issue in the media, it is generally a taboo topic, especially for the older generation. ³²

The first case of AIDS was detected in Korea in 1985, and the number of cases slowly increased. The government began an education campaign and homosexuality “automatically” became a public issue.³³ The incidence of AIDS in Korea is low, but a 2004 study concluded that half of the infected males are homosexuals.³⁴

The website of the coalition LGBT Korea paints a picture of pervasive anti-gay attitudes:

All homosexuals who have come out are being dismissed from work and all transgendered people are being deprived of their right to work due to extreme discrimination based on physical appearance. Indeed, the intolerant family system of Korea, which forces heterosexuality and patriarchal marriage upon all members of society, precludes the mere existence of sexual minorities. We are deeply saddened by the fact that even members of civil activist groups, which supposedly work to promote and protect human rights, are conservative towards or completely against the human rights of sexual minorities.³⁵

³² Martin Robinson, Ray Bartlett, Rob Whyte, Korea, Lonely Planet, 2007, 389. There is one gay guidebook, John Goss, Utopia Guide to South Korea, April, 2007, compiled largely from gay travelers comments sent to the Utopia-Asia.com website. It can be downloaded from that site for US \$8.00 or you can order a hard copy to be sent by mail.

³³ Che Hae Yong, Current gay situation in Korea, August, 1990, document submitted to the third Asian Lesbian and Gay Conference, Bangkok, Thailand, copy in possession of the author.

³⁴ Cho Byong Hee, social Impact of HIV/AIDS in Korea, available on the website of the UN Development Programme, Korea. It gives the total infection rate in South Korea as 0.01% of the population.

³⁵ LGBTKorea.org, accessed April 7, 2003. In October, 2002, the United States granted political asylum to a Korean gay man on the basis of his sexual orientation. Such determinations require an assessment of the situation of the individual. Officials concluded that he, as an individual, had a well-founded fear of persecution in Korea based on his sexual orientation. Information from Huso Yi.

Suicide rates are high in Korea, prompting government plans in 2007 for additional counseling centers and other measures.³⁶ Suicide may disproportionately affect homosexuals. Huso Yi, one of the founders of the first university student group, Come Together in 1995, told a grim story of three of his friends:

In May 1998, Oh disclosed his homosexuality to his family. They immediately rejected him and expelled him from their home. After living and suffering on the streets for months, and at one point sleeping in an office, Oh killed himself. The other two went to Seoul National University, which is South Korea's Harvard or Yale. One was in Law School; the other was a graduate student in biology. Their success in society was "guaranteed." However, when they came to the age of marriage, they both faced a brutal dilemma. Neither wanted to marry. But they also didn't want to disown their families and disappoint their parents. So, they chose to kill themselves. One in 1997, the other in 1999. No funerals were held for these three young men: their families considered them "bad" sons.³⁷

Time Asia did a survey "Sex in Asia" in 2001 and sensationalized Korean movies:

The country's censors banned homosexuality on screen in any form until 1998, despite allowing hot-action het-sex and an alarming amount of rape. For the hottest het-sex in Asia see Korean debutante Jung Ji-woo's Happy End – which won awards at last year's Cannes – with bonking that bests French director Jean-Jacques Beineix's Betty Blue for realistic moan-groan quotient and full-body bump and grind. Today, it seems, Korean directors can do just about anything. 1999's Yellow Hair was a sex shebang with orgies and lesbianism that left the viewer with third-degree eyeball burns. Last year's Lies by Sun Woo-Jang was a sado-masochistic romance between a married sculptor and a high-school girl half his age, a class-act film that fashioned poetry from pornography and high-fived the current zeitgeist, though it is banned in Korea. ... Kim Tae Yong's Memento Mori is a contemporary teenage-lesbo-horror-psycho casserole...³⁸

An Associated Press article talked about the popularity in Asia of Korean youth pop culture.

³⁶ "South Korea's suicide rate hit a record high in 2005 and was number one among the members of the Organisation for Economic Cooperation and Development, the National Statistical Office reported last month. It said 26.1 out of every 100,000 people committed suicide in 2005, compared to 11.8 in 1995." AFP, Seoul plans campaign to cut suicides, The Nation (Bangkok), February 21, 2007, 9A.

³⁷ Huso Yi, Life and Death in Queer Korea, on the website "thegully".

³⁸ Stephen Short, Dirty Movies: Asian cinema has action – and we don't mean car crashes, Time Asia, March, 2001.

Call it “kim-chic”. All things Korean – from food and music to eyebrow shaping and shoe styles – are becoming all the rage across Asia – where pop culture has long been dominated by Tokyo and Hollywood.³⁹

Time Asia declared the Korean pop music business the hottest in Asia, putting the boy band “god” on the cover.

...K-pop is on an impressive roll. The \$300 million domestic market is the second largest in Asia, topped only by Japan’s massive \$2.9 billion in album sales last year. K-pop has broken across borders: teenagers from Tokyo to Taipei swoon over performers such as singer Park Ji Yoon and boy band Shinhwa, buying their CDs and posters and even learning Korean so they can sing along at karaoke. ... “Korea is like the next epicenter of pop culture in Asia,” says Jessica Kam, a vice president for MTV Networks Asia. “It’s the next Japan.”⁴⁰

Korea had picked up on American hip-hop, and outpaced its Asian rivals.⁴¹

In 2006 a gay-themed historical drama, *The King and the Clown*, became the most popular film in Korean history, seen in cinemas by one in four Koreans. The gay story line was deliberately muted, but includes one brief on-screen kiss. South Korea picked it as the official submission for best foreign language film at the 2007 Academy Awards.⁴² A second, much bolder, historical drama, *A Frozen Flower*, was released in 2008, with a King of the Goryeo Dynasty taking a young military commander as a lover. The 2006 film *No Regret* is a contemporary disjoined gay soap opera, with scenes in one of Seoul’s somewhat hidden gay prostitution bars. It was the first South Korean feature film to be directed by an openly gay director.

Korea is conservative. But it has gay saunas, gay and lesbian bars and LGBT NGOs. It has sex in the movies and a flourishing youth pop culture. Three significant major feature films have gay themes. It has a human rights commission with a legislative mandate to address sexual orientation discrimination. Younger voters determined the progressive outcome of the 2002 presidential election (but conservatives won in 2007/2008). And in 2009 Korea held its tenth annual Queer Culture Festival with fifteen

³⁹ ‘Korea fever’ sweeps in, AP, Bangkok Post, Outlook, Saturday, January 26, 2002, 8.

⁴⁰ Time Asia, July 29, 2002, 33-34.

⁴¹ Su-kyung Yoon, Swept Up On a Wave, Far Eastern Economic Review, October 18, 2001, 92.

⁴² South Korea rests Oscar hope on gay-themed film, Guardian Unlimited, September 21, 2006. This was not the first mainstream gay-oriented film. In 2000, Lee Song He Il, a former chairman of Chingusai, and an out gay director, won best film at the Busan International Film Festival for *Sugar Hill*, a troubled romantic story about a gay couple. The film *The King and the Clown* was banned from being shown in China because of the homosexual theme.

days of public events, including a parade that involved 1,500 people as marchers and spectators.

Korean gays are moving away from the underground scene and starting clubs, cafes and internet groups across the country, the Korea Herald reported Feb. 11 [2001]. At least 30 universities now have gay groups, the newspaper said, including Seoul National University, Yonsei University and Pusan University [or universities in Pusan]. “Some 20 gay cafes and pubs dot Itaewon [district in Seoul] alone,” the paper said. “Others are popping up in Shinchon and Hongdae, Inchon, Anyang, Ansan. The Kyongsang and Cholla provinces and even remote Cheju Island have establishments for gays.”⁴³

The changes are broad.

For years, people will be debating what made this country go from conservative to liberal, from gerontocracy to youth culture and from staunchly pro-American to a deeply ambivalent ally – all seemingly overnight.⁴⁴

THE LGBT TIME-LINE

THE DEVELOPMENT OF A GAY BAR SCENE FROM 1980

Gay bars started in the mid-1970s or around 1980 in the Jongro area of Seoul. They are Korean style karaoke bars that serve a set of expensive snacks with drinks. By 1990, we are told, Seoul boasted “about 40 gay bars, several gay theatres, saunas and an open cruising gay park.”⁴⁵ The bars were hard to find. In 1995 or 1996 Chris Berry was taken to the Jongro “gay district” of Seoul by pioneering activist Seo Dong Jin.

It looks completely dead to me. All the lights in the buildings are turned off and there is not another soul on the street. But appearances can be deceptive.

⁴³ Rex Wockner, International News #356, February 19, 2001.

⁴⁴ Howard French, Online newspaper shakes up Korean politics, New York Times, March 6, 2003, A3.

⁴⁵ Che Hae Yong, Current Gay Situation in Korea, document submitted to the third Asian Lesbian and Gay Conference, Bangkok, Thailand, August 24-25, 1990. See South Korea, in Stephen O. Murray, Pacific Homosexualities, Writers Club Press, 2002, 268. Seo Dong-jin estimated there were between 20 and 30 gay bars in Seoul in 1995/6, and others in each of Korea’s major cities.

Pointing at various shadowy entrances, turned-off signs, and curtained second and third-story windows, Seo lists a series of bars. I begin to understand that when he defines the major issue for gays in Korea as “visibility,” he means more than just coming out.⁴⁶

The most open western-style gay bars are in the Itaewon district in Seoul, a tourist area close to a large U.S. Army base, an area with quite open female prostitution. There are lots of GIs and other foreigners on the streets. There are Korean and western restaurants, and shops selling antiques, souvenirs, and hip hop clothing. Gay bars there started around 1995. A regular customer in the Itaewon’s gay bars, Jay Hwang, who had lived with a lover in Germany for three years, commented:

“The number of Koreans who come out is very limited,” he said. “There are probably millions of closet cases. They may go ‘cruising’ or to bath houses but wouldn’t dream to come here [to the Itaewon bars]. For me personally, only two of my friends know. I haven’t told my family, but I think if I come out my family would eventually come around and accept it. I’m almost 40 so family pressure to get married is nearly behind me. I think they’ve given up on me.” ... Hwang believes the younger generation has a more positive attitude towards being gay. “Being gay is not easy anywhere, it’s one more thing to go through, but the younger generation have grown up with the internet and they don’t seem so interested or pressured about getting married. In our time [getting married] was something we took for granted while finding pleasure on the side.”

Still, the stifling climate of hostility makes Korean gays secretive and unwilling to disclose much about themselves, Hwang said. “I prefer foreigners because Korean gay culture is still very much in the closet and you have to be secretive.”⁴⁷

The Korea Herald ran a long story on September 7th, 2001, entitled East meets west in Itaewon’s gay enclave. Gay bars are concentrated on “homo hill,” the Herald noted, close to “hooker hill.” These “hills” are in fact two small side streets a block or two from Itaewon road. They are parallel to each other and climb the same hill. Gay symbols appear on side streets. A women-only lesbian dance bar, Van Dyke, is, or was on Itaewon road itself. For those familiar with bar areas in Bangkok or Tokyo, this is a modest area. It has pleasant openly gay western-style bars and a couple of gay discos. Nothing is really seedy or sleazy in gay Itaewon, though locals clearly think differently.

...[homo hill with] its concentration of bars and clubs – Always Homme, Why Not, Trance, Club Queen and Soho – is the center of Seoul’s burgeoning expatriate gay and lesbian community and more than a few Koreans.

⁴⁶ Chris Berry, Seoul Man, Outrage (Australian gay magazine), August, 1996, 38.

⁴⁷ Benjamin Jhoty, East meets west in Itaewon’s gay enclave, Korea Herald, September 7, 2001.

Seo Yong-shik has been manager of Always Homme and Why Not for two years. ... Seo says his bars attract up to 400 gays, lesbians, bisexuals and straight customers on Saturday nights, the crowd regularly spilling out onto the street and hopping from bar to bar.

With a clientele that is 70 percent foreign, 30 percent “domestic,” Seo says the community is intimate enough for everyone to know each other, although new faces are always welcome. “The foreign clientele is mainly English teachers including professors, as well as businessmen, diplomats, tourists and GI’s,” he said. ...

“Five years ago you wouldn’t imagine this,” Hwang [a customer] said. “It’s not on the main street but having the gay pride flags is a big thing. The clubs are much more obvious here. When I was young in Chongno you had to know where they were. They were still hidden down alleys or in basements. Sometimes you had to call numbers and people would come and pick you up.”⁴⁸

The Itaewon scene is not like the older Korean bar pattern, where customers get a set order of drinks and side dishes. Such Korean-style bars are expensive.

...the many gay bars in Chongno’s Tapgol Park area ... are almost overwhelmingly frequented by Koreans and are more or less like traditional Korean bars in set-up. “There you have to sit down at a table and order side dishes and its very karaoke oriented whereas the bars here [in Itaewon] are ‘oneshot’ bars like Western bars where you can order one drink at a time and move around and dance. I think that’s one reason why some Koreans come here, because it’s more comfortable and of course they are curious.”⁴⁹

More recently, western style bars have also become established in Chongno.

Borizaru, a former publisher and activist, estimated that there were 250 gay venues in Korea, with 80 in Seoul, mainly located in the two areas Jongro and Itaewon. Jongro has around 60 venues. He said that the first gay bar in the area had a Japanese owner, as did a slightly later bar. Now all of the gay bars in Seoul are owned by Koreans. Itaewon, he said, was newer, starting about 1995, and had about 20 venues. There are bars, cafes, saunas and private host-bars. The last are technically illegal but exist in all the cities. Some of the host-bars used to advertise in Borizaru magazine, but the fact they are host bars is only indicated in Japanese and English, not in Korean. The host bars in Seoul are very expensive. A group of customers will be served a bottle of scotch, plus five bottles of beer, and obligatory “side dishes” - plates of fruit or other snacks. In one host bar in June, 2002, the price, including the services of two hosts, came to 660,000 won, around 550 U.S. dollars. Koreans go to Korean style bars and host bars in groups.

⁴⁸ Benjamin Jhoty, East meets west in Itaewon’s gay enclave, Korea Herald, September 7, 2001.

⁴⁹ Ibid.

There are perhaps 30 gay saunas all over Korea, but they have not been advertised as gay, at least in the past. There were four in Chongno/Jongro and some in other parts of Seoul. In 1997 or 1998 a reporter for KBS TV, the Korean Broadcasting System, did an expose that ran on the main evening news. Video footage, taken with a hidden camera in one of the gay saunas, created a scandal. As a result, the saunas were closed. They later reopened. Many are described in the Utopia Guide to South Korea and on the Utopia-Asia website.⁵⁰ There are large gay discos in Itaewon, with crowds of 400 to 700 on a Saturday night. There were two gay cabaret shows, Ohlala Show Tokyo and Hahahoho. The latter has now closed. These shows are/were popular with tourists, particularly Japanese. They are not aimed at gay audiences. Ohlala Show Tokyo is/was on Itaewon street.

The Korean style karaoke bars do not pay the police. There are suggestions that other bars and saunas do make payments to the police. The police check the bars fairly regularly for teenagers. The bars in Itaewon close at 4 a.m., or on Sunday morning at 5 a.m. In Jongro the bars close later – 6 a.m. to 9 a.m. The police do not hassle the bars.

Lesbian bars are described as a growing phenomena

...mostly located not in Itaewon but in the area around Ewha Women's University [Ewha Woman's University] and Ongik [Hongik] University, a hectic student quarter that thrives with hole-in-the-wall eateries, karaoke joints, and bars beyond measure. Monghwang, a lesbian owned and operated bar-cage is a popular meeting place in Shinchon.⁵¹

THE FIRST LGBT ORGANIZATIONS, 1991-1993.

⁵⁰ Utopia-Asia is a long standing website with information on LGBT venues in Asia. In 2007 it published the Utopia Guide to South Korea, largely based on reader comments. It is called a second edition, but it is the first exclusively on South Korea.

⁵¹ Daniel Kane, Seoul Searching, Passport Magazine, February, 2003, 48 at 55.

The first LGBT organization, Sappho, was started by an American lesbian stationed with U.S. forces in Korea in 1991.⁵² It remained a group of English speaking women, basically a social group.

Three women from Sappho joined with some gay men to found Cho Dong Whey in December, 1993, but the organization was mainly male. It published a newsletter in January, 1994, but dissolved that month. In its place an organization for gay men, Chingusai, (between friends), began in February, 1994. It is remembered as the first open gay organization in Korea and continues to be active. It opened a very small office in Jongro, near Hongik University and started a newsletter and website.

An activist recalls learning of the organization from one of the ‘yellow’ papers, the local sensational tabloids. The initial response of gay Korean men was enthusiastic. They crowded into the tiny office, many sitting on the stairs. The founders of Chingusai were four or five core people, each in their late 20s. HIV concerns seem to have made the organization possible. Two of the founders were HIV positive. One had worked for the government’s national AIDS program. Another was a Korean who had studied in the U.S. and been a member of an organization there.

One of the early activists associated with Chingusai was Seo Dong Jin, who had a “strong background in student and labour activism in the late 1980s.”⁵³ A popular quick analysis quoted in 2004 goes as follows:

The 386 generation are at the political forefront today – Koreans in their thirties, born in the 60s, and fighting for democracy on university campuses in the 80s.⁵⁴

Seo Dong Jin was an ‘out’ gay public activist. He has said that other members of Chingusai were often uneasy about his openness and visibility.

Seo Dong-Jin is the public face of homosexuality in South Korea. He broke the silence on the topic in a society he describes as “sex-phobic” by coming out, at age of 30, in 1994. Since then, he has appeared extensively and regularly in the media,

⁵² A story in the Korea Herald gives this account: “The modern gay community can be traced to the 1970s. But it wasn’t until 1991 when Sappho, an American soldier who treated her lesbianism as a badge of pride, formed the first visible gay group.” Glen Choi, Church offers special haven for Korea’s gay community, Korea Herald, February 12, 2001. For mention of pre-Sappho groups see South Korea, in Stephen O. Murray, Pacific Homosexualities, Writers Club Press, 2002, 268. Sappho participated in the activities of coalitions of LGBT groups in the 1990s and continued having some association with the first Korean lesbian group, Kiri Kiri. There was some “language exchange” in which members of Sappho would teach English to members of Kiri Kiri, and members of Kiri Kiri teach Korean to members of Sappho. Sappho members would come to Kiri Kiri’s anniversary parties.

⁵³ Chris Berry, Seoul Man, Outrange (Australian gay magazine), August 1996, 38.

⁵⁴ International Institution of Asian Studies Newsletter, 2004.

published a book and lectured on sexuality and gender at colleges all over the country.⁵⁵

Three or four lesbians had been involved in the short-lived Cho Dong Whey. One, Jun Hye Sung, recalled difficulties working with the gay men in the organization. They were not supportive of feminist issues. They had patriarchal ideas, she said in an interview in 2006. Two of the lesbians involved were not on-going residents of Korea and left. Another went to the U.S. to study, leaving Jun Hye Sung as the only woman. At this point there were no lesbian bars in Seoul. Jun Hye Sung wanted to establish an activist lesbian organization. She placed advertisements in Chingusai's newsletter giving out her beeper number. Some lesbians who contacted her dropped out when they learned that the goal was activism. With about five other lesbian women, she formed Kiri Kiri (together) in November, 1994. Initially there were weekly meetings in cafes and bars. It started a newsletter "Another World" which was published from 1996 to 1999.

In October 1995, Kiri Kiri obtained its first office, which was large. However, as our members grew and the community's needs diversified, we realized that lesbians needed more than a large room in the basement of a building. Some members wanted Kiri Kiri to remain a purely social group for lesbians to meet other lesbians as friends and potential lovers. Other lesbians wanted Kiri Kiri to be an activist organization that lobbied for lesbian rights. The latter won out. Thus, Kiri Kiri's head at the time, Lee Haesol, opened a lesbian bar named Lesbos in May 1996, to create a space specifically for socializing.⁵⁶

Lee Hae Sol was the third women to head Kiri Kiri and the Lesbos bar was in fact a project of the organization. Members volunteered their time to fix up the interior. The bar was a group project to create a public lesbian space.

Three months later, three members of Kiri Kiri came out on national television – the first time for a lesbian to publicly come out in Korea – on a docu-news program called "Song Hin-Ah's News Files."

The opening of Lesbos and the airing of "Song Hin-Ah's News Files" were probably the two greatest impetuses for the growth of the lesbian community. Since the summer of 1996, four more lesbian bars have formed in Seoul, and many lesbian organizations have cropped up across the nation. In the last year [1997-8], lesbian-specific organizations were formed in Pusan (Anjun Ji-Tae), Taegu (Why Not), and Inchon (Han-Ur-Tari). Although none of these regional

⁵⁵ Chris Berry, Seoul Man, Outrange (Australian gay magazine), August, 1996, 38.

⁵⁶ Country Report on the Republic of Korea, by Kiri Kiri, distributed at the Asian Lesbian Network conference, Manila, 1998, copy in possession of the author. A second lesbian bar, Labrys, opened in 1997.

organizations have an office yet, they are growing in numbers and publishing newsletters.⁵⁷

Korean lesbians living in the United States knew of the New York based lesbian-oriented Astrea Foundation and helped put together an application for funding. In June, 1997, Kiri Kiri got a one-time only grant of \$6,000, which enabled the group to move to larger offices.

In 1995 Dong In Hyop was formed, the Korean Lesbian and Gay Human Rights Alliance (or the Queer Rights Alliance, or the Council of Homosexual Rights Activist Groups) by Chingusai, Kiri Kiri, Come Together (Yonsei University), and Mayum001 (Seoul National University).⁵⁸ It held the first lesbian and gay summer youth camp in 1995 and the first demonstration in 1996. The camps have been held off and on since that time, with the 9th held in 2006. They last from two to eight days and may be in Seoul or outside the city.⁵⁹ In 2001 and 2002 Dong In Ryun held winter human rights training schools. In 2003 it had a person in charge of “international solidarity” who linked with the International Gay and Lesbian Human Rights Commission (IGLHRC), a small organization then based in San Francisco. In 1999 IGLHRC gave both Kiri Kiri and Chingusai the annual Felipa de Souza Awards, recognizing their pioneering work on gay and lesbian issues.

Korean high school civics textbooks identified homosexuals with sexual license, and said they were responsible for the spreading of sexual diseases, including HIV/AIDS. Lim Tae Hoon was active in a lawsuit against the ministry of education, challenging the textbooks. In the end the ministry agreed to phase out the offending passages as school texts were replaced.

BOOKS AND TRANSLATIONS FROM 1994

The last half of the 1990s saw the publication of a number of Korean books, some of which were translations from English.⁶⁰

⁵⁷ Ibid. The best known example of an activist organization operating a public gay bar is the oldest organization in Europe, COC in the Netherlands, which for many years had, in effect, a commercial social club with drinks and dancing. It was a major source of revenue for the organization, as well as providing a public social space. Shortly after the opening of Lesbos in Seoul, a second lesbian bar, Labrys, opened.

⁵⁸ Dong In Hyop ceased to function in 1998.

⁵⁹ Daniel Kane, Seoul Searching, Passport Magazine, February, 2003, 48 at 54. The 1999 summer Gay Youth Camp, held in Seoul, involved 40 queer-identified teenagers, up from 10 the year before: Song Sang-Hoon, The gay situation in Korea, November, 1999, on the website yawningbread.org, accessed February 13, 2007.

⁶⁰ Information in this section is from Han Chaeyun, interview, June, 2006.

In 1994 and 1995 two volumes of essays by Korean homosexuals were printed. The first, *No Longer Sad or Ashamed*, was by members of Chingusai. The second, *Practice is Needed to Be a Scarecrow in Winter*, contains an account of a gay man who tested HIV positive.

In 1995 Noel Halifax's book, *Gay Liberation and the Struggle for Socialism*, originally published in 1988, was published in translation. The cover of the Korean edition invoked images from Keith Haring and Robert Mapplethorpe.

In 1996, Seo Dong Jin published in Korean a book entitled *Who Is Afraid of Sexual Politics? – Sexuality, Politics and Cultural Studies*. The cover reprinted one of the most extreme of Robert Mapplethorpe's photographs, a man on hands and knees, fully sheathed in rubber or vinyl, with a short small hose coming from his mouth. Apparently the vocabulary, syntax and style of the book made it very difficult reading – paralleling, in that way, the western writings of Eve Kosofsky-Sedgwick and Judith Butler, writers of the same era. We can see something of Seo Dong Jin's intellectual analysis and description of activist history in a 2001 translation of his article *Mapping the Vicissitudes of Homosexual Identities in South Korea*.⁶¹

A second Korean authored book, *The Transition from Taboo to Common Sense*, was published in 1997. The author wrote under the pseudonym Choe Andrea. Subsequently he moved to the US to study. Also in 1997, in Korean, *The Psychology of Homosexuality* was published, a well written but very academic treatise.

A series of translations followed

- in 1997 Paul Russell's *The Gay 100*
- in 1998 Susan Tyburn and Colin Wilson's *Breaking the Chains: The Struggle for Gay Liberation*
- in 1999 Kevin Jennings' *Becoming Visible*
- in 2000 Eric Marcus' *300 Questions and Answers About Gay and Lesbian People* (renamed "Coming Out")
- in 2003, *What the Bible Really Says about Homosexuality*.⁶²

Some Korean language books emerged in 2000, 2003 and 2005, including Han Chaeyun's *Lets Talk about Sex* in 2000, a lesbian sex guide that made money, but has not been sold in any bookstores.

⁶¹ In Gerard Sullivan, Peter A. Jackson, *Gay and Lesbian Asia*, Harrington Park Press, 2001, 65.

⁶² A similar pattern of translating English-language gay and lesbian books has occurred in Japan, but it may be more recent there. KSCRC paid US\$1,000 for the translation of *What the Bible really says about homosexuality*.

THE FIRST UNIVERSITY STUDENT GROUPS IN 1995

In Confucian influenced Korea, students and the well-educated play special roles. Apparently the formation of Chingusai and Kiri Kiri got little publicity. In contrast the 1995 formation of Come Together at Yonsei University, the second most prestigious university in Korea, was very controversial. The group was started by seven gay men, including Seo Dong Jin and Huso Yi. Young elite males at a top university were publicly declaring their homosexuality.

The organization was not formally recognized by the University, for Yonsei, founded by missionaries, was officially Christian. Protestant Christians in Korea are social conservatives. Student organizations began on other campuses. Lee Chung Woo founded a group at Seoul National University, the most elite of Korea's universities, and like Seo Dong Jin was open and active in the mid-1990s, appearing on television.

In 1995 Come Together organized a Sexual Politics exhibition on campus. They faced a counter-demonstration. Christian students

...circled our kiosks, praying and singing hymns. I realized they were re-enacting that passage in the Book of Joshua where God tells the people to circle the town of their enemies seven times while praying and when they do so the town is demolished by God's hand. In this case, when the kiosks didn't come tumbling down, the Christian fundamentalists tried to smash them with their crosses.

The Festival, and the violent use of crosses, triggered a huge controversy, not just on campus, but nationally. All the national news networks covered it.⁶³

The Korea Herald reported in 2001 that more than 30 universities now had gay clubs.⁶⁴

THE INTERNET: ANOTHER LOVE AND EXZONE FROM 1996

⁶³ Huso Yi, Life and Death in Queer Korea, March 7, 2003, part 2, published on the website the gully, accessed on globalgayz, February 13, 2007.

⁶⁴ Glen Choi, Church offers a special haven for Korea's gay community, Korea Herald, February 12, 2001.

South Korea is the world's most wired country. Broadband internet connects 72% of homes.⁶⁵

Hitel was a service provider in the early days of online communication. A gay on-line group Another Love started on Hitel on February 16th, 1996. Individuals had to become members, paying 10,000 won a month and separately paying for a telephone modem. It was fairly expensive and not anonymous (probably requiring the use of a national identity card number). Another Love was founded by Hyun Goo Kim, who had joined chat rooms on Hitel and decided to form an on-line gay group.

One of Hitel's newsletters noted the existence of certain unusual groups, in particular Another Love. This brought it to the attention of Han Chaeyun. She began her activist career in 1997 with Another Love. In 1998 Hyun Go Kim quit his job, devoting his time to Another Love. He went on to become active in Buddy magazine and the Queer festival. He came out on a television program in 1998. By 2006 he headed the gay-oriented AIDS organization ISHAP.

The two other main internet servers also ran bulletin board sites for gays and lesbians. Chollian had Queernet. Nawnuri had Rainbow. Sappho's Daughters was a lesbian group on Nawnuri's Rainbow site.

On June 7th, 1997, Jung Hin / Jung Jun (the King's Wife, a pseudonym) began Exzone. He had no background in computers and no connection with existing gay or lesbian organizations. He was determined to create a space in which gay men could interact socially. He did not share the activist orientation of groups like Chingusai and Kiri Kiri, which he felt sidestepped the emotional and sexual needs of people. They promoted respectability and criticized promiscuity. Exzone was anonymous and free. He had no goal of making an income from the initiative. Technology was still primitive, and advertisements to generate income were not possible on the service. Exzone proved very, very popular.

1997 was also the year that the *Youth Protection Act* was passed, a development largely unnoticed by gay and lesbian activists. The *Youth Protection Law* of 1997 was designed to check the distribution of harmful media materials and drugs to young people under nineteen. Under the law, a list of "harmful" matters included

...things promoting perverted sexual acts such as bestiality, group sex, incest, homosexuality, sado-masochism...⁶⁶

⁶⁵ AP, In a wired South Korea, robots will feel right at home, Bangkok Post, April 4, 2006, 15.

⁶⁶ As quoted in the press release, National Human Rights Commission, April 2, 2003, accessed on the website of the Commission, April, 2003.

Anything relating to homosexuality was to be kept from youth. The Commission on Youth Protection developed a list of 120,000 websites that were to be banned, including those of Advocate magazine, ILGA, gaytoronto and gayvancouver. We turn to the fight over this banning a bit later.

The impact of the internet in South Korea was very significant.

The internet changed Bae Sun Yong's life. As a teenager growing up in a conservative family in Seoul, Bae struggled with his homosexuality. Then one afternoon, surfing the Web, he came across a gay on-line community. "I realized I wasn't alone," says Bae, now 24, and an outspoken advocate for gay rights in South Korea. "I've come to learn there are many people like me." ...

"The internet has had a huge impact," says Ko Seung Woo, a representative of the gay-rights group Solidarity for LGBT Human Rights of Korea. "In a society that is very closed and intolerant, the on-line space is basically the only place that people can feel at ease talking about their sexual orientation."

South Korea's largest internet service, Daum, has hundreds of gay-themed web communities, including groups of homosexual university and high-school students and Koreans abroad. The country's largest gay-oriented portal, Ivancity.com, has about 70,000 members and registers more than 20,000 hits a day. Similar sites now exist in many other Asian nations, including China.

For South Korean gays like Bae, the freedom they find on-line is often in stark contrast to the social restrictions they encounter in the real world. After he came out, Bae explains, "people at work ostracized me" and he was pressured to quit his job, which he did a month later. His parents kicked him out and told him he should go to a hospital to be cured. For support, Bae turned to gay friends he had made on-line.⁶⁷

A study of gay and lesbian internet use in Korea and Taiwan in 1997 concluded that gay and lesbian sites

...were extremely highly used, extremely lively spaces of l/g/q emotional support, political debate, and sexual and creative expression. Their existence meant that massive numbers of people with otherwise limited access to any sort of l/g/q culture could imagine themselves as a community and participate, at little or no cost, in "community events" online twenty-four hours a day.⁶⁸

⁶⁷ Gordon Fairclough, A World of Their Own, FEER, October 28, 2004, 60.

⁶⁸ Chris Berry, Fran Martin, Syncretism and Synchronicity: Queer'n'Asian Cyberspace in 1990s Taiwan and Korea, in Chris Berry, Fran Martin, Audrey Yue, Mobile Cultures: New Media in Queer Asia, Duke, 2003, 87 at 103.

GAY FILM FESTIVALS FROM 1997

A gay film festival was organized in 1997 by Seo Dong Jin. It was to be held on the campus of Yonsei University. But on the opening day, the university blocked the event, cutting off the electricity in the theatre and locking the doors. That year, Korean filmmaker Wong Kar Wai's film *Happy Together*, dealing with two Taiwanese gay men, was banned.

A pioneering public protest was held in 1997 in Tapgol Park in the Jongro area of Seoul.⁶⁹

...around the time of the banning of the first Seoul Queer Film and Video Festival in September 1997, news and petitions were circulated and gathered simultaneously in Korean and English by fax, email, snail mail, and by hand.⁷⁰

In November, 1998 the first Seoul Queer Film and Video Festival was successfully held.

The first Seoul Queer Film and Video Festival finally went ahead in November, following a year of campaigning by the organizers. The festival, the first public lesbian and gay event in South Korea, had been due to take place in the autumn of 1997, but on the opening day local authorities literally pulled the plug by cutting off the electricity to the cinema.

Seo Dong-hin, the festival's executive director, and a group of volunteers, collected more than 10,000 signatures on a petition in support of freedom of speech and expression. Following the election of a more democratic government, the film censorship board revised the law which allowed "no representation of homosexuality" on film to "no excessive representation of homosexuality."

The lesbian and gay film festival went ahead at the Art Sonjae Centre with some compromises to the original programme. Barbara Hammer's *Nitrate Kisses* was dropped because it includes full frontal nudity. Only "professional audiences" were allowed to view the films so the organizers were obliged to ask every person who wished to buy tickets if he or she was a "professional" before the sale could go ahead,

⁶⁹ A picture of the demonstration appears in *Buddy* magazine, issue number 20.

⁷⁰ Chris Berry, Fran Martin, *Syncretism and Synchronicity: Queer'n'Asian Cyberspace in 1990s Taiwan and Korea*, in Chris Berry, Fran Martin, Audrey Yue, *Mobile Cultures: New Media in Queer Asia*, Duke, 2003, 87 at 103.

Many screenings were sold out, including surprisingly interesting fresh features like *Killer Condom* and the kitsch lesbian musical *Isle of Lesbos*, as well as a selection of Korean shorts.⁷¹

The second festival was held in September, 2000. Seo Dong Jin reported that 85% of the seats were sold, and more than 10,000 individuals attended showings over the ten days of the festival. It received financial sponsorship from the Korea Film Commission, a new and official kind of recognition.⁷² Seo Dong Jin declared

... we are proud to abolish almost all lawful and institutional obstacles to head off the queer view in Korean Society. In the end, the festival won the cultural civil rights to make and show queer film and video works.⁷³

BUDDY MAGAZINE IN 1998

In 1998 Buddy magazine began, the project of Han Chaeyun and her partner. This was a pioneering attempt to produce a gay and lesbian magazine for general commercial circulation. No permit was required for the magazine. The owners simply had to register their publishing company. The main problem related to the *Youth Protection Act*. To avoid a requirement of placing a warning on the cover indicating that the magazine was forbidden for those under 19 they claimed that the issues of the magazine were in fact separate books.⁷⁴ The government's committee on periodicals had threatened to seize the copies of the magazine. Now the government's committee on books threatened prosecution.

The magazine was well known – it caused a public sensation when it was first published. A documentary on the magazine, made by the editor, was broadcast on SBS, the Seoul Broadcast Center.

⁷¹ Film festival goes ahead in Korea, *Gay Times*, London, February, 1999, 54. And see Chris Berry, *My Queer Korea: Identity, Space, and the 1998 Seoul Queer Film and Video Festival*, *Intersections*, Issue 2, <http://www.she.murdoch.edu.au/intersections/issue2/Berry.html>.

⁷² Second queer filmfest celebrates changing views, *Korea Herald*, August 4, 2000.

⁷³ Korean film festival seeks entries, *Wockner International News*, April 17, 2000. The third Seoul Queer Film and Video Festival was held in September, 2002. The Seoul festival and the Japanese gay film festival cooperate. The Pagoda Queer Film Festival was held in March, 2003, showing four feature-length films and 16 shorts: Joon Soh, *Series* focuses on gay-themed films, *Korea Times*, March 11, 2003. Chris Berry refers to the Pagoda Theater as “a regular mainstream theatre but a notorious gay cruising zone...”

⁷⁴ The first three issues were treated as magazines, then the publishers shifted to the designation of the publications as books. Gaya Nusantara, the first Indonesian LBT organization followed a similar tactic, claiming that their magazine was a serialized book in order to evade controls.

It was impossible to get the magazine into convenience stores. Local bookstores were often uncooperative. Kyobo books, the largest bookstores in Korea, refused to handle the magazine. When Han Chaeyun went to them with a media reporter asking questions, they decided that handling the magazine was necessary to avoid publicity. But even bookstores that handled the magazine often did not display it prominently.

Only a few gay bars advertised in the magazine. It was not a profitable operation. No one working on Buddy received any kind of a salary, with the sole exception of the individuals doing the layout.⁷⁵ Most of the work was done by volunteers, with costs subsidized by Han Chaeyun and her partner. The magazine came out monthly until its 15th issue. Then it became very irregular, with the last issue published in December, 2003. A Korean language website, [www. buddy79.com](http://www.buddy79.com), is accessible, but, in mid-2009, was not active.

Borizaru magazine started in October, 1998, as a monthly free newspaper with just four pages. It had information on gay bars and gay life, no advertisements, and two pages for free personal ads. The editor took the nickname Borizaru, which means barley sack (signifying poverty or deprivation – only having a barley sack). Borizaru had graduated in 1995 from a four-year theology program at a Presbyterian University in Daegu City. He started and ran a gay Christian church in Seoul from 1997 to 1999, with about twenty members. Some of his church members condemned him for starting the magazine. Others supported him.

Borizaru quit his computer job in 1999 to work full time on the magazine. He changed its format and style. The personal ads ended after the first year. It took on a 6 x 8 ¼” format, and around 200 pages, much the same size and look as the Japanese gay magazines with which Borizaru was familiar. Why the small format? Koreans are still closeted. It is easier to discretely carry a small magazine, the editor explained.

Borizaru magazine featured romantic stories, news, and a section for Chingusai. There were no personal ads. The magazine was published monthly, given away free. It was full of paid advertisements, many with very sophisticated full-color layouts. Half of the gay venues in Korea advertised in the magazine. It was financially successful, but completely dependent upon the only staff person, the editor, and support from volunteers. In 2002, the runs were 4,000 copies each.

The editor did not go to the industry committee on monthly magazines for a decision on whether the magazine could be openly distributed. It was never available in bookstores. It was available in a very limited way in gay bars. Usually it was not visibly displayed. There were only about 45 subscribers. The editor wanted to have it sold in

⁷⁵ Kim Hyun-Go, founder of Another Love, worked without salary for Buddy magazine, getting sponsors, advertisements from gay bars and writing some articles. He covered his own expenses.

regular bookstores, but at least some of the gay bar owners who advertised in the magazine did not want it to become better known or more visible. Some say having it as a secret magazine fit well with the closeted nature of gay life in Korea. As with Buddy, the magazine has ended publication.

A third publication used a newer Korean usage for homosexual, Ivan or Iban (literally meaning outside class, other people or general people – in contrast to high class people). Ivan magazine started in 2001, using an 8 x 11 ½” format. Ivan is distributed free in gay bars, and published bi-weekly. The publisher works in a gay bar in Jongro. In 2002 the print run was 1,000 copies.

The police did not cause problems for these magazines, none of which featured full nudity.

THE KOREA QUEER CULTURE FESTIVAL – MUJIGAE (RAINBOW) FROM 2000

The first public “pride” event in Korea was a two-day Queer Culture Festival in September, 2000, organized by all of the Seoul groups, Chingusai, Kiri Kiri, Buddy, Borizaru, Dong In Ryun, and the university groups. It took its Queer name from the Queer film festival. It was held at Yonsei University in Seoul. A small parade was held on the last night with 20 people carrying candles. The festival was covered in the press.

In September, 2001, a three day gay festival was held at Hongik University, known for its art programs. The event was chaired by Han Chaeyun, who was the usual chair of the later festivals as well. An advance release read in part:

“I hope the ‘Rainbow 2001’ to be a brilliant, hilarious and gay fete, not one that casts frowns on people’s faces, because it is a ‘festival,’ Soh [Dong Jin] added. ... Hong [Suk Chun], who attended the world queerfestival “Sydney Gay+Lesbian Mardi Gras 2001,” said “Famous world queerfestivals such as those held in London, Sydney and Amsterdam also had difficulties in their initial stages, but they all took firm root in their respective society in time. Likewise, the ‘Rainbow’ festival in Korea, though it is now a toddler, will surely grow, but this will certainly require lots of public interest and help.”⁷⁶

The parade, with around 250 participants, lasted 30 minutes, limited by tight police control. Inchun Television did a half hour news documentary with footage of the parade,

⁷⁶ Ryu Hin, Gender Minorities to Stand Brave at Queer Fest, Korea Times, reprinted in www.chingusai.net.

an interview with Borizaru, a segment on transgender issues, and comment on the firing of Hong Suk Chun. There were small articles in newspapers as well.

The third festival, “Korea Queer Festival Mujigae 2002,” was held the 4th to 8th of June, 2002, in Itaewon. The date was moved from September in order to share in the football World Cup celebrations. Seoul was buzzing. There were football fans from all over the world, and dozens of special tent booths on main streets, selling souvenirs and snacks.

The queer festival began with three days of films, held in an art theatre in a major insurance company building in central Seoul. A photography show hung in a public gallery space in one of the main subway station concourses. The photos included some suggestive blurred figures inside a sauna, and a striking take of “homo hill.” The present author gave a public talk on international law developments to around fifty Koreans in a conference room in the insurance company building. Both the written text and the talk were translated into Korean.

The police warned that they could not assist the queer parade, for the World Cup events were taking all their time. They decreed that the parade could only last 25 minutes. The parade on Saturday was on Itaewon road, but the route only involved about three blocks. After a u-turn, two to three hundred jubilant marchers ended the parade at an outdoor stage. Hong Suk Chun, with his shaved head and hot body, was a dazzling chairman. A dynamic lesbian singer was the second shaved head on the program. The crowd waved their rainbow colored mujigae fans. And the police were there to help control traffic and see that the event went smoothly. No bars or businesses were represented in the parade, so there were no floats. Many in the parade wore red arm bands, indicating that they did not want to be photographed by media, a pattern that has continued each year.

The Korea Queer Culture Festival (KQCF) celebrated its tenth anniversary in June, 2009.

On Saturday, an estimated 1,500 people marched along the Cheonggye Stream in downtown Seoul. The main event of the 10th annual Korea Queer Culture Festival (KQCF) marked South Korea’s largest-ever celebration of homosexuality. The procession was led by a troupe of *pungmul* folk musicians and three trucks outfitted with rainbow flags, dance platforms and speakers playing Korean pop. Locals wearing “God made Queer” buttons marched with foreign English teachers and teen boys donning mouse ears and pleated skirts. The 15-day event kicked off on May 30 with a photo exhibition and an event organized by the queer youth group, Rateen. From June 3-7, the Seoul LGBT Film Festival (SeLFF) screened 29 feature films, documentaries and short films at the Seoul Art

Cinema. Following Saturday’s parade, an after party at Club Pulse in Itaewon lasted well into Sunday morning.⁷⁷

In June, 2009, Chingusai organized ‘Stonewall Street Festivals’ in the southern cities of Busan, Gwangju and Daegu.⁷⁸

THE FIRING OF HONG SUK CHUN IN 2000

In 2000, Hong Suk Chun, a 29 year-old comedian and stage actor, was unexpectedly asked about his sexual orientation during the filming of a television program. His answer was cut from the program. He agreed to answer questions in an interview for a magazine. The story was to be held for three months, to give Hong time to prepare for the public revelation. But two days later the story was printed. He then publicly came out on the television program “Midnight Entertainment Live.”

More than just hot news, it was a historic moment. No Korean entertainer had ever publicly admitted his/her homosexuality. It was a brave act, a giant leap for the gay rights movement in Korea. Or so many probably thought, until they saw how the actor “came out.” He cried, apologized, begged for society’s forgiveness and pleaded that he not be expelled from the entertainment industry. “I really tried to live properly, but I’ve failed. I’m sorry,” he said, addressing his parents between sobs. To the audience, he quivered “If you find that you don’t like me anymore, I don’t know what I’ll do. I’m so emotionally worn out. I’m so sorry to the audience, who trusted me and feel betrayed.”⁷⁹

Hong was immediately fired by two national television networks. MBC and SBS justified the firing, citing “negative influence on teenagers.”

He was well-known for his campy roles, including one as a fashion designer in a sitcom. Says Hong: “I was very upset they fired me so quickly. I’m sure they already knew I was gay.”⁸⁰

In an interview with the Korea Herald, Hong said he feared that his career was finished. The interview talked of a particular gay role he had played:

⁷⁷ Matt Kelley, From 50 to 1,500: Korea Queer Culture Festival turns 10, fridae.com, June 16, 2009.

⁷⁸ Gay festival to be held in Busan in June, The Korea Herald, May 28, 2009.

⁷⁹ Kim Mi-hui, Coming out of the closet or leaving dungeon? Korea Herald, October 6, 2000.

⁸⁰ John Larkin, Kim Jung Min, Outcast, Far Eastern Economic Review, November 2, 2000, 76.

Herald: The role that really boosted your career was the part on the MBC sitcom “Three Men, Three Women,” in which you played a character that was obviously gay [the effeminate fashion designer]. In fact, one could say that the outlandish and extremely effeminate character was an insulting stereotype of a gay person.

HSC: Playing that character was very tough for me. I had to go to gay clubs and copy the movements and manner of speaking of other more flamboyant gay people. But that character was not a stereotype. There really are gay people like that.

Herald: So it was okay for the writers to create a gay character, but not ok for the actor who plays the part to admit to being gay.

HSC: (Laughs) But that character never came out of the closet. He sometimes went on dates.⁸¹

The firing was controversial and got extensive international coverage, including stories in the Far Eastern Economic Review, the Wall Street Journal and the Christian Science Monitor.

The Korean Confederation of Trade Unions formed a coalition to help Hong, and held a press conference condemning any discrimination on the basis of sexual orientation.⁸²

The firings were protested by other celebrities and gay activists who formed a Hong support group. Since coming out, Hong has appeared on some cable TV shows and released an album of Christmas music, but he had been blacklisted by the over-the-air networks. For the immediate future, Hong will host a cable TV program called “Sex and Health” and write his memoir, entitled “I Still Get Thrilled About Illicit Love.”⁸³

Some TV appearances have come his way. He appeared in an “All Star Show” on New Year’s day, 2001.⁸⁴ But there was less work than before. His American partner teaches at one of the universities in Seoul. The university administration told him to break off the

⁸¹ Hong Suk-chon: Coming out proud, Korea Herald, October 6, 2000.

⁸² Ilene Prusher, South Korea: Gay confession ignites debate, Christian Science Monitor, January 17, 2001.

⁸³ Gay Korean actor makes comeback, Wockner International News, December 25, 2000, citing a report in the Korea Herald. The autobiography was published around the beginning of 2001.

⁸⁴ Gay actor Hong ‘coming back’, Korea Herald, December 22, 2000.

relationship with Hong or lose his job. But the university backed off from the threat and offered an apology.

In 2003 he was cast in one of the main roles in *Perfect Love* (or *Complete Love*), a three month SBS television drama, a breakthrough. He played an openly gay designer. He looked back on his coming out:

His parents' disappointment caused him to regret telling the media about his personal life. Reproaches from other homosexuals also forced him into a corner. "Some welcomed my coming out. But many more didn't. They reprimanded me saying that it was like trying to fix something that wasn't broken," Hong said. "that is much more difficult to bear than social discrimination."⁸⁵

What of public opinion?

In a recent poll taken by the daily newspaper *Joongang Ilbo*, 77.5 percent of Koreans acknowledged that homosexuals were discriminated against, but about two-thirds also said they believed homosexuality was wrong and sinful. The same poll found that 59.2 thought it was unfair to take Hong's job away from him, compared to 39.7 percent who thought the television station did the right thing.⁸⁶

Hong Suk Chun is the most visible gay figure in Korea. He was the natural leader of the Queer Culture Festival parade events in 2002. In 2003 he played a gay designer in *Complete Love*.⁸⁷ In 2008 he co-hosted a 12-episode series "Coming Out" on cable television, aired at midnight. The show features profiles of people who have come out to their family, friends and coworkers.

...Hong told reporters that when he first heard about the project he thought it was "crazy" for Koreans to out themselves on national television. Based on his painful personal experiences, he said he sympathises with young Koreans who remain in the closet. "I don't advise people to come out because I know it is a hard decision. But as for myself, I have never been happier. I don't have to lie to myself any more."⁸⁸

⁸⁵ O Youn Hee, *Gay TV star fights social prejudice*, *The Korea Herald*, September 6, 2003. It was also true in the West in earlier years that some gay men resented activists who made homosexuality more visible by coming out and pushing issues. See also, Norimitsu Onishi, *Korean Actor's Reality Drama: Coming Out as Gay*, *New York Times*, October 1, 2003, A3.

⁸⁶ Ilene Prusher, *South Korea: Gay confession ignites debate*, *Christian Science Monitor*, January 17, 2001.

⁸⁷ *Comeback for gay TV star*, *The Advocate* (Los Angeles), November 11, 2003.

⁸⁸ Matt Kelley, *Seoul's spring forecast: More visibility for Korea's queers*, *fridae.com*, June 3, 2008.

In 2004 he expressed some frustration:

“I can’t fight by myself forever. I came out four years ago, and now, nobody [else] has come out.”⁸⁹

THE NATIONAL HUMAN RIGHTS COMMISSION IN 2001

The United Nations urges states to establish “national institutions” for the promotion and protection of human rights, and has formulated guidelines for such bodies. Korean non-governmental organizations proposed a national commission for Korea at the United Nations World Conference on Human Rights in Vienna, Austria, in 1993. The government adopted the idea in 1996, both in a statement in the National Assembly and later that year when Korea made its periodic report to the U.N. Committee on the Elimination of Racial Discrimination. The proposal for a national commission was in the platform of Kim Dae Jung in his successful 1997 election campaign for the presidency.⁹⁰ In a speech in Philadelphia in 1998, accepting a human rights award, he pledged to establish a commission that year. It took three years. Non-Governmental Organizations played an important role in the process of finalizing the legislation. During Kim Dae Jung’s presidency

Grassroots and nationwide social organizations sprang up covering a variety of issues ranging from environment preservation, consumer protection, to women’s equal rights, etc. In addition, radical labor movements began to lose ideological fervor when democratic labor unions were legalized along with the conservative Federation of Korean Trade Union. ...Kim had to increasingly rely on mobilizing popular support through civil organizations.⁹¹

Kim Dae Jung repeatedly stated his wish that the human rights commission bill should be welcomed by human rights NGOs and should be in conformity with international standards.⁹² There were extensive protests against the Department of Justice’s first

⁸⁹ Lisa Hanson, Gay Community at crossroads, the Korea Herald, June 24, 2004.

⁹⁰ He served as President from 1997 to 2003.

⁹¹ Heng Lee, Professor of Political Science, Inje University, Democratic Consolidation and the 2002 Presidential Election, unpublished, presented at the University of British Columbia, May 9, 2003, copy in possession of the author. Heng Lee comments that these new NGOs did not share the radicalism of the earlier student and labor movements, a factor which allowed them to work more closely with the government and politicians.

⁹² Information from Professor Kwak Nohyun, Law Department, Korea National Open University, who was active in the NGO work.

legislative drafts. Gays and lesbians participated in the protests, including a hunger strike at the Myung Dong Catholic Cathedral. Lim Tae Hoon, then with Don In Ryun (the Lesbian and Gay Human Rights Federation), was a key activist in this work.

After Kim Dae Jung received the Nobel Peace prize, he assigned the commission project to Chung Dae Chul, a very bullish congressman, who later became the chair of the Millennium Democratic Party. From the third Department of Justice draft onwards, the text included “sexual orientation” as a prohibited ground of discrimination. The Department of Justice did not contest that a prohibition on discrimination on the basis of sexual discrimination was within established universal human rights standards.⁹³ In the debate in the National Assembly the inclusion of sexual orientation was not contested. Debate focused mainly on the independence of the commission.

The national assembly passed the *Human Rights Commission Law* in April, 2001. It provided that individuals or organizations could file complaints about discrimination on the basis of

...sex, religion, disability, age, social status, birth place, nationality, ethnicity, physical condition, marriage status, family origin, race, ideology, sexual orientation, and health condition.

The first chairman of the National Human Rights Commission, Kim Chang Kuk, was a member of Minbyun, Lawyers for a Democratic Society. This is a very progressive grouping, and President Roh Noo Hyun, who took office in February, 2003, had been an active member of Minbyun, along with a number of his senior advisers.

In early 2002 a representative of the Human Rights Commission met with Chingusai. Chingusai prepared a report on the situation of gays and lesbians in Korea for consideration by the Commission, including the issue of the censorship of the exzone web site. As with other national human rights commissions, the NHRCK established on-going working relations with a number of civil society non-governmental organizations. On April 25th, 2003, Kukmin Daily reported that the National Human Rights Commission had entered into contracts with Kiri Kiri and Dong In Ryun. Kiri Kiri was to receive around US\$5,000 for a program to instill self-pride in lesbians. Dong In Ryun was to receive slightly more for a program of human rights seminars or workshops on university and college campuses on sexual orientation issues. The newspaper account quoted

⁹³ The Human Rights Committee, established under the *International Covenant on Civil and Political Rights*, had ruled in 1994 in *Toonen v. Australia* that the equality provision in the *Covenant* prohibited discrimination on the basis of sexual orientation, by holding that it was a form of discrimination on the basis of sex. That ruling may have provided the basis for the Department of Justice in Korea to say that including “sexual orientation” in the human rights commission legislation was in line with universal standards. But an alternative analysis is that the Department of Justice was concerned with the issue of the independence of the Commission, and was not prepared to fight over less important issues like the inclusion of sexual orientation.

criticisms of the action by the Commission.⁹⁴ Similar working relationships with LGBT NGOs were established by the National Human Rights Commission of Thailand in the same period.

It was the international human rights reputation of Kim Dae Jung that triggered the national human rights commission project, aided by active Korean NGOs. He wanted a commission that the human rights NGOs would support. They were playing a stronger role during his presidency than at any earlier stage of Korean politics. Those NGOs worked with the gay and lesbian organizations, so it was logical that the inclusion of “sexual orientation” would be in their demands.

If any of the actors looked at international law, they would have seen that the *Toonen* decision of the U.N. Human Rights Committee in 1994 determined that discrimination on the basis of sexual orientation was against international standards as a form of discrimination on the basis of sex. The inclusion of “sexual orientation” was not in dispute by the time of the debate in the national assembly in April, 2001, in spite of conservative social views in Korean society. Even the draft bill supported by the conservative Grand National Party included “sexual orientation.” South Korea is a pioneering example of international human rights developments prompting a domestic reform that targets discrimination on the basis of “sexual orientation.”⁹⁵

With an explicit mandate and progressive presidential appointees, the National Commission, as soon as it was operational, included sexual orientation issues in its work. There were gay and lesbian NGOs in place to file complaints and work with the Commission, and their existence is acknowledged on the website of the Commission.

The Commission has investigated LGBT issues, and proposed reforms in at least five cases.

(1) Correcting dictionaries.

In March, 2002, the Lesbian and Gay Human Rights Federation and the gay university clubs objected to the disparaging definitions of homosexuality in Korean

⁹⁴ Information from Professor Kwak Nohyun, April, 2003. A listing of “sexual orientation” NGOs on the website of the National Human Rights Commission in 2003 referred to Chingusai, Kirikiri and the Lesbian and Gay Human Rights Federation.

⁹⁵ South Africa was influenced by developments in other countries, but the main thrust for change came from the work of Simon Nkoli within the African National Congress. Australia has reflected international law influences with (a) domestic implementation of the *Toonen* decision, (b) the citing of International Labor Organization standards in the ending of discrimination in the military and (c) implementing the *Young* decision on veteran’s pensions. The US Supreme Court in *Lawrence v Texas* cited international law material in striking down a domestic sodomy law.

dictionaries. They named the National Academy of the Korean Language, the publisher of the standard Korean dictionary, and nine other publishers.

According to the result of the Commission’s probe, most dictionaries currently published in Korea – including Korean dictionaries, English-Korean dictionaries, and Korean-English dictionaries – have defined homosexuality as ‘sexual perversion’ or ‘abnormal sexuality,’ using similarly disparaging terms. However, as most respondents accepted the demands of the complainants during the Commission’s deliberation, from this time forward, the discriminatory expressions about homosexuality will be removed from the various dictionaries published in Korea.⁹⁶

(2) Censoring gay websites (discussed in the next section)

(3) Sexual violence in the military

A 2004 report said sexual violence in the military, among other things, led younger males to develop a hatred for gays and anxieties about not being sufficiently masculine.

(4) Questions for blood donors.

The Commission concluded that asking blood donors whether they had had sexual conduct with someone of the same sex raised serious problems. If the question was answered positively, the person was not permitted to donate blood, suggesting a strong link between homosexuality and HIV infection. The automatic refusal was to end, and the question was not to be asked of women, for lesbian incidence of HIV is very low.

(5) The *Healthy Families Basic Act*.

The *Healthy Families Basic Act*, which has implications for social services, limits its application to families based on marriage, blood ties or adoption. The Commission concluded that this can result in “discrimination in society in which the number of diverse types of families is on the rise.” The Commission asked that the law be revised and the title changed, for it implied that some families were ‘unhealthy families.’

In 2007 the U.N. treaty body, the Committee on the Elimination of Discrimination against Women (CEDAW), after considering a progress report by the Korean government, criticized the *Healthy Families Act*. One committee member called it a

⁹⁶ Press release, National Human Rights Commission, December 24, 2002, accessed on the Commission website April, 2003. Also see Homosexuals no longer ‘perverts’, fridae.com, November 21, 2002.

...judgmental piece of legislation” as it strived to maintain the traditional type of family at the exclusion of cohabiting and same-sex couples.

The government delegation did not respond directly to the issue of same sex couples, but maintained that a decision had been made to change the title name to “family act” and that “[a]ll kinds of families would be protected under the new legislation”.⁹⁷

EXZONE AND THE YOUTH PROTECTION ACT - 2001

A webmaster, using the name Jung Jun (meaning King’s wife) established South Korea’s oldest gay website, [www. exzone.com](http://www.exzone.com), in 1997. Jung Jun had no background in the gay organizations. He felt that they were trying to be too respectable and were not sex-positive. Advertising was not yet possible on such a site, so the initiative was not profitable. Jung Jun, himself, paid the modest fee to the service provider. The site became very popular. It was anonymous and free.

Also in 1997 the National Assembly passed the *Youth Protection Act*. Exzone received a notice from the government in 2001 saying the site should be blocked to anyone under 18, under the authority of the *Youth Protection Act*. The government blocked access to the site for schools, libraries, state offices and cybercafes. Koreans could access the site from home computers. Other web sites were also affected. There were protests. The gay chat room web sites closed down for two or three days to alert everyone to the censorship. All the gay web sites posted their objection to the censorship on their home pages during this “strike”. It effectively publicized the issue among gay men.

In 2001 Dong In Ryun, Chingusai, Buddy, Borizaru and the Queer Film Festival joined together to protest the censorship. They formed Dong Cha Gong, the Lesbian and Gay Alliance against Discrimination. The International Gay and Lesbian Human Rights Commission, based in the United States, sent out the following “Action Alert:”

The Ministry of Information and Communications (MIC) of the Republic of Korea (South Korea) recently adopted an internet content rating system classifying gay and lesbian websites as “harmful media” and enforcing their blockage – all under the guise of protecting youth.

The Ministry acted after an April 2001 decision by the Korean Information and Communications Ethics Committee (ICEC) – an officially independent body with

⁹⁷ Source: [http:// www. un.org/News/Press/docs/2007/wom1646.doc.htm](http://www.un.org/News/Press/docs/2007/wom1646.doc.htm)

wide censorship powers – which classified homosexuality under the category of “obscenity and perversion” in its “Criteria for Indecent Internet Sites.” Activists in Korea trace the roots of this definition to a 1997 law which classifies descriptions of “homosexual love” as “harmful to youth.” Since the MIC accepted this classification in July, access to gay and lesbian websites throughout Korea has been effectively blocked.

The International Gay and Lesbian Human Rights Commission joins the Lesbian and Gay Alliance Against Discrimination in Korea (LGAAD), a coalition of over twenty lesbian and gay rights organizations (as well as website masters), in calling for URGENT letters of protest to end this internet censorship, revise the repressive 1997 law, and protect freedom of expression in Korea.⁹⁸

In protest, sixty people became involved in a serial hunger strike for sixty days in front of Myung Dong Catholic Cathedral, a famous site for strikers in Seoul. Each person fasted for a day. Five persons in the hunger strike were gay – 55 persons were non-gay activists, members of Free On Line.⁹⁹ Huso Yi, living in New York City, worked with IGLHRC on the exzone issue.

Amnesty International condemned the censorship:

Amnesty International considers the blanket censorship of gay and lesbian websites as a violation of the fundamental human rights of individuals to be protected against all forms of discrimination, as guaranteed by the South Korean Constitution. ... The censorship also violates freedom of expression guaranteed under Article 19 of the ICCPR [the International Covenant on Civil and Political Rights] to which the South Korean government is a signatory. Moreover it violates freedom from discrimination guaranteed under Article 2 of the ICCPR.¹⁰⁰

On Wednesday, January 9th, 2002, the Lesbian and Gay Alliance against Discrimination, filed a lawsuit against the government censorship of exzone.com, arguing that it was a violation of the Korean Constitution, which guarantees freedom of expression, speech and of the press. A press conference announced the lawsuit. The story was spread around the world by Associated Press.¹⁰¹ “The government has no right

⁹⁸ IGLHRC Alert: Protest blockage of gay internet sites in Republic of Korea, August 23, 2001.

⁹⁹ The gay hunger strikers were Seo Dong Jin (Queer Film Festival), November 2nd, Borizaru, November 11th, Han Chaeyun (Buddy Magazine), November 15th, a member of a university group, December 5th, and Park Chul Min, chairman of Chingusai, December 15th.

¹⁰⁰ Amnesty International report Summary of Concerns and Recommendations to Candidates for the Presidential Elections in December, 2002.

¹⁰¹ Gays sue govt for blocking website, AP, The Nation (Bangkok), Sunday, January 13, 2002, 11A.

to determine people's sexual orientation, " said Lim Tae Hoon at the press conference.¹⁰² The Korea Times reported:

In a press conference Wednesday, the homosexual organizations contended that the decision obviously violated the right to freedom of expression, speech and press guaranteed in the Constitution. ... Since the introduction of the Internet Content Filtering Ordinance, which took effect since last July, the censorship body has blocked more than 12,000 websites.

"The law has a nice-sounding name, but its true purpose is to curb people's freedom of expression that is guaranteed by the Constitution," [Lim Tae Hoon] said. "An international law has already defined sexual orientation as a status protected against discrimination," the groups said in a statement. Even if they fail in the legal fight at home, Im [Lim] said, they would appeal to international organizations, including the United Nations Human Rights Committee.¹⁰³

A brief trial was held on September 2nd, 2002. The sole witness was the out-gay activist academic Seo Dong Jin. Jung Jun recalls he gave a one hour lecture on the oppression of gays and lesbians.¹⁰⁴ On October 14th the judge upheld the censorship, but left open the possibility that it could be found to be contrary to the constitution. An appeal was filed.

Kirikiri and Dong In Ryun (the Lesbian and Gay Human Rights Federation) filed petitions with the Human Rights Commission against the banning of exzone and other GLBT websites. On April 2nd, 2003, the Commission issued statement "Web sites on Homosexuality Are Not Harmful to Minors." The Commission concluded that the discrimination against homosexuals involved in the banning was a violation of three provisions in the Constitution, Article 10 (right to pursue happiness), Article 11 (right to equality) and Article 21 (freedom of expression).

Furthermore, the American Psychiatric Association deleted 'homosexuality' from its list of mental illnesses in its 1974 publication of Diagnostic and Statistical Manual of Mental Disorders, and the World Health Organization (WHO) stated "sexual orientation has no relation to mental disorder" in their ICD-10 (International Statistical Classification of Diseases), published in 1993.

¹⁰² Gays file lawsuit, AFP, Bangkok Post, Thursday, January 10, 2002, 5; Gay Koreans sue over web site access, PlanetOut.com, January 10, 2002..

¹⁰³ Kim Deok-Hyun, Homosexual Website Closure Invite Storm, Korea Times, January 11, 2002. As noted earlier, the UN Human Rights Committee in *Toonen v Australia* had held that the *International Covenant on Civil and Political Rights* barred discrimination on the basis of sexual orientation. Korea has ratified the covenant.

¹⁰⁴ Interview, June, 2006.

In South Korea, there is a growing awareness of the need to regard homosexuality as normal sexual orientation and protect the human rights of gays and lesbians. In addition the ‘Korean Standard Disease Classification’ announced by the National Statistical Office asserts “sexual orientation itself cannot be related to mental disorders” and ‘Sex Education Guidebook for Teachers published by the Ministry of Education and Human Resources Development states “homosexuality also is a human way of life as well as a form of affection” (for middle school), and “homosexuality is no longer classified as sexual perversion” (for high school).¹⁰⁵

The government removed homosexuality from its categories of harm under the *Youth Protect Act*.¹⁰⁶

The action of the Human Rights Commission in the exzone case was criticized in a set of articles in a prominent newspaper, Kukmin Daily, published by the Assembly of God church. A young Catholic gay activist, working with Dong In Ryun, who actively denounced the newspaper stories, committed suicide in protest in April, 2003. An editorial in the Korea Herald noted the incident, quoting statistics that teen age homosexuals in Korea were about three times more likely to attempt suicide than their heterosexual peers. It added that there had been “strong opposition from Christian and anti-gay civic groups and many parents around the country” to easing the ban.¹⁰⁷

ACTIVIST CHANGES FROM 2002

A split occurred in 2002. Both Lim Tae Hoon and Seo Dong Jin had been important figures in the gay rights activism. Lim Tae Hoon circulated a document, in the name of Dong In Ryun, critical of the Queer Culture Festival. Dong In Ryun fired Lim. He continued in activism, at least for a period, but most prominently on military conscientious objection issues. Seo Dong Jin dropped out of organizational activism, perhaps for a less visible and more academic life. This removed two of the most active and visible figures from the set of LGBT organizations that were engaged in public issues. Lim Tae Hoon is remembered by many as a divisive figure, hard to work with, hogging the spotlight and criticizing others. The split rekindled a coalition of other organizations. No coalition had existed at that point for three years.¹⁰⁸ Earlier coalitions had come and gone.

¹⁰⁵ Ibid. And see, Homosexuality needs to be lifted from obscenity list, Korea Times, April 2, 2003.

¹⁰⁶ Communication from Huso Yi, Korean Sexual-Minority Culture and Rights Center deputy director, April 3, 2003.

¹⁰⁷ Rights of Gay Juveniles, Korea Herald, May 12, 2003.

¹⁰⁸ Dong In Ryun, in spite of its name, is not a coalition.

Veteran activists Han Chaeyun (Another Love, Queer Culture Festival, Buddy) and Huso Yi (Come Together, a doctoral student in the United States), decided to form the Korean Sexual-Minorities Culture and Rights Centre in May of 2002. KSCRC used the office where Han Chaeyun had produced Buddy magazine. Jung Jun and Kim Hyun Go were initial supporters. Kim Hyun Go explained that KSCRC was different from the other organizations, for it was centered on gay and lesbian related studies, and was intended to be a kind of brain trust. KSCRC organized a lecture series by Professor Walter Williams, University of Southern California, and Professor Gary Atkins, Seattle University. The Center has published three books in Korean.¹⁰⁹ In 2006 it had two paid staff.¹¹⁰ It is a member of the International Lesbian and Gay Association, though as of 2009 it has not participated in ILGA conferences. Han Chaeyun, with limited English, seems to have the most continuity as an activist – certainly as a full-time activist. She had been key in the early on-line activism, in publications, in the Queer Culture Festival and is central in KSCRC.

Kim Hyun Go worked with KSCRC on a HIV/AIDS program, getting condoms and supplies from the government's health program. He went on to head ISHAP, the Ivan Stop HIV/AIDS Project. The Korean government funds this autonomous gay-run HIV organization, which started in 2003. It has nice offices and a paid staff of six people (in 2006). In many Asian countries, the only organizations with offices and paid staff are the gay-run HIV/AIDS organizations. In 2006 ISHAP's offices and staff were much larger than either those of Chingusai or the KSCRC.

Han Chaeyun's activism and publishing had drained her own savings. But as time went on a somewhat stable pattern seems to have developed. In an interview in June, 2006, she estimated that she gave around 70 lectures a year, at universities and to teachers at various institutions and agencies. For these she is paid. Some income comes from writing articles and from the book publishing business. The National Human Rights Commission funded a project on schools. KSCRC produced a sizable report in late 2005 entitled *The Development of the Program and Manual for Human Rights Education about Sexual Minorities*, a manual for use by teachers. It is to be published as a book. With the cutbacks at the National Human Rights Commission in the first half of 2009, contracts from that source will probably end.

RECOGNIZING RELATIONSHIPS

¹⁰⁹ Yang, Hyun-ah and Han, Chayun, *Sexual minority rights*, 2001; Han, Chaeyun, *Lets talk about Sex*, 2001; Kim, Kangil, *What the Bible really says about homosexuality*, 2003. As noted earlier, KSCRC paid \$1,000 for the translation of *What the Bible Really Says about Homosexuality* – an important book for Korean society, where a large minority are active Christians.

¹¹⁰ The office of KSCRC in Seoul is Samheung Building, 5th Floor 256-2, Hangangno, 2-ga, Yongsangu, 140-871. The website is kscrc.org.

In 2003 a lesbian asked a court to recognize her 21 year relationship with another woman, for the purposes of making orders on the division of property and alimony. As in many other countries, the legal system does not expressly limit “marriage” to opposite-sex couples, while, of course, giving no positive recognition to the possibility of a same-sex marital relationship. A Korean student, studying law in the United States, wrote a detailed letter to the Korea Times on developments on the recognition of same-sex relationships in the West, supporting the Korean court case.¹¹¹ In July, 2004, the Seoul High Court ruled against the lesbian plaintiff, saying the cohabitation of same-sex couples could not be regarded as a virtual marriage.¹¹² Judge Chung Jae-oh of the Jeju District court then wrote that Korea needed a legal framework for same-sex couples. The committee on LGBT rights of the Democratic Labor Party publicly criticized the decision.

On March 7, 2004, a public gay wedding took place, with “20 friends and 10 newspaper and television reporters...” No family members attended. The ceremony took place in a café in Jongno. Both of the gay men worked for a company called Different Thoughts which provides information to the gay community. The company president presided over the wedding. The event did not seem linked to any of the activist organizations.

“I want my lover to receive medical insurance and other benefits that he could have if we were legally married,” Lee said. The couple tried to register their marriage with local officials – the only legal procedure necessary to marry in South Korea – but they were turned away.¹¹³

The NHRCK also began looking at the issues of recognizing same-sex relationships. The NHRCK entered into a contract with Chingusai to hold public hearings in the gay community on the recognition of same sex relationships. Four public sessions were held starting in 2006. About fifty people participated in the first forum. The present writer attended that hearing. Nine individuals talked frankly about their relationships and of the legal and family problems they had faced, often relating to issues of hospitalization, inheritance or immigration. Two spoke from behind a screen, so no photographs of them could be taken during their presentation (though they then rejoined the audience).¹¹⁴ At the end Chingusai concluded that there was no consensus on whether to seek registered partnerships or marriage or some other form of legal recognition.

¹¹¹ Lee Dong-wook, Homosexual Marriage in Korean Legal System, Korea Times, March 2003.

¹¹² Chang Yeojean, Korean society disavows same-sex marriages, The Korea Herald, August 18, 2004.

¹¹³ Gay couple ‘marries’ in South Korea, Rex Wockner, International News # 516, March 15, 2004; Lee Joo Hee, First openly gay wedding in Korea, The Korea Herald, March 8, 2004.

¹¹⁴ Douglas Sanders, Same-Sex Relationships in Seoul, fridae.com, May, 2006.

MILITARY ISSUES FROM 2004

Homosexuals were barred from compulsory military service on the basis that they suffer a mental disorder. Eight gay soldiers were discharged from the military in 2005.

Pioneering gay activist Lim Tae Hoon was arrested in February, 2004, for refusing to serve in the military. He began a hunger strike in custody. While he could have claimed an exemption on the basis that he was homosexual, he avoided that resolution of the issue, claiming instead that he was a conscientious objector. Korea does not recognize conscientious objection on grounds of pacifism or religious belief. He was the head of an LGBT group within Amnesty International in Korea and AI declared him a 'prisoner of conscience,' asking for Korea to recognize conscientious objection and to end their policies on sexual orientation and gender identity.¹¹⁵

Apparently in January, 2006, the National Commission on Human Rights recommended that the government develop policies protecting the human rights of sexual minority soldiers.¹¹⁶ Solidarity for LGBT Human Rights of Korea held a press conference in which they disclosed some of their counseling records

...including the case of an army counselor who refused to counsel a gay soldier unless the soldier submitted a photo of him having sex with a male partner to prove his homosexuality. The soldier was also forced to reveal how many times he had sex with male partners and even had to take a blood test to confirm whether he was infected with AIDS or other sexually-transmitted diseases. ... [Hwang Jang-kwon of Solidarity] said that by loosely defining homosexuality as a medical problem, Korean military officials are failing to protect the rights of not only self-confessed homosexuals but also the majority of soldiers who prefer their sexual orientation to be kept private.¹¹⁷

Early in 2006, 24 year old Yoojung Min Suk held a press conference announcing his refusal to continue compulsory military service and describing the mental stress caused by concealing his sexuality. Some changes seemed underway.

¹¹⁵ South Korea: Lim Taehoon, Amnesty International, Public ASA 25/002/2004. Most conscientious objectors in Korea are Jehovah's Witnesses. As of December 2003, according to AI, there were over 1,000 conscientious objectors in prison.

¹¹⁶ Jung Sung-id, Military to Revise Rules on Homosexuals, Korea Times, April 4, 2006. No press release on this decision appears on the web site of the Commission

¹¹⁷ Kim tong-hyung, Homosexuals Face Trouble in Barracks, Korea Times, March 9, 2006.

South Korea began easing restrictions on gays in the military last week [April 1, 2006] when the government ended forced medical examinations on gay soldiers, and stopped placing a notation on their official discharge papers saying they were released from the military because of mental illness. Under the new regulations which began April 1 it is an offense to subject gay officers to physical harassment. Nevertheless, under the military penal code, soldiers who engage in gay sex face imprisonment of up to one year.¹¹⁸

The Defence Minister announced in the parliament that that a high level panel was being formed to propose new policies to protect sexual minority soldiers.¹¹⁹ But in November, 2008, the military asked the Constitutional Court to uphold a ban on homosexuals.¹²⁰

THE ANTI-DISCRIMINATION LAW

Korea supported a statement at the third session of the United Nations Human Rights Council calling for an end to discrimination on the basis of sexual orientation. Of the 54 countries supporting the statement in 2006, Korea was the only Asian voice.¹²¹ The Democratic Labor Party in Korea, one of the smaller parties, has supported non-discrimination for a number of years.

The National Human Rights Commission of Korea proposed the enactment of a general anti-discrimination law covering employment and services. It set up a four year process of consultations and discussions, aimed at the eventual enactment of a law. A bill was drafted which included twenty categories for which discrimination was prohibited, including sexual orientation (but not gender identity). The Ministry of Justice released the draft on October 2nd, 2007, and requested submissions from the public by October 22nd.

Conservative forces organized in reaction to the proposed legislation. Around one hundred professors supported the opposition. Near the deadline for submissions, they announced a coalition of organizations and individuals opposed to the inclusion of

¹¹⁸ Korea Moves to Ease Gay Military Restrictions, April 4, 2006, 365Gay.com

¹¹⁹ Jung Sung-id, Military to Revise Rules on Homosexuals, Korea Times, April 4, 2006.

¹²⁰ AFP, South Korea reviews ban on gays in military, Bangkok Post, November 18, 2008, 6.

¹²¹ This may have reflected the fact that the legislation establishing the Korean human rights commission recognized sexual orientation discrimination as raising human rights issues. It might have also reflected the fact that the *International Covenant on Civil and Political Rights*, which Korea had signed, had been interpreted as prohibiting discrimination on the basis of sexual orientation in the Toonen decision of the Human Rights Committee in *Toonen v Australia* in 1994.

‘sexual orientation’ in the legislation. The opposition seemed to flow from conservative Christians.

The Congressional Missionary Coalition, a coalition of Christian right members of the National Assembly, plans to hold forums in November to oppose the law. A petition, spearheaded by an organization called the Assembly of Scientists against Embryonic Cloning, was sent to all branches of government claiming that if the bill becomes law, “homosexuals will try to seduce everyone, including adolescents; victims will be forced to become homosexuals; and sexual harassment by homosexuals will increase.”¹²²

In response to this unexpected opposition, the Ministry of Justice dropped the reference in the draft bill to ‘sexual orientation’ (responding to religiously based objections) and six other named grounds (apparently opposed by business). It appeared that the Ministry of Justice felt that the deletions were necessary to have the bill pass in 2007. Human Rights Watch, based in New York, protested the exclusions in a press release and a letter to the Korean cabinet, and called for “gender identity” to be added to the original list of grounds. The International Gay and Lesbian Human Rights Commission asked supporters to write letters of protest.¹²³ A coalition of forty Korean groups submitted a petition for the restoration of “sexual orientation.”

While there have been other issues that mobilized Korea’s LGBT community, it was the anti-gay Christian fundamentalist lobby’s attempt to expressly remove them from the nation’s landmark non-discrimination bill that elicited an unusually potent response. Although South Korea’s queer activists are often unwilling to be photographed or filmed, during the protests several of them spoke on camera to national and international media. In one press release, Han Chae Yoon, the co-chair of the Korean Sexual Minority Culture and Rights Center (KSCRC) and a Korean LGBT community spokesperson, said: “We are saddened that extremist groups have hijacked this important bill. Lesbian and gay Koreans are your daughters, sons, neighbours and coworkers.” Citing the bill’s historic nature, she continued, “This law would protect the dignity and human rights that everyone in Korea deserves.”¹²⁴

¹²² Human Rights Watch, South Korea: Anti-Discrimination Bill Excludes Many, New York, November 6, 2007.

¹²³ International Gay and Lesbian Human Rights Commission, South Korea: Stop Bill Before it Goes to National Assembly, November 13, 2007. IGLHRC’s call was expressly based on a request from the Korean coalition of groups opposing the revised bill.

¹²⁴ Matt Kelley, Exclusion from non-discrimination bill mobilizes Korea’s LGBT community, fridae.com, November 23, 2007.

The Chief of the Human Rights Bureau in the Ministry of Justice, Mr. Hong Kwan Pyo, responded to protests by saying that the list of prohibited grounds in the revised bill were illustrations of prohibited discrimination and served only as examples. They did not limit the scope of the anti-discrimination legislation, he said. He quoted the operative paragraph:

Article 3 (1) The term “discrimination” means separation, differentiation, restriction, exclusion, and other unfavourable treatment without reasonable cause based on sex, age, race, colour, national origin, regional origin, disability, religion, political or other opinion, marriage, pregnancy, social status, and other reasons,

The inclusion in this provision of “other reasons”, he was saying, meant that the stated grounds did not bar consideration of other bases of discrimination. The present writer responded to Hong Kwan Pyo’s reasoning as follows:

The first problem is that it depends upon the interpretation of the section by administrative and judicial bodies. Those bodies, we must assume, will know that “sexual orientation” had been included as an express example, but then removed. Will administrative and judicial bodies take a progressive or conservative approach to interpretation? We really do not know. Certainty has been replaced by ambiguity.

The second problem is that gays, lesbians, bisexuals and transgendered individuals have suffered from invisibility. They have been taught to live “in the closet”, to use the standard western terminology. It continues to be very difficult for any prominent figures in the Republic of Korea to be open about their sexual orientation. In contrast other members of the “examples” in the draft wording are often very visible – women, the disabled, racial minorities, the aged, the pregnant. It is clear that tolerance of sexual diversity requires that society acknowledge the existence of sexual variance. This makes it very important that the category be named, not hidden again or left to interpretation. For this reason it was very important that “sexual orientation” was included in the legislative mandate of the National Human Rights Commission (and I have praised Korea for that initiative). But the present legislation is a slap in the face. “Sexual orientation” was named and included – and then withdrawn – sent back into “the closet” to be rescued, if at all, by interpretation.¹²⁵

The bill was withdrawn from the National Assembly, and has not been resubmitted.

¹²⁵ Email, Douglas Sanders to Kwan Pyo Hong, November 17, 2007. Kwan Pyo Hong did not respond to this email.

TRANSGENDER ISSUES

Male to female sex reassignment surgery was pioneered in Korea by Dr. Kim Seok Kwan in 1986. He performed Korea's first female to male surgery in 1991, which triggered intense publicity about his work for the first time.¹²⁶

The most famous transsexual is the celebrity performer Harisu. Her name is an adaptation of the phrase "hot issue."

...Ms. Ha has taken the local entertainment and marketing industry by storm. She starred in a film based on her life, released a dance music album, published an autobiography called "Adam to Eve," and signed deals to endorse everything from makeup to clothing to animated characters on the Internet – all in the past 10 months. Three months ago, Ms. Ha paralyzed downtown Daegu, a city in southeastern Korea, as thousands of fans pushed and shoved in the streets to get close to the star. She is dubbed in Korea "a woman more beautiful than a woman."

What is more important is that Ms. Ha's popularity isn't only driven by her looks. The companies who have hired Ms. Ha definitely want consumers to remember her sexual identity. The very fact that she used to be a man is setting her apart from other pretty faces, driving up sales and raising brand recognition.

...

Gay rights activists and academics say that Ms. Ha's popularity shows how Korea's Confucian society is becoming increasingly liberal as greater democracy and economic openness allow more and more voices in society to speak up. "Our society now accepts variety. Before, you couldn't even talk about" sexual identity, says. Mr. Lim [Tae Hoon, chairman of Dong In Ryun].¹²⁷

The story was interesting enough to run in the Wall Street Journal on November 23rd, 2001. In December, 2002, the Incheon District court recognized her as legally female and granted a name change. The judge noted that the Korean constitution guarantees the individual the right to pursue happiness and dignity.¹²⁸ In mid-November, 2006, it was reported that Harisu would marry her current boyfriend early in 2007.

¹²⁶ Howard French, Changing Patients' Sexes, and Korean Mores, New York Times, June 21, 2003. Distinct transgender identities exist in South Asia and Southeast Asia, groupings such as kathoey, hijra, waria, bakla. This pattern does not exist in South Korea or other Confucian influenced parts of East Asia where transsexualism is an individualized phenomenon in which individuals do not gain a 'third sex' identity.

¹²⁷ Meeyoung Song, *ibid.* Harisu has issued seven albums, three books and featured in four films and three television dramas.

¹²⁸ Singer allowed to switch gender, Woker International News, #452, December 23, 2002.

While Harisu had been able to get a court order changing the sex designation on personal documents, there were differing decisions on the issue by different judges. This led to a case being taken to the Korean Supreme Court to resolve the issue. Eight of the ten judges upheld a change, while dissenters said the matter should be resolved by parliament.

“Gender should be decided by not only physical appearance but also the person’s mentality and psychology, and society’s attitude to that person,” the court said, according to a translation by the Korea Times. “this means that gender is decided by diverse factors, and that a person’s mental and social gender, which he or she did not recognize at birth, can be found during his or her social life.” The court said bureaucrats should look at five criteria before changing a record. The person needs to have felt that he or she belonged to the opposite sex through adulthood, must have undergone counseling and surgery, needs to be living biologically and socially as a member of the new gender, and must be recognized as such by family and friends. When these conditions are met, the registry will be modified and the individual will obtain all rights and obligations of the new gender, including, in the case of female-to-male transsexuals, vulnerability to the draft. However, any legal obligations acquired prior to the change in status will persist. A married man with children who becomes a woman will still legally be a husband and father to her (his) wife and children.¹²⁹

The reaction of a new transgender organization was to seek legislation that would not make genital surgery a necessary condition if the person met psychological criteria and was living in the desired sex.

A CONSERVATIVE SHIFT – 2007/8

As noted earlier, Lee Myung Hak assumed the presidency in February, 2008, a conservative business figure, with a successful background as mayor of Seoul and earlier with the Hyundai *chaebol*. After the disappointing presidency of Roh Moo Hyun, this marked the ending of a period in which presidents seemed more progressive than the members of the national assembly (and, it seemed, of Korean society as a whole). His party gained a slim majority in assembly elections in April, 2008. During his campaign,

¹²⁹ Rex Wockner, International News #636, July 3, 2006; AP, Korea’s top court recognizes transgendered sex, June 22, 2006; Milestone Supreme Court ruling allowing a female-to-male transsexual, Korea Times, June 23, 2006; AFP, Seoul court backs sex change, The Nation (Bangkok) June 23, 2006, 8A..

Lee stated his opposition to homosexuality as “abnormal,” while at the same time identifying himself as a “feminist.”¹³⁰

After Lee Myung Hak’s election as president in December, 2007, his transition team announced a plan to bring the National Human Rights Commission directly under the President, suggesting a curbing of its independence. The announcement was controversial within Korea and was criticized by Louise Arbour, the U.N. High Commissioner for Human Rights.¹³¹ In March, 2008, the cabinet endorsed a reorganization of the commission, cutting staff by 21 per cent and reducing its bureaus from five to three.

This decision was made by the Korean government despite the concerns expressed by the UN High Commissioner for Human Rights and the chairpersons of the ICC [International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights] and the APF [Asian Pacific Forum of National Human Rights Institutions] through their correspondence to the Korean government and the opposition by the civil society, human rights organizations, the media, academia, religious groups and the legal sector. The NHRCK has since expressed its opinion that the independence of the NHRCK will be severely damaged by the amendments to the Presidential decree and its working efficiency will be lowered.¹³²

Controversy continues about the Commission and the governments actions:

The sudden resignation of Ahn Kyong-whan, chairman of the national Human Rights Commission of Korea (NHRCK) has signaled another disturbing sign about the state of democracy and human rights in South Korea. Ahn resigned after enduring more than a year of pressure from the conservative government of President Lee Myung-bak, which tried to downsize the human-rights body and place it under the direct control of the president’s office itself. The move to put the NHRCK under the direct control of the government, which would have undermined the independence and credibility of the body, has apparently failed after widespread opposition from civil society and progressive media. However, the government did succeed last year in getting rid of as many as 40 NHRCK staff members.¹³³

¹³⁰ Action Alert: South Korea-Presidential Candidate condemns homosexuality, International Gay and Lesbian Human Rights Commission, May 29, 2007.

¹³¹ Korea: Seoul advised to retain human rights body, Korea Times, January 20, 2008.

¹³² Asian Pacific Forum, South Korea: NHRCK staff cut by 21 per cent, bureaus reduced, April 6, 2009. See www.asiapacificforum.net.

¹³³ S Korea shouldn’t forget its place in democracy (editorial), The Nation (Bangkok), July 18, 2009, 9A.

OBSERVATIONS

The rocky road of evolution in South Korea from authoritarian, military backed governments to a reasonably successful democratic system has taken a few decades. It has been marked by a recurring high level of civil society activism, unique in Asia, perhaps in the world. This provided a context of civil society activism that LGBT groupings could be a part of – but also meant the constant distraction of political, economic and social issues that kept LGBT issues to the sidelines. Some respect for human rights was clearly part of the democratization process, going back to the government of Roh Tae Woo in 1990, which ratified the two major UN human rights treaties. Better remembered are the initiatives of Kim Dae Jung, who opened the country to engagement with North Korea, and established the National Human Rights Commission.

Through all this period, commentators regularly spoke of the Confucian heritage of Korea, with its stress on hierarchy, patriarchal leadership, education and (heterosexual) family life. Korean society, they said, again and again, was conservative. Many gays and lesbians confirmed their problems with their families. They were strongly expected to marry and produce children. In contrast to such traditional patterns, outsiders tend to be dazzled by the modern character of Seoul and the lively K-pop or Korean Wave popular culture that ‘has taken Asia by storm,’ as media like to state and restate. But there is another reality, apart from Confucianism and youth culture. It is the strong role of Christianity in Korean society, particularly the strong role of conservative Protestant groupings. Presidents are inevitably from Christian backgrounds. Perhaps Presbyterianism is the new Confucianism. Perhaps the Christians are both the ‘progressives’ and the social conservatives. It was largely Christian lobbying that killed the anti-discrimination bill in 2007. South Korea, Hong Kong, Singapore and Taiwan all have socially conservative Christian groupings that are politically active on moral issues. In each the politics of sexual diversity are contested in ways that seem similar to sexual politics in the United States. The dynamics of public debates on sexual issues are much different than in countries like China, Japan or Thailand where religiously-based moral arguments are largely absent.

The present opposition in South Korea to further reforms reflects the extent to which issues of sexual and gender diversity have become established in the public sphere. They have moved from taboo and obscurity, to part of the social agenda. As Hong Suk Chun predicted in 2001, the Queer Culture Festival has grown and become a regular part of public life. There is enough leadership in LGBT NGOs to keep it going year in and year out.

There is still, obviously, an agenda for change. The anti-discrimination bill is unfinished business (as equivalent initiatives are in the Philippines, Thailand and India). Military issues are only partly resolved, for military law still bans homosexual acts. Issues of the recognition of same-sex relationships have been raised, but remain unresolved. Transgender issues are only partly resolved.

A more conservative government came into power in 2007/2008. It has clipped the wings of the National Human Rights Commission and is unlikely to revive the anti-discrimination bill. But this simply means that things are stalled for a while. If we look at the development of international human rights law at the U.N. we see periods of development and periods of inactivity. But we have not seen actual reversals. That seems the case in South Korea as well.



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