

# LGBT rights in South Korea

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**Homosexuality in South Korea** (*Republic of Korea*) is not specifically mentioned in either the South Korean Constitution or in the Civil Penal Code. Article 92 of the Military Penal Code, however, singles out sexual relations between members of the same sex as "sexual harassment", hence punishable by a maximum of one year servitude. The Military Penal Code does not distinguish between consensual and non-consensual crimes and states informed consensual intercourse between homosexual adults as "reciprocal rape" (Hangul: 상호강간; Hanja: 相互强姦).

Western observers have often pointed out that general awareness of homosexuality as a practice or as a sexual orientation itself remained generally low among Koreans, primarily due to the strong Confucian traditions of most Koreans regardless of their religious affiliation and the cultural emphasis on economic development over individual liberties. More recently, however, there has been increased awareness and debate over the issue including several gay-related themes in the mass media and recognizable figures and celebrities, such as Hong Seok-cheon, "coming out" in public.



## Lesbian, Gay, Bisexual, Transgender (LGBT) rights

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## Early History

Although there is very little mention of homosexuality in Korean literature or traditional historical accounts, several members of nobility and Buddhist monks have been known to either profess their attraction to members of the same sex or else be actively involved with them.<sup>[1]</sup> The earliest such recorded example

might be that of King Hyegong, the 36th ruler of the Silla Dynasty who was killed at the age of 22 by his noblemen who revolted in protest of his "femininity".<sup>[2]</sup>; see also "Hyegong-wang" (惠恭王) in *Samguk Sagi Silla Bon-gi*.

King Chungseon (1275–1325) and King Gongmin (1325–1374) of Goryeo are both on record as having kept several *wonchung* ("male lovers") in their courts as "little-brother attendants" (*chajewhi*) who served as sexual partners. After the death of his wife, King Gongmin even went so far as to create a ministry whose sole purpose was to seek out and recruit young men from all over the country to serve in his court.<sup>[2]</sup>

Evidence of homosexual activities among the common people are harder to find as there are fewer records pertaining to them.

During the Joseon Era before the Japanese annexation there were travelling theater groups known as *namsandang* which included underaged males called *midong* (beautiful boys). The troupes provided "various types of entertainment, including band music, song, masked dance, circus, and puppet plays," sometimes with graphic representations of same-sex intercourse, including anal penetration performed on stage.<sup>[2]</sup>

## Recent History

The modern South Korean LGBT rights movement arose in the 1990s, with several small organizations seeking to combat sexual orientation and gender identity discrimination. Some of these organizations also work to prevent the spread of AIDS-HIV. Among the active organizations are;

- Solidarity for LGBT Human Rights of South Korea
- Chingusai
- Korean Sexual Minority Culture and Rights Center
- Lesbian and Gay Alliance Against Discrimination in Korea (LGAAG Korea),
- Kirikiri

One of the first legal victories of these organizations came in 2003, when the Korean National Human Rights Protection Committee formally advised the Korea's Youth Protection Committee to remove homophobic language from the Youth Protection Act of 1997, that had been used to justify the government harassment and censorship of LGBT South Korean film festivals and webpages [1] (<http://www.utopia-asia.com/tipskor.htm>) .

## Political representation

South Korean political parties tend to avoid formally addressing LGBT rights issues, as do most of the elected politicians. A major exception would be the Democratic Labour Party.

The Democratic Labour Party (Korean: 민주노동당), established in January 2000, is the third-largest political party in South Korea and has a political panel known as the *Sexual Minorities Committee* (Korean: 민주노동당 성소수자위원회) which advocates the recognition and political representation of sexual minorities. Their stated agenda includes a campaign against homophobia and discrimination based on sexual preferences, equal rights for sexual minorities (in their own words "*complete freedom, equality, and right of pursuit of happiness for homosexuals*")<sup>[3]</sup> as well as the legalization of same-sex marriages.<sup>[3]</sup> On its campaign bid for the 2004 parliamentary elections, the **Democratic Labour Party** promised the abolition of all inequalities against sexual minorities and won a record 10 seats in the *Kukhoe* National Assembly.

On July 30, 2004, the Committee filed a formal complaint against the Incheon District Court's decision to refuse the recognition of same-sex marriages. The complaint was filed on the grounds that the decision is unconstitutional since neither the Constitution nor civil law define marriage as being between a man and a woman (the only mentioned requisite is age of majority) and that the Constitution explicitly forbids discrimination "*pertaining to all political, economic, social, or cultural aspects of life of an individual.*" The Committee also claimed that refusal to recognize same-sex marriages constitutes discrimination based on sexual orientation and a refusal to provide equal protection under the law.<sup>[4]</sup>

On December 19th 2007, Lee Myung-bak of the conservative Grand National Party won the presidential election. In a 2007 newspaper interview, the president-elect stated that homosexuality is "abnormal", and that he opposed legal recognition of same-sex marriages [2] (<http://www.iglhrc.org/site/iglhrc/section.php?id=5&detail=732>) .

During South Korea's April 9, 2008 elections, Choi Hyun-sook (최현숙) became South Korea's first openly-gay candidate for national public office when she ran for a seat in the National Assembly of South Korea. Her bid was unsuccessful.

## Movies and media

The 2005 South Korean film *The King and the Clown* is a homosexual-themed movie based on a court affair between a king and his male jester. The movie soon became the highest grossing in Korean film in history, surpassing both *Silmido* and *Taegukgi*. Interestingly, the Korean title for *The King and the Clown* is "왕의 남자" which translates as "*The King's Man*" with the implication that it refers to the man as being the King's lover. Other recent movies include *No Regret* (Korean: 후회하지 않아) by celebrated director Leesong hee-il (Korean: 이송희일), which starred in the 2006 Busan International Film Festival.<sup>[5]</sup>

Homosexuality remained mostly taboo in South Korea until recently, largely due to strong and prevalent Confucian tendencies. The popular culture of South Korea, however, has begun addressing the issue much more visibly in recent times. Noteworthy are the airing of several popular "gay themed" commercials<sup>[6]</sup> as well as the issuing of South Korea's first magazine for sexual minority audiences.<sup>[7]</sup> Several popular and prominent entertainment figures have also made their sexualities public. Among the most noted of these are model and actress Harisu, a trans woman who makes frequent appearances in television,<sup>[8]</sup> and actor Hong Seok-cheon<sup>[9]</sup> who after being fired from his job due to his coming out scandal<sup>[10]</sup>, has since returned to his acting career and has appeared in several debate programs in support of gay rights.<sup>[11]</sup>

## Censorship issues

Article 31 of the National Human Rights Committee Law states that "no individual is to be discriminated against on the basis of his or her sexual orientation". However, the National Human Rights Committee has no legal power and lacks support from local Gay and Lesbian Associations as it has not requested the repeal of Article 92 of the Military Penal Code.

The Government of South Korea practices censorship of gay-content websites through its *Information and Communications Ethics Committee* (정보통신윤리위원회), an official organ of the Ministry of Information and Communication. Homosexual and gay-related websites have been frequent and easy censorship targets, being blocked, filtered, or even outright banned by the Government.<sup>[12]</sup> Most recently the Ethics Committee included several prominent gay websites and servers on its banned list, declaring them "*Harmful Media to*

*Adolescents*" ("청소년유해매체물").<sup>[13][14]</sup>

However, on April 2, 2003 the Korean National Human Rights Protection Committee officially advised Korea's Youth Protection Committee to remove anti-gay language from the 1997 Youth Protection Act that underpinned the 2001 Ministry of Information and Communications decision.<sup>[15]</sup>

## Military service

Military service is mandatory for all male citizens in South Korea. Enlistees are drafted through the Military Manpower Administration (MMA; Korean: 병무청) which administers a "psychology test" at the time of enlistment that includes several questions regarding the enlistee's sexual preferences. Homosexual military members in active duty are categorized as having a "personality disorder" or "behavioural disability" and can either be institutionalized or dishonorably discharged.

This is a problem since South Korea does not allow for conscientious objection and dishonorable discharge bears with it significant social pressure, as many South Korean companies will request a complete military service profile at the time of a job application. On military records, the applicants can appear as having been dishonorably discharged either due to their homosexuality or for being "mentally handicapped".<sup>[16]</sup>

## Transgender rights

The Supreme Court of South Korea has ruled that in order for a person to be eligible for a sex-change operation they must be over 20 years of age, single and without children.<sup>[17]</sup> In the case of MTF (Male-to-Female) gender reassignment operations, the person must prove issues related to draft resolved by either serving or being exempted. In June 22, 2006 however, the Supreme Court ruled that transgender individuals who had undergone successful gender reassignment surgery have the right to declare themselves in their new gender in all legal documents. This includes the right to request a correction of their gender-on-file in all public and government records such as the census registry.<sup>[18]</sup>

## Everyday life

The Korean word for "homosexual" is *Dongseongaeja* (Hangu: 동성애자; Hanja: 同性愛者, lit. "same-sex lover"). A less politically correct term is *Dongseongyeonaeja* ("동성연애자" 同性戀愛者). South Korean homosexuals however, make frequent use of the term *ibanin* or *eban'in* ("이반인"; "異般人" also "二般人") which can be translated as "second-class citizen", and is usually shortened to *iban* or *eban* ("이반"; "異般").<sup>[19]</sup> The word is a direct play on the word *ilban-in* ("일반인"; "一般人") meaning "normal person" or "ordinary person".

Homosexuality remains largely taboo in South Korean society and same-sex couples are rarely, if ever, seen in public. This lack of visibility is also reflected in the relatively low-profile maintained by many gay clubs in South Korea, most of which are owned by London based, Gay Clubs developer and entrepreneur Tim Kim. They are concentrated in metropolitan areas such as Seoul's historic Jongno, the "college district" of Sinchon, or the foreign sector of Itaewon (especially in the section known as "*Homo-hill*" or "*Tim's Closet*").<sup>[20]</sup> Busan and the other large cities also maintain their own gay nightlife.

## See also

- List of Korea-related topics

## Notes

- <sup>^</sup> Korean Gay and Lesbian History (<http://www.utopia-asia.com/korlife2.htm>)
- <sup>^</sup> <sup>*a*</sup> <sup>*b*</sup> <sup>*c*</sup> Hyung-Ki Choi et al.. "South Korea (Taehan Min'guk) (<http://www2.hu-berlin.de/sexology/IES/southkorea.html#6>) ". *International Encyclopedia of Sexuality*. Continuum Publishing Company. Retrieved on 2007-01-01.
- <sup>^</sup> <sup>*a*</sup> <sup>*b*</sup> **(Korean)** 한국정당사 첫 동성애 공식기구 뒀다 : 정치 : 인터넷한겨레 (<http://www.hani.co.kr/section-003000000/2004/09/003000000200409191151001.html>)
- <sup>^</sup> 블로그 :: 네이버 (<http://blog.naver.com/draft23?Redirect=Log&logNo=80004596491>)
- <sup>^</sup> 네이버 영화 :: 영화와 처음 만나는 곳 (<http://movie.naver.com/movie/bi/mi/basic.nhn?code=50304>)
- <sup>^</sup> [http://news.naver.com/news/read.php?mode=LOD&office\\_id=108&article\\_id=0000039407&section\\_id=001&menu\\_id=001](http://news.naver.com/news/read.php?mode=LOD&office_id=108&article_id=0000039407&section_id=001&menu_id=001)
- <sup>^</sup> [http://news.naver.com/news/read.php?mode=LOD&office\\_id=019&article\\_id=0000152387&section\\_id=001&menu\\_id=001](http://news.naver.com/news/read.php?mode=LOD&office_id=019&article_id=0000152387&section_id=001&menu_id=001)
- <sup>^</sup> Harisu (<http://www.jenellerose.com/htmlpostings/harisu.htm>)
- <sup>^</sup> Hanson, Lisa (2004-06-26). "Gay community at crossroads ([http://wk.koreaherald.co.kr/SITE/data/html\\_dir/2004/06/26/200406260002.asp](http://wk.koreaherald.co.kr/SITE/data/html_dir/2004/06/26/200406260002.asp)) ". Korea Herald. Retrieved on 2007-01-01.
- <sup>^</sup> "홍석천, 이성애자 마초 변신 “놀랍죠?” ([http://sports.donga.com/bbs/sports.php?id=enter\\_hotline&no=23416&p\\_page=1&p\\_choice=&p\\_item=&code=](http://sports.donga.com/bbs/sports.php?id=enter_hotline&no=23416&p_page=1&p_choice=&p_item=&code=)) " (in Korean) (2006-09-07). Retrieved on 2007-01-01.
- <sup>^</sup> [http://news.naver.com/news/read.php?mode=LOD&office\\_id=213&article\\_id=0000001915&section\\_id=001&menu\\_id=001](http://news.naver.com/news/read.php?mode=LOD&office_id=213&article_id=0000001915&section_id=001&menu_id=001)
- <sup>^</sup> "South Korea ([http://www.rsf.org/article.php3?id\\_article=7248](http://www.rsf.org/article.php3?id_article=7248)) ". Reporters sans frontières. Retrieved on 2007-01-01.
- <sup>^</sup> ÀÁÂÃÄÅ±¹°;°Èç¹Ý´ë;!À§ÇÑ°øμç´ëÄ¥À§çøÈ, (<http://cham2.jinbo.net/maybbs/view.php?db=nocensor&code=news&n=77&page=6>)
- <sup>^</sup> Reporters sans frontières - Internet - South Korea ([http://www.rsf.org/article.php3?id\\_article=7248](http://www.rsf.org/article.php3?id_article=7248))
- <sup>^</sup> Korean Gay and Lesbian Life (<http://www.utopia-asia.com/korlife1.htm>)
- <sup>^</sup> South Korea: Appeal: Lim Tae Hoon | Amnesty International (<http://web.amnesty.org/library/Index/ENGASA250022004?open&of=ENG-KOR>)
- <sup>^</sup> 사람과사람 | People to People ([http://www.queerkorea.org/board/zboard.php?id=news&page=1&sn1=&divpage=1&sn=off&ss=on&sc=on&select\\_arrange=headnum&desc=asc&no=299](http://www.queerkorea.org/board/zboard.php?id=news&page=1&sn1=&divpage=1&sn=off&ss=on&sc=on&select_arrange=headnum&desc=asc&no=299))
- <sup>^</sup> [http://news.naver.com/news/read.php?mode=LOD&office\\_id=143&article\\_id=0000030810&section\\_id=001&menu\\_id=001](http://news.naver.com/news/read.php?mode=LOD&office_id=143&article_id=0000030810&section_id=001&menu_id=001)
- <sup>^</sup> kirikiri.org ([http://www.kirikiri.org/bbs/zboard.php?id=fag\\_1&page=1&sn1=&divpage=1&sn=off&ss=on&sc=on&select\\_arrange=headnum&desc=asc&no=15](http://www.kirikiri.org/bbs/zboard.php?id=fag_1&page=1&sn1=&divpage=1&sn=off&ss=on&sc=on&select_arrange=headnum&desc=asc&no=15))
- <sup>^</sup> Gay Seoul Gay Resources and Travel Tips in Korea by Utopia (<http://www.utopia-asia.com/korseoul.htm>)

## External links

- Buddy, Korean LGBT Magazine (<http://buddy79.com/>)
- Chingusai, one of Korea's oldest gay men's organizations (<http://chingusai.net/>)
- Kirikiri, the Lesbian Counseling Center in Korea (<http://www.kirikiri.org/>)

- Korean Queer Culture Festival (<http://www.kqcf.org/>)
- Korean Sexual-Minority Culture and Rights Center (<http://ksrc.org/>)
- Solidarity for LGBT Human Rights of Korea (<http://outpridekorea.com/>)
- RAINBOWTEEN, Youth Sexual Minority Community for LGBT studies and activism (<http://cafe.daum.net/Rateen>)

## External articles

- South Korea sees first openly gay politician, but challenges persist for the nation's lesbians (<http://fridae.com/v5/newsfeatures/article/?articleid=2196&currentpageno=8&viewarticle=1&searchtype=section&cat=N&title=>) by Matt Kelley Fridae.com (<http://www.fridae.com>) . March 18, 2008
- Exclusion from non-discrimination bill mobilises Korea's LGBT community (<http://fridae.com/v5/newsfeatures/article/?articleid=2098&currentpageno=2&viewarticle=1&searchtype=author&textby=Matt%20Kelley>) by Matt Kelley Fridae.com (<http://www.fridae.com>) . November 23, 2007

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