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Neglecting the Rights of LGBT Youth in South Korean Schools

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The seventy-six-page report, *I Thought of Myself as Defective: Neglecting the Rights of LGBT Youth in South Korean Schools*, finds that bullying and harassment, a lack of confidential mental health support, exclusion from school curricula, and gender identity discrimination are particularly pressing concerns for LGBT students. The South Korean government should implement antidiscrimination protections and ensure that LGBT youth have supportive resources to safeguard their health and education.

A lesbian high school student who attends a religious school and doesn't feel safe confiding in unsympathetic teachers stands alone outdoors. 2018 Gowun Lee

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

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

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

mistreated because of their sexual orientation or gender identity.

Conflicts over LGBT rights in South Korea have been particularly acute where children are concerned. Opponents of LGBT rights have rallied against basic nondiscrimination protections, erroneously claiming that such protections will turn children gay. They have opposed local student rights ordinances simply because these ordinances recognize the rights of LGBT students among their many other provisions. Where government bodies have voiced support for LGBT rights in schools, they have faced significant pushback and sustained public protest from vocal conservative opponents.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Nonbinary: Identifies as neither male nor female.

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

person is LGBT.

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

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

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

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

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

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

Human Rights Watch sent a copy of the report's findings by fax to the Ministries of Education and Gender Equality and Family on August 4, 2021 to obtain their input on the issues students identified. Human Rights Watch requested responses from these agencies by August 18, 2021 to incorporate their views into this report.

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

In line with international standards, the term child refers to a person under the age of 18.^[1] Age in Korea is calculated differently than age is generally calculated internationally.^[2] When conducting interviews, Human Rights Watch asked interviewees for their international age.

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

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

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

Marginalizing LGBT students can seriously undermine a range of human rights in schools, including the right to education. A survey of 200 LGBT students released in 2015, for example, found that seven of the eleven respondents who dropped out of school did so because of discrimination and mistreatment related to their sexual orientation or gender identity.^[5] As documented in this report, these conditions also threaten the right to be free from violence; rights to privacy, to health, and to information; and the right to be free from discrimination.

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

Patterns of discrimination and hostility are also replicated in South Korean schools. While bullying can rise to the level of physical violence, it most frequently takes the form of persistent exclusion and isolation, or *wang-ta*, which can seriously affect students well-

being and ability to learn.^[7] A series of recent high-profile incidents have highlighted how pervasive this bullying can be and the consequences for students who are targeted.^[8]

The government has not yet adequately addressed persistent challenges facing LGBT students in schools. The governments programs to reduce school bullying and promote mental health do not sufficiently address sexual orientation or gender identity, making them ineffective for LGBT youth.

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

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

While the government has been slow to protect the rights of LGBT people, public opinion in South Korea is rapidly changing.^[10] In 2021, a Gallup opinion poll found that 81 percent of the public believed it was unfair to fire an employee because of their sexual orientation, and 38 percent favored the legalization of marriage for same-sex couples.^[11] Responses to the poll varied by age; 73 percent of respondents in their twenties supported the legalization of marriage for same-sex couples, compared to only 17 percent of respondents over the age of sixty.^[12] In 2017 and 2018, Busan, Jeju Island, Incheon, Gwangju, and Jeonju all had their first Pride festivals.^[13] In 2019, nearly 70,000 people attended the Pride parade in Seoul, making it the largest LGBT event in the countrys history.^[14]

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

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

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

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

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

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

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

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

According to government data, about 60,000 students or 1.6 percent of students surveyed reported being victims of school violence in 2019.^[27] A survey of academic studies estimated in 2017 that bullying is even more common, with between 30 and 60 percent of South

Korean youth being involved as a victim or perpetrator in school bullying.[28] Bullying can affect students regardless of their personal characteristics, but frequently intersects with discriminatory attitudes to single out and target students who are different in some way.[29]

As discussed below, bullying can make it difficult for students to learn and can contribute to mental health concerns. South Korea's national statistics bureau has found that both bullying and loneliness are common causes of suicidal ideation among South Koreans aged 11 to 18.[30] and suicide has been the most common cause of death for young South Koreans since 2011.[31] South Korea has the highest per capita suicide rate in the Organization for Economic Cooperation and Development (OECD).[32] The government has pledged to lower the suicide rate by 2022.[33]

To address adolescent mental health issues and bullying in schools, the South Korean government established the WEE (We, Education, Emotion) Project in 2008.[34] The project includes counseling at the elementary, middle, and high school levels, coordinated with centers throughout the country.[35] As part of this program, the Ministry of Education provides participating schools with counselors and resources.[36]

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

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

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

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

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

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

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

Ahn Min-jun, a 25-year-old transgender man, told Human Rights Watch that when he reported persistent bullying to teachers in secondary school, they suggested that he identify as a girl and find a boyfriend to stop it.[47] He also described an anti-bullying assembly at his school where students were asked to submit anonymous comments about their experiences, and then teachers tried to identify the author of the comment.[48]

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

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

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

Exclusion, particularly ostracization, is one of the most common forms of bullying that LGBT youth in South Korea face. Students in South Korea spend an average of 14 hours per day in educational settings, making exclusion in those environments particularly isolating.[53] Interviewed students described how other students ostracized young LGBT people, or told Human Rights Watch that they felt alone or isolated during secondary school.[54] Teachers also observed that their LGBT students experienced isolation in school.[55] Choi Ji-hye, a 22-year-old bisexual university student, described this exclusion based on her experience in high school:

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

The widespread fear of ostracization also prevented students who transgressed gender norms from associating with each other. Ahn Min-jun, the 25-year-old transgender student who experienced bullying in secondary school, recalled that: I graduated from a girls' middle school.... Some friends had short hair, and they liked wearing pants for the uniform, but they also [avoided] being associated with me.[58]

This ostracization can take a toll on students and jeopardize their right to education. As Yoon-Lee SungWon, a counselor who works

with LGBT young people, told Human Rights Watch:

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

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

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

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

After high school, she said:

Yoon-Lee SungWon told Human Rights Watch:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Lee G. recalled similar comments from teachers who would joke, Are you gay? Are you lez? and that this climate encouraged him to keep his sexuality concealed.[\[94\]](#)

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

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

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

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

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

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

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

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

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

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

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

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

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

Students noted that young people who are known to be LGBT are often sexually harassed or assaulted, with comments like because youre gay you must like this.[\[107\]](#) Cho Ji-hoon, a gay 25-year-old university student, described how classmates at an all-boys school harassed other students while changing for gym class: In that situation, if you happen to be pretty or feminine, then other students will often try to undo your underwear.[\[108\]](#) Do Bo-kyung, another gay university student, recalled how students in secondary school can be sexually assaulted when they are outed, noting that [i]f youre considered pretty, youre easily objectified sexually, and subjected to sexual violence.[\[109\]](#)

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

When students are outed, advocates told Human Rights Watch that it increases their risk of physical violence.[\[111\]](#)

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

Lee Bo-reum, a 21-year-old lesbian woman, faced increasing harassment as rumors spread about her, particularly after her sexual orientation was revealed to other students. She found that pictures of her face were scratched out of attendance books, and she was regularly bullied. She played an expensive brass instrument when she was in high school, and in one incident, she came back from the bathroom to find that it had been badly damaged. She told Human Rights Watch she began suffering from depression, insomnia, and eating disorders, and began habitually injuring herself when she was severely stressed, leaving scars on her wrists. She eventually left school, recalling I didnt want to stay at school anymore, even one second.[\[113\]](#)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

In one survey of 3,208 LGBTI people, 623 of whom were 18 or younger, conducted by Chingusai in 2014, 45.7 percent of LGBTI people 18 or younger reported that they had attempted suicide, and 53.3 percent reported that they had attempted self-harm.^[150] By contrast, government data suggest 4.3 percent of South Korean 15- to 19-year-olds overall report they have attempted suicide.^[151]

An analysis published in 2020 of 2,055 LGBT youth counseling cases from DDing Dong from the previous five years found that 12.4 percent involved self-harm or threats of suicide.^[152]

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

Regional Disparities in Accessing Mental Health Care

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

When asked about rural access to services, another advocate told Human Rights Watch that counseling services, medical systems are all in Seoul, and it is very difficult to get services outside.^[154] LGBT young people seeking specific services may face even higher barriers. A trans activist confirmed that, [e]specially as you go south, there are no doctors that can provide counseling in terms of gender dysphoria.^[155]

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

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

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

The need for support is acute. DDing Dong, the organization that provides counseling and services for LGBT youth in crisis, counseled

more than 300 young people in 2018 and 400 young people in 2019, the last year for which figures were available.^[160] According to DDing Dong staff, the main topics that young people raised were depression and other mental health concerns, typically because of conflicts at home and discrimination and isolation at school. Since 2015 onwards, DDing Dong has had over 2,000 cases through KakaoTalk and in-person services.^[161]

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

A 2015 study on suicide risk among LGBT youth in 10 countries, including South Korea, concluded that transgender youth had the highest odds of attempted suicide

compared with their non-transgender peers, a finding that likely remains true today as the government has yet to meaningfully address bullying, isolation, and discrimination in schools.^[165] These challenges can continue throughout the lifespan; a study of LGBT mental health conducted in 2016 by researchers at the Graduate School of Korea University concluded that transgender adults are generally more vulnerable to negative social experiences and mental health problems, including depression and suicidal ideation.^[166]

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

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

Song Ji-eun, who works with LGBT young people in crisis at DDing Dong, observed that very often, these counselors are misinformed or biased, and they end up becoming perpetrators of secondary violence or victimization.^[173] As Yoon-Lee SungWon noted, [m]any people have a bad experience in their WEE classes in middle school or high school ... [which] makes them have more severe symptoms or develop disorders, marginalizing them even more.^[174]

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

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

However, neither the adolescent health centers nor the 1388 Youth Helpline have been reliable sources of support for LGBT youth. One counselor told Human Rights Watch that when he was working in an adolescent health center, his colleagues were having a hard time meeting LGBT clients because they aren't prepared, so they think LGBT clients are tricky, and [m]any counselors didn't want to counsel LGBT clients.^[180] He suggested that [i]f the LGBT youth is lucky, they will meet a counselor who is LGBT or has LGBT friends or knows the issue. If they aren't lucky, they will meet a conservative Christian counselor who will lead them to conversion therapy or a Christian church.^[181]

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

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

Advocates report that counselors on the 1388 Youth Helpline often make disparaging remarks about LGBT people, further alienating vulnerable youth who contact them in search of reassurance and support.^[186] One advocate told Human Rights Watch that counselors on the 1388 Youth Helpline would say Oh, you can be cured if they are called by LGBT youth. Or, Oh you're so immature and young. You'll grow out of it.^[187] Another recalled a counselor on the 1388 Youth Helpline who told a young person, You are a teenager and you can't decide your sexual identity yet. Wait until your 20s.^[188]

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

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

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

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

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

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

As of May 2021, the Ministry of Education had yet to produce national guidelines that integrate conversations about sexual orientation or gender identity into school curricula or discourage harmful representation of LGBT people. The government has omitted coverage of LGBT issues in sexuality education.^[200] LGBT students report other problems with discussions of LGBT issues in the classroom as well.

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

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

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

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

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

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

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

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

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

Human Rights Watch heard that there is no required official training for teachers on LGBT issues and limited awareness about LGBT students rights.^[217] Pae Jun-young, an elementary school teacher, recalled that when he raised LGBT issues during a training on human rights, an education official complained and said they should not be included.^[218] As another high school teacher explained, [t]eachers don't understand LGBT issues, and they don't want to talk about it.^[219]

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

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

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

In one high-profile incident in 2017, a teacher who did an interview about feminist education was forced to take a leave of absence after parents complained and the incident was seized upon in conservative media.^[224] Her personal information was leaked online and she was the subject of widespread online harassment, and then spent two years fighting a court challenge from conservative groups who alleged that showing students video of LGBT people marching constituted child abuse.^[225] The teacher ultimately was cleared of wrongdoing, was able to keep her job, and won a civil lawsuit alleging defamation by conservative groups, but the incident kept her out of the classroom for over a year.^[226] Her case was cited by teachers interviewed by Human Rights Watch as an example of the risks they took by supporting LGBT students. One high school teacher commented, [a]fter that, we were much more afraid of being openly supportive.^[227]

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

South Korea's public-school curriculum requires sexual education from elementary school onwards.^[231] In 2015, the Ministry of Education released new guidelines for the curriculum, identifying 30 topics for instruction. Each school is required to choose 15 topics to cover in 15 hours.^[232] Schools must report implementation of the program through a website managed by the Ministry of Gender Equality and Family.^[233] In their current form, existing guidelines strongly emphasize gender stereotypes, and do not acknowledge diverse sexual orientations or gender identities.

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

The lack of inclusive sexual education leaves young LGBT people vulnerable to HIV and other STIs, for which infection rates have increased in South Korea in recent years.^[237] According to UNAIDS, in 2018, there were 1,200 new reported cases of HIV, up from 219 new reported cases in 2010.^[238] One cohort study of 1,442 people in South Korea with HIV from 2006 to 2016 found that around 94 percent of HIV infections occurred through sexual contact, with about 34 percent of those infections resulting from same-sex activity and about 26 percent resulting from sexual activity with both men and women.^[239] According to the Korean Centers for Disease Control and Prevention in 2017, fewer infections about 33 percent are from same-sex activity or sexual activity with both men and women.^[240] The number of young people newly infected with HIV has gradually risen, with Koreans in their teens and 20s accounting for nearly 40 percent of new infections in 2019.^[241]

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

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

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

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

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

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

In addition to being heterosexist, educators and advocates have decried the curriculum as misogynist, sexist, and reinforcing gender roles.[\[256\]](#) Even at co-educational schools, sexuality education courses are often delivered in gender-segregated classes.[\[257\]](#) Hahn Young-sook, a sexuality educator, noted:

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

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

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

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

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

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

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

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

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

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

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

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

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

Without information, when participating in these debates, students rely solely on their preexisting and often prejudiced ideas. A member

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

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

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

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

As noted above, it is also because South Korea currently lacks employment protections that prohibit discrimination based on sexual orientation or gender identity or offer protection to those who are fired. One gay male teacher told Human Rights Watch, I cant really come out as openly gay. Im too afraid to do that because of the atmosphere in South Korea.[291]

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

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

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

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

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

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

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

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

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

Segregation based on gender can create difficulties for transgender students. Students who do not conform to gender stereotypes, such as feminine boys or masculine girls, are at heightened risk of bullying and harassment.^[310] As Bak Sung-min, a 21-year-old genderqueer university student, observed: [I]t's very difficult to live as a transgender student.... You're forced to be part of the male or female student community.^[311] Kim Do-hyun, a 25-year-old gay transgender man, said: I started realizing my identity as I enter[ed] middle school. There are girls-only and boys-only middle schools, it made me think about my gender. It was the moment when I thought about gender for the first time.^[312]

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

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

One LGBT human rights advocate indicated that [t]he most immediate issue for transgender youth is gender expression.^[317] Many schools require students to wear gendered uniforms or follow gendered dress codes in ways that impose discriminatory and stereotypical gender norms and marginalize students whose gender expression varies from those norms, including LGBT students.^[318] Schools typically require students to wear uniforms based on their sex assigned at birth rather than their gender identity.

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

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

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

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

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

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

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

The Committee on the Rights of the Child has specifically urged South Korea to address bullying, provide comprehensive sexuality education that is LGBT-inclusive, adopt anti-discrimination legislation that includes protections for LGBT children, and conduct public campaigns to raise awareness about discrimination.^[332] These recommendations are consistent with the UN High Commissioner for Human Rights guidance that States establish national standards on non-discrimination in education, develop anti-bullying programmes and helplines and other services to support LGBTI youth, and to provide comprehensive, age-appropriate sexuality education.^[333]

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

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

As UN experts and treaty bodies have recognized, the right to education also encompasses the right to comprehensive sexuality education. The UN Special Rapporteur on the Right to Education has said: The right to education includes the right to sexual education, which is both a human right in itself and an indispensable means of realizing other human rights, such as the right to health, the right to information and sexual and reproductive rights.^[336]

To ensure the right to education is respected, the Committee on the Rights of the Child has said that sexuality education provided by schools:

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

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

To advance the right to education, South Korea should adopt anti-bullying and nondiscrimination policies that protect LGBT students in educational settings; provide counseling services that offer confidential support and allow all students to focus in school; and incorporate LGBT issues into school curricula, including comprehensive sexuality education.

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

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

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

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

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

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

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

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

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

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

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

The right to nondiscrimination includes recognition of a student's own gender identity. UNESCO therefore recommends that laws and school policies should recognise self-defined gender identity with no medical preconditions or exclusions based on age, marital or family

status or other grounds.^[353] The Human Rights Committee has specifically urged South Korea to provide mechanisms for legal gender recognition.^[354]

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

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

The Committee on the Rights of the Child has observed that the state must protect students who are particularly likely to face bullying and violence, and that [g]roups of children which are likely to be exposed to violence include, but are not limited to, children who are lesbian, gay, transgender or transsexual.^[357] It has emphasized that bullying, harassment, and violence against LGBT youth are violations of children's rights, and that schools that allow these practices to take place do not comply with the Convention on the Rights of the Child.^[358]

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

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

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