**Submission on “Gender dimension of the sale and sexual exploitation of children and the importance of integrating a human rights-based and a non-binary approach to combating and eradicating sale and sexual exploitation of children”**

**Republic of Korea**

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**1. Social and political discrimination based on sexual identity and orientation**

Hate speech toward LGBTI people can be easily encountered both inside and outside the political sphere. The Office of Education and officials became targets after the Comprehensive Student Human Rights Plan said to include information related to LGBTI context[[1]](#footnote-1). Meanwhile, one politician had referred, in public, to LGBTI students as being “abnormal”[[2]](#footnote-2). Those who should be representing the people, such as members of the National Assembly, speaking openly about their hatred toward LGBTI people, reinforce false prejudice and hatred in society as a whole. This social atmosphere makes it difficult for LGBTI youth to recognise that they have been victims of sexual exploitation and makes it difficult for them to ask for help, thereby reinforcing the crisis of LGBTI youth. At the same time, if they advocate the LGBTI community, politicians will inevitably feel tired in the face of attack, which in turn leads to their passive behaviour. The Korean anti-discrimination law shows this context well. Since the government announced its plan to promote the anti-discrimination law in 2003, numerous attempts have failed; in 2007, 2008, 2011, and 2013. It has been proposed again in 2020 but has still not been properly discussed in the current National Assembly. The politicians facing this issue are always putting off their obligations, saying that 'social consensus' is needed. The social actors working for the enactment of the anti-discrimination law firmly believes that this law will serve as a cornerstone to deter discrimination in the public sphere and lead to more changes in the future.

**2. Shelter related problems**

According to the Ministry of Gender Equality and Family's guidelines for the operation of youth shelters, youth shelters are classified according to gender. Temporary shelters as well as short-term and mid- to long-term shelters, stipulate that “lodging restrooms must be operated separately for men and women”. These regulations for prohibiting mixed stays between men and women can be consistent with the everyday gender norms and ideas of the Korean society. Under the biological gender distinction of youth shelters, there is no shelter for transgender adolescents.

According to a 2017 study, out of 123 youth shelters nationwide, 57 places (46.3%) were operated by Protestant churches, 13 places (10.5%) were Catholic, 7 were (5.6%) Anglicans, 5 (4%) were Buddhist, 2 places (1.6%) for Won-Buddhism, 35 places (28.4%) run by others (local governments and non-religious organizations), and 4 places (3.2%) unconfirmed. In the issue of out of home youth, especially for LGBTI youths, extra attention should be paid to the operating entity because there have been cases in which the provision of social welfare services was denied due to the belief of a specific religion.

“*As of 2014, there are 15 shelters dedicated to youths in prostitution, but there are no shelters for male victims. In runaway youth shelters, unlike women, men are treated as homosexuals and not accepted to the facility. Most of the shelter facilities are currently operated by religious groups such as nuns.*[[3]](#footnote-3)”

There have also been reports of insulting behaviours against youths using youth shelters just because they were “homosexual”.

*“He/she is gay. That's why he/she was gang assaulted at school, and he/she wandered away from school like this and came out of the house. The shelter teacher said homosexuality is a disease. And it is a mental illness. Hearing such, he/she was so hurt that he/she left the place. It means that he/she will never go to any shelters. It can be said that those things are upon serious lack of understanding, the teacher seem to have given great pain.*[[4]](#footnote-4)*"*

When youth shelter workers lack an accurate understanding of sexual orientation and gender identity, or lack of a desirable perception of LGBTI, their attitudes and behaviour toward LGBTI runaway youths visiting youth shelters may be no different than what they experienced in schools, homes and society. Considering that youth shelters are the last safety net for LGBTI runaway youth, the level of awareness and understanding of LGBT people among youth shelter workers is directly linked to making youth shelters safe for LGBTI youth.

**3. Cases submitted to LGBTQ Youth Crisis Support Centre DDing Dong**

None of the youth counselling and support organizations in Korea is producing counselling statistics that take into account the sexual orientation and gender identity of youth. DDing Dong, serving as the only organisation in the country to do so, has conducted 2600 visits and phone consultations and support since 2015, and about 2,000 online messenger consultations are being conducted every year.

Analysing the counselling cases received in DDing Dong for 5 years, the most received was “conflict/abuse with family” (660 cases). As a result, LGBTI youth who suffer from housing crises (114 cases) due to leaving their homes (272 cases) were subjected to various human rights violations. The current 'Youth Welfare Support Act', which assumes 'accommodation of facilities' as the only housing support for deprived youths, and requires that shelters conforming to gender binary to be installed, prevents the realization of housing rights for all youths as well as transgender youth. In addition, due to the low awareness of youth labour rights, youth who are deprived of home and living independently, or who make plans for medical transitions, endure low wages and instability or are easily exposed to sexual exploitations.

As the Special Rapporteur on the adequate housing emphasised, in reference to the "homeless bill of rights", housing as basic human rights, is a vital part survival. The reality that children and adolescents have been deprived of their right to housing further mass-produce the victims of sexual exploitation. There is a need for a system to guarantee the right to housing for youths who are out-of-home/street in addition to the best support for families in crisis that can prevent them from leaving home.

Case 1: 17 years old, non-binary, asexual (A)

(A) went to a youth shelter due to domestic violence, but in the shelter separated only by female/male, they had to use the shelter for women. It was not for long until they felt uncomfortable and left. Later, when they reported their situation on their social media, their adult acquaintance invited them to stay at their house. After staying a few days, the adult acquaintance has asked for sex from them, in return for letting them stay. When they refused, the adult acquaintance had threatened to say, “I will inform the police that you are out of the house.”

Case 2: 19 years old[[5]](#footnote-5), MTF transgender (B)

MTF transgender (B) is doing so-called “compensated dating” with adult men through a dating application to cover the cost of surgical procedures for the transition. She suffers from hate violence against transgender people from male sex buyers, and feels life threatening. There are times when she wants to quit, but she feels that there is no way she can raise the cost of transition surgery. Due to her gender expression, it has been difficult for her to find a part-time job, and even when she did, labour rights infringement frequently occurred, such as receiving less than the minimum hourly wage for being a youth. She has also visited an organisation that supports adolescents of women victims from sexual exploitation, but the organisation has been hesitant as they had never supported a case like (B).

Case 3: 16 years old, FTM transgender (C)

(C) left his home due to domestic violence and went to Seoul to avoid being pursued by his family. In the process of finding a place to sleep, he met an adult man who offered room and board on the “runaway family” page (page on social media), and went to a motel with him, where he was sexually assaulted.

After the incident, he requested counselling assistance from DDing Dong, and DDing Dong guided him with police report and sexual violence victim support centre. However, the youth was concerned about being misgendered no matter how much he explained to the police himself as 'male', and will eventually be considered as a female. Feeling such dysphoria, ended up refusing police contact.

Case 4: 20 years old[[6]](#footnote-6), homosexual cisgender female (D)

(D) decides to meet offline with an adult woman who she got to know through a lesbian dating application. Who she finds in the motel room was a male adult, and being unable to refuse him, results in unwanted sex. Afterwards, (D) recognised this as sexual violence and went to the 'Sunflower Centre (One-Stop Support Centre for Enhancing Women and Youth Sexual Violence)'. The counsellor of the centre had said "How can you get sexually assaulted by the man when you say you are a lesbian?" and also that "you should live by nature's order". She had received indelible wounds from hearing this.

As the cases above show, being out of home; non-binary self-identification; people’s lack of understanding/ misunderstanding towards such characteristics; lack of social support; poor social awareness; sexual abuse/ exploitation of children in such condition; all add up to the difficulties faced by one, often being both root cause and also the persistence factor, overlapping and interacting with one another. LGBTI adolescents including, those who identify outside the gender binary, suffer discrimination and difficulties within their communities, they are often excluded, they are prone to prostitution in order to continue their lives in a situation where the social safety net fails to support them.

1. Newdaily. (2021). *Office of Education visited by education organizations, "Stop the Comprehensive Student Rights Plan for Seoul City*.” <http://www.newdaily.co.kr/site/data/html/2021/04/06/2021040600122.html> [↑](#footnote-ref-1)
2. Ohmynews. (2021). *LGBTQ is abnormal? Office of Education employee who beat the bones of the ruling party city council.* <http://www.ohmynews.com/NWS_Web/View/at_pg.aspx?CNTN_CD=A0002723473> [↑](#footnote-ref-2)
3. Kim Sieun. (2017). A Study on the Legal and Policy Improvement for the Protection and Support of LGBT Runaway Youths - Focusing on Youth Shelter [↑](#footnote-ref-3)
4. Kim Hee-jin. (2014). Youth Leader Human Rights Awareness Cultivation Plan, Korea Youth Policy Development Institute. [↑](#footnote-ref-4)
5. The Korean Youth Framework Act defines adolescents as those aged 9 to 24 years old. In accordance with Articles 3 and 42 of the Convention on the Rights of the Child, the case is included as the domestic law of the State party guarantees the rights of children beyond the Convention. [↑](#footnote-ref-5)
6. Same as above. [↑](#footnote-ref-6)