



Submission by Human Rights Watch to the Committee on the Rights of the Child on South Korea

82nd pre-sessional, 2018

This submission focuses on the topic of inclusive sexuality education in schools and the protection of education during armed conflict. It relates to articles 13, 24, 28, 38, and 39 of the Convention on the Rights of the Child. It proposes issues and questions that Committee members may wish to raise with the government.

Inclusive Sexuality Education in Schools (articles 13, 24, and 28)

The government of South Korea has consistently voted to support measures at the United Nations that call for an end to discrimination on the basis of sexual orientation and gender identity, including Human Rights Council resolutions in 2011, 2014, and 2016 strongly deploring “acts of violence and discrimination ... committed against individuals because of their sexual orientation or gender identity.”¹ Human Rights Watch encourages South Korea to uphold those principles at home.

Accurate and inclusive sexuality education is integral to upholding children’s rights to health, education, and information. This Committee has concluded that the rights to health and information require states to provide children with adequate, appropriate and timely HIV/AIDS and sexual health information. This Committee has also stated that:

effective HIV/AIDS prevention requires States to refrain from censoring, withholding, or intentionally misrepresenting health-related information, including sexual education and information, and that, consistent with their obligations to ensure the right to life, survival and development of the child (art. 6), States parties must ensure that children have the ability to acquire the

¹ UN Human Rights Council Resolutions A/HRC/RES/17/19 (2011); A/HRC/RES/27/32 (2014); A/HRC/RES/32/2.

knowledge and skills to protect themselves and others as they begin to express their sexuality.²

Education ministry officials in Seoul confirmed in February 2017 that South Korea's national sex education curriculum will not mention homosexuality. This continues a backsliding that began in 2015, when the government began training district education officials country-wide on new sex education guidelines that made no mention of sexual minorities.³ The "National Standard on School Sexual Education," revised by the Ministry of Education contains discriminatory language and standards that reinforce gender binarism and prohibit mentions or reference to LGBT issues.⁴

The South Korean government has at times attempted to clarify that the curriculum's silence should not be taken as exclusionary, with an involved government official stating, "The fact that the guideline does not contain sexual minorities does not necessarily mean that teachers should not do the related lessons."⁵ But Human Rights Watch believes a curriculum that neglects inclusion of information about sexual orientation and gender identity fails students, and ad hoc or optional training programs for teachers are not an adequate substitute.

This policy discriminates against LGBT children and violates their rights to health, education, and information. This policy could be harmful to young people and could negatively affect public health. HIV infections have increased sharply in South Korea since 2000, and infections are increasing fastest among men in their 20s.⁶

² Convention on the Rights of the Child, G.A. res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989), *entered into force* Sept. 2, 1990. FULL CITE NEEDED: Gen comment 3, para 16.

³ Kyle Knight, "South Korea Backslides on Sex Education," commentary, Human Rights Watch dispatch, February 17, 2017, <https://www.hrw.org/news/2017/02/17/south-korea-backslides-sex-education>; Human Rights Watch, "Letter to the Government of South Korea on Human Rights and Comprehensive Sexuality Education," July 20, 2015, <https://www.hrw.org/news/2015/07/21/letter-government-south-korea-human-rights-and-comprehensive-sexuality-education>.

⁴ *Kyunghyang Daily* "Tight-shirt, short skirt is not safe: Distorted sex education that promotes sexual discrimination and prejudice," August 11, 2017,

http://news.khan.co.kr/kh_news/khan_art_view.html?art_id=201708112153005&sat_menu=A071

Jil Women's journal, "Hate appeal to elementary gender equality education floods." August 28, 2017,

<http://www.womennews.co.kr/news/articleView.html?idxno=116727>

⁵ Kyle Knight, "South Korea Backslides on Sex Education," commentary, Human Rights Watch dispatch, February 17, 2017.

⁶ Korea Centers for Disease Control and Prevention, Division of HIV and Tuberculosis Control, "HIV/AIDS Control in the Republic of Korea." 2011,

http://www.unaids.org/sites/default/files/country/documents/ce_KR_Narrative_Report%5B1%5D.pdf (accessed November 12, 2018); Hae-Wol Cho, "What's next for HIV/AIDS in Korea?" *Osong Public Health and Research Perspectives*, December 2013: 4(6), <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3922106/#bib2> (accessed November 12, 2018), pp. 291–292.

The government's guidelines also reinforce gender stereotypes and contain discriminatory content against women and girls. The latest revised draft by the Ministry of Education discriminates against single parents stating, “if you become a single mother, you can live all your life in guilt”⁷ and that “you may have to give up all [the] ordinary happiness of being a student.”⁸ It also engages in victim blaming, stating that “(a woman) could be [a] victim of sexual assault if she drinks and parties until late,”⁹ and that women may risk rape if they go on dates with men who pay for an expensive meal and may expect sex in return.¹⁰ This violates their rights to health, education, and information and is harmful as it suggests that sexual violence is sometimes acceptable and teaches young students that they can be to blame for an assault committed against them. These messages mean victims are more likely to feel ashamed and less likely to come forward to report their assault.¹¹ The Ministry of Gender has said that the manual needs to be revised, however the Ministry of Education has said that this is not necessary.

Human Rights Watch recommends the Committee ask the government of South Korea:

- What steps have been taken to ensure that accurate, affirming, and age-appropriate information about sexual orientation and gender identity is available and accessible to students in South Korean schools?
- What steps have been taken to ensure that a comprehensive and inclusive sexuality education, that does not discriminate against women and girls, is provided to students in South Korean schools?

Human Rights Watch recommends to the Committee that it call upon the government of South Korea to:

- Immediately reverse the decision to exclude mention of homosexuality in the national sex education curriculum to ensure the rights to information,

⁷ Kyunghyang Daily, August 11, 2017

http://news.khan.co.kr/kh_news/khan_art_view.html?art_id=201708112153005&sat_menu=A071&sat_menu=A071

⁸ Ibid.

⁹ Ibid.

¹⁰ Heather Barr, “Demanding Access to Abortion in South Korea: 235,000 Petitioners Call for South Korean Government to Act,” Human Rights Watch, December 4, 2017, <https://www.hrw.org/news/2017/12/04/demanding-access-abortion-south-korea>

¹¹ Samantha Pierce, “South Korea’s failing sex education,” *The Daily Campus*, November 17, 2017, <http://dailycampus.com/stories/2017/11/17/south-koreas-failing-sex-education>

education, and health for all persons in South Korea and include appropriate, non-discriminatory teacher training on this topic;

- Remove all references that reinforce gender stereotypes and that discriminate against the rights of women and girls from the national sex education curriculum and replace them with one aligned with international standards.

Protection of Education During Armed Conflict (articles 28, 38, and 39)

The Safe Schools Declaration is an inter-governmental political commitment that provides countries the opportunity to express political support for the protection of students, teachers, and schools during times of armed conflict¹²; the importance of the continuation of education during armed conflict; and the implementation of the *Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict*.¹³

As of October 2018, South Korea was contributing 598 troops and 11 staff officers to UN peacekeeping operations around the world. Such troops are required to comply with the UN Department of Peacekeeping Operations “UN Infantry Battalion Manual” (2012), which includes the provision that “schools shall not be used by the military in their operations.”¹⁴

Moreover, the 2017 Child Protection Policy of the UN Department of Peacekeeping Operations, Department of Field Support, and Department of Political Affairs notes:

United Nations peace operations should refrain from all actions that impede children's access to education, including the use of school premises. This applies particularly to uniformed personnel.

Furthermore ... United Nations peace operations personnel shall at no time and for no amount of time use schools for military purposes.¹⁵

¹² Safe Schools Declaration, May 28, 2015, https://www.regjeringen.no/globalassets/departementene/ud/vedlegg/utvikling/safe_schools_declaration.pdf (accessed November 6, 2018).

¹³ Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict, March 18, 2014, http://protectingeducation.org/sites/default/files/documents/guidelines_en.pdf (accessed November 6, 2018).

¹⁴ United Nations Infantry Battalion Manual, 2012, section 2.13, “Schools shall not be used by the military in their operations.”

¹⁵ UN Department of Peacekeeping Operations, Department of Field Support and Department of Political Affairs, “Child Protection in UN Peace Operations (Policy),” June 2017.

South Korea's peacekeeping troops are deployed in South Sudan— a country where the military use of schools has been documented as a problem.¹⁶

In 2014, when South Korea was a non-permanent member of the UN Security Council, it voted for Resolution 2143, which expresses deep concern at the military use of schools, and urges all parties to armed conflict to respect the civilian nature of schools, and encourages all countries to consider concrete measures to deter the use of schools by armed forces in contravention of applicable international law.

Human Rights Watch believes that such a concrete measure to deter the military use of schools would be for South Korea to endorse and implement the Safe Schools Declaration. As of November 2018, 81 countries have endorsed the Safe Schools Declaration.

Human Rights Watch recommends to the Committee that it ask the government of South Korea:

- Are the protections for schools from use by peacekeeping forces included in the pre-deployment training of South Korean peacekeepers?
- Since voting for UN Security Council Resolution 2141 (2014), what concrete measures has South Korea taken to deter the use of schools for military purposes?

Human Rights Watch recommends to the Committee that it call upon the government of South Korea to:

- Endorse the Safe Schools Declaration, and take concrete measures to deter the military use of schools, including by bringing the *Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict* into domestic military policy and operational frameworks.

¹⁶ "South Sudan," Education Under Attack: 2018, The Global Coalition to Protect Education from Attack, 2018, 212.