

REPUBLIC OF KOREA 2012 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution and other laws and policies protect religious freedom and, in practice, the government generally respected religious freedom. However, the government continued to imprison conscientious objectors for refusing to participate in mandatory military service. The trend in the government's respect for religious freedom did not change significantly during the year.

There were no reports of societal abuses or discrimination based on religious affiliation, belief, or practice.

U.S. embassy officials discussed issues related to religious freedom with the government and with leaders and members of religious groups. The Department of State raised the conscientious objector issue as one of three recommendations for South Korea in the UN Human Rights Council's 2012 Universal Periodic Review.

Section I. Religious Demography

As of July, the National Statistics Office estimates the population is approximately 50 million. According to the most recent census (2005), approximately 23 percent is Buddhist, 18 percent is Protestant, 11 percent is Roman Catholic, and 47 percent professes no religious belief. Groups together constituting less than 5 percent of the population include: Won Buddhism, Confucianism, Jeongsando, Cheondogyo, Daejonggyo, Jehovah's Witnesses, The Church of Jesus Christ of Latter-day Saints (Mormons), Seventh-day Adventist Church, Daesun Jinrihoe, Unification Church, and Islam. There is also a small Jewish population consisting almost entirely of expatriates.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

The constitution and other laws and policies protect religious freedom. There is no state religion, and the government does not subsidize or favor any religion. The constitution states that church and state shall be separate.

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The law requires military service for virtually all male citizens between the ages of 20 and 30. Military service lasts between 21 and 24 months, depending on the branch of service. The law does not allow for conscientious objectors, who may receive a maximum three-year prison sentence for refraining from service.

Conscientious objectors sentenced to more than one year and six months in prison are exempt from further military service and reserve duty obligations, and are not subject to further fines or other punishment.

Those who complete their military service obligation and subsequently become conscientious objectors are subject to fines for not participating in mandatory reserve duty exercises. Reserve duty obligation lasts for eight years, and there are several reserve duty exercises per year. The fines vary depending on jurisdiction, but typically average 200,000 Korean won (KRW) (\$166) for the first conviction. Fines increase by 100,000-300,000 won (\$83-249) for each subsequent conviction. The law puts a ceiling on the fine at two million KRW (\$1,660) per conviction. Courts have the option, in lieu of levying fines, to sentence individuals deemed to be habitual offenders to prison terms or suspended prison terms.

The Traditional Temples Preservation Law provides some government subsidies to historic cultural properties, including Buddhist temples, for their preservation and upkeep.

The government does not require religious groups or foreign religious workers to register or obtain licenses.

The government does not permit religious instruction in public schools. Private schools are free to conduct religious activities.

The government observes the following religious holidays as national holidays: Buddha's Birthday and Christmas.

Government Practices

There were reports of abuses of religious freedom, including imprisonment and detention.

The courts sentenced most conscientious objectors to one year and six months in prison. Watchtower International, a Jehovah's Witnesses organization, reported that as of November 30, there were 733 members of the Jehovah's Witnesses serving an average of 18 months in prison for conscientious objection to military

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service. This was fewer than at the end of 2011 (761) but more than 2009 (400-500). On August 9, the Masan Branch of Changwon District Court asked the Constitutional Court to re-examine the constitutionality of the law that penalizes conscientious objectors. As of December, the Constitutional Court was considering 21 cases filed by conscientious objectors to military service.

Watchtower reported that since 1990, courts have sentenced 20 conscientious objectors to prison terms or suspended prison terms for failing to participate in reserve duty exercises. Watchtower also estimates that, since 1950, more than 17,000 conscientious objectors have served prison time in South Korea.

On November 2, the National Human Rights Commission found that an appeal filed by a conscientious objector had merit. The plaintiff argued that the Korea Transportation Safety Corporation refused to employ him because he had a criminal record as a conscientious objector due to his beliefs as a member of the Jehovah's Witnesses. The Commission recommended that the Corporation's human resources management regulation be amended to prevent similar violations in the future.

Section III. Status of Societal Respect for Religious Freedom

There were no reports of societal abuses or discrimination based on religious affiliation, belief, or practice.

Prominent religious leaders regularly met together privately and under government auspices to promote mutual understanding and tolerance.

Section IV. U.S. Government Policy

U.S. embassy officials met regularly with the government and with members of various religious groups to discuss religious freedom. The embassy engaged with the Ministry of National Defense on the imprisonment of Jehovah's Witnesses who are conscientious objectors to military service.

On October 25, the United States and seven other countries recommended at the UN Human Rights Council's Universal Periodic Review in Geneva, Switzerland that the Korean government introduce alternative service for conscientious objectors.