

REPUBLIC OF KOREA

Executive Summary

The constitution and other laws and policies protect religious freedom and, in practice, the government generally respected religious freedom. The government did not demonstrate a trend toward either improvement or deterioration in respect for and protection of the right to religious freedom. Conscientious objectors have been imprisoned for refusing to participate in mandatory military service.

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

U.S. embassy officials met regularly with the government and with leaders and members of various religious communities to discuss issues related to religious freedom.

Section I. Religious Demography

According to the most recent census (2005), the percentages of members of the predominant religious communities are: approximately 23 percent Buddhist, 18 percent Protestant, 11 percent Roman Catholic, and 47 percent professing no religious belief. Groups that together constitute 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.

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 otherwise favor any particular religion. The constitution states church and state shall be separate.

The law requires military service for virtually all male citizens between the ages of 20 and 30. Military service lasts between 24 and 27 months, depending on the branch of service. During the year, the military service period was reduced to

between 21 and 24 months. However, the law does not allow for conscientious objectors, who can receive a maximum three-year prison sentence for refraining from service. Conscientious objectors who are 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.

The Traditional Temples Preservation Law protects historic cultural properties, including Buddhist temples, which receive some subsidies from the government for their preservation and upkeep.

The government does not require religious groups or foreign religious workers to be licensed or registered.

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 in the country, including religious prisoners and detainees.

Most conscientious objectors were sentenced to one year and six months in prison. Watchtower International, a Jehovah's Witnesses organization, reported that as of the end of the year there were approximately 761 members of the Jehovah's Witnesses serving an average of 18 months in prison for conscientious objection to military service. At the end of 2010, there were approximately 903 members in prison. During the year, the number of imprisoned conscientious objectors peaked in January at 846 and dropped to 732 in June. This number rose sharply since 2009 when approximately 400-500 conscientious objectors were in prison. Watchtower attributed the rise in the number of those imprisoned to the decision that was made by a number of conscientious objectors to delay their prison terms in hopes that the Ministry of National Defense (MND) would introduce an alternative service system for conscientious objectors. Late in 2009, the MND decided not to pursue the introduction of an alternative service system for conscientious objectors. Since the announcement of the decision, the number of conscientious objectors in prison has increased significantly.

Watchtower International reported that as of the end of the year, there were 155 conscientious objector cases on appeal in the Supreme Court and 15 cases before the Constitutional Court, two of which involved reservists. The last relevant constitutional court rulings, one in 2004 and another issued during the reporting period, upheld the law. In 2004, the Constitutional Court upheld the Military Service Act as constitutional. During the reporting period, the court found both the Military Service Act and the Homeland Reserve Forces Act to be constitutional.

Persons 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 fine varies depending on jurisdiction, but typically individuals are fined an average of 200,000 Korean won (KRW) (\$166) for the first conviction. Fines are increased by 100,000 – 300,000 KRW (\$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, instead of levying fines, to sentence individuals deemed to be habitual offenders to prison terms or suspended prison terms.

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. An additional 60 Jehovah's Witnesses were in litigation related to being conscientious objectors.

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, and prominent societal leaders took positive steps to promote religious freedom.

Prominent religious leaders met together privately and under government auspices regularly to promote mutual understanding and tolerance. For example, the Korean Council of Religious Leaders holds an annual event, the Republic of Korea Religious Culture Festival, aimed at promoting reconciliation and mutual understanding among religious groups. The media gave such public meetings wide and favorable coverage.

Section IV. U.S. Government Policy

U.S. embassy officials met regularly with the government and with members of various religious communities to discuss issues related to religious freedom. Officials met with the local Muslim community, much of which is composed of foreign migrant workers, to improve understanding of the community.

During the reporting period, embassy officials met several times with representatives of Jehovah's Witnesses to discuss the imprisonment of conscientious objectors to military service. Embassy officials also engaged the MND on this issue.