

Korea, Republic of

The Republic of Korea (“South Korea”) generally protects and, in practice, respects freedom of religion, but there remain some privileges over the non-religious. In addition, conscientious objectors continue to be incarcerated by the government and “non-ethnic” Koreans face discrimination.

Constitution and government	Education and children’s rights	Family, community, society, religious courts and tribunals	Freedom of expression advocacy of humanist values
<u>State-funding of religious institutions or salaries, or discriminatory tax exemptions</u>			
<u>Official symbolic deference to religion</u>			<u>Some concerns about political or media freedoms, not specific to the non-religious</u>
	<u>No formal discrimination in education</u>	<u>No religious tribunals of concern, secular groups operate freely, individuals are not persecuted by the state</u>	

Legend

Constitution and government

There is no state religion in South Korea. The constitution generally provides for freedom of religion (but not ‘religion or belief’ or similar). Article 20 declares:

- (1) *All citizens shall enjoy freedom of religion.*
- (2) *No state religion shall be recognized, and religion and state shall be separated.*

<elaw.klri.re.kr/eng_service/lawView.do?lang=ENG&hseq=1>

Religious institutions are tax exempt, with no such exemptions for specifically humanist or non-religious groups.

Buddhist groups have complained that the government is religiously biased against them.

On June 3, the UN High Commissioner for Human Rights (UNHCHR) released a report showing that the overwhelming majority of conscientious objectors worldwide (92.5%) are South Korean nationals. Military service is compulsory with no right to conscientious objection and no civilian alternative.

<ohchr.org/Documents/Publications/ConscientiousObjection_en.pdf>

Education and children's rights

Religious instruction is not allowed in public schools, however, private schools are permitted to conduct religious activities for children.

In a response to rising Christian evangelism in the country, university students in several Korean Universities have set up Atheist student groups.

<koreabang.com/2012/stories/students-launch-atheist-clubs-to-counter-rising-christianity.html>

In January 2012, a students' rights law was lodged for all Seoul-based elementary, middle, and high schools to prohibit use of corporal punishment and discrimination against students on the basis of gender, religion, age, race, sexual orientation, or pregnancy and allows students to stage marches. The law was passed in October, 2013.

<educationcareers.ie/blog/2013/corporal-punishment-banned-in-seoul-south-korea/>

Family, community and society

Korea is a religiously heterogeneous state. It is home to the highest Christian population in East Asia at around 20 percent Protestant and 8 percent Catholic. Another dominant religion is Buddhism, which is shared by around 15 percent of the population. A national census conducted in 2015 reported that 56 percent of the population of South Korea did not affiliate with any religion, while according to Gallup International 15% identify as "convinced atheists", potentially making it the fifth largest country for overt atheists in the world. By historical comparison, some figures actually record higher levels of "non-religious" affiliation in the early twentieth century, with non-theistic neo-Confucian beliefs widespread and considered "non-religious". Other global religions in particular Christianity have gained ground since then, but there has been a marked trend toward overt non-religiousness or atheism in more recent decades.

<aljazeera.com/indepth/features/2017/05/young-south-koreans-turning-religion-170524144746222.html>

<revolv.com/topic/Irreligion%20in%20South%20Korea>

LGBT rights

Discrimination against LGBT members is still widespread in South Korea. Article 31 of the National Human Rights Commission Act states that:

"no individual is to be discriminated against on the basis of his or her sexual orientation".

However, Article 92 of the Military Penal Code prohibits any sexual activity between people of the same-sex within the military. Same-sex intercourse is referred to as "reciprocal rape", regardless of consent, and can be punishable by up to a year in prison. Military service is compulsory for all men in South Korea. In May 2017, a soldier was given a six month prison term for having consensual sex with another soldier.

<amnesty.org/en/latest/news/2017/05/south-korea-soldier-convicted-in-outrageous-military-gay-witch-hunt/>

Christians represent a powerful lobby for traditional values, with some close links to politicians. The Anti-Homosexuality Christian Solidarity organization based in Seoul organizes social media campaigns supporting "the union of a man and a woman" (i.e. against same-sex marriage and relationships). Under pressure during the 2017 election campaign, Moon Jae-in - who has generally been regarded as progressive and pro-human rights politician - said that he was opposed to

homosexuality, comments which he later apologized for.

<npr.org/sections/parallels/2017/07/25/538464851/for-south-koreas-lgbt-community-an-uphill-battle-for-rights>

<<https://www.nbcnews.com/feature/nbc-out/south-korean-presidential-hopeful-accused-anti-gay-comments-n751301>>

In August 2017, an LGBT rights foundation Beyond The Rainbow was finally allowed to register as a charity under the Ministry of Justice. This followed three years of discriminatory rejections from multiple government agencies.

<hrw.org/news/2017/08/04/south-korea-supreme-court-affirms-lgbt-rights>

Abortion ban

Article 269 of the Korean Criminal Code defines abortion as a crime. In 1986, The Mother and Child Act provided exceptions including cases of rape, incest, hereditary disorders or in case the mother's health is in serious danger. However, these exceptions only apply before the 24th week of pregnancy and the decision does not belong to the woman alone: it is necessary under the law to obtain prior permission from the spouse or from a parental figure before undertaking an abortion.

Despite the restrictions, however, abortions are performed and the taboo is declining. In 2010, a study conducted by the government estimated that 169 000 abortions were performed in a year and only 18 000 (6%) were legal.

<thediplomat.com/2017/12/taboo-no-more-abortion-in-south-korea/>

Some sources place the figure higher. The Korean College of Obstetricians and Gynecologists suggests 3,000 abortions are performed daily.

<koreaherald.com/view.php?ud=20171203000239>

Illegal abortion is punishable by up to one year in prison or by a fine of 2 million won (US\$ 1,820). Healthcare workers who provide abortions can face up to two years in prison. On average, less than 10 people are prosecuted every year.

Ethnic discrimination

The country's few ethnic minorities are subject to legal and societal discrimination. Residents who are not considered to be "ethnic Koreans" face considerable difficulties acquiring citizenship. Furthermore, lack of citizenship prevents them from the civil service and limits opportunities for employment at some major corporations.

Freedom of expression, advocacy of humanist values

The Criminal defamation law allows for up to seven years of imprisonment and a fine up to 50 million won (\$US 44,577). The law focuses solely on whether what has been written is in the public interest, and not on whether it is true or false.

<hrw.org/news/2014/12/14/south-korea-stop-using-criminal-defamation-laws>

The National Security Law, enacted in 1948, aimed to limit espionage and other dangers from the North, including publication of messages that are perceived as advocating support for the North. The law, sometimes regarded as a remnant of the Cold War, other times as a necessary bulwark against propaganda from the North, remains controversial in South Korea for its ambiguity and potential criminalization of legitimate free expression.

South Korea has not ratified the International Labour Organization's fundamental conventions on freedom of associations, and on the right to organize and collectively bargain. The Korean Teachers and Education Workers' Union (KTU) and the Korean Government Employees Union (KGEU) have been denied the ability to legally register as Unions and are not recognized by the government.
<hrw.org/world-report/2018/country-chapters/south-korea>

Press freedom

The news media in the Republic of Korea is generally free and competitive, newspapers are privately owned and report extensively on the state of the government.

Despite media censorship being prohibited, censorship especially of online material expanded under Lee Myung-bak's government (2008-2013), to the point that the country was listed in the Reporters Without Borders "Enemies of the Internet" report as being a country in which people were "under surveillance" in 2012.

<en.rsf.org/IMG/pdf/rapport-internet2012_ang.pdf>

However, two presidencies on, the situation is said to be improving as of 2018:

"The election of Moon Jae-in [in May 2017], a human rights activist and former political prisoner, as president has been a breath of fresh air... The South Korean media showed their grit in the course of the battle they waged with President Park Geun-hye from 2014 and 2016, and finally won when she was impeached for corruption and removed. The Moon administration managed to end the decade-old conflict at the public broadcasters MBC and KBS, where journalists objected to have bosses foisted on them by the government. Nonetheless, structural problems remain. The system of appointing managers at the public broadcasters needs to be revised in order to guarantee their independence."

<rsf.org/en/south-korea>