

# **REPUBLIC OF KOREA 2016 INTERNATIONAL RELIGIOUS FREEDOM REPORT**

## **Executive Summary**

The constitution provides for religious freedom and prohibits discrimination based on religion. Watchtower International, a Jehovah's Witnesses-affiliated nongovernmental organization (NGO), reported there were 495 Jehovah's Witnesses in prison for conscientious objection to military service, with an additional 367 on trial and 41 under investigation as of August, an increase in the total number of cases from the previous year. Two more district courts, however, ruled in favor of recognizing the rights of conscientious objectors and formally requested the Constitutional Court review the constitutionality of the Military Service Act regarding conscientious objection. Religious groups and NGOs expect the Constitutional Court to announce a ruling in 2017. For the first time, a court of appeals also ruled in favor of recognizing the rights of conscientious objectors; the government announced its plans to appeal this ruling to the Supreme Court.

Amnesty International conducted a survey in April that found that 70 percent of respondents supported implementation of alternative service for conscientious objectors. Religious leaders met regularly to promote interreligious harmony.

U.S. embassy officials discussed issues related to religious freedom, including the jailing of conscientious objectors, with government officials, NGO representatives, and religious leaders.

## **Section I. Religious Demography**

The U.S. government estimates the total population at 50.9 million (July 2016 estimate). According to a 2016 census released by the Korea Statistical Information Service, approximately 16 percent of the population is Buddhist; 20 percent Protestant; 8 percent Roman Catholic; and 56 percent professes no religious belief. The census counts members of the Jehovah's Witnesses, The Church of Jesus Christ of Latter-day Saints (Mormons), the Seventh-day Adventists, and the Family Federation for World Peace and Unification (Unification Church) as Protestants. Followers of all other religious groups, including Won Buddhism, Confucianism, Jeongsando, Cheondogyo, Daejonggyo, Daesun Jinrihoe, and Islam together constitute less than 1 percent of the population. There is a small Jewish population consisting almost entirely of expatriates. The Muslim population is estimated at 135,000, with approximately

100,000 consisting of expatriates and migrant workers, according to the Korean Muslim Federation.

## **Section II. Status of Government Respect for Religious Freedom**

### **Legal Framework**

The constitution states that all citizens have freedom of religion and that there shall be no discrimination in political, economic, social, or cultural life on account of religion. Freedoms in the constitution may be restricted by law only when necessary for national security, law and order, or public welfare, and any restriction may not violate the “essential aspect” of the freedom. The constitution states that religion and state shall be separate. The Religious Affairs Bureau of the Ministry of Culture, Sports, and Tourism is charged with promoting interfaith dialogue and understanding by supporting collaborative activities across various religions.

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 alternative service or conscientious objectors, who may receive a maximum three-year prison sentence for refraining from service. Conscientious objectors sentenced to more than 18 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. The 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 KRW 100,000-300,000 (\$83-\$249) for each subsequent conviction. The law puts a ceiling on the fine at KRW 2,000,000 (\$1,662) 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 that range from one day to three years.

The law allows religious groups to register as juristic persons upon obtaining permission from their local government. Registration documents certifying the organization as a religious group may vary by local government; for example, the Seoul metropolitan government requires a group to submit an application for

permission to establish the organization as a corporate body, a prospectus of the religious organization, the founder of the group's personal information, guidelines and regulations defining the group's purpose and activities, meeting minutes of the group's first gathering, and a list of executives and employees. To obtain tax benefits, including exemption of acquisition or registration taxes when purchasing or selling property to be used for religious purposes, organizations must submit to their local government their registration as a religious and nonprofit corporate body, an application for local tax exemption, and a contract showing the acquisition or sales of property. Individual religious leaders and practitioners are eligible to receive tax benefits on earned yearly income upon submitting receipts of donations made to religious organizations. In December however, a revision to the Income Tax Act made such tax benefits no longer available effective January 2018. The Ministry of Culture, Sports, and Tourism's Office of Religious Affairs manages relations with large scale religious groups that have a nationwide presence such as the Jogye Order of Korean Buddhism and the Christian Council of Korea.

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

The preservation law provides government subsidies to historic cultural properties, including Buddhist temples, for their preservation and upkeep.

The country is a party to the International Covenant on Civil and Political Rights.

### **Government Practices**

The government detained and imprisoned conscientious objectors to military service. Most conscientious objectors refused military service for religious reasons. The number of conscientious objectors refusing military service for nonreligious reasons is also on the rise, according to local NGOs, lawyers, and religious groups. The courts sentenced most conscientious objectors to 18 months in prison. While absolved of any additional military commitment after serving time in prison, conscientious objectors still had a criminal record that could affect future employment opportunities, including limitations on holding public office or working as a public servant. Watchtower International, a Jehovah's Witnesses-affiliated NGO, reported there were 495 Jehovah's Witnesses in prison for conscientious objection to military service, with an additional 367 on trial and 41 under investigation as of August. The total number of cases (903) was more than the 823 cases in 2015.

Watchtower International estimated that since 1950, more than 19,000 conscientious objectors have served prison time in the country as of the end of the year. At year's end, the Jogye Order of Korean Buddhism said that there were two Buddhist conscientious objectors.

In June and August district courts in Incheon and Cheongju found two Jehovah's Witnesses conscientious objectors not guilty of violating the Military Service Act. Overturning the government's successful appeal of a May 2015 "not guilty" ruling by a local district court, in October the Gwangju Court of Appeals became the first high court to rule in favor of conscientious objectors by upholding the earlier acquittal decision and also reversing convictions against two other conscientious objectors. The Ministry of National Defense said it would appeal all three cases to the Supreme Court. Following several rulings by lower courts in recent years finding conscientious objectors "not guilty" of violating the Military Service Act, the Constitutional Court continued to review formally the constitutionality of the act in regard to conscientious objection. Religious groups and NGOs expected the Constitutional Court to announce a ruling in 2017. In response to similar requests from lower courts in previous years, the Constitutional Court ruled in 2004 and again in 2011 that the Military Service Act was constitutional with regard to conscientious objection.

In May a Seoul court permitted a theater owned by the state broadcaster Korean Broadcasting System to cancel four shows by the Falun Gong-associated Shen Yun performing arts company; Falun Gong is banned in China. The decision reversed a ruling by the same court in April. The theater's cancellation came after it reportedly received a letter from the Chinese Embassy; according to Shen Yun representatives, the court's ruling took into consideration the potential "huge losses" to the broadcaster should China revoke its broadcasting rights there.

### **Section III. Status of Societal Respect for Religious Freedom**

The National Human Rights Commission (NHRC) reported 16 cases alleging religious discrimination in the workplace during the year. Petitions were filed for various forms of discrimination, such as dismissal from employment based on religious reasons, or an employer conducting exams or events on religious holidays. The NHRC said it could not provide details on ongoing cases under investigation.

Public opinion about conscientious objection has varied over the years, but recent polls consistently showed public support for offering alternative service to conscientious objectors. In April Amnesty International conducted a telephone survey of 1,000 adults nationwide and found that 70 percent of the respondents supported implementation of alternative service for conscientious objectors. This was consistent with similar polls previously conducted by Gallup Korea in 2013, in which 68 percent of respondents supported alternative service.

Prominent religious leaders regularly met together privately and under government auspices to promote religious freedom, mutual understanding, and tolerance. The Korean Conference of Religions for Peace (KCRP) hosted religious leaders from multiple faiths at religious events throughout the year, including seminars, exhibitions, arts and cultural performances, and interfaith exchanges to promote religious freedom, reconciliation, and coexistence among religions. In June the KCRP celebrated its 30th anniversary with a conference that brought together leaders from seven different religious groups to discuss their role in addressing local and global issues ranging from youth unemployment to environmental protection. The Religious Affairs Division of the Ministry of Culture, Sports, and Tourism supported these efforts with KRW 16.4 billion (\$13.6 million) in funding, of which KRW 7 billion (\$5.8 million) was specifically allocated to fund religious events and activities.

#### **Section IV. U.S. Government Policy**

U.S. embassy officials regularly engaged the government – including the Ministry of Foreign Affairs; the Ministry of Culture, Sports, and Tourism; the Ministry of Justice; and National Assembly members – on religious freedom and tolerance, including conscientious objection on religious grounds.

Embassy officers met with members of various religious groups and NGOs including associations representing Protestants, Catholics, Buddhists, Confucianists, Muslims, Jehovah's Witnesses, Cheondogyo, and indigenous religions, to discuss the state of religious freedom and concerns about the imprisonment of conscientious objectors.