

REPUBLIC OF KOREA 2017 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution provides for religious freedom and prohibits discrimination based on religion. A legal revision will remove certain religious tax exemptions in January 2018. Watchtower International, a Jehovah's Witnesses-affiliated nongovernmental organization (NGO), reported there were 277 Jehovah's Witnesses in prison for conscientious objection to military service, with an additional 654 on trial and 56 under investigation as of November. The total number of cases (680) was more than the 633 cases in 2016, although the number of prisoners was down from 352 in the previous year. The NGO also reported that the number of conscientious objectors on trial was at a 10-year high. In June the National Human Rights Commission of Korea (NHRCK), an independent government human rights body, sent a recommendation to the minister of defense and the speaker of the national assembly to introduce legislation to provide an alternative service option and to revise the military service law related to conscientious objectors. The Ministry of National Defense (MND) stated that it would reassess the need for an alternate service that is consistent with international human rights standards, but expressed concerns that some would use this service to evade military service. The MND conducted a public opinion survey during the year and based on the results will consider a public hearing at the national assembly. The national assembly did not reply to the recommendation by year's end.

The NHRCK reported 15 cases alleging religious discrimination as of September. Muslim groups reported a general view existed associating Muslims with terrorist activities and instances in which women wearing hijabs were denied job interviews.

U.S. embassy officials discussed issues related to religious freedom, including the jailing of conscientious objectors, with government officials, NGO representatives, and religious leaders. The embassy hosted a youth interfaith dialogue, cosponsored by the Korean Conference of Religions for Peace (KCRP), including Muslim, Catholic, and Buddhist students.

Section I. Religious Demography

The U.S. government estimates the total population at 51.2 million (July 2017 estimate). According to a 2016 census released by the Korea Statistical Information Service, approximately 20 percent of the population is Protestant; 16 percent Buddhist; 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. According to the Israeli Embassy, there is a small Jewish population estimated at 300 individuals in Seoul consisting almost entirely of expatriates. According to the Korean Muslim Federation (KMF), the Muslim population is estimated at 135,000, of which approximately 100,000 are migrant workers and expatriates mainly from Bangladesh, Indonesia, and Pakistan.

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 refusing to serve. 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) (\$190) for the first conviction. Fines increase by KRW 100,000 to 300,000 (\$94 to \$280) for each subsequent conviction. The law puts a ceiling on the fine at KRW 2 million (\$1,900) per conviction. Civilian 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 sale 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 2016, however, a revision to the Income Tax Act discontinued some tax benefits, effective January 2018, for Christian pastors, Catholic priests, and Buddhist monks; previously they were exempt from taxation on their earned income.

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 for 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 continued to detain and imprison conscientious objectors to military service. Most conscientious objectors refused military service for religious reasons. 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 277 Jehovah's Witnesses in prison for conscientious objection to military service, with an additional 654 on trial and 56 under investigation, as of November. The total number of cases (680) was more than the 633 cases in 2016, although the number of prisoners was down from 352 in the previous year.

As of October, Watchtower International estimated that since 1950, more than 19,248 conscientious objectors had served prison time in the country. They also reported that the number of objectors on trial was at a 10-year high, saying the volume was due to the courts' hesitation to rule on objector cases prior to a pending Constitutional Court ruling on the current law. The Constitutional Court had previously ruled in 2004 and again in 2011 that the Military Service Act was constitutional with regard to conscientious objection.

The media reported the number of cases of lower courts acquitting conscientious objectors was increasing; however, many were subsequently found guilty after their cases were appealed to the Supreme Court. As of September, the lower courts issued 35 not guilty decisions. In contrast there were seven in 2016 and six in 2015.

On June 27, the NHRCK sent a recommendation to the minister of defense and the speaker of the national assembly to introduce legislation to provide an alternative service option and to revise the military service law related to conscientious objectors. The MND stated that it will reassess the need for an alternate service that is consistent with international human rights standards, but expressed concerns that some would use this service to evade military service. The MND conducted a public opinion survey late in the year and based on the results will consider a

public hearing at the national assembly. The national assembly did not respond to the recommendation by year's end.

In an August survey by private polling organization Real Meter, 78.1 percent of respondents said implementation of the new tax law should begin in 2018 as planned. Religious organizations, however, expressed concern that the criteria for taxation specify benefits that are not actual income and may inflate the estimates of income for some religious leaders. The organizations were also concerned about distinguishing taxation on religious activities from taxation on clergy, pastors, priests, and Buddhist monks.

According to the KMF, a Muslim serviceman filed a complaint with the MND for not providing a place of worship for Muslims despite doing so for Buddhists, Catholics, and other Christians.

According to a report from *The Washington Times*, Buddhist monks held round-the-clock meditation in Seongju County to protest deployment of an antimissile system near places sacred to the Won Buddhist school. The report said roads to the antimissile sites were blocked and guarded by authorities. Monks reportedly said this blocked the road to a holy site. According to the same report, monk Won Ik-son said the prayer protests were "our resistance to the government's violation of our freedom of religion." The government and other sources, including other Won Buddhists, said it was the Won Buddhist themselves and other protesters who were blocking the road, not the government, to protest the government's lack of consultation with the local community in its decision to move forward with the antimissile installation. The government said it was sensitive to the Won Buddhists' concerns, and it had not forcibly removed the protesters who were still blocking access to the antimissile site at the end of year.

Section III. Status of Societal Respect for Religious Freedom

The NHRCK reported 15 cases alleging religious discrimination as of September. The NHRCK did not provide details on cases under investigation.

Muslim groups reported discrimination, such as a general view associating Muslims with terrorist activities, and instances in which women wearing hijabs were denied job interviews.

Prominent religious leaders regularly met under government auspices to promote religious freedom, mutual understanding, and tolerance. The 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. While Islam is not one of the seven religious groups represented in the KCRP (which comprises the National Council of Churches of Korea, Jogye Order of Korean Buddhism, Catholic Church, Won Buddhism, Confucianism, Cheondogyo, and the Association of Korean Native Religions), approximately 11 Muslim religious leaders and academics attended its annual seminar. The Religious Affairs Division of the Ministry of Culture, Sports, and Tourism supported such efforts with a total budget of KRW 6.2 billion (\$5.8 million), with KRW 2.5 billion (\$2.4 million) for Buddhist events, KRW 757 million (\$710,000) for Christian events, KRW 500 million (\$469,000) for Won Buddhist events, KRW 1.1 billion (\$1 million) for Cheondogyo events, and KRW 1.3 billion (\$1.2 million) for Confucian cultural activities.

Section IV. U.S. Government Policy and Engagement

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

Embassy officials 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 tolerance and concerns about the imprisonment of conscientious objectors.

The embassy hosted a youth interfaith dialogue, cosponsored by the KCRP, where students representing the Muslim, Catholic, and Buddhist faiths discussed stereotypes, shared values, and ways to identify and overcome religious discrimination.