

REPUBLIC OF KOREA 2021 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution provides for religious freedom and prohibits discrimination based on religion. Officials approved 1,292 alternative service applications from conscientious objectors to military service, and courts allowed all but three of 192 conscientious objectors with pending trials to begin alternative service. In the other three cases, however, Jehovah's Witnesses reported courts convicted three of their members and sentenced them to 18-month prison terms. In April, the Supreme Prosecutor's office apologized to Won Buddhists after accusations the office had removed a member of the group from an independent review panel based on his religious beliefs. In a lawsuit against COVID-19 restrictions brought by several Protestant pastors, the Seoul Administrative Court ruled in September that religious gatherings of fewer than 20 people were permissible for religious groups that had not previously violated COVID-19 restrictions. In January and February, courts in Suwon and Daegu acquitted several leaders of the Shincheonji Church of Jesus (Shincheonji Church) charged with interfering with government contact-tracing efforts during the country's initial COVID-19 outbreak in 2020. Diverse religious groups and much of civil society again urged the National Assembly to adopt a draft antidiscrimination law that would include protections for religious affiliation. Some Protestant groups, including the United Christian Churches of Korea, opposed the legislation because one of the protected categories was sexual orientation. In August, the government provided temporary humanitarian stay status to 434 predominantly Muslim Afghans and evacuated and resettled 391 Afghans who had assisted the government during the war in Afghanistan. The government extended the humanitarian stay status of 740 predominantly Muslim Yemenis and granted 18 Yemenis refugee status.

In February, a district office in the city of Daegu suspended construction of a mosque after residents, who reportedly voiced anti-Muslim slurs, blocked the work. Construction had not resumed at year's end, despite a court ruling that the suspension order was illegal. Critics of the government's policy to evacuate and accept Afghan refugees who had aided the government during the Afghan war expressed their opposition vocally in online media. A petition calling on the government not to accept the refugees garnered more than 30,000 signatures but fell short of the 200,000 signatures that would have necessitated a government response. The author of the petition wrote that the "introduction of Islam" by the refugees would "expose the country to terrorism." Online criticism of Christian

congregations that were at the center of COVID-19 outbreaks in the country with cluster infections in 2020-2021 diminished, according to several religious leaders.

U.S. embassy officers engaged with government officials on issues related to religious freedom, including the status of religious asylum seekers. Embassy officials discussed religious freedom issues and underscored the U.S. commitment to religious freedom with Buddhist, Protestant, Catholic, Jehovah's Witnesses, Muslim, Jewish, Falun Dafa, and other communities.

Section I. Religious Demography

The U.S. government estimates the total population at 51.7 million (midyear 2021). According to a 2015 census conducted by the Korea Statistical Information Service, of the 44 percent of the population espousing a religion, 45 percent are Protestant, 35 percent Buddhist, 18 percent Roman Catholic, and 2 percent "other" (including Won Buddhism, Confucianism, Jeongsando, Cheondogyo, Daejonggyo, Daesun Jinrihoe, and Islam). The census counted members of the Jehovah's Witnesses, The Church of Jesus Christ of Latter-day Saints, the Seventh-day Adventist Church, and the Family Federation for World Peace and Unification (Unification Church) as Protestants. According to one of the two rabbis in the country, there is a small Jewish population of approximately 1,000, almost all expatriates. The Korean Muslim Federation estimates the Muslim population at 150,000, of which approximately 120,000 are migrant workers, mainly from Uzbekistan, Bangladesh, Indonesia, and Pakistan, and 30,000 are expatriate students and businesspeople.

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 the basis of religion. Freedoms provided for in the constitution may be restricted by law only when necessary for national security, law and order, or public welfare, but restrictions may not violate the "essential aspect" of the freedoms. The constitution mandates separation of religion and state.

According to regulation, a religious group that has property valued at over 300 million won (\$252,000) may become a government-recognized religious organization by publishing its internal regulations defining the group's purpose and

activities, its meeting minutes of the group's first gathering, and a list of executives and employees.

To obtain tax benefits, including exemption from acquisition or registration taxes when purchasing or selling property to be used for religious purposes, organizations must submit to the 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. All clergy are taxed on earned yearly income, but clergy are exempt from taxation on education, food, transportation, and childcare expenses. Individual laypersons are eligible for income tax deductions for contributions to religious organizations upon submission of receipts for the donations.

The law requires 18-21 months of active military service for virtually all male citizens between the ages of 18 and 40, followed by reserve duty training. The law allows conscientious objectors to fulfill their service requirement by working as government employees for 36 months at correctional facilities. Alternative service jobs may involve food service, education, sanitation, and facilities management. Those who refuse to fulfill military service or alternative service face up to three years' imprisonment.

Following military service, there is an eight-year reserve duty obligation involving several exercises per year. Conscientious objectors may fulfill their reserve duties in correctional facilities, with an obligation to work for four days each year for six years. Failure to perform reserve duties or alternative service carries fines and possible imprisonment of up to one year for reserve, or three years for alternate, service. The fines vary depending on jurisdiction but typically average 200,000 won (\$170) for the first conviction and increase for each subsequent violation up to a maximum of two million won (\$1,700) 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 government does not permit religious instruction in public schools. Private schools and religious schools are free to conduct religious activities. High school students at these schools may opt out of religious instruction, choosing to take ethics or civics courses instead.

The law provides government subsidies for the preservation and upkeep of historic cultural properties, including religious sites.

The government's National Human Rights Commission of Korea (NHRCK) investigates complaints, issues policy recommendations, trains local officials, and conducts public awareness campaigns, pertaining to human rights, including religious freedom. The NHRCK may make nonbinding recommendations but does not have authority to implement policies or penalize individuals or entities that violate human rights.

The law on refugees contains a nonrefoulement obligation, under which the government does not forcibly return asylum seekers, including those seeking asylum for religious persecution, whose applications and appeals are pending judicial review.

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

Government Practices

The government continued to accept applications for conscientious objectors to military service to fulfill their mandatory duties through alternative service and approved 1,292 such applications during the year. Most conscientious objectors applied for alternative service based on religious beliefs, but the government also approved applications from four individuals based on their stated personal beliefs in nonviolence and pacifism. Prior to enactment of the law allowing alternative service in 2020, those who refused military service faced up to three years' imprisonment. Courts allowed 189 of 192 individuals with pending trials at the time of the law's passage to transfer to alternative service, but courts rejected the three other applications, all from Jehovah's Witnesses. The Supreme Court rejected final appeals in these three cases in December 2020 and April and November 2021, and the three individuals, according to Jehovah's Witnesses representatives, were serving 18-month prison sentences at year's end. Civil society organizations and Jehovah's Witnesses representatives said the alternative provisions were a clear improvement, but still flawed. Jehovah's Witnesses said the length of alternative service (three years) seemed punitive in comparison to the shorter period of 18-21 months for military service and contrary to international standards.

The government continued to enforce COVID-19 prevention measures, including restrictions on the number of persons who could gather for any purpose. According to an October Gallup poll, most Koreans continued to support these measures in the interest of public safety and health. Many religious groups, for

example, the National Council of Churches in Korea and the Jogye Order of Korean Buddhism, also issued public statements supporting the measures. As pandemic conditions fluctuated, the restrictions at times included complete prohibitions on in-person religious services. Many denominations held virtual religious gatherings during these periods. In September, the Seoul Administrative Court ruled that in-person religious gatherings of fewer than 20 people should be allowed, following a lawsuit filed by several Protestant churches against the Seoul metropolitan government. The court said a complete prohibition on in-person religious events infringed on basic rights. The court said its ruling to allow limited in-person services did not include religious organizations with past records of violating quarantine rules or closure for outbreaks during the pandemic. The court did not cite any such groups by name. Following the ruling, there were no reports that the government prevented small gatherings of any religious group.

In January, the Suwon District Court acquitted Lee Man-hee, the leader of the Shincheonji Church, of charges of interfering in an epidemiological investigation. The Church was at the center of the country's initial COVID-19 outbreak in Daegu in February 2020, receiving significant social criticism and negative media coverage. Prosecutors had charged Lee and other church officials in 2020 with impeding contact-tracing efforts by providing incomplete or inaccurate membership lists to authorities. The court ruled that these actions had interfered with pre-investigation data collection efforts, not the investigation itself. A Daegu court acquitted eight other Shincheonji Church leaders in February based on the same legal interpretation. In January, the Suwon District Court convicted Lee of embezzling 5.6 billion won (\$4.71 million) in Church funds and issued a three-year suspended prison sentence.

In April, media reported that the Prosecutorial Service allegedly excluded an individual based on religious beliefs from an independent panel that reviews prosecutorial investigations. The investigation involved Samsung Electronics Vice Chairman Jay Y. Lee's alleged illegal use of a prescription sedative, propofol. The person excluded from the panel was a Won Buddhist, an adherent of the same religion as the Lee family. The Korean Order of Won Buddhism filed a religious discrimination complaint, and a representative from the Supreme Prosecutor's office visited Won Buddhism headquarters to apologize directly for the incident.

The Ministry of Culture, Sports, and Tourism (MCST) reported that of the 79 private universities in the country run by Christian foundations, 68 required students to take a semester of religious instruction or "chapel class" as a requirement for graduation. In May, the NHRCK said religious instruction

required student consent, stating that forcing students to take a class preaching a specific religion was a violation of religious freedom. The commission said the schools needed to offer an alternative class for students who did not wish to participate.

The NHRCK, nongovernmental organizations (NGOs), diverse religious groups, and civil society organizations continued to call for the country to adopt comprehensive antidiscrimination legislation whose protected categories would include religious affiliation, race, gender, and sexual orientation, among others. At year's end, there were four antidiscrimination bills in the National Assembly pending action by the relevant committees. In September, Protestants and Catholics identifying themselves as progressive, including the National Council of Churches in Korea, formed a group called "Christians for a World Without Discrimination and Hatred" to support the passage of such a law. Also in September, monks from the Jogye Order of Korean Buddhism organized a protest to urge lawmakers to pass a comprehensive antidiscrimination law by crawling a total of 30 kilometers (18 miles) – three kilometers (1.8 miles) per day for 10 days – toward the National Assembly. However, Protestant groups – including the United Christian Churches of Korea, which represents 30 denominations – that were against including sexual orientation as a protected category in the legislation opposed the bill. These Protestant groups stated that the "legalization of homosexuality" by passing a comprehensive antidiscrimination law would be a "national disaster."

The NHRCK investigated two cases of alleged employment discrimination, one at a private elementary school and another at a state university. In both cases the institutions reportedly asked teachers and lecturers applying for jobs whether they were Christian, and the university requested a recommendation from a senior pastor as a requirement for the job. The NHRCK said in each of these cases that the schools should revise their employment regulations and implement measures to prevent a recurrence.

Although NHRCK recommendations are nonbinding, the institution said government ministries took its recommendations seriously, adopting more than 90 percent of the recommendations.

The MCST's Religious Affairs Division worked with the seven members of the NGO Korean Conference of Religions for Peace – the National Council of Churches in Korea, the Jogye Order of Korean Buddhism, the Catholic Church, Won Buddhism, Confucianism, Cheondogyo, and the Association of Korean

Native Religions – on interfaith cooperation and was the primary government contact for religious organizations. The MCST disbursed 12.8 billion won (\$10.77 million) – compared with 7.7 billion won (\$6.48 million) in 2020 – supporting religious and traditional cultural events during the year, including Buddhist, Christian, Cheondogyo, and Confucian activities.

In October, the Jeju District Court rejected the first appeals of eight Chinese Christians seeking asylum. The eight were part of a group of 60 Chinese Christians who stated they were fleeing religious persecution in the People’s Republic of China when they arrived in Jeju Island in 2019 and applied for asylum. The immigration office rejected their asylum applications in 2020, and they began the appeal process, which could take years.

In August, the government announced it would extend temporary humanitarian stay status to 434 predominantly Muslim Afghans living in the country. It also facilitated the travel to and settlement in the Republic of Korea of 391 Afghans who had supported the government’s efforts in Afghanistan, designating them “persons of special merit.” Immigration officials again renewed the one-year humanitarian stay status granted to hundreds of predominantly Muslim Yemenis on Jeju Island. According to the Ministry of Justice, 740 Yemenis resided in the country with humanitarian stay status, and 18 Yemenis had been granted refugee status.

Section III. Status of Societal Respect for Religious Freedom

According to an Ipsos survey published in June, 78 percent of respondents perceived “a great deal” or a “fair amount” of societal tension among different religions.

In February, residents of the Buk-gu District in Daegu submitted a petition to the district office opposing the construction of a mosque near Kyungpook National University, and media reported some residents protested the construction with banners displaying racist comments and anti-Muslim slurs. In the same month, the Buk-gu District Office issued an administrative order suspending construction of the mosque, pending resolution of residents’ complaints about the project. The Daegu Muslim community, including approximately 150 Muslim graduate students at Kyungpook National University, began constructing the mosque in December 2020 after purchasing land and securing relevant building permits. A resident stated the mosque was “encroaching” on their village, and a university professor told reporters the mosque’s placement in the university district – a neighborhood

without a high concentration of migrant workers – contributed to the complaints. The NHRCK stated the district office ordered suspension of construction of the building after receiving one-sided civil complaints that appeared to be based solely on its being an Islamic place of worship. The Korean Muslim Federation said the district office did not provide any explanation or alternative solutions, calling it an instance of anti-Muslim persecution. Although the Daegu District Court ruled in July that the suspension order was inappropriate, residents continued to position vehicles to block the entrance to construction vehicles and materials. According to the student group, some residents also targeted students by releasing their personal information on social media and by placing anti-Muslim banners at their children's schools.

In a December ruling, the Daegu District Court, citing two legal grounds, said the Buk-gu District Office's February administrative order to suspend construction of the mosque was illegal. First, the district office did not notify the building owners in advance or provide them with an opportunity to address the complaint. Second, the suspension order was based solely on complaints from neighbors, which the court said was not a valid legal reason to interfere with the building owners' rights. At year's end, the issue was unresolved and construction of the mosque remained suspended.

Critics of the government's decision to evacuate and resettle 391 Afghan "persons of special merit" in August expressed their opposition on social media and via online petitions. One online petition urging President Moon Jae-in "not to accept refugees" garnered more than 30,000 signatures, below the 200,000-signature threshold that would require the government to respond. The person who uploaded the petition also stated online that the country already had enough "zealots," and that the "introduction of Islam" by the 391 Afghans would "exacerbate the situation and expose the country to terrorism."

Criticism continued on social media of Christian denominations that were at the center of COVID-19 outbreaks in the country with cluster infections in 2020-2021, but several religious leaders, including from groups belonging to the Korean Conference of Religions for Peace, stated the criticism was at a reduced level. A University of Chicago article on the impact of the pandemic on Christianity in the country reported that some small shops and restaurants displayed signage temporarily refusing service to Christians.

During the year, the Korean Conference of Religions for Peace organized several programs to promote interfaith tolerance. For example, in November, it held

seminars to discuss delays in the Daegu mosque construction project and to raise awareness of Islam.

Section IV. U.S. Government Policy and Engagement

Embassy officers engaged the government – including the Ministry of Foreign Affairs, MCST, and Ministry of Justice – on religious freedom and tolerance issues, including the status of religious asylum seekers.

On November 5, an embassy official visited the Daegu mosque site and met with persons involved with the construction. The Charge d'Affaires and other senior officials met with Catholic Cardinal Yeom Soo-jung, as well as Protestant and Buddhist leaders. Embassy officials also spoke regularly with religious groups, including Protestant, Catholic, Buddhist, Jehovah's Witnesses, Muslim, Jewish, Falun Dafa, and other communities, to understand the religious freedom issues important to those groups and underscore the U.S. commitment to religious freedom.