

REPUBLIC OF KOREA 2018 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution provides for religious freedom and prohibits discrimination based on religion. On June 28, the Constitutional Court overturned its previous 2004 and 2011 rulings and found unconstitutional a provision of the law that calls for up to three years in prison for those who refuse to serve in the military without “justifiable” reasons, arguing that it failed to provide alternative service options for conscientious objectors. The ruling required the government to amend the law by December 31, 2019 to provide alternative service options for conscientious objectors. On November 1, the Supreme Court ruled “conscience or religious beliefs” a justifiable reason for refusing mandatory military service, while overturning a lower court ruling in which a Jehovah’s Witness was sentenced to 18 months in prison. On November 30, press reported the government decided to release on parole 58 conscientious objectors who had been imprisoned prior to the Supreme Court ruling. According to Watchtower International, a Jehovah’s Witnesses-affiliated nongovernmental organization (NGO), 57 conscientious objectors were released on parole and eight Jehovah’s Witnesses remained in prison as of December for conscientious objection to military service, down from 277 the previous year. It also reported 938 pending such cases in the courts as of December including 89 cases in the Supreme Court and 37 cases under investigation. The number of conscientious objectors on trial was the highest in 11 years, while the number of conscientious objectors in prison was the lowest in 11 years, according to the NGO. In December the Ministry of Justice (MOJ) granted temporary one-year humanitarian permits to 412 of 500-plus Yemenis, most or all of whom were Muslim, who applied for asylum after entering Jeju Province on a visa-free program. Yemenis were excluded from the visa-free program in June.

The influx of Yemeni asylum seekers to Jeju spurred protests against the country’s special visa-free entry program for Yemenis and certain other nationals. The National Human Rights Commission of Korea (NHRCK) reported 21 cases alleging religious discrimination as of December.

The Ambassador and other embassy officers engaged with senior government officials, NGO representatives, and religious leaders on issues related to religious freedom, including the imprisonment of conscientious objectors. The Ambassador met with the President of the Constitutional Court to discuss the court’s ruling on conscientious objectors and the positive effect the ruling would have on the ability

of religious minorities to express their religious beliefs and act according to their faith. The Ambassador also met with leaders of the Anglican, Baptist, Buddhist, Catholic, Jewish, and Islamic communities to discuss and underscore the U.S. commitment to religious freedom.

Section I. Religious Demography

The U.S. government estimates the total population at 51.4 million (July 2018 estimate). According to the 2016 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.” The census counts 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. Followers of “other” religious groups, including Won Buddhism, Confucianism, Jeongsando, Cheondogyo, Daejonggyo, Daesun Jinrihoe, and Islam, together constitute less than 2 percent of the population. According to the only rabbi in the country, there is a small Jewish population of approximately 1,000, almost all expatriates. According to the Korean Muslim Federation, 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 because of religion. Freedoms in the constitution may be restricted by law only when necessary for national security, law and order, or public welfare, and restrictions may not violate the “essential aspect” of the freedom. The constitution states that religion and state shall be separate.

The law requires active military service for virtually all male citizens between the ages of 18 and 40, followed by reserve duty training. The Ministry of National Defense reported that starting in October the length of compulsory military service would gradually shrink from 21-24 months to 18-22 months, depending on the branch of service. The law currently does not allow for alternative service options for conscientious objectors, who are subject to a maximum three-year prison sentence for refusing to serve in the military. Conscientious objectors sentenced to

more than 18 months in prison are exempt from military service and reserve duty obligations and are not subject to additional sentences or fines.

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 (\$180) for the first conviction. Fines increase by 100,000 to 300,000 won (\$90 to \$270) for each subsequent conviction. The law puts a ceiling on fines at 2 million won (\$1,800) 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.

In June the Constitutional Court ruled that the government must provide alternative service options for conscientious objectors by December 31, 2019. On November 1, the Supreme Court ruled that conscientious objection was a valid reason to refuse mandatory military service. The rulings did not address the status of conscientious objectors already convicted and serving time in prison. While the Constitutional Court has the authority to rule on the constitutionality of national laws, the Supreme Court decides how these laws would apply to individual cases.

According to regulation, a religious group that has property valued at over 300 million won (\$269,000) may become a government recognized religious organization by making public internal 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 previously were eligible to receive tax benefits on earned yearly income. A revision to the Income Tax Act, which took effect in January, eliminated tax exemptions on earned income for all clergy. Education, food, transportation, and childcare expenses remain exempt from taxation for clergy. Individual practitioners remain eligible for income tax benefits upon submitting receipts of donations made to religious organizations.

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

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

The Ministry of Culture, Sports, and Tourism (MCST) Religious Affairs Division works with major religious groups on interfaith solidarity and interactions between religious organizations and the government.

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, and most were sentenced to 18 months in prison. While absolved of any military obligation 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.

On November 30, press reported that the government would release on parole 58 conscientious objectors who had been imprisoned. Those individuals were eligible for parole because they had finished one-third of their sentence. Watchtower International said that 57 conscientious objectors were released on parole and reported in December eight Jehovah's Witnesses remained in prison for conscientious objection to military service. The total number of such prisoners declined from 277 in the previous year.

As of June Watchtower International estimated that more than 19,350 conscientious objectors had been imprisoned since 1950. The organization reported 938 cases pending in the courts, including 89 cases in the Supreme Court and 37 cases under investigation as of December. Another 46 Jehovah's Witnesses were under investigation for refusing to participate in reserve forces training. The number of conscientious objectors on trial was at its highest in 11 years, while the number of conscientious objectors in prison was at its lowest in 11 years.

As of December the lower courts had issued 85 “not guilty” decisions in conscientious objection cases, in contrast to 44 in 2017, seven in 2016, and six in 2015.

On June 28, the Constitutional Court, after deliberating for nearly three years, ruled that a provision of the law on conscription was unconstitutional since it failed to provide for alternative service options for conscientious objectors. In 2004 and again in 2011, the Constitutional Court had deemed the conscription law constitutional. The new court ruling required the government to amend the law by December 31, 2019 to provide alternative service options for conscientious objectors. The Ministry of National Defense began drafting a bill for conscientious objectors after the ruling.

On August 30, the Supreme Court heard several cases of conscientious objectors. On November 1, it ruled that conscientious objection was a valid reason to refuse mandatory military service while overturning a lower-court ruling in which a Jehovah’s Witness was sentenced to 18 months in prison.

On November 22, Seoul Central District Court convicted Lee Jae-rock, the pastor of a megachurch, of raping eight women dozens of times and sentenced him to 15 years in prison. He had told the women that he was carrying out “an order from God.”

In July police arrested Shin Ok-ju, head pastor of the Grace Road Church, as well as three other senior members, on charges of forced confinement and physical assault in conjunction with a 400-member Church-owned compound in Fiji. Former members of the Church said they were instructed to beat each other in order to get rid of evil spirits and were not free to leave the compound. The Church denied the accusations. As of the end of the year, the investigation was ongoing.

Religious organizations continued to express concern that a new tax law, which went into effect in January, imposed income tax on specified benefits for religious leaders that were not actual income. Organizations were also concerned about distinguishing taxation on religious activities from taxation on religious leaders as individuals.

Media sources reported the Seoul city government spent 200 million won (\$179,000) to provide prayer rooms at popular tourist destinations in order to attract more Muslim tourists.

The MCST's Religious Affairs Division supported various religious events, co-hosted by religious leaders, including the Korean Religious and Cultural Festival in November and North Jeolla Province's World Religious and Cultural Festival in September. During the year, the ministry spent a total of 5.7 billion won (\$5.11 million), with 2.2 billion won (\$1.97 million) for Buddhist events, 1.3 billion won (\$1.17 million) for Confucian cultural activities, 872 million won (\$782,000) for Cheondogyo events, 733 million won (\$658,000) for Christian events, and 483 million won (\$433,000) for Won Buddhist events. According to the Korea Conference of Religions for Peace (KCRP), the MCST had little to no collaboration hosting events with the Jewish Community during the year.

Between January and May 552 Yemenis, most or all of whom were Muslim, arrived on a visa-free program to Jeju Province and then applied for asylum. On June 1, the government enacted a ban on additional visa-free entry for Yemenis to Jeju and on travel to the mainland. By December the MOJ granted temporary one-year humanitarian permits to 412 of the asylum-seeking Yemenis. It rejected 56, of which 14 were dismissed because the applicants withdrew their appeals or violated immigration rules. Two were granted asylum.

Section III. Status of Societal Respect for Religious Freedom

The NHRCK reported 21 cases alleging religious discrimination as of December. The NHRCK did not provide details on cases under investigation.

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

An influx of Yemeni asylum seekers to Jeju Province spurred protests against the country's special visa-free entry program for Yemenis and certain other nationals, resulting in the government excluding Yemenis from the program in June. Some groups working with asylum seekers said local media were unfairly associating Yemenis with terrorist activities because of their religion. A web survey of 605 Koreans conducted in November by the Lowy Institute of Australia found the strongest negative response to a question on accepting the Yemenis when the question added their religion. Some Protestant ministers have encouraged Koreans to accept and help the refugees, and criticized "baseless Islamophobia."

According to local media, on October 19, authorities reversed their prior decision and granted refugee status to an Iranian teenager who had converted from Islam to Catholicism while in the country. He was supported by a large number of classmates as well as a Catholic cardinal.

Media sources reported the Korea Tourism Organization cancelled plans to build two mobile prayer rooms for use during the Winter Olympics after approximately 58,000 individuals signed an online petition stating taxpayer money should not be used for a particular religion and that Koreans should be wary of “extremist Muslims.”

In January, following reports that parents killed their daughter while attempting to force her to convert from what the parents viewed as a cult to their own Christian denomination, 120,000 citizens gathered in Seoul and elsewhere to protest against coercive conversion, reportedly conducted by some Christian pastors. The protestors criticized the government and churches for remaining silent on the issue and demanded action.

According to a poll conducted by Korea Gallup on May 15-16 at the request of the Korean Association of Church Communications, 73.4 percent of respondents were in favor of alternatives to military service.

Prominent religious leaders regularly met under government auspices to promote religious freedom, mutual understanding, and tolerance. Throughout the year, the KCRP hosted religious leaders from multiple faiths at religious events including seminars, exhibitions, arts and cultural performances, and interfaith exchanges to promote religious freedom, reconciliation, and coexistence. While Islam is not one of the seven religious groups represented in the KCRP, which is comprised of the National Council of Churches of Korea, the Jogye Order of Korean Buddhism, the Catholic Church, Won Buddhism, Confucianism, Cheondogyo, and the Association of Korean Native Religions, the KCRP hosted seminars in June on *Experience of Different Religions and Special Experience of Ramadan and Iftar* at the Korean Muslim Federation where approximately 60 Muslims, Catholics, and Won Buddhists attended.

Section IV. U.S. Government Policy and Engagement

U.S. embassy officers regularly engaged the government – including the Ministry of Foreign Affairs, MCST, MOJ, and National Assembly members – on religious freedom and tolerance, including urging the government to provide legal

provisions for conscientious objection to military service on religious grounds. The Ambassador met with the President of the Constitutional Court to discuss the court's ruling on conscientious objectors and the positive effect the ruling would have on the ability of religious minorities to express their religious beliefs and act according to their faith.

The Ambassador also met with leaders of the Anglican, Baptist, Buddhist, Catholic, Jewish, and Islamic communities to discuss religious freedom issues and underscore the U.S. commitment to religious freedom. Other embassy officials met with members of various religious groups and NGOs, including associations representing Jehovah's Witnesses, and indigenous religions, to discuss the state of religious tolerance and concerns about the imprisonment of conscientious objectors.

The embassy highlighted the U.S. commitment to religious freedom via social media, including by posting the Ambassador's meeting with the Jogye Order of Korean Buddhism in November to discuss human rights and social issues.