

## RELIGIOUS FREEDOM CONCERNS IN SOUTH KOREA

STATEMENT by the EUROPEAN ASSOCIATION OF JEHOVAH'S CHRISTIAN WITNESSES

For the OSCE Human Dimension Implementation Meeting, Warsaw, 23 September to 4 October 2013

The 100,000 who worship as Jehovah's Witnesses in South Korea appreciate the freedom of worship they enjoy in their country. However, the lack of a solution respecting conscientious objection to military service oppresses their young men.

**Is a solution to this decades-long impasse possible?** It is interesting to note that many young Jehovah's Witnesses would conscientiously accept alternative civilian service. This would allow them to serve their country in a dignified manner that respects their conscience. However, in South Korea, no option to military training exists.

### What is the consequence of having no option to military training?

- Conscientious objectors to active military service are sentenced to 18 months of imprisonment, then released with a criminal record, affecting their future prospects.
- Conscientious objectors to reservist training undergo eight year-long cycles of call-ups, two to three times a year, and repeated prosecutions. For example, Korea has prosecuted one conscientious objector to reservist training 37 times and will yet pursue him through two more years of call-ups and trials.

South Korea holds the record for imprisoning Jehovah's Witnesses as conscientious objectors. Currently, about 600 young men are confined. **Since 1950, South Korea has sentenced more than 17,400 Jehovah's Witnesses to a combined total of more than 34,000 years of imprisonment for conscientious objection.**

**What do international bodies say about this situation?** In October 2012, the United Nations Human Rights Committee (CCPR) condemned South Korea for a fourth time because of its imprisoning hundreds of conscientious objectors. In its decisions, the Committee reminded South Korea that it is under obligation to put an end to the violation of freedom of conscience.

In the OSCE sphere of influence, most countries have introduced an alternative civilian service option, where applicable. Moreover, the OSCE 1990 Copenhagen Document states in its article 18.4 that the participating States "agree to consider introducing, (...), various forms of alternative service, which are compatible with the reasons for conscientious objection, (...) and of (...) civilian nature, (...) and of a non-punitive nature."

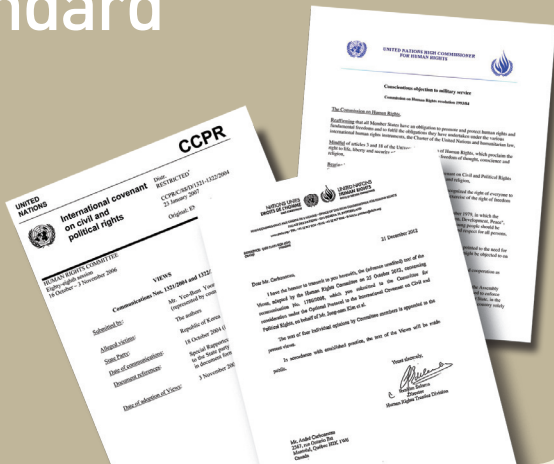
Last year, in its *Bayatyan* decision rendered by the Grand Chamber, the European Court of Human Rights condemned a member of the Council of Europe for not having introduced an alternative civilian service. The Court has most recently confirmed this position with its judgments in the cases of Yunus Ercep and Feti Demirtas.

***Jehovah's Witnesses respectfully request the government of South Korea to  
pardon the conscientious objectors now in prison and to  
honour the right to conscientiously object to military service.***

A delegation of Jehovah's Witnesses is ready to meet with representatives of South Korea attending the conference to promote a constructive dialogue.

The following pages briefly summarize the issue of conscientious objection to military service affecting hundreds of young men in South Korea.

# International Standard



# Statistics

Petitioners who Received a Favorable Decision from the CCPR in 2012

# 388

## United Nations

Since the 1980's, the UN Commission on Human Rights has taken the position that conscientious objectors to military service must be protected under Article 18 of the ICCPR\*, which has the same effect as the domestic laws of Korea. In 2012, the UN Human Rights Committee(CCPR) released its Views regarding 388 individual petitioners indicating Korea's clear violation of the ICCPR. This is the fourth time the CCPR has made such a decision on Korea.

\*ICCPR: International Covenant on Civil and Political Rights

## 2012 UN Human Rights Committee (CCPR) Views

"The right to conscientious objection to military service inheres in the right to freedom of thought, conscience and religion. It entitles any individual to an exemption from compulsory military service if this cannot be reconciled with that individual's religion or beliefs. The right must not be impaired by coercion."

§ 7.4 *Jong-nam Kim et al. Republic of Korea, UN Doc CCPR/C/106/D/1786/2008 (25 Oct 2012)*

## Recommendations by Individual States

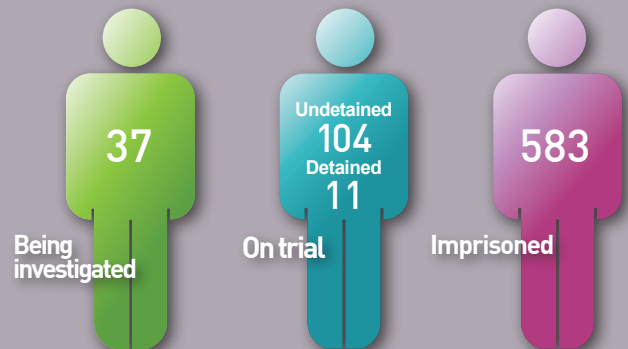
**United States of America** - "We are concerned that the Republic of Korea does not provide alternatives to military service for conscientious objectors. More than 700 conscientious objectors are currently serving jail terms waiting for another option to become available. Bearing in mind these concerns the United States makes the following recommendations... immediately introduce an alternative military service option." **2012 Universal Periodic Review, UN Human Rights Council**

**Germany** - "Germany is concerned about the long sentences handed down against conscientious objectors to military service. Germany recommends abolishing imprisonment and establishing a non-military service for conscientious objectors." **2012 Universal Periodic Review, UN Human Rights Council**

Currently Imprisoned

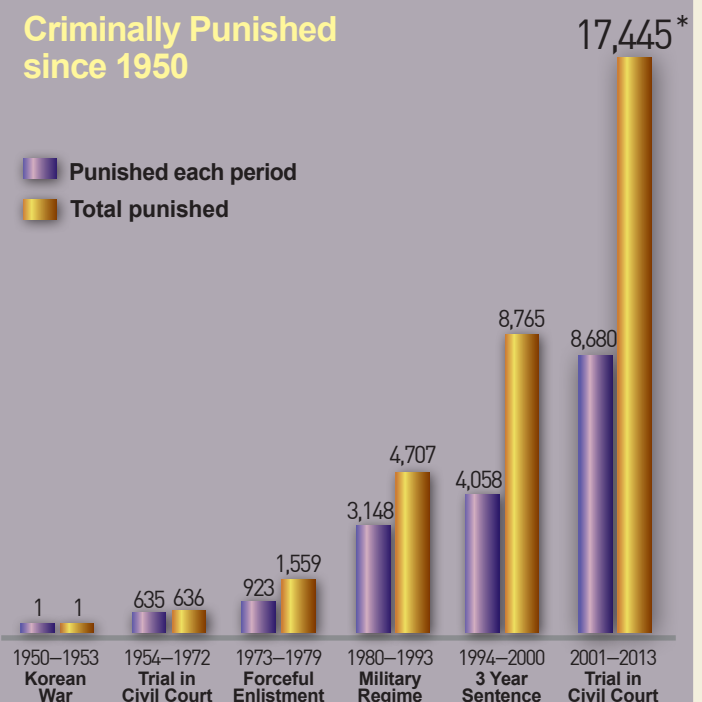
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## Current Situation as of July 2013



## Criminally Punished since 1950

Legend:  
■ Punished each period  
■ Total punished



\*Excluding 47 persons whose prison period is uncertain

# History of Conscientious Objection



## Alternative Ways to Serve the Community

Criminally Punished since 1950

# 17,492

### Conscientious Objection in Korea

During the Japanese rule in Korea (1910~1945), Jehovah's Witnesses suffered opposition and imprisonment for rejecting shrine worship and for allegedly preaching anti-war ideas. At the start of the Korean War in 1950, interrogation and imprisonment of conscientious objectors to military service began to develop. In the 1970's, the maximum length of imprisonment for conscientious objectors was drastically increased from 3 years to 10 years. Witnesses were illegally dragged into military camps and were pressured to take up arms. During that time, at least five lost their lives by torture and beating.

Conscientious objection to military service based on religious conviction is not an avoiding of civil duties through draft evasion. Conscientious objectors have asked for purely civilian ways to serve their community. With no available alternative, they are imprisoned for maintaining their conscientious objection, a strong testament to the depth of their personal religious conviction. Each year, some 600 young men are criminalized. Despite this issue being highlighted by major media outlets starting in 2001, more than 8,000 conscientious objectors have been imprisoned since then. The current total number of conscientious objectors punished in Korea has reached 17,492.

### Christians and Conscientious Objection

Jehovah's Witnesses have a history of abstaining from any form of warfare between nations. Participating in such conflicts would violate their Christian conscience which has been shaped by Jesus' example. When Jesus was illegally arrested, he refrained from using physical force while stating, "Return your sword to its place. All those who take the sword will perish by the sword."—Matthew 26:52.

Following this command, the early Christians refused military service, which led to hatred and persecution by the Roman Empire. In modern times, Jehovah's Witnesses endured intense persecution under the Nazi regime. According to the book *Sterben für den Frieden (Dying for Peace)*, by Eberhard Röhm, "It is estimated that in Germany alone some 6,000 to 7,000 of Jehovah's Witnesses refused to do military service during World War II." In Nazi Germany, at least 270 Witnesses were executed by state order for their refusal to take up arms.

Decisions by the CCPR Urging Alternative Measures

# 4

### Ensuring Cohesion in Society

"As to the issue of social cohesion and equitability, the Committee considers that respect on the part of the State for conscientious beliefs and manifestations thereof is itself an important factor in ensuring cohesive and stable pluralism in society. It likewise observes that it is in principle possible, and in practice common, to conceive alternatives to compulsory military service that do not erode the basis of the principle of universal conscription but render equivalent social good and make equivalent demands on the individual, eliminating unfair disparities between those engaged in compulsory military service and those in alternative service." § 8.4 *Yoon and Choi v. Republic of Korea*, UN Doc CCPR/C/88/D/1321-1322/2004 (3 Nov 2006)

### Service to the Community

"A State may, if it wishes, compel the objector to undertake a civilian alternative to military service, outside the military sphere and not under military command. The alternative service must not be of a punitive nature. It must be a real service to the community and compatible with respect for human rights." § 7.3 *Min-Kyu Jeong et al. v. Republic of Korea*, UN Doc CCPR/C/101/D/1642-1741/2007 (24 Mar 2011)

### Korea's Obligation to Provide Effective Remedy

"In accordance with [...] the Covenant, the State party is under an obligation to provide the authors with an effective remedy, including expunging their criminal records and providing them with adequate compensation. The State party is under an obligation to avoid similar violations of the Covenant in the future, which includes the adoption of legislative measures guaranteeing the right to conscientious objection." § 9 *Jong-nam Kim et al. Republic of Korea*, UN Doc CCPR/C/106/D/1786/2008 (25 Oct 2012)