

# RELIGIOUS FREEDOM CONCERNS IN SOUTH KOREA

STATEMENT by the EUROPEAN ASSOCIATION OF JEHOVAH'S CHRISTIAN WITNESSES

For the OSCE Human Dimension Implementation Meeting, Warsaw, 22 September to 3 October 2014

Jehovah's Witnesses have been active in South Korea for more than 100 years and generally enjoy freedom of worship. The one significant issue is the government of South Korea's relentless prosecution of conscientious objectors to military service.

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## No option for conscientious objection to military service

01 October 2014

The government of South Korea has no legislative provision for alternative civilian service with conscientious objectors in mind.

- Conscientious objectors cannot decline military training or choose alternative civilian service.
- Young Witness men suffer imprisonment rather than violate their Bible-trained consciences and personally-held religious convictions.
- Those imprisoned for conscientious objection to military service continue to suffer after their release, due to criminalization of their conscientious position, e.g., in employment discrimination.
- The issue impacts every family of Jehovah's Witnesses and has done so for generations.

Now imprisoned: 618

Total imprisoned since 1950: 18,009

Killed by abuse from authorities: 5

Total years of imprisonment: 34,791

## Rejection of request to allow prisoners to attend a 3-day religious convention

Jehovah's Witnesses throughout South Korea held a special religious convention on the first weekend of September 2014. The over 100,000 Witnesses in the country attended along with thousands of international delegates. Because this is a special program for Jehovah's Witnesses and a historic event, representatives of the branch office met with officials of the Ministry of Justice and the Correctional Service to request that imprisoned Witness conscientious objectors might attend. The legal provisions allow leave for prisoners for special occasions as stipulated in the Administration and Treatment of Correctional Institution Inmates Act.

By their letter dated **24 June 2014**, however, the Ministry of Justice rejected the request.

## Repeated punishments of conscientious objectors to reserve forces training

Conscientious objectors called up as reservists face multiple prosecutions and repeated punishments over an eight-year period. A reservist is not exempt from being repeatedly called up for the very training that he failed to perform, even after paying fines or serving a prison term. When a conscientious objector refuses basic reservist training, the military requires supplementary training in addition to the basic training. If he refuses the basic and the supplemental training, the military subjects him to criminal prosecution. Further refusals of basic and supplementary training bring repeated prosecution, subjecting a conscientious objector to reservist training to "multiple jeopardy."

Currently, over 80 Jehovah's Witnesses are caught in the cycle of repeated prosecutions, fines, and possible prison terms because of their conscientious objection to reservist training based on beliefs that coalesced after serving in the military. The fines vary according to jurisdiction and timing but fines are generally 200,000 won (approximately \$180 US) for the first conviction, 300,000 won (approximately \$270 US) for the second conviction, 500,000 won (approximately \$450 US) for the third conviction, and so on. Fines have been as much as 3,000,000 won (approximately \$2,700 US).

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Some conscientious objectors are incapable of paying their fines, which may amount to thousands of dollars each year. Others have chosen to undertake labour in a "work-house" (lock-up facilities inside a prison) instead of paying the fines. The length of such labour arrangements varies from one day to three years, depending on the amount of the unpaid fine [usually calculated at one day's labor for 50,000 won (approximately \$50 US)]. Those who can pay their fine often find their job in jeopardy because of the repeated time away from work to attend court proceedings.

### In violation of international treaty obligations

- (1) **The UN Human Rights Committee (CCPR)** has ruled on 4 occasions, in cases involving 501 men, that Korea violated its treaty commitments by prosecuting and imprisoning conscientious objectors.

#### South Korea has not implemented the CCPR rulings

- The National Assembly has not implemented alternative service for conscientious objectors.
  - The Supreme Court consistently rejects appeals from sentenced conscientious objectors, now in excess of 284 appeals.
  - On 30 August 2011, the Constitutional Court ignored the CCPR rulings when they rendered unfavourable decisions regarding the requests of local courts to review the constitutionality of law and appeals of conscientious objectors.
  - The Korean government has officially refused to implement the CCPR ruling by its response to the complaints filed by conscientious objectors who have received a favourable decision from CCPR.
  - On **31 December 2013**, a complaint was filed with the Seoul Central District Court seeking compensation on behalf of 50 individuals who were imprisoned as conscientious objectors despite the four CCPR rulings mentioned above.
    - On **11 June 2014**, the court rejected the complaint. An appeal was filed with the Seoul High Court.
- (2) **The 2012 UN Human Rights Council's Universal Periodic Review (UPR)** session indicated that eight countries<sup>1</sup> urged Korea to end prosecution of conscientious objectors and to establish a non-military civilian service.
  - (3) **The UN Human Rights Council** released in June 2013 an "Analytical report on conscientious objection to military service" setting out the international legal framework that recognizes this right and prohibits coercion through repeated trial or punishment of conscientious objectors. It also reports "the failure of the Republic of Korea to implement the [Human Rights] Committee's decisions." Based on this report, on 23 September 2013, the Human Rights Council adopted a resolution without a vote specifically recommending the release of imprisoned conscientious objectors. South Korea also joined the consensus regarding the resolution.

### Difficulties of getting employment in major or public corporations

Most public corporations have personnel regulations that prohibit employment of objectors to military service, treating them differently than others with a criminal record. Conscientious objectors who suffered prosecution and imprisonment continue to suffer after their release with difficulties in getting employment in a major or public corporation.

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<sup>1</sup> Hungary, France, Germany, Poland, Slovakia, Spain, the United States, and Australia

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### Positive developments in respect for religious freedom

- In March 2012 the “2nd National Plan for the Promotion and Protection of Human Rights” designated the “Incorporation of the Alternative Services System for Conscientious Objectors” as the human rights policy project to be pursued from 2012 to 2016.
- At the request of representatives of Jehovah's Witnesses, beginning in 2014 some prison authorities have allowed Witness prisoners to meet together each week for religious services. Previously, such weekly meetings were not allowed.
- In July 2013, Assemblyman Jeon, Hae-chul along with 11 co-assemblymen submitted a bill to revise the current Military Service Act penalizing conscientious objectors to military service. The bill allows conscientious objectors to perform alternative service.
- Since the last Constitutional Court decision in 2011, 6 different courts have requested review of the laws that penalize conscientious objectors; 433 conscientious objectors have submitted the individual communications to the CCPR in two separate filings; and 21 imprisoned conscientious objectors have individually filed constitutional complaints. The Court has ruled all of these complaints admissible.

*Jehovah's Witnesses respectfully request the government of South Korea to:*

- (1) Recognize the legal right of conscientious objection to refuse military service;*
- (2) Grant amnesty for conscientious objectors now imprisoned;*
- (3) Implement alternative civilian service for conscientious objectors in line with international standards and obligations which South Korea accepted as a State party to the ICCPR; and*
- (4) Expunge the criminal record of those convicted for conscientious objection to military service and provide for rehabilitation of their civil rights.*

*Scan the QR code below to read more information on Jehovah's Witnesses in South Korea:*

