

RELIGIOUS FREEDOM CONCERNS IN SOUTH KOREA

STATEMENT BY THE EUROPEAN ASSOCIATION OF JEHOVAH'S CHRISTIAN WITNESSES

For the OSCE Human Dimension Implementation Meeting, Warsaw, 24 September to 5 October 2012

Criminalization of conscientiously held beliefs

Jehovah's Witnesses have been present in Korea since 1912, and in 1952 they were registered as a legally recognized religion. The approximately 100,000 Jehovah's Witnesses in South Korea generally enjoy freedom of worship, yet are oppressed by the unresolved issue of conscientious objection.

The government of South Korea has no legislative provision for alternative civilian service. Young men who identify themselves as Jehovah's Witnesses have no option to decline military training or choose alternative civilian service. As a consequence, they suffer imprisonment rather than violate their Bible-trained consciences and personally held religious convictions. They continue to suffer after their release due to the criminalization of their conscientious position.

**At present, more than 650 young male Jehovah's Witnesses
have been convicted as criminals and are imprisoned as
conscientious objectors in South Korea.**

Most OSCE member countries have introduced an alternative civilian service option, where applicable. 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."

Striving to meet this OSCE standard is expected of all states in Partners for Co-operation. Therefore, we are compelled to decry the detention of more than 650 Jehovah's Witnesses currently in prison in South Korea because they are conscientious objectors. Since 1950, 16,955 Jehovah's Witnesses in South Korea have been sentenced to a combined total of 32,185 years for refusing to perform military service. Recent statistics are presented below.

	2011												2012						
	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL
Imprisoned	847	836	821	846	807	753	736	743	777	804	802	762	730	764	779	731	748	675	665
Imprisoned this month	34	69	40	68	40	23	35	33	66	96	83	54	49	78	63	40	42	12	20
Sentenced prisoners	844	830	815	838	805	752	736	743	776	800	795	754	720	752	772	720	733	660	656
Sentenced this month	39	66	40	66	46	24	36	33	65	93	80	53	47	77	68	36	37	11	26
Trial with detention	3	6	6	8	2	1	0	0	1	5	7	8	11	12	7	11	15	15	9
Trial Court	1	3	3	5	1	0	0	0	0	0	0	0	0	1	0	1	1	1	0
Appeallate Court	1	2	2	2	0	0	0	0	1	3	5	4	3	2	4	4	3	3	1
Supreme Court	1	1	1	1	1	1	0	0	0	2	2	4	8	9	3	6	11	11	8
Trial without detention	109	92	101	89	83	76	87	112	110	86	75	76	101	91	96	84	56	65	83
Trial Court	83	65	75	63	57	51	62	87	81	57	52	51	76	61	62	56	27	33	55
Appeallate Court	18	19	18	18	17	16	16	16	19	23	22	20	19	24	29	19	14	14	10
Supreme Court	8	8	8	8	9	9	9	9	10	6	1	5	6	6	5	9	15	18	18
Investigated	66	57	45	30	25	37	45	44	36	27	34	28	22	20	31	25	34	54	66
Appeal to Supreme Court	2	0	0	0	2	0	0	0	1	0	3	6	6	3	1	11	11	4	9
accumulative total	143	143	143	143	145	145	145	145	146	146	149	155	161	164	165	176	187	191	200

Republic of Korea finds no legal remedy

The UN Human Rights Committee (Committee) has declared that the Republic of Korea has violated Article 18, paragraph 1, of the International Covenant on Civil and Political Rights. Its 1 December 2006 decision found an infringement of freedom of conscience in the case of two Jehovah's Witnesses who were imprisoned for refusing military service. On 24 March

2011, the Committee decided the same in the case of 100 Jehovah's Witnesses; 438 further individual complaints are still pending before this Committee. In its decisions, the Committee reminded South Korea that it was under obligation to put an end to the violation. Yet the government of South Korea is on record as saying it does not intend to implement the Committee's views.

In its decision of 30 August 2011, the Constitutional Court refused to apply the Committee's decisions and found no basis to declare unconstitutional the laws that penalize conscientious objectors refusing military service. There are 15 cases still pending before the Constitutional Court for examination of the constitutionality of relevant laws. The Supreme Court has consistently rejected appeals from sentenced conscientious objectors, some 200 filed so far.

From the Korean War period to the present, the government has relentlessly prosecuted conscientious objectors. Not a single alternative has been provided by the government to resolve the issue of conscientious objection.

Escalation of discrimination against conscientious objectors

Conscientious objectors to reservist training face repeated trials, fines, and even prison terms. They undergo 8-year-long cycles of call ups, 2 or 3 times a year, and repeated prosecutions. One of these conscientious objectors to reservist training (whose case was rejected by the Constitutional Court's 30 August 2011 decision) has been prosecuted 37 times and expects to face call ups and trials for two more years.

A respectful request

Jehovah's Witnesses respectfully request the government of South Korea to recognize their conscientious objection to military service, pardon the conscientious objectors presently in jail, and institute a genuine civilian service that is not under military supervision.

A delegation of Jehovah's Witnesses is ready to meet with representatives of South Korea attending the present conference in order to clarify any misunderstanding and to promote a constructive dialogue.