

Current efforts and challenges of the CO movement

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Andreas Speck, War Resisters' International

Dear friends,

First I want to say that I'm glad to be here, and I want to thank Jung-min and all others who helped to make this possible. Although I'm here to talk about the current efforts and challenges of the movement for conscientious objection, I want to stress **that I'm basically here to learn** – about the situation in Korea, and about a culture I have to admit I don't know much about.

Let me briefly introduce myself, with some words about my own background. I'm presently working at the international office of **War Resisters' International** in London. When faced with conscription in Germany, I opted for total objection – which means I refused both, military service and alternative civilian service. This basically for two reasons: Firstly I'm opposed to **conscription**, as this is a means of recruiting personnel for the military. **Alternative civilian service exists as a result of conscription** – hence I had to refuse it too. Secondly, in most countries **alternative civilian service plays a role in the civilian side of the military defence**; in the German case conscientious objectors would be called up to help in hospitals, to distribute food vouchers, to help control refugees, to fight fires and to clear mines. But conscientious objection is more than just a personal decision to refuse to bear arms – for me it includes **a principled opposition to everything military**, it questions the **very existence of the military at all!** Conscientious objection goes beyond the issue of human rights, and is a principled pacifist, antimilitarist action.

War Resisters' International was founded in 1921, in response to the First World War in Europe. The founders of WRI believed that conscientious objection is not only a basic human right, but also an important public statement against war and preparations for war. When WRI was founded, there was hardly any country in which conscientious objection was recognised. Today, the situation is different. Conscientious objection is widely accepted as a human right, although that doesn't necessarily mean that it is recognised in every country.

Looking at conscientious objection with a global view, we can identify several different situation and trends:

- ❑ In **most Western European** countries there is a trend towards professional armies. In this trend these countries follow Britain and the US, who abolished conscription much earlier. More recently Belgium, The Netherlands, France, and Spain abolished conscription, or, more exactly, suspended conscription.
- ❑ In the **rest of Western Europe and most of central Eastern Europe**, there is still conscription, and conscientious objection is widely recognised – with some remarkable exceptions: Yugoslavia, Belarus, Albania, and the Caucasus countries don't recognise conscientious objection yet.
- ❑ In **Latin America**, most countries still rely on conscription, with the exception of Argentina. These countries are highly militarised, and only very few of them recognise the right to conscientious objection yet. Although CO groups do exist in most countries, at present we don't know of any imprisoned CO in Latin America.
- ❑ In **Africa** the situation is somewhat unclear. Many countries are still in situations of violent conflict or war. Still, conscription is not a general rule in Africa – some countries rely on

scription, some on “professional” armies, and some use more random methods of forced recruitment. Often, we can find a combination of several recruitment methods. Conscientious objection is rarely recognised in Africa, and with methods of recruitment by force, open conscientious objection would often mean instant imprisonment or even execution. However, draft evasion is usually widespread.

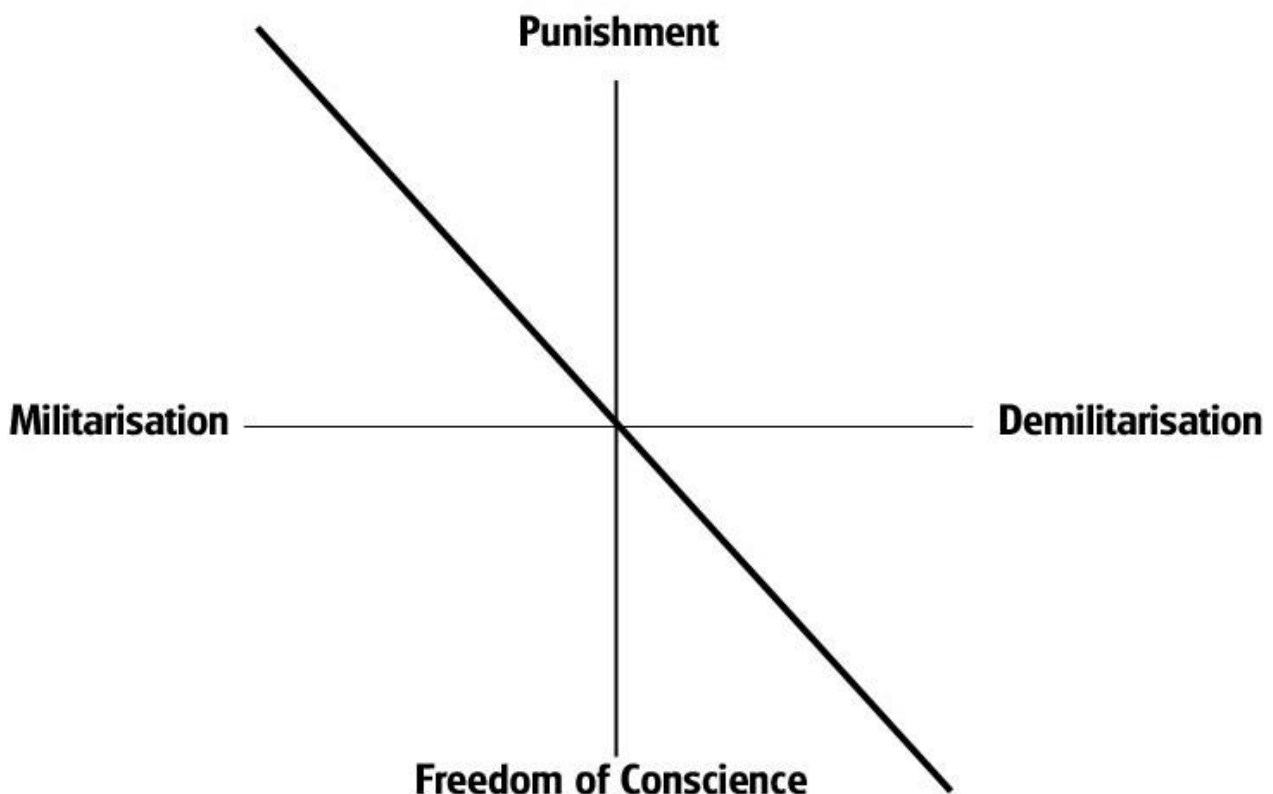
- In the states of the **former Soviet Union** – in the Caucasus or Central Asia – the situation is marked by an absence of the right to conscientious objection, and at the same time high rates of avoidance of military service through bribery or medical exemptions. This is due to very bad conditions within the military – reports of Soldiers’ Mothers’ organisations from the former Soviet states, especially from Russia, can give you more detailed information.

For a global organisation, it is one of the challenges to respond to these very different situations, which demand a different response.

Concepts of conscientious objection

Conscientious objection is a concept with an inbuilt tension¹ – a tension between an approach focusing on the right of the individual to refuse on the one hand, and social demilitarisation (the antimilitarist approach) on the other hand. This tension is important to understand, if we want to develop a strategy for conscientious objection.

Diagram 1: Relationship between two basic concepts of conscientious objection



WRI 1995²

An approach that focuses entirely on freedom of conscience – this approach could be called the human rights approach, as it focuses on the right of the individual – is in danger of creating an exceptional right for some (or many), linked to an alternative service. It can easily be

¹ See: Andreas Speck and Bart Horemans: CO as a human right vs CO as antimilitarist action. *Broken Rifle* No 55, May 2002 (<http://www.wri-irg.org/news/2002/br55en.htm#art4>)

² Rafa Sainz de Rozas and Hugo Valiente: Conscription and strategies around conscientious objection. *Broken Rifle* No 32, June 1995, page 3

accommodated by the military, especially when there are more than enough young men at conscription age. In Germany, this approach has individualised and depoliticised conscientious objection, to the extent that today more people serve in alternative service than conscripts serve in the military. At the same time, German society gets increasingly militarised, and the German military intervenes abroad³. The contribution of conscientious objection to any demilitarisation of German society seems to be almost absent.

On the other hand, a purely antimilitarist approach – using conscientious objection as a means to abolish conscription, and to get rid of the military – is in danger of neglecting the individual motives for conscientious objection, and even alienating some potential allies. It is in danger of producing huge amounts of prisoners, which might become annoying for the government – which was the case in the state of Spain – but doesn't necessarily contribute to increased individual rights – the recognition of the right to conscientious objection.

Within the international CO movement, the debate between these two approaches was sometimes very hard, almost viewing the other approach as an enemy. These times are gone – I hope so – and I think it is important to see and value the contributions both approaches can make.

Current efforts and challenges

I want to come to an end, with a brief look at current efforts and challenges of the international CO movement, some were already touched upon. Again, we have to look at different levels, and to place them between the two approaches.

On the level of the United Nations – obviously this is the human rights approach – War Resisters' International works closely with the Quaker United Nations Office in Geneva to expand the right to conscientious objection. Resolution 2002/45 is the latest example of these efforts. WRI and the Quakers also try to use other UN mechanism to support individual conscientious objectors – in September War Resisters' International submitted the case of the Israeli CO Victor Sabranski to the Working Group for Arbitrary Detention⁴. Together with regional organisations – namely the European Bureau for Conscientious Objection (EBCO), WRI increasingly also uses regional mechanisms – the Council of Europe, Conference for Security and Cooperation in Europe, European Union. Similar regional mechanism should also be exploited elsewhere.

WRI's main work in the area of conscientious objection is the **support to emerging groups and movements of conscientious objectors** – this is based on our understanding that the struggle for conscientious objection and demilitarisation mainly needs to be based on the activities of conscientious objectors themselves. In this area, WRI organises seminars jointly with local groups – i.e. on nonviolent action, or strategy development -, organises international delegations in support of imprisoned COs, or COs facing the military, and organises support via its co-alert network. This too needs to be more developed.

In addition, **International Conscientious Objectors' Day** – 15 May – is promoted more, and WRI tries to establish a tradition of international nonviolent direct action in support of a certain CO struggle on this day. This year, we did an international action at the NATO headquarters in Brussels in support of COs from the Balkans⁵, and at present we are preparing an international

³ See: Andreas Speck: Conscientious objection in Germany. Antimilitarist weapon or individualist right? http://people.freenet.de/ask/e_co_germany.html

⁴ War Resisters' International and New Profile: New Profile and War Resisters' International submit repeated imprisonment of conscientious objectors in Israel to United Nations Working Group on Arbitrary Detention, 20 September 2002, <http://www.wri-irg.org/news/2002/newprofile.htm>

⁵ See War Resisters' International, Nonviolent Activists Block NATO for 30 minutes to mark International Conscientious Objectors' Day, <http://www.wri-irg.org/news/2002/press15may02.htm>

action on 15 May 2003 in support of the Israeli refuseniks⁶. These efforts will help to strengthen the international CO movement, and to increase its visibility.

Probably one of the biggest challenges is the difference between situations all over the world. While those countries with established CO movements move to professional armies – and many CO movements find it difficult to adapt their strategies to these changes – new CO movements are only slowly emerging in Latin America, in Korea, and other parts of the world. It is a very important role of the international to preserve the experience of the old movements, and to pass this experience on to newly emerging movements. In addition, the old CO movements should mobilise solidarity for the new groups, but – and that’s another problem – without neglecting the work for the demilitarisation of their own societies. After all – the different CO movements might be in a very different phase, but in the end we face the same global challenges: the threat posed by militarism, and our wish to live in a nonviolent society.

⁶ See 15 May 2003: International Conscientious Objectors' Day, <http://www.wri-irg.org/news/2003/icod-03.htm>

AFSC and Conscientious Objection

James Reilly (American Friends Service Committee, AFSC)

Greetings, and thank you for allowing me to attend today's conference. My name is James Reilly. I am the East Asia Representative for the American Friends Service Committee (AFSC). I am here primarily to listen and learn but I would also like to make a few remarks regarding the history of AFSC's work with conscientious objectors and a few lessons learned along the way.

AFSC, an independent Quaker organization, was founded in 1917 to provide conscientious objectors with an opportunity to aid civilian victims during World War I. Today it carries on programs of service, development, social justice, and peace education in 22 foreign countries and 43 places in the United States. In 1947, the AFSC and Friends Service of Britain together received the Nobel Peace Prize on behalf of Quakers worldwide.

The history of CO's in the United States goes as far back as the founding of the country. At the onset of the Revolutionary War, General George Washington issued a draft order calling for "all young men of suitable age to be drafted, except those with conscientious scruples against war." During the American Civil War, about one hundred years later, the conscription law of the North provided for alternative military service for religious objectors.

US policies became steadily less tolerant of conscientious objectors. Of the 2.8 million draftees in World War I, only 4,000 men served in the military as unarmed and legal COs. 17 draft resisters died of mistreatment in Alcatraz Prison. Through AFSC, conscientious objectors served in Europe close to the fighting front in France, carrying out agriculture projects and helping rebuild villages, sometimes under German shelling and air raids.

In 1940, the U.S. Congress enacted a conscription bill, which included a provision allowing people opposed to being trained for combat to be excused. They could either serve in noncombatant situations in the army or in projects called "work of national importance under civilian direction." Those who refused service in either category were subject to imprisonment. Over 40,000 young men refused to fight in WWII. Most of them agreed to do alternative service; a few refused and went to prison instead.

Three of the so-called "peace churches"--Church of the Brethren, the Mennonite Church, and the Religious Society of Friends--undertook administration of the camps for non-governmental work projects to be carried out by conscientious objectors.

For the first time in American history, draft resistance became mass resistance during the Vietnam War, when 170,000 men were officially recognized as C.O.s; huge numbers also resisted by burning their draft cards and/or fleeing the country

AFSC provided moral support, legal guidance, and financial assistance to individuals who felt a moral conviction to refuse military service. After the Vietnam War, the military draft was ended in the United States in 1973.

Today in the United States, the draft has been suspended but registration is still a legal requirement for all male U.S. residents at age 18 with a penalty of \$250,000 fine or jail time for refusal. Registration resisters have not been prosecuted since the early 80's, but registration is required for college loans, admission to state schools in a number of states and government employment.

While the military is currently an all-volunteer organization, when the Gulf War broke out, 2,500 men and women, already enlisted, refused to serve in Saudi Arabia on the basis of conscience. AFSC provided counseling services, legal support, and political advocacy to such individuals.

AFSC today works to protect the human rights for those individuals in the military who suffer from discrimination, legal punishment, or even physical abuse due to their refusal to serve on the basis of their conscience. AFSC has also expanded its work in the United States to the system of military recruitment in American high schools and colleges. AFSC provides counseling and alternative opportunities to those young people who are considering joining the US military.

AFSC's history and experience in working with conscientious objectors suggests a few lessons, summarized below.

1- Conscientious objection has never enjoyed popular support

CO's in the US have been the subject of much popular criticism. One example is Hollywood actor Lew Ayres, who starred in the anti-war movie ALL QUIET ON THE WESTERN FRONT. Ayres faced strong criticism from Hollywood, including the boycott of his films, when he refused to be drafted as a combat soldier into WWII. Many other public figures, such as Muhammad Ali, refused to serve in the Vietnam War, with their careers suffering greatly.

2-CO's often suffer greatly for their convictions

During WWII, like today, many Americans felt that being opposed to war was cowardly and unpatriotic. In order to prove their patriotism while maintaining their principles, many World War II conscientious objectors risked their lives as fire jumpers. Some CO's were used in medical experiments and injected with dangerous vaccines, some of whom died from these experiments. Others died while imprisoned for their refusal to serve

3-Being a CO is an extremely difficult, deeply personal decision

Deciding that you are morally opposed to serving in the military is not easy. During WWII, many people asked CO's: do you support Hitler? CO's always have to explain their decisions to families and friends-and so need advice and support in this process. AFSC does not advocate for people to become a CO-it merely works to support those who choose this path. There is a wealth of experience around the world in how to best provide such counseling services.

4-NGOs have a critical role to play in protecting the rights of CO's

In some countries, NGOs established, and even funded, the alternative service programs. In others, they play a key role in monitoring these systems to ensure their fairness and respect for human rights. They also can balance out the military's information with educational outreach to young people facing this difficult decision.

5-CO's have made great contributions to society, during and after their alternative service

In the United States thousands of C.O.s volunteered to work in insane asylums. Their work resulted in better treatment for patients and raised public consciousness about conditions in such institutions. Reforms were made in the hospitals, and eventually, growing out of this work, was the creation of the National Mental Health Foundation.

After serving as CO's, individuals often went on to a life of social service. After WWII, it was primarily the former CO's service in Europe that led to AFSC receiving the 1947 Nobel Peace Prize. Other former WWII CO's were leaders in the Civil Rights Movement in the US in the 1950s, helping to found the Congress of Racial Equality (CORE) and serve as advisors to Martin Luther King.

Most significantly, conscientious objectors have served as a moral compass for a country at war. They live in the spirit of that simple commandment: Thou shalt not kill. For that, we celebrate them.

Personal experience as a Conscientious Objector

Ho Keun, YOO (Conscientious Objector)

My 17 days imprisoned experience because of conscientious objection is great opportunity to pledge the practice for peace. And I was released at Nov. 11.

It is clear that the conscientious objection issue is getting popular.

For decades, nobody are concerned for the conscientious objectors even thousands members of the Jehovah's Witness are imprisoned because they reject to serve.

Recently, it is getting interested by many social groups and became one of major issue to university students because they have to start the service in near future. It makes me surprise and at the same time it gives me hope to build more peaceful world.

Of course veterans are likely to talk about their experience and the problems of military system which violate their rights as a human being.

After I revealed my faith on conscientious objection, I met many positive and supportive people because most of my friends have similar idea on the militarism. I am very glad for their positive posture but I wonder to meet who are very strict on the concept of "men have to serve". I am worry for that I may disregard for their idea or thought. Finally, I had opportunity to meet such people at the prison.

Sad meeting

When I moved to prison from police station, most of the people who I met in the prison are the conscientious objectors except warder. They also are members of Jehovah's Witness. They were working for assistant of warder for some administrative parts.

When they knew that I also am a conscientious objector, they generally asked me that "which community do you involved?". Still I don't know exactly what the community means however I replied him "I'm not a member of Jehovah's Witness." I felt very sad at the time.

They have to live as a offender because they have specific faith and they performed what they learn from their religion.

They lived for decades as this.

Such situation became their daily life even we, peace workers and human rights workers, treat the issue as very serious social issue.

Honestly, I also didn't know about their pain before I decide to reject to serve and moreover I even disregarded them.

I am also one of the victims by former authoritarian government, even I had damage them as didn't acknowledge the difference with them. Now I could barely understand about them and their pain and I feel shame that I have done before.

At the same time, I'm very glad that I could open my eyes for their rights as a universal human rights.

Now I could feel that their pain is mine, so I watched them carefully. It is hard to talk about them because I stayed with them in the prison for a short term but I could at least say that they are very sincere, gentle and well adopted. They were so normal people if they were not reject the service. But the reality didn't allow them to live for normal life.

Is this alternative service the imprisonment?

Their strict faith such "don't kill anybody and even don't grasp any instrument to kill." makes them reject to serve and they called to have opportunity to serve for the society in different means named alternative service. The society didn't accept their request and send them to the prison. But they serve at the prison.

They served at the prison for various way such as assistant of warder, cooking, cleaning etc. The officials of the prison treat them as a human resources not criminals. They never had trouble during to provide their service in the prison.

I found a interesting fact in the prison, they have opportunity to choose.

They could move to their favorite room, and they could change the rule of their room. These opportunity was solve the conflict between prisoners. I could confirm that various choice could be more rational and peaceful than unification.

I hope the conscientious objector could have their own choice.

I heard the voice for the worry about alternative service. The question "Who will likely to serve if the alternative service will adopt." is the major voice of the opposite of the alternative service. "If alternative service will be adopted than nobody likely go to the army service because the alternative service is lesser dangerous". But we could see the case of alternative service of Taiwan that young guy don't like to serve for alternative service if the alternative service is longer and harder than military service. There's no nations which have defective defence with alternative service but social welfare system will be develop and social stability will be spread and so on.

Personally, I hope to serve to demining, first aid, service for disabled person, service in the farm etc. as alternative service. If conscientious objector could serve such kind of work then it is more useful for the society than imprisoned. Physical safety could bring for spiritual comfort.

In my short experience in the prison, the alternative service of Jehovah's Witness in the prison helped the other prisoners and their exercise for the 'right of difference' could serve for stability of the prison.

I served by myself at the house of spiritually handicapped people and provide a lecture at the various university about the conscientious objection as alternative service until right before I arrested.

When I serve at the house of handicapped, I recognized that the government have to protect personal lives rather than to spend money to prepare the war. The government and society have to care of the people who couldn't make their life comfortable by themselves. The social system have to support such people to live as human being. The alternative service is one of the way to do. We have enough soldiers in Korean Peninsula. Over 2 million soldiers are faced against each other at the whole peninsula.

Military experts said that the adequate number of the soldiers of S. Korea is 2~3 hundred thousands, even most strong country of the world possess only one million and four hundred thousands soldiers.

Through disarmament we could make money for public good. The awareness of people are going with the awareness of society.

So, still many people often are very negative at first. When I met the students, they also are very negative about the conscientious objection at first. But through only one or two hours meeting, their thinking changed.

Some are misunderstood, I need only one or two hours to persuade them. They could not overcome their social awareness. Through such meeting or lecture with students, we could persuade and spread the idea of conscious objection among people.

Now, I'm getting hurry to do something because I didn't do anything past 5 month since I declare myself as a conscientious objector. But I'm sure that if my faith on peace getting strong, then the peaceful world will come closer.

I'm expecting that improvement of peace and human rights bring peace and the free of conscientious to the society and individuals.

I love your peace.

Thank you.

The human rights situation of Conscientious Objectors to military service in the South Korea

Jung min, CHOI (Korea Solidarity for Conscientious Objection, KSCO)

Recently the dispute about conscientious objection to military service is expanding. When the first objection problem to military service was brought up at the beginning of last year, many objectors' checkered stories and the tears of their families was no more than first step. And Tae-Yang Oh's declaration of objection to military service was second step. Oh Tae-Yang is a Buddhist and pacifist. Third step might be the showing up of the objectors to military service who are based on non-religious reason and the controversy in university campus.

Of course, if this problem becomes a public opinion and the course to an appropriate conclusion, there will be no reason for fear about this situation. I am just anxious about the possibility for this problem to advance like the last additional marks to military service (when they apply for a position)" or to stay only "objection for objection", though there is already signs in several phrases. I want to ask that we have to start from the human rights of objectors to military service. They are in prison (about 1,400) or branded as ex-convicts (about 10,000). There have been objectors to military service in spite of pressures and sufferings about 60 years. Then is it only proper work for objectors to military service to be thrown into prison? I think there is a solution only when we start at this point of view.

A point of view of objection to military service

In Korea, objection to military service has been recognized widely no more than 1 years. After modernization, Korea had experienced military dictatorship and adapted the high-growth policy for a long time. So authority consciousness totalitarianism and group-mind have held Korean society atmosphere. Such Korean society which has no diversity has began to expose human rights problems. Objection to military service" problem is one of such cases that shows the presence of the dark side in our society. Korea is recognized as the country of the President who was awarded the Nobel Prize for peace. But there are many problems concerning human rights in Korea, and some of those are serious. Particularly the problems related the army appear very slow processing in the speed of solution. And it is deserted uninformed to the public.

Conscientious objection rights to military service" has been recognized through the World War I , II and the Vietnam War all over the world and explored various ways nationally toward coexistence with objectors to military service. However, in Korea lately people came to perceive this problem and think like Oh, I didn't know. There is a right which one can object to join the army in our country?" Because of such situation, the conscience of 10,000 objectors to military service has not been respected and has been misunderstood socially as heretics.

A. Conscientious decision such as objection to military service because of one's religious doctrine does not belong to the freedom of religion and conscience.

B. When one objects to hold a gun or receive military education everytime a senior commands, it is regarded to be disobedient action as much as the number of the objection even though the intention of the objection to holding a gun is single and continuous, the content of the application of law is identical. Several actions disobedient can not be applied as single mutiny.(The Supreme Court precedent 92-do 1534, 1992)

According of the existing law, the one who disobeys his senior officer's proper order should be sentenced to less than two years' imprisonment. But it was changed to "less than three years' imprisonment" in the revised bill.

This fact seems to regulate this prison term because there are some people who object to hold a gun due to their religion. (the 165th National Assembly conference records, the 21th issue investigating about the revision bill among military law)

Objectors to military service have been excluded from not only national holidays but also parole benefit which are executed regularly. Besides they have not been included as the objects of pardon or reinstatement. So they live undergoing social disadvantage, having a criminal record. They have no qualification for the official appointment after release from prison. And when they want to find a work to private enterprise, they are rejected in inquiring into their reliability.

It is prescribed in Korean constitution that a suspect is presumed to be innocent before he is found guilty. And a suspect who are not likely to run away or destroy evidence stands trial unrestrained as the Criminal Procedure Code. But until lately, most objectors to military service have been bound from the beginning of the investigation.

The urgent problem in human rights of objectors to military service is an application of the parole system. Objectors to military service are investigated being classified as a special type in the standard of parole examination. Though most of them are valued as the most well-behaved prisoners, general prisoners receive a parole benefit if they serve a sentence more than 50% of their original prison term, they are qualified to apply for a parole if they serve a prison term more than 27 months(serving a sentence more than 75% of 3 years' imprisonment). It ignores the principle of equity because it made the term of application for a parole prolong deliberately in order to make objectors to military service serve a sentence longer than the present period of military service(26months). The other prisoners who have a religion are permitted to do religious activities like receiving a visit from ministers. But "Jehovah' witnesses" among the prisoners who serve a sentence because of objection to military service are not permitted to do any religious activities since they object to military service according to the doctrine of their religion.

Korean society has brought continuous pressure upon objectors to military service in disregard of their human rights. Such pressure appears the character which differentiates specific religion from the others, because we have no understanding of conscientious objection to military service, so this situation is continued. It is an oppression to specific religion and a violation of religious freedom which the constitution guarantees. Our society draws a hasty conclusion that the conscience of objectors to military service does not come within the category of freedom of conscience.

However, as the Constitutional Court indicates clearly, conscience is strong and serious voice of one's mind which meets the ears because his moral value of being will be collapsed if he does not behave like that in judging right and wrong of something." Objectors to military service have to choose going to a prison even though they are well aware that some objectors to military service are killed in assault in prison. Then, is not their conscience a real conscience? Their belief is a exalted voice of mind that has to be guaranteed as the constitution indicates.

...According to current-affair magazine and TV programs of KBS, MBC(broadcasting stations) which dealt with this problem, there are intervention of Jehovah's witnesses" and preferential legislation for them. Jehovah's witnesses" is a heresy occurred in U.S.A. which is under the mask of Christianity. They have caused social problems like objection of holding a gun(objection to military service)", objection of a blood transfusion", objection of a respectful salutation to national flag". The reason why Jehovah's witnesses" object to military service is that they regard nation and government as an organization of Satan. It is a shameful conduct for Jehovah's witnesses to raise conscientious issue based on their religious belief that they can not enter a war or hold a gun. Their conception that embellish themselves as conscientious Christians and overlook their abuse on society advocating freedom of religion and guarantee of minority's human rights(the declaration of Korean Christianity Union, 2001)

...In conclusion, objection to military service is a refusal to basic performance of an obligation which guards freedom and rights under our particular national security circumstance divided into

North and South. So it is not permitted for objectors to military service to do alternative service because it is against the principle of equity. Also, because the spread of objection to military service will hinder the unity of the people due to the dispute about preferential treatment problem to specific group, it is not accepted under our present national security circumstance and conscription system....(The position of the Ministry of National Defense about alternative service system of objectors to military service)

Recent human rights situation

Virtually, in last December Oh Tae-Yang's declaration of objection to military service, who is a Buddhist and pacifist, made a social recognition that the action of objection to military service is not an unique act but the work starting from conscience and human rights of every human. And the effort that makes objection to military service" issue become public opinion and tries to solve the human rights problem of objectors to military service is carried out at the same time. Last year there had been high hopes from NGOs and the family of objectors to military service because the National Committee of Human Rights was founded. But there have not been particular changes except the expostulation about a prohibition of religious action in a correctional institution.

The contents of the appeal application concerning human rights of objectors to military service to the National Committee of Human Rights are as follow.

-A correction for distinction in the standards of parole examination to mutiny convict and a guarantee of freedom of religion(And erasing of a criminal record of objectors to military service if a pardon measure is carried out)

-The case of Daegu College of Education which does not allow re-attendance of objectors to military service

Among these, the conclusions of the National Committee of Human Rights about other appeal cases except the expostulation about a prohibition of religious action in a correctional institution are not conveyed yet. At the present time, a national agency which is expected to solve their human rights circumstance is only the National Committee of Human Rights because they have got frustrated though they have tried to appeal to every department of the government for a long time. Objectors to military service, their families and NGOs feel uneasy in this situation which the activities of the National Committee of Human Rights do not meet their expectations.

The things which the National Committee of human rights has to consider necessarily are as follow: the infringement of human rights to objectors to military service for decades had not been informed to the public and national agencies had discriminated against them. Their exemplary imprisonment life makes a prison entrust them with many of the work of the execution of a sentence, so that the prison can not imagine to do the administration without them. They have been oppressed by many exceptions than the fair application of the law under a conventional ideology of national security. There had been a tacit pattern on administration before and after arrest because of their conscientious decision and behavior prolonged, but the recent spread of objection movement to military service makes them receive more heavy pressure. The discriminating application of a law to objectors to military service is an obvious infringement of human rights and inequality of treatment. The standpoint of Daegu College of Education which says he has to expel objectors to military service due to their un-registration by college regulations is not different from a measure which prohibits objectors to military service from re-attending if it is taken into account that objectors to military service have re-attended their school without particular obstacle after 3-year imprisonment and the period of punishment of mutiny is not less than 27 months.

The changed situation

The largest fruit is a movement of the judicature system. After the objection to military service" issue has become a public opinion, it could be possible for objectors to military service to have a

public trial on an appeal case, and there was a judgement which reduces 6 months sentence in case that their father or brother underwent the same hardship. In civil court the practice that respects the conscience of objectors to military service and gives a 18 months' servitude which is the least amount and they would not receive the notice of enlisting in the army any more became established. At 29th January, the South district court of law in Seoul received the request of judgement on violation or nonviolation of the constitution that the present military service law which punishes conscientious objectors to military service without preparing alternative service system which Kyung-Su Kim, who is objector to military service as Jehovah's witnesses and stood trial, presented infringes freedom of conscience and religion. It is an asking about violation of nonviolation by judiciary authorities not the way that objectors to military service lodge a petition to the constitution. So it is very significant. The essentials of the conclusion document is as follows. Obligation of military service is prescribed in the constitution as citizen's basic obligation, and it is very sacred and important obligation in order to keep basic order of freedom and democracy which is basic structure of the republic of Korea. On the other hand, freedom of thoughts and conscience is also basic rights which is the fundamental of basic order of freedom and democracy. And freedom of religion is one of the basic rights that every democratic country approves. But in case of conscientious objectors to military service who object obligatory military service because of their thoughts or conscience or religious doctrine, there must be a conflict between freedom of thoughts, conscience, religion and obligation of military service. So it is necessary to harmonize without damaging of the essential contents of the two. However, the present military service law of our country deals with conscientious objectors to military service the same as common people without any reference. And it has no exceptional measure to conscientious objectors to military service though it has the rule that punishes objectors to military service in military service law Article 88 Clause 1 Number 2. If this punishment rules to objectors to military service is applied to conscientious objectors to military service without any restriction, it is possible that the basic rights like freedom of thoughts, conscience, religion, the rights of equality, the rights of pursuit of happiness which the constitution guarantees will be infringed. And the obligation of military service will be performed by conscientious military service though it is necessary to harmonize obligation of military service with the freedom of thoughts, conscience, religion without damaging of the essential contents of them. This result is caused by the rule which punishes every objectors to military service without any restriction not allowing any proper exceptions of military service law Article 88 Clause 1 Number 1. Therefore it is possible that this punishment rule infringes the constitution which prescribes the guarantee of each basic rights."

However, last year some district Military Manpower Administrations sent official notices which said objectors to military service had to be put into a training center using physical strength if necessary. Also, after President Kim Dae-Jung's utterance "evading of the obligation of military service can not be permitted in our situation, and it is against the principle of equity", the human rights situation of objectors to military service got worse.

This is continued to arrest and investigation of objectors to military service without any exceptions. It shows the contrast compared with the atmosphere of the beginning of this year which there were decisions of nonrestraint investigation, and it has a big problem concerning equal application of a law. At the Day of Correction, last 28th October, there was an occurrence that the decision of a parole was notified to expectants of parole, and reversed. The Ministry of Justice did a decision of a parole to objectors to military service who have served a prison term of the 70% of their original period at 15th August. Also at the Day of Correction it was the situation for the Ministry of Justice to decide objectors to military service who have served a sentence of the 70% of their original term to release of parole. The subjects of parole on that time was the wider range than the usual. But after a few days they changed this decision.

In 1947, AFSC(American Friends Service Committee) won the Nobel Prize for Peace because they supported objectors to military service at the World War I, II with English Quaker service association and expanded optional military service opportunity. And Amnesty International also won the Nobel Prize for Peace in 1977 because they made conscientious prisoner be released, and play an active role to release the world-wide prisoners who object to do military service. Kim Dae-

Jung's such utterance who is the same winner of Nobel Prize for Peace is an disappointed speaking that is not different from putting the meaning of the Nobel Prize for Peace in the shade.

This discriminative treatment to objectors to military service can be solved only if an alternative service system is carried out. However, such measures which have many problems in social and legal aspects like the judicature's changeable judgement must be corrected and solved. Government has to start the effort to solve the human rights problem of objectors to military service who are and will be. Government also has to persuade the Ministry of National Defense and the public and inform them of benefits that alternative service system will generates. The legislative body and the Administration have to correct errors that oppress the human rights of objectors to military service and put off introducing of alternative service system in comparison with the judicature that understands partially the conscience of objectors to military service and steadily gives a decision of releasing on bail and sentences a fit prison term of minimum 18 months which objectors to military service can be exempted from military service.