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### **Open Statement to the United Nations Commission on Human Rights 58th Session(18 March-26 April 2002)**

#### **Item 9: Question of the Violation of Human Rights and Fundamental Freedoms in Any Part of the World**

*Delivered by Suk-Tae LEE of MINBYUN on 9 April 2002*

Thank you, Mr. Chairman

I would like to draw the attention of the Commission on Human Rights to the grave human rights violations of conscientious objectors in South Korea which has been forgotten for almost a half century. Today I appeal to the Commission on behalf of more than 1,600 victims who are in prison due to the exercise of their legitimate right to conscientious objection which is universally recognized.

Since its resolution 1989/59 (8 March 1989), the Commission on Human Rights recognized the right of everyone to have conscientious objections to military service as a legitimate exercise of the right to freedom of thought, conscience and religion, as laid in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights (ICCPR). The Human Rights Committee also made the General Comment No. 22 (1993) upholding that such a right derives from Article 18 of the ICCPR, and that conscientious objectors shall not be punished for the failure of performing military service. Particularly, the Commission on Human Rights recommended in its resolution 1998/77 that States with a system of compulsory military service provide for conscientious objectors various forms of alternative service which are compatible with the reasons for conscientious objection.

As of today, about 1,640 conscientious objectors are in prison as criminals, and most of them are Jehovah's witnesses.<sup>1</sup> This means that every year about 600 young people eligible for the military draft are forced to put into prison owing to their religious convictions and conscience. Furthermore, there are about 60 cases where father and son or brothers are all sent to jail one after another causing the tragic pain to their family members as well as themselves.

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<sup>1</sup> The list of those 1,640 prisoners are available in the Present Situation of Conscientious Objection and Human Rights Issues in the Republic of Korea, Report prepared for the 58<sup>th</sup> Session of the UN CHR 2002 by MINBYUN-Lawyers for a Democratic Society & Korea Solidarity for Conscientious Objection.

Because of their criminal records, conscientious objectors are socially and politically discriminated in their access to employment, particularly in public sectors. They are unjustly deprived of their rights as prisoners due to their backgrounds. According to the eligibility criteria for parole, conscientious objectors from Jehovah's Witnesses are classified under a specific category. They can apply for a parole only after serving 27 months (75% of 3-year term) without exception, while others usually receive the favor of parole after serving the half of their prison term. Moreover, Jehovah's Witnesses in prison are not permitted to practice their religion. This is a clear example of discrimination based on religious belief and at the same time gross violation of the freedom of religion and belief.

The South Korean government has been a member of the Commission on Human Rights since 1993 and a signatory to the ICCPR and several other human rights treaties. It has an obligation to abide by all the resolutions adopted by the Commission including the 1998/77 and 2000/34 on conscientious objection, and to implement the General Comment on conscientious objection (No. 22) by the Human Rights Committee.

The South Korean government said in its statement yesterday under the agenda item 9, "All governments must acknowledge the human rights problems present in their own countries in a frank and forthcoming manner. Countries must strive to embrace universal human rights standards and demonstrate a willingness to act upon them." We sincerely and wholeheartedly endorse its statement. Therefore, we urge the South Korean government to show a good example before the Commission.

Mr. Chairman,

In this regard, we would like to urge the South Korean government to

1. *acknowledge the human rights violations of conscientious objectors openly and frankly;*
2. *immediately release all prisoners of conscientious objection by granting amnesty;*
3. *stop criminalizing conscientious objectors by providing various forms of alternative services;*
4. *address urgently all discriminatory practices against conscientious objectors in prison and their social lives.*

Furthermore, we urge the Commission on Human Rights to

5. *continue to cooperate with the Office of the UN High Commissioner for Human Rights in the preparation of its compilation and analysis of best practices in relation to the recognition of the rights of everyone to have conscientious objections to military service.*

Thank you, Mr. Chairman.