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**CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTION OF:
CONSCIENTIOUS OBJECTION TO MILITARY SERVICE**

**Written statement* submitted by the MINBYUN - Lawyers for a Democratic Society,
a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 February 2006]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

CONSCIENTIOUS OBJECTORS IN THE REPUBLIC OF KOREA

1. Even though 13 years have passed since it was confirmed in 1993 by the General Comment (General Comment No. 22) of the Human Rights Committee, a monitoring body of the International Covenant on Civil and Political Rights (ICCPR) that the right to refuse to perform military service (conscientious objection) is from freedom of expression enshrined in Article 18 of the Covenant and the UN Commission on Human Rights has made a number of resolutions [E/CN.4/RES/2004/35, E/CN.4/ RES/2002/45, E/CN.4/RES/2000/34, E/CN.4/RES/1988/77], Republic of Korea is one of deep concerned countries which deny the right to conscientious objection to military service. As outlined in our previous written statements to the Commission [E/CN.4/2005/NGO/303, E/CN.4/2003/NGO/25, E/CN.4/2002/NGO/126], it is estimated that about 700 young people eligible for a military draft are still imprisoned for their convictions not to bear arms in every year. Most of conscientious objectors are Jehovah's Witnesses while the number of conscientious objectors with non-religious motives is increasing. In 2005, *Ui-min Jeong*, *Sang-hyun Moon*, *Dong-ju Ko*, *Jeong-rok O*, *Tae-hoon Kim*, *Young-jin Kim*, *Yong-suk Lee*, *Do-hyung Kim*, *Se-yun Park*, and *Jae-young Choi* declared their conscientious objection on account of their antiwar conviction and pacifism.

2. As of 15 January 2006, total 1005 conscientious objectors are imprisoned and the number of conscientious objectors in prison even rose to 1086, counted in 15 September 2005, making a highest number of records. In its statement before the 60th session of the Commission under agenda item 11, the government of the Republic of Korea stated that it would continue to make efforts to explore various possible ways to address the issue of conscientious objection to military service. The relevant authorities, however, have hardly improved.

3. In 26 December 2005, the National Human Rights Commission (NHRC) in the Republic of Korea recommended to the Speaker of the National Assembly and the Minister of National Defense that it recognized the right of conscientious objection and a system of alternative military service be made for harmonious coexistence of the right of conscientious objection and alternative military service. The Minister of National Defense made his position that the decision on alternative military service would be considered after a research of policy community which consists of NGOs and officials of government and the Ministry of National Defense. We urge the Speaker of the National Assembly and the Minister of National Defense to respect the recommendation according to article 25 (2) of the NHRC Act, which states that the heads of related authorities receiving any recommendation shall respect and endeavor to implement the said recommendation. In spite of the recommendation on the issue of conscientious objection, conscientious objectors are still interrogated in custody after warrant issue by courts.

4. A revised bill of the Military Service Act for the purpose of introducing an alternative for conscientious objectors that twenty-two members of the National Assembly proposed in November 2004, and the related bill ten members of Democratic Labor Party also suggested, however, have been stalled for two years without any further constructive discussion.

5. We would like to recall that the Commission in its resolution 2004/35 called upon States that have not yet done so to review their current laws and practices in relation to conscientious objection to military service in the light of Commission resolution 1998/77. We also note with concern that the government of the Republic of Korea, even as a member of the Commission, has not provided any related information to the Office of the UN High Commissioner for Human

Rights (OHCHR) with regard to making a concerted efforts to address the issue by analyzing the existing practices.

6. It is clear that more and more young people will become victims of violations of human rights due to their conviction. In light of this, we strongly urge the Government of the Republic of Korea, which is a member of the Commission and also a party to the ICCPR, to:

- (a) Respect and endeavor to implement recommendation by NHRC and immediately stop conducting interrogation in custody and criminalizing conscientious objectors by providing various forms of alternative services;
- (b) Take further active initiatives in raising awareness among Korean society on the right to conscientious objection, not sitting and waiting as a bystander for a social consensus to be reached;
- (c) Fully and substantively cooperate with the OHCHR and submit relevant materials on the current laws and practices in relation to the recognition and implementation of the right to conscientious objection to military service;
- (d) Invite the Special Rapporteur on Freedom of Religion or Belief in order for him to investigate the violations of human rights on conscientious objection in the Republic of Korea, and extend a standing invitation to all thematic special procedures of the Commission.

7. Furthermore, we call on the Commission to:

- (a) Pay sincere attention to the human rights violations committed in the countries which have not yet recognized the right to conscientious objection to military service;
- (b) Continuously work on the possible monitoring mechanisms, further to the preparation of the compilation and analytic report of best practices, to make sure the effective implementation of the right to conscientious objection to military service.

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