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Seoul seeks to ban missionary work in Middle East

By Kim Sue-young

The Korea Times (26.08.2009) / HRWF (28.08.2009) - Email: info@hrwf.net - Website: www.hrwf.net - The government is seeking to ban people from entering countries in the Middle East for missionary work because of safety concerns, officials said Wednesday.

The move comes as an increasing number of South Korean tourists as well as missionaries become targets of terrorism in the region.

But concerns are also rising that the travel ban could violate rights such as freedom of religion.

"Some people do mission work in the Middle East. So, we are trying to stop them from entering that region," an official at the Ministry of Foreign Affairs and Trade told The Korea Times, asking to remain anonymous.

Among the detailed measures is to put restrictions on the usage of passports and on departures from the nation for those who have been expelled for evangelization attempts.

But missionary groups could face an even bigger hurdle as their members could be prohibited from entering Middle Eastern countries even if they have no records of expulsion.

"Some organizations keep sending their members to dangerous areas for missionary work. We've received requests from other countries to have them refrain from doing this," the official said.

The government plans to make a decision on the matter soon after consultations between related government agencies such as the Ministry of Justice and the National Intelligence Service.

About 80 South Korean Christians have been expelled from Middle Eastern countries, including Iran, Jordan and Yemen, for evangelization attempts over the past two months, according to the foreign ministry.

Last month, 12 people faced deportation as they did door-to-door missionary work in Zehedan in southeastern Iran. Six of them had already been expelled for the same reason in that area. The Iranian government reportedly complained of their entry.

In addition, 23 people were abducted while doing missionary work in Afghanistan in 2007 and two of them were killed by the Taliban.

The animosity against the missionary work of South Koreans is even moving toward ordinary tourists and volunteers.

A South Korean woman named Um Yeong-seon working with an international organization for medical services was shot dead after being kidnapped with others in Yemen in May.

According to the Korea World Missions Association, approximately 19,000 Koreans were doing missionary work in 168 countries around the world as of January this year.

Religious groups may raise their voices against the government's plan since the travel ban could violate the basic right to move freely and freedom of religion.

In response, the government is also considering a revision of the law governing passports in a bid to avoid controversy, a ministry official said.

Korean government cancels Alternative Civilian Service Plan

HRWF urges the South Korean Government to abide by its promise made at the UN Universal Periodic Review in Geneva to provide an alternative civilian service for conscientious objectors

MIMBYUN (17.03.2009) / HRWF Int. (18.03.2009) – Email: info@hrwf.net – Website: <http://www.hrwf.net> - On September 18, 2007, the Ministry of National Defense (MND) announced allow conscientious objectors to perform alternative civilian service. One spokesman of the MND said that the MND would submit such a bill during 2008 in order to have it enacted in 2009.

On May 7 2008, Lee, Sung-ju, Chief of Human Rights Division of MND confirmed the position of Korea at the Universal Periodic Review held in Geneva, when he stated: "The Republic of Korea announced a new program to give conscientious objectors the opportunity to participate in alternative civilian service, in September 2007. For the implementation of the new system, the Government has to revise the Military Service Act, and a revised version of it will be submitted to the National Assembly this year (2008)."

On May 29, 2008, the United Nations Human Rights Council recommended to the Republic of Korea as it is noted in the draft report of the working group on the universal periodic review:

17. To recognize the right of conscientious objection by law, to decriminalize refusal of active military service and to remove any current prohibition from employment in Government or public organizations, in line with the recommendation by the Human Rights Committee. (Slovenia) 24. ... [T]hat active steps be taken to introduce alternatives to military service for conscientious objectors. (United Kingdom)

However, on June 16, 2008, the Korean Government altered its position by stating, in the report containing Views and State's Response to the UPR Recommendations (A/HRC/8/40/Add.1), that "the issue of conscientious objection to military service required further study and the forging of a broad national consensus."

Responding to this, on July 21, 2008, the National Human Rights Commission once again adopted a resolution urging the Government of Korea to implement alternative civilian service.

On August 22, 2008, the Military Manpower Administration (MMA) commissioned Professor Jin, Seok-yong working at Daejeon University to conduct a study to look into the possibility to allow conscientious objectors to serve instead in non-military programs.

On September 5, 2008, a three-judge panel of an appellant division of the Choonchun District Court decided to combine four separate appeal cases of young conscientious objectors who are Jehovah's Witnesses and to refer these cases to the Constitutional Court. The Court was asked to review the constitutionality of Article 88, Section 1 of the Military Service Act. The following day, a conscientious objector who had been declared innocent at trial but convicted on appeal, submitted his case directly to the Constitutional Court. The Constitutional Court will now have the occasion to revisit its 2004 decision in which it had refused to declare Article 88, Section 1 of the Military Service Act unconstitutional.

On October 9, 2008, the National Assembly conducted an inspection on the administration of government offices. At this, Kim, Jang-su, former Minister of National Defense who is now an Assemblyman strongly urged the Korean government to keep the promise to implement alternative service. Another assemblyman of an opposing political party also inquired of the director of the Military Manpower Administration what had been done about alternative service? The director avoided any direct comments on this by saying that he was not in charge of the implementation and the study was being conducted.

On October 28, 2008, the Center for Social Science in Seoul National University held a public hearing and gathered public opinion about alternative service. This was a part of the study of Professor Jin commissioned by MMA. At the hearing, there was a release of the results of the public opinion, conducted of 554 men and women in experts groups or the leadership class. The opinion was 87.5% for alternative services and accepting the counsel from U.N. Regarding the length of period of service, 62.8% thought that it should be less than 1.5 times the military service period. These 62.8% include 17.9% who are thinking that it should be equal to the military service period.

On December 19, 2008, Professor Jin concluded his study, but the result of his study was twisted and arbitrarily interpreted by MND. On December 24, 2008, the Korean Ministry of National Defense publicly announced that it was still too early to allow alternative service for objectors to military service based on religious conviction. (Reuters, December 24 2008 "South Korea rethinks alternative to conscription") The main reason it gives is that an opinion survey conducted by Professor Jin's team from November 17 to 21 showed that 68.1 percent of the country is opposed to the idea.

The public consensus was one part of Professor Jin's study. The actual conclusion of the final report of his study was that Korean government should implement alternative services for conscientious objectors. However, the Ministry of Defense announced the difficulty to implement alternative service system to the media, pointing out the result of consensus only, which is just a small part of the study. (Hankook Daily January 7, 2009 "the government highlighted the survey result only") According to a newspaper (Daejeon News December 26, 2008 "Defense Ministry prematurely announced its objection to alternative service"), Professor Jin was very much offended to hear the announcement of the Korean Ministry of Defense, for it was contrary to what he really intended.

The MND simply chose to ignore the survey of opinion leaders released at the public hearing on December 19, 2008, where 85.5 percent of respondents indicated that they are in favor of alternative service. In fact, survey results have had showed different

opinions according to who the survey was carried out by and what the intentions was. For example, polls conducted in September 2007 and in September 2008, by 'Real meter Institute' (www.realmeter.net), a professional organization for a public opinion census, proved that the opinion in favor of alternative services has gained momentum. According to Real meter, only 35.5 percent of Koreans were in favor of alternative services in September 2007. But in 2008, the public opinion was 44.3 percent for and 38.7 percent against alternative services, with those in favor much more than those in opposition. Another poll conducted by '961 Sample' institute revealed that a large number of Koreans (55.9 percent) tend to recognize conscientious objection. What is more significant is that the Ministry of Defense, when announcing to introduce alternative civilian service for conscientious objectors on September 18, 2007, referred to the survey conducted by KBS, a broadcasting company where 50.2% of respondents consented to introducing an alternative form of service.

Actually, the opinion survey conducted from November 17 to 21 2008 did not give necessary detailed information about conscientious objection and alternative services before asking opinions. That's why some media such as TV (MBC December 24, 2008 "Alternative Service virtually called off, KBS December 24, 2008 "Public poll put off alternative service"), and newspapers blamed the Ministry for using biased opinion surveys to support its change in policy (Hankyoreh December 25, 2008 "How many more prisoners of conscience?"). Public consensus should be examined not merely for justifying their excuses, but for finding way to solve the problem. Professor Jin said that the more information about alternative services people get, the more favorable they become (NewsNJoy, February 15, 2009 "I feel deceived too"). Even though it is not plainly possible to reach public consensus, the violation of human rights of social minorities, which has been widely practiced for more than a half century should not be handled from a standpoint of the majority which claims that alternative service can be offered only on the basis of public consensus.

So far, Korean government has not carried out its duty to implement alternative civilian services. The last National Assembly submitted a bill of alternative service, but the bill was repealed as the National Assembly completed its office. Lawmakers of the 18th National Assembly have not yet submitted a bill about alternative service.

Unfortunately, for approximately 60 years, the Republic of Korea has convicted almost 14,000 conscientious objectors to over 27,000 years in prison. Every year, 400 to 700 draft-age men who are Jehovah's Witnesses are convicted and are usually sentenced to 18 months in prison. Conscientious objectors who are called up as reservists must face multiple prosecutions and repeated punishments over an eight-year period. As of December 31 2008, there were 428 people imprisoned. Additionally, over 80 Witnesses are subjected to repeated fines totaling hundreds of thousands of dollars because of conscientious objection to military reserve duty. Korea convicts and imprisons the largest number of conscientious objectors to military service in comparison to any other country in the world.

Complaints pending in the UN human rights committee

MIMBYUN (17.03.2009) / HRWF Int. (17.03.2009) – Email: info@hrwf.net – Website: <http://www.hrwf.net> - In May 2007, 11 complaints were filed with the UNHRC by imprisoned objectors who are COs not based on religious reasons like Jehovah's Witnesses. From September 21 2007 until November 6 2007, 100 new complaints were filed with the UNHRC by imprisoned conscientious objectors who are Jehovah's Witnesses. On December 7 2007, these complaints were communicated to the Government of Korea.

By April 25 2008, an additional 388 new complaints were filed with the UNHRC. On April 29 2008, the UNHRC combined these 388 complaints into the case identified as communication No. 1786/2008 on behalf of Mr. Jong-nam Kim et al. and communicated these the Government of Korea.

The Korean Government's reply on the communications filed by COs based on religious reason and not religious one were submitted to the UNHRC dated 14 November 2008, and Comments on the Korean Government's reply on behalf of the 11 COs was handed in to the UNHRC on 23 February 2009. Therefore, the dialogue is still going on and the consideration by the UNHRC will be followed accordingly.

Source: MIMBYUN – Lawyers for a Democratic Society. Korea Solidarity for Conscientious Objection

Presidential Investigation Commission on Suspicious Deaths of five conscientious objectors in the 1970's and 1980's

MIMBYUN (17.03.2009) / HRWF Int. (17.03.2009) – Email: info@hrwf.net – Website: <http://www.hrwf.net> - On November 6, 2007, the Presidential Commission on Suspicious Deaths in the Military (CSD) decided to examine the death of five conscientious objectors who had refused to serve in the army during the 1970's and 1980's. The cases to be examined include the death of Jeong, Sang-bok, who died right after refusing military training in 1976, and the death of Kim, Sun-tae, whose dead body was found near the training camp in 1981. In its press release, the CSD stated that a thorough investigation would be made to determine the reasons why these conscientious objectors had been subjected to harsh treatment.

On January 15, 2009, the Presidential Commission on Suspicious Death in the Military in Korea released its decision that the Korean government is responsible for the deaths of five Jehovah's Witnesses who were illegally hauled and inducted by force into the army. The deaths resulted from "the state's anti-human rights violence" and "its acts of brutality" in the 1970s and mid 1980s. According to the decision, "the beatings and acts of brutality committed against them by military officers were attempts to compel and coerce them to act against their conscience (religion) and were unconstitutional, anti human rights acts that infringed severely upon the freedom of conscience (religion) guaranteed in the Constitution." This decision is significant because it acknowledges that the deaths of those conscientious objectors were caused by state violence.

As an example, the military record shows that Jeong, Sang-bok died of a disease however the Commission found out that he died from beatings and harsh treatments. Lee, Choon-gil and Kim, Jong-sik also died as a result of forcible marching followed by beatings and harsh treatments in the military. The Commission admits that the government is highly responsible for the deaths of five objectors including Kim, Seontae and Kim, Young-gem, because many evidence show that they were brutally abused before they died. The decision explains why most of 10,000 conscientious objectors in Korea have to deal with life-long health problems and post-traumatic stress. It also proves that their conscience is an earnest and strong command from the heart that can never be forsaken, and that should be protected by the State party. Because the Ministry has not presented any dissenting opinions, the decision has come into effect after 2-month period.

On April 18, 2007, Judge Song, Seung-yong of the Ulsan District Court suspended the trial of Shin Dong-hyuk, over which he was presiding, and filed a request with the

Constitutional Court asking for a determination of constitutionality of sections of the Homeland Army Reserve Act. The judge has requested that the Constitutional Court review Articles 6(1) and 15(8) of the Homeland Army Reserve Act, which forms the basis for the indictment against Shin Dong-hyuk, in light of Article 19 of the Constitution, which guarantees the right to freedom of conscience.

On January 7, 2008, the director of the National Human Rights Committee submitted an opinion to the Constitutional Court, urging the Korean government not to penalize conscientious objectors to reserve military service and to implement alternative service along with recognition of the right to conscientiously object to military service.

Source: MIMBYUN – Lawyers for a Democratic Society. Korea Solidarity for Conscientious Objection
