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Reporting and advocating for specific groups of victims, a challenge

By Willy Fautré, Human Rights Without Frontiers

HRWF (20.07.2012) - A human rights organization is expected to defend victims of violations of their rights which are guaranteed by the laws of their country or by international instruments when the national laws are failing to comply with international law or are not implemented.

Conscientious objectors to military service in South Korea

In South Korea, around 700 Jehovah's Witnesses are permanently in prison for about one year because they refuse to carry out military service. No non-JW is concerned by this problem. There is no law providing for a civilian service.

Members of the European Parliament were approached by this religious movement to raise this issue in the framework of the Human Rights Dialogue EU – Korean Peninsula. While they recognized that the problem was real, they were reluctant in supporting the claims of members of a religious movement which is the object of social hostility.

Some years ago, our organization decided to take up this issue. We organized a fact-finding mission in South Korea; we met and interviewed former prisoners; we visited the military prison where conscientious objectors were then detained and talked with them as well as with the authorities of the penitentiary institution; we had a meeting with the lawyers of the objectors; we had appointments with the National Commission for Human Rights, with several members of the Parliament, with journalists and with local human rights NGOs. Though, the Ministry of Defence and the Ministry of Justice ignored our requests for meetings.

We published a 250-page report in English and in Korean that is a reference document on this issue and that is used by the lawyers of conscientious objectors, local and foreign human rights NGOs, namely at the United Nations.

Change of religion under coercion in Japan

In the last 40 years, a huge number of adults who converted to the Unification Church and Jehovah's Witnesses in Japan were abducted by their families, confined during long periods and submitted under constraint to so-called "exit counseling" with the purpose of de-conversion.

Japanese politicians, the police and the judicial authorities have systematically declared that these were "family matters". All known complaints filed jointly against abducting parents and/or exit counselors have been declared ineligible for criminal proceedings by prosecutors. Moreover, civil society in Japan and the international human rights community have always ignored this long-standing problem.

In 2010-2012, our organization has collected testimonies and data coming from various reliable sources that confirm the long-standing and persistent, though declining,

existence of the kidnappings for the purpose of forced conversion: a well-known investigation journalist, a former member of the Diet, abducted converts to the movement of Jehovah's Witnesses and the Unification Church, abducting parents, lawyers, psychologists, Japanese and foreign scholars in religious studies. Known opponents to these two religious minorities were contacted for meetings but failed to answer for unknown reasons.

The purpose of our investigation was not a research work about these two religious minorities or all the facets of the kidnapping, deprivation of freedom and religious de-conversion under coercion. Our purpose was two-fold and quite focused:

- collecting evidence showing that change of religion under coercion in Japan was a reality in a number of cases;
- highlighting the failure of Japan to fulfill its duty to protect its citizens and to prosecute those responsible of kidnapping, deprivation of freedom and change of religion under constraint.

Our report has reached its two objectives and more than six months after its publication our organization has not received any counter-argument denying the reality of change of religion under coercion as well as the Japanese state's failure to protect its citizens against this practice.

Conclusions

Defending the rights of adult individuals belonging to a religious community duly registered as a legal entity that is a victim of social hostility is always a risky operation but remains a necessity. Human rights organizations may not on such grounds exclude from their agenda the protection of certain categories of citizens and must go on reminding UN member states of their obligations and commitments.

All our reports are in the public domain and their findings can be used by the international community.

Over 700 conscientious objectors in prison

Since 1950, 16,655 Jehovah's Witnesses sentenced to a total of 31,739 years in prison

Human Rights Without Frontiers urges the Republic of Korea to recognize the right to conscientious objection to military service

By Willy Fautré

HRWF (06.06.2012) - Over 700 Jehovah's Witnesses are currently in prison in South Korea because they refuse to perform military service. Each year, some 500 to 900 young men continue to be added to the list of conscientious objectors criminalized in Korea.

Conscientious objectors to military service in Korea are criminally prosecuted, convicted, and generally sentenced to 18 months of imprisonment for violation of the Military Service Act Article 88 Paragraph 1.

Between 1950 and December 2011, a total 16,655 men have been sentenced to 31,739 years of imprisonment for conscientious objection to military service. As of December

2011, 761 Jehovah's Witnesses were imprisoned for conscientious objection to military service. Since 2008, more than 2,496 conscientious objectors have been tried and convicted by the courts, and sentenced to total 3,726 years of imprisonment.

Conscientious objectors who are called up as reservists face multiple prosecutions and repeated punishments over an eight-year period for violation of Homeland Reserve Forces Act Article 15 Paragraph 9. A reservist is not exempt from being repeatedly called up for the very training that he failed to perform even after paying fines or serving a prison term. Currently, over 80 of Jehovah's Witnesses are caught in the cycle of being accused and sentenced to repeated fines and possible prison terms because of the religious beliefs they have come to accept after serving their basic terms in the military. A reserve forces training call up is issued over and over again, two or three times a year, even after one is penalized for the conscientious objection to it. For example, Mr. Shin, whose case was rejected by last year's constitutional court decision, has been prosecuted 37 times as of December 31, 2011, and is expected to face call ups and trials for two more years.

Despite repeated recommendations issued from international and domestic human rights bodies, Korea has not introduced a single provision for conscientious objectors.

A few days after the 8th Session of the UN Universal Periodic Review in 2008 which recommended to the Republic of Korea to "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 organization", it was reported by a news media that the Ministry of Defense would discontinue its consideration of introducing alternative service for conscientious objectors (Donga Daily, July 5, 2008, "Reconsider alternative service for conscientious objectors"). On December 24, 2008, the Korean government officially announced that it would not introduce alternative service.

The Korea government's decision not to adopt alternative service is based on a study conducted by a professor named Jin, Seok-yong (Daejeon University, Political Science and Mass Communication) who comprehensively examined the possibility of alternative service. Although the study was positive in suggesting various ways of operating alternative service, the government highlighted the negative result of a public poll included in the study, which indicated the 68.1% of Koreans were against the plan. In interviews with several media sources, the professor who conducted the study explained that the government and the Ministry of Defense distorted his study result (Hankook Daily, January 7, 2009, "Government distorted the study on alternative service"; News & Joy, February 15, 2009, "I feel deceived by the Ministry of Defense.")

No bill for alternative service or revision of the military service act was ever submitted to the National Assembly by the government.

Human Rights Without Frontiers urges the Republic of Korea to recognize the right to conscientious objection to military service in harmony with its commitment to the norms of international law and to implement alternative service in line with international standards.
