

# AMNESTY INTERNATIONAL

## PUBLIC STATEMENT

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### **Amnesty International urges the Republic of Korea to release conscientious objectors**

#### ***Human Rights Council adopts Universal Periodic Review outcome on the Republic of Korea***

Amnesty International welcomes the Republic of Korea's acceptance of recommendations to improve policing practices to better guarantee the right to freedom of peaceful assembly.<sup>1</sup> It encourages the Korean National Police Agency to implement thorough reforms, including adopting and institutionalizing a clearly regulated framework for policing assemblies and for the use of force in line with international law and standards, as recommended by the Police Reform Committee.<sup>2</sup>

Amnesty International regrets that the Republic of Korea has not accepted recommendations to give conscientious objectors the option to perform an appropriate alternative civilian service, if they are not entirely exempted from military service.<sup>3</sup> The decision of the Republic of Korea to support only one recommendation – i.e. to *consider* releasing conscientious objectors who have been imprisoned, and to *consider* removing the corresponding charges on their criminal records - raises concern that neither of these commitments will be acted on in the near future.<sup>4</sup>

It is also regrettable that the Republic of Korea decided not to accept the many recommendations to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty, to commute without delay all death sentences to terms of imprisonment, and to accelerate the full abolition of the death penalty in law.<sup>5</sup>

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<sup>1</sup> Human Rights Council, *Report of the Working Group on the Universal Periodic Review – Republic of Korea*, A/HRC/WG.6/28/L.8, 13 November 2017, recommendations 130.38 (Greece), 130.39 (Brazil), 130.41 (Japan), 130.42 (Venezuela).

<sup>2</sup> See also: Amnesty International, *Freedom of Peaceful Assembly in South Korea and International Human Rights Standards*, November 2016 (Index: ASA 25/5099/2016).

<sup>3</sup> Human Rights Council, *Report of the Working Group on the Universal Periodic Review – Republic of Korea*, A/HRC/WG.6/28/L.8, 13 November 2017, recommendations 132.94-132.103 (Germany, Canada, United States of America, Australia, Croatia, France, Mexico, Switzerland, Argentina, Panama).

<sup>4</sup> Human Rights Council, *Report of the Working Group on the Universal Periodic Review – Republic of Korea*, A/HRC/WG.6/28/L.8, 13 November 2017, recommendation 132.106 (Costa Rica).

<sup>5</sup> Human Rights Council, *Report of the Working Group on the Universal Periodic Review – Republic of Korea*, A/HRC/WG.6/28/L.8, 13 November 2017, recommendations 132.4 (Costa Rica, Angola, Sweden, Germany), 132.5 (Mongolia), 132.6 (Togo), 132.7 (Honduras), 132.71 (Norway), 132.72 (Italy), 132.73 (Timor-Leste), 132.74 (Uzbekistan), 132.75 (Liechtenstein), 132.76 (Rwanda), 132.77 (Canada), 132.78 (Colombia), 132.79 (Panama), 132.80 (Slovenia), 132.81 (Switzerland), 132.82 (Mexico), 132.83 (Portugal), 132.84 (Australia), 132.85 (France), 132.86 (Spain), 132.87 (Montenegro), 132.88 (Namibia), 132.89 (Ireland).

It has been more than 20 years since the death penalty was carried out in the country, and it is high time the Republic of Korea join the 105 countries across the globe that have abolished the death penalty in law. In May of 2017, then presidential candidate Moon Jae-in made a commitment to move towards ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights; however, he has yet to take action on this.

Finally, Amnesty International regrets that the Republic of Korea has not accepted the many recommendations to extend the protection of human rights to LGBTI persons, including through the adoption of a comprehensive anti-discrimination act, and the repeal of Article 92-6 of the Military Criminal Act, which prohibits and punishes consensual sexual activity between people of the same sex in the military.<sup>6</sup>

## Background

The UN Human Rights Council adopted the outcome of the Universal Periodic Review of the Republic of Korea on 15 March 2018 during its 37<sup>th</sup> session. Prior to the adoption of the report of the review Amnesty International delivered this oral statement. Amnesty International also contributed to the information basis of the review through its submission on country: <https://www.amnesty.org/en/documents/asa25/6500/2017/en/>

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<sup>6</sup> Human Rights Council, *Report of the Working Group on the Universal Periodic Review – Republic of Korea*, A/HRC/WG.6/28/L.8, 13 November 2017, recommendations 132.27 (Slovenia), 132.28 (Bangladesh), 132.29 (Spain), 132.31 (Georgia), 132.32 (Albania), 132.33 (Nicaragua), 132.34 (Turkey), 132.35 (State of Palestine), 132.36 (Colombia), 132.37 (Botswana), 132.38 (Australia), 132.39 (Norway), 132.40 (Denmark), 132.43 (France), 132.44 (Brazil), 132.45 (Ireland), 132.57 (Argentina), 132.58 (United Kingdom), 132.59 (Israel), 132.60 (Sweden), 132.62 (Italy), 132.64 (USA), 132.65 (Canada), 132.66 (Costa Rica), 132.67 (Netherlands), 132.68 (Denmark) .