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South Korea: Plans to introduce alternative service for conscientious objectors must be realized

Amnesty International welcomes the decision of the South Korean government to consider plans of introducing an alternative to compulsory military service. While long overdue, this is a measure that is critically needed to end decades of human rights violations.

According to the Jehovah's Witnesses, over the past 60 years nearly 20,000 conscientious objectors have been imprisoned in South Korea merely for having exercised their freedom of thought, conscience and religion or belief. Under international human rights law every person has the right to refuse to perform military service on the grounds of conscience or profound personal conviction, without suffering any legal, physical or administrative penalty.

The current decision of the South Korean government was announced in the context of a broader national action plan for human rights for the years 2018-2022. This decision is being taken in lieu of three pending bills at the National Assembly to introduce an alternative service for conscientious objectors.

Although there are some alternative service programmes in South Korea, they are not compatible with international human rights law as they are not of a civilian nature. Rather, they are administered by the military and involve four weeks of armed basic training.

With more than 238 conscientious objectors currently in prison, Amnesty International urges President Moon Jae-in and his administration to expedite the implementation of the decision.¹ Concrete actions must be taken in order for the objective of establishing an alternative service of a genuinely civilian nature to be fully achieved, without any unnecessary delay.

In 2007, during the last year of President Roh Moo-hyun's term of office, the South Korean government made a similar announcement that they would introduce such an alternative service by 2009. However, after President Lee Myung-bak came into power, his government announced in 2008 that the plan had been put on hold indefinitely, citing lack of public support.

Amnesty International also notes that an increasing number of lower courts are ruling in favour of men who have refused military service for reasons of conscience. However, a ruling by the Constitutional Court examining the legality of conscientious objection is still pending.² The trials of an estimated 900 cases of conscientious objectors are on hold awaiting that ruling.³

The conscription-or-jail dilemma of conscientious objectors must be ended, and this move to make a provision for them to carry out an appropriate non-punitive alternative service of a genuinely civilian character is a crucial step in order to achieve that. It may also reduce the social

¹ This figure is calculated by the numbers provided to Amnesty International by the Jehovah's Witnesses and World Without War.

² See Amicus Curiae opinion submitted to the Constitutional Court of Korea, Amnesty International, Friends World Committee for Consultation (Quakers), the International Commission of Jurists, the International Fellowship of Reconciliation, and War Resisters' International, *The Right to Conscientious Objection to Military Service*, 1 September 2014, AI Index: POL 31/001/2014.

³ Yoo Hwan-gu, 'Constitutional court ruling on conscientious objection in 7th year, 900 cases awaiting trial, verdict', *Korea Times*, 7 May 2018, www.hankookilbo.com/v/589c60480083453788dc7d79333c4e53 (in Korean).

stigma attached to conscientious objectors in South Korea, which has been a huge obstacle in their attempts to seek employment after life in prison.

The government must also immediately and unconditionally release all individuals imprisoned solely for refusing military service on grounds of conscience. Real actions are now needed for the government to follow through with their obligation to uphold human rights.