

## Refugee Review Tribunal

### AUSTRALIA

#### RRT RESEARCH RESPONSE

**Research Response Number:** KOR30754  
**Country:** South Korea  
**Date:** 16 October 2006

Keywords: Korea – Military Service – Alternative Service

This response was prepared by the Country Research Section of the Refugee Review Tribunal (RRT) after researching publicly accessible information currently available to the RRT within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

---

#### Questions

**1. Could you provide relevant information on military service in South Korea – the age for service; the requirements; the nature of service; and any exemptions?**

#### RESPONSE

**1. Could you provide relevant information on military service in South Korea – the age for service; the requirements; the nature of service; and any exemptions?**

Military service for males is compulsory in South Korea. Sources report that human rights abuses continue to occur within the South Korean military despite a number of reforms aimed at improving the welfare of soldiers. Under Article 88 of the *Military Service Act 2003* the punishment for refusing to serve is up to three years in prison. In 2004, the Constitutional Court of South Korea found Article 88 to be constitutional. At the end of 2005 there were at least 1,090 conscientious objectors, mostly Jehovah's Witnesses, in prison. On 22 September 2004, Im Jong-In submitted a bill on alternate service for conscientious objectors to the National Assembly of South Korea. The bill is currently before a committee.

Information provided in response to this question has been organised under the following two headings:

- [Military Service](#); and
- [Alternate Service](#).
- 

#### Military Service

Conscience and Peace Tax International (CPTI) is an international NGO with consultative status with the UN Economic and Social Council. CPTI provides the following information on military service in South Korea:

The Republic of Korea has a system of (supposedly) universal male military service. Call up for medical examination (including psychological, physical and general education tests) takes place at the age of 19, followed by the placing of the conscripts concerned in six categories of military suitability. The first three categories are assigned to “active military service”, the fourth to “supplementary military service”, the fifth is eligible for military service in time of war only, the sixth is completely exempt from military service.

Under the revised Military Service Act of August 2003, all lengths of active military service were reduced by two months, and now stand at 24 months in the Army, 26 months in the Navy and 28 months in the Air Force.

...Articles 26 to 33 of the Act stipulate that “supplementary military service will mainly be performed as public service personnel at national or local government agencies, public organizations, or in social welfare facilities, for the purpose of public interests.” “In the public welfare sector, administration and local government (military service) lasts for 28 months. In certain special circumstances, when... performed in regional sectors of the economy, sociological and culture areas and international cooperation, it lasts for 32 months.” In all cases it includes four weeks basic military training (reduced from six weeks in 2003).

All those who have completed active military service or supplementary military service are required in each of the following eight years to perform 160 hours of reserve training.

It must be stressed that in order to be assigned to “supplementary military service” a conscript must qualify for exemption from “active military service”. There is no element of choice or discretion. Exemption is possible on grounds of “physical or mental deficiencies or special family circumstances”.

Under the 1989 Military Service Exemption Control Law, research, technical and public health staff may, after the initial period of military training, be allowed to count five years’ continued employment in the appropriate field in fulfilment of the supplementary military service requirement. Similar exemptions are available to some persons with special qualifications.

...Under Article 88 of the Military Service Act, the penalty for refusal of “active military service” is imprisonment for a maximum of three years; under Article 90 refusal of call-up for reserve training incurs a fine of up to two million won (approximately \$2,000) or imprisonment for not more than six months.

...Under Article 76 of the Military Service Law, those who have not satisfied the Military Service requirements are precluded from employment by government or public organisations. Moreover convicted conscientious objectors carry the stigma of a criminal record. As this is available to potential employers, it is alleged that there is consequent discrimination against conscientious objectors in the private labour market as well (Conscience and Peace Tax International 2006, *Briefing Paper for the Human Rights Committee Task Force on the Republic of Korea: Conscientious Objection to Military Service*, February, Office of the United Nations High Commissioner for Human Rights website [http://www.ohchr.org/english/bodies/hrc/docs88/CPTI\\_Republic\\_of\\_Korea.doc](http://www.ohchr.org/english/bodies/hrc/docs88/CPTI_Republic_of_Korea.doc) – Accessed 13 October 2006 – Attachment 1).

A number of news articles published in 2005 and 2006 report on human rights abuses within the South Korean military:

- 21 January 2005: An army captain at the main boot camp of the South Korean army was arrested after ordering 192 trainees to eat human excrement. The Defence Ministry sent investigators “to look into other possible abuses at the Army’s main boot camp.” The Ministry also ordered an inspection of 35 other training centres (Lee, Brian 2005, Army officer is arrested for abusing recruits, Joins.com website, 21 January – Attachment 2);
- 28 March 2005: The Defence Ministry reports that there were 134 military deaths in 2004, including 66 suicides, down from 150 and 69 respectively in 2003. The Defence Ministry reports that there were 2,277 cases of physical violence and sexual harassment in military barracks down from 2,507 in 2003. The Defence Ministry reports that 1,440 soldiers were discharged from military hospitals after receiving treatment for mental problems in 2004, up from 1,170 in 2003. According to Professor Lee Gye-su of Kunkuk University “human rights abuses in the military is still a serious problem”. The *Yonhap News Agency* article reports that “several reservists interviewed weeks after completing their military service agree that various forms of physical and other types of abuse still exist in military camps” (Hyung-jin, Kim 2005, ‘S. Korean Military Still Tainted by Human Rights Abuses, Suicides’, *Yonhap News Agency*, 28 March – Attachment 3);
- 21 June 2005: An Army investigation found that a South Korean private who killed eight colleagues at a camp near the North Korean border planned the attack in retaliation to verbal abuse from fellow soldiers. The investigation “found that human rights abuses in the closed military environment still exist” (Sang-min, Joo 2005, ‘Verbal abuse led to soldier’s premeditated attack: Investigators find slack military discipline contributed to tragic shooting near demilitarized zone’, *Korea Herald*, 21 June – Attachment 4);
- 1 July 2005: 88 photographs of naked Marines, soldiers and riot policemen in humiliating situations were released by Citizens’ Solidarity for Human Rights who received them anonymously. The article reports that “bullying, cruel punishment and sexual humiliation appear to be routine” in the military (Parry, Richard Lloyd 2005, ‘Photos expose Army’s abusive regime’, *The Times*, 1 July – Attachment 5);
- 24 September 2005: The Defence Ministry reports that as of June 2005, 708 soldiers received treatment in the psychiatric section of military hospitals due to mental disorders. The Defence Ministry reports that 137 soldiers were discharged on the grounds of mental or personality disorders in 2004, up from 120 in 2003, with 36 discharged as of May 2005 (‘Soldiers in Poor Conditions’ 2005, *Korea Times*, 24 September – Attachment 6);
- 29 April 2006: Two soldiers are in detention after torturing a junior with electricity and water and an Army Major was arrested for sexual harassment of his soldiers (Sung-ki, Jung 2006, ‘Abuses Spoil Military Reform’, *Korea Times*, 29 April – Attachment 7); and
- 11 August 2006: A soldier killed one colleague, wounded another, then attempted suicide on an Army base in Gapyeong. Army Spokesman Col. Kwon Yi-sup said the exact motive for the incident is not known yet “but it looks like the private who shot was having a difficult time adjusting to military life” (Bang, Annie I. 2006, ‘Soldier attempts suicide after deadly shooting’, *Korea Herald*, 11 August – Attachment 8).

A number of news articles published in 2005 and 2006 report that the South Korean government has implemented a number of reforms to the military aimed at improving the welfare of soldiers:

- 25 October 2005: The Defence Ministry will provide greater opportunities for soldiers to learn English. The Ministry will install 56,000 personal computers by 2011 and set up an e-Learning system. The Ministry will set up English-speaking platoons and increase language teaching officers ('All Korean Soldiers Can Learn English' 2005, *Korea Times*, 25 October – Attachment 9);
- 1 December 2005: On 2 December 2005, the Korean Forces Network (KFN) began broadcasting 20 hours of programs a day, including defence news, documentaries, cultural and entertainment programs and a weekly English-language study program, for soldiers and civilians. According to Yoon Seung-yong, President of the Defence Media Agency, "KFN will help improve the welfare of soldiers" ('Military TV Starts Broadcasts Thursday' 2005, *Korea Times*, 1 December – Attachment 10);
- 28 December 2005: The Army introduced a number of measures aimed at improving military service including a five-day work week, use of the Internet, various club activities for free time, 6.6 square metres of space for each soldier in military barracks up from 2.3 square metres, increase of monthly salaries to 35,000 won and 80,000 won by 2007, new menus, a combat training camp and 10,000 televisions providing 60 channels (Jin-woo, Lee 2005, 'Soldiers Enjoy Improved Service Conditions', *Korea Times*, 28 December – Attachment 11); and
- 31 August 2006: *Yonhap News Agency* reports that "South Korea will provide free physical checkups for all conscripts starting in 2008 as part of efforts to improve their welfare" ('S. Korea to provide free physical checkups for all' 2006, *Yonhap News Agency*, 31 August – Attachment 12).

### **Alternate Service**

According to Amnesty International's *Report 2006*, "at least 1,090 conscientious objectors, most of them Jehovah's Witnesses, were in prison at the end of 2005 for their refusal to carry out compulsory military service" (Amnesty International 2006, *Report 2006 – Asia Pacific: South Korea*, 23 May – Attachment 13).

In May 2004, Judge Lee Jung-ryul of the Nambu Branch of Suwon District Court upheld the right of three Jehovah's Witnesses not to serve in the military for religious reasons. In July 2004, the Supreme Court found that conscientious objectors are guilty and in July/August 2004, the Constitutional Court found Article 88 of the *Military Service Act* to be constitutional (Na-rai, Lee 2004, 'People with a Different Conviction', *Yonsei Annals*, Vol. 4306, 16 October <http://annals.yonsei.ac.kr/news/read.php> – Accessed 13 October 2006 – Attachment 14; and Si-young, Hwang 2005, 'Conscientious objector sentenced to 18 months in jail', *Korea Herald*, 4 July – Attachment 15).

On 22 September 2004, Im Jong-In submitted *The Military Service Act Amendment Bill* to the National Assembly of South Korea. The bill allows conscientious objectors to undertake alternate service:

The draft bill was discussed at the National Defense Committee a year and a half ago and is now examined by four members of Sub-committee belongs to National Defense Committee.

... A. Those who are conscripted for active military service or supplementary service who have religious or conscientious beliefs which cause them to refuse violent military service

may submit a request to their Local Official of the Military Manpower Administration to be determined as a conscientious objector to military service. (New Article 43 Section 2)

**B.** In order to determine the validity of conscientious objection to military service, the Office of Military Manpower Administration and its local offices creates a Council for the Judgment of Conscientious Objection to Military Service. (New Article 43 Section 3)

**C.** Those determined as conscientious objectors to military service are to be entered into Public Welfare Service, a supplementary national service, as Public Welfare Agents. (New Article 43 Section 6)

**D.** Public Welfare Agents participate in the protection, treatment, recuperation, and selfsupport of the young, the elderly, and the disabled at public welfare facilities. (New Article 43 Section 7)

**E.** Public Welfare Agents have a service period of 1.5 times than that required for military service duty. Those who have completed that service period are to be entered into Category-Two National Service, to be mobilized in wartime for non-violent labor purposes only. (New Article 43 Section 10)

**F.** Public Welfare Agents are to be directed and supervised by the Minister of Health and Welfare, and are to be housed as a group under the Local Director of Manpower Administration when off duty. (New Article 43 Section 11)

**G.** The Local Director of Military Manpower Administration may request a ruling on conscientious objection to the Council for the Judgment of Conscientious Objection to Military Service if he doubts the fact that an individual serving in public welfare service is a genuine conscientious objector to military service. (New Article 43 Section 13)

**H.** If an individual enters Public Welfare Service through false testimony or falsified records, or when an individual serving in public welfare service is determined to not be a conscientious objector to military service, they are to be dismissed from public welfare service and returned to active military service or as a Public Works Agent. (New Article 43 Section 14)

**I.** If an individual who has requested conscientious objector to military service status is clearly making their request under pretense of religious belief or conscious determination, they are to be sentenced to 1~2 years in prison. Those who enter Public Welfare Service through unjust means are to be sentenced 1~3 years in prison. (New Article 86 Section 2) (Human Rights Without Frontiers 2006, 'Military Service Act Amendment Bill', 6 February [http://www.hrwf.net/html/2006PDF/South\\_Korea\\_2006.pdf](http://www.hrwf.net/html/2006PDF/South_Korea_2006.pdf) – Accessed 13 October 2006 – Attachment 16).

An article dated 6 January 2006 by *Yonhap News Agency* reports that in 2006 South Korea's Defence Ministry will launch a task force of military, bureaucracy and public to study a proposal to allow conscientious objectors to perform civil services as an alternative to serving in the military ('Panel to be set up on alterative service for conscientious' 2006, *Yonhap News Agency*, 6 January – Attachment 17).

## List of Sources Consulted

### Internet Sources:

#### **Government Information & Reports**

Constitutional Court of Korea <http://www.ccourt.go.kr/english/index.htm>

Immigration and Refugee Board of Canada [http://www.irb-cisr.gc.ca/en/research/rir/index\\_e.htm?action=search](http://www.irb-cisr.gc.ca/en/research/rir/index_e.htm?action=search)

US Department of State website <http://www.state.gov/>

#### **United Nations (UN)**

International Labour Organisation <http://www.ilo.org/>

UNHCR <http://www.unhcr.org/cgi-bin/texis/vtx/home>

#### **Non-Government Organisations**

Amnesty International <http://www.amnesty.org/>

Conscience and Peace Tax International <http://www.cpti.ws/>

Freedom House <http://www.freedomhouse.org/>

Human Rights Watch <http://www.hrw.org/>

Human Rights Without Frontiers <http://www.hrwf.net/>

#### **International News & Politics**

*BBC News* <http://news.bbc.co.uk/>

WorldWide Religious News <http://www.wwrn.org/>

*Yonsei Annals* <http://annals.yonsei.ac.kr/>

#### **Topic Specific Links**

War Resisters International <http://www.wri-irg.org/>

#### **Search Engines**

Google <http://www.google.com.au/>

### Databases:

FACTIVA (news database)

BACIS (DIMA Country Information database)

REFINFO (IRBDC (Canada) Country Information database)

ISYS (RRT Country Research database, including Amnesty International, Human Rights Watch, US Department of State Reports)

RRT Library Catalogue

## List of Attachments

1. Conscience and Peace Tax International 2006, *Briefing Paper for the Human Rights Committee Task Force on the Republic of Korea: Conscientious Objection to Military Service*, February, Office of the United Nations High Commissioner for Human Rights website [http://www.ohchr.org/english/bodies/hrc/docs88/CPTI\\_Republic\\_of\\_Korea.doc](http://www.ohchr.org/english/bodies/hrc/docs88/CPTI_Republic_of_Korea.doc) – Accessed 13 October 2006.
2. Lee, Brian 2005, Army officer is arrested for abusing recruits, Joins.com website, 21 January. (FACTIVA)
3. Hyung-jin, Kim 2005, ‘S. Korean Military Still Tainted by Human Rights Abuses, Suicides’, *Yonhap News Agency*, 28 March. (FACTIVA)

4. Sang-min, Joo 2005, 'Verbal abuse led to soldier's premeditated attack: Investigators find slack military discipline contributed to tragic shooting near demilitarized zone', *Korea Herald*, 21 June. (FACTIVA)
5. Parry, Richard Lloyd 2005, 'Photos expose Army's abusive regime', *The Times*, 1 July. (FACTIVA)
6. 'Soldiers in Poor Conditions' 2005, *Korea Times*, 24 September. (FACTIVA)
7. Sung-ki, Jung 2006, 'Abuses Spoil Military Reform', *Korea Times*, 29 April. (FACTIVA)
8. Bang, Annie I. 2006, 'Soldier attempts suicide after deadly shooting', *Korea Herald*, 11 August. (FACTIVA)
9. 'All Korean Soldiers Can Learn English' 2005, *Korea Times*, 25 October. (FACTIVA)
10. 'Military TV Starts Broadcasts Thursday' 2005, *Korea Times*, 1 December. (FACTIVA)
11. Jin-woo, Lee 2005, 'Soldiers Enjoy Improved Service Conditions', *Korea Times*, 28 December. (FACTIVA)
12. 'S. Korea to provide free physical checkups for all' 2006, *Yonhap News Agency*, 31 August. (FACTIVA)
13. Amnesty International 2006, *Report 2006 – Asia Pacific: South Korea*, 23 May.
14. Na-rai, Lee 2004, 'People with a Different Conviction', *Yonsei Annals*, Vol. 4306, 16 October <http://annals.yonsei.ac.kr/news/read.php> – Accessed 13 October 2006.
15. Si-young, Hwang 2005, 'Conscientious objector sentenced to 18 months in jail', *Korea Herald*, 4 July. (FACTIVA)
16. Human Rights Without Frontiers 2006, 'Military Service Act Amendment Bill', 6 February [http://www.hrwf.net/html/2006PDF/South\\_Korea\\_2006.pdf](http://www.hrwf.net/html/2006PDF/South_Korea_2006.pdf) – Accessed 13 October 2006.
17. 'Panel to be set up on alternative service for conscientious' 2006, *Yonhap News Agency*, 6 January. (FACTIVA)