[News Focus] Criminalized for decades, conscientious objectors to begin alternative service

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A pan-government committee consisting of lawyers and rights experts convenes a meeting in Seoul on July 15, to announce the first group of 35 men to perform the alternative civilian service set to begin in October. (Military Manpower Administration)

Starting in October, conscientious objectors in Korea who pass a thorough screening process will work in jails for three years instead of serving in the military for about two years.

The alternative service system is a major departure from the country's 67-year history of criminalizing people who refused conscription, regardless of whether they did so on religious grounds. Technically still at war with North Korea, South Korea requires all able-bodied men to serve in the military. Those who said no were typically jailed for 18 months.

The first group of 35 men to take part in alternative service was announced last week, as the Defense Ministry continued to fine-tune details of the system.

Its introduction came after a landmark ruling by the Constitutional Court in June 2018 that conscientious objectors should be given noncombat ways to fulfill their obligations. In November that year, the Supreme Court also sided with the objectors, reversing a 67-year-old precedent and essentially decriminalizing conscientious objection. About 20,000 conscientious objectors had been penalized so far.

How system works

According to the ministry, applicants for alternative service will have to prove they are genuine conscientious objectors.

The first group of 35 candidates skipped this process because they had all been tried for violating the conscription law and recognized as having refused to take up arms on grounds of religious faith.

Future applicants, without such a court ruling, will face scrutiny by the committee, which is tasked with establishing whether their rejection of military service is based on a "genuine and sincere" religious faith or personal beliefs in nonviolence.

Applicants citing religious faith as grounds are expected to account for the majority of those filing for the alternative service, according to the Defense Ministry.

The applicants will have to demonstrate that they have consistently upheld the doctrines of their religion or their personal beliefs in nonviolence with evidence ranging from school records and criminal background checks to affidavits from acquaintances, according to the ministry.

Consistency is the single most important consideration, a point the Supreme Court stressed in its ruling.

The 29-member committee comprising lawmakers, lawyers, rights specialists and military experts will study evidence the applicants have submitted, run additional reputation checks and look for any signs of contradiction.

Protesters demand the government stop penalizing conscientious objectors and roll out an alternative service lieu of active duty in May 2017. (Yonhap)

"Quantifying the process with numbers set for pass or fail would be least likely. The committee will look deep into the resources available to ascertain if the applicants have

truly lived the lives they claim to have," a Defense Ministry official involved in the committee said.

For the committee to decide on an applicant's sincerity, at least half of its members must be present. The decision depends on a majority vote. Applicants can appeal decisions by petitioning either the court or the government's special one-tier appeals commission.

Alternative service participants will be assigned to one of 10 designated correctional institutions and detention centers for 36 months, where their day-to-day responsibilities will include maintenance and sanitation.

Like the Army conscripts, they will be housed in groups near their assigned correctional facilities and will take periodic vacations and leave. They will receive the same wages.

"They would carry out duties essential to the operation of the correctional facilities, and not merely 'assist' work already being done there," said a Justice Ministry spokesperson in charge of correctional services, noting that their tasks could overlap with those of inmates.

For eight years after being discharged, like military conscripts, they will undergo reserve forces training each year. That will entail four days of training at the correctional facilities where they worked instead of the field exercises their conscript peers must take part in at the units where they served.

Is 36 months too long?

A major point of contention is the length of time that conscientious objectors are required to serve. Some of the objectors, backed by human rights groups, say the 36-month term is another form of punishment. The conscription period is 18 months for the Army and Marine Corps, 20 months for the Navy and 22 months for the Air Force.

Critics also say that conscientious objectors should be able to perform community service at other facilities besides prisons, such as nursing homes.

The Defense Ministry said the expansion of the program beyond prisons might be an idea to consider, and that changes could be made to the new system in stages.

But a social consensus would be needed to reduce the term of service, according to the ministry, which said 7 out of 10 active-duty soldiers and 4 out of 10 citizens supported the idea of a 36-month tenure. Existing civilian service programs also involve longer work terms, the ministry argued.

Public defenders, doctors and engineers can perform community service for up to 36 months in lieu of active duty under a special program for skilled professionals.

"For that very reason, 36 months for objectors isn't unreasonable," said a 28-year-old office worker in Seoul, who served in the Air Force and asked only to be identified by his surname, Kim.

Others agreed, advancing other arguments for an extended work period.

Army conscripts sing a marching song at a basic training graduation in the southwestern city of Gwangju on Jan. 8 2020. (Yonhap)

“There should be no reason other than conscience itself when opting for the civilian service, to attract those who are qualified and to prevent the system from abuse. A lengthened tenure ensures it,” said Cho Hwi-gue, a medical student who has finished his duty in the Army.

Some cast doubt on whether prison work is as challenging or labor-intensive as military duty.

“Conscripts regularly take part in military drills, which, however small, directly involve their safety and physical well-being. But would this be the same pressing concern to prison workers as well?” asked Choi Keun-seok, a Seoul-based financial analyst and a former Army conscript.

While working in prisons, conscientious objectors would not interact directly with prisoners unless a supervisor is present, the Justice Ministry said, adding that the workers’ residence would be completely separate from the prisons as well.

“A straight even 50-50 split is tricky,” said Nam Young-woo, a former conscripted specialist in the Army who helped with software engineering there, referring to the arduous task of striking a perfect balance between alternative and military service, in terms of work period and conditions.

“I’d say this is close, though.”

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