



Australian Government
Refugee Review Tribunal

Country Advice

South Korea

South Korea – KOR39671 – Treatment of
opponents of the gaoling of conscientious
objectors

19 December 2011

1. Are people in South Korea who express their opposition to the gaoling of young Jehovah's Witness men for their conscientious objection harmed by the South Korean government through, for example, surveillance, arrest, impaired employment opportunities?

Although there are reports of numerous Jehovah's Witnesses being gaoled for refusing to perform National Service¹, there are no reports of people who express their opposition to this gaoling being imprisoned themselves. Notwithstanding this, the anti-conscription website *gol.com* (maintained by Korean Quakers) carried a report about the Korean Police placing on website operators who opposed military service by the Korean Police to close down their websites.² The report claimed that the police threatened the operators of one website who refused to comply that they would be charged under Article 114³ of the Korean Criminal Code (Offences against public security).

No reports were located on organised protests carried out by persons or groups who oppose the gaoling of conscientious objectors to military service in Korea.⁴ As such, the treatment of those who may participate in such activities could not be evaluated. According to the US Department of State (USDOS) report of Human Rights in Korea for 2010, Korean law allowed for the freedom of assembly and, in general, the right to protest appears to be observed by the Korean Government, subject to groups obtaining police permission.⁵ USDOS states that permission to protest is routinely given, although protests that lack proper registration/approval, those that are considered "likely to undermine public order" (no further elaboration is provided) or those that have been violent in the past have reportedly been banned.⁶ A 2011 Amnesty International report noted the arrest of two men for organising a

¹ 'Should conscientious objectors be jailed' 2011, *The Korean Herald*, 19 September
<http://www.koreaherald.com/opinion/Detail.jsp?newsMLId=20110919000963> - Accessed 19 December 2011

US Department of State 2011, *2010 Country Reports on Human Rights Practices*, 8 April,
www.state.gov/g/drl/rls/hrrpt/2010/eap/154389.htm - Accessed 11 April 2011

'Religious Persecution Report' (undated), Knocking.org (Jehovah's Witness site),
<http://www.knocking.org/ReligiousPersecutionReport.html> - Accessed 19 December 2011

² 'Suppress 'Anti-conscription System'' (undated), Seoul Quakers website
http://www2.gol.com/users/quakers/suppress_anticonscription_system.htm - Accessed 19 December 2011

³ See http://united-korea.org/code_criminal/article_1140.htm for an English translation of Article 114.

⁴ Searches conducted on ISYS, CISNET, NGOs (including Amnesty, Human Rights Watch etc.), RefWorld, major reports on human rights practices (e.g. USDOS reports) and general internet searches (e.g. Google).

⁵ US Department of State 2011, *2010 Country Reports on Human Rights Practices*, 8 April 2011,
www.state.gov/g/drl/rls/hrrpt/2010/eap/154389.htm - Accessed 11 April

⁶ US Department of State 2011, *2010 Country Reports on Human Rights Practices*, 8 April 2011,
www.state.gov/g/drl/rls/hrrpt/2010/eap/154389.htm - Accessed 11 April

protest (not related to conscription or gaoling of conscientious objectors) without police permission and for blocking traffic.⁷ The two received suspended sentences.

References

- ‘Religious Persecution Report’ (undated), Knocking.org (Jehovah’s Witness site), <http://www.knocking.org/ReligiousPersecutionReport.html> - Accessed 19 December 2011
- ‘Should conscientious objectors be jailed’ 2011, *The Korean Herald*, 19 September <http://www.koreaherald.com/opinion/Detail.jsp?newsMLId=20110919000963> - Accessed 19 December 2011
- ‘South Korean rights defenders convicted for helping victims of violations’ 2011, *Amnesty International*, 24 January, <http://www.amnesty.org/en/news-and-updates/south-korean-rights-defenders-convicted-helping-victims-violations-2011-01-24> - Accessed 19 December 2011
- ‘Suppress ‘Anti-conscription System’’ (undated), Seoul Quakers website http://www2.gol.com/users/quakers/suppress_anticonscription_system.htm - Accessed 19 December 2011
- US Department of State 2011, *2010 Country Reports on Human Rights Practices*, 8 April, www.state.gov/g/drl/rls/hrrpt/2010/eap/154389.htm - Accessed 11 April 2011

⁷ ‘South Korean rights defenders convicted for helping victims of violations’ 2011, *Amnesty International*, 24 January, <http://www.amnesty.org/en/news-and-updates/south-korean-rights-defenders-convicted-helping-victims-violations-2011-01-24> - Accessed 19 December 2011