

Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and the Special Rapporteur on freedom of religion or belief

REFERENCE:
OL KOR 4/2018

7 November 2018

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and Special Rapporteur on freedom of religion or belief, pursuant to Human Rights Council resolutions 34/18 and 31/16.

With reference to our prior communication of 28 May 2018 (ref. no KOR 2/2018) on the issue of criminalization of conscientious objection in South Korea and the reply of your Excellency's Government of 12 September 2018, we are pleased to see the decision of the Supreme Court of South Korea, rendered on 1 November 2018.

We welcome this decision by the Supreme Court to de-criminalize conscientious objection, by holding that moral and religious beliefs are valid reasons to object military service. This decision is in line with South Korea's obligations under international human rights law, and we hope that it will have an immediate impact on the situation of more than 900 conscientious objectors in the country, in particular the over 250 South Korean conscientious objectors imprisoned.

We also welcome the initiation of a legislative process to introduce in law an alternative to criminal service. We urge the authorities to ensure that such law in content and process will continue the human rights approach of the Supreme Court with a view to provide a framework for an alternative to military service which is in line with international human rights law, and we stand ready to provide technical assistance in the process.

Finally, we would like to inform your Excellency's Government that this communication, as a comment on the Supreme Court decision and on upcoming legislation will be made available to the public and posted on the website page for the mandate of the Special Rapporteur on the right to freedom of expression: <http://www.ohchr.org/EN/Issues/FreedomOpinion/Pages/LegislationAndPolicy.aspx>.

Please accept, Excellency, the assurances of our highest consideration.

David Kaye
Special Rapporteur on the promotion and protection of the right to freedom of opinion
and expression

Ahmed Shaheed
Special Rapporteur on freedom of religion or belief