

To the
Constitutional Court
of the Republic of Korea

June 13, 2016

**Human right of conscientious objection to military service
re 2012 Hun-Ba-15, 2012 Hun-Ba-182 and 2015 Hun-Ba-73**

Right to Conscientious Objection to Military Service

For many decades member churches of the Evangelical Church in Germany and Christian Churches in the Republic of Korea have been united by close links of partnership – through direct relations of exchange and consultation as well as in our common collaboration within the framework of the World Council of Churches. In this context we are repeatedly confronted with the grave situation of conscientious objectors to military service who are systematically incarcerated in the Republic of Korea. We appeal to you because we are very concerned about this unacceptable state of affairs, which violates the human right to conscientious objection and destroys the lives of peace-loving young men.

In its memorandum “Live from God’s Peace – Care for Just Peace” (2007) the Council of the Evangelical Church in Germany emphasizes: “The right to object to military service is inherent in the universal right to freedom of conscience. No one must be forced to perform armed military service against his or her conscience (Constitutional Law of the Federal Republic of Germany , article 4, paragraph 3). The Protestant Church considers conscientious objection to military service as a human right...”

In its Minute on the right to conscientious objection to military service (from 01 September 2009) the Central Committee of the World Council of Churches “reaffirms its support for the human right of conscientious objection for religious, moral or ethical reasons in accordance with the Universal Declaration of Human Rights (1948) and other international laws, as churches have an obligation to support those who refuse to take part in violence.”

In October 2015 our representative (Friedhelm Schneider) had the opportunity to join the session of the UN Human Rights Committee in Geneva dealing with the Republic of Korea. We explicitly endorse the Committee’s concluding observations on the fourth periodic report of the Republic of Korea:

44. The Committee is concerned that, in the absence of a civilian alternative to military service, conscientious objectors continue to be subjected to criminal punishment. It notes with concern that conscientious objectors' personal information may be disclosed online (art. 18).

45. The State party should:

(a) **Immediately release all conscientious objectors condemned to a prison sentence for exercising their right to be exempted from military service;**

(b) Ensure that conscientious objectors' criminal records are expunged, that they are provided with adequate compensation and that their personal information is not publicly disclosed;

(c) Ensure the legal recognition of conscientious objection to military service, and provide conscientious objectors with the possibility of performing an alternative service of civilian nature.

As to the juridical assessment of the prosecution of Korean conscientious objectors in detail we refer to the *amicus curiae* opinion of 2014 submitted by Amnesty International and others.

The right to freedom of conscience and religion is enshrined in article 19 and 20 of the Constitution of South Korea, and we believe that criminalizing conscientious objectors without giving any options for alternative service to military service clearly violates the rights protected by the Constitution of the Republic of Korea.

Together with many organisations of the international community we express our expectation here that after long years of violation this human right to conscientious objection to military service will finally be acknowledged and respected in Korea.

With kind regards,

Deutsche Ostasienmission

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Paul Schneiss, Ehrenpräsident, Deutsche Ostasienmission, Zaehringer Str. 16, 69115 Heidelberg

Heidelberg, June 13, 2016

A handwritten signature in black ink, appearing to read 'Paul Schneiss', written in a cursive style.

(Paul Schneiss, Rev.)

From: "Paul Schneiss" <paul-schneiss@t-online.de>
To: <registry@ohchr.org>
Date: 09/02/2017 15:34
Subject: Conscientious objection to military service

Your mail 11 January 2017 to non-governmental organizations

To
OHCHR-United Nations Office at Geneva
CH-1211 Geneva 10
Switzerland

Dear Sir/Madam,

The German East Asia Mission (Deutsche Ostasienmission DOAM) sent the enclosed message, dated June 13, 2016, to the Constitutional Court of the Republic of Korea. We did not receive a confirmation that the message has been received in Korea. We are still waiting for a decision of the Constitutional Court.

Yours sincerely
Paul Schneiss
Honorary chairperson of DOAM

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