

## **What has changed for conscientious objectors since the introduction of alternative service system? - Questions raised while going through alternative service**

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### **1. Introduction**

“Why is that we don’t see more conscientious objectors since the introduction of alternative service?” This was a question posed to me by a colleague who was working together to improve the alternative service system. I, too, have always wondered why the number of conscientious objectors using the system hasn’t increased since the era of “military or jail” was over and we now have the option of alternative service. While the number of Jehovah’s Witnesses has been a ‘constant’ in conscientious objection, the proportion of political conscientious objectors to the total number, which averages around 1,000 per year, has not varied much. There are, of course, many reasons for this. In a militarized society of South Korea where national security is still a powerful ideology, choosing a ‘different path’ is not always easy for individuals.

At the same time, conscientious objectors serve in correctional facilities, where they are asked to become no longer conscientious objectors, but substitute service personnel. In the process of constant comparison to the military, objectors are forced to negotiate, adjust, and sometimes resign. Of course, the specific aspects of ‘becoming an alternative service personnel’ are not always the same among correctional facilities or prison officials. What is clear, however, is that there is no such thing as a certain idealized version of what an alternative service personnel should look like for those who reject the military and consider peaceful action.

In this article, I would like to summarize the life of a ‘conscientious objector who became an alternative service personnel’ after passing the review of the Alternative Service Commission, and the ‘not-so-okay’ things they have felt. Before its introduction, the alternative service system was a ‘hot issue’ in the international community as well as in South Korean society, and it was an issue that was pushed to ‘later’ every year. Prior to the Constitutional Court’s decision, the Korean government and the National Assembly had been delaying the introduction of alternative service, claiming that it was premature and needed a national consensus. In the meantime, the burden of enduring lengthy trials and criminal punishment was left to the ‘individual’ objectors. While alternative service was supposed to mark the end of an era in which individuals had to bear so much of the burden of their lives, and become a cornerstone for ‘regular’ people to enjoy their constitutional rights, it is not the case. Now that the first conscripts have finally been released after three long years of service in October 2020, I hope that we can gather our thoughts and wisdom on how the punitive and discriminatory practice of alternative service can be transformed into a better system from a human rights and democratic perspective.

### **2. A daily routine of an alternative service personnel in an “alternative service living quarter where**

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### **military obligation and beliefs reconcile”**

Here’s a brief description of a typical day in the life of an alternative service personnel. On their muster day, alternative service personnel must go to the Alternative Service Training Center in Yeongwol. The center provides three weeks of training on the 「Act on Execution of Sentences and Treatment of Inmates」 and alternative work practices, followed by an examination in weeks two or three, and then placement in a correctional facility where there is an alternative service team. The placement is based on test scores, distance from hometown, and marital status. A typical day starts from 8 a.m. and ends at 5 p.m., with personal maintenance time from 5 p.m. to 9:30 p.m. on weekdays and 7:30 a.m. to 9:30 p.m. on weekends. At 9:30 p.m., it is cleaning time, and there is a roll-call in the morning and evening (or even at noon), and they must be seated at their posts in a fixed position. Electronic communication devices (1 cell phone and 1 laptop or tablet) are allowed from 5pm until 7:30am the next day. On average, 8 (6 minimum, 10 maximum) people live in one living quarter and receive announcements through a living quarter manager and a representative personnel appointed by the service manager. General outings are allowed within "50% of the capacity" within a period of time set by each facility. The period varies among facilities from one day to one week, or to one month, depending on their interpretation of the regulations. Overnight stays are allowed within "20% of the capacity" to "84 hours". Monthly salary is based on the rate of active duty army soldiers' salary class period, so the increase is half as much as the period of service.

They rotate through each work site on 6- to 12-month terms. They work in staff cafeteria (staff and alternative service personnel meals), laundry (inmate clothes, staff towels), custodial care, books and newspapers (sorting and distributing newspapers and books), medical care (sorting and distributing medicines to inmates), purchasing (distributing inmate self-purchased goods), facility management (environmental beautification, garbage separation), administration (managing the living quarter, assisting the service manager), and other duties vary depending on the circumstances of each facility. There is also night duty in the living quarter. From 10 p.m. to 2 a.m. two people carry on duty and from 2 a.m. to 6 a.m. another two people keep watch. All members take turns. From the second half of this year, the environmental beautification (premises cleaning) duties will be abolished and the security division’s work will be added. Also, safe custody works such as going on night duty in the main control office or patrolling the facility will be added as well, which is under pilot operation.

It is other members, alternative service managers and administrators, and the prison officials who have the most influence on an alternative service personnel’s every day. An alternative service manager is appointed from among the prison officials in each facility, and 3 to 4 people form an alternative service team, which deeply engages in the daily lives of the alternative service personnel. In addition, since the alternative service team is affiliated to the general affairs department, the head of the department is also involved. In the Alternative Service Act and related enforcement regulations, the head of the correctional facility is stipulated as the decision-maker, so the head has great authority as well. Alternative service personnel also need to pay attention to prison officials at the workplace as they spend most of the time together. Even other officials who are not directly involved but just come across in the facility have an impact on alternative service personnel.

### 3. Issues in Alternative Service System

In my case, I was reviewed by the Alternative Service Commission in 2021, received a decision on acceptance in September of that year. After waiting for over half a year,<sup>2,3</sup> I was called up in May 2022 and have been serving as an alternative service personnel for a year and a half by now. I've recently heard some of my coworkers, who spend 24 hours a day in the same living quarter, saying "I now have the same date of discharge as those who just started their military service." with a hint of self-deprecation. It's not just a mere complaint about the length of service. It's about the "stepping on the cross" style questions they were asked during the screening process; their status as somewhere between soldier, detainee, and security guard; being forced to fit 'me' into the 'group' under the overwhelming amount of control and discipline; and the culture which lacks respect for one's conscience and beliefs.

#### (1) Length of service

The period is set at 36 months, which is twice the length of active Army service. While the Constitutional Court's 2018 decision raised concerns that excessive length of alternative service could violate freedom of conscience guaranteed by the Constitution if it is excessive and punitive in nature, a five-year service period was proposed during the National Assembly debate, and 36 months was presented as the only option during the Ministry of Defense's public hearing to introduce the alternative service system. The 36-month period was seen as a "reasonable option" because active military service was set as the default, and alternative service was discussed as the exception and residual, as if preventing military evasion was the fundamental "purpose" of the alternative service system. However, even in foreign countries, such a long service period is rare. The objectors who are housed together in correctional facilities consider the current system to be harsh, with the most frequent complaint being a sense of disconnection and alienation from society. "I'd rather endure a year and a half of incarceration (in terms of duration)," said several of them, adding that they feel as if conscientious objection was still perceived as a 'sin'. I also feel that this long period of time acts as a double shackle for objectors. As I explained earlier, it is not easy to pass the screening system, and objectors will be "recognized" as "true" conscientious objectors only if they endure three years of service without complaint. Isn't that a patronizing attitude latent in the current alternative service system? The National Human Rights Commission also recommended to the Minister of Defense in 2023 to adjust the service period within the range of six months under Article 19 of the Alternative Service Act.<sup>4</sup> It has been three years since the system was implemented, and

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<sup>2</sup> "According to the Congressional Budget Office's 「Fiscal Year 2022 National Defense Authorization Committee Analysis」, if alternative service facilities are not added, alternative service personnel will face a wait of up to four years to serve."

<sup>3</sup> In the case of my fellow conscientious objectors, the wait time is usually two years if they are still in their mid-20s. The screening process itself is also lengthy, which is likely due to the fact that living quarters need to be constructed. Under current law, people can defer from the military until age 30 (35 with a military exemption), and in my case it was exceptional because I passed the screening at age 28 and turned 29 the following year, so the wait was not that long.

<sup>4</sup> Article 19 of the Alternative Service Act (Adjustment of Service Period of Alternative Service Personnel) The Minister of National Defense may adjust the service period of alternative service personnel in the range of six months upon the request of the Chief of the Military Manpower Administration, after deliberation by the Council of Ministers and approval by the President, if the service period of active duty personnel is adjusted.

there's a need to discuss about the reduction of the service period at this point.

### **(2-1) Area of Service**

The scope of service is one of the most important aspects of alternative service system reform. It is undeniable that the enactment of the Alternative Service Act has prevented conscientious objectors from becoming prisoners, which is a unique achievement of the system. Nevertheless, the fact that alternative service is only performed in correctional facilities should be criticized as a de facto 'uniformed inmate'. Furthermore, by reassigning conscientious objectors who take socially 'uncomfortable' practices to areas where they are socially invisible, it has the effect of keeping their peaceful beliefs and their contribution to the public good hidden from the public.

One of the most important issues that arise while carrying out the service in correctional facilities is that these are militarized spaces. Moreover, this is compounded by the fact that the value of 'security' is absolute and powerful; prison officials still view alternative service personnel as inmate-soldiers (or as members of the now-defunct Security Guard Corps<sup>5</sup>); and that the discretionary powers of prison wardens and others are overly extended, while the closed nature of correctional facilities makes it difficult to monitor them from the outside, leaving them with little means of preventing human rights violations or controlling problems when they occur. This point is connected to the fact that the alternative service system is not operated independently of the military, as the Military Manpower Administration and the Ministry of Defense manage the alternative service system, and they recognize conscientious objectors as part of the military resources. It is also directly related to the type of service (in-camp).

Correctional facilities are national main facilities that, according to the United Defense Act, "will seriously affect national security and public life if they are occupied, destroyed, or disabled," and as such, they are often the site of military exercises to prepare for invasion by "enemies" in the event of an emergency. Recently, in Prison A, a military drill involving prison guards was held in an empty lot in front of the alternative service living quarter during the Eulji drill. The employees wearing iron hats with the word "red hunt" on them roamed around, and objectors were forced to watch a propaganda video to raise security awareness. At the training center, the warden of Prison B "instructed" that opposing all armies, wars, and violence is tantamount to being a slave. One of the things that service managers always say is, "You're in the army, aren't you?". They demand a "tailored" uniformity rather than respecting the individuality and uniqueness of each person, such as requiring bedding to be arranged so that the marks are visible during the roll call, or stipulating the same daily schedule as military personnel. As an aside, one of the facilities in the alternative service living quarter where conscientious objectors live is called the "barracks library".<sup>6</sup>

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<sup>5</sup> The Security Guard Corps is a type of transition service that operated from 1981 to 2012. They were responsible for performing tasks such as guarding correctional facilities, defending against armed infiltration, and suppressing riots in correctional facilities, and were deployed to correctional facilities nationwide after five weeks of basic military training at an army training center. In the case of the living quarters of the alternative service personnel, there are many places that have been repaired and renovated to use the living quarters of the former Security Guard Corps.

<sup>6</sup> Other examples of military-style culture being imposed on the objectors and perceived by them as 'problematic' include:

It is ironic that a conscientious objector who challenges militarized practices and calls for a society free of military and violence through anti-militaristic practices is placed in a correctional facility that imposes militarized discipline as a result of proving and practicing their conscience. At every turn, conscientious objectors are reminded in unpleasant ways of how their beliefs and practices of refusing to “become a soldier” are being treated within the prison system.

Of course, alternative service personnel have formal outlets for addressing human rights violations or inadequacies in their service through monthly human rights reviews and quarterly service satisfaction surveys. However, many soldiers are hesitant to tell the “truth” in these surveys. This is because the atmosphere in correctional facilities, which is accustomed to “orders coming from above” in a hierarchical system, discourages the use of formal methods to raise issues with “higher-ups”. Relevant people are “offended” when someone writes that an officer’s behavior has violated human rights, or points out problems with the operation of the facility. If their “offense” ends there, that’s great, but if a large number of people write and submit something that makes them feel “uncomfortable,” those people will be penalized by a broader use of the discretion guaranteed by the Alternate Service Management Rule.<sup>7</sup> “If you act like that, we(service managers)’ll get back to you,” is the basic stance.

Correctional facilities, which serve sentences determined by the courts, make it their core business to restrict fundamental rights. While it's beyond the scope of this article to discuss how we should view the existence of correctional facilities, one thing is clear: prison officials are used to controlling others and dictating to them. They take hierarchy for granted and view human rights as a nuisance. In contrast, conscientious objectors’ beliefs are increasingly diverse, with feminism, anti-discrimination, and veganism associated with pacifism/nonviolence, and they value discussion, consensus, and mutual respect for human rights. I am not suggesting that all prison officials are perpetrators of human rights abuses, that the work they do in prisons is not in the public interest, or that prisons should be closed immediately. However, it is worth questioning whether it is desirable for conscientious objectors to serve alternative service in prisons that are indifferent to their non-violent and pacifist beliefs and do not respect the context of the conscientious objection movement.

## **(2-1) Type of service**

*“Even if you accept that there is discipline in group living, rules such as having to shower, brush your*

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Running around the yard during morning inspection (said to have been abolished after one objector was injured while running); Listening to instructions (‘pep talks’) from a service manager standing 1 meter above while sitting in one line in the living quarters, as if soldiers were doing a roll call in a barracks; No moving around allowed in the living quarters during evening bedtime except to the restroom; Inspecting drawers without the individual’s explicit consent during monthly environmental inspections.

<sup>7</sup> There have been a number of cases of punitive measures, such as severely restricting the amount of time spent away from living quarters, calling all objectors together on weekend mornings after the investigation to beautify the prison, or conducting unannounced inspections to impose penalties and write-ups. There have also been cases where officials do not adhere to procedural requirements, such as failing to properly notify objectors that they have imposed a demerit or imposing a demerit on the day they are transferred without knowing it.

*teeth, and wash your personal items in 10 minutes, or having to leave if you ‘confront’ a staff member, are hardly democratic. Larger facilities often have a ‘room manager’ system, where a room manager is responsible for ‘maintaining order’. According to the Ministry of Health and Welfare’s ‘Guidelines for Welfare Projects for the Homeless’, there should be a resident representative to represent the wishes of the residents, but contrary to the intention, a room manager is unilaterally appointed by the facility operator and becomes a hierarchical factor among the residents. Even if the facilities and food change, residents still have to follow a set routine and have their freedom restricted.”<sup>8</sup>*

This description from a book about the problems with residential facilities for people with disabilities made me think of the parallels with alternative service members’ life. The rules for administering alternative service personnel revert them back to what they rejected - a discipline that requires them to be a body/collective mass with ‘military discipline’ rather than an individual with a separate self. Consequently, the objectors must constantly think about and negotiate on what is being imposed and demanded to them at the facility: whether it is similar to that of a soldier; or they are being treated like inmates (inmates also need to be respected as ‘human beings’); or it is due to the conservative culture of the correctional facility; or whether it is because it is kind of a ‘facility’.

Type of service is an integral part of this discussion of diversifying the scope of service. Importantly, we need to re-examine whether the design of alternative service programs has taken into account the fact that they are supposed to serve the public good in the non-military civilian sector. The priorities of the debate appear to have been reversed, as evidenced by the quote from a Defense Department official stating that “Correctional facilities and in-camps are key elements in ensuring that alternative service is not abused as a means of avoiding military service.” Suppose the focus is on ensuring that alternative service is part of a peaceful practice and allows people to play a public role in the non-military civilian sector. In that case, institutions can be opened up to a variety of sectors, such as social services, and the necessity of in-camp service can be discussed according to the type of institution.

It is also worth noting, however, that in the case of in-camp service, the ‘rules’ necessary for living together are likely to be imposed under the unilateral direction and control of the administrator, as is currently the case in correctional facilities, rather than through discussion and consensus among the members. Considering that the potential for human rights violations between managers-members and members-members is relatively high, measures to prevent human rights violations must be devised and carefully considered so as not to impose a similar level of discipline to that of soldiers/detainees.

### **(3) Other Issues**

It has been more than 20 years since conscientious objection was practiced as part of the civil disobedience

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<sup>8</sup> 나영정 등, 『시설사회 - 시설화된 장소, 저항하는 몸들』, 와온, 115쪽, 2020.

movement and from a pacifist perspective that “just as war is the result of everyday discrimination and exploitation, peace is the result of everyday hard work.” However, the current system of alternative service does not seem to take into account the history and context of the conscientious objection movement and the fact that different actors participate in and use the system accordingly. As mentioned above, the motivations and specific content of conscientious objections vary, while the current alternative service system simply dichotomize them into ‘religious believers’ and ‘personal believers’.

Despite the inevitability of a conscientious objector's beliefs being ‘political,’ Article 24 of the Alternative Service Act stipulates that if a conscientious objector “joins a political organization (meaning a political organization under Article 33, paragraph 1, of the Framework Act on Military Status and Service),” the conscientious objector will receive one warning and an additional five days of service. During the screening process objectors have to prove how true their consciences are and how consistent and steady their political practices are while facing inhumane questions from the commission members commended by the Ministry of Defense and the Military Manpower Administration. And once they become an alternative service personnel, they have to drop their political nature.

There is also a significant amount of human rights abusive speech within the Alternative Service living quarters, both between alternative service personnel and those involved in alternative service work. Discriminatory and hateful comments and advocacy of violence against LGBTQI people, people with disabilities, migrants, and women are also common.<sup>9</sup> On the other hand, there are no guidelines or budgetary allocations for regular human rights training, and there are no anti-discrimination provisions in either the Act or its implementing regulations.

In addition, while it is not easy to pass an alternative service screening, there is a risk of being ‘discharged’ if objectors accumulate warnings for violating the service management rules during the service. While I am not aware of any objector who has accumulated enough warnings to be dismissed, if it happens it is once again a ‘military or jail’ issue. Also, I would like to point out that conscientious objectors who receive a grade 4 (supplementary service) in the military service evaluation test must serve three years in a correctional facility, unlike social service personnel. This needs to be improved as soon as possible.

#### **4. Closing**

I had previously visited the exhibition <Imprisoned in the World of Words>, which was about the National Security Act of Korea. Held at the Nam Young-dong Democracy and Human Rights Memorial Hall, the exhibition was designed to start watching by entering one of 12 doors in a vacant lot in front of the museum. There were questions written on the doors, some of which asked, “How can violence disappear?” and “How can peace come here?” I remember that while the 12 questions were directed at the state, they were also designed to be asked and answered by me and my others-community that I am connected to. I remember standing in front of the door

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<sup>9</sup> For more information: <http://www.withoutwar.org/?p=20821>

with the questions for a long time.

I think that's what conscientious objection is about. It is a process of identifying the discomfort we face in our daily lives as a problem and asking questions in relationships and communities about what choices we need to make to change it. Those questions may not be answered right away, or they may be so fundamental and huge that we're in the process of putting them off. I think we can be wobbly. But during the Alternative Service Commission process, there was a lot of pressure to convince the panel that 'I', who lived out my convictions every day, am harmless and seamless. In the process there was no space for wobbling. After that time, and after living as an alternative service personnel for a year and a half, I think I encountered a different kind of problem: the embarrassment of being in a space where the questions and choices that led to my conscientious objection no longer mattered; The frustration of being in a space where my time digging into questions, the relationships needed to get answers and ask new questions have been abruptly cut off, and I'm left to either personally deal with the problems of the system or to do the daunting work with a small group of political conscientious objectors.

Going back to my original question, it is pretty obvious that alternative service is not an easy 'choice' for conscientious objectors. The biggest problem with alternative service is that it is not a system that allows ordinary, sometimes 'weak' people like me to easily 'opt out' of the process of answering questions from their own lives. It's hard to compare it to having to go to jail, but the current system is more of saying: "We kept you out of jail, so it's all good". On top of that, the fact that it's a form of military service, involves the Military Manpower Administration and the Ministry of Defense, and requires long stints in militarized spaces. Alternative service personnel stand in the ambiguous position between prisoners and soldiers. The current system, which puts 'equity with soldiers' as the most important criterion instead of public interest and civilianity, is a major obstacle to the decision to refuse military service. In the end, the alternative service system made it all about the individuals to endure all these as well.

There is always a Jehovah's Witness congregation in any correctional facility in the country. A Jehovah's Witness who can 'prove' their religious beliefs over a three-year period to gain membership in their religious community. A political objector who has tangible and intangible resources and a large group of supporters. If you are not one of these types of conscientious objectors, you cannot 'opt in' to alternative service. Therefore, the current system only guarantees the passive enjoyment of freedom of conscience and the right to peace.

If alternative service is supposed to be a way for those who have rejected the military and war to contribute to society in a 'different way,' there is no reason for it to be punitive and discriminatory. In order for the system to be transformed into an alternative form that guarantees universal rights, it is necessary to examine whether it is operating in accordance with human rights values and democratic principles. With the completion of one cycle, I hope that the system can change soon, and that the voices of civil society and alternative service personnel who have been involved in the conscientious objection movement can be heard in the process.