

Civil Society's Proposals for the Improvement of Alternative Service

·Towards a Better Alternative Service System·



Introduction

- What is the original purpose of alternative service?
- Issues in the legislative process - equity, an understanding of alternative service, and the willingness to establish a new system.
- Alternative service \neq Military service
- Military conscription in South Korea – Is this a part of national security or a longstanding custom?

“Alternative service is a civilian service that is strictly separate from military service.”

Issue 1. An Incomplete Civilian Service

- The agency that examines/manages the screening of alternative service applicants must be unrelated to military institutions (UNHRC), and conscientious objection should be evaluated by a separate and equitable consulting institution (National Human Rights Commission, South Korea).
- However, the reality is that these evaluations take place within the Military Manpower Administration.
- The supervision of these processes also fall within the jurisdiction of the Military Manpower Administration.

“ The UN Commission on Human Rights (now the UN Human Rights Council, Resolution 84 of 1993) and the UN Human Rights Committee (March 2005) determined that the matter of conscientious objectors be evaluated by an ‘independent and fair decision-making body’ that is not related to military but civilian authorities”- National Human Rights Commission, South Korea (2018. 09. 20)

Primary “Evaluating” Agencies by Nation

Primary Agency	Nation
Ministry of Home Affairs	Taiwan, Denmark, Austria
Ministry of Justice	Norway
Ministry of Finance	Switzerland
Ministry of Labor	Ukraine, Belarus
Ministry of Family, Youth, Women, and Senior Citizens	Germany
Local Government	Poland
Independent Agency	Armenia (Republic Commission), Lithuania
Ministry of Defense	Greece, Moldova, Serbia, Albania, Estonia, Israel, Cyprus



Makeup of the “Evaluating Committee” by Nation

Nation	Gov't Agency	Committee Name	Member Makeup
Greece	Defense	Advisory Committee	National Council Associate Judge, Professor (Political Science, Sociology, Law), Recruitment Official, Military Psychiatrist
Taiwan	Home Affairs	Alternative Service Review Committee	Ministry of Interior, Military Manpower Administration, Defense Department representative, Civil Society Org Representative, Scholar or Expert (CSO Representative, Scholar or Expert ratio on the committee must be over half)
Russia	Defense	Conscription Service Committee	Regional Deputy Director (Chair), Conscription Examination Doctor, Government Official
Lithuania	Independent	“Committee”	Government Official, Religious Leader, Educator
Serbia	Defense	N/A	Lawyer, Psychologist, Religious Official, Legal Adviser, Defense Expert
Switzerland	Finance	“Committee”	Civilian appointed by the ministry of finance
Albania	Defense	“Committee”	Defense official, Government official, Religious official
Ukraine	Labor & Social Policy	Alternative Service Committee	Military or State Committee on Religion officials
Israel	Defense	Committee for Exemption from Military Service for Conscientious Matters	Rabbi, Psychiatrist, Military officials (including female officials)
Poland	Local Gov't	Local Committee	5 people (including 1 ethics expert and 1 religious official)

Issue 2. Militarization of Alternative Service

- Alternative service as “civilian service”
- Military uniform, barrack-like accommodations, restriction on activities
- The “Bausoldat” of East Germany – Similar to South Korea’s Alternative Service System



The construction military unit that occupied the northeastern part of East Germany (Prora). 1986.

Issue 3. Alternative Service and an Incomplete Notices

- Currently, there is no way for those enlisted to know about the alternative service system.
- In the legislative process (2019), there was an omission of distributing prior notice obligations – a restriction on people's right to know.
- A lack of public awareness – the system is underused despite its existence.
- It is structurally difficult to access and navigate the alternative service system.
- During WWII, Civilian Public Service, the alternative service system in the US, was widely utilized (231 religious dominations) because information about alternative service was widespread amongst religious groups at the time.
- Of those who utilized alternative service, nearly 7,000 men claimed affiliation with the Church of the Brethren, Friends, or various Mennonite denominational groups and around 450 men reported no denominational affiliation.

Source : Mennonite Central Committee, Civilian Public Service (<https://civilianpublicservice.org/people>)

Issue 4. Depriving the Right to Alternative Service to Active-Duty Soldiers

- US Army– Through the conscientious objector review board (CORB), active-duty soldiers can be discharged or transfer to a non-combatant position.
- When one registers through the Selective Service System (SSS, country with conscription service), one can be classified as a 1-O grade. Through CORB, an active-duty soldier can also be reclassified as either a 1-O grade or 1-A-O grade.
- A system that allows one to overturn vows after one's enlistment vows – protecting the freedom of conscience.
- UNHCR recommendation upon review of 5th National Report of South Korea(CCPR/C/KOR/CO/R.5)

Case of South Korea : The punishment of those after refusal of military service or the inadequate evaluation of one's active-duty service is under the discretion of the commander → The current system is far from the reality of protecting the freedom of consciousness and one's peaceful beliefs.



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Eligibility to Apply for Alternative Service

Nation	Permissible Target Timeline	Before Enlistment	During Service	Reserve
Greece	Date of Draft Receipt to Enlistment (1 month)	O	X	X
Norway	No Limit	O	O	O
Taiwan	Date of Body Examination to the Orientation Date	O	X	X
Denmark	No Limit	O	O	O
Germany	No Limit	O	O	O
Russia	6 Months Before Enlistment	O	X	X
Lithuania	Before Enlistment	O	X	X
Moldova	2 Months Before Enlistment	O	X	X
Serbia	Before Enlistment or Before Completion of 1/3 of Service Term (3 months after enlistment)	O	O	X
Sweden	No Limit (Within 6 Months of Conscription Notice, or Automatic Approval Before Enlistment)	O	O	O



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Eligibility to Apply for Alternative Service (cont.)

Nation	Permissible Target Timeline	Before Enlistment	During Service	Reserve
Switzerland	Anytime after start of military service	O	O	O
Armenia	1 month before enlistment	O	X	X
Albania		O	X	X
Estonia	1 month before enlistment	O	X	X
Austria	Anytime within 6 months after enlistment, 2 days before enlistment. In the case of reserves, within 3 years of your first notice.	O	X	O
Ukraine	Within 6 months of your draft notice	O	X	X
Israel		O	X	X
Cyprus	Before enlistment	O	X	X
Poland	Before draft	O	X	X
Finland	No Limit	O	O	O

Issue 5. A Very Long Alternative Service Period

- Specifically, there is no indication that alternative service should be 1.5 times longer than the military service period.
- There is also nowhere that states alternative service be 2 times longer than military service.
- European Court of Human Rights – Ruled in 2017 that the Armenian alternative service period (42 months) was punitively long.
- European Committee of Social Rights – Article 1 of the European Social Charter states that “Alternative service that is longer than the length of military service is an unequal restriction and can limit the economic activities of the individual after discharge.”
- The Cabinet Meeting of the Council of Europe advised member states that alternative service that is more than 1.5 times longer than military service is considered excessive (CM/Rec(2010)).

Issue 5. A Very Long Alternative Service Period (cont.)

- Rather, the UNHRC has evaluated alternative service longer than military service punitive: France 1999 (alternative service 2 times longer), Russia 2003 (1.5 times longer), Estonia (2 times longer), Greece 2005 (2 times longer), Austria 2015 (1.5 times longer)
- In other words, one can deduce that alternative service that is equal to the length of military service to be the norm.
- Why call upon alternative service to appease discontented active-duty soldiers?

And why do we overlook the irrationally long period of active military service?

- *Russia, Greece, Austria: 6~12 month active-duty military service*
- *East Germany People's Army military service was 18 months as well as their constructive service (alternative service) of 18 months.*



Conclusion

- Make the Alternative Service Commission Independent
- Cease the Militarization of Alternative Service
- Notify those at the stage of military service examination of their rights to apply and utilize the option of alternative service
- Modify systems so that active-duty soldiers can transfer to alternative service
- Reduce alternative service period closer to the actual military service period