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The Permanent Mission of the Republic of Korea to the United Nations and Other International Organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights (OHCHR) and, with reference to the latter's Note AL KOR 6/2025 dated 25 September 2025, has the honour to submit, as enclosed, the Government of the Republic of Korea's Response to the Joint Communication from Special Procedures.

The Permanent Mission of the Republic of Korea to the United Nations and Other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights (OHCHR), the assurances of its highest consideration.

27 November 2025

Enclosed: as stated



Office of the United Nations High Commissioner for Human Rights (OHCHR)

The Government of the Republic of Korea's Response to the Joint Communication from Special Procedures

(November 27, 2025)

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.

a. Review of the claim that pressure to terminate a contract constitutes stigmatization and retaliation against conscientious objectors to alternative military service and other military service evaders

The Military Service Act provides that an employer shall dismiss from office any person who evades the draft physical examination or other related obligations, evades a conscription or call-up, or walks away from his post in the military or his place of service as a member of the social service personnel or alternative service personnel, if such person is in office.¹

The purpose of this provision is to ensure that military service evaders promptly fulfill their mandatory military service by imposing employment restrictions. Therefore, the restriction is a necessary measure to uphold the fundamental principles of equity and fairness in the fulfillment of mandatory military service obligations

Also, the restriction is applied to not only alternative service personnel but indeed all military service evaders including active-duty soldiers. So it is not a measure aimed solely at conscientious objectors to alternative military service to stigmatize them or to coerce them into fulfilling their mandatory military service obligations in a manner contrary to their conscience. It is merely a temporary restriction measure that is lifted once the military service evaders fulfill their mandatory military service obligations by any means.

b. Review of the concerns that active-duty soldiers may be unable to raise objections on grounds of conscience after entering military service

The Supreme Court held that conscience capable of being recognized as a justifiable cause for refusal of military service must be “Deeply held, firmly established, and genuine”, and “Even if a conscientious objector possesses a deeply held and firmly established belief, that belief cannot be considered genuine if the individual behaves inconsistently in matters related to that belief depending on the circumstances.”²

¹ Article 76(1) of the Military Service Act

² See Supreme Court Decision No. 2016Do10912

Accordingly, the government considers that the right to refuse military service cannot be recognized, if an individual, having been offered the opportunity to apply for alternative service prior to enlistment as an active-duty soldier, nonetheless refuses military service after enlistment on the grounds of religious belief or other conscience-based reasons, this contradicts the genuineness of the belief as described above.

c. Regarding the ‘The Constitutional Court Ruling in 2004’

In 2004, the Constitutional Court of Korea ruled that the provision in the Military Service Act that punishes conscientious objectors for evading military service does not violate their freedom of conscience or freedom of religion. The Court decided that this provision is constitutionally valid and does not infringe on these freedoms.

d. Regarding the allegation that the alternative service system is punitive

At the time of the enactment of the Act on Alternative Service, the alternative service system, including the service period and service agencies, was determined with consideration of the level of service burden of active-duty soldiers and supplementary service personnel.

- Regarding the duration of the alternative service

There is a significant difference in the intensity of service between active-duty soldiers and alternative service personnel in peacetime, and the latter receive special consideration; for instance, in times of national emergencies, including war, they are not subject to wartime labor mobilization. In addition, even in other categories of military service with shorter periods than that of alternative service, such as social service personnel, arms-bearing is fundamentally required, and the service is connected to the organization and manpower management of the military. In light of these factors, it would be difficult to conclude that the duration of alternative service in the Republic of Korea is excessively long as to be considered punitive.³⁴

- Regarding the appropriateness of alternative service institutions limited to correctional facilities

Although the service institutions are limited to correctional facilities, they perform a wide range of duties that could also be assigned in other institutions, such as social welfare facilities, hospitals, or public institutions. Moreover, other categories of military service personnel, including those in active-duty and supplementary services, also do not have a specific right to freely request their place of service or the nature of their duties.⁵

³ See Constitutional Court Decision 2021Hun-Ma117

⁴ Active-duty soldiers, social service personnel (period: 18~21 months) and other supplementary service personnel (e.g., professional research personnel, period: 34-36 months) are subject to military training, and in the event of mobilization during wartime, they are required to serve and be treated the same as active-duty personnel. In light of this circumstance, the alternative service system sets the duration of service and other related conditions.

⁵ Ibid.

- Regarding individual circumstances and the working conditions of alternative service personnel including camp-based living

All active-duty soldiers are required to serve in a camp without exception and, considering that whether or not to require communal living (on-site residency) is being discussed as an important factor in maintaining fairness with active duty soldiers, it is necessary for all personnel to work in communal living conditions without any exception allowing for commuting.

The provision that alternative service personnel shall serve in a camp was introduced to ensure fairness with active-duty soldiers and, therefore, it is not reasonable to claim that alternative service should be entirely different from active-duty service in its form or intensity.

Moreover, alternative service is not based on physical characteristics or abilities required for military duties, but rather on an individual's choice to perform an alternative service instead of active-duty military service on the grounds of freedom of conscience. Therefore, there is no substantial need to treat alternative service personnel differently depending on whether they were originally subject to social service.⁶

However, the Republic of Korea takes into full consideration individual circumstances. For example, assignments are made in such a way that allows individuals to utilize their career and specialties, and when reassigning or transferring to a new service institution, marital status is taken into account. In cases where service is not possible due to illness or mental/physical disabilities, exemption from the remaining service is granted.

2. Please provide information on how the current alternative service system in the Republic of Korea complies with its obligations under Article 18 of the ICCPR.

The Government introduced an alternative service system⁷ aimed at reconciling the constitutional right to freedom of conscience with the duty of national defense, and the system is now being operated in a stable manner.

The Government no longer imposes criminal punishment on genuine conscientious objectors who refuse to serve in the military or participate in reserve forces training that involves the bearing of arms and military exercises, providing an alternative way to serve the duty of national defense.

As stated above, at the time of the enactment of the Act on Alternative Service, the alternative service system, including the service period and service agencies, was determined with consideration accorded to the level of service burden of active-duty soldiers and supplementary service personnel.

⁶ Ibid.

⁷ enacted the Act on Alternative Service dated on 31 December 2019

Referring to the Constitutional Court's decision⁸ that the current alternative service system does not violate the freedom of conscience and religion, the Republic of Korea's alternative service system does not violate Article 18 of the Covenant.

3. Please indicate what actions have been taken to protect the rights of conscientious objectors within the current alternative service system.

a. Human rights assessments and surveys on service satisfaction

Pursuant to Article 72 of the *Rules on the Management of Alternative Service*, monthly human rights assessments and quarterly surveys on service satisfaction are conducted to protect the human rights of service personnel, address the sources of dissatisfaction, and improve working conditions, and further necessary measures are taken.

b. Assignment of workplaces based on hometown and marital status

Upon completion of initial training, a scoring system is applied in assigning service institutions to alternative service personnel. Higher scores are given if the distance between an individual's place of residence (or hometown) and the preferred institution is shorter, and if the individual is married or has more children, thereby increasing the likelihood of being assigned to institutions located near one's hometown.

c. Transfers based on grievances

Pursuant to Article 7 of the *Rules on the Management of Alternative Service*, if personnel who have served for more than one year from the date of call-up wish to be transferred to another institution due to personal grievances, they are allowed to apply for a transfer due to grievances and change their service institution.⁹

d. Split service system

The rights of alternative service personnel are also being protected with the introduction of a 'split service system' that allows them to interrupt their service for a certain period for medical treatment and then resume it.

⁸ The Court determined that the system, while balancing national defense duties and freedom of conscience, ensures fairness in military service obligations and is aimed at achieving national security and protection of citizens' basic rights, which are constitutional goals. (ROK Constitutional Court Decision 2021HunMa117 rendered on 30 May 2024.)

⁹ Such a system does not exist in other types of military service, including active-duty soldiers.

e. Overnight leave, off-camp passes and spousal paternity leave

Religious activities are not subject to restrictions on off-camp passes, thereby ensuring full respect for freedom of religion. Social activities based on personal beliefs are also permitted under the same conditions as off-camp passes for religious activities. In addition, to ensure equity with active-duty soldiers and social service personnel, the legislation regarding petition leave and official leave in 2024 and 2025 was amended to introduce parental leave for a spouse, miscarriage/stillbirth leave, disaster relief leave, and other related leave entitlements.

f. Fields of work

Pursuant to Article 54 of the *Rules on the Management of Alternative Service*, duties are assigned to alternative service personnel based on each individual's physical condition, skills, and qualifications, with due consideration of their personal circumstances.

g. Other matters

Individuals have access to remedies without restrictions, available to the general public, including civil petitions, administrative appeals and litigation, and constitutional complaints.

4. Please provide information pertaining to the allegations of “double jeopardy”, where an individual can be tried multiple times for having evaded military service, despite having served a sentence.

The principle of double jeopardy is intended to protect fundamental rights, particularly personal liberty, by prohibiting the State from exercising its punitive authority multiple times for the same criminal conduct.

The issue of double jeopardy arises when penalties or sanctions are imposed repeatedly for the same offence. As each refusal to comply with the summons for alternative service constitutes an independent criminal offense, punishing refusal of each summons does not violate the principle of double jeopardy.

Therefore, penalizing individuals for each instance of refusal to comply with an alternative service order does not violate ICCPR Article 14(7), as each case of non-compliance is considered a separate offense.

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