



SUBMISSION

TO THE 78TH SESSION OF THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

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Republic of Korea

Violations of economic, social and cultural rights of conscientious objectors to military service

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INTRODUCTION

1. This submission focuses on violations of economic, social and cultural rights of conscientious objectors to military service in the Republic of Korea.

The right to conscientious objection to military service is recognized as inherent to international law, specifically to the right to freedom of thought, conscience and religion. According to the Human Rights Committee, “The right to conscientious objection to military service inheres in the right to freedom of thought, conscience and religion. It entitles any individual to an exemption from compulsory military service if this cannot be reconciled with that individual’s religion or beliefs. The right must not be impaired by coercion. A State may, if it wishes, compel the objector to undertake a civilian alternative to military service, outside the military sphere and not under military command. The alternative service must not be of a punitive nature. It must be a real service to the community and compatible with respect for human rights.”¹

2. Violations of the right to conscientious objection to military service or the right to freedom of thought, conscience and religion of conscientious objectors to military service, as well as further **civil and political rights** of conscientious objectors to military service, have been consistently identified in various countries, including the Republic of Korea.²

3. However, it appears that no adequate attention has been given to **violations of economic, social and cultural rights of conscientious objectors to military service**, neither in general, nor specifically in the case of the Republic of Korea. This submission wishes to highlight such violations of economic, social and cultural rights, concerning mainly three aspects and equivalent groups of conscientious objectors to military service: those who objected before the introduction of alternative service, those performing the punitive and discriminatory alternative service, and those still punished, including by imprisonment, nowadays.

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INTERNATIONAL HUMAN RIGHTS STANDARDS ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS OF CONSCIENTIOUS OBJECTORS TO MILITARY SERVICE

4. In 1998, the **UN Commission on Human Rights** explicitly highlighted the issue of economic, social and cultural rights of conscientious objectors to military service. Specifically, in its Resolution 1998/77, the UN Commission on Human Rights stated: “6. Reiterates that States, in their law and practice, **must not discriminate** against conscientious objectors in relation to their terms or conditions of service, or any **economic, social, cultural**, civil or political rights”.³ (emphasis added) Worth noting that the UN Commission on Human Rights recalled Resolution 1998/77 in subsequent resolutions.⁴
5. In 2013, the UN Human Rights Council, in its Resolution 24/17, after recalling, *inter alia*, Resolution 1998/77 of 22 April 1998 of the Commission of Human Rights, stated: “12. Reiterates that States, in their law and in practice, **must not discriminate** against conscientious objectors in

¹ See, *Min-Kyu Jeong et al. v. Republic of Korea* (CCPR/C/101/D/1642-1741/2007), para. 7.3. and all subsequent jurisprudence. <https://undocs.org/CCPR/C/101/D/1642-1741/2007>

² *Yoon and Choi v. Republic of Korea* (CCPR/C/88/D/1321-1322/2004); *Jung et al. v. Republic of Korea* (CCPR/C/98/D/1593-1603/2007); *Min-Kyu Jeong et al. v. Republic of Korea* (CCPR/C/101/D/1642-1741/2007); *Kim et al. v. Republic of Korea* (CCPR/C/106/D/1786/2008); *Kim et al. v. Republic of Korea* (CCPR/C/112/D/2179/2012); *Bae et al. v. Republic of Korea* (CCPR/C/128/D/2846/2016); *Kyung Mook Kim et al. v. Republic of Korea* (CCPR/C/143/D/3660/2019)

³ E/CN.4/RES/1998/77, para 6. <https://www.refworld.org/legal/resolution/unchr/1998/en/8561>

⁴ UN Commission on Human Rights, Resolution 2000/34, Resolution 2002/45, Resolution 2004/35.

relation to their terms or conditions of service, or any **economic, social, cultural**, civil or political rights”.⁵ (emphasis added)

The UN Human Rights Council has recalled its Resolution 24/17, as well as the Commission’s Resolution 1998/77, in subsequent resolutions.⁶

6. At regional level, perhaps, the most elaborated standards concerning economic, social and cultural rights of conscientious objectors to military service appear in the context of Europe. The **Office for Democratic Institutions and Human Rights (ODIHR) of the Organization for Security and Co-operation in Europe (OSCE)**, has stated: “There should be **no discrimination** against conscientious objectors in relation to their terms or conditions of service, or any **economic, social, cultural**, civil, or political rights”.⁷ (emphasis added)

Alternative service and the right to earn a living in an occupation freely entered upon

7. Most importantly, the **European Committee of Social Rights (ECSR) of the Council of Europe**, the monitoring body of the European Social Charter, has elaborated extensively on the relation between the alternative civilian service for conscientious objectors to military service and the right to earn a living in an occupation freely entered upon.

Article 1§2 of the European Social Charter and the European Social Charter (Revised) stipulates that: “With a view to ensuring the effective exercise of the right to work, the Parties undertake: [...] to protect effectively the right of the worker to earn his living in an occupation freely entered upon”.

8. In its decision on the merits concerning the Complaint No. 8/2000 by the Quaker Council for European Affairs (QCEA) against Greece,⁸ the ECSR while stating “that conscientious objectors who perform alternative civilian service are not workers who earn their living in an occupation freely entered upon within the meaning of Article 1 para. 2 of the Charter” (para. 22), found “however, that alternative civilian service may amount to a restriction on the freedom to earn one’s living in an occupation freely entered upon. Such a situation comes therefore within the scope of Article 1 para. 2 of the Charter” (para. 23). In essence, the ECSR found that certain duration of alternative civilian service imposes an “**absence from the labour market**” which could be excessive or disproportionate in comparison with the duration of military service.⁹
9. Subsequently, the ECSR examined the situation in Greece by that time and found that the “18 additional months [of service that conscientious objectors were required to perform] during which the persons concerned are denied the right to earn their living in an occupation freely entered upon, do not come within reasonable limits, compared to the duration of military service. It therefore considers that this additional duration, because of its excessive character, amounts to a disproportionate restriction on “the right of the worker to earn his living in an occupation freely entered upon”, and is contrary to Article 1 para. 2 of the Charter” (para. 25).
10. Following this decision, the ECSR, in the context of examination of national reports, started to “systematically examine” the compliance of virtually all State parties with Article 1§2 as far as it concerns the length of alternative civilian service, usually in comparison to that of military service

⁵ A/HRC/RES/24/17, 8 October 2013, para 12. <https://docs.un.org/en/A/HRC/RES/24/17>

⁶ E.g. A/HRC/RES/36/18, A/HRC/RES/51/6.

⁷ OSCE, ODIHR, *Handbook on Human Rights and Fundamental Freedoms of Armed Forces Personnel*, 2008, p. 85 [fifth point]. <https://www.osce.org/files/f/documents/0/c/31393.pdf>

⁸ <https://hudoc.esc.coe.int/eng/?i=cc-08-2000-dmerits-en>

⁹ See a *contrario* in <https://hudoc.esc.coe.int/eng/?i=XVI-1/def/CZE/1/2/EN>

(since 2002 under a new heading “Other aspects of the right to earn one’s living in an occupation freely entered upon”¹⁰). For example, in 2002, in the case of Romania, where duration of alternative service was twice that of military service, i.e. 24 months, the ECSR found that “the period [of] additional twelve months, during which the persons concerned are deprived of their right to earn a living in an occupation freely entered upon, exceeds the limits of what is reasonable in comparison with the duration of military service. It holds that this additional duration is excessive and thus constitutes a disproportionate restriction on “the right of the worker to earn his living in an occupation freely entered upon” which is not in conformity with Article 1§2 of the Revised Charter”.¹¹

11. Gradually, the ECSR adopted a position that under Article 1§2 the duration of alternative service may not exceed one and half times the length of military service. In 2003, in the case of Czech Republic, the ECSR found that: “The duration of non-military national service is eighteen months, six months longer than military service. The Committee considers that the duration of the imposed absence from the labour market is not manifestly excessive, nor is it disproportionate in comparison with the duration of military service.”¹² The same conclusion was issued for Poland.¹³ Equivalently, in the case of Austria (12 months compared to 8 months), the ECSR found no problem.¹⁴ In 2004, in the case of Estonia, the ECSR asked “whether those concerned can be required to undertake such service for a period that exceeds compulsory military service by **more than a half**”¹⁵ (emphasis added). In 2006, again in the context of Estonia, the ECSR, this time, explicitly stated that: “The Committee recalls that under Article 1§2 the duration of alternative service **may not exceed one and half times the length of military service**”¹⁶ (emphasis added). Subsequently, the ECSR maintained such standard.¹⁷
12. However, in 2012, in an interpretative statement, the ECSR stated that: “The Committee has in the past stated that alternative service which is not more than 1.5 times the length of military service is in principle in conformity with the Charter. The Committee wishes now to further develop its case law, the question remains one of proportionality and reasonableness but the approach need to be more flexible and holistic. Where the length of military service is short the Committee will not necessarily insist on alternative service being not more than 1.5 times the length of military service. Nevertheless, the longer the period of military service is the stricter the Committee will be in evaluating the reasonableness of any additional length of the alternative service.”¹⁸
13. The **European Court of Human Rights**, in 2017, appeared to adopt the aforementioned criterion of ECSR, that the alternative service cannot exceed in length 1.5 times [50% increase] the length of military service.¹⁹ However, this standard appears to be **obsolete compared to UN standards**.
14. According to the **Human Rights Committee**, (and contrary to the findings of ECSR in the case of Austria) an increase of the length of alternative service of 50% compared to that of military service

¹⁰ https://hudoc.esc.coe.int/eng/?i=2002_163_03/Ob/EN

¹¹ <https://hudoc.esc.coe.int/eng/?i=2002/def/ROU/1/2/EN>

¹² <https://hudoc.esc.coe.int/eng/?i=XVI-1/def/CZE/1/2/EN>

¹³ <https://hudoc.esc.coe.int/eng/?i=XVI-1/def/POL/1/2/EN>

¹⁴ <https://hudoc.esc.coe.int/eng/?i=XVI-1/def/AUT/1/2/EN>

¹⁵ <https://hudoc.esc.coe.int/eng/?i=2004/def/EST/1/2/EN>

¹⁶ <https://hudoc.esc.coe.int/eng/?i=2006/def/EST/1/2/EN>

¹⁷ E.g. <https://hudoc.esc.coe.int/eng/?i=2006/def/MDA/1/2/EN>, <https://hudoc.esc.coe.int/eng/?i=XIX-1/def/GRC/1/2/EN>

¹⁸ ECSR, General Introduction - Conclusions 2012, 9. Statement of interpretation of Article 1§2: length of alternative service to replace military service, p. 6. <https://rm.coe.int/gi-conclusions-2012/1680b26f6f>

¹⁹ ECtHR, Case of Adyan and others v. Armenia, (Application no. 75604/11), Court (First Section), 12/10/2017, para. 70. <http://hudoc.echr.coe.int/eng?i=001-177429>

(i.e., 9 months instead of 6²⁰) “may be punitively long if not based on reasonable and objective grounds”.²¹ More recently, in **2024**, examining the case of Greece, where the discrepancy between alternative and military service ranges between 25% and 67%, depending on the category of full or reduced service -according, mainly, to family status-, and where the (full) alternative service is 25% longer than the (full) military service (15 months compared to 12 months),²² the **Human Rights Committee** has raised concerns: “28. The Committee remains concerned about: (a) the **length** of alternative service for conscientious objectors, which is **longer than military service**; [...] 29. The State party should ensure that its legislation recognizing the right to conscientious objection to military service encompasses an alternative to military service that is accessible to all conscientious objectors and is not punitive or discriminatory in terms of its nature, cost or **duration**.”²³ (emphasis added)

15. According to the **OHCHR**, “Any duration longer than that of military service is permissible only if the additional time for alternative service is based on reasonable and objective criteria. Equalizing the duration of alternative service with military service should be considered a good practice.”²⁴ Finally, the **European Parliament** has repeatedly stated that the length of alternative service should be the same and not last longer than military service.²⁵

SUGGESTED ISSUES

A. VIOLATIONS OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS BEFORE THE INTRODUCTION OF ALTERNATIVE SERVICE

16. Apart from imprisonment, fines and further violations of civil and political rights, conscientious objectors in the Republic of Korea faced also violations of economic, social and cultural rights, especially in relation to the right to work (**art. 6 in conjunction with art. 2(2)**).
17. As Amnesty International reported in 2015:

“Beyond the question of imprisonment, heavy fines, and a criminal record simply for the exercise of their right to freedom of thought, conscience or religion or belief, conscientious objectors may face additional, broader implications when they refuse military service, such as discrimination in employment and social stigma.

DISCRIMINATION AND OTHER EMPLOYMENT-RELATED PROBLEMS

Difficulty obtaining a job is one of the most serious consequences of imprisonment of conscientious objectors. Conscientious objectors with criminal records are particularly disadvantaged in terms of employment opportunities, in both public and private sectors. For instance, those who have not satisfied military service requirements face discrimination in access to employment in public bodies, because they lose their eligibility for a period of time for work in these institutions.²⁶

Son Incheol, a 29 year old conscientious objector, reflected on his dream:

²⁰ CCPR/C/AUT/Q/5/Add.1, 4 August 2015, para. 131. <https://docs.un.org/en/CCPR/C/AUT/Q/5/Add.1>

²¹ CCPR/C/AUT/CO/5, 3 December 2015, paras. 33-34. <https://docs.un.org/en/CCPR/C/AUT/CO/5>

²² CCPR/C/GRC/3, 13 September 2023, paras. 184-185. <https://undocs.org/en/CCPR/C/GRC/3>

²³ CCPR/C/GRC/CO/3, 28 November 2024, paras. 28-29. <https://docs.un.org/en/CCPR/C/GRC/CO/3>

²⁴ A/HRC/41/23, 24 May 2019, para. 60, (I). <https://docs.un.org/en/A/HRC/41/23>

²⁵ https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:JOC_1993_115_R_0139_01&from=EN, page C 115/183, para. 51.

https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:JOC_1994_044_R_0075_01&from=EN, page C44/105, para. 9.

<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P5-TA-2003-0012+0+DOC+XML+V0//EN>, para 42.

²⁶ Article 33 of the State Public Officials Act which lists types of individuals who are disqualified from becoming public officials for a period of time. English translation is available on the website of the Korea Legislation Research Institute, http://elaw.klri.re.kr/eng_service/lawView.do?hseq=28949&lang=ENG (accessed 29 April 2015).

‘I dreamt of becoming a pilot. However, I realized that it was not an option I could choose because I realized that I would have a criminal record in the future which would prevent me from flying.’²⁷

Discrimination in terms of employment may also happen informally. During the recruitment process, some large companies request applicants to provide information about their military service experience. [The job application form of a South Korean mainstream construction company has a section on military service and there are questions such as “Did you serve the military?”, “If you have been exempted from the military service, why would that be?”, “Where did you serve? Army, air force or navy?” “What was your status in the service when completed?” – cited as note in the original document] Some conscientious objectors informed Amnesty International that it is almost “impossible” to get a job in these companies for this reason.²⁸ For example in the case of Son Incheol, since being released from prison in July 2014, he has been looking for a job as an interpreter and translator in private and public companies to date, however, he has encountered the following obstacles: ‘There were many good job openings at public companies, but I had to give up because of a law that disqualifies those with a criminal record from entering public firms. Many private companies also screen prospective employees for criminal records, so my job prospects haven't been bright so far.’²⁹

Choi Jung-won, a conscientious objector subjected to reserve forces duty, who faced multiple court appearances for his continued refusal to carry out these duties, told Amnesty International that he had to change jobs five times in order to get time off work to appear in court every year during his reserve forces obligation which made it difficult to maintain stable work and income.^{30,31}

17. Amnesty International reported about the social stigma affecting conscientious objectors to military service, including difficulties to get married, as well as the social stigma for parents of conscientious objectors, including employment difficulties.³²

The above situation constitutes **violation of the obligation of the State party to respect, protect and fulfil** the economic, social and cultural rights especially as for **the right to work (art. 6 in conjunction with art. 2(2))** and potentially other rights (e.g. **arts. 10, 11**).

18. According to the Committee:

“Violations of the obligation to respect

33. Violations of the obligation to respect the **right to work** include laws, policies and actions that contravene the standards laid down in article 6 of the Covenant. In particular, **any discrimination in access to the labour market or to means and entitlements for obtaining employment** on the grounds of race, colour, sex, language, age, **religion, political or other opinion**, national or social origin, property, birth or any other situation with the aim of impairing the equal enjoyment or exercise of economic, social and cultural rights constitutes a violation of the Covenant. The **principle of non-discrimination mentioned in article 2, paragraph 2**, of the Covenant is **immediately applicable** and is neither subject to progressive implementation nor dependent on available resources. It is directly applicable to all aspects of the right to work. [...]

34. As for all other rights in the Covenant, there is a strong presumption that retrogressive measures

²⁷ Amnesty International interview with Son Incheol in Seoul on 28 October 2014.

²⁸ Amnesty International interview with Song In-ho in Seoul on 28 October 2014 and follow up interview on 1 April 2015. Similar remarks were made by others.

²⁹ Amnesty International interview with Son Incheol in Seoul on 28 October 2014 and follow up through emails during 1-10 April 2015.

³⁰ Choi Jung-won was on the seventh year of reserve forces duty, and has one more year until the obligation is complete. Amnesty International interview with Choi Jung-won in Seoul on 28 October 2014.

³¹ Amnesty International, *South Korea: Sentenced to life: Conscientious objectors in South Korea*, 12 May 2015, ASA 25/1512/2015, pp. 14-15. <https://www.amnesty.org/en/documents/asa25/1512/2015/en/>

³² Ibid., pp. 15-16.

taken in relation to the right to work are not permissible. Such retrogressive measures include, inter alia, **denial of access to employment to particular individuals or groups, whether such discrimination is based on legislation or practice**, abrogation or suspension of the legislation necessary for the exercise of the right to work or the adoption of laws or policies that are manifestly incompatible with international legal obligations relating to the right to work.

Violations of the obligation to protect

35. Violations of the obligation to protect follow from the failure of States parties to take all necessary measures to safeguard persons within their jurisdiction from infringements of the right to work by third parties. They include omissions such as the **failure to regulate the activities of individuals, groups or corporations so as to prevent them from violating the right to work of others; or the failure to protect workers against unlawful dismissal**.

Violations of the obligation to fulfil

36. Violations of the obligation to fulfil occur through the failure of States parties to take all necessary steps to ensure the realization of the right to work. Examples include the failure to adopt or implement a national employment policy designed to **ensure the right to work for everyone**; [...].³³ (emphasis added)

Lack of effective remedy

19. In 2023, the Human Rights Committee while “welcoming that, further to the Constitutional Court’s decision of 28 June 2018, conscientious objectors have been released from prison and had their criminal records expunged, the Committee is concerned at the reported lack of compensation provided to them, contrary to its previous recommendations³⁴ and Views³⁵”. And recommended “in line with the Committee’s previous recommendations and Views, to provide compensation to conscientious objectors who, further to the Constitutional Court’s decision of 28 June 2018, have been released from prison and had their criminal records expunged”.³⁶

Equivalently, conscientious objectors **should receive compensation** not only for violations of their civil and political, but **also for violations of their economic, social and cultural rights**.

20. Furthermore, in the State party’s report to the Human Rights Committee it is stated that: “171. The Government granted **1,879** conscientious objectors a special parole by exempting one on parole from executing the rest of the punishment, releasing 1,878 from disqualification for appointment as an executive or a public official.”³⁷

21. However, Jehovah’s Witnesses estimate that throughout the years “**more than 19,000** of Jehovah’s Witnesses have been convicted and imprisoned”.³⁸ This means that potentially a number of conscientious objectors do not benefit even from the insufficient aforementioned measures. This could also mean that **the effect of violations of economic, social and cultural rights of certain conscientious objectors in the past, and their families, is potentially continuous until today**.

³³ General comment No. 18, (E/C.12/GC/18), 6 February 2006, paras. 33-36.

³⁴ CCPR/C/KOR/CO/4, para. 45.

³⁵ *Kim et al. v. Republic of Korea* (CCPR/C/106/D/1786/2008); *Kim et al. v. Republic of Korea* (CCPR/C/112/D/2179/2012); *Bae et al. v. Republic of Korea* (CCPR/C/128/D/2846/2016).

³⁶ CCPR/C/KOR/CO/5, 24 November 2023, paras. 51-52. <https://docs.un.org/en/CCPR/C/KOR/CO/5>

³⁷ CCPR/C/KOR/5, 24 August 2021, para. 171. <https://docs.un.org/en/CCPR/C/KOR/5>

³⁸ Joint Submission of The Asia-Pacific Association of Jehovah’s Witnesses, The European Association of Jehovah’s Witnesses, The African Association of Jehovah’s Witnesses and Asociación Simple de los Testigos de Jehová en las Américas, 6 September 2023, [hereinafter JW submission], para. 4.

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCCPR%2FCSS%2FKOR%2F56060&Lang=en

B. VIOLATION OF ARTICLE 6 OF ICESCR, AND POSSIBLY OTHERS, IN RELATION TO THE DURATION OF ALTERNATIVE SERVICE

22. The equivalent to article 1§2 of the European Social Charter is **article 6 of the Covenant** stipulating “**the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts**”. Therefore, any excessive in itself, or disproportionate in comparison to that of military service, duration of alternative service unduly restricts the right to work within the meaning of **article 6, in conjunction with article 2(2)**.
23. The duration of alternative service in the State party is **36 months**, one of the longest in the world,³⁹ and therefore excessive in itself. And in most of the cases it is twice the length of military service which is **punitive and discriminatory according to all relevant international human rights standards**, including the one of ECSR about 1.5 times.
24. The **Human Rights Committee**, in 2023, expressed its concerns “that the current alternative service system, which sets the service period at 36 months, seems discriminatory and punitive compared to active-duty service (18 to 21 months)” and recommended that the “State party should eliminate the discriminatory treatment of conscientious objectors compared to those enrolled in military service by reducing the excessively long duration of alternative service”.⁴⁰
25. Worth noting that the effects of excessive duration are aggravated by the **backlog for alternative service (AS) Call-up**: “Because AS is restricted to correctional facilities, which have limited accommodation, persons who qualify face a waiting period of up to four years before they can begin their service, which means, effectively, a seven-year delay before returning to permanent employment or other economic activity. This seriously affects family life and career development. It is estimated that only half of the applicants who qualify for AS will be accommodated by the end of 2023. According to figures from Korea’s Military Manpower Administration, 1,652 out of 2,910 already approved for alternative service are still waiting to perform their service as of May 2023.”^{41,42}
26. It should be stressed that, just as the excessive and disproportionate duration of alternative service unduly restricts the right to work (art. 6), in conjunction with article 2(2), it equivalently **restricts for an undue period of time or affects other rights concerning for example the right to take part in cultural life (art. 15) or the widest possible protection and assistance to the family (art. 10)**, always in conjunction with article 2(2).

C. POSSIBLE VIOLATIONS OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS OF CONSCIENTIOUS OBJECTORS WHO ARE STILL PUNISHED (including by imprisonment) UNDER THE CURRENT LEGISLATION

27. These violations concern:
- conscientious objectors who are not officially recognised as such by the State party due to the problematic legislation (e.g. non-recognition of serving members of armed forces⁴³) and the lack of

³⁹ JW submission, para. 7.

⁴⁰ CCPR/C/KOR/CO/5, 24 November 2023, paras. 51-52. <https://docs.un.org/en/CCPR/C/KOR/CO/5>

⁴¹ See National Assembly Budget Office, July 2023, Final Accounts Analysis for National Defense Committee of National Assembly, p. 301.

⁴² JW submission, para. 14.

⁴³ CCPR/C/KOR/CO/5, 24 November 2023, paras. 51-52. <https://docs.un.org/en/CCPR/C/KOR/CO/5>

independence and impartiality of the body examining applications for conscientious objector status / alternative service.⁴⁴

- Conscientious objectors who cannot afford, discontinue or refuse⁴⁵ to perform the punitive, discriminatory and non-genuinely civilian (under the jurisdiction of the Ministry of Defence⁴⁶) alternative service.

28. In such cases, conscientious objectors face criminal punishment, some of them have even been imprisoned,⁴⁷ and **a possible criminal record could result in a violation of economic, social and cultural rights, e.g. as for the right to work, as it was before the introduction of the alternative service.**

SUGGESTED QUESTIONS

29. - What measures have been taken to provide effective remedy, including compensation, for violations of economic, social and cultural rights of conscientious objectors to military service (and their families) who have been called up for military service and punished prior to the introduction of the legislation for alternative service?

Please, provide the number of beneficiaries of any such measures and the overall number of conscientious objectors punished throughout the years.

Please, explain how such past violations, today, do not have continuous effects for all persons affected.

30. - What is the current length of the alternative and of the military service? Please elaborate on any plans to reduce the length of the alternative service, both in absolute terms, as well as in comparison to that of military service, so that it does not conflict with the obligations enshrined in Article 6 of the Covenant.

31. - Please, elaborate on any plans to amend legislation on alternative service, including as for ensuring independence and impartiality of the body examining applications for conscientious objector status / alternative service, so that all conscientious objectors are recognised as such and conscientious objection to military service does not result in violations, *inter alia*, of economic, social and cultural rights.

32. - What are the consequences in terms of the right to work or other rights listed in the Covenant for those failing to perform the military service and the punitive, discriminatory and non-genuinely civilian alternative service?

⁴⁴ Amnesty International, *South Korea: Submission to the UN Human Rights Committee; 139th session, 9 October – 3 November 2023*, 12 September 2023, ASA 25/7164/2023, p. 11. <https://www.amnesty.org/en/documents/asa25/7164/2023/en/>

⁴⁵ JW Submission, paras. 16-19.

⁴⁶ JW Submission, para. 6. See also Amnesty International's submission, p.11.

⁴⁷ IFOR Submission to the 42nd Session of UPR, Republic of Korea, July 2022, paras. 7-8.

<https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=10813&file=EnglishTranslation>