**Introduction**

**About the NGO Coalition for UN CRPD Parallel Report**

The Korean DPO and NGO Coalition for UN CRPD Parallel Report (hereafter, Coalition) was launched in April 2017, under the common understanding that a comprehensive parallel report by disabled persons’ organizations (DPOs) and non-governmental organizations (NGOs) was needed in preparation of the constructive dialogue on the second and third combined report of the Republic of Korea.

Since then, the Coalition has been carrying out activities to fulfill the purposes of submitting a parallel report, participating in and lobbying during the review process, analyzing the concluding observations and holding a discussion on their implementation.

**List of members of participating organizations**

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| |  | | --- | | • Disabled Peoples International Korea (Secretariat of UNCRPD NGO Coalition of Republic of Korea)  • Differently Abled Women United  • Autism Korea  • Korea Association of people injured on Worksites  • Korean Enterprise of the Disabled Association  • Haenem Welfare Association  • Human Rights Center for Disabled Persons  • Human Rights Forum of Persons with Disabilities in Korea  • Korea Association of the Deaf  • Korea Association of Intellectual and Developmental Disabilities  • Korea Blind Union  • Korea Disabled Welfare Association  • Korea Federation of Centers of Independent Living of Persons  • Korea Association of Persons with Physical Disabilities  • Korea Spinal Cord Injury Association with Disabilities  • Korea Alliance on Mental Illness  • Korea Federation of Organization of the Disabled  • Network of Accessible Environments for All  • Rehabilitation International Korea  • Research Institute of the Differently Abled Persons Rights in Korea  • Korea Differently Abled Federation  • Korea Organization for Parents of the Disabled  • Korea Kidney Patients Association  • Korea Network for Accessible Tourism  • Research Center for the Society of the Disabled  • Korean Association of the Vocational Rehabilitation Facilities for the Disabled  • UNCRPD Implementation Solidarity | |

**UNCRPD NGO Coalition of Republic of Korea’s activity highlights**

* **Composition of NGO Coalition group of the Republic of Korea (Participation of 17 Organization of Persons with Disabilities) (2017)**
* **Preparing of Issue Prior to Reporting and Hosting National Panel Discussion (2017)**
* **Reporting to Korean Government on List of Issue Prior to Reporting (2018)**
* **Hosting 1st Workshop and Inviting former member of the Convention of Rights of Persons with Disabilities (May 2019)**
* **Hosting 2nd Workshop and Inviting the UN member of the Convention of Rights of Persons with Disabilities (Oct 2019)**
* **Hosting National Public Hearing on Draft NGO Parallel Report for the 2-3rd Combined Country Report of Republic of Korea (Oct 2019)**
* **Hosting 2nd National public hearing and Inviting the UN member of the Convention of Rights of Persons with Disabilities (June 2022)**
* **Submission for NGO Parallel Report for the 2-3rd Combined Country Report of Republic of Korea (July 2022)**

**List of contributors to this report**

7 staff members from 4 organizations participated in the process of drafting this report and directly drafted the NGO Parallel Report

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**ARTICLES 1-4. Purpose and General Obligation**

**1. Disability Classification system based on the medical model of disability**

• The national report #3 states that the disability classification system has been abolished. However, only the term of ‘grade of disability’ was changed to ‘severity of disability’, and the definition of disability[[1]](#footnote-1) based on the medical model of disability in the Act on Welfare of Persons with Disabilities was not revised. Although the disability grade, which was divided into six grades, has been simplified into ‘severe disability’ and ‘moderate disability’, it is still classified in accordance with the medical model.

• In Korea, persons with disabilities can receive welfare services when they register a person with disability based on the medical model, therefore, services for persons with disabilities are decided by medical impairments not needs and demands of person with disabilities.

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| **Recommend-ations** | **》** Finalize promptly and quickly the efforts of the Korean government to revise the definition of disability based on the medical model in the Act on Welfare of Persons with Disabilities in accordance with the social and human rights model stipulated in the UNCPRD.  **》**Completely abolish the disability classification system which simplified the severity of disabilities based on medical assessment. Establish an individualized service system in consideration of individual circumstances and needs. |

**2. Lack of personal assistant services and discrimination against the persons with mental disabilities**

•Although the national report #8 states that the budget for personal assistant services was significantly increased, the actual amount of service remained virtually unchanged except for the increase in the labor cost of the service personnel. On the contrary, the time of personal assistant for some persons with disabilities reduced. From July 2019 to June 2021, among the 57,370 persons with disabilities who applied for a renewed eligibility, 8,333 (14.5%) of disabled persons received reduced benefits for the service, and 17.2% of the severely disabled had a decrease in their benefits. The average service reduction time allotted was 22.1 hours, and even for the severely disabled, the maximum service reduction time was up to 241 hours.[[2]](#footnote-2)

•The criteria for allocating the personal assistant service are tailored to persons with physical disabilities. Therefore, when people with intellectual disabilities, autism, and psychosocial disabilities apply for personal assistant, they are either rejected or are given only a few hours of service. So, they filed a complaint with the National Human Rights Commission on this matter.[[3]](#footnote-3)

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| **Recommend-ations** | **》** Expand the personal assistant budget to provide sufficient personal assistant services for disabled persons, including 24-hour personal assistant for persons with disabilities.  **》** Prepare screening criteria in consideration of the characteristics, circumstances, and environment of the persons with disabilities so that those with intellectual, autistic and psychosocial disabilities can receive sufficient personal assistant service necessary for independent living. |

**3. Need for follow-up measures after the amendment of the Article 15(excluding the persons with mental disabilities from the universal welfare service delivery system) of the [Act on Welfare of Persons with Disabilities]**

• Recently, National Assembly amended the Article 15 of the Act on Welfare of Persons with Disabilities which excluded the persons with mental disabilities from the universal welfare service delivery system. Until now, persons with mental disabilities were treated only as subjects of mental health care. Their human rights were not guaranteed, and they were excluded from universal welfare services delivery system. In addition, they were receiving very little support compared to other types of persons with disabilities.

• Although Article 15 of Act on Welfare of Persons with Disabilities was amended, active follow up measures are needed, such as establishing a welfare service infrastructure and preparing a system for advocacy for persons with psychosocial disabilities.

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| **Recommend-ations** | **》** Improve laws, systems, and practices so that the persons with psychosocial disabilities can be fully included in the universal welfare service delivery system for persons with disabilities  **》** Develop and implement plans to expand services for the psychosocial disabilities |

**4. Ineffective deinstitutionalization roadmap and the ruling party to put a brake on deinstitutionalization**

• In August 2021, the government announced the 'Roadmap for Deinstitutionalization' for the first time and prepared a plan to support 750 persons with disabilities to live in the local community every year from 2025 to 2041. [[4]](#footnote-4)

• However, the government’s deinstitutionalization roadmap takes a very long time of 20 years to be implemented, and there is no specific plan for service expansion for persons with disabilities who will leave from institutions to live in the community independently.

• Implementation of deinstitutionalization roadmap which has not legal grounds is not clear and after the new government took the power in May 2022, the leader of the ruling party said that the new government does not agree with deinstitutionalization policy for persons with disabilities.[[5]](#footnote-5) And he also said he will put a brake on the deinstitutionalization policy which made in the former government.[[6]](#footnote-6)

• The government proses expansion of group homes of persons with disabilities as alternatives, and this includes reorganization of the institutions to make smaller institutions like group homes of persons with disabilities, not complete abolition of residential institutions for persons with disabilities. [[7]](#footnote-7)

• Since the target of the deinstitutionalization roadmap is only limited for the residential institutions for persons with disabilities stated in the Act on the Welfare of Persons with Disabilities, it fails to propose deinstitutionalization of homeless care institutions, homeless rehabilitation institutions, and mental healthcare hospitals which are not included in the provision of the Act.

• The budget for operation of residential institutions for persons with disabilities is KRW 930 billion including the local government budget, but the budget related to deinstitutionalization is only KRW 2.4 billion, which makes suspicious of the government’s will for deinstitutionalization. [[8]](#footnote-8)

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| **Recommend-ations** | **》** Establish a legal basis for effective deinstitutionalization based on the human rights model for disability.  **》** Expand the community base for deinstitutionalization, abolish residential institutions as soon as possible, and fully include persons with disabilities in the community.  **》** Include all types of disability and all types of institutions including mental hospital in the deinstitutionalization roadmap. Actively raise awareness on the necessity and justification of deinstitutionalization. |

**ARTICLE 5. Non-Discrimination**

**5. Insufficient function of the court to correct disability-based discrimination and burden of litigation costs**

• The national report (#23) states that the core of the Act on the Prohibition of Discrimination against Persons with Disabilities, Remedy against Infringement of their Rights Etc is to provide legal aid for the persons with disabilities through non-judicial proceedings. However, this is not true. The Act regards the rights to redress through the courts as an important axis. To this end, there are various regulation under this Act such as the provisions on compensation for damage (Article 46), allotment of burden of proof (Article 47), the penalty provisions (Article 49), and the remedial measures by court (Article 48).

• Since the Act on the Act on the Prohibition of Discrimination against Persons with Disabilities, Remedy against Infringement of their Rights, etc. came into effect in April 2008, only 28 cases of claims to remedy discrimination have been handled in the courts. Even in these cases, remedial measures are not actively taken due to the lack of understanding of the judges.

• The litigation aid system described in the national report (#16) is for all persons with insufficient financial capacity and is not a system designed in consideration of disability discrimination litigation. Persons with disabilities who are victims of discrimination are always burdened with litigation costs, and if they lose or min partially, they have to bear the other party’s litigation costs and even attorney fees which limits their ability to file lawsuits.

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| **Cases**  **Recommend-ations** | • In 2019, two persons with physical disabilities using wheelchairs filed a lawsuit requesting a remedy after suffering an accident due to the wide gap between the subway platform and the subway car. However, they lost lawsuit and each of them was asked to pay KRW 5million of litigation cost from the defendant.[[9]](#footnote-9)  •Despite the enactment of the Act on Promotion of the Transportation Convenience of Mobility Disadvantaged Persons, intercity buses that can accommodated wheelchairs did not operate, so some persons with disabilities filed lawsuits against the government and two bus companies, but they lost the lawsuit against the government. And the government requested the court to ask the plaintiffs to pay litigation costs, a total of KRW11,294,517.[[10]](#footnote-10)  **》**Expand specific education on the Act on the Prohibition of Discrimination against Persons with Disabilities, Remedy against Infringement of their Rights, etc. and the discrimination correction order to judges so that the courts can aggressively exercise the discrimination correction order.  **》**Prepare support plans for disability discrimination lawsuits, including litigation costs and support from lawyers.  **》**Exempt litigation costs for disability discrimination litigation and abolish the system in which the loser bears litigation costs. |

**6.Insufficient function of the Ministry of Justice regarding disability discrimination correction order**

• The Act on the Prohibition of Discrimination against Persons with Disabilities, Remedy against Infringement of their Rights. etc stipulates that the Minister of Justice has the authority to order discrimination correction. However, since the law was enacted in 2007, corrective orders were issued only twice until the first national report (2014). There has not been a single corrective order since the first national report was submitted, but at the end of 2021, ahead of the second and third reviews in the UNCRPD Committee, the Ministry of Justice suddenly issued four corrective orders.

• The Ministry of Justice has not dedicated department for the human rights of persons with disabilities, and the “Women and Children’s Human Rights Department” is in charge of disability issues. And there is no dedicated manpower to handle the rights of persons with disabilities. In addition, the Ministry of Justice plays almost no role in relation to the rights of persons with disabilities due to the lack of understanding and capacity for discrimination against the persons with disabilities.

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| **Recommend-ations** | **》**Implement measures, including reorganization of the Ministry of Justice and recruitment of human resources, so that the Ministry can take an active role in correcting discrimination against persons with disabilities, promoting human rights, promoting access to justice for persons with disabilities, and implementing and monitoring the UNCRPD.  **》**The Ministry of Justice should actively exercise the authority to order discrimination correction for the persons with disabilities. |

**ARTICLE 6. Women with Disabilities**

**7. Lack of budget for women with disabilities**

• The Ministry of Health and Welfare's budget for the persons with disabilities in 2022[[11]](#footnote-11) is KRW 4.701 trillion, an increase of KRW 389.7 billion (10.5%) from the previous year. Among them, the budget for women with disabilities is KRW 2.76 billion, an increase of KRW 20 million (0.7%) compared to the previous year, but the proportion is very low at 0.58% of the total budget for persons with disabilities.

• As the government's policies related to women with disabilities mostly support pregnancy and childbirth, policies to support women with disabilities by age, such as children, adolescents, adults, and old age are insufficient.

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| **Recommend-ations** | **》**Expand the gender-sensitive disability budget and expand supports in consideration of the age and life cycle of women with disabilities. |

**8. Low Employment rate and income, and high unemployment rate of women with disabilities**

• In 2021, the employment rate of women with disabilities was 22.2%, less than half of the 50.7% employment rate of all women. The unemployment rate for women with disabilities was 6.1%, which was higher than the unemployment rate for men with disabilities of 5.8%. The average monthly wage of women with disabilities is only KRW 1.189 million, 53% of KRW 2.23 million, average earnings of female workers in Korea. In addition, 78.5% of female workers with disabilities are non-regular workers.[[12]](#footnote-12)

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| **Recommend-ations** | **》**Implement a gender-sensitive employment quota system to increase the employment rate and lower the unemployment rate of the women with disabilities.  **》**Expand competency-building education and employment support programs for the women with disabilities, and develop jobs tailored to them. |

**9. Pervasive violence against women with disabilities and lack of support agencies for the victims**

•In 2021, among women with disabilities, 9,200 of them were sexually assaulted and 267 were domestic violence victims, accounting for 77.9% of total 12,147 women who were victims of violence. As for the types of violence, rape and quasi-rape were 63.8%, forced molestation was 29.3%, pornography using communication media was 5.8%, and other types were 1.1%.[[13]](#footnote-13)

• As for the type of disability of victims of violence, women with physical disabilities accounted for 13.2% of all victims, those with mental disabilities were 83.5%, and those with multiple disabilities were 3.3%. Violence against women with mental disabilities was found to be more serious.

• Mid/long-term shelters (protective facilities) are absolutely necessary, but there is only one mid/long-term shelter for women with disabilities in Korea. There are three independence supporting group homes (Busan, Chungbuk and Gyeongnam) and one experience home (Jeonnam) that support women with disabilities who suffered sexual violence, but this is very insufficient.

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| **Recommend-ations** | **》**Establish statistics to identify the actual situation of violence against women with disabilities.  **》**Expand dedicated shelters to protect women with disabilities who are victims of violence.  **》**Establish at least one independence supporting group home and experience home in each area where women with disabilities who are victims of violence can live for a long time. Also, prepare measures to support self-reliance after they leave the place. |

**10. Mainstreaming women with disabilities in national gender equality policy**

•In the Gender Equality Committee supervising gender equality policy in Korea under the prime minister, no person who represents women with disabilities is included.

•In the 2nd Gender Equality Masterplan (2017~2022) as a basis of gender equality policy, policy for women with disabilities should be included in all areas of the Masterplan. But as health rights of women with disabilities is specially mentioned in the Masterplan, this blocks development of support policy for women with disabilities.

•The Ministry of Gender Equality and Family supervising gender equality policy in Korea transfer social welfare services for women with disabilities to the Ministry of Health and Welfare. This is against the principle of mainstreaming of women with disabilities in policy for women.

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| **Recommend-ations** | **》**Include a member representing women with disabilities in to the “Gender Equality Committee”.  **》**Mainstream issue of women with disabilities in the 3rd Gender Equality Masterplan (2023~2028).  **》**Ministry of Gender Equality and Family should develop and comprehensively policy for women with disabilities. |

**ARTICLE 7. Children with Disabilities**

**11. Measures to ensure the participation of children with disabilities**

•Although Youth Special Meetings and Committee for Youth Policies are being operated based on the Framework Act on Youth, the participation of children with disabilities in the meetings and the committee is not guaranteed.[[14]](#footnote-14). Although a local government-level organization in which the youth participate is in operation, the participation of children with disabilities is not guaranteed.[[15]](#footnote-15)

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| **Recommend-ations** | **》** Take measures to ensure the participation of children with disabilities in Youth Special Meetings, Committee for Youth Policies, and local government level youth organizations so that the voices of the children with disabilities can be heard. |

**12. Inadequate response to abuse of children with disabilities**

•As of 2015, 62.7% of children with disabilities who were victims of violence returned to their family, 0.04% of them entering temporary shelters, and 14.8% of them entering long-term protection facilities. The re-abuse report rate of children with disabilities who were abused was 28.5%, which is more than twice that of children without disabilities.[[16]](#footnote-16) It seems that adequate protective measures for children with disabilities who are victims of abuse are not being taken.

•Abuse of children with disabilities is jointly handled by the abuse response agency for disabled persons and the child abuse response agency. However, as there are no specific guidelines for cooperation between these agencies, some problems are raised such as non-clear responsibility among agencies, lack of information sharing, lack of dedicated manpower and programs that take in to account the characteristics of children with disabilities, and lack of disaggregated statistics on children with disabilities.

•There are 76 shelters for children’s victims of abuse across the country, and these shelters do not consider age or disability. In July 2022, shelters dedicated to children with disabilities who are victims of abuse will be established, but there will be only three in the country.

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| **Recommend-ations** | **》**Take measures to strengthen cooperation between the abuse response agency for persons with disabilities and the child abuse response agency. Prepare measures such as related statistics on abused children with disabilities, assignment of professional personnel, and development of dedicated programs.  **》**Establish dedicated shelters for children with disabilities who are victims of abuse nationwide. Take measures to guarantee the rights of abused children with disabilities including physical access to the shelters, psychological support, judicial support, education, self-reliance, and prevention of re-abuse in all shelters for children with disabilities, including shelters exclusively for children with disabilities, taking in to account the characteristics of children with disabilities.    **》**Prepare measures to restore and strengthen the function of the original family of children with disabilities who are victims of domestic violence so that the principle that the original family should raise children can be implemented. |

**13. Rights to play for children with disabilities is not guaranteed**

•The right to play for children with disabilities is not guaranteed. In particular, most playgrounds are being installed without considering disability. Official statistics on integrated playgrounds are not provided, and according to a civic group survey, there are only 22 integrated playgrounds nationwide.[[17]](#footnote-17) Safety standards for play facilities considering disability is not established.

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| **Recommend-ations** | **》**Take measures to ensure the right to play for children with disabilities as stated in the UN Convention on the Rights of the Child, including legal measures such as preparing safety standards for the establishment of an integrated playground. |

**ARTICLE 8. Awareness-raising**

**14. Widespread hate and demeaning of persons with disabilities and politician disparagement of disabilities**

•The Hate and demeaning expressions of persons with disabilities are spreading indiscriminately through internet media. On personal broadcasts and social media, expression that hate minorities and demean persons with disabilities[[18]](#footnote-18) and hate speeches against persons with disabilities[[19]](#footnote-19) are increasing and reproducing. In 2021, 61.9% of persons with disabilities encountered hate speech online. [[20]](#footnote-20) In particular, the media treats the issues of the persons with mental disabilities negatively through criminal cases committed by the persons with mental illness, branding all persons with mental disabilities as potential criminals, misleading as if social isolation of them is the only solution. [[21]](#footnote-21)

•Politicians continue to demean and hate persons with disabilities. The National Assembly members continue to make reckless demeaning remarks about persons with disabilities with the intention of criticizing politicians and policies in the opposing camp, but the National Assembly is not taking appropriate measures to eradicate this. In 2021, an organization of persons with disabilities filed a lawsuit against the national Assembly and the Speaker of the National Assembly requesting remedy for the continued demeaning remarks of members of the National Assembly. The number of disparaging remarks by lawmakers monitored by this organization was 11 cases from August 2019 to April 2021. [[22]](#footnote-22)

•As of 2019, out of 2,449 national agencies, only 1241 conducted awareness raising educations of persons with disabilities, which means half of agencies fail to be abided by their duties to conduct education. [[23]](#footnote-23)

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| **Recommend-ations** | **》**Put in place appropriate measures and take specific and take specific measures to monitor and regulate media and online derogatory, discriminatory and hateful comments about disability, persons with disabilities, particularly those with psychosocial disabilities.  **》**Conduct mandatory and regular educations for politicians to raise awareness on disability.  **》**Increase completion rates of compulsory disability awareness raising education for national agencies. |

**ARTICLE 9. Accessibility**

**15. Insufficient accessibility to public transportation**

•The Korean government promised to introduce low-floor buses so that the proportion of low-floor buses among all city buses in 2021 would reach 42% through the 'Third Plan on Transportation Convenience Promotion for Mobility Disadvantaged Persons', but the actual adoption rate of low-floor buses as of 2021 was only 27.8% (Nationwide low-floor buses was 9,840 out of a total of 34,445 as of 2021).[[24]](#footnote-24) The revised Act on Promotion of the Transportation Convenience of Mobility Disadvantaged Persons stipulates the mandatory introduction of low-floor buses when replacing outdated city or village buses. However, inter-city buses, express buses, and wide-area buses that can move between regions have been excluded from the compulsory introduction.

•Although a special means of transportation for persons with disabilities (call taxi) has been introduced, the adoption rate is low and the local government is responsible for the operation of the call taxi, so regional variations are very large, and it is difficult to move between regions. It is a legal duty to operate one call taxi for every 150 persons with severe disabilities, but there are regions operating only about 50% of the mandatory rates. In particular, the adoption rate of special transportation and low-floor buses

In rural and island area is insufficient. And no taxis are available for persons with and without disabilities together.

•According to Revised (draft) Plan on Transportation Convenience Promotion for Mobility Disadvantaged Persons, the Ministry of Land, Infrastructure and Transport said it would introduce a total of 40 high-speed and intercity buses equipped with wheelchair lift equipment’s from 2019 to 2021. However, as of 2022, only four buses are currently operating equipped with wheelchair-accessible equipment’s.

•In the case of ships, the conformance rate for mobility convenience facilities is only 17.6%.[[25]](#footnote-25) In addition, the bus stop platform environment is not suitable for wheelchair users.

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| **Recommend-ations** | **》**Ensure accessibility for persons with disabilities to all means of public transportation, including ships. Take measures to ensure compliance with the mandatory introduction rate of special transportation means and low-floor buses in all regions, including rural and island areas  **》**In order to guarantee the movement of persons with disabilities between regions, increase the number of intercity buses, wide-area buses, and express buses equipped with lift equipment’s, and take measures to enable interregional movement of call taxis for the persons with disabilities. |

**16. Insufficient convenience facilities for the PWDs in buildings and facilities**

•The national report #51 states that in 2018, the installation rate of convenience facilities for the persons with disabilities in buildings was 80.2%. However, this is only the result of a survey targeting only 2.78% of buildings that are obligated to install convenience facilities. In addition, these are only the results derived from a survey on some convenience facilities such as parking areas for disabled persons, elevators, corridors, and installation of slope ways and ramps, and convenience facilities for the visually impaired such as Braille blocks and Braille information boards were excluded. Most of small buildings are not ensured accessibility for persons with disabilities.

•The Enforcement Decree on the Guarantee of Convenience Promotion of Persons with Disabilities, Senior Citizens, Pregnant Women and Nursing Mothers, which restricts buildings subject to mandatory installation of facilities for persons with disabilities to a floor area of 300 square meters or more, was determined to be illegal following a lawsuit filed by an organization of persons with disabilities. Although the government reduced the standard of floor size to more than 50 square meters, it is discriminatory as it still imposes the duty to install convenience facilities depending on the size of floor area, and the facilities subject to the obligatory installation are also limited.

•As of 2019, out of 43,975 convenience stores, only 20% of convenience stores are subject to mandatory installation of convenience facilities based on the standard of 50 square meters, which means most of convenience stores are not subject to mandatory installation of convenience facilities.

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| **Recommend-ations** | **》**Accessibility standards should be required to all public and residential facilities regardless of the floor size of the building or the date of construction. |

**17. Discrimination against persons with disabilities in terms of the rights to access to non-face-to-face information such as websites and unmanned terminals**

•According to the survey on accessibility of websites in eight industries with high website utilization, the average score for accessibility is 66.6 out of 100, and the score for providing alternative text is only 19.9. Information accessibility for touch screen-type unmanned terminals (kiosks) is average only 59.82 points.[[26]](#footnote-26) Although non-face-to-face environments such as websites and unmanned terminals are expanding, accessibility for the persons with visual impairment, intellectual disability and autism spectrum disorder has not been guaranteed. Although a web accessibility certification system exists, it is not complied with because it is not compulsory.

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| **Case** | In February 2022, some persons with visual impairment partially won a lawsuit for damages against Internet shopping mall operators including SSG.com, eBay Korea, and Lotte Shopping that did not properly comply with web accessibility standard. However, none of the top 10 shopping malls in Korea have received web accessibility certification for the visually impaired.[[27]](#footnote-27) |

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| **Recommend-ations** | **》**Make the web accessibility certification system mandatory. Reorganize laws and systems to guarantee information access rights for persons with disabilities for non-face-to-face information, including mobile phone applications and touch screen unmanned terminals. |

**18. Low barrier-free certification rate and lack of follow-up management after certification**

•The government is implementing the Barrier Free certification system to ensure the accessibility to buildings for persons with disabilities. The Barrier Free certification is mandatory for new public sector buildings. But in the private sector, which is not mandatory of the certification, although the cost required for certification is high, there are no benefits after certification, which leads to low certification rate.[[28]](#footnote-28)

•Even if Barrier Free certification was obtained, the number of facilities that received a poor management rating for two consecutive years due to insufficient follow-up management increased by 2.6 times from 41 facilities (39%) in 2015-2016 to 106 (74%) in 2016-2017. Among them, the number of facilities that did not take corrective action despite the second inspection increased from 18 to 41. Penalties such as cancellation of certification for poorly managed facilities are currently in place, but certification has not been revoked even once since the implementation of the system. [[29]](#footnote-29)

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| **Recommend-ations** | **》**Ensure that all public-sector facilities obtain Barrier-Free Certification and put in place measures to encourage private-sector facilities to participate in certification, including providing incentives.  **》**In order to maintain and manage facility accessibility even after Barrier Free certification, check the actual condition on a regular basis. If maintenance and management are insufficient, take active measures such as cancellation of certification. |

**ARTICLE 10. Right to Life**

**19. High unclaimed death rate, suicide rate, homicide rate and disappearance among persons with disabilities**

•Persons with disabilities have very high unclaimed death rate and suicide rate compared to persons without disabilities, and the government has not taken any countermeasures for this. There are increasing number of cases where the family of a disabled person killed or attempted to kill disabled persons because of the difficulty of supporting them, but there is no punishment. In addition, there is no proper monitoring of the death of persons with disabilities in institutions.

•As of 2016, among the 2,279 people who died alone without anyone knowing, 483 were the persons with disabilities, accounting for 21.2% of the total. The suicide rate of persons with disabilities is 2.6 times higher than that of the entire population, which means that 2,813people per 100,000 persons with disabilities choose to commit suicide. [[30]](#footnote-30)

•Among the causes of death among children with disabilities aged 1 to 9, the fourth most common cause of death was assault (murder) by others, with 12.8 people per 100,000 population. This is about 18 times higher than 0.7 people of children without disabilities. The 7th leading cause of death among persons with autism spectrum disorder is assault (murder), accounting for 4.9 people per 100,000 population. [[31]](#footnote-31)

•The number of missing persons with disabilities was 8,542 in 2016, 8,525 in 2017, 8,881 in 2018, 8,360 in 2019, and 7,078 in 2020. The number of undiscovered persons with disabilities was 5 in 2016, 5 in 2017, 9 in 2018, 21 in 2019, and 47 in 2020. The number of undiscovered compared to reported missing cases of persons with intellectual disabilities is about twice that of children and dementia patients, and over the past 5 years, 226 people with intellectual disabilities, autism spectrum disorder and mental disabilities have disappeared and were found dead. [[32]](#footnote-32)

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| **Cases** | •In 2021, the court sentenced a mother who murdered her daughter with intellectual disability and autism to probation, saying it was an accidental crime committed while she was mentally and physically unstable.[[33]](#footnote-33)  • In 2020, a mother murdered her psychosocially disabled daughter, who had suffered from schizophrenia for 23 years, but the court sentenced her to probation. The court said although severe punishment is inevitable in principle, the responsibility could not be attributed only to the mother who provided care for 23 years. [[34]](#footnote-34)  •In 2019, a 60-year-old mother was sentenced to probation after she had been caring for person with autism for 40 years and killed him in despair. [[35]](#footnote-35) |

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| **Recommend-ations** | **》**Establish and implement policy goals and plans to prevent suicide, homicide, unclaimed deaths and disappearances, and to guarantee the rights to life of persons with disabilities.  **》**Improve court practices that tolerate taking the lives of persons with disabilities, raise awareness, and punish perpetrators severely. |

**20. High early mortality rate and lack of monitoring for persons with disabilities living in institutions**

•Over the past five years, a total of 1,059 persons with disabilities have died in residential institutions for disabled persons, with 582 persons (54.9%) dying under the age of 49. In particular, those in their 20s accounted for 15.0% of the total and those in their 30s accounted for 17.1%, indicating a high rate of death at an early age. Among the total death, the rate of death of persons with intellectual disabilities was the highest at 60.9% (645 people), followed by those with brain lesions at 19.6% (208 people) and those with physical disabilities at10.9% (115 people). As to the cause of death, disease accounted for 94.1% (997 people) of the total.

•In the where a large number of people live, such as residential facilities for disabled persons, mental care facilities, mental hospitals, and homeless facilities, persons with disabilities die from medication overuse, poor health condition and other unknown reasons, but there is no independent monitoring mechanism for this. In the institutions for disabled persons, cases of persons with disabilities dying due to abuse such as assault continue to occur. However, perpetrators are often not punished because of insufficient evidence.

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| **Cases** | •In 2021, an 18-year-old man with severe intellectual disabilities was found unconscious at a facility for disabled persons in Hwasun, Jeollanam-do. He was taken to a hospital but died. Bruises and wounds were found throughout the person's body, and suspicions have been raised that it may be related to the death, but there was no investigation into the allegation.  • In 2021, at a facility for disabled persons in Incheon, a severely disabled person in his 20s died because food blocked his airway. The CCTV investigation revealed that the victim refused to eat, but a facility worker forced him to eat. It also revealed that the person with disability desperately ran away in crying, but the worker forcibly fed and assaulted him.  •In May 2020, there was an incident where a 37-year-old person with intellectual and physical disabilities was killed by violence from a personal assistant at an unreported illegal facility located in Pyeongtaek, Gyeonggi-do. The perpetrator was sentenced to five years in prison and the facility was closed. [[36]](#footnote-36) |

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| **Recommend-ations** | **》** Conduct regular human rights monitoring of the persons with disabilities living in institutions until the complete deinstitutionalization is achieved. If human rights violations are found, shut down the institution and implement measures including steps to support independent living.  **》**If a person with disability living in an institution dies, determine the cause of death. In addition, establish an independent monitoring mechanism to take immediate action if inappropriate treatment in the institution is found. |

**ARTICLE 11. Situation of Risk and Humanitarian Emergencies**

**21. Insufficient safety guarantee for persons with disabilities in case of disaster or crisis**

•The national report #60 states that the Ministry of Interior and Safety established ‘the comprehensive safety measures for persons with disabilities. However, it is not sufficient to respond to various types of crises. Disaster education and response focused on persons without disabilities do not properly guarantee the lives and safety of persons with disabilities. It is difficult to apply the safety measures in the field due to the lack of specificity of the content, and it fails to reflect various types of disabilities.

•Disasters such as Gyeongju earthquake in 2016 and Pohang earthquake in 2017, Sokcho and Goseong wildfires in 2019, COVID 19 in 2020 and Uljin wildfire in 2022 are becoming more and more serious, but the persons with disabilities are being marginalized in disaster safety measures. There are no measures other than the manual that is not specific.

•The national report #61 states that the government is providing disaster information

through emergency disaster text messaging service and disaster alerts in case of emergencies. However, the government did not consider the persons with hearing impairment who could not hear the alarm sound, the visually impaired who could not read the text message, and the intellectually disabled who had difficulty understanding the disaster text message.

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| **Cases** | • In 2019, when large-scale wildfires occurred in Sokcho and Goseong, Gangwon-do, a sign language interpretation was not provided in special news broadcasts, and an organization of persons with disabilities filed a complaint with the National Human Rights Commission against the broadcasting company and the government. [[37]](#footnote-37)  •At the time of the wildfire in Uljin in 2022, there were three persons of intellectual disabilities, but there was no information about the wildfire for them, including TV or mobile phone text messages, and without the help of neighbors, they could have lost their lives[[38]](#footnote-38) | |
| **Recommend-ations** | | **》**Make a disaster safety manual concretely considering the type of disability, age, and type of disaster. Create an evacuation manual customized for each person with disability and let responsible public officials help the evacuation of persons with disabilities in case of disaster.  **》**Provide individualized education on evacuation measures in case of disaster to persons with disabilities.  **》**In the event of a disaster, provide sign language interpretation, Braille, easy language, information boards, guides, etc., and make shelters accessible to persons with disabilities. |

**22. Lack of safety for persons with disabilities during COVID19**

•As of April 2022, among the 27,020 severe COVID-19 patients and deaths, 7,204 were registered persons with disabilities, which was 1 in 4 persons of severe cases or who died.[[39]](#footnote-39)When looking at the ratio of confirmed cases to the total number of registered persons with disabilities by type of disability, 'persons with autistic spectrum disability(23.3% / 7,184 confirmed out of 30,802 registered persons with autistic disability)' were the highest followed by 'persons with intellectual disability (16.1% / 34,864 confirmed out of 217,108 registered persons with intellectual disability)'. The severity and fatality rate were found to be high in persons with respiratory disorders (7.67%, 3.14%), kidney disorders (7.09%, 3.88%), and brain lesions (4.96%, 3.26%).

• According to a study conducted by the National Rehabilitation Center, 22.4% of the persons with disabilities answered that it was difficult to obtain necessary information related to COVID-19. The reasons for this were that they did not know how to find information (46%), lack of guidance services such as easy-to-understand pictures and videos (35%), and lack of sign language interpretation and lack of descriptive video services (23%).[[40]](#footnote-40)

• The COVID-19 mass infection was more severe in large institutions such as psychiatric hospitals and facilities for disabled persons. South Korea's first COVID-19 death occurred at the Cheongdo Daenam Mental Hospital, where all 102 in-patients in the closed ward were tested positive and 8 of them died. All the residential facilities with more than 100 persons with disabilities had confirmed cases of COVID-19. The total number of persons with disabilities at these facilities was 4,980, of which 2,428 were confirmed cases, accounting for 48.8% of the total. [[41]](#footnote-41)

•The Korean government implemented a lockdown policy on residential facilities since the early days of the COVID-19 pandemic, and for more than two years, persons with disabilities have had to experience a more limited life than prisons as going out, staying out, and visiting were completely controlled. Despite the lockdown measures, mass infections continued to occur due to facility employees commuting to and from work, and the lockdown measures are now eased and partially implemented as of May 2022.

•Due to the lack of hospital beds during COVID-19, kidney-impaired people were unable to receive dialysis. In February 2020, a kidney-impaired person who was in self-quarantine died of cardiac arrest due to refusal by a medical institution to provide dialysis. In December 2021, three kidney-impaired people tested positive for COVID-19 died because there was no medical facility to receive dialysis[[42]](#footnote-42)

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| **Recommend-ations** | **》**Prohibit reckless lockdown of facilities for persons with disabilities and mental health care hospitals in the event of an infectious disease and minimize restrictions on freedom.  **》**Establish safety and evacuation measures for the persons with disabilities, including emergency deinstitutionalization, in preparation for infectious diseases including resurgence of COVID-19in the future.  **》**In the event of an infectious disease, secure a separate bed for persons with severe disabilities and provide reasonable accommodations, including assistant personnel’s and communication supports. |

**ARTICLE 12. Equal Recognition Before the Law**

**23. Acts excluding persons with disabilities**

•The Korean government treats persons with intellectual disabilities, autism, and psychosocial disabilities as legally 'incompetent' and excludes them from the legal system and has not abolished the adult guardianship system despite the recommendation of the UN CRPD Committee. The government has made no efforts to introduce the supported decision-making system. The family members, parents, even employers or facility heads can become 'guardians' under the Act on Welfare of Persons with Disabilities and apply for social welfare services and make decisions on hospital and facility admission/discharge, and medical affairs including surgery on behalf of a person with disability, even if they are not appointed as a legal guardian by the court. The practice and culture of substitute decision-making by guardians is pervasive throughout the society.

•In Korea, the system of “incapacity to make decisions,” meaning inability to make decisions, and the system of “incapacity to act,” meaning inability to take legal action, dominates the legal system. In the Civil Code, the term of 'incompetent person' was changed to 'the person with limited ability', but nothing has changed. The ‘person incompetent to make decision’ is defined as a person who is incapable of filing a lawsuit under the Civil Procedure Act and cannot file a lawsuit or appoint a lawyer without a guardian.

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| **Case** | •In 2017, in a lawsuit filed by a person with intellectual disability of Grade 2, by appointing a lawyer, the Cheongju District Court stated that the person was clearly ‘incompetent to make decision’ because he was in Grade 2 of intellectual disability, and therefore he was incompetent to file a lawsuit. And the court declared that the lawsuit and appointment of lawyer was invalid.[[43]](#footnote-43)  •In 2019, in the case of a person with intellectual disability who was abused and exploited like a slave for more than 10 years at the garbage dump of Jamsil Baseball Stadium, the largest baseball stadium in Seoul, the Seoul Western District Prosecutors' Office dismissed the charges against his older brother who embezzled both wages and state subsidies after having the victim work at a garbage dump. The prosecutors’ office dismissed the victim's intention to sue and punish his brother saying, "It cannot be regarded as an idea with internal standards”[[44]](#footnote-44) |

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| **Recommend-ations** | **》**The Improve acts and systems that deny the legal capacity of persons with disabilities to make decisions, act, and file lawsuits and allow substitute decision-making by their guardians. |

**24. Adult guardianship restricted decision and choice of person with disabilities**

•The government did not abolish the adult guardianship system, ignoring the recommendations of the UN CRPD Committee, and make no effort to introduce the supported decision-making. The government does not understand the supported decision-making at all. The government's reply #64 in the national report that the adult guardianship system is a realistic solution needed to promote and achieve equality for persons with disabilities in the current context is very embarrassing.

•Among the three types of guardianship, the government said that it would preferentially use a specific guardianship and a limited guardianship, which recognize the guardian's authority only to a limited extent. However, among all types of guardianship, the adult guardianship type, which completely deprives persons with disabilities of their legal rights, occupies an absolute majority. As of 2020, there are 8,464 cases of adult guardianship with the highest degree of restriction of rights, 829 cases of limited guardianship with medium restriction of rights, and only 937 cases of specific guardianship with the lowest degree of restriction.[[45]](#footnote-45)When a guardian is appointed, the ward's rights to make decisions about family relationships such as marriage, divorce, adoption, and adoption disruption is deprived, and the rights to vote and the rights to be elected are also deprived, and they are disqualified from having jobs.

•The government reports that it respects the ward's rights to self-determination based on the statutory provisions that the will of the ward should be reflected, but the statutory provisions are not being properly complied with. After the adoption of the adult guardianship system, the rights to self-determination of persons with disabilities is far from guaranteed, and it is far behind than before the introduction. There are no procedures to confirm that the ward has fully understood the guardianship system and the disadvantages of the person, and there are no specific procedures to clearly confirm the will of the ward, and the will of the ward is being ignored because it is difficult to figure out the will of the ward.

•There is no actual supervision of the guardian's dishonest or unfaithful acts. The right of a ward to change or dismiss a guardian is not guaranteed either. According to the law, the ward can request the court to dismiss or change the guardian, but in reality, the ward is deprived of legal rights, so there is no way to make such a claim on its own.

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| **Recommend-ations** | **》**Replace the current adult guardianship system based on the substitute decision-making with the supported system decision-making that conforms to the Article 12 and the General Comment No. 1 of the UN CRPD.  **》** In accordance with the General Comment No. 1 of the UN CRPD, research exemplary cases of recognizing and respecting the legal rights of persons with disabilities and equality before the law, and make every effort, including enacting relevant laws, to institutionalize the supported decision-making.  **》**Prepare human and material resources so that guardianship supervision can be faithfully performed by an independent agency of guardians and guardianship corporations. In the process of appointing and dismissing a guardian, and in guardianship activities, take practical measures to reflect the will of the ward. Monitor the guardians’ illegal acts and infringement of the rights of the ward.  **》**Provide systematic compulsory education on the rights to self-determination, equal recognition before the law and the mechanism of the supported decision-making of persons with disabilities for judges, public officials and social workers. |

**ARTICLE 13. Access to Justice**

**25. Insufficient guarantee of access to justice for persons with disabilities at the police investigation stage**

•The Korean government reported only the current status of guarantee of access to justice by the prosecution and the court in the reply on Article 13, but the rights especially for persons with intellectual, autistic and psychosocial disabilities are not assured during the police investigation including the initial response.

•In accordance with the Act on Guarantee of Rights of and Support for Persons with Developmental Disabilities, an exclusive investigator system for persons with intellectual and autistic disabilities is in operation, but in fact, the cases are not assigned to prosecutors exclusively in charge, and the prosecutors have little expertise and change their positions frequently, resulting in frequent change of prosecutors exclusively in charge without ever coming into contact with persons with disabilities.[[46]](#footnote-46)

•Persons with psychosocial disabilities under acute condition of mental illness are being arrested or detained, being driven into criminal suspects, but no assistance is provided by the assistants or lawyers. Persons with intellectual or autistic disabilities can get supports from assistants and court-appointed lawyers according to the Act on Guarantee of Rights of and Support for Persons with Developmental Disabilities, but not for persons with psychosocial disabilities.

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| **Case** | •In May 2021, a person with autistic disability muttered something to himself while waiting his family on the street, but got reported by a passerby who mistakenly thought that he was threatening him. The police officer dispatched to the site arrested the person with disability in the act, and forcibly took him to the police station with back handcuffs and charged him with the violation of the Immigration Control Act by misunderstanding him as a foreigner due to his difficulties of communication.[[47]](#footnote-47) |

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| **Recommend-ations** | **》**Identify persons with disabilities, especially persons with intellectual, autistic and psychosocial disabilities, in the initial response stage of investigation, and improve the investigation manual for persons with disabilities so that authorities can act and respond properly.  **》**Include educations on response and support for persons with disabilities in the regular curriculums and recruitment examinations for police officers to be mandatorily educated.  **》**Implement systematic improvement measures such as providing education, training, extending the period of assignment to a position, and giving incentives, for the effective operation of the exclusive investigator system for developmental disabilities, and continuously strengthen the professionality of police officers by forming an exclusive department or team rather than an individual exclusively in charge. |

**26. Insufficient education for workers in judicial bodies and judicial assistance for persons with disabilities with no legal effect**

•With regard to the education responded by the government in #71 of the national report, it is nothing but education to improve awareness of the positive understanding of persons with disabilities, and the practical education and training reflecting the legal rights and the access to justice, convenience provision for different types of disabilities, the investigation by types of disabilities and assistance measures in the judicial proceedings, and the UN CRPD and the Act on the Prohibition of Discrimination against Persons with Disabilities, Remedy against Infringement of Their Rights, Etc., are not being implemented.

•The Guidelines for Judicial Assistance for Persons with Disabilities published by the court still do not have a regulatory authority despite the recommendation of the UN CRPD Committee.

•In 2015, the police abolished the ‘Duties Rule by Police Officers for the Protection of Human Rights’ and newly introduced the ‘Rule of Police to Protect Human Rights’, which does not include the provisions related to the human rights protection of persons with disabilities, showing regression of human rights issues for persons with disabilities than the past.

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| **Recommend-ations** | **》**Provide practical education and training reflecting the legal rights and the access to justice, convenience provision for different types of disabilities, the investigation by types of disability and assistance measures in the judicial proceedings, and the UN CRPD and the Act on the Prohibition of Discrimination against Persons with Disabilities, Remedy against Infringement of Their Rights, Etc., for judges, prosecutors and court officials.  **》**Include subjects such as the UN CRPD, the Act on the Prohibition of Discrimination against Persons with Disabilities, Remedy against Infringement of Their Rights Etc., investigations and trials, and the access to justice related to persons with disabilities into regular education courses for law school students and new police officers to complete those subjects mandatorily.  **》**Give legal effect to the Guidelines for Judicial Assistance for Persons with Disabilities and include details regarding the protection of human rights for persons with disabilities into the regulations related to investigations of the police and prosecutors. |

**27. Insufficient access to justice in the stage of execution**

•The Ministry of Justice operates a total of 9 correctional facilities dedicated to persons with disabilities, but this is not a sufficient number to accommodate all prisoners with disabilities which is over 1,500 (as of 2020), and support, programs and communication support for persons with intellectual and autistic disabilities are insufficient since convenience supports mostly designed for persons with physical disabilities. There are some statutory facilities in detention centers but disability convenient facilities such as accommodations, washrooms and shower rooms where individuals are staying in, are not sufficient.

•Prison officers are basically taking a disability awareness education, but there’s no detailed manual and relevant education by disability type. Therefore, in case of a specific problem of a certain type of disability, a prison officer deals with the case based upon his or her experience and knowledge. The Ministry of Justice prepared a ‘management manual for prisoners with mental disabilities’, and distributed it but nothing has been prepared for other types of disability.

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| **Recommend-ations** | **》**Review accessibility conditions in correctional facilities.  **》**Increase the number of correctional facilities that can accommodate persons with disabilities and take measures to ensure that prisoners with disabilities can be treated on a substantially equal basis to those without disabilities including facilities such as accommodations, toilets, and shower rooms.  **》**Prepare guidelines by type of disability at the stage of execution and educate prison officers, and guide prisoners with disabilities on their rights and available reasonable accommodations. |

**28. Improper medical treatment and custody of persons with intellectual and autistic disabilities**

•Intellectual and autistic disabilities are distinct from mental illness and they cannot be improved with treatment, but the Act on Medical Treatment and Custody bundles up intellectual disability, autistic disability and mental illness together as ‘mental disability’, which is subject to medical treatment and custody, and because of this, a lot of persons with intellectual and autistic disabilities are hospitalized in forensic psychiatric hospitals, which are a kind of mental healthcare hospitals. Regardless of the actual sentence, the period of the mental treatment and custody can be extended up to 15 years, and even there is a review procedure for a discharge from forensic psychiatric hospitals but procedural rights such as supports for decision-making, etc., are not yet guaranteed.

•As of 2020, a total of 1,016 prisoners are detained in forensic psychiatric hospitals, of which the number of persons with intellectual disabilities who are not subject to treatment is 84 (8.4%).[[48]](#footnote-48)There are no separate statistics for persons with autistic disabilities. Persons with intellectual and autistic disabilities hospitalized in forensic psychiatric hospitals require non-pharmacological treatments and programs such as language, cognitive and behavior therapies etc. except pharmacological treatment. But forensic psychiatric hospitals are not able to perform such treatment or programs due to insufficient budget. There are no medical personals in forensic psychiatric hospitals who have the expertise in intellectual and autistic disabilities.

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| **Case** | •A person with intellectual disability who had no mental illness history was sentenced to one and a half years in prison for the crime but was detained in a forensic psychiatric hospital for over 11 years. He continuously requested the termination of medical treatment and custody to the Medical Treatment and Custody Deliberation Committee but was rejected with no reason. With the help of the social worker of a welfare center for persons with disabilities where he visited and organizations of persons with disabilities, he filed a petition to the National Human Rights Commission in 2021, and the forensic psychiatric hospital released him immediately.[[49]](#footnote-49)  •A person with autistic disability was sentenced to one and a half years in prison for the crime but was detained in a forensic psychiatric hospital for over three years and there were no programs or other treatments other than taking medicine. And this made his health deteriorated as well as his autism worsened during the period of medical treatment and custody. With the help of organizations of persons with disabilities, the person with autistic disability filed a lawsuit with the court, and then the forensic psychiatric hospital released him immediately.[[50]](#footnote-50) |

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| **Recommend-ations** | **》**Revise the Act on Medical Treatment and Custody for persons with intellectual and autistic disabilities who have not mental illnesses, not to be target of medical treatment custody, and immediately discharge persons with intellectual and autistic disabilities who do not need treatments from forensic psychiatric hospitals.  **》**Improve the treatments of persons with intellectual and autistic disabilities in forensic psychiatric hospitals and secure proper non-pharmacological treatments and programs for them.  **》**Ensure the procedural rights for persons under the medical treatment and custody during the process of disposition, extension, and termination deliberation of the medical treatment and custody, and provide all necessary supports such as providing personal assistants and decision-making supports etc. |

**ARTICLE 14. Liberty and Security of the Person**

**ARTICLE 15. Freedom from torture or cruel, inhuman or degrading treatment or punishment**

**29. Act depriving persons with disabilities of their freedom and deceptive consented hospitalization**

•The Korean government maintains involuntary hospitalization of persons with mental disabilities depriving of their freedom on the ground of disability. Involuntary hospitalization encompasses protective hospitalization done by a legal guardian and administrative hospitalization done by the head of a city, and the government reported that the requirements for involuntary hospitalization are strengthened, but it is possible for medical personals to judge arbitrarily cases such as risk of self-injury or others to be injured’ and the necessity of hospitalization’ Despite the decision of inconsistency with the Constitution by the Constitutional Court,[[51]](#footnote-51)saying the requirements for hospitalizations are unclear, but still there is no specific regulation on ‘the necessity of hospitalization’.

•National report #83 says that the rate of voluntary hospitalization after the enforcement of the 「**Act on the Improvement of Mental Health and the Support for Welfare Services for Mental Patients**」increased by more than double, but this is just a result of the establishment of consented hospitalization which is classified as the type of voluntary hospitalization. However, consented hospitalization makes it possible to be hospitalized by his or her wills but difficult to be discharged without consent of the guardian, which is involuntary hospitalization disguised as voluntary hospitalization. Actually, most of the increment in voluntary hospitalization falls under consented hospitalization.

•As of 2020, there are 20,710 patients are hospitalized involuntarily, accounting for 33.6% of the total number of 62,702 hospitalized patients. However, the government classifies involuntary hospitalization as voluntary hospitalization. And the number of consented hospitalizations which is actually illegal involuntary hospitalization detouring the requirements of involuntary hospitalization is 13,443 and by adding this number, involuntary hospitalization reaches up to 56%.

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| **Recommend-ations** | **》**Completely abolish involuntary hospitalization that deprives the freedom of persons with disabilities on the ground of disability including legal guardian hospitalization and consented hospitalization. |

**30. No pre and post remedial procedure and monitoring instrument when forced hospitalization in mental healthcare hospitals**

• Regarding re-remedial procedures for persons with mental disabilities who are wrongfully under the risk of forced hospitalization, the national report #82 and #84 says that the opinions of patients can be reflected in the treatment process by introducing the support system, but the support system is now being operated just as a pilot project and not legislated. Also, it is being operated as a simple peer counselling program rather than assisting actual process of admission and discharge. From December 2018 to June 2020, there were total 200 cases for 1 and 6 months and the number of assistants were only 25, and the number of cases leading discharge due to the results of the support system was zero.[[52]](#footnote-52)

•The national report #87 replies that it is possible to pursue a remedy against the deprivation of freedom through remedial measures, but it is almost impossible for those with disabilities hospitalized to access such measures by themselves, and currently there’s no official advocacy system to help persons with disabilities who are deprived of their freedom.

•The national report #88 says that the assessment index applies to protect patient’s rights and interests when evaluate and certify mental healthcare institutions, but this is just a formal index to evaluate the institutions and does not investigate all cases of the deprivation of freedom, which means the recommendation by the UN CRPD committee has not been implemented.

•The national report #89 says that the Korean government conducted a special inspection on a mental healthcare hospital and reviewed human rights conditions at a mental health enhancement facility of the hospital in Gyeonggi-do. But this has no meaning since the government conducted a special inspection to a certain mental healthcare hospital with a separate reason apart from the human rights conditions, and did not report the result of inspection to the UN CRPD Committee.

•The Hospitalization Suitability Examination Committee mentioned in the national report #80 and #96 is operated at national mental healthcare centers and is a non-permanent organization that has no independency composed of members from outside, and is hard for members who can represent persons with mental disabilities to be participated, and has no manpower support like a decision-making support during examination. As for the rate by occupation in the composition of the committee, health professionals account for the most at 22.2%, followed by mental healthcare specialists at 18.2%, professors at 15.8%, and lawyers at 12.5%, which mainly experts occupy the committee.[[53]](#footnote-53)

•No procedure to object the decision of the committee is available, and face-to-face examination is not ensured, and spending very short time for the document review, which is ineffective and just a formal examination procedure. The Committee is just a post-corrective measure after the hospitalization, and there’s no procedure to be remedy in advance. This is against the decision ruled by the Constitutional Court.[[54]](#footnote-54)After revising the ‘Act on the Improvement of Mental Health and the Support for Welfare Services for Mental Patients’ until the end of August in 2019, the Committee reviewed 44,279 cases for 1 year and 3 months, but there were 663 cases that had been decided to leave or discharge from hospitals, accounting for only 1.5%. Also, only 10,172 (23%) cases were examined in a face-to-face way despite the principle of face-to-face examination.[[55]](#footnote-55)

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| **Recommend-ations** | **》**Legislate the ‘procedural assistant system’ to ensure the decision-making supports and procedural rights during hospitalization and discharge, and provide it to all patients hospitalized in mental healthcare hospitals as pre- and post-remedial measures.  **》**Prepare an advocacy system so that persons with disabilities who have experienced deprivation of their freedom can be easily accessible to remedial measures such as the system of protection of personal liberty.  **》**Investigate all cases of deprivation of freedom of persons with disabilities and support all possible measures including legal aids, discharge supports, independent living in the community, if suspicious cases are found.  **》**Improve the organization and operation of the Hospitalization Suitability Examination Committee to include at least one member who can fight for objection proceedings and for persons with disabilities. And make efforts to introduce an independent permanent examination mechanism. |

**31. Continuation of forced treatment including forced treatment, isolation and restriction etc. and serious rights violation in closed wards**

•In Article 75 of the Act on the Improvement of Mental Health and the Support for Welfare Services for Mental Patients, for the purpose of medical treatment or care, the psychiatrist can isolate the patient or impose a physical restraint to the patient. The Guideline of Mental Health Projects(2018) [[56]](#footnote-56)announced by the Ministry of Health and Welfare allows to perform arbitrary isolation and forced treatments including reasons not stipulated in the Act such as ‘case of damaging treatment programs or wards environment significantly’, ‘behavior therapy’ and ‘patient’s consent’ etc.

•Poor human rights conditions of closed wards of mental healthcare hospitals have not been improved yet. Without a doctor’s permission, phone calls, visits, and correspondence are restricted and violence and inhumane treatments by guardians and medical staffs continues. It is reported that private mental healthcare hospitals pursuing for profits use persons with disabilities illegally to earn money.

•Act on the Improvement of Mental Health and the Support for Welfare Service for Mental Patients stipulates that the police or 119 rescue teams can transport patients in case of emergency and a doctor’s note should be submitted for the hospitalization, however, in most cases, private rescue teams transport first-aid patients and hospitalize them without a doctor’s note. Most cases of human rights violation occur while transporting by private rescue teams and if patients resist against forced transport, they are considered to be at risk of injuring themselves or others and then forcibly hospitalized in closed wards.[[57]](#footnote-57)

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| **Case** | •In a mental healthcare hospital, a patient was isolated into a cell and tied up for stealing other’s cigarettes. This patient was hospitalized through consented hospitalization, but the handwriting of a signature on the admission form was not his own handwriting, and also the person who consented the hospitalization was not a person who has a legal right to do, making his admission procedure illegal. In the end, this case was end up with a human rights infringement by the National Human Rights Committee since isolation, restriction against him and hospitalization procedure were wrongful[[58]](#footnote-58)  •A person with psychosocial disability who was hospitalized for self-injury, suffered an injury on his wrist burst due to forced restriction during his hospitalization. While waiting for the COVID 19 test result, he had been isolated for 72 hours. There was a CCTV installed in a separation room without a toilet, the hospital forced him to relieve himself in the plastic bin and this had been recorded directly. The hospital did not clean his discharges and let him have a meal in the same space. This case was also decided as a human rights violation by the National Human Rights Commission.[[59]](#footnote-59) |

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| **Recommend-ations** | **》**Monitor effectively the human rights infringement in the process of admission and discharge, during hospitalization and in treatment; and prepare an independent monitoring system which can defend the rights of persons with disabilities.  **》**Improve the human rights conditions of mental healthcare hospitals to fully enjoy rights ensured under the Convention such as rights of self-determination, of accessibility, to access to information, of freedom of privacy and to enjoy cultures.  **》**Improve the system for emergency hospitalization and its transport to be possible only through the public medical system, not by the private hospitals or private emergency services. |

**ARTICLE 16. Freedom from Exploitation, Violence, and Abuse**

**32. Continuous exploitation of labor of persons with disabilities and insufficient punishment for perpetrators**

•There are continuous cases of long-term labor exploitation and abuse of persons with disabilities in local communities including persons with unregistered borderline disabilities. In particular, many incidents occur in rural areas such as salt farms, cattle sheds, fish farms, and agriculture farms. And due to the lack of understanding of the local community that most of the labor force of persons with intellectual disabilities is not recognized as a general labor relationship, persons with disabilities have been experienced exploitation and abuse for several decades. However, perpetrators related with exploitation and abuse have not been punished appropriately.

•The case so-called ‘Salt Farm Slavery’ reported by NGO at the time of the 1st national report review, was a case of human trafficking for forced labor that at least 100 persons with intellectual disabilities were exploited their labor like slaves for as long as several decades in Shinan, Jeollanam-do located in the southwest region of Korea.[[60]](#footnote-60)Among perpetrators, upon the result monitored by organizations of persons with disabilities, 15 cases were not be punished by being sentenced to probation or acquitted out of 21 confirmed cases of criminal judgment, and except for 1 case where attempted murder was admitted and sentenced to 5 years in prison out of 6 cases, the sentence ranged from 1 year to a maximum of 3 years and 6 months of imprisonment. Most of the victims were not able to receive helps from lawyers, and there were only a few cases where the perpetrators were punished, and victims were compensated. There were some cases of victims who went back where they came from with no help.[[61]](#footnote-61)

•Notwithstanding the shock of the ‘Salt Farm Slavery’ case in 2014, the government has failed to respond the situation properly. The environment around salt farms in Shinan area is changed very little, and there is another case of a victim escaping from a salt farm, asking for help recently.

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| **Case** | • In October, 2021, a person with intellectual disability who had been exploited for 7 years at a salt farm located in Shinan, escaped and presented a petition with the help of his family to the Ministry of Employment and Labor, but he could not receive proper help during the investigation, and the case was closed with KRW 4 million of compensation, far less amount than the actual amount he should receive. Afterward, the police investigated the salt farm owner and arrested him accused by organizations of persons with disabilities, and the Ministry of Employment and Labor reinvestigated the case and recognized overdue wages worth KRW 87 million. The perpetrator was sentenced to imprisonment for labor exploitation of persons with disabilities and even put behind bar in 2014. In the survey belatedly conducted by the local government, additional suspect cases were found, and another 2 victims escaped from the salt farm and asked for help, afterward.[[62]](#footnote-62) [[63]](#footnote-63) |

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| **Recommend-ations** | **》**Improve the awareness and practice of investigation authorities and judiciaries giving the perpetrator exploiting the labor of persons with disabilities leniency, and strengthen relevant acts and systems to promise strict punishment on perpetrators and to provide long-term and systematic assistances to victims.  **》**Regularly monitor forced labor situation by establishing a cooperation system between the police, the Ministry of Employment and Labor, local governments, and an advocacy agency for persons with disabilities, and provide comprehensive supports for victims with disabilities including the provision of shelters and support for independent living after leaving the shelter. |

**33. Lack of support for victims with disabilities**

•In the reply on the Article 16 of the CRPD, the Korean government emphasizes the nationwide installation of the ‘Advocacy Agency for Persons with Disabilities’ and ‘shelters for victims with disabilities’ but the lack of budget and infrastructure makes the said agencies and shelters face great difficulties. In some regions, there are only two or three counselors in charge of all cases occurring in a metropolitan government with a population of 2,000,000, which makes victims of abuse difficult to get a proper support, and sometimes many of victims cannot leave the site of crime since there are no shelters to access immediately, and there is only one shelter in operation considering gender across the nation.[[64]](#footnote-64)

•After leaving the shelter, assisting victims for their independence is not being provided well, making victims enter residential facilities or even return to the site where they were suffered. As of 2019, only 17.6% of victimized persons with disabilities were self-reliant after leaving, 27.9% were admitted to residential facilities, and even 41.2% returned to the original site.[[65]](#footnote-65) Particularly, in the case of those who experienced abuse during their stay in residential facilities, 95% of them just moved to other facilities or returned to facilities where they were abused.[[66]](#footnote-66)

•In Korea, there are counseling centers and shelters not only for persons with disabilities but also for children, the elderly, victims of domestic and sexual violence, as well as for victims of violent crimes. However, these counseling centers and shelters fail to provide accessibility for persons with disabilities. No convenient facilities for persons with disabilities are installed at shelters. Therefore, victims of persons with intellectual, autistic, and psychosocial disabilities are reluctant to access there. Also, accessibility of persons with disabilities to these support institutions for victims of violence is not monitored.

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| **Recommend-ations** | **》**Increase the budget and manpower of the Advocacy Agency for Persons with Disabilities and the shelters for victims with disabilities, and reduce the regional variations.  **》**Take measures for victims for independence supports and post monitoring including incomes, residences and welfare services after leaving the shelters, and prevent discharged victims from reentering the shelters.  **》**Monitor accessibility of persons with disabilities and strengthen professionality such as training of workers and recruiting specialists etc., so that all support systems for victims of violence can encompass victims with disabilities. |

**ARTICLE 17. Protecting the Integrity of the Person**

**34. Mother and Child Health Act permitting induced abortion operations with the consent of the family or guardians.**

•Pursuant to the Article 14 of the Mother and Child Health Act, in case of a woman herself or her spouse suffers from any eugenic or genetic mental disability or physical disease, she may be allowed to get an induced abortion operation, and in this case, it is regulated that if it is impossible to express his or her intention due to any disability, the consent by a person with parental authority or guardian is required, and if there’s no person with parental authority or a guardian, the consent by a person who is liable to support her or him is required (paragraph 3).

• In January 2021, Korea has abolished the crime of abortion by the decision of the constitutional court, therefore abortion is not crime any more. But because of this change, concerns are raising regarding abortion will increase more against the will of a person with disability or through substitute decision-making. So, it is necessary to legislate to prohibit reckless abortion.

•but its improvement legislation has not been proposed yet, so it is necessary to legislate to prohibit abortion against the will of a person with disability or through substitute decision-making.

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| **Recommend-ations** | **》**Abolish the Article 14 (3) of the Mother and Child Health Act allowing induced abortion operations by the substitute decision-making, and prepare alternative legislation to ensure self-determination and reproductive rights of persons with disabilities. |

**35. Lack of status survey on cases of forced sterilization and force abortion operations**

•Forced sterilization is prohibited by law, but it is an open secret that forced sterilization and forced abortion are being operated by parents or in some institutions.[[67]](#footnote-67)The UN CRPD Committee was concerned about the absence of the information on the investigation into the issue of forced sterilization in the initial report review and recommended conducting the investigation on the cases of forced sterilization, but the recommendation has not been implemented, and also the measures to prohibit forced sterilization and forced abortion have not been made.

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| **Case** | • There is a suspicion raised about forced sterilization operations performed on women with disabilities in residential institutions for persons with disabilities. After the birth of a baby born between a mail resident, the chief of the institution conducted operations to her along with other 6 women with disabilities without their consents. Contraceptive devices should be replaced every 5 years, but are not properly managed.[[68]](#footnote-68) |

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| **Recommend-ations** | **》**In the regular survey, investigate the cases of forced sterilization operations performed in institutions and homes by including forced sterilization, and take measures to prohibit such performances. |

**ARTICLE 18. Liberty of Movement and Nationality**

**36. Prohibition of entry against persons with psychosocial disabilities without an assistant**

•In the reply to #106, the Korean government explains that the purpose of Article 11 (1) 5 of the Immigration Act is to prohibit the entry of persons with mental disabilities lacking the capacity for judgment and without a person who can provide assistance for their activities during their stay in Korea to ensure the minimum safety of those with mental disabilities and others. However, this is nothing but discrimination creating prejudice against a person with psychosocial disability and is also highly likely to be interpreted arbitrarily.

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| **Recommend-ations** | **》**Abolish Article 11 (1) 5 of the Immigration Act restricting the freedom of movement of persons with psychosocial disabilities. |

**ARTICLE 19. Living Independently and Being Included in the Community**

**37. Serious institutionalization and unsolved state-led forced hospitalization**

•The total population of Korea in 2020 is estimated to be 51,700,000, and about 2,630,000 people are registered as persons with disabilities, accounting for 5% of the total population. There are 29,086 persons with disabilities living in designated institutions for persons with disabilities under the Act on Welfare of Persons with Disabilities, 62,702 people in mental healthcare hospitals 10,000 people in mental healthcare institutions, 7,400 people, mostly persons with disabilities, in institutions for the homeless and around 2,500 people in self-reliance support facilities for the homeless. Apart from persons with disabilities living in welfare facilities for the elderly, welfare facilities for children, nursing homes, shelters, and unregistered facilities, there are more than 100,000 people accommodated in institutions other than in the local communities.

•There were victims who were forced to be hospitalized collectively led by the government of military dictatorship in the 1970s and 1980s and most of them were persons with physical and psychosocial disabilities. Some of the facilities were closed due to the infringement of human rights but most of them are still operated legally in the form of ‘institutions for the homeless’ or ‘self-reliance support facilities’, and the main operators of such institutions have made a new facility called‘ mental healthcare institution’, and have accommodated persons with psychosocial disabilities for decades.

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| **Case** | •Hyongje Welfare Institution’ case is the most well-known case among forced detention cases that occurred in Korea.[[69]](#footnote-69)In the 1970s and 1980s, around 3,000 people were detained in the institution and were harassed by forced labor, beatings, sexual violence, etc., and as many as 500 persons were confirmed to be dead during this period. The institution was currently closed, and operators were punished, but there are still 6,400 people lived in other institutions established at the same time with the same background. Also, many persons with disabilities live in these facilities for homeless people, and persons with disabilities living in these facilities endure hard living conditions poorer than institutions of persons with disabilities.  •Charity House of the Youngbo established by Seoul city is the facility for homeless women built in 1980. Out of 329 residents, there are 265 people registered as persons with disabilities, 115 persons with psychosocial disabilities and 135 persons with intellectual disabilities. Its forced detention cases at the time of its establishment, were revealed by civilians who participated in the inspection on Human Rights Conditions in 2018. The residents said, “I was taken away by the police in the 80s and lived in a tent, and then was transferred here when ‘Charity House of the Youngbo’ was built in 1985.”, and “I was caught here while wandering a bit after arriving at the Seoul station to visit my sister’s house in Seoul from Busan.”, and the informants filed a petition to the Truth and Reconciliation Commission with the help of organizations of persons with disabilities.[[70]](#footnote-70)  • In 2016, Daegu Hope Village, an accommodation facility for the homeless in Daegu, was revealed its case of human rights abuse and corruption scandals in a large-scale including assault, forced labor, human rights abuse, embezzlement, and extortion.[[71]](#footnote-71) |

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| **Recommend-ations** | **》**Improve the deinstitutionalization roadmap for all types of persons with disabilities including persons with psychosocial disabilities to be effectively deinstitutionalized from all types of institutions such as mental healthcare hospitals and mental healthcare facilities so that they can live independently in the local community and take measures for persons with disabilities to live in the local community in the near future.  **》**The Investigate and reveal the truth of the forced hospitalization perpetrated against persons with disabilities led by the state and compensate the victims, while closing institutions and supporting residents for their independency by establishing policy-level plans of deinstitutionalization and independent living. |

**ARTICLE 20. Personal Mobility**

**38. Poor mobility environment for persons with disabilities**

•The overall satisfaction rate on mobility convenience facilities for persons with disabilities in Korea is 60.7 points, significantly lower than those of other mobility vulnerable such as the elderly (79.0%) and pregnant women (78.5 points). Especially the satisfaction rate on the pedestrian environments is the lowest with 52.3% points.[[72]](#footnote-72)Upon the survey result of civil complaints on mobility convenience facilities posted in the public petition, walking movement accounts for 73.6%, the most, out of 932 cases.

•There were 102,000 people with electric assistive devices as of 2017,[[73]](#footnote-73)a fivefold increase in 10 years, however, there is serious corrugation on the sidewalk due to blocks broken or sank, and different managing bodies, such as the Ministry of Land, Infrastructure, and Transport, the Ministry of Health and Welfare, and different local governments, depending on the type of facility where the sidewalk is installed, which are making it difficult to manage in an integrated way.

•In the 「Sidewalk Installation and Management Guideline」, the effective sidewalk width should be at least 2m or 1.5m when it is inevitable, but this is not observed. Due to the poor sidewalk environment, 37.3% of people with assistive devices used the road, and 8.4% used bicycle paths.

•It is urgent to repair braille blocks guiding the paths to visually impaired persons. If a telephone pole is installed on the braille block or the block is facing the middle of the road rather than a crosswalk, visually impaired persons can be under threat, and also unqualified braille blocks are left unattended without replacement.[[74]](#footnote-74)

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| **Case** | •In February 2019, a person with disability driving on the road in an electric wheelchair with his mother was hit by a taxi, and his mother died and the wheelchair user was also seriously injured.[[75]](#footnote-75)In December 2019, an electric wheelchair user was hit by a truck and dead at the crossroads in Busan.[[76]](#footnote-76)Although the sidewalk environment is so poor that the risk of driving on the road is continuously increased, there is no improvement. |

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| **Recommend-ations** | **》**According to the guideline required by acts, monitor the sidewalk environment such as the width, slopes, bumps, obstacles, etc., with the participation of persons with disabilities and their organizations for those who use wheelchairs or have difficulty in walking, to access safely and conveniently and improve, maintain and manage sidewalks. |
|  | **》**Conduct a complete investigation on the conformity of braille induction blocks and immediately replace faulty ones that fall short of the standard. Monitor, maintain, and manage it on a regular basis with the participation of persons with disabilities. |

**ARTICLE 21. Freedom of Expression and Opinion, and Access to Information**

**39. Ineffective Korean Sign Language Act and Braille Act**

•Even though the「Korean Sign Language Act」was enacted and has been implemented, and the ‘Korean Sign Language Development Masterplan’ has been established and operated every year, the use of sign language in daily lives such as education and employment is still not common and facing difficulties. Currently, a ministry who is responsible for the Korean Sign Language Act and a ministry who is responsible for the implementation of sing language interpretation policy are different, which cause confusion.

•The「Braille Act」currently in force only prescribes general principles, and does not have enforcement power, and cannot govern private sectors, and is not effective with no specific implementation plans pursuant to the said Act. Braille is hardly found in daily lives such as purchasing home appliances, household goods, and medicines, and in places where it is needed for education and cultural life.

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| **Case** | •The installation rate of convenient facilities of braille in 203 Community Service Centers nationwide, which are public facilities, is only 29.0%.[[77]](#footnote-77)  •Upon the result of survey conducted by Korea Pharmaceutical and Bio-Pharma Manufacturers and Korea Pharmaceutical Traders Association, there were only 70 to 80 items of domestically approved pharmaceutical products as of 2017 with braille labels in Korea, accounting for 0.2% of the total 39,803 items. |

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| **Recommend-ations** | **》**Strengthen the「Korean Sign Language Act」and the「Braille Act」being left after their declaration, to enhance mandatory regulations in all public areas and reinforce progressive mandatory regulations in private sectors.  **》**The Strengthen the central government assistances by adopting vouchers for hearing-impaired persons to use sign language interpretation services in their daily lives, and tighten the linkage between policies and the ministries. |

**40. Lack of accessibility to broadcasting and Internet TV**

•In 2020, 107 (81.0%) broadcasting business operators out of 132 have achieved the goal of compulsory programming quota for persons with disabilities, and this is down from the year of 2017 (96.1%). And looking at the qualitative side, there are serious problems such as subtitle transmission errors or typos etc. Some of the media never programmed a descriptive video service.[[78]](#footnote-78)

•Korea Communications Commission aims at inserting closed captioning into all programs, but its target rate is very low with 10% for descriptive video service and 5% for sign language interpretation broadcasting. Besides, this target is not applied to reruns and overseas contents.

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| **Recommend-ations** | **》**Increase the target rates of the descriptive video service and sign language interpretation of broadcasting allocated to broadcasting business operators and take measures to improve program quality by preparing a monitoring or evaluation system, etc.  **》**Increase the programming rate of broadcast for persons with disabilities on the latest and popular contents, and make it mandatory to ensure accessibility of non-real-time broadcasts such as VOD and OTT. |

**41. Absence of policies of plain language considering persons with intellectual and autistic disabilities**

•The National Library for the Disabled made a development guideline of easy-read book for persons with developmental disabilities, however, it has no legal validity, and the copyrights law does not contain any information of data conversion tailored to persons with intellectual and autistic disabilities such as contextual and accessible information. And no standardization is made considering severity, characteristics, and ages of persons with disabilities.

•As there is no national policy on plain language, persons with intellectual and autistic disabilities are being treated as if they do not exist in all areas such as mobility, use of public transportation, purchase of goods and use of services, medical treatment, and culture, etc., and even they are marginalized from community participation.

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| **Recommend-ations** | **》**Specify and implement details on data conversion and its reproduction of contextual and easy-to-understand information etc., regarding persons with intellectual and autistic disabilities in the copyrights law.  **》**The Standardize disability severity, disability characteristics, and ages, and reflect them into the contents guidelines of broadcasting production for persons with intellectual and autistic disabilities.  **》**Establish and implement a consistent and comprehensive national policy regarding the facilitation and mandatory provision of plain language. |

**ARTICLE 23. Respect for Home and the Family**

**42. Support obligation imposed on a family and lack of assistance for a family**

•Children with disabilities account for 4.17%[[79]](#footnote-79)of children subject to protection meaning children who have no protectors or whose protectors are unsuitable for, or incapable of, rearing them, which constitutes a very high proportion compared to the 0.98%[[80]](#footnote-80) of children with disabilities out of the total number of children. There is a Central Support Center for Children with Disabilities operating to support families of children with disabilities, but there are none in the provinces. [[81]](#footnote-81)

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| **Case** | •On May 23, 2022, a mother in her 40s was found dead after jumping off her apartment in Seoul with her 6-year-old child with disability.[[82]](#footnote-82)  •On March 2, 2022, a mother in her 40s killed her 8-year-old child with disability on the day of elementary school entrance ceremony in Suwon, Gyeonggi-do. She was going through hardships as a single parent.[[83]](#footnote-83)  •On March 2, 2022 a mother in her 50s strangled her 20-year-old daughter with developmental disability to death in Siheung, Gyeonggi-do. She was a patient of terminal cancer and had been taking care of her daughter by herself after divorcing her husband. [[84]](#footnote-84)  •In December 2020, a person with intellectual disability in his 30s was found by a private social worker while begging with a sign saying ‘My mom died of paralysis. Please help’. In the house of the person with intellectual disability, the severely decomposed dead body of his mother in her 60s who had been dead for more than 5 months, was found.[[85]](#footnote-85) |

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| **Recommend-ations** | **》**Provide realistic allowances for children with disabilities for their equal growth and education.    **》**Provide sufficient assistance tailored to specific individual circumstances such as children with severe disabilities, single-parent families, or a case of a family that has someone who cannot take care of a children with disability due to illness or old age, etc., and to this end, expand support centers for children with disabilities by region. |

**43. Adult guardianship system depriving persons with disabilities of their rights to form a family**

•In accordance with the Article 808 of the Civil Act, the consent of adult guardians is required for adult wards to get married. Also, their divorce (Article 835), affiliation (Article 855), adoption (Article 873) and dissolution (Article 902) are required with the consent of adult guardians, which deprive persons with disabilities of their rights to form a family.

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| **Recommend-ations** | **》**Abolish the current adult guardianship system which infringes on the formation of a family such as marriages, affiliations, divorces, adoptions and dissolutions etc. of persons with disabilities, and introduce a supported decision-making system. |

**ARTICLE 24. Education**

**44. Visual and hearing-impaired students and infants and children with disabilities isolated from education**

•In the national report #137, the Korean government says the number of special education support centers specialized in visual- and hearing-impaired students were expanded up to 40, but the centers do not for students with multiple disabilities (deaf-blindness), instead only for visual- or hearing- impaired students.

•The Article 3 of the 「Act on Special Education for Persons with Disabilities」 stipulates that compulsory education should be provided for children from three years of age and also says special education teachers and caring teachers for infants and children with disabilities must be stationed in daycare centers until March 1, 2018. As the daycare centers are supervised by the Ministry of Health and Welfare, not by the Ministry of Education, budget is very limited compared with preschools supervised by the Ministry of Education, which leads not to hire enough number of special education teachers and caring teachers for infants and children with disabilities prescribed in the Act.

•The government has a plan to expand special education teachers only in preschools, which means that infants and children with disabilities who needs early proper intervention and education do not receive proper education.

•As much as 11% of infants and children with disabilities who have applied to go to daycare centers failed to be accommodated in the centers, because daycare centers for infants and children with disabilities are insufficient.

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| **Recommend-ations** | **》**The Develop proper education programs and supporting measures for students with multiple disabilities of deaf and blindness and also provide supports for them from a special education support center.  **》**Improve support status for infants with disabilities in daycare centers to the level of that of preschools and also increase the number of special education and caring teachers for infants with disabilities in accordance with the Act. |

**45. Insufficient inclusive education and lack of special education assistants**

•In 2021, the number of special education subject was 98,145, among them, 27,027 were attended at special schools, 54,266 were at special class in general schools and 16,600 were at general class in general schools, which means separate education is conducted not inclusive education.[[86]](#footnote-86)

•As inclusive education has not been ensured, the parents have no choice but to send their children with disabilities to special schools, but the schools are not sufficient with overcrowded classes.[[87]](#footnote-87)Under this circumstance, additional establishment of special schools is suggested as an alternative, but this is against the policy of inclusive education and the establishment of special schools is not easy due to opposition of local residents.[[88]](#footnote-88)

•There is a severe shortage of special education assistants. The number of students who need special education at a general class in general schools is 16,600, but the number of special education assistants is only 269, which means that one assistant covers 62 students. [[89]](#footnote-89)Also, as regional variations is very severe, as of 2019 one assistant covered as much as 1,125 students in Incheon city.[[90]](#footnote-90)This is the main reason why it is difficult to realize practical inclusive education in reality.

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| **Case** | •In 2017, when Gangseo-gu, Seoul city had a plan to establish a special school, local residents objected the plan saying ‘the school is an unpleasant facility’, and parents of children with disabilities kneeled down to request the establishment of the school. After succeeding in persuading local residents, a special school was established for the first time in 17 years in Seoul city.[[91]](#footnote-91) |

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| **Recommend-ations** | **》**Abolish separate education policy such as the establishment of additional special schools and special classes and also expand budget, manpower and infrastructure as well as train teachers for inclusive education to educate children with disabilities in general classes of general schools.  **》**Increase the number of special education assistants in general schools dramatically and strengthen their expertise to provide individualized supports considering disability type based on human rights and education rights of students with disabilities and the UN CRPD. |

**46. Persons with disabilities excluded from the violence response system inside schools**

•As of 2019, the number of violence case against students with disabilities in general schools for five years was 1,893 and the number of victimized students was 1,914. The number of the victims increased by 4.6 times from 147 in 2014 to 677 in 2018. [[92]](#footnote-92)

•In case of violence occurrence in schools, a deliberative committee to deal with school violence will be held based on the ‘Act on the Prevention of and Countermeasures against Violence in Schools’. But inside the committee, there is no person who has understanding or represents students with disabilities. No system to support students with disabilities and families who experienced violence’s in schools has been established.

•On the other hand, when a student with disability assault a teacher, a teacher rights protection committee will be held, but also inside the committee, no person who has understanding or represents students with disabilities is included. Even there are some cases where students with disabilities and their parents have been punished on the allegation that they infringed teacher’s rights in the process of filing complaints with the schools.

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| **Case** | •Eight years old child with severe autistic disability was abused by a teacher and a public service worker and aggressors were convicted but the student with disability was also punished in the reason of infringement of teacher’s rights because the student hit the teacher. [[93]](#footnote-93)  •Amid a special education teacher has been under investigation by the police on charge of physical violence against children with disability in a special class, when parents of the children complained to the school, a teacher rights protection committee decided the complaint as the infringement of teacher’s rights.[[94]](#footnote-94) |

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| **Recommend-ations** | **》**Educate teachers, assistants and students to prevent violence against students with disabilities and take support measures to protect students with disabilities and families who experienced violence.  .  **》**In case of deliberation of school violence related with students with disabilities, participations of a member who is able to represent students with disabilities and also an assistant and a guardian to ensure statement rights of students with disabilities must be guaranteed in the deliberative committee to deal with school violence. |

**ARTICLE 25. Health**

**47. Article 732 of the Commercial Act prohibited persons with disabilities from subscribing to a life insurance**

•In national report #152, the Korean government reported that it amended Article 732 of Commercial Act for persons with mental disabilities with decision-making capacity to join a life insurance policy. But still the government does not amend paragraph of ‘an insurance contract that designates the death of mentally unsound person, or mentally deficient person as a peril insured shall be null and void.’ and just add one condition of ‘the foregoing shall not apply where the mentally deficient person has mental capacity when entering into an insurance contract or becomes the insured of a group insurance. [[95]](#footnote-95)

•Under the current circumstances where no supported decision-making system is established, restricting legal capacity based on mental capacity is the violation of the UN CRPD and the General Comment No. 1.

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| **Recommend-ations** | **》**Abolish restriction for persons with disabilities to buy life insurance by amending the article 732 of the Commercial Act.  . |

**48. Poor operation of a physician- in-charge project**

•The ‘Act on Guarantee of Right to Health and Access to Medical Services for Persons with Disabilities’ was enacted (national report #155~157) but no detail guideline was made and the result of a physician-in-charge project for persons with disabilities is not sufficient. Accessibility to registered medical facilities is not sufficient and also work have been done for a home-visit medical treatment service and a disability-friendly medical check-up facility project.

•In 2021, three years after operating the physician-in-charge project, 1,146 persons with disabilities join in the project, which accounts for only 0.1% of targeted 984,965 persons with severe disabilities. And only 0.2% medical facilities and 0.08% physicians join in the project[[96]](#footnote-96)

•Bed-ridden disabled persons need special transportation means including an ambulance, but the ‘Act on Guarantee of Right to Health and Access to Medical Services for Persons with Disabilities’ does not have articles to support this. Therefore, they are not able to visit to hospitals in a right time due to high transportation cost and only 18% of hospitals participating in the physician-in-charge project install convenience facilities. So, persons with severe disabilities cannot access to a treatment room even they visit hospitals.[[97]](#footnote-97)

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| **Recommend-ations** | **》**Expand targeted persons with disabilities, hospitals and physicians who join in the physician-in-charge project based on the Act on Guarantee of Right to Health and Access to Medical Services for Persons with Disabilities, and take measures to apply effectively the physician-in-charge project to persons with severe disabilities living in the community including transportation to hospitals, accessibility to hospital buildings and medical equipment and training of medical personals.  **》**Establish a dedicated department to promote the physician-in-charge project, and reflect opinions of persons with disabilities and of organizations of persons with disabilities when evaluating and monitoring the project.  . |
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**49. Burden of high medical cost and lack of medical cost support**

•Medical cost of persons with disabilities is KWR 4,390,000 a year. This is 3.5 times higher than that of persons without disabilities with average KWR 1,250,000.[[98]](#footnote-98)Although six out of ten persons with disabilities can’t go to hospitals due to economic burden, only 34.1% of total persons with disabilities can receive medical subsides.[[99]](#footnote-99)

•Persons with disabilities arrive at hospitals lately in a bad health condition because of medical cost burden, therefore the average days of their hospitalization is 18 days which is 7.8 times higher compared with average 2.3 days of general public.[[100]](#footnote-100)

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| **Recommend-ations** | **》**Expand the number of persons with disabilities who are eligible to receive medical subsidies and put a upper limit on co-payment of medical cost to reduce burden of persons with disabilities. |

**ARTICLE 27. Work and Employment**

**50. Articles restricted and prevented qualification on psychosocial disabilities and persons who have guardians.**

•As of 2019, there are 453 disqualification articles restricted or prohibited persons with disabilities to be a public servant when they are under guardianship; to take various professional licenses; to be a chair, an executive, a staff and a cooperate member of a company, an agency and a foundation; and to apply license, registration and designation of businesses etc.[[101]](#footnote-101)Also there are at least over 100 cases limited qualification in rules, guidelines, job opening announcements and teacher recruitment announcements.

•28 acts prescribe psychosocial disabilities (mental patients, mentally unsound person or mentally deficient person) as disqualification reason in acquiring qualifications and licenses. And six acts including the ‘Mother and Child Health Act’ (License to establish and operate postnatal care businesses) completely prohibit giving qualification or license to persons with mental disabilities. Other acts prescribe mental disability as disqualification reason in principal, 17 acts including the ‘Public Health Control Act’ (Barber, beautician and sanitarian) permit exceptionally when a psychiatrist judges that a person with disability is able to perform business and also four acts including the ‘Road Traffic Act’ (Driving license) confirm disqualification condition when a doctor acknowledges possible dangerous condition[[102]](#footnote-102)

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| **Case** | •Intellectual disability ‘A’ who acquired a social welfare degree in 2020 appointed a limited guardian for lawsuit, but by reason of appointing a guardian, ‘A’ was rejected to get a license of social welfare worker under the Article 11-2 of the ‘Social Welfare Services Act’ (Grounds for disqualification) [[103]](#footnote-103)  •A public servant who has worked for 25 years in a prosecutor office was in coma caused by an accident and he got permission of the guardianship, but on the time of activating the guardianship, he was fired from the office based on the disqualification condition. Therefore, the application of a voluntary retirement was not accepted and also he had to return wages that he took during his leave of absence after the activation of the guardianship[[104]](#footnote-104) |

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| **Recommend-ations** | **》**After comprehensively investigating the laws and subordinate statutes that restrict the qualifications, license acquisition, and employment of persons with mental disabilities and those who have appointed guardians, abolish all of them collectively.  **》**Investigate the situation in which private companies and organizations have restrictions on obtaining qualifications and employment for persons with mental disabilities and persons who have appointed guardians, and call for abolition of the condition. |

**51. Continuous exclusion of persons with disabilities from minimum wage application**

•In the national report #162, the Korean government reports that it set up the system reform task force on the issue of exclusion of persons with disabilities from minimum wage application to improve the system. But the task force was finished without any result and it was concluded that it would be difficult to abolish or reduce the minimum wage system.[[105]](#footnote-105)

•The number of persons with disabilities who are excluded from minimum wage system has increased continuously from 7,006 in 2015 to 9,413 in 2018 and the level of wages has decreased from 48% of minimum wage in 2016 to 47.9% in 2017 and 45.3% in 2018. Some sheltered workshops (30 workshops, 5.4% of total) paid wage of below KWR 100,000 per month.

•The CRPD Committee in its Conclusion Observation on the 1st national report of the Korean government recommended that ‘the state party introduce a supplementary wage system to compensate those persons with disabilities who are excluded from the benefit of the minimum wage. But the Korean government did not take any measure to implement this recommendation.

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| **Recommend-ations** | **》**Delete the Article 7-1 of the Minimum Wage Act allowing exclusion of persons with disabilities from minimum wage application and provide supplementary wage to compensate the difference from the minimum wage before deleting the article 7-1 of the Minimum Wage Act. |

**52. Disability vocational rehabilitation facilities failing to ensure equal labor of persons with disabilities**

•There are three types of disability vocational rehabilitation facilities such as disability sheltered workshop, disability working workshop and disability adaptation training facility.[[106]](#footnote-106) 2,702 persons with disabilities receive above minimum wage in 619 sheltered workshops across the country. On the contrary, 7,371 receive below minimum wage.[[107]](#footnote-107)As of 2021, the minimum wage was KRW 1,914,440 per month but monthly average wage for persons with disabilities who can’t be covered by the minimum wage system was KRW 363,441.[[108]](#footnote-108)

•Vocational rehabilitation facilities for persons with disabilities are excluded from the application of the minimum wage system, providing low wages, and failing to keep up with the purpose of the establishment to allow persons with disabilities to enter the general competitive employment market through vocational training. These facilities only take care of them during the day and do not function as an income guarantee from works of persons with disabilities. Also, one of the problems is the case of being eliminated from the market due to low competitiveness compared to general companies by leaving completely all matters to vocational rehabilitation facilities regarding operations such as management and sale etc.

•There is a ‘Preferential purchase system of the products manufactured by persons with severe disabilities’. However, without systematic support by the government like designating product items or first purchase policy, many vocational rehabilitation facilities compete fiercely in specific items. In this case, economic damage is passed on to workers with disabilities who even cannot get a minimum wage.

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| **Recommend-ations** | **》**Provide wage more than minimum wage to ensure more decent jobs for persons with disabilities in disability vocational rehabilitation facilities.  **》**Expand the preferential purchase system of the products manufactured by persons with severe disabilities, and provide active and systematic supports to disability vocational rehabilitation facilities such as education, securing market and management assistance etc. |

**53. No observation of the mandatory employment rate and the double-employment rate system for persons with severe disabilities**

•In 2021, the employment quota of persons with disabilities was 3.4% in the public sector and 3.1% in the private sector, but as of December 2021, the actual employment rate was 3.28% in the public sector (public servants working at the central and local governments, and at public agencies etc.) and 2.89% in the private sector, which means that the mandatory employment quota system was failed to be observed.[[109]](#footnote-109)In particular, employment rate of persons with disabilities working in central and local governments was down by 0.03% to 2.97% from the previous year (3.00%), and the employment levy paid by private companies and the public sector which failed to satisfy the mandatory hiring quota has increased continuously.

•The double-employment rate system (the recruitment of one person with severe disability counted as the recruitment of two persons with disabilities) is the way to avoid the mandatory disability employment quota. When the double-employment rate system is not applied, the actual employment rate of persons with disabilities is only 2.78% in the public sector and 2.17% in the private sector.

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| **Recommend-ations** | **》**Ensure realistic observance of the mandatory employment rate in all areas.  **》**Eradicate a policy avoiding the mandatory employment such as the double-employment rate system. |

**ARTICLE 28. Adequate Standard of Living and Social Protection**

**54.Obligatory provider requirement leave low-income disability family households in blind spots**

•The Korean government has operated for a long time an ‘obligatory provider system’ that persons with disabilities can’t receive supports from the government even their income is under minimum standard when parents, children and spouses living separately have capacity to support them.[[110]](#footnote-110)As this issue has been raised, the government has eased continuously the criteria of the obligatory provider since 2018.

•The government said the number of persons with disabilities who receive supports has increased gradually but the obligatory provider requirements are still apply in the medical benefits. The government promises full abolishment of the requirements but this is not full abolishment instead has been maintained in an eased way. In particular, medical costs caused by disability has been passed on to the obligatory provider firstly.

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| **Case** | •A woman in her 60s as a recipient of the basic living benefits has took care her son with developmental disability for over 10 years. They live in poor condition by receiving KRW 250,000 housing allowance but can’t receive medical and livelihood benefits due to the obligatory provider system. Her uncontactable ex-husband who has not divorced legally is registered as the obligatory provider and they can’t receive his consent for the benefits. She was passed away from disease and her son, who stayed with her mother to the end, left home to be homeless. She was found six months after her death.[[111]](#footnote-111) |

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| **Recommend-ations** | **》**Completely abolish the obligatory provider system passed the duty to protect persons with disabilities on to family not to government. |

**ARTICLE 29. Participation in Political and Public Life**

**55.Insufficient accessibility to polling stations and lack of personal assistant**

•According to the monitoring results in the local election in 2018, 614(17.5%) out of 3,512 polling stations were not accessible by wheelchair. Also, only 259 stations (7.4%) provided sign language interpreters.[[112]](#footnote-112)

•In May 2021, National Human Rights Commission decided that failing provision of reasonable accommodations by the National Election Commission for persons with developmental disabilities was discrimination. [[113]](#footnote-113)But the commission says a developmental disability is not the type of disability which needs to be provided voting assistance[[114]](#footnote-114)and recently persons with developmental disabilities file a lawsuit against the government to remedy discrimination.

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| **Case** | •In April 2022, in the 20th presidential election, person with developmental disabilities wanted to receive assistance for vote, but in several cases, their requests were rejected by the reason that only persons with visual impaired and physical disabilities can receive assistance. |

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| **Recommend-ations** | **》**Ensure physical accessibility to all voting stations and conduct training for election officials to provide reasonable accommodations.  **》**Develop easy-understanding election documents and painting ballot forms to ensure voting rights of persons with developmental disabilities and provide personal assistant service such as a voting assistant. |

**56. Discrimination to access election information**

•Braille printed election materials need 3 times more pages than type printed materials, but pages of braille printed materials are allowed up to 2 times more. Therefore, only limited information on candidates is provided to visual impaired voters and providing USB containing digital files is not mandatory. In 2022 presidential election, only 8 out of 14 presidential candidates provided USB but even provided USBs were not standard format, leading to difficulties for visual impaired voters to access the election information.

•During the TV election debate, several candidates stood to speak, but only one sign language interpreter was provided. Therefore, hearing impaired voters were confused to understand clearly campaign promises of each candidate. Also, easy-read election materials and painting ballot forms considering persons with intellectual disabilities were not totally provided based on the reason that there is no rule to provide these accommodations in the Public Official Election Act.

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| **Recommend-ations** | **》**Provide appropriate election information considering disability type such as braille, large printed, easy-read and speech-to-text election materials to ensure practical and equal information provision including candidates and campaign promises.  **》**Ensure equal participation and information accessibility in the all process to participate in political and public lives such as debates, campaigns, local discussions and questionnaire survey using election materials and press media including TV and radio. |

**57.Low turnout of persons with disabilities and limited voting rights of person institutions like hospitals**

•According to the Disability survey in 2020 by the Korea Institute for Health and Social Affairs, among respondents on the survey who didn’t participate in the 21st parliamentary election, persons with autistic disabilities showed the highest rate with 75.7%, intellectual and mental disabilities were followed with 51.8% and 48%, respectively. As the survey shows, turnout of persons with mental disabilities was very low.

•In particular, voting rights of psychosocial disabilities staying in institutions such as mental healthcare hospitals and mental healthcare centers are limited. To cast ballots, election information should be provided and going out from institutions should be ensured, but information accessibility and freedom of going out are limited in these institutions.

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| **Case** | •A person who suffers from Schizophrenia (62 years old) had been forcibly hospitalized for 29 years in a mental healthcare hospital in Gyeonggi-do province and was discharged in 2020. But during his hospitalization, he had never cast a ballot. Even he didn’t know that he had the right to vote. Because there was no information about the election from the hospital. [[115]](#footnote-115)  •In February 2022, the National Human Rights Commission decided that a remedy case brought by a psychosocial disability who can’t cast a ballot because of prohibiting going out and staying out overnight by a mental healthcare hospital was human rights violation. And it recommended the chair of the National Election Committee and the Minister of Health and Welfare to provide conveniences for elections and take measures not to violate voting rights. [[116]](#footnote-116) |

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| **Recommend-ations** | **》**Take measures to provide reasonable accommodations and election information in order to ensure voting rights for persons hospitalized in institutions such as mental healthcare hospitals and mental healthcare facilities.  **》**Take measures to improve low turnout of persons with intellectual, autistic and psychosocial disabilities. |

**ARTICLE 30. Participation in cultural life, recreation, leisure and sport**

**58. Not ensure rights to enjoy movie of visual and hearing-impaired persons**

•According to the ‘Act on the Prohibition of Discrimination against Persons with Disabilities, Remedy against Infringement of Their Rights, Etc.’, movie theaters have duty to provide convenience[[117]](#footnote-117)s such as closed captioning and descriptive narration but they fail to fulfill the duty. On the lawsuit recently filed by persons with disabilities, the Seoul High Court acknowledged theater’s legal duty to provide closed-type equipment’s such as closed captioning and descriptive narration, but this duty is applied to only 3% of all theaters.[[118]](#footnote-118)

•Now open type barrier-free movie is releasing only for persons with disabilities, but the number of movie and show times are very limited. For last two years, only eight (2020) and four (2021) barrier-free movies were available in the main multiplex theaters in Korea. Among the top 50 movies based on box office list, only 12% (2020) and 4% (2021) movies have released as barrier-free movies. Even show time of barrier-free movie is normally assigned on weekdays (Monday – Thursday) with 93.2% (2020) and 87.3% (2021), and assigned show time on Sunday is 0% (2020 & 2021) [[119]](#footnote-119)

•There is also a lack of websites where persons with disabilities can obtain information about movies regardless of their physical and technical conditions, and Braille materials and large-sized documents that provide information about movies in movie theaters are also insufficient.

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| **Recommend-ations** | **》**Expand barrier-free open-type theaters to ensure equal rights of visual and hearing impaired persons to watch movie released in theaters.  .  **》**Introduce hearing devices and smart glasses in all theaters, and provide closed captioning and descriptive narration through exclusive smart phone application to ensure equal rights of visual and hearing impaired persons to watch movie. |

**59. Lack of accessibility to sports activities and broadcasting for persons with disabilities**

•Sign language interpretation is not provided during international sports event and major games such as Olympic games and broadcasting time of disability sport games like Paralympics is very shortage.

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| **Case** | •When no sign language interpretation was provided in the opening ceremony of the 2018 PyeongChang Winter Olympic Games, organizations of persons with disabilities criticized this and filed complaint to the National Human Rights Commission. Although the commission expressed its opinion that a sign language interpretation should be provided, even at the closing ceremony, a sign language interpretation was not provided again. Therefore, organizations of persons with disabilities brought this case to the Ethics Commission of IOC.[[120]](#footnote-120)  •Sign language interpretation was provided in the opening ceremony broadcasting of 2021 Tokyo Summer Olympic Games, but the interpretation service was not available at each game match. And sign language interpretation was provided at broadcastings of Tokyo Paralympic Games, but the interpretation was provided only for 8.6% game hours of the total[[121]](#footnote-121)[[122]](#footnote-122) |

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| **Recommend-ations** | **》**Provide conveniences such as sign language interpretations and captions for international sports events and broadcastings including Olympics and global sports competitions.  **》**Take measures to ensure accessibility of persons with disabilities to watch major local sports events. |

**60. Tourism environment ignored by persons with disabilities**

•In a disability survey in 2020, when asked about cultural and leisure life for last one week, 89.4% respondents said that they just watched TV and only 5.4% respondents enjoyed domestic travel. Asked about the reasons not to enjoy cultural and leisure activities, 26.3% pointed out economic burden, 15.2% mentioned poor mobility condition and 24.3% mentioned bad health condition. [[123]](#footnote-123)

•According to survey conducted by the Korea Tourism Organization (2015), among 500 tour attractions in Korea, only 9 places (1.8%) have good accessibility conditions for the tourism vulnerable (persons with disabilities, the elderly and family with children), 446 places (89.2%) are moderate and 45 places (9%) are insufficient.

•Out of 1,079 data searched by ‘barrier-free tourism’ related information in the public data menu of the Ministry of Culture, Sports and Tourism, 305 items are barrier-free travel course information about tour attractions in Jeju Island and only 3 items are available in the metropolitan area including Seoul. When persons with disabilities hit the road alone, they need information such as the installation of convenient facilities in tourist sites, accessibility to accommodation and restaurants, and transportation etc. But only limited information is available excepting information provided by local governments and relevant agencies.

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| **Recommend-ations** | **》**Ensure ‘Accessible Tourism For All’ to protect the rights of universal travel and leisure of persons with disabilities by using public transportation such as ships, buses and trains, providing accessibility (including information provision) on tour attractions and installing convenient facilities. |

**ARTICLE 31. Statistics and data Collection**

**61. Creating of disability-inclusive statistics and provision of information accessibility**

•Out of 1,283 national statistics, only 16 statistics are related with ‘disability’. Except disability specialized statistics among national statistics, statistics closely related with the life of persons with disabilities such as ‘national health and nutrition survey’, ‘rental housing statistics’, ‘transportation accessibility index’, ‘public transportation survey’, ‘national leisure sports survey’ and ‘community health survey’ fail to provide disability disaggregated statistics. And as in the statistics of criminal victimization, disability disaggregated data is not created, the statistics cannot contribute to make a policy on persons with disabilities who experienced violence.

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| **Recommend-ations** | **》**Reflect disability sensitive perspectives to all national statistics and should produce disability disaggregated statistics. |

**ARTICLE 32. International Cooperation**

**62. Lack of disability-inclusiveness in development cooperation projects**

•Korea International Cooperation Agency(KOICA) is a public agency under the Ministry of Foreign Affairs to oversee international development cooperation projects. And it has been asked to expand disability-inclusive development cooperation, however for last 10 years (2010-2020), only six projects have been done related with disability, which means disability related projects accounted for below 1% of the total KOICA projects. Among all projects conducted by KOICA during 2012-2018, disability related projects accounted for average 0.45% based on budget and even the projects have focused on disability specific ones to establish infrastructure facilities and programs for specific disability type or persons with disabilities, not focus on disability-inclusive approach. [[124]](#footnote-124)[[125]](#footnote-125)

•Participation of persons with disabilities is not enough in development cooperation projects. KOICA observed 3.4% of a mandatory employment rate of persons with disabilities from 2016 to 2019, but 60% of hired workers were temporary workers and paid KRW 270 million of employment levy by hiring short-term irregular interns. In 2016, Disability-inclusive Development Alliance Korea (DiDAK) was established in the DAK(Development Alliance Korea), but it was stopped without results.[[126]](#footnote-126)KOICA operates several expert systems like a gender-sensitive expert, a human rights expert and an environment expert, but there is no expert on disability.

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| **Recommend-ations** | **》**Expand disability-inclusive international developmental cooperation projects and promote & ensure participation of persons with disabilities in the process of conducting projects and monitoring.  **》**Develop comprehensive strategies in the Korean International Cooperation Agency(KOICA) for disability-inclusive development cooperation such as hiring disability experts, operating a dedicated department and assigning human resources etc.  **》**Increase dramatically the size of budget related with disability in the support project budget of KOICA. |

**ARTICLE 33. National implementation and monitoring**

•The Division of Policy for Persons with Disabilities of the Ministry of Health and Welfare has responsibility on the implementation and monitoring of the UN CRPD and CRPD related work is one of the Division’s businesses. There is a limitation for a ministry which is in charge of welfare policy to establish comprehensive implementation and monitoring strategies of the UN CRPD including all ministries from the human rights views.

•Also, the National Human Rights Commission is not independent agency to implement and monitor the UN CRPD, rather it handles CRPD related works as one of its several businesses. Therefore, permanent establishment and monitoring of national policy based on the UN CRPD are not being done.

•Even in the monitoring of the UN CRPD, relevant persons with disabilities and organizations of persons with disabilities representing each disability type can’t play an active role, instead few participants with disabilities including other types of disability just provide advice in the monitoring process.

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| **Recommend-ations** | **》**Establish an independent implementation and monitoring systems including all ministries to facilitate comprehensive implementation and monitoring of the CRPD across all sectors. |

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3. Ablenews, “Persons with disabilities, angry over breaking promise from Ministry of Welfare, take to the streets” See in Koreanat:<http://www.ablednews.co.kr/News/NewsContent.aspx?CategoryCode=0014&NewsCode=003420190806163514279078> Aug 6 2019 [↑](#footnote-ref-3)
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    <https://www.ablenews.co.kr/News/NewsContent.aspx?CateGoryCode=0014&NewsCode=001420220328082229794397> Mar 28 2022 [↑](#footnote-ref-10)
11. Ministry of Health and Welfare “2022 Budget and Fund Management Plan” [↑](#footnote-ref-11)
12. Korea Employment Agency for Persons with Disabilities “Survey on Economic Activities of Persons with Disabilities in 2021” [↑](#footnote-ref-12)
13. Annual Statistics of 8 branches, including the Seoul branch of the Sexual Violence and Domestic Violence Counseling Center, the affiliated organization of the National Federation of Women with Disabilities [↑](#footnote-ref-13)
14. Article 10 (Committee for Youth Policies) & Article 12 (Holding of Youth Special Meetings) of the Framework Act on Youth [↑](#footnote-ref-14)
15. Article 4 (Composition) of the Ordinance on the composition and operation of the Jeollabuk-do Youth Participation Committee [↑](#footnote-ref-15)
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