

Draft Guidelines on Deinstitutionalization, including in emergencies
Committee on the Rights of Persons with Disabilities

Written Opinion

Korea Association of Welfare Institutions for Persons with Disabilities

This Association does not oppose 'the independent living and community integration of the disabled' specified in Article 19 of the United Nations Convention on the Rights of Persons with Disabilities.

However, measures for this should be implemented in stages on the basis of the overall situations and conditions such as the financial and social service level of states parties and the guarantee of the right of options based on the characteristics and desires of parties.

If extreme or one-sided measures are implemented in defiance of this, it will irresponsibly drive, in unprepared situations, the parties to the community, causing problems contrary to the purpose, such as social isolation and human rights violations.

This will be a measure that will wholly shift all responsibility to the parties, eventually driving the parties and their families to death, and even the society will be caught in a dichotomous frame of pros and cons and it will cause confusion.

The situation¹⁾ in Korea is also progressing in the direction of causing the

1) Major Situation in Korea on Deinstitutionalisation

A. The UN Convention on the Rights of Persons with Disabilities stipulates that a conversion plan should be developed in direct consultation with the disabled through a representative group for the disabled in order to ensure full inclusion in the community, but Korea has excluded the disabled using facility and their families who are real parties of Deinstitutionalisation. And it has only reflected the opinions of disabled organizations centered on specifically, physically disabled people.

○ Requirements of the Parents' Association of Facilities Users: Disagreeing the closure of facilities, prohibition of facility entry, and prohibition of installation of new facilities, various community services including housing should be arranged first for the disabled to live independently in the community, and the right of options of the disabled should be guaranteed in using all services including facility use.

above concerns. Likewise, the above concerns will be more intensified if the count that has the limit even to the developed countries is unilaterally forced to the developing countries.

In this context, the draft guidelines of the Committee on the Rights of Persons with Disabilities are not seen as a basis for phased action, and are likely to be used as a basis for extreme and one-sided action and result in the above mentioned problems.

In particular, the failure to recognize Institutionalization as a party's choice in the content of the draft guidelines violates Article 3 individual autonomy,

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- B. The lack of social consensus on Deinstitutionalisation adds to social confusion simply by being caught in a dichotomous frame of pros and cons.
 - C. The results of the research on the desire for Deinstitutionalisation of the disabled in the facility are as follows.
 - Korea Disabled People's Development Institute(2020). "Results of a full investigation of residential facilities for the disabled"

- Target : 6,035 people(28.5% of all users) who can communicate(self-response) among 24,214 people in 612 residential facility for the disabled(except for short-term and group homes) / * Other targets cannot be investigated due to disability characteristics
- Result of Desire for Deinstitutionalisation : 'Want to get out of the facility' 33.5%(8.3% of all users) / 'No' 59.2%

- National Human Rights Commission of Korea(2017). "Research on the actual conditions of people living in facilities with severe or mental disabilities"

- Target : 750 people living in 75 facilities for the disabled (2.4% compared to 30,693 total users as of December 2017)
- Result : 'Want to live outside the facility' 57.5%(1.4% of all users)

- In the survey method, various research tools for the severe and developmental disabled were not sufficient.

- D. It ignores the prior tasks such as preparing various services of the community based on the desires and needs of the disabled (especially severe, developmental, elderly, etc.) and the lack of alternatives and improving community awareness, and drives the disabled and their families to death as the consequence of pushing ahead extreme and one-sided Deinstitutionalisation.
- E. The Parents' Association of Facility Users has a negative attitude on the assistance of activities for the independent life of the disabled and the integration of the community.
 - the existing supporters for activities for the disabled can support the disabled if they complete up to 100 hours education, but they hope to receive education from more professionally educated workforce because 100 hours of education cannot support people-centered services for the severe, developmental, and elderly disabled.
 - It is questionable whether the existing support for activities for the disabled guarantees complete self-determination and self-control of the disabled.
- F. Even if Deinstitutionalisation is promoted unilaterally, existing facility workers' employment measures which should have been considered when promoted and ways to replace assets(incorporation through contributed acceptance) about buildings and sites of existing facilities have not been suggested at all.

Article 5 the right of equality, Article 7 autonomous rights of disabled women, Article 8 basic rights of disabled children, Article 18 freedom of migration and Article 19 guaranteeing the right of option of the United Nations Convention on the Rights of Persons with Disabilities, so it must not be recognized regardless of any reasons. And, rights must be recognized in the direction that the parties choose their place of residence and where, how, who they will live with based on the arrangement of various service including community residence and improvement of community awareness.

In addition, the draft guidelines stated that institutionalization was expanded before and during the epidemic, and that because this institutionalization had a possibilities to have a harmful effect on the disabled, it was reflected and complemented in the guidelines. However, in the case of Korea, the institutionalization was not expanded during the COVID-19 period, and on the contrary when the disabled who use facility was infected with COVID-19, there was no community care worker, so the facility workers spared no lives to provide support.

Therefore, Korea Association of Welfare Institutions for Persons with Disabilities request the withdrawal of 「Draft Guidelines on Deinstitutionalization, including in emergencies Committee on the Rights of Persons with Disabilities」, and we request that Committee on the Rights of Persons with Disabilities examine the various conditions of states parties with deliberation and present the guidelines for implementation in stages first of all.