**Questionnaires [List of Issues]**

**A. Purpose and General Duties (arts. 1-4)**

**B. Specific Rights (arts. 5-30)**

**Equality and Non-discrimination (art. 5)**

1. Most of the petitions requesting rescue under the Disability Discrimination Act are not being resolved. Please explain your future plans to improve the performance of Disability Discrimination Act including the expansion and independence of human resources of the National Human Rights Committee.

2. Please explain the realistic ways to correct poor rescue of rights because the Court rarely takes advantage of its authority to order prohibition of discrimination and the conditions for the Minister of Ministry of Justice's correction order (Article 43 of the Disability Discrimination Act) are too complicated.

**Women with Disabilities (art. 6)**

3. According to the 2014 Disability Survey, basic human rights are not guaranteed for women with disabilities in all fields, including education, employment, and income, compared to women without disabilities and men with disabilities. Please specify the government's plans and execution methods to resolve this issue. Also, please tell us the policy plans to expand educational opportunities for women with disabilities along their life cycle.

4. Please tell us about the government support for disabled women's marriage, pregnancy, childbirth, and child rearing.

5. Please specify how women with disabilities are supported when they are victimized by exploitation, violence, or abuse and the attainable plans for the expansion and independence of domestic violence counseling centers and special victims' protection facilities for women with disabilities.

**Children with Disabilities (art. 7)**

6. Currently, Korea's activity support system for disabilities supports anyone between 6 and 65 years of age and those who are classified to Disability Class 1 through 3 under the Disability Welfare Act. By this age condition, children and senior are excluded from the support and even those who meet the conditions cannot receive sufficient support for independence due to the difference in payments compared to long-term senior recuperation system or disabled children care service. The UN Convention on the Rights of Persons with Disabilities also suggested expansion of subjects for the activity support service with the final opinion, so please tell us if you have plans to remove the age condition and expand the range of subjects in the future.

7. Deinstitutionalization and disability independence support policies are focused on adults and rarely consider children and adolescents. Communities need independence support systems for disabled children at homes and residential facilities. Also, disabled children abuse is a very serious issue, but there is not even one temporary shelter for them. Please tell us your plans to support the independence of disabled children at homes and residential facilities and to install shelters for disabled children victimized by child abuse.

**Awareness (art. 8)**

8. The committee suggested systematic and constant promotion of the contents and purposes of Convention, to train the government officers, National Assembly members, press, and general public, and to reinforce awareness campaigns for the positive image of disability to effectively raise awareness. Please tell us the government's progress so far and the future plans.

9. Please tell us the government's progress so far and the future plans concerning the people with disabilities' participation in planning, executing, and evaluating programs related to disability awareness considering the type of disability, severity of disability, sex, and age, and whether the various characteristics and opinion of various groups of disabled, such as women with disabilities, children with disabilities, and senior with disabilities, are applied to disability awareness training and programs.

**Accessibility (art. 9)**

10. In the current Act on Promotion of Convenience, the facilities subject to accessibility standards are the positive style (facilities subject to accessibility standards). Please tell us if you have any plans to change it to the negative style (excluding facilities excluded from accessibility standards and including all facilities that are not specified). Please tell us about any plans to apply the accessibility standards for disability to all architectural structures regardless of purpose, architecture, and size.

**Hazardous Situations and Humanitarian Emergencies (art. 11)**

11. Please tell us if there are inclusive disaster safety measures for all situations and all types of disabilities and the safety plans, training, disaster control manuals, accessibility for evacuation, follow-up support systems, responsible departments, and related legal systems in relation to disability.

**Equal in Front of Law (art. 12)**

12. The UN Committee on the Rights of Persons with Disabilities suggested that Korea should execute supported decision-making instead of alternate decision-making. They have also suggested that we respect the spontaneity, determination, and preference of individuals in regards to personal rights on preliminary consent and withdrawal for medical treatments, judicial accessibility, voting, marriage, employment, and selection of domicile and convert to supported decision-making that satisfy Article 12 of the Convention and General Comment #1. Please explain what actions have been taken and your plans to execute the supported decision-making systems in the future.

**Judicial Accessibility (art. 13)**

13. Please explain your progress in regards to the suggestion for the disabled people's judicial accessibility (efforts for effective execution of Article 26 of the Disability Discrimination Act, training program for the police· judges·attorneys·judicial officers, justified convenience in regards to judicial accessibility of gender perspective, and other efforts to legislate judicial accessibility in the guidelines for judicial support for the disabled).

**Freedom and Security (art. 14)**

14. The UN Committee on the Rights of Persons with Disabilities expressed concerns in regards to the fact that the previous Mental Health Act is based on the premise of deprivation of freedom due to disability and the possibility of hospitalization of mentally handicapped (including long-term hospitalization) without prior consent by will is very high. Please explain how the current Mental Health and Welfare Act has corrected these issues.

15. Even with the amended Mental Health and Welfare Act executed in 2017, forced hospitalization is still possible with formal consent of two physicians and convenient administration. Please introduce a more definite and attainable way to guarantee complete abolition of forced hospitalization as demanded by CRPD.

**Cruel and Inhumane Treatment and Punishment Ignoring Personal Dignity (art. 15)**

16. Please give us information about your plans to protect and support internal reporters of human rights violation, guaranteed participation of outside officers in organizations that decide operation inside the residential facilities of the disabled, and monitoring results of long-term and systemized residential facilities by an independent institution.

**Freedom from Exploitation, Violence, and Abuse (art. 16)**

17. Please give us information about your investigation of all cases of violence, exploitation, abuse, and forced labor of the disabled, punishment of offenders and compensation and protection of victims, and installation of shelters accessible for victims with disability. Please tell us about your plans to expand domestic violence counseling centers and victim protection facilities for women with disability and to support independence of victimized women with disability.

18. Please introduce the government's plans in regards to the budget and operation of disability right supporters and cooperation with other institutions.

**Residing Independently within a Community (art. 19)**

19. The disability welfare service determination system to provide service according to the desire, characteristics, and circumstances of the disabled instead of class of disability is in pilot stage, but its details are not open to the disabled people themselves. Please explain how the system can determine services based on desire, characteristics, and circumstances.

20. Please report to us the number of deinstitutionalized disabled and their current conditions. Also, creating an environment to support the settlement of deinstitutionalized people and people with severe disabilities in the communities is very important. Please explain if the government and local government offices have specific plans for this.

21. Please explain the disability support manpower within the communities, including the disability activity assistant service and the government's efforts to expand the manpower and to secure the expertise of service providers.

22. Please explain your plans to quickly integrate the communities of deinstitutionalized people with mental disabilities under the amended Mental Health and Welfare Act.

**Personal Means of Transportation (art. 20)**

23. The national and local government offices should introduce the plans to execute the 「Suitability Assessment」 to determine whether modes of transportation and passenger facilities satisfy the standards of means of transportation for licensing, permission, and authorization under Article 10 of the 「Act on Promotion of the Transportation Convenience of Mobility Disadvantaged Persons」. Also, there is no system of 「Suitability Assessment」 for roads (including sidewalks), so please tell us your plans to introduce and execute any 「Suitability Assessment」.

**Freedom of Expression and Access to Information (art. 21)**

24. Accessibility to Web, mobile, and other IT devices is still poor. The UN Committee on the Rights of Persons with Disabilities has suggested the Korean government to make corrections. Please introduce how the government has amended policies, including the Disability Discrimination Act.

25. The Committee suggested that the government should include qualitative standards of broadcasting programs in the regulations on the disabled people's access to information and provide accessible information with sign language, subtitles, interpretations, and easily comprehensible contents. Please explain your progress so far.

**Respect for Homes and Facilities (art. 23)**

26. The CRPD Committee is concerned because the government ‘provides greater subsidies and benefits to families that adopt children with disabilities than to their biological families to urge the unmarried mothers to abandon children with disabilities and to deny the rights of families of disabled children' and because disabled children's family support service is limited to low-income families with children with severe disabilities, and suggested the execution of Article 23 by amending the legal systems. Please explain how you will follow the suggestions under Article 23.

27. Please explain how the daycare support services for families of persons with development disorders are actually engineered and executed based on the desire of families with disability and the information and services of parents and families of persons with development disorders.

**Education (art. 24)**

28. The UN Convention on the Rights of Persons with Disabilities and final opinion suggested integrated education for people with disabilities, but Korea's special education is still progressing to integrated education. Please explain how the Korean government will develop policies concerning integrated education for the disabled. Also, please explain how you are studying the effectiveness of integrated education, reviewing efforts to provide fair convenience for integrated education, and training faculties and administrators of general schools as suggested by the final opinion.

29. Hearing-impaired people usually have to choose the language their parents or schools choose for them, not the language they need themselves, in the early stage of impairment. This is a violation of their rights to choose a language and it is necessary to provide law amendments and policies to provide them with opportunities to choose a language and to guarantee bilingual education. Please tell us about the government's policies concerning this.

30. In case of vision and hearing-impaired children, the government has recently been providing support, but most education is limited and focused on the Braille. It is necessary to create related regulations to offer an educational environment suitable for the vision and hearing-impaired people, nurture professionals, and diversify the languages used. Please introduce the government policies in regards to this.

31. Please tell us about the government's efforts and plans in regards to fair convenience and educational curriculums for adults with development disorder and other disabilities to access lifelong education.

**Healthcare (art. 25)**

32. Please tell us about the government's plans to reduce cost as disabilities incur additional healthcare cost.

33. Please tell us how you would delete Article 732 of the Commercial Act and withdraw deferment of Article 25 of the Convention for the purchase of private insurance policies to prohibit disability discrimination mentioned in the Convention.

**Habilitation and Rehabilitation (art. 26)**

34. People with moderate·severe disabilities have double and triple adversities due to long-term hospitalization, life at rehabilitation facilities, lack of vocational rehabilitation in hospitals, lack of training for social return, lack of family support, lack of support for settlement in local communities, support for activities with discrimination against severe disabilities, and financial burden for various social services. It is necessary to resolve these issues, so please explain the government's plans to reform the rehabilitation systems for prompt and easy return to the society for people with moderate·severe disabilities.

**Rights to Work (art. 27)**

35. Please tell us how the Korean government is making efforts to secure all disabled people's rights to work. Please explain the legal and system actions executed for the following: a) actions to amend the Minimum Wage Act and to introduce the extra wage system to guarantee minimum wage of people with severe disabilities; b) restructure of vocational rehabilitation facilities to increase employment of people with severe disabilities and actions to convert functions and seek alternative plans; c) policies and plans for quality jobs and continued employment of women with disabilities; and d) measures to effectively execute mandatory employment allocation for the disabled.

**Quality of Life and Social Protection (art. 28)**

36. Please tell us how the disabled people are reflected on the national guidelines for basic social security and a series of progress related to the abolition of mandatory dependence system.

37. Please tell us about your future plans to secure disabled people's income, including disability pension and improved wage systems.

**Participation in Political and Public Services (art. 29)**

38. Please tell us your progress and future plans on the amendment of Public Official Election Act, expansion of translation to sign language, and assignment of two or more translators in case of multiple candidates, to secure the hearing-impaired people's political rights.

39. Please tell us if you provide fair convenience to secure the voting rights of people with development disorders (easy campaign materials, voting papers with images/pictures, detailed information in Braille, etc.).

**C. Specific Duties (arts. 31-33)**

**Statistics and Data Collection (art. 31)**

40. Please tell us if you have statistical indices and criteria to measure the performance of the UN Convention on the Rights of Persons with Disabilities and write all statistics in regards to disabilities for government policies. Also, please tell us if all types of disabilities are accessible to the currently written statistics.

**International Cooperation (art. 32)**

41. Article 32-a of the UN Convention on the Rights states that the disabled people are included in international cooperation, including international development programs. Please explain how this can be realized.

**National Performance and Monitoring (art. 33)**

42. Please explain the specific functions and roles of organizations operated to supervise, assess, and monitor our performance of the UN Convention on the Rights of Persons with Disabilities and all actions taken to support their independence and effective execution. Also, please introduce if there are effective measures to guarantee the participation of disabled people or their organizations in the monitoring process.

43. Please explain the government's efforts to ratify the Optional Protocol to promote the performance of the UN Convention on the Rights of Persons with Disabilities.

**4. Suggestions for the Korean Government's Performance of CRPD**

- This is included in the list of questionnaires, but the following are suggested for the performance of CRPD:

□ Ratification of Optional Protocol

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| ◈ **(What is the Optional Protocol?)** A **personal report system** for an individual to file a petition with the UN Committee on the Rights of Persons with Disabilities when the rights of a disabled person are not guaranteed by local procedures.  - A number of countries, including Korea, are deferring the ratification of Optional Protocol,  As of October '14, 85 countries have ratified Optional Protocol.  - The d**isability sector demands the ratification of Optional Protocol.**  \* Ratification of Optional Protocol is deferred when the UN Convention on the Elimination of All Forms of Discrimination against Women was ratified. |

→ It is necessary to discuss with the related offices, e.g., Ministry of Foreign Affairs and Ministry of Justice, to review ratification of Optional Protocol as there are cases when the rights of disabled people are not protected by local laws.

□ Withdrawal of Deferment of Article 25 of the Conventions

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| ◈ **(Article 25-V of the Convention)** Prohibits discrimination of disabled people when providing health insurance and life insurance allowed by local laws so all insurance policies can be provided fairly and reasonably.  ◈ **(Article 732 of the Commercial Code)** Any insurance policies on the death of minor under 15, non composes, or physical weak shall be annulled, **unless a physical weak has signed an insurance policy or becomes a beneficiary of community insurance under Article 735-3 with ability to express opinion.**  \* Article 25 (V) of the Convention was deferred because it conflicted with Article 732 of the 「Commercial Code」 that states, “Any insurance policies on the death of minor under 15, non composes, or physical weak shall be annulled.” |

→ In regards to the disabled people's insurance policies, it is necessary to consider withdrawal of deferment through discussions with related offices (Ministry of Justice, Financial Services Commission).

□ Disability Classification Systems based on Medical Assessment

→ The Ministry of Welfare is reviewing reformation of the current classification and grading systems based on medical assessment to adopt a new service system based on individual desires. The results of pilot projects will be reported with the 2019 National Report.

□ CRPD Monitoring Systems

→ The Ministry of Health and Welfare's Bureau of Disability Policies has been assigned to handle the monitoring systems and all departments' policies need to be arbitrated through the Disability Policy Arbitration Committee.

→ The National Human Rights Commission of Korea has been designated as an independent monitoring organization designated by Article 33-B of the Convention and it also invites the participation of disabled people and their organization in the supervisory procedure under subsection C. It is important to emphasize the importance of the National Human Rights Commission and it should continue to monitor CRPD with the disabled people and civil organizations for the performance of CRPD.

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| ◈ **(Article 33 of the Convention)** A. The member nation shall **designate one or more responsible offices** in the government along with the national organization for the performance of the Convention and consider **installing or designating an arbitration organization in the government** to support their activities in various sectors and levels.  B. The member nation shall **maintain, reinforce, designate, or install a system with one or more independent organizations** in accordance with the legislation and administration systems of the member nation to **promote, protect, the supervise the performance of the Convention.** When doing so, the member nation shall consider the position and role of national offices for human rights.  C. **The civil organizations, especially those who represent the disabled, shall intervene and participate in the supervisory procedure.** |