**Response to the Questionnaire on the Right to Housing of Persons with Disabilities**

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| 1. **Please explain how the rights to housing of persons with disabilities is guaranteed in domestic law, including constitutional provision and human rights legislation**
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○ In Korea, according to Article 3(Basic Principles for Housing Policies) of the *Framework Act on Residence*, government support is provided for persons with disabilities, elderly people, and other housing-disadvantaged persons to ensure a safe and convenient life in their residence. In this regard, the law stipulates that the State and local governments shall formulate and implement a Comprehensive Housing Plan including preferential supply of rental housing units and subsidization of housing expenses and that a survey on residential conditions may be conducted separately for persons with disabilities.

○ Moreover, several laws such as *Act on Support of Persons with Disabilities, the Aged, and Other Housing-disadvantaged People*, *Act on Welfare of Persons with Disabilities*, *Housing Act*, and *Act on Guarantee of Promotion of Convenience of Persons with Disabilities, the Aged, Pregnant Women, etc.* concretely guarantee support for persons with disabilities in their residential life, particularly providing houses, subsidization of housing expenses and installation of convenience facilities.

○The *Act on the Prohibition of Discrimination against Persons with Disabilities, Remedy against Infringement of their Rights* bans discrimination in sale, purchase or lease of lands and buildings, and in access to and use of facilities (including housing).

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| 1. **Please provide any useful statistical indicators, analysis or reports regarding housing condition of persons with disabilities, the extent of homelessness and discrimination, (including failure to provide reasonable accommodation) in the private or public sectors. Please also provide reference to any documentation of the lived experiences of the housing conditions of people with disabilities**
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○There are two researches, among others, considered representative researches on housing condition of persons with disabilities, namely “Survey on Actual Housing Condition” and “Survey of Actual State for Installation of Convenience Facilities for Persons with Disabilities”, respectively conducted in 2015 by the Ministry of Land, Infrastructure and Transport, in accordance with the *Act on Support of Persons with Disabilities, the Aged, and Other Housing-disadvantaged People* and in 2013 by the Ministry of Health and Welfare, in accordance with the *Act on Guarantee of Promotion of Convenience of Persons with Disabilities, the Aged, Pregnant Women*.

○ Principal results of these surveys are as follow;

 - (Residential stability) The percentage of households with persons with disabilities residing in their own house is 58.5%, higher than that of households without persons with disabilities of 21.2% and the percentage of households with persons with disabilities residing in public rental housing units among those residing in a lease house is 33.8%, about 3 times higher than that of households without persons with disabilities of 11.8%.

 - (Burden of housing expenses) The percentage of households with persons with disabilities who answered ‘very hard’ in regards to the payment of rent or repayment of loan is 41.5%, higher than that of households without persons with disabilities of 29.8%. Therefore, persons with disabilities have more difficulty in taking burden of housing expenses than persons without disabilities.

-(Residential suitability) The percentage of households with persons with disabilities below minimum residential standards is 8.6%, higher than that of households without persons with disabilities of 5.4%.

 - (Accessibility of convenience facilities) The installation rate of convenience facilities in welfare facilities for persons with disabilities including residential homes is 72.5% and 71.5% in multi-unit housings. Meanwhile, the installation rate of convenience facilities inside the conventional housing units ranges from 1% to 59%, compared to 1% to 42% for facilities installed outside the units.

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| 1. **Please provide data on the number of persons with disabilities living in residential institutions and relevant information on the progress towards developing or implementing deinstitutionalization strategies to facilitate a sustained transition from institution to community based living arrangements.**
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○ As of 2015, there are 1,484 residential homes in operation, occupied by 31,222 persons with disabilities, including 1,688 with physical disabilities, 628 with visual impairments, 255 with hearing impairments, 12,369 with intellectual disabilities, 11,314 in institutions for severe disabilities, 541 in institutions for infants and toddlers with disabilities, 1,548 in short-term commitment institutions and 2,899 in group homes. [[1]](#footnote-1)1)

○ “Reinforcing support to enable persons with disabilities to live an independent life after deinstitutionalization” has become a target of measures adopted to strengthen housing support in the framework of the 4th Comprehensive Plans for Persons with Disabilities (2013-2017). To this end, financial support for centers for self-reliant living of persons with severe disabilities has been expanding. In fact, national funds will be provided for 62 centers by the end of 2017. In parallel, local governments such as the City of Seoul are carrying out “Support Project for Transition Service for Persons with Disabilities” and are operating support centers for transition service for persons with disabilities to help persons with disabilities who want to lead a self-reliant life but are living in residential homes. This transition service offered by the centers is systematic; persons with disabilities who apply for the service can first experience a self-reliant life in experience homes, then move to homes for self-reliant life, and finally achieve an independent life in local communities.

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| 1. **Please provide information on relevant legislation, policies or programs that are intended to ensure equal access to and enjoyment of the right to adequate housing by persons with disabilities and provide an assessment of their effectiveness and shortcomings.**
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○ Supply of housing units and housing support system for persons with disabilities

 - There is a housing supply put aside for persons with disabilities when multi-unit housings are being built and supplied, and the same is true for public rental housing. There is also a housing support service for vulnerable groups, to whom priority is given when the State or local governments lease houses for multiple-households, after having purchased them.

 - As a part of a house remodeling project, the State provides loans to install convenience facilities for remodeled housing units and implements the project for low-income persons with disabilities or those living in rural areas.

 - Regarding assistance for housing expenses, housing benefits may be provided to the recipients of basic livelihood security benefits. The State and local governments install convenience facilities for housing-disadvantaged persons.

○ Housing support service

 - Local governments such as the City of Seoul operate centers that aim to provide housing support services. These centers also take part in improving residential environment. The centers offer urgent financial support for payment of rent and provide guidance counseling for persons with disabilities who want to lead a self-reliant life so that they can experience such life by residing in experience homes.

○ These policies related to housing support enhanced residential conditions for persons with disabilities.

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| **5. Please indicate what program, policies and strategies are in place to: a) progressively close institution’ b) protect the human rights of persons with disabilities still living in institutions; c) to ensure that persons with disabilities can challenge their placement in institutions; and d) to ensure that upon leaving institutions persons with disabilities can access adequate housing and support services in the community. Please also provide any information on policies or programs concerning reasonable accommodation and accessibility for persons with disabilities in relation to housing in both the formal and informal housing sectors. What measures have been taken to increase the number of “universally designed” flats or houses in communities?** |

○ Regarding programs to progressively close institutions, under the 4th Comprehensive Plans for Persons with Disabilities (2013-2017), “downsizing residential facilities for persons with disabilities” has been pushed as a goal in order to increase the percentage of small-scaled facilities accommodating less than 30 persons to 80% by the end of 2017.

○ Regarding programs to protect human rights of persons with disabilities still living in institutions, the Ministry of Health and Welfare has continued to reinforce fundamental measures including preemptive prevention, early detection and prompt rescue system, comprehensive protection system, strengthened punishment, etc. since it put in place the measures in 2014 as a part of plans to strengthen the protection of human rights in residential homes for persons with disabilities. In this context, monitoring teams “Protectors of Human Rights” were launched in residential homes, human rights education for heads and employees of welfare facilities and direction and supervision for implementation thereof reinforced, and survey on human rights conditions in residential homes conducted. In parallel, prevention centers for violation of human rights of persons with disabilities and shelters for victimized persons with disabilities came into operation.

○ Programs to ensure that upon leaving institutions persons with disabilities can access adequate housing and support services in the community refer to “Reinforcing support to enable persons with disabilities to live an independent life after deinstitutionalization” described in the response to question 3.

○ Measures taken to increase the number of ‘Universal Design’ flats or houses in communities are as follows;

According to the *Act on Guarantee of Promotion of Convenience of Persons with Disabilities, the Aged, Pregnant Women*, convenience facilities shall be installed when multi-unit housings are built, with monitoring implemented, based on survey of the actual state for installation of convenience facilities. Under this Act, the Barrier Free Certification System was introduced to encourage installation and operation of convenience facilities in multi-unit housings such as apartments. To promote residential convenience for persons with disabilities, support service is provided for house remodeling projects for low-income persons with disabilities or those living in rural areas.

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| 1. **Please indicate what national and sub-national institutions are primarily responsible for overseeing compliance with the right to housing of persons with disabilities, such as the National Human Rights Institution; an office on disabilities issues; an ombudsperson or commissioner.**
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○ The National Human Rights Commission of Korea (NHRCK) monitors the implementation of provisions on the duty to provide legitimate convenience in buildings including multi-unit housings under the *Act on the Prohibition of Discrimination against Persons with Disabilities, Remedy against Infringement of their Rights* and protects the rights and interests of persons with disabilities suffering from discrimination in provision and in using of goods and services related to housing.

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| 1. **Please explain whether and in what ways courts, national human rights bodies and/or independent monitoring mechanisms have recognized the right to housing of people with disabilities, including those who remain institutionalized. Please also indicate what judicial or other appropriate remedies have been required where violations have been identified and describe the extent to which these have been successfully implemented. Please provide links or documents relating to relevant jurisprudence**
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○ The NHRCK, based on the *Act on the Prohibition of Discrimination against Persons with Disabilities, Remedy against Infringement of their Rights*, evaluates whether or not discrimination has occurred in the cases related to the right to housing of persons with disabilities. There are also general judicial remedy procedures.

○ One example of a successfully implemented remedies can be found in the case where the NHRCK issued a recommendation in regards to a complaint filed on discrimination to the right to housing. In this case, the NHRCK recommended receiving special human rights education to the house owner who refused to lease his house to a person with hearing impairment due to his disability.

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| 1. **Please refer to any innovative initiatives that have been taken at the local, regional or national level to promote and ensure the right to housing of people with disabilities and identify lessons learned from these. Please also identify ways in which your Government or organization considers that the Special Rapporteur on the right to housing and other international human rights bodies or procedures could play a role in ensuring the right to adequate housing of people with disabilities**
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○ Under the 4th Comprehensive Plans for Persons with Disabilities (2013-2017), “reinforcing housing support for persons with disabilities” was adopted as one of the main objectives, and “reinforcing support to enable persons with disabilities to live an independent life after deinstitutionalization”, “reorganizing residential homes for persons with disabilities”, “expanding financial support for persons with disabilities in taking out a lease on a house or remodeling their house”, and “Enlarging housing service for persons with disabilities’ were fixed as detailed targets. In conclusion, it is important that housing support policy should be included in the system such as the Comprehensive Plans for Persons with Disabilities so that it can be adopted, implemented and evaluated.

1. 1) 2016 Annual Report of Statistics of PWDs, Korea Disabled People’s Institute [↑](#footnote-ref-1)