# Written Submission for the CRPD General Comment Number 8

### for Autistics in Korea

estas, Adult Autistic (Spectrum) Self-advocacy Meeting

March 15, 2021

## Introduction

estas is a nationwide autistic self-advocacy meeting and Autistic People’s Organization (APO) in the Republic of Korea, which meets the DPO category in GC/7 12(c). estas firstly formed in 2013 and started its activities in 2016.

All members are Autistics, including the unregistered or self-diagnosed. Members make all activities, communications, and decision making in the meeting, which means members also write this report. We have two advisors, but their participation is rare. estas represented by the moderator(s). We have one moderator now.

estas agrees with and supports the Neurodiversity and Autistic Rights Movement critically. Our four values are as follows:

**· Diversity**

estas aims at post-authoritarianism and non-violence to acknowledge and positively accept the difference in neurodiversity and knowledge.

**· Protest**

estas denounces the medical model of disability and social structure discriminating against Autistics. For this, estas participates in and spreads the Autistic rights movement.

**· Independence**

As Autistic People’s Organization (APO), estas maintains the criteria to act as the Disabled People’s Organization(DPO) and gives our opinion to others.

**· Cooperation**

estas cooperates with Autistics in Korea and worldwide, ‘Neurodivergent’, ‘Disability community’, and civil society.

estas have performed the efforts to notice Autistics’ international voice by opening panel meetings with global Autistics. Our members also fulfilled the 14th program of Global Challenges of Youth with Disabilities, visiting Autistics in United Kingdoms. Now we are writing an Alternative report for the CRPD/C/KOR/2-3, and three members contribute to Able news and THE indigo, introducing autistic voices and our view into Korean society.

## Summary

estas, the Autistic People’s Organization, is glad to represent Korean Autistics’ voice to the Committee. We hope our opinions assist the Committee, including more recommendations for decent work and quality of life for the People with Disabilities.

Our major request for recommendations of the Committee is as follows:

* The Comment should emphasise to the state parties: changing the disability registration system according to the social model of disability and making accommodation for unregistered people with disabilities to employment; to introducing inclusive education and vocational training for decent job policy for Autistics and People with Disabilities, getting a decent job, high quality of life, and sustainable development.
* Paragraph 2. viii should clarify the importance of providing direct entrepreneurship support with People with Disabilities before supporting start-ups with welfare centres or institutions.
* The Comment should Include abolishing the regulations that block People with Disabilities from public and open labour workplaces: through adult-guardianship system depriving People with disabilities of the qualification to several jobs and the absence of reasonable accommodations during recruitment processes and in the workplace.
* The Comment should emphasise the importance of making a framework on the employment of People with Disabilities in the state parties.
* Raising disability awareness is essential for breaking down barriers to employing People with Disabilities.
* High education is crucial to Autistics and People with Disabilities for getting decent work. Therefore, the Comment should emphasise the importance of getting higher education into People with Disabilities, including graduate schools, especially Autistics, which enable them to be researchers about what one wants to research.

1. estas, the Autistic People’s Organization, is glad to represent Korean Autistics’ voice to the Committee for the Rights of the People with Disabilities, for the CRPD General Comment No 8, which will discuss convention article 27, the employment of the People with Disabilities. We hope that the reality that Korean Autistics face in society will provide insights into your new General Comment: to accept Autistics in getting decent work and experience a high quality of life.
2. The submission has two sections: First, we will mention the normative contents, which some of them will have edit request on the draft. And second, we have to talk about the last paragraphs, which accounts for Article 27 with the specific article(s).

## Korean Autistics and the relationship with the Comment

### The rejection of Autistics in the PwD Registration system

1. There is no denying that it is essential to recognise the disabled in the government system to get disability-related accommodation in employment in Korea. However, some Korean Autistics have been rejected in the registration, regardless of phasing out the ‘disability grading system’ officially released by the government on July 1, 2019.
2. It has several reasons, but the most important reason is that the government does not accept high-cognitive Autistics. The 8th edition of the Korean Standard Classification of Diseases (KCD-8), which affects the start of 2021, follows ICD-10 and even mentions ‘Autism’ as ‘Autism disease’(자폐증). Because of KCD-8’s effect until the end of 2025, it shows that the Korean government does not accept ICD-11 and DSM-5.
3. Moreover, The Korean government does not change the registration criteria for autism. The government does not recognise Autistics with GAS Scale over 50 but pushes out other Autistics: people diagnosed as Social Communication Disability or Non-Verbal Learning Disability, from People with Disabilities. It is the preservation of the medical model of disability, which the Convention and the Committee prohibits.
4. We can find a connection between the disability determination system and employment, which eliminates eligible Autistics and neurodivergent users, and other People with Disabilities from the accommodation for the employments because they are not ‘People with Disabilities’ to the state party. Therefore, The Comment should emphasise to the state parties changing the disability registration system according to the social model of disability. Also, state parties should allow People with Disabilities on the boundary line into the employment policy, throwing out perceptions of considering People with Psychological disabilities as persons lacking in the mental capacity for making a career. And they have to make reasonable accommodations for unregistered people with disabilities that can lead to employment.

### The right to equal remuneration for work of equal value

1. The 2. ii paragraphs on the draft emphasise the provision of decent work and its accommodations to People with Disabilities. However, in many cases, state parties regard Disability employment not as the right but as a benefit: lots of disability-related jobs are far from a decent job; simple, low-paid, hard to make a career, and unable to make savings.
2. For example, a lot of Registered and High-cognitive Autistics with workability make a bid for a job. However, most disability-related employment notices focus on People with physical disabilities and persons who are blind or deaf. Even ‘Employment of People with Developmental Disabilities’ is given priority to persons with Intellectual Disability. Therefore, It is challenging for Autistics to get a decent job to realise a high quality of life, which is in non-compliance with Article 4-1(e) and Article 27 of CRPD.

### Measures to eliminate discriminatory attitudes and, particularly against women, migrants and refugees with disabilities

1. Especially, Anti-Bullying within the workplace emphasised on 27-1(b) of CRPD is essential to Autistics and People with Intellectual disabilities. Any Bullying can bring about severe psychological influences on them. Also, it can make some barriers to sustainable employment of People with Disabilities. In some state parties, even employees without disabilities are easily bullied within the workplace by the intentions of large company’s executives and staff members. In Korea, it was a report that a person with a Disability experienced extreme psychological stress in the workplace because he has been verbally abused and quietly discriminated against for a year. Article 27-1(b) does not permit such harassment against People with Disabilities.

### Access to Inclusive Education and Inclusive Vocational Training

1. Paragraph 2.vii stipulates that the state parties should enable People with Disabilities to have adequate access to general technical and vocational guidance programmes, placement services and vocational training. Inclusive education and vocational training provide learners with disabilities with reasonable accommodation to develop their capabilities and confidence. It is necessary for their participation in the open labour market. It promotes equality between the disabled and people without Disabilities, leading to raising the possibility for People with Disabilities to get decent jobs.
2. However, some state parties have carried out specialised education and vocational training targeting People with Disabilities. This education and training provide People with Disabilities with low-skilled and straightforward work that can raise the possibility of getting a low-wage job. The budget for these services should be reallocated to inclusive education and vocational training so that People with Disabilities can get a decent job and work with the non-disabled.

### Entrepreneurship of People with Disabilities

1. We are concerned about the 2. viii paragraph of the draft could make another Disability discrimination. Autistics worldwide have not been ‘overrepresented’ but omitted in the start-up policy: State parties have thought that Autistics could not start a business, but it is far from reality.
2. And the misuse of this paragraph could justify the segregated employment of People with Disabilities, especially People with Intellectual Disabilities and Autistics, by funding the company with employees with disabilities. Therefore, the section should clarify the importance of providing direct entrepreneurship support to People with Disabilities before supporting start-ups with welfare centres or institutions. It also has to emphasise the importance of encouraging Autistics and people with Psychosocial Disabilities, who are usually excluded from most disability employment policies, to do their own business.

### Employment of People with Disabilities in the public sector

1. The 2. ix paragraph of the draft addresses People with Disabilities in the public sector, such as public enterprises and institutions. The employment of People with Disabilities in the public sectors is necessary for them, especially autistics, to get decent jobs, develop their careers, and advance to other positions.
2. In some state parties, refusal to provide People with Disabilities, including People with Intellectual Disabilities, Autistics, Persons with psychosocial disabilities, with reasonable accommodation during recruitment processes related to the public sector and in the workplace has made up barriers to maintaining sustainable employment of the disabled as well as employing People with Disabilities in the public enterprise and institution, etc. Also, the lack of disability awareness in the public sector makes it hard for People with Disabilities to get and stay employed in the public enterprise and institution.
3. Therefore, reasonable accommodation during recruitment processes and In public work should be available for all People with Disabilities. Also, the state party should take appropriate and effective measures to raise disability awareness in the public sector to promote the employment of the disabled.

### Affirmative action programs and exceptional attention to persons with disabilities who excluded from the labour market

1. Article 27-1(h) prescribes that state parties should promote the employment of People with Disabilities in the private sector through appropriate policies and measures, which may include affirmative action programmes, incentives and other criteria. Some state parties have carried out the quota system for People with disabilities, requiring the large companies below the mandatory employment rate to pay fines and providing subsidies with the companies over the percentage.
2. However, in some state parties, the companies tend to pay fines rather than comply with the compulsory employment rates with insufficient subsidies, which shows the quota system has not implemented effectively. State party must take appropriate measures to promote the employment rate of People with Disabilities in the private sector through affirmative action, including practical and enough employment subsidies, et cetera.

## The topic on the relationship with specific Articles

### Article 4(3), 33(3), and GC/7

1. CRPD General Comment No.7, which regulates people with Disabilities in People with Disabilities-related policies, has essential insights on disability-related employment. The Comment also emphasises the importance of People with Disabilities participation in the disability employment policy (paragraph 86). It is encouraging that the Comment includes the significance of Autistic participation in several sections (45, 50, 80, and 94(m)).
2. However, we are much-concerned that People with Disabilities, especially Autistics and People with Intellectual Disabilities, do not have the opportunity to participate in and speak about their employment. We request the Committee recommend that the state party should make the framework for discussing disability-related jobs, including Autistics.

### Article 5

1. Convention Article 5(2) prohibits “all discrimination [based on] disability”. Therefore, People with Disabilities should have equal opportunities for studying qualifications related to employment. However, in Korea, several laws protect people with Psychosocial Disabilities from getting jobs such as lawyers, doctors, Train drivers, personal assistants, etc., based on disability. The laws deprive them of the qualification and right to work and undermine Autistics and People with Psychosocial Disabilities’ workability. Therefore, the state parties should repeal the laws stripping People with Disabilities, including Persons with Psychosocial disabilities, of the qualification to work based on disability.
2. Convention Article 5(3) stipulates that the state party should make all proper procedures for ‘reasonable accommodations’ to promote equality between the disabled and people without disabilities and abolish discrimination against People with Disabilities. And the Convention Article 5(4) prescribes that ‘Specific measures which are necessary to accelerate or achieve de facto equality of persons with disabilities shall not be considered discrimination under the terms of the present Convention. We hope the Comment will include detailed examples of the measures or policies, including reasonable accommodations for People with Disabilities related to employment, especially on Autistics and People with Psychosocial disabilities.

### Article 8

1. Art 8 para 2(iii) prescribes that awareness-raising measures include ‘promoting recognition of the skills, merits and abilities of persons with disabilities, and their contributions to the workplace and the labour market.’ The lack of disability awareness in state parties and labour markets may contribute to barriers to employing People with Disabilities in the public sector, etc. The state party should prepare the measures to raise disability awareness and carry them out effectively so that People with Disabilities, including Autistics and people with psychosocial disabilities, can be employed in public enterprises and institutions and open labour markets.

### Article 9

1. Providing People with Disabilities with reasonable accommodations during recruitment processes in the public and private sector and the workplace is essential to the sustainable employment of the disabled. It contributes to the accessibility to Work for People with Disabilities; reasonable accommodations should include people with all types of disabilities.

### Article 12

1. People with Disabilities, including People with Intellectual Disabilities, Autistics have been denied their rights to legal capacity in many areas in a discriminatory manner under substitute decision-making such as adult guardianship, mental health law that concedes forced treatment. In some countries, People with Disabilities under adult guardianship don’t have the rights to work as state public officials or local public service employees. Therefore, we request the Committee to recommend that the state parties replace the adult guardianship system with supported decision-making alternatives so that People with Disabilities, including People with Intellectual Disabilities, Autistics and People with psychosocial disabilities, can be employed as state public official.

### Article 16

1. Freedom from violence and abuse is also essential to the workplace because it can lead to the sustainable employment of People with Disabilities on an equal basis with the non-disabled to enjoy a high quality of life. State parties should prepare the appropriate measures to eliminate the discriminatory attitudes and harassment against People with Disabilities, including Autistics, People with Intellectual Disabilities, and psychosocial disabilities.

### Article 19

1. Promoting the employment of People with Disabilities in the private and public sector can contribute to their independent life and be included in the community; the government should prepare effective plans and measures for the independent life of People with Disabilities through employment.

### Article 24

1. High education is crucial to Autistics and People with Disabilities for getting decent work. However, governments do not have any interest in it. The government makes it hard for them to enter schools by severe competitions centred on the non-disabled. For example, the Korean Ministry of Education(‘MoE’) has make ᅟUniversity SAT more difficult by accumulating test questions: therefore, as time passes by, it is harder for People with psychological disabilities to get into University.
2. The governments’ special education could instigate People with disabilities, especially Autistics, to get low-paid jobs. For example, the MoE published 〈Reinforcement Plan for Vocational Education for Career of Students with Disabilities〉 in 2019, which instigates unskilled vocational education related to students with disability. Therefore, The Comment should include the importance of getting high education for people with disabilities, including Autistics and People with Intellectual Disabilities. Also, the state party should prepare policies encouraging them to enter into universities, including graduate schools and get more education with good quality.
3. Significantly, We think the Comment should include contents that encourage People with Disabilities, especially Autistics, to enter graduate schools and become researchers about what one wants to research, as many Autistics and People with Disabilities in the UK, Europe USA. State parties should lift barriers and make policy to support graduate students and researchers with Disabilities to get decent work with People with Disabilities, including the policy promoting graduated People with Disabilities into decent workplaces.

### Article 28

1. Art 28 para 1 stipulates that States Parties recognise the right of persons with disabilities to an adequate standard of living for themselves. However, many People with Disabilities, including Autistics and People with Intellectual Disabilities, work at low-paid jobs with simple labour, making it hard for them to do an adequate standard of living for themselves. The state parties must develop decent-quality jobs for People with Disabilities, including Autistics and take effective measures to do the jobs to do an adequate standard of living.