**Answer to the Questionnaire from the Special Rapporteur on the Rights of Persons with Disabilities, Ms. Catalina Devandas-Aguilar**

1. **Please provide information on how your country is considering the rights of persons with disabilities in their policies aimed at implementing and monitoring the Sustainable Development Goals, including:**

* **Existing national strategies and action plans**
* **Budget allocation for their implementation**
* **Existing mechanisms or frameworks to monitor their implementation**
* **How do these strategies/plans take into consideration the situation of women and girls with disabilities, and of children and older persons with disabilities?**
* **How is the participation of persons with disabilities and their representative organizations ensured in the development and implementation of such strategies/plans?**

In order to contribute to the revitalization of global partnerships to ensure the implementation of the SDGs, the Korean government established the Second Mid-term ODA Policy 2016-2020 in 2015. This Second Policy moves beyond the provision of specific means to meet sectoral needs to achieve an integrative and inclusive approach to fulfill the SDGs. As the core guideline for Korean ODA, the Second Policy places emphasis on an inclusive ODA approach that leaves no one behind. Considering the rights of persons with disabilities is an integral element for ensuring such inclusiveness. For instance, sufficient consideration for the most vulnerable including children, women, and persons with disabilities has been set as one of the prioritized areas for Korea’s development cooperation.

With high consideration for inclusiveness, Korea is leading the Incheon Strategy to “make the right real” for persons with disabilities. This Strategy was adopted in 2012 at the new Asian and Pacific Decade of Persons with Disabilities for the period 2013 to 2022 and is committed to increasing the size of ODA. The Incheon Strategy provides the Asian and Pacific region, and the world, with the first set of regionally agreed disability-inclusive development goals comprising of 10 goals, 27 targets and 62 indicators. It builds on the Convention on the Rights of Persons with Disabilities and the Biwako Millennium Framework for Action and Biwako Plus Five towards an inclusive, barrier-free and rights-based society for persons with disabilities in the region. The Incheon Strategy also ensures disability-inclusive disaster risk reduction and management through its Goal 7 and specific indicators for tracking progress. These indicators include availability of disability-inclusive training for all relevant service personnel; the proportion of accessible emergency shelters and disaster relief sites; and the availability of assistive devices and technologies for persons with disabilities in preparing for and responding to disasters.

Korea’s strong commitment to reaching out to the most vulnerable is reinforced by robust mechanisms to monitor the progress of its ODA programs. In order to guarantee the systematic evaluation of ODA programs, the Korean government has made it mandatory for all the national agencies for international development cooperation to undertake evaluations of the implementation of projects twice a financial year. The government also established a new evaluation system to check the contribution of projects in achieving specific SDGs targets. In addition, Korea has enhanced the transparency of ODA projects by actively complying with the standards of the International Aid Transparency Initiative (IATI), which contributes to effective and efficient global governance for the SDGs.

1. **Please provide information on the legislative and policy framework in place in your country concerning non-discrimination, including:**

* **Whether “disability” is specifically mentioned as a prohibited ground of discrimination,**
* **The existence of any budgetary mechanism to ensure the provision of reasonable accommodation by public entities**
* **Whether the denial of provision of reasonable accommodation amounts to discrimination,**
* **The existence of any affirmative action measures for persons with disabilities**
* **The existence of any legal, administrative or other effective remedies available for persons who have been subject of discrimination on the basis of disability (including denial of reasonable accommodation)**
* **The establishment of governmental agencies or other similar institutions to guarantee to persons with disabilities equal and effective protection against discrimination**

The government of the Republic of Korea enacted the Anti-Discrimination against and Remedies for Persons with Disabilities Act (ARPDA) in order to prohibit discrimination against persons with disabilities, and to protect persons with disabilities who faced discrimination. Furthermore, discriminating against someone on the basis of disability is legally prohibited according to the following laws: the Welfare of Disabled Persons Act (WDPA); the Employment Promotion and Vocational Rehabilitation of Disabled Persons Act (EVDPA); the Act on Special Education for Persons with Disabilities (ASEPD); and the Act on Right to Health and Access to Medical Services for Persons with Disabilities.

The government of the Republic of Korea amended the Act on Promotion of Convenience for the Disabled, Senior Citizens, and Pregnant Women (APC) in 2014 to ensure access to public buildings for persons with disabilities. Accordingly, the central and local governments in Korea must acquire “Barrier-free (BF) Certification” when newly constructing a public building. In addition, the ARPDA states that public entities including the central and local governments shall provide “reasonable accommodation” to persons with disabilities. According to the laws mentioned above, public entities must allocate enough budget resources in order to ensure the right of accessibility for persons with disabilities and to provide them with reasonable accommodation.

In accordance with Article 4 (Discriminatory Acts) of the ARPDA, refusing to provide reasonable accommodation to persons with disabilities without justifiable grounds amounts to discrimination. If a discriminatory act occurs, it would face one of the following results: a recommendation for correction from the National Human Rights Commission of Korea (NHRCK); an order for correction from the Ministry of Justice; an administrative fine not exceeding 30 million KRW; or prison sentence up to 3 years.

The EVDPA states that the central and local governments must employ persons with disabilities to fill at least 3/100 of their prescribed number of public officials. It also indicates that any business proprietor who regularly employs at least 50 workers shall employ persons with disabilities to fill up to 5% of the total number of workers. The measures above aim at ensuring a level-playing field between persons with and without disabilities in terms of employment. The government of the Republic of Korea enacted the Special Act on the Preferential Purchase of Goods Produced by Persons with Severe Disabilities to provide job opportunities to persons with severe disabilities who face difficulties in entering a competitive labor market. In accordance with this Special Act, public entities are obliged to preferentially purchase the products or services made by persons with severe disabilities no less than 1% of their annual total expenditure.

The ARPDA indicates that any person who has suffered harm due to a discriminatory act prohibited under the ARPDA or any person or organization that is aware of such fact may file a complaint with the NHRCK as such. If the NHRCK deems that any violation of human rights or discriminatory acts occurred as a result of the investigation of any petition, in accordance with the ARPDA and the National Human Rights Commission Act (NHRCA), it may recommend the respondent or the head of the institution or the organization to which he/she belongs or the supervisory institution thereof to take remedies. If any person having received a recommendation fails to comply with such recommendation without justifiable grounds, the Minister of Justice may issue an order for correction. In addition, any person who fails to comply with the corrective order without justifiable grounds shall be subject to an administrative fine not exceeding 30 million KRW.

Courts can also provide remedies against discriminatory acts prohibited under the ARPDA. It is stated that any person who has inflicted harm on others in violation of the provisions of this Act shall be responsible for compensating for damages to the person damaged by such violation. If discrimination against a victim is clearly explained upon request by the victim before or after filing the lawsuit regarding a discriminatory act prohibited under this Act, the court may order appropriate interim measures, such as discontinuation of the discriminatory act, until judgment of the merits is rendered.

When a discriminatory act prohibited under the ARPDA occurs, the NHRCK has the authority to receive a complaint or make a recommendation. Disability Rights Division 1 and 2 within the NHRCK are mainly in charge of protecting persons with disabilities against discrimination. The Ministry of Justice has also implemented the “Committee on Remedies of Discrimination for Persons with Disabilities” in order to determine whether an order for correction may be issued on a certain discriminatory act against persons with disabilities.

1. **Please provide information on the legislative and policy framework in place in your country concerning accessibility for persons with disabilities in relation to the physical environment, transportation, information and communications, and to other facilities and services; including:**

* **The existence of national standards, guidelines, and regulations on accessibility and universal design, including access to Information and Communication Technologies,**
* **The existence of time bound action plans to make public and private facilities and services accessible for persons with disabilities,**
* **The existence of accessibility requirements for public procurement,**
* **The existence of any enforcement mechanism of accessibility standards,**
* **The provision of training on accessibility issues for State officials and other actors**

The APC and the Mobility Improvement for the Transportation Disadvantaged Act (MITDA) ensure the rights of the disadvantaged, including persons with disabilities, that they can move and use facilities and transportation services safely and conveniently. The government of the Republic of Korea amended the APC in 2014, guiding the central and local governments to acquire “Barrier-free (BF) Certification” when newly constructing a public building. Furthermore, the Korean government established the “4th National Plan for Convenience Promotion 2015-2019” to ensure accessibility to public facilities for persons with disabilities.

The rights of access to information for persons with disabilities are stated in the following laws: the WDPA; the Framework Act on National Informatization; and the ARPDA. The Korean government also adopted the Telecommunications Technology Association Standard (TTAS) to help persons with disabilities access web-based content on an equal basis as persons without disabilities. Moreover, according to the Framework Act on Broadcasting Communications Development, the Korean government devised a Korea Communications Standard (KCS) guideline in order to ensure the rights of access to information for persons with disabilities. Based on this guideline, it also developed a smart-work accessibility guideline for persons with disabilities.

The National Information Society Agency (NIA) in accordance with the ARPDA and the Framework Act on National Informatization has been providing training to individuals and officials from public agencies, educational institutions, medical institutions.

1. **Please provide information on the legislative and policy framework in place in your country concerning support services for persons with disabilities, including:**

* **The diversity and coverage of services available (e.g., services for supported decision-making, communication, mobility, personal support, housing and living arrangements, access to general services such as education, employment, justice, and health; and other community services),**
* **The availability of certified sign language interpreters,**
* **The types of service delivery arrangements (e.g. direct provision, public-private partnerships, partnerships with community-based or non-government organizations, contracting out, privatization),**
* **The financial mechanisms to ensure affordability of support services for all, persons with disabilities,**
* **How services enable direct choice and control of users with disabilities**

The government of the Republic of Korea has provided various services to persons with disabilities for their welfare promotion and reasonable accommodation as follows: a personal assistant service; disability pensions; disability benefits; housing allowance (or housing welfare services); adulthood guardianship and communication support; communication support services such as a sign-language interpretation center; mobility services such as low-floor buses and call taxis for persons with disabilities; exclusive parking lots for persons with disabilities; rehabilitation treatment voucher services for children with disabilities, etc.

Article 19 (Accreditation of Private Qualifications) of the Framework Act on Qualifications states that sign language interpreters have been accredited by the relevant Minister to effectively support communication between persons with hearing disabilities and persons without disabilities. National qualification tests for sign language interpreters have been held 12 times as of 2015, accrediting a total of 772 interpreters nationwide. In Korea, there are 192 sign-language interpretation centers throughout the country where each interpreter supports the communication of approximately 327 persons with hearing disabilities on average. Furthermore, the government of the Republic of Korea has operated a center for telecommunication relay service to ensure access to information and communication services for persons with hearing disabilities. In December 2015, the Korean government also enacted the Korean Sign Language Act which designates sign language as one of the official languages in Korea.

Various types of service delivery arrangements are provided to persons with disabilities in Korea as follows: direct provision; public-private partnerships; partnerships with community-based or non-governmental organizations; contracting out, etc.

Social welfare services, including support services for persons with disabilities, have been provided through general governmental accounts whose resources largely come from taxes. The government of the Republic of Korea has also operated the National Health Promotion Fund to provide both medical services and health promotion services to all. Basic senior pensions have also been rendered to provide long-term care services for the elderly. Furthermore, there are several voucher systems for the effective delivery of social services in Korea.

In supporting and using services, ways to collect the opinions from persons with disabilities and ensure their right of self-determination are prescribed in the following provisions: Article 5 (Collection of Opinions and Participation of Persons with Disabilities and Guardians, etc.) and Article 53 (Support for Independent Living) of the WDPA; and Article 8 (Guarantee of the rights to self-determination) of the Act on Protection of Rights and Support for Persons with Developmental Disabilities.

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| **Welfare of Disabled Persons Act (WDPA)**  Article 5 (Collection of Opinions and Participation of Persons with Disabilities and Guardians, etc.)  In determining and executing policies for persons with disabilities, the central and local governments shall collect the opinions of persons with disabilities, their parents, spouses and other guardians. In such cases, the participation of the persons concerned shall be ensured for collection of such opinions.  Article 53 (Support for Independent Living)  The central and local governments shall take necessary measures for independent living of a person with severe disabilities by his/her own decision, such as personal assistant services including the dispatch of a personal assistant, or the supply of assistive devices for persons with disabilities, various other conveniences and provision of information.  **Act on Protection of Rights and Support for Persons with Developmental Disabilities**  Article 8 (Guarantee of the rights to self-determination)   1. Persons with developmental disabilities shall decide by themselves on dwelling, agreement or denial of medical practices, communication with others, and selecting and using welfare services. 2. Nobody shall assess the decision-making abilities of a person with developmental disabilities without providing enough information and assistance to him/her with regard to his/her decision-making. 3. Despite provisions ① and ② above, if it is deemed that a person with developmental disabilities does not possess enough ability to make a decision by himself/herself, a guardian shall support him/her in the decision-making process. In this case, the guardian should help him/her achieve the best results. |

1. **Please provide any other relevant information (including information from surveys, censuses, and administrative data—statistics, reports, and studies), in relation to the implementation of existing disability-inclusive policies and action plans in your country.**

In accordance with the Framework Act on Social Security, the government of the Republic of Korea has devised a basic plan for social security every 5 years, and has implemented a social security information system for people’s convenience and secured society.

The MITDA states that a plan to enhance transportation convenience of mobility disadvantaged persons shall be devised every 5 years. Furthermore, in accordance with the MITDA and relevant ordinances, each local government should conduct a survey which would be used as basic data to effectively develop policies on mobility improvement.

* The term “mobility disadvantaged persons” is defined as persons who feel inconvenient in mobility within their daily lives, such as persons with disabilities, the elderly, pregnant women, persons accompanied by infants, and children.

Moreover, the Korean government has conducted several disability-inclusive national statistical surveys as follows: Time-use Survey (approved by the Statistics Korea in 1999); Survey of Household Finances and Living Conditions (approved by the Statistics Korea in 2006); Korea Welfare Panel Survey (approved by the Statistics Korea in 2006); and Korea’s Social Welfare Expenditure (approved by the Statistics Korea in 2009).