



Convention on the Rights of Persons with Disabilities

Distr.: General
6 October 2022

Original: English

Committee on the Rights of Persons with Disabilities

Concluding observations on the combined second and third periodic reports of the Republic of Korea*

I. Introduction

1. The Committee considered the combined second and third periodic reports of the Republic of Korea¹ at its 598th and 599th meetings,² held on 24 and 25 August 2022. It adopted the present concluding observations at its 614th meeting, held on 5 September 2022.
2. The Committee welcomes the combined second and third periodic reports of the Republic of Korea, which were prepared in accordance with the Committee's reporting guidelines and in response to its list of issues prior to reporting.³
3. The Committee appreciates the fruitful and sincere dialogue held with the State party's delegation, which was diverse and multisectoral and included representatives of the relevant government ministries.

II. Positive aspects

4. The Committee welcomes the legislative measures taken to promote the rights of persons with disabilities, in particular the following:
 - (a) The withdrawal of the reservation to article 25 (e) of the Convention, entered in 2008 at the ratification of the Convention, in December 2021;
 - (b) The adoption of the Korean Sign Language Act, in which Korean Sign Language is recognized as one of the official languages in the State party, in 2016;
 - (c) The adoption of the Braille Act, in which it is stipulated that Braille is a set of letters used in the State party along with Hangul and has the same status, in 2017;
 - (d) The adoption of the Act of Guarantee of Right to Health and Access to Medical Services for Persons with Disabilities, in 2018;
 - (e) The adoption of the Road Map to Support Independent Living of Deinstitutionalized Persons with Disabilities, in 2021.

* Adopted by the Committee at its twenty-seventh session (15 August–9 September 2022).

¹ [CRPD/C/KOR/2-3](#).

² See [CRPD/C/SR.598](#) and [CRPD/C/SR.599](#).

³ [CRPD/C/KOR/QPR/2-3](#).



III. Principal areas of concern and recommendations

A. General principles and obligations (arts. 1–4)

5. The Committee notes with concern that:

(a) Disability-related legislation and policies, including the revised definitions of disability in the Act on Welfare of Persons with Disabilities, have not yet been brought fully into line with the Convention, and fail to identify the specific needs of some persons with disabilities, in particular deafblind persons and persons with disabilities with HIV/AIDS;

(b) The medical model of disability is still prevalent in the State party, including within the disability classification system, despite the recent revision of the disability grading system and the reduction from six to two grades, which has a negative impact by preventing the inclusion of persons with disabilities in society and limiting their access to appropriate services and support;

(c) The lack of awareness among policymakers, judges, prosecutors, teachers and medical, health and other professionals working with persons with disabilities about the rights recognized in the Convention.

6. **The Committee recommends that the State party:**

(a) **Review the existing national disability-related legislation and policies to align them with the provisions of the Convention, and adopt a concept of disability that covers all persons with disabilities, in particular persons with psychosocial disabilities and/or intellectual disabilities, persons who are deafblind and persons with disabilities with HIV/AIDS, and ensure that their characteristics and needs are recognized;**

(b) **Reorient its disability assessment systems by replacing elements of the medical model of disability with principles of the human rights model of disability and by establishing systems aimed at the assessment of legal and environmental barriers to persons with disabilities and the provision of the necessary support and assistance to promote the independent living of persons with disabilities and their full social inclusion;**

(c) **With the close involvement of organizations of persons with disabilities, provide capacity-building programmes for public policymakers, judges, prosecutors, teachers and medical, health and other professionals working with persons with disabilities on the rights of persons with disabilities and the obligations of the State party under the Convention.**

7. The Committee notes that the State party has not yet ratified the Optional Protocol to the Convention.

8. **The Committee encourages the State party to ratify the Optional Protocol to the Convention.**

9. The Committee is concerned about the lack of participation of persons with disabilities, through their representative organizations, including diverse organizations of persons with disabilities, in decision-making processes concerning laws, policies and programmes that affect them.

10. **The Committee recalls its general comment No. 7 (2018) and recommends that the State party strengthen and implement mechanisms for the effective involvement of persons with disabilities, through their representative organizations, in public decision-making processes, and ensure that meaningful consultations are held with the whole range of organizations of persons with disabilities, including children with disabilities, persons with psychosocial disabilities and/or intellectual disabilities, intersex persons with disabilities, women with disabilities, refugees and migrants with disabilities, autistic persons, lesbian, gay, bisexual, transgender and gender-diverse persons with disabilities and persons with disabilities requiring higher levels of support.**

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

11. The Committee observes with concern:

(a) That the multiple and intersecting forms of discrimination faced by persons with disabilities, in particular women with disabilities, migrants with disabilities, LGBTQI+ persons with disabilities and persons with disabilities with HIV, are not recognized in the Act on the Prohibition of Discrimination against Persons with Disabilities, Remedy against Infringement of their Rights;

(b) The fact that the amended article 15 of the Act on Welfare of Persons with Disabilities excludes persons with psychosocial disabilities from the universal welfare service delivery system;

(c) The lack of recognition of the denial of reasonable accommodation as a form of discrimination on the basis of disability in all areas of life;

(d) The burden of litigation costs, including attorneys' fees, which limits access to justice by persons with disabilities.

12. **The Committee recalls its general comment No. 6 (2018) and targets 10.2 and 10.3 of the Sustainable Development Goals and recommends that the State party:**

(a) **Review the existing anti-discrimination legislation, in particular the Act on the Prohibition of Discrimination against Persons with Disabilities, Remedy against Infringement of their Rights, and enact comprehensive anti-discrimination legislation to recognize multiple and intersectional forms of discrimination on the grounds of disability and its intersection with other grounds, such as age, sex, race, ethnicity, gender identity, sexual orientation or any other status, and adopt strategies to eliminate multiple and intersecting forms of discrimination;**

(b) **Review article 15 of the Act on Welfare of Persons with Disabilities to include persons with psychosocial disabilities in the universal welfare service delivery system, in line with the Convention;**

(c) **Exempt persons with disabilities who lose a case about the rights of persons with disabilities from being burdened with the opposing party's legal fees and ensure accessible and fair reimbursement schemes in order to prevent any additional costs or administrative burdens for persons with disabilities;**

(d) **Recognize the denial of reasonable accommodation as discrimination on the grounds of disability and ensure effective investigation of reports of such discrimination.**

Women with disabilities (art. 6)

13. The Committee notes with concern:

(a) The lack of inclusion of a gender perspective in disability-related legislation and policies, as well as the lack of a disability perspective in gender-related legislation and policies, which leads to further discrimination against and marginalization and exclusion of women and girls with disabilities;

(b) The lack of gender-sensitive budgeting based on the human rights model of disability for planning and implementing activities related to persons with disabilities;

(c) That the national legislative framework does not explicitly address intersectional discrimination against women and girls with disabilities, and the absence of data and research carried out on multiple and intersectional discrimination faced by women and girls with disabilities with a view to designing suitable policy responses;

(d) The lack of empowerment programmes for women with disabilities in employment, in public and political life, in decision-making and in the judiciary.

14. **The Committee recalls its general comment No. 3 (2016) and Sustainable Development Goal 5, and recommends that the State party:**

(a) **Mainstream the rights of women and girls with disabilities into all gender legislation and mainstream a gender perspective into disability policies and programmes, in particular the third gender equality master plan (2023–2028) and disability agenda, while ensuring consultation with and the effective participation of women and girls with disabilities, in the design and implementation of gender- and disability-related policies and programmes;**

(b) **Take measures to ensure that any programmes and activities related to general disability issues are planned and budgeted on the basis of a gender equality perspective;**

(c) **Recognize in its legislation multiple and intersectional forms of discrimination against women and girls with disabilities and adopt specific legislation and strategies that reflect a gender perspective and intersectionality;**

(d) **Adopt measures aimed at achieving the empowerment and full inclusion of women and girls with disabilities in all spheres of life, as well as their involvement in all public decision-making processes. The State party should implement measures to ensure that women with disabilities are represented in political life in decision-making roles, including in government bodies and the judiciary.**

Children with disabilities (art. 7)

15. The Committee observes with concern:

(a) The absence of mechanisms to consult with children with disabilities and to enable them to express their views in all matters concerning them;

(b) The lack of access to general community-based services for children with disabilities;

(c) That only 0.03 per cent of playgrounds are inclusive, which results in discrimination against children with disabilities and prevents them from enjoying their right to play on an equal basis with others.

16. **With reference to its joint statement, with the Committee on the Rights of the Child, on the rights of children with disabilities (2022), the Committee recommends that the State party:**

(a) **Establish a mechanism that respects the evolving capacity of children with disabilities to ensure that they can form their views and express them freely in all matters affecting them, and that these views are given due weight in accordance with the child's age and maturity;**

(b) **Implement a policy on inclusion of children with disabilities in all areas of life, including family life and community life, by developing community-based rehabilitation programmes for children with disabilities;**

(c) **Review the Children's Play Facility Safety Management Act to ensure that playgrounds are inclusive and accessible for all children with disabilities.**

Awareness-raising (art. 8)

17. The Committee is concerned about:

(a) The lack of awareness-raising campaigns about the dignity, abilities and rights of persons with disabilities in society and in the media and the absence of a long-term strategy for raising awareness about the rights of persons with disabilities with the effective participation of persons with disabilities;

(b) The persistence of discriminatory attitudes, negative stereotypes, prejudices, widespread hate and demeaning expressions towards persons with disabilities, including autistic persons, persons with psychosocial disabilities and/or intellectual disabilities in political discourse and on social media.

18. **The Committee recommends that the State party:**

(a) **Adopt a national strategy, in close consultation with and with the involvement of organizations of persons with disabilities, to raise awareness of and combat prejudices against persons with disabilities, and monitor its impact;**

(b) **Introduce regular training and awareness-raising modules about the rights of persons with disabilities at all levels of education, for policymakers, the judiciary, law enforcement officials, the media, politicians, educators, professionals working with and for persons with disabilities and the general public, in all accessible formats and with the active involvement of persons with disabilities, in order to foster respect for the dignity, abilities and contributions of all persons with disabilities.**

Accessibility (art. 9)

19. The Committee notes with concern:

(a) That, despite the recent amendment to the Enforcement Decree of Disability Convenience Act, there are still some exemptions related to the size of buildings and year of construction, which continue to prevent the full accessibility of public buildings;

(b) The lack of comprehensive and effective measures to implement the full range of accessibility obligations under the Convention, including the lack of information and communications technologies and systems;

(c) That the amendment to the Act on Promotion of the Transportation Convenience of Mobility Disadvantaged Persons to improve special needs of transportation in January 2022 excludes inter-city buses, express buses and wide-area buses and the insufficient provision of information, including bus number and route, as well as on-board guidance, impeding the use of buses by persons with visual and hearing disabilities;

(d) The barriers in the digital work environment that prevent access for persons with disabilities to information and communications technology, as the obligation to guarantee accessibility is limited to national and public institutions.

20. **With reference to its general comment No. 2 (2014) and to Sustainable Development Goal 9 and targets 11.2 and 11.7 of the Goals, the Committee recommends that the State party:**

(a) **Amend national legislation to include mandatory rules on ensuring accessibility of all buildings and structures, regardless of their size, capacity and date of construction;**

(b) **Adopt a national accessibility strategy that includes all areas described in the Convention, and strengthen its mechanisms for monitoring accessibility at the municipal level, including by establishing a system of sanctions for non-compliance;**

(c) **Increase the number of wheelchair-accessible buses in the public transportation system, in particular for inter-city buses, express buses and wide-area buses, and ensure that information, including bus numbers and routes, as well as on-board guidance, are in accessible formats, and improve the environment and public space to make them safe and accessible for persons with different disabilities;**

(d) **Ensure universal access to digital technology for all persons with disabilities, in particular for persons with visual impairments, both in educational facilities and at home, on public and private websites and mobile applications.**

Right to life (art. 10)

21. The Committee is deeply concerned about:

(a) The high rate of suicide and disappearances among autistic persons and persons with psychosocial disabilities, as well as cases of parents with disabilities killing their children before committing suicide;

(b) The deaths of persons with disabilities in institutional settings, in particular during the coronavirus disease (COVID-19) pandemic.

22. **The Committee recommends that the State party:**

(a) **Adopt and implement a national suicide and disappearance prevention strategy for persons with disabilities, with specific measures to target autistic persons, persons with psychosocial disabilities and families, ensuring close consultation with and active involvement of persons with disabilities, through their representative organizations;**

(b) **Develop measures, in consultation with organizations of persons with disabilities, and independent monitoring mechanisms to initiate the emergency deinstitutionalization of persons with disabilities to ensure safe and independent living in the community and to protect the right to life in critical health situations.**

Situations of risk and humanitarian emergencies (art. 11)

23. The Committee is concerned:

(a) That the Framework Act on the Management of Disasters and Safety of 2018 lacks disaster risk reduction plans, policies and protocols for the prevention and reduction of risks for persons with disabilities;

(b) At the low level of involvement of persons with disabilities and their representative organizations in the implementation of the Sendai Framework for Disaster Risk Reduction 2015–2030 and climate change adaptation and goal 7 of the Incheon Strategy to “Make the Right Real” for Persons with Disabilities in Asia and the Pacific at the national level and in its reporting process.

24. **The Committee recommends that the State party:**

(a) **Accelerate the adoption of disaster risk reduction plans that are inclusive of and accessible to all persons with disabilities, in particular children, women, persons with psychosocial disabilities and/or intellectual disabilities and persons with sensory impairments;**

(b) **Closely consult persons with disabilities, through their representative organizations, on the design and implementation of all disaster risk reduction and climate change adaptation plans at the national and local levels and at all stages of the process, and adopt a comprehensive strategy, in accordance with the Sendai Framework for Disaster Risk Reduction 2015–2030 and Sustainable Development Goals 11 and 13.**

25. The Committee is concerned that persons with disabilities, in particular those who are still in institutions, have been disproportionately affected by the COVID-19 pandemic and is also concerned at the barriers faced by persons with disabilities in gaining access to emergency information and devices.

26. **The Committee recommends that the State party, guided by the policy brief on a disability-inclusive response to the COVID-19 pandemic prepared by the Office of the United Nations High Commissioner for Human Rights:**

(a) **Mainstream disability into its COVID-19 response and recovery plans, including in respect of ensuring equal access to vaccines, and other economic and social programmes to tackle the negative impact of the pandemic;**

(b) **Adopt measures to deinstitutionalize persons with disabilities in times of emergency and provide them with appropriate support to live in the community;**

(c) **Involve persons with disabilities and their representative organizations at all stages of developing and implementing COVID-19 response and recovery plans;**

(d) **Ensure that, in situations of risk and humanitarian emergencies, all persons with disabilities can receive the necessary information in accessible formats and on the appropriate devices.**

Equal recognition before the law (art. 12)

27. The Committee is deeply concerned about the lack of progress made to abolish the guardianship and substituted decision-making regime, which limits the active capacity of persons with disabilities on the basis of psychosocial and/or intellectual impairment, and at the lack of a time frame to completely replace this regime with a supported decision-making system. The Committee is also concerned about the lack of information about supported decision-making available in accessible formats to increase understanding for persons with disabilities and their families.

28. **The Committee reiterates its previous recommendation⁴ and recommends that, in line with its general comment No. 1 (2014), the State party:**

(a) **Replace substitute decision-making systems, including guardianships and wardships, with supported decision-making systems that ensure the provision of individualized support and respect the autonomy, will and preferences of persons with disabilities;**

(b) **Ensure the effective, independent participation of persons with disabilities, through their representative organizations, in the reform process and in the training of relevant personnel on the recognition of the legal capacity of persons with disabilities and on the mechanisms of supported decision-making;**

(c) **Organize and fund the development of information about supported decision-making, in accessible formats such as Braille, sign language and Easy Read, and disseminate it to persons with disabilities and their families.**

Access to justice (art. 13)

29. The Committee is concerned at the continued existence of restrictions that interfere with the full access to justice of persons with disabilities on an equal footing with others.

30. **The Committee refers to its previous recommendation,⁵ recalls the International Principles and Guidelines on Access to Justice for Persons with Disabilities prepared in 2020 and target 16.3 of the Sustainable Development Goals, and recommends that the State party:**

(a) **Adopt, in accordance with the Convention, an action plan on access to justice for persons with disabilities, as well as the necessary legal, administrative and judicial measures to eliminate all restrictions on the effective participation of persons with disabilities in all stages of the judicial process;**

(b) **Make procedural adjustments, including the provision of individualized assistance, to ensure that persons with disabilities can participate effectively in the various aspects of legal proceedings;**

(c) **Develop alternative and augmentative means of information and communication, such as with Braille, sign language, Easy Read and audio and video transcription, for use throughout legal proceedings, apply the principle of universal design and adopt an action plan to ensure physical access to all justice facilities, including through accessible transportation;**

(d) **Intensify efforts to provide training on the Convention to judicial and law enforcement officials;**

(e) **Take measures to ensure that persons with disabilities may enter the legal professions on an equal basis with others, and ensure individualized support for that purpose.**

⁴ CRPD/C/KOR/CO/1, para. 22.

⁵ Ibid., para. 24.

Liberty and security of the person (art. 14)

31. The Committee remains concerned that persons with disabilities, in particular persons with psychosocial disabilities and/or intellectual disabilities, are still subjected to laws that deprive them of their liberty on the basis of impairment, and that there is a lack of information on the measures taken to ensure that those persons are not subjected to arbitrary treatment, including confinement.

32. **The Committee recalls its guidelines on the right to liberty and security of persons with disabilities and recommends that the State party:**

(a) **Repeal all relevant legislative provisions, including the Civil Law on Adult Guardianship and the Mental Health Law provisions allowing for the involuntary deprivation of liberty on the grounds of impairment and perceived dangerousness to themselves or others, introduce legislation that ensures non-discrimination through, for example, procedural accommodation for persons with disabilities, including during interrogation and detention, explicitly prohibit the forced institutionalization of persons with disabilities on the ground of impairment and restore the rights of persons with psychosocial disabilities to liberty and security of person, on an equal basis with others;**

(b) **Establish a monitoring mechanism to ensure that persons with psychosocial disabilities and/or intellectual disabilities are not subjected to arbitrary and forced treatment, in particular treatment that results in confinement.**

Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)

33. The Committee remains concerned about the ongoing occurrence of seclusion, physical, chemical and mechanical restraints and other forms of ill-treatment in family settings, psychiatric institutions, hospitals, prisons and educational services, in particular for persons with psychosocial disabilities and/or intellectual disabilities.

34. **The Committee urges the State party to put an end immediately to the use of psychotropic medications and physical restraints and:**

(a) **Adopt the necessary measures for the protection of all persons with disabilities from torture and cruel, inhuman or degrading treatment or punishment in all settings, including in justice, education, health, psychosocial and aged care facilities, and recommends that organizations of persons with disabilities are effectively consulted and involved in this process;**

(b) **Ensure that the complaint procedure is accessible to all persons with disabilities still in institutions, and investigate and sanction perpetrators of practices that may amount to torture or cruel, inhuman or degrading treatment or punishment against persons with disabilities, imposing sanctions proportional to the conduct.**

Freedom from exploitation, violence and abuse (art. 16)

35. The Committee notes with concern:

(a) The lack of awareness among the general population and in particular among persons with disabilities about measures for the protection of persons with disabilities from exploitation, violence and abuse, and the lack of a comprehensive strategy to combat all forms of exploitation, violence and abuse against persons with disabilities, in all settings, including in the family, at school and in the workplace;

(b) That children with disabilities are exposed to higher rates of violence than other children and about the limited availability of information and statistical data regarding violence against children with disabilities and related complaints;

(c) The lack of accessible shelters for women and girls who are victims of violence, including women with psychosocial disabilities and/or intellectual disabilities;

(d) The inadequate training of the staff, caregivers and families of persons with disabilities, health personnel and law enforcement officials on recognizing all forms of exploitation, violence and abuse.

36. **The Committee recommends that the State party:**

(a) **Take all necessary steps to raise awareness about measures for the protection of persons with disabilities from exploitation, violence and abuse, adopt a comprehensive strategy to prevent exploitation, violence and abuse targeting persons with disabilities, in particular persons with psychosocial disabilities and/or intellectual disabilities and those who are institutionalized, and ensure that persons with disabilities have information about how to avoid, recognize and report cases and that persons with disabilities who are victims of exploitation, violence or abuse have access to independent complaint mechanisms and appropriate remedies, such as redress and adequate compensation, including rehabilitation;**

(b) **Develop and implement a plan of action to eliminate all forms of violence and abuse against children with disabilities within and outside of institutions and collect disaggregated data in order to ensure effective implementation and monitoring;**

(c) **Ensure that services for women and girls with disabilities who are victims of gender-based violence, such as support centres and emergency shelters, are accessible and that the required support is provided;**

(d) **Provide ongoing training for the families of persons with disabilities and for their caregivers, health professionals and law enforcement officers to enable them to recognize all forms of exploitation, violence and abuse and to better communicate and work with persons with disabilities who are victims of violence.**

Protecting the integrity of the person (art. 17)

37. The Committee is concerned that, despite legal provisions prohibiting the forced sterilization of women and girls with disabilities, the practice still persists. It is also concerned about the absence of information on investigations undertaken by the State party on this matter.

38. **The Committee urges the State party to take measures to eradicate the practice of forced sterilization of women and girls with disabilities, in particular those living in institutions, and the non-consensual interruption of pregnancies. It recommends that the State party establish a mechanism for identifying, investigating and following up on any cases that, despite an explicit prohibition, continue to arise and for providing full redress in those instances, and take measures to provide protection against forced sterilization.**

Liberty of movement and nationality (art. 18)

39. The Committee remains concerned at the lack of efforts made to repeal provisions of article 11 of the Immigration Control Act, which deprives persons with disabilities, in particular persons with psychosocial disabilities, of the right to enter the Republic of Korea on the basis of their disability, and of article 32 of the Act on Welfare of Persons with Disabilities, which restricts access to basic disability services for migrants with disabilities.

40. **The Committee recommends that the State party take urgent steps to repeal discriminatory provisions in order to ensure that persons with disabilities are not deprived of the right to enter the Republic of Korea on the basis of disability and to allow migrants with disabilities access to basic disability services.**

Living independently and being included in the community (art. 19)

41. The Committee observes with concern:

(a) The ongoing institutionalization of persons with disabilities and the lack of efforts, including budgetary and other measures, made towards the inclusion of persons with disabilities in the community and the provision of all necessary support services, including personal assistance services, as well as the lack of awareness in society and among public authorities of the right of persons with disabilities to live independently and be included in the community, the right to choose where and with whom to live and the right not to be obliged to live in a particular living arrangement;

(b) The weak implementation of the deinstitutionalization strategy for persons with disabilities, including women and children with disabilities placed in existing residential institutions, and the lack of programmes for resettling persons with disabilities, in particular persons with psychosocial disabilities and/or intellectual disabilities who cannot afford housing.

42. **The Committee recalls its general comment No. 5 (2017) and its Guidelines on deinstitutionalization, including in emergencies,⁶ and recommends that the State party:**

(a) **Review the Road Map for Independent Living Support, in consultation with organizations of persons with disabilities, bring it into line with the Convention and ensure that it includes sufficient budgetary and other measures, as well as awareness-raising activities to promote understanding of the right to choice and self-determination of persons with disabilities concerning their living arrangements, the right not to be obliged to live in a particular living arrangement and the value of inclusion in, as opposed to segregation from, the community;**

(b) **Strengthen the implementation of the deinstitutionalization strategy for the process of deinstitutionalization of those adults and children with disabilities who are still in a residential setting and increase the availability of community-based services aimed at enabling persons to live independently and participate in the community.**

Freedom of expression and opinion, and access to information (art. 21)

43. The Committee is concerned:

(a) About the insufficient provision of information in accessible formats and of information and communications technology, such as Easy Read, plain language, captioning, sign language, Braille, audio description and tactile, augmentative and alternative means of communication, in both public and private media outlets, and in particular on the websites that provide public information, and the lack of access to information and communications technology by persons with disabilities;

(b) That the Guidelines on the Provision of Broadcast Programs Accessible for the Disabled fail to include a requirement for the provision of adequately accessible information in Easy Read and through other access formats and modes and means of communication.

44. **The Committee recommends that the State party:**

(a) **Ensure that all public information, including television and media services, is made available in accessible communication formats such as Braille, deafblind interpretation, sign language, Easy Read, plain language, audio description, captioning and subtitles by allocating adequate funding for its development, promotion and use, and ensure access to information and communications technology appropriate for the diversity of persons with disabilities;**

(b) **Review the Guidelines on the Provision of Broadcast Programs Accessible for the Disabled to include standards on providing adequately accessible information in Easy Read and through other access formats and modes and means of communication.**

Respect for privacy (art. 22)

45. The Committee observes with concern that, in order to prevent disappearances, tracking devices are being issued to autistic persons and persons with psychosocial disabilities and/or intellectual disabilities without their free and informed consent, violating their right to privacy.

46. **The Committee recommends that the State party:**

(a) **Take measures to respect the privacy of persons with disabilities, in particular autistic persons, persons with psychosocial disabilities and/or intellectual**

⁶ CRPD/C/27/3.

disabilities and neurodivergent persons, and to ensure that tracking devices are issued with their consent;

(b) Take appropriate measures, including policies to prevent disappearances, that are in line with the Convention and the human rights model of disability.

Respect for home and the family (art. 23)

47. The Committee is concerned about:

(a) The lack of express recognition in the State party's legislation of the right of persons with disabilities, in particular women with disabilities and persons with psychosocial disabilities and/or intellectual disabilities placed under guardianship, with respect to family, parenthood and relationships;

(b) The lack of sufficient support provided to children with disabilities and their families and to parents with disabilities to carry out their parental responsibilities.

48. **The Committee recommends that the State party:**

(a) Amend its legislation to explicitly recognize the right of persons with disabilities, including women with disabilities and persons with psychosocial disabilities and/or intellectual disabilities, to marry, found a family and exercise parental responsibilities on an equal basis with others;

(b) Adopt legislative and policy measures to ensure effective support for families of persons with disabilities to raise their children in a family setting.

Education (art. 24)

49. The Committee is concerned:

(a) That the State party maintains special education on the basis of a medical impairment-based approach and regularly increases the number of special schools, which results in a high number of children with disabilities, including autistic children and children with intellectual, psychosocial or multiple disabilities, receiving segregated special education;

(b) About the insufficient number of teaching and support staff trained in Braille, sign language and accessible modes of teaching and the level of training for teachers on the skills and competencies required to promote inclusive education;

(c) That children with disabilities who attend day-care centres other than kindergarten do not receive support from the Ministry of Education.

50. **Recalling its general comment No. 4 (2016) and target 4.5 of the Sustainable Development Goals, the Committee reiterates its previous recommendation⁷ and urges the State party to:**

(a) Formulate a comprehensive inclusive education policy with strategies to promote a culture of inclusion in mainstream education at all educational levels, including individualized human rights-based assessments of educational requirements and necessary accommodation, and provide appropriate training for teachers and non-teaching education personnel on inclusive education;

(b) Provide students with disabilities with assistive compensatory aids and learning materials in alternative and accessible formats, such as inclusive digital access, and modes and means of communication including Easy Read, communication aids and assistive and information technology;

(c) Ensure that all children with disabilities attending segregated day-care centres operated under the Ministry of Health and Welfare are transferred to mainstream kindergartens operated under the Ministry of Education.

⁷ CRPD/C/KOR/CO/1, para. 46.

Health (art. 25)

51. The Committee remains concerned that article 732 of the Commercial Act recognizes life insurance contracts for persons with disabilities only if the person “possesses mental capacity”, which constitutes discrimination against persons with disabilities. It is also concerned that, under the Act on the Right to Health of the Disabled, women’s right to health is limited to pregnancy, childbirth and maternity.

52. **Taking into account the links between article 25 of the Convention and targets 3.7 and 3.8 of the Sustainable Development Goals, the Committee reiterates its previous recommendation⁸ and recommends that the State party:**

(a) **Repeal article 732 of the Commercial Act and develop and implement specific programmes on different aspects of women’s right to health, including access to sexual and reproductive health-care services and mental health services;**

(b) **Develop training for health-care professionals on the rights of persons with disabilities, including on their skills, support measures and communication means and methods, and provide information in accessible formats, including Braille, sign language and Easy Read, for persons with disabilities, in particular persons with psychosocial disabilities and/or intellectual disabilities and women and girls with disabilities.**

Habilitation and rehabilitation (art. 26)

53. The Committee notes with concern that social security and social welfare support are available, in addition to the State party’s citizens, only to long-term residents and non-nationals married to Korean citizens, and require registration as a person with a disability, which excludes non-national persons with disabilities from accessing medical and rehabilitation treatment, vocational training and personal assistance.

54. **The Committee recommends that the State party expand habilitation and rehabilitation systems and ensure that persons with disabilities, irrespective of their citizenship or residency status, have access to habilitation and rehabilitation on the basis of their individual requirements.**

Work and employment (art. 27)

55. The Committee notes with concern:

(a) Discriminatory legislation that excludes or limits the participation of persons with psychosocial disabilities and/or intellectual disabilities in the labour market;

(b) That the Minimum Wage Act excludes persons with disabilities from benefiting from the minimum wage, which has resulted in many persons with disabilities who work receiving compensation below the minimum wage;

(c) The ongoing segregation of persons with disabilities in sheltered workshops and the lack of concrete plans to gradually move workers with disabilities from these workshops to the open labour market.

56. **The Committee recommends that the State party, in line with target 8.5 of the Sustainable Development Goals:**

(a) **Repeal all discriminatory legislation that excludes or limits the participation of persons with disabilities in the open labour market and adopt effective measures to ensure the right of all persons with disabilities to work, as well as measures to combat discrimination, in particular in relation to advertisements, recruitment processes, reasonable accommodation, retraining, promotion and other rights related to work and employment;**

⁸ Ibid., para. 48.

(b) **Review the Minimum Wage Act to ensure equal remuneration for work of equal value and provide compensation to persons with disabilities who are excluded from the benefit of the Act;**

(c) **Strengthen measures to ensure that persons with disabilities, including persons with disabilities taking part in deinstitutionalization processes, persons with hearing impairments and persons with psychosocial disabilities and/or intellectual disabilities, have access to work and employment in the open labour market and to inclusive work environments;**

(d) **Implement measures to enable persons with disabilities to transition from sheltered employment into open, inclusive and accessible employment and ensure the effective implementation of specific affirmative action measures designed to promote the employment of persons with disabilities, including quotas to increase participation of persons with disabilities, in particular women with disabilities, in the open labour market.**

Adequate standard of living and social protection (art. 28)

57. The Committee notes with concern:

(a) The inadequacy of the amount provided as the disability allowance and disability pension to cover the high cost of living in the State party under the disability income and social security policy;

(b) That some persons with disabilities are still excluded from the pension system even after the abolition of the disability rating system;

(c) The non-eligibility of migrants with disabilities to receive essential support, such as the disability pension, even after completing disability registration.

58. **Recalling the links between article 28 of the Convention and target 10.2 of the Sustainable Development Goals, which seek to empower and to promote the economic inclusion of all persons, irrespective of disability status, the Committee recommends that the State party:**

(a) **Strengthen the social protection and poverty-reduction schemes for persons with disabilities and review the amount of the disability allowance, in consultation with organizations of persons with disabilities;**

(b) **Expand the eligibility for the disability pension system, in particular by completely abolishing the obligatory provider requirements, to ensure that all persons with disabilities benefit from the disability pension;**

(c) **Take immediate steps to ensure that migrants and refugees living with disabilities can benefit from social security and social welfare support, such as basic living security and disability benefits.**

Participation in political and public life (art. 29)

59. The Committee notes with concern:

(a) The discriminatory provisions of the Act on Medical Treatment and Custody, which exclude persons with disabilities who are undergoing medical treatment or are in detention facilities from the election process;

(b) The lack of measures taken to ensure the participation in political and public life of persons with disabilities, including deaf persons, persons with psychosocial disabilities and/or intellectual disabilities, deafblind persons and women with disabilities, who are underrepresented;

(c) The lack of accessibility to polling stations, voting procedures, facilities and materials, as well as to information about elections, including public electoral debates, electoral programmes and online or printed election materials, all of which limit the effective political participation of persons with disabilities.

60. **The Committee recommends that the State party:**

(a) **Repeal all discriminatory provisions denying the rights of persons with disabilities and ensure their full participation in the electoral process and in political and public life;**

(b) **Introduce specific measures to ensure equality of participation of underrepresented groups of persons with disabilities, including deaf persons, persons with psychosocial disabilities and/or intellectual disabilities, deafblind persons and women with disabilities, including as elected representatives, and to support candidates with disabilities to stand for elections, in particular for minority political parties;**

(c) **Guarantee that electoral and voting procedures, facilities and online or printed election materials are accessible in plain language and Easy Read, thereby facilitating their use by all persons with disabilities.**

Participation in cultural life, recreation, leisure and sport (art. 30)

61. The Committee is concerned about the lack of specific measures put in place to effectively implement the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print-Disabled and the insufficient measures taken to promote the participation of persons with disabilities, in particular children with disabilities, in cultural life, recreation, leisure and sport on an equal basis with others.

62. **The Committee recommends that the State party adopt appropriate measures to ensure the effective implementation of the Marrakesh Treaty through close consultation with representative organizations of persons with disabilities. It also recommends that the State party increase its efforts to ensure that persons with disabilities, in particular children with disabilities, enjoy their right to participate in cultural life, recreation, leisure and sport on an equal basis with others.**

C. Specific obligations (arts. 31–33)

Statistics and data collection (art. 31)

63. The Committee is concerned about the lack of consistent measures at the national level for the collection and public reporting of disaggregated data on the barriers faced by persons with disabilities in exercising their rights.

64. **The Committee recalls the Washington Group short set of questions and the Development Assistance Committee of the Organisation for Economic Co-operation and Development policy marker on the inclusion and empowerment of persons with disabilities and recommends that the State party:**

(a) **Expediently develop a system and procedures for collecting data on persons with disabilities disaggregated by age, sex, sexual orientation, gender identity, race, ethnicity, income, migration status, level of education, employment situation and place of residence. The system and procedures should ensure confidentiality and respect the privacy of persons with disabilities;**

(b) **Allocate funds to undertake periodic research on the rights of persons with disabilities with the aim of identifying barriers to their implementation. The State party should build the capacity of municipal authorities to conduct periodic research on barriers to the inclusion of persons with disabilities;**

(c) **Support independent and participatory research, both quantitative and qualitative, to inform the disability-related policies developed and measures taken for ensuring the rights of persons with disabilities.**

International cooperation (art. 32)

65. The Committee notes with concern the lack of appropriate mechanisms to measure the impact of development cooperation efforts on persons with disabilities and the lack of

information about the effective involvement of organizations of persons with disabilities, in particular organizations of women with disabilities, as development cooperation partners.

66. The Committee recommends that organizations of persons with disabilities be effectively consulted and involved at all stages of the development and implementation of international cooperation plans, programmes and projects, including the Incheon Strategy as the regional framework addressing the implementation of the Convention.

National implementation and monitoring (art. 33)

67. The Committee notes with concern:

(a) That the Policy Coordination Committee for Persons with Disabilities and its Subcommittee meet only up to three times a year, which is not sufficient to ensure the effective coordination of disability policies;

(b) The lack of progress made towards the implementation of recommendations of the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions made in 2021, during the reaccreditation of the National Human Rights Commission of the Republic of Korea, to establish a single independent selection committee and to ensure its financial autonomy.

68. The Committee recommends that the State party:

(a) **Intensify the meeting cycle of the Policy Coordination Committee for Persons with Disabilities and its Subcommittee to ensure the effective coordination of disability policies;**

(b) **Implement the recommendations of the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions to establish a single independent selection committee, ensure its financial autonomy and strengthen its human resources, in order to ensure that the National Human Rights Commission functions effectively and independently and discharges its mandate in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).**

IV. Follow-up

Dissemination of information

69. The Committee emphasizes the importance of all the recommendations contained in the present concluding observations. With regard to urgent measures that must be taken, the Committee would like to draw the State party's attention to the recommendations contained in paragraph 14, on women with disabilities, and paragraph 42, on living independently and being included in the community.

70. The Committee requests the State party to implement the recommendations contained in the present concluding observations. It recommends that the State party transmit the concluding observations for consideration and action to members of the Government and Parliament, officials in relevant ministries, local authorities and members of relevant professional groups, such as education, medical and legal professionals, as well as to the media, using modern social communication strategies.

71. The Committee strongly encourages the State party to involve civil society organizations, in particular organizations of persons with disabilities, in the preparation of its periodic report.

72. The Committee requests the State party to disseminate the present concluding observations widely, including to non-governmental organizations and organizations of persons with disabilities, and to persons with disabilities themselves and members of their families, in national and minority languages, including sign language, and in accessible formats, including Easy Read, and to make them available on the government website on human rights.

Next periodic report

73. The State party has opted to report under the simplified reporting procedure. The Committee will prepare a list of issues prior to reporting and request the State party to submit its replies within one year of receipt of the list of issues. The replies of the State party, expected by 11 January 2031, will constitute its combined fourth to sixth periodic reports.
