

Korean NGO's written opinion
On the international convention draft
by the Working Group

The efforts made by the organizations of the people with disabilities and by governments

With six hundred million people with disabilities, we welcome the opening of the 3rd UN Ad Hoc Committee for bringing out tangible progresses on International Convention on Promotion and Protection of the Rights and Dignity of Person with Disabilities.

And we thank all the members of the Working Group who put their valuable efforts in writing the draft.

We, the Korean organizations for the people with disabilities, acknowledge the international convention on the disability rights aims at the full realization of human rights, the mankind's common value and long pursued goal. We hope the international convention would contain the concrete and practical contents ensuring the human rights for the persons with disabilities.

We, the International Disability Convention Solidarity in Korea, are submitting our opinions reviewing the report by the Working Group as follows, hoping our opinions to add to the efforts for ensuring the rights and dignity of all the persons with disabilities.

Preamble

(l) Considering that persons with disabilities should have the opportunity [Add]to assume a leading role and to actively involved in [Add]planning, executing, evaluating, and decision-making processes about policies and programs, especially those directly concerning them.

(n) Emphasizing the need to incorporate a gender perspective in all efforts to promote the full enjoyment of human rights and fundamental freedoms by persons with disabilities and also the need [Add]to draw a special interest about women with disabilities facing dual inequalities.

Addition

(s)Full Enjoyment of all the spheres of community life
– All persons with disabilities have the right for full participation and the right for equality. The right for full participation and the right for equality mean participating in community life and enjoying the equal living conditions to other citizens including enjoying the improved quality of life resulted from the social and economic progresses.

Article 2 General Principles

Addition :

(f) the principle of self-representation

The principle of self-representation means that the person with an issue should speak for himself/herself, and not letting anyone else to speak on his/her behalf. Regarding disabilities issues, the persons with disabilities should represent themselves by participating in planning the policies and executing them, and not letting the people without disabilities speak on behalf of the persons with disabilities.

Article 3 Definition

“Accessibility”

Accessibility broadly denotes degrees, means, and standards for the persons with disabilities to easily and freely access, use, and enjoy the physical environments, the transportation

means, information and communication (including communication methods) and the socio-cultural participation.

"Persons with disability"

Persons with disability is the loss or limitation of opportunities to take part in the normal life of the community on an equal level with others due to physical, social, attitudinal and cultural barriers encountered by persons having physical, sensory, intellectual, psychological, developmental, learning, neurological or other impairment including the presence in the body of an organism or agent causing malfunction or disease, which could be permanent, temporary, episodic or transitory in nature

(refer to Brown Definition of Bangkok draft)

"Reasonable accommodation"

We propose using the term "Reasonable adaptation". Adaptation is a term out of considering both consumer and supplier perspective but accommodation is out of consumer perspective.

"Reasonable Adaptation" means introduction of necessary and appropriate changes or adjustments to ensure persons with a disabilities the full enjoyment of human rights and freedom for preventing Governments' policies to effect an unequal burden on the persons with disabilities.

Article 4 General Obligation

1-(f) [Add]We should develop policies and programs to promote development, availability and use of universally designed goods, services, equipment and facilities. Such goods, services, equipment and facilities should require the minimum possible adaptation and the least cost to meet the specific needs of persons with disabilities.

2. In the development and implementation of policies and legislation to implement this convention, respective nations shall do so in close consultation with, and include the active and [Add]leading involvement of persons with disabilities and their representative organization.

Addition

Respective nations shall have duty to protect the persons with disabilities from other territorial jurisdiction staying in alien territory from the special dangers from disability.

Article 5 Promotion of positive attitudes to persons with disabilities

2 —(c) As a sub article of

i) Include the content about the persons with disabilities and increase the participation of the persons with disabilities in planning, administering, monitoring of Media programs.

ii) Support and promote the Media services specialized for the persons with disabilities coverage.

Addition

(e) To require for the officials of the central governments and provincial governments, the educators and the employees providing public service who serve the persons with disabilities everyday to take regular education and training.

(f) To ensure for the school education program and the social education program to include the appropriate awareness contents for the persons with disabilities and to participate the persons with disabilities as educational leaders in the education process.

Article 6 Statistics and data collection

To change the name of the article to "Collection and Protection of Statistics and Data"

In order to formulate and implement appropriate policies to protect and promote the rights of persons with disabilities, States Parties should encourage the collection, analysis, and codification of statistics and information on disabilities and on the effective enjoyment of human rights by persons with disabilities. The process of collecting and maintaining this information should: [Add] encourage the collection, analysis, codification and compilation of statistics and information on disabilities

(d) and (e) should be striked out because they are not about violating individual information by collecting, analyzing and compiling the information but the basic research methods for statistics and data collection

Article 8 Right to life

Addition

2. The measures for preventing abortion due to disabilities should be adopted.

Article 10 Liberty and security of the person

2-(a) Treated with humanity and respect for the inherent dignity of the human person, [Add & Delete]and the degree of the violation of freedom should not exceed the general standard, proper provision of conveniences such as the measure for ensuring a meeting with a guardian, assistive tools and due medical service.

Article 12 Freedom from violence and abuse

1. States Parties recognise that persons with disabilities are at greater risk, both within and outside the home, of [Add]abandonment, violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual exploitation and abuse. States Parties shall, therefore, take all appropriate legislative, administrative, social, educational and other measures to protect persons with disabilities, both within and outside the home, from all forms of violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual exploitation and abuse.

2. Such measures should prohibit, and protect persons with disabilities from, forced interventions or forced institutionalisation aimed at correcting, improving, or alleviating any actual or perceived impairment, and abduction[Add] all types of neglect, violence, injury or abuse, abandonment or maltreatment, exploitation including sexual exploitation and abuse.

5. Where persons with disabilities are the victim of any form of violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual exploitation and abuse, States Parties shall take all appropriate measures [Add]including explicit regulations of legal measures to promote their physical and psychological recovery and social reintegration.

6. States Parties shall ensure the identification, reporting, referral, investigation, treatment and follow-up of [Add]all instances of violence, injury or abuse, neglect or maltreatment, exploitation including sexual exploitation and abuse and the provision of protection services and, as appropriate, judicial involvement.

Article 13 Freedom of expression and opinion, and access to information

(d) [Add]With the participation of the persons with disabilities being ensured, undertaking and promoting the research, development and production of new technologies, including information and communication technologies, and assistive technologies, suitable for persons with disabilities

(e) promoting other appropriate forms of assistance and support [Add]including developing professionals and the system related to the development to persons with disabilities to ensure their access to information

(f) encouraging private [Delete]entities that provide services to the general public to provide information and services in accessible and usable formats for persons with disabilities

Article 14 Respect for privacy, the home and the family

(e) that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. [Add]The child shall not however be separated from parents with disabilities on the basis either directly or indirectly of their disabilities and States Parties should provide necessary support for the persons with disabilities to live with their children.

Article 15 Living independently and being included in the country

(c) that persons with disabilities have access to a range of in-home, residential and other community support services including personal assistance [Add]and peer support necessary to support independent living and inclusion in the community and to prevent isolation or segregation from the community

Article 16 Children with disabilities

2. States Parties recognise that children with disabilities should enjoy a full and decent life in conditions that ensure dignity, promote self-reliance and autonomy and facilitate the child's active participation in the community. [Add]Especially, it should be institutionalized for the children with disabilities not to be detained by legal force in facilities.

Addition

6. States Parties should aware the possibility of the maltreatments of the children with disabilities such as neglect, abuse, detention, violence and suffering from excessive rehabilitation training ignoring the human rights of the children with disabilities and should adopt measures preventing those maltreatments and suffering.

7. States Parties should adopt measures preventing inhumane treatments for the children with disabilities on the basis of negative customs and religious attitudes towards disabilities.

Article 17 Education

1-(c) the development of the [Change]persons with disabilities, personality, talents and mental and physical abilities to their fullest potential.

(d) take into account the best interests of [Add & Change] the persons with disability in developing personality, talents and mental and physical abilities in particular by individualising education plan

Addition

6. States Parties should provide systematic support for the education and training specially needed for the person with disability.

Article 18 Participation in political and public life

(b) actively promote an environment in which persons with disabilities can effectively and fully participate in the conduct of public administration, and shall encourage, as appropriate, their participation in public affairs.

[Addition]

(c) Promote and adopt systematic measures for the persons with disabilities to actively participate in the activities and the administration of political parties for self-representation.

(d) Promote for the persons with disabilities to participate on a basis of equality in the activities and the administration of NGOs, as appropriate.

(e) Promote and support to form and join organisations of persons with disabilities to represent persons with disabilities at national, regional and local levels.

(c) -> (f) to ensure for the persons with disabilities and their organisations [Add] to have a leading participation, on an equal basis to others, in all decision-making processes, in particular those concerning issues relating to persons with disabilities

Article 19 Accessibility

2. (a) provide in public buildings and facilities [Add]a sound signal, a guiding block, signage in Braille and easy to read and understand forms;

(d) [Add]encourage and provide direct and indirect support of many kinds for the private entities that provide public facilities and services to take into account all aspects of accessibility for persons with disabilities and provide direct and indirect support of many kinds

(g) ensure [Add]persons with disabilities and organisations of persons with disabilities [Add&Change]to have a leading participation when standards and guidelines for accessibility are being developed

Addition

(h) plan, get budget, develop technologies, prepare necessary facilities and equipments, and provide the necessary service;

(i) develop and run the system of other transportation means than the public transportation means to ensure for the persons with disabilities the freedom of accessibility

Article 20 Personal mobility

(b) promoting universal design for mobility aids, devices and assistive technologies and encouraging and provide direct and indirect support for private entities which produce these to take into account all aspects of mobility for persons with disabilities [Add]and encouraging and provide direct and indirect support for private entities which produce these to take into account all aspects of mobility for persons with disabilities.

(d) providing training in mobility skills to persons with disabilities and to [Add]all employees working with persons with disabilities

(f) providing information to persons with disabilities about mobility aids, devices, assistive technologies and other forms of assistance and service [Add]in understandable way;

Article 21 Right to health and rehabilitation

Change the title of the article as "Right to Health"

Specify Rehabilitation considering the rehabilitation needs of the persons with disabilities but limit Rehabilitation as medical rehabilitation.

Article 22 Right to work

(c) promote active labor (market) policies including employment opportunities and career advancement for persons with disabilities in the open labor market, including opportunities for self –employment and starting one's own business, as well as assistance in finding

(d) encourage employers to hire persons with disabilities, such as through affirmative action programs, incentives and quotas [Add]and, in particular, Governments and Public Institutions should set a leading example in the employment of the persons with disabilities.

(h) protect through legislation persons with disabilities with regard to employment, [Add] compensations and benefits , continuance of employment, career advancement, working conditions, including equal remuneration for work of equal value and equal opportunities, and the redressing of grievances and to ensure persons with disabilities are able to exercise their labor and trade union right

Article 23 Social security and an adequate standard of living

(d) ensure access by persons with disabilities to governmental housing programs, including through earmarking percentages of governmental housing for persons with disabilities and [Add]private community housing programs

(e) [Add]States Parties should ensure access by persons with disabilities to tax exemptions and tax benefits in respect of their income [Add]and promote and influence the exemption or discount of the public transportation fees, the public service fees by the private sector.

Article 24 Participation in cultural life, recreation, leisure and sport

4(a) encourage and promote the participation, to the fullest extent possible, of persons with disabilities in mainstream sporting activities at regional, national and international levels; [Add]encourage and promote the sporting activities particular for the persons with disabilities, on an equal basis with mainstream sporting activities.

Addition article

Women with disabilities

1. States Parties should ensure the equal rights eliminating all inequalities on the basis of disability or sex and basic freedom and the equal participation in politic, economic, social and cultural spheres of community life.

2. States Parties should adopt legal and systematic measures from women with disabilities – sensitive perspective for women with disabilities to be ensured with dignity and to lead an independent life freely and safely.

(a) *Shall adopt exclusive article for assuring the rights of women with disabilities in the laws about disability, women and social security.*

(b) *Shall consider women with disabilities in all statistic survey and basic research, statistics about the persons with disabilities should be codified by sex. A separate survey reflecting the unique characteristics of women with disabilities should be done to induce policies reflecting women with disabilities – sensitive perspective.*

(c) *Aware that the rights of free mobility and accessibility for women with disabilities include the physical safety and sexual protection and Should devise appropriate measures.*

(d) *Respect the right for self-determination about sex role of women with disabilities and provide appropriate support according to the choice by the woman with disability. For this:*

(i) *Ensure the protection from sexual exploitation and abuse in family, facility and Community life for women with disabilities.*

(ii) *Support the maternal right of women with disabilities. For this, aware the special needs of women with disabilities' about health issues from pregnancy and childbirth and should provide policy support and develop programs.*

(iii) *Respect the choice by women with disability working about their body and ensure the right to work not be violated on the basis of pregnancy and childbirth and for this, appropriate services should be provided.*