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

1. **Please provide information on the legislative and policy framework in place in your country related to the status, establishment, resourcing, and functioning of representative organizations of persons with disabilities at the national, regional and local levels.**

Article 63 of the Welfare of Disabled Persons Act (WDPA) states that the State and local governments shall endeavor to protect and foster welfare organizations for persons with disabilities, and may subsidize whole or part of the expenses necessary for operation or activities of the organizations.

In order to receive support from the State and local governments, the organizations for persons with disabilities should be registered at the competent authorities as the association (or the foundation) indicated in Article 32 of the Civil Act, or as the non-profit, non-governmental organization stated in the Assistance for Non-Profit, Non-Governmental Organizations Act.

Article 31 of the Civil Act prohibits the free establishment of a juristic person, stating “No juristic person can come into existence other than in accordance with the provisions of the Act.” In accordance with Article 32 of the Civil Act, the organizations for persons with disabilities have been formed and operated under the permission of the competent authorities.

The organizations for persons with disabilities (or non-profit juristic persons) receive financial assistance such as donations or government subsidies in accordance with the Regulation on the Establishment and Supervision of Non-profit Juristic Persons to carry out the businesses indicated in their articles of organization.

The organizations for persons with disabilities (or non-profit juristic persons) make efforts to protect the rights of persons with disabilities based on their disability types which are classified in national laws (e.g. physical disabilities, visual impairment, hearing impairment, etc.) and to criticize relevant policies.

1. **Please provide information on existing legislation and policies aimed at ensuring that persons with disabilities and their representative organizations, including children with disabilities, are consulted and involved in decision-making processes that directly or indirectly concern them.**

Article 11 of the Welfare of Disabled Persons Act (WDPA) states that the Policy Coordination Committee for Persons with Disabilities (PCCPD) shall be established under the control of the Prime Minister to establish comprehensive policies for persons with disabilities, to coordinate opinions of the ministries concerned, and to monitor and evaluate the execution of such policies. The PCCPD includes the heads of organizations for persons with disabilities and experts on disabilities.

Further, a procedure called “pre-announcement of legislation” should be included in revising laws to receive opinions from persons with disabilities or their representative organizations.

1. **Please provide information on any consultative body or mechanism established to consult and engage with representative organizations of persons with disabilities, including information about their composition, criteria for membership (nomination, appointment, election, etc.) and functioning.**

The Policy Coordination Committee for Persons with Disabilities (PCCPD) is a representative consultative body in the Republic of Korea, which consists of a chair (Prime Minister), a deputy chair (Minister of Health and Welfare), and not more than 30 members. The members of PCCPD are classified into ex officio members and commissioned members.

The ex officio members are comprised of the followings: Minister of Strategy and Finance; Minister of Education; Minister of Government Administration and Home Affairs; Minister of Culture, Sports and Tourism; Minister of Trade, Industry and Energy; Minister of Employment and Labor; Minister of Gender Equality and Family; Minister of Land, Infrastructure and Transport; Minister of the Office for Government Policy Coordination; Minister of Government Legislation; Minister of Patriots and Veterans Affairs; and other heads of central administrative agencies the chair designated for the committee’s consideration. The commissioned members are designated by the chair among the heads of organizations for persons with disabilities or those who have broad knowledge and experiences in the fields of disability, including persons with disabilities more than a half.

Besides, the Republic of Korea has collected opinions from the organizations for persons with disabilities through the committees as follows: Disability Assessment Committee; Committee for Promoting Preferential Purchase of Products Manufactured by Persons with Severe Disabilities; and Convenience Improvement Deliberation Committee.

1. **Please provide information on the efforts undertaken at national, regional and/or local levels to strengthen the capacity of representative organizations of persons with disabilities, in order to facilitate their participation in legislative, policy and other decision-making processes.**

The government of the Republic of Korea has annually evaluated the businesses of the organizations for persons with disabilities which receive government subsidies as a non-profit juristic person. In case that a certain business does not meet the expectations, it would take advice from an evaluation panel or an expert. In addition, the ROK government encourages the organizations for persons with disabilities to adjust their businesses in order for them to meet the purposes indicated in their articles of organization by reflecting the evaluation results in budget allocation.

Further, with a regular meeting with the heads of Disabled Persons’ Organizations (DPOs) (twice a year) and a capacity building training or workshop for working-level DPO staff (twice a year), both the organizations for persons with disabilities and the ROK government make efforts to clarify their appropriate role and to build bilateral partnership.

1. **Please explain whether and how persons with disabilities participate in monitoring the implementation of the United Nations Convention on the Rights of Persons with Disabilities (art. 33, para. 3), and in the nomination of experts to the Committee on the Rights of Persons with Disabilities (art. 34, para. 3).**

In the nomination of experts to the Committee on the Rights of Persons with Disabilities, the government of the Republic of Korea recommended the candidates who highly contributed to establishing the UN Convention on the Rights of Persons with Disabilities (UN CRPD). Thus, there were no different opinions from the organizations for persons with disabilities.

The National Human Rights Commission (NHRC), in accordance with Paragraph 2 of Article 33 of the UN CRPD, is working as a monitoring mechanism to promote, protect, and monitor domestic implementation of the Convention, while ensuring the active participation of the organizations for persons with disabilities. For example, when preparing an information note on the ROK Initial Report under the Convention on the Rights of Persons with Disabilities in 2014, the ROK government held a meeting twice with the organizations for persons with disabilities to collect their opinions. After the Committee on the Rights of Persons with Disabilities announced the Concluding Observations on the Initial Report of the Republic of Korea in Oct. 2014, the ROK government also held discussions for effective implementation of the UN CRPD. Further, the ROK government ensured the active participation of the organizations for persons with disabilities when the NHRC designed a draft of mid and long-term monitoring plan for implementation of the UN CRPD in the first half of 2015.

In order to prepare for the consideration on the ROK Second Report under the Convention on the Rights of Persons with Disabilities which is scheduled to be held in 2019, the NHRC plans to finalize a mid and long-term (2015-2019) monitoring plan for implementation of the UN CRPD by the end of 2015. Until the monitoring plan would be made, the NHRC will continue to collect opinions from the organizations for persons with disabilities.

1. **Please identify the main challenges faced by the diversity of persons with disabilities in participating in mainstream and disability-specific decision-making processes at the national, regional and local levels, including challenges faced by persons who experience multiple discrimination (e.g. on the basis of disability, age, gender, ethnic origin, geographical location).**

In order to promote the participation of persons with disabilities in decision-making processes at the national, regional and local levels, it is important to ensure their rights to vote and to be elected in various elections on an equal basis with persons without disabilities.

The Public Official Election Act (POEA), however, regards the followings as a non-mandatory provision: providing closed caption or sign language interpretation for persons with hearing impairment; and using balloting aid for persons with visual impairment. Further, the POEA ignores that a Braille-type election campaign bulletin which includes the information of a book-type election campaign bulletin needs more pages, while stating “Any candidate may prepare class one Braille-type election campaign bulletins other than class one book-type election campaign bulletins for visually impaired electors. In such cases, class one Braille-type election campaign bulletins shall be prepared within the number of pages of class one book-type election campaign bulletins.”

When the 6th National Local Election was held on Jun. 4th, 2014, total 3,508 absentee polling stations were built. Except for the 330 stations installed on the 1st floor, only 772 stations had an elevator and 38 stations had a wheelchair lift. Even though these stations met the needs for accessibility, about 70% of the total 3,508 absentee polling stations were not accessible to wheelchair users. In addition, even some election districts did not provide any absentee polling stations that are installed on the 1st floor. (The National Election Commission insisted that it operated total 1,313 temporary polling booths on the 1st floor for accessibility of persons with disabilities.

Since the enactment of Anti-Discrimination against and Remedies for Persons with Disabilities Act, total 147 complaints relating to the right of persons with disabilities to vote have been accepted by the National Human Rights Commission (NHRC) until Jun. 30th, 2014. The cases of complaints relating to their right to vote have taken place in every election as follows:

1. As there were no polling stations installed on the 1st floor, it was impossible for wheelchair users to vote;
2. Braille-type ballot paper was not provided in a preliminary election;
3. As there were no balloting aid for persons with visual impairment, a family member on site cast a ballot on behalf of a person with disabilities; and
4. The website of a candidate who ran for a public election lacked information accessibility.