



Convention on the Rights of Persons with Disabilities

Distr.: General
12 December 2014

Original: English

Committee on the Rights of Persons with Disabilities

Concluding observations on the initial report of the Republic of Korea

Addendum

Comments received from the Republic of Korea on the concluding observations*

[Date received: 2 December 2014]

1. The Committee on the Rights of Persons with Disabilities considered the initial report of the Republic of Korea at its 147th and 148th meetings, held on 17 September and 18 September 2014, respectively, and adopted its concluding observations at its 165th meeting, held on 30 September 2014.
2. The Government of the Republic of Korea appreciates the meaningful dialogue held with the Committee and extends its highest regard to the Committee for its passion for and hard work in promoting and protecting the rights of persons with disabilities. The Government thanks the Committee for its valuable suggestions and recommendations on its implementation of the Convention on the Rights of Persons with Disabilities.
3. Below are corrections and comments that the Government of the Republic of Korea wishes to provide on some of the recommendations in the concluding observations of the Committee.

Liberty and security of the person (art. 14)

4. In article 28 of the concluding observations, the Committee recommended that the declaration of unfitness to stand trial be removed from the criminal justice system in order to allow due process for persons with disabilities on an equal basis with others.
5. However, no such mechanism exists in the criminal justice system of the Republic of Korea. Rather, it provides procedural accommodations for persons with disabilities to

* The present document is being issued without formal editing.



guarantee fair trial and due process. For example, the court is required to appoint ex officio a defense counsel in cases where a defendant is suspected of having a mental or physical disability and has no defense counsel available (article 33 of the Criminal Procedure Act). Also, sign language interpretation may be provided in cases where a defendant has a hearing disability (article 181 of the Criminal Procedure Act). With this system in place, persons with disabilities are guaranteed the right to trial on an equal basis with others.

6. Furthermore, the act of a person who, because of a mental disorder, is unable to make discriminations or control one's will is not punished, and punishment is mitigated for the conduct of a person who, because of a mental disorder, is deficient in those abilities (article 10 of the Criminal Act).

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

7. In article 42, the Committee recommended that the regulation on ensuring access to broadcast material for persons with disabilities include standards on programming quality and on providing adequate, accessible information through sign language, closed-captioning, descriptive video/audio description, easy-to-read/easy-to-understand content and through other access formats, modes and means of communication.

8. Since the introduction of a mandatory regulation in 2012 that requires broadcasters to dedicate a certain proportion of its contents aired to programmes for persons with disabilities, the Korean Communications Commission (KCC) has made endeavors to increase the number of broadcasting materials for persons with disabilities. Because the regulation is still at its early stage, the KCC is raising public awareness of disability and providing financial support to broadcasters in order to ensure its full implementation.

9. The KCC plans to conduct a mid- and long-term research on setting the standards on programming quality to gather views of various stakeholders in the broadcasting industry, including disability organizations and broadcasters, and to investigate technical feasibility.

Health (art. 25)

10. In article 48, the Committee encouraged the Republic of Korea to repeal article 732 of the Commercial Act, which recognises life insurance contracts for a person with disabilities only if the person "possesses mental capacity".

11. The Government does not consider the restriction as a discrimination against persons with mental disabilities. Article 732 of the Commercial Act, which was amended on 11 March 2014 and will be effective as of 12 March 2015, only restricts the subscription to life insurance of persons with mental disabilities who "lack mental capacity" for the purpose of protecting them from insurance crimes or malicious abandonment.
