SEOUL METROPOLITAN GOVERNMENT ORDINANCE ON THE PROMOTION OF HUMAN RIGHTS OF PERSONS WITH DISABILITIES

Enactment No. 5073, Jan. 13, 2011
Partial Amendment No. 5627, Jan. 09, 2014
Amendment of Other Laws No. 5767, Dec. 11, 2014
Amendment of Other Laws No. 5864, May. 14, 2015
Partial Amendment No. 5893, May. 14, 2015
Amendment of Other Laws No. 6016, Oct. 08, 2015
Partial Amendment No. 6583, Jul. 13, 2017
Partial Amendment No. 6827, Mar. 22, 2018
Amendment of Other Laws No. 7154, May. 16, 2019
Partial Amendment No. 7162, May. 16, 2019
Partial Amendment No. 7237, Jul. 18, 2019
Partial Amendment No. 7314, Sep. 26, 2019
Amendment of Other Laws No. 7423, Dec. 31, 2019
Partial Amendment No. null, Oct. 05, 2020
Partial Amendment No. null, Mar. 25, 2021
Partial Amendment No. 8151, Sep. 30, 2021
Partial Amendment No. null, Dec. 30, 2021
Amendment of Other Laws No. 8530, Dec. 30, 2022

Article 1 (Purpose)

The purpose of this Ordinance is to ensure the human dignity and worth of person with a physical or mental impairment or disability in local communities by prohibiting discrimination against them and ensuring their participation in society and the establishment of their right to equality pursuant to the Act on Welfare of Persons with Disabilities and the Act on the Prohibition of Discrimination against Persons with Disabilities, Remedy against Infringement of Their Rights, Etc. <Amended by Ordinance No. 6583, Jul. 13, 2017>

Article 2 (Definitions)

The definitions of terms used in this Ordinance shall be as follows: <Amended by Ordinance No. 5627, Jan. 9, 2014; Ordinance No. 6016, Oct. 8, 2015; Ordinance No. 6583, Jul. 13, 2017>

1. The term "disability" means a physical or mental impairment or loss of function that substantially limits an individual's personal or social activities over a long period of time;
2. The term "person with a disability" refers to a person who has a disability mentioned in subparagraph 1, who is registered pursuant to Article 32 of the Act on Welfare of Persons With Disabilities (persons with a disability registration certificate pursuant to Article 32 of the Act on Welfare of Persons With Disabilities) and persons with a physical or mental impairment or disability who may register for disability;
3. The term "prohibition of discrimination against persons with disabilities" means the prohibition of discrimination against persons who had, currently have, or are presumed to have any disabilities;
4. The term "promotion of the human rights of persons with disabilities" means enhancing the human dignity and worth, and freedom and rights of persons with disabilities that are guaranteed by the Constitution of the Republic of Korea and other Acts or recognized by international human rights treaties, customary international law, the UN Convention on the Rights of Persons with Disabilities, etc. signed and ratified by the Republic of Korea;
5. The term "disability abuse" means physical, psychological, emotional, linguistic or sexual violence, cruelty to, economic exploitation, abandonment or neglect of a person with a disability;
6. The definitions of other terms used in this Ordinance shall be as provided in the Act on Welfare of Persons with Disabilities and the Act on the Prohibition of Discrimination against Persons with Disabilities, Remedy against Infringement of Their Rights, Etc.

Article 3 (Mayor's Responsibilities)

(1) The Mayor of the Seoul Metropolitan Government (hereinafter referred to asthe "Mayor") shall endeavor to realize the inclusion and integration of persons with disabilities into society.
(2) The Mayor shall take active measures to prevent and substantially eliminate any discrimination against persons with disabilities and infringement on their human rights. <Amended by Ordinance No. 6583, Jul. 13, 2017>
(3) The Mayor shall provide technical, administrative and financial assistance necessary to afford legitimate convenience to persons with disabilities, etc.
(4) In regard to administrative procedures and the provision of administrative services, the Mayor shall take into full consideration the gender of persons with disabilities and the types, degree, characteristics, etc. of disabilities.

Article 4 (Rights of Persons with Disabilities)

(1) All persons with disabilities shall have the right to live in communities that are free from discrimination and the infringement of human rights.

(2) All citizens of the Seoul Metropolitan Government (hereinafter referred to as "citizens") including persons with disabilities shall have the right to knowledge on the overall administration of the Seoul Metropolitan Government regarding the prohibition of discrimination against persons with disabilities and the guarantee of their human rights.

Article 5 (Formulation of Master Plan)

(1) The Mayor shall formulate and implement a master plan for promoting the human rights of persons with disabilities (hereinafter referred to as "master plan") every five years.

(2) Each master plan shall include the following:

1. Policy objectives and direction-setting for implementing the prohibition of discrimination against persons with disabilities and promoting human rights;
2. Tasks to be performed and methods of performing tasks in each field and at each stage to attain objectives;
3. Development of an index to research the actual conditions of persons with disabilities;
4. A plan for education and public relations concerning improving awareness;
5. An administrative and financial support plan for the implementation of policies and measures;
6. Other matters necessary to promote the human rights of persons with disabilities.

(3) Where the Mayor formulates a master plan, he/she shall formulate financial measures to secure the necessary budget. <Amended by Ordinance No. 5893, May 14, 2015>

(4) Where the Mayor intends to formulate or modify a master plan, he/she shall seek opinions from persons with disabilities and other citizens.

(5) Other detailed matters regarding procedures, etc. for formulating master plans shall be prescribed by rule.

[This Article Wholly Amended by Ordinance No. 5627, Jan. 9, 2014]

Article 6 (Census)

(1) The Mayor shall conduct a census of persons with disabilities by types of disabilities every three years and utilize the results thereof as basic data for understanding the actual conditions of human rights, such as the actual conditions of the living of persons with disabilities, and for the formulation of welfare policies.

(2) Where necessary when the Mayor conducts a census under paragraph (1), he/she may prescribe the range of persons subject to census based on the age, the degree of disability, etc.

(3) The Mayor may pay monetary compensation or provide goods as compensation to respondents to a census.

[This Article Newly Inserted by Ordinance No. 6583, Jul. 13, 2017]

Article 7 (Publicity to Promote Human Rights of Persons with Disabilities)

(1) The Mayor shall carry out publicity activities for citizens regarding the prohibition and prevention of discrimination against persons with disabilities.

(2) The Mayor shall establish and manage a separate banner on the City home page regarding the prohibition of discrimination against persons with disabilities and the guarantee of their human rights.

Article 8 (Publicity to Promote Human Rights of Persons with Disabilities)

(1) The Mayor shall provide publicity for citizens regarding the prohibition and prevention of discrimination against persons with disabilities.

(2) The Mayor shall establish and manage a separate banner on the Seoul Government website regarding the prohibition of discrimination against persons with disabilities and the promotion of their human rights.

Article 9 (Establishment and Operation of Seoul Metropolitan Government Center for Human Rights of Persons with Disabilities)

(1) The Mayor shall establish and operate the Seoul Metropolitan Government Center for Human Rights of Persons with Disabilities (hereinafter referred to as the "Center") that performs the role of an institution protecting the rights and interests of persons with disabilities, to promote the human rights of persons with disabilities and to prevent disability abuse. <Amended by Ordinance No. 6583, Jul. 13, 2017>

(2) The Center shall havea head and the human resources required to conduct its affairs. <Amended by Ordinance No. 6583, Jul. 13, 2017>

(3) The head of the Center shall serve on a full-time basis. <Amended by Ordinance No. 6583, Jul. 13, 2017>

(4) The Mayor may fully or partially subsidize expenses incurred in establishing and operating the Center, within the budget. <Newly Inserted by Ordinance No. 6583, Jul. 13, 2017>

(5) The Seoul Metropolitan Ordinance on Management of Local Subsidies shall apply to specific matters concerning subsidization within the budget under paragraph (4). <Newly Inserted by Ordinance No. 6583, Jul. 13, 2017>

Article 9-2 (Functions of Center for Human Rights of Persons with Disabilities)

(1) The Center shall conduct the following affairs to promote the human rights of persons with disabilities:
1. Consultation on and management of cases of violations of the human rights of persons with disabilities;
2. Education and development of programs for the promotion of the human rights of persons with disabilities and the improvement of awareness of persons with disabilities;
3. Matters concerning examinations and remedies related to discrimination against persons with disabilities;
4. Other matters necessary for the protection and promotion of the human rights of persons with disabilities.
(2) In any of the following cases, the Center may examine the relevant matters in cooperation with the department related to welfare policies for persons with disabilities:
1. Where the Center receives an application for consultation on violations of the human rights of persons with disabilities;
2. Where any human rights of persons with disabilities are discriminated against in any of the following agencies or institutions:
(a) The Seoul Government and administrative agencies under its jurisdiction;
(b) Autonomous Gus (limited to affairs entrusted by the Seoul Government)
(c) Seoul Metropolitan Government-invested or funded institutions;
(d) Institutions entrusted with affairs by the Seoul Government (limited to affairs entrusted by the Seoul Government);
(e) Various welfare facilities subsidized by the Seoul Government.
(3) The Center shall conduct the following affairs to promptly discover, protect and treat abused persons with disabilities and to prevent disability abuse:
1. Receipt of reports on disability abuse, on site inspections and emergency protection;
2. Consultation on and post management of abused persons with disabilities, their families and abusers of persons with disabilities;
3. Education and public relations related to the prevention of disability abuse;
4. Establishment and operation of the disability abuse cases judging committee;
5. Other affairs related to the prevention of disability abuse prescribed by Ordinance of the Ministry of Health and Welfare.
[This Article Newly Inserted by Ordinance No. 6583, Jul. 13, 2017]

Article 9-3 (Entrustment of Operation)

The Mayor may entrust the operation of the Center to a public institution under Article 4 of the Act on the Management of Public Institutions or to a nonprofit corporation focused on the prevention of disability abuse. In such cases, he/she may subsidize expenses incurred in operating the Center entrusted within the budget.
[This Article Newly Inserted by Ordinance No. 6583, Jul. 13, 2017]

Article 10 (Committee for Promotion of Human Rights of Persons with Disabilities)

(1) The Seoul Government may establish a committee for the promotion of human rights of persons with disabilities (hereinafter referred to as the "Committee") to provide advice and suggestions and deliberate on important matters concerning the promotion of the human rights of persons with disabilities.
(2) The Committee shall provide advice and suggestions and deliberate on the following:
1. Matters concerning a master plan and action plan for promoting the human rights of persons with disabilities;
2. Matters concerning education and public relations on the promotion of the human rights of persons with disabilities;
3. Matters concerning policies for the promotion of the human rights of persons with disabilities;
4. Other matters submitted to the Committee by the chairperson in relation to the promotion of the human rights of persons with disabilities.
(3) The Committee shall be comprised of not more than ten members including one chairperson; and members who are persons with disabilities shall comprise a majority.
(4) The chairperson shall be elected by the Committee from among the members thereof.
(5) The Director of the Welfare Headquarters shall be an ex officio member, and the Mayor shall commission members from among those falling under any of the following: <Amended by Ordinance No. 5767, Dec. 11, 2014; Ordinance No. 5864, May 14, 2015>
1. Members of the Seoul Metropolitan Council:
2. Professors in the field of the welfare of persons with disabilities;
3. Persons representing welfare institutions for persons with disabilities;
4. Representatives of human rights organizations for persons with disabilities;
5. Legal professionals;
6. Other persons who have extensive knowledge and experience in discrimination against persons with disabilities and the human rights thereof.
(6) The term of office of members of the Committee shall be two years; and members may serve consecutive terms: Provided, That the term of office of a member who fills a vacancy shall be the remainder of the unexpired term of his/her predecessor.
(7) The Committee shall annually hold a regular meeting in January, and convene a special meeting where the chairperson deems it necessary and at least one-third of the incumbent members requests to convene a special meeting.

(8) The Committee shall hold meetings when a majority of the incumbent members is present and pass resolutions when a majority of the members present gives approval.
(9) Where a member falls under any of the following, the Mayor may terminate the appointment of the relevant member:
1. Where the member is unable to perform his/her duties for reasons such as a personal accident;
2. Where the member divulges confidential information he/she has officially obtained;
3. Where the member is deemed unsuitable to perform his/her duties because he/she often absents himself/herself from meetings or remarkably loses his/her dignity as a member.
(10) The Committee may pay allowances and travel expenses to commissioned members who attend meetings within the budget pursuant to the Seoul Metropolitan Ordinance on the Payment of Committee Allowances and Travel Expenses.
(11) Detailed matters concerning the operation of the Committee shall be prescribed by detailed operating rule.
[This Article Newly Inserted by Ordinance No. 5627, Jan. 9, 2014]

Article 11 (Payment of Monetary Compensation)

(1) The Mayor may pay monetary compensation to persons who provide information or discover or submit evidence or data useful to inquire into the status of violations of the human rights of or discrimination against persons with disabilities in residential facilities for persons with disabilities.
(2) The Committee for the promotion of human rights of persons with disabilities shall deliberate on whether to pay monetary compensation; and procedures for, the amounts and methods of paying monetary compensation shall be prescribed by rule. <Amended by Ordinance No. 6583, Jul. 13, 2017>
(3) Where monetary compensation paid pursuant to paragraph (1) falls under any of the following, monetary compensation may be recovered fully or partially:
1. Where a person receives monetary compensation by deception or other fraudulent means;
2. Where monetary compensation is paid twice for the same distinguished service;
3. Where monetary compensation is paid erroneously for reasons, such as a clerical error.
[This Article Newly Inserted by Ordinance No. 5627, Jan. 9, 2014]

Article 12 (Enforcement Rule)

Necessary matters regarding the enforcement of this Ordinance shall be prescribed by rule.

ADDENDUM

This Ordinance shall enter into force six months after the date of its promulgation.

ADDENDUM <Ordinance No. 5627, Jan. 9, 2014>

This Ordinance shall enter into force six months after the date of its promulgation.

ADDENDA <Ordinance No. 5767, Dec. 11, 2014>

Article 1 (Enforcement Date)

This Ordinance shall enter into force on January 1, 2015.

Article 2 Omitted.

ADDENDA <Ordinance No. 5864, May 14, 2015>

Article 1 (Enforcement Date)

This Ordinance shall enter into force on July 1, 2015.

Article 2 Omitted.

ADDENDUM <Ordinance No. 5893, May 14, 2015>

This Ordinance shall enter into force on the date of its promulgation.

ADDENDUM <Ordinance No. 6016, Oct. 8, 2015>

This Ordinance shall enter into force on the date of its promulgation.

ADDENDUM <Ordinance No. 6583, Jul. 13, 2017>

This Ordinance shall enter into force on the date of its promulgation.