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
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Article 1 (Purpose)

The purpose of this Ordinance is to ensure the human dignity and worth of persons with disabilities in local communities by prohibiting discrimination against them and preventing infringement of human rights such as abuse of persons with disabilities etc., 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 and Remedy against Infringement of Their Rights. <Amended by Ordinance No. 6583, Jul. 13, 2017; Ordinance No. 6827, Mar. 22, 2018>

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" means a person who has a disability mentioned in subparagraph 1;
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 statutes 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 "abuse of persons with disabilities" means physical, psychological, emotional, verbal 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 Disabled Persons andRemedy against Infringement of Their Rights.

Article 3 (Mayor's Responsibilities)

(1) The Mayor of the Seoul Metropolitan Government (hereinafter referred to as the "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 such as abuse of persons with disabilities. <Amended by Ordinance No. 6583, Jul. 13, 2017; Ordinance No. 6827, Mar. 22, 2018>

(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 Seoul (hereinafter referred to as "citizens") including persons with disabilities shall have the right to knowledge on the overall administration of the 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 for a fact-finding survey;
4. A plan for education and campaign to raise 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 or 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 or 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 of the Seoul Metropolitan Government.
[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 conducting a census under paragraph (1), if necessary, the Mayor may prescribe the range of persons subject to census based on the age, the degree of disability, etc. <Amended by Ordinance No. 7162, May 16, 2019>
(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]
[Previous Article 6 moved to Article 5-2 <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 (Campaign to Promote Human Rights of Persons with Disabilities)

(1) The Mayor shall conduct a campaign, targeting citizens, on 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.
[Moved from Article 7; previous Article 8 moved to Article 9 <by Ordinance No. 5627, Jan. 9, 2014>]

Article 9 (Establishment and Operation of Seoul Advocacy Agency for Persons with Disabilities)

(1) The Mayor shall establish and operate the Seoul Advocacy Agency for Persons with Disabilities (hereinafter referred to as the "Agency") to promote the human rights of persons with disabilities and to prevent abuse of persons with disabilities. <Amended by Ordinance No. 6583, Jul. 13, 2017; Ordinance No. 7237, Jul. 18, 2019>
(2) The Agency shall have a head and the human resources required to conduct its affairs. <Amended by Ordinance No. 6583, Jul. 13, 2017; Ordinance No. 7237, Jul. 18, 2019>
(3) The head of the Agency shall serve on a full-time basis. <Amended by Ordinance No. 6583, Jul. 13, 2017; Ordinance No. 7237, Jul. 18, 2019>
(4) The Mayor may fully or partially subsidize expenses incurred in establishing and operating the Agency, within the budget. <Newly Inserted by Ordinance No. 6583, Jul. 13, 2017; Ordinance No. 7237, Jul. 18, 2019>
(5) The Seoul Metropolitan Government Ordinance on the 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>

[Moved from Article 8; previous Article 9 moved to Article 12 <by Ordinance No. 5627, Jan. 9, 2014>]

Article 9-2 (Functions of Advocacy Agency for Persons with Disabilities)

(1) The Agency shall conduct the following affairs to promote the human rights of persons with disabilities: <Amended by Ordinance No. 7237, Jul. 18, 2019>

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 Agency may examine the relevant matters in cooperation with the department related to welfare policies for persons with disabilities: <Amended by Ordinance No. 7237, Jul. 18, 2019>

1. Where the Agency 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 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 Agency shall conduct the following affairs to promptly discover, protect and treat persons with disabilities who have become victims of abuse (hereinafter referred to as "abused persons with disabilities") and to prevent abuse of persons with disabilities: <Amended by Ordinance No. 6827, Mar. 22, 2018; Ordinance No. 7237, Jul. 18, 2019>

1. Receipt of reports on abuse of persons with disabilities, 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 campaign related to the prevention of abuse of persons with disabilities;
4. Establishment and operation of the abuse of persons with disabilities cases judging committee;
5. Other affairs related to the prevention of abuse of persons with disabilities 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 Agency 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 abuse of persons with disabilities. In such cases, he or she may subsidize expenses incurred in operating the Center entrusted within the budget. <Amended by Ordinance No. 6827. Mar. 22, 2018; Ordinance No. 7237, Jul. 18, 2019>

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

Article 10 (Establishment of Shelters for Abused Persons with Disabilities)

(1) The Mayor may establish and operate a shelter for abused persons with disabilities (hereinafter referred to as "shelter") to protect them temporarily and support their rehabilitation to the society.

(2) A shelter shall perform the following duties:

1. Protecting abused persons with disabilities and providing them with meals and lodging;
2. Offering healing programs, such as professional psychological counseling to help abused persons with disabilities recover psychological stability;
3. Providing abused persons with disabilities with basic medical expenses incurred in treating physical and mental harm caused by abuse;
4. Supporting persons with disabilities for their return to society and self-reliance, such as providing adaptation training to help them live a daily life or engage in social activities, or providing vocational rehabilitation training;
5. Any other matters deemed necessary by the Mayor for abused persons with disabilities who are admitted to or use the shelter.

(3) The Mayor may entrust the operation of a shelter to a social welfare corporation or a nonprofit corporation or institution. In such cases, the Mayor may provide subsidies to cover expenses incurred in operating such shelter within the budget.

[This Article Newly Inserted by Ordinance No. 6827, Mar. 22, 2018]

[Previous Article 10 moved to Article 11 <by Ordinance No. 6827, Mar. 22, 2018>]

Article 11 (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 Chief Officer of the Welfare Policy Office 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; Ordinance No. 7154, May 16, 2019>
1. Members of the Seoul 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 or her predecessor.
(7) The Committee shall annually hold a regular meeting in January, and convene an extraordinary meeting where the chairperson deems it necessary and at least one-third of the incumbent members requests to convene an extraordinary meeting.
(8) A majority of the members of the Committee shall constitute a quorum, and any decision thereof shall require the concurring vote of at least a majority of those present.
(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 or her duties for reasons such as a personal accident;
2. Where the member divulges confidential information he or she has officially obtained;
3. Where the member is deemed unsuitable to perform his or her duties because he or she often absents himself/herself from meetings or remarkably loses his or 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 Government Ordinance on the Payment of Committee Allowances and Travel Expenses.
(11) Detailed matters concerning the operation of the Committee shall be prescribed by operating rules.
[This Article Newly Inserted by Ordinance No. 5627, Jan. 9, 2014]
[Moved from Article 10; previous Article 11 moved to Article 12 <by Ordinance No. 6827, Mar. 22, 2018>]

Article 12 (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 of the Seoul Government. <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 fraud or other improper 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]
[Moved from Article 11; previous Article 12 moved to Article 13 <by Ordinance No. 6827, Mar. 22, 2018>]

Article 13 (Enforcement Rules)

Matters necessary for the enforcement of this Ordinance shall be prescribed by rule of the Seoul Government.