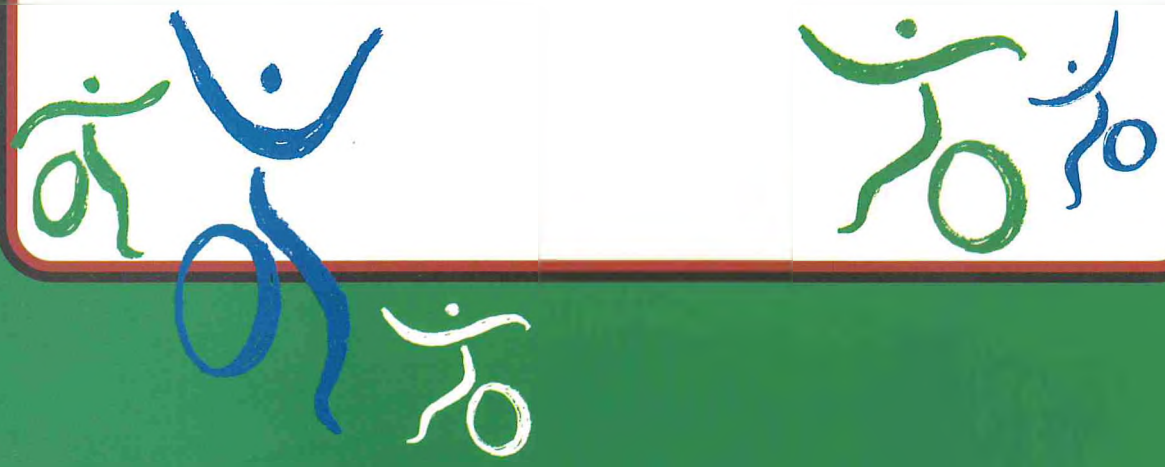
Instructional Text and Programs for Persons with Disabilities in Residential Services



National Human Rights Commission of Korea

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Instructional Text and Programs for Persons with Disabilities in Residential Services

National Human Rights Commission of Korea

Translation undertaken by the International Development NGO Research Center, Korea University of International Studies, Seoul, Korea

contents

1 Chapter Overview

1. The Rationale and Objectives of the Project 8
2. The Research Contents and Scope 9
3. Research Methodology 10
4. Utilization of the Research 10

2 Chapter Human Right and Social Welfare

1. Concept of Human Right and Its Characteristics 12
1) Concept of Human Rights 12

2. History of Human Rights 16
1) First generation Human Rights : Freedom or Civil and Political Rights 17
2) Second Generation Human Rights : Social, or Economic and Cultural Rights 18
3) The Third Generation Human Rights : Collective Rights or Rights for Solidarity 19

3. Human Rights and Social Welfare 20
1) Relationships between Human Rights and Social Welfare 20
2) Human Rights Based Social welfare Practice 26
3) User Participatory Model as Human Rights Practice 32

3 Chapter Disability and Human Rights

1. National and International Covenants on Human Rights of Persons with Disabilities 38
2. Children with Disability Relevant Human Rights Covenants 41
3. Patterns of Human Rights and Protection for Persons with Disabilities in Residential Care 41

4 Chapter Human Rights in Residential Services for PWDs and Measures to Protect human Rights

1. Concept of Residential Care and an Overview 47
1) Concept of Residential Care for Persons with Disabilities 47
2) Function and Overview of Disability residential Care 49

2. Human Rights in Residential Care and Safeguards 52
1) Human Dignity: Rights to Personhood and Equality 53
2) Rights to Life 56
3) Liberty and Security of Persons 65
4) Social Rights 76
5) Political Rights 83
6) Cultural Rights 86
7) Procedural Rights 88

5 Chapter Analysis of Preliminary Needs

1. Expert Group Interviews 92
1) An Overview of Expert Group Interviews 92
2) Analysis of Preliminary Survey 92

2. Interview on Persons with Disabilities 95
1) An Overview 95
2) Analysis of Interviews on Persons with Disabilities 96

6 Chapter Benchmarking Good Practices

1. Benchmarking Regulations: Implementation of Human Rights in UK, Japan and the USA 99
2. Benchmarking Good Practices within Korea 99
3. Implications 100

7 Chapter Evaluation of Program Implementation

1. An Overview of Program Implementation 102
2. Program Evaluation results 102

8 Chapter Instructional Texts and Program development for Human Rights

1. Characteristics of Human Rights Instructional Text and Program Developments 105
2. Human Rights Instructional Texts (4 Texts) 107
3. Development of Instructional Texts for Human Rights (6 Texts) 110

Overview

1. The Rationale and Objectives of the Project

□ The Rationale

— The sporadic but unceasing incidents of human abuses in social welfare institutions and the need for necessary control and protection may result in further abuses of persons with disabilities in residential care.

— The protection of the rights of persons with disabilities in care may not be solely left with the institutions themselves, but it must be aided by legal instruments, systemic refinements, changes in public perceptions and implementation of guidelines directed both to the care workers and persons with disabilities themselves. All these improvements and changes begin with human rights education.

— There is a paucity of basic research and programs to commence human rights education in residential facilities. The rationale for this project has to do with the immediate necessity to develop instructional material and programs which would sensitize care workers in institutions on issues of disability and human rights.

□ Research Objectives

— To provide a basic human rights instructional texts for professionals and employees in care facilities for persons with disabilities.

— To contribute to upholding human rights in institutions by targeting service delivery personnel.

2. The Research Contents and Scope

□ Research Contents

— A review of previous studies in Korea and overseas to develop a framework to understand human rights.

• Human Rights : Historical Developments of the Concept. The Nexus between Human Rights and Social Welfare. The Scope of Human Rights and Contents of Human Rights Protection.

— Review of Korean and Foreign Legal Instruments.

• UN Human Rights Declaration, Various Human Rights Conventions, and Analysis of Disability Rights Legislations of United Kingdom, the USA and Korea.

— Discussions on realities of human rights in service institutions and ways to protect human rights

— Needs analysis for the development of test and programs : A Qualitative Study

• Needs Analysis of the Disability Service Workers for Human Rights Education and Programs.

• Needs Analysis of Persons with Disabilities for Human Rights Education.

— Development of human rights texts and programs : Total 10 Projects

• Four human rights education texts : for children, youth, adults and persons with developmental disabilities.

• Six human rights programs : for children, youth, adults, persons with developmental disabilities, families and service workers.

□ Scope of the Study

— Research Target Institution : Disability Care Services

— Disability Types : All disability types, excluding persons with mental disabilities

3. Research Methodology

— Literature and Research Reviews on Human Rights

— Analysis of Basic Data on Human Rights

— Focus Group Interview

— Individuals with Disabilities & Focus Group Interview

— Overseas Benchmarking for best practices

4. Utilization of the Research

— As a basic human rights text for disability residential care services.

— To deepen an understanding of human rights issues in disability residential care and to suggest mid and long term measures to protect human rights in Korea.

— To use as a human rights instructional text for care workers and persons with disabilities themselves.

— To contribute to establishing an identity as human rights practitioners for persons operating in disability care services by introducing human rights perspectives to the service area.

— To improve human rights and quality of services for persons with disabilities in residential care and to systemize human rights as a service.

— To support the social inclusion of persons with disabilities as a goal by enabling them to exercise self-determination and self-advocacy.

2
Chapter

Human Right and Social Welfare

1. Concept of Human Right and Its Characteristics

1) Concept of Human Rights

(1) Varying Views on Human Rights (Sweet, 2003 : 2)

It is seems true to say that the ambiguous and blurred meaning of human rights (Sweet, 2002) makes it difficult to come up with a theory or an acceptable definition (Lee, Chang Soo et al, 2005 : 35). The subject matter of human rights appears to be continuously involved in dialogue and interactions about what constitutes humanity and to that extent it is constantly being constructed and developed with time (Skegg, 2005 : 667 ; Ife, 2001 : 6). This illustrates the point that to arrive at a perfect definition of human rights is a formidable task.

This research will be directed to undertaking a review of beliefs with regard to human rights, and will endeavor to come up with a constructed definition of human rights for purposes of this research.

In a broad sense of the term, human rights derives from the human dignity and values which are inherent to all human beings and critical to a person's growth and development (Sweet 2003 : 2-3). This concept of right is philosophically based upon natural rights, i.e. human dignity should be respected since it is intrinsic to all human beings ("God-given").

Those who interpret human rights as rights to "equality" or "freedom from discrimination" tend to draw our attention to language, ethnic, minorities, the poor, the marginalized and persons with disabilities in the context of cultural and economic spheres.

Yet another position criticizes the ambiguous nature of human rights in the tradition of natural law. The argument is that the concepts of human rights should be confined to the specific rights articulated in conventions, declarations, laws or political legal documents

(Sweet, 2003 : 4) The third position has to do with implementing human rights since, for example, human dignity, respect for human dignity or human rights as stipulated in the Universal Declaration of Human Rights transcend legal rights.

(2) The Characteristics of Human Rights and Values

The scope of human rights is vast, reaching every person in the world. Herein lies the universally inclusive nature of human rights, as they transcend both time and space (Lee, Chang Soo et al, 2005 : 56. NHRCK). At the same time, human rights maintain a number of core characteristics, which have emerged in the course of developments, around which universal consensus might be achieved (Sarangbang Human Rights Group, Yeom Hyung Kook, 2004 : 14~15).

First, human rights are basic and essential rights. They form a base line which ensures the humanness of a human being. Second, human rights are universal. They apply to everyone equally without any discrimination whatsoever with respect to ethnicity, race, gender, language, religion, political persuasion, ideology, birth or wealth. Third, human rights are much more than a law may endeavor to uphold. Human rights are not limited to rights a law may stipulate to protect, but cover every right which is deemed to uphold human dignity even if it happens to be outside the law.

The fundamental value human rights pursue in the first place is life (Yeom, Hyung Kook, 2004 : 15, Lee, Hae Won, 2005 : 43~50). Human rights begin with life, which includes physical life as well as life that is conducive to creating and maintaining positive and developmental living. Secondly, human rights are inextricably linked to freedom. This means that human beings are the masters of their own lives and are entitled to the freedom of choice, freedom of thoughts and expression, the right to be treated as dignified human beings, privacy, freedom of movements and so forth. Thirdly, human rights are about equality. Human beings should not be subjected to any form of

discrimination on account of ethnicity, race, gender, language, religion, political persuasion, ideology, birth, wealth or health.

Fourthly, human rights pertain to justice. Social and economic justice should be realized to ensure redistribution of resources to every member of the society and to provide special measures to protect the socially disadvantaged.

Fifthly, human rights are about social responsibility. The social responsibility human rights pursue is to support and stand on the side the social minorities who suffer from prejudices and discrimination.

(3) The Concepts and Contents of Human Rights in International and National Legal Instruments

① Universal Declaration of Human Rights ; 1948

Universal Declaration of Human Rights declares that "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood" (article 1). Also article 2 affirms the value of equality and the principle of antidiscrimination by stating that "everyone is entitled to all the rights and freedoms... without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." (International Human Rights Covenant : 1976)

International Human Rights Covenants are far more specific and binding than the Universal Declaration of Human Rights. The International Covenant on Economic, Social and Cultural Rights (1976) acknowledges that "in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights." Also the International Covenant on Civil and Political Rights (1976) affirms that "...everyone may achieve his economic, social and cultural rights, as well as his civil and political rights only

if conditions are created."

One can note that human rights as defined by international covenants point to human dignity, equality, economic, social, cultural, political and civil rights. Human rights as stipulated by the Universal Declaration and the International Covenants are summarized in Table 2-1.

② Korean National Constitution and Korean Human Rights Commission Law

Article 10 of the Constitution declares the human dignity and right to pursue happiness by affirming that "Human dignity and value of every citizen as human being should be recognized and they are entitled to pursue happiness. The State acknowledges inalienable human right of individuals and is duty bound to uphold it."

On the other hand, article 2 (1) of the 「National Human Rights Act」 states that "Human rights refers to human dignity, freedoms and rights that which are ensured by the Constitution and laws or Universal Human Rights Declaration and International Convention Korean Government is either signatory or ratified." This definition clearly indicates that the nature of human rights are much more than national legal rights in that they encompass the concept of natural human being. In particular, on the issue of 'violation of equality and discriminatory behavior' this Act prohibits any form of discrimination in education or employment or sexual harassment on account of race, color, gender, language, religion, social status, nationality, appearances, marital status, family circumstances, past criminal records, sexual orientation, political or other opinion, national or social origin and so forth. (Article 2 (4))

[Table 2-1] Scope of Human Rights in International Conventions

Scope of Human Rights	Sub-Categories	Specific Rights
Human Dignity	Respect for Human Beings	God-given freedoms and rights, Right to life, Right to physical freedom and safety, freedom from forced labor/slavery, persecution, equality before law and anti-discrimination

Civil and Political Rights	Civil Rights	Rights to private life (includes honor/information communication/telecommunication/marriages), freedom of movement, nationality, rights of children, property rights, freedom of thoughts, conscience, religious freedom
	Political Rights	Rights to freedom of expression (includes rights to know, access to information), freedom of press and publication, association and solidarity, political rights (includes propose enactment, voting, decision making, right to appeals)
Economic, Social & Cultural Rights	Economic Rights	Rights to social security, work, appropriate wages, favorable working conditions, join trade unions
	Social Rights	Rights to family formation, basic standard of living (food, water, residence, and health)
	Cultural Rights	Rights to education, cultural life (to participate in cultural life, scientific knowledge, copy rights, enjoy own cultural heritage), to pursue human rights order
Procedural Rights	Procedural Rights	Rights to recognize legal character, legal defense, physical safeguard, fair/speedy legal trial, legal procedure, appeals, enactment proposal, rights of the prisoners.

Source_ Lee, Chang Soo et al, (2005), "Analysis of Government Statistics on Human Rights", National Human Rights Commission of Korea p. 59.

2. History of Human Rights

A French legal historian Karl Vasak conceptualized three generations of human rights (Lee, Chang Soo, and et al. 2005 : 58. NHRCK). According to Vasak, the first generation of human rights refers to civil and political rights (Universal Declaration of Human Rights Articles 1~21), the second generation covers economic, social and cultural rights (Universal Declaration of Human Rights Articles 22~27), and the third generation refers to solidarity rights (Universal Declaration of Human Rights Articles 28~30). The first generation of human rights is known as negative rights and second and third generations

human rights are designated as positive rights. Others view human rights as the third stage or three-generational developments as found in human rights literatures (Wronka, 1992, Ife. 2000, Sarangbang Human Rights Group, 2000).

1) First generation Human Rights : Freedom or Civil and Political Rights

The 'rights of freedom' which emerged after the feudal era and the French Revolution, had taken a strong stance against the idea of state intervention in the lives of individuals (Sarangbang Human Rights Group, 2000). The UN Declaration of Human Rights, which belongs to the first generation, emphasized fair treatment, voting rights, civil and political rights. They are known as 'negative rights' to the extent that they tried to 'free' individuals from any elements that deprive rights of individuals.

Accordingly, second generation human rights focused less upon economic, social and cultural rights (Skegg. 2005 : 663). Developing nations criticized the narrow and individualistic character of the second generation by suggesting that it represented western values, and hence failed to reflect the reality of the rest of the world (Bauer and Bell, 1999 ; Woodwiss, 1998).

➡ References to human rights in Universal Declaration

- Freedom from discrimination (article 2)
- Rights to life, freedom and security (article 3)
- Freedom from slavery. Servitude or involuntary bondage (article 4)
- Freedom from torture, or cruel, inhuman or degrading treatment or punishment (article 5)
- Freedom from arbitrary arrest, detention or exile (article 9)
- Freedom to a fair and public hearing (article 10)
- Freedom to privacy non-interference in communication (article 12)
- Freedom to own property and no one shall be arbitrarily deprived of his property (article 17)
- Freedom to thoughts, conscience, and religion (article 18)
- Right to freedom of opinion and expression (article 19)
- Right to freedom of peaceful assembly and association (article 20)
- Right take part in the government through free voting (article 21)

2) Second Generation Human Rights : Social, or Economic and Cultural Rights

Despite the fact that modern civil revolution began the era with the proclamation "human rights for every human being", it never set out positively to change social and economic inequalities. Consequently, it failed to grant voting rights to workers, accentuated discriminations against women and allowed persistence of long working hours, low wages and child labor. Humane existence through 'freedom' should have been realized to uphold the true meaning of 'freedom' spelt out in the first generation of human rights. 'Materialistic' conditions should have been laid down to achieve something with 'freedom'. With this in mind, workers started demanding protection of social and economic rights of the disadvantaged and actual equality such as improvement of working conditions (Sarangbang Group for Human Rights, 2000).

Recognition of the limitations which were inherent in the first generation of human rights led to a change of human rights concept at the international level, as evidenced by the adoption of the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination Against Women. These developments marked rejection of hierarchical order of rights conventions and started granting equal status to civil, political and economic and cultural rights (Skegg. 2005).

➡ Rights from the Second Generation Human Rights

- Rights to Social Security (Article 22)
- Rights to work, protection from unemployment (Article 23)
- Rights to paid leave, and leisure (Article 24)
- Rights to a reasonable standard of living (Article 25)
- Rights to education (Article 26)
- Rights to participate in cultural life and benefit from scientific advancement (Article 27)

The second generation human rights are notable for their 'positive' characteristics in

endeavoring to address the issue of social justice, freedom from want, and guarantees for participation in social, economic and cultural lives (Lee, Hae Won. 2005 : 26).

3) The Third Generation Human Rights : Collective Rights or Rights for Solidarity

If the first and second generation human rights have to do with rights pertaining to individuals or are inter-personal in nature, the third generation human rights are concerned about collective rights (Sarangbang Group for Human Rights. 2000).

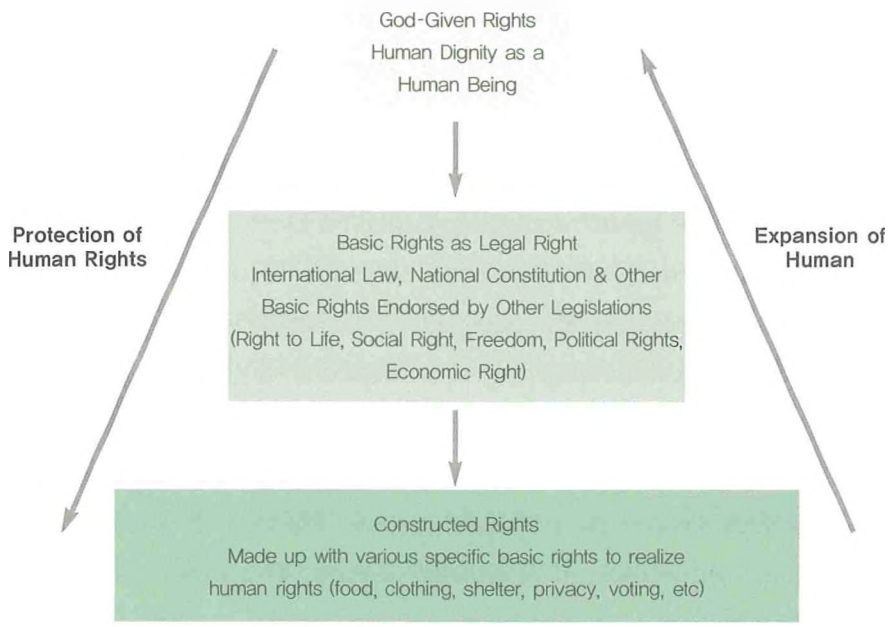
To the extent that western societies have played a major role in promotion and development of human rights, western perspectives are clearly embedded in human rights thinking. While western nations were able to advance the causes of human rights on the strength of social and economic developments, the majority of the people of the third world nations had been subjected to oppressions and exploitations. Consequently, they are still suffering from poverty and political insecurity. The people of the third world are demanding global redistribution of power, wealth, and other important values (Sarangbang Group for Human Rights, 2000).

Many of the problems which confront human race today cannot be dealt with by the efforts of a single nation. For example, 'the right to live in peace, clean environments, to be relieved from the disasters by humanitarian interventions' could only be done through alliances and solidarity that transcend national boundaries.

➡ Rights from the Third Generation Human Rights

- Self determination : To freely determine political status and to pursue economic, social and cultural developments
- To freely dispose of natural assets and resources for themselves
- To participate in the development of earth, space resources, science, technology, information, traditions, heritage and benefit from them

The third generation human rights advocate collective universal rights as a response to the market dominant globalized world. "Collective rights" are still in the process of formation (Lee, Hae Won, 2005 : 26).



[Figure 2-1] A Model of Human Rights

3. Human Rights and Social Welfare

1) Relationships between Human Rights and Social Welfare

(1) Human Rights and Social Welfare : Concepts and Principles

Human rights are essential ingredients for human existence. Social welfare intervenes professionally and with programs in diversified situations of problems to maximally

uphold human dignity. Concern with human dignity has provided social welfare with the philosophical rationale as much as it has become its final commitment. The fact that human dignity is both its rationale and final commitment for social welfare is not different from human rights concern for poverty, discrimination, family, diseases, labor, education, freedoms, abuses, violence and so forth in which social welfare actively intervenes.

The International Federation of Social Welfare (IFSW) recognized human rights as the core element of social work education and produced the Human Rights Training Manual in 1992 and revised edition in 1994. The following illustrates how the manual has dealt with the relationship between human rights and social welfare.

- The origins of social welfare are traceable to humanitarianism and democratic ideals. For this reason, the development of human potentialities and meeting basic human needs have been the focus social welfare from its beginning. Social welfare is essentially all about change in the lives of individuals, families, groups, policies, services, laws, or even social attitudes.
- Social welfare does not necessarily imply direct help of an individual. It aims to improve quality of lives of children and youth and citizens and also intervenes in the areas of service activities for groups and communities.
- Social welfare operates in diversified geographical, political, socio-political, cultural and spiritual contexts.

Principles of human rights are already embedded in the ideology of social welfare itself (Hare, 2004). Human rights cannot be separated from the theories, values, ethics and practice and any aspect of human rights that responds human needs should be advocated and promoted. In this way, human rights not only consolidate the motivation, but also provide the justification for social work practices (Lee, Hae Won. 2005:35~36). In fact, the well established principles of client self-determination, acceptance, non-judgmental attitude and confidentiality are already inherent in the principles of social work practices.

Furthermore, the USA Code of Ethics for Professional Social Workers states that "Social workers should be sensitive to cultural diversities and must make an effort to end

discrimination, oppression, poverty and other forms of injustices". Professional social work encompasses values such as social inclusion, empowerment, social justice, dignity of individual human being and importance of human relationships (Reichert, 2003:79).

IFSW went on further by articulating basic principles in its International Policy on Human Rights which should be adhered to in upholding human rights in practice.

- Everyone is entitled to human dignity and it is justified as a moral consideration for the person.
- Everyone is entitled to self-fulfillment ; it should be optimized to the extent of violating rights of others. Everyone is duty bound to contribute to the well-being of society.
- Every society, irrespective of its particular outlook, it must function to benefit its members.
- Social workers should be committed to the principle of social justice.
- Social workers should be equipped with trained and objective knowledge and skills to enable the development of communities and help the individuals, groups to deal with conflicts.
- Social workers must provide most feasible support without any discrimination based upon gender, age, disability, social status, race, religion, political persuasion or sexual orientation.

Viewed from this point, social welfare can be designated as a human rights profession (IFSW, 1988) and hence the IFSW and International Association of Schools of Social Work do all acknowledge the importance of the profession's concern for promoting human rights and meeting human needs.

The knowledge about human rights does add to the knowledge base of social welfare and realizes that their professional interventional activities can only be enhanced (Lee, Hae Won, 2005:20, Reichert, 2003:4). By joining with the human rights profession, social workers could apply its unique perspective in dealing with critical issues (Reichert, 2003:4)

In conclusion, the causes of human rights could be further advanced through the practice of social welfare as knowledge and skills from the two different but closely-linked areas of operation come together (Ife, 2000).

(2) The Influence of Human Rights

This chapter reviews how human rights and social welfare are linked historically and politically and how they might mutually influence one another. It will, in the first place make reference to the three generational developments of human rights, and secondly how international covenants might influence the broad fields of social welfare at home.

As human rights have developed from civil rights to economic and social and solidarity rights, they have also impacted practices of social welfare as shown in [table 2-2](Ife, 2000).

While the first generation human rights steered civil and political rights based upon liberalism, social welfare focused upon the rights and advocacy of the socially disadvantaged and minorities, prisoners and persons with mental illness in institutions, and refugees in refugee camps.

The second generation human rights which were based upon socialist thoughts influenced development social rights such as education, housing, health, employment, social security which in turn steered development of social institutions.

[Table 2-2] Development of Human Rights and Social Welfare Practice

	First generation	Second generation	Third Generation
Title	Civil & Political Rights	Economic·Social & Cultural Rights	Solidarity Rights
Origins	Liberalism	Socialism Social Democracy	Economic ; Development Studies ; Protection of Environmental Ideology
Applications	Voting, Freedom of Expression, Rights to a Fair trial, Freedom from Prosecution, Cruelty, Freedom from Prejudice	Rights to education, Housing, Health, Employment, Income and Social Security	Rights to Economic Prosperity and Affluence, Benefits from economic growth, Social harmony, Healthy Environment, Clean Air, etc
Organizations	Legal Advice, Amnesty International, Human Rights Watch, Refugees	Welfare States, The third Sector, Private Market Welfare	Organizations for Economic Development, Regional Project, Green Peace

Focus	Law	Social Welfare	Regional development
Professional Social welfare	Advocacy : Refugees Labor, Asylum Seekers : Prison Reform	Direct services : Management of Welfare States : Policy development & Advocacy : Investigation	Regional development : social, political, economic and cultural, environmental, personal and spiritual

On the other hand, Britain, despite its strong tradition of Common Law, introduced Human Rights Law in 1998 by strengthening European Convention on Human Rights. This forced Britain to enact separate laws and saw changes in legal judgments. In particular, human rights influenced decision making in social policy and social welfare practices. Article 8 of the law that refers to privacy and family life recognized the rights to start a family by the marriage and adoption of minorities such as homosexuals. The following articles from the British human rights bear direct reference to social welfare practices (William, 2001 : 389).

[Table 2-3] British Human Rights Act's (1988) Influence on Social Welfare Practices

Articles	Rights to be protected	Explanations
2	Right to life	• Duty to take rational measure to protect life • Medical treatment and access to problem solving for the disadvantaged adults and children
3	Non-humanitarian, In humane treatments and prohibition of punishment	• Physical punishment, Imprisonment and Torture
5	Freedom and safety rights	• Freedom can be taken away only through due legal procedures
8	Respect for privacy and family life	• A broad definition of human rights that include sex and sexual orientation, and their privacy, confidentiality and rights to become parents
9	Thoughts, conscience, religious freedom	• Respect for holy days, Freedom to Conversion

12	Rights to marriage and restore family	• Clear implications for persons with learning disability
Article1 (1)	Peaceful ownership of private property	• Welfare benefits and other allowances may comprise personal assets

In the case of the States, NASW, representing social welfare institutions, adopted 'human rights' as policy statements and as the basic principles and applied knowledge bases. The following are the details of the policy guidelines (NASW, 2000:181-182).

- Social workers should urge the government to ratify not only the Universal Declaration of Human Rights, but also International Covenants on Economic, Social and Cultural Rights, Convention on the Elimination of All Forms of Discrimination against Women, and Convention on the Rights of Child.
- Social workers should pay special attention to the Rights of Child, Child Labor, Child Prostitution, and other forms of child exploitation and abuses and take a lead in sharpening awareness of professionals with regard to these human rights issues.
- Social workers should be advocates for the socially powerless and disadvantaged and should be critical of policies, practices, prejudicial attitudes, hatred, and impatient behaviors that may drive a person to a situation of destruction.
- When social welfare practices are undertaken with questionable qualifications and shallow knowledge bases, social workers should collaborate with non-government organizations, and other welfare organizations to ensure enhancement of the welfare of the most disadvantaged in the world.
- Social workers should be partners in the efforts to narrow the gap between the economic rights and disparities between the rich and poor and for human development.
- Social workers, whether they are working with individuals, families, groups, social agencies or government organizations, should base their practices on human rights.
- As social workers when advocating for human rights can be subject to retaliation, NASW should ensure that such workers are guaranteed with professional supports.

2) Human Rights Based Social welfare Practice

Needs-based, social justice-based and civil right-based models have provided frameworks to social welfare practice up to now. However, the arrival of the human rights-based approach should not be interpreted as the abandonment of the earlier models. Rather, it should be understood as a way of expanding and contextualizing existing models (Skegg, 2005:669). Also incorporating human rights perspective into social welfare can empower and legitimize social welfare practice.

The human right-based approach should not be understood an ambiguous charity given by charitable or statutory organization to the people of grassroots.

The notable strengths that human rights perspective provides to social welfare practice may be summarized as follows (Skegg, 2000:671)

Firstly, the importance of discussions around human rights can be applied both at home and abroad.

Secondly, human rights perspective can counter criticisms leveled at social welfare such as paternalism, charitable tendency, weak social justice standing, and compulsory redistribution which is inherent in or arising from the weakness of the needs-based model.

Thirdly, human rights perspective stresses entitlement, rather than charity and empowers the target populations of social rights.

Also, it provides a framework with which to rationally address ethical dilemmas social workers encounter during their practices (Ife, 2000).

It is still premature to suggest that human rights perspective has provided social welfare with a form and solid base for practice. Yet, it should be recognized that human rights perspective can suggest several principles and approaches as to how human rights could be upheld in social welfare practice. For example, social workers in working with persons with disabilities may note that these people might lack in certain qualifications, yet human rights perspective will alert them to recognize the equality of rights which persons with

disabilities share with other citizens. In other words, their needs and problems are not different from the non-disabled. They all have basic needs, such as food, clean water, housing, health and education, income as well as psycho-social needs such as friendship, network, and equal access to services, community inclusion, and political needs such as free association, legal rights and voting rights. They also have the needs for communication and mobility (Harris, 2003:28).

The main purpose of this research is to sharpen the understanding of human rights perspectives and values which are already inherent in social welfare, and to critically reexamine well-established conceptual frameworks of social welfare in order to re-asses human rights implications for social welfare.

In undertaking this task, comprehensive treatments on the incorporation of human rights in to social welfare practice by Jim Ife (2001), and Reichert (2003) will be used extensively.

(1) Basic Premises for Human Rights-Based Social Welfare Practice

Human rights-based social work practice is built around a number of premises (Ife, 2000:140-165).

First, human rights adopt post-modernistic world views and interpret the contemporary world as being chaotic and irrational structure. This view questions the modernistic world view that assumes the world is rational and predictable. On these grounds, the attempts of social welfare to plan services and strategies are being criticized for being paternalistic and classical modernist that stresses control and order.

Second, human rights perspective represents elements of collectivism and participatory democracy. What should be guaranteed by social welfare is the status of citizenship which is premised upon the recognition of welfare users as equal citizens. This demands, consequently, change of terms such as clients or supervision as they could be used as means of exercising power and control. This further implies the importance of community based interventions rather than individual approach by individual social workers.

Third, human right perspective stresses the process more than the outcome. If social welfare is on about upholding human rights through practice, it must adhere to the principles of human rights in the process of practice and the same principles must be applied to with whom the social worker interacts such as colleagues, manager, members of the community, students and other professionals.

The emphasis upon process recognizes the critical importance of upholding the rights of clients in exercising self-determination and control and maximizes their participation in interviews, service and program planning.

On the other hand, social welfare interventional strategies which could be derived from human rights are empowerment, strength perspective, race, ethnicity-sensitivity, feminism, and cultural capacity and so forth (Reichert, 2003:228).

(2) Reconsideration of Rights-Based Social Welfare Concepts

① The term 'Clients'

The term 'client' refers to a person who had voluntarily contacted professionals to provide services for them and to that extent he/she can control types or levels of services offered to them. However, the choices the clients can exercise are limited in reality. Hence we find contradictions in what the term 'client' denotes and the context within which it is used in social welfare practices.

There are a few reasons as to why the term 'client' is viewed negatively. Firstly, it implies dependent status or relatively powerless position in relation to professionals, and secondly, it suggests a top-down approach of wisdom and professional knowledge towards the client. Because of the assumptions about relatively superior knowledge and skills of the professional, the use of this term may result in devaluing of the beliefs and knowledge of the individual.

From the perspective human rights that stress the concept of citizenship, it would be far more preferable to use the term 'users' or 'citizen' rather than client.

② Intervention

The term intervention received wide acceptance with the introduction of systems theory in the 1970s that tried to analyze and intervene to bring about changes in individuals, families, organizations, and communities.

However, the term intervention has been criticized for two reasons ; the first has to do with the fact that social workers operate outside the system which is the prime target for change and the other has to do with the observation that social workers appear to be the sole agents of social change.

Human rights perspective must view the users as 'partners in action process' and must recognize client as working out problems within the system alongside social workers.

③ Supervision

Supervision is also recognized as one of the essential elements in professional development. Human rights perspective takes the view that the supervisee benefits from supervision. This does not just imply control and inspection in any sense of the term. However, the way the term is used in the current practice tends to suggest superior status of the supervisor, which entitles him or her authority over control and management. Hence, it should be replaced by another term.

(3) Human Rights-Based Social Welfare Practice

Human rights perspective does not provide all the necessary practice skills for social welfare.

An attempt will be made to understand how human rights perspective might inform social welfare practice by drawing upon interviews, group, community, planning, organizational management and supervision.

① Interviews

Interviews are important, although they are but one aspect of social work practice. They

require a significant amount of control on the part of social worker, and as such if either he or she loses control, it would be seen as a lack of professional capacity.

For this reason, human rights perspective criticizes the nature of the language often used during the interview process. It views the user of social service as an object and hence the interview should be focused upon needs of the user. Thus, the interview should be thought of more as a 'dialogue' than an interrogation of a service user.

② Group

Group activities entail involvement of social workers with team meetings, action groups, case conferences and so forth which are often composed of service users. Once again, according to human rights perspective, social workers do not control those activities, but each team's members control groups so that they can exercise rights and self-determination. In this context, social workers are expected to respect others and permit others the opportunities to express their views.

③ Community Welfare

According to human rights perspective, community development or the community development process offers an opportunity whereby people can exercise their own human rights as well as respecting the rights of others. Community welfare deals with methods of non-violence, decision making by consensus, and empowerment. It supports the idea inherent to the human rights perspective that decisions should be made through a democratic process of consultation and consensus, rather than by a single individual. Decisions should be made and owned by the group.

④ Planning

The idea of planning is also subject to criticism, according to human rights perspective. Practitioners are spending too much time on planning, implementation plan, setting

objectives, and assessments which are to a large extent irrational, unpredictable, and fictional and end up wasting much time. Planning could also sap the possibilities for change from human beings. Invariably, planning assumes resorting to utilizing resources at the expense maintaining dialogue with the people of community in dealing with the problems. In other words, planning may go ahead without due considerations to the needs the community.

Planning as a 'process' should take into account self-determination of the people of communities concerned.

⑤ Management and Supervision

Management is often seen occupying superior and unequal power position in an organization and may force practice in violation of human rights perspective. Social welfare practice even in organization context should be directed to upholding human rights and the managers are expected to find ways of enhancing human rights. Management should be participatory and open up dialogues to address the issue of unequal powers and check the use of power. Management should be oriented to respecting human rights of each organization member.

There is a definite place for the role of supervision in an organization, but here the caution is that it should be deployed to support human rights through more liberal use of dialogues. To effect this in the first place, more use could be made of group supervision to facilitate interactions rather than relying upon traditional personal supervision. Secondly, allow social workers to choose her/his supervisor to ensure development of trust relationship by taking into consideration such variables factor as similarities in age, positions, gender or other external factors. This arrangement would permit the supervisee to actively participate and contribute with equal status and the supervisor, in turn, can be a learner in the process.

3) User Participatory Model as Human Rights Practice

In this section, a user participatory model will be introduced as a base for human rights practice. This model can serve as a practical instrument for ensuring rights of persons with disabilities.

(1) The Concept of User

The issue of participation emerged as a critical element in the field of social welfare and either planners or deliverers have to, in principle, recognize the influence of participation (Brayer, 2000). A phrase book published in Britain explains the term 'user' as follows (Pierson & Thomas, 2002:485). The term 'user' refers to everyone who receives care and protection of social services. However, the use of the term 'service user' or 'user' are fairly new as they appeared from the 1990s. The term 'client' was replaced by 'user' after the 1990s and was broadly accepted by practitioners, educators and managers alike. Perhaps it was because the term reflected the trends in human rights.

(2) Scope of User Participation and Elements of Supports

The prerequisite for user participation is to improve unequal relationships between professionals and service users. User participation has two aspects : first, individual participation in decision making directly affect those making the decisions, and second, individual participation in decisions affects user groups. It is necessary to train professionals and staff to activate participation and also involve participants in surveys as shown [Table 2-4].

① Requirements for User Participation

In general, 'service users' refers to people who need supports in order to lead a life in a community, and 'user participation' means participation in determining the extent of services they should receive. Here, friends, families, neighbors and so forth are both

service providers and users. They all make up a service user group, and hence the suggestion that equal relationship between professionals and users is the prerequisite for participation.

② Scope of Participation

User participation can be divided in to two types (Lindow & Morris, 1995). The first is individual participation in the decisions that directly affect themselves and the second is individual participation in the decisions that affect user groups. Historically, attention had been focused upon the latter aspect of participation.

a. Individual Participation

Participation is not valued for the sake of participation *per se*, rather it is valued as a method of enabling users to exercise their choices and control life situations. To ensure participation of the individual users, it is useful for service professionals to pay attention to their behaviors and practices and to organize services to create conditions for better choices for the users.

b. Group Participation

There can be many difficulties in putting the idea of participation into practice. The following are a number of problems which can be encountered in the initial stage of participation : first, the issue of how one might construct and strengthen the present networks ; secondly, the issue of having to structure a new framework made up with service users, care givers ; third, the issue of minimizing direct inputs by service users and care givers ; and lastly, the issue of shared planning between service users and care providers (Means & Lart, 1994 : 232). The fact that traditional social welfare assumptions and practices can actually be barriers to participation should be recognized, as well as finding ways to activate participation.

One of the ways to maximize user participation is to change services to user-centered.

To affectthis this also means to initiate discussions around user-controlled organization and user-centered services. This can take varying shapes depending on agencies, but the following may be suggested as common elements (Morris, 1994).

- User participation organizations often resist to desires for radical changes.
- Those who participatein user-controlled organizations share a sense of identity and mutual emotions and these become points of strengths. When they employ someone, they make sure that that person shares the idea of user-participation in service planning and delivery.
- The user-controlled service resists the so called medical model of disability and bio-medical model of mental health. Social model of disability replaces the earlier models.
- User-centered service reflects time-specific needs. Services are derived from the self recognition of what they need in their specific life cycle, and hence flexible and reflects needs of the users.
- User-centered services aim to increase choices and control in the lives of people.
- User-centered service aims to involve people in determining what services should be delivered.
- User-centered service stress accountability of service planners and providers to the service users.

③ Supports Elements to Activate User Participation

a. Education of Professionals and Staff Development

Professional education and staff development need to be structured in order to organize the user-centered services. This should be reflected in education, though not slanted too heavily on skills acquisition, with a focus upon issues such as attitudes, values, philosophy, ethics and biased skills acquisition.

Staff development also deals with yet other aspects of resistance to changes. Resistance simply implies denial of necessity for change. However, if right kind of motivation is worked out with the empowerment approach, the initial resistance might turn out to be positive.

b. User-participation in Research

One of the issues confronting the user-participation research is the issue of ensuring users in the research. This can be found in research for policy-making in which a non-disabled person determines the research/policy agenda without involving users with disabilities (Morris, 1992 ; Oliver, 1992).

With the continuing argument that persons with disabilities remain subjects, rather than objects in participatory research, the Emancipatory Approach is considered, along with social model to address the issue. Emancipatory Approach refers to a research approach that allows more control of the persons with disabilities in the process of research by altering the nature of social and material relationships (Oliver, 1992 ; Zarb, 1992). This requires an on-going discussion about increasing user-participation in research and there is a need to consider adopting participatory and emancipatory approaches.

[Table 2-4] Scope of User Participation and Supporting Elements

Macro Scope	Minor Sub-Scope	Minor Categories
Basic Premises	Improving Unequal Relationships Between Professionals & Services Users	
Scope of Participation	Service Practitioners Assumptions and Behavior	• Stress on loss rather than support for independence • Professional assumptions • Cultural insensitivity • Negative views on people's ability to choose • Differing professional • Viewpoints on user-choice • Limited Communications between users and practitioners • Misunderstanding of users' rights by professionals
	Individual Participation Methods of Service Organization	• Separation of health & welfare, private/public resources • Methods of Identifying service users • Financial structure • Established service practices • Scope of available services • External pressures to practitioners

		Difficulties in Making Choices	• Limited resources at the time of making choices • Limited information at the time of making choices • Users feel unable to choose • Users feel unable to air frustrations • Forced services-exclude choice options • Community's prejudices • Choice barring poverty
		Obstacles to Participation	• Identifying groups by service-using patterns • Discussions with the custodians rather than service users • Recognition of ability and communication • Culture and language • Marginalized groups • Agenda setters • Representation and accountability
	Group Participation	Elements to Activate Participation	• Access • Resources for participation and empowerment • Support for disability organizations • Experiences of care workers
		Comprehensive Broad Participation	• Service evaluation, agency management & broad participation
		User-Centered Service	• Service delivery by user-controlled organization
Supporting Elements	Education	Professional Education/training	• Stress anti-repressive and anti-discriminative education • Re-enforcing basic education, not just skills based education
		Staff Development	• Staff empowerment
		Research	• Setting agendas, research and policy debate with the users

Source_ Service user involvement : synthesis of findings and experience in the field of community care. Lindow, V & Morris, J. 1995. A Report for the Joseph Rowntree Foundation. Restructured by the author

3
Chapter

Disability and Human Rights

1. National and International Covenants on Human Rights of Persons with Disabilities

□ International Covenants on Disability

- UN 「Universal Declaration of Human Rights」(1948)

  Freedoms and equality of human dignity of every human beings and the rights to be protected of livelihood due to poverty, diseases, disabilities and other uncontrollable circumstances of life.

- UN 「Disability Rights」(1975)

  To prevent physical and mental disabilities, and to support the fullest development of potentialities to ensure the inclusion of people with disabilities into the normal stream of life.

- UN 「Disability Rights Convention」(2006)

— The Convention is intended as a human rights instrument with an explicit objective of ensuring persons with disabilities basic freedom and equality as human beings.

— The Disability Convention will not only be guaranteed of international enforcement like other human rights instruments, it has also articulated an advanced level of human rights thinking as the following principles clearly show:

- Right to exercise independent freedom of choice, including autonomy and independence.
- Prohibition of discrimination
- Full and practical social participation and social inclusion
- Acceptance of multi-lateral aspects of disability as reflected in multi-cultural make up of human race
- Equality of opportunity
- Accessibility

• Gender equality

• Respect for children with disabilities for their capacity building and their identity

● Other UN Conventions

— "International Year of the Disabled Persons" (1981)

— "UN World Programme of Action and Decade of Disabled Persons" (1982)

— "UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities" (1993)

□ Major Disability Legislations in Selected Countries

● USA

— ADA (American with Disability Act, 1990)

• Introduction of specific and comprehensive prohibition of discriminations against persons with disabilities in employment, in the use of private/public services, and in the use of communication facilities.

— Reform in Residential Care Services (1987)

• The quality of residential care should guarantee the fullest possible development of physical, mental and psych-social development of persons with disabilities.

● Britain

— Disability Rights Act (1995)

• Adoption of the above Act, apart from the legislation governing welfare benefits, to ensure anti-discrimination towards persons with disabilities. Formation of Disability Rights Commission to support the Act and to work on policy directions for local authorities.

— European Human Rights Legislations (1998)

• On the basis of European Human Rights Legislation, every state and local governments are expected to strengthen its accountability and ensure legal bases of

human rights in the delivery of services.

□ Korean Disability Relevant Legislations

- **National Constitution**

  Every citizen is entitled to be respected as a human being, to pursue happiness and to be guaranteed of human rights as a basic right.

- **Disability Welfare Law**

  Persons with disabilities should be accepted as respectable and valued human beings and should be given the right to participate as members of the society in politics, economics social, cultural and other areas of activities and should not be subjected to discrimination and can sue the government if it fails to provide welfare services.

- **Special Education Act**

  Equality of rights for education, obligation to provide education to persons with disabilities with variety of educational methods to suit their needs.

- **Convenience Promotion Act for Persons with Disabilities, the Aged and Pregnant Mothers**

  To encourage social participation and enhance welfare by enabling those to access and use care facilities and equipments with safe and convenience without the help of others.

- **「Korean Disability Rights Charter」(1998)**

  To affirm the persons with disabilities as subjects of human rights with human dignity and value as human beings and as such the government and society are duty bound to create social conditions and environment to ensure the protection of human rights, social participation and equality of persons with disabilities.

2. Children with Disability Relevant Human Rights Covenants

- UN Covenant on the Rights of Child (1989)

  Rights to preserve life, protection, development, and participation of children and to provide special care to ensure normal growth and rights to education in case of children with disabilities.

- UN Disability Rights Convention (2006)

— Adoption of overarching principles to ensure capacity development and protection of identity of children with disabilities.

— Recognition of equal rights to enjoy freedoms as the children without disabilities, priority of consideration for the best interest of a child with disability, to ensure and support modes of expression appropriate to the age and maturity, and to introduce policy measures to protect from violence, abuses and the right to be cared for by parents.

- Korean Child Welfare Law

  To ensure healthy birth, happiness, safe growth of children and protect children with disabilities from sexual abuses, neglect, begging.

3. Patterns of Human Rights and Protection for Persons with Disabilities in Residential Care

□ Equality of Rights

- Equality of rights refers to rights to human dignity irrespective of disability types, degree of disability, gender, or age and the rights to be treated equally as outside residential care.

□ Rights to Life

- To ensure basic rights essential to preserve life.
- The rights include food, clothing, shelter, medical and health care, and rights to residential, physical and mental safeties.

[Table 1] Rights to Equality and Life in Residential Care Services

Categories of Human Rights	Sub-Categories	Categories of Human Rights in residential care
Equality (Disability Convention Article 5 (17))	Prohibilition of Discriminination (Universal HR Declaration Article 1, Disability Convention Articles 2 & 3)	• Age, gender, levels of disabilities, religion, birth place, family background, etc should not be the grounds for disability discriminations • Even at the individual level of protection, human dignity as an individual should be respected • Complete freedom to enjoy other human rights and basic freedoms
Rights to Life (Disability Convention Article 10, 11, 15, 16 and 25)	Food, clothing & housing (Disability Convention Article 2)	• Rights to purchase, own, choose and keep personal clothing • Rights to purchase, own, choose and keep personal foot wares • Rights to be assured of dietetically sound foods • Rights to choose main and side meals • Rights to get assistance for meals and pleasant dinning atmosphere • Right to appropriate size of accommodation and number of mates in it • Rights to appropriate heating and cooling of the accommodation • Rights to decorate the accommodation and rights to arrange or request for appropriate pieces of furniture
	Rights to medical and heath (Disability Rights Article 2, Disability Convention Article 25)	• Rights to purchase medical and medical equipment • Rights to demand explanations for medical care • Rights to manage toilets and public hygiene • Rights to use assistive devices • Rights to express medical needs and the rights to demand explanations for their medical conditions
	Rights to safety (UN Declaration Article 3)	• Rights to use environmentally friendly materials for accommodation and residential facilities • Preventive measures against fire breakout

	Rights to physical and mental safety (Disability Rights Article 9, Disability Convention Article 5 & 16)	• Rights to be free from physical punishment or violence • Rights to be free from abusive languages, or mental torments • Rights to be free from sexual abuses, harassments or sexual services

□ Rights to Freedom

- Every human being is entitled to self-determination and to choose actions.
- Basic rights include self-determination, freedom of religion, privacy, communication with outside, freedom to choose admissions and discharges, freedom of information and so forth.

[Table 2] Rights to Freedom in Residential Care Services

Categories of Human Rights	Sub-Categories	General Human Rights in residential Care
Freedoms (Disability Convention Articles 21, 22)	Self-Determination	• Appropriate addressing • To choose ways of personal cares, such as taking a bath • To care for one self as much as possible • Right to sexual life
	Freedom of Religion (Universal Declaration Article 18)	• Forced subjection to a particular religious sect • Forced preservation of Sundays and rituals • Rights to conversion • Religious freedoms, not subject to one particular belief
	Protection of Privacy (Universal declaration Article 12, Disability convention Article 22)	• Consideration of gender for bath • To provide facilities for personal belongings • To lock up one's own room • To protect personal mails and telephones • Not to expose personal details to outside without permission • To control personal identification card
	Communications with outside (Disability Convention Article 19)	• To invite others for private talks • To interact with others in the community • To go outside

	Rights for voluntary admission and discharge	• To express one's intentions for admission and discharge • To provide information to other care services at the time of transfer
	Freedom of right for expression and information (Disability Convention Article 21)	• To ensure the use of telephone and communication devices • To access information via internet • To provide appropriate communication through sign-language, Braille, etc • To express one's views in accordance with age and maturity of a child with disability

□ Social Rights

• Rights to family, social security, education, employment and economics to guarantee social inclusion and social life of persons with disabilities.

□ Political, Cultural and Procedural Rights

• Includes rights of persons with disabilities to vote, hold political offices, enjoy cultural life, and call upon legal assistance and to participate in the management and planning of services.

[Table 3] Social, Political · Cultural · Procedural Rights of Persons with Disabilities in Residential Care

Categories of human rights	Sub-Categories of Human Rights	Human Rights in Residential Care
Social Rights (Disability Convention, Articles 19, 20, 21, 23, 24, 27, 28)	Family (Universal Declaration Article 16, Disability human Rights Article 9, Disability Convention Articles 1, 12, 23)	• To meet and interact with family freely • To obtain care for pregnancy, birth, and child rearing • To marry and live with spouse • To prohibit separation of child from parents • To provide comprehensive information and services to prevent hiding, and neglect
	Social Security (Disability Human Rights Charter Article 2, Disability convention Article 28)	• Information about maintenance of basic living • To receive appropriate social welfare services • To participate in agency's program

	Education (universal Declaration Article 26, Disability Human Rights Charter Article 5 Disability Convention Article 24)	• To receive education appropriate to age and ability • To access educational institutions • To respect young persons with disabilities within major educational institutions
	Labor (Universal Declaration Article 4, Disability Human Rights Charter Article 6, Disability Convention 27)	• Protection of labor rights within institutions and freedom from forced labor • Freedom to choose one's occupation • Rights to receive vocational training and placement services
	Economic (Universal Declaration Article 17, Disability Human rights Charter Article 11)	• To own private asset and management • To receive appropriate wages and to dispense
Political Rights (Disability convention Article 29)	To express political opinions (Universal Declaration Article 21 (2), Disability Convention Article 29 (b)	• To freely express political views • To participate as a candidate
	Voting Rights (Universal Declaration Article 26 (1) (3). Disability Human Rights Article 2. Disability Convention 29 (a)	• To participate in voting and to receive information on voting • To guarantee principle of secret voting
Cultural Rights (Disability Convention Article 30)	Cultural, arts, sports and leisure activities (Universal Declaration Article 27, Disability Human Rights Article 7)	• To freely enjoy cultural and leisure and the duty to provide programs • To freely utilize cultural facilities within the care services • To provide space for recreational activities and to ensure the participation
Procedural Rights (Disability Convention Article 160)	Procedural Aid (Disability Convention, Article 10)	• To receive legal aid necessary for the protection of dignity and assets. • To consider the best interest of child in legal proceedings
	Participation in Management of services (Disability Convention Article 13)	• To express concerns about the quality of service without fear of reprisal • To reflect views of persons with disabilities in the running of the services

4
Chapter

Human Rights in Residential Services for PWDs and Measures to Protect human Rights

1. Concept of Residential Care and an Overview

1) Concept of Residential Care for Persons with Disabilities

A large variety of residential care services have emerged as one of the major services for persons with disabilities as there are some 265 residential care services throughout the nation (Min. of Health & Welfare. 2005), along with some 300 unregistered agencies in this area (Nam Gu Hyun, et al., 2005).

In accordance with the article 48 of the revised Disability Welfare Act of 1999, disability services are divided in to the following areas, namely, Residential Care, Community Based Services, Vocational Training Centers, Fee-paying Welfare Services and Other types of Residential Services (as designated by Presidential decree) as shown in the accompanying table below.

[Table 4-1] Disability Residential Services by Service Providers
Article 48. Disability Welfare Act.

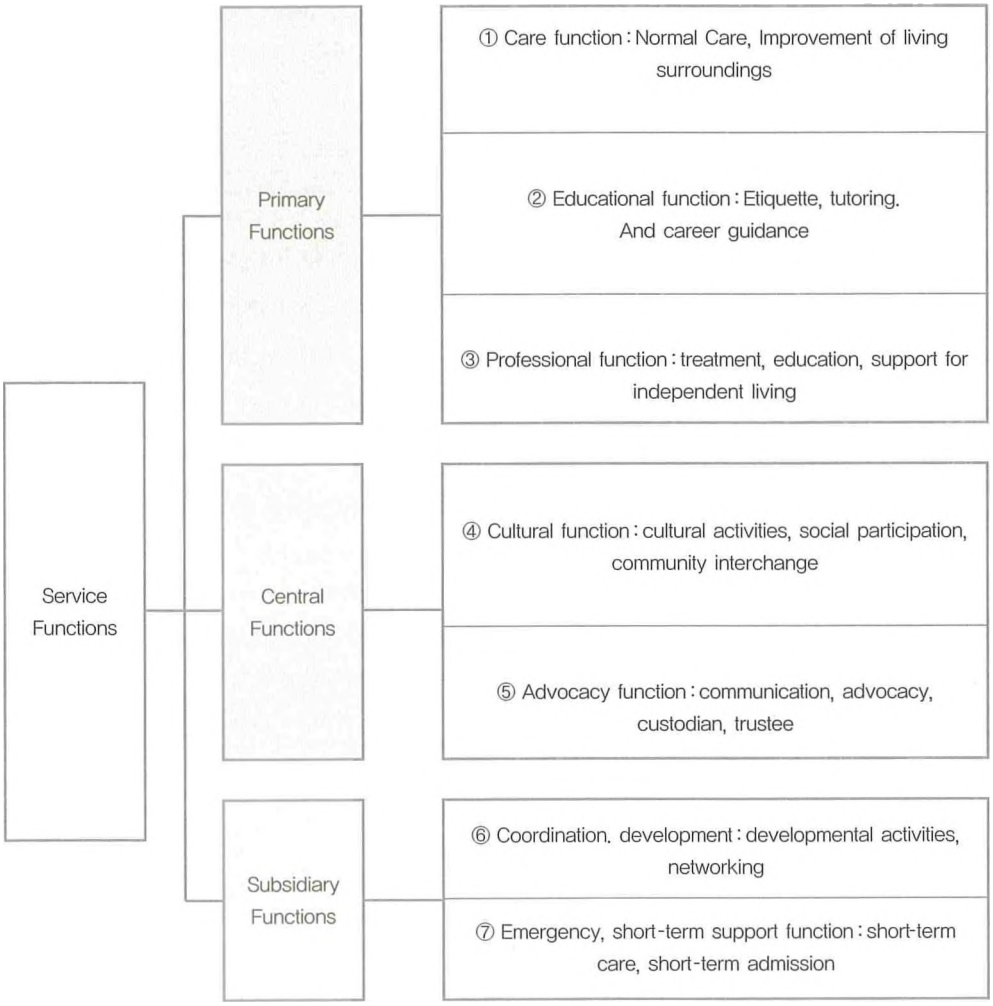
Types of Care Services	Legal Definition (Disability welfare Act. Article 48)	Care types and Functions (Guidelines Article 32)
Disability Residential Care	Relatively long-term care and can access counseling, therapy, training and so forth for return to community	a. Disability type-specific residential care. Mainly caters for persons with similar disability types/categories b. Long-term care for persons with severe disabilities c. Infants Disability Care Less than 6 years of age infants care for rehabilitation, medical, educational and vocational assessments
Community Based Rehabilitation	Disability Welfare Centers, Medical rehabilitation, Sports & Training Facilities, Group homes, professional counseling, treatment, training, leisure activities for social participation	a. Disability Day-Care Centers Provide necessary rehabilitation services through day care

Community Based Rehabilitation	Disability Welfare Centers, Medical rehabilitation, Sports & Training Facilities, Group homes, professional counseling, treatment, training, leisure activities for social participation	b. Short-term Care Services Provides necessary rehabilitation services through day care
		c. Disability Group homes For dependant persons with disability to lead a communal life and to receive care and guidance through trained personnel
Fee-Paying Disability Services	Charge fees to receive services such as therapy, counseling, training and forms of supports.	To provide treatment, counseling, training and supports that is deemed needed by persons with disabilities on fee-paying basis

In general, residential care services provide residential and professional rehabilitation services as they are grouped under the broad rubric of disability category-specific services, services for severe disability, infant disability, or group homes, short-term residential care, and community services. Apart from the characteristics to be drawn from registered/ unregistered, the size of facilities, severity of disabilities, allocation of staffing and requirements for care facilities, hardly any distinctions can be made about different types of services (Lim, Sung Man. 2006).

2) Function and Overview of Disability residential Care

In general residential services provide group care or treatments when persons with disabilities are unable to satisfy their needs in the family as shown in [Figure 4-1].



[Figure 4-1] Functions of Residential Care Services

First, Primary Functions. The services are directed to the sustaining of daily life by continuously providing food, clothing and shelter as well as protective environments professional education services.

Second, Central Functions. They are intended to ensure that residents are supported in such a way to be able to lead an independent living. Cultural lives, social participation, pursuing a dignified lifestyle, encouraging interactions by maintaining open-door policies, and advocating for the rights of residents all make up the functional components.

Third, Subsidiary Functions. They are intended to strengthen and expand the services by closely linking with the Primary and Central functions.

[Table 4-2] shows increasing numbers of residential services for persons with disabilities, i.e. 203 in 2001 and 265 in 2005. Looking at admission, 1,061 persons were referred by custodians in 2001 and number of those without relatives has declined to 284 in 2005. On the discharge side, 131 were requested by relatives, 113 transfers, 85 deaths, 22 employment and others were 24 in 2005. Overall 479 were admitted and 375 were discharged in the year of 2005. If we excluded 113 transfers and 85 deaths, only a limited number of persons with disabilities was cared for by residential services.

[Table 4-2] Admissions and Discharges Residential Care Services

Year	Number of Services	Admissions			Discharges					
		Custodians	No Custodians	Total	Custodians	Employment	Transfer	Death	Others	Total
2001	203	1,061	553	1,614	367	90	342	171	138	1,108
2002	213	321	271	592	104	32	100	70	24	330
2003	225	328	144	472	82	13	43	49	36	223
2004	237	238	224	462	63	11	116	61	44	295
2005	265	284	195	479	131	22	113	85	24	375

Sources_ Mini. Of Health and Social Affairs (2006). Admissions and Discharges from Residential Services. 2005.

[Table 4-3] is a breakdown of residential facilities by disability types. The highest number are 110 facilities for developmental disability, followed by 93 for severe disability, 31 for physical disability, and the 6 for infants disability.

[Table 4-3] Disabled Persons in Care by Services Types (2001~2005)

Services Categories	Physical Disability		Visual Disability		Hearing Impaired		Developmental Disabilities		Severe Disabilities		Infants Disability		Total	
	No. of Services	Persons	No. of Services	Persons	No. of Services	Persons	No. of Services	Persons	No. of services	Persons	No. of Services	Persons	No. of Services	Persons
2005	31	2,332	13	632	12	735	110	8,015	93	7,657	6	297	265	19,668

Sources_ Min. of Health and Welfare (2006), Number of Persons in Care in 2005

[Table 4-4] shows the persons in care by gender and ages. In comparison with 2001, persons in care are on the increase and males are higher in number than women. In terms of age, persons over 18 are about twice the number below 18 which indicates that adults and ageing persons with disabilities require further assistance.

[Table 4-4] Annual Breakdowns in Care by Gender & Age

Year	Gender			Age			
	Total	Male	Female	Under 18		Over 18	
				Male	Female	Male	Female
2001	17,720	10,566	7,154	3,319	2,257	7,240	4,904
2002	17,959	10,618	7,341	3,063	2,147	7,555	5,194
2003	18,432	10,975	7,457	3,015	2,083	7,960	5,374
2004	18,906	11,269	7,637	3,007	1,997	8,260	5,642
2005	19,668	11,878	7,790	3,013	1,947	8,847	5,861

Source_ Min of Health and Social Welfare (2006). Number of Persons in Care, 2005.

2. Human Rights in Residential Care and Safeguards

No objective indicators are available at present to safeguard human rights in residential facilities, which means that there is no official quantified data on the level of human rights practices in residential services. The only available data is a research project initiated by the Human Rights Commission of Korea on 22 provisionally registered residential services (Nam, Gu Hyun, et al 2005). Still, this research cannot be representative as it failed to include registered services. A research project undertaken by Baek, Eun Young and Lim, Sung Man (2006), as reported in 2006 RI Conference in Seoul, may supplement exiting data as it is an 'overview of residents' participation and some alternatives'. This research used 101 residential services and 34 group homes in endeavoring to find out, from both residents and staff, what measures have been adopted to uphold the principles of human rights in their services. Nevertheless, even the study can not draw a whole picture about human rights aspects of persons with disabilities under care in Korea.

Even if one assumes that the level of human rights protection would be very high in care facilities, a single case of human rights abuse will grossly tarnish the clean record so far. This is exactly what had happened in Korea with occasional reports of human rights abuses of persons with disabilities in care that drove the public to think the problem is rampant.

This present research takes one more step than merely putting together data to show the incidents of human rights abuses, but aims to come up with ways to positively and effectively ensure human tights of persons with disabilities in residential care.

In undertaking an analysis of human rights abuses in care, this chapter will deal with positive and vulnerable areas within services for human rights, and discuss aspects of human rights abuses. In endeavoring to come up with improved services for human rights protection, this research will draw upon a number of reports by civil society organizations and other previous studies.

1) Human Dignity : Rights to Personhood and Equality

※ Purity of a Human Being and Equality : UN Disability Convention Articles 1, 5 and 17
▷ Prohibition of Discrimination : Universal Declaration of Human Rights Article 1, Disability Rights convention Articles 2~3, Disability Human Rights Charter Article 1

(1) Human Rights : An Overview

Persons with disabilities include those who have long-term-physical, mental, intellectual or sensory impairments which, in interaction with various barriers may hinder full and effective participation in society on an equal basis with others (UN Disability Rights Convention, Article 1, 2006). Persons with disabilities have the equal rights to be respected for their physical, intellectual purity (UN Disability Human Rights Charter, Article 17, 2006) all affirm that persons with disabilities should not be subjected to any form of discriminations.

The equality right guarantees full participation equality as a member of society. In every sphere of life, negative discrimination towards persons with disabilities should be prevented by positively removing social and physical barriers, which will ensure practical equality between 'current' and 'dormant' disabilities (Lee, Hung Jaw, 1989:15).

Ensuring the dignity and personhood of persons with disabilities in care means their right to be respected as individuals should be recognized in the first place and they should not be treated differently from other citizens.

In most service settings, staff members use the terms respectable of the persons with disabilities in care and treat them equally without due regard for disability in most of the daily life settings.

The above accounts do not necessarily imply that the person with disabilities were free from any kinds of abuses. Investigations on two residential services by the National Human Rights Commission of Korea in 2006 showed incidences whereby names, dates of birth and personal photographs of persons with disabilities were literally 'displayed' as if

these people were objects or merchandise which clearly tantamount to abuse. Most of the residents in care were treated as 'children', and their personal files also carried the title 'child'. In fact, daily trainers used the title 'children' for the persons with disabilities under their personal care (National Human Rights Commission of Korea. 2006:32). The failure to acknowledge unique personhood and individuality is also found in provisionally registered service settings (Nam, Gu Hyun et al, 2005). To name but a few actual examples;

"The teacher did not call my name because he was interested in me."

"I am now 63 years old. Yet, they tell me that I should address the husband and wife the Center Director 'Mum and Dad'."

"Irrespective of our age, everyone is treated like peers or friends, and call me 'hey, you'."

"I do not know how they might address me since I have never communicated with anyone, really."

On the other hand, it is seldom that residents are treated unjustly or discriminated against. A White Paper released by the Association of Differently Abled Persons in 1999 reported that 132 persons (that is, 22.9%) out of 576 had actually experienced being deprived of meals to succumb them to disciplines.

Persons with disabilities in care are often subject to abuses by visitors or volunteers. The following case is an illustration of failure to respect a person with dignity purely on account of 'disability'.

A Case

A well-known parliamentarian tried to wash a person with disability during a friendly visit to a Center. Even a person with disability could feel a sense of shame and mortification for being exposed naked to the public. Yet even bath services like this are publicized as services provided to people with no disabilities.

Source_ Yoon, Duck Han (2004), "A Proposal for Gyo Nam Human Rights Protection", Gyo Nam 22 Anniversary Seminar. p. 52.

(2) Measures to Protect Human Rights

The following are some of the measures to protect human rights of persons with disabilities in residential care.

First, it is critical to recognize that persons with disabilities are individuals who share personhood equally like any other individuals and are no longer object of relief and charity. For example, persons with disabilities should be able to participate in the planning of their rehabilitation.

Second, it is important to respect views expressed by persons with disabilities fully and to ensure that they participate in running of the services.

Third, it is necessary to improve overall skills of caring. The current skills draw heavily upon medical fields and point to the needs to develop skills more suited to the characteristics of persons with disabilities.

Fourth, it is advised to use general languages socially accepted when referring to persons with disabilities.

Fifth, to train care workers to ensure that they do 'listen to' rather than ignore or be apathetic to the expressions or even treat the persons with disabilities as children.

Sixth, the paradigm should be shifted from charity and paternalism to one of citizenship and policy visions, objectives, strategies and implementation.

Seventh, it is preferable to gradually minimize the size of institutions and the policies of government that might encourage continuation of large institutions. Along with this, evaluation should be used to penalize poor services and incentives should be given for service centers of 'good practice model' standing. New service centers should be allowed to develop in accordance with standards such as small scale service units in terms of number of residents, locations in the community rather than in remote suburbs, and building design structures to confirm with the particular needs of persons with disabilities. There should also be institutional back up to support the development of group homes with 3~5 residents as alternatives to residential institutional cares.

Eighth, to introduce effective and workable human rights guidelines directed to the

residential care, the Ministry of Health and Welfare can check the implementation through its triennial evaluation of administration, finance, and supports systems. It may also be feasible to form a combined inspection committee made up with central and local governments, academics, human rights organizations, lawyers, persons with disabilities themselves or their relatives to continuously monitor the implementation of the guidelines.

Ninth, a separate public education program may be called for to sharpen public awareness regarding the position of the social minorities, such as persons with disabilities.

Last, it is necessary to secure trained human rights experts to ensure the protection of human rights in disability residential care. This should come with accompanying improvements in their working conditions, since they are neither adequately paid nor recognized for the wide ranging professional service activities they have to undertake in residential care.

2) Rights to Life

※ Rights to Life : UN Disability Rights Charter Articles 10, 11, 15, 16, 25

- ▷ Food, Clothes, Shelter : UN Disability Rights Charter Article 2
- ▷ Medical and Health : Disability Rights Charter Article 2, Disability Rights Convention article 25
- ▷ Rights to Safety : Universal Declaration of Human Rights Article 3
- ▷ Rights to Physical and Mental Safety : Disability Rights Convention article Articles 9.,15~16

(1) Human Rights : An Overview

① Rights to Clothing, Food and Shelter and Safety

The starting point for rights to life in residential care begins with the protection of

clothing, food, shelter, physical · mental health and safety. The protection of clothing, food and shelter implies actually has to do with ensuring that services provided meet specific and particular needs, as well as choice of persons with disabilities. Food is a critical matter along with the importance of residential environment whose central element is 'pleasant meals' for the residents.

In a survey of 137 service settings involving some 356 respondents on the "user participation in residential care", 87.5% responded they participate in determining menus and only 11.4% replied "no" (Baek, Eun Ryung & Lim, Sung Man, 2006). 67.5% said they have some "say" in determining times for the main and side meals. 89.8% said they can freely choose what they would like to wear.

[Table 4-5] Autonomy in the Choice of Food and Clothing

Categories	Workers (351) ·		Service Users (366)	
1. Deciding on Menu				
Yes	140	39.9	153	41.8
A little bit	189	53.8	171	46.7
Not Really	22	6.3	36	9.8
Never	–	–	6	1.6
2. Time for Main & Side Meals				
Yes	82	23.3	113	31.0
A little bit	114	32.4	140	38.5
Not Really	140	39.8	103	28.3
Never	16	4.5	8	2.2
3. Choice of Clothing				
Yes	131	(37.3)	157	(43.0)
A little bit	179	(51.0)	171	(46.8)
Not Really	40	(11.4)	34	(9.3)
Never	1	(0.3)	3	(0.8)

Source_ Baek, Eun Ryung & Lim, Sung Man. 'Participation of Service Users and Consideration of some Alternatives', Rehabilitation Journal, 2006.

On the other hand, another survey on Provisionally Registered centers, only 33.3% replied that they have the freedom of choice for food while as many as 64.3% replied they have no freedom at all. In the case of latter, the menu was bare minimum with "a bowl of rice and a bowl of soya bean soup".

The rights to life means to return to community and comfortable normal family surroundings from the previous collective institutional setups and it is intended to improve quality of life of persons with disabilities.

Often 'Disability Residential Services' are characterized by their repugnant smell, long dark corridors, and fenced windows. These negative images are transferred to persons with disabilities to create images of powerlessness and instill within them a feeling of incompetence.

Yet, persons with disabilities have every right to live in a pleasant and safe environment, and service providers have the responsibility to provide such quality services. Also, persons with disabilities should be allowed freedom in choosing bedrooms, quilts and storage facilities for personal possessions.

[Table 4-6] Comparison of Facilities with Normal Households

Categories	Workers (355)	Users (358)
Overall Service Areas	172 (48.5)	203 (56.7)
Partial residential Areas	103 (29.0)	83 (23.2)
Very Limited Areas	34 (9.6)	36 (10.1)
Not at all	46 (13.0)	36 (10.1)

Source_ Baek, Eun Ryung & Lim, Sung Man. 'Participation of Service Users and Consideration of some Alternatives', Rehabilitation Journal. 2006.

Residential services with poor records of human rights protection only care for external environments rather than caring for people, so much so that no furniture pieces or storage places are provided in some bedrooms and floors and walls are tiled for ease of cleaning incontinent residents. The rooms are so crowded in many cases that they can hardly be

described as pleasant accommodations (Disability Rights Institute, 2005).

At the same time, every careful measure should be taken to ensure the safety of residents in emergency situations such as fire breakouts. The following is an example of residential services equipped with safety measures for emergency:

A Case Illustration

The building has a basement and four floors, but has installed an elevator in the center of the building with rooms on each side leading to staircases and ramps to downstairs. Every floor is well provided with fire distinguishers, windows and emergency exits. The facility also has two fire drills, is located near a fire brigade, and had taken out a fire insurance.

Source_ Human Rights Commission of Korea (2006), "Observational Studies on Residential Cares, 2005"

② Rights to Medical and Health Care

Article 25 of the UN Disability Rights Convention affirms that persons with disabilities should be entitled to maintain the best physical and mental health without any discrimination. This is to ensure that disability specialists would understand that ethical imperatives in endeavoring to minimize any added disabilities that may occur to the children and the aged.

It is important to bear in mind the management of health of those with relative fragile immune systems in residential care. Ideally, medical personnel and facilities should be available to ensure the rights of residents for medical and health care, along with clean toilets, and encourage residents to express freely should they have any concerns about their health.

It appears that only limited data is available on either the state of medical and health care or the infrastructures in residential care at the moment. A survey on provisionally registered institutions shows that only 17.6% of 210 residents had received 'immediate and regular health checks' when they needed medical attention (Nam, Gu Hyun ; et al., 2005). 34% replied that they received immediate attention, although never received health

checks. 19% replied that they had to repeat complains several times before they could get any attention, or never received any help at all. These illustrations clearly show considerable variations regarding medical and health care in residential services.

The above study also shows that 59.8% of respondents were using facilitating devices, while 48.3% replied they had no access to such devices. Regarding the use of wheelchair, many either did not know that they were available in the care centers or never used them and ended up 'crawling' around.

③ Rights to Physical and Mental Safety

Every individual is entitled to live freely physically and mentally, and there is no exception to this even for those who reside in institutions. Newspapers often report incidents of violence, confinements and abuses and residential care services are depicted as places of human rights abuses. This might occur in a minority of cases ; still such abuses are not be justifiable. The following is an illustration of how residential services might deal with behavioral problems of persons with disabilities.

A Case Illustration

No apparent human rights abuses on residents such as sexual violence or violence had occurred. Also, there were no solitary confinements or excessive control systems and residents were not forcefully separated or protected even if involved in brawls. Five persons with mild intellectual disabilities sharing one may designate a person to be in charge. And the person assigns roster to others for tiding the room and other duties and to watches over behaviors of roommates.

Source_ Human Rights Commission of Korea (2006), "Observational Studies on Residential Cares, 2005"

A person with cerebral palsy started his life in residential care when he was 20. After some 10 years he now wants to leave, but it is not as easy as he had thought. When he expressed his desire to leave, he had been put into his room and assaulted him. He ran away, but later on arrested by police on the charge of deserting his home. And back to confinement, but he wants to leave the residential care.

On the other hand, in residential services where human rights measures are poorly adhered to, persons can be physically assaulted or abused physically for "leaving work places without permission". This led to resignation of staff (Nam, Gu Hyun, et al., 2005).

More obvious incidences of human rights abuses than above are reported in a study on provisionally registered service settings, for example, 38.2% of direct violence upon the residents, and 9.8% actually witnessed assaults upon others (Nam, Gu Hyun, et al., 2005). Physical violence topped the list with 37.8%, abusive languages 20.1%, and meal withdrawal 14%.

[Table 4-7] Experiences of Assaults/Violence in Care : Provisionally Registered Services

Categories	Frequency	100(%)
Yes	85	38.2
Personal Experiences/Witnessing	5	2.2
No	116	52.0
Witnessed Others being Assaulted	17	7.6
Total	223	100.0

Source_ Human Rights Commission of Korea (2006), "Observational Studies on Residential Cares, 2005"

[Table 4-8] What types of violences? (Multiple replies) : Provisionally Registered Services

Categories	Self		Witnessing	
	Frequencies	100(%)	Frequency	100(%)
Confinement	20	12.2	4	9.5
Abusive Languages	33	20.1	9	21.4
Physical Violence	62	37.8	12	28.6
Meal Withdrawal	23	14.0	5	11.9
Neglect	2	1.2	1	2.4
Sexual Abuse	15	9.1	7	16.7
Alienating	3	1.8	2	4.8
Other Violences	6	3.7	2	4.8
Total	164	100.0	42	100.0

Source_ Nam, Gu Hyun, et., Human Rights Commission of Korea (2006), "Observational Studies on Residential Cares, 2005"

As the above data shows, 9.1% of persons with disabilities personally experienced 'sexual abuses' themselves and 16.7% reported witnessing abuses on others, which confirms the fact that their freedom and physical safety have been grossly invaded.

A Case Illustration

A group of 9 persons with visual, intellectual and developmental disabilities were living together with an aged women and a male assistant in a residential service registered in Choongbuk Province. According to a broadcasting report, a person with intellectual disability was living here with his mother but the manager of the home was running it in a violent manner and the mother actually had bruises on her right shoulder. While the manager was absent from the home, the reporter helped the mother escape.

④ Protection from Sexual Abuses

The matters of sex are important and sensitive for persons with disabilities in residential care. It has been an area of neglect so far and is important not purely in terms of protection of sex lives but protection of human rights and sexual abuses.

A Case Illustration

Causes of Problems : Causes include sexual abuses by the manger, the management personnel is made up of family members, the son, and the daughter-in-laws as care workers, embezzlements of salaries, groceries, and other expenses, forced labor, and falsification of documents for inspection.

Closed System : Residential care has not been open to any scrutiny during past three years after the incidence of sexual abuse due to the failure of Women's Counseling Services to intervene in the situation.

The Intervention : The Manager was charged with sexual assault, but was allowed to resume his position as the manager.

Source_ Kim, Jung Riel (2000), "Human Rights in Disability Residential Services"

Obviously, persons with disabilities with limited means of self-defense can easily fall

victim to sexual abuses and assaults. As the above cases illustrates, apparent abuses of persons in residential care are not adequately dealt with. Attention should be directed more to preventive measures rather than trying to deal with them reactively.

(2) Measures to Protect Human Rights

Rights to Clothing, Food and Shelter and Safety

Measures to protect the rights to Clothing, Food and Shelter and Safety are as follows.

First, allowances for clothes should be used to purchase and maintain clothing and preferably personal tastes and choices should be respected rather than forcing disabled persons to wear 'uniform' like standard items.

Second, the personal desires of individual persons with disability should be respected in choosing clothes. One idea to effect this is to run a program on purchasing clothing as a part of training.

Third, again, it would be best to accommodate the needs and preferences of residents in planning menus and side meals and provide assistive devices or create the necessary environment for enjoying a proper meal.

Fourth, a residential service is expected to do its utmost to provide most pleasant internal · external living environment and to change, if need be, to promote the best images of the residents.

Fifth, safety of persons with disabilities should be of prime concern. This means service agencies should adhere to the guidelines laid down by the Disability Conveniences Act and provide safety measures in accordance with the specific needs of individuals.

Sixth, any room or space designed for confinement should be scrapped or improved for other use and provisions should be made available for personal counseling, safety and conveniences.

Rights to Medical and Heath Care

The following measures might be needed to protect the medical health rights of persons with disabilities. First, planned programs of professionals for treatment and prevention of disabilities and the setting up on-going rehabilitative services are esstential. Second is to inform and seek cooperation of persons with disabilities for their participation in planning services. Third, it is necessary to provide and equip specialized assistive devices to suit personal needs. Such devices include supportive devices for meals, taking bath, mobility and so forth.

Rights to Physical and Mental Safety

The following measures should be in place to protect the rights to physical and mental safety.

First, everyone in the residential care, including the manager and staff members, should bear in mind that no persons with disabilities should be punished or neglected even for educational or other reasons and guidelines should be established and followed.

Second, it is important to ensure that physical or mental abuses do not occur in the first place. Yet, there may be situations in which those rights might be restrained to protect rights or lives of others. Even in these situations, restraints or interventions should strictly follow the medical prescription and should never be made as arbitrary decisions by the staff.

Third, since physical violence cannot be justified under any circumstances it should be strictly dealt with by law.

Fourth, qualifications and standard of staff members should be strengthened, and they should be provided in-service training to ensure the professionalism of their services. Residents should no longer be regarded as objects for protection and control, but subject of services. This implies that practices, qualifications and indeed their professional capacities should match the new ways of thinking.

Fifth, there is a clear need to change the structure of residential services. In terms of

structure, services used to be designed to control the residents as collective groups but such arrangements only served to cause abuses of human rights. This calls for change of relevant legislations to allow development of homes in community.

Sixth, the running of the management committees should also change. Parents of persons with intellectual disabilities would be willing to participate in the committee, but they should also be encouraged to act as watchdogs to ensure that residential services would become dumping places for persons without guardians or parents.

Rights to be Free from Sexual Abuses

The following measures should be considered to ensure that sexual abuses do not occur.

First, the idea that sexual abuse is a crime punishable by law should be inculcated on the staff, backed by education and preventive measures. Second, to enforce laws that charge persons who sexually abuse persons with disabilities, the public should be instructed to report any incidence of sexual abuses. Also, protective measures should be in place for the informers.

3) Liberty and Security of Persons

※ Liberty : UN Disability Rights Convention, Articles 14, 21~22

- ▷ Self determination
- ▷ Freedom of religion : Universal declaration Article 18
- ▷ Respect for privacy : Universal Declaration Article 12, Rights Convention Article 22
- ▷ Living independently and being included in the community : Disability Convention Article 19
- ▷ Freedom to enter and discharge : Disability Rights Convention Article 19
- ▷ Freedom of expression and opinion and access to information : Disability Rights Convention Article 21

(1) Human Rights Overview

① Privacy and Self-determination

Privacy and self-determination of persons with disabilities in residential services refer to the protection of their rights and support for their independent living by preventing any possible abuses.

The fact that protecting 'privacy' can be a problem in residential services is recognized. Nevertheless this should not mean that invasion of privacy could be condoned. Imposing uniform clothing, hair style, and undue exposure of residential lives to people outside can be both overwhelming and degrading for the involuntarily admitted.

A study showed that as high as 75% of persons in residential services can choose their clothing and hair style (Baek, Eun Ryung & Lim, sung Man, 2006). More than 65% of respondents also said that they handle their own monies, which clearly indicates that the principle of self-determination is well-practiced in registered services.

[Table 4-9] Degree of Self-determination Exercised

Categories	Choice of Clothing and Hairstyles (359 Persons)	Handling money (365 Persons)
Yes, very much so	106 (29.5)	85 (23.9)
Yes	163 (45.4)	145 (40.8)
Not really	80 (22.3)	96 (27.0)
Never the case	10 (2.8)	29 (8.2)

Source_ Baek, Eun Ryung & Lim, Sung Man. 'Participation of Service Users and Consideration of some Alternatives', Rehabilitation Journal. 2006.

Despite the positive signs of the data above, when hair is done by visiting hair dressers in one designated day, most of the residents turn up with identical styles, making a mockery of self-determination. Monies can be deposited into personal accounts, but this does not necessarily mean that disabled persons use them as freely as they wish. In fact, residents know that they have an account in their name, but few know the specific details

of account transactions (Nam, Gu Hyun et al., 2005).

With regard to handling of personal effects, only limited private spaces are available for private storage, after putting away quilts and blankets. This leaves hardly any room for storing clothing or socks except a small plastic drawer for odds and ends. This makes it difficult to imagine how privacy and self-care could be maintained under these circumstances (National Human Rights Commission of Korea, 2006). In particular, regarding the Personal Identification Card in provisionally registered services, only 18% were handling their own affairs and most of them left with the residential services.

[Table 4-10] Handling of ID, Driver's License, Welfare Card : Provisionally Registered Services

Categories	Frequency	100(%)
Taken away forcefully at the time of admission	50	23.0
Surrendered to the service believing it is a 'rule' to do so	62	28.6
Left with the service with consent	17	7.8
In personal possession	39	18.0
Others	49	22.6
Total	217	100.0

Source_ Nam, Gu Hyun, et al., (2005), "Overview of Human Rights in Residential Services", National Human Rights Commission of Korea

Issues of privacy that cannot be adequately protected by residential services are sorts of problems encountered in routine Dailey lives. The following are some of the typical examples of invasion of privacy.

A Case Study

- "(in the case of a female) shameful to be washed by a male"
- "humiliated to take a bath as a group"
- "embarrassed as the bath-helpers change too often"
- "uncomfortable to take a bath with others"
- "two toilet seats along side each other without any partitioning"

Source_ Nam, Gu Hyun, et al., (2005), "Overview of Human Rights in Residential Services", National Human Rights Commission of Korea

Invasion of privacy does not solely occur within residential services. Invariably, persons with disabilities are exposed to the outside either through photographs or interviews without their initial consent, which clearly shows the degree of insensitivity towards them.

[Table 4-11] Permission Sought for Taking Photos : Provisionally Registered Services

Categories	Frequency	(%)
Never sought permission	68	35.4
Sometimes seek permission	25	13.0
Always seek permission	42	21.9
Others	57	29.7
Total	192	100.0

Source_ Nam, Gu Hyun, et al., (2005), "Overview of Human Rights in Residential Services", National Human Rights Commission of Korea

② Religious Freedom

Religious freedom means granting the same rights to persons with disabilities as stipulated in the Constitution and supporting them to enjoy the rights. The actual practice of these rights may have to face difficulties due to the fact that many services in Korea are faith based organizations. Yet, services should be directed to deal with the issue more objectively and rationally by recognizing that their services are expected to carry our 'public' rather than private religious functions.

Many residents feel that they are free from any pressure in practicing their religious beliefs. According to the study by Beck, Eun Ryung and Lim sung Man (2006), 93% of them replied that they are granted religious freedom as against 6.8% who replied in the negative.

[Table 4-12] Free Religious Activities

Categories	Users (359 Persons)
Yes, very much so	142 (39.6)
May be	153 (42.6)
Not really	47 (13.1)
No, never the case	17 (4.7)

Source_ Baek, Eun Ryung & Lim, Sung Man. 'Participation of Service Users and Consideration of some Alternatives', Rehabilitation Journal. 2006.

On the other hand, when the church and services are not separated as shown below, residents are often compelled to participate in religious activities.

A Case Illustration

A church run by pastor C is located within the premises of the disability service facility, and the residents are forced to attend the worship with the exception of those with severe disabilities who have difficulty concentrating. Staff who protested against this had to resign.

Source_ Nam, Gu Hyun, et al., (2005), "Overview of Human Rights in Residential Services", National Human Rights Commission of Korea

③ Freedom of Expression and Access to Information

Article 21 of the Disability Rights Convention of 2006 affirms the freedom of expression of opinions and access to information for persons with disabilities. In particular, it emphasizes the importance of use and access to internet. The Human Rights Covenant for Persons with Disabilities is more specific in that it stresses that they are entitled to free mobility, use of facilities, access to communication technologies that will enable them to express their opinions.

Persons with developmental disabilities who can hold down a job or engage in social activities can enjoy degree of freedom in their personal communications by using mobile phones. Still, it should be noted that in some services there may be no public telephones

installed in living quarters and may have only one internet terminal to be found in the women's living area. It is very seldom those services are well provided with a variety of reading materials (NHRCK, 2006).

Regarding the use of internet in provisionally registered services, as investigated by the NHRCK, many of them do not have the kind of infrastructure for use of internet, and even for those with facilities the access is strictly limited according to rigid timetables.

[Table 4-13] Use of internets : Provisionally Registered Services

Categories	Frequency	100(%)
No infrastructure for internet use	120	56.6
Use only with permission	6	2.8
Only in set hours	8	3.8
No restrictions whatsoever	34	16.0
Others	44	20.8
Total	212	100.0

Source_ Nam, Gu Hyun, et al., (2005), "Overview of Human Rights in Residential Services", National Human Rights Commission of Korea

④ Liberty to Admission, Discharge and Communications with Outside

Irrespective of types of residential services, liberty of persons with disabilities for freedom of movements such as admission and discharge should also be recognized as human rights. According to the study by Baek Eun Ryung and Lim Sung Man (2006), 76.7% of service managers and 77.9% of residents respectively were of the view that the principle of self-determination is practiced with regard to admissions. On the other hand, 56.3% of service managers said the principle was actually used at the time of admission, while 46.5% of residents said that was not the case.

[Table 4-14] Degree of Explanations as to Procedures for Admissions

Categories	Managers	Residents
Residents personal decision		
Yes, very much so	43 (12.3)	77 (21.4)
May be	110 (31.4)	115 (32.0)
Not really	161 (46.0)	134 (37.3)
No, never the case	36 (10.3)	33 (9.2)
Explanations about personal choice		
Yes, very much so	81 (23.5)	97 (27.1)
May be	183 (53.2)	182 (50.8)
Not really	70 (20.3)	57 (15.9)
No, never the case	10 (2.9)	22 (6.1)

Source_ Baek, Eun Ryung & Lim, Sung Man. 'Participation of Service Users and Consideration of some Alternatives', Rehabilitation Journal. 2006.

It is important for the residents to be able to maintain contacts with outside. With regard to this, the above same study reports 70% of residents can go out, and 75.9% can make outside telephone calls freely.

[Table 4-15] Phone Calls and Visits to Outside (Residents)

Categories	Visits to outside	Telephone contacts outside
Yes, very much so	92 (25.6)	127 (21.4)
May be	123 (34.3)	146 (40.6)
Not really	111 (30.9)	134 (18.9)
No, never the case	33 (9.2)	33 (5.3)

Source_ Baek, Eun Ryung & Lim, Sung Man. 'Participation of Service Users and Consideration of some Alternatives', Rehabilitation Journal. 2006.

⑤ Rights to Sex

Persons with disabilities have the rights to sex like persons without disabilities in expressing sexuality, and supports for this help them maintain sexual identity.

The issue of sex and persons with intellectual disabilities has been a subject of debate during past few years. This led to the development of educational materials and the argument that the sexuality of persons with disabilities is no different from that of the persons without disabilities, which should be recognized as the mainstream position. Yet, the same study reveals that even in registered services courtship or marriages among disabled persons are rare.

[Table 4-16] Freedoms Re. Courtship and Marriage

Categories	Residents (363)
Yes, very much so	53 (14.9)
May be	115 (32.3)
Not really	145 (40.7)
No, never the case	43 (11.1)

Source_ Baek, Eun Ryung & Lim, Sung Man. 'Participation of Service Users and Consideration of some Alternatives', Rehabilitation Journal. 2006.

A study by the NHRCK (2006) confirms exactly how fragile is the protection of sex life and education of persons with disabilities.

A Case Illustration

With regard to sexual self-determination, a few were found masturbating or approaching female residents but there no easy solutions available for these behaviors. By the same token, no space or system is available to protect their sexual privacy. Some staff members are trained to understand and handle resident's sexual matters and pass on the contents to colleagues, but residents themselves are never trained. Some residents fall in love and want to get married, but there are no proper meeting places, except perhaps workshops.

Source_ NCHRK (2006), Report on Disability Welfare Services 2005.

(2) Measures to Protect Human Rights

① Protection of Privacy

The following may be considered to protect privacy.

First, measures should be taken to protect person information by training staff and develop some guidelines. Privacy to some degree has to do with internal · external aspects of residential services, but has a lot more to do with the consciousness of staff members. The physical set up of the services many be wanting, but the willingness of the staff to protect the privacy of the residents can go a long way.

Second, residents should be supported to be able to choose the kind of clothing, personal possessions according to their tastes and preferences.

Third, services should avoid introducing a uniform and closed physical structure or equipments that may not be conducive to maintaining human dignity.

Fourth, unless it is an absolute necessity, there should not be any restrictions on the use or possessions of personal items and if possible storage facilities or display units should be provided.

Fifth, the practice of displaying personal information such as names, age, disability types or other sensitive details at service premises or on website should be discouraged.

Sixth, the autonomy and independence of residential space should be respected. This will minimize the grouping of services, promotes independent living and protects privacy.

② Freedom of Religion

The following are suggested as measures to protect religious freedom.

First, the choice of religion and activities should be supported to meet the needs of residents, and religious position of the service should be explained prior to admission for consideration.

Second, residents can totally or partially withdraw from religious activities of the residential services and no one should force them to do otherwise.

Third, given that many residential services are faith based, the point about religious freedom should be emphasized to the managers.

Fourth, the importance of religious freedom should be underlined in guidelines for starting new services and for drawing up constitutions or operating manuals.

Fifth, it is clearly a breach of religious freedom if the manager imposes religious conviction on the residents or staff members and there should be clear separations between running of the service and religious beliefs.

③ Expression of Opinions and Access to Information

Introduction of following measures may be needed to ensure the access and use of the information for the residents.

First, persons with disabilities should have access to any public information without any restrictions and should be able to use computers, telephones or other instruments freely.

Second, supports in terms of telecommunication devices or personnel should be available to persons with disabilities who might experience barriers in communicating with others.

Third, residents should be encouraged and opportunities should be given to express their own opinions or practice self-determination.

Fourth, overall support systems for persons with disabilities in residential services should be reviewed. To begin with, no budget has been earmarked to increase access to information technologies within services at the moment. Since a staff position for a driver is allowed for every 100 residents, staff members have to assume 'odds and end' duties in smaller services.

Fifth, increasing access to information means technological advances along broader participation of the people. For example, a videophone is located in each deaf service as a receiver, no corresponding facility is provided on other side, which makes the installation useless. Use of technologies like this should be accompanied by financial supports or tax rebates.

④ Freedom for Admission, Discharge and Communications with Outside

Introduction of following measures may be needed to ensure the freedoms for admissions, discharge and communications with outside.

First, services should respect residents thinking with regard to these rights, if not immediately, but in the long term.

Second, request for admission should be deliberated and seriously assessed as to whether or not it is in the best interests of the persons concerned.

Third, adopt procedures that accommodate decision of the residents and follow up even after discharge.

Fourth, residents should be given freedom to meet visitors in and outside services and this should be supported.

Fifth, regular reviews are needed to identify persons who might benefit from living in the community and residential living could be deterred in this case and back up this with systematic supports.

⑤ Rights to Sex

First, sexuality of persons with disabilities should be respected along with their rights to determine the sexual aspects of their lives. This also means assisting them with proper attitudes towards sex and sexual activities, including prevention of sexual abuse, sex education, or treatments. Continuous and specialized program of sex education should be directed toward staff, carers and custodians.

Second, there is an element of 'taboo' in so far as sex with persons with disabilities are concerned thinking they are 'de-sexed', and hence the imperative need for proper sex education in this area.

4) Social Rights

※ Social Rights : UN Disability Convention Articles 19~21, 23~24, and 27~28

▷ Family rights : UN HR Declaration Article 16, Disability Convention Article 9, Disability HR Charter Articles 11~12

▷ Social security : Disability HR Charter Article 2, Disability Rights Convention Article 28

▷ Education : UN HR Declaration Article 26, UN Disability Convention Articles 5, 24

▷ Labor : UN HR Declaration Article 4, UN Disability Convention Article 6, 27

▷ Economic : UN HR Declaration Article 17, UN Disability Convention Article 11

(1) Human Rights Overview

① Family

Social rights are made up with rights to life and freedom that include core areas of rights to realize human rights. A significant proportion of UN Disability Rights Convention deals with rights of family, education, employment, mobility, and social security.

Rights to family refer to the rights to live and interact with one's own family and to start a family through marriage, birth of children, and their upbringing.

Once again the study on 363 residents in 135 services by Baek and Lim (2006) shows that only 47.2% had participated in their family gatherings. Despite the fact that 80.4% of services provide information to the families of their residents, interactions between residents and families are minimal. The reasons for this are not yet known, and the answers to this are varied ranging from "was told not to contact families", to "no families to meet" to "families do not want to meet us". For these reasons the Disability Rights Convention urges to change the public as well as attitudes of the family toward persons with disabilities (Article 8).

[Table 4-17] Degree of Freedom to Meet Family or Friend

Categories	Residents (363)
Yes, very much so	53 (14.9)
May be	115 (32.3)
Not really	145 (40.7)
No, never the case	43 (11.1)

Source_ Baek, Eun Ryung & Lim, Sung Man. 'Participation of Service Users and Consideration of some Alternatives', Rehabilitation Journal. 2006.

② Education

Continuous education, especially for children with disabilities, is most critical since this ensures the preserving dignity and development of potentialities. This is the reason why the UN Disability Rights Convention (article 24) stresses the inclusive education, continuous education and variety of other social and technical skills.

Some large residential services combine special schools to adequately ensure educational rights of residents. A study on young residents under the age of 18 at the "K" service in Seoul for intellectual disability had scored 4.75 on Likert scale expressing their satisfaction for their educational opportunities.

However, it should also be pointed out that the same educational opportunities are not guaranteed by many provisionally registered services. In an inquiry on provisionally registered services by the NCHRK in 2005, as high as 82.4% of residents replied they never had any education after admission to the services, 6% had either completed or were in the process of completing secondary education and only 4.2% either had received or were receiving vocational training.

③ Right to Work and Economic Security

This refers to variety of training programs and employment services to enable persons with disabilities to choose a job when they become adults. This also includes assurances

for a fair wage for a fair day's work and freedom for forced labor within the services.

In most of the registered services, residents are trained to open their own accounts and manage their bankbooks into which they deposit their earnings. The study by Baek and Lim (2006) on 135 services showed that 64.7% of residents were handling their own bankbooks.

In selecting jobs, 65.8% of residents responded they were participating in the decision, and 73.8% in the choice of vocational trainings.

[Table 4-18] Degree of Residents' Participation in Voc. Tainting & Education

Categories	Participation in Voc. Training & Education (358)	Choice of Jobs (360)
Yes, very much so	89 (24.9%)	89 (24.7%)
May be	175 (48.9%)	148 (41.1%)
Not really	72 (20.1%)	95 (26.4%)
No, never the case	22 (6.1%)	28 (7.8%)

Source_ Baek, Eun Ryung & Lim, Sung Man. 'Participation of Service Users and Consideration of some Alternatives', Rehabilitation Journal. 2006.

However, in services where human rights are poorly adhered to, residents may not be engaged in any gainful activities nor receive proper payment paid for their work.

Another study on provisionally registered services by Nahm, et al (2005) shows 73.2% were not engaged in any gainful activities, 25% were engaged in handicraft or agricultural activities and only 1.7% either worked at sheltered workshops or had jobs within or outside services. Still, only 3.4% of these replied they earn and manage their accounts. 69% said they were not paid at all

Some monies from wages or sponsorship may be deposited in to a personal account, seldom the monies are used for personal needs or have the knowledge of detailed transactions although the passbooks bear their own names (Nahm, et al., 2005). This may simply explain the fact that the economic rights of residents are grossly invaded.

[Table 4-19] Current Gainful Activities : Provisionally Registered Services

Categories	Frequency	100(%)
No Activities	164	73.2
Handicraft/Agricultural Activities within Services	56	25.0
Sheltered workshops/vocational program outside services	3	1.3
A job within the community	1	0.4
Total	224	100.0

Source_ Nam, GU Hyun, et al., (2005), "Overview of Human Rights in Residential Services", National Human Rights Commission of Korea

[Table 4-20] Wages from Work : Provisionally Registered Services

Categories	Frequency	100(%)
Never received wages	40	69.0
Heard about it, but never received	3	5.2
Receive wages, but controlled by others	10	17.2
Receives and self manages	2	3.4
Others	3	5.2
Total	58	100.0

Source_ Nam, GU Hyun, et al., (2005), "Overview of Human Rights in Residential Services", National Human Rights Commission of Korea

A Case Illustration

A Service for Intellectual Disability. U. Kyung Nam Province. June 1996.

Problems : The CEO of the service Mr. B founded a special school illegally to become its principal, appointed his wife as the manger and 10 other relatives as staff. Numerous reports of beating, mobilizing residents for construction of buildings, work for no wages, and sexual assault by his brother-in-law, etc. emerged.

Source_ Kim, J R. (2000), "Human Rights and Residential Services for Persons with Disabilities"

④ Social Security

Rights to social security for persons with disability refer to entitlement to receive services such as social security and public assistance from the government and local authorities in accordance with the degree of disabilities, age and gender. Since a person with a disability should be able to assume his/her duties as an equal citizen with the non-disabled counterpart, relevant service agencies should ensure their entitlements to public assistances. This implies that service provisions should be backed by individualized service plans, and for this reason they are found in most of the residential services and residents do invariably participate.

[Table 4-21] Individualized Service Plans for Residents

Categories	Participation (356 Residents)
Yes, very much so	71 (19.9%)
May be	143 (40.2%)
Not really	115 (32.3%)
No, never the case	27 (7.6%)

Source_ Baek, Eun Ryung & Lim, Sung Man. 'Participation of Service Users and Consideration of Alternatives', Rehabilitation Journal. 2006.

(2) Protective Measures for Human Rights

① Right to Family

The following are measures to ensure the rights to family of the residents.

First, since residential services are limited in providing a genuine home-like care, plans should be made to ensure psychological comfort and social supports by maintaining close interactions with members.

Second, residents who are known to have families should be encouraged to form self-help groups such as parent groups to maintain on-going contacts with parents and

siblings. Parent groups, contact program with the families, and a co-coordinating network can be activated.

Third, residential services should provide appropriate space for families to get together privately, and support visits to families.

Fourth, inspection of services must include a check on the operation of self-help groups such as parent groups and support systems for them.

② Education

Following measures are suggested for protecting education rights.

First, school age persons with disabilities are not in any way discriminated against for their education and opportunities should be given for education in accordance with the Special Education Act. Services should develop a support program on the basis of information on age and learning abilities.

Second, while persons with disabilities are entitled to receive an education based upon curriculum like their peer groups, provision should also be made to offer a variety of educational methods. For example, students with disabilities with superior cognitive and learning ability should be accommodated in an inclusive educational environment.

Third, persons with disabilities should be provided all the necessary means to improve their access to educational venues, and any needs in connection with education and learning should be dealt with.

Fourth, when persons with disabilities encounter genuine difficulties for accessing education on account disability, a decision will have to be made based on a diagnostic statement and individualized plan should be accompanied rather a personal statement by the service manager.

Fifth, it is necessary to evaluate whether or not an appropriate education has been undertaken in accordance with individualized support plans and their learning ability.

Sixth, for the education of persons with disabilities, appropriate space should be made available and a variety of programs should be offered such as subscription of educational

materials and use of regular volunteers for coaching.

Seventh, appropriate stationeries should also be supplied and residents should be exercise their freedom of choices. As a part of social adjustment training, they can be trained to choose stationeries themselves.

Eighth, to overcome geographical problems that are often experienced, assistance could be thought from relevant education department to dispatch special education teachers or expand the school bus services to cover the disadvantaged areas.

Ninth, in case of children with intellectual disabilities, entrance requirement could be eased by changing the legal regulations so that they could be enrolled even after the age of 12.

③ Rights to Work and Economic Security

The following are the measures to protect work and economic rights of residents with disabilities.

First, if the needs for employment are high among the residents, it is advisable to employ a specialist staff to protect their rights by representing them in undertaking discussions/negotiations with potential employers.

Second, to provide employment related rehabilitative and support plans to meet the different needs capacities of residents.

Third, the total incomes derived from employment should be given to the residents and concrete provisions should be made for them to manage their financial affairs.

Fourth, priority of considerations and legality should be ensured for employment of persons with severe disabilities. Employment policies, such as quota systems, in other countries also give priority to persons with severe disabilities either in employment or training to compensate their disadvantages. However, article 2 of Disability Welfare Act of Korea does not specify such priority and this tends to work against their interest when considered for employment.

④ Social Security

The following are the measures to protect social security.

First, information on disability policies and services should be made available.

Second, every effort should be made for the management and implementation of any grants allocated for persons with disabilities.

Third, given the variations in the amount of grants allocated to different local authorities, it is necessary to provide information on the scope of public services every year at local levels.

5) Political Rights

※ Political rights : UN Disability Rights Convention Article 29

▷ Freedom to express political opinion : Universal Declaration Article 21, Disability Rights Convention Article 29 b

▷ Voting : Universal Declaration Article 26 1, 3 & Disability Rights Convention Article 3, Disability Convention Article 29 a

(1) Human Rights : An Overview

The article 29 of the Disability Rights Convention guarantees that persons with disabilities political rights and opportunities to effectively and fully participate in political and public life on an equal basis with others. Here, the rights to participate in politics means persons in residential care should have the same rights as stipulated in this article (29) and hence there should not be impositions of any kind. Studies indicate that persons with disabilities enjoy relatively high level of participation.

[Table 4-22] Participation in Elections

Participation in Elections	Residents' Participation (N=358)
Yes, very much so	173 (48.3)
May be	142 (39.7)
Not really	35 (9.8)
No, never the case	8 (2.2)

Source_ Baek, Eun Ryung & Lim, Sung Man. 'Participation of Service Users and Consideration of Alternatives', Rehabilitation Journal. 2006.

Still, this does not mean that the problems of physical barriers have been removed. According to a newspaper report in April 2000, 17% of polling booths had been located on an upstairs level which would have deterred 127,000 from voting. Even if the boots had been located on downstairs levels, it would still have raised the issue of access for wheelchair bound persons. Limited information available for persons with disabilities would have barred in expressing opinions. A survey by the NHRCK on human rights in 2005 revealed that 49.8% out of 123 persons had no information on candidates, only 30.6% indicated they had some information. This means that only 51.7% could vote as they had wished, 43.2% voted those people either suggested by the service or other residents.

[Table 4-23] Experiences of Voting in Provisionally Registered Services

Categories	Frequency	100(%)
Yes, participated	134	61.2
Non participation	69	31.5
No elections during stay	12	5.5
Others	4	1.8
Total	219	100.0

Source_ Nam, Gu Hyun, et al., (2005), "Overview of Human Rights in Residential Services", National Human Rights Commission of Korea

[Table 4-24] Voted as I wanted : Provisionally Registered Services

Categories	Frequency	100(%)
Voted the person of my choice	61	51.7
The person the service suggested	48	40.7
Suggested by other residents	3	2.5
Randomly	6	5.1
Total	118	100.0

Source_ Nam, Gu Hyun, et al., (2005), "Overview of Human Rights in Residential Services", National Human Rights Commission of Korea

(2) Measures to Protect Human Rights

Measures to ensure participation in politics and elections are as follows.

First, to introduce appropriate instruction for election that takes into account different levels of disability to ensure fair election and participation by persons with disabilities themselves, and instruction should cover all the materials usually made available to the public by the Election Management Committee such as meaning of election and methods of election.

Second, the management and staff members should maintain neutral position with regard to election.

Third, assistive devices and other facilities deemed necessary for participation in the election should be made available ; in particular the access to polling booths should be of prime concern.

Four, government should endure the access to practice participation. Article 23 states "government and local governments should provide barrier free facilities, publicity, development and provision of assistive devices to allow persons with disabilities to exercise their rights". However, experiences have shown that they encounter physical barriers and difficulties in choosing the appropriate candidates.

6) Cultural Rights

※ Cultural Rights : UN Disability Rights Convention Article 30

▷ Culture, Arts, Sports and Leisure activities : UN Universal HR Declaration Article 27, Disability Human Rights Charter Article 7

(1) Reality of Human Rights

The Disability Rights Convention recognizes the right of persons with disabilities to take part on an equal basis with others in cultural life, and shall take all appropriate measures to ensure that persons with disabilities enjoy access to (a) cultural materials in accessible format ; (b) television programs, films, and other cultural activities, in accessible format ; (c) places for cultural performances, such as theatres, museums, libraries and tourism services, and, as far as possible, enjoy access to monuments and sights of national cultural importance.

Most of the residents in service settings do participate in a variety of recreational and cultural programs organized by volunteers or by the services. In some cases, professional training program may be provided for those with sporting or artistic talents. A study on participation of residents in various activities shows that many residents do indeed have opportunities to pursue their interests in leisure and cultural lives.

[Table 4-25] Freedom to Enjoy Leisure and Cultural Life of Personal Taste

Free Leisure & Cultural Activities	Residents' Participation (359)
Yes, very much so	94 (26.2)
May be	191 (53.2)
Not really	64 (17.8)
No, never the case	10 (2.8)

Source_ Baek, Eun Ryung & Lim, Sung Man. 'Participation of Service Users and Consideration of Alternatives', Rehabilitation Journal. 2006.

However, it should be pointed out that in some cases residents are not guaranteed for a minimum amount of leisure activities. 31.8% residents, out of 210 in provisionally registered services, were hanging around doing nothing during the day or were simply watching TV (Nam, et al., 2005).

Even in cases when some sporting activities, films or drama within services are organized by visiting team, it was only 7.8%. 11.4% were allowed to participate in the community in a designated day and only 5% could be said that they were truly free to enjoy cultural lives as they wished.

When residential services are struggling to ensure rights to life, freedoms, social rights and other basic rights, the demand for cultural rights would appear to be seen rather 'luxurious'. It should, however, be recognized that there is a strong possibility of discrimination arising from growing cultural divide between persons with and without disabilities.

Given the fact that there is no hierarchy of human rights, cultural rights should be recognized as a basic right rather than thought of as an aspect of human rights abuse.

(2) Measures to Protect Human Rights

First, services which are needed for residents should not be generated within the services alone exclusively, but make liberal use of outsourcing for after school and sports programs.

Second, make special efforts by taking in to account of ages to develop programs that would maximize interactive contacts between persons with and without disabilities.

Third, open the existing service institutions to the public for their participation and to improve their attitudes toward persons with disabilities.

Fourth, the guiding principle should be to actively encourage participation of persons with disabilities in choosing type of cultural activities, for example, choice of camp sites and movies.

Fifth, efforts should be made to develop resources to ensure individualized cultural

activities. This means securing a variety of cultural spaces in the community and support personalized, as against group or collective, education and training.

Sixth, to facilitate the enjoyment of cultural rights for persons with disabilities in an inclusive community, supports should be available for a variety of assistive devices and expenses.

Seventh, it is a must to improve accessibility. Improving living environment by removing physical barriers and securing space will pave the way for social participation and subsequent inclusion by narrowing the gap between persons with and without disabilities.

Finally, it may be possible to launch a public campaign to 'share 1% for sharing culture with persons with disabilities' as a way of upholding the rights.

7) Procedural Rights

※ Procedural Rights : UN Disability Convention Article 13
▷ Legal Aid : UN Disability Convention Article 10
▷ Participation of Service Institutions : UN Disability Rights Convention Article 13

(1) Overview of Human Rights

Both UN Disability Rights Convention and Disability Human Rights Charter affirm the importance of ensuring proper legal procedures, legal advices and access to the court to resolve legal issues or legal disputes as well as training police, prison officers and legal practitioners to that effect.

At the same time, service institutions should also provide advocacy activities for the legal protection of human rights of persons with disabilities and guarantee their participation in determining policy decisions affecting the running of the services.

A study finding shows that service workers do participate, even if partially, in advocating the legal rights of persons with disabilities. However, their overall roles

appeared to be rather weak when compared to other areas of services.

[Table 4-26] Advocacy Activities of Residential Service Workers

Legal/Institutional Advocacy Activities	Workers (340)
Positive Participation	63 (18.5)
Partial Participation	139 (40.9)
Minimal Participation	87 (25.6)
No Participation	51 (15.0)

Source_ Baek, Eun Ryung & Lim, Sung Man. 'Participation of Service Users and Consideration of Alternatives', Rehabilitation Journal. 2006.

Ensuring participation of residents in programs means making use of a variety of rehabilitative services and being able to choose or participate in the programs in accordance with their needs in such a way to promote the act of self choice and advance rehabilitation services.

In this regard, it is encouraging to note that a significant number of disability residential services (93.4%) have adopted a system to reflect the views of residents in their services and provide feedback when deemed appropriate.

[Table 4-27] Availability of a System to Reflect Views of Residents

A System to Reflect Users' Views	Services (136)
Yes	127 (93.4%)
Feedback on Views	120 (93.0%)
No	9 (6.6%)

Source_ Baek, Eun Ryung & Lim, Sung Man. 'Participation of Service Users and Consideration of Alternatives', Rehabilitation Journal. 2006.

Yet, it should also be noted that some services failed to provide any procedures to address discomforts or views of residents, nor have they sought views of residents or accepted requests of the residents (Nam, Gu Hyun, 2005:169).

(2) Measures to Protect Human Rights

The following are the measures to guarantee legal procedures for residents.

First, it is necessary to establish a system whereby residents can participate in decision making. The existing law allows the participation by a residents' representative on the management committee, but they are invariable excluded. If it is a question of competence, their guardians can effectively take on the role.

Second, residential workers should be available for advocacy education for residents with disabilities. The first step of ensuring residents' rights should begin with the workers who are closest to the residents.

Third, protecting the human rights of residents should mean ensuring the necessary procedures when their rights are abused or violated. If need be, their right to approach the National Human Rights Commission should be guaranteed without any hindrance. To facilitate this, a box for complaints should be provided in institutions and be instructed about the procedures to approach NCHRK at the time of admission. Service also should provide other mechanisms to fairly deal with any complaints or disputes.

5
Chapter

Analysis of Preliminary Needs

1. Expert Group Interviews

1) An Overview of Expert Group Interviews

- Stage 1 : Service Manger and Staff Members
  — Discussions on human rights practices and prioritizing the issues.
- Stage 2 : Service Managers and the Service Workers
  — Identifying the patterns of human rights as prime issues within services
  Discussion on the contents for the instructional manuals
- Stage 3 : Life carers and the mid-level service managers
  — Invite suggestions for the instructional manual and direct recommendations for programs.

2) Analysis of Preliminary Survey

□ First Stage Outcome Analysis

• Primary Human Rights to be Protected in Services

Ranks	Staff	Service Managers
1	To be respected as an Individual	To be respected as an Individual
2	Freedom from physical abuse and beating	Right to own personal assets and management
3	Freedom from abusive languages and physical harassments	Right to choose a job and to receive fair wages
4	Right to privacy when receiving bathing services	Right to not to expose personal information without consent
5	Freedom from discrimination	Right to education appropriate to age and ability

• Human Rights Issues in Residential Services

Ranks	Staff Members	Service Managers
1	Freedom from physical abuse and beating	To be respected as an Individual
2	Right to privacy when receiving bathing services	Right to receive appropriate social services
3	Right to outside visits	Freedom from sexual abuses, harassments and violence
4	Right to own personal assets and management	Right to education appropriate to age and ability
5	Freedom to see families	Right to own personal assets and management

□ Analyses of 2 & 3rd stages outcome

- Recognize the particular nature of residential services as a communal place of living.
  - — Service workers' awareness of human rights and their attitudinal changes are important.

- Areas of Critical human rights Issues
  - — Aspects of food, clothing and shelter
    - • The most feasible areas for improvement and change and it are necessary to ensure that choices and preferences are reflected in the changes.
  - — Economic rights
    - • Transparent management of personal assets is called for and persons with disabilitiesbe trained to manage their own money.
    - • Legislative measures should be introduced for the matter.
  - — Religious freedoms
    - • There should not be an imposition of a particular religion or belief.
  - — Rights to physical and mental safety
    - • To regularly check physical safety of the physical environment

— Sexual rights

• Need for sex education and support for marriage and child-birth.

— Rights for admission and discharge

• No right to choose services and personal views are not taken into account for discharge

● Development of Human Rights Instructional Manual and Programs for Disability residential Services

■ Common Contents

— Contents for proper understanding of human rights

— To inform the areas of human rights for persons with disabilities and regulations pertaining to them

■ Contents for Individual Groups

— Persons with Disabilities Themselves

• Simultaneous instructions on the rights and responsibilities

• Ensuring the right to know : provision of accurate information on Government's supports

• Training in self-assertion, communication and programs for self-enhancement

• Opportunities to experience choices

• Consideration of life cycle

• Discussions on effective instructional methods for persons with disabilities.

— For Families of Persons with Disabilities

• Education to enhance understanding of the characteristics of disabilities

• Education to recognize disability as a social problem and as an issue of human right

• Ensuring the right to know : provision of accurate information on Government's supports

• Education for parents to understand the sexuality of their children

• Discussions on effective instructional methods for persons with disabilities.

— Service Workers

• Education and programs on situations of ethical dilemmas: education and control, protection and control, needs of the service users and control, self-determination and control, responsibility of staff and safeguards for service users

• Basic instructions to improve the service workers professionalism

• Staff members are also target for human rights protection and accordingly, they should be instructed to deal with possible abuses.

• Discussions on effective instructional methods for persons with disabilities.

● Discussions on the Protection of Human Rights within Services

— Increase in financial supports

— Improvements in the working conditions of service workers

— Provision of sufficient sign language services

— Installation of facilities for persons with disabilities to express their opinions : self-governing committee or human rights committee

2. Interview on Persons with Disabilities

1) An Overview

— Total interviewee : 13 (9 persons with developmental disabilities and 4 others)

• 1 Primary school child, 1 secondary school, 2 senior high and 9 adults

— Focused questions

• The 'good' and 'bad' things about residential services

• Degree of understanding with regard to rights and human rights protections of the services

2) Analysis of Interviews on Persons with Disabilities

- **Understanding of the service settings**
  - There can be limitations within the services which might be beyond what they can do.
  - Become less demanding and could not care less.
- **Prerequisite to improve human rights in services**
  - To be treated with respect (do not wish to be ignored)
  - To be treated with due respect for age
- **Major Human rights Issues within Services**
  - Self-determination
    - Want freedom
    - Difficulties with human relationships in a communal life
    - Want to choose the program I want
    - Want to the kind of work I want to do
  - Right to Privacy
    - No right to go out and no right to communicate with outside
    - Difficulty in managing personal belongings
    - Wish to be granted privacy when bathing
    - Life is too regulated
    - To own the my favorite things
  - Aspects of food, clothing and accommodation
    - Clashes in sharing rooms with others
    - Want to eat delicious food
  - Economic rights
    - Need more pocket money
  - Religious freedom
    - No choice but to comply with program's religious affiliation

- Rights to physical and mental safety
  - Preference to be reprimanded orally
  - Endure pains
- Rights to safety
  - Want to play safely
- Right to family
  - Missing family a lot

- **Other Results**
  - Never heard about human rights
  - Want to follow self-made rules

Chapter 6

Benchmarking Good Practices

1. Benchmarking Regulations : Implementation of Human Rights in UK, Japan and the USA

— UK : On Residential Care

— Japan : Codes of Ethics and Behavior for Staff at the 'House of Peace'

— USA : Rights of residents in the State of California

- Codes of ethics for staff and the rights of residents
- Attitudes and behavior of staff
- Respecting the rights of residents
- Protection of privacy
- Residential environment
- Protection of human rights as per ages

2. Benchmarking Good Practices within Korea

— Residential services : 'Gyonam' House of Hope, 'Donggrami' Rehabilitation Center, 'Gaondulchanbit', 'Sohwa' House of Angels

- Introduction of guidelines for human rights practice : Human rights of persons with disabilities, rights to pursue happiness, etc
- Survey on aspects of human rights and pursuit of happiness
- Individualized human rights protection
- Quality control of staff members for the protection of human rights
- Publicity programs to sharpen awareness on human rights
- Responses to human rights abuses
- Combined committee to share information on human rights

3. Implications

— UK's regulations are introduced by statutory agency, not at the level of individual service agencies. It would seem desirable to follow this practice as the impact would be much broader than left with individual agencies.

— UK and Japanese ethical guidelines for staff members ensure that they do not force any answers by telling the residents in advance what is going on, for example, even when using hot water. This is an example of how detailed and specific the regulations are.

— The regulations of different countries themselves can be instrumental to evaluating the degree of adherence to human rights.

— Regulations require different service areas to reflect human rights as per residents' ages.

It may be possible to allow the potential residents to decide on admission after a month of trial with the service.

— The regulations alone can serve as a useful text on aspects of human rights to residents and their families alike.

— Installation of a preventive and restoration of system to deal with human rights abuses.

— An examination of regulations adopted by Korean services indicates wide ranging differences in the practice of upholding human rights. This clearly points to the necessity for human rights policies and education in the future.

Chapter 7

Evaluation of Program Implementation

1. An Overview of Program Implementation

— Program Types : Human Rights Instructions for Staff Members

— Program Participants : 28 Staff Members from 'Dongcheon House' in Seoul

— Duration of Program Implementation

- Total 10 hours duration of program is divided into two 5-hour segments, with two facilitators to assist

— Program Objectives and Contents

- Introduction : Expressing the concept of human rights, recognizing the objectives of human rights instructions, and outlining the implementation of human rights instruction program.
- Restoring Human Rights : Familiarizing with human rights, experiencing the hurts of the residents, and sharing gifts.
- Program Ending : Drawing up guidelines for human rights in services, and ensuring to remember human rights.

— Program Evaluation

- Process evaluation
- Outcome evaluation

2. Program Evaluation results

— Advanced Knowledge on Human Rights

- An opportunity to renew knowledge on human rights, familiarize with human rights declarations and clarifying concepts on human rights.

— Changes in Perception of Human Rights

- An opportunity for self-reflection, human rights is not aloof and far.

— An opportunity to reflect on the lives of persons with disabilities in residential care.

- Realization that persons with disabilities are also human beings with unique personalities, an opportunity for self-reflection and putting learning into practice.

— **Positive Aspects of the Program**

- Effective instructions, impressive program contents, an opportunity to stand in the shoes of residents, human rights are no longer devoid of real meaning in everyday life.

— **Areas for Improvement**

- Instruction was too condensed for time constraints, allow more time for discussion
- Apart from programs based-activities, there is need for formal l lecture type inputs.
- Need to supplement each session with concrete examples of human rights abuses and explain ways to handle/deal with the situations.
- The program could benefit more with audio-visual materials.

8
Chapter

Instructional Texts and Program development for Human Rights

1. Characteristics of Human Rights Instructional Text and Program Developments

□ Core Elements of the Instructional Text and Program

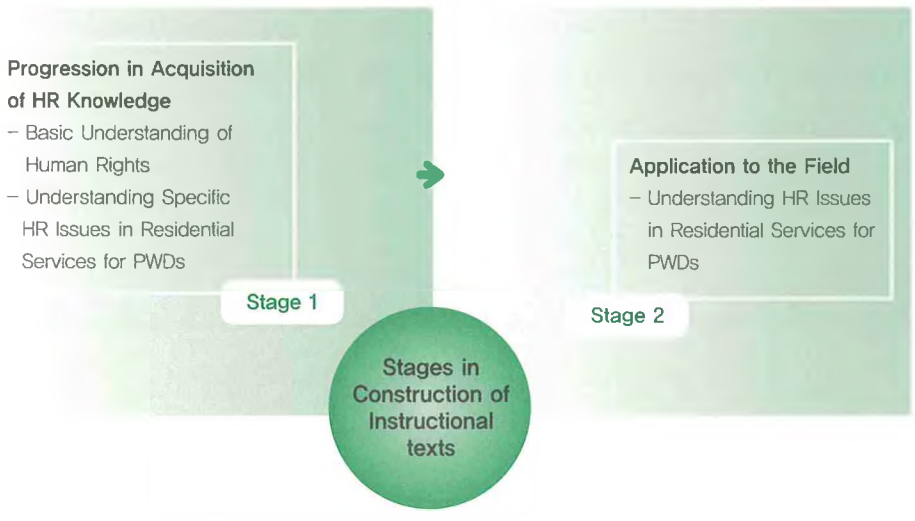
- Human Right Based Perspective
- Strength Perspective
- Life-Span Perspective

□ Key Principles for Instructional text and Program Development

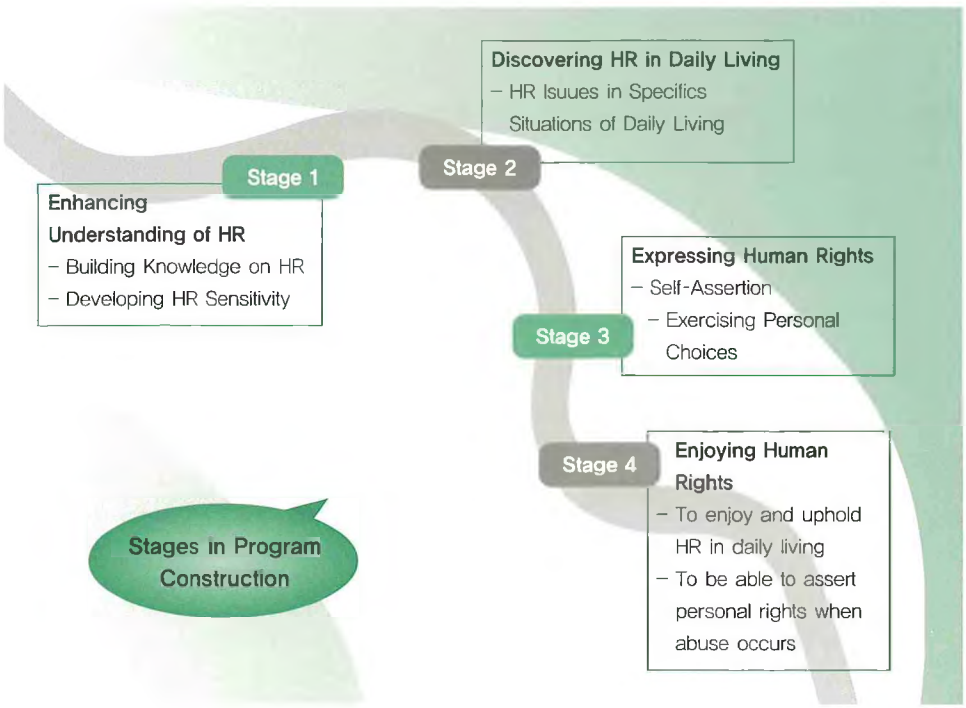
- Reality : Based upon needs analysis of the staff and service users
- Practicality : Cases and program implementation easily understandable by any participants
- Interesting : Utilization of a variety of inter-active instructions to lighten the serious subject matter of human rights
- Consistency : To maintain the consistency with the instructional materials released by the HRCK

□ Characteristics of Human Rights Instructional Text and Program Developments

- The developments of instructional text



• Stages of Program Construction



□ Characteristics of Human Rights Instructional Text and Program Developments

• Integrative concept of human rights : use of situation-based explanations

• Emphasis on autonomy and choice, rather than compliance

• Actual situation approach : all programs are made up with 10 sessions

2. Human Rights Instructional Texts (4 Texts)

	1 Stage	2 Stage
	Enhancing Knowledge of Human Rights	Application in Practice
Category	– Basic Understanding of Human Rights – Understanding Human Rights Aspects of Disability Residential Services	– Understanding Human Rights Issues in Residential Services for PWD
Children	Part 1 HR and Residential Services for PWDs Chap. 1 What are Human Rights? 1. The Meaning of Human Rights 2. Types of Human Rights 3. National/International Human Rights Conventions Chap. 2 Residential Services for PWD and Human Rights 1. Characteristics of Residential Services 2. Human Rights in Residential Services for PWDs	Chap. 3 Equality of PWDs 1. Valued Self with Differences : Non-discrimination to PWDs 2. I also wish to be loved : Individual with Personality Chap. 4 Right to Life 1. Suppressing desire to eat : Ensuring meals 2. I dislike violence : Freedom from physical, mental, and sexual abuses Chap. 5 Rights to Freedom of PWDs 1. I have a name, too : Rights to be addressed correctly 2. I can choose : Self-determination in choosing, hair styles and clothes 3. I have secrets : Protection of privacy and personal information 4. Beliefs : Freedom of Worship Chap. 6 Social Rights 1. To know is power : Right to education 2. Count on government supports : Rights to social security Chap. 7 Complaints 1. First Steps 2. Procedures for Complaints

Category	1 Stage	2 Stage
Young Persons	Part 1 HR and Residential Services for PWDs Chap. 1 What are Human Rights? 1. The Meaning of Human Rights 2. Types of Human Rights 3. National/International Human Rights Conventions Chap. 2 Residential Services for PWD and Human Rights 1. Characteristics of Residential Services 2. Human Rights in Residential Services for PWDs	Chap. 3 Equality of PWDs 1. Valued Self with Differences : Non-discrimination to PWDs 2. I also wish to be loved : Individual with Personality Chap. 4 Right to Life 1. Suppressing desire to eat : Ensuring meals 2. I dislike violence : Freedom from physical, mental, and sexual abuses Chap. 5 Rights to Freedom of PWDs 1. I have a name, too : Rights to be addressed correctly 2. I can choose : Self-determination in choosing, hair styles and clothes 3. I have secrets : Protection of privacy and personal information 4. Beliefs : Freedom of Worship 5. I have a boy/girl friend : Protection of Sexual Life Chap. 6 Social Rights 1. I prepare for the future myself : Right to education 2. Count on government supports : Rights to social security Chap. 7 Complaints 1. First Steps 2. Procedures for Complaints
Adults	Part 1 HR and Residential Services for PWDs Chap. 1 What are Human Rights? 1. The Meaning of Human Rights 2. Types of Human Rights 3. National/International Human Rights Conventions	Chap. 3 Equality of PWDs 1. Valued self with differences : Non-discrimination to PWDs Chap. 4 Rights to Life 1. Guarantee for daily meals 2. Freedom from physical, mental and sexual abuses Chap. 5 Rights to Freedom 1. Right to be addressed properly 2. Self-determination in choosing hair styles and clothes 3. Protection of privacy and personal I information 4. Communication with outside 5. Freedom of worship 6. Protection of sexual life

	Chap. 2 Residential Services for PWD and Human Rights 1. Characteristics of Residential Services 2. Human Rights in Residential Services for PWDs	Chap. 6 Social and Political Rights of PWDs 1. Family 2. Work/labor 3. Economic security 4. Social security 5. Vote Chap. 7 Complaints 1. First Steps 2. Procedures for Complaints

Category	1 Stage	2 Stage
Persons with Developmental Disabilities	Part 1 HR and Residential Services for PWDs Chap. 1 What are Human Rights? 1. The Meaning of Human Rights 2. Types of Human Rights 3. National / International Human Rights Conventions Chap. 2 Residential Services for PWD and Human Rights 1. Characteristics of Residential Services 2. Human Rights in Residential Services for PWDs	Chap. 3 Equality of PWDs 1. Valued self with differences : Non-discrimination to PWDs Chap. 4 Rights to Life 1. Guarantee for Daily Meals 2. Freedom from physical, mental and sexual abuses Chap. 5 Rights to Freedom 1. I am not a child : Rights to be addressed properly 2. I can do it myself : Self-determination in choosing hair styles and clothes 3. I have personal secrets : Protection of privacy and personal information 4. I want to talk to others : Communication with outside 5. Freedom of worship 6. I have a boy/girl friend : Protection of sexual I life Chap. 6 Social and Political Rights of PWDs 1. I can start a new family : Family 2. I want to work : Employment 3. I can manage my money : Economic security 4. I can count on government support : Social security Chap. 7 Complaints 1. First Steps 2. Procedures for Complaints

3. Development of Instructional Texts for Human Rights (6 Texts)

Programs for Children

Stages	Sessions	Themes	Objectives	Contents	Instructional Methods
Raising Human Rights Awareness	1	A close look at human rights	– Understanding the nature of human beings, dignity and relationships with human rights by playing bingo games. – Objectifying my concept of human rights.	– Expressing human beings – Relationships between human dignity and human rights – Expressing concepts of HR	– Recreation – Creative Expression
	2	I need something	– Understand that right includes meeting needs at different stages of developments...	– Developing a list necessary for infants, children, and adults – Instructions on the concepts of rights	– Brainstorming – Instructions
Human Rights in Daily Life	3	All persons are valuable	– Basis of human rights is the respect for persons, recognize the importance of self and others.	– Finding out what I am best at – Finding friends' merits – Finding each other's merits	– Self exploration
	4	Building a place of my own	– Check on human rights practices of the services. – Instructions on the functions and patterns of residential services.	– To explain what a services is – Having a close look at our service – Understanding services – Building a place of my own	– Creative expression – Instructions
	5	I have secrets	– Examine the incidences of human rights abuses in services, & understand the importance of privacy – Find ways to protect privacy of individuals in services.	– To share experiences of privacy invasion in services and expressing them – Work out ways of protecting privacy	– Still photography

	6	I have ideas for my future	– Decide what one wishes to do, and see what is needed to fulfill the wishes and what might be done for action.	– Understanding importance of HR instructions – Exploring employment options in the future – Working out what to prepare for employment	– Audio-visual data – Indirect interview
Expressing Human Rights	7	I do not like discriminations	– Awareness of discrimination due to disability – Ability to express emotions with calmness in response to discrimination	– Discuss cases of disability discrimination – Examining personal feelings about discriminations – To express with "I-statements"	– Discussion – Communication skills
	8	I dislike violence	– Right to protection from physical, and sexual violence – Instruct ways to avoid physical, sexual threats	– Understanding sexual violence – Working out coping strategies	– Brainstorming – Coping skills
Enjoying Human Rights	9	Needs for support	– Exploring rights that should be ensured in services – Building human networks for supports	– Identifying right issues our service should address – Action plans for human rights practices	– Brainstorming – Provision of information
	10	Planting seeds of human rights	– Drawing a world where human rights will be practiced and explore ways to put them into practice.	– Planting seeds of human rights	– Creative expressions

Programs for Young Persons

Stages	Sessions	Themes	Objectives	Contents	Instructional Methods
Raising Human Rights Awareness	1	A close look at human rights	– Understanding the nature of human beings, dignity and relationships with human rights by playing bingo games. – Clear understanding of what human right stands for.	– Expressing human beings – Relationships between human dignity and human rights – Expressing concepts of HR	– Recreation – Creative Expression

	2	What we need	– The first step in human rights is to be assured of what we need – To clearly understand human rights that should be guaranteed by instructing the research framework	– Develop a list necessary for growing up as an adult – Understanding HR of PWDs in services	– Brainstorming – Instructions
Human Rights in Daily Life	3	We are all precious	– Basis of human rights is the respect for persons, recognize the importance of self and others.	– Discovering valuable self – Looking for dignified others – Human Dignity Promises to self to practice human rights	– Self-explorations
	4	Make a cozy nest	– Measuring human rights practices of services – Understanding various functional aspects of services and plan for discharge.	– Where our services is in terms of human rights – Understanding services properly	– Evaluation – Instructions
	5	Dream one's dreams	– Use a role-model as a way of fulfilling one's dreams. – Develop a positive outlook for self	– To spread my dreams – To look for a model person – To interview future-me	– Indirect interview – audio-visual materials
	6	Breaking down the attitudinal barriers	– Awareness of injustices arising from discrimination – Overcome negatives of social and personal nature, and stand up as a PWD with dignity	– Studying cases of disability discriminations – My own barriers to disability – Flushing inside out	– Meditation – Creative expressions
Expressing Human Rights	7	Expressing self	– Acquiring interpersonal management skills in services – Learning to express emotions adequately	– Negative feelings towards service – To express feelings to others with "I-statements"	– Coping skills – Role playing
	8	Expressing own ideas	– Learn to express personal views and asserting opinions through case studies	– Opinions on case of HR violations, express personal positions	– Case studies – Presentations

Enjoying Human Rights	9	Restoring rights	– Exploring rights that should be adhered to by services – Accessing information on disability rights advocacy agencies	– Identifying right issues our service should address – Action plans for human rights practices	– Indirect field visit
			–	– Locating human rights agencies	–
	10	Planting seeds of human rights	– Drawing a world where human rights will be practiced and explore ways to put them into practice.	– Planting seeds of human rights	– Creative expressions

Programs for Adults

Stages	Sessions	Themes	Objectives	Contents	Instructional Methods
Raising Human Rights Awareness	1	A close look at human rights	– Understanding the nature of human beings, dignity and relationships with human rights by playing bingo games. – Objectifying my concept of human rights.	– Expressing human beings – Relationships between human dignity and human rights – Expressing concepts of HR	– Recreation – Creative Expressions
	2	Understanding human rights	– The first step in human rights is to be assured of what we need – To clearly understand human rights that should be guaranteed by instructing the research framework	– Understanding scope of human rights – Listing human rights for different areas – Understanding human rights of residents	– Brainstorming – Instructions
	3	Valuing other persons	– Basis of human rights is the respect for persons, recognize the importance of self and others.	– Locating merits – Restoring dignity for others – Making pledges for human rights practices in daily lives.	– Self exploration

Human Rights in Daily Life	4	Understanding residential services	– Finding solution to abuses of human rights in services – Understanding various functional aspects of services.	– Listing human rights issues in services – Restoring human rights in services	– Brainstorming – Information provision
	5	Seeking employment	– Acquiring concrete information on a job interested – Detailed planning to seek an employment.	– Collecting information on things I would like to do – Planning for employment	– Drafting a planning – Audi-visual materials
	6	Access to social security	– Instructions on social security	– Social security for PWDs	– Instructions – Information provision
Expressing Human Rights	7	Effective communication	– Sharing unpleasant experiences in services with peers – Empathy with others	– To talk to peers – To report on peer's stories	– Communication skills
	8	Locating human rights in living	– Identifying basis for human rights protection – Self assertion through discussions and exchange of views	– Discussion on important human rights issues	– Self-assertion, training in self expression – Case studies
Enjoying Human Rights	9	Restoring rights	– Ensure that supports are available from rights organization in situations of abuses.	– Discuss cases of human rights abuses – Preparing a petition	– Discussion – Indirect agency visit
	10	Planting seeds of human rights	– Drawing a world where human rights will be practiced and explore ways to put them into practice	– Planting seeds of human rights	– Creative expression

Programs for Persons with Developmental Disability

Stages	Sessions	Themes	Objectives	Contents	Instructional Methods
Raising Human Rights Awareness	1	A close look at human rights	– Understanding the nature of human beings, dignity and relationships with human rights by playing bingo games. – Objectifying my concept of human rights.	– Expressing human beings – Relationships between human dignity and human rights – Expressing concepts of HR	– Recreation – Creative expression
	2	We are different, but valuable	– Think positively about oneself and describe as such.	– Establishing concept of self	– Creative expression
	3	No longer a child	– Inform others about inappropriate way of addressing.	– Understanding inappropriate way of addressing – To express one's view clearly	– Interpersonal relationship skills
	4	Self management	– To identify someone else's belongs from self and arrange them accordingly	– To care for own belongings – To tell own belongings and care for them	– Instructions
Human Rights in Daily Life	5	Confidentiality	– Recognize that even routine check up of the services can amount to abuses and take steps to correct them	– Understanding the importance of protecting privacy – To express one's own view	– Brainstorming
	6	Protecting oneself	– Awareness that self is a valued person, seek some else's help when this is violated.	– To seek other's help when abused by others	– Coping strategies
	7	Desire to work	– Explore employment opportunities after leaving school or when becoming an adult	– To recognize the reality of holding a job – To know my aptitude and interest	– Audio-visual instructions

	8	Managing one's own assets	– Learn to manage financial matters and develop habit of savings.	– Managing pocket money – understanding basics of money matters	– Managing money matters
Expressing Human Rights	9	Speaking in public	– Able to speak in front of others for 1 minute with confidence. – Ability to listen to others.	– To express personal opinion in one minute	– Training in self assertion
Enjoying Human Rights	10	Seeking assistance	– Ability to understand difficult situations and find ways of dealing with them, or seek necessary help	– Life information – To seek assistance when needed	– Information provision

Programs for Family

Stages	Sessions	Themes	Objectives	Contents	Instructional Methods
Raising Human Rights Awareness	1	A close look at human rights	– Understanding the nature of human beings, dignity and relationships with human rights by playing bingo games. – Objectifying my concept of human rights.	– Expressing human beings – Relationships between human dignity and human rights – Expressing concepts of HR	– Recreation – Creative expression
	2	An In-depth Understanding of Human Rights	– Instructions on concept, history and categories of human rights.	– Understanding basics on human rights	– Instructions
	3	An In-depth Understanding of Disability	– Understand that disability is a social, not a personal problem, and work out the characteristics and approaches for different disabilities.	– Proper understanding of human rights – Understanding different disabilities and methods of instructions	– Creative expressions

Human Rights in Daily Life	4	Every Individual is Valuable	– Time for pulling threads together. The key concept is dignity and should never overlook this importance	– Meaning of respect for human beings – Self respect, respect for others and respect for all – Principles of coexistence and community	– Creative expressions
	5	To be on the Side of a Child with Disability	– Solidarity on the basis of empathy.	– Empathy for parents with child with disability – Children with disabilities – Solidarity as parents	– Discussion
	6	Incentives	– Work out what aspects of human rights should be upheld for the child and provide incentives for action	– Advocacy for child – What is needed for children – Incentives for children	– Creative instructions
Expressing Human Rights	7	Restoring Rights for my Child	– Organize opportunities to advocate for their children and find ways to communicate their ideas.	– Getting ready together – Representing group members	– Discussion – Self-assertion
	8	Forming Self-help groups	– Understanding NHRCK, and practice writing submissions – Self-help groups for empowerment of parents.	– Understanding functions and roles of NHRCK. – Discussions to inform parents groups.	– Indirect agency visit – Information provision
Enjoying Human Rights	9	Knowing before taking an Action	– Find out policies and services for PWDs, and understand functions and roles of residential services for PWDs…	– To understand disability policies and services – To understand the nature of cooperation between services and parents	– Instructions
	10	A Resolve for Action	– Analyses HR Covenants work out common elements and develop guidelines for practice.	– Reading "Universal Declaration of Human rights" – National Constitution – Making parents' manual for human rights	– Discussion – Instructions – Brainstorming

Programs for Staff members

Stages	Sessions	Themes	Objectives	Contents	Instructional Methods
Raising Human Rights Awareness	1	A close look at human rights	– Understanding the nature of human beings, dignity and relationships with human rights by playing bingo games. – Objectifying my concept of human rights.	– Expressing human beings – Understanding human dignity and human rights – To express concept of human rights	– recreation – Creative expression
	2	An In-depth Understanding of human Right	– Instructions on concept, history and categories of human rights	– Basic understanding of human rights	– Instructions
Human Rights in Daily Life	3	Familiarizing with Human Rights	– The concept of human right is not aloof and far away from you. Look for positive elements.	– Human rights in action – My position in relation to human rights	– Discussion – Self exploration
	4	Watching Human Rights temperature	– By monitoring human rights in practice in services, work out strategies for improvements.	– Evaluating human right practices of service – Discussions of results	– Evaluation
	5	What are the Issues in Human Rights?	– Define human rights and present cases of abuses in services and either identifies a person or situations of abuses.	– Defining abuses of human rights in services – Drawing pictures of human rights abuses	– Case studies
Expressing Human Rights	6	Resolving Conflicts	– Find solutions between the abuser and the abused.	– Finding solutions in situations of abuses and conflict	– Discussion – Presentation
	7	Keeping an Eye on Human Rights	– List types of conflicts and come up with solutions through round table discussions.	– A roundtable discussion for solutions	– Discussion – Presentation
	8	Incentives	– Suggest what aspects of human rights should be upheld, and provide incentives for implementation.	– Advocacy for residents – What's needed for residents – Incentives for residents	– Creative expression

Enjoying Human Rights	9	Working out Implementation Strategies	– Analyze different human rights conventions to find common elements and work out feasible plans with the services.	– Reading "Convention on Rights of Persons with Disabilities" – National Constitution – Making Pledges to uphold HR in I Services	– Discussion – Instruction – Project
	10	Planting Seeds of Human Rights	– It is now time for close, the key word to remember is 'respect' as a seeding concept for human rights	– Respect for a human being – Budding concept of human rights	– Creative expression

Instructional Text and Programs for Persons with Disabilities in Residential Services

Instructional Text and Programs for Persons with Disabilities in Residential Services

National Human Rights Commission of Korea