

# ACT ON THE PROHIBITION OF DISCRIMINATION OF DISABLED PERSONS, REMEDY AGAINST INFRINGEMENT OF THEIR RIGHTS, ETC.

Act No. 8341,	Apr. 10,
Amended by Act No. 8974,	Mar. 21, 2008
Act No. 9705,	May 22, 2009
Act No.10280,	May 11, 2010
Act No.10465,	Mar. 29, 2011
Act No.10789,	Jun. 7, 2011

## CHAPTER I GENERAL PROVISIONS

### Article 1 (Purpose)

The purpose of this Act is to prohibit discrimination on the basis of disability in all aspects of life, and to effectively safeguard the rights and interests of individuals discriminated against on the ground of disability, thus enabling them to fully participate in society and establish their right to equality which will ensure their human dignity and sense of value.

### Article 2 (Disability and Disabled Persons)

- (1) A disability which is a basis of any discriminatory act prohibited under this Act means a physical or mental impairment or loss of function that substantially limits an individual's personal or social activities for an extended period of time.
- (2) The disabled persons mean individuals with disabilities described in paragraph (1).

### Article 3 (Definitions)

The terms used in this Act shall be defined as follows: <Amended by Act No. 8974, Mar. 21, 2008; Act No. 9705, May 22, 2009; Act No. 10280, May 11, 2010; Act No. 10465, Mar. 29, 2011; Act No. 10789, Jun. 7, 2011>

1. The term "advertisement" means an indication or advertisement under subparagraphs 1 and 2 of [Article 2 of the Act on Fair Labeling and Advertising](#);
2. The term "guide dog" means a guide dog for a disabled person under [Article 40 of the Act on Welfare of Persons with Disabilities](#);
3. The term "auxiliary equipment for disabled persons, etc." means auxiliary aids for the disabled persons under [Article 65 of the Act on Welfare of Persons with Disabilities](#), as well as motor vehicles and other devices to assist activities of such persons. The detailed scope of such motor vehicles and other devices shall be determined by Presidential Decree, taking into account relations with the provisions on workplace auxiliary technical devices under [Article 21 \(1\) 2 of the Employment Promotion and Vocational Rehabilitation of Disabled Persons Act](#) and telecommunication devices under Article 9 of the Act on Narrowing of the Digital Divide, details prescribed by other relevant Acts and subordinate statutes and the related provisions set forth in this Act;
4. The term "public institutions" means the State or local governments and other public organizations defined by Presidential Decree;
5. The term "employer" means an employer under [Article 2 \(1\) 2 of the Labor Standards Act](#) or a business operation manager, or a person acting for and on behalf of an employer on matters regarding employees;
6. The term "educational institutions" means nursery schools under the [Infant Care Act](#), various levels of schools under the [Early Childhood Education Act](#), the [Elementary and Secondary Education Act](#) and the [Higher Education Act](#), lifelong educational establishments under the [Lifelong Education Act](#), education and training institutions as evaluated and approved by the Minister of Education, Science and Technology under the [Act on Recognition of Credits, etc.](#), vocational education and training institutions under the [Vocational Education and Training Promotion Act](#), and other institutions defined by Presidential Decree;
7. The term "education officer" means the head or the operating officer of an educational institution;
8. The term "information" is classified as follows:
  - (a) The term "electronic information" means information under subparagraph 1 of [Article 3 of the Framework Act on National Informatization](#). In such cases, "natural or juridical persons" shall be deemed to include public institutions under this Act;

- (b) The term "non-electronic information" means any information other than information defined in subparagraph 1 of [Article 3 of the Framework Act on National Informatization](#), which includes all kinds of data and knowledge processed by verbal or non-verbal means, such as voice, writing, sign language, braille, body gestures and signs, irrespective of whether the person involved in its production, acquisition, processing, and possession is a natural or juridical person or a public institution;
- (c) The term "personal information" means personal information under subparagraph 1 of [Article 2 of the Personal Information Protection Act](#);
9. The term "telecommunication" means telecommunication under subparagraph 5 of [Article 3 of the Framework Act on National Informatization](#), irrespective of whether the entity concerned is a natural or juridical person or a public institution;
10. The term "cultural and artistic activities" means activities concerning literature, art (including applied art), music, dance, theater, film, entertainment, traditional music, photography, architecture, language, and publication under [Article 2 \(1\) 1 of the Culture and Arts Promotion Act](#);
11. The term "cultural and artistic business operator" means a person engaged in any and all acts in fields with cultural or artistic elements, including planning, development, production, creation, exhibition, distribution and marketing;
12. The term "physical exercise" means any and all physical activities deemed to be sports, including physical exercise and physical education under [Article 2 of the National Sports Promotion Act](#), play, game, sports, leisure, and recreation;
13. The term "home and family" means home and family under subparagraphs 1 and 2 of [Article 3 of the Framework Act on Healthy Families](#);
14. The term "welfare facilities, etc." means facilities where the disabled persons live on a short-or long-term basis, including social welfare facilities under [Article 34 of the Social Welfare Services Act](#), welfare facilities for the disabled persons under [Article 58 of the Act on Welfare of Persons with Disabilities](#), and facilities accommodating one or more the disabled persons without reporting;
15. The term "buildings" means buildings, living rooms and main structural parts under [Article 2 \(1\) 2, 6 and 7 of the Building Act](#);
16. The term "means of mobility, transportation, etc." means streets and sidewalks used by people on a daily basis, as well as transportation means and passenger facilities under subparagraphs 2 and 3 of [Article 2 of the Act on Promotion of the Transportation Convenience of Mobility Disadvantaged Persons](#);
17. The term "right to health" means the right to live a healthy life, including the right to receive medical services, through the creation of desirable environment for health education, the prevention and treatment of diseases and secondary disabilities caused by existing disabilities, nutritional improvement and practicing healthy living;
18. The term "medical persons, etc." means persons engaged in providing healthcare for disabled persons, including medical persons under [Article 2 \(1\) of the Medical Service Act](#), physical therapists, occupational therapists, speech therapists, counselors, and technicians for artificial limbs or auxiliary aids, who have obtained a license or permit as required by the State or any related association;
19. The term "medical institutions, etc." means medical institutions under [Article 3 of the Medical Service Act](#), healthcare institutions where medical persons provide services for the health of the disabled persons, treatment institutions, pharmacies, and other institutions defined in related Acts and subordinate statutes;
20. The term "harrasment, etc." means physical, mental, emotional or verbal acts committed against a disabled person in the form of organized exclusion, neglect, abandonment, aggravation, harrasment, abuse, monetary extortion, and infringement of sexual self-determination.

#### Article 4 (Discriminatory Acts)

- (1) A discriminatory act prohibited under this Act means:
1. Treating the disabled persons unfavorably by means of restriction, exclusion, segregation or denial on the ground of such disabilities without justifiable grounds;
  2. Applying disability-blind standards that cause the disabled persons to be unfairly treated without justifiable grounds, despite the absence of explicitly unfavorable treatment, such as restriction, exclusion, segregation or denial;
  3. Refusing to provide legitimate convenience to the disabled persons without justifiable grounds;
  4. Directly placing, or permitting or promoting to place, any advertisement that indicates or encourages unfavorable treatment of the disabled persons, such as restriction, exclusion, segregation or denial of such persons, without justifiable grounds. In such cases, an advertisement shall include any act normally considered to have the effect of advertising that causes unfair treatment of the disabled persons;
  5. Committing any act defined in subparagraphs 1 through 4 against individuals representing or accompanying the disabled persons for the purpose of helping such persons (including guardians or protectors of the disabled children or other persons reasonably recognized to help the disabled persons: hereinafter referred to as "persons

- related to the disabled"). In such cases, any act committed by persons related to the disabled against the disabled persons shall be subject to the determination of a discriminatory act prohibited under this Act;
6. Interfering with the rightful use of guide dogs or auxiliary equipment for disabled persons, etc., or committing any act prohibited under subparagraph 4 against guide dogs or auxiliary equipment for disabled persons, etc.
  - (2) "Legitimate convenience" in paragraph (1) 3 means any or all human and material arrangements and measures that will lead the disabled persons to participate in activities on an equal basis with persons without disabilities, including convenient facilities, equipment, tools and services designed to take into account the gender of a disabled person, as well as the type, degree and nature of a disability.
  - (3) Notwithstanding paragraph (1), where any of the following justifiable grounds exists, such act shall not be deemed a discriminatory act:
    1. Refraining from any discriminatory act prohibited under paragraph (1) might incur an excessive burden or undue hardship;
    2. Discriminatory acts prohibited under paragraph (1) is inevitable due to the nature of particular duties or business operations. In such cases, the nature of particular duties or business operations shall be deemed to apply to services, including education.
  - (4) Affirmative measures taken for accomplishing genuine equality rights for, and eliminating discrimination against, the disabled persons in accordance with this Act, any other Acts or subordinate statutes shall not be deemed discrimination under this Act.

#### **Article 5 (Findings of Discrimination)**

- (1) Where two or more causes of discrimination exist and a disability is deemed to be a primary basis, such act shall be deemed discrimination under this Act.
- (2) In finding discrimination for the purposes of this Act, the gender of a disabled person, as well as the type, degree and nature of his/her disability shall be fully considered.

#### **Article 6 (Prohibition of Discrimination)**

No person may discriminate against anyone based on his/her disability, previous disability, or presumed disability.

#### **Article 7 (Rights of Self-Determination and Selection)**

- (1) The disabled persons shall have the right to make their own choices and decisions in all aspects of their lives subject to their determinations.
- (2) The disabled persons shall have the right to be provided with services and information necessary to ensure the same rights of selection with persons without disabilities.

#### **Article 8 (Duties of State and Local Governments)**

- (1) The State and local governments shall be responsible for preventing any discrimination against the disabled persons and persons related to the disabled and providing remedies for infringement of rights of the disabled persons discriminated against, and take affirmative measures to rectify discrimination described in this Act for the purpose of substantively eliminating discrimination against the disabled persons.
- (2) The State and local governments shall render technical, administrative and financial assistance so that the disabled persons may be provided with legitimate convenience.

#### **Article 9 (Relationship with other Acts)**

Except as provided for in this Act, the prohibition of discrimination based on disabilities and remedies for infringement of rights shall be governed by the [National Human Rights Commission Act](#).

## **CHAPTER II PROHIBITION OF DISCRIMINATION**

### **SECTION 1 Employment**

#### **Article 10 (Prohibition of Discrimination)**

- (1) No employer may engage in any discriminatory practice against any disabled person in terms of recruitment and hiring, wage and benefit plans, job training, placement, promotion or transfer, nor retirement, resignation or layoff.
- (2) No labor union under subparagraph 4 of [Article 2 of the Trade Union and Labor Relations Adjustment Act](#) may reject the admission of any worker with a disability into a union, or treat his/her differently in regard to his/her rights and activities as a member.

### Article 11 (Duty to Provide Legitimate Convenience)

- (1) Each employer shall provide the following legitimate convenience to the disabled persons so that they can work on an equal basis with persons without disabilities in performing their respective duties:
  1. Installing or remodelling facilities or devices;
  2. Modifying or adjusting working hours to accommodate rehabilitation, function tests, treatment, etc.;
  3. Providing training opportunities or legitimate convenience in training;
  4. Modifying instruction manuals or reference materials;
  5. Improving examination or evaluation procedures;
  6. Installing and operating auxiliary equipment for disabled persons, such as screen readers and enlargement programs, paperless braille handsets, magnifying readers, and print-to-voice converters, and placing support staff, including readers and sign language interpreters.
- (2) No employer may assign any disabled person to different tasks against his/her will on the basis of disability without justifiable grounds.
- (3) The details of legitimate convenience to be provided by an employer in accordance with paragraph (1) and the workplaces covered in each phase of implementation shall be prescribed by Presidential Decree.

### Article 12 (Prohibition of Medical Examination)

- (1) No employer may conduct a pre-employment medical examination to find whether the applicant is a disabled person: *Provided*, That the foregoing shall not apply where such examination is required in the nature of assigned duties or for placement, etc.
- (2) The expenses to be incurred in conducting medical examinations under the proviso to paragraph (1) shall, in principle, be borne by the employer. Necessary matters concerning the method of bearing expenses by an employer and subsidization thereto shall be prescribed by Presidential Decree.
- (3) No employer may disclose personal information about the health conditions, disabilities or previous disabilities of the disabled persons which has come to his/her knowledge under the proviso to paragraph (1).

## SECTION 2 Education

### Article 13 (Prohibition of Discrimination)

- (1) No education officer may refuse an application for enrollment or enrollment of any disabled person or compel him/her to transfer to another school, while no nursery schools under the [Infant Care Act](#) and various levels of schools under the [Elementary and Secondary Education Act](#) shall refuse transfers of the disabled persons to such educational institutions. <Amended by Act No. 10789, Jun, 7, 2011>
- (2) The head of an educational institution under paragraph (1) shall comply with [Article 17 of the Act on Special Education for the Disabled Persons, Etc.](#) <Amended by Act No. 10280, May 11, 2010>
- (3) No education officer may refuse a request made by any disabled person enrolled at the relevant educational institution and his/her guardians for the provisions of convenience defined in the subparagraphs of [Article 14](#) (1) without justifiable grounds.
- (4) No education officer may restrict, exclude or refuse the participation of the disabled persons in all within and outside school activities, including specific lessons, experiments, training, field trips and educational trips, by reason of their disabilities.
- (5) Education officers shall provide career planning and information suitable for the abilities and characteristics of the disabled persons in regard to job training, career planning and information provision.
- (6) No education officers and school personnel shall insult nor disparage the disabled persons attending the relevant educational institutions and persons related to the disabled, special education instructors, special education assistants, or persons in charge of matters regarding the disabled persons.
- (7) No education officer may, when a disabled person applies for enrollment, require additional documents or application documents in a separate form, not required for applicants without disabilities, or a separate interview, physical examination or additional test only targeting the disabled persons (hereinafter referred to as "additional documents, etc."): *Provided*, That the foregoing shall not apply where the request for additional documents, etc. is explicitly intended to provide education suited to the characteristics of the disabled persons.
- (8) In providing education to the disabled persons under [Article 3 \(1\) of the Act on Special Education for the Disabled Persons, Etc.](#), neither State nor local government shall violate the number of class hours required by relevant school curricula without justifiable grounds. <Amended by Act No. 10280, May 11, 2010>

### Article 14 (Duty to Provide Legitimate Convenience)

- (1) Each education officer shall actively take and provide the following measures in order to ensure no disadvantage is given to the disabled persons attending his/her educational institution in their educational activities:
  1. Renting and repairing various types of transportation aids to ensure that no disadvantage is given to persons with disadvantages in terms of their commuting to, and mobility and access within, educational institutions;
  2. Providing teaching assistants if needed by the disabled persons and persons related to the disabled;
  3. Renting magnifying readers, hearing aids, height adjustable desks, and various supplementary or alternative communication tools, and assigning guide dogs or securing space for wheelchair access, for the purpose of eliminating disadvantages in participating in learning based on disability;
  4. Providing communication tools and various auxiliary equipment for disabled persons, etc. necessary for educating persons with visual or hearing impairments, including sign language interpretation, voice-to-writing conversion (stenography), braille materials, captions, large typeset materials, screen readers and enlargement programs, hearing aids, paperless braille handsets, and print-to-voice converters;
  5. Offering appropriate teaching and evaluation methods through learning diagnosis in applying school curricula;
  6. Addressing other matters prescribed by Presidential Decree as necessary for preventing disadvantages to educational activities of the disabled persons.
- (2) In order to carry out business affairs necessary for taking measures under the subparagraphs of paragraph (1), each education officer shall designate a department or a person in charge of supporting students with disabilities.
- (3) In applying paragraph (1), the scope of applicable educational institutions for each phase of implementation and matters necessary for the establishment, placement, control, supervision, etc. of a department or a person in charge of supporting students with disabilities under paragraph (2) shall be prescribed by Presidential Decree.

### **SECTION 3 Provision and Use of Goods and Services**

#### **Article 15 (Prohibition of Discrimination in Provision of Goods, Services, etc.)**

- (1) No provider of goods, services, etc. may provide the disabled persons with goods, services, benefits, convenience, etc. which would bring benefits unequal to those to be provided to persons without disabilities in substance on the ground of such disabilities.
- (2) No provider of goods, services, etc. may deprive the disabled persons of an opportunity to benefit from using such goods, services, etc.

#### **Article 16 (Prohibition of Discrimination in Sale, Purchase or Lease of Land or Building)**

No owner or manager of any land or building may restrict, segregate, exclude or reject the disabled persons from the sale, purchase, lease, occupation or use of such land or building without justifiable grounds.

#### **Article 17 (Prohibition of Discrimination in Provision of Financial Products and Services)**

No provider of financial products and services may restrict, segregate, exclude or reject the disabled persons in extending monetary loans, issuing credit cards, and offering insurance policies without justifiable grounds.

#### **Article 18 (Prohibition of Discrimination in Access to and Use of Buildings)**

- (1) No owner or manager of a building may restrict, segregate, exclude or reject the disabled persons in their access to and use of such building or emergency evacuation.
- (2) No owner or manager of a building may restrict, segregate, exclude or reject the disabled persons from bringing in or using a guide dog or auxiliary equipment for disabled persons, etc. in such building.
- (3) No owner or manager of a building may reject the provision of legitimate convenience to the disabled persons in their access to and use of such building or emergency evacuation, such as the installation of relief and evacuation facilities.
- (4) In applying paragraph (3), necessary matters concerning the scope of facilities covered in each phase of implementation and the details of legitimate convenience shall be prescribed by Presidential Decree, in view of the provisions of other related Acts and subordinate statutes.

#### **Article 19 (Prohibition of Discrimination in Means of Mobility, Transportation, etc.)**

- (1) No transportation business operator (hereinafter referred to as "transportation business operator") and transportation administrative agency (hereinafter referred to as "transportation administrative agency") under subparagraphs 5 and 6 of [Article 2 of the Act on Promotion of the Transportation Convenience of Mobility Disadvantaged Persons](#) may restrict, segregate, exclude or reject the disabled persons from gaining access to and using means of mobility, transportation, etc. <Amended by Act No. 10280, May 11, 2010>
- (2) No transportation business operator and transportation administrative agency may reject the disabled persons accompanying, bringing in, or using guide dogs or auxiliary equipment for disabled persons, etc. when they use

means of mobility, transportation, etc.

- (3) No transportation business operator and transportation administrative agency may apply a fare system disadvantageous to the disabled persons or persons related to the disabled using means of mobility, transportation, etc. based on disability, guide dogs or auxiliary equipment for disabled persons, etc. that accompany or guide them.
- (4) Each transportation business operator and transportation administrative agency shall provide legitimate convenience necessary to allow the disabled persons to use means of mobility, transportation, etc. on an equal basis with persons without disabilities so that they can walk and move safely and conveniently.
- (5) Each transportation administrative agency shall promote, educate, support and supervise transportation business operators so that they may not engage in any discriminatory act set forth in this Act against the disabled persons.
- (6) The State and local governments shall not restrict, segregate, exclude or reject the disabled persons in all processes associated with applying for, taking and passing the driver's license examination without justifiable grounds.
- (7) The State and local governments shall provide legitimate convenience to the disabled persons so that they can go through every required process for the driver's license examination on an equal basis with persons without disabilities.
- (8) In applying paragraphs (4) and (7), necessary matters, such as the scope of applicable entities for each phase of implementation and the details of legitimate convenience, shall be prescribed by Presidential Decree.

#### **Article 20 (Prohibition of Discrimination in Access to Information)**

- (1) No individual, corporation, or public institution (hereafter in this Article referred to as "individual, etc.") may engage in discriminatory acts prohibited under [Article 4](#) (1) 1 and 2 on the basis of disability against the disabled persons when they use and gain access to electronic and non-electronic information.
- (2) No person shall compel, interfere with, or treat unfairly persons related to the disabled who support their communication, such as representing and accompanying the disabled persons for the purpose of sign language interpretation, braille conversion, braille proofreading, reading, ghostwriting or direction, without justifiable grounds.

#### **Article 21 (Duty to Provide Legitimate Convenience in Telecommunication and Communications, etc.)**

- (1) Performer set forth in subparagraphs 4, 6, 7, the latter part of 8 (a), item (b) of the same subparagraph, 11, 18 and 19 of [Article 3](#), performers related to the provisions of subparagraphs 12, 14 through 16 of the same Article, employers under [Article 10](#) (1), and persons related to labor unions under paragraph (2) of the same Article (including institutions to which such performers belong: hereafter in this Article referred to as "performers, etc.") shall provide necessary means, such as sign language and writing, to ensure that the disabled persons may access and use electronic and non-electronic information produced and distributed by such performers, etc. on an equal basis with persons without disabilities. In such cases, no natural person referred to in the latter part of subparagraph 8 (a) and item (b) of the same subparagraph of [Article 3](#) shall not be included in performers, etc.
- (2) Public institutions, etc. shall provide support as required for the participation and communications of the disabled persons in any event hosted or supervised by themselves, such as sign language interpreters, text or vocal interpreters, and hearing aids.
- (3) Broadcasting business operators under subparagraph 3 of [Article 2 of the Broadcasting Act](#) and Internet multimedia broadcast business operators under subparagraph 5 of [Article 2 of the Internet Multimedia Broadcast Services Act](#) shall provide convenience services for the disabled persons' viewing, including closed captions, sign language interpretation, and descriptive video services in order for the disabled persons to access and use such productions or services on an equal basis with persons without disabilities. <Amended by Act No. 10280, May 11, 2010>
- (4) Key telecommunications business operators under the [Telecommunications Business Act](#) (only applicable to telephone service providers) shall secure relay and provide services using telecommunications equipment and facilities (including video phoneservices, text message services, and other relay services determined and publicly announced by the Korea Communications Commission) in order for the disabled persons to access and use such services on an equal basis with persons without disabilities. <Amended by Act No. 10280, May 11, 2010>
- (5) The following business operators shall endeavor to provide publications (including electronic publications; hereinafter the same shall apply in this paragraph) or media products in order for the disabled persons to access and use such publications and media products on an equal basis with persons without disabilities: *Provided*, That the National Library under [Article 18 of the Libraries Act](#) shall provide services such as braille, voice, or enlarged letters for newly produced and distributed library materials: <Newly Inserted by Act No. 10280, May 11, 2010>
  1. Business operators who regularly issue publications;
  2. Media producers and distributors for films and videos, etc.
- (6) Necessary matters concerning the scope of applicable performers, etc. to supply necessary means for each phase

under paragraph (1) and the details of such necessary means, and the details, scope and implementation of necessary support under paragraph (2), and necessary matters concerning the scope of operators and the details and implementation of services to supply for each phase under paragraphs (3) and (4) shall be prescribed by Presidential Decree. <Newly Inserted by Act No. 10280, May 11, 2010>

#### **Article 22 (Protection of Personal Information)**

- (1) Personal information of the disabled persons shall be collected only with the consent of the persons concerned, and be protected from any unauthorized access, misuse or abuse.
- (2) In applying paragraph (1), the provisions of applicable Acts, including the [Personal Information Protection Act](#) and the Act on Promotion of Information and Communications Network Utilization and Information Protection, shall apply *mutatis mutandis*. <Amended by Act No. 10465, Mar. 29, 2011>
- (3) With regard to the disabled persons whose direct consent is difficult to obtain, such as the disabled children or persons with mental disorder, the provisions of the [Civil Act](#) shall apply *mutatis mutandis* to persons giving consent on behalf of such disabled persons in relation to the collection, use and provision of personal information of such disabled persons.

#### **Article 23 (Duties of the State and Local Governments in Access to Information and Communication)**

- (1) The State and local governments shall seek necessary support, including the development and distribution of tools for helping access to and use of telecommunication networks and telecommunication devices in view of the characteristics of the disabled persons.
- (2) Manufacturers related to telecommunication shall endeavor to design, manufacture and process telecommunication devices that the disabled persons can access and use on an equal basis with persons without disabilities.
- (3) The State and local governments shall take necessary measures to ensure that the disabled persons can learn sign language, lip-reading, braille and large typesets, according to the type, degree and characteristics of their disabilities and be provided with learning support services utilizing the above, and no provider of such services shall compel any mode of communication, etc. which fails to reflect the characteristics of any disabled person against his/her will.

#### **Article 24 (Prohibition of Discrimination in Cultural and Artistic Activities)**

- (1) The State and local governments, as well as cultural and artistic business operators shall not coerce the disabled persons into certain acts against their will nor commit acts set forth in [Article 4](#) (1) 1, 2 and 4, in regard to their participation in cultural and artistic activities.
- (2) The State and local governments, as well as cultural and artistic business operators shall provide legitimate convenience to the disabled persons so that they can actively participate in cultural and artistic activities.
- (3) The State and local governments shall seek necessary measures to enable the disabled persons to use cultural and artistic facilities and actively participate in cultural and artistic activities.
- (4) In applying paragraph (2), necessary measures concerning the scope of applicable cultural and artistic business operators in each phase of implementation and the details of legitimate convenience shall be prescribed by Presidential Decree.

#### **Article 25 (Prohibition of Discrimination in Physical Activities)**

- (1) No institution or organization holding or supervising physical activities and the owner or manager of a facility intended for physical activities shall restrict, segregate, exclude or reject the disabled persons who wish to participate in physical activities on the ground of their disabilities.
- (2) The State and local governments shall cause physical exercise programs being operated or supported by themselves to be operated in view of the gender of the disabled persons and the type, degree and characteristics of their disabilities, and provide legitimate convenience necessary for inducing participation of the disabled persons.
- (3) The State and local governments shall seek measures necessary for inducing the disabled persons to participate in physical activities.
- (4) Matters necessary for implementing paragraph (2) shall be prescribed by Presidential Decree.

## **SECTION 4 Judicial and Administrative Procedures, Services and Political Rights**

#### **Article 26 (Prohibition of Discrimination in Provisions of Judicial and Administrative Procedures and Services)**

- (1) No public institution, etc. shall discriminate against the disabled persons in relation to the provision of judicial and administrative procedures and services necessary to protect and guarantee their rights, including the right to life,

body or property.

- (2) No public institution or its employees shall commit any act defined in [Article 4](#) (1) 1, 2, 4 through 6 against the disabled persons in providing judicial and administrative procedures and services.
- (3) No public institution or its employees shall engage in any of the following discriminatory acts in performing their duties or exercising their authority:
  1. Restricting, excluding, segregating or rejecting the disabled persons based on their disabilities in permission, reports and approvals without justifiable grounds;
  2. Restricting, excluding, segregating or rejecting the disabled persons in determining selection standards for beneficiaries of public projects without justifiable grounds, or causing unfavorable results to the disabled persons by applying standards not tailored to disabilities.
- (4) Each public institution or its employees shall provide judicial and administrative procedures and services to the extent that the disabled persons can use them on a substantially equal basis with persons without disabilities, and shall provide legitimate convenience for that purpose.
- (5) If a disabled person requests the provision of legitimate convenience, such as creating and providing forms that he/she can recognize and fill out on his/her own, for participating in judicial and administrative procedures and services, no public institution or its employees shall give the disabled person any disadvantage by denying or arbitrarily processing such request.
- (6) A judicial institution shall ensure whether a person related to a case has a disability in communication or expression of opinion, and when such disabled person requests assistance in criminal proceedings, the institution shall not refuse such request without justifiable grounds and take necessary measures therefor. <Amended by Act No. 10280, May 11, 2010>
- (7) Each judicial institution shall provide legitimate convenience and affirmative measures to allow the disabled persons to maintain quality of life on a substantially equal basis with persons without disabilities when they are under confinement or arrest.
- (8) Necessary matters in relation to the provisions of paragraphs (4) through (7) shall be prescribed by Presidential Decree.

#### **Article 27 (Political Rights)**

- (1) The State and local governments, candidates for public election, and political parties shall not discriminate against the disabled persons when they exercise their political rights, including rights to vote, be elected, and to petition.
- (2) In order to guarantee the political rights of the disabled persons, the State and local governments shall provide legitimate convenience, including facilities and equipment to guarantee the political rights of the disabled persons, promoting and conveying information about the exercise of their political rights, developing and distributing election support tools, such as balloting methods tailored to different types and degrees of disabilities, and assigning support staff.
- (3) Candidates for public election and political parties shall convey information about such candidates and parties to the disabled persons on an equal basis with persons without disabilities.

### **SECTION 5 Motherhood, Fatherhood, Sexuality, etc.**

#### **Article 28 (Prevention of Discrimination in Motherhood or Fatherhood)**

- (1) No person shall restrict, segregate, exclude or reject the disabled persons in relation to their motherhood or fatherhood, including pregnancy, childbirth and parenting, based on disability.
- (2) If a disabled person wishes to adopt a child, no adoption agency shall restrict adoption qualifications based on his/her disability.
- (3) Neither education officer, nor nursery school and its employees under the [Infant Care Act](#), nor child welfare facility and its employees under the [Child Welfare Act](#) shall segregate or give disadvantages to children due to the disabilities of their parents. <Amended by Act No. 10789, Jun, 7, 2011>
- (4) In order to ensure genuine equality for the disabled persons in relation to their contraception, pregnancy, childbirth and nurturing, facilities that are directly operated, commissioned or subsidized by the State and local governments shall provide necessary support measures in accordance with relevant Acts and subordinate statutes, including the provision of information and activity assistance services tailored to the type and degree of disability and the development of auxiliary aids, tools, etc.
- (5) The State and local governments shall conduct publicity, education, support and supervision to prevent discriminatory acts prohibited under this Act in relation to the provision of services in pregnancy, childbirth and nurturing.



**Article 29 (Prevention of Discrimination in Sexuality)**

- (1) The right to sexuality shall be respected for all the disabled persons, and the disabled persons shall hold the right to sexual self-determination to express and enjoy their right to sexuality.
- (2) No member of family, home and welfare facilities shall restrict or deprive opportunities of the disabled persons to enjoy sex life on the ground of disability by limiting their use of space or other tools for sex life.
- (3) In order to guarantee the right of the disabled persons to enjoy sex life, the State and local governments shall seek necessary support measures as prescribed by related Acts and subordinate statutes and conduct publicity and education to eliminate all disability-based prejudices and customs about sexuality, as well as all other discriminatory practices.

**SECTION 6 Family, Home, Welfare Facilities, Right to Health, etc.****Article 30 (Prevention of Discrimination in Family, Home, Welfare Facilities, etc.)**

- (1) No member of family, home, welfare facilities, etc. shall impose excessive burden on any disabled person against his/her will nor exclude any disabled person from decision-making processes based on disability without justifiable grounds.
- (2) No member of family, home, welfare facilities, etc. shall disclose to the public physical features or bodies of the disabled persons against their will without justifiable grounds.
- (3) No member of family, home, welfare facilities, etc. shall restrict, deprive or interfere with the rights of any disabled person to receive education, such as rights to enroll at or advance in schools, to exercise property rights, to participate in social activities, and to move and reside (hereafter in this paragraph referred to as "rights, etc.") and shall not exclude him/her from exercising such rights, etc.
- (4) No current nor former members of family or home shall coerce the disabled persons to reach an unfavorable settlement in relation to designation of person with custodial rights, parental authority and visitation right, nor restrict or deprive them of such rights based on disability.
- (5) No head of any welfare facility, etc. shall request a written waiver of parental authority on condition of placing the disabled persons in the facilities, nor restrict the communication right with the outside world, including visitation rights of the family members, during their stay in the facilities.

**Article 31 (Prevention of Discrimination in Right to Health)**

- (1) No medical facility, etc. nor medical person, etc. shall restrict, segregate, exclude or reject the disabled persons when they engage in medical practices.
- (2) Medical facilities, etc. and medical persons, etc. shall take into account the gender of a disabled person and the type, degree and characteristics of disability in relation to medical practices, research, etc. in a positive manner and shall provide the disabled persons, etc. with necessary matters in relation to medical practices, such as medical information suitable to the gender of a disabled person.
- (3) Where any public institution deems it necessary for implementing health-related school curricula, it shall include such factor as the gender of a disabled person.
- (4) The State and local governments shall implement measures necessary for the prevention and treatment of innate and acquired disabilities and take into account the gender, etc. of a disabled person in determining and administering medical or health issues.

**Article 32 (Prevention of Harassment, etc.)**

- (1) The disabled persons shall have the right to be free from any and all types of violence, regardless of gender, age, and type, degree or characteristics of disability.
- (2) The disabled persons who have suffered from harassment, etc. shall have the right to receive counseling, treatment, legal aid, and other appropriate measures and shall not receive any disadvantageous treatment on the ground of reporting harms caused by harassment, etc.
- (3) No person shall engage in activities to ostracize the disabled persons or persons related to the disabled or derogatory verbal expressions or conducts which might cause offense or disparagement in schools, facilities, workplaces, local communities, etc. on the basis of disability.
- (4) No person shall abandon, abuse or extort money from the disabled persons or persons related to the disabled in private spaces, homes, facilities, workplaces, local communities, etc. on the basis of disability.
- (5) No person shall infringe on the right to sexual self-determination of the disabled persons or engage in verbal expressions to cause a sense of shame, molestation, or assault or rape taking advantage of disability.
- (6) The State and local governments shall provide education for awareness-building and prevention of harassment,

etc. to eliminate harassment, etc. of the disabled persons and seek appropriate measures.

## CHAPTER III DISABLED WOMEN AND CHILDREN, ETC.

### Article 33 (Prevention of Discrimination against Disabled Women)

- (1) The State and local governments shall not discriminate against the disabled women in all aspects of life based on disability.
- (2) No person shall forcibly impose on any disabled women or deprive her of roles in relation to pregnancy, childbirth, nurturing and homemaking based on disability.
- (3) No employer shall treat unfavorably female workers with disabilities compared with male workers or female workers without disabilities, and shall refuse to provide the following legitimate conveniences in relation to the use of workplace childcare services, etc.:
  1. Support for convenient feeding in accordance with the type and degree of disability;
  2. Support for methods of communication that allow a mother to check upon her child's condition;
  3. Support for other matters necessary for the use of workplace childcare services, etc.
- (4) Persons in charge of sexual violence prevention programs at education institutions, workplaces, welfare facilities, etc. shall include in such programs the sexual awareness of the disabled women and prevention of sexual violence against them; however, such programs shall not distort the image of the disabled women.
- (5) No educational institutions nor other institutions providing vocational training shall not engage in the following discriminatory acts against the disabled women: *Provided*, That such shall not be deemed as discriminatory in cases where the following acts are clearly intended for providing appropriate education and training tailored to the characteristics of the disabled women:
  1. Restricting learning opportunities and differentiating the substance of learning activities;
  2. Restricting vocational training and the scope of career choices;
  3. Restricting education-related plans and the scope of information to be provided;
  4. Otherwise treating the disabled women unfavorably in education without justifiable grounds.
- (6) In applying paragraph (3), the scope of applicable workplaces in each phase of implementation and necessary matters concerning paragraph (3) shall be prescribed by Presidential Decree.

### Article 34 (Duties of State and Local Governments for Prevention of Discrimination against Disabled Women)

- (1) The State and local governments shall seek proactive measures for eliminating discriminatory elements against the disabled women, such as awareness-building and support policies, and shall take into consideration the disabled women in statistics and research projects, etc.
- (2) The State and local governments shall not restrict or exclude the disabled women from participating in policy-making and implementation processes on the basis of disability.

### Article 35 (Prevention of Discrimination against Disabled Children)

- (1) No person shall discriminate against the disabled children in any aspect of life on the basis of disability.
- (2) No person shall deprive the disabled children of opportunities to receive education, training, healthcare services, rehabilitation services, career preparation, recreation, etc.
- (3) No person shall exclude the disabled children from mandatory education.
- (4) No person shall unfavorably treat the disabled children based on disability, including abandonment, abuse, extortion, imprisonment and battering, and no person shall infringe their human rights by forcefully placing them in facilities or subjecting them to unreasonable rehabilitation treatment or training.

### Article 36 (Duties of State and Local Governments for Prevention of Discrimination against Disabled Children)

- (1) The State and local governments shall take all necessary measures to guarantee the disabled children will enjoy equality rights and freedom as other children without any kind of discrimination based on disability.
- (2) The State and local governments shall make arrangements to provide the disabled children with services tailored to their gender and the type, degree and characteristics of their disabilities in early stages, and shall take measures to support persons with parental authority protecting the disabled children and persons in charge of rearing such children.

### Article 37 (Prevention of Discrimination, etc. against Persons with Mental Disorder)

- (1) No person shall give disadvantages to persons with mental disorder by unfairly using their particular emotional or cognitive impairment.
- (2) The State and local governments shall seek necessary legal and policy measures to prevent any infringement of human rights held by persons with mental disorder by means of education, promotion, etc.

## CHAPTER IV INSTITUTIONS IN CHARGE OF REMEDIES OF DISCRIMINATION FOR DISABLED PERSONS AND SAFEGUARDING OF RIGHTS, ETC.

### Article 38 (Complaints)

Any person who has suffered harm due to a discriminatory act prohibited under this Act (hereinafter referred to as "victim") or any person or organization that is aware of such fact may file a complaint with the National Human Rights Commission (hereinafter referred to as the "Commission") as such.

### Article 39 (Ex Officio Investigation)

Even if no complaint is filed as prescribed in [Article 38](#), the Commission may conduct an *ex officio* investigation if there is a sufficient ground to believe that a discriminatory act prohibited under this Act has been committed and that the substance of such act is grave.

### Article 40 (Subcommittee on Remedies of Discrimination for Disabled Persons)

- (1) The Commission shall have a subcommittee on remedies for discrimination against the disabled persons (hereinafter referred to as the "Subcommittee") exclusively responsible for investigation and correction of discriminatory acts prohibited under this Act.
- (2) Necessary matters concerning the organization, duties and operation of the Subcommittee shall be prescribed by the rules of the Commission.

### Article 41 (Provisions Applicable Mutatis Mutandis)

- (1) Unless otherwise provided for in this Act, the provisions of the [National Human Rights Commission Act](#) shall apply *mutatis mutandis* to the procedures, methods and processing of complaints filed in accordance with [Articles 38](#) and [39](#), as well as the methods of *ex officio* investigations.
- (2) The provisions of [Articles 40 through 50 of the National Human Rights Commission Act](#) shall apply *mutatis mutandis* to complaints and *ex officio* investigations under this Act.

### Article 42 (Notices of Recommendation)

When the Commission has made a recommendation as described in [Article 44 of the National Human Rights Commission Act](#) in regard to discriminatory acts prohibited under this Act, it shall give notice thereon to the Minister of Justice.

### Article 43 (Order for Correction)

- (1) The Minister of Justice may issue an order for correction *ex officio* or upon request by a victim if any person having received a recommendation under [Article 44 of the National Human Rights Commission Act](#) due to a discriminatory act prohibited under this Act fails to comply with such recommendation without justifiable grounds, falls under any of the following subparagraphs, and the damage therefrom is deemed to be considerable and has a significant effect on public interest:
  1. Failing to comply with a recommendation in relation to discriminatory acts against multiple victims;
  2. Failing to comply with a recommendation in relation to repetitive discriminatory acts;
  3. Failing to comply with a recommendation for giving disadvantages to victims on purpose;
  4. Cases otherwise requiring an order for correction.
- (2) With regard to an order for correction under paragraph (1), the Minister of Justice may order a person who has committed a discriminatory act prohibited under this Act (hereinafter referred to as "discriminator") to take any of the following measures:
  1. To discontinue the discriminatory act;
  2. To restore the harmed person to the original state;
  3. To take measures to prevent further recurrence of discriminatory acts;
  4. To take other measures necessary for rectifying discriminatory acts.
- (3) The Minister of Justice shall issue an order for correction under paragraphs (1) and (2) in writing with detailed grounds for such order and have it delivered to both the discriminator and the victim.
- (4) Necessary matters concerning the period and procedures for and the methods of the Minister of Justice's issuing measures for rectifying discriminatory acts shall be prescribed by Presidential Decree.

### Article 44 (Confirmation of Order for Correction)

- (1) Any party who is dissatisfied with an order for correction issued by the Minister of Justice may bring an administrative lawsuit against the order not later than 30 days after the date of receiving a written order.
- (2) An order for correction shall be confirmed as final if no administrative lawsuit is filed within the time period set forth

in paragraph (1).

#### **Article 45 (Request for Submission of Compliance Report on Order for Correction, etc.)**

- (1) With regard to an order for correction which has been confirmed as final, the Minister of Justice may request the discriminator to submit a compliance report on such order for correction.
- (2) Where a discriminator fails to comply with an order for correction confirmed as final, the victim may report such non-compliance to the Minister of Justice.

## **CHAPTER V COMPENSATION FOR HARM, BURDEN OF PROOF, ETC.**

#### **Article 46 (Compensation for Damage)**

- (1) Any person who has inflicted harm on others in violation of the provisions of this Act shall be responsible for compensating for damage to the person damaged by such violation: *Provided*, That the foregoing shall not apply where the discriminator proves that there was no intention or negligence for his/her part.
- (2) When it is acknowledged that harm has been suffered due to an act in violation of the provisions of this Act but the victim of such discriminatory act is unable to prove monetary loss, monetary gains obtained by the discriminator from such act shall be deemed monetary loss suffered by the victim.
- (3) Notwithstanding paragraph (2), if it is difficult to prove such facts as necessary for certifying the amount of monetary loss suffered by the victim of a discriminatory act due to the nature of applicable facts, the court may acknowledge a reasonable amount of loss based on the overall tenor of contentions and the outcome of evidentiary review.

#### **Article 47 (Allotment of Burden of Proof)**

- (1) If any dispute arises under this Act, the party claiming to have suffered discrimination shall prove that there has been a discriminatory act.
- (2) If a party claims to have suffered discrimination, the other party shall prove that such discriminatory act under paragraph (1) was not committed based on discrimination or such act had legitimate grounds.

#### **Article 48 (Remedial Measures by Court)**

- (1) If discrimination against a victim is clearly explained upon request by the victim before or after filing the lawsuit regarding a discriminatory act prohibited under this Act, the court may order appropriate interim measures, such as discontinuation of the discriminatory act, until judgment on the merits is rendered.
- (2) The court may render judgment to discontinue a discriminatory act, to improve working conditions, such as wages, and to take proactive measures to rectify such act, upon request by the victim.
- (3) If the court determines that proactive measures are necessary to discontinue discriminatory acts and to rectify discrimination, it may specify the time period for the implementation thereof and, if not implemented, order adequate compensation for any period of delay. In such cases, [Article 261 of the Civil Execution Act](#) shall apply *mutatis mutandis*.

## **CHAPTER VI PENAL PROVISIONS**

#### **Article 49 (Discriminatory Acts)**

- (1) If any person commits a discriminatory act prohibited under this Act and such act is deemed to be malicious, the court may sentence the discriminator to an imprisonment for not more than three years or a fine not exceeding 30 million won.
- (2) Malice as used in paragraph (1) shall be determined after considering all of the following:
  1. Willfulness of the discriminatory act;
  2. Continuation and repetition of the discriminatory act;
  3. Retaliation against the victim of discrimination;
  4. Substance and scope of loss suffered from discrimination.
- (3) If an representative of a corporation, or an agent, employee or other servant of a corporation or individual commits a malicious discriminatory act in relation to the affairs of such corporation or individual, not only shall such actor be punished, but also such corporation or individual shall be punished by a fine under paragraph (1): *Provided*, That this shall not apply where such corporation or individual has not been negligent in giving due care and supervision in connection with the relevant affairs in order to prevent such offence. <Amended by Act No. 10280, May 11, 2010>
- (4) The provisions of the [National Human Rights Commission Act](#) shall apply *mutatis mutandis* to any other penalty not

determined in this Article.

#### **Article 50 (Fines for Negligence)**

- (1) Any person who fails to comply with an order for correction confirmed as final pursuant to [Article 44](#) without justifiable grounds shall be punished by a fine not exceeding 30 million won.
- (2) Fines for negligence under paragraph (1) shall be imposed and collected by the Minister of Justice. <Amended by Act No. 10280, May 11, 2010>
- (3) Deleted. <by Act No. 10280, May 11, 2010>
- (4) Deleted. <by Act No. 10280, May 11, 2010>
- (5) Deleted. <by Act No. 10280, May 11, 2010>

#### **ADDENDA**

- (1) (Enforcement Date) This Act shall enter into force one year after the date of its promulgation: *Provided*, That the implementation date and the scope of application for each area of discrimination set forth in [Articles 10 through 37](#) shall be governed by Presidential Decree as delegated under the relevant provisions.
- (2) (Preparation for Establishment of Subcommittee) Notwithstanding paragraph (1), preparation for establishing the Subcommittee under [Article 40](#), including the appointment of its members and staff, may be undertaken before this Act enters into force.
- (3) (Applicability for Commencement of Term of Service of Each Member) The term of service as a member of the Subcommittee under [Article 40](#) shall be deemed to commence on the effective date of this Act.

#### **ADDENDA <Act No. 8974, Mar. 21, 2008>**

##### **Article 1 (Enforcement Date)**

This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)

##### **Articles 2 through 14 Omitted.**

#### **ADDENDA <Act No. 9705, May 22, 2009>**

##### **Article 1 (Enforcement Date)**

This Act shall enter into force three months after the date of its promulgation. (Proviso Omitted.)

##### **Articles 2 through 7 Omitted.**

#### **ADDENDUM <Act No. 10280, May 11, 2010>**

This Act shall enter into force on the date of its promulgation: *Provided*, That the amended provision or [Article 21](#) (4) shall enter into force one year after the date of its promulgation; and the implementation date and applicable objects for respective details under the amended provisions of paragraph (6) of the same Article (only applicable to matters related to paragraphs (3) and (4) of the same Article) shall be governed by Presidential Decree prescribed in the same paragraph.

#### **ADDENDA <Act No. 10465, Mar. 29, 2011>**

##### **Article 1 (Enforcement Date)**

This Act shall enter into force six months after the date of its promulgation. (Proviso Omitted.)

##### **Articles 2 through 7 Omitted.**

#### **ADDENDA <Act No. 10789, Jun. 7, 2011>**

##### **Article 1 (Enforcement Date)**

This Act shall enter into force six months after the date of its promulgation. (Proviso Omitted.)

##### **Articles 2 through 6 Omitted.**