



National Human Rights Commission of Korea

**Written submission to the Guiding Questions  
for the fourteenth session of  
the UN Open-Ended Working Group on Ageing**



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**Guiding questions for the focus area on**  
**“accessibility, infrastructure and habitat (transport, housing and access)”**

**National legal and policy framework**

1. What are the national legal provisions and policy frameworks that recognize older persons' rights to accessibility, infrastructure and habitat (transport, housing and access)? This could include, but is not limited to:

- a) the right of older persons to adequate housing, including land, property and inheritance.
- b) the right of older persons to access and enjoy, on an equal basis with others, the physical environment, transportation, information and communications (including ICTs), and other facilities and services open or provided to the public, both in urban and in rural areas (e.g. buildings, roads, transportation and other indoor and outdoor facilities, schools, housing, green spaces, medical facilities and workplaces; information, communications and other services, including electronic services and emergency services).
- c) policies/programmes that enable older persons to live independently and to be included in their communities as they age.

"Act on the Guarantee of convenience promotion of persons with disabilities, senior citizens, pregnant women and nursing mothers" provides in article 4 (Right to Access) that "Persons with disabilities, etc.(etc. includes older persons) shall have the right to use facilities and equipment which persons with no disabilities use, on equal terms and to have free access to information, in order to guarantee the right to pursue humane dignity, value, and happiness."

2. What are the challenges and barriers faced by older persons for the realization of their right to accessibility, infrastructure use and habitat (transport, housing and access) at the national and international levels?

The Fourth Framework Plan for a Low Birth Rate in an Ageing Society (2021-2025) mentions that most older persons wish to continue living in their own homes, but the housing environment is inadequate to provide a safe place for frail older persons to live, with many safety accidents occurring due to the homes they live being old. However, due to lack of housing alternatives for older persons, they end up choosing between care homes or nursing facilities. Also, baby boomers in the metropolitan area wishing to relocate themselves to the provinces face challenges as there is a lack of healthcare and welfare, leisure, cultural and educational or jobs opportunities in the province. Finally, lack of public transport system or walking friendly environment such as walking paths or resting area becomes a constraint to older persons.



### **Data and research**

3. What data, statistics and research are available at the national level regarding older persons' rights to accessibility, infrastructure and habitat (public transport, housing and access)?

'Survey on the status of older persons' is conducted every three years in accordance with "the Welfare of Senior Citizens Act" every three years. In 2020, the survey was conducted on approximately 10,000 elderly people aged 65 and over, and examined their families, social relationships, health status, economic activities and economic status, leisure and social activities, living environment, and values. 'The Housing Survey' is a survey of the housing conditions of vulnerable persons and the about the characteristics of the households that are present.

### **Equality and non-discrimination**

4. What measures are being taken to eliminate ageism, ageist stereotypes, prejudices and behaviours that hinder older persons' rights to accessibility, infrastructure and habitat (transport, housing and access)?

None

### **Remedies and Redress**

5. What mechanisms are necessary, or already in place, for older persons to submit complaints and seek redress for denial of their rights to accessibility, infrastructure and habitat (transport, housing and access)?

None



**Guiding questions for the focus area on  
participation in public life and in decision-making processes**

**National and local legal and policy framework**

1. What are the national and local legal provisions and policy frameworks in your country that guarantee
- a) right to equality and prohibition of all forms of discrimination against older persons on the basis of age, alone or combined with other grounds, in the context of participation in public life and in decision-making processes;
  - b) elimination of all forms of ageism and age discrimination from laws, frameworks, programs, policies, strategies and practices regarding participation in public life and in decision-making processes;
  - c) right to freedom of expression, including freedom to seek, receive and impart information;
  - d) right of peaceful assembly;
  - e) right to freedom of association;
  - f) right to take part in the government of one's country, directly or through freely chosen representatives;
  - g) active, free and meaningful participation of older persons and their representative organizations in all matters related to participation in public life and in decision-making processes;
  - h) access to prompt remedies and redress when older persons' above mentioned rights are violated.

None

2. What steps have been taken to ensure participation in public life and in decision-making processes without discrimination?

None

**Data and research**

3. What data and research are available regarding older persons' participation in public life and in decision-making processes? Please indicate how national or sub-national data is disaggregated by sex, age and inequality dimensions, and what indicators are used to monitor



older persons' participation in public life and in decision-making processes.

None

**Equality and non-discrimination**

4. What are the challenges and barriers that older persons face regarding participation in public life and in decision-making processes, including the impact of intersectional discrimination and inequality based on age, gender, disability, race, ethnicity, migratory status and other grounds?

None

**Accountability**

5. What judicial and non-judicial mechanisms are in place for older persons to complain and seek redress when their right to participate in public life and in decision-making processes is violated?

None

## Guiding questions on the normative content related to social inclusion

### **Definition**

1. How are the key human rights related to older persons' social inclusion defined in the national and local legislation in your country? If definitions are not available, how should such rights be defined considering relevant existing national, regional and international legal frameworks?

The United Nations Principles for Older Persons (1991), Participation, Madrid International Programme on Ageing (2002), Priority Direction I: Older Persons and Development - Issue 1: Active Participation in Society and Development, and Article 2(j) of the United Nations Declaration on Ageing (1992) all refer to the right of older persons to participate effectively in social, public and political life.

To enable older persons to participate effectively and fully in social, public and political life, States Parties shall: a) Take appropriate measures to effectively protect the right of older persons to participate in social, public and political life; b) Promote participation of older persons in decision making process related to the matter of older persons; c) Support older persons' participation in movements or association in all aspects of society to protect the interest of older persons; d) Implement preventive measures against older persons being isolated or excluded from the society.

### **Scope of the right**

2. Please provide references to existing national legal standards relating to older persons social inclusion on normative elements such as:

- a) the right of older persons to take part in cultural life;
- b) older persons' inclusion in the digital sphere;
- c) ensuring that older persons can live independently and be included in the community;
- d) ensuring the social inclusion of older persons living in institutions;
- e) older persons' inclusion in intergenerational policies and programmes;
- f) Access to prompt remedies and redress when older persons' rights related to social inclusion are violated.

a) "Framework Act on Low Birth Rate in an Aging Society" provides in article 14 (Encouragement of Leisure, Culture and Social Activities) (1) that 'the State and local



governments shall encourage leisure and cultural activities in old age and lay the groundwork therefore.'

b) "Framework Act on Low Birth Rate in an Aging Society" provides in article 15 (Lifelong Education and Informatization) (2) that 'the State and local governments shall take necessary measures to narrow the information divide between generations, such as informatization education, the development of programs and the distribution of equipment.'

c) "Welfare of Senior Citizen Act" Article 4-3(Aging Friendly City), which will be implemented from 24 January 2026, provides that "the State and local governments shall endeavor to create areas in which the older persons actively participate in local policies and development processes and operate policies to ensure the empowerment, care and safety, and healthy and active aging of older persons." However, designating a specific area instead of applying to all older persons could limit their right to live independently in wherever they want to live.

d) None

e) "Framework Act on Low Birth Rate in an Aging Society" provides in article 17 (Family Relations and Improvement of Intergenerational Understanding) provides that 'the State and local governments shall endeavor to ensure that senior citizens are respected at home and in society by encouraging filial piety, and create a social environment necessary for building democratic and equitable family relations by activating exchanges between generations and promoting understanding between generations.'

f) None

### **State obligations**

3. What are the measures that should be undertaken by the State to respect, protect and fulfil relevant human rights to ensure the social inclusion of older persons?

The State should shift its perception of older people from beneficiaries of welfare system to active player in society. Also, they should encourage meaningful social engagement for older persons.

### **Special considerations**

4. What special measures and specific considerations should be considered to respect, protect and fulfil relevant human rights to ensure the social inclusion of older persons?



Many norms concerning older persons view them as vulnerable or beneficiaries to the welfare system rather than owner of their own rights. There are no norms that reflect the voices of the older persons in care and welfare policies, and support for social participation of older persons are limited to "Volunteering opportunities" or "work capacity" (Article 23 of the "Welfare of Senior Citizen Act"). States should be cautious to ensure that norms of older persons are not based from utilitarian and meritocratic perspective.

### **Implementation**

5. What are the best practices and main challenges faced by your country in the adoption and implementation of relevant human rights to ensure the social inclusion of older persons?

None





## Guiding questions on the normative content related to right to health and access to health services

### Definition

1. How is the human right of older persons to the highest attainable standard of physical and mental health defined in the national and local legislation in your country? If definitions are not available, how should such rights be defined considering relevant existing national, regional and international legal frameworks?

There are no provisions in South Korea that address the health of older people from a human rights perspective. However, it may be useful to refer to the right to health of persons with disabilities as stipulated in the article 2(1) 'A person with disabilities shall have the right to optimum health care and protection' and article 3.2.2. 'the term "right to health" means the right to maintain the best health conditions through the fundamental circumstance for preventing diseases, medical treatment and rehabilitation, improvement of nutrition, rehabilitative exercise, practice of health education and healthy living; and the right to receive health care services, shall also be included therein' of "Act on Guarantee of Right to Health and Access to Medical Services for Persons with Disabilities"

For international standards, see General Comment No. 6 on the right to physical and mental health in Article 12 of the International Covenant on Economic, Social and Cultural Rights, which provides for the right to health of older persons<sup>1)</sup> and the Special Rapporteur's report on the human rights of older persons on the right to health (A/HRC/18/37, 2011)<sup>2)</sup>.

2. The human right to health encompasses both access to health care and attention to the material and other conditions which are necessary for its full enjoyment. What provisions have been made to ensure that older persons enjoy access, on an equal basis with others, to social protection, adequate water and sanitation, adequate housing and to health education?

There is no provision for older persons' health and related access from a human rights perspective in South Korea.

### Scope of the right

3. What are the key normative elements of the human right of older persons to the enjoyment



of the highest attainable standard of physical and mental health? Please provide references to existing standards on elements including but not limited to:

- a) Prohibition of all forms of discrimination against older persons on the basis of age, alone or combined with other grounds, in all matters related to health.
- b) Provision of promotive, preventive, curative, rehabilitative and palliative health facilities, goods and services, as well as health care and support, including on aspects such as quality of care, long term and palliative care and support.
- c) Availability, accessibility, acceptability and quality of health facilities, goods and services as well as health care and support, including aspects such as quality of care, long-term and palliative care and support.
- d) Exercise of older persons' legal capacity on an equal basis with others, including the ability to make an informed consent, decisions and choices about their treatment and care.
- e) Access to prompt and effective remedies and redress when older persons' right to health is violated.

a) Prohibit denying or limiting treatment or access to medication to older persons on the basis of age without good cause

b) Older persons have the right to affordable, appropriate, integrated, quality, timely and holistic long-term care without discrimination.

c) Older persons are guaranteed access to health care services as close as possible to the community in which they live, including in rural areas, and services are accessible, affordable and of good quality.

d) Older persons have the right to be informed about decisions, treatments, and processes related to health, long-term care, medical care, palliative care, and end-of-life care, and to consent to them voluntarily, freely, and unequivocally. Respect an older person's right to change or cancel decisions about their health, care, and medical treatment. Provide an appropriate legal and social framework that supports informed health decisions.

e) None

### **State obligations**

4. What are the measures that should be undertaken by the State to respect, protect and fulfil the human right of older persons to the highest attainable standard of physical and mental health, regarding the normative elements as provided above?

According to the article 4(Responsibilities of the State and Local Governments) of "Act on Guarantee of Right to Health and Access to Medical Services for Persons with Disabilities", State shall (1) have the duty to respect, protect and realize the right of persons with disabilities



to health, (2) actively conduct health care programs for persons with disabilities to resolve differences in health standards between persons with and without disabilities or among persons with disabilities depending on the improvement of the right of persons with disabilities to health, whether a person has a disability, types of disabilities, the degree of disabilities, guarantee of maternal and paternal rights, gender, etc. (3) provide appropriate medical examination and treatment and rehabilitative health care services for persons with disabilities so that their functions and health may recover, (4) formulate and implement measures necessary to prevent conditions that threaten health of persons with disabilities due to low income, low educational standing, medical discrimination, unsuitable employment, labor and residential conditions, insufficient social support and gender, and (5) actively publicize health care programs for persons with disabilities to the disabled and their families, and implement necessary policies so that the people may have a correct understanding of the right of persons with disabilities to health.

### **Special considerations**

5. What special measures and specific considerations should be considered in developing the normative content on older persons' right to health?

Prohibit older persons from being denied or receiving limited care or treatment based on their older age without good cause, adopting a comprehensive and intersectional approach to older people's health, care, rehabilitation and treatment, including end-of-life care and palliative care and finally, adopt preventative measures to combat psychosocial isolation, including loneliness among older persons

6. How should the responsibilities of non-State parties such as private sector be defined in the context of the human right to health of older persons?

Non-State parties shall 'respect older persons' right to change or cancel decisions about their health, care, and medical treatment', and 'fully cooperate the State's effort to raise awareness and actively promote the right to health and care of older persons to care workers, medial personnel, older persons and their families', and finally, 'actively participate at training session provided by the States on the rights of older persons'.

### **Implementation**

7. What are good or promising practices and main challenges faced by your country in the



adoption and implementation of the normative framework on the human right to health of older persons?

**Good Practice:** "The Welfare of Senior Citizens Act", "the Long-term Care Insurance Act" and "the Dementia Management Act" requires the State to conduct surveys on the status of older persons respectively, every 3-5 years. It provides multi-dimensional understanding of the status of older persons as it includes physical, mental, and cognitive health of older person. The survey also includes status of care provider, and the family member of older persons which provides the policy maker a deeper understanding of the situation. Community health survey conducted by the Korean Disease Control and Prevention Agency is designed for all age groups. However, the survey gathers data from a large sample of older persons aged 60-64, 65-69 and 70 or over which is an effective tool for understanding inequality based on gender, age and other factors.

**Key challenge:** Lack of manpower on gerontology and geriatrics, guidelines, etc. for delivering health services tailored to the older persons.