

International Review Committee on the Rights of Persons with Disabilities

List of issues in relation to the second report of the Republic of China (Taiwan)

A. Purpose and general obligations (arts. 1–4)

1. Please provide the Committee on information on the following.

(a) When will the State be prepared to move beyond a medical definition (ICF) of disability to accommodate social and human rights models of disability?

(b) What statutory guidelines are in place to implement, and enforce the principle of universal design in places of employment, education, health, and transportation, including adoption of measures to ensure reasonable accommodation?

(c) What measures are in place to ensure mainstreaming of disability across relevant institutions and in particular, across different ministries?

(d) How will the State prepare a National Action Plan to implement the Convention, and how will the State implement the various reforms the Convention requires, such as eliminating discrimination, promoting research, use of ITC technologies, and training of professionals?

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

2. Please provide information on plans, through creation or amendments of regulations, procedures, and legislation, including the Constitution:

(a) To add explicit provisions to prohibit discrimination and obligate the State to enact positive measures for the promotion of equality across the State;

(b) To obligate the Executive Yuan to develop comprehensive legislation to protect against discrimination, unjust or prejudicial treatment on the grounds of age, disability, race, religion, sex, sexual status or orientation, pregnancy, marital, relationship or parental status;

(c) To ensure that the denial of reasonable accommodation is recognised as discrimination and is incorporated into relevant laws and regulations and that these obligations and remedies are defined and stipulated in those laws and remedies, including the People with Disabilities Rights Protection Act, Employment Service Act, and Special Education Act.

Women with disabilities (art. 6)

3. Please inform the Committee about:

(a) Plans to amend the *Gender Policy Guidelines* to include comprehensive and concrete measures and action plans to address the disadvantages faced by women with disabilities in their private and public lives including improved accessibility in hospitals for women with disabilities including during pregnancy and delivery;

(b) Plans to provide support to women with disabilities with their household and parental responsibilities and in their workplaces;

(c) Plans to improve support to women with disabilities who are victims of violence, especially through improved accessibility of hotlines, shelters and resettlement measures.

Children with disabilities (art. 7)

4. Please inform the Committee:

(a) About what measures are being taken to ensure that children's rights to express their opinions are protected;

(b) About measures being taken to raise the awareness of parents and children regarding LGBTI issues;

(c) About what measures are being taken to evaluate the prevalence of sexual abuse of children with disabilities in segregated schools and what plans are being developed to prevent such abuse.

Awareness-raising (art. 8)

5. Please provide information to the Committee on the measures taken:

(a) To renew and reform processes against discriminatory and restrictive actions and limited portrayal of persons with disabilities in mainstream media;

(b) To encourage the National Communications Commission to extend its responsibilities to deal with emerging social media and online platforms in order to protect citizens with disabilities by initiating actions and implementing sanctions against offensive and ignorant discriminatory commentary and publicize these actions;

(c) To promote awareness among the media on the general philosophy and principles of the Convention, such as issues of non-discrimination, inclusive schools and workplaces or independent living of persons with disabilities in the community;

(d) To provide the legal profession, including judges, police, and correctional officers and the teachers with the regular training of disability awareness workshops and disability equality trainings, in which persons with disabilities are involved in the design of the curriculum, and delivery.

Accessibility (art. 9)

6. Please inform the Committee:

(a) On how the State has taken into consideration the General Comment No. 2 on Accessibility by the Committee on the Rights of Persons with Disabilities in order to establish comprehensive accessibility legislation covering built environments, public transportation, and communication including television, Wi-Fi and smartphones in both urban and rural areas, with an action plan with timetable;

(b) The consideration the State has given to adopting measures that would require official publications and information in all accessible communication formats (print, visual, oral or electronic) .

Right to life (art. 10)

7. Please update the Committee:

(a) About steps to abolish the death penalty and measures to ensure that no persons with intellectual or psychosocial disabilities is sentenced to death or executed;

(b) About measures to ensure that the patient self-determination act, enacted in 2016 and effective from 2019, is in compliance with the Convention.

Situations of risk and humanitarian emergencies (art.11)

8. Please update the Committee about:

(a) How the safety of persons with disabilities is ensured in practice within the disaster prevention and protection (DPP) plans, based on the *Disaster Prevention and Protection Act*, with the participation of persons with disabilities and their representative organizations;

(b) Measures to establish a targeted humanitarian emergency framework to ensure the protection of the rights of persons with disabilities and specifically in the

context of the public health emergency resulting from COVID-19 pandemic, including measures to ensure continuous access to support and mainstream community services, including in-home care and personal assistance; to provide equal access to health care, including life-saving measures; and to ensure that disability pensions and social benefits are guaranteed at all times, particularly under the new *Special Act for Prevention, Relief and Revitalization Measures for Severe Pneumonia with Novel Pathogens*;

(c) Measures taken to provide accessible warning systems and provide official information about emergency measures, including typhoons, earthquakes and Wan An air defense drill, in all formats.

Equal recognition before the law (art.12)

9. Please explain to the Committee:

(a) How the draft amendments to the *Mental Health Act* reported on in the media in January 2022 will enhance respect for the will and choices of persons with disabilities as protected in Article 12 of the CRPD and General Comment No.1;

(b) What steps are being taken to educate judges on the need to replace the concept of “best interests” with “best interpretation of will and preferences”;

(c) What steps are being taken to promote supported decision making in place of substitute decision making;

(d) Steps being taken to ensure that financial and other institutions do not deny the right of persons with disabilities to act on their own behalf without a support person or guardian;

(e) The recent amendment of article 87 of the *Penal Code* regarding the extension of the period of guardianship.

Access to Justice (art. 13)

10. Please provide the Committee:

(a) With the procedures (for example *Rules of Court*) governing the provision of procedural accommodations in the criminal and civil justice proceedings;

(b) Information on whether the State has carried out an audit of disability accessibility of all courtrooms in the State, from the perspective of staff (including judges), parties, witnesses and observers;

(c) Information on how many qualified sign language interpreters, including those with Class B license, are available;

(d) An explanation of how criminal and civil judges have been trained in the provision of procedural accommodations to persons with disabilities who are parties or witnesses in criminal and civil proceedings and advise of the curriculum of such training; which persons with disabilities and organizations of persons with disabilities are involved in developing the curriculum and delivering the training; by when all judges will have completed such training; and how disability accessibility is included in the induction training for new judges.

Liberty and security of the person (art. 14)

11. Please inform the Committee:

(a) Of any commitment by the State to the “least restrictive environment” modality of care and support and whether implementation plans have begun, to ensure that persons with disabilities are supported to live in a community of their choice in the least restrictive environment;

(b) Of the rationale for the amendment [27 January 2022] to the *Mental Health Act’s* provision for a national "mental health care command center” and explain its functions and how it could restrain or protect and advance the rights of persons with disabilities;

(c) How:

i) The State intends for a judicial court to review the lawfulness of detention for persons with mental health issues (a medical, not judicial matter).

ii) Each person subject to unlawful restriction on their communication with the outside world and / or deprived of their liberty in a mental facility can access an independent informed specialized legal representative free of charge, to challenge the lawfulness of their detention, and the conditions of their detention.

Freedom from torture or cruel, inhuman or degrading treatment or punishment (art.15)

12. Please inform the Committee on:

(a) Data available to monitor the use of, and reduction of practices involving seclusion and restraint;

(b) How the State is preventing the use of degrading and inhuman practices, such as seclusion and restraint (both physical and pharmaceutical) and instead ensuring that staff utilise less restrictive options (i.e. behavioural management techniques) for

individuals with disabilities in particular living arrangements and/or with acute mental health issues;

(c) Any plans by the Ministry of Health and Welfare and other Ministries and human services agencies to introduce policies that monitor, promote best practice and prevent, reduce and where safe and possible, eliminate the use of seclusion and restraint in all settings.

Freedom from exploitation, violence and abuse (art.16)

13. Please provide the Committee with:

(a) The current statistics of reported abuse, neglect, sexual assault, gender-based violence and domestic violence of victims who are persons with disabilities, the timing and range of follow up actions, including punishment for the perpetrator, duly compensating the victims, and measures to protect their human rights by providing, for example, shelters;

(b) Data relating to how often local authorities conduct unannounced inspections of residential institutions and whether they are able to ensure relevant regulations / standards are followed;

(c) Information on whether the State has ever undertaken a systematic review of the extent to which persons with disabilities are subject to physical, emotional, financial or gender abuses, violence, bullying and discrimination or exploitations in workplaces, institutions or special schools;

(d) Specific measures in place to enhance the human dignity of persons with disabilities, such as the extent to which the State administers “voluntary”, as opposed to “involuntary” admission procedures for persons with psychosocial disabilities.

Personal Integrity (art. 17)

14. Please provide the Committee:

(a) With an update about the amendments to the *Genetic Health Act (Eugenic Health Act)* and *Mental Health Act* regarding coerced medical procedures, including sterilizations and abortions (see, para. 49 of the initial Concluding Observations from 2017);

(b) With information on the safeguards available to ensure that persons with disabilities, particularly those with intellectual and/or psychosocial disabilities, are not subjected to forced involuntary medical treatment, including forced sterilizations, on the

basis of their impairment and upon the advice or the request of third parties, including their guardians and medical professionals.

Liberty of movement and nationality (art.18)

15. Please provide the Committee:

(a) An update on plans to amend the *Immigration Act* to ensure the freedom of persons with disabilities to enter and leave the State;

(b) Information on current considerations of changes to the *Nationality's Act* in order to eliminate discrimination against person with disabilities becoming citizens or receiving supports and services on an equal basis with others.

Living independently and being included in the community (art. 19)

16. Please provide the Committee with:

(a) Information on the measures which the State will take to ensure coordination of assistance to persons with disabilities for personal care, household management and employment, and in emergencies, and to provide direct payment to individuals with disabilities so that they can manage their own support;

(b) Plans to review the current assessment tools used to determine eligibility for services and to streamline the process for accessing various services and supports;

(c) Plans to ensure that social workers and other professionals receive training on how to support persons with psychosocial disabilities in ways that protect their rights and not based on a medical model;

(d) Plans to ensure that budgets for supports in the community are not less than for hospital treatment and to ensure that funding for independent living is not dependent on Public Welfare Lottery Funds but rather become an official budget allocation;

(e) The total number of persons with disabilities currently in various institutional care, including mental hospitals, and what efforts the State has made to reduce the number of people in care rather than establishing new long-term care residential institutions.

(f) Information on the plans to revise the “Regulations on Subsidization for Medical Treatment and Auxiliary Appliances for the Disabled” regarding the assistive devices, such as hearing aids and wheelchairs, including those for children with disabilities, to move away from the medical model and be compliant with the CRPD.

Personal Mobility (art. 20)

17. Please explain to the Committee:

(a) How a person with a mobility disability can be ensured of free or affordable regular servicing/maintenance of their assistive devices;

(b) How providers of goods and services (e.g. shops, cafes, restaurants, libraries, and healthcare providers) are compelled in law to allow a guide dog to accompany a person with disabilities on their premises;

(c) How many of the funded assistive technology projects, are run by persons with disabilities and employ persons with disabilities;

(d) Why an individual person with disabilities must choose a device on a State approved list, rather than choosing assistive devices that meet his/her needs, as well as why the State limits the number of assistive devices to four per person, when a person may need five or more devices to live independently and be included in the community on an equal basis with others;

(e) Measures taken to review restrictions on driving licenses for persons with disabilities, other than those with epilepsy.

Freedom of expression and opinion, and access to information (art. 21)

18. Please explain to the Committee:

(a) The provision of visual aids and sign language interpretation for public hotlines (such as the Pregnant Women's Support Hotline, National Family and Education Hotline, and Suicide Prevention Hotline) and in the financial services sector to enable persons with disabilities to, for example, apply for a mortgage or buy insurance;

(b) the system whereby the State audits (or 'spot checks') public websites (including 'fourth level agencies such as high schools and district health centres) for accessibility and tests apps on users with disabilities before launching the apps to the public;

(c) how the State engages with the private sector to encourage and require them to ensure their websites meet accessibility standards as provided for in Article 4(1)(e) of the CRPD;

(d) How the State has communicated public health guidance and measures to persons with disabilities, including those who live in congregate care settings in relation to the Covid-19 pandemic, and how pandemic-related apps meet accessibility standards, including the National Health Insurance app, and public transport apps.

Respect for privacy (art. 22)

19. Please explain to the Committee:

(a) The legal basis for restrictions on the use of smartphones and other means of communicating with the outside world, by patients in mental health hospitals/wards;

(b) Whether the State considers that there are circumstances in which the media should be restricted from commenting on a person's disability or mental health status without that person's consent, based on the Mental Health Act.

Respect for home and the family (art.23)

20. Please provide information to the Committee:

(a) On steps being taken to gather data on reproductive health services and education of persons with disabilities and plans to address any discrimination;

(b) Why a disproportionate number of children with disabilities are placed outside the home or adopted and plans to increase supports to families.

Education (art. 24)

21. Please provide information to the Committee:

(a) On plans to eliminate special classes and schools in order to conform with the normative content of inclusive education as described in General Comment No.4 by the Committee on the Rights of Persons with Disabilities.

(b) The causes of slow progress of inclusive education in terms of percentage of students with disabilities at the senior high school level or below attending regular school/regular class;

(c) How the concept of Universal Design for Learning is being applied through the education system and not only for learners with disabilities;

(d) How the concept of reasonable accommodation is being promoted throughout the school system in order to reduce the exclusion of learners with disabilities from regular schools at all levels.

(e) What measures are being implemented to eliminate the need for families to pay for support services in order for their children to be allowed to attend school.

Health (art. 25)

22. Please inform the Committee:

(a) Of the proportion of medical facilities in the State that have been audited for disability access and whether there is a process to obligate Ministry of Health and Welfare to prioritise the implementation of barrier-free medical environments with universally accessible medical services and equipment e.g. accessible bathrooms and beds, examination tables, birthing beds, transfer aids, X-ray and scanning equipment and weight measuring equipment, as well as ensuring reasonable accommodation to processes and procedures and whether the such data on these needs, and measures taken to address them, are published and made available to persons with disabilities;

(b) To what extent the Health Promotion Administration of MOHW has developed an implementation report on the 33 health policy objectives for persons with disabilities in the State that are listed in their "2020 Citizen Health White Paper" and whether there is a strategy to adapt and develop a strategic plan and policies to promote the health and wellbeing of persons with disabilities over the next five and ten years;

(c) If the State intends to survey the prison population to determine the proportion of persons with disabilities among inmates, so as to comprehend their educational, support, psychological, medical and other needs, and provide appropriate supports, interventions, medical and rehabilitation resources.

Habilitation and rehabilitation (art. 26)

23. Please inform the Committee:

(a) The extent to which habilitation and rehabilitation services are directed to equipping individuals with knowledge, skills and equipment needed for eventual independent living;

(b) whether the services are predominantly medical and if not, what other services are available;

(c) to what extent services are promoting full inclusion and individual control of services.

Work and employment (art. 27)

24. Please explain to the Committee:

(a) The low growth rate of employment of persons with disabilities in 2019

compared with 2016 ;

(b) Whether there is a legal provision stating that the failure to provide reasonable accommodation in the workplace (whether in public, private or voluntary sectors) constitutes unlawful disability-based discrimination;

(c) Why people working in sheltered workshops do not receive the minimum wage and what would be the implications (on persons with disabilities, on society, on the economy) of mandating minimum wage in sheltered workshops;

(d) Why a large number of persons with disabilities report being mistreated in the workplace due to their disabilities, but local labour administration authorities found only 2 cases under the Employment Service Act of discrimination violations and what explains the difference between what persons with disabilities reported, and what the local labour administration authorities determined.

Adequate standard of living and social protection. (art. 28)

25. Please inform the Committee:

(a) Whether the State provides a disability pension and how the State guarantees a decent standard of living to persons with disabilities;

(b) About average income of persons with disabilities as compared to average wage earners in the State;

(c) Whether the State has ever undertaken a study of poverty rates of persons with disabilities compared to the general population.

Participation in political and public life (art. 29)

26. Please explain to the Committee:

(a) The State's plans to ensure that persons under guardianship will be able to exercise their right to vote and stand for election;

(b) How each of these new voters will be informed about political participation and the ways in which they can exercise their right to vote;

(c) How the Central Election Commission is mandated to make reasonable accommodation for candidates with disabilities, including providing barrier-free stages or venues for political events and ensuring that all polling stations are accessible in the future;

(d) Why there is no provision for a voter with disabilities to cast an absentee, postal or other alternative ballots.

Participation in cultural life, recreation, leisure and sport (art. 30)

27. Please explain to the Committee:

(a) How museums are accessible for hearing impaired persons and those with mobility difficulties;

(b) Any regulation and monitoring of barrier-free seats in movie theatres;

(c) The progress in developing guidelines for the design of inclusive playgrounds;

(d) Whether the State intends to amend the National Sports Act to ensure that design of facilities, equipment and programmes take into account the diversity of persons with disabilities.

C. Specific obligations (arts. 31–33)

Statistics and data collection (art. 31)

28. Please provide the Committee:

(a) With additional information on the proposed “human rights indicator framework” (para. 275 of the Second Report), and in particular, how it relates to the Human Rights Indicators and Human Rights Indicators on the CRPD, both developed by The Office of the United Nations High Commissioner for Human Rights (OHCHR);

(b) With the plans to collect more information on the implementation of the CRPD, including disaggregated data on sexual orientation and gender identity (SOGI), and immigration status.

International cooperation (art. 32)

29. Please explain to the Committee:

(a) How the results of international meetings and publications, such as UNESCO’s Global Education Monitoring Report and the Global Disability Summits are promulgated and analyzed;

(b) How the implementation of the CRPD and Sustainable Development Goals (SDGs) are ensured in the execution of the official development programme and in particular the measures envisaged to implement the targets 3.8, 9C, 11.2. and 11.7;

(c) How the State’s implementation of the Incheon Strategy to “Make the Right Real” for Persons with Disabilities in Asia and the Pacific may strengthen the strategy of disability inclusive development.

National implementation and monitoring (art. 33)

30. Please update the Committee:

(a) About the role and functions of the newly established National Human Rights Commission (NHRC), independent monitoring mechanism, in the monitoring of the implementation of the CRPD;

(b) The demarcation of responsibilities among different organs within the Executive Yuan, including the Promotion Team for the Rights and Interests of Persons with Disabilities of the Executive Yuan (PTRIPDEY), that has been designated as the coordinating mechanism, the Committee for the Promotion of the Rights of People with Disabilities (CPRPD), and the Ministry of Health and Welfare (MOHW) as well as the Human Rights Division of the Executive Yuan;

(c) How the State will ensure holistic implementation of the CRPD by ensuring not only the Ministry of Health and Welfare but all ministries and agencies include persons with disabilities in the policy decision-making in their jurisdiction.