



2021 Parallel Report on CRPD

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Participating NGOs

(in alphabetical order)

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LIMA 台灣原住民青年團	Association for Taiwan Indigenous Peoples' Policies
社團法人中華民國聽障人協會	Chinese National Association of the Deaf
人權公約施行監督聯盟	Covenants Watch
台灣身心障礙兒童權利促進會	Disabled Children's Rights and Advocacy Association in Taiwan (DCRAAT)
手天使	HandAngel
新竹市原住民身心障礙者協會	Hsinchu City Association of Indigenous People with Disabilities
人本教育基金會	Humanistic Education Foundation
台灣身心障礙者自立生活聯盟	Independent Living Taiwan
國際愛地芽協會台灣分會	International Association for Integration Dignity and Economics Advancement Taiwan (IDEA)
財團法人民間司法改革基金會	Judicial Reform Foundation
台北市新活力自立生活協會	New Vitality Independent Living Association, Taipei
嘉義市新世界自立生活協會	New World Independent Living Association, Chiayi.
高雄市向陽自立生活協會	Sunny Independent Living Association, Kaohsiung
台北市行無礙資源推廣協會	Taiwan Access For All Association
台灣廢除死刑推動聯盟	Taiwan Alliance to End the Death Penalty
精神醫療與心理健康服務使用者聯盟	Taiwan Alliance of Mental Health and Psycho Therapy users
台灣障礙者權益促進會	Taiwan Association for Disability Rights
台灣人權促進會	Taiwan Association for Human Rights
臺灣社區居住與獨立生活聯盟	Taiwan Community Living Consortium
台灣獄政工會	Taiwan Corrections Organization
台灣障礙女性平權連線	Taiwan Disabled Women's Alliance for Equal Rights
社團法人台灣酷兒權益推動聯盟	Taiwan Gender Queer Rights Advocacy Alliance
台灣國際醫學聯盟	Taiwan International Medical Alliance (TIMA)
臺灣失序者聯盟	Taiwan Mad Alliance
台灣聾人聯盟	Taiwanese Deaf Alliance
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Executive Summary

As the second State Report on the Implementation of the Convention on the Rights of Persons with Disabilities will be subjected to the international review, this report aspires to present the plight of persons with disabilities and the pleas of civil society organizations, reflect upon the current circumstances and crux of disability rights in Taiwan, and concretely identify inadequacies in policies and legal norms of the government by contrasting against the State Report which was published by the State on December 1, 2020. Moreover, on the basis of the Concluding Observations and Recommendations of the initial review of the CRPD in 2017, this report will also provide a diagnosis on the unadorned aspects of the government in respecting, protecting and realizing the rights of persons with disabilities, between the two international reviews.

Problem awareness

This report presents practical issues in an article-by-article manner in accordance with the provisions of the Convention and proposes corresponding policy recommendations; among all paragraphs of this report, the following three problematics were consistently addressed:

1. **Charity/biomedical model remained the predominant framework adopted by the government on conceptualizing disabilities:** the government has yet to propose equality-oriented policies based on the rights-based model of disability, augment the existing restrictive definition of disability, or administer mechanisms to support the self-choice, decision-making and responsibility of persons with disabilities. Furthermore, the principle of participation of persons with disabilities has yet to be implemented, and the substantive equality for persons with disabilities has not been vigorously promoted.
2. **The government has yet to positively eliminate barriers induced by environmental factors:** barriers have persisted at all levels of physical space, information, laws, policies, and socio-economic conditions, which have obstructed persons with disabilities to enjoy access to justice, personal liberty, independent living, expression of opinions, accessing education, work, as well as social and cultural participation on an equal basis.
3. **Persisted discrimination against persons with disabilities:** discriminatory provisions persisted in the laws and regulations of the State, which hindered persons with disabilities from equal protection and benefits of the law. Meanwhile, with the absence of an explicit legal definition of discrimination, the failure to incorporate reasonable accommodation provisions into laws and regulations, and the inadequacy of awareness-raising efforts, persons with disabilities have been made to endure discrimination and unequal treatment.

Co-authoring groups

Covenants Watch served as the coordinating and editing platform of this report, which was jointly submitted by 27 local civil society organizations of Taiwan. More than half of the co-authoring member groups are disabled persons' organizations (DPOs), with others being veteran human rights organizations engaged in comprehensive human

rights issues, judicial reform, promotion of the abolition of the death penalty, prison reform, legal aid, and economic and social rights promotion. , Of the 27 organizations, 13 groups co-authored the 2017 report, with the other 14 consisting of late-partnered DPOs and human rights organizations. The consistent participation and engagement of persons with disabilities gradually helped to increase the momentum of self-advocacy for persons with disabilities and had enabled general human rights organizations to acquire a more authentic understanding of disability issues and disability rights advocacy through collaboration. For detailed information on participating organizations, please refer to the "Introduction of Participating NGOs" section of this report.

Working methods

The objective of Covenants Watch is to promote the ratification of the core human rights instruments of the UN and monitor their implementation. Based on past experience organizing civil society organizations to jointly submit parallel reports, as well as the mandate of advocating and monitoring the implementation of the 2017 Concluding Observations and Recommendations, Covenants Watch initiated consultation on the willingness of co-authoring a new parallel report in October 2020; and convened work meetings anticipating the publication of the State Report in December to establish the report's stylistic rules, layout, and to divide editing work accordingly. The agreed upon purpose of the report was, "based on the consensus of the participating organizations, presenting the actual situation regarding disability issues and policy recommendations, to enable the international review committee to substantially appreciate the human rights predicaments of persons with disabilities in Taiwan" by participating groups.

The formulation method and division of labor for this report are as follows: issues were clustered into working groups by subject matter and relevance in accordance with the provisions of the Convention and Concluding Observations and Recommendations. Leaders of each working group, or, the editor-in-charge, convenes meetings and discussions for formulating consensus, conducts preliminary editing on the drafts submitted by individual organizations, and refers the draft to executive editors to consolidate the drafts. Further, leaders confirm the cross-references between articles and revise the content to ensure coherence. In addition to the long-standing requirement of consensus among participating groups, this report also adopted the interview method utilized in the formulation of the 2020 ICCPR and ICESCR Parallel Report to ensure persons with disabilities are appropriately supported to autonomously express their positions. It is worth mentioning that more than half of the posts of the eight working group leaders are voluntarily taken by DPOs. The immense amount of effort on communication, discussion and mutual support of the group leaders, as well as the hard work of all participating groups, all contributed to the completion of this report. Through this report, we endeavor to indicate an insufficiency toward the realization of disability rights in Taiwan and propose policy recommendations that faithfully reflect the needs of persons with disabilities.

Acknowledgement

We would like to convey our most sincere gratitude, in addition to all participating groups, named and unnamed, for their valuable contributions; and Hsiao-An, a

member of the Fountain House of Eden Social Welfare Foundation for providing cover design materials; special acknowledgements shall also be given to executive editors and translators for their teamwork, and friends and volunteers at home and abroad for their assistance in the completion of the Chinese-English translation, and special thanks to Berkley Bragg for his contribution in proofreading. The publication of this report would not have been possible without the support from many of Covenants Watch's individual donors, funding from the Human Rights Educational and Promotional Activities Project of the National Human Rights Museum, and funding from the Taiwan Foundation for Democracy. We hereby express our deepest gratitude.

Secretariat of the Covenants Watch

April, 2021

Cover Story



<Life Online> Hsiao-An

After I left my last job, I chose to recover from the trauma caused by being bullied by my former colleagues, under the shelter of Fountain House of Eden Social Welfare Foundation. Previously, the vocational rehabilitation staff who helped me find the job told me that I lost my job because I wasn't "good enough".

In retrospect, I believe that no matter what the reason that I lost the job, be it workplace bullying or discrimination, the vocational rehabilitation staff would always believe the reason to be "I'm not good enough". **Why? Because I'm mentally ill. I'm mentally ill, I'm not good enough,** thus I can only find a job through vocational rehabilitation. **I'm mentally ill,** so despite the fact that I graduated from college, most jobs I can land are cleaning duties, which is not my field of specialization; alas, as long as there is a job to do then it's fine, as long as I don't have to worry that I'm good for nothing, as long as I don't have to survive on my own savings or government subsidies.

What is the value of being born as a person? Long ago it did not matter. As long as I can survive, the "value" doesn't matter to me anymore. **Since the diagnosis of mental illness, I have gone from thinking that I am a little special, to thinking that I'm not worthy of being treated as a person...**

I am now standing at the crossroads of life. Should I go to workshops? Commit suicide? Or stay at the Fountain House? I don't know what to do next, so I carry a sign on my back saying, "I want a job."

An account in Hsiao-An's own words

Yellow is the connection between me and others, and is the symbol of my will to make people feel joy; pink is the color I want people to see; blue is the melancholy me, and the true me on the inside; purple represents the mysterious me; brown is the color of the earth, and the color I have yet to root in my self-identity.

Editor's note

The ultimate goal of CRPD is, by adopting the rights-based model of disabilities, to eliminate socially-constructed barriers, and recognize disabilities as an intrinsic part of human diversity. Further restore subjectivity for persons with disabilities through self-advocacy, realize the essence of self-reliance, pursue the mainstreaming of disabilities, and enable persons with disabilities to enjoy civil, political, economic, social, and cultural rights on an equal basis, through the pursuance of inclusive policies on education, employment, and community services.

Through the self-presentation of Hsiao-An, we took a glimpse into the difficulties and struggles that the societal environment brings to the survival, life and self-realization of persons with psychosocial disabilities. We earnestly urge the Taiwanese government to actively implement the CRPD, which has been ratified by the State, so that everyone can enjoy dignity and rights without barriers.

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Overview

- 1 The State persists on applying the biomedical/welfare model upon persons with disabilities, and the mentality of “friendliness, love, therapy and correction” are generally present in the handling of disability issues. The State has yet to implement the substantive connotation of the Convention on the Rights of Persons with Disabilities (hereinafter “CRPD”) of enabling persons with disabilities to enjoy rights on an equal basis; the State has also not actively eliminated environmental or institutional barriers, proposed affirmative policies, or recognized the necessity of including persons with disabilities in the deliberation and decision-making processes of policies.
- 2 The official definition of persons with disabilities was those who possess a certificate of disability or a disability card, which also serves as the basis for most statistics in the State Report. Per the State's definition, as of 2020, 5.08% of the total population are persons with disabilities. Men with disabilities accounted for 5.70% of the male population, and women with disabilities accounted for 4.48% of the female population, which is significantly lower than the international mean of 15% of the total population. ¹
- 3 The central and local governments have had insufficient background knowledge and training on CRPD. The amended version of CRPD's Chinese translation, the legal process of which has not been completed, still contains some errors. Furthermore, due to the lack of a comprehensive understanding of the Convention, the State has yet to be able to conduct an effective and thorough examination on the inconsistencies between domestic laws and regulations and the Convention; *People with Disabilities Rights Protection Act*, the most relevant law to the rights of persons with disabilities, is among those laws that have not been thoroughly examined. ² Finally, administrative agencies and courts may unwittingly deviate from the Convention in policy formulation, implementation, and judgements due to incomplete understandings of the Convention.
- 4 Discriminations against persons with disabilities are pervasive in domestic laws, regulations, policies, and society; the principle of equality before and under the law has not been realized. Aside from discriminatory provisions in functioning laws and regulations, positive measures in policies are also incomprehensive to reverse the discrimination and neglect that persons with disabilities have long endured.
- 5 The State has yet to recognize the importance of “reasonable accommodations” for the promotion of rights of persons with disabilities; since the duty bearer and the scope of obligation to make reasonable accommodations has yet to be defined, employers and service providers have not been required to make accommodations,

1 WHO, Disability and health Key facts, December 1st, 2020: <https://reurl.cc/Q7Ad3o>.

2 The abbreviation of the People with Disabilities Rights Protection Act (literal translation from Chinese being the “Protective Act for the Rights of Persons with Physical or Mental Disabilities”) utilized by the State Report, government and civil society is “Physical Rights Act”. In order to avoid neglecting persons with psychosocial disabilities and persons with mental/intellectual disabilities, this report utilizes “Disability Rights Act” as an abbreviation of the Act in the Chinese version, <https://reurl.cc/ynNlnD>.

and they are unaware of notion that “denial of reasonable accommodation constitutes a form of discrimination”.

- 6 The State has yet to undertake obligations of disability awareness-raising, persons with disabilities are still unable to enjoy respect and rights on an equal basis with others, in accessing medical services, education, employment, homecare, as well as social and cultural dimensions of life. The narrative and representation of media also manifests the misunderstanding and prejudice caused by the lack of disability awareness.
- 7 The State limited its conceptualization of accessibility to the aspect of physical environment, and the scope of regulation was limited to certain types of buildings. In addition, although the State is gradually promoting information accessibility, the slow process has failed to respond to the urgent needs of persons with disabilities. It is even rarer for the government to establish/revise laws and regulation to make facilities and services accessible.
- 8 Resources allocated by the State are insufficient to provide adequate support for persons with disabilities. For instance, the budget allocated for persons with disabilities only constituted 1.1% of the General Budget of the Central Government in 2021³. Another example could be the volume of government personnel providing services relevant to disabilities: the total number of central and local government employees whose job was categorized as related to disabilities was 7,908,⁴ and they were tasked to provide services to 1,186,740 persons with disabilities.
- 9 The State has yet to design the delivery of services around the needs of persons with disabilities who are subjects of rights, instead, the services are provided based on the different purposes and jurisdictions of various governmental agencies, causing the fragmentation of support services which do not cater for the diverse needs of persons with disabilities. Despite that the Committee for the Promotion of the Rights of Persons with Disabilities was established within the Executive Yuan, the committee is incapable of addressing inter-ministerial issues, rendering it unlikely to be competent enough to formulate and implement comprehensive policies for the promotion of disability rights.
- 10 In terms of evaluation and monitoring of disability rights, many policies lack concrete working plans of implementation and supervision. Likewise, the National Human Rights Commission has yet to propose specific plans and actions for

3 According to the data of Directorate-General of Budget, Accounting and Statistics, Executive Yuan, the Central Government General Budget of the year 2021 is 2,161.5 billion NTD (please refer to III: Formulation Process and Principal Contents of the Central Government General Budget.), while the budget allocated to persons with disabilities is 23.81 billion NTD (please refer to IV: Overview and Analysis of the Central Government General Budget). Directorate-General of Budget, Accounting and Statistics, Executive Yuan, Central Government General Budget of the Year 2021, August 31st, 2020: <https://reurl.cc/3NEjpM>.

4 Department of Social Assistance and Social Work, Ministry of Health and Welfare, personnel amount for social welfare, August 12th, 2020: <https://reurl.cc/o92elQ>.

monitoring the implementation of the Convention.

Arts. 1-4: General Principles

COR Points 8-9

The State persists upon the adoption and implementation of the welfare model, and is yet to regard persons with disabilities⁵ as subjects of rights

- 11 Various government departments retained the State's conception of disability within the biomedical and welfare model, rather than the human rights model of disability. For instance, para. 3 of the 2020 State Report referred to the rights enjoyed by "persons who have obtained a certificate of disability" as "welfare services"; in many counties and cities, competent authorities were named as "welfare" sections for persons with disabilities.⁶ Terms such as protection, placement, and "handicapped" can still be seen in laws and regulations.⁷
- 12 The current disability card features a space for contact person information and some hotels and facilities require persons with disabilities to be accompanied. For instance, Article 7 of the *New Taipei City Sky Lantern Release Management Measures* stipulates: "Those who are under the age of 14 or disabled shall be assisted and accompanied by legal guardians, accompanying adults or other adult family members when releasing the sky lanterns."⁸ Such measures make persons with disabilities feel that they are not regarded as subjects of rights.
- 13 Mentioned in para. 6 of the 2020 State Report, the "Disability Rights Impact Assessment Checklist" can only be found in a report of a research project, on the CRPD section of the Ministry of Health and Welfare's website.⁹ The general public cannot easily access and learn whether and how the checklist was utilized by ministries or local governments. The degree of information openness and transparency is utterly insufficient.
- 14 Recommendations:
 - (1) Immediately rectify the terminologies used by official documents and official

5 Despite the fact that laws, regulations, and society of Taiwan conventionally refers to persons with disabilities with "Persons with physical or mental disabilities", to comply with the notion of openness to the definition of disabilities of the CRPD, this report will employ the term "persons with disabilities".

6 Department of Social Welfare, New Taipei City, Special area for the welfare of persons with disability, <https://reurl.cc/9Zm3NY>.

7 List of laws and regulations containing the term "handicapped" in the Law and Regulations Database of The Republic of China, <https://reurl.cc/7yzdQ5> (Eng.).

8 New Taipei City Sky Lantern Release Management Measures, www.rootlaw.com.tw, Root International Information Co., LTD, <https://reurl.cc/v5RvOy>.

9 Ministry of Health and Welfare, Closure Report on the "Establishing CRPD Human Rights Index, Standards and Assessment Plans for the Impact of Policies and Regulations, 2017", p.128, <https://reurl.cc/6yndmZ>.

entities to reflect the concept of human rights model of disability.

- (2) Rescind the space of contact person on the disability card and amend relevant regulations that require persons with disabilities to be accompanied while accessing a service.
- (3) Publicize the use of the "Disability Rights Impact Assessment Checklist" and actively supervise its usage by all departments.

COR Points 10-11

The assessment of disability neglects environmental factors, and is not in line with human rights

- 15 According to the data collected by the Ministry of Health and Welfare, as of the end of 2020, about 1.198 million citizens, or 5.08% of population, were issued a disability certificate.¹⁰ The aforementioned ratio is significantly lower than the international mean. According to data published by the World Health Organization in 2020, it is estimated that about 15% of the worldwide population were classified as persons with disabilities,¹¹ indicating that the standard of impairment adopted by the Ministry of Health and Welfare is excessively restrictive.
- 16 An investigation report published by the Control Yuan in March 2020 pointed out that the assessment for the classification and severity of disability implemented by the Ministry of Health and Welfare was contradictory to the social model of disability¹². Currently, the assessment was determined by evaluations on "body functions and structures" made by medical professionals, without the components of "activities and participation" and "environmental factors" of the International Classification of Functioning, Disability and Health (ICF) tools. Moreover, given that the provision of subsidies and services is dependent on the result of the classification, should the result of the classification fail to reflect the actual conditions, persons with disabilities who were not issued the said certificate or reach a threshold of severity¹³ will not be able to access appropriate support and

10 Ministry of Health and Welfare, statistics on persons with disabilities, <https://reurl.cc/L0KIO4>.

11 World Health Organization, Disability and Health Factsheet, <https://reurl.cc/e9Ky2Q>.

12 Corrective Measures on the Ministry of Health and Welfare, which failed to comprehensively implement the classification of persons with disabilities and their demands assessment reports, <https://reurl.cc/Gd2p6y>.

13 In principle, this Report will refer to persons with psychosocial disabilities as such, in compliance with the Committee on the Rights of Persons with Disabilities. The laws and regulations in effect, however, did not utilize a unified term. In order to highlight the current conditions on the implementation of the laws and regulations under the Taiwanese context, the terms contained in the laws and regulations will be used when discussing the following laws: (1) Article 19 of the Criminal Code of Republic of China stipulated that "an offense is not punishable if it is committed by a person who is mentally disorder or defects and, as a result, is unable or less able to judge his act or lack the ability to act according to his judgement"(sic), this Report will employ the term "persons with mental disabilities". (2) Article 3 of the Mental

assistance. An example of such support would be community services such as residential services and personal assistant service, particularly for persons with psychosocial disabilities.

- 17 Furthermore, rather than focusing on the needs of persons with disabilities, the assessment puts more weight on the needs identified by the professional team. Should the professional team determine that the person with disability does not require service, the application for assistance wouldn't be approved, disregarding the right of persons with disabilities to choose services.
- 18 In addition, the needs assessment did not take into account the needs of indigenous peoples with disabilities across all indigenous groups, thus rendering the procedure incapable of fully meeting the needs of different indigenous groups.
- 19 Regarding the subsidy mechanism, as mentioned in para. 4 of the State's response to 2017 COR, the State currently provides subsidies in accordance with the level of severity of disabilities. For example, persons with profound, severe, or moderate disabilities living in low-income households would be subsidized with 8,836 NTD per person per month; for persons with mild disabilities, the subsidy is 5,065 NTD per person per month. In comparison, the 2021 minimum living expenses published by the Ministry of Health and Welfare listed six municipalities at an average of 14,965 NTD, and 13,288 NTD in other regions. However, subsidies required by people with mild disabilities are not definitively lower; the subsidy policy hence cannot effectively serve the needs of persons with disabilities.
- 20 Recommendations:
 - (1) Immediately amend the law to broaden the definition of persons with disabilities in Article 5 of the *People with Disabilities Rights Protection Act*.
 - (2) When conducting census statistics in accordance with Article 11 of the *People with Disabilities Rights Protection Act*, the State shall incorporate research on the prevalence of disability in the country, and refer to the six-question method developed by the Washington Group on Disability Statistics of the United Nations Statistical Commission to conduct a preliminary large-scale investigation on the prevalence of disability.
 - (3) Rather than relying on the disability card as a necessary condition for obtaining services, the State should provide support and adequate living allowances based on the actual needs of persons with disabilities.
 - (4) Regarding national conditions of insufficient accessible environments and incomplete welfare policies, persons classified as having mild or moderate disability might nevertheless be forced to endure insurmountable life difficulties and rendered incapable of independent living. Hence the BS and DE codes of ICF shall be thoroughly implemented, if the State insists on using

Health Act stipulated that all subjects or "patients" described in the Act are persons diagnosed with mental illnesses, excluding antisocial personality disorder diagnoses, this Report will employ the term "persons with mental disabilities".

the ICF classification system.

- (5) In regard to indigenous peoples, the State should allocate sufficient budget to provide appropriate services based on the number of indigenous people with disabilities in Taiwan and the distribution of their household registration status, so as to accommodate special needs of Taiwan's indigenous people with disabilities, such as their lifestyle, language, and culture.
- (6) Rather than based solely on the severity of impairments, the living allowances for persons with disabilities shall be issued in accordance with assessments on schooling, employment, homecare, and accessing medical services, in order to subsidize the insufficiency of other welfare measures, and to eliminate the economic inequalities between people with and without disabilities.

COR Points 12-13

Insufficient awareness of the concept of universal design in regulations

- 21 In response to paras. 7 and 9 of the 2020 State Report, the amendment of the *People with Disabilities Rights Protection Act* only covered Articles 14 and 106, and did not integrate the principle of universal design.¹⁴ The *Measures for the Installation of Accessible Facilities for Public Transport* and the *Regulations on Architectural Techniques, Architectural Design and Construction Section* have not incorporated the principle of universal design, and have not been amended in the past four years.
- 22 In response to para. 11 of the 2020 State Report, the State had only "encouraged" medical institutions to improve their services, which was insufficient to substantially guarantee the right to health and the access to medical treatments of persons with disabilities. This defect was revealed during the COVID-19 pandemic, please refer to para. 101 of this report.
- 23 In response to para. 12 of the 2020 State Report, despite that the Ministry of Health and Welfare's *Reference Guide for Inclusive Meetings and Activities for People with Disabilities* had provided public and private establishments a set of standards to examine whether the physical environment and information meet the diverse needs of people with disabilities, it does not impose obligation or provide guidance for said entities to make reasonable accommodations for persons with disabilities according to their individual needs. For instance, the needs of persons with psychosocial disabilities are often not adequately met, subsequent to the failure of public departments and event organizers to recognize their special needs.
- 24 Recommendations:
 - (1) Formulate specific and progressive plans of implementation, to coercively and effectively realize the right to health and access to medical treatments for

14 Legislative Yuan, the legislative evolution of the People with Disabilities Rights Protection Act Law, <https://reurl.cc/XWDKn7>.

persons with disabilities.

- (2) Amend the *Reference Guide for Inclusive Meetings and Activities for People with Disabilities* expeditiously to include the principle of individual-based reasonable accommodation, in order to meet the needs and demands of all persons with disabilities.

COR Points 14-15

In response to paras. 1-2 of the State's response to 2017 COR

Laws and regulations incompliant with the CRPD

25 Currently, the most relevant law regarding the rights of persons with disabilities, the *People with Disabilities Rights Protection Act* (hereinafter "the Act"), does not adhere to the CRPD, and has yet to undergo an open consultation process for amendments after the 2017 review. Incompliances of the *Act* against the CRPD are briefly described as follows:

- (1) Disability classification and identification: Article 5 of the *Act* limits the definition of persons with disabilities as "persons who hold a disability card". However, as indicated by points 10 and 11 of the 2017 COR, the usage of International Classification of Functioning, Disability and Health (ICF) by the State does not meet the intent of the Convention. Please refer to paras. 15-20 of this report for detailed description.
- (2) The principle of participation of persons with disabilities: The *Act* does not stipulate the principle of participation of persons with disabilities. Please refer to paras. 28-33 of this report for detailed description.
- (3) Discrimination: currently, the definition of discrimination stipulated by the *Act* is disparate from the norms of the Convention, which resulted in difficulties in adjudication on individual cases. Please refer to paras. 38-45 of this report for detailed description.
- (4) Reasonable accommodation: The *Act* lacks explicit provisions on reasonable accommodation, except regarding taking examinations (Art. 16 of *the Act*). Although the 2017 COR listed reasonable accommodation as one of its prioritized items, the legislation for reasonable adjustment stagnated at the drafting stage. Please refer to paras. 46-49 of this report for detailed description.
- (5) Currently, the *Act* lacks definitions of "assistive devices" and "universal design". Please refer to paras. 219-223 of this report for detailed description.
- (6) Inclusive education: Chapter III of the *Act* which contains relevant regulations on education retained segregated education and/or integrated education as its focus, which does not conform to the intent of the Convention on inclusive

education. Please refer to para. 250 of this report for detailed description.

(7) Privacy: The *Act* currently lacks a chapter for regulations relevant to privacy.

26 Other laws and regulations which contravened with the CRPD persisted:

- (1) The guardianship system stipulated in Articles 14 and 15 of the *Civil Code* deprives persons with disabilities of their legal capacity, which constitutes discrimination against persons with disabilities, and violates Articles 5 and 12 of the CRPD. Please refer to para. 128 of this report for detailed description.
- (2) It is stipulated by Article 20 of the *Criminal Code of the Republic of China* that “punishment may be reduced for an conduct committed by a person who is deaf and dumb” [sic]; the text of “person who is deaf and dumb” itself constitutes discrimination against the deaf and persons with hearing disabilities, and the commutation provisions of this article implies the notion that the deaf and persons with hearing disabilities are incapable to bear legal responsibility, which violates Articles 5 and 12 of the CRPD. Please refer to para. 133 of this report for detailed description.
- (3) Article 37 of the *Mental Health Act* stipulates that “...for medical purposes or the prevention of emergency violent incidents, suicide or self-injury events, psychiatric institutions may restrain patients’ bodies or limit their freedom of activities...” which frequently results in compulsory hospitalization and emergency placements; further, the provision of custodial measures of the *Criminal Code* also stipulates that person with “mental disorders or defects” may be “committed to suitable establishments” for custody and treatment;¹⁵ which violates the provision prohibiting deprivation of liberty on the basis of impairment or disabilities contained in CRPD Article 14. Please refer to para. 147 of this report for detailed description.
- (4) The provision of imposing compulsory treatment in the case where the offender is evaluated with a “danger of recidivism” after the completion of imprisonment terms, contained in the *Criminal Code* and the *Sexual Assault Crime Prevention Act*, may also violate Article 14. Please refer to para. 159 of this report for detailed description.

27 Recommendations:

- (1) The State shall thoroughly review the *People with Disabilities Rights Protection Act* on the basis of CRPD and interpretations of the Committee on the CRPD, to scrutinize incompatibilities. The State shall also invite civil society organizations to participate in the discussion of the draft amendment, the participation and decision-making power of persons with disabilities and disabled persons' organizations (DPOs) shall also be attended to in the meantime.
- (2) The definition of persons with disabilities in Article 5 of the current *People with Disabilities Rights Protection Act* shall be revised. Please refer to para. 20 of this

15 Please refer to footnote 13.

report for detailed description.

- (3) In amending the general provisions of the *People with Disabilities Rights Protection Act*, the government should refer to Article 2 of the CRPD, the *American with Disabilities Act* of the United States, the *Equality Act* of the United Kingdom, and relevant directives of the European Union (EU), to append definitions of important terms, such as communication, language, discriminations on the basis of disability, reasonable accommodations, universal design, and public accommodations.
- (4) The principle of participation of persons with disabilities shall be explicitly defined in the chapter of general provisions of the *People with Disabilities Rights Protection Act*.
- (5) It is recommended to survey the prevalence of disabilities among citizens during the next census, and refer to the six questions developed by the Washington Group on Disability Statistics of the United Nations Statistical Commission for a large-scale study of the prevalence of disabilities.¹⁶
- (6) Rather than limited to assistive devices for physical or sensory assistance, the segment of assistive devices of the *Act* shall emphasize the hardware and software application of universal design, such as adding assistive devices that can promote interpersonal relationships.
- (7) The State shall refer to Article 24 of the CRPD, and explicitly specify the bearer of obligation to make reasonable accommodations in the education sector. In addition, the Ministry of Education shall inspect whether existing teaching methods, teaching aids, teaching materials, and teaching assistants meet the needs of students with disabilities. Please refer to paras. 254 and 258 of this report for detailed description.
- (8) A chapter on privacy should be added to the *Act*.

COR Points 16-17

Insufficient representativeness of persons with disabilities

- 28 In response to para. 12 of the State's response to 2017 COR, despite the fact that governments of all levels are currently equipped with a committee for the promotion of the rights of persons with disabilities, the degree of participation of persons with disabilities is extremely low in actuality.
- 29 According to a 2020 report, for most of the aforementioned committees in central or local governmental bodies, persons with disabilities only account for 0% to 40% of seats in each committee; and the committees often had merely one (5.9%) or two (6.1%~15.4%) committee member with disabilities. This translates to the situation where some counties and cities have no member with disabilities on their

16 Washington Group on Disability Statistics of the United Nations Statistical Commission, WG Short Set on Functioning (WG-SS): <https://reurl.cc/qm48Ky>.

committee, (for instance, Lienchiang County) and when persons with disabilities were present, the majority of them are persons with physical disabilities.¹⁷

- 30 The proportion of persons with disabilities in the aforementioned committees was stipulated in the *People with Disabilities Rights Protection Act*, which is still low. Should the committee be a small one, then it's possible to only one or no member who is a person with disability. In addition, when the *People with Disabilities Rights Protection Act* was amended in 2020, the proportion of members with disabilities of all committees at all levels was not revised, which is incapable to ensure the participation of people with various types of disabilities, children with disabilities, and women with disabilities.
- 31 The selection of committee members is not open and transparent:
- (1) Up to now, the committee members are still mostly invited and appointed by the State, and are recruited annually or biannually with no term limits. This can easily lead to a committee with members that lacks awareness on human rights and disabilities, making the committee unable to monitor and supervise the implementation of the CRPD.
 - (2) Furthermore, committees mostly meet on a quarterly, a semiannual, or an annual basis; the committees also were not equipped with mechanisms to expand participation, leading to a high proportion of attendees being "frequenters": disability groups or individuals that repetitively participate.
 - (3) Rather than continuously inviting persons with disabilities to participate during policy formulation, budgeting or planning, the State tends to seek the opinions of persons with disabilities after the decision has been made. Subsequently, the opinions of persons with disabilities are unlikely to be adopted in a timely manner, and are unable to make amendments to policies and regulations. Persons who were consulted by the State might be misunderstood by others as though they endorsed the State, even if their opinions were not adopted.
- 32 Disabled persons' organizations (DPO) lack support from the State:
- (1) Due to the convoluted application procedures, DPOs might not be able to access government subsidies.
 - (2) DPOs which undertake governmental programs may put themselves in a position prone to conflict of interest, or they might be affected by political power, policy changes, and subsidy policies; making it difficult for them to play a supervisory role.
- 33 Recommendations:
- (1) Amend the law immediately:
 - i Specifically integrate the principle of participation -- nothing about us without us -- in the general provisions of the *People with Disabilities Rights*

17 "Taiwan Democracy Quarterly", "Who represents persons with disabilities?" p.110, <https://reurl.cc/3Nq4ql>.

Protection Act, so as to ensure that the proportion of persons with disabilities in all committees concerning the rights of persons with disabilities in all levels of governments meet the 50% quorum.

- ii Revise the *Working Guidelines for Establishing Committees for the Promotion of the Rights of Persons with Disabilities*, to ensure accessible and individualized support services are proactively provided to enable effective participation of persons with disabilities, in addition to increasing the proportion of people with disabilities.
 - iii Revise the method of selecting and appointing members of committees for the promotion of the rights of persons with disabilities at all levels of governments. Article 3 of *Working Guidelines for the Establishment of the Gender Equality Committee of the Executive Yuan* can serve as a reference to discontinue the appointment of members whose expressed opinions are in violation of the CRPD.¹⁸
 - iv Amend laws to specify appropriate, open and transparent selection, election and other formulation mechanisms, and stipulates a limit of terms.
- (2) The State shall publicize all details concerning the organization and operation of the committees, including the list of all participating groups and individuals, frequency of meetings, and the content and resolutions of meetings of all committees or advisory groups of all levels of governments concerning the rights of persons with disabilities .
 - (3) In addition to the committees for the promotion of the rights of persons with disabilities, the State shall extensively consult civil society organizations through formal and informal meetings, so that persons with disabilities can actively participate in matters related to the rights of persons with disabilities, and assure all matters relate to laws and public policies that affect the lives of persons with disabilities can be participated by persons with disabilities.
 - (4) For DPOs, the State shall proactively provide subsidies, with application methods and procedures that considers the particularities of the DPOs and provide unconditional support with reasonable accommodations. Support such as: barrier-free equipment, space, rent subsidies for accessible offices, personnel expenses, service personnel such as: personal assistant services, sign language interpreters, transcribers, and other basic subsidies. The budget should be independent from political power, policy changes, program subsidies, etc.

COR Points 18-19

Errors remained in the Chinese translation of the CRPD, and the general

¹⁸ The Executive Yuan, *Working Guidelines for the Establishment of the Gender Equality Committee of the Executive Yuan* (Amended on March 3, 2020), <https://reurl.cc/V3bMby>.

public lacked a channel for suggestions

34 Despite that the Ministry of Health and Welfare had submitted a revised draft of the Chinese translation of the CRPD to the Legislative Yuan, as of March 2021, the Legislative Yuan has yet to initiate the correction procedure. In addition, the revised version is laden with errors; for instance, the “barrier” in the original text of Article 1: “...which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.” was translated synonymously with the term “disability”.

35 Recommendations:

- (1) The Legislative Yuan should expeditiously complete the procedures for the amendment of the Chinese translation of CRPD.
- (2) The Ministry of Health and Welfare shall set up channels for all parties to propose corrections to the Chinese translation of CRPD.

COR Points 20-21

Inadequate supervision mechanism

36 As mentioned in para. 14 of the State’s response to 2017 COR, the State had included local government’s CRPD education training and awareness-raising courses into the social welfare performance appraisal indicators, however, according to the 2021 appraisal plan of the Ministry of Health and Welfare, it was not stipulated that the appraisal committee shall be staffed with persons with disabilities, and with only 1 to 2 seats being reserved for experts, scholars and representatives of civil society organizations. This composition might not be able to fully represent persons with disabilities, and might not be able to identify problems in the implementation of CRPD by local governments.

37 Recommendations:

- (1) In order to ensure that local governments possess sufficient resources to fulfill CRPD-related obligations, it is recommended that the State, while drawing up the plan, investigate the funds allocated to local governments from the central tax revenue, and supplement those with less resources.
- (2) Sufficient participation of persons with disabilities shall be assured in the appraisal committee, the composition of the committee shall also be publicized, to gain public's trust in the appraisal procedure.

Art. 5: Equality and Non-discrimination

COR Points 22-23

In response to paras. 15-17 of the State’s response to 2017 COR, and

paras. 17-21 of the 2020 State Report

Insufficient legal regulation against discrimination, a comprehensive anti-discrimination law is in need

- 38 Current laws and regulations themselves are discriminatory against persons with disabilities, including:
- (1) As mentioned in para. 26 of this report, the guardianship in the *Civil Code*, custodial measures and commutation provisions for those who are “deaf and dumb” in the *Criminal Code*, and provisions regarding compulsory hospitalization and emergency placements in the *Mental Health Act*, constitute discrimination against persons with disabilities.
 - (2) Article 1052, para. 1, Subpara. 8 of the *Civil Code* stipulates that "a serious mental disease which is incurable" may be used as the ground for a judicial decree of divorce.
- 39 The Constitution does not expressly prohibit discrimination on the basis of disability, either does it actively guarantees the substantive equality of persons with disabilities. If discriminatory behaviors against persons with disabilities is to be investigated under the Civil Code, it is often controversial to demonstrate which rights enumerated or exemplified in the Civil Code were violated by the discriminatory behavior. Should the “A person, who violates a statutory provision enacted for the protection of others and therefore prejudice to others, is bound to compensate for the injury, except no negligence in his act can be proved.” [sic] in Article 184 Paragraph 2 of the Civil Code were to be used as the basis for claims, in practice, this “statutory provision enacted for the protection of others” will be the People with Disabilities Rights Protection Act (“the Act”); as described in the next paragraph, the Act is laden with shortcomings in the protection of the rights of persons with disabilities, as its definition on discrimination and types of discrimination, and the designated allocation of burden of proof were disparate with the provisions of the Convention. It is laborious to claim for relief on the basis on provision on tort in the Civil Code.
- 40 Although Articles 16, 40, and 74 of the *People with Disabilities Rights Protection Act* prohibited discrimination in the context of education, examination, employment, work, housing, migration, medical treatment, and media representation, the forms of discrimination (for instance, direct discriminations, indirect discrimination, refusal to provide reasonable accommodation, and harassment) and their definitions were not outlined. In addition, per para. 17 of General Comment No.6 of the CRPD, prohibition of discrimination against persons with disabilities includes discrimination against related personnel, per paras. 19 and 21 of the same document, multiple discrimination, intersectional discrimination, and discrimination by association should all be prohibited; but these nuances are not presented in the *People with Disabilities Rights Protection Act*.
- 41 Further, per para. 22 of General Comment No.6 of the CRPD, the State bears “positive obligations to protect persons with disabilities from discrimination, with an obligation to enact specific and comprehensive anti-discrimination legislation”, which shall include appropriate and “effective legal remedies and sanctions” in

civil, administrative and criminal provisions. However, penal provisions stipulated in Chapter IIX of *People with Disabilities Rights Protection Act* only applies to situations such as unfulfilled employment quotas and the lack of accessible facilities¹⁹.

42 The *People with Disabilities Rights Protection Act* does not cover persons who are not of Taiwanese nationality. One of the requested documents listed in Article 3 of the *Measures for Welfare and Service Needs Assessment and Certification Issuance of Persons with Disabilities* is a National Identification Card,²⁰ that is, one must be of Taiwanese nationality to be eligible to apply for services and welfares covered by the *People with Disabilities Rights Protection Act*. Should a migrant worker be disabled due to occupational injuries, the partial or complete loss of work abilities might lead to dismissal,²¹ which may subsequently result in prolonged unemployment, given that migrant workers cannot access vocational rehabilitation services stipulated in Articles 33-35 of the *People with Disabilities Rights Protection Act*. Should a migrant worker be unable to secure a new occupation in two months, they will be repatriated to the country of origin,²² and faced with an array of challenges: debt, unemployment, and seeking rehabilitation; this might constitute cruel, inhuman or degrading treatment, hence the non-refoulement principle shall be applicable in said situations. Persons who are not of Taiwanese nationality also cannot access services relevant to facilitating social participation (Article 52 of the *People with Disabilities Rights Protection Act*).²³ While persons of intersecting identities of disability and migrant workers are more vulnerable to discrimination,²⁴ the legal system has yet to provide protection.

43 Regarding employment discrimination, please refer to para. 338 of this report.

44 As stated above, at present, laws and regulations are insufficient in tackling

19 For example, Articles 86 to 88, 95 to 97, 99 to 100, 104-1, etc. of the *People with Disabilities Rights Protection Act*: <https://reurl.cc/XWDKn7>.

20 Article 3 of the *Measures for Welfare and Service Demands Assessment and Certification Issuance of Persons with Disabilities* <https://reurl.cc/AgL8lp>.

21 According to a case described by Vietnamese Migrant and Immigrant Office, a migrant worker faced the scenario where their walking ability could not be fully rehabilitated after treatment for an occupational injury. Although the migrant worker would like to return to their post at work, the employer has still decided not to renew their employment after the expiration of the work contract.

22 According to Article 11 of the *Directions of the Employment Transfer Regulations and Employment Qualifications for Foreigners Engaging in the Jobs Specified in Items 8 to 11*, para. 1, Article 46 of the *Employment Services Act*, after dismissal, a migrant worker must be reemployed in two months, or will be repatriated to their country of origin:

<https://reurl.cc/pmR47x>. According to the data collected by the Vietnamese Migrant and Immigrant Office, 56 migrant workers had contacted the Office for complaints related to occupational injuries in 2020, and none had been able to be successfully reemployed.

23 Articles 33 to 35 and 52 of the *People with Disabilities Rights Protection Act*: <https://reurl.cc/pmR47x>.

24 According to a case described by the Vietnamese Migrant and Immigrant Office, a migrant worker with physical disabilities was asked by the staff of the National Palace Museum to show the hand that was disabled as a proof when buying a preferential ticket, which obviously is a discriminatory act.

discrimination; a comprehensive anti-discrimination law is in need.

45 Recommendations:

- (1) A comprehensive anti-discrimination law should be passed expeditiously, in the purpose to eliminate discrimination based on all grounds, including but not limited to gender, race, national origins, religion, and disability, which shall also contain all forms of direct and indirect discrimination, while explicitly designating positive duties, which are central for accomplishing substantive equality, of the State and other obligation bearers.
- (2) In addition to the legislation of the anti-discrimination law, it is recommended to append explicit provisions prohibiting discrimination to the *Constitution*, and obligate the State with the duty to enact positive measures for the promotion of substantive equality.
- (3) Before the Constitutional amendment and the legislation of the comprehensive anti-discrimination law, the Legislative Yuan shall amend the *People with Disabilities Rights Protection Act* in accordance with the text and the General Comments of the CRPD, to explicitly stipulate the forms and definitions of “discrimination”, and to outline appropriate and effective legal remedies and sanctions in civil, administrative and criminal provisions.
- (4) The *Measures for Welfare and Service Demands Assessment and Certification Issuance of Persons with Disabilities* shall be revised, to extend the scope of coverage of *People with Disabilities Rights Protection Act* persons of other nationalities, so that persons with disabilities of non-Taiwanese nationalities can enjoy rights equally.
- (5) The State shall compile statistics regarding numbers of migrant workers who were disabled by occupational injuries, proactively foster reemployment with vocational rehabilitation or other measures, and extend the 2-month legal period for re-employment.
- (6) The State shall publish cases of discrimination complaints filed by persons with disabilities and calculate the proportion in which compensation or penalties were imposed, to ensure implementation of relevant provisions.

In response to paras. 18-22 of the State’s response to 2017 COR, and paras. 22-26 of the 2020 State Report

Reasonable accommodations have yet to be implemented

- 46 According to CRPD, reasonable accommodations should not be limited to education and work, but implemented in all aspects of life, however, laws and regulations listed in Table 5.2 of the annex to the State report are incapable to fulfill the promise of “all aspects of life”; furthermore, the draft amendments listed in the table have not been passed.
- 47 The *People with Disabilities Rights Protection Act* and the *Employment Service Act* which are the two only bases for penalizing discriminatory behavior against persons with disabilities, do not contain definition of reasonable accommodation,

the scope and bearer of obligation to make reasonable accommodations, objective criteria of “reasonableness” of the accommodation, and the penalties for failing to provide reasonable accommodations; this results in practical difficulties for judicial or administrative proceedings in asserting that denial to provide reasonable accommodation constitutes a form of discrimination. This also indicates that stipulating that CRPD “have domestic legal status” by the *Act to Implement the Convention on the Rights of Persons with Disabilities* does not ensure its effective enforcement. Further, Article 16, para. 3 of the *People with Disabilities Rights Protection Act* stipulated that all public examinations hosted by public and private sector entities, organizations, schools and enterprises shall provide diversified and appropriate assistance in accordance with the demands of individual candidates with disabilities, but the penal provisions in Chapter VIII of the *Act* does not contain remedy or punitive measures regarding the breaching of the said provision; this leaves candidates with disabilities nowhere to seek assistance, should their demands be denied.

48 For reasonable accommodations regarding employment, please refer to para. 327 of this report.

49 Recommendation:

The provision of “denial of reasonable accommodation as a form of discrimination” shall be consistently applicable to public and private sector entities, and be incorporated into relevant laws and regulations such as the *People with Disabilities Rights Protection Act*, the *Employment Service Act*, and the *Special Education Act*. In addition, the bearer of said obligation and mechanisms of remedies shall be specifically stipulated in relevant laws and regulations.

In response to paras. 24-25 of the State’s response to 2017 COR, and paras. 27-29 of 2020 State Report

Persons with disabilities have restricted access to legal aid

50 Per point 2 of the "Project Plan for Legal Aid for Persons with Disabilities" (which is a project to subsidize persons with disabilities who may not be otherwise eligible for receiving assistance from the Legal Aid Foundation, for example, the project relaxed the household income threshold standards) issued by the Ministry of Health and Welfare, only those who possess a valid certificate of disability or a disability manual are eligible to apply for legal aid under the project;²⁵ the coverage of this project does not comply with the human rights model of disability. Furthermore, this project plan contained various regulations to exclude the granting of legal aid: those who were granted for more than three instances within one year will be rejected, with no exceptions; the legal aid also will not be granted should the counterparty of the case be the Ministry of Health and Welfare and its affiliated institutions. That is, despite potential special circumstances, it is impossible for a person with disabilities to apply for more than three legal aids per year, and it is impossible for a person with disabilities to utilize the legal aid to raise complaints against sanctions (such as the permission of compulsory hospitalization) made by

25 Special project of legal aid for persons with disabilities: <https://reurl.cc/a58vYY>.

the Ministry of Health and Welfare.

51 The above-mentioned project is based on a relaxed version of the financial capacity calculation standard of the Legal Aid Foundation (1.5-fold higher than the general standard). However, according to the *Legal Aid Act* and the *Standard of Determining Financial Inability of Recipient of the Legal Aid*,²⁶ the calculation standard is based on the financial status of the entire household of the applicant with disabilities, a complete list of household financial and tax information was required upon application, implying that persons with disabilities shall seek assistance from their family members to apply for legal aid, in violation with paras. 25, 26, and 38(c) of General Comment No.5 of the CRPD, which stipulates the state obligation to provide formal ex-familial assistive services.

52 Recommendations:

- (1) In order to implement the ensured subjects of the CRPD, the Ministry of Health and Welfare should extend the scope of applicableness of the *Project Plan for Legal Aid for Persons with Disabilities* to persons of similar situations who do not hold a certificate of disability or a disability manual, including but not limited to students in special education programs,²⁷ "severe patients" as described by the *Mental Health Act*,²⁸ holders of IC Cards for Catastrophic Illness, and gradually relax it to cover all persons with disabilities as defined by the CRPD, that is, persons with disabilities in the human rights model of disabilities.
- (2) The scope of applicability as regulated by point five of the aforementioned *Project* is currently limited to the infringement of six rights listed , and "other rights protected by the CRPD and related laws ". The interpretation thus excludes general civil, criminal or family matter cases; it is recommended to extend the scope, that persons with disabilities can apply to the project whenever their legal rights and interests were infringed.
- (3) The procedures of habeas corpus, appeal and administrative litigation for compulsory hospitalization should be incorporated into the scope of applicability of legal aid, despite the counterparty being the Ministry of Health and Welfare; exempting provisions shall also be appended, allowing more than three legal aids per year.
- (4) Should a person with disabilities express their difficulty of requesting assistance from their family upon applying for legal aid, personal property shall be the primary basis of evaluation; financial documents and tax information of other family members should not be required for the

26 The Legal Aid Act: <https://reurl.cc/xg84z1>; The Standard of Determining Financial Inability of Recipient of the Legal Aid: <https://reurl.cc/qm48WE>.

27 Article 2 of the Special Education Act: <https://reurl.cc/9Z9aoO>.

28 Article 3 of the Mental Health Act: <https://reurl.cc/l0OAKA>.

submission process.

Art. 6: Women with Disabilities

53 For the description of and recommendations for the unequal treatment encountered by women with disabilities in education, please refer to paras. 275, 276, 279(1) of this report.

COR Points 26-27

The Gender Equality Policy Guidelines fail to comprehensively describe the disadvantages faced by women with disabilities or provide relevant policies

54 The *Gender Equality Policy Guidelines* amendments have included equal rights for the disadvantaged; however, we recommend that further amendments of the chapters of the *Gender Equality Policy Guidelines* should include comprehensive and concrete measures and action plans to address the disadvantages faced by women with disabilities in their private and public lives.

55 Recommendations Relevant statistics and indicators are required, as well as concrete policies and measures to protect the rights of women with disabilities.

Art. 7: Children with Disabilities

COR Points 28-29 (b)

Sexual abuse and maltreatment in special education schools and institutions

56 No independent mechanisms of the State, such as the National Human Rights Commission, the Control Yuan, or other independent mechanisms, have yet to systematically review and address instances of sexual abuse and maltreatment in special education schools and institutions. For instance, the subsequent improvements regarding the sexual abuse occurrences in special education schools and institutions which were publicized by the Humanistic Education Foundation and mentioned in paras. 45-49 of the 2017 parallel report coordinated by Covenants Watch,²⁹ were obscured, which was induced by the lack of an effective follow-up monitoring mechanism; the specific ameliorations made to address the said cases, became unidentifiable after the Control Yuan conducted an investigation, released corrective measures against the Affiliated School for Students with Hearing Impairments of National University of Tainan (formerly the Tainan School for the Hearing Impaired), the Ministry of Education, the Ministry of the Interior, and the Tainan City Government, and impeached 16 persons who it deemed culpable of

29 Parallel Report on the Implementation of the Convention on the Rights of Persons with Disabilities, Coordinated by Covenants Watch, June 2017, <https://reurl.cc/ZQN8OA>.

dereliction of duty or illicit behavior.³⁰ Despite the fact that the State conducted investigations regarding individual cases, the function of said inquisition was limited to administrative supervision, and was unable to further examine and address the internal institutional and structural problems of special education institutions.

- 57 Structural factors contributing to the sequestration of incidents of sexual abuse and maltreatment in special education schools or institutions: According to the empirical experience of the Humanistic Education Foundation, special education schools and institutions frequently utilize systematic pressuring to avert informed faculties from reporting what they have seen, even ousted teachers or staff who legally participated in the investigation or the complaint relief mechanism through coercion. Take the Tainan School for the Hearing-Impaired Sexual Abuse Case for instance, the teacher who participated in the investigation later faced retaliation in the form of being secluded by the faculty, and receiving the only “B grade” performance appraisal in the entire school, leading to their premature (of 10 years) retirement. Moreover, should gender equity complaint mechanisms be introduced to special education schools and institutions, the effectiveness of it would also be nevertheless limited due to obstacles in communication (gender equity committee members being unfamiliar with sign languages) which leads to difficulties in gaining the trust of the students, or the adversities in obtaining suitable information due to committee members’ incapability to properly perceive the communicative methods of students with disabilities.³¹ Finally, special education schools or institutions are also prone to leniently handling or even concealing cases of sexual abuse and maltreatment, in fear of cases affecting fundraising abilities and funding sources.
- 58 Inadequate implementation of sex education, gender education, and sexual abuse prevention measures in special education schools and institutions, the inability of establishing appropriate sex/gender awareness and approaching methods has rendered students unable to properly express their encounters with gender equity incidents, and the faculty unable to provide effective assistance to those who encountered such events. Despite the fact that the Ministry of Education has provided category-sensitive gender equity materials for students with disabilities after the incidents regarding the Tainan School for the Hearing Impaired, it has not been updated since 2017,³² and has not issued reports regarding the effectiveness of said materials. Furthermore, in para. 33 of the State’s response to 2017 COR it was mentioned that a “Project for Gender Empowerment and Gender-Equity Incident

30 Press release of the Control Yuan, “The Control Yuan Publishes Corrective Measures Against Four Entities Including the Tainan School for the Hearing Impaired, Regarding the Tainan School for the Hearing-Impaired Sexual Abuse Case”, August 2012
<https://reurl.cc/e9klWM>.

31 In Schools for the Hearing Impaired, the use of sign language to communicate is the key to gaining the trust of the deaf students or students with hearing disabilities; in special education institutions, conceptualization of the modes and characteristics of the students with disabilities in understanding and perceiving information is the necessary antecedent of engaging in an understandable conversation.

32 Ministry of Education, Gender Equality Education Global Information Network Special Education Teaching Resources: <https://reurl.cc/zbKX17>.

Prevention in Special Education Schools and Institutions" was in effect since 2018 with the intent to improve students' gender awareness, the implementation was hindered by practical adversities.

- 59 The counseling and consulting groups of the Ministry of Education are incapable of adequately correcting the internal predicaments of special education schools and institutions, due to inconsistent exit mechanisms. The Taipei City Government and the Ministry of Education had established counseling and consulting groups in response to occurrences of sexual abuse incidents in the Taipei School for the Hearing Impaired and the Tainan School for the Hearing Impaired, to go to the site, apprehend the situation, and propose time-limited commendations of improvement. In terms of result, with continued stationing and intervening across a timeframe of 3 years, the counseling and consulting had effectively terminated ineligible faculty members of the Taipei School for the Hearing Impaired, and improved gender equity circumstances of the campus; contrastingly, with its members merely engaged in periodic visits, it being deprived of independent and authentic authorization, its eventual merger with the university and the resulting transformation into the "Campus Gender-Equity Professional Advisory Group" after the school recognized into the Affiliated School for Students with Hearing Impairments of National University of Tainan, and its dissolution into inactivity without issuing a closure report, the result and outcome of the improvements yielded by the counseling and consulting group of the Tainan School for the Hearing Impaired remained unknown.
- 60 Under the special education system, parents cannot unscrupulously express their opinions which will not be attended to anyway. Concerned about the straight promotion system of special education schools and institutions, and the high association between academic performance and career options, parents are less inclined to report incidents of sexual abuse, sexual harassment, or maltreatment in fear of it affecting the career development of their children. Furthermore, the inadequacy of inclusive education in general schools and institutions has limited the educational options of students with disabilities, leading to parents believing that special education schools and institutions are somehow advantageous for students with disabilities, which in turn emboldened special education schools and institutions and enabled them to be inadvertent to the opinions of the parents.
- 61 Recurrent incidents of improper discipline in special education schools and institutions: The Humanistic Education Foundation had received multiple cases of improper discipline from special education schools and institutions across the nation, such as the National Chiayi Special School, the National Tainan Special School, the Kaohsiung Municipal Special School, and the Taichung Special School for the Student with Hearing Impairments:
- (1) Take the case of National Chiayi Special School for instance, using "teaching and discipline" as an alibi, the teachers had engaged in maltreatments, such as physical violence, verbal and behavioral intimidation against students; including force feeding "facing heaven peppers", prolonged running on treadmills as punishment, threatening to chop students' hands off with a butcher's knife, forcing students to wear diapers on their heads while attending classes, and forcing students to destroy their beloved Pikachu plush

toys, to name a few. These abuses had caused devastating physical and psychological harm and abuse of students. The Control Yuan had conducted investigations and issued corrective measures against the National Chiayi Special School in 2019,³³ and the school had responded with dismissing, demeriting, and issuing admonitions against faculty members who were involved in the abuses; however, the charge on coercion was deemed not guilty by the trial court on the grounds of insufficient evidence at the end of 2020, after a prosecutor had prosecuted two teachers who were accused of dereliction of duty.³⁴

- (2) In National Tainan Special School, teachers in the preschool section, the junior high section, and the senior high section were all involved in abusive behaviors against the students: a teacher in the preschool had twice wounded a four-year-old, with swollen sores and bruise around their eyes; a teacher in the junior high school was engaged in physical brawl against schoolboys; and a teacher in the senior high school had marred a schoolgirl with bruises all over her thighs and hips, shortly after they broke her arm. The victim in the junior high school had lost both criminal and civil litigations after filing, which ironically fits his teachers' mockery: "You're dumb, no one will believe what you say."
- (3) Such cases had indicated that the State had failed to recognize the power imbalance between students and teachers, and neglected the intersecting vulnerabilities experienced by children with disabilities, which subsequently exposed them to the risk of torture or cruel, inhuman or degrading treatment or punishment, and abided the harm against their physical health, mental integrity, and their human dignity.

62 Regarding the sexual abuse and maltreatment cases in the judicial system and the plights it faces, please refer to para. 139 of this report.

63 As mentioned in the above paragraphs, despite the fact that some of the derelict teachers were convicted and terminated, most ineligible teachers remained in special education schools and institutions as the result of inconsistent exit mechanisms. The schools were also prone to be dismissive to factual elements of the case, and handled the complaints with procrastination, avoidance and passivity; such lethargy had rendered students fearful of the school and lowered their willingness to attend, in turn affecting their right to education.

64 Recommendations:

- (1) The National Human Rights Commission (NHRC) shall initiate a national

33 Press release, the Control Yuan: Incident of Abusive Behavior Against Students Had Occurred in the National Chiayi Special School, Causing Severe Trauma on the Students. Control Yuan Member Wang Yu-Ling and Kao Yung-Cheng Proposed Corrective Measures, and Requested the Ministry of Education to Carefully Examine the Eligibility of Incompetent Administrators and Teachers who Violated the Intent of Special Education. February 2019 <https://reurl.cc/6yXv2d>.

34 Judgment: Chiayi District Court [(109) Yi Zhi No.572] Criminal Judgment, December 30, 2020: <https://reurl.cc/a580l3>.

inquiry to comprehensively and systematically comprehend the status of sexual abuses and maltreatment in special education schools and institutions, conduct analysis on the basis of relevant human rights laws, and propose recommendations to oblige the State for comprehensive, systemic, and structural improvements.

- (2) The State shall formulate and execute relevant regulations and policies in accordance with the COR paras. 53 and 57 of the first CRC international review: per the guidelines and instructions of General Comment No.13 of the CRC,³⁵ sustain the strengthening of preventive measures of violence against children, draft and implement a long-term comprehensive national action plan in order to prevent and protect children from all forms of violence in all environments (including families); in accordance with the General Comment No.8 of the CRC, enable public entities, enforcement agencies, students, and parents to be aware of the negative effects of corporal punishment and dehumanizing treatments and their alternatives, and the importance of eliminating corporal punishment and reporting such cases; via legislation and amendments, policy implementation, information disclosure, and education and training. It must be particularly emphasized that in the process of discussing, formulating and implementing relevant laws and policies, it is necessary to ensure the participation of persons with disabilities, and children with disabilities.
- (3) The Ministry of Education shall jointly work with relevant authorities such as the Social and Family Affairs Administration of the Ministry of Health and Welfare, and Gender Equality Committee of the Executive Yuan, to develop and regularly update the monitoring mechanism for the planning and teaching circumstances of sex education and gender education; and to ensure the rights of students with disabilities of preschool education, schools at all levels, higher education and lifelong education, to access complaint mechanism for incidents that concerns gender-equity, maltreatment, and improper discipline. Should the State learn that a school or institution is incapable of undertaking such obligations, it should be considered to enable external professional entities to assume control, equipped with explicit standards and mechanism for the exiting.
- (4) The State shall re-examine the allocation of special education resources and funds and the targets of funding, and redistribute resources and funds accordingly. Special education resources should be allocated according to the demands of students with special education needs, the direct allocation of relevant resources to the individual in need. The control of resources of special education schools and institutions shall also be reduced to ensure equal opportunities and non-discrimination for students with disabilities.
- (5) The State shall establish an exit mechanism for faculties members who are

35 Concluding Observations and Recommendations Adopted by the International Review Committee on the Initial Report of Taiwan on the Implementation of the Convention on the Rights of the Child, Jan. 29th, 2018. Social and Family Affairs Administration, Ministry of Health and Welfare: <https://reurl.cc/W3aajO>.

deemed culpable of dereliction of duty or illicit behaviors; the state shall undertake its obligation to serve, care and educate all students (including students with disabilities) through clearly stipulated sanctions and aggravated amercements, dismissal, or permanent interdiction.

Issues unspecified by the COR

Inadequate opportunities for sign language learning for infants and preschool toddlers

- 65 By virtue of the insufficient sign language policy of the State, parents are unable to access information regarding sign language learning, rendering infants with hearing disabilities unable to obtain sign language education at the infant-toddler stage; parents who are not familiar with sign language have no means to learn sign language to communicate with their children, which affects the subsequent use of sign language, and the ability and learning development of the children.
- 66 The lack of awareness of the importance of sign language to deaf people and the early treatment system has led to the widespread suggestion for children to use electronic ears in clinical practices, rather than the conveying of information regarding sign language learning.
- 67 Recommendations:
- (1) The central and local governments shall jointly formulate and implement sign language policies, to enable all families in need in a range of learning stages to be able to access sign language education.
 - (2) The State shall expeditiously include sign language into the early treatment system, recognize the advantages of “sign language as a visual language” for the development and learning of children, and ensure that sufficient information on sign language learning is provided at the sites of clinical practice.

Art. 8: Awareness-raising

COR Points 30-31

The State had yet to proactively correct the content of the media, and the society generally has a low awareness on disabilities

- 68 In response to para. 52 of the Convention-specific Document of 2020 State Report, the number of cases that were sanctioned for the usage of discriminatory languages or sent to the National Communications Commission for deliberation was extremely low,³⁶ which was disjointed from the actuality.
- 69 Every year, local governments hold celebratory or commending activities on the

³⁶ According to para. 52 of the Convention-specific Document of 2020 State Report, there were

International Day of Persons with Disabilities, which focuses on packaging persons with disabilities as inspirational objects that are dependent on the restless care of their families, for instance the selecting of "model persons with disabilities" and "model family carers for person with disabilities", etc.³⁷ This act not only deepens the public's stereotype on persons with disabilities but also ignores the fact that the original intent of commemorating International Day of Persons with Disabilities is to raise the public's attention to the rights and interests of persons with disabilities, while emphasizing that the guidance of ideas is in itself, an obligation of a country.

- 70 Although International Day of Sign Languages exists, the public's understanding of sign language, persons with hearing disabilities, and deaf culture is still extremely low, making it difficult for persons with hearing disabilities to communicate with society.
- 71 From 2016 to 2021, after the release of verdicts of multiple major criminal cases, such as the case of police homicide in the Taiwan Railways in 2020,³⁸ the media and online communities were laden with false and biased statements. This indicates that the general public has insufficient understanding of people with psychosocial disabilities, and possesses extremely negative stereotypes against them. Inaccurate media reports also enable the public to be susceptible to misinformation, believing that people with psychosocial disabilities are violent and can create potential crises, causing people with psychosocial disabilities to encounter many difficulties in their lives.
- 72 Although the State has implemented the mechanism of employment quota, it has yet to alter the prejudices against persons with psychosocial disabilities from the general public, which results in the low labor force participation rate of people with psychosocial disabilities, also causing them to have to encounter discrimination or unequal treatment at work.
- 73 Recommendations:
- (1) Actively review the reasons for the low number of sanctions, reviews, and deliberations against the usage of discriminatory terms, such as the possibility of restrictive thresholds, lack of publicity in appeal channels, or overly complicated application procedures.
 - (2) To avoid bullying and false accusations, further authorize the National Communications Commission, in order to audit online reports which are

only 3 cases where local governments imposed penalties on online platforms on the basis of usage of discriminatory language from 2016 to 2019; there were also only 3 cases where broadcast and television industry reports involved discriminatory titles or descriptions were submitted to the "Radio and TV Program Advertisement Consultation Meeting" of the National Communications Commission for deliberation.

37 "On the International Day of Persons with Disabilities, Cheng Wen-tsan, Mayor of Taoyuan City: "construct own lives, despite adversities". Taoyuan E-News, <https://reurl.cc/E256xK>; "On the International Day of Persons with Disabilities, Chen Chi-mai did embroidery for brittle bone disease patients", Liberty Times, <https://reurl.cc/qmWv7N>.

38 "I want a lawyer", said the murderer of the railway police upon arrival at the police station. Prosecution: "the accused is apparently able to judge his own act". January 4, 2021, UDN: <https://reurl.cc/Q7KEr5>.

biased against persons with disabilities, and limit the content as appropriate, in addition to urging the media to report on people with disabilities with neutrality.

- (3) When local governments hold activities related to the International Day of Persons with Disabilities and the International Day of Sign Languages, what should be attended to is the raising of awareness on disabilities, and the promotion of sign languages, persons with hearing disabilities, and deaf culture. Misconceptions shall also be actively corrected, this is the embodiment of the obligation to “raise awareness” that the state undertook under the Convention, in addition to enabling the general public to understand that persons with disabilities are also a part of the society.
- (4) The National Human Rights Commission and the Committee for the Promotion of the Rights of Persons with Disabilities of the Executive Yuan should jointly draft and design training manuals for disability awareness and sensitivity, and require employers, public authorities, and schools to provide their employees and students with annual education and training programs on the rights of persons with disabilities; this includes: correct understanding of persons with disabilities, how to identify mental illnesses, how to communicate and get along with persons with disabilities, understanding the development of services based upon the rights-based model of disability, and introducing important concepts of the Convention. The training must invite people with various types of disabilities to participate in the design and the execution of the training, the content also must be updated regularly.
- (5) Foster “cultural diversity of disabilities” on the basis of cultural equality: establish thematic museums with people with disabilities, or for the national museums to organize annual exhibitions on culture of disabilities, and invite people with disabilities to design activities. Especially with regard to people with psychosocial disabilities, the focus is not about introducing treatments or the role of patients, but on the self-identity of people with psychosocial disabilities and how they conceptualize themselves, in order to expand the public's perspective on people with psychosocial disabilities.
- (6) Encourage film and television works which feature disability-related themes or star persons with disabilities as the protagonist; produce introductory videos of different types of disabilities, and broadcast them in the form of advertisements between different types of programs.

Art. 9: Accessibility

COR Points 32-33

In response to paras. 51-55 of the State’s response to 2017 COR

Lack of legislation and implementation on accessibility

74 In response to para. 51 of the State’s response to 2017 COR: since the initial

international review in 2017, the State has yet to develop a comprehensive and feasible action plan of creating accessible environments. There is no unified standard among competent authorities in current accessibility policies concerning budget for building accessible environments, improvement schemes, and penalties for persons who do not conform to the law. Additionally, the committees on accessibility around Taiwan have not been functioning effectively and their quality varies greatly. There is also no supervisory mechanism on the central level. Competent authorities therefore are unable to properly address the problem of lacking accessible environments.

75 Government regulations still limit the promotion of accessible environments to construction, social welfare, education, medical care, transportation as well as facilities such as medical care facilities, senior citizens' institutions, institutions for persons with disabilities, and mental health institutions. The listed items do not include public facilities directly related to people's lives such as sidewalks, stores whose area doesn't meet the mandatory standard,³⁹ military buildings, historic sites, and outdoor recreational facilities. Accessibility regulations are scattered among the affairs of competent authorities.⁴⁰ Additionally, competent authorities do not comprehensively examine their own accessibility regulations. Some replaced accessibility with "universal design," which does not conform to the fundamental standards and principles of accessibility regulations, and even require spaces, facilities, equipment, and services by the principle of "being disability-friendly." This resulted in accessibility rendered as an unnecessary service which depended on the caring of others. The discussions of the State on building more accessible facilities are also limited to "the parts that cannot be done." Government agencies may even shirk responsibilities by citing that the number of tasks to be done is too high, that the facility is too old, or that it's beyond the jurisdiction of the public sector. Therefore, there is not much progress being made in improving current facilities.

76 In response to para. 54 of the State's response to 2017 COR: in the 2020 ICCPR & ICESCR Parallel Report, we have mentioned that since the initial review of CRPD in 2017, the State has yet to improve the accessible facilities in places of detention and has not been able to propose any solutions in terms of building or improving

39 According to the Article 2 of the Alternative Improvement Project Procedure and Principle for Determination of Accessible Facilities in Existing Public Buildings, which was passed on April 20th, 2018, the regulation only covers places such as restaurants, food stores, beverage shops whose floor area is larger than 300 square meters. Please see the regulation announcement of the Construction and Planning Agency of the Ministry of the Interior: <https://reurl.cc/WEWD7O>.

40 Building and housing affairs are associated with agencies such as the Ministry of the Interior, Ministry of Health and Welfare, Ministry of Education, Ministry of Labor, Council of Agriculture of the Executive Yuan, Ministry of Finance, Financial Supervisory Commission of the Executive Yuan, Ministry of Economic Affairs. Information communication affairs are associated with agencies such as the National Communications Commission, Ministry of Health and Welfare, Council of Agriculture of the Executive Yuan, Ministry of Science and Technology, Ministry of Finance, and Ministry of Economic Affairs. Transportation affairs are associated with agencies such as the Ministry of Transportation and Communications and Ministry of the Interior.

accessible environments and facilities. There is a lack of physically accessible environments and facilities as well as reasonable accommodation measures in prisons.⁴¹ As a result, persons with physical disabilities or sensory impairments can only stay in nursing rooms or patient wards.

- 77 For inmates with disabilities, please refer to para. 302 of this report.
- 78 In response to para. 55 of the State's response to 2017 COR: in "Urban Humanity-Oriented Transportation Road Planning Manual (2nd edition)," published in 2019, the Road Engineering Division of the Construction and Planning Agency of the Ministry of the Interior emphasized the idea of "human-centered spatial thinking."⁴² Nevertheless, accessibility is only one of the items listed instead of the core principle of planning humanity-oriented transportation. Furthermore, the *Notes to the Design Standards of Urban Roads and Accessory Works* did not require the building of wheelchair accessible lanes for pedestrian spaces such as footbridges, underpasses, and bridges.⁴³ The loopholes in design standards and the difficulty of management resulted in an inconsistent development of accessible environments.
- 79 There are obstacles everywhere on roads in urban areas, including suspensory objects, protrusions, transformers, roadblocks, illegally-parked vehicles, bumpy and uneven roads, no warning signs, and no audible traffic signals at crossroads. The State did not effectively regulate the use of storefront overhangs, which led to the serious problem of illegal driving or parking of scooters in the aforementioned areas. Storefront overhang leveling projects only made slow progress. As a result, there are huge gaps in storefront overhangs outside Taipei City, and the space is not wide enough for wheelchair users, forcing them to go on the road and to fight for space with passing cars.
- 80 Recommendations:
- (1) The State shall devise a comprehensive accessibility action plan which takes into consideration the comprehensiveness of accessible environments and the gap between urban and rural areas. Additionally, the State shall also set a universal standard, propose an improvement scheme and appoint a supervisory body on the central level to ensure that all competent authorities practice facilitating accessible environments and cooperate with each other. The State shall also adopt the same standards as well as the same supervisory and executive mechanisms, which include budgets, development projects, and penalties for persons who do not conform to the law. In this way, the State can ensure that offices, working areas, infrastructure, and pedestrian spaces can reach the goal of having an accessible environment both in the public or the private sector. The State shall mandate independent bodies, whose members

41 Please see the corrective measure published in 2019 by the Control Yuan: <https://reurl.cc/g8lGXL>; and the investigation report published in 2019 by the Control Yuan: <https://reurl.cc/v5Xazj>.

42 Table 4-1-3: Items and Categories of Facilities in Pedestrian environments from Urban Humanity-Oriented Transportation Road Planning Manual (2nd edition): <https://reurl.cc/L0DNoX>.

43 Please see the Notes to the Design Standards of Urban Roads and Accessory Works: <https://reurl.cc/ogzGeM>.

- include persons with disabilities and their representatives, to periodically assess and examine the state of the implementation of the plan.
- (2) The State shall enact holistic accessibility regulations to ensure that there is a comprehensive and enforceable legal basis for the accessibility rules.
 - (3) The State shall incorporate accessible regulations for all public buildings and the improvement plan of accessible environments. For cases which are difficult to implement either because the facilities are too old or there are technical issues, a committee whose members shall include persons with disabilities needs to be appointed to discuss appropriate alternatives.
 - (4) The national accessibility action plan shall include prisons and provide sufficient budgets to assist correctional authorities in improving their accessible environments. The Agency of Corrections under the Ministry of Justice shall also examine whether the prisons in current plans have set up accessible environments and facilities. Additionally, it shall specifically develop intervention programs, install equipment and create space suitable for individual inmates with disabilities based on the category of the inmates' disabilities.
 - (5) The State shall gradually and effectively enhance the accessible environments in the private sector. For instance, it shall proactively introduce regulations for making improvements within a limited time period. Within the limited time period, the State shall help and provide incentives to encourage the private sector to provide accessible environments and alternatives in spaces of different sizes and conditions. After the deadline of improvement passes, the State shall impose penalties to practice the rule of law. Officials from local governments, store owners, persons with disabilities, and their representatives shall also be invited to participate in related discussions.

In response to paras. 56-58 of the State's response to 2017 COR

Accessibility has not been achieved in financial and insurance services

81 In response to para. 56 of the State's response to 2017 COR: The *Criteria of Friendly Financial Services* and the *FAQs of Friendly Financial Services* established by the State are not comprehensive enough. Persons with disabilities still encounter the following difficulties:

- (1) The screens of ATM machines are too high for persons with disabilities to touch and use. Additionally, persons with disabilities see light reflections on the screens since they are in a lower position.
- (2) The time limit for taking back debit cards or picking up cash is too short, which causes difficulties for persons with disabilities, who move relatively slowly. The design of bill inserts, buttons, places for taking receipts do not take into consideration the consistency of heights, angles, and positions among different ATM machines. There is no standard way to switch to the voice model provided for persons with visual disabilities and the steps are not

user-friendly.

- 82 In response to para. 57 of the State's response to 2017 COR: financial service providers still do not have an adequate understanding of accessibility. At present, only personnel who provide financial services are required to undergo training. Additionally, although the scope of accessibility defined in the Criteria of Friendly Financial Services includes aspects such as environments and information, the training concerning these aspects is not effective. For instance, activating credit cards and customer services are provided mainly through telephones, which is not feasible for persons with hearing disabilities or speech disabilities. As the government-funded sign language service is limited to non-profit purposes, persons with hearing or speech disabilities have found it difficult to apply for loans or open a bank account in banks where no private sign language service is provided.
- 83 In response to para. 58 of the State's response to 2017 COR: the services provided by online banking apps are not comprehensive. Services provided for persons with visual disabilities shall not only include balance check and money transfer. Services for foreign investment and stocks investment are absent from the specifically designed "accessibility interface."⁴⁴
- 84 Recommendations:
- (1) The State shall draw up an update schedule for comprehensively setting up accessible ATM machines and shall also establish standards in ATM machines' keyboards, wake buttons, headphone jacks, card slots, bill inserts, and the angle of the screen. The State shall also make it convenient for persons with disabilities to learn and get familiar with using the machines. The design of the headphone jacks shall also take into consideration the diverse needs of both languages and voices. Before ATM machines are put into use, they shall pass accessibility testing measures. The places where ATM machines are set up shall also meet basic principles such as having accessible entrances and passages.
 - (2) Online banking websites, mobile banking applications, and the operation of

44 The Bank of Taiwan does not provide accessible services. Its accessible applications are not available, and its websites cannot be browsed by keyboards, which do not comply with the regulations. The Yuanta Commercial Bank only provides the services of transferring NT Dollar and the balance checks on NT Dollar accounts, which are much more limited than other platforms. The accessible online banking of the Cathay United Bank does not provide foreign exchange service. Its services only include the balance checks on NT Dollar checking accounts, the balance checks on the certificate of deposit accounts of NT Dollar, pre-designated transfer of NT Dollar, non-pre-designated transfer of NT Dollar, and changing the user number or password. The DBS Bank also lacks services for currency exchange. Its services only include account overview, checking the balance checks, pre-designated transfer, non-pre-designated transfer, foreign currency deposit, and structured notes such as foreign bonds. The KGI Commercial Bank also lacks services for foreign exchange. The Chunghwa Post and the Chang Hwa Commercial Bank both provide comprehensive and accessible online banking services. However, visual captchas are used in the login page, which means persons with visual impairment cannot verify the captchas. The online banking of the Taipei Fubon Bank does not provide foreign exchange service.

ATM machines shall also be made available for persons with disabilities so that they can have access to financial services.

- (3) The State shall expand the scope of training for financial service providers, with a particular emphasis on the aspects of the rights-based model of disability, physical environments, as well as the design and applications of the information environment.

Issues unspecified by the COR

The accessibility of public transportation is unable to meet the needs of persons with disabilities

85 According to "Report of Disabled People's Living Condition and Demand Survey 2016: Book 1,"⁴⁵ there were only 42.51% of persons with disabilities who had made use of public transportations in 2016. "Stairs only, insufficient lifts, inconvenient access" were the most commonly reported inconveniences.

86 Low-floor buses are insufficient in Taiwan regarding both routes and frequency. Furthermore, there are even drivers who refuse to provide services to passengers with disabilities due to discrimination. "Report of Disabled People's Living Condition and Demand Survey 2016: Book 1" suggests that the bus is the most frequently used mode of public transportation for persons with disabilities, which accounts for 30.25%. However, among all the persons with disabilities who have taken buses, 19.78% of the respondents had encountered difficulties and inconvenience; 32.14% of respondents reported inconveniences regarding stairs, lack of lifts, or inconvenient access; 22.43% of respondents complained the routes and frequency of low-floor buses are not enough and 15.51% of respondents indicated that they receive little assistance when arriving at the destination. There are also complaints about the speed, quality, and understandability of bus announcements, as well as the visibility of destination displays.

87 There is a gap between accessible taxis and ordinary taxis: the number of accessible taxis is small, and they are expensive. Consequently, it will place financial burdens on persons with disabilities while the service itself is hard to obtain.

88 Although the State provides long-term care transportation and subsidies for accessible taxis and rehabilitation buses, they neglected the actual needs of the users. Currently, there are two kinds of rehabilitation buses: subsidized long-term care rehabilitation buses and rehabilitation buses for persons with disabilities. The former can only be booked to access medical care, and the latter can be booked for reasons other than accessing medical care in certain regions. However, due to unequal distribution of resources, rehabilitation buses are most needed for accessing medical care. There are few rehabilitation bus services in the evenings and weekends, and the situation is even more disturbing outside of Taipei City and New Taipei City.

89 There are 39 staff-less stations operated by Taiwan Railways Administration; when

45 Report of Disabled People's Living Condition and Demand Survey 2016: Book 1, <https://reurl.cc/OXKrlr>.

persons with disabilities need to enter or exit any of these stations, their requests for accessibility assistance are rejected.

- 90 Neither Taiwan Railways Administration nor Taiwan High Speed Rail provides accessible reservation systems. The reservation process for persons with disabilities is complicated, and it is separated from that used by persons without disabilities. Tickets are only available with voice service or when purchasing onsite, and it is unavailable with applications on portable devices.
- 91 Recommendations:
- (1) An emphasis on transportation subsidies or allowances shall be put on the needs of persons with disabilities, and the State shall design holistic policies to meet the needs of accessible transportation, to provide alternatives for the users. The subsidy shall be largely expanded and include subsidizing the use of rehabilitation buses and accessible taxis. In the meantime, the use of taxis shall be subsidized to meet the needs of persons with disabilities who do not need mobility aids, such as persons with visual disabilities.
 - (2) A timeline for improvements shall be arranged to achieve fully accessible transportation and the State shall continue to increase the quality and quantity of accessible transportation approaches for persons with disabilities, and to upgrade point-to-point accessible transportation:
 - i The State shall expand the service and eligibility of rehabilitation buses, increase the number of low-floor buses in regions outside of Taipei metropolitan area, and enhance the training of drivers of rehabilitation buses.
 - ii A timeline shall be arranged for raising the number of accessible taxis, and regions that lack public transportation shall be prioritized. In the meantime, it is necessary to fix a reasonable price for accessible taxis to ensure the quality and fees of the taxis are equal between persons with disabilities and persons without disabilities.
 - (3) To resolve the issues regarding staffless stations, the State shall:
 - i Make sure the routes from entrances to the platforms in staff-less stations meet the needs of accessibility, and it allows the persons with disabilities to enter and exit freely.
 - ii Improve the equality policy announcement within the staff of Taiwan Railways Administration. In regard to the evacuation needs during emergencies and the need of boarding and alighting the trains in staff-less stations, Taiwan Railways Administration shall equip wheelchair seats in every carriage with entry ramps so the crew members can assist persons with disabilities when there is a need.
 - iii Install an automatic reporting system in stations.
 - iv Before the improvement measures are completed, the State shall consider arranging accessible transportations such as rehabilitation buses or accessible taxis in stations near the staffless stations, to assist the mobility

needs of persons with disabilities.

- (4) Transportation companies, either public or private, shall develop member systems to survey accessibility needs and amend the mode of online reservation and ticket purchasing. These alterations shall enable persons with disabilities to book and collect the ticket online with applications on portable devices. Related administrations shall cooperate and determine the needs of persons with disabilities in the process of ticket purchasing, including selecting seats, confirming needs, payments, collecting tickets, refunding, etc. and remove the barriers that stand in the way of accessibility.
- (5) Accessible transportation should be included in the comprehensive accessibility initiative of the State. With the goal of full accessibility in transportation, the State should assess the integration of modes of public transportation such as Taiwan High Speed Railway, Taiwan Railway, MRT, highway passenger transportation, buses, taxis, and rehabilitation buses. Furthermore, sightseeing buses, shuttles (e.g. hospital shuttles), park shuttles (e.g. recreational parks), and electric cars should also be included. Shuttle boats and recreational boats should be involved in the development of accessibility of water transportation. In addition, wharves, dock facilities, boats, portable assisting tools, and personnel training should be reviewed and ameliorated.

Art. 10: Right to Life

COR Points 34-35

Persons with psychosocial or intellectual disabilities sentenced to death

92 Article 19 of the *Criminal Code* states that “a person who has a mental disorder or defect and, as a result, is unable or less able to judge his act, or lacks the ability to act according to his judgment”⁴⁶ may be exempted from punishment, or have their punishments reduced. Article 57 also states that sentencing should take into consideration the status of intelligence of the perpetrator. There is no explicit prohibition on sentencing persons with psychosocial or intellectual disabilities to death. Currently, Taiwan has numerous cases of persons with psychosocial or intellectual disabilities who are on the death row and are awaiting execution. For instance, LIN Wang-ren, HUANG Fu-kang, LIN Yu-ru, PENG Jian-Yuan were sentenced to death despite their psychosocial or intellectual disabilities. Furthermore, according to Article 465 of the *Code of Criminal Procedure*, a death row inmate must be pronounced “insane” before a death sentence can be suspended. Although the Ministry of Justice has referred to this Article in the *Regulations for Executing the Death Penalty*, it should refer to para. 49 in General Comment No. 36 on Article 6 of the International Covenant on Civil and Political Rights (ICCPR),⁴⁷ which makes clear that death penalty should not be imposed even in cases where

46 Please refer to footnote 13.

47 Article 465 of the Code of Criminal Procedure, <https://reurl.cc/YWK514>.

the person with psychosocial or intellectual disability is not classified as “insane”. In addition, the mental state of the accused is assessed by the Ministry of Justice, the same department that issues death penalty orders, lacking an independent process to comprehensively evaluate the mental status of the inmate. There is also no mechanism to provide external oversight and there is, therefore, no way to guarantee the independence, neutrality, or objectivity of the Ministry of Justice’s assessment.⁴⁸ The current mechanism will not effectively prevent the execution of persons with psychosocial and intellectual disabilities.

93 According to the 2017 COR, State parties should establish clear procedures to ensure that persons with psychosocial or intellectual disabilities are not sentenced to death.⁴⁹ This is also in line with comments made by the United Nations Human Rights Committee, which also said in General Comment No. 36 on Art. 6 of ICCPR that State parties should “refrain from executing persons who have a diminished ability to understand the reasons for their sentence”.⁵⁰ The UN Human Rights Committee has also stated that State parties have the responsibility of setting up independent review mechanisms to evaluate the mental health of death row inmates.⁵¹ According to the concluding observations of review on Taiwan’s initial reports on the implementation of ICCPR and ICESCR (2013), the State party should not impose death penalty on, or carry out executions of, persons with psychosocial or intellectual disabilities, and that these principles and protective measures should be carefully adhered to.⁵²

94 Recommendations:

- (1) Abolish the death penalty.⁵³
- (2) Before the death penalty is abolished, the State should:
 - i Establish a moratorium on all executions;
 - ii Ensure that persons with psychosocial or intellectual disabilities are not

48 See UN Human Rights Committee, Concluding Observations on the Sixth Periodic Report of Japan, UN Doc. CCPR/C/JPN/CO/6, 20 August 2014, para. 13, <https://reurl.cc/qm9Ejn>.

49 International Review Committee, Concluding Observations of the initial report of the Republic of China (Taiwan) on the Convention on the Rights of Persons with Disabilities (CRPD), 3 November 2017, paras. 34-35, <https://reurl.cc/Gdz1yx>.

50 UN Human Rights Committee, General Comment No. 36, Article 6 (Right to Life), CCPR/C/GC/36, 3 September 2019, para. 49, <https://reurl.cc/7yZaQN>.

51 UN Human Rights Committee, Concluding Observations on the Sixth Periodic Report of Japan, UN Doc. CCPR/C/JPN/CO/6, 20 August 2014, para. 13, <https://reurl.cc/qm9Ejn>; UN Committee Against Torture (CAT), Concluding observations on the second periodic report of Japan, UN Doc. CAT/C/JPN/CO/2, 28 June 2013, para. 15, <https://reurl.cc/NX5WM9>.

52 International Group of Independent Experts, Concluding Observations and Recommendations on the Initial Reports of the Government of Taiwan on the Implementation of the International Human Rights Covenants, 1 March 2013, para. 57, <https://reurl.cc/NX5WK9>.

53 International Review Committee, Concluding Observations of the initial report of the Republic of China (Taiwan) on the Convention on the Rights of Persons with Disabilities (CRPD), 3 November 2017, para. 35, <https://reurl.cc/Gdz1yx>.

sentenced to death, nor executed;⁵⁴

- iii Provide persons with psychosocial or intellectual disabilities who have already been sentenced to death and are currently awaiting execution with effective remedies, including, but not limited to, retrials, extraordinary appeals, or commutation of their sentences;
- iv Establish an independent review mechanism, and allow independent experts to evaluate the mental health and mental status of death row inmates.⁵⁵

Art. 11: Dangerous Situations and Humanitarian Emergencies

COR Points 36-37 (a)

The disaster prevention and relief plan has not fully guaranteed the rights and participation of persons with disabilities

95 In response to paras. 62 and 63 of the State's response to 2017 COR and paras. 90 and 91 of the Convention-specific Document of 2020 State Report, despite the fact that the "Basic Disaster Prevention and Relief Plan" stated the necessity to review and ensure the conditions of safety and the capability to provide protection for vulnerable groups (including persons with disabilities) and the prioritized emergency treatment of said groups, the content of the plan is a mere gesture of formality, as it does not propose specific measures of planning directions and implementation schedules for individual groups or categories of disabilities. Further, it is inaccessible to perceive, monitor and supervise the State's efforts to substantially ensure the rights of persons with disabilities. The content of the special chapter of the "Strengthening Disaster Prevention and Relief Countermeasures for the Low-income and Disadvantaged Groups" was subject to the same circumstances as mentioned. Furthermore, the Countermeasure had disclosed that it would reach 100% completion in 2020, with no relevant implementation reports announced.

96 Despite the fact that the State Report claimed that governments at all levels have invited persons with disabilities and disabled persons' organizations (DPOs) in the formulation of disaster prevention and relief plans, in reality, whereas persons with disabilities possess insufficient substantive decision-making power in the policy-making process, the outcome of the policy has yet to be based on the subject of

54 UN Committee Against Torture (CAT), Concluding observations on the second periodic report of Japan, UN Doc. CAT/C/JPN/CO/2, 28 June 2013, para. 15, <https://reurl.cc/NX5WM9>.

55 UN Human Rights Committee, Concluding Observations on the Sixth Periodic Report of Japan, UN Doc. CCPR/C/JPN/CO/6, 20 August 2014, para. 13, <https://reurl.cc/qm9Ejn>; UN Committee Against Torture (CAT), Concluding observations on the second periodic report of Japan, UN Doc. CAT/C/JPN/CO/2, 28 June 2013, para. 15, <https://reurl.cc/NX5WM9>.

persons with disabilities and protection of their rights.

COR Points 36-37 (b)

Information on disasters and National Highway traffic condition information has yet to be implemented in a diversified accessible format

- 97 In response to para. 65(2) of the State's response to 2017 COR and para. 97(2) of the Convention-specific Document of 2020 State Report, information on disasters have yet to be presented in an accessible, universally designed, and easy-to-read format. Take the "Disaster Prevention and Relief Information Service Platform" and websites dedicated to disaster information as mentioned in the State Report for instance, diversified accessible options were nowhere to be found on the homepage of said sites.
- 98 In response to paras. 64(1) and 65(1) of the State's response to 2017 COR and paras. 93 and 97(1) of the Convention-specific Document of 2020 State Report, relevant concepts on disaster response and evacuation guidance measures were focused on long-term care institutions, without exerting effort on promotion and implementation strategies to the general public, which has resulted in adversity for persons with disabilities who independently live in various communities to promptly obtain disaster information, even being the last individuals notified of a disaster.
- 99 Real-time traffic conditions on national roads are yet to implement diversified accessible formats, take Xueshan Tunnel, the longest freeway tunnel in Taiwan, for instance: the sole means to access the emergency broadcast system is via as of present, which oversights the mode of information access of the deaf or persons with hearing disabilities, adversely affecting their road safety.

100 Recommendations:

- (1) The State shall immediately refine the content of its disaster prevention and relief plans, should the content be unable to be revised urgently, the State must propose and announce a definitive schedule of gradual implementation procedures which must include the rights of persons with disabilities. In the meantime, full participation of persons with disabilities shall be ensured in the formulating and drafting process of said refinement plan.
- (2) The State shall fully explain the actual process to completion of the "Strengthening Disaster Prevention and Relief Countermeasures for the Low-income and Disadvantaged Groups", and disclose relevant information regarding its 100% completion.
- (3) The State shall allocate sufficient resources to continuously implement diversified accessible formats for information on emergencies and disasters; relevant planning shall consider the Internet as the primary source of information for modern lifestyles, and establish diversified accessible design for the websites.
- (4) Disability awareness shall not only be incorporated into the formulation of the concept of disaster response and evacuation guidance measures, but also

incorporated into the promotional efforts targeting the general public. The obligation to implement shall also be extended to all public and private sector entities to ensure the rights of persons with disabilities can be assured in case of emergencies.

- (5) To regulate the administering of diversified accessible format of information of disaster response through legislation, including enlarged print, braille, voice, and other methods of disaster response information disclosure; further, large electronic billboards shall be installed every kilometer in freeway tunnels to announce immediate emergency road conditions in intelligible text, to ensure the access to relevant information of persons with disabilities.
- (6) To regulate the administering of accessible emergency notification system by public and private sector entities; for instance, a QR code for text-based communication can be printed under the intercom of the Metro systems, for the easy access of persons with hearing disabilities or persons with speech disabilities, to ensure equal access to the notification system in case of emergencies.

Infringement on the rights of persons with disabilities during the Covid-19 pandemic⁵⁶

101 The Covid-19 Pandemic outbreak in 2020 has provided an effective opportunity to inspect policies and relevant priority principles for persons with disabilities of the State regarding times of risk and humanitarian emergencies. However, disability awareness in relevant policies obviously needs to be improved. The two State Reports, the State's response to 2017 COR and the Convention-specific Document of 2020 State Report, did not feature a response to the obstructions caused by policies and the environment which were usually ignored and were highlighted into prominence during the pandemic.

102 It must be reiterated that, rather than being caused by the pandemic itself, the various "obstructions in the environment and institutions" observed under the pandemic, were simply existing complications that were highlighted by the pandemic – the mechanism excluded those who are arduous to be included in the pandemic response network of the public health system, are exactly the mechanism excluded persons from the social security net. Vulnerable groups, including persons with disabilities, require specific attention.

103 It has been over a year since the outbreak of the COVID-19 pandemic. We continue our recommendations in the 2020 ICCPR & ICESCR parallel report:

- (1) Recommend that the State aggregate, organize and analyze issues that people have encountered due to the pandemic, formulate corresponding measures in advanced deployment for potential future pandemic intensification for similar emergencies, and
- (2) that additional attention be given to challenges and needs of women, persons

⁵⁶ Contents regarding the COVID-19 pandemic, are largely selected segments of the Covid-19 Chapter of ICCPR & ICESCR parallel report of Covenants Watch.

with disabilities, children, the elderly and indigenous peoples in statistics aggregation, ensure that the formulation of the solutions included concerned groups, and the solutions formulated can effectively safeguard the rights of these vulnerable groups.

The legislation process of the *Special Act* lacked the input of diversified opinions which consequently leads to its incapability to properly ensure the rights of persons with disabilities

104 During the ongoing pandemic, the State has acted to safeguard the people's health and at the same time alleviate the economic and social impacts in accordance with the *Special Act for Prevention, Relief and Revitalization Measures for Severe Pneumonia with Novel Pathogens* (hereinafter *Pneumonia Special Act*),⁵⁷ which involves relevant subsidies on remunerations, medical care, quarantine, control and prevention material, personal data usage, industry stimulation, income tax and pandemic awareness campaigns, as well as the subsidies' administration.

105 In retrospect, the legislation of the *Pneumonia Special Act*, given the time constraints, was not able to consult the public or seek its input in terms of daily experience and advice. This resulted in the *Act's* provisions potentially overlooking challenges encountered by vulnerable groups (including persons with disabilities), and thereby inadequacies in safeguarding their rights, or even violations thereof.

106 With joint efforts of NGOs and politicians, a "Seminar on Pandemic Response Measures for Persons with Disabilities and Improvement of Medical Services" was held in March 2021, with Dr. Chen Shih-chung, the Minister of Health and Welfare attending the discussion; we affirm the effort of the State to engage in discussions with persons with disabilities, yet it is necessary to denote that the State has yet to dedicate sufficient attention to the rights of persons with disabilities.

107 Recommendations:

- (1) The State ought to seek input from a wide range of public experience and advice in legislation and policy making processes, and review its social aid programs for persons with disabilities and vulnerable groups, in accordance with para. 71 a) of CRPD's Concluding Observations: mandate that the eligibility criteria for persons with disabilities to obtain financial assistance and subsidies be independent of their and their families' means.⁵⁸ This would increase the coverage of national policies to benefit all, minimize the possibility of anyone being left outside the scope of protection of laws and regulations, and, furthermore, increase the awareness of the people with regard to vulnerable groups through the legal provisions.
- (2) The State ought to consult vulnerable groups especially for daily experiences

57 The Special Act for Prevention, Relief and Revitalization Measures for Severe Pneumonia with Novel Pathogens, <https://reurl.cc/MZD8Lm>.

58 Concluding Observations and Recommendations Adopted by the International Review Committee on the Initial Report of Taiwan on the Implementation of the Convention on the Rights of Persons with Disabilities, Jan. 8th, 2019. Social and Family Affairs Administration, Ministry of Welfare, <https://reurl.cc/Q9npe5>.

and advice in formulating special legislations in response to emergencies, in order to ensure that the subsequent provisions actively safeguard their rights and prevent even greater challenges from occurring due to such emergencies.

- (3) The State, in terms of policy making, ought to formulate plans to distribute medical resources in times of emergency on the basis of past experience, in order to alleviate social impact and unrest resulting from distribution of medical resources and their shortages. It shall also be ensured that resources and supports essential to the survival of persons with disabilities and other vulnerable groups will not be withdrawn under situations of emergency.

Pandemic-relevant information lacks accessible format, affected the Right to Know of persons with disabilities

108 The Central Epidemic Command Center (hereinafter the CECC) has violated the right to know of persons with disabilities in its disclosure of real time pandemic development information. Only sign language interpreters were arranged at each press conference, without multiple accessibility channels. This has neglected that a wide range of approaches are required for persons with hearing, mental, visual or other disabilities who do not understand sign language may access information, and highlighted the lack of dimensions in the State's understanding of persons with disabilities.

109 Meanwhile, the State's knowledge in the approaches with which persons with hearing disabilities communicate with the world is limited. This results in the ineffectiveness in conveying disease control information and help. For example, announcements at the entry to Taiwanese borders are not made in a manner comprehensible to persons with hearing disabilities, hence they would be unaware of the inspection requirements. In addition, the 1922 disease control helpline lacks service options for persons with hearing disabilities, and those who require it need to be redirected via the 1999 general helpline. Also, relevant agencies, despite knowing that some individuals under home quarantine possess hearing or speech disabilities, there is no viable alternative approach to telephone interviews.

110 Continuing the above, the same challenges have also occurred in relation to persons with other disabilities. Information on national disease control and assistance measures are not articulated. For instance, the difference between home quarantine and home isolation are not immediately clear, thus difficult to comprehend for persons with disabilities. Such lack of simplicity and clarity leads to challenges for citizens to comprehend national policies immediately upon accessing relevant information. Despite the fact that the State had completed and published an easy-to-read manual of pandemic response, in its subsequent updates regarding the pandemic, the CECC did not publish the easy-to-read version or other diversified formats simultaneously, resulting in an increased barrier for persons with disabilities to obtain pandemic response information and to promptly access first-hand information for pandemic response.

Insufficient disability awareness of medical institutions and support services leading to impediments to the right to access medical services of

persons with disabilities

- 111 Temporary outdoor inspection areas in medical institutions have increased the barriers for persons with disabilities to seek medical assistance during the pandemic. For disease control reasons, patients with respiratory symptoms or fevers must access the institutions via the ER, which implements inspections in temporarily erected outdoor inspection areas. Since only one patient and one medical worker may be present within an inspection area, persons with disabilities are not able to receive timely and appropriate assistance from their caretakers since the latter are excluded from the inspection area. In addition, for infection prevention reasons, no mobile accessible lavatories are provided within the inspection areas, which impact the basic rights within these areas for persons with disabilities. (Even regular lavatories were removed upon relevant suggestions by a number of people with disabilities.)
- 112 Obstacles faced by persons with disabilities in negative pressure isolation wards: The many examples highlighting the medical institutions' lack of reasonable accommodations to medical services, in relation to persons with disabilities in these wards, include: lack of Commode chairs, transfer beds or space for their maneuvering, lack of accessible bathroom design, lack of bathroom space (there are even thresholds), disadvantaged call button placement for persons with disabilities, and the specific and limited times during which medical personnel may enter such wards.
- 113 The inconsiderate design of the negative pressure isolation wards has severely violated the privacy of persons with disabilities within these wards. To provide medical workers with "easier" access to the patient's condition, all partitions are removed within these wards, and each is fitted with a panoramic surveillance camera active at all times. In addition, since bathrooms in these wards are not designed for accessibility, those bound to wheelchairs are only able to change with no cover at all. Within the negative pressure isolation wards, there is no privacy to speak of for wheelchair-bound persons with disabilities.
- 114 Medical workers and medical institutions in general do not possess adequate knowledge in relation to patients with rare diseases, and thereby lack the capacity to adjust medical procedures accordingly in times of emergency. For example, there was an incident where medical workers, to acquire a sample of a rare disease patient's sputum for examination, attempted an invasive procedure with which a tube would be inserted into the patient's throat. This however is likely to induce pneumonia symptoms and exacerbate the patient's condition.
- 115 Increased difficulty for schizophrenia patients to receive stable treatment: The deterioration of job security and familial economy as a result of the pandemic, combined with concerns in relation to the potentially higher infection risks at therapy facilities, may impact or even disrupt treatment for schizophrenia patients. While the families of schizophrenia patients are considered socially vulnerable, having to choose between basic daily expenses and medical expenses became a reality. The inadequacy of NHI coverage and other general medical support for psychosis patients under normal circumstances has become more pronounced

under the pandemic, and has exacerbated their vulnerability.

Policies of pandemic response and allocation of materials are oblivious to the circumstances of persons with disabilities

116 The name-based rationing system for facemasks lacks arrangement for persons with disabilities: Initially when the masks were purchased at pharmacies, persons with disabilities were required to find one with an accessible design. Since navigating the accessibility ramps is more time consuming than regular access and deviates from the normal que, it has been challenging for persons with disabilities to purchase facemasks successfully. Following policy adjustments, face masks could now be ordered from the NHI mobile application, which has seemingly resolved the issues with physical que. However, the assistive function for persons with visual disabilities did not come online until April, 2020 and the interface remains unfriendly to the elderly,⁵⁹ which has inadvertently created challenges for persons with disabilities and the elderly to access disease control supplies.

117 The design of regular facemasks lacks considerations for the circumstances of persons with disabilities: For example, regular facemasks cannot be worn appropriately by microtia patients due to their ear physiology; those with cerebral palsy are unable to keep their masks dry due to drooling thus affecting disease control effectiveness; the design of regular facemasks prevents lip readers with hearing disabilities from communicating properly. Furthermore, masks designed for persons with hearing and speech disabilities are designed from the perspective of persons without hearing and speech disabilities.

118 The requirement to wear masks on public transportation and enclosed public places has severely impacted the rights to transportation, access to public places and public services for persons with disabilities, even to the point of affecting the feasibility of leading an independent life. Some persons with disabilities are not able to wear masks due to their conditions, such as persons with dementia, mental disabilities or inferior respiratory capacity, or with microtia as mentioned earlier. The uniform request that people must wear masks when accessing public services, without offering persons with disabilities the disease control supplies required for them to live independently, reflects a clear lack of understanding in the variety of the peoples' composition.

Double isolation in quarantine institutions/hospitals, neglects the physical and mental health of the in-patients

119 Isolation of in-patients in medical institutions: The Executive Yuan elevated the Central Epidemic Command Center to tier 1 in the government hierarchy on Feb. 27, 2020. Following this, a number of medical institutions began to ban visits to in-patients, and the CECC subsequently ordered a general ban of all visits on Apr. 3, 2020.⁶⁰ This measure has affected rare disease patients who require around the

59 National Health Insurance Administration, the Ministry of Health and Welfare, "The NHI Smart Chatbot is Officially Online since April 16th, 2020!", 16 April 2020, <https://reurl.cc/DvDAEO>.

60 The CDC's guidance on hospital visitations in response to Covid-19, 17 April 2020,

clock care, and has neglected the positive effects of the social support network to a patient in severing connection to friends and family.

120 Circumstances are even more challenging for persons with disabilities in psychiatric institutions. In addition to the ban from visitors, the institutions have also confined persons with disabilities within their own rooms, even from getting sun and fresh air, citing disease control as the reason why. Furthermore, given that some institutions have prohibited patients carrying cell phones into their rooms, their connection with the outside world has been completely severed. Both of these measures have severely impacted the physical and mental health of in-patients and have even increased the challenges for persons with disabilities in their return to society.

121 Community and institutional services may also experience lack of caretaking personnel, or completely halt the administering of residential care on the accounts of pandemic response. In turn, people who usually rely on such services lose support, thereby affecting their physical and mental health. Furthermore, the State was not able to identify these issues and adequately supplement caretaking personnel, nor was the State able to provide these workers with adequate institutional safeguards, equipment or empowerment resources, which violates the rights of persons who rely on social services and resources in their daily lives.

122 Recommendations:

- (1) As noted by points 57(b) of the 2017 CRPD COR,⁶¹ the State ought to “adopt and take the necessary measures to enforce legislation on access to all public and private information and communication so as to facilitate access in all formats and technologies appropriate to all kinds of disabilities.” The State ought to, as its normal practice, incorporate multiple forms of accessible communication channels when planning policy announcements and implementation. All formats and technologies appropriate to all kinds of disabilities ought to be offered for the purpose of rapid adjustments and implementation, accommodating for unexpected incidents such as the pandemic.
- (2) Further, laws ought to be in place that compels the State to incorporate multiple accessible formats in information disclosure, public policy announcements and public news channels. These include sign language interpretation, subtitles, simultaneously provided generally compatible electronic files, voiceovers and easy-to-read versions. These forms of accessible information dispersal would enable persons with disabilities to

<https://reurl.cc/1gz34D>; News article on the CDC’s ban on hospital visitations to implement till end of April, with three exemptions, Central News Agency, 3 April 2020, <https://reurl.cc/o9Xrg5>.

⁶¹ Concluding Observations and Recommendations Adopted by the International Review Committee on the Initial Report of Taiwan on the Implementation of the Convention on the Rights of Persons with Disabilities, Jan. 8th, 2019. Social and Family Affairs Administration, Ministry of Welfare: <https://reurl.cc/Q9npe5>.

comprehend relevant information in a timely manner.

- (3) In addition, accessible technical design and formats ought to also be incorporated in websites and various internet-based service information outlets established in response to the pandemic. Relevant accessible information ought to be integrated as well, in order to facilitate navigation.
- (4) In accordance with General Comment No. 14 to the ICESCR, the State ought to consider essential elements such as availability, accessibility, acceptability and quality in respecting, safeguarding and implementing relevant obligations to ensure citizens' right to the highest possible standard of health.
- (5) Waiting areas, consulting areas and equipment of medical institutions ought to be suitable for persons with disabilities. This includes wheelchair accessible changing rooms and separate, quiet waiting areas for persons with disabilities who require emotional stability.
- (6) Medical institutions ought to offer a proportionate number of accessible wards, which are equipped with assistive equipment such as transfer beds, transfer areas, caretaking beds, air mattresses and bathing beds catering to various forms of disabilities. Call button placement in the ward must also account for patients with inferior arm and hand strength.
- (7) The State ought to, as noted by points 65(d) of the 2017 CRPD COR,⁶² "revise standard medical training so that it includes modules on how to provide healthcare to persons with disabilities". Training courses on persons with disabilities and rare disease patients ought to be organized for first line medical workers in order to improve their awareness, and ensure that persons with disabilities and rare disease patients may receive equivalent medical treatment.
- (8) Medical institutions ought to deploy communication assistive personnel and equipment, in order for persons with disabilities to understand medical advice and communicate their respective needs.
- (9) Medical support for schizophrenia patients ought to include financial support for the economically vulnerable, and the long-term, incremental improvement of access to therapy treatment initiated by the State. On the other hand, studies have indicated that long-acting injections are beneficial to the patient's chance in returning to school or work, and improves patients' willingness for stable medication.⁶³ The State ought to, referencing relevant studies, formulate medication measures that improve the patients' chances in returning to society.
- (10) The State ought to offer a wide range of face masks in different forms, so

62 Concluding Observations and Recommendations Adopted by the International Review Committee on the Initial Report of Taiwan on the Implementation of the Convention on the Rights of Persons with Disabilities, Jan. 8th, 2019. Social and Family Affairs Administration, Ministry of Welfare: <https://reurl.cc/Q9npe5>.

63 Tang, Tze-Chun, et al. Taiwanese Journal of Psychiatry 33.4 (2019), p.198., <https://reurl.cc/2b3zor>.

persons with disabilities may select from them according to their respective conditions. If the range of coverage of disease control supplies on the market is insufficient, the State ought to allocate sufficient resources for relevant research and development with a public timeline. Such R&D efforts ought to be completed as soon as possible without compromising quality, in order to ensure that the State's disease control supplies cater to all without omitting any specific group.

- (11) The State, as noted in para. 33(a) of the 2017 CRPD COR,⁶⁴ ought to “draft a comprehensive action plan with consistent standards, monitoring and enforcement mechanisms including penalties for noncompliance, timelines and budget for implementation of uniform accessibility across the public and private sectors in urban as well as rural areas regarding offices, workplaces, infrastructure, pedestrian environments, and public transport including taxis.” For public facilities (including tourism accommodation facilities such as hotels), the State ought to offer necessary support in deploying assistive equipment and communication assistive measures. Furthermore, laws and regulations in relation to accessibility ought to also be reviewed and revised, in order to incrementally address circumstantial and institutional impediments and ensure the people enjoy substantive equality.
- (12) The State ought to formulate measures to accommodate the needs of in-patients in medical institutions or long-term nursing home residents, in order to safeguard their right to physical and mental health. In addition, adequate resources ought to be allocated and compensations made available to hospitals in-patients or long-term nursing home residents to prevent their complete disconnection with the outside world in isolation, in order to safeguard their mental health. Such compensations may be the establishment of online resources or other effective means to increase social connections and interpersonal interactions.
- (13) The State ought to attach due importance to citizens' mental health and community/institutional supportive services as well as establish application practices and corresponding remuneration standards, in order to take an active role in cultivating the capability of physical and mental health caretakers. Comprehensive social welfare safeguards, necessary equipment and sufficient human resource support also ought to be in place for entities offering supportive services, complemented with comprehensive empowerment resources, in order to safeguard the health of citizens. On the other hand, sufficient budget, manpower and resources shall be allocated to prevent the interruption or reduction of residential care services in times of emergencies.

Lockdowns, as a part of the pandemic response have increased the risk

64 Concluding Observations and Recommendations Adopted by the International Review Committee on the Initial Report of Taiwan on the Implementation of the Convention on the Rights of Persons with Disabilities, Jan. 8th, 2019. Social and Family Affairs Administration, Ministry of Welfare, <https://reurl.cc/Q9npe5>.

of vulnerable groups being subjected to domestic violence

123 Persons with disabilities, women, children and indigenous people are vulnerable groups that are prone to be subjected to domestic violence: The pandemic's impact on Taiwan's overall economy has led to an increase in unemployed or underemployed workers.⁶⁵ Groups that are economically vulnerable suddenly found their primary source of income compromised, creating hidden domestic stress factors. Furthermore, as people are enclosed in their homes, with severely reduced breathing space, an increase in familial conflicts and even domestic violence might occur.⁶⁶

124 The State's disease control measures prohibit police or social worker visits for domestic violence cases if the individual is in home isolation/quarantine. The only available approach under these circumstances is a non-binding, verbal agreement that separates the perpetrator and the victim in different rooms during the quarantine and requests each use communal spaces at separate times. However, if any one party is unwilling to observe the agreement, this non-binding approach is easily compromised and rendered useless. As police and social workers are restricted from visiting or understanding the victim's situation, applying for a protection order would be a challenge, thereby violating the victim's right to be free of domestic violence.

125 Recommendations:

- (1) As para. 25 of 2017 ICCPR and ICESCR COR noted: The International Review Committee of ICCPR and ICESCR had further reiterated its earlier recommendation that the impact of the various initiatives be assessed and, on the basis of this assessment a comprehensive plan be developed to address domestic violence by adopting an interdisciplinary and multi-sectoral approach. It also recommends for the State to pay additional attention to the vulnerable groups of women, such as women with disabilities and the new immigrants who arrive as brides.⁶⁷
- (2) According to the UN's statement,⁶⁸ the State ought to attach additional importance to preventing and addressing domestic violence. Existing assistance resources for domestic violence victims must not be suspended and additional police human resources must be allocated to respond to emergency incidents. In addition, using a telephone helpline would create risk exposure

65 Between mid-February and end of June, 2020, the number of workers affected by "management-labor agreed reduced hours" increased from 869 to 31,816. Source: <https://reurl.cc/xgVvn5>.

66 A press release by the Ministry of Health and Welfare indicates that the number of reported domestic violence cases between January, when the pandemic first occurred in Taiwan, and March, 2020, was approximately 32,000, an increase of about 5% compared to the same period in 2019: <https://reurl.cc/l0XQnv>.

67 Concluding Observations and Recommendations Adopted by the International Review Committee on the Second Report of Taiwan on the Implementation of the ICCPR and ICESCR, Apr. 6th, 2017. Ministry of Justice: <https://reurl.cc/yE1yOl>.

68 UNOHCHR, States must combat domestic violence in the context of COVID-19 lockdowns – UN rights expert (2020): <https://reurl.cc/NXDlj5>.

concerns for domestic violence victims under home isolation. The government may consider online or texting services, or other new channels to assist domestic violence victims.

- (3) The State ought to enhance the awareness of first line service personnel (teachers, judicial workers, social workers, medical workers, etc.), and offer education programs on sexuality and gender equality for persons with disabilities, which would enable them to detect danger and understand various protective and assistance measures. In addition, relevant government services such as various channels for assistance, emergency shelters, protective relocation, physical and mental healthcare and legal assistance also ought to be reviewed for consideration of the varying needs of persons with disabilities, and ought to be promoted more expansively via a wide range of media and channels.
- (4) The above also applies to other vulnerable groups such as women, children and indigenous peoples.
- (5) The State is advised to, emulating the “quarantine hotel” measure, offer (potential) victims “quarantine shelter” which removes both disease and exposure to violence, in order to safeguard the disadvantaged from suffering domestic violence.

The right to work of persons with disabilities have not been properly ensured by employment assistances

126 Under the influence of the pandemic, the number of unemployed people in Taiwan grew accordingly, nonetheless, the right to work of persons with disabilities have not been properly ensured, since:

- (1) The State has yet to release statistics on the employment situation of people with disabilities. This makes it difficult for the public and NGOs to understand the scope of the impact of the pandemic on people with disabilities and to make policy recommendations.
- (2) For people with hearing disabilities: Mandatory mask policies in the workplace have caused various communication issues. Video conferences, as an alternative to in-person meetings since the outbreak, often lack support measures for people with hearing disabilities.
- (3) Regarding people with psychosocial disabilities: While the CECC officially banned patient visits at all hospitals and medical institutions on April 3, 2020, except under special circumstances as part of the pandemic prevention measures; some hospitals began to ban visitors as early as February. As a result of the ban, persons with psychosocial disabilities who are in institutional settings were completely cut off from the outside world, causing prolonged treatment or hospitalization, making it more difficult to adapt to society and seek jobs after being discharged.

127 Recommendations:

- (1) The State shall aggregate and publish the employment statistics of persons

with disabilities during the pandemic, and actively collect the opinion of persons with disabilities when drafting various pandemic prevention measures to realize the spirit of reasonable accommodations.

- (2) The State shall provide more comprehensive support measures, such as requiring employers who use video conferencing to provide support measures that allow employees with hearing disabilities to participate in work.
- (3) Furthermore, the State shall, in light of the changes in the pandemic, provide reasonable accommodation to the work of persons with disabilities, such as remote work or home employment, to avoid the increase in the risk of infection and the difficulty of leaving home.

Art. 12: Equal Recognition before the Law

COR Points 38-39

Orders of commencement of guardianship or assistance under the *Civil Code* deprives persons with disabilities of legal capacity

128 Article 15 of the *Civil Code* states that a “person who has become subject to the order of the commencement of guardianship (i.e., full guardianship) has no capacity to perform any juristic act.”⁶⁹ This completely deprives the individual of all legal capacity, including the right to vote or to stand for elections,⁷⁰ acting as a public/private representative of a juristic person or organization (which affects their right of freedom of association),⁷¹ handling of assets, being deemed unfit for work,⁷² etc. Article 15-2 of the *Civil Code* states that persons under an order of commencement of assistance (i.e., partial guardianship) will require the consent of the court-designated assistant in matters related to the taking of any procedural action, dealings related to valuable property, or the making of loans for consumption,⁷³ etc. This restricts the legal capacity of individuals under such orders. Under the current system, regardless of whether one is under an order of commencement of guardianship or assistance, no periodic review mechanism – as stipulated in Article 12, paragraph 4 of the CRPD – is available. This is equivalent to long-term deprivation and restriction of the legal capacity of persons with disabilities. Referring to para. 98 of the 2020 State Report, the government has never acknowledged that the entire guardianship mechanism is incompliant with CRPD, it further asserted that the substituted decision making after the order of guardianship is “adopted in the spirit of supported decision-making” prescribed by

69 Article 15 of the Civil Code: <https://reurl.cc/YWrQL0>.

70 For instance, the Presidential and Vice-Presidential Election and Recall Act, the Civil Servants Election and Recall Act, and the Referendum Act, please refer to paras. 355-359 of this report for detailed description.

71 For instance, the Civil Associations Act: <https://reurl.cc/YO7rqm>, the Industrial Group Act: <https://reurl.cc/KAKndg>, and the Commercial Group Act: <https://reurl.cc/9roYDx>.

72 Article 5-3 of the Public Assistance Act: <https://reurl.cc/AgEDNQ>.

73 Article 15-2 of the Civil Code: <https://reurl.cc/YWrQL0>.

the CRPD.

- 129 Some judges have incorrectly quoted CRPD General Comment No. 1. In ruling on whether or not an order of commencement of guardianship or assistance should be issued, some judges have, in justifying their decisions, claimed that “According to CRPD General Comment No. 1, the declaration of guardianship is applicable when the intentions of the person with disability cannot be known.”⁷⁴ However, what CRPD General Comment No. 1 demands is to provide support for decision-making and other needs, to assist persons with disabilities in exercising their legal capacity, rather than depriving them of legal capacity.
- 130 In addition, the State has adopted the “best interests” principle, as seen in paragraph 68 of the State’s response to 2017 COR. Court judgments relating to orders of commencement of guardianship also refer to “best interests”.⁷⁵ To the best of our knowledge, there was only one ruling -- the Hualien District Court (109) Jia-Sheng-Kang No. 1 Civil Ruling -- mentioned that “best interests” should be replaced by “best interpretation of will and preferences”. It is clear that the State, including the relevant authorities and judges, are not yet clear on the principles stated in the CRPD.

The “insanity defense” and “incompetency to stand trial” provisions in the *Criminal Code* and *Code of Criminal Procedure* may violate CRPD

- 131 The United Nations Committee on the Rights of Persons with Disabilities (hereinafter “the CRPD Committee”) have yet to put forward a definitive account on criminal responsibility to be borne by persons with disabilities; however, increasingly more scholars and activists have argued that the “insanity defense” is not compliant with the provisions of Article 12 of the CRPD.⁷⁶ The provisions of Paragraphs 1 and 2 of Article 19 of the *Criminal Code of the Republic of China* are akin to the notion of “insanity defense” in common law systems,⁷⁷ which shall be put under further scrutinizing to determine whether the current provisions violate the intent of Article 12 of the CRPD. However, it must be emphasized that the UN

74 For instance, the ruling of the Taipei District Court (109)

No.375: <https://reurl.cc/R0n7z9>, and No.269: <https://reurl.cc/R0n7y9>.

75 According to statistics aggregated by Covenants Watch, since 2017 to 2020, 127 verdicts contained terms such as “declaration of guardianship” and “CRPD”, 25 verdicts among these mentioned “best interest”, while only one verdict further mentioned “best interpretation of will and preferences”.

76 Reference may refer to: Minkowitz, T. (2014). "Rethinking criminal responsibility from a critical disability perspective: The abolition of insanity/incapacity acquittals and unfitness to plead, and beyond." *Griffith Law Review* 23(3): 434-466. Slobogin, C. (2016). "Eliminating mental disability as a legal criterion in deprivation of liberty cases: the impact of the Convention on the Rights of Persons with Disabilities on the insanity defense, civil commitment, and competency law." *Law & Psychol. Rev.* 40: 297.

77 Article 19 of the Criminal Code: <https://reurl.cc/a901vG>.

human rights instruments, including General Comment No. 36 on Article 6 of the ICCPR,⁷⁸ on the right to life, have long concluded that death penalty must not be imposed on persons with psychosocial or intellectual disabilities,⁷⁹ and imposing death penalty on such persons constitutes torture and other cruel, inhuman or degrading treatment. Before the legal community settles on whether insanity defense actually violates the CRPD, what is even more important is, while taking into considering specific needs of all types of disabilities, to first ensure that fair trials and relevant procedural safeguards (including procedural accommodations) are accessible for everyone, and then during the correction stage emphasize more on the restorative and reintegrating dimensions, instead of simply focusing on the punitive element.

132 From the decisions adopted by the CRPD Committee on individual communications,⁸⁰ as well as principle 1.2.(e) of the International Principles and Guidelines on Access to Justice for Persons with Disabilities issued jointly by the Special Rapporteur on the Rights of Persons with Disabilities, the CRPD Committee, and the Special Envoy of the Secretary-General on Disability and Accessibility in August 2020,⁸¹ it has been established that laws or practices will violate CRPD by declaring persons with disabilities such status of “unfitness to stand trial” and “incapacity to plead”, which prevent them from participating in legal processes, based on questions about or determinations of their capacity. The provisions of Articles 29⁸² and 46⁸³ of the current Code of Criminal Procedure contravened Articles 12 and 13 of the CRPD.

Article 20 of the Criminal Code violates CRPD by stipulating that punishment can be reduced for persons who are “deaf and dumb”

133 Article 20 of the *Criminal Code* states that penalties can be reduced in offences committed by persons who are “deaf and dumb”. This term, “deaf and dumb”, was used when the *Criminal Code* was first implemented in 1935, which has never been altered since. Previously, awareness about the rights of persons with disabilities was generally insufficient; a person with hearing impairment might be regarded unable to receive information or express his/her ideas simply because of difficulties in communication that now can be alleviated. The circumstance nowadays is that

78 Please refer to footnote 50.

79 Take ECOSCO resolution 1989/64 and Commission on Human Rights resolution 2005/59 for instance, regarding death penalty, the United Nations General Assembly had historically passed resolutions on moratorium of executions, and resolutions towards the full abolishment. The latest resolution, A/Res/75/183, was passed in Dec. 16th of 2020 with 123 member states voted in favor, 38 against, and 24 member states voted abstention.

80 *Noble v. Australia*. CRPD/C/16/D/7/2012: <https://reurl.cc/MA1GKm>.

81 The International Principles and Guidelines on Access to Justice for Persons with Disabilities. (2020): <https://reurl.cc/7r9W5l>.

82 Article 294 of Code of Criminal Procedure: <https://reurl.cc/W3a9Vk>.

83 Article 467 of Code of Criminal Procedure: <https://reurl.cc/W3a9Vk>.

deaf people (or persons with hearing disabilities) can effectively communicate via lip-reading, sign language, or writing. However, the *Code* has persisted on the usage of the term “deaf and dumb”, which perpetuates discrimination against people who are deaf or persons with hearing disabilities.

134 Furthermore, by stating that deaf people or persons with hearing disabilities should face reduced penalties, the text of the law seems to imply that persons with hearing disabilities do not have the capacity to be responsible for their own actions. On the other hand, correctional institutions that provide rehabilitative programs, vocational training, and professional skills training do not provide sign language or close-captioning services, which affects the right of deaf people, or persons with hearing disabilities to access information. Should this article be repealed without careful consideration, deaf people or persons with hearing disabilities will face substantial disadvantage in correctional facilities than others.

135 Recommendations:

- (1) The current systems of guardianship and assistance should be reviewed and, following CRPD General Comment No. 1, establish legal framework and allocate resources to develop supported decision-making mechanisms for persons with disabilities.
- (2) Carry out research into a process that supports persons with disabilities in decision-making: a working group should be convened as soon as possible to draw up a timeline to amend the *Civil Code*. Persons with disabilities should be included in the work of reviewing the relevant processes and legislation. Furthermore, the type of support provided should include options, informal and formal, of varying modes and intensity,⁸⁴ and should not be limited to reasons of disproportionate or undue burden.⁸⁵
- (3) Improve procedural protections before abolishing guardianship: Current orders of commencement of guardianship or assistance do not take into consideration the rights of persons with disabilities. The procedures should be amended to ensure that persons with disabilities can rely on independent representatives, such as the role played by “public advocate” in some countries, to represent their rights and interests, including in the eventual process of removing restrictions on their rights.
- (4) Set up a regular review mechanism for the order of guardianship or assistance: Before the mechanism of supported decision-making is implemented, the courts should place time limits upon orders of guardianship or assistance, with a mechanism designed to carry out regular reviews.
- (5) In the case of adults with disabilities, if, despite best efforts, it is still impossible to know the true intentions of the individual, the principle of the “best interpretation of will and preferences” should be adopted, as opposed to

84 Paragraph 17 of the General Comment No.1 of the CRPD: <https://reurl.cc/DgnVDd>.

85 Paragraph 48 of the General Comment No.6 of the CRPD: <https://reurl.cc/En89a1>.

that of “best interests”.⁸⁶

- (6) As the relevant authority, the Ministry of Health and Welfare should first clarify the rights, obligations, and concepts stated in the CRPD. Without such clarifications, it would be meaningless to organize training sessions.
- (7) The Ministry of Justice and the Judicial Yuan should convene a research team to scrutinize provisions related to “insanity defense” and “competency to stand trial” in the *Criminal Code* and *Code of Criminal Procedure* against the International Principles and Guidelines on Access to Justice for Persons with Disabilities. The research team should also investigate and develop mechanisms of supported decision-making and procedural accommodations.
- (8) Before Article 20 of the *Criminal Code* is amended, correctional institutions should first address barriers to accessing information, and make reasonable accommodations. The Legislative Yuan should first revise the law to change references to “deaf and dumb” people to “deaf people or persons with hearing disabilities”. The State should take the lead in encouraging the media and the public to use the appropriate terms.

Art. 13: Access to Justice

COR Points 40-41

136 In paragraphs 70 to 72 of the State’s response to 2017 COR, and paragraphs 54 to 56 of the 2020 State report as well, the State claims that training has been provided to personnel in the judicial, police, and social workers. However, there are still insufficient protections or guarantees to access to justice for persons with disabilities. In practice, personnel in the judicial, criminal investigation and administrative systems are still not sufficiently informed about the needs of persons with disabilities to the detriment of the rights of persons with disabilities.

Lack of procedural adjustments and relevant support services

137 There is a lack of understanding of the needs of persons with disabilities before the commencement of lawsuits. Currently, neither the court nor the litigation counselling service provide services needed to mitigate the barriers that persons with disabilities face when accessing information. This has led to a situation where it is only discovered that persons with disabilities need support – such as sign language interpretation, electronic documents, easy-to-read documents formatted for accessibility, or other such services – only after court hearings have commenced. Although the administrative courts in the “notification to appear in court” ask about the need for assistance related to disabilities (para. 107, State report), this practice has not been taken by other courts.

138 Inability to guarantee that the competency of sign language interpreters is of a

86 Paragraph 21 of General Comment No. 1 of the CRPD: <https://reurl.cc/DgnVDd>, and paragraph 49(b) of General Comment No.6 of the CRPD: <https://reurl.cc/En89a1>.

professional standard:

- (1) In response to paragraph 75 of the State's response to 2017 COR, of the 17 individuals listed on the Judicial Yuan's special roster of sign language interpreters, not all of them have the Class B license for sign language interpretation; in fact, there is one who does not even have a Class C license. Even if we do not focus on whether the interpreter has a license, the Judicial Yuan must ensure that sign language interpreters can work at a professional standard. However, it is not clear from the state report what the selection process of interpreters is, whether deaf or persons with hearing disabilities are included in the selection process, or whether selected sign language interpreters have sufficient knowledge and understanding of legal terminology.
- (2) Currently, sign language interpreters are primarily persons without hearing disabilities. For deaf persons or persons with hearing disabilities who do not understand grammatical sign language, it can be difficult to accurately convey meaning even with the presence of a sign language interpreter. Misunderstandings that occur in the process of interpretation can affect the result of a lawsuit.

139 A lack of accommodations for persons with intellectual disabilities or children with disabilities:

- (1) In practice, police officers, prosecutors, and judges will ask questions relating to the precise details of an incident, such as the time, place, and other details (such as how many times and where one was hit). However, persons with mental disabilities, or children with disabilities, often find it difficult to provide answers in a form that complies with the regular court procedures and requirements. Although they might be able to provide answers via alternative methods, such as body language or drawings, such methods of expression are not routinely accepted.
- (2) Persons with mental disabilities, or children with disabilities, might find it difficult to provide clear answers, or might need more time to respond. However, in practice, they are often treated with impatience or rudeness, making it even more difficult for them to properly express themselves.

Restrictions on persons with disabilities in participating in the administration of justice

140 According to Principle 7 in the United Nations' *International Principles and Guidelines on Access to Justice for Persons with Disabilities*, "persons with disabilities have the right to participate in the administration of justice on an equal basis with others." However, Taiwan's current regulations directly exclude persons with disabilities from legal work. For example, candidates applying to work as judicial officers are required, as part of the final stage of selection, to submit physical examination reports. If their visual acuity (after correction) does not reach 0.1, or hearing loss (after correction) exceeds 90 decibels, or if there is an assessment that there are physical or mental conditions that might prevent them from performing their

duties, etc.,⁸⁷ applicants will be considered as having failed the physical examination and barred from the final examination. This constitutes discrimination against persons with disabilities.

141 The citizen judge system, expected to be implemented in 2023, is meant to allow citizens to participate in trials as “lay judges” alongside professional judges, but Article 13 of the *Citizen Judge Act* states that persons under orders of guardianship or assistance cannot be selected as citizen judges, which deprives persons with disabilities of the right to participate in the administration of justice. Furthermore, the *Citizen Judges Act* does not provide persons with disabilities with basic support or procedural accommodations or reasonable accommodations, thus providing inadequate protection for their rights. Article 28 of the same law states that, as a form of peremptory challenge, the prosecution and the defense can remove four citizen judge candidates without providing reasons. In circumstances where support for persons with disabilities is inadequate, citizen judges with disabilities may be at a disadvantage.⁸⁸

142 Another issue related to the upcoming citizen judge system is that, in 2023, Taiwan will begin to implement this system by applying it to cases of intentional homicide. Such cases might involve accused persons with psychosocial or intellectual disabilities, and forensic psychiatric evaluations may be ordered by the court where judges will need to evaluate the extent to which their mental status of the accused was relevant to the commission of the offence while coming to a decision on guilt and determining a sentence. However, the average citizen generally lacks relevant knowledge and understanding of persons with psychosocial and intellectual disabilities, their behaviors, and their ways of expression; while procedural accommodations necessary to protect the rights of persons with disabilities are yet to be established, individuals with disabilities might face unfair treatment with grave consequences.

143 Recommendations:

- (1) The State should study the UN’s *International Principles and Guidelines on Access to Justice for Persons with Disabilities*, consider current routines and practices in Taiwan, and amend relevant laws and regulations, especially the upcoming citizen judge system, to protect the rights of persons with disabilities’ access to justice, as well as fair treatment before the law. These amendments should include, but not limited to, procedural accommodations, accessibility, and legal aid.
- (2) Personnel related to judicial processes, such as judges, prosecutors, lawyers, police officers and court staff, etc. should be given training, including in understanding the rights of persons with disabilities, and responsibilities in making procedural and reasonable accommodations.
- (3) Action should be taken to ensure that, in procedures prior to the court hearing (such as during police interrogation, or questioning by the prosecutor,

⁸⁷ Article 7 of the Civil Service Special Examination Regulations for Judges and Prosecutors: <https://reurl.cc/no6j8d>.

⁸⁸ The National Judges Act: <https://reurl.cc/o94v45>.

etc.), as well as during the court process, as much effort as possible is made to provide persons with disabilities with the necessary support. For example, in accordance with the UN's *International Principles and Guidelines on Access to Justice for Persons with Disabilities*, the State should establish, fund, and implement a system involving trained, independent intermediaries and facilitators, or drawing up inquiry forms on the needs of persons with disabilities, such as the form used by the Massachusetts' court in the United States that allows persons with disabilities to specify the procedural accommodations and reasonable accommodations they require.

- (4) The State should train and develop sign language interpreters for judicial processes and ensure that such interpreters are of a high professional standard, including being able to accurately and effectively communicate with and understand the methods of expression used by persons with disabilities. Such interpreters should also be able to grasp legal terminology and work with a high standard of professionalism and ethics. Furthermore, deaf persons or persons with hearing disabilities should be included in the process of training and selection of interpreters.
- (5) The State should provide procedural accommodations for persons with intellectual disabilities or children with disabilities, especially allowing such witnesses to utilize alternative appropriate methods to express themselves, and not use their disabilities as a reason to treat them as less credible.
- (6) Abolish the practice of using health problems or disabilities as a reason to prevent persons with disabilities from registering or taking on work related to the administration of justice.

Legal information is not accessible to persons with disabilities

144 Court notices, litigation documents, and related legal information are not accessible. Currently, subpoenas, judgments, etc. are complicated and full of legal jargon, without multiple accessible versions that meet the needs of persons with disabilities. This has created a situation where persons with disabilities have been summoned to the court as witnesses, but ended up being fined or even detained for repeatedly failing to attend court, simply because they did not understand the content of the subpoena. In another case, a person with disabilities lost his right to appeal because he did not realize that there was a time limit of 20 days to appeal a judgment.

The support for legal aid is limited

145 As mentioned in para. 50 of this report, the current "Project Plan for Legal Aid for Persons with Disabilities" is only open to individuals with a disability certificate. The scope of such support is also limited, with many restrictions, such as not applying to cases filed against the Ministry of Health and Welfare, including applications to end mandatory hospitalization. Furthermore, the means-testing process still takes into consideration the financial status of the entire household. This is not in accordance with paras. 25, 26, and 38 (c) of the CRPD General Comment No. 5, which oblige the State to provide formal support outside of the

family.

146 Recommendations:

- (1) Ensure that legal notifications and documents and/or information are clear and easy to understand. Provide different accessible methods to deliver information (such as sign language, or Braille, etc.). It is especially important to ensure that all notices that require action or a response (such as subpoenas or judgments, etc.) are accessible, so as to prevent persons with disabilities from missing the period in which they should take actions.
- (2) Expand the provision of legal aid for persons with disabilities by relaxing the criteria and widening the scope of support, and amend the current means-testing process to consider the financial status of the individual rather than the household.

Art. 14: Liberty and Security of the Person

COR Points 42-43 (a)

Some provisions of the *Mental Health Act* violate CRPD

147 Forced treatment, emergency placement, and forced hospitalization violate the liberty of persons with disabilities.

- (1) Article 32 of the *Mental Health Act* regulates that if patients with mental illness are in danger of harming themselves or others, police agencies or fire-fighting agencies should escort the patients to medical institutions for medical treatment. However, in practice, the criteria for “in danger of harming themselves or others” is very loose and there are cases where patients are not in an obvious situation of “harming themselves or others” but are forced to receive medical treatment simply because they “are not willing to seek medical attention”.⁸⁹ This is not only a violation to the liberty of persons with disabilities, but also a violation to their right to autonomy in medical care.
- (2) Article 14 of CRPD absolutely forbids deprivation of liberty on the basis of impairment. Paragraph 6 of the Guidelines on CRPD Article 14 clearly states that the article does not permit any exceptions whereby persons may be detained on the grounds of their actual or perceived impairment.⁹⁰ However, Article 41 of the current *Mental Health Act* still stipulates that if severe patients are in danger of harming themselves or others, emergency placement and forced hospitalization may be enforced to place the persons with disabilities in designated psychiatric institutions.⁹¹ Article 3 of the same *Act* defines a severe patient as “someone who is diagnosed and confirmed by a psychiatric

89 A random killing occurred on March 31, 2016 in Neihu, Taipei. On the following day, Mr. Ding, nicknamed “Shaky Bro” by students of National Chengchi University was forcibly sent to the hospital by the police and the Department of Health after a person notified the police and the incident arose controversy.

90 Paragraph 6 of the Guidelines on Article 14 of CRPD: <https://reurl.cc/8348Lb>.

91 Article 41 of the Mental Health Act: <https://reurl.cc/j8MljL>.

specialist to present queer thoughts and odd behavior detached from reality and as a result to be incapable of managing their own affairs”, which fits the definition of “impairment” mentioned in Paragraph 6 of the Guidelines on CRPD Article 14. Therefore, emergency placement and forced hospitalization is a definite violation of CRPD.

- (3) Judged by government’s defense (para. 79, State response to COR), the government is not capable to appreciate the fact that the current Mental Health Act may violate CRPD. The government thinks protecting the safety of the patient or others is justification for involuntary hospitalization. If the government cannot take CRPD seriously, it is unlikely that there will be fundamental reforms.

148 The determination of “severe patients” violates human rights of persons with disabilities.

- (1) There is no time limit to the status of “severe patients”: According to the existing system, when a person is determined as a “severe patient” there is no expiration date or system for regular review.⁹² Physicians would make a note on the record and assign (family or public) protectors for the patient. The majority of persons with psychosocial disabilities who are diagnosed as “severe patients” would not be notified that they are marked and cannot request physicians to remove that status. In other words, once persons with disabilities are labeled as “severe patients”, it is hard to remove the label. They are thus prone to forced hospitalization or emergency placement and their liberty may be greatly impacted. Although the government noticed that there is “no automatic removal of this status”⁹³, as of March of 2021, the amendment of the *Mental Health Act* is yet to be passed.
- (2) A deprivation of the autonomy of “severe patients”: Article 50 of the *Mental Health Act* regulates that if psychiatric institutions are to perform neurological surgical operations, or special treatment such as electroconvulsive therapy, etc., they only need to have the consent of protectors of severe patients and not the patients themselves, which is a direct deprivation of the autonomy and bodily integrity of severe patients.

Inadequate procedural guarantee and incomprehensive follow-up remedies

149 Failure to clearly notify persons with disabilities their rights and ways of remedies:

- (1) Although there is a duty to inform, in practice when persons with disabilities are sent for forced treatment, the process is very chaotic, and it is impossible to know if police officers or firefighters clearly notify the persons of various methods of remedies. Many people do not even know that after they are sent for forced treatment, they can petition for habeas corpus according to the *Habeas Corpus Act*, or that they can apply for a lawyer to assist them with this

92 Article 4 of the Enforcement Rules of the Mental Health Act: <https://reurl.cc/XeN2zM>.

93 Paragraph 79 of State’s response to 2017 COR.

petition through the “Habeas Corpus Project” of the Legal Aid Foundation.⁹⁴

- (2) Although Article 36 of the *Mental Health Act* requires psychiatric institutions to explain to patients and their protectors matters related to the illness conditions, treatment policies, aspects of prognosis, reasons for hospitalization, rights entitled to by the patients and their protectors, and so on, in practice, psychiatric institutions personnel often put the voluntary hospitalization consent form along with a pile of documents for persons with disabilities to sign altogether. The personnel often fail to explain to persons with disabilities their rights and ways of remedies, or they “guide” persons with disabilities into agreeing to be hospitalized in a cheating or coercive manner.

150 The review process fails to protect the rights of the persons concerned:

- (1) The law regulates that if a person is sent to a hospital for forced treatment, that person should be evaluated by two specialist physicians to determine if hospitalization is necessary.⁹⁵ However, it is unknown whether the second physician actually conducts an independent evaluation. In addition, if specialist physicians do not have sufficient awareness in human rights, they may suggest forced hospitalization based on considerations such as their family not having the capacity to take care of them.
- (2) If the person concerned refuses to be hospitalized and the emergency placement procedure is initiated, the Mental Illness Mandatory Assessment and Community Treatment Review Committee (abbreviated as the Review Committee) will determine if forced hospitalization is necessary. However, the Review Committee is composed of professionals such as medical professionals, psychologists, social workers and lawyers⁹⁶ and no committee members are persons with disabilities. Further, the selection process of committee lacks transparency and often overtly focuses on medical perspectives and ignores the feelings and behavioral characteristics of persons with disabilities.
- (3) In principle, the review process is based on written documents. It is only when the Review Committee finds it necessary will they notify the persons concerned or interested parties to attend the meeting or explain via video conferencing, or send some staff to visit.⁹⁷ Therefore, the persons concerned cannot actually meet the Review Committee. If the persons have multiple identities (such as mental disabilities as well as sexual minority), the Review Committee often will fail to appreciate the multiple or intersectional difficulties that they experience.

151 According to Attachment Table 14.2 of the State report, the approval rate of forced hospitalization and forced community treatment is higher than 90%. After approval, the persons can only find remedies through applying for “habeas

94 The “Habeas Corpus Project” of the Legal Aid Foundation: <https://reurl.cc/9ZLW2a>.

95 Article 41 of the Mental Health Act: <https://reurl.cc/j8MljL>.

96 Article 15 of the Mental Health Act: <https://reurl.cc/AkndNj>.

97 Article 15 of the Mental Health Act: <https://reurl.cc/AkndNj>.

corpus”, “termination of emergency placement” or “termination of forced hospitalization”. However, at present, none of those remedies are truly realized:

- (1) According to Article 1 of the *Habeas Corpus Act*, “where a person is arrested or detained by an organ other than by a decision of the court, the said person, or any other person, may petition the district court that has jurisdiction *ratione loci* for the place of the arrest or detention for habeas corpus.” However, in practice, the majority of persons with disabilities are not familiar with these regulations and even if they are, when they are under forced treatment, it is hard for they themselves to petition to the court for habeas corpus and can rely only on the assistance of others. Yet if the family members of the persons concerned are the ones that initiate forced treatment in the first place, they are the unlikely petitioner. The likelihood of a third person petitioning for the said person is even smaller.
- (2) Currently, the Habeas Corpus Project of the Legal Aid Foundation is available for persons with disabilities, their family members and friends or social workers to apply, and a lawyer will be assigned to assist with the habeas corpus petition. However, the project applies only to “persons who are within seven days of forced hospitalization and have not signed a voluntary hospitalization consent form”. Once the person with disabilities gives their consent to hospitalization, they can only contact the Legal Aid Foundation via the legal consultation line and the foundation will then determine whether to appoint a lawyer to the medical institutions for consultation. However, as mentioned in para. 149 of the report, in practice, persons with disabilities are mostly “tricked” into voluntarily agreeing to hospitalization. Therefore, it is difficult for them to get timely remedies through the Habeas Corpus Project.
- (3) There are no statistics on the number of “emergency placement termination” or “forced hospitalization termination” cases: According to Paragraph 3 of Article 42 of the *Mental Health Act*, severe patients or their protections may file for termination of emergency placement or forced hospitalization to the court. However, as of now, there have been no statistics on the number of cases that successfully terminated the emergency placement or forced hospitalization after application. Therefore, it is unknown whether the remedy works in practice.
- (4) Courts fail to accurately apply CRPD: Although people who are under emergency placement or forced hospitalization can apply for remedies according to our existing *Habeas Corpus Act* or the *Mental Health Act*, Taiwanese courts are not sufficiently trained on how to accurately apply the regulations of CRPD and there are even cases where CRPD is referenced to support the forced hospitalization system.⁹⁸
- (5) The Legal Aid Project for Persons with Disabilities provides limited protection: As mentioned in para. 50 of the report, at present, the Legal Aid Project for Persons with Disabilities is limited to people with disability certificates and does not apply to remedies after the process of forced

98 Ruling of Taipei District Court 2018 Jia Ti Zi No. 23: <https://reurl.cc/GdLO6x>; Ruling of Taipei District Court 2018 Jia Ti Zi No. 6: <https://reurl.cc/3Np9qj>.

hospitalization orders.

Insufficient community support systems

152 Article 8 of the *Mental Health Act* requires government authorities to work with each other and establish systems of community care, support and rehabilitation.

However, the Ministry of Health and Welfare and relevant government agencies have long been unwilling to invest in sufficient manpower and resources to develop more diverse and non-medical model-based support or treatment options for persons with mental disabilities. With a lack of sufficient support, family members of persons with mental disabilities can only be the ones that shoulder all the responsibilities of care. Once family members can no longer cope with the burden, they often choose to send the persons with mental disabilities for forced treatment in order to catch a break.⁹⁹

153 In addition, since there are no sufficient resources to support and provide suitable care for persons with disabilities, medical professionals often agree to the caretakers' request and approve forced hospitalization. Many patients, in fact, could have remained a stable condition with appropriate community support and care and do not need to be in medical institutions for full-day care, yet they are forced to be hospitalized. For more details on the seriousness of community support insufficiency, please refer to para. 203 of the report.

154 Taiwan's mental health development lags way behind international trends. While European countries and the US have already promoted "recovery" for over 20 years, Taiwan is still at the stage of "rehabilitation". Also, in recent years, there have been a number of social events, and the State, instead of taking the opportunity to think about improving social support in a systematic manner, plans to invest heavily on building forensic psychiatric hospitals, and even plans to indefinitely extend the period of custodial protection,¹⁰⁰ further depriving the liberty of persons with disabilities.

155 Recommendations:

- (1) The Ministry of Health and Welfare should review and reallocate resources for mental health, and establish diverse options and alternatives other than forced hospitalization and medicine treatment for persons with disabilities. For instance, the ministry can provide resources to build the capacity of peer support groups so that both persons with disabilities and their family members have their own support systems.
- (2) In addition, the Ministry of Health and Welfare can refer to the Parachute Project of the US or the Open Dialogue approach of Finland and develop alternatives such as providing consultation service and establishing respite service centers that provide temporary accommodation.
- (3) Establish a dedicated committee: invite persons with psychosocial disabilities, caretakers, inter-disciplinary experts and relevant NGOs to comprehensively

⁹⁹ Please refer to footnote 13.

¹⁰⁰ Central News Agency, Railway police stabbed to death, Executive Yuan amends laws for security measures to be extended indefinitely, March 4 2021: <https://reurl.cc/2by7or>.

review existing treatment and care models for mental health and to study and modify Taiwan's policy of mental health service; and support NGOs in implementing innovative community recovery service.

- (4) Before the abolition of mechanisms such as forced treatment and forced hospitalization, the government should clearly define and narrow the criteria of "in danger of hurting themselves and others" and should clearly define the period limit for "severe patients" and ensure regular review.
- (5) While notifying competent authorities when enforcing forced treatment, relevant agencies should also notify the Legal Aid Foundation or other organizations that are able to provide assistance to ensure that the persons concerned receive immediate legal assistance.
- (6) The Review Committee should make sure that the persons concerned have an opportunity to attend the meeting in person or via video conferencing to express their own opinions, instead of only reviewing documents. ,
- (7) The Judicial Yuan should proactively organize training on CRPD to avoid judges from misinterpreting the convention.

COR Points 42-43 (b)

Limited communication and visitation rights during hospitalization

156 The second half of Paragraph 1 of Article 25 of the *Mental Health Act* regulates that no restriction on patients' rights of personal privacy, communication freedom, and receiving visitors may be implemented unless for the patient's disease conditions or medical care needs. However, in practice, institutions often use "disease conditions or medical care needs" as an excuse to deprive patients of their rights. Examples include:

- (1) Violations of visitation rights: Although not specifically written in their regulations, some psychiatric institutions allow only visits by relatives within third degree to five-degree relationship, and not from friends, employers or social workers. Also, some hospitals require visitors to have badges and thereby limit the number of visitors, making it more troublesome for people to visit the patients. Some hospitals request non-family members to call in advance to apply for visitation rights before visits, and non-family members can only visit if the medical team approves. These limitations use medical reasons as an excuse but provide no concrete standard for people to follow. For the situation during COVID-19, please refer to para. 101 of the report.
- (2) Violations of right to legal consultation: There are multiple cases that when inpatients apply for legal aid, the lawyers are blocked from meeting the patients by the hospital for "medical" reasons. Be the lawyers are there for habeas corpus petition, the termination of hospitalization or other reasons,

visits by lawyers is a fundamental right for persons being detained.

- (3) Violations of communication rights: Hospitals do not allow inpatients to use cellphones on the grounds of protecting personal privacy of others and avoiding disturbance. However, a hospital usually only provides 1-2 payphones whereas personal belongings including telephone cards are often in the custody of the hospital during hospitalization. This means that the patients can only communicate with the outside world after their relatives or friends come and pay for relevant fees. In addition, hospitals limit the duration and number of calls. Further, hospitals inquire of patients about who they call and why they are calling, making it inconvenient for patients to communicate with others and the patients are left with no privacy. Inappropriately limiting their meetings and communications when the patients are in great need of keeping in touch with families and friends is not only unhelpful for recovery, but also the reason why many people are unwilling to receive medical care. For more details on violations of freedom of communication, please refer to para. 240 of the report.

157 Recommendations:

- (1) Refusing lawyer visits on the grounds of medical needs should be strictly prohibited. If it is due to the pandemic, psychiatric institutions should still assist the persons concerned to contact their lawyers via methods such as video conferencing.
- (2) Discuss with the patients a “guest list” or an “exclusion list” during admission to respect the opinions of the patients. Regularly update individual service plans during hospitalization to timely provide reasonable accommodation.
- (3) Clearly define “specific circumstances” where visitations are restricted on the grounds of patients’ conditions and medical needs. Also, guests should not be limited only to relatives of a certain degree of relationship or to former patients of the hospital.
- (4) Once acute symptoms are relieved, the patients should be able to decide on their own whether or not to keep their cellphones in order to strike a balance between hospital management requirements and freedom of communication.
- (5) Hospitals should take reference from the management of armed forces in Taiwan and install firewall software on cellphones to restrict photo-taking functions and other functions that may raise concerns on personal information, or allow patients to bring traditional phones without photo-taking functions with them during hospitalization.

Issues unspecified by the COR

Custodial Protection

158 Article 19 of the *Criminal Code of the Republic of China* stipulated that “An offense is not punishable if it is committed by a person who is mentally disorder or defects and, as a result, is unable or less able to judge his act or lack the ability to act according to his judgment. The punishment may be reduced for an offense

committed for the reasons mentioned in the preceding paragraph or as a result of obvious reduction in the ability of judgment.”¹⁰¹ The custodial protection regulations of the *Criminal Code* stipulate that offenders¹⁰¹ may be committed to a suitable establishment for custodial protection provided that the circumstances are sufficient to make it believe that he might repeat the offense or against public safety.¹⁰² The custodial protection was limited to 5 years. In recent years, because of a case involving killing of a policeman by a person with psychosocial disability on a train,¹⁰³ the Ministry of Justice suggested that they would move to extend the custodial protection to indefinite period.¹⁰⁴ There is also a government plan to establish forensic psychiatric hospitals for this purpose. Because the treatment and living conditions under custodial protection is not too different from the prison, these changes will further violate Art. 14.

Forced treatment of sex offenders

159 The *Criminal Code* and the *Sexual Assault Crime Prevention Act* regulate that if a sex offender is in high risk of recidivism, a forced treatment may be ordered with no restriction on the time period.¹⁰⁵ Although there is periodic assessment, but if the person is deemed at risk of recidivism, he may be kept in custodial protection for a period much longer than his sentence. The grand justices, at the end of 2020, found the regulations to be constitutional; however, the grand justices did not specify in the interpretation whether the sex offender is a person with disabilities and there is no mention of CRPD. The reason to detain the offenders for involuntary treatment was because they were deemed to have disabilities in controlling their sexual behaviors; therefore, they should be categorized as persons of “perceived disability”. The regulations, in this regard, are likely to violate Article 14 of CRPD.

Art. 15: Freedom from Torture or Cruel, Inhuman or

101 Please refer to footnote 13.

102 Article 87 of the *Criminal Code*: <https://reurl.cc/a90404>.

103 In 2019, a person with schizophrenia stabbed a police officer to death. In 2020, he was acquitted by the first instance; in 2021, he was sentenced to 17 years in prison and 5 years of forced custodial protection after the end of his sentence.

104 Central News Agency, Railway police stabbed to death, Executive Yuan amends laws for security measures to be extended indefinitely, March 4 2021: <https://reurl.cc/2by7or>.

105 Article 91-1 of the *Criminal Code* stipulates that situations that require forced treatment include: 1. To be found through appraisal and evaluation during the period of receiving counseling or cure and before the expiration of the execution as having the danger of committing the offense again. 2. To be found through appraisal and evaluation while receiving physical and mental cure or counseling education under the provisions of other separate law as having the danger of committing the offense again, <https://reurl.cc/a901vG>. Article 22-1 of the *Sexual Assault Crime Prevention Act* applies the preceding regulation retrospectively to offenders prior to July 1, 2006, <https://reurl.cc/VEpOON>.

Degrading Treatment or Punishment

COR Points 44-45 (a)

Persons with disabilities were deprived of medical autonomy

160 As mentioned in para. 148 of this report, only the consent of the patients' guardian was needed for performing invasive medical procedures (such as psychosurgery, and electroconvulsive therapies, etc.) on severe patients, which gravely violates the physical integrity and medical autonomy of the patient, and may constitute cruel, inhuman or degrading treatment. In practice, all forms of compulsory treatment are often accompanied with some forms of physical restraint which is often imposed without the full consent of the patient. There are cases where voluntary inpatients are denied discharge by medical institutions on the grounds of "the treatment has not been completed". In at least one case the denial was supported by a court ruling.

161 Recommendations:

- (1) The State shall comprehensively review whether all treatment procedures at the medical facilities are indeed authorized by the full consent of the patients in accordance with the law, so that the patients' autonomy in medical decision-making is respected.
- (2) Involuntary treatments should be banned.¹⁰⁶ The restraints in involuntary treatments, however, shall be imposed in compliance with the principle of proportionality before full abolition, imposed in accordance with the doctor's advice, shall not be prolonged, and the status of the restrained patients shall be checked regularly; with all its records kept for the facilitation of possible future remedies.

COR Points 44-45 (b)

Restraining persons with disabilities in medical institutions

162 According to Article 37, para. 2 of the *Mental Health Act*, in order to administer medical care, restriction of a patients' range of activities may be imposed "for the prevention of emergency violent incidents, suicide or self-injury events"¹⁰⁷ In practice, the behaviors of people with psychosocial disabilities during hospitalization are prone to be unnecessarily scrutinized; should they be deemed as violating hospital regulations or disobeying the instructions of the staff, restrain or confinement in the seclusion room might be imposed. The following is the overview of some cases of restraint during hospitalization recorded by civil society organizations:

- (1) A patient went to knock on the door of the nursing room, but nurses did not respond, so the patient repeatedly knock on the door. The staff claimed that

106 Paragraph 12 of the Annex to Article 14 of the CRPD, on the rights to liberty and security of persons with disabilities: <https://reurl.cc/8348Lb>.

107 Article 37, Mental Health Act: <https://reurl.cc/XebVMM>.

the client was agitated and locked the patient in the seclusion room.

- (2) Restrained due to engagement in confrontations with other patients on issues regarding food.
- (3) When during hospitalization, a patient with cold symptoms was suspected of contracting norovirus, and was restricted to a ration of three bottles of water per day, to prevent frequent restroom visits.
- (4) A patient applied for a leave to go home and was granted. He could not sleep the night before, and went to chat with a nurse, a medical doctor thought the patient was in “unstable condition” and postponed his leave.
- (5) The lighting in the seclusion room is too bright so that patient could not fall asleep.
- (6) A patient was confined in the seclusion room, because other patients accidentally spilled some water on the concerned party, and the patient was deemed as misbehaving.

163 Recommendations:

- (1) Medical institutions with psychiatric wards shall establish a system of independent advocates, which must be notified before imposing restriction of confinement in the seclusion room to safeguard the rights of persons with psychosocial disabilities. The wards must notify the independent advocates within 30 minutes of the imposing the restraint or confinement; and the restraint must be stopped if the reason was found to be illegitimate, to ensure the rights of the patient.

The living environment and living conditions of Lo-Sheng Sanatorium are yet to be improved

164 According to Article 3, paras. 3 and 4 of the *Act of Human Rights Protection and Compensation for Hansen’s Disease Patients*,¹⁰⁸ the State bears positive obligations to replenishing corresponding medical resources, medical manpower, living allowances, and other relevant care, to Hansen’s disease patients in accordance with their special conditions and needs, as a form of reflecting on the past awry policy of compulsory isolation; the State shall also regularly review the conditions of their particular living arrangements, to ensure that their living conditions respects human dignity, and relevant facilities and policies are adjusted in accordance with the physical and mental conditions of the residents.

165 Insufficient living allowances and related subsidies: the State bears the obligation to provide care to the residents of the Lo-Sheng Sanatorium because of the awry policy of compulsory isolation in the past, the residents were deprived of their right to education and the right to work, with their connection to their families severed. According to the “Statutory Budget of the Pharmaceutical Fund for the Year 2020”

108 Article 3, The Act of Human Rights Protection and Compensation for Hansen’s Disease Patients: <https://reurl.cc/0DeXb6>.

by the Ministry of Health and Welfare,¹⁰⁹ subsidy for Hansen's disease patient is 19,250 NTD per person per month, deducting the 9,250 NTD collected by the hospital, the amount directly subsidizes the patients is 10,000 NTD per month, which is the singular source of monthly income of the residents, though additional subsidies for mobility scooters and employing caregivers exists,¹¹⁰ the amount is nevertheless insufficient to cover the living costs of the residents. In addition, some residents are unable to hire caregivers due to financial difficulties, despite their need.

166 Lack of manpower and uneven distribution of care services, inadequate planning of the renovation of the old division of the Sanatorium, had deprived residents of the opportunity to choose their living environment; the failure to introduce "long-term care 2.0" resources have deprived residents of the access the resources on an equal basis, as if they are second-class citizens.

- (1) According to the testament of the residents, caregiving personnel in the Sanatorium were constantly dispatched to the general ward, which displaced the resources of care of Hansen's disease patients. Further, referring to the "Investigation Report No.0103, 2020" of the Control Yuan,¹¹¹ shortage of caregiving manpower had consistently existed in the Lo-Sheng Sanatorium.
- (2) The emergency notification bells in the old division of the Sanatorium have not been functional for years, posing a risk to the residents' safety and health. In addition, many facilities and activity spaces have been closed for the sake of the "Lo-Sheng Sanatorium Overall Development Project".
- (3) The renovation projects in the "Lo-Sheng Sanatorium Overall Development Project" lack essential consideration of the health of the residents and possibility of their relocation; in view of the aforementioned insufficiencies on subsidies, the elderly residents will be forced to move into small and unfamiliar environments.

167 In addition, although the residents of the Lo-Sheng Sanatorium are aged around 70-90 years old, and most of them underwent amputations of extremities, they can still go to the restrooms with the assistance of caregivers. However, residents who were settled in the understaffed third floor of the Lo-Sheng hospital were asked to wear diapers. Should sufficient assistance be provided and supported by sufficient care manpower the residents can lead an independent life; the Sanatorium shall not deprive the persons with disabilities of their dignity on the grounds of convenience or austerity.

168 In summary, due to the lack of funding and manpower for care, coupled with the uneven distribution of caregivers due to Sanatorium policies, and the renovation plan of the old Sanatorium division which disregarded Hansen's disease patients'

109 Statutory Budget of the Pharmaceutical Fund for the Year 2020: <https://reurl.cc/qm4aK0>.

110 Regarding mobility scooters, the Ministry of Health and Welfare had utilized co-funded resources for subsidizing the Lo-Sheng Sanatorium in 2015, with 554,400 NTD for 28 scooters. In addition, the Ministry of Health and Welfare had increased the amount of subsidy for caregiver hiring, from 12,000NTD per person per month, to 15,000NTD, on October 1st, 2019.

111 Investigation Report No.0103, 2020; Control Yuan: <https://reurl.cc/YWRmko>.

housing and medical needs as persons with multiple disabilities; this forced residents who settled outside the hospital to have limited choices of living spaces according to their circumstances, and residents placed inside the hospital to be subjected to risks of the supporting mechanisms, such as forced placement, inhumane treatment, partition of medical resources, and rejection of the permission to leave the hospital. This had not only violated the provisions of the *Act of Human Rights Protection and Compensation for Hansen's Disease Patients*, may also contravened relevant requirements on personal freedom and humane treatment of Articles 14 and 15 of the CRPD.

169 Recommendations:

- (1) The budget for administering care for patients on public beds shall be adjusted annually in accordance with consumer price index. The use of the hospital's monthly routine deductions shall also be made available for examination, so that the residents can enjoy a dignified and independent life, aligning with the intent of the *Act of Human Rights Protection and Compensation for Hansen's Disease Patients*.
- (2) The manpower demands of caregivers shall be properly assessed and promptly supplemented, reasonable and sufficient redistribution shall be conducted in accordance with varied areas and types of residence. Furthermore, the accessible environment and the emergency notification bell system shall be improved immediately for the old Sanatorium and modular housing area of the Lo-Sheng Sanatorium.
- (3) The ongoing renovations under the "Lo-Sheng Sanatorium Overall Development Project" shall be equipped with decision-making mechanisms which accommodate the participation of residents as stakeholders. In addition, the medical care center (Hui-Sheng Ward No. 2) in the old Sanatorium of Lo-Sheng shall remain operational, to protect the basic medical rights of Lo-Sheng residents.

COR Points 44-45 (c)

Treatment of persons with disabilities on death row

170 Most of the death row inmates in Taiwan have been imprisoned for an extended period of time; it is worth noting that extended imprisonment, with subsequent mental torment and uncertainty in the date of the execution, are all possible contributing factors to inflict psychosocial disabilities and mental illness, constituting the "death row phenomenon". For death row inmates who had experienced psychosocial disabilities or mental illness before being admitted to places of detention, the prolonged psychological distress of awaiting execution might lead to deterioration of the original conditions, and intensify the suffering.

171 The CHEN Yu-an case: On January 18, 2019, a death row inmate with chronic schizophrenia committed suicide while in detention. According to the investigation report issued by the Control Yuan, the State had failed to undertake its obligation to comprehensively conduct mental health assessment, treatment, counseling, and

follow-up for Chen,¹¹² the report also indicated that the treatment measures implemented by the State have yet to adequately address the psychological symptoms of the death row syndrome.¹¹³

172 States parties to the CRPD bear special obligations for persons deprived of their personal liberty, including the obligation to prevent all forms of inhuman treatment as stipulated in Article 15 of the CRPD, and to attest that all other rights specified by the CRPD are ensured. State parties shall pay particular attention to needs and vulnerabilities associated with disabilities.¹¹⁴ The uncertainty of the date of execution, the mental torment caused by extended imprisonment, and the subsequent psychological suffering imposed on death row inmates with psychosocial disabilities and mental illness, may constitute violation of Article 15 of the CRPD.¹¹⁵

173 Before complete abolition of the death penalty in Taiwan, the State ought to:

- (1) Proactively provide psychosocial and intellectual disability assessment for those who are awaiting execution of the death penalty, such as ensuring that appropriate medical care and treatment can be administered by arranging regular psychiatric evaluations and psychological assessments.
- (2) Establish and refine treatment measures to prevent psychological symptoms of the "death row phenomenon".

Art. 16: Freedom from Exploitation, Violence and Abuse

COR Points 46-47

Persons with disabilities are too often victims of domestic violence and sexual assault

174 Although the State has established a reporting system, according to the statistics of the Overview of Victim and Offender Status in Reporting Sexual Assault Cases and the Overview of Victim and Offender Status in Reporting Cases of Domestic Violence provided by the Ministry of Health and Welfare, the number of cases shows the seriousness of persons with disabilities becoming victims of domestic violence and sexual assault. Women with disabilities account for 80% and 60% in sexual assault and domestic violence cases, respectively. For more details, please

112 Investigation Report No.0007, 2020, pp.15-22; Control Yuan: <https://reurl.cc/qgz0Zp>.

113 Investigation Report No.0007, 2020, pp.31-36; Control Yuan: <https://reurl.cc/qgz0Zp>.

114 CRPD Committee, Noble v. Australia, UN Doc. CRPD/C/16/D/7/2012, 10 October 2016, para. 8.9: <https://reurl.cc/AgE5Qe>.

115 See UN Committee Against Torture (CAT), Concluding observations on the second periodic report of Japan, UN Doc. CAT/C/JPN/CO/2, 28 June 2013, para.

15: <https://reurl.cc/NX5WM9>. Commission on Human Rights (CHR), Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston - Transparency and the imposition of the death penalty, E/CN.4/2006/53/Add.3, 24 March 2006, para.

32: <https://reurl.cc/bzZv1E> Cf. Human Rights Committee, General Comment No. 36, Article 6 (Right to Life), UN Doc. CCPR/C/GC/36, 3 September 2019, para.

56: <https://reurl.cc/7yZaQN>.

refer to the tables below.

Table 1 Statistics on the number and percentage of victims of sexual assault as persons with disabilities¹¹⁶

Year	Persons with Disabilities (Total Number)	Men with Disabilities (Number)	Women with Disabilities (Number)	Other Gender of Persons with Disabilities (Number)	Percentage of Women with Disabilities (%)
2017	1,080	184	877	19	81%
2018	1,113	203	892	18	80%
2019	1,144	179	951	14	83%
First Half of 2020	643	121	517	5	80%

Table 2 Statistics on the number and percentage of victims of domestic violence as persons with disabilities¹¹⁷

Year	Persons with Disabilities (Total Number)	Men with Disabilities (Number)	Women with Disabilities (Number)	Other Gender of Persons with Disabilities (Number)	Percentage of Women with Disabilities (%)
2017	7,403	2,684	4,632	87	63%
2018	7,858	2,971	4,823	64	61%
2019	10,837	3,969	6,832	36	63%
First Half of 2020	6,077	2,361	3,696	20	61%

175 The current statistics only show the overview as of the first half of 2020. It is unknown if the situation of sexual assault and domestic violence worsens during the COVID-19 pandemic.

Reducing the number of times victims of sexual assault give statements

176 It should be avoided for sexual assault victims to give statements multiple times to prevent secondary victimization. However, at present, first-line personnel are not sensitive enough. In practice, when victims file for cases at the police station, they are often faced with situations where there are no female police officers present¹¹⁸, the inquiry is not conducted in a private space, or police officers are impatient or show bad attitude. In addition, first-line personnel are unfamiliar with the "one-

116 Source: Ministry of Health and Welfare, Overview of Victim and Offender Status in Reporting Cases of Domestic Violence: <https://reurl.cc/ra4kXZ>.

117 Source: Ministry of Health and Welfare, Overview of Victim and Offender Status in Reporting Cases of Sexual Assault: <https://reurl.cc/DvLYDe>.

118 Possible reasons include there are no female police officers in the police station in the first place, or there are only very few female police officers and none of them are on site.

stop service" implemented by local governments and therefore, do not initiate the procedure.

177 Recommendations:

- (1) The Ministry of Health and Welfare should provide the complete statistics of 2020 on the overview of sexual assault and domestic violence victims.
- (2) Sex education and gender equality education should be provided to persons with disabilities so that they are alerted to dangerous situations and informed of various protection and assistance resources.
- (3) Increase the level of sensitivity in handling victims with trauma experience of first-line personnel such as teachers, judicial officers, social workers and medical professionals.
- (4) Review the helplines, emergency shelters, protection placement, physical and mental care and consultation, legal aid and other relevant measures provided by the government and see if the different needs of persons with disabilities are properly considered.

Exploitation and abuses of persons with disabilities in institutions

178 Although the State has established a reporting mechanism, persons with disabilities in residential institutions may not have the ability to report, or do not have access to outward communication, prohibiting persons with disabilities from telling the actual situation inside the institution to the outside world. The situation inside may remain unknown unless otherwise reported by people outside the institutions, the media, or through governmental inspections. Below are some cases that happened in the past few years:

- (1) In 2018, a long-term care center in Taichung was reported to have abused and assaulted the elderly. It was also reported that foreign caretakers of the same center were sexually harassed by Taiwanese employees.
- (2) In 2020, the Public Health Bureau of Changhua County found 2 long-term care residential institutions to have accommodated more patients than allowed and attempted to hide the residents.¹¹⁹ New Taipei City found an unlicensed long-term care residential institution to have illegally accommodated 7 residents with disabilities.¹²⁰
- (3) In 2021, a social worker of a "recovery home" in Taipei City took advantage of managing bank accounts for a resident with schizophrenia and stole over NTD 3 million from the resident. The social worker was sentenced by the

119 Chunghua County Government, the Public Health Bureau finds serious violations of 2 long-term care residential institution accommodating more residents than allowed and hiding those residents. The institutions are to be fined according to the Communicable Disease Control Act and inspectors are still in the process of inspection. April 17, 2020: <https://reurl.cc/I04n4Q>.

120 United Daily News, New Taipei City Zhonghe finds unlicensed long-term care institution with 7 residents, punished with 100,000 fine and order to close. September 24, 2020: <https://reurl.cc/pm48Aa>.

court.¹²¹

- (4) In 2021, a private psychiatric nursing home in New Taipei City was reported to have provided a poor care environment. The average cost for a meal for each resident is only about 13NTD, and 8 residents died in eight months, among which three of them died from choking on food because they were too hungry and were grabbing food among each other.¹²²

179 Although local authorities may conduct inspections on institutions, the actual process and effects are doubtful. In 2020, a fire broke out in an illegal nursing center in Taipei City resulting in the death of 3 bedridden patients. Before the incident, the chief of the village had reported to the city government twice, but the inspectors closed the case simply because they came to the door and found it was closed and locked.¹²³ Also, some institutions may seem to meet the statutory number of caretakers, the reality is that the numbers are only nominal with a number of them being ghost employees.¹²⁴

180 Recommendations:

- (1) Local authorities should conduct unannounced inspections on full-day residential institutions and increase inspection frequency to ensure relevant regulations are followed including the number of personnel actually taking care of residents. In addition, no case can be closed until inspectors actually step in the institutions.
- (2) The State should proactively develop community service facilities such as respite service and day-time care centers to avoid the situation that with the lack of financial and care support, families of persons with disabilities that care for them for a long time eventually choose to place persons with disabilities in institutions.

Art. 17: Integrity of the Person

COR Points 48-49

Persons with disabilities often face strong recommendations for induced abortion and sterilization

181 Although para. 95 of the State's response to 2017 COR admits the necessity of amending relevant laws and regulations. However, as of March of 2021, no amendment has been made to the *Genetic Health Act*. According to the current regulations, if a pregnant woman or her spouse "acquires genetic, infectious or

121 Criminal Judgement of Taipei District Court 2021 Shen Jian Zi No. 164: <https://reurl.cc/DvLYE5>.

122 Liberty Times, New Taipei Chen-En Psychiatric Nursing Home found unethical running of businesses. January 4, 2021: <https://reurl.cc/bzaebX>.

123 Apple Daily, Fire at Neihu unlicensed nursing home causes 3 deaths, Control Yuan members to investigate full-day long-term care residential institutions. September 24, 2020: <https://reurl.cc/V3QnZY>.

124 Liberty Times, New Taipei Chen-En Psychiatric Nursing Home found unethical running of businesses. January 4, 2021: <https://reurl.cc/bzaebX>.

psychiatric disease detrimental to reproductive health”, induced abortion (Article 9) and sterilization (Article 10) may be conducted for that pregnant woman, subject to her own accord. A doctor, on the other hand, has the obligation to “advise” her to receive medical treatment, and if the disease is incurable and thus sterilization is considered necessary, the doctor should advise her to receive induced abortion or sterilization.¹²⁵

182 The aforementioned regulations are especially discriminatory towards persons with psychosocial disabilities. Even though it is not yet medically proven whether certain mental diseases are hereditary or contagious, persons with psychosocial disabilities are already regarded as groups unfit for reproduction.¹²⁶ For persons with orders of guardianship or assistance, if they are to receive induced abortion or sterilization, the consent of their guardians or assisting person should be obtained. However, in practice, guardians, assisting person, and spouses can forcibly “recommend” the persons to accept sterilization and abortion operation. The autonomy of persons with disabilities is not protected. More details on the issue of guardianship or assistance, please refer to para. 128 of the report.

183 Recommendations:

- (1) It is recommended that the Ministry of Health and Welfare investigate whether persons with disabilities are well-informed when they undergo sterilization, induced abortion and even uterine removal operations, and analyze the legal status of persons with disabilities and their agents in the process of "informed consent" and the possibility of actual participation.
- (2) It is recommended that the Ministry of Health and Welfare and the Judicial Yuan study how to develop mechanisms such as public advocates so that persons with disabilities do not face double pressure from medical professionals and family members.

Art. 19: Living independently and being included in the community

COR Points 52-53

Taiwan’s status quo: most persons with disabilities remain under the care of family members; low utilization of independent living services

184 The responsibility of caring for persons with disabilities still falls on their families:

- (1) According to the 2016 Report of Disabled People's Living Condition and Demand Survey, the majority (94.66%) of persons with disabilities live “at home”, and only 5.22% live “in educational and/or care institutions. The primary (58.65%) reason for the latter arrangement was “family member’s

125 Articles 9 to 11 of the Genetic Health Act: <https://reurl.cc/W3a9px>.

126 Please refer to footnote 13.

inability to provide care” .¹²⁷

- (2) In addition, according to Professor Chen-fen Chen’s study *Distress Call from the Caregiver? A Care Tragedy Study on Institutional Ethnography*, there were 74 tragic incidents as a result of the relatives’ inability to care for persons with disability which received media coverage.¹²⁸ It is estimated that there are approximately 760,000 persons with disabilities that currently require long term care in Taiwan, and about 55% are under the sole care of their respective families.¹²⁹ When the families are unable to bear that burden, the persons with disabilities are sent to institutions.

185 Independent living services are rarely utilized: According to Table 19.3 of 2021 Convention-specific document, there were only 668 people utilizing independent living services in 2019.

186 The above paragraphs describe Taiwan’s status quo. Below describes the challenges and shortcomings that prevent effective independent living and community inclusion for persons with disabilities.

Lack of government planned phaseout mechanism and timeline

187 In points 53(a) of the 2017 COR had recommended the State to provides a timeline. However, a specific action plan and human rights indicators remain absent from the overall policy. For instance, the State has not set a time for interim targets such as the termination of “new all-day institutions” and the ban for all day institutions with capacity of at least 30 residents. As the government promotes independent living, it also on the other hand continues to build and promote institutions, such as the Ministry of Health and Welfare’s “Pilot Encouragement Plan for the Establishment of Long-term Residential Care Services” in 2018. The number of institutions also continues to grow. For example, the number of national psychiatric homes has grown to 48 establishments, and that of residential psychiatric rehabilitation institutions to 153 establishments.¹³⁰

Inadequate and unstable funding for independent living services

188 Institutions currently take up the majority of subsidies:

- (1) Budget for social welfare expenses is set at NTD 559.4 billion, which is 25.9% of the annual expenses and 35.9 billion (about 6.9%) more than that of last year (523.5 billion). While nominally considerable resources are devoted to social welfare, in reality the additional funding is allocated to civil service and teachers’ pensions, labor insurance and job seeking subsidies, elderly farmers’ welfare payments, national health insurance fees, national pension payments,

127 Ministry of Health and Welfare, 2016 Report of Disabled People’s Living Condition and Demand Survey, Volume 1, pp. 25: <https://reurl.cc/jqYkyD>.

128 uMedia, Is Long-term Care a Form of “Mercy Killing”?, 25 August 2020, <https://reurl.cc/1g72bm>.

129 uMedia, A Collective Societal Anxiety...What We Learned from Long-term Care Tragedies, 25 August 2020, <https://reurl.cc/g8p06Q>.

130 MOHW, 2019 Statistical Annual Report on Medical Institution Status and Services <https://reurl.cc/dVIXyV>.

measures addressing sub-replacement fertility, without mentioning any increase in social services.¹³¹ This indicates that the central governments have no plan to increase social service expenses to optimize them and address relevant needs.

- (2) *People with Disabilities Rights Protection Act* stipulates that local governments are tasked to subsidize persons with disabilities in accordance with the assessments of their needs.¹³² This includes funds needed for living in institutions.¹³³ In addition, according to Table 19.4 of 2021 Convention-Specific Document, as much as 60% of the funding was used for “day care”, which includes child day care subsidies, day care institution service subsidies, and day care institution transportation subsidies. It is apparent that the State still spends the majority of the resources on institutional services.

189 Unstable funding for independent living services:

- (1) Almost all funding for independent living services at local jurisdictions is sponsored by the Taiwan Lottery rebates.¹³⁴ While the national report claims that funding is formal and stable, an incident of insufficient funding, which led to persons with disabilities unable to utilize service hours, still occurred in Tainan, a municipality.¹³⁵
- (2) According to Article 50 of *People with Disabilities Rights Protection Act* and Article 71 of *Personal Care Service for People with Disabilities Act*, service hours shall be designated for persons with disabilities using independent living services via assessments of respective needs. However, caps still exist in local jurisdictions with regard to the maximum number of hours per person. For example, the cap is set at 60-80 hours for New Taipei and Kaohsiung, where the most persons with disabilities reside.¹³⁶ This indicates a significant lack of funding.

190 Recommendations:

- (1) The State should specify and announce a time by which plans for establishing new full day institutions would be terminated.
- (2) Funding for institutions could be transferred to community-based services in

131 2011 ROC Central Government Budget General Notes and Primary Schedules, edited by the Executive Yuan <https://reurl.cc/L0L5Xa>.

132 Article 71, *People with Disabilities Rights Protection Act*, <https://reurl.cc/v5jxRl>.

133 Article 4 of Rules Governing Subsidies to Fees in Relation to Day Care and Residential Care Fees for Persons with Disabilities stipulate that residential care includes social welfare institutions, psychiatric rehabilitation institutions and nursing homes, <https://reurl.cc/O0739v>.

134 Social and Family Affairs Administration, MOHW, 2021 Standards for Taiwan Lottery Rebates Subsidies <https://reurl.cc/ZQqrVa>.

135 Tainan City Council press release, Councilor LIN Mei-yen requested the increasing of funds for personal assistants in independent living services, to assure persons with disabilities, 5 April 2019, <https://reurl.cc/pm4W3Q>.

136 New Taipei City Government <https://reurl.cc/l049Qq>; Kaohsiung City Government <https://reurl.cc/nn4ENd>.

accordance with the needs of persons with disabilities.

- (3) We reiterate that personal assistance services should be included in the formal national budget. Taiwan Lottery rebates should not be the primary source of funding. The government should ensure that funding is stable, predictable and transparent.
- (4) Sufficient budgets should be allocated by the central government to local governments. Subsidies and service hours should be approved in accordance with the needs of different forms of and levels of disabilities, instead of an equal cap of 60 available hours.

Restrictive and prohibitive application process for independent living services

191 Fragmented services:

- (1) While the *People with Disabilities Rights Protection Act* stipulates that persons with disabilities shall enjoy various supportive services to facilitate independent living,¹³⁷ there are no uniform regulations by the Ministry of Health and Welfare governing personal assistance services. Instead, these regulations are delegated to local governments, resulting in inconsistent standards between different jurisdictions.
- (2) In addition, the current regime categories supportive living services as personal assistantship, home care services, career human resource services, and schooling assistantship, with different rules and coverage for each. For example, schooling assistants are deployed primarily outside the home and cannot provide home or physical care services. Under such arrangements, persons with disabilities have no full access to comprehensive independent living services.

192 Prohibitive application process:

- (1) Services such as having a personal assistant are subject to various restrictions at all local governments, such as requiring a disability card and household registration, excluding employment of home nurses and overlapping home care services at the same time period. In addition, ineffective and ill-designed demand assessment instruments have resulted in the inability of access to personal assistant service for persons with psychosocial disabilities, visual disabilities or mental disabilities in some jurisdictions.
- (2) Groups applying for peer support services are required to apply in conjunction with personal assistant services. Peer support services cannot be applied for individually.

193 Restrictive service coverage:

- (1) Restriction to supportive personnel services: For example, sign language interpretation is limited to specific items; personal assistant service does not include assistance in daily tasks such as bathing, dressing replacement or

137 Article 50, People with Disabilities Rights Protection Act, <https://reurl.cc/v5jxRl>.

catering.

- (2) Restriction to supportive personnel hours: All local governments apply a cap on the number of service hours. For example, the maximum number of hours per month for personal assistant service in New Taipei is 60, and that per year for peer support service is only 10 in principle.¹³⁸ It is apparent that this number of subsidized hours is insufficient.
- (3) Persons with disabilities are still liable to co-payment: Using the same example of New Taipei's personal assistant service, the government provides a 200 NTD per hour subsidy, but 30% of total charges are still self-paid by regular cases.¹³⁹ For a monthly service requirement of 60 hours, a regular case would incur 3,600 NTD of co-payment. According to Table 27.2 of the 2021 Convention-specific document, the average regular wage for persons with disabilities stands only at 28,246 NTD. This indicates that the level of co-payment is still too onerous.
- (4) During nighttime and national holidays, service providers are often not willing to appoint service personnel to stay on duty for the sake of leave convenience and to avoid potential problems. Combined with the government's negligence of its duty to supervise these providers, as well as the rule that charges double when utilizing services during these times, persons with disabilities are often forced to suspend these services.
- (5) Designation of assistive devices and relevant subsidies have not evolved with the times. Please refer to para. 219 of this report.
- (6) The above indicated that under the current regulations on relevant services, subsidies would be provided when living in an institution; on the other hand, living within the community would incur co-payments for persons with disabilities, as well as concerns regarding insufficient approved hours for service personnel, with both preventing a dignified life within the community.

194 While current community resources are relatively subtle, the application process is complex between different service providers and between providers and individuals. Due to local governments' resource allocation and regulatory limits, relevant documentation or household registration is required. This denies access to services for patients without documentation or for whom the location of their work or medical service provider is outside of their household registration address. Sessions utilizing community resources, which are primarily that of manual labor, have a relatively low level of diversity. The majority of the services aim to address the patient's mental issues, instead of his/her connection with the society, and are thereby rather fragmented in this regard. Meanwhile, innovative services in the private sector are severely disjointed with services provided by medical

138 Social Welfare Department, New Taipei City Government, Subsidies Program for Independent Living Services for Persons with Disabilities in 2020 to 2011
<https://reurl.cc/AgL6LK>.

139 The government would subsidize the full amount of medium-low and low income households; Households that qualify for disabilities payment but are not eligible as medium-low income are liable to 10% of total charges.

institutions, where resources and information cannot be shared. This results in patients being forced to choose between these two types of services.

195 Independent living services are mandated by item 9, Article 50 of the *People with Disabilities Rights Protection Act*,¹⁴⁰ and include peer support and personal assistant services. It is easy to misinterpret the text to mean that these two services would make independent living viable, and neglect other aspects such as information, accessible mobility and transportation, assistive devices, living assistance, schooling and work.

196 Recommendations:

- (1) MOHW should formulate a comprehensive set of rules enforcing independent living programs, ensuring service users could enjoy consistent independent living services in all jurisdictions, and incorporating CRPD General Comment No.5.
- (2) Current utilization of relevant independent services (including number of cases and hours) is dispersed within local government statistics. MOHW should compile data from different jurisdictions in order to form a comprehensive understanding on the impediments to persons with disabilities accessing sufficient support, to catalog all relevant needs and to deploy sufficient resources.
- (3) Eligibility to apply for services should be less stringent:
 - i Remove restrictions on household registration to eliminate the discrimination between different living locations on persons with liabilities' right to apply for services.
 - ii Most persons with disabilities are economically disadvantaged. Reviews of relevant service subsidy applications should examine assets and income of adult persons with disabilities and that of their family members separately.
 - iii Eligibility and subsidy standards for personal assistants should be revised to include groups that require such service, for instance those with psychosocial disabilities.
- (4) Comments from persons of disabilities should be included in the service assessment process as an important reference for relevant decisions.
- (5) Human resources for various services should be improved, and limits on approved hours should be relaxed. In addition, the State should formulate plans to incrementally work towards payments as described in paragraph 53(c) of the 2017 COR: "direct payments to the individual based on an individual needs assessment sufficient to secure independence in the activities of daily living, for purchasing assistance services and for employing one's own personal assistants at competitive wages, without co-payments by the

140 Article 50, People with Disabilities Rights Protection Act, <https://reurl.cc/v5jxRl>.

individual.”

- (6) The State should provide sufficient resources to support persons with disabilities’ choices to self-employ services or obtain them through service providers.
- (7) Item 9, Article 50 of the *People with Disabilities Rights Protection Act* should be amended to describe “personal assistant services” and “peer support services”.

Insufficient participation of persons with disabilities in independent living services

197 Responding to paragraph 138 of the 2021 Convention-specific document, disabled persons’ organizations (DPOs) as administration teams are, at present, absent in the vast majority of institutions administering independent living services. The policymaking process, in addition, does not provide persons with disabilities with sufficient information or agency, where those invited are mostly to give comments without substantive participation in planning or decision making.

198 Lack of appropriate evaluation, supervision, review and grievance mechanisms: At present, evaluation and review of Taiwan’s independent living centers or supportive service providers are commissioned by local governments to external experts without participation from persons with disabilities or their representative groups (as described in CRPD General Comment No.7). In addition, assessments to the number of utilized service hours are unilaterally performed by local governments without objective tools being applied, a transparent process, or effective channels with which user grievances may be addressed.

199 Recommendations:

- (1) Adopts CRPD General Comment No.5, consult representative organizations as described by CRPD General Comment No.7 and facilitate their proactive participation and collaboration.
- (2) Decision making processes at all levels must incorporate the proactive participation of organizations representing persons with different forms of disabilities, which include: women with disabilities, elderly with disabilities, children with disabilities, indigenous peoples, persons with psychosocial disabilities, and persons with mental disabilities.
- (3) Ensure that a specified proportion of independent living centres’ administration teams are composed of persons with different forms of disabilities, and that relevant policymaking also sees a specified portion of such participation.

Shortcomings of the personal assistance regime

200 Persons with disabilities are subject to various restrictions when applying and are not placed at a driving role:

- (1) At present, underage persons with disabilities are not eligible. In addition,

eligibility is limited to physical disabilities in many jurisdictions.

- (2) Service and timing for persons with disabilities are unilaterally decided by providers. Or, persons with disabilities are asked to submit an independent living proposal for approval before becoming eligible to apply for services. Extensive records of private matters such as personal whereabouts are also required, resulting in a total lack of dignity and autonomy for persons with disabilities. In practice, some providers also request imagery documentation during or after services rendered. In practice, incidents where the service provider has deployed one personal assistant for two persons with disabilities at the same time have also occurred.

201 At present, personal assistants are not covered by labor insurance, a significant lack of safeguards for the assistants.

202 Recommendations:

- (1) The competent authority must establish guidelines for personal assistant services in a scheduled, planned manner, incorporating CRPD General Comment No.5.
- (2) The development of personal assistant service must return to the principle of self-decision and autonomy for persons with disabilities, allowing them to decide their terms of independent living. This includes participating in the decision of who should provide personal assistance, how and where such assistance is provided, the assistants' training and supervision, as well as the manner in which payment is made (whether direct payment is adopted). Different from home care service, persons with disabilities are the subject of personal assistant service, who ought to take part in the discussion and decision on the separation, integration and pooling of these two services.
- (3) The government should ensure employment security for personal assistants, and safeguard their terms of employment, such as workplace safety, leave, wage and relevant insurance.

Persistent gaps between the current peer service system and the needs of persons with disabilities

203 At present, peer support service personnel are often required to possess relevant expertise. However, peer support service personnel who directly participate, are close to the subjects' life and possess similar life experience are often more effective at directly assisting persons with disabilities' inclusion with the community or their connection with people and society. While professionals are able to provide various forms of service which are close to the lives of persons with disabilities, it may be challenging for them to empathize with their dissimilar life experiences. Such dissimilarity is especially pronounced for medical personnel. In addition, while the *People with Disabilities Rights Protection Act* stipulates that peer support personnel shall perform assessments as a member of a team with other professionals, this is not enforced in practice. As a result, peer support personnel exist in name only without being considered as service providers, which leads to their expertise coming under question and, in turn, further challenges to the proliferation of such

service.

204 At present, there are very few psychosocial peer support service personnel and the service is not widely engaged, falling short of meeting all relevant needs of persons with disabilities. The primary reason is that at present disability cards are required for peer support service personnel to proceed with subsequent further training, resulting in many who cannot acquire a disability card being denied training. In addition, acquiring the disability card is a significant challenge. Apart from conforming to the government's stringent rules and categorization, one must, in the process, contend with costly eventualities, such as coming out as a sensitive identity or economic depletion, making it unattainable without some level of economic support.

205 Due to regulatory ambiguity, peer support service personnel are limited to drafting independent living proposals and organizing group building activities with persons with disabilities. In addition, the government offers only 10 peer support service hours, a significant shortfall. The top-down and unidirectional manner at which service is provided is not consistent with the spirit of mutual support from peers as equals, and service recipients have no power to choose or direct the service rendered.

206 Recommendations:

- (1) Restrictions on the use of peer support services should be relaxed: Allow those without disability cards (but with relevant needs) to access or to be qualified to provide peer support service. Such service should be bi-directional, instead of top-down and unidirectional.
- (2) The State should provide persons with disabilities greater space and flexibility, as well as sufficient support and funding, to develop a multitude of peer support services, adapting to different regions and needs.
- (3) Community support resources such as peer support service capacity and service rendered, as well as non-quantified effectiveness, should be reviewed annually, in order to improve horizontal connections with other professionals. Such peer support service should also be administered by relevant representative organizations to avoid weakening persons of disabilities as the service subject.

Critique on the community care visitor regime

207 Executive Yuan's Health Administration (predecessor of the current Ministry of Health and Welfare) initiated a pilot project "Community Care Plan for People with Mental Illness" in 2006, with which "community care visitors" would assist persons with psychosocial disabilities within the community to access medical services, schooling, job seeking and homecare transfers. In the beginning, such services were administered by NGOs familiar with persons with psychosocial disabilities in the community. These NGOs were able to combine local resources and cross professional care expertise to individually assist the community life of persons with disabilities. However, since 2011, community care visitors are not externally commissioned and are instead contracted by local health authorities in combination

with suicide prevention visiting service.

208 At present, community care visitor regimes primarily follow the direction of “Integrated Mental Health Work Program”, where the central competent authority, MOHW, subsidizes local health authorities in care visits for community mental patients (including those with Schizophrenia and bipolar disorder) following discharge, as well as that for suicide prevention cases. In other words, one visitor was required to serve persons with psychosocial disabilities within the community and track a large number of suicide prevention cases at the same time, severely depleting his/her hours and capabilities. Meanwhile, care for patients with mental incidents within the community has been adjusted to require tracking of medication stability and medical service rendered, with the case required to close within three months. Such services are thus increasingly tilted to favor state management and tracking, and difficult to achieve sophisticated community support and companionship.

209 MOHW’s “Phase 2 National Mental Health Plan” is expected to increase the number of community care visitors to 425 over the period of 2017-2021.¹⁴¹ However, there were a total of 99 such visitors in 2020. Only with subsequent legislative concerns did the State commit to increase 75 visitors in 2021, which is still a significant shortfall from the originally planned 425.¹⁴² For instance, in the budgeted subsidies for care visitors (for both persons of psychosocial disabilities community care and suicide prevention tracking), budgets were only made for 72 additional visitors nationally. Once the work has been tendered by local authorities and completed, there are even smaller budgets that may be used to employ additional workers. For example, only 1 additional care visitor was contracted in practice in New Taipei, where the need for service for persons with disabilities is the greatest.¹⁴³

210 In addition, Phase 2 National Mental Health Plan indicates the objective to develop diverse and community-based care models for persons with psychosocial disabilities, which would connect with home and career service resources and support persons with psychosocial disabilities’ community life. No effort in this regard has been expended whatsoever in practice.

211 Recommendations:

- (1) MOHW should include unrealized items in the next national mental health plan, and invite representatives of persons with disabilities for deliberation, planning and decision making.
- (2) Clear division is required for the positions and work between community care visitors and suicide prevention visitors, in order to ensure that focused

141 If 1 visitor is responsible for 80 patients (1:80), 34,000 class 1 and 2 mental patients would require 425 visitors.

142 Attachment 15 of MOHW Manual on Subsidizing Local Health Authorities for 2020 and 2011 Integrated Mental Health Work Program--Allocation of Positions to be Subsidized. For 2020 <https://reurl.cc/nn4m6e>; for 2021 <https://reurl.cc/o948Dv>.

143 Health Department, New Taipei City Government, Procurement specifications for “2021 New Taipei Mental Illness and Suicide Prevention Cases Care Visit Program”.

application of designated expertise, and that sufficient personnel are contracted with adequate supervision on effectiveness.

Community living spaces are full of barriers

212 Accessibility improvements in the community are slow and poorly implemented. Shops, streets and venues are filled with obstacles (see para. 74). In addition, accessible housing is insufficient and overpriced, and subsidies for which are difficult to obtain, where no government assistance is offered to persons with disabilities.

- (1) According to data consolidated by the Social Housing Advocacy Consortium, there were only 7,142 units of social housing available in four major municipalities in February 2021. In 22 social housing projects, only 9 have lottery odds higher than 9%, with the highest at 32%.¹⁴⁴ In addition, according to the Ministry of the Interior's national social housing proliferation progress statistics, no projects exist in Tainan City, where only 4,000 units are in the planning stage, a significant shortfall compared to other jurisdictions.¹⁴⁵
- (2) Compared to other countries, such as France with 49.3 million units of social housing, accounting for approximately 17% of all national housing (289.8 million units), Taiwan's social housing (17,415 units) accounts for only 0.2% of total housing (8.78 million units).¹⁴⁶
- (3) In 2020, President Tsai committed to 15,000 new social housing units under 50 projects beginning in 2021 across the country, with the aggregate goal of reaching 120,000 units in 2024. Despite the government's intention, MOHW's 2020 Q3 statistics indicate that with the national number of persons with disabilities at 1,198,358 and under the population and household ratio aforementioned, 445,189 new social housing units are required to ensure that housing rights of persons with disabilities is sufficiently safeguarded. However, access to social housing is not exclusive to persons with disabilities, young people, other vulnerable groups and the general public can also apply. It can be predicted, then, that the amount of new social housing currently planned would be significantly less than that needed for persons with disabilities. Whether the central government initiative is supported by local authorities may be an issue as well.
- (4) In addition, Article 35 of the *Housing Act* stipulates that non-profit legal persons may lease social housing units in order to provide housing service to 14 types of social and economically disadvantaged groups. However, no enforcement rules have been formulated by central or local governments. For this reason, persons with disabilities are still required to participate in the social housing lottery as natural persons do. For those whose support services

144 Social Housing Advocacy Consortium: <https://reurl.cc/MZLbOL>.

145 Ministry of the Interior, Progress on the implementation and promotion of social housing: <https://reurl.cc/OXLpMD>.

146 TSAI, CHIA-MING, French Social Housing Series (1)-Quantitative Change Promotes Qualitative Change: Looking at French Social Housing from the Numbers, <https://reurl.cc/WEMkxy>.

require contracts or those who need to live with their peers, the service of social welfare organizations as housing agencies is not available when applying for social housing.

213 Shortcomings of community housing:

- (1) Persons with disabilities need a place to settle down in order to incrementally live an independent life. However, the only supportive service relevant to the right to adequate housing is “community housing” of which there is insufficient capacity. Offering only community housing services prevents persons with disabilities from living their life the way they desire to. Furthermore, levels of access to community housing services are different between different levels of disabilities. For instance, those requiring high intensity support rely on service providers willing to “apply” on their behalf in order to choose between community housing options.¹⁴⁷
- (2) In addition, community housing is unevenly distributed in Taiwan. Not all jurisdictions possess the required planning and arrangements for community housing. Community housing services rendered are not distributed evenly either, where among 559 cases in 2019, only 64 were chronic mental patients, accounting for as little as 11%.¹⁴⁸
- (3) While community housing hosts relatively low numbers of residents, curfews are still in place. The key issue, though, is the misconception that the establishment of community housing is to become a facility to train persons with psychosocial disabilities in independent living, where the length of residency is still limited. Meanwhile, community living currently requires persons with psychosocial disabilities to have their own living arrangements during the day, when residents are prohibited to live in their own quarters and forced to go outside as a condition of residency. This indicates that, at present, community living is not designed to offer users a home/place of abode, nor an option with which persons with psychosocial disabilities may live stably, leading to independent living.
- (4) Rehabilitation homes are categorized as mental rehabilitation institutions, not residential ones, but have become another inappropriate option given the lack of community living, and in turn contributed to the speed of institutionalization. Residents at rehabilitation homes must adhere to the former’s rules and living arrangements, such as uniform dining hours, curfews and sleeping hours in most, for the sake of management convenience but leading to over-intrusion and lack of individuality. This indicates that rehabilitation homes are not a place of abode where persons with psychosocial

147 Eligibility of community living service is limited to those with ICF assessment 3 or above. Those below require separate applications from service providers, with no guaranteed approval.

148 Minutes of 10th Legislative Yuan Session 2 Social Welfare, Health and Environment Committee 19th Plenary, pp. 264, Legislative Yuan Gazette 9 volume 110, December 2020 <https://reurl.cc/MZLbyv>.

disabilities may freely choose their way of life.

214 Recommendations:

- (1) It is recommended that the target for new social housing units is increased to at least 445,189 in line with President Tsai commitment to new social housing projects across the country.
- (2) Increase the proportion of social housing to account for 5% of total housing, and increase the proportion allocated to the economically and socially disadvantaged to 40%.
- (3) For community housing, social welfare authorities are advised to request, as a condition to subsidies, that administrators do not restrict residents' living arrangements during daytime.
- (4) When assigning housing for persons with disabilities, special groups should not be placed at specific floors (as in certain national housing projects) with which they can be easily identified by all residents.
- (5) Right to adequate housing should be egalitarian and non-discriminative, without differentiating between levels of disabilities. Furthermore, corresponding adjustments should be made for different levels of disability in order to achieve substantive equality.
- (6) The equity and accessibility of housing choices should be modeled after institutional services,¹⁴⁹ with a one stop query service offering integrated information on community support service providers and their human resources, in order to provide easy access to information for persons with disabilities.
- (7) The State should formulate enforcement rules to Article 35 of the Housing Act.

Social discrimination against persons with disabilities remains severe

215 The government at present only provides subsidies for institutions or medical and social welfare professionals. Resources on improving the general public's knowledge of, awareness on and acceptance for persons with disabilities are still insufficient, leading to sustained social discrimination and exclusion against persons with disabilities. For example, small community scale workshops¹⁵⁰ and community homes are often met with protests from local residents.¹⁵¹

216 While the government has organized a number of training sessions, the service

149 Social and Family Affairs Administration, MOHW -- Disabilities Service Portal <https://reurl.cc/9ZLOvn>.

150 Small community scale workshops provide persons with disabilities service facilities for daily work and life training, as well as that for leisure activities.

151 For instance, progress for the "Wenlin Community Home" administered by the Taipei Mental Rehabilitation Association and commissioned by Taipei City's Social Welfare Department, has already been delayed by 11 months. Staff members' on-site presence at night was met with protests from 20 local residents and community council members. The police

personnel's lack of awareness on CRPD and rights-based model of disability is still discernible at the site of service for persons with disabilities. For instance, training for service personnel is not planned according to relevant needs, where some are assigned to assist person with hearing disabilities without knowing sign language, or asked to assist persons with visual disabilities to relocate without the knowhow. Gender awareness is not included in relevant services either.

217 Responding to paragraph 103 of the State's Responses to the 2017 COR, under "Pilot Project on Integrated Positive Behavior Support Model for Persons with Disabilities with Severe Emotional Distress", only 24 relevant counselling personnel were trained for the administering agencies, and implementation in community services is not indicated the final report of the pilot project.

218 Recommendations:

- (1) The National Human Rights Commission should assist the administration in improving social awareness on persons with disabilities and eliminate stigmas, for instance through formulating long-term social education and culture improvement plan(s).
- (2) The government is obligated to regulate training regimens for all personnel servicing persons with disabilities, including that for preschool educators, social workers, supervisors, and for supportive personnel in vocational rehabilitation and shelter workspaces. Such regimens are required to cover both theoretical and practical knowledge in relation to Article 19 in the CRPD, and accounted for in the annual training hours. In addition, the government should review the implementation of relevant concepts in workplaces in the field.

Art. 20: Personal Mobility

COR Points 54-55

In response to paras. 112-118 of the State's response to 2017 COR

The definition of assistive devices and subsidies has not been updated over time

219 The types of assistive devices eligible for subsidization, means of subsidization, and the amount of subsidy is restricted by the existing standards stipulated in the *Regulations on Subsidization for Medical Treatment and Auxiliary Appliances for the Disabled*,¹⁵² authorized by Article 71, Item 2 of the *People with Disabilities Rights Protection Act*. The Subsidization Standards for Medical Treatment and Auxiliary Appliances for Persons with Disabilities (referred to as the Subsidization Standards

were summoned on grounds that "visitors" may not stay in the community overnight. Staff members were also harassed by residents who repeatedly rang the doorbell. Source: NPOst, Opposition to Wenlin Community Home's Presence--Resolving Discrimination against Disabilities. August 2019, <https://reurl.cc/R63eKn>.

152 The Regulations on Subsidization for Medical Treatment and Auxiliary Appliances for the Disabled: <https://reurl.cc/xGxrgE>.

hereinafter) issued by the competent authority, Social and Family Affairs Administration under the Ministry of Health and Welfare (MOHW) has caused disruption in subsidy applications.¹⁵³ Moreover, the primary function is adopted as the "main criterion for determining" if a device is qualified as an assistive device, while the notion of "universal design" was not taken into account.¹⁵⁴

220 Some persons with disabilities might require assistive devices of various types and forms to lead an autonomous life. Hence, it is recommended to include non-medical devices that guarantee assistance to persons with disabilities as assistive devices,¹⁵⁵ expanding the selection of the said devices, increasing subsidies, and enhancing accessibility to, as well as affordability of, the devices aforementioned. Other than the assistive devices included in the job redesign programs, which are more able to meet the needs of persons with disabilities, support available at social affairs departments is limited to those stipulated in the Subsidization Standards, and subsidies are declining year by year. Since the subsidies fail to catch up with rising commodity prices, persons with disabilities face increasing burdens when purchasing assistive devices.

221 Although evaluations of assistive devices can be carried out at the residency of the persons with disabilities, persons with disabilities can only access customization services of special assistive devices at professional auxiliary appliance centers.

153 Ministry of Health and Welfare, Social and Family Affairs Administration (Subsidization Standards for Medical Treatment and Auxiliary Appliances for Persons with Disabilities): <https://reurl.cc/En80XA>.

154 Administrative Interpretation by the Ministry of Health and Welfare (MOHW): "An auxiliary appliance is defined as an assistive device that aids the disabled with impaired bodily functions or parts. Subsidies are offered to alleviate the economic burden that the disabled faces when acquiring the special equipment mentioned previously. Easily-accessible general device or components that do not count as fundamental parts of the aforementioned assistive device shall not be defined as an auxiliary appliance." Please also refer to Interpretation No. 1080102382 of the Social and Family Affairs Administration: <https://reurl.cc/3Nme11>.

155 Administrative Appeals Report of New Taipei City Government No. 1086060450: The plaintiff applied for a subsidy for an assistive device from the Auxiliary Appliance Center of New Taipei City under Article 1 and Article 71 of the People with Disabilities Rights Protection Act. The Center completed a needs assessment and determined that the plaintiff needs assistive devices such as magnifiers, hand-held magnifying glasses, or a certain type of portable video magnifier. The plaintiff believed that the iPad Pro from Apple Inc. featured the same functions as the portable video magnifier, so the plaintiff bought the iPad Pro instead. The responsible department denied the plaintiff's application for a subsidy, so he appealed to the institution in charge of subsidy issuance, which ended in a failed attempt. The plaintiff then appealed to the New Taipei City government, which agreed that iPad Pro provides functions equal to that of the portable video magnifier. The government also believed that "the disabled shall select auxiliary appliances, universal products included, that suit their needs, assist them in completing daily matters, and guarantee quality leisure life. iPad Pro matches the description above, because it can be defined as an assistive device if used by a person with visual disabilities. Moreover, the defendant agency's ruling that iPad Pro does not count as a portable video magnifier was an outright discrimination caused by differentiation between the person with visual disabilities and the person without visual disabilities, in violation of the CRPD." Additionally, iPad pro is a product "with universal design that is characterized by functionality substantially higher than that of a portable video magnifier." Consequently, the New Taipei City Government annulled the decision handed down by the original liable organization.

Long-distance commuting between place of residence and the centers might preclude persons with disabilities from obtaining affordable assistive devices.

222 Residents of the Losheng Sanatorium face difficulties accessing affordable assistive devices due to the long distance between the Sanatorium and the auxiliary appliance center. Adding to their dilemma is the restriction of four subsidies per two years, which deny people with multiple disabilities autonomous lives and integration into communities. To illustrate, although residents of the Losheng Sanatorium are receiving subsidies for mobility scooters, most scooters are not suitable for their needs, for that their fingers were disfigured, making it difficult to hold onto the controllers. The mechanism of subsidization also failed to include the residents' needs for special assistive devices.

223 Recommendations:

- (1) The State shall modify the Subsidization Standards: Interplay between persons with disabilities and the environment shall be included in the needs assessments for assistive devices. The amount of the subsidy shall also be discussed and updated based on the actual situation, and the proportion of subsidy shall be increased to at least 90% of the price. The State shall also loosen the restrictions on how long a device shall be used, earmark funds for subsidizing assistive device maintenance, and include more assistive devices in the Subsidization Standards. The State shall authorize evaluations of hi-tech, multifunctional, and novel non-medical/ customized assistive devices, so persons with disabilities can select, purchase, and maintain products tailored to their needs without feeling economically burdened while enjoying the convenience brought by technological advancement.
- (2) Universal design shall be introduced into the Subsidization Standards, eliminating the line between "assistive devices" and "general equipment." The medicalization of assistive devices shall also be avoided so persons with disabilities can select whatever assistive devices best suit their needs.
- (3) The State shall assess the accessibility of customization of special auxiliary appliances, as well as difficulties that persons with disabilities encounter when receiving support for using those devices, in order to make amelioration as scheduled.

Art. 21: Freedom of Expression and Opinion, and Access to Information

COR Points 56-57

In response to paras. 121-124 of the State's response to 2017 COR

Sign language and the promotion of sign language culture has not received enough attention and support

224 In response to para. 121 of the State's response to 2017 COR: please refer to para. 65 and 280 of this report for content about the sign language education for infants, and

sign language as a mother tongue under the current educational system.

- 225 To preserve the culture of sign language users and ensure recognition of the language per se, the State shall establish sign language TV channels following the *Development of National Languages Act* as an approach to expand the reach and accessibility of sign language media.
- 226 Please refer to para. 231 of the Report for content related to mass media and sign language.
- 227 In response to para. 122 of the State's response to 2017 COR: DPOs are facing mounting pressure and inadequate training capacity for sign language interpreters. Such training is mainly organized by associations of the deaf in local communities or other groups, which have to apply for government funding and even raise funds on their own from time to time.
- 228 In response to para. 123 of the State's response to 2017 COR: sign language interpreting is not available for daily-life-related matters of a profitable nature, such as buying insurance for dependents, or banking services such as loan applications. The deaf are thus denied access to those services.
- 229 Recommendations: The State shall either take over the training of sign language interpreters or defray the full cost of sign language interpreter training carried out by collaborative organizations. The State shall also expand the scope of service to which sign language interpreting is applicable, such as paid programs offered by profitable groups, for-profit organizations, and other everyday-life activities. The application mechanism of sign language interpretation services for persons with hearing or speech disabilities shall be designed with the concept of equal access to information.

In response to paras. 125-130 of the State's response to 2017 COR

Public information and mass media information has not been made accessible to all

- 230 In response to para. 127 of the State's response to 2017 COR: a large portion of information published on websites of public entities are not accessible for persons with disabilities. Examples include scanned documents with unrecognizable texts, subtitled videos without audio descriptions, or files offered without an easy-to-read format.¹⁵⁶ The situation above makes it impossible for persons with visual disabilities, persons with hearing or speech disabilities, and persons with mental disabilities to access public information.
- 231 In response to para. 169: of the 2021 Convention-specific document, sign language interpreting is only available for news of major events, such as policy presentations or ceremonies of national festivals. A dearth of regular sign language interpreting services for news channels hampers the deaf from accessing information. The State has failed to demand entertainment and educational channels to enhance the

156 To illustrate, when applying for social participation at Taipei City Government's Department of Social Welfare, easy-to-read formats are not available for explanation of the application process and necessary documents.

availability of sign language interpreting services.

232 Recommendations:

- (1) When providing public information such as documents, webpages, audios, or videos, the State shall consider the various needs of different DPOs, especially persons with visual disabilities, the deaf, and persons with mental disabilities, in that they face greater obstacles when receiving information.
- (2) The State shall require all TV channels, especially news channels, to provide sign language interpreting and ensure that footage with sign language translation shall take up no less than one-sixth of the whole TV program.

The design of self-service machines does not incorporate the needs of users with disabilities

233 There is a wide variety of self-service machines, such as payment kiosks at parking lots, interactive information kiosks at convenience stores, self-registration machines at hospitals, vending machines, self-service photo booths, and more. Those machines are designed to allow users to use the service on their own. However, the design of such machines has failed to take users with disabilities into account: their interactive platforms, the angle of screens, buttons, pick-up boxes, coin insert/return slots, and phone support all cause inconveniences for persons with disabilities. Audio support for persons with visual disabilities through headsets is also absent on most self-service machines.

234 Please refer to para. 81 of this report for internet banking application and ATM accessibility for persons with disabilities.

235 Please refer to para. 97 of this report for reporting imminent physical harm and disaster warning.

236 Recommendations: The State shall establish regulations concerning accessibility with DPOs and issue accessibility credentials for self-service machines that meet the requirements. Besides adopting machines with the said credentials first, the State shall also gradually increase the credential's issuance and adoption.

In response to para. 131 of the State's response to 2017 COR

The production of an easy-to-read format of the CRPD and its pertinent documents involved neither takes into account opinions nor participation of persons with disabilities

237 Although the State did consult persons with disabilities during the editing process of formulating the easy-to-read format of the CRPD, the process was concluded in a rushed manner without considering the time and space that persons with disabilities needed, thus leading to insufficient participation from them.

238 Besides the CRPD, other relevant documents shall also be provided in easy-to-read formats. Opinions on general matters related to the life of persons with disabilities and the concluding observations and recommendations of the international review

committee shall also be included in the easy-to-read files for future practical use.

239 Recommendations: The State shall reserve enough time and space for persons with disabilities to get involved in the process and express their opinions to ensure adequate participation on their side. Topics which relate to their daily lives shall also be included in the scope of drafting easy-to-read format.

In response to para. 132 of the State's response to 2017 COR

The freedom of communication of persons with disabilities under special living arrangements has not been guaranteed

240 Special living arrangement facilities such as residential care facilities, nursing homes, psychiatric wards or long-term care facilities have listed "the freedom of the resident to communicate freely to the outside world" as an evaluation standard. Nevertheless, psychiatric wards, citing "maintenance of equipment and privacy of patients,"¹⁵⁷ continues to impose certain levels of restrictions on their residents. For instance, some patients with disabilities are not allowed access to smartphones, tablets, or computers, regardless of their situation. Their communication with the outside world was further disrupted during the COVID-19 pandemic, as visits to medical or social care facilities were prohibited in some areas.

241 Persons with disabilities who receive living arrangements or voluntarily moved into psychiatric wards face difficulties when communicating with the outside world,¹⁵⁸ due to the fact that facilities largely restricted who can visit them, and that patients are only allowed to leave the ward so long as they have consent forms signed by family members. Further, that they also need to be accompanied by family members when they are outside the facility. The disruption to their connection with the outside world is clearly in violation with the principle of social inclusion. Such disruption also makes it difficult for them to access legal assistance.

242 Recommendations:

- (1) The competent authorities shall instruct hospitals and care facilities in its jurisdiction to provide necessary support and assistance to persons with disabilities, so they can remain connected to the outside world. The responsible institutions shall also establish principles guiding communication between institutionalized patients and the community so persons with disabilities can access information and express opinions.
- (2) The Department of Mental and Oral Health under the MOHW shall regularly review the admission guidelines and unwritten restrictions to outward communication in major hospitals' psychiatric divisions. Results of inspections shall also be made public to those who need psychiatric services. The State shall also demand facilities that are imposing restrictions on patients'

157 Please refer to the Guidelines Concerning Hospitalization and Visits to the Psychiatric Ward of National Taiwan University Hospital, Department of Psychiatry:

<https://bit.ly/3fk75cN>.

158 Means of communicating with the outside world are often limited in psychiatric wards. Other common restrictions include exorbitant communication fees and time limits.

communication to make improvements within designated deadlines, or request the facilities to install free video calling equipment that can be used anytime.

- (3) The State shall loosen the restriction on accompanying family members for patients' temporary leave to include non-biologically related members.
- (4) The State shall demand that psychiatric wards determine the equipment required for patients to communicate with the outside world based on their conditions instead of the class of ward they are living in.

Art. 22: Respect for Privacy

COR Points 58-59

The privacy of personal information of persons with disabilities is not properly respected

243 As mentioned in para. 25 of this report, the right to privacy is not covered in the existing *People with Disabilities Rights Protection Act*.

244 Government agencies do not consult persons with disabilities prior to information exchange: After persons with disabilities receive certification of status upon successful application, social services agencies will exchange personal information with other related official agencies to facilitate the handling of social benefits unless the persons concerned separately apply for "non-exchange of information."¹⁵⁹

245 Violations of the right to privacy of persons with mental disabilities:¹⁶⁰ Although Article 24 of the *Mental Health Act* regulates that without the consent of the patient, audio recording, video recording or filming of the patient should not be performed, and the name or domicile (residence) of the patient should not be reported either. However, whenever there are major social events, police stations and medical institutions often disclose medical records of the patients to the media. Journalists or government officials interviewed often arbitrarily infer or conclude that the offence conducted by the suspect is related to their mental disease.

246 Recommendations:

- (1) When social service agencies issue a certification of status, they should clearly inform persons with disabilities the impact of informational exchange to ensure full and autonomous decision making of persons with disabilities.
- (2) All government agencies should obtain the consent of persons with disabilities before exchanging personal information of the persons concerned.
- (3) The State should strengthen officials' and medical practitioners' respect towards the right to privacy and verbal warnings or administrative

159 Coordinated by Covenants Watch, Paragraph 161 of the 2017 Parallel Report on the Implementation of the Convention on the Rights of Persons with Disabilities. June of 2017: <https://reurl.cc/ZQN8OA>.

160 Please refer to footnote 13.

punishments should be imposed on violators.

Art. 23: Respect for Home and the Family

COR Points 60-61 (c)

Inadequate support services for persons with disabilities regarding child-rearing responsibilities

247 Para. 190 in the 2021 Convention-Specific Document mentions the promotion of services for vulnerable families had started in 2018, including child-rearing guidance, diversity services, and community support services for vulnerable families according to their needs. However, persons with disabilities require other support services in raising their children. Existing policies and services do not incorporate parenting support for persons with disabilities, including the provision of relevant support services (such as personal assistants) or other related assistive devices for the care of young children (hearing aids, feeding, changing diapers, bathing). The Assistive Device Subsidies Standards Form does not include any childcare assistive technology resources for parents with disabilities. Although the Ministry of Health and Welfare provides assistive technology training for parents with disabilities organized by professionals, a specific agenda on measures regarding assistive device borrowing and assistance for parents with disabilities remains missing.

248 According to the meeting documents from the third meeting of the Gender Equality Task Force of the Ministry of Health and Welfare in 2010,¹⁶¹ 4.4% of the reports (excluding repeated reports) on the protection for children and teenagers involved a parent with disabilities throughout 2019. Still, there was no placement data after the reporting.

249 Recommendations:

- (1) Relevant support services should be established to support parents with disabilities regarding childcare. A concrete plan and a schedule shall be laid

161 Documents from the Third Meeting of Gender Equality Task Force in 2010, Department of Protective Services, Ministry of Health and Welfare. A. Among the reports on the protection for children and teenagers in 2019, there were 2,550 cases where one parent of the child/teenager was a Person with Disabilities, accounting for 4.4% of the total cases reported (excluding repeated cases). After analyzing the violence type reported, 56% were physical mistreatment; 18% were inadequate parental guardianship; 17% were psychological maltreatment, and 11% were sexual abuse. B. Also, among the reports on the protection for children and teenagers in 2019, victims who were individuals with disabilities accounted for 3.26% of the total population of children/teenagers with disabilities – three times as much as where the victims were without disabilities (1.02%). In 32.76% of the cases where the victim was with disabilities, one of the parents was also a Person with Disabilities; this shows that families whose parents and children were both with disabilities faced an even more dire child-raising challenge. Therefore, families raising a child/teenager with disabilities should receive sufficient childcare and parenting support. Persons with disabilities who are soon to become parents should receive adequate education and training. Once they know about childcare and parenting, and receive adequate childcare assistance, child abuse incidents can be better prevented.

out to ensure access to childcare assistive devices.

- (2) The State should survey and compare the statistics of out-of-home placement by social welfare personnel, including the number, proportion, and gender, of children with parents with disabilities to that of regular families.

Art. 24 Education

COR Points 62-63

Comprehensive inclusive education has not been fully implemented yet

250 Students with disabilities are still rejected admission to school. Today, there are still some schools rejecting students with disabilities, claiming that the schools lack special education resources. Although the provisions of Article 22 of the *Special Education Act* specify that schools must not reject admission of students with disabilities, some schools still dissuade students with disabilities who plan to seek admission and their parents behind closed doors. Also, since some schools are unable to actively provide support for special education, students with disabilities and their parents have no choice but to seek admission to other schools.

251 Still, no structural reforms are made in most policies aiming to realize inclusive education. Although the statistics in para. 199 of the 2021 Convention-Specific Document indicate that a large proportion of students with disabilities attend schools in the general education system, students with disabilities result in “being placed” in the general education system. Students with disabilities cannot adapt to general education; what’s worse, some of them have frequent conflicts with others,¹⁶² which causes immediate or lasting harm to their lives.

252 There is still an invisible form of segregation in schools in the general education system. Schools at pre-university level or below have all established Course Development Committees and Subject/ Area Teaching Research Groups to facilitate professional dialogue among subject teachers of seven areas (language, health and physical education, social studies, arts and humanities, mathematics, natural and living technology, and integrative activities), and to support course development in schools. However, few teachers of special education, students with special educational needs, and parents of those with special educational needs participate in the dialogue, hindering professional opinions of special education in entering the communication platforms mentioned above. The circumstances structurally exacerbate the predicaments of students with disabilities under an inclusive

162 The bullying and conflict cases regarding students with disabilities continue to arise. For example, a bullying case of a student with intellectual disabilities happened in late January 2021 in Fengshan District, Kaohsiung City, which drew public attention in Taiwan. Another example is the conflict between a student with emotional disorders and the class the student belonged to in September 2020 in Taoyuan City. The student with the disorder was attacked by their classmates’ parents at the classroom after the incident. It’s worth noting that not all the bullying or conflict cases draw the public’s attention, and some cases even didn’t receive any concern or weren’t addressed appropriately.

education system.

253 With regard to the vocational and professional training of students with disabilities, the approaches specified in the laws and regulations still limit the options available for their self-realization. According to the provisions of article 32.2 in the *People with Disabilities Rights Protection Act*,¹⁶³ the law still encourages colleges to open departments related to massage. Although the approach specified in the article is more like an encouragement rather than a mandatory policy, it indirectly conveys an image and understanding of the career of a specific group of persons with disabilities to schools and society. Therefore, the approach limits the right of persons with disabilities to career decision-making autonomy and is against the principle of inclusive education.

254 Recommendations:

- (1) The State should review and revise the *People with Disabilities Rights Protection Act* and the relevant sub-laws to make the provisions regarding education meet the principles of inclusive education, lifelong learning, and on-the-job education stated in the CRPD.
- (2) The State should enforce the laws prohibiting discrimination, and all the acts of passive dissuasion and exclusion must be prohibited. Meanwhile, the government should ensure adequate special education resources available for all schools to prevent students with disabilities from being forced to give up their education options due to lack of adequate resources.
- (3) The State should propose special education policies with a specific timeline and effective approaches, and ensure that inclusive education is not just formally integrated education so that students with disabilities can receive comprehensive support. Also, to help students with disabilities adapt to the general education system, such as get along with their peers and develop interpersonal relationships, adequate and effective assistance should be provided. In particular, bullying in schools should be prevented or addressed appropriately.
- (4) The State should revise or abolish the provisions in the *People with Disabilities Rights Protection Act* that limit the right of persons with disabilities to choose their own careers. Instead, the regulations should encourage colleges and universities to help students with disabilities explore suitable career possibilities based on their personalities and learning status.

The lack of disability awareness in the education system, including the teacher training system, causes exclusion and segregation

255 The teacher training system lacks adequate knowledge and skills to teach students with disabilities. In response to para. 146 in the State's Response to the 2017 COR, take the program of the College of Teacher Education in National Taiwan Normal University as an example, through training a teacher in general education ("general education teacher"), the course related to special education is an elective course,

163 Article 32 in the People with Disabilities Rights Protection Act: <https://reurl.cc/v5jxRl>.

and it is merely an introductory course about special education.¹⁶⁴ A general education teacher only acquires limited knowledge and expertise about teaching students with disabilities. At least three hours of a special education training program every year is not sufficient to respond to the differentiation among diverse learners with disabilities and the systematic knowledge and methods of special education, which evolve day by day. The lack of awareness will further affect the approaches to designing a practical teaching scene for inclusive education, and to understand the needs of and proper arrangements for students with disabilities. In Taiwan, the area of special education has not been emphasized for a long time through the training of a teacher. It is difficult to systematically train a special education teacher with adequate knowledge and skills.

256 Teachers' on-the-job courses also lack a systematic plan, which makes it difficult for a general education teacher to identify the uniqueness and differentiation among students with different disabilities in their learning capacities, demands, forms of learning, and acquisition of knowledge. This affects a teacher's competence to implement inclusive education in terms of classroom management, classroom planning, course design and customization, and learning assessments.

257 A teacher-training process lacking the development of awareness of persons with disabilities makes teachers lack a solid understanding of students with disabilities. It's hard for students with disabilities in an inclusive education system to obtain adequate and proper education in regular schools. For example, the professional subject teaching environment is full of learning obstacles, so special education schools become more appealing to students with disabilities, which intensifies the opposition and segregation between the mainstream education system and the special education system.

258 Recommendations:

- (1) Para. 172 of the 2017 Parallel Report released by Covenants Watch should be reiterated. According to paras. 40-41 of the CRPD General Comment No. 4, the State should not maintain separate education systems for mainstream and special/segregated education. During the process of gradually implementing inclusive education, the CRPD must be interpreted meticulously and comprehensively. A timeline must be set out in accordance with the general goals of CRPD to continuously, gradually, and fully realize the various rights of all students under the education system, including those students with disabilities.
- (2) Para. 180 of the 2017 Parallel Report released by Covenants Watch should be reiterated. According to para. 71 of the CRPD General Comment No. 4, the State should incorporate awareness of persons with disabilities and related knowledge and skills into the teacher training process (including general education teachers, special education teachers, and assistant personnel) to equip them with the knowledge of disabilities and the ability to implement inclusive education. The change is expected to further transform the inclusive

164 Pre-Service Education Courses and Course Credit List for Secondary School Teachers in All Subjects (applicable for students from 2020), released by the College of Teacher Education in National Taiwan Normal University, December 2020: <https://reurl.cc/qmYE9g>.

education system. Therefore, students can learn and grow in an environment that their daily lives interconnect and interact with their communities. The learning environment can gradually help persons with disabilities to live independently in their communities. Also, with the transformation of the inclusive education system, there are more education options available for families with disabilities, and in turn, there will be, gradually, fewer and fewer students attending special education schools.

- (3) The Ministry of Education should separate the special education affairs from the Department of Student Affairs and Special Education. An independent department should be established to communicate and formulate policies with other departments. According to para. 38 of the CRPD General Comment No. 4, the State should ensure that all the learning phases, including pre-school education, schools at all levels, tertiary education, and lifelong education, incorporate persons with disabilities into their policy development. During the negotiation and decision-making processes, representatives of persons with disabilities and children/teenagers with disabilities should be invited to participate, so as to protect them from discrimination and secure their equal opportunity. Also, the government should draft related guide manuals that clearly state the parties accountable for the reasonable accommodation and other related guidelines.

The definition of students with disabilities excludes some groups of persons with disabilities

259 According to the definition of students with disabilities in the *Special Education Act* and the relevant sub-laws, the definition does not correspond to the current qualifications of obtaining a disability certificate in Taiwan. The definition and the qualification have two sets of classifications and are not aligned with the ICF classification.¹⁶⁵ In other words, it is possible that some individuals identified as persons with disabilities under the ICF assessment, and various aspects of their lives are continuously and comprehensively affected by their disabilities, can still be excluded from the current special education system.

260 The *Special Education Act* overly emphasizes that all students with disabilities should belong to a certain category without considering that one person can have multiple disabilities and that the disabilities are affecting many aspects of their lives. The assessment criteria in the *Special Education Act* are still limited to the biomedical model of disability, ignoring the social factors that cause disabilities apart from physiological damage. Although some persons with disabilities haven't met the current qualification of students with disabilities, they still need the support of special education. The rigid definition in the law excludes some persons with

165 Disabilities meant in the Act are referred to as physiological or psychological disorders, assessed and diagnosed by professionals to be in need of special education and related services, and categorized as follows: A. Intellectual Disabilities; B. Visual Impairments; C. Hearing Impairments; D. Communication Disorders; E. Physical Impairments; F. Cerebral Palsy; G. Health Impairments; H. Severe Emotional Disorders; I. Learning Disabilities; J. Severe/Multiple Impairments; K. Autism; L. Developmental Delays; M. Other Disabilities. (Article 3 of The Special Education Act: <https://reurl.cc/O07Ney>).

disabilities from the special education system in terms of living, interpersonal relationships, and education. This exclusion affects those with unilateral hearing loss, some students with learning disabilities, or those who fail to meet the qualification because their disability types don't fit the definitions specified in the law.

261 The assessment standard of students with disabilities doesn't correspond to a realistic learning scenario. The assessments are mainly based on document reviews rather than considering the applicants in a realistic learning scenario. It's also impossible to demonstrate the learning barriers these applicants face in their daily lives since these barriers cannot be presented in the form of a written document. As a result, such assessments fail to prioritize the rights and interests of students with disabilities. For those who want to appeal against an assessment result, they have only a couple of minutes to express their opinions.

262 Recommendations:

- (1) Apart from the statistics of special education, the government should provide yearly statistics related to students with disabilities in each education phase to ensure that they truly receive the support and resources needed for learning.
- (2) The State should comprehensively and structurally review and revise the *Special Education Act* and the relevant sub-laws, addressing all the needs in all the learning phases for persons with disabilities and individuals who haven't been identified as persons with disabilities while still needing the support. No individual should be excluded due to the forms of disabilities, the extent of severity, or the types or quantity of demands. All classifications and assessment standards should be reviewed instantly to establish a reasonable set of classifications and assessment standards that protect students' rights and interests. Meanwhile, the government should ensure the types and amounts of support that students with disabilities obtain will not be limited due to their classifications.
- (3) As the previous point stated, the *Special Education Act* should specify the regulations of reasonable accommodation to secure equal education without any discrimination against students with disabilities.
- (4) The support for students with disabilities should not only include the support based on the classification of their disabilities, but also encompass various aspects. It is worth noting that "all-encompassing" means whether students with disabilities can easily and effectively access the support and resources, not just on the legal or procedural basis.
- (5) An assessment of students with disabilities should not merely focus on physiological damage examinations, but be based on a more comprehensive observation, including putting more emphasis on social barriers. An assessment process should include more perspectives such as real campus life and the barriers students will encounter instead of only interpreting medical statistics in documents. Also, practical opinions of realistic learning scenarios should be able to join the assessment process and be truly considered in the process. The determination of the assessment should exclude all the negative

factors that should not be burdened by persons with disabilities, such as the general lack of special education resources or the assessment committee's stereotypes of certain disabilities.

The education system still cannot provide adequate support to students with disabilities

263 The special education budget and resources that schools can obtain are still far from sufficient, which results in inadequacy in the accessible environment, and failure to provide support and reasonable accommodation for each student with disabilities. The working hours of the assistant personnel can only be partially disbursed, so students with disabilities who need assistant personnel can only receive assistance for a limited time. There's a ceiling on consumables expenses, such as assistive devices, so schools cannot provide various assistive devices for different disabilities.

264 For students with disabilities below pre-university level, despite the help of assistant personnel of teachers and special education students at school, students with disabilities still often cannot receive appropriate aid in their daily lives or after-school learning. Partly because of the unsatisfactory work environment and the insufficient compensation of assistant personnel, the services provided by the assistant personnel cannot meet the needs of students with disabilities. The main reason for this can be attributed to the State's failure to formulate policies that take all the everyday life needs of students with disabilities in terms of learning into consideration.

265 With regard to tertiary education, the period in which a student should complete a master's or a doctoral degree regardless of being a general education student or a student with disabilities, according to the provisions of Article 26 in the *University Act*. This is a one-size-fits-all standard.¹⁶⁶ The provisions fail to consider the differences between students with disabilities and general education students in terms of physical conditions and forms of learning. This can cause pressure on students with disabilities and raise the threshold for them to obtain tertiary education.

266 Students with disabilities who join a homeschooling experimental education program do not acquire sufficient support and resources. According to the provisions of Article 26 in the *Enforcement Act for Non-school-based Experimental Education at Senior High School Level or Below*, the municipal, county, or city competent authority and the nominal school shall provide necessary resources and assistance to special education students who participate in an experimental education program.¹⁶⁷ In one instance, a family couldn't afford a private teacher and wanted to apply for tuition subsidies, but the local government dismissed their application. The local government claimed that "the above-mentioned article does not apply to the fees to pay for professional instructors in various fields". As a result, special education students still cannot enjoy equal learning resources as

166 Article 26 of the University Act: <https://reurl.cc/pmjRla>.

167 Article 26 of the Enforcement Act for Non-school-based Experimental Education at Senior High School Level or Below: <https://reurl.cc/e94o1W>.

general education students.

267 Recommendations:

- (1) The State should provide students with disabilities with the support they need to receive adequate education, including improving special education teachers' teaching hours and work environment, scheduling adequate working hours of assistant personnel to help meet learning-related needs of students with different disabilities, and offering various assistive devices or other special education resources.
- (2) The State should establish a system of professional specialization with different service items. A talent database to reassess the allocation of assistant personnel is also needed.
- (3) The State should review the *University Act* by consulting students with disabilities for suggestions based on their learning experience, and revise the provisions related to the period in which a student should complete a degree program. By doing so, the *University Act* can provide appropriate support for students with disabilities through receiving tertiary education.
- (4) The State should review and offer more explanation about the education laws and regulations regarding students with disabilities or students with special educational needs, so as to ensure these laws can provide them with adequate and appropriate resources and support.

The Individualized Education Program fails to focus on students with disabilities and to properly protect their privacy

268 In response to para. 145 in the State's Response to the 2017 COR, according to the revised Article 9 in the *Enforcement Rules of the Special Education Act* in July 2020, although the Individualized Education Program (IEP) must invite the students themselves to join the development and discussion process. In practice, the decisions are made mostly by teachers and parents, which means persons with disabilities themselves cannot participate in the discussion and decision-making process. Even if persons with disabilities join the IEP discussion and express their opinions, their opinions are often not adopted by the IEP. In fact, the IEP fails to focus on students with disabilities entirely. Some schools just complete the IEP by copying the template or the content of others instead of truly having a conversation with each student to develop the most appropriate IEP, which affects students' rights.

269 The content in the IEP and students' privacy are not protected, including all the education data of students with disabilities from the beginning of their education. Schools can obtain the past records of students with disabilities, which means students with disabilities enter a new phase of education with their previous records and cannot enjoy equal opportunities like general education students do.

270 Recommendations:

- (1) The State should adopt and enforce COR 63 (c) of the 2017 COR to not only enable students with disabilities to participate in their own IEP planning, but

also to receive their informed consent at the end of the IEP planning.

- (2) The provisions related to IEP in the *Special Education Act* should be revised to protect and respect the privacy of students with disabilities. All the personal information of students with disabilities along the way of education should be protected and can only be provided to schools when students with disabilities consider it necessary and agree to provide such information.

Discrimination against students with disabilities in the tertiary education system still exists

271 The percentage of students with disabilities attending tertiary education (colleges, universities, and graduate schools) is still far lower than that of general education students. According to the 2016 Report of Disabled People's Living Condition and Demand Survey, only 14.68% of persons with disabilities with a tertiary education degree.¹⁶⁸ The percentage is far lower than the percentage of people with a degree of tertiary education in Taiwan in 2016, which is 43.6%.¹⁶⁹ Compare the statistics in a period of five years and it noted that the percentage of people with a degree of tertiary education in Taiwan has increased 5.4%, while that of persons with disabilities has only increased 3.55%.¹⁷⁰ In addition, the growth of the participation in tertiary education of persons with disabilities is also lower than that of general people.¹⁷¹

272 The rights of students with disabilities to receive tertiary education are not explicitly protected by the law. The provisions of Article 29 in the *Special Education Act* and the provisions of Article 6 in the sub-law *Regulations Regarding Admission Counseling Services for Students with Disabilities* do not specify any substantial protection of students with disabilities,¹⁷² such as reasonable accommodation or admission quota for persons with disabilities. Compared with other students with

168 Since the qualifications for students with special educational needs and persons with disabilities are different in Taiwan, this document refers to the five-year Report of Disabled People's Living Condition and Demand Survey to present the education level of persons with disabilities more accurately. The data is the most updated. (2016 Report of Disabled People's Living Condition and Demand Survey, Ministry of Health and Welfare, December 2018): <https://reurl.cc/GdayVZ>.

169 The report of the education status of people above 15 years old in Taiwan in the 8th week in 2017, Ministry of the Interior, October 25, 2017: <https://reurl.cc/V32O1N>.

170 According to the report of the education status of people above 15 years old in Taiwan in the 13th week in 2012 released by the Ministry of the Interior, in 2011, people with a degree at or above college accounted for 38.2% of the population. According to the 2011 Report of Disabled People's Living Condition and Demand Survey released by the Ministry of Health and Welfare, persons with disabilities with a degree at or above college accounted for 11.13% of the population. The data of the change in the tertiary education status in the period of five years is obtained by calculating the difference between the statistics in 2011 and 2016.

171 According to the latest report released by the Ministry of the Interior, as of the end of 2019, people above 15 years old in Taiwan with a tertiary education degree account for over 46% of the population, whereas data related to the percentage of persons with disabilities with a tertiary education degree is unavailable.

172 Article 29 of The Special Education Act: <https://reurl.cc/8yZAMd>; Article 6 of the Regulations Regarding Admission Counseling Services for Students with Disabilities: <https://reurl.cc/nnAzbd>.

particular identities, such as indigenous students or overseas Taiwanese students, the legal protection of students with disabilities is not explicitly and clearly specified, which cannot protect the substantial rights of students with disabilities to receive tertiary education.

273 Although the general college entrance examinations, such as General Scholastic Ability Test and Advanced Subjects Test, offer customized test content and examination forms for students with disabilities, these alternatives are still limited to some extent. Even though these examinations can be adjusted based on individual cases, it is not adequate to provide assistance to all students with disabilities to attend the examinations.

274 Lack of adequate knowledge about persons with psychosocial disabilities in the tertiary education system leads to discriminatory acts such as stigmatization and segregation. These discriminative acts cause persons with psychosocial disabilities to burden more mental hardship, making them less willing to attend school, and in turn, affecting their right to education.

The education participation rate of women with disabilities is low, especially in the tertiary education system

275 According to the Report of Disabled People's Living Condition and Demand Survey in 2016, among women with disabilities, the percentage of them completing elementary school is the largest, which is 36.64%, and the percentage of them with a high school diploma is the second largest, which is 23.67%.¹⁷³ Look closer at the gender ratio in the education level of persons with disabilities, the percentages of women with disabilities who are illiterate, those who are self-taught to be literate, and those who completed elementary school are higher than the percentages of men with disabilities in these three categories. However, in other categories of education levels, the percentages of women with disabilities are lower than the percentages of men with disabilities. The higher the education levels are, the wider disparities in the gender ratio would be (Refer to Table 1. Percentages of education levels of persons with disabilities by gender). It is evident that the participation rate in the education of women with disabilities is generally lower than that of men with disabilities, and the overall education level of women with disabilities is also

173 2016 Report of Disabled People's Living Condition and Demand Survey, Department of Statistics, Ministry of Health and Welfare, December 2018: <https://reurl.cc/GdayVZ>.

relatively lower than that of their counterparts.

PERCENTAGES OF EDUCATION LEVELS OF PERSONS WITH DISABILITIES BY GENDER

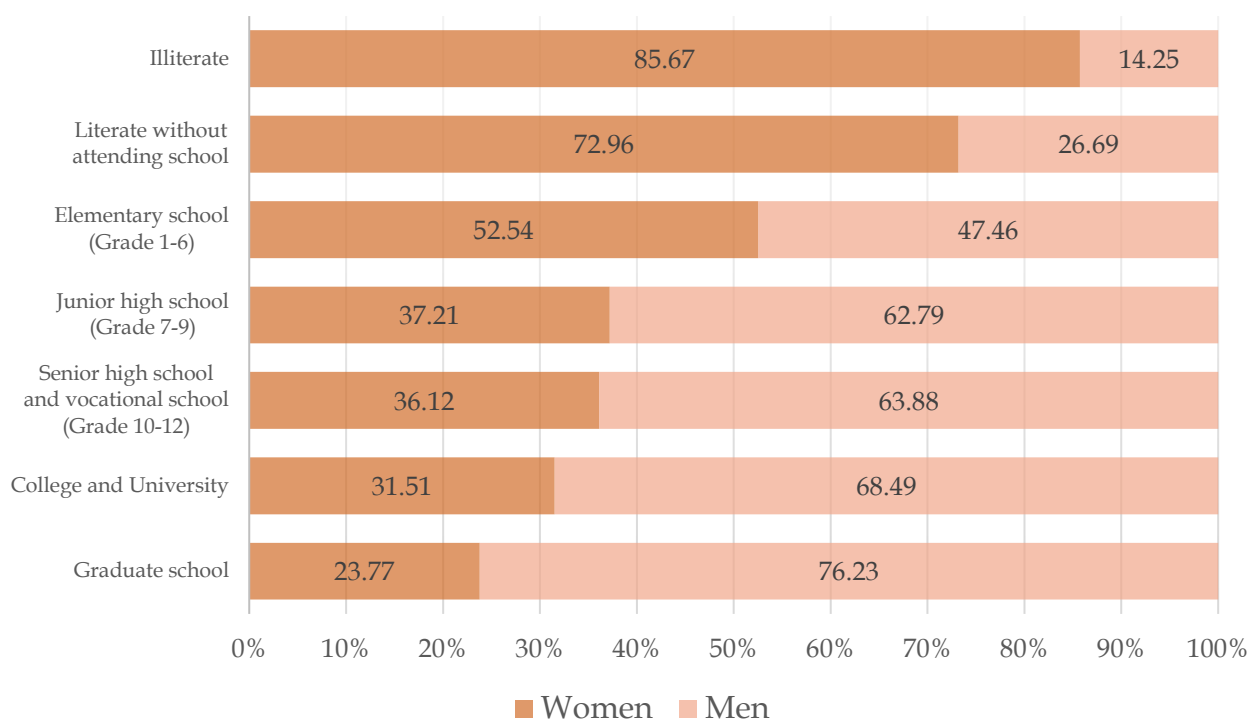


Figure 1 Percentages of education levels of persons with disabilities by gender

276 It is worth noting that women with disabilities account for 43.36% of persons with disabilities, slightly lower than that of men with disabilities. However, the disparity in education levels beyond junior high school (Grade 7-9) between two genders is more considerable than the gender gap in the total population of persons with disabilities. In the tertiary education system, the disparity is greater.

Students with specific disabilities don't have equal access to tertiary education

277 College admission quotas are only available for particular groups of persons with disabilities, which substantially excludes or screens out other groups of persons with disabilities and those who don't fall into any disability categories. For example, students with disabilities attempting to enter the tertiary education system through the process of College Admission for Students with Disabilities, and the examinations in the admission process are categorized into seven types of disabilities, namely visual impairments, hearing impairments, cerebral palsy, autism, learning disabilities, physical disabilities, and others. Colleges and universities can select particular categories above to offer admission quotas, which substantially excludes other students with disabilities. The classification lacks reasonable grounds. It not only lacks sufficient support of academic research or theories, but it also arbitrarily imposes limitations that are not specified by law. Among the seven categories, the category of "others" includes the potential candidates who are not covered in the other six categories, so it is possible to have

multiple types of disabilities. Colleges and universities are less willing to offer admission quotas for the category of “others” because they want to avoid the admission of those who they cannot anticipate. The categories of autism and learning disabilities are also not favored by colleges and universities. In the categories of autism and learning disabilities, there is an obvious lack of diverse fields, and only limited departments offer quotas. The unreasonable classification of disabilities in the admission process leads to unequal opportunities among different categories, which means particular groups of persons with disabilities are deliberately excluded from the process. This constitutes the “discrimination of any kind” stated in Article 2.2 of ICESCR and para. 5 of the ICESCR General Comment No. 5. Overall, there is inadequacy in exclusive opportunities of college admission for students with disabilities and diversity of fields available.

278 As stated in the previous paragraph, according to the statistics of the education level of persons with disabilities released by the Ministry of Health and Welfare, the percentages of persons with disabilities with a tertiary education degree (including colleges, universities, and graduate schools) of the seven out of 17 categories of disabilities are lower than the percentage of total persons with disabilities with a tertiary education degree (14.68%). Among the seven categories, the percentage of the categories of intellectual disabilities (4.03%) and dementia (8.54%) are the lowest.¹⁷⁴ Upon closer inspection of the populations of persons with intellectual disabilities and dementia, and how many of them hold a tertiary education degree; then look at the said data among the total population of persons with disabilities, it can be noted that, in higher education settings, the percentage of persons with intellectual disabilities among persons with disabilities is far lower than that of persons with intellectual disabilities among the total population of persons with disabilities (Refer to Table 2. Percentages of persons with intellectual disabilities and dementia among persons with disabilities in higher education settings). What’s worse, the percentage of persons with intellectual disabilities completing graduate school is 0%. The statistics indicate that currently, persons with intellectual

174 2016 Report of Disabled People’s Living Condition and Demand Survey, Department of Statistics, Ministry of Health and Welfare, December 2018: <https://reurl.cc/GdayVZ>.

disabilities still cannot enjoy equal opportunities in the tertiary education system.

PERCENTAGES OF PERSONS WITH INTELLECTUAL DISABILITIES AND DEMENTIA AMONG PERSONS WITH DISABILITIES IN HIGHER EDUCATION SETTINGS

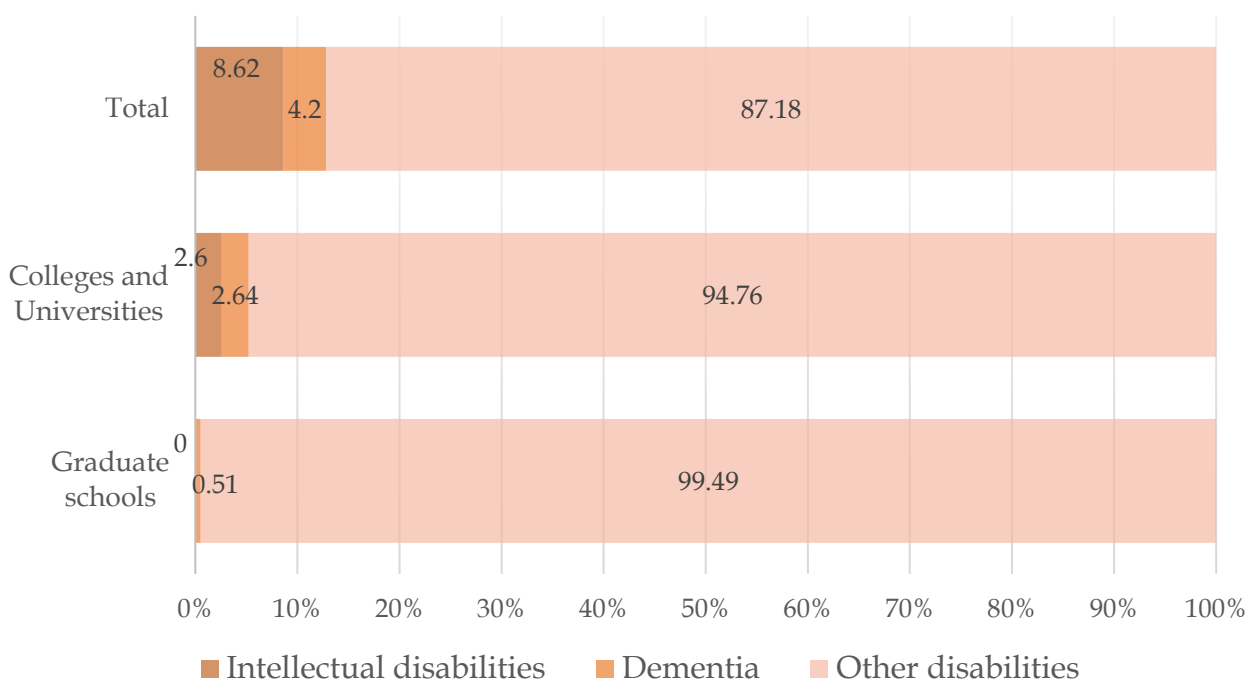


Figure 2 Percentages of persons with intellectual disabilities and dementia among persons with disabilities in higher education settings

279 Recommendations:

- (1) The State should, according to paras. 27 and 64 of the CRPD General Comment No. 3, incorporate the promotion of the awareness of women with disabilities and their demands into all the national action plans, strategies, and policies, and all the department programs regarding gender equality, health, violence, education, political participation, employment, access to justice, and social protection. The government should also conduct specific monitoring programs and measures focusing on the interventions of women with disabilities to improve the status of women with disabilities from a comprehensive perspective, and meanwhile, promote their education participation rate.
- (2) The State should formulate new provisions in a higher legal hierarchy focusing on students with disabilities in the tertiary education system, providing a legal basis for the process of College Admission for Students with Disabilities and other existing admission systems related to students with disabilities. The new law should also include provisions that prohibit any direct or indirect discrimination during college admission processes. In addition, any terms of direct or indirect exclusions in the college admission guides of all the departments should be prohibited from now on.
- (3) The State should encourage and make it an obligation for colleges and

universities to actively offer admission quotas for students with disabilities. These schools should also ensure equal opportunities for all students with disabilities.

The status of sign language remains unequal compared to other national languages

280 The *Development of National Languages Act* was enacted and promulgated in 2019, where Taiwan Sign Language was recognized as a national language. However, in practice, Taiwan Sign Language doesn't obtain a status of a mother tongue as Taiwanese, Hakka, and indigenous languages. There is no elective of Taiwan Sign Language available in the mother tongue curriculum at school nor a sign language TV channel. The situation not only reduces the opportunities for people to learn sign language and its culture, but it also affects the rights of people with hearing impairments to acquire information.

281 The education system lacks sign language curriculums, teachers, and other adequate support, which makes it difficult for deaf children to obtain real inclusive education.

282 Recommendations:

- (1) The State should establish a designated department, which is similar to the Hakka Affairs Council or the Council of Indigenous Peoples, to manage research, education, and promoting tasks focused on preserving, passing on, and developing sign language culture.
- (2) The State should incorporate sign language education into the current education system and arrange sign language interpreters based on students' demands so that the goal of inclusive education can be fulfilled. This allows persons with hearing impairments to freely choose the places to learn and obtain the same quality learning experience as students without hearing disabilities.
- (3) The equality measures for persons with hearing impairments to enter a teaching scenario: As stated in para. 172(3) in the 2017 CRPD Parallel Report released by Covenants Watch, the government should provide the statistics of the teachers for students with disabilities who use sign language to teach in each education phase. The State should also provide sufficient dedication, resources, and support for their jobs and training to eliminate the barriers in the education system and establish a role model.

Art. 25: Right to Health

COR Points 64-65 (b)

Women with disabilities face difficulties accessing community-based preventive healthcare services

283 According to the Survey on the Patient Experience of Women with Disabilities in Gynaecological, Obstetrical and, Breast Care released by Taiwan Disabled Women's

Alliance for Equal Rights in 2019,¹⁷⁵ a woman with disabilities was unable to receive the screening due to the steps on the touring medical trailers. After she was referred to a medical facility, she still did not receive the screening because the equipment could not be lowered. The survey shows that women with disabilities face the following difficulties when receiving healthcare:

- (1) Unable to get onto the examination tables themselves because the tables are too high and transfer aids are unavailable;
- (2) Unable to use the changing rooms (limited space, lack of instructions on clothes storage and disposal locations, etc.);
- (3) Unable to be examined by equipment and modes that accommodate them; and
- (4) Unable to communicate well with medical professionals (some persons with disabilities are unable to fully understand the content of the examinations or find it difficult to communicate).

284 The Health Promotion Administration under the Ministry of Health and Welfare, together with the health bureaus/offices, and hospitals of each city and county have adopted Mammography Vehicles, Pap Smear Vehicles, and other similar programs to tour communities and provide cervical and breast cancer screening. However, these touring medical trailers all have physical steps, which prevent women with disabilities from boarding and receiving the appropriate screening. There are currently only seven fully accessible vehicles throughout the country.¹⁷⁶

285 Even though the Health Promotion Administration has had mammography equipment fit the spatial and height requirements in medical facilities,¹⁷⁷ the equipment has not been confirmed by a person with disabilities, and there are no plans for further improvements. In addition, there are currently no accessible versions of mammography-related health education materials designed for individuals with different disabilities.

286 The State has not fully assessed the accessibility of medical facilities: In fact, many women with disabilities are unable to receive pelvic examinations and pap smear screening because the examination tables are too high and transfer aids are unavailable. Suppose women with disabilities wish to go to a hospital or health office for examinations. In that case, the limited accessibility of equipment and resources of rehabilitation buses mean that seeking preventive healthcare services remain inconvenient.

287 According to the 2018 Cervical Cancer Screening Registry System Annual Report, the participation rate in pap smear screening throughout the country was 26.7%,

175 Survey on the Patient Experience of Women with Disabilities in Gynaecological, Obstetrical and, Breast Care, Taiwan Disabled Women's Alliance for Equal Rights, December 17, 2019: <https://reurl.cc/W3amV9>.

176 Table of Accessible Mammography Services on Touring Medical Trailers, Health Promotion Administration, October, 2020: <https://reurl.cc/ra4xbZ>.

177 Table of Accessible Mammography Services in Medical Facilities, Health Promotion Administration, October, 2020, <https://reurl.cc/DvrlNQ>.

and the participation rate of women with disabilities was 15.1%.¹⁷⁸ However, the report did not provide details on the types of disabilities of the participants, so it was impossible to tell if differences existed across disability types. The report also did not give a plan to increase the participation of women with disabilities in cervical cancer screening.

288 Recommendations:

- (1) The Ministry of Health and Welfare should lay out a plan for "increasing the participation of women with disabilities in cervical cancer screening", and provide resources to improve accessibility facilities, including screening equipment, community touring medical trailers, hospital community shuttle buses, etc. The Ministry should also provide accessible versions of health education materials designed for different types of disabilities.
- (2) The Ministry of Health and Welfare should gather data on the number and proportion of women with disabilities who receive breast cancer screening. The data should be categorized according to disability types so as to find out any differences across them, and plans for improvement should be proposed.

Reproductive health and healthcare are not fully accessible

289 The government has not regulated the accessibility of relevant medical equipment in medical facilities: In the Survey on the Patient Experience of Women with Disabilities in Gynaecological, Obstetrical and, Breast Care released by Taiwan Disabled Women's Alliance for Equal Rights in 2019,¹⁷⁹ a woman with hearing impairment was unable to lipread to understand the state of her fetus because her doctor refused to remove their mask due to inconvenience. Later during delivery, the delivery room was short-staffed with no one assisting with lipreading, resulting in anesthesia failure. Another woman with physical disabilities found no transfer aids to help her get onto the examination table and birthing bed that were too high for her, and the equipment was unsuited to measure the weight of a pregnant woman with disabilities.

290 Para. 213 in the 2021 Convention-Specific Document mentions that the State is in the process of producing an accessibility guide for medical facilities. However, the guide is only for reference, and the State has yet to clarify how medical facilities will be required to offer inclusive design and equipment. In addition, the free phone line for pregnant women mentioned in para. 216 fails to take into account the needs of pregnant women with hearing impairment. The Manual of Sexual and Reproductive Health for Caregivers of Teenagers with Intellectual Disabilities also lacks an easy-to-read version for persons with intellectual disabilities.

291 Recommendations:

- (1) Medical facilities in Taiwan should implement accessible medical services and

178 2018 Cervical Cancer Screening Registry System Annual Report, Health Promotion Administration, November, 2019: <https://reurl.cc/YWk8zn>.

179 Survey on the Patient Experience of Women with Disabilities in Gynaecological, Obstetrical and, Breast Care, Taiwan Disabled Women's Alliance for Equal Rights, December 17, 2019: <https://reurl.cc/W3amV9>.

reasonable accommodation: The Ministry of Health and Welfare should assess whether the examination tables, birthing beds, transfer aids, and weight measuring equipment meet the accessibility requirements. The Ministry should provide relevant resources to improve the accessibility of the equipment in question as well as training for medical professionals on the reasonable accommodation and accessible medical services for persons with disabilities.

- (2) When the accessibility guide for medical facilities is completed, the Ministry of Health and Welfare should assist medical facilities in improving their barrier-free medical environment, which should be examined by persons with disabilities in person. Future assessments and relevant amendments to medical regulations will continue to ensure that medical facilities provide inclusive design and equipment.
- (3) The State should provide accessible versions of pregnancy information designed for different types of disabilities, and an easy-to-read version for pregnant women with intellectual disabilities.

COR Points 64-65 (c)

The arrangement and side effects of medications are not thoroughly communicated to persons with disabilities

292 When persons with psychosocial disabilities are planning to receive treatments, physicians predominantly implement medication regimens. At the early stages of the treatment, however, physicians customarily overlooked proper disclosure of the period of the treatment; and upon discussing drug reduction plans, the physicians habitually refrained from engaging in proactive responses, either do the physicians conduct treatments in the aim of minimizing the dosage. With insufficient information, it is arduous for persons with psychosocial disabilities to choose options according to their best interest.

293 Regarding medications, physicians commonly emphasize the efficacy alone, in lieu of clearly explaining the side effects of the drug.

294 Recommendations:

- (1) Physicians shall be required to inform persons with psychosocial disabilities with information regarding medications, their side effects and the method of treatment, and engage in discussions with persons with disabilities, to enable joint formulation of treatment programs in accordance with the aim of minimizing dosage, and in accordance with the wishes of the recipient of the treatment.
- (2) The medical profession shall avoid the application of the absolute bio-medical model with its mere administering of medication whilst presenting apathy to the psychological and social dimensions; treatment methods that are able to

respond to the social model shall also be developed expeditiously.

COR Points 64-65 (d)

On-site medical professionals lack awareness and training regarding disabilities

295 Para. 158 of the State's Response to the 2017 COR points out that the topic of persons with disabilities has been incorporated in the training for new doctors since August 2019. However, medical professionals include not only doctors, but also nurses, medical technologists, etc.

296 Recommendations: Regulations on medical personnel should be amended to include disability topics as part of the compulsory training for new and existing medical personnel to raise disability awareness of on-site medical professionals. The training is expected to improve and guarantee the rights of persons with disabilities to medical care.

COR Points 64-65 (e)

People with disabilities were denied of enrolling in life insurances and were unable to insure themselves according to their wishes

297 According to an investigation report of the Control Yuan,¹⁸⁰ the rate of life insurance enrollment for persons without disabilities is 12.8 times that of persons with disabilities.¹⁸¹ Being denied enrollment is a common scenario experienced by persons with disabilities, indicating that persons with disabilities are hindered from accessing insurance on an equal basis with others. For instance:

- (1) A certain proportion of persons with disabilities are yet to be able to obtain underwriting of new life insurance contracts: statistics aggregated by the Taiwan Insurance Institute in 2018 and 2019 had indicated that more than a quarter of persons with disabilities had suffered rejection when applying to underwrite a new life insurance contract. Despite the fact that the existing data does not contain the aggregated number of new life insurance contracts underwritten by persons with disabilities and persons without disabilities, thus unable to analyze the uninsured ratio of persons with disabilities against persons without disabilities, but it is indicated by the statistical data that a certain proportion of persons with disabilities are disabilities have not

180 Investigation Report of the Control Yuan, Financial investigation No. 0052 of 2020. Oct. 23rd, 2020: <https://reurl.cc/834GQy>. Press release of the Control Yuan: Persons with disabilities often rejected to underwrite life insurances, the Control Yuan passed an investigation report and requested the FSC to resolve, Oct. 29th, 2020: <https://reurl.cc/j8M7bn>.

181 According to the press release of the Control Yuan, persons with disabilities were holding less than 0.2 insurance policies on average, which calculated as 12.8 times less than persons without disabilities, who were holding 2.56 policies on average.

successfully underwritten a new life insurance contract.

- (2) Uninsured procedures for persons with disabilities are unreliable, rendering statistics insubstantial: according to the regulations of the Financial Supervisory Commission, insurance providers shall submit hard copy reasoning and statements to the applicant in cases where persons with disabilities were denied insurance.¹⁸² In practice, persons with disabilities might be directly and verbally rejected by the front-line salespersons without having its case to be submitted to the firm for underwriting operations, which results in the official statistics of uninsured ratio of persons with disabilities being inconsistent with reality. The Financial Supervisory Commission seems to have miscalculated the severity of this issue, and have yet to draft proactive resolutions.

298 In practice, even though insurance companies have not refused insurance enrollments of persons with disabilities, pressure is often placed on persons with disabilities to take out micro-insurance. Micro-insurance, designed for the economically disadvantaged to possess basic financial assurances, with its affordable premiums, the insurance claims are accordingly less (about one-tenth of general insurance). Persons with disabilities, however, are not necessarily economically disadvantaged; should the concerned parties be requested to take out micro-insurance while being able to afford the premiums of general insurance, discrimination might be constituted. The increasing scope of insurance coverage of persons with disabilities does not imply that equal assurance had been achieved.

299 Para. 162 of the State's response to 2017 COR had mentioned that "the practice of assisting persons with disabilities to purchase insurance should be widely promoted and implemented to/by the business units", in practice, as indicated by the aforementioned Control Yuan investigation report, many front-line salespeople lack sufficient awareness and sensitivity on disability. In addition, despite the fact that the Financial Supervisory Commission has established three complaint channels,¹⁸³ the procedures remained generally unbeknownst to persons with disabilities.

300 Despite the fact that the State has conducted assessment and statistics on the risk exposure of persons with disabilities, civil society organizations remain concerned regarding the accuracy of said statistical data. In principle, the risk assessment data shall not incorporate accidents which occurrences cannot and shall not be attributed to disabilities, for example:

- (1) Fire: A higher proportion of persons with disabilities live in old buildings, which risk of fire shall not be attributed to physical or mental impairments.
- (2) Traffic accidents: sidewalks full of obstacles, rendering wheelchairs to be used

182 Guidelines for Insuring Persons with Disability for Insurance Providers, point 4:

<https://reurl.cc/bX47Kl>.

183 Press release of Financial Supervisory Commission, December 2020:

<https://reurl.cc/o9KrlQ>.

on the pavement. Should an accident occur, it shall not be attributed to impairments.

- (3) Natural disasters: any persons could be affected by natural disasters. Therefore, accidents emanating from natural disasters shall not be attributed to people, whether they have a disability or not.

301 Recommendations:

- (1) Corresponding statistical data should be expeditiously aggregated to serve as the basis for calculating risk exposure of persons with disparate types of disabilities, and further serve as the foundation for drafting standard enrollment procedures for persons with disparate types of disabilities, to ensure that persons with disabilities can enjoy insurance-related rights on an equal and non-discriminatory basis.
- (2) Relevant statistical data should be accessible to the general public. If necessary, statistical data on insurance coverage for persons without disabilities shall also be provided, to ensure that the person with disabilities were equally covered.
- (3) The State ought to actively promote the Financial Supervisory Commission to require insurance providers to administer education and training programs for its practitioners regarding awareness on disability rights, to ensure that insurance practitioners undertake applications from persons with disabilities in accordance with established procedures. On the other hand, the State shall actively promote the awareness of relevant rights and complaints channels to enable persons with disabilities to claim their own rights when disputes arise. Formats of relevant materials on advocacy and appeal mechanisms shall be diversely accessible.
- (4) The "Convenience Service" provided on the website of the Financial Supervisory Commission has listed information regarding the consultation and complaint hotline "1998", some persons with disabilities, however, might not be familiar with finding complaints channels. It is recommended to provide such information in the "FAQ" section of the website, or make relevant complaint information easier to be found through search engines.
- (5) To provide the insured with expected products, proactively require insurance providers to not persuade persons with disabilities to take out micro-insurance when requesting insurance, the promotion of products shall be based on the actual needs and financial capacities of the insured.
- (6) COR Points 64-65 (f)

Severe inadequacy of medical resources in places of detention

302 The Agency of Corrections has yet to aggregate statistics of the proportion of persons with disabilities in correctional facilities and the categories of their

disabilities. Without such statistics, it would be strenuous for the Agency to properly grasp and respond to the needs of prisoners with disabilities.

303 Currently, the medical resources at correctional facilities are provided primarily by National Health Insurance. However, the correctional facilities' own medical teams are inadequate and can only serve an auxiliary role. At the end of 2019, the total number of medical staff at all correctional facilities was 103 (not including contract employees).¹⁸⁴ The ratio of medical staff to inmates was approximately 1:577, where medical staff takes into account all physicians, clinical psychiatrists, pharmacists (or assistants), medical technologists (or technicians), registered nurses (or nurses). If the ratio is calculated for each individual type of medical staff, the number is even more staggering. Moreover, since national health insurance resources are absent during nights and holidays and the correctional facility's own medical staff is off duty, there is a possibility of incidents occurring without medical staff present. In such a case, only the administrator is left to decide how to handle the incident and whether an ambulance is needed.

304 On the occasion where admission will cause a considerable degree of deterioration of the health condition of parties concerned, deferment of admission shall be imposed for the administering of treatments. The *Code of Criminal Procedure* does provide provisions regarding "suspension from execution" as of present, however, the condition of the party concerned must amount to "insanity" or "currently suffering a disease and the execution may threaten his life", which is excessively stringent. The 2020 amendment of the *Prison Act* had stipulated that the Ministry of Health and Welfare shall assist in improving the medical and health conditions of prisons, but it remains to be seen whether the medical and health conditions in prisons will indeed be improved.

Insufficient supportive resources on mental health for inmates

305 The medical team members of prisons generally lack expertise in the mental health department; the administering of mental health care services chiefly relies on psychiatric outpatient services of other medical institutions, which predominantly impose medication regimens and operate on varied frequencies. It is strenuous to maintain the mental health of inmates with such manpower.

306 As mentioned in para. 112 of the ICCPR State Report of 2020, the guard-inmate ratio in places of detentions in Taiwan was approximately 1:10.6 in December 2019. This is a much higher number than nearby Hong Kong (1:1.9), Korea (1:3.5), Japan (1:5.4), and Singapore (1:5.8). During the night shift, a single guard may have to manage hundreds of inmates; under such circumstances, the guards in places of detention might default to disciplinary action to confront "abnormal behaviors", or resort to security measures such as using restraining instruments or imposing solitary confinement, not only is this scenario unable to address the special needs of inmates, but it might also further develop into abuse.

Solitary confinement worsens the mental health of prisoners with

184 Ministry of Justice Statistics Handbook, Ministry of Justice (2019): <https://bit.ly/2TiYm7>.

disabilities

307 Solitary confinement may be imposed upon prisoners with mental health issues or exacerbate the existing mental health problems of inmates. According to an investigation by the Control Yuan in 2019, Lyudao Prison should be seen as an exceptional case, as it has placed multiple inmates in long term solitary confinement. In the past five years, there were 21 inmates placed in solitary for durations between 1 month and 1 year, 3 inmates for durations between 1 year and 2 years, 2 inmates for durations between 2 years and 6 years. There was even one inmate who was placed in solitary confinement for as long as 14 years and 14 days.

308 Of the inmates who were placed in solitary confinement, 13 were also put in restraining instruments, 3 inmates attempted suicide with 1 succeeding who had a history of chronic anxiety before being transferred to Lyudao Prison.¹⁸⁵ Since 2017, there were two cases of juveniles being placed in long term solitary confinement at correctional institutions: a 2017 case occurred in the Taipei Juvenile Detention House where it placed a juvenile inmate with a mental disability¹⁸⁶ in the pacification ward as many as 27 times for a total of 101 days;¹⁸⁷ Another 2020 case occurred in the Chengjheng High School Taoyuan Branch, a juvenile with a moderate intellectual disability who had been diagnosed by a psychiatrist with conduct disorder was repeatedly placed in the school's "Calming Garden" for nearly 3 months for scabies and emotional behavior. While in the Garden, he was punished to solitary living three times for a total of 22 days, with one particular incidence lasting as long as 15 days.¹⁸⁸

309 Regarding the issue of solitary confinement, the *Prison Act* amended in 2020 stipulates that correctional facilities may not place inmates in solitary confinement for more than 15 days. In the event solitary confinement is imposed, medical personnel shall be assigned to continuously evaluate the physical and mental condition of the inmate.

310 Recommendations:

- (1) The State shall survey the proportion of persons with disabilities among inmates, so as to comprehend their medical and other needs, and provide appropriate medical and rehabilitation resources.
- (2) Amend the provisions on the suspension from enforcement in the *Code of Criminal Procedure*, to suspend the admission and execution of those who suffer from ailments and its subsequent deterioration from the inability to obtain treatment in confinement.
- (3) Places of detention shall intensify resources for mental health assessment and services.
- (4) Article 63 of the *Prison Act* shall be amended, to ensure the right to access compassionate release of inmates who are severely afflicted. The Agency of

185 Control Yuan Investigative Report 0053, 2019: <https://reurl.cc/a58Ry7>.

186 Please refer to footnote 13.

187 Control Yuan Investigative Report 0010, 2020: <https://reurl.cc/7yLnxN>.

188 Control Yuan Investigative Report 0039, 2020: <https://reurl.cc/dVI9ZM>.

Corrections shall also provide statistical data on refusals of compassionate release applications and the grounds of refusals.

Issues unspecified by the COR

The definition of health does not include mental health and early intervention services are lacking

311 According to the World Health Organization, "[h]ealth is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity"¹⁸⁹ and "[m]ental health conditions contribute to poor health outcomes, premature death, human rights violations, and global and national economic loss."¹⁹⁰ Accordingly, the discussion on the right to health should not deal only with illnesses that have emerged, but should instead plan with three parts: prevention, promotion, and early intervention. Public health planning has long neglected the subject of mental health, including promotion, education, and early intervention services.

312 In Taiwan, many families notice that a family member starts acting strangely, saying that someone is going to hurt them or that they are being followed. They hear voices/sounds that others cannot hear or have extreme emotions. However, if the person in question and their family refuse to seek medical help, and there is no harmful behavior to themselves or others, professionals at medical facilities are unable to provide much help. A study has shown that it takes on average 1.68 years from noticing the symptoms to finally receiving help.¹⁹¹

313 For persons with psychosocial disabilities and their families, the difficulty of seeking help as soon as "there is something wrong" could come from many sources. For example, when persons with psychosocial disabilities sense crises and hostility around them, they might experience consternation and cognitive dissonance when told that "they are the one with the problem". There is a social stigma attached to psychiatry. They worry that institutionalization will bring disruption to their lives (e.g., making them unable to work).

314 Current mental health services in Taiwan are all remedial, i.e., illnesses are only dealt with when they have a severe impact on daily lives. The development and planning of preventive or early intervention services have yet to pick up the pace. Take schizophrenia for example. There are overseas studies on the impact of "duration of untreated psychosis (DUP)" on the prognosis of patients with schizophrenia. Many studies have found that shorter DUP leads to a better

189 What is the WHO definition of health? WHO, Frequently asked questions, <https://reurl.cc/xgV11N>.

190 Ghebreyesus, T.A., 2018. The WHO Special Initiative for Mental Health (2019-2023): Universal Health Coverage for Mental Health Mental Health Atlas 2017. WHO, Geneva: <https://reurl.cc/V3QX6b>.

191 Body, Self, and Disorder Interpretation: The Intersection of Mental Illness and Cultural Healing, Shu-Rong Lin, 2013, *Body, Subjectivity, and Cultural Healing: An Interdisciplinary Approach*, Papers from the Fourth International Conference on Sinology, edited by An-Bang Yu, Academia Sinica.

prognosis for patients with schizophrenia.¹⁹² Longer DUP results in worse reactions to medications, control of symptoms, and overall functions; negative symptoms are also more pronounced. In other words, the length of DUP has an impact on treatment response, symptom control, and overall functions.¹⁹³

315 Early intervention methods now only include psychiatric medications and overlook the possibilities for diverse treatments like psychotherapy or social prescribing. Moreover, mental health requires medical support as well as support from the entire society. However, Taiwan does not have a robust community care system for mental health. As a result, mental health care has ended up being only about medications and rehabilitation, but the support for persons with disabilities to live healthily in society is missing.

316 Recommendations:

- (1) Develop early intervention services that proactively enter the family and target the whole household. Build professional interdisciplinary teams to provide outreach services. Assist persons with early mental illness symptoms, their families, and their caregivers by proactively entering their households, so as to exert the effects of early intervention and treatment.
- (2) Provide crisis respite centers in early intervention outside hospitals.

Persons with psychosocial disabilities lack treatment options

317 Mental illnesses are very different from other illnesses. Their causes could be psychological, social, or biological. However, most intervention methods for mental illnesses emphasize the biological aspect and not the psychological or social aspects. Not many resources have been invested in addressing psychological and social difficulties. The treatment of mental illnesses focuses on medications, while psychological treatment receives fewer resources. The majority of the clinical psychologists employed by hospitals are mainly responsible for assessing mental illnesses instead of carrying out psychological counseling. Although many hospitals offer outpatient programs for psychological counseling, the patients have to pay out-of-pocket costs. Patients need to wait for a long time if they want to get counseling sessions with benefits covered by the National Health Insurance scheme. There are also free community psychological counseling services, but they are only 30 minutes per session, and each city/county has its own programs. In Taipei City, people with a disability certificate or major illness/injury certificate are entitled to free psychological counseling appointments, and remain so as long as there are available slots. However, New Taipei City only offers four free sessions. Where one is registered as a resident could significantly change the services one receives.

318 The advancement of psychiatric medications can effectively treat various mental

192 Marshall, M. et al, 2005. Association Between Duration of Untreated Psychosis and Outcome in Cohorts of First-Episode Patients. *Archives of General Psychiatry*, Vol 62, pp. 975-983.

193 Murru, A. & Carpinello, B., 2018. Duration of untreated illness as a key to early intervention in schizophrenia: A review. *Neuroscience Letters*, 16, 669:59-67. Penttilä, M. et al., 2014. Duration of untreated psychosis as predictor of long-term outcome in schizophrenia: systematic review and meta-analysis. *British Journal of Psychiatry*, 205(2), pp. 88-94.

illnesses, but the side effects cause other physical problems. For example, the second-generation psychiatric medications for schizophrenia can reduce the side effects of previous medications, such as stiffness and abnormal eye movements. However, the second-generation psychiatric medications come with other side effects, such as significant weight increase, "triple high" (high blood pressure, high blood lipid profile, and high hyperglycemia), and other metabolism-related chronic diseases (e.g., diabetes). These side effects pose more severe long-term physical threats. It is thus evident that the physical illnesses caused by medications can weaken the body even more. Once the side effects accumulate to a certain extent, outpatient care for heart and metabolism diseases is also required. When medications from different departments interfere with each other, the persons with psychosocial disabilities and their caregivers have to double-check to and fro with the doctors. When doctors have different opinions, they do not come up with the most appropriate treatment plan but leave the persons with psychosocial disabilities to communicate on their own with each doctor from different departments.

319 Medical treatment is currently the only treatment available for persons with psychosocial disabilities. It is either psychiatric outpatient care, day care, or institutionalization. Persons with psychosocial disabilities have no alternatives to medical treatments but to endure the side effects of psychiatric medications. Other countries have developed alternatives for their citizens. The lack of alternative treatments is a severe violation of patient autonomy for persons with disabilities.

320 Recommendations:

- (1) Increase the subsidies for psychological counseling to enable persons with psychosocial disabilities to receive psychotherapy alongside medications to cope with their complex situations.
- (2) Establish integrated outpatient services for persons with psychosocial disabilities. Develop and support alternative services for mental illnesses to cope with the various states and needs of persons with psychosocial disabilities. For example, in an acute situation, a community respite center can be established to replace ER treatment so that the persons with psychosocial disabilities have some breathing space. Treatment alternatives, e.g., open dialogue or peer support from abroad should be introduced for further development and training in Taiwan. In addition, while introducing alternative treatments (e.g., aromatherapy, hypnotherapy, music therapy, art therapy, drama therapy, and other social prescriptions), relevant certification systems should be established to ensure that the special needs of persons with disabilities are met with quality services.

Art. 26: Habilitation and rehabilitation

COR Points 66-67

Severe urban-rural gap in community service resources for persons with psychosocial disabilities

321 Community service resources for persons with psychosocial disabilities are

unevenly distributed, with the majority concentrating in Taipei City and New Taipei City, and the other jurisdictions having no comprehensive services.

322 Recommendations:

- (1) Expand the breadth of community resources for persons with psychosocial disabilities. This includes improvements on community house calling medical services and rehabilitation institutions, or subsidies to technological products and services for the purpose of offering access to online community peer support service for remote persons with disabilities with needs.
- (2) Improve accessibility of community resources. This includes providing sufficient information for persons with disabilities and their families, and relaxing access restrictions to psychiatric medicine and community rehabilitation service.

Art. 27: Work and Employment

COR Points 68-69 (a)

The labor force participation rate has not increased

323 The 2019 Survey of the Labor Status of Persons with Disabilities had shown that the labor force participation rate of persons with disabilities was 20.7% as of May, with the overall unemployment rate of 8.1%,¹⁹⁴ the national statistics of labor force participation rate at the meantime is 59.07%,¹⁹⁵ with an unemployment rate of 3.67%.¹⁹⁶ This shows that the State has yet to increase the smooth integration of persons with disabilities into the labor market. In addition, in terms of the gender disparity, the labor force participation rate of men with disabilities (25.5%) is higher than that of women with disabilities (14.7%), it is self-evident that women with disabilities are more disadvantaged in employment.

324 Persons with profound or severe disabilities are hindered from participating in labor: private sector corporations often dismiss the notion of hiring persons with profound or severe disability, given an insufficiently accessible environment, the unwillingness to provide reasonable accommodation, and the aversion to the risks of employment, which gravely affects the right to work of persons with disabilities. In addition, under the mechanism of employment quota for persons with disabilities, most private corporations are only willing to hire persons with minor disabilities,¹⁹⁷ or would prefer to pay the subsidy difference over providing

194 Ministry of Labor, 2019 Survey of the Labor Status of Persons with Disabilities, Table 1. <https://reurl.cc/DvLv9R>.

195 National labor force participation rate, gender-disaggregated <https://reurl.cc/E2L2zK>.

196 National unemployment rate, gender-disaggregated <https://reurl.cc/Q7G739>.

197 Ministry of Labor, 2019 Survey on the Labor Status of Persons with Disabilities: The proportion of persons engaged in any form of paid work, different levels of disabilities-disaggregated: mild 25.8%, moderate 16.2%, severe 10.1%, and profound 10.1%. <https://reurl.cc/DvLv9R>.

employment opportunities.¹⁹⁸

325 Insufficient support for persons with psychosocial disabilities: 2019 Survey of the Labor Status of Persons with Disabilities had indicated that 40.6% of paid work engaged by persons with chronic mental conditions was entry-level skilled work and labor-intensive work, followed by service and sales (28.3%), and support staffers (11.2%, including customer service, office clerk, etc.). It is apparent that persons with psychosocial disabilities are currently more engaged in labor-intensive occupations.

326 Recommendations:

- (1) The state shall consistently increase penalties for corporations and units which fall behind employment quotas for persons with disabilities, and commence progressive and continuous amerces. In the process of employment services, the state shall actively counsel amerced enterprises to provide resources for environmental improvement and eliminate the doubts of employers.
- (2) The Financial Supervisory Commission of the Executive Yuan shall implement articles of the *Corporate Social Responsibility Best Practice Principles for TWSE/GTSM Listed Companies* which relates to the notion of public responsibility, to encourage relevant corporations to recruit persons with psychosocial disabilities to a greater extent. In addition, the state shall also strengthen the training of employees in vocational rehabilitation service units, to establish a better understanding of the characteristics and abilities of persons with psychosocial disabilities, which is conducive to increasing related job vacancies.

COR Points 68-69 (b)

Job redesign does not equate to reasonable adjustment

327 As this report has restated, the current *People with Disabilities Rights Protection Act* and *Employment Service Act* do not stipulate that "refusal to provide reasonable accommodations is a form of discrimination"; in addition, the State and employers have yet to understand or familiarize themselves with the concept of reasonable accommodation, with no relevant materials for guidance or reference. Subsequently, many persons with disabilities are still unable to access employment opportunities given inadequate reasonable accommodation measures.

328 Despite the fact that the *Implementation Methods and Subsidy Guidelines in Job Redesign for Persons with Disabilities* proposed by the State do include articles that partly cover provisions related to reasonable accommodations,¹⁹⁹ the provisions, however, were designed for persons with disabilities who are already employed.

198 Ministry of Labor, National List of Units Failed to Employ Persons with Disabilities in Accordance to the Obligations, from October to November, 2020. As of November, there were 17,654 units that were required to recruit persons with disabilities in accordance with the law, and there were 1,770 continuous under-recruitment units, accounting for 10.03%.

<https://reurl.cc/DvO2Qd>.

199 Implementation Methods and Subsidy Guidelines in Job Redesign for Persons with Disabilities, <https://reurl.cc/7yLyob>.

Although it can be proposed by the employer or employees with disabilities, job redesign is not a legal obligation of the employer, that is, the employer may legally refuse to provide it. In addition, according to the "Promotional Plan of Job Redesign Services"²⁰⁰ set by the Ministry of Labor in March 2020, applicants for job redesign must provide a disability card or a diagnosis of dementia issued by a medical institution as proof; this excludes persons without disabilities who need job redesign. For instance, persons with psychosocial disabilities might not apply for a disability card out of the fear of being identified as a person with disability and being associated with the stigma of mental illness, leading to their exclusion from the scope of service of job redesign.

- 329 According to Table 27.7 of the annex to the Convention-specific document, job redesign has yet to expand beyond the focus of providing assistive devices for employment, and improving working conditions;²⁰¹ "adjustment of working methods" which was required by persons with disabilities, however, only accounted for 7.8% of total implementations, as of 2019.²⁰² For instance, shall a person with a visual disability require an assistant for abetment in processing customer-related information, the employer will refuse the application on the grounds of information security and privacy considerations for the customer; accommodations on working hours submitted by persons with psychosocial disabilities are also frequently rejected.
- 330 Despite the fact that job redesign includes the provision of manpower support services, only employers, self-employed persons with disabilities, public and private vocational training institutions, etc. can apply for subsidies; while individuals with disabilities can only apply for assistive devices.²⁰³ Although limitations on the category of employment were altered to "unrestricted" in 2015, self-employed persons with disabilities were required to attach practice registration, permits, or licenses for inspection.²⁰⁴ For persons with disabilities who engage in non-conventional forms of employment, such as life education lecturers and vendors, manpower assistance measures are often inaccessible. In practice, although the cost of purchasing assistive devices is subsidized by the State, employers were often required to pay in advance before applying for reimbursement. This can cause difficulties in communicating with employers whilst applying for assistive devices.
- 331 At present, statistics on job redesign do not include category-disaggregated data on applications and usage, nor can it indicate what proportion of persons with disabilities were successfully accommodated after job redesign. The "job redesign creative work competition" for job redesign also primarily focuses on persons with

200 Promotional Plan of Job Redesign Services, the Ministry of Labor, <https://reurl.cc/5oZoqz>.

201 Improving working conditions. For instance, providing sign language interpreting, visual assistance, improving means of transportation. New Taipei City Labor Cloud, <https://reurl.cc/g8p8mX>.

202 Method of calculation: "adjusting work methods" divided by "subtotal of services of job redesign" in percentage; take the year 2019 for instance, $273/3521 * 100\% = 7.8\%$.

203 Article 8 of the Implementation Methods and Subsidy Guidelines in Job Redesign for Persons with Disabilities, <https://reurl.cc/7yLyob>.

204 Workforce Development Agency, Ministry of Labor, <https://reurl.cc/GdLddZ>.

physical disabilities or persons with mental disabilities, whilst lacking in discussions on the demands of persons with chronic mental conditions and persons with psychosocial disabilities. All evidence indicates that the present job redesign service mechanism has been centered around persons with physical disabilities, with no method to apprehend the differences of usage and applications across all categories of disabilities.

Lack of reasonable adjustments in the workplace

332 Lack of reasonable accommodations in the workplace:

- (1) The lack of awareness of disabilities has rendered employers in the public and private sectors incapable to make reasonable accommodations for the attendance and performance appraisal of persons with disabilities, based on their individual differences. For instance, frequent clinical visits or psychological consultations might be a crucial part of the lives of persons with disabilities; employers, however, often require persons with disabilities to go for visits or consultations during non-working hours such as weekday evenings or holidays. Should persons with disabilities be unable to cooperate with overtime requirements due to the need for clinical visits, it may affect their performance appraisal, while should they have to make clinical visits during working hours, persons with disabilities have not been attended to by mechanisms similar to the menstrual leave provision under the Article 14 of the *Act of Gender Equality in Employment*,²⁰⁵ and can only utilize sick leave, which might affect their work attendance record and performance appraisal.
- (2) Persons with disabilities require flexible working hours and working conditions (such as working remotely). However, given that reasonable accommodation measures were not provided by the employer, or given that employers, supervisors, and colleagues are deficient in the concept of reasonable accommodation, persons with disabilities might be reluctant to voice their needs for reasonable accommodations in fear of burdening others, which causes persons with disabilities to have to work under pressure, being unable to exert their full productivity.

333 Vocational rehabilitation services devoid of reasonable accommodation:

- (1) According to the current regulations for vocational rehabilitation services, when an applicant had been employed for 3 months, their case would be regarded as successful and be closed. For persons with disabilities, however, follow-up support and assistance may be required. In addition, despite continuous support being greatly constructive for work stability, supportive services for persons with disabilities is currently lacking and is only funded by individual organizations which cannot continue when there is an inadequacy of funds.
- (2) At present, it is challenging for persons with psychosocial disabilities to access

205 Article 14, Act of Gender Equality in Employment <https://reurl.cc/kZNRKx>.

vocational rehabilitation services;²⁰⁶ the predominant antecedent being that persons with psychosocial disabilities are more sensitive to interpersonal relationships, tend to withdraw socially when encountering hostile environments, and their psychological status is more prone to be affected by social environment and workplace requirements. This leads to the phenomenon where in applying for employment services, persons with psychosocial disabilities might present lower employment stability, vacillating willingness to be employed, and greater difficulty of achieving employment service goals in contrast with persons with other categories of disabilities. In a reality where the volume of employment service cases is higher than the insufficient capacity, this directly translates to the fact that existing employment services often dismiss the case after evaluating the services of persons with psychosocial disabilities, or respond passively and put them on hold, often without a follow-up for more than half a year.

- (3) Per para. 18 of General Comment No.6 of the CRPD, "Refusal to provide reasonable accommodation" in itself is a form of discrimination; however, as this report had repeatedly indicated that, in present, no relevant provisions were included in laws and regulations. Should a person with disabilities be admitted, the employer may be required to provide assistive aids or other occupational adjustments in accordance with the "job redesign" mechanism, but job redesign does not equate to reasonable accommodations, and as mentioned in para. 328 of this report, it is not stipulated by law that the employer has the obligation to provide adjustments. Should the employer refuse to respond to the demand of job redesign thus rendering the applicant with disabilities unable to work, the employer may even terminate the labor contract in accordance with "a particular worker is clearly not able to perform satisfactorily the duties required of the position held" stipulated in Article 11, para. 5 of the *Labor Standards Act*. In particular, the job redesign focuses on assistive devices at present, and very few employers are willing to adjust work methods or working hours. When a person with psychosocial disabilities is affected by medications and cannot work in accordance with requirements, they may be dismissed on the basis of absenteeism, per Article 12, para. 1, subpara. 6 of the *Labor Standards Act*.

334 Recommendations:

- (1) The scope of reasonable accommodation, the obligation to make adjustment, the bearer of obligations, and the relief and penal mechanisms for "rejection to provide reasonable accommodation as a form of discrimination" shall be explicitly stipulated in relevant laws and regulations such as the *People with Disabilities Rights Protection Act* and *Employment Service Act*; guidance materials for making reasonable accommodations shall also be provided to employers, supervisors, and those with needs for reasonable accommodations; the Job Accommodation website of the United States can be a resource for

²⁰⁶ The "vocational rehabilitation" referred here includes but not limited to vocational training, employment services, job redesign, etc.

reference.²⁰⁷

- (2) The State shall strengthen training on usage of workplace resources, practical experiences on reasonable accommodation, equality and non-discrimination, and relevant courses for corporate human resources departments. The State shall also strengthen promotion and training courses, including the demands of persons with disabilities and the trauma-informed, to eliminate corporate stereotypes on persons with disabilities and make employers aware of their role as bearers of obligations, thus actively promoting a friendly workplace environment for persons with disabilities.
- (3) The State shall stipulate the inclusion of the obligation of employers to make reasonable accommodations in the mechanism of job redesign, before labor-related laws and regulations were amended. Rather than being limited to those who have acquired a disability card, the scope of the obligation shall be able to cover all persons with disabilities to enable their access. The scope of subsidies that an individual with disabilities can apply for also shall be expanded beyond the application for assistive devices.
- (4) The Ministry of Labor shall provide category-disaggregated statistics on case number of applications of job redesign, number of cases which were actually subsidized, and number of job adjustments; so that disabled persons' organizations can review the effectiveness of the current system.
- (5) It is recommended for the "job redesign creative work competition" to encourage more teams or projects that are not centered on assistive devices, such as discussions on working methods adjustments.
- (6) Staff members related to vocational rehabilitation services shall provide comprehensive vocational training programs in accordance with the State of psychological adaptation of persons with disabilities, and draft corresponding flexible work schedules to meet the progress of adaptation of the person with disabilities.
- (7) Increase the manpower of the employment service personnel, and include at least 6 months of employment tracking based on the time required for individual cases to sustain stable employment, to enable persons with disabilities to achieve a status of stable occupation. In addition, resources shall be allocated to increase stable employment support services, so that persons with disabilities can access sufficient assistance and support when they need it.
- (8) The scope of reasonable accommodation, the obligation to make adjustments, the bearer of obligations, the relief and penal mechanisms, and the stipulation of "rejection to provide reasonable accommodation as a form of discrimination" shall be incorporated into the People with Disabilities Rights Protection Act and Employment Service Act, before a comprehensive anti-

207 Job Accommodation Network · <https://reurl.cc/O07LKy> .

discrimination law and be enacted.

COR Points 68-69 (d)

Supportive employment and vocational training absent in policies

335 Impotent employment preparation activities: At present, the development of vocational skills and expertise for persons with disabilities mainly relies on short-term vocational training. Contrasting that with career development, professional or technical training of persons without disabilities, which starts from high school, vocational institutions, or higher education, employment training for persons with disabilities is manifestly inadequate; hence it is strongly recommended that pre-employment preparations for persons with disabilities should be expeditiously initiated in the education period. In addition, although Taiwanese campuses are equipped with short-term internship programs, most of them are conducted in vocational institutions and the internships are chiefly provided by small or medium-sized enterprises, persons with disabilities might be unable to acquire the opportunity to intern at large enterprises.

336 Enterprises and public sector units only provide monotonous occupational categories for persons with disabilities: At present, most of the employment opportunities provided by the labor market are opportunities for entry-level labor positions, administrative support, service, and sales vacancies, and few professional and diversified technical occupations were provided, which was obviously laden with occupational distribution deviations.²⁰⁸

337 Recommendations:

- (1) The Ministry of Education shall require high schools, vocational institutions and/or special education institutions to provide employment-related information and training to students with disabilities, such as career development information, professional technical training, and internships in the workplace.
- (2) The Ministry of Education or the Ministry of Labor shall foster coupling of schools and resourceful large enterprises or technology companies, to provide diverse learning opportunities in accordance with professional interests of students with disabilities. The advantages of this system are:
 - i For corporations to genuinely contact persons with disabilities and evaluate their performance during the internship, it is advantageous for the elimination of stereotypes and prejudices against persons with

208 The number of effective employment referrals for employment services for persons with disabilities in 2019: Totalling at 26,352 cases of effective referrals; the top four categories being entry-level laborers (11,178 cases, 42.4%), machinery and equipment operators (4,191 cases, 15.9%), service and sales (3,649 cases, 13.8%), administrative support (3,503 cases, 13.3%), with only 1,215 cases (4.6%) of technicians and 869 cases (3.3%) of professional personnel: <https://reurl.cc/GdLddA>. According to the statistics of the Ministry of Labor on national occupational structure of national employment in 2019, the national percentage of technicians and professional personnel are as high as 17.86% and 12.56%, while the percentage of laborers and operators of machinery or equipment only accounts for 30.68%: <https://bit.ly/3fgcuBy>.

- disabilities, and to cultivate their willingness to employ persons with disabilities directly after their graduation.
- ii Persons with disabilities can promptly get in touch with and adapt to the workplace environment, and cultivate correct work ethics and mentality, which will reduce the difficulty of transferring titles after graduation.
 - iii The State can assist corporations to improve their workplace environment and make reasonable accommodations to the workplace through continuous counseling and communication during the internship period of the person with disabilities.
 - iv Magnify the opportunities of persons with disabilities to engage in professional or technical positions, thus positively improve the income of persons with disabilities.
- (3) From school education to the job market, the State shall ensure that persons with disabilities can access a diversified array of professional skills and occupational categories. The State shall provide an accessible environment and services, assistive devices and support personnel during the internship.
- (4) The State shall invigorate its promotional and match making effort on professional and technical vacancies in employment services; the subjects of vocational training shall also be able to meet the demands of the industry, and to provide more practical professional or technical projects.

COR Points 68-69 (e)

Employment discrimination

338 Despite the fact that the Article 5²⁰⁹ of the *Employment Service Act* stipulated that discrimination based on the grounds of "disability" can be amounted to the penal provisions stipulated in Article 65 of the *Act*,²¹⁰ the present legal system has yet to establish an absolved definition of "discrimination", which makes the provision unadaptable in practice. According to the inquiry system for institutions' and employers' violations of labor laws and regulations of the Ministry of Labor, from May 21, 2019 to October 3, 2020, there were only 15 cases of amercus under Article 5 of the *Employment Service Act*.

339 In the practice of job hunting, employers often refuse to admit persons with disabilities for all sorts of reasons,²¹¹ and it would be arduous for the person with disabilities to prove that the employer dismissed the admission on the basis of disability.

340 In addition, despite the fact that para. 2, subpara. 2 of the same Article had stipulated that upon recruitment, employers must not violate the will of the applicants and request private information such as personal identification

209 Article 5 of the *Employment Service Act*: <https://reurl.cc/4yeO0Y>.

210 Article 65 of the *Employment Service Act*: <https://reurl.cc/4yeO0Y>.

211 For instance, refusal for the reason that "the post had been filled" as the identity of disability was found during the written review of the resume.

documents; the “private information” listed in Article 1-1 of the *Enforcement Rules of Employment Service Law* does not include disability certificate.²¹² Subsequently, applicants who are concerned about the exposure of their disability identity and the implied rejection might conceal their identity of disability before applying for a position. When their disability identity is discovered by the employer, the employer might resolve to dismissal on the basis of Article 12, para. 1, subpara. 1 of the *Labor Standard Act*, or utilize this provision as a threat, to force employees with disabilities who are concerned about leaving a record of dismissal to “voluntarily” sign a resignation consent form.²¹³

341 Regarding the problem of discrimination as refusal to provide reasonable accommodations, please refer to para. 333 of this report.

342 Recommendations:

- (1) Formulate a comprehensive Anti-Discrimination Law.
- (2) An explicit definition on discrimination shall be included in the *Employment Service Act*, the binding forces of relevant penalties shall be examined, and an applicable standard for discretion shall also be formulated.
- (3) Amend the *Enforcement Rules of Employment Service Law* to include disability identity as part of the private information provision. Except for implementing the employment quota in accordance with the law, employers shall be prohibited from requiring applicants to disclose their disability identity.
- (4) Continue to strengthen the awareness of disability rights and the awareness of labor laws and regulations, and to conduct solid inspections to check whether there is any case of discrimination on the basis of disability.

COR Points 68-69 (f)

Insufficiencies in the quota system

343 Article 38 of the *People with Disabilities Rights Protection Act* stipulates the employment quota mechanism, and Article 43 of the same *Act* stipulates that units failing to satisfy the quota would need to pay a subsidy difference; Article 96 stipulates that the State may penalize units which failed the quota without justifiable reasons.²¹⁴ The subsidy difference mentioned in Article 43 is not punitive by character, contrasting Article 96, which is vindictive by nature. However, according to a 2021 news report, in 11 years, the six major municipalities had concluded no case that was amerced,²¹⁵ the preeminent antecedent being that the “justifiable reason” in Article 96 of the *People with Disabilities Rights Protection Act*

212 Article 1-1 of the Enforcement Rules of Employment Service Law, <https://reurl.cc/O07GOy>.

213 See [(108) Lao-Shang-Zhi No.151] Civil judgement of the Taiwan High Court, 2019. <https://reurl.cc/5oZoo6>.

214 Article 38, 43, and 96 of People with Disabilities Rights Protection Act. <https://reurl.cc/KxoLN9>.

215 UDN, Rather Pay Than Employ, Zero Penalties Carried for Underemploying Persons with Disabilities in 11 Years, 11 January 2021, <https://reurl.cc/g8p8W7>.

lacks a uniform standard, which has caused hindrances for competent authorities which are willing to comply.

344 Another insufficiency of the current employment quota mechanism is that private sector units are not familiar with the working capabilities of persons with disabilities, or only allow persons with disabilities to do menial work of massaging while being unwilling to provide reasonable accommodations for them. For instance, some units that satisfy the quota are only able to achieve it by employing persons with visual disabilities to engage in massaging services, while excluding persons with visual disabilities who are unable to conduct massaging services, or are willing to engage with other forms of work.

345 In addition, according to the disaggregated statistics of employment quotas in December 2019, persons with physical disabilities retained as the primary category in the mechanism, and men with disabilities were the majority (approximately 63%).²¹⁶ It is clear that the employment quota system, at present, cannot cater to persons with varying categories of disabilities or persons with disabilities of different gender.

346 Recommendations:

- (1) The competent authority for labor shall counsel and assist private entities to familiarize themselves with the work capabilities and demands of persons with disabilities, and provide guidance on reasonable accommodations with employers, to enable persons with disabilities to flourish.
- (2) The subsidy difference stipulated in Article 43 of the *People with Disabilities Rights Protection Act* shall be increased annually in accordance with the minimum wage; a uniform standard for "justifiable reasons" in Article 96 of the *Act* shall also be expeditiously formulated, and progressive penalties shall be incorporated, to target private entities that routinely violate said regulations.
- (3) The public sector entities shall be the first to increase the proportion of employment quotas.
- (4) The Ministry of Labor shall collect comprehensive statistics on the labor force participation rate of persons with all categories of disabilities, and the proportion of the number of persons with varying categories of disabilities who utilized the employment quota system, to discern whether the current system is capable to cater for persons with all categories of disabilities.
- (5) In addition to employment quotas, alternatives, including affirmative actions,

216 Ministry of Labor, Number of Accesses to the Employment Quota Mechanism, gender-age-category of disability-disaggregated <https://reurl.cc/OXLX0r>.

shall be considered as mentioned in COR 69(f).

Art. 28 Adequate Standard of Living and Social Security

COR Points 70-71

In response to paras. 180-184 of the State's response to 2017 COR

Erroneous implementation of subsidies, retirement, and protection of the right to adequate housing for persons with disabilities

347 Subsidies are nevertheless calculated on the basis of households: the calculation method of low-income households and middle-low income households, which is stipulated by the *Public Assistance Act*, is based on the unit of a family which includes personal and the income of relatives as presented in Article 5;²¹⁷ this visibly contravenes with the point 71(a) of the 2017 COR, which stated that "Mandate that the eligibility criteria for persons with disabilities to obtain financial assistance and subsidies be independent of their and their families' means". At present, state-related social services and subsidies such as residential services, personal assistants, assistive devices, and social housing have been reliant on the categorization of "low-income households" or "middle-low-income households" as the standard, resulting in the reality where unqualified individuals are unable to obtain sufficient support, or the scenario where some disadvantaged families might abandon their relatives through litigation in order to be regarded as qualified.

348 The use of personal assistant support services requires the user to pay deductibles: Take Taipei City for instance, the subsidy for personal assistant support services is calculated at NT\$200 per hour, while low-income households and middle-low-income households are fully subsidized; non-registered low Income households receive 90% of living allowance for persons with disabilities; which accounts to 70% for general households.²¹⁸ However, in practice, most persons with disabilities do not live in a favorable financial situation. Even if they are listed as general households, the deductibles will still exert financial pressure for them, shall the required hour be extended.

349 The retirement assurance system is not individualized for persons with disabilities: the "Basic Research on the Early Aging and Average Remaining Life of Persons with Disabilities" by the Ministry of Health and Welfare had indicated that as compared with persons without disabilities, persons with disabilities are prone to early aging, especially for persons with profound or severe disabilities, which ages early for 7.7 and 7.5 years respectively.²¹⁹ However, the *Labor Insurance Act* uniformly regulates that all workers born after 1962 must reach 65 years of age to apply for seniority benefits without flexible adjustments to the individual

217 Article 4, 4-1, Public Assistance Act, <https://reurl.cc/raVAZy>.

218 Department of Social Welfare, Taipei City Government, description of the content of support services for independent living for people with disabilities, <https://reurl.cc/9ZLZrx>.

219 UDN, "Persons with disabilities can get labor insurance benefits in advance? Ministry of Labor: Payments should be consistent", 1 February 2021, <https://reurl.cc/zb4be7>.

conditions of persons with disabilities.

350 Accessible housing has not increased: with the State adopting a negative attitude towards the barrier-free improvement of existing housing, barrier-free and/or accessible housing was yet to be implemented beyond social housing. Rather than incorporate accessible facilities and services as necessary elements of newly built houses, Article 46 of the *Housing Act* only provides incentivizing encouragement for accessible housing.²²⁰ Subsequently, many newly-built housing projects are unable to meet the minimal standard of planning accessible entrances and passages with its public community facilities oblivious of accessible considerations, which gravely affects the right to adequate housing and equal participation of persons with disabilities.

351 The impasse of accessible social housing: despite the fact that social housing projects are equipped with accessible environments and facilities, the proportion of social housing in the overall market accounts for 0.05% currently,²²¹ which is awfully insufficient. Moreover, the conventional way of utilizing the "self-compensation rate" as the rent standard has caused excessive burden on the economically disadvantaged. In addition, social housing has a cap of 6 years for residence, which can be extended to 12 years under special circumstances; but given that disadvantageous situations are not prone to be altered, persons with disabilities can still face grave difficulties upon entering the housing market, once the cap has been reached.

352 Recommendations:

- (1) Rather than on the basis of households, the services listed in the *Public Assistance Act* shall be calculated on the basis of individual income, so that the real demand status can be presented. Other relevant laws and regulations shall also be reviewed to confirm whether subsidies are still reliant on the basis of "low-income households" and "middle-low-income households", which shift the burden of care, services and the cost of assistive devices on the relatives of the person with disabilities.
- (2) For social services relevant to *People with Disabilities Rights Protection Act* and *Long-Term Care Services Act*, the users shall be spared from paying deductibles, to avoid additional costs.
- (3) Rather than uniformly regulate the 65 years of age status, the age hurdle for applying for labor insurance seniority benefits should be adjusted flexibly in accordance with the individual status of the person with disabilities.
- (4) Universal design, full implementation of accessibility regulations, and the setting of implementation standards for acceptance inspections in newly-built projects shall be stipulated in the *Housing Act*. Meanwhile, it shall be assured that the formulation of laws and regulations can effectively foster the

220 Article 46 of the *Housing Act*, <https://reurl.cc/OXonVr>.

221 Taiwanese social housing is 30 years behind South Korea! Social Housing in Taiwan accounted for less than 1%, 5 December 2020, <https://reurl.cc/1040Rj>.

acceptance inspection system.

- (5) Social housing should be subsidized by a reasonable "affordability calculation basis" which was set by the State, or be subsidized on the basis of income intervals.²²²
- (6) Holders of legally disadvantaged identities, such as low-income households, persons with disabilities, single parents, etc., shall be excluded from the cap of residence for social housing.
- (7) The proportion of social housing should be increased.

Art. 29: Participation in Political and Public Life

COR Points 72-73 (a)

Those who are under guardian declaration have been deprived of the right to vote

353 In response to para. 185 of the State's response to 2017 COR, as of March 2021, the provisions of persons under guardian declaration are deprived of the right to vote, have yet to be expunged from the *Presidential and Vice-Presidential Election and Recall Act*, the *Civil Servants Election and Recall Act*, the *Referendum Act*, and other relevant laws and regulations.

COR Points 72-73 (b)

Insufficient support for persons with disabilities to participate in election campaigns

354 Per the 2017 COR, the international review committee had recommended the State to aggregate relevant information on candidates with disabilities and elected candidates with disabilities; the State report and websites of election commissions of the central and local level, however, do not present any relevant information.

355 In response to para. 186 of the State's response to 2017 COR, according to Article 32 of the *Civil Servants Election and Recall Act*, "when being registered as a candidate, a person shall pay the deposit".²²³ The deposit of all levels of elections, however, are too high. Take the Mayoral election of Taipei City, the capital of Taiwan, for example, the deposit is 2 million NTD, which is unduly higher than that of other national capitals, which affects the people's rights to participate in politics.²²⁴

356 In addition, the format and timing of the current election platform presentations

222 [Press Release] The rent subsidy is chaotic and unfair; the government is nefarious and incompetent. We urge the expeditious establishment of "basis of calculation of affordability" of rent subsidy in accordance with the Housing Act (02/29/2020) <https://reurl.cc/0DIDjY>.

223 Article 32, The Civil Servants Election and Recall Act: <https://reurl.cc/a5D7NY>.

224 Fan Yun registered for the election but couldn't pay, how election deposits of Taiwan "surpassed the world", The News Lens, August 30, 2018: <https://reurl.cc/104lG9>; This news article indicated that the deposit for capital mayoral election of Taiwan is much higher than that

have not considered the individual needs of candidates with special circumstances in presentation, and have not provided reasonable accommodations. For instance, in the 2020 election for the legislature, a candidate with severe cerebral palsy proposed a request to extend the presentation time of platforms and to allow interpreters, which was rejected by the Election Commission of Taipei City. The presentation time was extended by 5 minutes and interpreters were allowed, after objection and coordination.²²⁵

COR Points 72-73 (c)

Issues regarding casting votes and accessing information relevant to elections for persons with disabilities

357 All election regulations in Taiwan, as of present, do not provide provisions on absentee voting; coupled with the inconvenience for persons with disabilities to travel to their hometowns, this has affected the right to vote of persons with disabilities who live in institutions, or those who work and receive education outside of their household registration areas.

358 Despite the fact that sign language interpretation has been provided in election platform presentations, real-time captions have not been provided. Furthermore, according to the requirements of the National Communications Commission, sign language interpretation windows shall not be less than one-sixth of the screen, which is unintelligible when viewed on mobile devices.

359 Recommendations:

- (1) Any provisions including the notion of persons under guardian declaration being barred from voting, shall be expunged.
- (2) The State shall aggregate relevant information on candidates with disabilities and elected candidates with disabilities.
- (3) The State ought to excogitate the lowering of the deposit for election candidates. To ensure the economically disadvantaged will enjoy participation in politics on an equal basis, the system that was widely used by the international community can be referred to: the amount of the deposit shall be reasonably determined in accordance with commodity prices and wage structures, or be able to be substituted with petitions.
- (4) Accessibility and reasonable accommodation needs, for instance relevant needs in election platform presentations, of candidates with disabilities in campaigns shall be met.
- (5) Absentee voting mechanisms shall be consulted, drafted and proposed, to enable voting by mail or correspondence, rather than requiring citizens to vote at designated polling stations proximate to the household registration

of other national capitals: Taipei: 2 million NTD, Tokyo: 840,000 NTD, London: 400,000 NTD, Amsterdam: 8,000 NTD, Wellington: 4,000; deposits are ruled as unconstitutional in Germany.
225 Election Commission of Taipei City allowed interpreters after objection from candidate with cerebral palsy, the Liberty Times, January 4, 2020: <https://reurl.cc/o94pWq>.

address.²²⁶

- (6) For election platform presentations, in addition to ensuring the proportion of the sign language interpretation window in contrast with the screen, real-time captions shall also be provided.
- (7) The technical standards of “Transmission and Reception for Smart Sign Language Broadcasting Service” of South Korea can be referred to, to enable persons with disabilities to effortlessly adjust the size of sign language interpretation window on their phones and tablets.²²⁷

Art. 30: Participation in Cultural Life, Recreation, Leisure and Sport Activities

COR Points 74-75

In response to paras. 189-191 of the State’s response to 2017 COR

The inclusiveness in the *Sports Act* is not sufficient to support persons with disabilities to participate at their will

360 In response to para. 189 of the State’s response to 2017 COR: Although the current *National Sports Act* covers school sports and Sport for All, if we delve deeper into the *Enforcement Rules*, it's not hard to find out that the State place emphasis mostly on competitions and international games. The budgets for Sport for All and school sports are clearly insufficient.

361 Even though the State provides persons with disabilities with some sporting activities, most of which are only carried out by local governments through offering courses in specific areas designed for persons with disabilities and subsidies. Inclusive sporting facilities and courses are still lacking; even up till today, wheelchairs' moving on running tracks is prohibited.

362 Recommendations: the *National Sports Act*' shall be amended, in which exercising areas, facilities and equipment, training programs and course designs should take into account the diversity of persons with disabilities. Aside from providing necessary exercising areas, coaches with the sense of the rights of the persons with disabilities shall be hired. Specifically reserved areas, voice prompts, and assistive devices (e.g. back support) and other reasonable accommodation shall be provided if necessary, allowing persons with disabilities to be involved in individual exercising or group exercising. The design of exercising areas shall take into account the needs of persons with disabilities and their assistive devices, no

226 “115 countries had implemented absentee voting, what is Taiwan waiting for?” November 5, 2020, Chinese Television System: <https://reurl.cc/E2LWkK>.

227 “Sign language interpretation windows on TVs are too small? Adjust it yourself! A short introduction to technical standards of “Transmission and Reception for Smart Sign Language Broadcasting Service” of South Korea” The “Freemove 123 blog” of the League of Persons with Disabilities: <https://reurl.cc/zb4o06>.

discrimination or refusal is allowed.

In response to para. 192 of the State's response to 2017 COR

No regulations on the accessibility of participation in cultural life, impacting the access rights of persons with disabilities

363 In response to para. 192 of the State's response to 2017 COR: there is no legal standing to forcibly ask TV programs to include audio descriptions and closed captions. Practically speaking, there are no such designs in broadcasting TV programs.

364 The *Copyright Act* and the *People with Disabilities Rights Protection Act* do not advocate the spirits of the *Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled* from the World Intellectual Property Organization (WIPO), so not all private publications come with easy-to-read formats for persons with visual impairment.

365 National Taiwan Library is the competent library to provide services to persons with visual impairment. Given that the library has done much to promote accessibility in reading, most of the publications in the library are only sponsored by the State and obtained through "donations," which goes against Social and Human Rights spirits in CRPD. Privately published books are mainly "donated" from civil society, and the State does not proactively ask publishers to publish an accessible format as well, neglecting the accessibility rights of persons with disabilities.

366 Recommendations:

- (1) The State shall specify that certain proportions of the productions of TV programs include audio descriptions and closed captions for those in need to choose from, and the percentage shall rise gradually year by year.
- (2) The State shall establish "sunrise provisions" on publications, specifying that all publications during a certain period of time shall provide accessible formats for persons with visual impairment to read. All e-publishing platforms shall provide accessible formats for all (persons with/without visual impairment). The State shall align with the Marrakesh Treaty under WIPO to specify that all domestic publications shall come with accessible formats at the same time.

In response to para. 193 of the State's response to 2017 COR

There is no equal accessibility of recreational areas for persons with disabilities

367 The State does not review recreational areas open to the public, such as national parks, forest recreation areas, farms and gardens. Some of the aforementioned areas only provide limited walking space, have trouble operating shuttle buses within the parks, and lack in accessible accommodation. Riverside parks under the Department of Water Resources often put roadblocks on the areas for cycling or walking, and some parks and recreational areas with several entrances and exits

often put roadblocks, which renders persons with disabilities unable to freely access these areas.

368 For accessibility in the physical environment, please refer to para. 74 of this report.

369 Recommendations: The State shall review and improve the recreational areas regarding transportation, physical environment, facilities and equipment, and service contents. The different purposes and spatial characteristics of different areas shall also be taken into account to ensure that persons with disabilities have equal access to participate in recreation, leisure and sport activities.

Art. 31: Statistical Research and Collection of Data

COR Points 76-77

370 As the Ministry of Health and Welfare insisted that a person's status of disability is necessarily linked to the eligibility to receive benefits and subsidies from the government, it adopts a narrow and medical definition of disability. Consequently, all surveys and statistics on disabilities follow the same set of definition. There is no statistics on the prevalence of disabilities among the general population.

371 Regarding Point 76 of the COR, the government avoided to reply to this comment: "The currently utilized methodologies do not follow a human rights-based approach, and fail to reflect the removal of barriers as part of their criteria." However, many NGOs and DPOs, during interactions with the Ministry of Health and Welfare, often found that the government mentality is fixated on the medical model.

372 The Ministry of Health and Welfare replied that it proposed in 2019 "a framework of human rights indicators on the rights of persons with disabilities", in fact the framework was only a research framework, which did not adopt the methodology for human rights indicator developed by UN OHCHR, which stressed identifying attributes for each right based on the Convention and general comment, designing structural/process/outcome indicators, setting explicit definition for data sources, and allowing data disaggregation. The framework has not been used to monitor administrative conducts related to the realization of rights of persons with disabilities.

373 Recommendations:

- (1) Establish the prevalence of disabilities in the next census by adopting international standards.
- (2) The government should try to identify the barriers in society, including legal and environmental ones, which interfere with the enjoyment or exercise of

rights by persons with disabilities, then try to quantify the barriers.

- (3) Adopt the methodologies on human rights indicators developed by the UN OHCHR, and the CRPD indicators issued by the same office, to develop human rights indicators for Taiwan's persons with disabilities, and use these indicators to monitor the implementation of CRPD.

Art. 33: State Implementation and Monitoring

The monitoring mechanism of the State has yet to perform its Convention-relevant obligation to promote, protect and monitor

374 The *Organic Act of the Control Yuan National Human Rights Commission (NHRC)* was passed in December 2019, thus the NHRC had begun its formal operation since August 1, 2020. In accordance with Article 33, para. 2 of the CRPD, the NHRC shall act as an "independent mechanism" which can, "as appropriate, to promote, protect and monitor implementation of the present Convention". As of now, however, the NHRC has yet to publicize its organizational formation, who will be accountable for drafting and executing actions, and what will be done to fulfill its mandate. For instance, there are no policy declarations whatsoever, on the systematic monitoring of the implementation of the CRPD, how to utilize statistical data and human rights indicators, and how to systematically involve persons with disabilities in its work.

375 In accordance with the *Principles Relating to the Status of National Institutions for the Protection and Promotion of Human Rights (the Paris Principles)*, the NHRC shall conduct review of domestic laws, regulations and policies and make recommendations to legislative or executive authorities. As indicated by this report, laws, regulations, and policies of Taiwan are laden with contraventions with the CRPD; the NHRC has yet to make any specific recommendations to the legislative or executive authorities nonetheless.

376 On the website of the NHRC, in the part where it concerns CRPD, the policy orientation and focus of the NHRC is shrouded and obscured by a patchwork comprised of the text of the Convention, the text of the *Act to Implement the Convention on the Rights of Persons with Disabilities*, and an overview of laws and regulations which was compiled by the Ministry of Health and Welfare. As of now, it is impossible to learn the direction and target of the NHRC.

377 It remains disputed whether the Executive Yuan Committees for the Promotion of the Rights of Persons with Disabilities can serve as an effective coordination mechanism within government. There exist doubts on many aspects of its operation: its frequency of meeting, agenda setting, qualification and composition of its members, and the effectiveness of its decisions.

378 Recommendations:

- (1) The NHRC shall initiate discussions regarding the establishment of

monitoring mechanisms of the CRPD, and publicize its method and mandate.

- (2) The NHRC shall discuss the disparities between the CRPD and relevant laws and regulations such as the People with Disabilities Rights Protection Act and the Mental Health Act with human rights NGOs and DPOs, then propose recommendations regarding amendment to the Ministry of Health and Welfare and the Legislative Yuan.
- (3) The NHRC should hold a mid-term review of the State review on CRPD, to monitor the government's progress in delivering its duties.
- (4) The functioning of the Executive Yuan Committees for the Promotion of the Rights of Persons with Disabilities should be formalized.

Appendix 1: Introduction of Participating NGOs (in alphabetical order)

1. Association for Taiwan Indigenous Peoples' Policies

Association for Taiwan Indigenous Peoples' Policies is a nonprofit and non-governmental organization that seeks cooperation between intellectuals, scholars, experts, social workers, and students from political, social, economic, legal, cultural and educational segments who are concerned about the future of Taiwan's indigenous peoples, aiming to understand the special problems faced by the Taiwanese indigenous peoples, safeguard their special interests, and preserve their special cultures and languages, in order to enhance the indigenous self-esteem, self-confidence and self-identity, to promote the autonomy and self-awareness of indigenous peoples, and to the ideal of ethnic justice. As a civil society organization, the Association for Taiwan Indigenous Peoples' Policies examines the merits and demerits of indigenous peoples' policies, proposes and advocates policies that meet the needs of the indigenous peoples, and promotes the self-determination and autonomy of Taiwan's indigenous peoples. The Association also develops pragmatic programs and organizational trainings to participate in policy promotions; seminars, panels, camps were also held every now and then, to indigenous elites, cultivate indigenous talents, and introduce relevant sources on indigenous peoples from abroad, for the reference of Taiwanese indigenous peoples, and for engaging in dialogue with indigenous peoples of other nations, and establish an international network of aboriginal peoples for experience exchange. We look forward to forming a mutual aid alliance with members of international aboriginal peoples' movements and international human rights communities.

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2. Association for Taiwan Indigenous Peoples' Policies

With the notion of international participation and local solidarity being the core, the Association for Taiwan Indigenous Peoples' Policies is an advocacy group for the participation of the United Nations Permanent Forum on Indigenous Issues (UNPFII), and the advocacy for indigenous incidents and issues, at home and abroad. "LIMA" is a common vocabulary of the Austronesian family, meaning "number 5" or "hand". A group of like-minded indigenous youths from different backgrounds took the meaning of "hands", and founded the Association for Taiwan Indigenous Peoples' Policies in 2013, to empower indigenous youths for international participation, and enriched their knowledge of international participation through reading clubs. Since establishment, the Association had continuously formed delegations to the UNPFII, and held series of experience sharing sessions and workshops on international participation. The Association also participated in the international reviews of ICCPR, ICESCR, and CEDAW; and undertook many works relevant to the promotion of the rights of indigenous peoples. The Association also founded a website for platforming information on Taiwanese indigenous peoples, to facilitate the circulation of relevant information on international human rights. The Association for Taiwan Indigenous Peoples'

Policies was comprised of indigenous youths from varying ethnic groups and tribes in Taiwan, with different backgrounds and fields, and an expansive scope of interest; we are present at all events, issues and scenes on education, land, law, industry, media, etc., that relates to the indigenous peoples. We believe, hold each other's hands (LIMA) and draw each other closer together, feel each other's temperature and heartbeat, and know each other's needs, a bigger circle and community can be formed. Indigenous issues of Taiwan are also indigenous issues of the world, facing the challenges of modern society and the changes in the natural environment, it is necessary to connect each other, make information flow freely across borders.

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3. Chinese National Association of the Deaf

Established on August 9, 1992, the Chinese National Association of the Deaf is jointly established by a group of overseas persons with hearing disabilities in the United States, and the enthusiastic support of people with hearing disabilities from all walks of life. The Association is a legally registered nationwide social association, with the aim to convene all intellectuals from Taiwan and abroad to jointly promote the welfare of persons with hearing disabilities, and to conduct development and research on education for persons with hearing disabilities and sign language education; to improve the quality of life of persons with hearing disabilities; to organize cultural, artistic, technical, sports, and publishing activities to actively cooperate with the policies and social needs of the government; and to develop accessible spaces for persons with hearing disabilities, thereby protecting the rights and welfare of the persons with hearing disabilities. The purpose of this association is as follows:

1. Eliminate the estrangements between persons with hearing disabilities and persons without hearing disabilities, provide assistance to the government in formulating various relevant laws and regulations, and monitor the implementation of welfare policies for persons with hearing disabilities.
2. Research and promote sign language education, and assist persons with hearing disabilities in solving other related issues related to social interaction.
3. Seek to address the difficulties encountered by persons with hearing disabilities in education, employment, accessing medical treatment, and accessing nursing care, so as to achieve the goal of an accessible environment.

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4. Covenants Watch

Established on December 10, 2009 and convened by democracy forerunner Mr. Peter Huang (Huang Wen-shiung), Covenants Watch is comprised of more than 40 human rights organizations, lawyers and scholars, and was officially registered in 2016.

Through human rights advocacy, monitoring, research and education, we are committed to the promotion of the ratification of the 9 core human rights instruments designated by the UN. We notably utilized Taiwan's "self-made" international review mechanism to oversee the government's proactive measures for the consummation of human rights through domestic legal and policy reforms; we also coordinated, empowered, facilitated civil society organizations to participate in the quadrennial international review of human rights instruments, and jointly provide critical observations and reform suggestions independent of the government; from 2013 to 2020, we regularly coordinated civil society organizations to submit a parallel/shadow report, of which covered diverse dimensions, include: places of detention, judicial justice, death penalty, labor, migrant workers, persons with disabilities, transitional justice, children, women, LGBTI, and business and human rights.

Covenants Watch also participated in rescue actions; including the case of Li Ming-Che, which Covenants Watch, alongside with all members of the Li Ming-Che Rescue Committee, filed a complaint to the United Nations which was successfully received, and later reported on this case to the UN and the European Parliament. Covenants Watch also jointly drafted the bill of the Refugee Act with other NGOs, and requested the government to incorporate the intent of the Refugee Act in its laws and regulations regarding China, Hong Kong, and Macau. Human Rights Wednesdays, our monthly event which aims to expand society's concern and imagination for human rights, was also held monthly for five consecutive years. Meanwhile, we also joined international human rights networks, to discuss with international human rights organizations and their human rights workers on the practical experience of advocating, implementing and monitoring human rights conventions in various countries.

Since our establishment, Covenants Watch has continued to promote the implementation and deepening of Taiwan's local human rights mechanisms through domestic and international human rights initiatives.

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5. Disabled Children's Rights and Advocacy Association in Taiwan (DCRAAT)

The Disabled Children's Rights and Advocacy Association in Taiwan (DCRAAT) is composed of children with disabilities and their parents, to espouse the basic human rights of children with disabilities. Since birth, children with disabilities are compelled to face various problems and challenges in their lives; due to lack of resources, unsound policies, and incomplete implementation, children with disabilities and their families face many obstacles in their lives. Children with disabilities are not found on the playgrounds, because of the inaccessibility of the places for play; they are not found on the campus, because of the unsoundness of inclusive education policies; they are not seen by you and me, because of the hostilities of traffic and the environment; since their needs have long been ignored, the support that is essential for the equal right to enjoy things has also been lost. Although there is the People with Disabilities Rights Protection Act domestically,

and the consecutive ratification of the Convention on the Rights of Children and the Convention on the Rights of Persons with Disabilities of the UN, DCRAAT remained active at supervising the government to participate in the formulation of relevant policies, to ensure the implementation of human rights ideals, thus ensure the assurance of the basic rights of children with disabilities and the deliverance of an environment of equal opportunity and full participation.

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6. Hand Angel

Hand Angel is a Taiwan-based organization advocating the practice of sex rights. We see the importance of sex to individuals, and how the desires of people with profound or severe physical disabilities are confined by the limited mobility and traditional values in Taiwan. Therefore, we formed the first volunteer organization Hand Angel in Taiwan, providing sex service for persons with disabilities since early 2013. We look forward to setting free the desires of people with physical disabilities.

Our goal is to change the norm in Taiwan's charity which satisfies the general public, yet sacrifices those with disabilities. Our belief is to treat everyone with equality through our services, deliberately revealing the hidden needs of people with physical disabilities to the government and the society. We insist that "the sex rights of the people with disabilities are their human rights!" Hand Angel seeks to provide a service that specializes in masturbation for people with physical disabilities, aiming to bring sexual gratification to persons with physical disabilities so that they can gain a greater motivation to embrace their lives with disabilities. Hand Angel does not accept any donations, in order to show that even if prostitution is legalized in Taiwan one day, there are still people with severe disabilities who have very limited mobility to work or even walk out of the door to conduct sexual transactions. Hand Angel keeps offering services in the hope of advocating sex rights of the physical disabled to the general public in Taiwan, and incorporating the sex right perspectives to the relevant disability charity organizations' services. Through speeches, interviews from the media, publication and cooperation with other NGOs, etc., we look forward to changing the lives of many with disabilities step by step.

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7. Hsinchu City Association of Indigenous People with Disabilities

Founded in 2002, Hsinchu City Association of Indigenous People with Disabilities has devoted its effort in empowering indigenous people with disabilities and their carers. To achieve the goal of "feed everyone, employ everyone", we operate all culture health stations in Dingpu, Hsinchu City, provide free meals, and assist indigenous persons with disabilities and their families to develop positive interactions and

promote their overall wellbeing by providing daily biometric measuring (blood pressure, blood glucose levels) and holding health-improving activities. We also emphasize on the welfare of indigenous caretakers. By the joint effort with Taiwan Association for Rights of Indigenous Long-Term Care Services, in 2021, we successfully advocated the raising of wages for the indigenous caretakers of the culture health stations; with 1,000 NTD bonus for speakers of indigenous languages, more indigenous caretakers can be recruited for smoother services for indigenous elders and indigenous persons with disabilities. Furthermore, to realize the ideal of cultural independent of indigenous persons with disabilities, we organize cultural skill classes with support from all sectors of society, and had enabled hundreds of indigenous persons with disabilities and their families to work as street artists, crafting teachers, and artists. Implementing reasonable accommodations and job redesign, through crafting classes, we enabled craftspersons to share traditional culture of indigenous people with participants in campuses, businesses and other entities. We enable indigenous persons with disabilities to represent their culture with pride, while improving the quality of life of their families with the increased income, and to narrate their own experience as an indigenous person with disability, to encourage, and to create possibilities of positive change.

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8. Humanistic Education Foundation

The Humanistic Education Foundation is a private, non-profit organization dedicated to the development of human-centered education in Taiwan. The foundation identifies problems in contemporary education, promotes alternative educational ideas, and helps create a social and political forum to discuss the purpose and means of education. Our works include:

1. Anti-corporal punishment movement, which includes our well-known complaint hotline for dealing with corporal punishment and other disputes on campus, and our campaign of "Establish a Country without Corporal Punishment of Children" which encourages parents to creatively use non-punitive education methods to educate children. We also provide handbooks, speeches and initiatives, for parents to better their education, and for boards of education to provide teachers

with professional development to educate children without using corporal punishment.

2. The publication of Humanistic Education Journal, which addresses the most recent issues facing Taiwan's education system.
3. Establishing a Resource Center, with a wide range of educational books, audio CDs, and supplementary math teaching materials.
4. Organizing seminars and conferences addressing education issues.
5. Designs summer school programs for children to experience human-centered education in every winter and summer vacation.
6. Offers teachers training on issues related to humanistic education.
7. Organizes Educational Policy Research Team, which is composed of education experts and scholars with humanistic ideals, with the mission to evaluate educational policies, and publish its findings and recommendations.
8. Lobbying the government through legislators, to make changes in Taiwanese educational law.
9. Host the Forest School, which is a small, alternative elementary school that is operated under the principles of humanistic education. Students are allowed to freely plan their daily lives and courses, which emphasizes non-academic learning and regular out-of-class excursions, in addition to typical courses. The teachers are also dedicated to their own personal and professional learning and participate in an ongoing self-study program, fusing educational theory with practice.
10. Runs growth programs to promote human-centered education, including parent education, teacher education, adolescent growth, and volunteer training.
11. Manage Humanistic Education Foundation Sanchung Teenagers' House, a house with independent spaces established in 2001 for teenagers in Sanchong City, with its mission being accompanying the teenagers to grow by themselves, and to provide them with motives and interest to learn.

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9. Independent Living Taiwan

Five independent living associations, including Taipei, Chiayi, Tainan, Kaohsiung, and Hualien, finally co-hosted the inaugural meeting of "Independent Living Taiwan" on April 1, 2018 after years of operation. This alliance connects independent living associations across Taiwan to formulate appropriate policies for community life support services for persons with disabilities, to improve social physical and service facilities, and to establish the social value of anti-discrimination, which responds to the intent of the international movement of persons with disabilities: "Nothing about us without us." Mission of this alliance includes:

1. Connect independent living associations, groups, and promotion groups across the country.
2. Promote the concept of independent living, and emphasize that persons with disabilities can make "self-selection, self-determination, and self-responsibility" according to their needs.
3. To enshrine the subjectivity of persons with disabilities, and to emphasize that for all initiatives and organizations, persons with disabilities shall meet the ½ quota, with different categories of disabilities.
4. Strive for the rights and interests of persons with disabilities. Urge the government to ensure the rights and interests of persons with disabilities, and protect the rights and interests of persons with disabilities in social participation, human support, accessible environment, economic security, and career development.
5. Break the "professional myth" and emphasize that people with disabilities are the experts in solving their own problems.
6. Conduct international exchanges, to form connections with foreign independent living organizations and disabled peoples' organizations (DPOs) and learn from one another.
7. Cultivate talents with disabilities, encourage self-voicing, connect needs, and advocate rights.
8. Realize a nation built on human rights, and jointly create a better society.

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10. International Association for Integration Dignity and Economics Advancement Taiwan (IDEA)

International Association for Integration Dignity and Economics Advancement (IDEA) is an international organization whose purpose is the advancement of human rights of people living with Hansen's disease. Today, there are about 20,000 members around the world, and chapters in 19 countries. "IDEA" stands for integration, dignity, and economic advancement, and the pursuance of its IDEAL. After the Taipei MRT selected the Lo-Sheng Sanatorium and Hospital as the site of the Xinzhuang Line Maintenance Plant, which triggered disputes over the retention of the Lo-Sheng Sanatorium and the rights and interests of the residents, a special representative of IDEA's New York headquarters came to Taiwan in 2007 to express concern and promised to acknowledge the status of the Taiwan chapter. Composed of residents and supporters, IDEA Taiwan chapter was approved by the Ministry of the Interior in 2007 to be established and actively cooperated with organizations of people living with Hansen's diseases around the world ever since.

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11. Judicial Reform Foundation

The Judicial Reform Foundation is committed to advancing legal reform by uniting the power of the people in order to establish a fair, just, and trustworthy judiciary for the people.

In realizing its mission, the Judicial Reform Foundation embraces the following core values:

- Fairness and Justice.
- Diversity and Accessibility.
- Professionalism. Innovation. Criticism.

The vision of the Judicial Reform Foundation is to ensure a society in which all people benefit from a fair, just and trustworthy judiciary. The principal objectives of the Judicial Reform foundation are:

- To harness the power of civil society to advance judicial reform
- To improve the justice, transparency, and democracy of the judicial system
- To end unfair and negligent treatment of the people by the judiciary

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12. New Vitality Independent Living Association, Taipei

New Vitality Independent Living Association is an organization run by and for people with different types of physical and mental disabilities. Founded in 2007, the organization is devoted to helping people with disabilities to live in the community with dignity by offering them personal assistance to engage in their life activities, aiming to enable people with disabilities to realize their full potential, live independently, and reduce the obstacles and discrimination in their lives.

The biggest difference that sets the organization apart from others is that the majority of the decision makers (including the board) are with physical or mental disabilities and have cross-disabilities. From our own experience, characters can be shifted from being the receiver of care, to being the provider of care for other persons with disabilities, to bring together our strengths, to change this inaccessible world, and to eliminate discrimination. We believe that persons with disabilities were “disabled” by the environment and attitudes, should the society accept the existence of diverse groups, many disabilities will be eliminated, and all can independently live in communities.

Our mission includes: (1) Personal assistance services; (2) Planning for independent living; (3) Peer support services; (4) Promotion of accessibility; (5) Education and promotion; and (6) Striving for rights.

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13. New World Independent Living Association, Chiayi.

We came across the idea of independent living, and identified strongly with the notion of “self-selection, self-determination, and self-responsibility” of persons with disabilities, after receiving relevant information. We decided to formally establish the Association on July 6, 2012; we uphold the autonomous rights of persons with disabilities, and hold that deinstitutionalization and integration into the community are the path to values of lives with disabilities.

In addition to serving persons with disabilities in the Chiayi area and conducting local initiatives, the organization also actively participated in CRPD-relevant meetings in recent years, with the aim of implementing human rights and fundamental freedoms of locals with disabilities with the power of international human rights instruments. We also recognize that persons with disabilities are the experts to address their own issues, thus more than 90% of our staff are persons with disabilities. The mission of the Association are as follows:

1. Raise the self-awareness of persons with disabilities and enable them to strive for their due rights.
2. Provide peer psychological support and develop independent living plans for persons with disabilities.
3. Provide housing and transportation information.
4. Host regular lectures and networking activities, to foster solidarity and obtain new knowledge.
5. Improve accessibility of the environment.
6. Promote and educate the importance of independent living to the public.
7. Communicate with domestic and foreign independent living organizations and join resources.

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14. Sunny Independent Living Association, Kaohsiung

This association was established in March 2012 with the aim to promote independent living of persons with disabilities in the Kaohsiung region. We uphold the spirit of “self-selection, self-determination, and self-responsibility”, and provide services for persons with disabilities to be independent in communities. When it comes to “independence”, the conventional wisdom of the society is retained on the notion of "self-reliance, striving to be successful, and relying on yourself in everything.", which has rendered persons with disabilities to simplify their needs on all factors of life, to not become a “burden” of others. This includes going to the toilet, taking baths, going out, or even having meals. Persons with disabilities were often implied to cooperate with the lifestyle of the caregiver (relatives, caregivers or institutional staff), which made them lose their autonomy and their own life. We

emphasize that persons with disabilities are the subject of rights; with more than half of the directors, supervisors and staff are persons with disabilities, we jointly initiate campaigns, run conferences, provide cross-category services, gather forces of peers to speak to the public, and strive for due rights and opportunities for persons with disabilities. We will continue to promote this concept, and hope that persons with disabilities can ultimately truly integrate into the society.

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15. Taiwan Access For All Association

From the initiation to the operation, Taiwan Access for All Association has jointly participated with persons with disabilities, families and citizens who care about this issue. Founded in August 2004, this Association aims to combine societal resources and strengths to promote a fully accessible life, we encourage persons with disabilities to speak up, and to participate in relevant governmental entities. We hold that accessible life, in its definition, must be comprehensive with the inclusion of hardware and software dimensions; so that persons with disabilities can participate in societal matters, integrate within the society, and freely be themselves on an equal basis. Therefore, the Association conducts regular surveys to understand the inaccessible dimensions of life, and present persons with disabilities through tourism, art, and various dynamic or static leisure activities, so they can be seen and serve as a starting point for social participation and social change. We believe that the external process of improving accessible environments is also an internal project of transforming people's minds. To move towards a more peaceful and inclusive society, strengths contributed by persons with disabilities are absolutely crucial.

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16. Taiwan Alliance to End the Death Penalty

The Taiwan Alliance to End the Death Penalty (TAEDP) was founded in 2003 by local NGOs and academics. The Alliance was formed to stress and promote the absolute value of life and human dignity as core to the protection and promotion of human rights. Profoundly understanding that the society has yet to be exposed to the debate concerning death penalty abolition, and that the general public seems to support capital punishment as a form of revenge against perpetrators of major crimes, the alliance aims to create an open discussion forum for society on various abolition issues. Furthermore, it advocates shaping a better penal system that both respects the value of life while truly compensating the victims so as to really uphold justice and safeguard human rights for all.

Our work includes:

- Death Watch: The TAEDP works on individual death penalty cases with pro bono lawyers. Meanwhile, we provide criminal defense training for lawyers to

ensure defense quality, and monitor the trial procedure to ensure that every defendant receives a fair trial.

- **Research:** The TAEDP conducts interviews, writes articles and makes video clips for specific issues and cases. In 2014, for instance, we conducted a face-to-face public opinion survey, interviewing more than 2,000 citizens around Taiwan.
- **Public Dialogue and Education:** In order to better communicate with the public, the TAEDP regularly holds seminars and discussions. The TAEDP also holds triennial film festivals, and the TAEDP Thursday Forum.
- **The TAEDP mobilizes school teachers and has formed an Education Team** to develop abolition education materials which can be used in the classroom. We also publish TAEDP online newsletters on a regular basis.
- **Promotion for Social Security:** The TAEDP takes part in advocating prison reform and promoting crime victims' rights and support. A working group consisting of victims' families, NGO workers, social workers, and counselling experts was formed in 2012, to understand the needs of the victims' families and to promote the rights of victims and their families.
- **International Networking:** The TAEDP promotes regional and international networking as a way introducing Taiwan to the latest information on the abolition movement. The TAEDP has been participating in the World Congress against the Death Penalty since 2004, and is one of the founding members of the Anti-Death Penalty Asia Network (ADPAN) and an active member of the World Coalition against the Death Penalty (WCADP), where it has served as a Steering Committee member since 2009.

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17. Taiwan Alliance of Mental Health and Psycho Therapy users

Taiwan Alliance of Mental Health and Psychotherapy Users was founded in 2018. We are composed of users, family members, and frontline workers in the realm of mental health. Instead of regarding patients as sick people, we consider them to be active users with subjectivity. We work on peer-group discussion, legal research, and advocacy. Our aim is to ameliorate mental health services, facilitate the establishment of user-centered supportive networks, make community resources more available, and strive for participation in related issues in Taiwan.

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18. Taiwan Association for Disability Rights

With more than half of its directors and supervisors being persons with disabilities, Taiwan Association for Disability Rights complies with the definition of disabled persons' organization (DPO) as stipulated in Article 33 of the CRPD, and are committed to the promotion and safeguarding of equal rights of persons with disabilities, as disclosed by the CRPD. We achieve our mission through international

exchanges and cooperation, direct exchange of opinions with international disability forerunners and leaders, introduction of more efficient implementation plans, lobbying legislators and suggesting the government, and training Taiwanese advocates on disability rights to visit countries with good practices with the aim of accelerate the promotion of rights of persons with disabilities. In order to eliminate discrimination against people with disabilities, the Association has especially strengthened the promotion and social education, combining musicals and rap songs to raise the public's awareness of human rights of persons with disabilities. In addition, it also provides legal advice to accelerate the development of assistive technology, and conducts promotion of cultural creativity, to foster the participation in society, cultural lives, and public policies, thus persons with disabilities can fully integrate with the society and enjoy rights and freedoms on an equal basis.

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19. Taiwan Association for Human Rights

Taiwan Association for Human Rights (TAHR) is an independent non-governmental organization founded on 10th December 1984 (International Human Rights Day). It is a member-based NGO and run by full time activists and volunteers. The Taiwan Association for Human Rights is committed to:

1. Remaining independent from the government, all political parties, corporations, and other interest groups;
2. Promoting the spirit of human rights and enhancing human rights standards and protections;
3. Fighting for all people without regard for class, race, gender, religion, or nationality; and
4. Cooperating with NGOs worldwide to improve domestic and global human rights.

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20. Taiwan Community Living Consortium

Taiwan Community Living Consortium (TCLC) was established in 2007 by social services organizations, academics, and experts. Our vision is that "Everyone has the right to have a home and a full life in the community." Our mission is to:

Improve the living quality of those struggling against social inequality; promote the concept of community mainstreaming; promote sound government housing policy; be a channel through which issues and complaints are voiced; and be a platform for professional exchange

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21. Taiwan Corrections Organization

The Organization initiated its preparation process in 2017 and proposed suggestions to the National Conference on Judicial Reform of the Office of the President, in 2018, the Organization submitted actual situation of overwork among correctional officers for the investigation by the Control Yuan; in 2019, we held a public hearing on the legalization of prison service personnel shifts and duties in the Legislative Yuan, and completed the registration and establishment of the Organization; In 2020, the Organization was invited by the Ministry of Justice to participate in its civil society organizations meeting for amendments.

For more than 20 years of work in correctional facilities, this organization has seen many unreasonable and unequal occurrences in the workplace. In the deepening of democracy in Taiwan, civil servants need to fully express their opinions; in the past, there was a long lack of rational discussion platforms, and the internal websites of institutions often became bulletin boards of formalities; coupled with the normal overtime work, more than half of correctional officers have accumulated more than 3,000 hours of service per year. The problem of the shift system seriously affects their health, resulting in a turnover rate of up to 10% for consecutive years. The members, family members, and supervisors of this organization hope to gather all colleagues and social forces so that correctional officers can have complete legal protection to safeguard their basic health rights! Let colleagues go to work with peace of mind and leave work happily, and makes Taiwan's criminal justice system healthier!

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22. Taiwan Disabled Women's Alliance for Equal Rights

The Taiwan Disabled Women's Alliance for Equal Rights is an organization mainly composed of persons with disabilities. Women with disabilities often suffer multiple discriminations as a result of their dual identities being disabled and being women. In the process of implementing gender equality, issues regarding disabilities are often overlooked, and in the promotion of disability rights, the dimension of gender differences has rarely been taken into account. Thus, the Convention on the Rights of Persons with Disabilities (CRPD) emphasizes the multiple disadvantages women with disabilities are subjected to. While implementing CRPD in Taiwan, we hope to gather the voices of women with disabilities and promote equal rights for women with disabilities.

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23. Taiwan Gender Queer Rights Advocacy Alliance

The Taiwan Gender Queer Rights Advocacy Alliance is an organization that focuses on those who have both disadvantaged identities (persons with disabilities, mentally ill, people living with rare diseases, etc.) and gender identities (gender minorities, homosexuals, bisexuals, transgender, asexual, gender queer, etc.). Most members of the Alliance are also persons with multiple identities. Individuals separated due to multiple stigmatized social situations are often entrapped by the majority, eliminated, and unable to find a community; members of the Alliance experienced such hardships, thus decided to present themselves. At present, the

Alliance focuses on issues related to the rights and interests of sexual/gender minorities, and transgender people with psychosocial conditions. We hope to enable society to understand the plight of persons under multiple stigmatizations through various ways, and to promote the relevant rights and interests of people with different multiple identities. Through seeing and understanding, the goal is to implement the idea that all people are created equal, to promote non-discrimination environments and to promote the relevant rights and interests of people with different multiple identities.

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24. Taiwan International Medical Alliance (TIMA)

Founded in January 2001, the Taiwan International Medical Alliance (TIMA) is dedicated to promoting the right to health and alleviating the health inequalities among different social strata and classes, both domestically and regionally. TIMA has been working with Cambodian partners on the development and enforcement of health-related policies, including tobacco control. As a member organization of Covenants Watch, TIMA takes up the responsibility of developing human rights policies and quantitative human rights methods, such as human rights indicators and impact assessment.

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25. Taiwan Mad Alliance

Taiwan Mad Alliance (TMA) collects and sorts out the self-statements of mad people, and places the "madness" on the cognition of different historical moments. On the one hand, TMA reflects on the rapid expansion of biological psychiatry, which incorporates complicated emotions (e.g. bereavement) into the diagnostic classification and the medical market. We criticize the collective role of the judicial and police administrations, the compulsory imposition of medical treatment on those deemed to have 'deviant behavior' and the diagnoses of patients as public security risks so as to be forcibly taken by the police at any time. On the other hand, we form voluntary communities in our daily life through practice, documentation, performances, conceptualization, theoreticalization, and support groups to part ways with professionalism, and help mad people open up in times of mental crisis. The days of sorrow and pain can settle in one's place, TMA is committed to creating an alliance that gathers mad people and conducts collective action and voices.

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26. Taiwanese Deaf Alliance

The Taiwanese Deaf Alliance (TDA) is an integrated organization of all organizations for the deaf across the nation. We strive to establish a cooperative network, and to drive the government to legislate or amend laws and regulations relevant to the rights, interests, and welfare of persons with hearing disabilities. We also fight for and assure basic rights of the deaf, and to organize (or facilitate)

various deaf-related affairs, including assist the deaf to develop various professional skills, establish a friendly learning, living and employment environment for the deaf, establish a friendly environment for Taiwanese sign language, and revitalize the inheritance and development of the deaf culture.

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27. Vietnamese Migrant and Immigrant Office

The Vietnamese Migrant and Immigrant Office has entered the 17th year since its establishment in the spirit of Catholic fraternity, and has served countless migrant workers in Taiwan.

After many years of service experience, we see that migrant workers in Taiwan are deprived of basic rights, and have been excluded from fairness and justice, and opportunities for accessing education. Motivated by the ideal of providing a better living standard for their families, migrant workers chose to leave their hometown and travel thousands of miles to Taiwan, only to find themselves in an unfamiliar environment, facing exploitation from brokers.

We hope that in our future services, with the spirit of the Christ, we can continue to serve people who are in need, especially for migrant workers and their migrant families. In addition, we will strive to empower these groups of people to obtain knowledge of relevant rights and laws, to enable them to speak for their rights and participate in social movements for the benefit of society. We will also advocate for social fairness and justice, and advocate for the improvement of the judicial system of Taiwan, to ensure the welfare and rights of disadvantaged migrant workers can be assured.

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