

Opinions on the Second National Report of Republic of China (Taiwan) on the Rights of Persons with Disabilities



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Preamble

The National Human Rights Commission (NHRC) is an independent body dedicated to the protection and promotion of human rights. It was established pursuant to the *Organic Act of the Control Yuan National Human Rights Commission* announced on January 8, 2020 and was launched on August 1 of the same year.

The NHRC's legislative mandates include providing independent opinions on national reports on human rights conventions to ensure that domestic laws and administrative measures are in accordance with international human rights instruments. In December 2020, the Executive Yuan provided the Convention on the Rights of Persons with Disabilities (CRPD) Second Report pursuant to the Act to Implement the Convention on the Rights of Persons with Disabilities. The NHRC dispatched 2 members with practical experience in disability issues to hold 3 regional forums between February and May of 2021, which were attended by 105 representatives of disabled persons' organizations. The NHRC also held 5 focus group interviews, each of which focused on a different type of disability, with 39 representatives in total in attendance. The NHRC did so to solicit a broad range of opinions from persons with disabilities and their representative organizations and to form an understanding of the actual conditions related to disability issues in order to serve as an important basis for the drafting of independent opinions.

Furthermore, in response to certain inadequacies and matters that need clarifying within the contents of the CRPD Second Report, the NHRC has requested 19 government agencies to submit written and statistical reports. The NHRC compiled the feedback collected from representatives of disabled persons' organizations who were in attendance at the regional forums as well as that of persons with disabilities who participated in the focus group interviews and then compared their feedback with the actual implementation of disability-related policies by government agencies. Additionally, the NHRC held both physical and online meetings from April to July of 2021 to discuss and exchange opinions on important disability-related issues with various government agencies, including the Ministry of the Interior, Ministry of Transportation and Communications, National Communications Commission, Financial Supervisory Commission, Ministry of

Labor, Ministry of Education, and the Ministry of Health and Welfare.

On July 19, 2021, according to article 33 of the CRPD and in response to the Concluding Observations of the ROC's Initial CRPD Report, the NHRC passed a resolution affirming the NHRC to serve as a domestic independent monitoring mechanism with regard to the rights of persons with disabilities.

Abbreviations

BAROC	Bankers Association of the Republic of China
CEC	Central Election Commission
CECC	Central Epidemic Command Center
COVID-19	Coronavirus Disease-2019
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
CRPD Implementation Act	Act to Implement the Convention on the Rights of Persons with Disabilities
FSC	Financial Supervisory Commission
FOI	Financial Ombudsman Institution
HPA	Health Promotion Administration
ICF	International Classification of Functioning, Disability and Health
IEP	Individualized Education Plan
ILO	International Labour Organization
IRC	International Review Committee
LIAROC	Life Insurance Association of the Republic of China
MHA	Mental Health Act
MOCS	Ministry of Civil Service
MOE	Ministry of Education
MOEX	Ministry of Examination
MOHW	Ministry of Health and Welfare
MOI	Ministry of the Interior
MOL	Ministry of Labor
MOTC	Ministry of Transportation and Communications
NCC	National Communications Commission
NDC	National Development Council
NHI	National Health Insurance
NHRC	National Human Rights Commission, Taiwan
NLIA	Non-Life Insurance Association of the Republic of China

OHCHR	Office of the United Nations High Commissioner for Human Rights
PDRPA	People with Disabilities Rights Protection Act
SCSED	Special Civil Service Examinations for the Disabled
SEA	Special Education Act
SSI	Social Security Inquiry
TII	Taiwan Insurance Institute
TRA	Taiwan Railway Administration
VRS	Video Relay Service
WHO	World Health Organization

Addressing the needs of persons with disabilities during COVID-19: Current challenges faced by the government

It has been more than a year since the outbreak of the Coronavirus Disease-2019 (hereinafter referred to as COVID-19)¹ pandemic in the ROC, which entered a nationwide Level 3 epidemic alert in mid-May 2021 due to the pandemic worsening. All levels of government have adopted the necessary pandemic prevention and protection measures. But in response to the government's inability to include the needs of persons with disabilities, the NHRC urges the government to refer to *COVID-19 and the Rights of Persons with Disabilities: Guidance* released by the Office of the United Nations High Commissioner for Human Rights (OHCHR) on April 29, 2021. The various mitigation measures the government has taken during the pandemic period should incorporate the idea of inclusion. The measures should attempt to ensure that persons with disabilities receive equal support and protection, rather than being ignored, overlooked, or even isolated due to their disabilities. Thus, the NHRC has raised the following questions:

1. **The government did not evaluate the effects on persons with disabilities when stipulating pandemic prevention measures, nor was there sufficient involvement of disabled persons' organizations or accessible channels for such organizations to give feedback on their needs.** At the beginning of the pandemic, when the government was preemptively stipulating pandemic prevention measures, it failed to fully take into account the multiple disadvantages and special needs of persons with disabilities due to the effects of the pandemic. There was also a lack of participation and voices from persons with disabilities; hence, their rights and interests² were overlooked. This further

¹ In December 2019 a cluster of pneumonia cases of unknown origin was discovered in the city of Wuhan in Hubei Province, China. On January 9, 2020, the Chinese authorities identified the virus as a novel coronavirus. The virus rapidly spread to other provinces in China and around the world. The World Health Organization (hereinafter referred to as the WHO) declared the outbreak a Public Health Emergency of International Concern (PHEIC) on January 30, 2020, and on February 11 designated the novel coronavirus as COVID-19 (Coronavirus Disease-2019), with the International Committee on Taxonomy of Viruses (ICTV) officially naming the virus SARS-CoV-2 (Severe Acute Respiratory Syndrome Coronavirus 2). To monitor and prevent this novel infectious disease, the ROC declared COVID-19 a category 5 communicable disease on January 15, 2020. The first imported case was reported on January 21, 2020, and the first domestically transmitted case on January 28. Source: Taiwan Centers for Disease Control (Retrieved from: <https://www.cdc.gov.tw/Category/Page/vleOMKqwuEbIMgqaTeXG8A>)

² For example, the government advised the general public to avoid seeking medical attention at large hospitals during the pandemic. However, accessible facilities are mostly unavailable in clinics, which

accentuates a current issue, which is that the government lacks an assessment mechanism for the impacts of disabilities (Please refer to point 16 of the independent opinion of the NHRC). Additionally, the government failed to conduct a comprehensive review after the fact. The issues of persons with disabilities were only reactively addressed on a case-by-case basis after they started to raise these issues with the government. Furthermore, in its response to the rapid developments and sudden shifts of the pandemic, the government rushed to stipulate and implement pandemic prevention policies and measures. However, during this process, it failed to establish accessible channels for persons with disabilities to fully respond to their needs.

- 2. The government failed to utilize existing data to actively respond to the needs of persons with disabilities, nor was there a single window to gather their opinions.** It was problematic that government agencies lacked an interagency communication and coordination system. Also, the home quarantine and isolation care service centers established by local governments conducted their services only via telephone. Thus, persons with disabilities who contracted COVID-19 would have to proactively state their special needs, meaning the government was unable to accurately grasp the actual situations and numbers of persons with disabilities who were receiving their services. This resulted in the government being unable to accurately document cases of persons with disabilities who were potentially or confirmed to be infected with COVID-19, which also meant it was unable to ensure that persons with disabilities were able to get help and support during their home isolation and quarantine periods. The central competent authority, the Ministry of Health and Welfare (hereinafter referred to as the MOHW), also failed to establish guidance for the various ministries of the Executive Yuan or proactively remind them to take the needs of persons with disabilities into account when carrying out pandemic prevention measures.

prevented disabled persons from seeking medical care. Also, at the beginning of the pandemic, the government limited the public to purchasing 2 face masks per week, which was later increased to 9 face masks per week, but patients with cerebral palsy need at least 3 face masks a day, as their condition causes them to drool. Lastly, the Ministry of Education (hereinafter referred to as the MOE) originally only allowed parents with children younger than elementary school level to take family care leave during the school suspension period, overlooking the fact that while senior high school students with disabilities still needed manual support and assistance during this period, their parents were not allowed to take care leave to assist them. The MOE later amended the rules to include students with disabilities.

3. **Reasonable accommodations were not made in pandemic prevention measures for different types of disabilities.** At the beginning of the pandemic, persons with disabilities were affected by obstacles in and around pharmacies (e.g., stairs in front of pharmacies, pedestrian arcades, sidewalks and roads with parked cars and scooters or stacked with items, etc.), which prevented them from lining up and successfully entering to purchase face masks. Mandatory mask policy caused persons with hearing impairments who rely on lip reading or facial expressions to experience difficulties and inconvenience when communicating. Mentally and cognitively handicapped persons also had difficulties with wearing face masks for long periods of time and with social distancing.

4. **The pandemic has further exacerbated the lack of accessibility.**
 - (1) Since the outbreak of the pandemic in early 2020, persons with disabilities have shared their experiences in negative pressure isolation wards. Not only were their families prohibited from accompanying them and taking care of them, but the lack of accessible facilities in these wards also caused them difficulties such as being unable to go to the bathroom or change clothes. Some could not even move themselves from their wheelchair to the hospital bed, which lead to them sitting in their wheelchairs for two full days. However, to this day the MOHW has not managed to compile information about and state the numbers of negative pressure isolation wards with the required accessible facilities. Not until April 9, 2021 did the MOHW propose the Subsidy Program for Accessible Healthcare Environment at Medical Institutions to encourage medical facilities to improve the accessibility of the facilities within their negative pressure isolation wards. Even so, with review procedures expected to be completed at the end of 2021, the 37 hospitals and 2,439 clinics which have applied have not yet made improvements. Additionally, with the recent worsening of the pandemic, the MOHW has had no time for improvement projects and complementary supporting measures.
 - (2) Both government agencies and schools have implemented pandemic prevention measures for entering and exiting buildings. Though these measures are necessary, pandemic prevention route planning failed to take

into account the concept of accessibility. For example, doorways which originally functioned as the only accessible entrance and exit routes were restricted to the single purpose of entering or exiting. Some routes even had obstacles such as stairs. These issues made it difficult for persons with disabilities to access such institutions.

- (3) The contents and format of pandemic prevention information did not consider the differing needs of different types of disabilities. For example, at the beginning of the pandemic, not all of the COVID-19 Central Epidemic Command Center (hereinafter referred to as the CECC) press conferences provided sign language interpretation or verbatim transcription services. The CECC only started to include these services after disabled persons' organizations made requests for them. Also, though the use of widespread and easy-to-broadcast Internet promotional cards allows some persons with disabilities to read and understand information regarding the pandemic, it poses difficulties for persons with visual impairments. Furthermore, the simplified versions of these promotional cards that are necessary for mentally and cognitively handicapped persons are not provided directly by the CECC, but rather are separately compiled by other service branches. This can cause delay in updates, and may result in misunderstandings if the cards are oversimplified.

5. **Support services and other medical-related needs have been affected.** With the pandemic worsening domestically in mid-May 2021, the ROC entered Level 3 alert for COVID-19. During this period, there were many nosocomial COVID-19 cases in long-term care institutions. The measures the government took to strengthen pandemic prevention, such as suspending statutory institutional and community support services failed to meet the needs of the receivers of these services, as the government did not switch to home-based care services in time. Also, the medical needs of patients with chronic diseases were overlooked, counseling services were discontinued, and there were even cases where families of mentally handicapped persons were not allowed to visit after they were admitted to the hospital. After persons with disabilities who caught and recovered from COVID-19 returned home, it was often left to their families to look after them, causing massive stress for these families and affecting both the patients'

and their families' mental and physical health. Some persons with disabilities who were unable to care for themselves were unable to get any food because the family they lived with was in quarantine. Persons with disabilities who hired foreign caregivers were likewise affected, as the government discontinued the hiring of foreign caregivers, affecting the lives and safety of persons with disabilities.

6. **The supporting measures for the vaccination plan urgently need to be strengthened.** The WHO reported that persons with disabilities who catch COVID-19 have a higher risk of complications leading to severe illness. Before the pandemic worsened domestically, the NHRC acknowledged the government's inclusion of certain specific groups of persons with disabilities and care service providers in the government-funded vaccination program. However, accessibility has not been considered in some of the more recent vaccination locations and the routes leading to and from these places, which leads to the elderly having to be physically carried into these locations by their family and persons who are hearing-impaired having to personally book sign language interpreters. It is evident that local governments have not actively ensured that persons with disabilities have access to the services they need during the vaccination process.
7. **Planning for long distance learning did not include implementing reasonable accommodation measures.** During the pandemic period, all school education was conducted online. However, some disabled students were limited by hardware or Internet speeds, or lacked reasonable accommodation measures for their individual needs, which caused them to fall behind in their education. Though the MOE reminded schools to actively respond to students' needs and continued to record issues the schools and teachers reported, it did not include disabled persons' organizations in the conversation. Instead, the disabled persons' organizations themselves compiled a list of issues affecting students with different disabilities and complained to the MOE that the long distance learning system and materials generally lacked accessibility, and that it was nearly impossible for parents to take on the roles of teacher assistants and student assistants to support their children in their education.
8. **Remote work suffered from an even more severe lack of reasonable**

accommodations. In response to the pandemic worsening domestically, many government agencies, private enterprises and private organizations implemented measures in which employees took turns going to the workplace or worked from home. Though this lessened the commute time for persons with disabilities, the government's job accommodation services did not make improvements in the work environment and work methods when it came to remote work. It also did not provide any work-related labor assistance services such as sign interpretation, verbatim transcription, visual assistance, etc.

9. **Government relief measures provide only limited assistance for low-income individuals with disabilities.** Compared to their nondisabled counterpart, there is a higher percentage of persons with disabilities who work in nonstandard employment or are self-employed. Although government relief measures include living allowances for part-time workers, and subsidy programs for visually impaired masseurs and sheltered workshops have been proposed, the subsidy amount hardly makes up for the impact on businesses that have had to remain closed long-term. Furthermore, due to the government's rushed efforts to offer relief loans, the granting of relief loans was based on existing labor insurance information. Hence, there have been cases where uninsured disabled workers were blocked from receiving relief loans.
10. **On May 31 2021 the NHRC released a statement written to the Executive Yuan to urge the government to attach importance to the multiple disadvantages which disabled persons are facing due to the pandemic, and to take more measures to ensure their rights.** But as the government is not keeping track of the number of disabled persons who have caught COVID-19, been in quarantine, or been in isolation, the extent to which policy impact assessments can be made in the future is severely limited.
11. **According to the statistics released on the MOHW's Department of Protective Services website, in 2020, the year the pandemic began, reports of domestic violence increased by 13,674 cases (10%) compared to 2019.** Cases involving marriage, divorce, or cohabitation rose by 6.3%, while child protection cases rose by a staggering 25%. However, while there was a 10% increase in the number of

reported victims of domestic violence, the number of victims with disabilities increased by 11%. The *COVID-19 and the Rights of Persons with Disabilities: Guidance* emphasizes that persons with disabilities have experienced a higher risk of violence, particularly when isolated during the pandemic. Women with disabilities face higher rates of violence and also experience worse violence than men with disabilities. However, when persons with disabilities try to reach out to domestic violence help hotlines or protective services, they face ongoing prejudice and difficulties. Because women and children with disabilities are already at risk of violence (please refer to Table 16.1 of the CRPD Second Report, and Points 26 and 79 of the independent opinion of the NHRC), the NHRC is concerned that due to stresses caused by the pandemic worsening domestically in 2021, these groups are at an even higher risk of violence and face even more perilous situations. Thus, the NHRC has appealed to the government to refer to the guidance mentioned above and actively adopt policies to minimize the harm done to vulnerable groups such as women and children with disabilities to ensure adequate services and protection.

Articles 1 to 4: Purpose, definitions, general principles and general obligations

12. The ROC's *People with Disabilities Rights Protection Act* (hereinafter referred to as the PDRPA) amended its definition of persons with disabilities in 2007 and took into account activities and participation factors to adhere to the International Classification of Functioning, Disability, and Health (hereinafter referred to as the ICF) endorsed by the WHO. However, the NHRC raises the following existing issues and concerns:

- (1) Nine years have passed since the amendment of the PDRPA in 2012. The central competent authority utilizes the "Body Functions and Structures" (code *bs*) and "Activity, Participation and Environmental Factors" (code *de*) assessment categories in assessing disabilities. However, it still only adopts the results of medical diagnoses to identify the eligibility of persons with disabilities and determining their level of disability. This means that only impairments of body functions and structures (code *bs*) are considered, whereas obstacles to activity, participation and environmental

factors (code *de*) are overlooked. Additionally, the provision of subsidies and welfare services are tied to the results of disability assessments. This leads to persons with disabilities who have substantial needs being barred from attaining disability IDs due to not meeting eligibility criteria or being limited by their level of disability. Such individuals are excluded from accessing welfare services, which does not conform to the human rights approach.³

- (2) To improve upon the aforementioned issues, the MOHW is currently attempting to improve the usability of its disability assessment database and the research and analysis methodology it uses to determine whether persons with disabilities are eligible for disability IDs and to determine their degree of disability. The MOHW is also planning specific approaches and schedules to implement these improvements. The NHRC will continue to closely monitor the progress of the improvements. The NHRC also recommends that the government adjust the provision of cash subsidies (such as living subsidies, tuition reductions, insurance subsidies, etc.) and welfare services to better suit the actual needs of persons with disabilities, rather than basing eligibility on the results of qualification tests and degree of disability, to better conform with the human rights approach required by the CRPD.

13. Article 7 of the PDRPA (amended in 2007) states that local governments are required to conduct a complete assessment of the various needs of persons with disabilities. The local governments are then to provide benefits and services based on the assessment, which should create a strong, tight-knit connection between needs and services. However, the NHRC has indicated the following existing issues and concerns:

- (1) Per a Control Yuan investigation report⁴, the NHRC has discovered that since the implementation of the needs assessment system in 2012, the MOHW and regional competent authorities currently base their disability welfare and service needs assessment of those who have received disability

³ In response to the lack of strict adherence to ICF requirements by the MOHW, the Control Yuan approved an investigation report on March 17, 2020, and subsequently proposed correction.

⁴ The Control Yuan investigation report approved on March 17, 2020

IDs on the welfare service selected by the individual supplemented by a telephone interview, after which the recipient is assigned to their respective service. This leads to only 20% of persons with disabilities undergoing a needs assessment annually. In addition, confirmations of needs and assessment results often focus on financial aid and well-known welfare services such as assistive devices, rehabilitation buses, daycare centers, and residential care. Services aimed at promoting independent living and development in communities for persons with disabilities tend to have an extremely low percentage⁵ when compared to other services. This highlights the problem that the current needs assessment and assignment mechanism and process is unable to fully gather information about the actual situations and needs of persons with disabilities and their families. The needs confirmation and assessment results also fail to do so.

- (2) To improve the effectiveness of correlation between related services and disability needs assessment, the MOHW plans to complete an overall review of the Interview Guide and Procedures of Welfare and Service Needs Assessment for People with Disabilities by 2021, while also improving the accessibility of related welfare service information. Thus, the NHRC will continue to closely monitor the results and effectiveness of the follow-up improvements to ensure they meet the actual situations and needs of persons with disabilities and their families, and to serve as a basis for the government in providing appropriate services and adequate resources.

⁵ The Control Yuan investigation report approved on March 17, 2020 points out that:

- i. The needs assessment system was implemented on July 11, 2012. Up to July 10, 2018, after confirmation with local competent authorities, only 6.6% of persons with disabilities needed welfare services, primarily full-day residential care services (64.0%), overnight residential care services (22.3%) and assistive device services (16.8%).
- ii. In 2018, after multiple difficulties incurred due to individuals being required to fill out forms at district offices, confirmation by counties and cities, plus distribution needs assessments, it was determined that those requesting welfare mainly utilized rehabilitation buses (59.22%), followed by assistive device services (20.37%), and lastly daytime and residential care (9.72%). Requests for other services were all below 4%.
- iii. Of persons who received disability IDs in 2018, less than 1% requested personal care and support services such as rehabilitation, community-based daytime care, daytime community facilities, independent living support services, community residence, familial foster care, cognitive restructuring, marriage and fertility counseling, after-school care, emotional support and behavior counseling.

14. Regarding the follow-up mechanism mentioned in the Concluding Observations of the ROC's Initial CRPD Report, the NHRC acknowledges the Executive Yuan's incorporation of the CRPD's human rights indicators into its action plan to specify the goals that the authorities need to achieve. However, whether oversight needs to be continued or not is decided in discussion meetings, with some items only stating that they are still in progress or will be released from oversight after regular meetings. This makes it difficult to confirm the results and effectiveness of any improvements made.

15. With regard to statutes in the process of being amended as per the CRPD Second Report, including the PDRPA, the *Special Education Act* (hereinafter referred to as the SEA), the Mental Health Act (hereinafter referred to as the MHA), etc., the NHRC has requested the central competent authorities to provide the contents of the draft bills for reference. However, some authorities have refused to do so for assorted reasons, such as opinions that have yet to be compiled, or having already requested review by the Executive Yuan. The NHRC thus cannot confirm whether the amendments being made adhere to CRPD requirements, making it difficult to swiftly propose usable or necessary recommendations for the amendments.

16. In response to the Concluding Observations of the ROC's Initial CRPD Report, the MOHW completed the Regulatory and CRPD Impact Assessment Checklist in 2018 by basing its evaluation items on Article 3 – General Principles of the CRPD and requested the ministries and local governments to reference and utilize the items since March 2020. However, when the MOHW was requested to provide related data, the NHRC found that the aforementioned assessment checklist was still in its draft stage, having been neither finalized nor implemented. Many agencies have reported difficulties filling out the form, but the MOHW has yet not actively carried out any specific follow-up and has only passively cooperated with the overall planning of the *National Human Rights Action Plan (Draft)*. It is obvious that administrative departments have not yet taken sufficient measures to ensure the principles set out in Article 3 of the CRPD are implemented in laws and policies effectively. The NHRC recommends that the government should discuss to implement the following suggestions within the *Directions for Editing and Deliberation of Medium- and Long-Term Individual Projects of Executive Yuan*

Subordinate Agencies and the Guidelines for Reviews of Laws Reported by the Various Subordinate Agencies of Executive Yuan. The government should implement mechanisms and procedures to assess the impact on the rights of persons with disabilities before important national medium- and long-term projects and laws are brought to review by the Executive Yuan. It should ensure that when stipulating and implementing important national projects and laws, the various agencies are all able to implement the idea of equality for persons with disabilities into the process of developing and carrying out measures, while also adhering to the General Principles set out in Article 3 of the CRPD.

17. Upon reviewing the CRPD Second Report and its statistical data, the NHRC found that the relevant central competent authorities have only presented general data regarding the implementation of each provision of the CRPD and its performance. However, they have made no mention whatsoever of issues related to the inequitable distribution of resources and implementation between different counties and cities. They were unable to put scheduled plans into place and lacked specific supervision and improvements. Some support services for persons with disabilities that fall under the authority of counties and cities have long lagged far behind the national average. After inquiring the central competent authorities, the reasons given for this situation mostly involve the financial difficulties of local governments. The NHRC is of the opinion that the current system is ineffective: the central authorities set the standards while local governments are charged with meeting these standards, with the budget for doing so split between the central and local governments and the central authorities imposing welfare service performance evaluations on local governments. Many of the rights and interests of persons with disabilities are not guaranteed due to their household registration or current place of residence. Thus, the NHRC recommends that the government take concrete measures and set out a schedule of objectives to improve the discrepancy in resource allocation between counties and cities.
18. The NHRC regards that schools and government agencies at all levels have failed to effectively raise the disability awareness of their employees. There is no system in place for evaluating the actual effects and results of training materials and awareness-raising sessions. Instead, the focus is only on quantitative data such as

the number of sessions held or the number of participants in attendance, making such efforts seem merely superficial.

19. In the CRPD Second Report, Point 15 and Graph 1.4 feature disability budgets. The NHRC believes that these budgets lack a clear operational definition (such as “gender budgets”) and instead are left to be defined by the competent authorities, thus becoming a mere formality. According to social security expenditure statistics compiled by the Directorate-General of Budget, Accounting, and Statistics of the Executive Yuan in reference to the International Labour Organization’s (hereinafter referred to as the ILO) Social Security Inquiry (hereinafter referred to as the SSI), disability benefits amounted to NT\$ 47.3 billion in 2016, NT\$ 47.5 billion in 2017, NT\$ 48.7 billion in 2018, and NT\$ 49.1 billion in 2019. However, the form of disability benefits given out by all levels of government still leans towards cash benefits, which comprised more than 60%⁶ of disability benefits each year from 2016 to 2019. The government should look to actively improve “social transfers in kind.”

Article 5: Equality and non-discrimination

20. Based on opinions gathered from representatives of non-governmental organizations in regional forums, it is apparent to the NHRC that persons with disabilities commonly face discrimination and rejection. After requesting and analyzing data provided by related authorities, the NHRC has raised the following concerns and hoped that the competent authorities are able to proactively undertake internal reviews and provide solutions to eliminate discrimination towards persons with disabilities:

- (1) Government agencies process very few disability discrimination cases.

The MOHW only processed 2 infringement of rights cases filed by persons with disabilities in 2019, and between 2016 and 2019, only one of 22 local governments had an appeal (petition/infringement of rights)

⁶ According to 2019 social security expenditure statistics compiled by the Directorate-General of Budget, Accounting, and Statistics of the Executive Yuan, the disability benefits distributed between 2016 and 2019 were primarily cash benefits, which made up 68.3%, 66.8%, 65.7% and 65.4% respectively, whereas social transfers in kind made up only 31.7%, 33.2%, 34.3% and 34.6% respectively of all disability benefits.

case filed by a person with disabilities. The MOE's Special Education Student Appeals Council has not processed any cases related to disability discrimination since its establishment, and there were only 2 petitions from schools under the high school level in 2019. Furthermore, the Ministry of the Interior (hereinafter referred to as the MOI) has not received any filed cases. There is a very obvious discrepancy between the reported number of cases and the discrimination persons with disabilities still commonly face.

(2) In terms of employment discrimination, though local labor administrative authorities processed 28 disability discrimination appeals in 2019, there still exist cases in which evidence of discrimination is difficult to prove, so that a complaint cannot be filed. For example, an employer claimed not to have any vacancies or suitable positions to refuse a job seeker when discovering that they have an intellectual disability. It is difficult to prove employment discrimination on the part of the employer.

(3) The above highlights the government's continual lack of concrete definitions regarding situations in which persons with disabilities face discrimination, thus making these situations difficult to identify.

21. In recent years, disabled persons' organizations have repeatedly called for the government to enact anti-discrimination laws or add anti-discrimination clauses to related laws. The competent authority completed the commissioned study *Should the Republic of China Enact Comprehensive Anti-Discrimination Laws and Legislative Proposals*, with the project ultimately proposing a draft equality bill. And the Executive Yuan holding the National Human Rights Action Plan (first draft) public hearing in October of 2020 to reiterate its plans to formally submit a draft bill for an anti-discrimination or equality law for review by the Legislative Yuan. However, the NHRC notes, the competent authority appears to have taken no subsequent action to enact these laws.

22. Though the Committee for the Promotion of the Rights of People with Disabilities of the Executive Yuan passed the *Principles for the Amendment of CRPD Legal and Administrative Measures*, with the MOHW also including the relevant indicators in the social welfare performance evaluation, the NHRC believes that

this evaluation is only suitable for local governments. Additionally, the multiplicity of performance indicators make it difficult to observe the effects of oversight. These make it impossible to ensure newly enacted/amended laws and administrative measures of government agencies adhere to CRPD standards. Furthermore, upon inquiry⁷, as of the end of March 2021, 10 laws incompatible with CRPD standards remain on the books while 18 administrative measures have yet to be completely enacted, amended, or repealed for lack of adherence to Article 10 of the *Act to Implement the Convention on the Rights of Persons with Disabilities* (hereinafter referred to as the CRPD Implementation Act), and improvements to administrative measures have yet to be made. The NHRC is concerned that the government did not complete all the amendments by the legal deadline of December 3, 2017, with 6 laws still depriving persons with disabilities of the right to work and other substantive rights and interests. Even the competent authority of the CRPD, the MOHW, has two laws which have not been amended, the *Genetic Health Act* and the *MHA*, which have been identified as failing to conform to the CRPD.

23. *The Prison Act* and the *Detention Act* were amended in 2019, and now state clearly that corrective agencies cannot discriminate against prisoners or defendants due to their disabilities. Correctional institutions should guarantee the rights of prisoners and defendants with disabilities by making reasonable accommodation to the appropriate laws and measures. They should also take into account the nature of detention, the condition of existing facilities, and the special needs of persons with disabilities, and provide accessible assistive services such as sight, sound and speech assistance. Thus, to guarantee that persons with disabilities are able to enjoy and exercise all human rights and fundamental freedoms based on being equal to others, the NHRC will continue to monitor how various correctional institutions adopt and implement accessibility and the reasonable accommodation of laws and measures related to prisons and detention centers.

24. The NHRC notes that the government has not yet heeded points 22b) and 23b) of the Concluding Observations of the ROC's Initial Report, which call for amending

⁷ According to the MOHW's progress review meeting record and appendices of March 29, 2021 related to amending CRPD legal and administrative measures.

the laws to deem failure in making reasonable accommodation as an act of discrimination. The CRPD Second Report listed legal statutes which have made reasonable accommodation, such as the *Regulations Governing National Examination Rights for People with Disabilities*. The Regulations has limited its subjects to those who have already acquired disability booklets or ID, and has also limited its reasonable accommodation measures to specific items according to disability type. The NHRC is of the opinion that this violates General Comment No. 6 of the CRPD.

25. Since December of 2019, the MOHW has commissioned the Legal Aid Foundation to begin including lawsuit litigation and legal defense services. However, after viewing the *Ministry of Health and Welfare Legal Aid Project for Persons with Disabilities*, the NHRC found that eligibility for legal aid was limited to those who have acquired disability booklets or ID, which goes against Article 1 – Purpose of the CRPD. Furthermore, its review standards contain a financial threshold and exclude cases in which the opposing party to the case is a member of the Executive Yuan, the MOHW, or any of its affiliated agencies, which violates Article 8 of CRPD Implementation Act. Also, when the NHRC wrote to the MOHW to request that it provide actual statistics, it was discovered that only 30%⁸ of case requests filed by persons with disabilities were approved as of the end of December 2020. The main reasons for refusal were “lawsuit was obviously non-beneficial or there was no chance of winning” (48.02%) and “exceeded the scope of the entrusted project” (27.97%). However, as referenced in Article 8, Paragraph 2 of the CRPD Implementation Act, legal aid aims to promise the fundamental rights guaranteed by the CRPD and other international human rights treaties, rather than solely being limited to those who have acquired disability booklets or ID and are below a certain level of financial ability. Thus, the NHRC recommends that the central competent authorities review the eligibility and assessment standards for case requests to bring them in line with the CRPD and the CRPD Implementation Act, and budget a reasonable amount of project funds in accordance with Article 9 of the CRPD Implementation Act. Meanwhile, the NHRC will continue to oversee

⁸ According to statistical data provided by the MOHW, there were 471 case requests (category 1 and 7 disabled persons had the most case requests at 188 and 131 respectively) as of December, 2020. 143 were approved for assistance, making the approval rate 30.4%.

the outcomes in order to ensure that those whose rights are infringed upon are able to assert their rights under the law and that they are able to protect their inalienable rights.

Article 6: Women with disabilities

26. The NHRC has found that compared with other women, girls or women with disabilities are more susceptible to the threat of domestic violence and should be considered a high risk group for domestic violence.⁹ However, the MOHW has failed to address the special needs and multiple discrimination of women with disabilities, propose specific domestic violence prevention strategies, or offer support services such as relevant service procedures and shelter placement.¹⁰ Furthermore, the short-term, medium-term, and long-term shelters provided by the government for women who are victims of domestic violence fail to fully meet the needs of persons with disabilities, despite the provision of such shelters being a statutory requirement.¹¹ To date, the competent authority has yet to introduce concrete improvement measures and set a clear implementation deadlines, and has made no attempt to familiarize itself with the services needed by women with disabilities who are placed in shelters, such as home care, personal assistants, and sign language interpreters.¹²

⁹ According to statistical data released by the MOHW, in 2019, the number of reported victims of domestic violence was 103,930. Of these victims, 67.70% were female. Similarly, among the 8,240 victims of domestic violence who were also disabled, 60.87% were female. In 2019, women with disabilities accounted for 4.41% of the female population, whereas women with disabilities accounted for 7.13% of reported victims of domestic violence.

¹⁰ Although the MOHW formulated the *Guidelines for the Protection of Persons with Disabilities* in 2015, it failed to address the multiple discrimination and special needs of women with disabilities who were also victims of domestic violence. Instead, the guidelines, which are based on Subparagraphs 1–7, Article 75 of the PDRPA (Maltreatment of People with Disabilities), detail the attributes of and service procedures for seven types of maltreatment. The guidelines do not detail the roles and responsibilities of related networks such as police, health, and civic networks. The shelter placement services offered by the MOHW for women with disabilities who are also victims of domestic violence are offered in accordance with the ministry's *Procedures for the Placement of Victims of Domestic Violence in Shelters*. The procedures consider all victims of domestic violence without paying special attention to women with disabilities. Thus, at a meeting held by the ministry, it indicated that in response to the latest changes, the *Guidelines for the Protection of Persons with Disabilities* should be more thorough and account for the different groups of persons with disabilities.

¹¹ Subparagraph 3, Article 8 of the *Domestic Violence Prevention Act* stipulates that the competent authorities of special municipalities, counties, and cities provide short-term, medium-term and long-term shelter placements for victims of domestic violence and their minors. However, among the 37 short-term, medium-term and long-term shelter placements nationwide, only 11 have made accessibility improvements.

¹² The MOHW indicated that during the time that they are at a shelter, women with disabilities who are

27. The NHRC asserts that accessible facilities offered by medical institutions are currently insufficient, and that health-related education and notifications for women to receive physical examinations lack readable and translated versions, making it inconvenient and difficult for women with disabilities to access medical resources. The health of these women is thereby compromised and their medical treatment delayed. Such inadequacy creates challenges and even endangers women receiving fertility/maternity examinations and preventive check-ups.¹³ The NHRC recommends that the ministry pay more attention to the situations and needs of women with disabilities, set clear targets and schedules, actively supervise medical institutions to ensure that they provide the proper equipment and support services (e.g., communication assistance for persons with visual impairment or hearing impairment) for women with disabilities (and actively check the quantities of said equipment and services), and follow up on the women's actual medical treatment and health service usage status. These endeavors assure that women with disabilities can easily access medical treatment and health services, thus protecting their health and right to medical treatment.
28. The CRPD Second Report revealed that in senior high schools, the dropout rate of female students with disabilities was slightly lower than that of their male counterparts. And in colleges and universities, the percentage differences in suspension between male and female students with disabilities were within one

victims of domestic violence may request services such as home care, a personal assistant, and sign language interpretation services. Upon receiving such requests, social workers shall make an assessment and contact the relevant service units to apply for the required services, given that the requests have been deemed valid. However, in 2019, all 108 women with disabilities (whose disabilities included physical disabilities, hearing impairment, intellectual disorders, mental disorders, and multiple disorders) placed in shelters nationwide did not apply for any of the aforementioned services. An instance of a woman with hearing impairment failing to apply for a sign language interpreter after she was placed in a shelter was also observed. The lady communicated with her social workers only through writing, which prevented her from describing her circumstances in detail and receiving the appropriate services. The MOHW also did not investigate whether women with disabilities who are victims of domestic violence have difficulty expressing their needs, and whether the social workers serving these girls or women are aware of the fact that they have to apply for such services. The ministry only stated the following in its response: "The county and city governments indicated no use of related services. Additionally, some girls or women with disabilities were only in the shelters for a short period of time and did not need to apply for special needs services."

¹³ Examples include the stairs are unfavorably designed in mammography vehicles; patients being required to stand up next to mammography examination equipment; prenatal examination tables being too high; and gynecological examination equipment and facilities lacking assistive devices.

percent. Nonetheless, the NHRC noted that in senior high schools, the dropout rate of female students with disabilities was higher than that of their non-disabled counterparts. In colleges and universities, the suspension rate of female students with disabilities was also higher than that of their non-disabled counterparts. Besides, in senior high schools, the dropout rate of female students with disabilities was higher than that of their male counterparts whereas the percentage of female students with disabilities studying in colleges and universities was less than that of their male counterparts.¹⁴ Thus, the NHRC recommends that the MOE perform in-depth research and investigation into the personal and educational circumstances of female students with disabilities to determine the obstacles they encounter and the reasons why their admission and dropout rates are worse than those of their male counterparts, in order to introduce adaptive measures.

29. In all cities and counties in 2019, 23.81% to 52.17% of the members of committees working to protect the rights of persons with disabilities were disabled themselves or were representatives of disabled persons' organizations.

¹⁴ According to the statistical data released on the MOE website (<https://depart.moe.edu.tw/ED4500/cp.aspx?n=DCD2BE18CFAF30D0>) and Tables 24.3 and 24.4 of the CRPD Second Report:

- i. Senior high schools during the 2018–2019 academic year:
 - a) Female students with disabilities accounted for 2.48% of the female student population. However, only 0.76% of non-disabled female students dropped out of school, whereas 8.99% of female students with disabilities did. During the 2018–2019 academic year, female students with disabilities studying in senior or vocational high schools accounted for 2.48% of the female student population in these schools. Yet, female students with disabilities who dropped out of school accounted for 12.83% of the female student population who dropped out of school, **a difference of 5.17 times**. In contrast, during the 2018–2019 academic year, male students with disabilities studying in senior or vocational high schools accounted for 4.60% of the male student population studying in these schools, and male students with disabilities who dropped out of school accounted for 15.33% of the male student population who dropped out of school, **a difference of 3.33 times**.
 - b) From the 2016–2017 academic year to the 2018–2019 academic year, female students with disabilities were 11.34, 11.46, and 5.80 times more likely to drop out of school than their non-disabled counterparts were, whereas male students with disabilities were 7.12, 7.41, and 4.96 times more likely to drop out of school than their non-disabled counterparts were.
- ii. Colleges and universities during the 2018–2019 academic year: Female students with disabilities (N = 4,818) accounted for 0.76% of the female student population (N = 630,469). However, only 6% of non-disabled female students dropped out of school, whereas 10% of female students with disabilities did.
- iii. During the 2019–2020 academic year, there were more female students than male students studying in colleges and universities, where 50.61% of the students were female. However, the percentage of female students with disabilities only accounted for 0.81% of the female student population, whereas that of male students with disabilities accounted for 1.61% of the male student population.

However, in 11 cities/counties, less than half of these members were women with disabilities, and in some cities and counties, the number was less than 30%.¹⁵ The NHRC is deeply concerned that committees with this makeup might not be able to ensure that the policies or plans which are formulated, implemented, and monitored take the perspective of women with disabilities into account. The NHRC urges that the government address this concern and make improvements so that an appropriate number of women with disabilities are present for the decision-making process.

30. The NHRC has also noted that the percentage of women with disabilities working as civil servants accounted for 0.71% of civil servants nationwide, which was substantially lower than that of their non-disabled counterparts (41.41%) and lower than that of their male counterparts (1.2%). Also, in 2019, only 32 women with disabilities worked as senior ranking civil servants, revealing that women with disabilities have far fewer pathways and opportunities to participate in public sector decision-making than their non-disabled counterparts and male counterparts do.¹⁶ Thus, the NHRC recommends that the government actively increase the number of women with disabilities serving and making decisions in the public sector.

Number and percentage of persons with disabilities working as civil servants or as senior ranking civil servants in 2019, listed by gender

Gender and health status	Civil servants nationwide		Senior ranking civil servants	
	Number	Percentage (%)	Number	Percentage (%)
Men with disabilities	4,355	1.2	118	1.2
Women with disabilities	2,576	0.7	32	0.3
Non-disabled men	204,831	56.7	6,027	63.3
Non-disabled women	149,659	41.4	3,352	35.2
Total	361,421	100.0	9,529	100.0

¹⁵ According to statistical data provided by the MOHW, in all cities and counties in 2019, 23.81% to 52.17% of members of committees working to protect the rights of persons with disabilities were disabled persons themselves or representatives of organizations assisting persons with disabilities. 14.29% to 85.71% of these disabled persons or representatives were women with disabilities. In 11 cities or counties, less than half of the members were women with disabilities; and in four cities or counties, this number was less than 30%.

¹⁶ According to the 2019 *Statistical Yearbook of the Civil Service* (https://www.mocs.gov.tw/pages/law_list.aspx?Node=449&SecenNode=1387&Index=0), women with disabilities accounted for 1.69% of female civil servants and only 0.95% of female senior ranking civil servants.

Source: *The 2019 Statistical Yearbook of Civil Service* compiled by the Ministry of Civil Service, and *2021 Gender at a Glance* compiled by the Department of Gender Equality of the Executive Yuan

31. The NHRC is deeply concerned about long-term problems that women with disabilities are exposed to, such as low labor force participation rates, high unemployment rates, and low wages.¹⁷ These problems lead to a lack of financial security and increased poverty among women with disabilities. Routine surveys conducted by the Ministry of Labor (hereinafter referred to as the MOL) have shown that the percentage of women with disabilities who are not in the labor market for reasons such as “housekeeping” and “family care” does not differ significantly from that of the female population as a whole. However, the NHRC contends that the ministry assumes the employment challenges faced by women with disabilities are identical to those of non-disabled women. Additionally, the NHRC would argue that the ministry has not thoroughly investigated underlying factors that contribute to the differences in housekeeping and family care between women with disabilities and their non-disabled counterpart. And the ministry has not explored the problem of unsatisfying jobs and lower income for women with disabilities, which may be due to employers’ unwillingness to hire women with disabilities, employers’ stereotypes towards women with disabilities, lower educational levels resulting in reduced employability for women with disabilities, or limited job choices. To date, such information remains lacking, highlighting the ministry’s lack of attention to the employment challenges faced by women with disabilities as well as lack of affirmative action. The NHRC recommends that the ministry conduct in-depth surveys and research to collect statistical data on the employment of women with disabilities, formulate employment support

¹⁷ According to the *2021 Gender at a Glance* compiled by the Department of Gender Equality of the Executive Yuan, in 2019, the participation rate of women with disabilities in the labor force was 14.7%. This number was higher than in 2016 (14.1%) but still drastically lower than among males (67.3%), females (51.4%), and men with disabilities (25.5%). Additionally, the monthly salary or wages of employed women with disabilities barely reached the minimum wage. Although the percentage of women with disabilities who were not in the labor market for reasons such as “housekeeping” and “family care” (67.9%) did not differ significantly from the female population as a whole (65.1%), the former had an unemployment rate of 8.1%, which was considerably higher than that of the female population as a whole (3.6%) and other female groups. The monthly earnings of female employees with disabilities were NT\$25,046, only as much as basic wage and substantially lower than the earnings of ordinary female employees (NT\$35,954). Finally, according to a survey conducted by the MOL, in 2016, 12.63% of women with disabilities could not work for family reasons, which was 7.88% higher than the percentage of men with disabilities.

measures that meet actual needs, and allocate sufficient resources to encourage women with disabilities to work in the labor market.

Article 7: Children with disabilities

32. Points 28b) and 29b) of the Concluding Observations of the ROC's Initial CRPD Report stated that the sexual abuse of children with disabilities has been widely reported in segregated special schools, and that International Review Committee (hereinafter referred to as the IRC) urged our government to take steps to investigate, respond to, and redress the sexual abuse of children with disabilities in school settings. However, the NHRC discovered that the MOE has not yet conducted a detailed statistical analysis of suspected cases of sexual violence. Therefore, detailed factual information regarding the sexual abuse of children with disabilities in special schools could not be learned, and the sexual abuse of children with disabilities in special schools cannot be effectively prevented.

33. Points 28c) and 29c) of the Concluding Observations of the ROC's Initial CRPD Report indicated a disparity in the availability of resources to children with disabilities in urban and rural settings, and the IRC recommended that the government eliminate the distinction between resources available to rural and urban families. Accordingly, to enable early detection of children with developmental delays and respond accordingly, as well as to diminish the gap between urban and rural settings, the MOHW developed and conducted a joint assessment of early treatment services for children with developmental delays. Nonetheless, per a Control Yuan investigation report¹⁸, since 2018, the Health Promotion Administration of the MOHW (hereinafter referred to as the HPA) has changed its procedures, instead providing subsidies to joint assessment centers for child development organized and established by local governments. Thus, existing problems such as case requirements and procedures being different between different centers prevented the centers from fulfilling their functions. These problems have yet to be resolved, and some local governments have failed to develop assessment procedures for their assessment teams or to assist their joint

¹⁸ The Control Yuan investigation report approved on February 18, 2020.

assessment centers in completing comprehensive case reports prior to deadline. Thus, the MOHW has proposed improvement measures such as formulating procedures and guidelines governing joint assessment centers for local governments to implement and use, and paying regular visits to the centers to provide guidance. The NHRC will continue to follow up on the improvement results.

34. Per a Control Yuan investigation report¹⁹, the NHRC discovered a severe shortage of professional workers such as audiologists and speech therapists in the offshore islands and remote areas. These professional workers are concentrated in metropolitan areas. Thus, these offshore islands and remote areas are unable to respond to the number one need (in terms of the functional delay category) of children with developmental delays, which is language and communication.
35. The NHRC understands that the needs of children with disabilities are often overlooked. When protecting the rights of persons with disabilities, adults' perspectives are generally adopted, resulting in the rights of children with disabilities being overlooked and jeopardized, and the protection of such rights being challenged. Therefore, in the concluding observations of the CRPD report released worldwide, the Committee on the Rights of Persons with Disabilities of the UN repeatedly indicated that the State should systematically ensure the right of children with disabilities to participate in relevant decision-making. Nevertheless, government at all levels has still not selected representatives of children with disabilities to participate in decision-making, thereby failing to respect and protect the rights of these children to express their opinions.²⁰ Thus,

¹⁹ The Control Yuan investigation report approved on February 18, 2020 indicated that speech therapists and audiologists are the two jobs with the fewest workers. Speech therapists and audiologists are primarily found in the six special municipalities of Taiwan. The number of speech therapists and audiologists in the offshore islands of Taiwan are: Penghu, three speech therapists and one audiologist; Kinmen, two speech therapists; and Lienchiang County, no speech therapists or audiologists.

²⁰ According to survey results from the Social and Family Affairs Administration of MOHW (the results were presented in a reply made by the administration), from 2017 to 2019, there were 9, 3, and 7 children with disabilities representing children in local governments. These children accounted for approximately 1% to 2% of child representatives as a whole. Although this number was similar to the number of children with disabilities as a percentage of children as a whole, a closer look at different cities and counties revealed that only 5, 3, and 5 cities or counties had representatives who were children with disabilities, respectively. In 2019, the MOHW as well as committees working to protect the rights of persons with disabilities in all cities and counties had not included representatives who were children with disabilities. Regarding this problem, the MOHW issued the following reply:

the NHRC advises that government at all levels comply with General Comment No. 7 of the CRPD, Articles 12 of the Convention on the Rights of the Child (hereinafter referred to as the CRC) and General Comments No. 9 of the CRC, to create an environment favorable to the establishment and operation of organizations representing children with disabilities. Such an environment must include providing appropriate resources to support and train families and the relevant professional personnel.

Article 8: Awareness-raising

36. The NHRC notes that despite the CRPD Second Report stipulating that government agencies provide CRPD education and training for civil servants, judicial personnel, policemen, and social workers every year, persons with disabilities still feel that the public sector displays insufficient knowledge of CRPD. Additionally, no evaluation mechanisms are in place to determine the effects of training coverage rates on raising trainee awareness. As a result, the software and hardware services and facilities provided often fail to meet and protect the needs and rights of persons with disabilities.
37. Although the MOHW continues to grant subsidies to local governments and private organizations each year to cohost events that raise people's disability awareness, the NHRC has noticed that the number of subsidy applications (and subsequently the number of subsidies granted) has seen gradual declines each year. Additionally, the number of subsidies granted varies considerably among counties and cities, and no evaluation mechanisms are in place to determine the effects of these events on raising people's disability awareness.²¹ As a result,

“Concerning the rights of children with disabilities, the relevant units may invite children with disabilities to participate in the discussion via disabled persons’ organizations or parent groups. The relevant units should maintain close contact with such organizations and parent groups to plan events suitable for children with disabilities to participate in.” Such a reply shows that whether children with disabilities can be involved in decision-making is determined by government agencies. Such an approach does not respect and protect the right of children with disabilities to express their opinions and is not in compliance with the CRPD.

²¹ According to statistical data released by the MOHW, the number of subsidies granted by the ministry to local governments, corporate juristic persons, foundations, and private organizations to cohost promotional events in order to raise disability and CRPD awareness had decreased from 493 in 2016 to 351 in 2019. The number of subsidies received by most cities/counties ranged from 13 to 47; however, 8 cities/counties received only 1 to 2 subsidies, and Lienchiang County received none.

persons with disabilities continue to face and feel discrimination in society.

38. The NHRC pays attention to the negative stereotypes towards and discriminatory language used against persons with disabilities in the mass media. For example, due to erroneous reports, the public mistakenly attributed the 2019 death of a railroad policeman to a violent act committed by a person with a mental disorder. The NHRC reviewed relevant data provided by the National Communications Commission (hereinafter referred to as the NCC) and highlighted the following issues:

- (1) Between 2016 and 2019, only three cases of discriminatory language against persons with disabilities were filed against radio and television operators. All three cases were filed by the public. Because the focus of the complaints did not involve discrimination against specific individuals, as prohibited by the MHA, the NCC merely issued letters to the radio and television operators requesting that improvements be made and reminding them not to use language that stigmatizes persons with disabilities. The NCC responded by saying that because the Constitution of the ROC ensures freedom of speech and respect for the autonomy of the mass media, the NCC has adopted the practice of “tripartite supervision”. That is, mass media themselves are the first to monitor the content released on mass media.²² The content is subsequently monitored by the public and finally by the NCC. However, this method of oversight relies heavily on the mass media and the public, and the NCC does not actively monitor whether television content contains discriminatory reporting. The NCC merely processes complaints filed by the public and imposes sanctions or issues letters to the radio and television operators if the content has been confirmed to be inappropriate.²³ Thus, the number of cases being processed does not reflect the actual feeling of discrimination experienced by persons

Furthermore, except for the “number of persons who benefited from the promotional events,” the MOHW did not provide any data measuring the effectiveness of the promotional events.

²² Pursuant to regulations formulated by the NCC, wireless television and satellite broadcasting operators producing news and television programs shall establish their own self-regulatory rules, television program advisory committees (for hosting meetings to independently process complaint cases submitted by the public), and ethics committees; and promote television program review systems to review television content on their own. To date, operators producing news have all set their self-regulatory rules.

²³ Including how television programs are scheduled, how content is planned, and which guests are invited.

with disabilities. This problem shows that the NCC has failed to comply with the CRPD and to fully fulfill its responsibilities as a national communications competent authority as stipulated by the PDRPA.

- (2) To reduce discriminatory reporting, the NCC stated that it reviews radio and television operators' broadcast content during assessments and license renewals as a means of monitoring whether the operators use discriminatory epithets or descriptions in their news reports and present discriminatory content or news reports about such persons, ultimately giving rise to prejudice and discrimination against them. However, in actual practice, this measure is only one of many items²⁴ used in assessing radio and television operators during assessments and license renewals and has little effect on the review results. During reviews, the NCC merely requests that operators provide "gender equality, child protection, and multicultural achievement-related content" as well as "other administrative sanction-related content." Unfortunately, the former merely encourages (rather than mandates) operators to practice gender equality, child protection, and multicultural achievement, whereas the latter (i.e., the MOHW and local governments sanctioning operators for releasing discriminatory reporting) is close to being "non-existent." For instance, even after the MOHW announced guidelines for media reporting on persons with mental disorders, no radio or television operators were sanctioned for discriminatory reporting following reviews between 2016 and 2019.²⁵ Thus, no cases of radio or television operators being denied licenses or receiving unfavorable reviews because of discriminatory reporting.
- (3) The NCC declared that it will send letters to the MOHW if it is found that radio and television operators use discriminatory epithets or descriptions in their news reporting in violation of the MHA. For example, from 2016 to 2019, the NCC sent letters to inform the MOHW of three news reports (covering two cases) suspected of violating the MHA (i.e., a March 28, 2016 case involving a girl in Neihu²⁶ and a July 4, 2019 case involving a woman torturing and

²⁴ According to the assessment regulations, the items to be examined consist of 6 major items and 40 sub-items. "Gender equality, child protection, and multicultural achievements" is merely one of the sub-items.

²⁵ The sanctioning units include the MOHW, the NCC, and local governments. However, the NCC contends that, between 2016 and 2019, no sanctions (for discriminatory reporting) were imposed on any radio or television operator during their assessments or license renewals.

²⁶ Neihu girl case on March 28, 2016: On April 13, 2016, the NCC sent letters to inform the MOHW of

killing her father-in-law ²⁷). However, the MOHW did not impose sanctions in response to any of the three reports.

- (4) The MOHW has announced guidelines for media reporting on persons with mental disorders. By contrast, other government agencies have yet to establish specific guidelines for media reporting on persons with disabilities (e.g., guidelines prohibiting discrimination and derogation). For example, stories of persons with epilepsy getting into traffic accidents reported in the mass media generally create negative feelings toward such persons, preventing the public from understanding and supporting persons with epilepsy. The NHRC recommends that the relevant competent authorities formulate reporting guidelines for news media and media personnel to follow.
- (5) The NCC is responsible for supervising radio and television content to ensure that it is discrimination-free. Besides, pursuant to the PDRPA and the MHA, the MOHW and local governments shall oversee and sanction print media such as newspapers and magazines. Nonetheless, the CRPD Second Report has failed to indicate the number of cases reviewed and any resulting sanctions.
- (6) Investigations showed that between 2016 and 2019, the NCC provided only a few education and training sessions to radio and television operators to eliminate discrimination by them against persons with disabilities. Additionally, the NCC mostly relied on the operators to organize their own classes and rules. The commission indicated that organizing such classes and rules would be viewed as a plus for the operators during their assessments and license renewals.

Article 9: Accessibility

news reports released by 2 domestic news channels that violated the MHA. On April 20, the MOHW issued a response letter indicating that it was difficult to ascertain that the news content was in violation of the act.

²⁷ Woman torturing and killing her father-in-law case on July 4, 2019: On July 8, 2019, the NCC sent a letter to inform the MOHW of a news report released by a domestic news channel that violated the MHA. The MOHW subsequently issued a letter to the Department of Health, Taipei City Government to handle the case. On August 12, 2019, the department issued a letter to the news channel requesting that it comply with the “Six Do’s and Four Don’ts” principle when reporting on patients with mental disorders, consult with psychiatric or legal experts to ensure balanced and objective reporting, and provide mental health-related community resources or health education.

A. Buildings and Environments

39. The NHRC has noted the following problems concerning the promotion of accessible buildings and facilities by the MOI. More than 40 years have passed since the promulgation of the *Welfare Law for Handicapped Persons*, an act that mandated that the government promote accessible facilities. Additional Articles of the Constitution of the ROC has also required the government to ensure the construction of accessible environments for persons with disabilities. Nevertheless, for a long time, local governments have used insufficient manpower and funding as excuses not to engage in such endeavors. Similarly, the MOI has yet to introduce projects with targets and deadlines and adopt strong oversight methods to effectively urge local governments to actively and increasingly engage in such endeavors. The government's failure to actively remove obstacles in the physical environment, thereby hindering the promotion of accessible living environments remains the most criticized issue to date.

- (1) As of 2019, some cities and counties showed low completion rates in terms of improving the accessibility of their public buildings. Some cities and counties scored less than 30%, highlighting the inadequacy of the MOI's oversight of local governments and lack of insistence that they implement improvement measures.²⁸
- (2) From 2016 to 2019, a total of 13 local governments did not submit annual subsidy applications to the MOI for leveling their pedestrian arcades. In fact, seven cities and counties did not submit such applications in any of the four years, revealing the limited impacts of the subsidy policies. No countermeasures have been proposed by the ministry to date. Additionally, some pedestrian arcades remain uneven even after leveling takes place, and persons with disabilities still encounter difficulties in moving along them.²⁹
- (3) The MOI amended the *Regulations on Design Standards and Encouragement*

²⁸ According to Table 9.1 of the CRPD Second Report, as of December 2019, nine cities/counties failed to improve the accessibility of the facilities found in their existing public buildings, with a completion rate less than 70%. These cities/counties included Taipei City (50.6%), New Taipei City (47.6%), Miaoli County (51.9%), Changhua County (59.7%), Nantou County (67.0%), Yunlin County (39.7%), Chiayi County (63.4%), Hualien County (28.6%), and Taitung County (58.6%).

²⁹ For example, building-related laws and regulations mandate that pedestrian arcades be leveled and be at the same height as the ground on either side. However, no guidelines are in place to indicate whether the arcades should be at the same height as the ground on the building or street side. Also, illegal construction or landowners engaging in additional construction afterwards have resulted in pedestrian arcades being at disparate heights in three to four areas every 500 meters.

of Accessible Housing in 2016 and introduced accessible housing unit certificate and accessible housing certificate system. Although the ministry declared at the time that local governments were expected to submit 60 accessible housing certificate applications, no applications were received between 2016 and 2019, and only two certificates have been issued since 2020. The other scheduled applications were for public housing. These results indicate that the reward measures have proven ineffective. Additionally, in the public housing, no mechanisms benefiting persons with disabilities are in place, and no public housing units have been reserved for allotment to persons with disabilities³⁰.

- (4) Between 2018 and 2019, the MOI processed only one subsidy application, which involved accessible facility improvement and elevator construction in a dwelling/condominium of five floors or fewer. Although the original subsidy amount was subsequently increased and conditions for granting subsidies were relaxed (for future subsidy applications), only five subsidy applications were processed in 2020. From 2018 to 2020, the subsidy applications that were processed were all for existing dwelling/condominiums wishing to improve the accessibility of their facilities. These results indicate that the policies that have been introduced are relatively ineffective.
- (5) The penetration rates of accessible sidewalks remain low and differ widely among counties and cities, with some counties and cities having penetration rates of over 70% and others less than 20%. These results indicate that the *Evaluation Project of Urban Road Maintenance and Management and Sidewalk Accessibility* implemented by the MOI each year is relatively ineffective.
- (6) The construction and placement of accessible facilities in locations such as sidewalks, parks, and parking lots is frequently incorrect, showing that the construction workers involved possess insufficient knowledge and training.³¹

³⁰ The MOI indicated in a forum that it would investigate the issue of persons with disabilities having no priority in the allotment of units in public housing and determine whether improvements needed to be made.

³¹ Examples include the guide bricks installed along sidewalks being poorly designed and unable to guide persons with disabilities, a brick thickness of 4–5 mm (which may cause pedestrians to trip), parking lots having accessible parking spaces but their entrances or exits containing obstacles, parking lot payment machines being placed in locations that require people to negotiate stairs, accessible ramps in parks containing car parking blocks, and entrances and exits being blocked by railings.

- (7) Buildings and environments are still plagued by physical obstacles. Examples include accessible ramps being blocked by motor vehicles, persons with disabilities not being able to reach service bells, and too few traffic lights with audio signals. These obstacles compromise the rights of persons with disabilities, preventing them from enjoying the same rights that everyone enjoys.
40. The NHRC believes that the subsidies granted by the MOHW to improve the accessibility of facilities in residential housing for persons with disabilities are provided through the welfare system and the long-term care system for persons with disabilities. On paper, it may seem that persons with disabilities can choose the system they wish to apply based on their needs. However, the two systems receive funding from different sources³² and thus have different subsidy standards. Additionally, the amount of subsidies granted and the subsidy items provided only offer limited help in improving the accessibility of facilities in residential housing, thus failing to meet the needs of persons with disabilities. For persons who become disabled due to acquired factors or aging, the accessibility of facilities in residential housing needs to be adjusted and improved accordingly. Lastly, no guidelines or review mechanisms are in place to determine whether the person receiving the subsidies has responsibly improved the accessibility of the facilities, and whether the improved facilities meet accessibility standards.
41. The NHRC notes that institutions such as nursing homes, senior citizens welfare institutions, disabled welfare institutions, mental health care institutions, and residential long-term care institutions have all included accessibility indicators as part of their institution assessment indicators. In contrast, child and youth placement and educational institutions assess the accessibility of their facilities based on the guidance and review results announced by the competent authority. Such a practice is inadequate and does not protect the rights of children with disabilities³³.

³² Welfare system services for persons with disabilities are statutory services and thus are funded by local governments. Funds subsidized by the central government only play a supporting role. In contrast, funding for long-term care systems is mainly provided by the central government.

³³ Institutions such as nursing homes, senior citizen welfare institutions, disabled welfare institutions, mental health care institutions, and residential long-term care institutions have all included accessible

42. The NHRC commented that the *Physically and Mentally Disabled Citizens Protection Act* amended on April 23, 1997 (now the PDRPA) stipulated that the competent authorities of schools at all levels shall provide accessible campus environments to allow persons with disabilities to enjoy equal educational opportunities. Since then, more than 20 years have passed. Amendments to the SEA on January 23, 2013 also required schools to provide accessible campus environments. Although the MOE had promulgated the *Guidelines for Subsidies Granted by the Ministry of Education to Special Municipality/County/City Governments to Provide Education to Students with Disabilities*; *Guidelines for Subsidies Granted by the K-12 Education Administration, Ministry of Education to Improve the Accessibility of Campus Environments*; and *Guidelines for Subsidies Granted by the Ministry of Education to Colleges and Universities to Improve the Accessibility of Campus Environments* to help local governments and schools improve their campuses, the subsidies and resources offered are limited and lack effective mechanisms for monitoring project schedules. Thus, little progress has been made and the improved accessible facilities sometimes still fail to meet current laws and regulations. To date, the goal of constructing accessible campus environments in all schools remains unfulfilled.

B. Transportation and roads

43. The CRPD Second Report shows that there has been an overall increase in the total number of rehabilitation buses and people served, and that service coverage has grown from 5.52% in 2016 to 10.48% in 2019. However, after reviewing the data provided by the relevant central authorities, the NHRC feels it necessary to raise the following issues:

- (1) The number of drivers is less than the number of vehicles. In certain counties and cities, the gap in the ratio of vehicles to manpower allocation is

facility-related indicators as part of their institution assessment indicators. By contrast, child and youth placement and education institutions assess their accessible facilities based on the coaching and review results announced by the competent authority. The “Regulations on Accessible Facilities” (improvement recognition principles replaced or completed improvement in approved replacement project) is merely one of the items reviewed in “Buildings, Facilities, and Equipment.” In “Buildings, Facilities, and Equipment,” which is assessed annually, a score of “0” is given only if the average faults in Items 1 and 2 equal to five or more.

particularly pronounced.³⁴ However, the competent authorities only assessed the rationality of the vehicle to manpower ratio based on the fact that rehabilitation buses need backup vehicles to support dispatch needs,³⁵ clearly neglecting the shift-based nature of bus drivers' work.

- (2) The service coverage in certain counties and cities is less than 5%,³⁶ and in some cases, the coverage has even seen a decrease, rather than an increase.
- (3) Some counties and cities are unable to expand their budgets due to financial restrictions, thus limiting the number of times persons with disabilities under their jurisdiction can utilize the services³⁷. Some local governments even limit the number of service reservations that persons with disabilities can make, on the grounds that they bear the entire burden of funding.³⁸
- (4) The data in the CRPD Second Report include vehicles that have exceeded the driving mileage, reached the replacement period and those lent to institutions and groups.³⁹ Likewise, it includes drivers who do not provide full-time rehabilitation bus services in the calculation of manpower⁴⁰. This can lead to the risk of overestimating resources and misjudging the rationality of resource allocation.
- (5) Rehabilitation buses are public buses that provide transportation service to persons with disabilities, yet their operating hours are not comparable to regular buses, and are often limited to 8 a.m. to 5 p.m., Monday to Friday.

³⁴ In 2016 and 2017, the ratio of rehabilitation buses to drivers was 1:0.92, but in 2018 and 2019, it had dropped to 1:0.90. Moreover, in 2019, there were 12 counties and cities where there were far fewer drivers than vehicles, out of which 6 even had ratios lower than 1:0.8.

³⁵ As stated by the MOTC at a conference held by the NHRC, the appropriate vehicle to driver ratio is 1:1.2. However, according to the MOHW, rehabilitation buses require the backup vehicles to support dispatch needs. Roughly 1 backup vehicle is required for every 10 vehicles. The overall ratio of vehicles to drivers is 1:0.90, which is within reasonable range.

³⁶ From 2016 to 2019, the overall coverage rate of rehabilitation bus service increased from 5.52% to 10.48%. However, based on observations, service coverage in 2019 was less than 10% in 18 counties and cities, out of which 13 did not even reach 5%.

³⁷ For example, in 2019, a service recipient utilized the services 33 times on average. But in 5 counties—Yilan County, Changhua County, Nantou County, Yunlin County, and Chiayi County—the average usage is lower than this.

³⁸ Service recipients in Nantou County averaged fewer than 10 trips per year due to the “two days per person per week” limitation imposed on the service, which is provided by the County Government free of charge.

³⁹ As stated by the MOHW: Non-rental rehabilitation buses are official vehicles. The mileage of certain buses has exceeded the limit of 125,000 km, but the buses have not reached the replacement age. For buses which have reached the replacement age, no new drivers will be hired at this time to prevent drivers from having no buses to drive when these buses are written off.

⁴⁰ The rehabilitation bus service in Kinmen is offered by drivers in rotation hired by the Bus and Ferry Management Office.

This constitutes discrimination, as it essentially restricts the rights of persons with disabilities to accessible public transportation.

44. The NHRC has noted that transportation services provided to persons with disabilities include rehabilitation buses, accessible taxis, accessible city and intercity transportation, and long-term care shuttle services. These services lack an integrated platform owing to the fact that they involve different central competent authorities. As a result, persons with disabilities have to make repeated inquiries through different system interfaces or portals on their own, which is not conducive to getting the information and services they need and finding out what vehicles they can use. Furthermore, the number of accessible taxis is not yet widespread⁴¹, and their distribution among counties and cities varies, resulting in individuals with physical impairments often finding it difficult to make a reservation. When doing so, they have to consult each company or driver one by one. Some accessible taxis have even switched to picking up passengers at tourist attractions after collecting government subsidies. Accessible taxis were meant to complement the inconvenience of buses, but it has resulted in an increased fare for persons with disabilities.
45. Although the CRPD Second Report mentions that 67% of buses in urban areas are low-floor buses as of 2019, the NHRC has noted the following issues which cause Taiwan to still be unable to achieve full public transport accessibility. This urgently requires the competent authorities to carefully review and propose improvement strategies and establish scheduled projects for:
- (1) There is a huge gap in the percentage of accessible buses among Taiwan's counties and cities, with the highest surpassing 70% but still 10 counties and cities at less than 50%. When judging by frequency, the gap is also quite large, with the highest being 75.7% and the lowest 17%.
 - (2) Most counties and cities have not reached the target of having at least 1 low-

⁴¹ As of the end of 2019, the number of accessible taxis in operation was 1,247, which only accounted for 1.36% of all taxis nationwide (97,898 vehicles, according to the MOTC's Taxi Operation Status Survey Report from January to December 2019). Compared with the 1.167 million persons with disability (including 367,000 persons with physical disabilities) as of year-end 2017, the percentage clearly suggests a deficiency in the number of accessible taxis as well as uneven distribution across administrative regions.

floor bus on every city bus route. Some even have an achievement rate of less than 60% of all routes.

- (3) As the number of accessible buses (including low-floor buses) is not widespread in most counties and cities, wheelchair users are often refused travel when attempting to ride a bus during rush hour. Disciplinary mechanisms exist, but they are ineffective. There is also a lack of positive reward mechanisms that encourage bus drivers to provide service on their own initiative.
46. According to table 9.5 of the CRPD Second Report, there has been an annual increase in the number of persons with disabilities (including companions) using public transportation services under the Ministry of Transportation and Communications (hereinafter referred to as the MOTC), including Taiwan Railway, Taiwan High Speed Rail, and air and water transport. However, the NHRC has noted that the number of persons with disabilities using intercity buses has decreased. The number of service recipients in 2019 decreased by 15% compared to 2016, and it is recommended that the competent authorities investigate to determine the reasons for this decrease and propose appropriate solutions.
47. The NHRC notes that the MOTC, as the central competent authority, has failed to refer to the excellent design of bridge plates in other countries. The tenon style bridge plates currently used on subsidized low-floor and accessible buses fall off easily, potentially injuring wheelchair users when they are getting on and off the bus. They are also difficult to control, meaning drivers can also get hurt if not operated properly. In addition, it is not uncommon for wheelchair passengers to experience falls and injuries due to their wheelchair overturning on the bus. The reasons are that drivers sometimes do not follow standard operating procedures when assisting persons with disabilities in fastening security belts and anchoring wheelchairs, and the method of securing the wheels is also sometimes incorrect. From February 16 to April 15, 2019, the Directorate General of Highways, MOTC carried out a mystery customer project to inspect the quality of service of accessible intercity buses under its jurisdiction. Inspectors found 196 deficiencies, the top 3 most common of which included failing to assist

passengers with fastening or unfastening security belts and wheelchair hooks.⁴² The above result indicates that the MOTC has not effectively monitored and managed intercity bus companies under its jurisdiction to ensure that accessible services are provided in the correct manner so that passenger safety is kept.

48. The CRPD Second Report indicates that, as of 2019, 83% of intercity bus routes were barrier free, and accessible design had been completed on 19 fixed ferry routes, equal to 61% of all routes. However, after requesting more information from the MOTC, the NHRC found that in 2019, only 14.22% of the buses in the dispatch schedule of these accessible intercity bus routes were actually barrier-free,⁴³ and a mere 0.16% of ferries on accessible ferry routes were barrier free.⁴⁴ The MOTC did not specifically plan for all routes and all schedules to fully meet accessibility requirements. Instead, the goal is to provide accessible services on a fixed daily schedule. Persons with disabilities are forced to conform to the fixed schedule and are unable to enjoy the convenient transportation facilities and services that ordinary people enjoy. Clearly, the MOTC failed to solve the problem of an overall lack of accessible transportation in Taiwan.
49. As of the end of 2019, 40 stations (43 in 2020) completed platform level adjustment project by Taiwan Railway Administration (hereinafter referred to as the TRA) to raise platforms to 115 cm. This only accounts for 18.26% of all stations. Additionally, at the close of 2019, there were 32 unmanned stations operated by TRA, and out of these, only 5 had completed platform elevation, meaning that only 15.63% of unmanned stations have elevated platforms. Nevertheless, TRA has set a clear improvement schedule. It plans to complete platform elevation projects at all 229 stations to remove height differences between the platforms and the trains and install accessible elevators in 149 stations by 2022. The NHRC will continue to monitor the results of these follow-up improvements.
50. The MOTC incorporated accessible air transport services as an evaluation item

⁴² Data cited from the Control Yuan investigation report approved on September 10, 2019.

⁴³ Schedule of accessible buses (740,300 schedules)/total bus schedules (5,206,287 schedules) * 100%.

⁴⁴ In 2018, 46 accessible passenger ferries were scheduled, and in 2019, 60 were scheduled, out of a total number of 31,790 and 36,785 scheduled ferries, respectively, for ratios of 0.14% and 0.16%.

under “measures for ensuring gender-equality in air transport services” in the biennial civil aviation industry’s Gender Equality Promotion Assessment. However, the NHRC believes this was a superficial manner of dealing with the topic. Furthermore, the items involved are primarily service measures⁴⁵ related to gender, making it difficult to effectively achieve the target of full accessibility in the civil aviation industry.

C. Information accessibility

51. Although the MOHW has provided readability awareness and promotion training for government personnel at all levels every year since 2018, the NHRC believes that the dissemination and accessibility of the readable format is still insufficient and lacks production guidelines. Much important information is also simplified in the translation process.

52. The NHRC has expressed deep concerns for the impact of telephone communication challenges faced by persons with hearing impairments in all aspects of life. In contrast, persons with hearing impairments in the United States, Europe, and South Korea can readily utilize services or platforms that translate the sound signals from phone calls into sign language and video signals, achieving accessibility. Although some businesses in Taiwan provide such Video

⁴⁵ The 2020 *Assessment of the Civil Aeronautics Administration’s Handling of the National Civil Air Transport Industry’s Promotion of Gender Equality* shows 4 major assessment categories including “making keynote speeches about and holding training courses in gender mainstreaming” (40%, 40pts), “creating a gender-friendly environment at the company” (20%, 20pts), “providing gender-equal air transport services” (20%, 20pts), and “other specific gender equality measures and plans for the future” (20%, 20pts). The category “providing gender-equal air transport services” includes items related to accessibility services for persons with disabilities (as shown below). The full 20 points is given once 4 or more gender-related air transport service standards are met. There is no deduction mechanism if the airline ticket counter does not provide barrier-free access and accessible toilets. Therefore, all airlines received 20 points.

- (1) Reservation services: Reservations can be made for wheelchairs, baby meals, baby products, sky cots.
- (2) Ticket counter: Provides barrier-free access, accessible toilets, and motor vehicle spaces for persons with disabilities (not recognized).
- (3) Airport service: ① Dedicated check-in counter: provides exclusive check-in counters for passengers with infants and in wheelchairs and passengers who are pregnant, elderly, or in need of assistance; arranges more suitable seats; ② Priority check-in service: provides priority boarding for passengers with infants and in wheelchairs, passengers who are pregnant, elderly, or in need of assistance; ③ Attentive service: provides protection using plastic bags for wheelchairs and strollers put into the airlines’ care by passengers.
- (4) In-flight service: ① Assists with sitting down and providing necessary supplies such as diapers and baby food. ② Provides care and assistance at any time during the flight (e.g., making baby formula).

Relay Service (hereinafter referred to as the VRS), the scope is limited. So far, there is no consensus among authorities as regards how to introduce a service platform with the cooperation of telecommunication companies to achieve fully accessible phone communication.⁴⁶ The NHRC will continue to monitor the results of the follow-up improvements.

53. The NHRC is concerned that the NCC has listed the television broadcasters' promotion of media accessibility for persons with hearing or visual impairments as an assessment item for the renewal of licenses and review of terrestrial television broadcasters but as a bonus item applying to establish a satellite channel.⁴⁷ However, the actual results of the promotion of media accessibility to

⁴⁶ According to Article 2, Subsection 14 of the PDRPA: "The competent authorities in charge of communication and propagation are responsible for the planning, implementation and supervision of the affairs/issues concerning the access-free information, technology and appliance scheme/system of communication & propagation, Internet platforms, appliances and processing without discrimination in favor of people with disabilities, etc." However, the NCC appears to believe that the scope of responsibilities of the competent authority mentioned in Article 2, Subsection 14 of the PDRPA does not include VRS. The commission states that the law's scope mainly involves accessible webpages and Public Warning System (hardware for the hearing impaired, screen reader software for the visually impaired), which the commission has adequately handled. However, the focus of VRS is on human-to-human, or "the hearing impaired" to "the hearing people", which may differ from the scope of Subsection 14. The VRS platform used by persons with hearing impairments is not a general communication service. Still, a complete information service system established on the Internet combines images, text, and sign language interpretation to provide information application services, which is not included in the scope of the telecommunication services provided by telecom companies. Additionally, it would require sign language interpreters who work long shifts and must complete video relays and access the control system, which is an enormous investment and difficult for the commission to require telecom companies to cooperate to build arbitrarily. There are already businesses that provide VRS, and some local governments (such as the Penghu County government) have collaborated with them to adopt these services. If the telecom industry is asked to establish similar services, there are concerns about redundancy. The NCC suggests following the guidelines specified in the PDRPA, in which the allocation and subsidization of the welfare budget for persons with disabilities should be managed by the MOHW or local governments, which can consider providing subsidies or rewards to information service providers that provide relevant services. However, on November 23, 2020, when the MOHW's Committee for the Promotion and Protection of the Rights of People with Disabilities held the first meeting of the 7th convention, the representatives of persons with disabilities had already raised this need with the NCC. The MOHW held the second meeting on March 12, 2021, and a resolution was passed to "ask the NCC to hold a meeting inviting telecom companies to discuss the possibility of introducing VRS technology, and inviting MOHW members to participate when necessary. A recommendation was also made to incorporate the corporate social responsibility of telecom companies into future laws." The NCC then asked the telecom companies to conduct a preliminary assessment based on the resolution.

⁴⁷ In the NCC's *Regulations for Terrestrial Television Business License Renewal Applications*, under "other matters designated by the competent authority", companies are required to fill in "the handling of matters related to gender equality, child protection, cultural diversity, or the promotion of media accessibility to persons with visual or hearing impairments". Additionally, under "other matters designated by the competent authority" in the *Guidelines for the Planning and Operations of the TV Broadcast Industry*, companies are required to describe "the handling of matters related to gender equality, child protection, cultural diversity, or promotion of media accessibility to the visually and

the hearing or visually impaired have not been significant. In 2018, 199.25 hours of programming with audio description was broadcast, whereas in 2019, such programming totaled 213.15 hours.⁴⁸ Programming with sign language was broadcast for 988.5 hours in 2018 and 865 hours in 2019.⁴⁹ All of these programs were created and broadcast by the Taiwan Broadcasting System.

D. Financial services

54. The NHRC is aware of the *Guidelines for Inclusive Financial Services for Persons with Disabilities in the Banking Industry* and the *Operational Q&A for Inclusive Financial Services Offered by the Banking Industry for Persons with Disabilities* that are currently in place. Although the guidelines and Q&A require financial institutions to provide appropriate forms of communication assistance for persons with hearing impairments such as written communication and sign language interpreting, the actual experience of persons with hearing impairments reveals that many communication barriers still exist in their dealings with banks. For example, some banks are reluctant to provide sign language interpreting and only offer communication through writing while others ask persons with hearing impairments to be accompanied by family or friends. These results confirm that sign language interpreting as currently provided by financial institutions is inadequate. In response to the aforementioned problems, the Financial Supervisory Commission (hereinafter referred to as the FSC) indicated that it is difficult for most banks to offer sign language interpreting. At present, only a few banks (e.g., the Sungshan Branch of the Bank of Taiwan) include the Chinese Deaf Association, R.O.C. in their Skype and/or Line contact lists. The association provides remote sign language interpreting for persons with hearing impairments when needed. To ensure that sign language interpreting be made immediately and universally available among banks that do not yet offer this service, the FSC will

hearing impaired” in the past 3 years. In the “Attached Form of the Examination Regulations on the Establishment Application of Satellite Broadcasting Businesses and Foreign Satellite Broadcasting Businesses,” the operating plan includes detailed bonus point items including media accessibility plans for persons with disabilities, with contents encompassing Taiwan’s services both for the hearing and speech impaired and for the visually impaired. The planning of accessible news programs for persons with disabilities is a bonus item with priority.

⁴⁸ Service for persons with visual impairments should include audio descriptions of what is shown on the primary or sub-audio channels of the program.

⁴⁹ Service for persons with hearing and speech impairments should include a sign language screen provided throughout the program, and take at least 1/6 of the entire screen.

issue a letter to The Bankers Association of the Republic of China (hereinafter referred to as the BAROC) to inform all banks to provide such services and tally the number bank branches providing such services, in order to improve financial services for persons with disabilities. The NHRC will continue to follow up on whether improvements have been made.

55. The NHRC found that as of 2019, only 1,244⁵⁰ ATMs met the criteria for providing services to persons with visual impairments nationwide. This only accounts for 3.98% of all ATMs available in Taiwan (31,216⁵¹), revealing a markedly insignificant number of such ATMs. Although the FSC advised banks to prioritize the addition of talking ATMs (that meet the criteria for providing services to persons with visual impairments) and replacing old ATMs with talking ATMs, banks have yet to propose specific talking ATM installation schedules because in their view the installation is not cost-effective and usage rates are too low. Additionally, despite persons with visual impairments being able to locate talking ATMs by clicking the “Accessible Services” on the BAROC website, gaining access to the ATMs is in itself a challenging task. Accordingly, on April 19, 2021, the BAROC invited organizations of persons with disabilities and representatives of financial institutions to plan talking ATM installation schedules⁵² to replace old ATMs with talking ATMs in locations where ATMs are most urgently needed by persons with visual impairments; namely, in county/city government agencies, universities, and train stations. Because public transportation is more accessible in these locations and oversight by the competent government authorities should result in a generally more accessible environment, it is easier for persons with visual impairments to access talking ATMs in such locations. The BAROC was asked to explain the above in regular meetings hosted by disabled persons’ organizations. The NHRC will continue to follow up on whether the ATMs have been installed.

⁵⁰ Statistical data provided by the FSC in a response letter to the NHRC.

⁵¹ *Statistics on ATMs Installed in Financial Institutions*, compiled by the FSC.

⁵² On April 19, 2021, the BAROC invited disabled persons’ organizations and representatives from financial institutions to plan talking ATM installation schedules: In the short term (1 year), ATMs in county/city government agencies nationwide will be replaced by talking ATMs. In the medium term (3 years), ATMs in universities will be replaced by talking ATMs. In the long term (5 years), ATMs in Level 1 train stations and regional hospitals will be replaced by talking ATMs.

56. Among the feedback received from persons with visual impairments regarding their experiences in using talking ATMs is the following example: In one instance, the ATM displayed the message “This ATM is equipped with voice activated functions. Please press ‘5’ to access these functions.” Imagine being a person with a visual impairment who is trying to use this talking ATM. With no way to know what is written on the screen or where the number 5 button is, the challenges faced by this visually impaired individual show us that many talking ATMs do not meet the needs of persons with visual impairments and can be difficult to use. On April 19, 2021, the BAROC convened a meeting to collect recommendations made by disabled persons’ organizations, such as having talking ATMs retain the buttons for operations and add voice feedback or words in highly contrasting colors. The BAROC requested that banks carefully consider the needs of persons with visual impairments when installing talking ATMs, and encouraged banks to solicit information from disabled persons’ organizations about their experiences using talking ATMs so that they can be improved to better meet the needs of persons with visual impairments. The NHRC will continue to follow up on whether improvements have been made.
57. The NHRC is aware that many domestic banks are now offering accessible online banking services and mobile banking APPs that have been granted web accessibility accreditation badges by the NCC⁵³ and meet the *Guidelines for the Development of Accessible Webpages on Mobile APPs*,⁵⁴ saving persons with disabilities (including persons with visual impairments) from the trouble of having to go to the bank in person or ask someone to go to the bank for them. However, many financial services are missing from the accessible online banking platforms of these banks, preventing persons with disabilities from using them. For example, persons with disabilities can check their bank account information but cannot make transactions (due to risk concerns on the part of banks). Although

⁵³ 36 domestic banks (including the Rakuten International Commercial Bank but excluding The Export-Import Bank of the Republic of China) and the Chunghwa Post Office have all been granted web accessibility accreditation badges (2.0A or above) by the NCC for their online banking platforms. These platforms can be used by persons with visual impairments.

⁵⁴ The FSC urges the BAROC to help banks adjust their mobile banking apps pursuant to the *Guidelines for the Development of Accessible Webpages on Mobile APPs*. 36 domestic banks (including the Rakuten International Commercial Bank but excluding The Export-Import Bank of the Republic of China) and the Chunghwa Post have completed said adjustments.

the FSC requires all banks to offer basic, essential financial services on their accessible online banking platforms, and 36 domestic banks and the Chunghwa Post Office have all added wire transfer functions (to both pre-designated bank accounts and other bank accounts) to their accessible online banking platforms and mobile banking APPs, the functions offered by these platforms and APPs still do not mirror or compare to those offered by general online banking platforms.⁵⁵ The FSC encourages all banks to offer the same functions on their general and accessible online banking platforms. Unfortunately, no deadlines have been set for them to do so. Additionally, the NHRC would like to point out that the remarkable development of smartphone accessibility functions has enabled persons with visual impairments to use a smartphone without any difficulties. Likewise, banks should improve the functions of their mobile banking APPs as soon as possible.

58. Representatives of disabled persons' organizations indicate that persons with visual impairments can purchase and sell securities over the phone or by using automated purchase and sales systems (for the latter, securities dealers call back to verify the transactions with the caller). However, such individuals cannot purchase and sell securities online or visit insurance companies' official websites to purchase insurance online⁵⁶.

Article 10: Right to life

59. Although Taiwanese laws exempt persons who are declared insane from capital punishment, no written laws detailing the standards and procedures to be used to determine whether persons are of sound mind are in place. Based on Points 34 and 35 of the Concluding Observations of the ROC's Initial CRPD Report, the

⁵⁵ Most banks offer the following main functions on their online banking platforms: New Taiwan dollar-related services such as checking account balance, transaction history, interest and exchange rates; wire transfer-related services such as making wire transfers to pre-designated bank accounts and other bank accounts (in New Taiwan dollar or foreign currency); online ATM services; and other services such as changing user codes and passwords, activating credit cards and reporting lost credit cards, and applying for bank fee reductions as persons with disabilities).

⁵⁶ Information obtained from *Q&A for Friendly Financial Services for the Taiwan Securities Association Members*; and *Q&A for Friendly Financial Services for the Life Insurance Association of the Republic of China/the Non-Life Insurance Association of the Republic of China*.

NHRC argues that Taiwan may have violated Article 10 of the CRPD. Specifically, Taiwan may have violated the section concerning the exercise of capital punishment on persons with mental disorders and persons with mental disabilities.

60. Pursuant to Point 35 of the Concluding Observations of the ROC's Initial CRPD Report, the IRC recommended that Taiwan abolish capital punishment. The NHRC also believes that capital punishment violates the right to life stipulated in the International Covenant on Civil and Political Rights. Thus, government agencies should proactively communicate with the public regarding the above.

Article 11: Situations of risk and humanitarian emergencies

61. Per a Control Yuan investigation report⁵⁷, the NHRC discovered that the competent authorities responsible for central and local disaster prevention and protection have neglected to make evacuation plans for persons with disabilities. Most competent authorities have not formulated such evacuation plans. Additionally, the *Safety Plans for Areas Susceptible to Flood Risk* fails to outline the priority for which persons with disabilities are to be saved during a disaster based on predetermined severity of each disability type. Nor have any communication mechanisms been put in place to inform vulnerable groups about evacuation plans during a disaster, hindering coordination and integration across different units. Furthermore, groups that are vulnerable to disasters have not been invited to give feedback or suggestions. In fact, no improvements were made until 2020, after investigation by the Control Yuan. Thus, the NHRC will continue its oversight of government agencies to ensure that persons with disabilities are accounted for in disaster prevention planning and evacuation drills.
62. Per a Control Yuan investigation report,⁵⁸ the NHRC learned that Taiwan has not formulated different disaster prevention and evacuation drills for different types of disabilities. Additionally, the responsible units have not made the teaching materials easier to read for persons with disabilities, making the materials

⁵⁷ The Control Yuan investigation report approved on October 15, 2019.

⁵⁸ The Control Yuan investigation report approved on October 15, 2019.

relatively inaccessible and unfriendly to persons with a range of disabilities. Furthermore, accessibility planning for emergencies and dangerous situations is currently insufficient. Lastly, the NHRC notes that different disaster prevention and protection planning is spread across different units. The resulting inconsistencies make it difficult for persons with disabilities and their families to obtain information that they may need.

63. The NHRC notes that despite the MOHW sending information updates about persons with disabilities to frontline disaster prevention and protection units to be utilized by said units, the information is relatively inaccurate. Additionally, such information is generally used by rescuers to identify disabled persons in need of aid if an incident occurs. It is not intended for planning preventive evacuation response measures, rescue operations during disasters, and post-disaster accessible evacuation shelters and support services.

Article 12: Equal recognition before the law

64. The NHRC asserts that commencement of guardianship denies the legal capacity of persons with less favorable mental capacity, not conforming to Article 12 of the CRPD. Despite Taiwan amending relevant laws and adding the adult guardianship system in 2019, thereby granting people the right to choose their own guardians, the amendments have their basis in substituted decision-making. Taiwan has not yet developed broad-based supported decision-making to replace substituted decision-making (the latter of which remains markedly common) in accordance with General Comment No. 1 of the CRPD. In regard to adults with disabilities, the judiciary emphasizes the principle of “best interest.” Nonetheless, such emphasis still does not meet the conditions stipulated in Article 12 of the CRPD, which states that the will and choices of persons with disabilities shall be respected.

65. Table 12.1 of CRPD Second Report shows general data related to new and completed cases of individuals subject to an order of commencement of guardianship or assistantship from 2016 to 2019. However, as regards persons with disabilities subject to an order of commencement of guardianship or

assistantship, the Judicial Yuan indicated that such data had never been collected.⁵⁹ The NHRC believes that lacking such basic statistical data will hamper Taiwan's ability to develop supported decision-making mechanisms in this area.

66. Per a Control Yuan investigation report, the NHRC noted that government agencies still have trouble differentiating between legal capacity and mental capacity. Financial institutions respond to laws such as the *Civil Code* and *Money Laundering Control Act* by setting disabled people's asset and transaction security as top priorities. For example, they require that at least one witness be present when persons with visual impairments open accounts. Similarly, to protect persons with mental disorders who have trouble expressing themselves or are unable to clearly express themselves, financial institutions tend to request commencement of guardianship or assistantship, and will not open accounts for mentally disabled individuals even if they are accompanied by a social worker or have a letter of approval issued by the local social affairs competent authorities. The Ministry of Justice states that persons with disabilities who are not subject to commencement of guardianship or assistantship possess legal capacity. However, in actual practice, financial institutions do have concerns about conducting transactions with such persons. Recommendations have been proposed accordingly. Still, the FSC fails to recognize the responsibilities as the competent authority in its disregard for the fact that the CRPD has been incorporated into domestic law, which shall take precedence. Although the commission has encouraged the BAROC to formulate inclusive financial guidelines for persons with disabilities, the guidelines still fail to meet CRPD requirements.

Article 13: Access to justice

67. According to the CRPD Second Report and data provided by the Judicial Yuan, by 2019, a total of 17 sign language interpreters has been hired in courts

⁵⁹ In a response letter to the NHRC, the Judicial Yuan indicated that because information related to disabled persons currently does not need be recorded in written judgments, it cannot be obtained by data analysts when the cases are reported closed to the Judicial Yuan. Additionally, because data analysts do not participate in trials and do not come into contact with the parties involved, they have no way of knowing whether the parties involved are persons with disabilities.

nationwide, and simultaneous transcription services were promoted to all courts, with a list of simultaneous transcribers sent to the courts for reference. The NHRC subsequently sent a letter to the Judicial Yuan, requesting that the Judicial Yuan provide the actual number of sign language and simultaneous transcription services used. According to the Judicial Yuan, in 2019, courts of the first and second instance used sign language services 28 times. The number of times simultaneous transcription services were used was unknown, because no statistical data had been collected.

68. The Citizen Judge System will be implemented effective in 2023, and persons with disabilities will enjoy the right to be selected as citizen judges. In the CRPD Second Report and a response letter to the NHRC, the Judicial Yuan commented that accessibility in courts would be improved. Nevertheless, when the NHRC requested that the Judicial Yuan provide improvement plans to increase the accessibility of the courtroom environment, the Judicial Yuan replied that because court buildings varied in condition (i.e., some were new and some were old), the relevant agencies would make improvements during routine repairs in accordance with accessibility-related laws and regulations. No specific schedules have been set. Given that accessibility at judicial locations and related assistance measures are urgently in need of improvement, the NHRC recommends that the Judicial Yuan follow the *International Principles and Guidelines on Access to Justice for Persons with Disabilities* released by the United Nations in August 2020 to comprehensively inspect its facilities and services.

Article 14: Liberty and security of person

69. The NHRC maintains that the mandatory placement of and treatment measures for persons with mental disorders stipulated in MHA does not conform to the CRPD requirements. Additionally, the Concluding Observations of the ROC's Initial CRPD Report highlight that mandatory placement of and treatment measures for persons with mental disorders infringes the human rights of persons with disabilities. Nonetheless, the percentages of mandatory hospitalization and community treatment cases approved between 2016 and 2019 remained high.

70. Article 14, Paragraph 1, Subparagraph b of the CRPD states that States Parties shall ensure that persons with disabilities, on an equal basis with others, are not deprived of their liberty unlawfully or arbitrarily, and that any deprivation of liberty is in conformity with the law, and that the existence of a disability shall in no case justify a deprivation of liberty. Thus, Articles 41 and 42 of the MHA, which regulate mandatory hospitalization and emergency placement, does not conform to Article 14 of the CRPD. Accordingly, on August 22, 2017, the Committee for the Promotion of the Rights of People with Disabilities of the Executive Yuan resolved to place the two articles under a priority review. Pursuant to Article 10, Subparagraph 1 of the CRPD Implementation Act, legislative and administrative measures in priority review lists should be amended prior to December 3, 2017. However, draft amendments to the MHA are still under review at the Executive Yuan. They have not yet been submitted to the Legislative Yuan for examination and approval.
71. On July 29, 2021, the Executive Yuan announced Phase 2 Program (2021–2025) of Strengthening Social Safety Net. The program includes establishing six forensic psychiatric wards (each containing 30 hospital beds) and one forensic psychiatric hospital (containing 300 hospital beds)⁶⁰ as designated locations for those sentenced to the disposition of custody. The wards will primarily be used to house individuals with mental disorders who have violated the law. The MOHW referenced the experiences of other states to show that the building of a forensic psychiatric hospital is not a clear inconformity with the CRPD and explained that the actual operations should be examined to determine whether the human rights of persons with disabilities are successfully protected⁶¹. Nonetheless, based on the announced plans, the NHRC cannot determine how the classification/segregation measures proposed by the Executive Yuan, which are based on the level of the risk of violence, protect the human rights of persons with mental disorders who have violated the law. Because Taiwan has incorporated the CRPD into its domestic laws, the NHRC reminds the government to comply with the principles enshrined in the CRPD when amending laws and to reference the

⁶⁰ Approved version of Phase 2 Program (2021–2025) of Strengthening Social Safety Net released on July 29, 2021

⁶¹ The live webinar titled Treatment System for Persons with Mental Disorders Who Violate the Law, hosted by the NHRC on July 9, 2021.

Guidelines on the Right to Liberty and Security of Persons with Disabilities adopted by the United Nations Committee on the Rights of Persons with Disabilities in September 2015 based on Article 14 of the CRPD, and strengthen supporting measures for forensic psychiatric hospitals.

72. On March 5, 2021, the Executive Yuan issued the *Draft Amendments to the Rehabilitative Disposition Execution Act* to the Legislative Yuan for review and approval. Similarly, on April 27, 2021, the Executive Yuan and Judicial Yuan issued the *Draft Amendments to Articles 87 and 98 of the Criminal Code of the Republic of China* to the Legislative Yuan for review and approval. The plan was to cancel the five-year maximum for cumulative disposition of custody. Principles for regular evaluation mechanisms, a broad range of treatments, and classification/segregation measures were also added. However, no limit to the number of extensions was imposed. Pursuant to Point 20 of the *Guidelines on the Right to Liberty and Security of Persons with Disabilities*, the Committee on the Rights of Persons with Disabilities recommends that States Parties abolish security measures imposed on persons found to be exempt from criminal responsibility. Since Taiwan has incorporated the CRPD into its domestic laws in 2014, the NHRC contended that the Executive Yuan's amending the law (to extend the disposition of custody) prior to the international review of the CRPD Second Report will raise the IRC's concerns about whether Taiwan truly practices the CRPD. The NHRC recommends that when reviewing and approving the bill, a limit be imposed on the number of extensions allowed, that judges review the disposition of custody more frequently if disposition of custody has been extended, and that supporting measures to protect human rights be strengthened to prevent regular assessments from being performed merely as window dressing.
73. On March 23, 2021, the Judicial Yuan and Executive Yuan issued the *Draft Amendments to the Code of Criminal Procedure* to the Legislative Yuan for review and approval. The draft amendments added emergency disposition of custody, granting the relevant entities the right to exercise pre-trial emergency disposition of custody for persons with mental disorders or defects (as described in the *Criminal Code of the Republic of China*) who have violated the law, given that said persons lack the ability (or demonstrate an inadequate ability to a

considerable degree) to make judgments when engaging in behavior that may endanger public safety. The NHRC notes that Article 121-2, Paragraph 1 of the draft amendments does not clearly define the criteria for identifying “circumstances sufficient to believe that the individual in question may endanger public safety, making such emergency measures necessary.” Additionally, because the above paragraph include the situation of “circumstances sufficient to believe that the person in question may repeat the offense or endanger public safety,” the NHRC recommends that the circumstances be clearly defined when the law is amended. Pursuant to Point 13 of the *Guidelines on the Right to Liberty and Security of Persons with Disabilities* adopted by the UN Committee on the Rights of Persons with Disabilities, it is contrary to Article 14 of the CRPD to allow for the detention of persons with disabilities based on the perceived danger of persons to themselves or to others. Additionally, Point 19 of the *Guidelines on the Right to Liberty and Security of Persons with Disabilities* stressed the necessity to implement monitoring and review mechanisms, with the participation of disabled persons and organizations representing them, in relation to persons with disabilities deprived of their liberty. However, Article 121-1, Paragraph 3 of the draft amendments stipulates a pre-trial emergency disposition of custody of one year, and that the disposition of custody may be extended every six months for a maximum of five years. It is clear that five years substantially exceeds the mandatory hospitalization period of two months indicated in the MHA as well as the duration of detention of an accused suspect indicated in the *Code of Criminal Procedure*. The NHRC contends that despite the draft amendments fulfilling the principle of retention for judges’ decision, their supporting mechanisms do not involve independent agencies, persons with disabilities, and disabled persons’ organizations. Thus, the NHRC recommends that supporting mechanisms in compliance with the CRPD be added when the law is amended.

Article 15: Freedom from torture and cruel, inhuman, or degrading treatment or punishment

74. Article 79 of the Medical Care Act states that when conducting human research that is beneficial to the health of specific population or patients with special

diseases, the research subjects may be adults with disposing capacity, persons with limited disposing capacity, or persons with no disposing capacity (where the research subject is a person with no disposing capacity, the consent of his/her legal representative is required). However, the NHRC argues that such a law is not in conformity with both the CRPD and the International Covenant on Civil and Political Rights. To date, the MOHW has yet to incorporate the above Article into the review lists for Taiwan's CRPD laws, regulations, and administrative measures, and has made no plans to amend the act.

75. The CRPD Second Report indicates that the MOHW performs surprise inspections of institutions such as general nursing homes, residential social welfare institutions for the elderly, and welfare institutions for persons with disabilities to ensure that the institutions do not restrain the people they are caring for in an inappropriate manner and/or restrict them from engaging in activities, and that the institutions offer toilet training or assistance in using the toilet. Nonetheless, surprise inspection checklists provided by the MOHW to the NHRC do not include the items "offer toilet training" and "assist residents in using the toilet." Additionally, the checklists merely ask whether physical restraint was applied with the residents' (or their family members') consent and do not forbid the institutions from physically restraining the residents. Thus, persons with disabilities are not protected against inhuman or degrading treatment.
76. The CRPD Second Report mentions that mechanisms such as regular assessments and surprise inspections to monitor welfare institutions for persons with disabilities are already in place, and that personnel at welfare institutions must receive at least 20 hours of on-the-job training (including human rights knowledge and skills training) per year to ensure that institutions do not abuse their residents. Nonetheless, the NHRC finds it necessary to alert the government to the fact that on occasion, incidents of violent abuse occur in welfare institutions for persons with disabilities. For example, in 2018, an incident involving a volunteer at the Hebron Holistic Care Association in Taoyuan whipping a resident⁶² occurred. Similarly, in July 2021, an incident involving the beating of a disabled resident by a social worker and an administrative assistant at the

⁶² The volunteer involved in the case was prosecuted, and later convicted of assault by the Taoyuan District Court.

Defang Education and Nursing Institute, a private institute in Miaoli County, took place. These incidents highlight the inadequacy and ineffectiveness of current mechanisms (e.g., regular assessments and surprise inspections) in preventing incidents of violent abuse in institutions. Moreover, for Class C welfare institutions for persons with disabilities, some local competent authorities still fail to ensure proper oversight, carry out counseling and improvement measures just for the sake of implementing them; and even allow such institutions to raise funds for charity. The NHRC asserts that such local governments' inability to protect the human rights of persons with disabilities, failure to actively abolish institutions with poor evaluation results, and provision of counseling and checks just for the sake of providing them does not conform to the CRPD, International Covenant on Civil and Political Rights, and Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

77. Per a Control Yuan investigation report⁶³, the NHRC notes that correctional institutions generally lack accessible environments, facilities, and equipment, and restrict the use of assistive devices by persons with disabilities for safety reasons, thus severely limiting the activity space of persons with physical or visual disabilities. These persons rely heavily on the help provided by their fellow inmates and may even have to crawl in their prison cells, depriving them of dignity. Additionally, correctional institutions do not provide communication assistance to persons with hearing or speech impairments, effectively prohibiting them from communicating with others inside the prison and with the outside world (via phone). The only communication they have is when their family members go to the prison to help them communicate, via phone, to the outside world. Furthermore, correctional institutions do not provide persons with mental disorders with sufficient medical resources and do not provide them with proper treatment in a timely manner, resulting in the deterioration of their physical and mental state. In some cases, management personnel even mistake the behavior of persons with mental disorders as disobedience and thereby subject them to solitary confinement. These acts clearly are not in conformity with Articles 14 and 15 of the CRPD and Convention against Torture and Other Cruel, Inhuman

⁶³ The Control Yuan investigation report approved on December 11, 2019.

or Degrading Treatment or Punishment.

Article 16: Freedom from exploitation, violence, and abuse

78. The MOHW promulgated the *Principles and Precautions Concerning Suspected Sexual Assault Incidents in Disabled Welfare Institutions*, and social welfare institutions, long-term care institutions, and nursing institutions have established their own sexual assault and harassment reporting mechanisms and provided the relevant training. However, the NHRC contends that the competent authority does not have complete knowledge of actual gender-based violence committed against persons with disabilities. Thus, it is difficult for the competent authority to assess the results of sexual assault and harassment prevention and control efforts.
79. The NHRC is concerned that persons with disabilities accounted for a high percentage of those experiencing violent incidents, including domestic violence, sexual assault, and child protection incidents, between 2016 and 2019.⁶⁴ The percentage of females with disabilities who were victims of violence, domestic violence, and intimate partner violence was higher than that of males with disabilities; and significantly higher than that of non-disabled females. Females with mental disorders and/or intellectual disabilities were in the high-risk group for intimate partner violence, which underlines the fact that children and females with disabilities are still exposed to the threat of violence and abuse, and that the government's prevention and control measures to protect them are inadequate. Additionally, the Concluding Observations of the ROC's Initial CRPD Report revealed that Taiwan has not established appropriate monitoring mechanisms pursuant to Article 16(1) of the CRPD. The IRC recommended that Taiwan actively develop resources for assistance and protection. Nonetheless, after reviewing the CRPD Second Report, the NHRC only found information pertaining to the MOHW requesting local governments to continue developing protection, assistance, and service measures, and has not seen the central or local competent authorities actually develop any assistance and protection resources

⁶⁴ Persons with disabilities account for approximately 5% of the Taiwanese population. However, Table 16.1 of the CRPD Second Report reveals that between 2016 and 2019, persons with disabilities actually accounted for 7.3%–8.1% of reported victims of domestic violence, 8.0%–13.2% of victims of sexual assault, and 7.2%–8.7% of child protection incidents.

and measures (or implement such resources and measures) over the past four years for persons with disabilities who have been subjected to violence.

80. Article 21, Paragraph 1 of the *Gender Equity Education Act* and Article 16, Paragraph 1 of the *Regulations on the Prevention and Handling of Sexual Assault, Sexual Harassment, and Sexual Bullying on Campus* govern cases of gender-based violence (gender equality) reported by school personnel and the handling of case investigations by the relevant units. School personnel who are informed of suspected cases of sexual assault, harassment, and/or bullying on school campuses are required to report to their campus safety and social affairs units and file a report on the *Statistics, Tracking, and Management System for Cases of On-Campus Sexual Assault, Harassment, and Bullying* website run by the MOE within 2–4 months. The educational authorities overseeing the schools then list and review the reported cases. However, the NHRC maintains that the effectiveness of this monitoring mechanism relies on whether schools actively report such incidents. If a school fails to notify (or chooses to conceal such incidents from) the relevant units in compliance with regulations, the monitoring mechanisms become mere window dressing. An investigation carried out by the Control Yuan⁶⁵ revealed that schools have concealed such incidents several times. Thus, the current monitoring mechanisms are unable to ensure that schools report cases of gender-based violence (gender equality) pursuant to the law, resulting in incidents of gender-based violence continuing to occur on campus.

Article 17: Protecting the integrity of the person

81. The NHRC notes that the titles and content of the *Genetic Health Act* and relevant laws discriminate against persons with disabilities, violating the CRPD. To date, no amendments have been made. Additionally, the *Genetic Health Act* authorizes forced abortions and vasectomies/tubal ligations to be performed on persons with disabilities. In the CRPD Second Report, no effective solutions for determining whether persons with disabilities have been subjected to forced abortions or vasectomies/tubal ligations against their will have been proposed.

⁶⁵ The Control Yuan investigation reports approved on September 9, 2019 and on July 16, 2020.

Article 18: Liberty of movement and nationality

82. Article 18 of the *Immigration Act* stipulates that the competent authority may prohibit foreigners from entering the country if they have mental disorders or other diseases that may jeopardize public health or social harmony. The NHRC argues that this restriction is unclear and not in conformity with Article 18 of the CRPD. This restriction has not been incorporated into Taiwan's review lists for CRPD laws, regulations, and administrative measures. The MOI stated that it has proposed a draft amendment which is currently under review at the Executive Yuan to remove this restriction, after which it will be sent to and reviewed by the Legislative Yuan. To ensure that the freedom of persons with disabilities to enter and leave Taiwan is protected, the NHRC will continue to monitor subsequent amendments to the law made by the competent authority.
83. In the Concluding Observations of the ROC's Initial CRPD Report, the IRC recommended that Taiwan abolish all laws and regulations restricting persons with disabilities (and their families) from obtaining citizenship rights. Thus, the NHRC recommends that the competent authority review the *Nationality Act's* stipulation that "foreigners or those without nationality who wish to apply for naturalization must possess enough property or professional skills to support themselves or lead a stable life" to determine whether it indirectly prevents persons with disabilities from obtaining Taiwanese citizenship.

Article 19: Living independently and being included in the community

A. Support for independent living

84. In 2012, support services for independent living were incorporated into the PDRPA as a service item, thus requiring the competent authority to allocate a budget for said services. Nevertheless, the NHRC has discovered that the source of funding for these services is the Public Welfare Lottery feedback fund, which is an unreliable source of funding and is designated for use in innovative, experimental, integrative, and medium- and long-term services. The feedback fund is not a statutory fund that must be submitted, and the Public Welfare Lottery

Issue Act has no provisions on the collection of the funds, so that they are vulnerable to financial difficulties, being crowded out by other projects, and/or subject to annual major project exits that interrupt or reduce services. The fact that it is not an official budget allocation makes it difficult to guarantee support services for independent living, and a reliable, stable source of funding is unlikely to occur.

85. After reviewing the data provided by the MOHW on support services for independent living, the NHRC noted the following problems:

- (1) From 2015 to 2019, the number of people to whom support services for independent living were provided increased annually but at a slow rate (only 278 over the four-year period).
- (2) Although the MOHW introduced peer-supported digital courses and independent living resource platforms in 2010, the number of peer counselors who provided support services for independent living, the number of times that such services were used, and the number of people who used such services did not increase but rather fluctuated between 2015 and 2019. Additionally, some cities and counties had only 0–3 peer counselors.⁶⁶ Despite launching training courses and planning a peer support service reference manual for local governments to refer to over the past two years, the MOHW did not actively calculate or have a clear understanding of the supply of and demand for resources and service capacity in the various cities and counties. As a result, it was unable to set project schedules and oversee local governments effectively. In the end, it allowed local governments to develop their own independent living plans.
- (3) Personal assistant services provided to persons with disabilities are determined by the social affairs, labor affairs, and education departments. These departments have varying subsidy standards, causing the services provided to persons with disabilities to be fragmentary and discontinuous. However, according to the explanations provided by the MOHW,⁶⁷ the various

⁶⁶ New Taipei City, Taoyuan City, Taichung City, Nantou County, Penghu County, Keelung City, and Kinmen County each had 1–3 peer counselors, while Yilan County, Taitung County, and Lienchiang County had no peer counselors.

⁶⁷ In the second response letter submitted by the MOHW to the NHRC, the MOHW stated that because the service needs of persons with disabilities change according to their stage in life (e.g., they may be

departments have jurisdiction over planning their own services. The absence of full coordination and cooperation mechanisms results in persons with disabilities not being dealt with in a holistic manner.

- (4) From 2015 to 2019, the number of personal assistants has increased annually. However, as of 2019, seven cities and counties had very few/a decreasing number of personal assistants. The MOHW has avoided addressing the issue and did not actively calculate the resources and service capacity possessed by cities and counties. As a result, it has been unable to set project schedules or supervise local governments effectively.
- (5) Overall, between 2015 and 2019, the number of persons with disabilities who used personal assistant services and the number of hours that they used such services increased annually. Nonetheless, observation of cities and counties reveals that some cities and counties had fluctuating or even decreasing numbers of people using such services and hours that they used such services. To determine whether the approved personal assistant service hours fully meet the needs of persons with disabilities, the MOHW relied on two-year approved service usage rates (measured in hours);⁶⁸ the resulting rates were 54.3% and 56.2%. The MOHW thus deemed that the supply of services satisfied demand, but did not explore the reasons why more than 40% persons with disabilities did not use the approved services, the obstacles that they encountered, and whether services could not be used because of insufficient manpower, failing to ensure that persons with disabilities received appropriate support.

B. Personal care and family support

86. Between 2017 and 2019, the service usage rates of home care services, daily living reconstruction services, community residence services, day care services (including home care services), and support services for independent living to persons with disabilities living in communities and in need of such services

students, professional workers, or providing for their parents), the various competent authorities are entrusted with powers and responsibilities to provide them with the support services they need in compliance with the law. Because the human support that persons with disabilities need varies according to the type of disability and the goal in seeking assistance, after considering the laws, reasons for service usage, and resources, it would be more suitable to share power and responsibility with the relevant competent authorities and supplement resources to satisfy the needs of persons with disabilities.

⁶⁸ The actual services used (measured in hours)/the services approved (measured in hours)*100.

increased annually. Nonetheless, the NHRC reviewed related statistical data and found that the increased rates were mainly observed in long-term care services, whereas the percentage of persons with disabilities using day care services (including home care services), community residence services, and support services for independent living only showed minimal increases. The percentage of persons with disabilities using daily living reconstruction services actually decreased⁶⁹. The MOHW also acknowledged that increases in available service personnel were not enough to meet demand.

87. Per a Control Yuan investigation report,⁷⁰ the NHRC concluded that because of the various restrictions enforced by administrative departments, the welfare service needs of persons with disabilities have been underestimated and distorted. Not only must persons with disabilities pass needs assessments, but they must also deal with obstacles such as payment issues, transportation issues, meeting grant conditions, complicated application procedures, poor service accessibility, and insufficient capacity to provide services, which can prevent them from accessing the services they need. Both community day care services and support services for independent living had low overall usage rates⁷¹. According to

⁶⁹ Table 19.3 of the CRPD Second Report shows that 73,644 persons with disabilities received services in 2017, 111,418 in 2018, and 161,665 in 2019. Among the different types of services provided, long-term care services accounted for 79.77% in 2017 and 90.68% in 2019 (the number of persons with disabilities receiving services increased 2.5 times, from 58,745 in 2017 to 146,591 in 2019). By contrast, day care services (including home care services), community residence services, and support services for independent living showed limited growth between 2017 and 2019 (the number of persons with disabilities receiving these services increased by 616, 36, and 160, respectively). The number of persons with disabilities receiving daily living reconstruction services actually decreased from 2017 to 2019, dropping from 2,726 to 2,069.

⁷⁰ The Control Yuan investigation report approved on March 17, 2020.

⁷¹ The Control Yuan investigation report approved on March 17, 2020 provided the following data:

- i. According to local government assessments, 75.5% of persons with disabilities who needed personal care and support services between 2015 and 2018 used day and residential care services, home care services, community residential services, and/or community daytime facility services. Over 70% used daily living reconstruction services, while approximately 50% used community day care services (this number dropped to 46.4% in 2018 and was less than 40% in 11 cities and counties). Less than 60% used support services for independent living (this number was less than 30% in six cities and counties); and the smallest number of people used home care services (this number has decreased annually and was 33.5% in 2018).
- ii. When compared with the number of disability IDs issued to persons with disabilities each year, the number of persons with disabilities using personal care and support services accounted for even lower percentages between 2015 and 2018. For example, only 6%–10% of persons with disabilities who had disability IDs used assistive device services. This number, which had been decreasing annually, was already the highest among all services. In fact, the total number of persons with disabilities using any of the nine personal care and support services accounted for less than 20% of persons with disabilities receiving disability IDs. This number also showed a decreasing trend (from 19.1% to 13%).

statistical data submitted by the MOHW to the NHRC at the latter's request, less than 3% of persons with disabilities used community services between 2017 and 2019.

88. In the CRPD Second Report, the MOHW explained how community-based service resources were utilized to help persons with disabilities live in and be a part of the community and informed the NHRC about its goal to increase the service coverage rate by 2% per year in all cities and counties. However, the NHRC still has the following issues and concerns:

- (1) Per a Control Yuan investigation report,⁷² despite facing a growing number of persons with disabilities as well as a growing number of persons with disabilities who have obtained disability IDs in Taiwan, the competent authority has developed new community-based resources at a slow pace, resulting in insufficient service capacity and resources.⁷³ Statistical data provided by the MOHW unveiled that the community-based service coverage rate in 2019 was a mere 2.37%, and there were wide gaps in resources offered to persons with disabilities living in different cities and counties. There were still wide gaps in resources offered to persons with different types of disabilities. Because of the absence of policy support and adequate measures, many persons with disabilities still have to be placed in institutions and cannot live in their community.
- (2) Although the MOHW stated that from 2016 to 2019 only one new welfare institution for persons with disabilities was opened and the actual number of people being served decreased by roughly 0.75%, the government introduced the Long-term Care Development Fund to subsidize institutions providing

⁷² The Control Yuan investigation report approved on March 17, 2020.

⁷³ The Control Yuan investigation report approved on March 17, 2020 unveiled the following:

- i. Between 2015 and 2018, the number of units and locations offering personal care and support services (including daily living reconstruction services, community day care services, community daytime facility services, support services for independent living, community residential services, home care services, institutional day and residence care services, and behavioral counseling services) increased at a slow rate, hindering the service provision capacity. For example, in 2018, personal care and support services could only be provided for 935 persons.
- ii. As of the end of 2018, the six types of community support services developed by cities and counties nationwide (community day care services, community daytime facility services, home care services, community residential services, daily living reconstruction services, and support services for independent living) were able to serve a total of over 13,000 people. However, the service coverage rate was a meager 2.56%.

residential services and the MOHW approved the establishment of 16 long-term residential care institutions by the end of 2020. At the same time, the MOHW has not developed specific and effective strategies, set precise project schedules, or offered stable and sufficient financial resources to achieve deinstitutionalization in compliance with the CRPD.

- (3) After consulting with private organizations and various parties, the MOHW believes that the top priorities at present should be the active development of resources for community support services and a more diverse range of placement service options. The MOHW plans to increase service coverage rates by 2% per year in all cities and counties. However, because of the considerable gaps in service resources between cities and counties, the MOHW must propose detailed, systematic plans and monitoring measures to ensure that persons with disabilities receive appropriate support and services. Additionally, the MOHW must propose detailed, systematic plans and monitoring measures to ensure that local governments actively and reliably achieve the 2% goal, and that resources are effectively and rapidly developed. Nevertheless, such plans and monitoring measure have yet to be seen.
- (4) Regarding current residential institutions, the MOHW believes that it should focus on transforming service methods, increasing residents' opportunities for autonomy, enabling residents to decide on support services for themselves, adjusting institutional service models, and creating mechanisms for persons with disabilities to move from receiving institutional services to receiving community-based services. Accordingly, in 2020, the *Project to Accommodate Disabled Welfare Institutions for Community Integration* was formulated. Nevertheless, because the project was a pilot plan, only 3 of the 22 local governments applied to implement the project in 2020, and only 4 did so in 2021. Additionally, the MOHW failed to actively develop specific plans and measures (with deadlines) to teach organizations how to carry out this transformation in an appropriate manner.

C. Expansion of rural area services

89. The MOHW has encouraged private organizations to build resources in remote rural areas by increasing their subsidies. As of the end of 2019, 68 community-based service locations have been established in indigenous areas, offshore

islands, and remote areas of Taiwan. However, the NHRC is concerned that 26 rural areas are still without community-based service locations, and that the 68 community-based service centers provide an overall service coverage rate of merely 2.03%. The competent authority must actively devise effective countermeasures and propose specific project objectives and schedules.

Article 20: Personal mobility

90. The NHRC believes that the constant innovation of assistive devices and technologies amid rapid technological advancement is hugely beneficial to persons with disabilities, particularly in the realm of consumer electronics and applications, which have helped many persons with visual impairments in securing employment and acquiring information. However, the current subsidization system is overly rigid and encompasses only a standard set of assistive devices, which no longer meet current needs and lack technological compatibility (e.g., assistive mobile APPs). There are also limitations to the number of assistive devices that persons with disabilities may acquire and the duration of use of these devices.⁷⁴ Furthermore, the system's co-payment framework makes it uneconomical for many in need.⁷⁵ The inability to gain subsidization significantly impacts the employment, medical treatment and rehabilitation, independent living, and community involvement of persons with disabilities, consequently marginalizing them in society.
91. The NHRC has raised concerns regarding the administration of daily living devices for persons with disabilities:

⁷⁴ According to the latest revision of the *Regulations on Subsidization for Medical Treatment and Auxiliary Appliances for People with Disabilities*, subsidization for assistive devices is limited to four devices within a two-year period. The *Regulations on Subsidization for Rehabilitative Medical Services and Related Assistive Technology for People with Disabilities* combines the subsidies granted for medical aids and daily living devices, whereby subsidization is limited to four devices within a two-year period. According to the *Long-term Care (Care Services, Professional Services, Transportation Services, Assistive Services, and Home Accessibility Renovations) Payments and Benefits Standards* (amended and announced on December 10, 2020), subsidization for the procurement/rental of assistive devices and home renovations is limited to NT \$40,000 per person within a three-year period. According to the *Subsidy Standards for Assistive Devices Required by Laborers with Occupational Injuries*, subsidization is limited to NT \$60,000 per year for up to four assistive devices, excluding cochlear implants, Braille displays, and desktop video magnifiers.

⁷⁵ Take daily living devices for example, the Control Yuan investigation report approved on March 17, 2020 indicated that only 50% of persons with disabilities in need of assistive devices applied for the subsidy in 2018.

- (1) Subsidies for the procurement of personal mobility aids under the *Subsidization Standards for Assistive Devices Required by People with Disabilities* are based on an outdated disability categorization system along with disability evaluations in medical appraisals. For example, only persons with a severe physical disability or multiple disabilities are eligible for an electric wheelchair subsidy. Assessments do not take into account applicants' need to participate in activities or overcome barriers, or individualized assessment results.
 - (2) Point 54(a) of the Concluding Observations of The ROC's Initial CRPD Report highlighted the fact that persons with disabilities do not benefit from advances in assistive technology due to restrictions in the number of assistive devices granted per person and co-payment requirements. It was found that the MOHW limits the subsidization of daily living devices to four devices within a two-year period. There is currently no plan to relax these restrictions. The MOHW believes that this problem can be resolved with the implementation of a project subsidy mechanism. However, between 2016 and 2019, subsidy applications were concentrated in a small number of cities and counties. Most cities and counties receive a handful of applications each year, with many not receiving any.⁷⁶
92. The NHRC maintains that the current application process for medical aids subsidies by persons with disabilities fails to meet the principle of “maintenance and adaptation of assistive devices that are affordable or free of charge” recommended in Point 54(a) and Point 55(a) of the Concluding Observations of the ROC’s Initial CRPD Report, and has raised the following concerns:

⁷⁶ The statistics released by the MOHW indicate the following:

- i. According to *Applications for Assistive Devices by Persons with Disabilities between 2016 and 2019 (Applications Not Exceeding the Duration of Use or Exceeding Four Devices within a Two-Year Period)*, the number of applications has increased year-over-year (80, 96, 121, and 155 over the four-year period). However, most of the applications are concentrated in New Taipei City, Taoyuan City, Taichung City, Kaohsiung City, Pingtung County, Keelung City, and Hsinchu City. Other cities and counties received a handful of applications or no applications at all. Several counties did not receive any applications in the four-year period.
- ii. According to *Applications for Assistive Devices by Persons with Disabilities between 2016 and 2019 (Ineligible Applications)*, 2,211 applications were received in 2017. This figure decreased to 1,581 in 2018, and again to 1,214 in 2019. Most of the applications were concentrated in a few cities and counties. In New Taipei City, 2,031 (91.85%) applications were received in 2017, 1,413 (89.37%) in 2018, and 1,064 (87.64%) in 2019. Some cities and counties received fewer than ten applications in the four-year period, and some did not receive any (Hsinchu County, Nantou County, Yunlin County, Chiayi County, and Chiayi City).

- (1) The competent authority has introduced a project subsidy mechanism to assist persons with disabilities in applying for subsidies for medical aids. However, only one application was approved for a project subsidy at the local level between 2016 and 2019.⁷⁷ Because the CRPD Second Report concludes that persons with disabilities are able to bear the maintenance and adjustment fees within the minimum subsidization duration and warranty period, the NHRC has sent a written inquiry to the MOHW for an explanation of how the financial capacity of persons with disabilities is assessed. The MOHW prioritizes resource utilization over the actual needs of persons with disabilities.⁷⁸
- (2) The MOHW has set up a rental system for costly medical aids, claiming that the system can effectively meet special needs. In actuality, the effectiveness of the system remains to be seen. The NHRC sent a written inquiry to the MOHW for the relevant information and found significant inconsistencies in the application review standards of local governments. The NHRC also found that between 2016 and 2019, the various cities and counties only granted subsidies for CPAP and BIPAP machines. Only two applications for CPAP subsidies were approved between 2016 and 2019. Most applications for BIPAP rentals are concentrated in only a few cities and counties. Most cities and counties only received a handful of applications, with many not receiving any. The inferior performance of the rental system is made evident by the small number of approvals. The NHRC recommends actively investigating the reasons for this lackluster performance and formulating improvement measures.

Article 21: Freedom of expression and opinion and access to information

A. Promotion and interpreting in Taiwan Sign Language

93. The number of sign language interpreters and simultaneous transcribers gradually

⁷⁷ Including “within minimum duration of use,” “exceeding four devices within a two-year period,” and “ineligible persons who need assistive devices”

⁷⁸ The MOHW responded to the NHRC stating, “Due to limited resources, subsidies are granted primarily for the procurement or rental of medical aids. Our aim is to benefit as many people as possible with a limited budget. Adding maintenance and adjustment fees to the scope of subsidization would inevitably spread already-strained resources too thinly.”

increased between 2016 and 2019. However, the NHRC found considerable discrepancies in the average number of tasks per person among the various cities and counties. A portion of cities and counties rely on private resources or the resources of other cities and counties. The MOHW has failed to assess the rationality of labor allocation in the various cities and counties and relies on the previous year's budget as a KPI rather than considering actual needs.

94. The NHRC is concerned that the lack of visual aids or sign language interpreting functions in government-established service hotlines (e.g., the Pregnant Women's Support Hotline, National Family and Education Hotline, and Suicide Prevention Hotline) excludes persons with hearing impairments from receiving these services.

B. Accessible formats (including website format)

95. According to Article 52-2, Paragraph 1 of the PDRPA, the websites established by government agencies (institutes) at all levels and their subsidiary agencies (institutes) and schools should pass the first priority access-free examination and receive the certificate mark. The main resolution of the Fiscal Year 2017 Central Budget review conducted by the Legislative Yuan stated that all government departments and schools should adopt the Web Accessibility Guidelines 2.0 and achieve a conformance level of AA when designing or updating their websites. However, disabled persons' organizations have informed the NHRC that the accessible website label for the website of the Ill-gotten Party Assets Settlement Committee, which is a second-level agency of the Executive Yuan, has expired, and that the Transitional Justice Commission has yet to apply for a label.

96. Based on the *Survey Report on 2018 Digital Opportunity for Physically and Mentally Disabled Citizens* released by the National Development Council (hereinafter referred to as the NDC) in 2018, the NHRC found that the information accessibility rate of persons with disabilities over the age of 12 is 45.5% below the national average. In particular, the information accessibility rates of persons with multiple disabilities, persons with visual impairment, and persons with hearing impairment were significantly lower than the average, and Internet utilization among these groups was lower than 40% (between 13.1% and 39.2%). Furthermore, 90% of persons with physical and mental disabilities do not have assistive devices or software installed on their computers or network

equipment.

97. According to the CRPD, government departments are required to ensure accessibility when designing public websites, apps, platforms, and software for announcing public information. The NCC released the Web Accessibility Guidelines 2.0 in 2017.⁷⁹ Between 2017 and 2019, 9,672 website accessibility verification applications were received from public and private organizations, 6,988 manual verification applications were submitted, and 3,427 labels were approved. As of the end of 2019, 5,847 labels have been approved, which is relatively low. Of the 3,086,536 domains with the extension “.tw” registered by the end of 2019,⁸⁰ 750,000 were registered by Taiwanese organizations for a coverage (pass rate) of only 0.78%. This figure suggests that most websites do not comply with the Web Accessibility Guidelines. Upon review of the information provided by the central competent authority, the NHRC proposed the following problems:

- (1) Most public and private websites failed to meet accessibility requirements at the time of application for the accessibility certification label. Some robust websites had accessibility problems in certain sections, resulting in a delay in compliance. These problems resulted in an approval rate of only 50% (3,427 of 6,988). The NCC can assist applicants in identifying problems and propose corrective action to enhance the overall approval rate.
- (2) The PDRPA was amended in 2011 to require the websites of government departments, their subsidiaries, and schools to undergo accessibility verification and acquire the accessibility certification label. As of 2019, less than 70% of the websites of government departments, their subsidiaries, and schools have passed the accessibility verification (acquired the accessibility certification label).⁸¹ Most of the 2,777 websites still lacking an accessibility certification label are fourth-level agencies, including high schools and under

⁷⁹ The NCC revised the Web Accessibility Guidelines 2.0 and renamed it Web Accessibility Guidelines. The revised Web Accessibility Guidelines and web accessibility accreditation badges took effect on July 1, 2021. Web Accessibility Guidelines 2.0 label applications are no longer processed. However, labels acquired before June 30, 2021, are still valid for three years.

⁸⁰ Statistical data from Taiwan Network Information Center

⁸¹ According to Table 21.3 of the CRPD Second Report, government and school websites that passed accessibility verification (acquired the accessibility certification label) increased from 27.96% in 2016 to 66.23% in 2019. However, the approval rate remains lower than 70%.

and district health centers. These agencies lack the technical staff and resources to adapt their websites to meet accessibility standards, resulting in the inability to acquire the accessibility certification label.

- (3) Between 2017 and 2019, 8,747 website accessibility verification applications were received from public organizations, 6,389 manual verification applications were submitted, and 3,210 labels were approved. Government and school websites are required to meet the accessibility standards laid out in the Web Accessibility Guidelines. However, approved websites may become non-compliant with administrative turnover or when new functions are introduced. The NHRC recommends that the NCC spot-check approved websites to ensure that accessibility requirements continue to be met.
- (4) The number of private websites that passed the accessibility verification (acquired the accessibility certification label) increased from 156 in 2016 to 400 in 2019.⁸² Between 2017 and 2019, 925 website accessibility verification applications were received from private organizations, 599 manual verification applications were submitted, and 217 labels were approved. All figures were lower than those of public organizations. The reason could be that the accessibility of government and school websites is regulated by the PDRPA. Awareness concerning accessibility is lower in the private sector than in the public sector. Therefore, private entities may not prioritize accessibility when designing their websites. Another reason could be that private websites are typically more robust, and creating a completely accessible website could pose considerable technical difficulties. Therefore, the NHRC recommends that the NCC actively promote private involvement, focusing on private companies that provide public services in the finance, healthcare, transportation, education, commerce, and entertainment industries.

98. The advancement of smartphone accessibility functions has enabled persons with visual impairments to use smartphones without restrictions. Smartphones have become a common networking tool for persons with disabilities, particularly those with visual impairments. The NHRC highlighted the urgency of improving mobile banking apps to meet current accessibility needs in Point 57. However,

⁸² According to Table 21.3 of the CRPD Second Report, private websites that passed accessibility verification (acquired the accessibility certification label) increased from 156 in 2016 to 400 in 2019.

many government apps established during the COVID-19 outbreak, including the National Health Insurance (hereinafter referred to as the NHI) Mobile App and public bus apps in central and southern Taiwan⁸³ fail to meet accessibility requirements. The *Development Guidelines on Mobile Application Accessibility* announced by the NCC in 2017 aims to provide app development guidelines. However, the guidelines are not mandatory. As of 2019, no verification applications have been received, highlighting the lack of enforcement. The app testing pilot program⁸⁴ launched by the NCC in 2017 and 2018 found that government apps largely fail to meet the four principles of accessibility (perceivable, operable, understandable, robust) in the development stage and to apply the accessibility development guidelines. Accessible app design can be improved by following standard programming language and accessibility tag requirements. The NCC published its *Directions Governing Mobile App Accessibility Verification (Pilot)*⁸⁵ and *Guidelines for Mobile App Accessibility Verification* in March 2021. A pilot program for testing the accessibility of apps targeting second-level central agencies of the Executive Yuan was launched in April 2021. However, not all government apps are required to be tested. The NHRC will continue monitoring the status of the program.

99. The NHRC is deeply concerned about the relationship between internal networks and work rights. The use of internal networks remains a considerable obstacle for persons with visual impairments, and they often require the assistance of their colleagues. Accessibility verification is only conducted on external networks and internal networks are excluded from testing and often fail to meet accessibility requirements. Accessibility verification conducted by the NCC primarily target

⁸³ The NHI Mobile App was launched by the government during the pandemic to assist the public in purchasing masks. However, during the initial period after launch, many persons with visual impairments reported that the App was difficult to use. Bus commuters with visual impairments in central and southern Taiwan reported that they were unable to use local public bus Apps and relied on 1999 to inquire about bus schedules. The relevant organizations view this as a breach of information equality.

⁸⁴ The NCC launched a pilot program to verify government apps in 2017 and 2018. Tests were based on the four principles of accessible digital content—that apps must be perceivable, operable, understandable, and robust—to evaluate the development status of accessibility functions in government mobile apps.

⁸⁵ The NCC explained that representatives from various disabled persons' organizations, app developers, and experts/scholars on disabilities were invited to participate in formulating the guidelines. The representatives from various disabled persons' organizations commented that app verification should focus on practicality and whether operating procedures meet accessibility requirements.

websites that provide information to the general public. Online approval systems, online attendance spreadsheets, other internal management systems, restricted or backend systems and password-protected systems that are restricted to the general public are not within the scope of accessibility verification, and there are no approval (label) systems for internal networks. Verifying the accessibility of internal networks is difficult and typically requires manual testing. Internal networks also contain the internal SOPs and classified information of public and private organizations. Therefore, outside reviewers may not have the necessary knowledge to conduct verification. Although the NCC announced the *Guidelines for Accessibility of Systems for Government Authorities* in October 2017, many government agencies (institutions) still fail to meet accessibility requirements.⁸⁶

Article 22: Respect for privacy

100. The NHRC is concerned that when the media reports on persons who have or are suspected of having mental disorders, they expose personal and family information as well as their medical and medication status, which severely violates personal privacy rights.
101. The NHRC is concerned about organizations that fail to protect the privacy of persons with disabilities when accepting outside visits or even use patients for fundraising without prior authorization. The MOHW only passively issues letters to prohibit such behavior or request improvements, and it should take a more active stance in protecting the privacy rights of persons with disabilities.

Article 23: Respect for home and the family

102. The NHRC has addressed the following issues regarding the protection of disabled persons' marital, childbirth, and parenthood rights and recommends that the government establish indicators to enable investigation and tracking (said indicators include the fertility rates of men and women with disabilities and their

⁸⁶ The NCC recommends that departments carry out internal compliance reviews. The NCC commented that the National Archives Administration of the NDC had announced accessibility verification guidelines to serve as a reference for promoting document system accessibility. The NCC recommends that government agencies and institutions refer to the aforementioned promotion methods to ensure that their document systems meet accessibility requirements.

parenting status), allowing the government to determine whether differences exist between persons with and without disabilities.

- (1) Just as with ordinary people, persons with disabilities have a need for intimacy. However, such needs are ignored and avoided. For women with disabilities, they are more prone to multiple discrimination. No government systems are currently in place to support these women. Per a Control Yuan investigation report,⁸⁷ the competent authorities (the MOE and MOHW) have failed to successfully divide the powers and responsibilities between themselves, resulting in both ministries viewing the other as the responsible competent authority. Additionally, educational courses and activities organized by local governments, schools, organizations and institutions for persons with disabilities have generally focused on preaching gender boundaries and respect as well as self-protection to prevent sexual assault. Education and counseling to raise awareness of and knowledge about sexual physiology and psychology, intimacy, and physical contact are seldom provided.
- (2) Per a Control Yuan investigation report,⁸⁸ the competent authorities have neglected disabled persons' need for marriage and childbirth counseling services⁸⁹ and other related education and information services. In terms of reproductive health assistance, they have merely focused on teaching persons with mental disorders and persons with intellectual disabilities about contraceptive measures, which constitutes discrimination against persons with disabilities.
- (3) Parenting, premarital, and marriage education and counseling⁹⁰ offered by the competent authority to persons with disabilities fails to account for individual differences between and the special needs of persons with disabilities. Moreover, relevant community support measures are insufficient.
- (4) The childbirth rights of persons with disabilities are not fully protected. The

⁸⁷ The Control Yuan investigation report approved on November 19, 2019.

⁸⁸ The Control Yuan investigation reports approved on November 19, 2019 and on March 17, 2020.

⁸⁹ According to the Control Yuan investigation report approved on March 17, 2020 and follow-up results, in 2018, there were 221,875 persons with disabilities aged 18–45 years in Taiwan. However, during that year, only 159 people were identified (via needs assessment) as requiring marriage and childbirth counseling services. In 2020, local social affairs competent authorities indicated that less than 0.2% of persons with disabilities needed marriage and childbirth counseling services.

⁹⁰ According to the 2016 *Survey Report of Living Condition and Needs among People with Disabilities*, 48.59% of persons with disabilities over the age of 15 had a spouse or were living with a common-law partner.

MOHW still lacks complete and accurate statistical data on birth control measures offered to persons with disabilities, and has not attempted to actively understand and refer to the practices adopted by other countries to formulate countermeasures.

- (5) Although the CRPD Second Report clearly disclosed the percentage of women with disabilities who have undergone a total hysterectomy (the data were derived by analyzing the NHI database), the data only reflected women with disabilities whose hysterectomy costs were partially/fully covered by NHI.⁹¹ Thus, the data did not fully reflect the number of women with disabilities undergoing a hysterectomy as a percentage of the population of women with disabilities. Additionally, the CRPD Second report failed to show how persons with disabilities undergoing involuntarily sterilization (e.g., being forced by their parents and not knowing that they were being sterilized) and therefore being deprived of childbirth rights can be prevented. With respect to the above, the MOHW did not propose effective countermeasures.

103. The NHRC is extremely concerned about the fact that between 2016 and 2019, the percentages of children with disabilities who were placed outside of their homes⁹² and of those who were adopted⁹³ were both higher than the number of children with disabilities as a percentage of the overall population of children.⁹⁴ It highlighted the government's inability to provide sufficient resources, assistance, and support to protect the right of children with disabilities to family life as well as ensure that they can grow and develop in their original families and not to be separated from their parents. Additionally, statistics show that from 2016 to 2019, most children with developmental disorders/diseases and disabilities were adopted overseas (65.17%), a topic meriting attention under Article 21 of the CRC and Article 21 of *The Protection of Children and Youths Welfare and Rights Act*.

⁹¹ Surgeries that prevent pregnancy such as tubal ligations are not covered by NHI.

⁹² From 2016 to 2019, the percentage of children with disabilities who were placed outside of their homes increased annually, reaching 11%. If children with developmental disorders and/or diseases were added, the percentage also increased annually and was even higher (13.77%) .

⁹³ From 2016 to 2019, the number of children with disabilities who were adopted in Taiwan was 2.83%. This number increased to 22.85% if children with developmental disorders and/or diseases were added.

⁹⁴ From 2016 to 2019, children with disabilities accounted for approximately 0.90% of the entire population of children.

Article 24: Education

104. Taiwan has yet to set deadlines for completely inclusive education in accordance with Points 62a) and 63a) of the Concluding Observations of the ROC's Initial CRPD Report. Currently, Taiwan's educational system has adopted integrated education, as opposed to inclusive education as required by the CRPD. In fact, some schools are even under the misconception that only students with disabilities require inclusive education.

105. According to General Comment No. 4 of the CRPD, completely inclusive education shall be incorporated at all educational levels. However, to NHRC's knowledge, the progress of inclusive education in preschool education as well as in lifelong learning has trailed considerably behind. In preschool education, students with disabilities are often rejected by other parents, showing that the concept of inclusive education must still be preached. Concerning lifelong learning, the MOE indicated in CRPD Second Report that it had invited local governments to request community colleges to incorporate important CRPD principles into their curriculum design, but actual cases of implementation remain to be seen. Therefore, the NHRC recommends that the MOE formulate specific measures to encourage community colleges to admit students with disabilities and make reasonable accommodation based on the needs of students with different disabilities.

106. The CRPD Second Report mentioned that the SEA prohibited schools from refusing students on the grounds of disability. Nevertheless, according to representatives of disabled persons' organizations, in recent years, schools have repeatedly rejected students with disabilities. Among the most common reasons for rejection were that they did not possess sufficient software and hardware resources to accommodate students with disabilities. Pursuant to Article 2 of the CRPD, refusal to make reasonable accommodation constitutes discrimination. The NHRC asserts that the central and local competent education authorities should ensure that educators and schools at all levels develop a correct understanding of what reasonable accommodation is and, on the premise of equal rights, make reasonable accommodation to meet the needs of students with

disabilities.

107. General Comment No. 4 of the CRPD emphasizes that “the right to non-discrimination includes the right not to be segregated and to be provided with reasonable accommodation and must be understood in the context of the duty to provide accessible learning environments and reasonable accommodation.” Nevertheless, in April 2021, an incident involving a new student with a disability who was about to start school study requested by the principal of New Taipei Municipal Yingge Junior High School to study in another school district still occurred.⁹⁵ The principal indicated that the reason for the request was because the school had not yet, due to terrain limitations, installed elevators, and that the electric wheelchair used by the student was heavier than the regular wheelchairs used by other students with disabilities. Other students could simply push students using regular wheelchairs upstairs to their classrooms, whereas they could not do so for this particular student. After the case was reported in the media, the New Taipei City Government submitted a response letter to the Control Yuan, stating that the news report was false. In May 2021, the New Taipei City Government Department of Education helped the school apply to the MOE for funding to build accessible elevators. The NHRC later issued a letter to the MOE asking it to provide follow-up information regarding the aforementioned incident, to which the MOE offered the following response: The K-12 Education Administration, MOE had formulated the *Guidelines for the Granting of Subsidies by the K-12 Education Administration, Ministry of Education to Improve Accessibility in Schools* to inform schools with improvement needs to submit applications to their city/county governments. The city/county governments then perform a preliminary review and forward approved applications to the K-12 Education Administration. For urgent or special cases, special case applications may be submitted. Although accessible campus environments have been stipulated by law since 1997 and have been promoted for many years, Yingge Junior High School was still under the misconception that the installation of accessible elevators could be decided depending on actual needs rather than as a top priority. The NHRC argues that such an act constitutes discrimination against persons with disabilities.

⁹⁵ “Yingge Junior High School Recommends that a Student with a Disability Study in Another School District Due to Lack of Elevators” reported by the *China Times* on April 29, 2021.

108. The NHRC has noted many cases of students with emotional or behavioral problems who are emotionally out of control and/or bite and/or attack others at school.⁹⁶ Although schools have continued to accept such students on the grounds of banning rejection, their teachers lack the knowledge and ability to handle and counsel such students, resulting in teachers repeatedly suppressing, isolating, and/or calling the police on students, and/or sending them to hospitals, thus creating a vicious cycle. Additionally, teachers (including both general and special education teachers) have not been provided sufficient and reliable consultation channels that could offer them professional knowledge and advice. Also, support systems for developing effective behavioral intervention strategies and the Individualized Education Program (hereinafter referred to as the IEP) have not been developed. Furthermore, evaluation and tracking mechanisms for assessing the effectiveness of IEP implementation are not in place. Professional services provided by the government, such as speech therapy and psychological counseling, are often hindered by limited hours due to insufficient resources. Furthermore, because of the difficulties encountered by schools and teachers combined with the fact that the schools and teachers are not provided with effective, positive support, schools have had to implement measures such as reducing students' time in school, asking their parents to accompany them in class or to take them home for a few days to study from home. Such measures negatively affect students' right to education.

109. Special education assistants include teaching assistants and special education student assistants. According to the MOE, teaching assistants generally serve in special education schools or self-contained classes, and attend to all the students in their classroom. By contrast, special education student assistants serve individual or small numbers of students and their main goal is satisfying the students' needs in school. Nonetheless, according to representatives of disabled

⁹⁶ In 2020, an autistic student studying at a junior high school injured his classmate with a wooden sword during a school field trip. In 2020, an autistic preschool student who had been suffering from long-term domestic violence had difficulty adapting to school life in Yunlin County. In 2020, a student with emotional and behavioral problems who lost control at a junior high school in Taoyuan City was attacked with a taser by the parent of a classmate.

persons' organizations, teaching assistants and special education student assistants are often used interchangeably in actual practice. Thus, the MOE has formulated the *Regulations for Establishing Special Education Classes and Responsible Units and Recruiting Personnel for Schools K-12*, in which it is stipulated that personnel be recruited and perform their duties in compliance with the law to prevent personnel from being used interchangeably. Nevertheless, the NHRC asserts that the aforementioned phenomenon illustrates that the number of service hours currently provided are insufficient to meet the needs of special education students. In particular, this assertion is supported by the fact that some special education schools even require parents or foreign caregivers (hired by the students' parents) to accompany and care for their children in school. Thus, the MOE merely formulating regulations mandating that cities and counties recruit personnel and have them perform their duties in compliance with the law is insufficient in meeting the needs of special education students. The MOE must actively propose countermeasures for the lack of overall manpower.

110. Pursuant to General Comment No. 4 of the CRPD, all teachers and other staff must receive education and training they need to give them the core values and competencies to accommodate inclusive learning environments. According to the CRPD Second Report, ordinary class teachers must attend special education workshops for at least three hours per year. Between 2016 and 2019, approximately 77% of ordinary class teachers attended more than three hours of said workshops per year. This signified that as much as 23% of ordinary class teachers chose to only meet the minimum requirement. Additionally, the effectiveness of the training was difficult to verify. Concerning the above issues, the MOE indicated in a response letter to the NHRC that it had reminded all cities and counties to improve the special education knowledge and skills of their ordinary class teachers, and demanded that teachers of ordinary classes containing students with autism and/or emotional disorders receive training in priority before taking these students on. Nevertheless, such measures are insufficient to promote inclusive education comprehensively, and the NHRC suggests that the MOE increase the number of training hours and make the course content more diversified.

111. The MOE currently places students requiring early childhood intervention in ordinary classes with inclusive education. However, after hearing from representatives of private organizations, the NHRC is concerned about the problems that local governments face in promoting and implementing preschool special education. These problems include a shortage of teachers, teachers lacking sufficient special education knowledge and skills, an inadequate number of qualified teachers, and a dearth of professional caregivers in special education classes, which must be addressed immediately. Per a Control Yuan investigation report,⁹⁷ the number of qualified special education teachers was unevenly distributed across Taiwan, and the percentages of qualified special education teachers in nearly half of the cities/counties were lower than the national average. Such a problem hinders the promotion of inclusive education.
112. The NHRC has noticed that the percentages of students dropping out of senior high school and of students suspending their studies in college or university were higher among students with disabilities than among nondisabled students. The NHRC speculates that this may be caused by insufficient measures, including insufficient resources, services, administration organizations, teaching and counseling strategies, professional support, and accessibility at the time that the government promoted completely inclusive special education, leading to inclusive education being incorporated only in classes and impeding disabled students from attending school. The MOE has not explored the reasons why the percentage of students dropping out of/suspending their studies is higher among students with disabilities than among nondisabled students and has not proposed contingency plans to solve this problem.

Article 25: Health

113. Based on the Control Yuan investigation report⁹⁸ and discussion comments by

⁹⁷ The Control Yuan investigation report approved on February 18, 2020.

⁹⁸ The Control Yuan investigation report approved on April 21, 2020 revealed the following:

- i. The Construction and Planning Agency, MOI intended to make revisions to include “clinics” in “existing public buildings” and issued a letter inviting the MOHW to attend a meeting to express its opinions between 2016 and 2018. Astonishingly, the Department of Medical Affairs of the MOHW did not send representatives to attend the meeting. The MOI subsequently issued a letter inviting the department to express its opinions, to which the department merely responded by restating the

private organizations, the NHRC believes that the government has failed to actively push clinics (the institutions that have the closest connection to the needs, rights, and interest of persons with disabilities seeking medical treatment) to fully comply with accessibility regulations. Although the MOHW set benchmarks for rewards in the *Guidelines for the Administration and Issuance of Retention Funds Ensure Basic Level Western Medicine Quality Assurance* to encourage clinics to build accessible medical environments, their effectiveness is limited. For example, as of June 1, 2021, only 30% of all clinics had accessible or patient-friendly medical environments. Additionally, the data were reported by the clinics themselves, making their accuracy and whether the clinics complied with accessible building design guidelines indeterminate. The government has long ignored the obstacles faced by persons with disabilities seeking medical treatment, and has not yet set concrete goals and schedules, resulting in persons with disabilities having to go to large hospitals (as opposed to having a choice between clinics and hospitals) if they wish to receive favorable medical treatment. The NHRC recommends that instead of passively waiting for basic clinics to submit an application for a reward, the government should categorize elementary clinics into different divisions according to the results of demand surveys and set specific goals accordingly. Today, among MOHW-affiliated hospitals, there remain four whose online registration systems do not have special options to assist persons with visual or hearing impairments. The MOHW's response letter and explanations⁹⁹ provided in discussions revealed that it has no intention or

objections made by groups such as medical associations and clinics' associations. The department's failure to send anyone to the meeting or to express its own opinions was equivalent to it forfeiting its right as a competent authority. Furthermore, an investigation of the objections made by the aforesaid groups showed that their objections contained many errors which the MOHW did not proactively communicate.

- ii. The MOHW and competent authorities of the relevant industries were unfamiliar with accessible environment regulations and failed to propose solutions to solve the problems raised by businesses. The former simply set aside the problems raised, thus setting back the scheduling for related units to review the incorporation of clinics into accessible environment regulations.

⁹⁹ In a response letter to the NHRC, the MOHW stated the following: The MOHW had already issued letters in October 2015 informing the indicated MOHW-affiliated hospitals to handle the aforementioned problems and, in a 2016 meeting, discussed and resolved to comply with relevant policies to build online registration systems for persons with disabilities and modify the template functions of the current official online registrations for persons with disabilities. Resolutions pertaining to the content of the special options were also made in the meeting that hospitals should purchase special options based on their needs. During discussion, the MOHW indicated the following reasons why special options for persons with visual or hearing impairments were not in place: (a) Local residents generally made reservations by phone. (b) Some of the MOHW-affiliated hospitals were small hospitals. (c) Some of the MOHW-affiliated hospitals assessed the need for such options

plans to supervise and improve the above.

114. The NHRC is also concerned that, like clinics, community pharmacies, which also have a close relationship with persons with disabilities, do not have accessible environments. According to statistical data provided by the MOHW, as of July 13, 2021, only 30%¹⁰⁰ of NHI-contracted pharmacies reported that they had accessible environments and non-NHI-contracted pharmacies do not have any related statistical data. The lack of accessible environments, accessible facilities, and support measures in pharmacies was made even clearer during efforts to obtain facemasks and prescription drugs for chronic conditions/illnesses during the outbreak of the COVID-19 pandemic.

115. In the CRPD Second Report, the MOHW mentioned that as of 2019, 358 health centers had been certified as ageing-friendly healthcare institutions. However, the certification criteria used were mostly based on standards announced by the WHO (which emphasizes the concept of active aging among older adults) rather than on the concept of “complete accessibility” advocated by the CRPD. The NHRC once again reiterates that providing accessible medical environments is an obligation, not a choice, of states that are party to the CRPD. Since the HPA introduced aging-friendly healthcare institution certification in 2010, 645 institutions¹⁰¹ have obtained certification (as of 2020). Among these institutions, only one was a clinic, revealing the ineffectiveness of the certification system in promoting accessible environments in basic clinics. Moreover, the certification process involves healthcare institutions actively submitting applications and performing self-assessments, resulting in standards that are far below those required for accessible facilities in buildings and failing to meet CRPD requirements. Thus, the health rights of persons with disabilities are relatively unprotected.

116. The NHRC pointed out that the Women Health Handbook and Children Health Handbook provided by the HPA do not have multiple easy-to-read versions.

and concluded that the need was minimal. (d) Current webpages were sufficient, so no revisions were made.

¹⁰⁰ The number of NHI-contracted pharmacies reporting totaled 2,775.

¹⁰¹ Data obtained from the “Aging-Friendly Healthcare Institutions” list released on the HPA website.

Accessible equipment, pregnant women's health handbooks, and health education course materials for pregnant women/puerperal women provided by medical institutions fail to meet the needs of persons with different disabilities. No accessible or easy-to-read teaching materials, teaching aids, or courses have been designed for persons with disabilities, a fact which highlights the government's disregard for the CRPD's stipulations that persons with disabilities shall have the same marital and family rights that nondisabled people do.

117. According to the CRPD Second Report, preventive healthcare services are currently offered to both the general public and persons with disabilities. However, the 2016 *Disabled People's Living Condition and Demand Survey* released by the MOHW showed that only 43.3% of persons with disabilities had received health check-ups, whereas 60.2% of the general public (aged 40 years or under) had received health check-ups. Accordingly, the MOHW adopted measures such as diversifying promotional channels, incorporating sign language in promotional videos for persons with hearing impairment, and encouraging city and county health bureaus to collaborate with basic medical care institutions to provide community-based integrated screening services to make it easier for persons with disabilities to receive health screenings. The NHRC maintains that except for the incorporating of sign language in promotional videos, none of the other measures to help persons with disabilities are in place. Additionally, the MOHW has ignored the fact that most basic medical institutions currently lack accessible environments and facilities. Thus, the NHRC recommends that the MOHW actively improve accessibility and offer more diversified services (e.g., set up outpatient clinics for persons with disabilities and schedule visits to institutions for persons with disabilities to provide medical or preventive healthcare services).

118. According to statistics compiled by the Taiwan Insurance Institute (hereinafter referred to as the TII) in recent years, persons with disabilities only account for 1.1% of all insured persons. A Control Yuan investigation report¹⁰² revealed that as of the end of 2019, there were only 202,004 valid life insurance contracts among

¹⁰² The Control Yuan investigation report approved on October 20, 2020.

the 1.186 million persons with disabilities, equating to an average of less than 0.2 insurance policies per person with disabilities. Additionally, the ratio of life and annuity policies to the total population in Taiwan published on the TII website indicates that the life insurance and annuity policy rate is 256.97% per person as of the end of 2019. That is, every Taiwanese citizen had an average of 2.56 valid insurance policies, verifying the considerably low insurance coverage rates among persons with disabilities. Per a Control Yuan investigation report¹⁰³ and data provided by the central competent authority, the NHRC has the following questions:

- (1) Statistics on the number of noninsured disabled persons listed in Table 25.5 of the CRPD Second Report did not include disabled persons who were verbally rejected by insurance salespeople before their insurance applications were even submitted to the underwriting units. Per a Control Yuan investigation report, between 2018 and 2020 at least 68 persons with disabilities experienced the aforementioned situation. No written documentation stating why they were rejected was provided to most of these individuals; they were only rejected verbally. The reasons why these persons with disabilities were rejected varied. For some, it may have been because the insurance products themselves did not meet the needs for persons with disabilities (and the salespeople were merely telling the truth), or it may have been that the salespeople rejected them for no valid reason (e.g., persons with visual impairment trying to purchase cancer insurance and being rejected). Nevertheless, all insurance salespeople should help persons with disabilities submit their applications. Insurance companies should notify the contract proposers in writing (rather than verbally) to explain why the applications of persons with disabilities were rejected. Although the FSC added reference standards on August 19, 2020 for registering penalties for salespeople that incorporated remarks¹⁰⁴ regarding “salespersons refusing to accept insurance applications or assist in submitting insurance applications, or verbally encouraging persons with disabilities to withdraw their insurance applications without valid reason,” whether salespeople who verbally reject insurance applications from persons with disabilities can be correctly identified remains

¹⁰³ The Control Yuan investigation report approved on October 20, 2020.

¹⁰⁴ The salespeople would be denied the right to solicit insurance applications for three months.

to be seen. The NHRC recommends that the government develop indicators to facilitate investigation and tracking (e.g., indicators that show whether there is a significant difference between the insurance application rate/number between nondisabled people and persons with disabilities) to enable comparisons between the two groups.

- (2) Table 25.5 of the CRPD Second Report showed that “illness” was listed as the reason why 9,762 insurance applications by persons with disabilities were rejected in 2018 and 10,985 were rejected in 2019, and “nonphysical conditions” was the reason for 8,418 rejected insurance applications in 2018 and 9,311 in 2019. Further analysis of the statistical data compiled by the TII revealed that under “nonphysical conditions,” the most common reason was “underwriting procedure incomplete” (either the insurance company or customer suspending the underwriting procedure), which accounted for over 6,000 of the rejected insurance applications in both 2018 and 2019.¹⁰⁵ Reasons for persons with disabilities suspending the underwriting procedure included the contract proposer investing time and energy in planning for insurance but later dropping out, or failing to submit all required data thus causing the underwriting procedure to terminate. These reasons accounted for 31.71% of the rejected insurance applications. The FSC should have a full grasp of the reasons why proposers with disabilities suspend the underwriting procedure.
- (3) The FSC oversaw The Non-Life Insurance Association of the Republic of China (hereinafter referred to as the NLIA) and The Life Insurance Association of the Republic of China (hereinafter referred to as the LIAROC) when they co-formulated the *Guidelines for Insuring Persons with Disabilities*. Article 5 of the guidelines stipulates that “all insurance companies shall create empirical statistical data on insured persons with disabilities to serve as a basis for future revisions in insurance standards.” In 2000, the Department of Insurance, Ministry of Finance promulgated its *Insurance Industry Guidelines for Insuring Persons with Disabilities*, which required life insurance companies to compile empirical statistical data on

¹⁰⁵ According to the disabled persons insurance database created by the TII, in both 2018 and 2019, “underwriting procedure incomplete” among nonphysical conditions was listed as the reason why over 6,000 insurance applications were rejected.

insured persons with disabilities. Because there were no units collecting insurance data from life insurance companies between 2000 and 2012, the insurance companies had to refer to the empirical data of international reinsurance companies when underwriting. The FSC asked the TII to build an empirical statistical database for persons with disabilities effective January 1, 2012, and requested that insurance companies promptly submit relevant statistical data for the various categories of disability listed by the institute. The goal was to calculate the likelihood of various events occurring so that insurance companies could set and prepare the appropriate insurance product rates and liability reserves. However, because such data remain insufficient today, when insurance companies set insurance product rates, they generally refer to the information provided by the insurers, insurer-related physical condition reports (e.g., medical examination results and medical records), and underwriting manuals of reinsurance companies to comprehensively assess the risks that the insured are exposed to, to determine their insurance product rates.

- (4) Although insurance companies have established underwriting assessment procedures for certain types of disability, the information is not fully transparent to disabled applicants, resulting in them being unaware of the insurance companies' underwriting standards. Thus, even if they prepare and submit all the required health documents, their insurance applications may still be rejected following lengthy underwriting procedures. The FSC noted that insurance companies decide whether to accept insurance applications by performing risk assessments and evaluating their risk management capabilities on a case-by-case basis. Thus, establishing unified underwriting review standards that are applicable to all insurance companies is difficult. Nevertheless, the commission has requested that the NLIA and LIAROC amend their *Guidelines for Insuring Persons with Disabilities* to introduce a set of underwriting assessment procedures and standards to be followed by the insurance industry for all disability types. The NLIA and LIAROC are still deliberating and reviewing the amendments to be made, and the FSC shall continue to monitor the follow-up. Additionally, because persons with disabilities adjust their lifestyle in response to their social setting, there is no reason for the setting of risk assessment standards to be drawn out of thin air.

The FSC should include persons with disabilities in the planning of insurance policies and programs to strengthen its understanding of persons with disabilities and help it formulate underwriting assessment procedures that better meet their needs and serve as a reference for insurance companies when they perform underwriting reviews.

- (5) Since 2018, the FSC has included the insurance industry’s compliance with the laws and regulations governing the acceptance of disabled persons’ insurance applications. The FSC also included the *Insurance Industry Guidelines for Insuring Persons with Disabilities* as items to be inspected during on-site inspections.¹⁰⁶ Nonetheless, between 2016 and 2019, the commission was only able to identify two cases in which the rights and interest of persons with disabilities were violated and penalties imposed.¹⁰⁷ The results of this supervision differed significantly from the actual experiences of persons with disabilities.¹⁰⁸ According to data from the Financial Ombudsman Institution (hereinafter referred to as the FOI),¹⁰⁹ insurance disputes accounted for a large proportion of the complaints and disputes that it has received. Underwriting disputes related to rejected insurance applications or added premiums accounted for 5% of all life insurance industry disputes (non-claim-related disputes). No statistical data were available for insurance disputes involving persons with disabilities. On January 8, 2020, the FSC issued a letter to the NLIA and LIAROC requesting that they perform statistical analyses on the handling of complaints filed by

¹⁰⁶ The FSC explained that when conducting onsite inspections of insurance companies, it offers its opinions, urges the insurance companies to make improvements, and follows up on the improvements made if it is found that the internal regulations of an insurance company has violated laws and regulations governing the applications of persons with disabilities, or if a company has engaged in discriminatory acts against persons with disabilities during the insurance solicitation, underwriting, and claim settlement process.

¹⁰⁷ According to FSC data, the violations were the following: “Insurance companies rejecting insurance applications because the insurers were persons with disabilities, or setting a maximum amount of insurance that discouraged persons with disabilities from applying for insurance,” and “not following the company’s internal regulations and verbally rejecting insurance applications (because the insurance salespeople assumed that the proposers would not be able to provide sufficient assessment data) during the solicitation stage.”

¹⁰⁸ According to the Control Yuan investigation report approved on October 20, 2020, persons with disabilities testified that (a) they were treated unfairly; (b) their insurance applications were denied; or (c) their insurance premiums were increased when they submitted their insurance application. If the reasons for the above were merely because they had disabilities, it constitutes discrimination.

¹⁰⁹ “Explanations of complaint and dispute cases received by the FOI” (Q1, 2021).

persons with disabilities via the disabled persons' complaint hotline¹¹⁰ as well as the types of complaints filed to the FOI (as well as the complaint handling results). The analyses are to be reported to the Insurance Bureau of FSC every quarter as references for supervisory measures to be adopted. The NHRC recommends that the abovementioned statistical data be released publicly on a regular basis to allow others to review the effectiveness of supervision.

- (6) In discussion meetings related to the ROC's CRPD Report, disabled persons' organizations have repeatedly reported that Chunghwa Post frontline counter staff frequently reject or are unwilling to accept simple life insurance applications and savings insurance applications submitted by persons with disabilities, or request that said persons submit their applications in the name of their nondisabled family members, constituting discrimination.

Article 27: Work and employment

119. According to Points 68 b) and 69 b) of the Concluding Observations of the ROC's Initial CRPD Report, the IRC recommended that the government mandate that employers ensure reasonable accommodation in the workplace. The CRPD Second Report failed to respond to this recommendation. However, the MOL asserted that job redesign for persons with disabilities is a measure conceived to regulate reasonable accommodation.¹¹¹ The NHRC has noted that job redesign as defined in Article 37 of the PDRPA is a non-mandatory statutory service subsidized by the government that employers can apply for and that has nothing to do with the reasonable accommodation obligation of employers characterized in the CRPD. Additionally, this implies that the rejection of reasonable accommodation constitutes discrimination. Regarding the inquiry by the NHRC concerning the enforcement of reasonable accommodation, the MOL responded

¹¹⁰ Persons with disabilities can file complaints via complaint channels provided by the FSC, NLIA, LIAROC, and insurance companies. On December 15, 2020, the FSC published a press release titled "Complaint Channels for Persons with Disabilities to Report Unfair Treatment when Applying for Insurance," which directed persons with disabilities to file complaints via complaint channels provided by the FSC, NLIA, LIAROC, and/or insurance companies if an insurance company rejects their insurance application solely because of their disability. They can also file complaints if the insurance salespeople refuse to accept their insurance application, assist them in submitting their insurance application, and/or verbally encourage them to withdraw their insurance application during the insurance solicitation stage.

¹¹¹ Point 26 of the CRPD Second Report.

that enforcement action shall only be taken once the PDRPA is amended by the MOHW to include reasonable accommodation and to stipulate that the refusal of reasonable accommodation shall be characterized as discrimination by law, and the relevant amendments apply to both private and public agencies. Because reasonable workplace accommodation cases require precedence in different disability categories, the NHRC recommends that the MOL enforce reasonable accommodation as soon as possible to minimize employer-employee disputes.

120. The number of persons with disabilities who received subsidies for employment-related assistive devices increased year-over-year between 2016 and 2019 (358 to 608). Furthermore, local governments continued to provide subsidies to cover the costs of job redesign services on a per-case basis and exempt employees with disabilities from the NT \$100,000 limit. However, the NHRC discovered from data provided by the MOL that persons who received subsidies were concentrated in a handful of cities and counties. Many cities and counties have had zero subsidy cases. Moreover, only ten applicants across five local governments exceeded the subsidy limit of NT \$100,000. Subsidization equality remains an urgent issue pending resolve by the MOL.

121. After the amendment of the PDRPA in 2007, sheltered workshops were redefined as workplaces for persons with disabilities. However, the annual growth of sheltered workshops and sheltered employment opportunities has slightly stagnated. Financial autonomy- and productivity-based systems blur the definition of sheltered workshops and limit their effectiveness. Sheltered workshops serve two functions: counseling and management. Therefore, providers of sheltered workshops are largely non-profit organizations that are only able to offer repetitive, low entry-level production or manufacturing jobs at secondary, less-competitive companies. These companies largely rely on government funding to stay in business and only offer sheltered workers low salaries sometimes unable to cover basic needs. Sheltered workshops aim to provide sheltered employment and career transition and connection services to persons with disabilities who would otherwise lack job qualifications or competitiveness. However, the number of successful career transition and connection is extremely low, which means the effectiveness of career transition

and connection is unsatisfactory. These findings highlight the fact that sheltered workshops fail to help persons with disabilities enter the open labor market, as stated in the CRPD. The NHRC recommends that the MOL review the current status of sheltered workshops and their functions and seek solutions to improve the sheltered employment function of sheltered workshops for persons with disabilities.

122. According to Points 68 f) and 69 f) of the Concluding Observations of the ROC's Initial CRPD Report, the effectiveness of the employment quota policy has failed to meet expectations. It is recommended that the government re-evaluate the existing policy and design an effective alternative. The CRPD Second Report highlighted increases in both the employment of persons with disabilities and the rate of employment of persons with disabilities to show that the employment quota policy was beneficial for persons with disabilities. However, the employment quota characterized in Article 38 of the PDRPA has not been revised in the last 14 years. The required employment quota for private schools, organizations, and institutions has remained at 1% since 1990. The only amendment was the downward adjustment of the employment requirements to no less than one person with disabilities per 100 employees to one per 67 employees. A review of the list of private institutions that failed to meet the employment quota posted by the MOL showed that most of the non-compliant institutions were in the technology and finance industries, and even included TWSE-listed and TPEX-listed companies. Because Table 27.10 of the CRPD Second Report only provided an overview of the current status and failed to highlight compliance in the private and public sectors on an individual basis, the NHRC sent a letter to the MOL requesting non-compliance data of private sectors for the years 2016 to 2019. A review of the data revealed a year-over-year increase in the number of non-compliant institutions from 8.7% to 9.8%. The data also showed that the overall non-compliance rate of non-compliant private institutions was 41%, suggesting that these private institutions opted to pay the difference subsidies.

Non-Compliant Private Institutions Between 2016 and 2019

Year	No. of Institutions	Non-Compliant Institutions		Status					
				Required Employment		Actual Employment		Difference	
		No.	%	No.	%	No.	%	No.	%
2016	16,881	1,470	8.7	4,689	100.0	2,614	55.7	2,075	44.3
2017	17,180	1,544	9.0	5,246	100.0	3,079	58.7	2,167	41.3
2018	17,466	1,605	9.2	5,674	100.0	3,340	58.9	2,334	41.1
2019	17,673	1,736	9.8	5,977	100.0	3,479	58.2	2,498	41.8

Source: MOL

123. Each year, the Ministry of Civil Service (hereinafter referred to as the MOCS) and Directorate-General of the Personnel Administration, Executive Yuan, jointly compile a list of positions and requirements (including ranks, job categories, and required quotas) for persons with disabilities in various public departments and schools. The survey outcomes are submitted to the Ministry of Examination (hereinafter referred to as the MOEX) for review. The MOEX then sends the outcomes to the Examination Yuan for the approval of the Special Civil Service Examinations for the Disabled (hereinafter referred to as the SCSED). According to the statistics released by the MOCS,¹¹² the percentage of persons with disabilities who were admitted to employment through the SCSED from 2016 to 2019 was 36.4%, 37.8%, 39.6%, and 41.4%, respectively, while the employment rate of persons with disabilities who passed the Senior Civil Service Examination declined from 9.75% in 2016 to 9.71% in 2019. This statistic highlights the fact that the SCSED is a major and increasingly important pathway for persons with disabilities to secure civil employment. However, the proportion of civil employees with disabilities to total civil employees decreased from 9.27% in 2016 to 9.21% in 2019. Based on statistics released by the MOEX, the NHRC discovered a year-over-year decrease between 2016 and 2019 in the required quota for the SCSED, which dropped from 233,151,160, and 133, respectively. The NHRC also found that the required quota were mostly filled by level 5 civil servants, and the proportion of the participants in this exam increased year-over-year (40.34% to 50.37%). Due to the fact that the SCSED is a major pathway for persons with disabilities to secure civil employment, the NHRC is concerned

¹¹² Statistical Yearbook of Civil Services 2016-2019 (Link: https://www.mocs.gov.tw/pages/law_list.aspx?Node=449&Index=4) - General Statistics of Civil Servants, General Statistics of Persons with Disabilities Employed as Civil Servants.

about the decreasing quota for the examination, whether this decline is associated with a lack of willingness or awareness of government agencies and schools with regard to job redesign, and whether it will impact the right of persons with disabilities to civil employment. The MOCS and Directorate-General of Personnel Administration, Executive Yuan, must urgently review these matters and make the appropriate improvements.

124. According to the 2019 Survey on the Employment Status of People with Disabilities, 9.0% of employees with disabilities feel that they are mistreated in the workplace because of their disabilities, and 39.3% of unemployed persons with disabilities expressed that they had been mistreated in the workplace or during interviews within the prior two years because of their disabilities. A review of the data provided by the MOL revealed that local labor administration authorities processed 106 employment discrimination claims under the *Employment Service Act*, among which 28 cases were related to disability discrimination, with only two of these cases recognized as discrimination violations. The NHRC believes that there are clear discrepancies between the statistics released by the MOL and actual conditions in terms of disability discrimination disputes and rulings, and recommends that the competent authorities investigate the unequal treatment of persons with disabilities who seek employment.

Article 28: Adequate standard of living and social protection

125. The NHRC believes that the economic security guaranteed by the government to persons with disabilities should not be differentiated based on their civil servant status, educator status, or laborer status. During regional forums hosted by the NHRC, a number of disabled persons' organizations expressed that the pension regulations under labor insurance laws fail to take into account the rate of aging of persons with disabilities, resulting in persons with disabilities paying insurance premiums as required by law, yet not qualifying for pension benefits due to the nature of their disabilities. As of the end of 2019, 232,850 persons with disabilities were subscribed to National Labor Insurance, which far exceeded the number of persons subscribed to public servant and teacher insurance at that time

(8,990). Although an amendment ratified in 2018 enabled government employees and teachers with disabilities to voluntarily retire in accordance with the conditions stipulated by the law, the MOL has failed to ensure equal access by persons with disabilities to retirement benefits and programmes in accordance with Article 28, Point 2(e) of the CRPD. Instead, the MOL maintains that it is unnecessary to amend the existing *Labor Insurance Act* because the Act already includes disability benefits, the *Labor Pension Act* allows for early payout of individual labor pension accounts, and retirees are able to voluntarily subscribe to the National Pension Insurance. This clearly does not comply with Points 70 b) and 71 b) of the Concluding Observations of the ROC's Initial CRPD Report. Pursuant to the committee meeting resolutions of February 8, 2021, the NHRC submitted a letter to the MOL on February 23, 2021 requesting the establishment of a reasonable retirement system for laborers with disabilities in accordance with Article 28 of the CRPD and Article 47 of the PDRPA.

126. Point 70 c) of the Concluding Observations of the ROC's Initial CRPD Report states persons with disabilities without a work history are eligible for only a disability pension under the national pension scheme which by itself is inadequate to cover basic food costs. The CRPD Second Report emphasized that the social security system in Taiwan comprises both social insurance and social welfare and assistance services and that social security is not measured solely by national pension payments. However, the NHRC found that between 2016 and 2019, the per-capita mental/physical disability pension payments and the guaranteed basic pension payments for mental/physical disabilities amounted to NT \$4,872 per month, far lower than the minimum cost of living in 2019 for the various regions stipulated in the *Public Assistance Act*.¹¹³ Therefore, the mental/physical disability pension payments and guaranteed basic pension payments for mental/physical disabilities stipulated in the *National Pension Act* are inadequate to cover the basic needs of persons with disabilities.

127. Point 251 of the CRPD Second Report only presented the proportion of households with persons with disabilities in public housing. This is inconsistent

¹¹³ The lowest was NT \$11,135 for Fujian Province. The highest was NT \$16,580 for Taipei City. The average for Taiwan Province was NT \$12,388.

with Point 71 d) of the Concluding Observations of the ROC's Initial CRPD Report, which recommended that the government prioritize accessible and affordable new residential construction in the public and private sector. Disabled persons' organizations have expressed that not all public housing targeting persons with disabilities is built with accessible facilities. The registration and lottery system often result in persons with disabilities being allocated units that fail to meet their needs or lack accessibility. Moreover, some public housing complexes have poor spatial planning in public spaces that fail to meet accessibility requirements.

Article 29: Participation in political and public life

128. The NHRC recommends that the Executive Yuan prioritize the amendment of the *Presidential and Vice Presidential Election and Recall Act* and *Civil Servants Election and Recall Act*. The Executive Yuan should also work jointly with the Legislative Yuan to abolish laws that prohibit persons under guardianship from voting so as to comply with the requirements of the CRPD.
129. The NHRC is concerned about the lack of accessible facilities at polling stations and ballot counting stations. Although the Central Election Commission (hereinafter referred to as the CEC) developed a venue and facility checklist in 2014, Point 256 of the CRPD Second Report states that county/city election commissions are responsible for the selection of polling and ballot counting stations, and nearly 8% of the stations during the latest elections in 2020 failed to meet the accessibility requirements set out by the CEC, which severely influenced the voting rights of persons with disabilities.
130. The MOI and CEC do not gather and retain data related to candidates and electee with disabilities, thus failing to satisfy Points 72 b) and 73 b) of the Concluding Observations of the ROC's Initial CRPD Report. The NHRC believes that Taiwan lacks tangible measures to encourage persons with disabilities to participate in public affairs. According to Article 29b of the CRPD, governments should promote an environment in which persons with disabilities can effectively and fully participate in the conduct of public affairs, including non-profit

organizations, political parties, and disabled persons' organizations.

Article 30: Participation in cultural life, recreation, leisure, and sport

131. Social and educational institutions under the MOE and cultural institutions and facilities under the Ministry of Culture have mostly completed the construction of accessible restrooms, reserved parking spaces, and accessible elevators and ramps. However, plans for dispersed wheelchair spaces have yet to be implemented. For example, the Taipei Music Center building cost NT \$6 billion to build. Yet, most of the wheelchair spaces are concentrated in areas where the view is obscured,¹¹⁴ which highlights the failure of the competent authority to ensure the equal rights of persons with disabilities to participate in cultural events.
132. For many years, the sports development for persons with disabilities has centered on cultivating elite athletes to participate in competitive sports. In contrast, the government has neglected the universal promotion of sports for persons with disabilities and failed to create environments to accommodate persons with different disabilities. Since 2017, the Sports Administration of the MOE has allocated a portion of its special budget under the Forward-Looking Infrastructure Development Program to subsidize the construction of 28 civic sports centers by local governments.¹¹⁵ An additional 20 civic sports centers have been built through local fundraising. However, disabled persons' organizations have expressed that these civic sports centers lack facilities, equipment, and professional instructors to accommodate persons with different disabilities. Persons with disabilities should have the same right to exercise, train and compete in various sports as everyone else. Therefore, the NHRC recommends that the MOE strengthen its efforts in promoting inclusive sports.
133. Although the government amended the *Copyright Act* to align with the *Marrakesh Treaty* in 2014, the number of e-books available to persons with visual impairments remains limited. Disabled persons' organizations have expressed

¹¹⁴ Article titled "Away from View – The Inaccessibility of Accessible Seats in Taipei Pop Music Center" published in the China Times on September 1, 2020.

¹¹⁵ Statistics released by the Sports Administration of the MOE on February 13, 2020 (Link: <https://www.sa.gov.tw/PageContent?n=2418>).

that the textbooks used in higher education remain bound by copyright restrictions, which is a major obstacle for students with visual impairments. Although the MOE has established formulated regulations of collection, transfer, and provision of special format materials in accordance with Article 9 of the *Library Act* and designated the National Taiwan Library as the library for persons with disabilities, 2019 statistics show that materials designed for persons with visual impairments (157,526 items) accounted for only 9.7% of the overall materials in the library (1,620,277 items). The NHRC recommends that the MOE request government publications to donate to the National Taiwan Library in priority to reprint into editions suitable for persons with visual impairments.

134. The NHRC found that the pass rate for audits of green spaces and playground facilities for children declined between 2016 and 2019 from 82.7% to 24.7% and that the number of audits themselves declined significantly, from 3,171 to 1,172. The MOI attributed the decline in the pass rate to MOHW-amended safety management regulations. The MOHW responded that it is the MOI's responsibilities to analyze the reason for the decline of the pass rate. The reasons could be that playgrounds have failed to meet national regulations, complete professional testing, or employ qualified managers. The MOHW asserts that the MOI shall identify the reasons for the decline and formulate clear objectives and schedules to help the MOI-affiliated units create budgets for improving their playgrounds. Regarding the number and proportion of unaudited city/county green spaces and playgrounds, the MOI stated that those were based on a checklist created by the MOHW. Therefore, the relevant statistics were not collected. The MOHW responded that the MOI is the competent authority responsible for overseeing park playgrounds. Therefore, the MOI should provide the relevant statistics. These inconsistent responses show the shifting of responsibility between the two agencies at the expense of disabled children's equal opportunity to play.

Article 33: National implementation and monitoring

135. The Executive Yuan announced the establishment of the Human Rights Division in December 2020. The division will coordinate human rights matters across

different government agencies and formulate national human rights policies, including the National Human Rights Action Plan (draft). However, the establishment of the division remains in the discussion stage, and a clear schedule remains to be disclosed. The NHRC is concerned that whether the responsibility will be transferred from the Committee for the Promotion of the Rights of People with Disabilities, Executive Yuan, which currently serves as the mediating entity in accordance with Article 33 of the CRPD, once the Human Rights Division is established.

136. According to information provided by the MOHW, as of the end of November 2020, persons with disabilities or representatives of disabled persons' organizations constituted less than one-third of the members of some central- and local-level committees for the promotion of the rights of persons with disabilities. The ratio varies depending on the city and county, and some committees have 50% representation, while others have less than 40%. There were also discrepancies in the proportion of members with disabilities among committees, where proportions ranged between 9.09% and 43.48%.
137. The inclusion of persons with disabilities and representatives of disabled persons' organizations and institutions in relevant committees and coordinating meetings by governments at all levels and competent authorities remains advisory, and fails to meet the full participation requirements stipulated in Article 33 of the CRPD.



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