

# **Concluding Observations of the initial report of the Republic of China (Taiwan) on the Convention on the Rights of Persons with Disabilities (CRPD) adopted by the International Review Committee (IRC) on 3 November 2017**

## **I. Introduction**

1. In August 2014, the Legislative Yuan of the Republic of China (Taiwan) passed the Implementation Act of the Convention on the Rights of Persons with Disabilities (the Implementation Act). The Implementation Act came into force in December 2014 and provides the framework for domestic harmonization of the CRPD.
2. The Executive Yuan, according to the Implementation Act, submitted the initial State report in December 2016 and its English version was made available in March 2017. In order to review its initial State report, the government of Taiwan invited five experts to form an IRC. They were Diane Kingston (UK), Nagase Osamu (Japan: Chair), Adolf Ratzka (Sweden), Diane Richler (Canada), and Michael Ashley Stein (USA), who served in their personal capacities, independent of the countries they reside in. All members are considered experts in disability rights.
3. The IRC examined the initial report of Taiwan and provided a List of Issues on 24 July 2017. The IRC received information from civil society organizations, including organizations of persons with disabilities, in the form of parallel reports and draft questions to inform the List of Issues. The government submitted the detailed replies to the List of Issues on 8 September 2017. The IRC received a number of inputs in response to the State's replies to the List of Issues from civil society, including inputs from representative organizations of persons with disabilities.
4. The review session included an interactive dialogue that was held from 30 October to 1 November 2017 at NTUH International Convention Center in Taipei. The IRC adopted the present Concluding Observations and presented them on 3 November 2017.
5. The IRC expresses its profound appreciation to the government and people of Taiwan for their serious and sincere efforts to make the CRPD a reality in Taiwan. The constructive dialogue with the

government during the review, attended by many government officials, demonstrated the commitment of the government to fully implement the CRPD. The active participation of civil society, in particular persons with disabilities and their representative organizations, was essential and aligned to articles 4.3 and 33.3, and is required in order for continued implementation to be successful.

6. The IRC expresses its appreciation to the Ministry of Health and Welfare, and particularly its CRPD team, for providing the IRC with substantive and logistical support.

## **II. Positive Aspects**

7. The IRC commends the State for:
  - a) Its decision to voluntarily engage in an international review process of the CRPD as well as other human rights treaties;
  - b) Taking initial steps to raise awareness by conducting campaigns about the rights of persons with disabilities and beginning to identify areas of non-compliance with the CRPD;
  - c) Taking initial steps to provide physical accessibility in urban areas, such as the MRT in Taipei City; and
  - d) The establishment of the ‘Standard Operational Procedures for Review of Laws, Regulations and Administrative Measures to Implement the Convention on the Rights of Persons with Disabilities’.

## **III. Principle areas of concern and recommendations**

### **A. General principles and obligations (arts. 1-4)**

8. The IRC is concerned that, despite some changes in derogatory terminology and pejorative language, the laws of the State primarily recognize persons with disabilities as being in need of protection rather than as rights holders.
9. **The IRC recommends that the State expedite the review of its terminology and approach in laws, policies, and practices to enable the paradigm shift that recognizes persons with disabilities as full holders of all human rights and fundamental freedoms, and provide a timeline for completing such review.**

10. The IRC is concerned that the State utilizes a medical approach to determining disability using the International Classification of Functioning, Disability and Health (ICF) of the World Health Organization and focuses on conditions arising from inherent personal or medical impairment; it overlooks environmental factors as barriers, and fails to recognize an evolving concept of disability in the CRPD, reinforced by its reply to the List of Issues stating an unwillingness to change.
11. **The IRC recommends that the State introduce in national legislation the concept of a human rights model of disability which stresses the human dignity of all persons with disabilities and the interactions with various barriers that may hinder their full and effective participation in society on an equal basis with others.**
12. The IRC is concerned that there is a lack of legal definition and understanding of the meaning and application of universal design.
13. **The IRC recommends that the State amend legislation to include a definition of universal design and how it will be regulated in areas such as: education, health, transportation, access to justice, and the built environment (both public and private).**
14. The IRC is concerned that the State has not taken sufficient measures to ensure the effective realization of the principles established in article 3 of the CRPD in all its laws, policies and practices.
15. **The IRC recommends that the State establish a legal framework to ensure a comprehensive enactment and application of article 3 of the CRPD including amending and reforming existing policies and practices.**
16. The IRC is concerned about the lack of consultation with organizations of persons with disabilities in drafting legislation, as well as the level of non-conditional support by the State to national and local associations of persons with disabilities.
17. **The IRC recommends that the State establish a formal mechanism to ensure the effective participation of persons with disabilities and their representative organizations at the local and national levels. Effective participation must include family-based organizations, organizations of women, children, indigenous persons and other**

**marginalized populations of persons with disabilities, and include all impairment types. The State must meaningfully consult with organizations of persons with disabilities in the design, implementation and monitoring of laws, public policies, budgeting and action plans that have an impact on the decisions that affect their lives to ensure their autonomy and self-determination.**

18. The IRC is concerned about the inadequate translation of the CRPD into traditional Chinese, including the terms “accessibility” and “reasonable accommodation”.
19. **The IRC recommends that the State update the CRPD translation, including the terms “accessibility” and “reasonable accommodation”.**
20. The IRC is concerned at the absence of a plan and/or commitment to transpose CRPD obligations to local governments and administrative entities.
21. **The IRC recommends that the State develop a plan to transpose CRPD obligations to local government and administrative entities in order to ensure that the provisions of the CRPD are being respected in all parts of the State without limitations or exceptions.**

## **B: Specific rights (arts. 5-30)**

### **Equality and Non-discrimination (art. 5)**

22. The IRC is concerned that:
  - a) Current disability legislation does not adequately stipulate the State’s positive duties to ensure substantive equality;
  - b) The State confirms in its replies to the List of Issues it has not explicitly defined reasonable accommodation or legally defined that the denial of reasonable accommodation constitutes discrimination; and
  - c) There is no independent mechanism to monitor compliance with disability legislation.

**23. The IRC recommends that the State:**

- a) **Enact laws that prohibit discrimination on the basis of disability, and ensure substantive equality for all persons with disabilities, including individuals with multiple and inter-sectional identity status;**
- b) **Define in its national legislation and regulations the principle of reasonable accommodation in all areas in line with article 2 of the CRPD, ensure the legal recognition that the denial of reasonable accommodation constitutes a form of discrimination, and ensure their application in practice in both the public and private sectors; and.**
- c) **Establish an effective mechanism to monitor all aspects of compliance with disability-related legislation, including making it possible for persons with disabilities to seek redress and commensurate compensation.**

#### **Women with disabilities (art. 6)**

24. The IRC is concerned about the lack of programmes, including affirmative action measures, to promote the rights of women and girls with disabilities, especially intersecting forms of identity status.
25. **The IRC recommends that the State design and implement effective programs including affirmative action measures to promote the rights of women and girls with disabilities and eliminate discrimination in all aspects of their lives.**
26. The IRC is concerned about the lack of a comprehensive range of provisions to protect the rights of women with disabilities in the State's Gender Equality Policy Guidelines.
27. **The IRC recommends that the State amend its Gender Equality Policy Guidelines to incorporate provisions that fully address all the requirements of women and girls with disabilities on an equal basis with others, and align the Gender Equality Policy Guidelines with General Comment No. 3 of the UN CRPD Committee.**

#### **Children with Disabilities (art. 7)**

28. The IRC is concerned that:

- a) There is a lack of a comprehensive early intervention system;
- b) The sexual abuse of children with disabilities is widely reported in segregated special schools, and there is a protracted or lack of response, particularly in cases affecting children with intellectual disabilities;
- c) There is a disparity in the availability of resources to children with disabilities between urban and rural settings; and
- d) Children with particular requirements are unable to attend school because of lack of trained staff to respond to medical emergencies.

**29. The IRC recommends that the State:**

- a) Establish a comprehensive system of early intervention for interdisciplinary reporting and referral of children with disabilities and coordination of supports to children with disabilities and their families;**
- b) Take steps to investigate, respond to and redress the sexual abuse of children with disabilities in school settings;**
- c) Eliminate the distinction between resources available to rural and urban families; and**
- d) Train school personnel to be able to respond to emergency situations faced by children with particular requirements, such as epilepsy, so that the children can participate in all aspects of school life.**

#### **Awareness-raising (art. 8)**

30. The IRC:

- (a) Is concerned about the persistence of negative stereotypes of persons with disabilities and discriminatory language in the mass media; and
- (b) Expresses concern that the State's public education and media programs have not addressed harmful disability stereotyping, nor has the impact of such programs been addressed.

**31. The IRC recommends that the State:**

- (a) Eliminate discriminatory and pejorative language concerning persons with disabilities in all areas of life; and
- (b) Develop and implement public awareness and education programs which specifically target negative stereotypes of persons with disabilities. Furthermore, conduct training of the mass media, public officials, including in the justice system, the police and law enforcement sector, health and social services, education and the general public, in close collaboration with organizations of persons with disabilities, and conduct impact assessments of the above.

#### Accessibility (art. 9)

32. The IRC is concerned that:

- a) Current legislation and enforcement measures for accessibility by the State remain *ad hoc* and do not adequately address the lack of accessibility in the State; and
- b) Online banking and mobile applications are still not accessible to persons with disabilities, in particular to those with visual impairments.

33. The IRC recommends that the State:

- a) Draft a comprehensive action plan with consistent standards, monitoring and enforcement mechanisms including penalties for noncompliance, timelines and budget for implementation of uniform accessibility across the public and private sectors in urban as well as rural areas regarding offices, workplaces, infrastructure, pedestrian environments, and public transport including taxis. The implementation of this plan must be periodically evaluated and revised by an independent body consisting of, among others, persons with disabilities and their representative organizations; and
- b) Through the Financial Supervisory Commission, and in close cooperation with persons with disabilities and their representative organizations, introduce more effective enforcement methods for expediting the accessible use of all financial services offered to the public.

#### Right to life (art. 10)

34. Aligned with the recommendations of the Second Review of ICCPR and ICESCR (20 January 2017), the IRC is concerned that the State has not abolished the death penalty. The IRC also is concerned about the immediate lack of clear procedural safeguards preventing administration of death penalties for persons with psychosocial and/or intellectual disabilities (mental disorders *sic*).

**35. The IRC recommends that the State abolish the death penalty, and until such time that the Department of Justice establishes clear provisions in the Guidelines for Execution of Death Penalty Cases, ensure that death penalties are not enforced for persons with psychosocial and/or intellectual disabilities.**

#### **Situations of risk and humanitarian emergencies (art. 11)**

36. The IRC is concerned about:

- (a) The absence of systematic involvement and participation of persons with disabilities and their representative organizations in the design, implementation and evaluation of disaster risk reduction measures;
- (b) The lack of perspectives of women, children and indigenous people with disabilities in these measures, and specifically persons with intellectual and/or psychosocial disabilities, and deaf and deafblind people;
- (c) The fragmented responsibilities regarding disaster information and response among different actors regarding natural disasters; and
- (d) The safety of persons who use respirators and other powered life sustaining equipment in times of disasters, when the provision of emergency electricity supply, which is essential for their life support, cannot be guaranteed.

**37. The IRC recommends that the State:**

- (a) Ensure the systematic involvement and participation of persons with disabilities and their representative organizations in the design, implementation and evaluation of disaster risk reduction measures including the use of accessible technology for communication purposes;**
- (b) Reflect the perspectives of women, children and indigenous people with**



- disabilities, and specifically persons with intellectual and/or psychosocial disabilities, and deaf and deafblind people in these measures;
- (c) Strengthen disaster risk governance to manage disaster risk in line with the Sendai Framework for Disaster Risk Reduction 2015-2030, in particular through improved response coordination, including disaster reporting and coordination of responses between central and local governments; and
  - (d) Include an emergency electricity supply system for life support equipment in central and local disaster rescue and relief plans, which includes the establishment of a list of users of life support equipment as well as provision of small generators and fuel.

#### **Equal recognition before the law (art. 12)**

38. The IRC is concerned that the State has yet to harmonize domestic laws with Article 12 of the CRPD as it has been interpreted by the UN CRPD Committee in its General Comment No. 1. Among these domestic laws are the Civil Code, the Trust Code, and all associated laws. The IRC specifically highlights the prevalent situation in which individuals with disabilities placed under guardianship are denied their legal capacity to express their will, preferences or autonomy. Such situations include, but are not limited to, marriage, electoral rights, public service, disposition of property, access to financial services, employment, and informed consent to medical procedures, including sterilization. The IRC is further concerned that the State has conflated the concepts of legal capacity and mental capacity.
39. The IRC recommends that the State amend all relevant laws, policies, and procedures and that a system of supported decision-making be put into place that is compliant with the UN CRPD Committee's General Comment No. 1, including the provision of adequate resourcing for such a new system. Legal capacity and mental capacity are distinct concepts. The IRC recommends the training of all civil servants, including judges, on the following concept: Legal capacity is the capacity to hold rights and duties (legal standing) and to exercise those rights and duties (legal agency). Mental capacity refers to the

**decision-making skills of a person, which naturally vary from one person to another and may depend on many factors including environmental and social factors.**

#### **Access to justice (art. 13)**

**40. The IRC is concerned:**

- (a) That the State has not yet provided adequate measures and safeguards to persons with disabilities in all interactions with both the criminal and civil justice systems;**
- (b) At the inadequacy of such measures and safeguards in relation to persons subjected to sexual violence during interactions with both the criminal and civil justice systems; and**
- (c) That the justice system does not adequately provide age-appropriate or procedural accommodations.**

**41. The IRC recommends that the State:**

- (a) Develop, implement, and adequately resource measures that will ensure equal access to both the criminal and civil justice systems including the mandatory training of judges, law enforcement and prison staff on the human rights of persons with disabilities;**
- (b) Develop, implement, and adequately resource measures that will ensure equal access for and protection of persons subjected to sexual violence including, but not limited to, sex and gender sensitive human rights training among all personnel working in both the criminal and civil justice systems; and**
- (c) Implement measures such as, but not limited to:**
  - the use of accessible and alternative formats for utilizing and conveying information,**
  - sign language interpretation,**
  - supported decision-making, and**
  - age-appropriate support for children with disabilities,****within the justice system with a view to providing adequate adjustments.**

#### **Liberty and security of the person (art. 14)**

42. The IRC is concerned:

- (a) With the content and application of the Mental Health Act, specifically that the system of forced detention and medical treatment currently in place systemically violates the human rights of persons with disabilities. The Mental Health Act currently permits arbitrary and compulsory detention of individuals with disabilities in medical and institutional facilities and in the community, while also providing inadequate procedural safeguards for those individuals to access administrative review of such detention; and
- (b) About deprivation of liberty on the basis of perceived dangerousness of persons with disabilities alleged need for care, treatment or detention.

**43. The IRC recommends that the State:**

- (a) Amend all relevant laws and policies, including the Mental Health Act, so that involuntary detention on the basis of disability is prohibited, and that a system of procedural safeguards, including immediate access to legal assistance, be put into place, including ensuring the free and informed consent of the individual; and**
- (b) Uphold the freedom to make one's own choices as a principle in article 3 (a) of the CRPD and absolutely ban the deprivation of liberty on the basis of actual or perceived impairment.**

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

44. The IRC is concerned that:

- (a) The State has not yet taken measures to ensure that persons with disabilities receive adequate support to make decisions with fully informed consent regarding medical procedures and treatments;
- (b) Individuals with disabilities in particular living arrangements are exposed to degrading and inhuman treatment, such as forced diapering instead of assistance with toileting; and
- (c) Prisoners with disabilities are not ensured reasonable accommodations during their confinement in State custody.

**45. The IRC recommends that the State:**

- (a) **Develop, implement, and adequately resource measures so that persons with disabilities receive adequate support to make decisions with fully informed consent regarding medical procedures and treatments;**
- (b) **Ensure regular reviews of the conditions in particular living arrangements, including through unannounced inspections; and**
- (c) **Develop, implement, and adequately resource measures to ensure the provision of reasonable accommodations to prisoners with disabilities during their confinement in State custody.**

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

46. The IRC is concerned with the extent of gender-based violence and that the State has not put into place an adequate monitoring system in line with Article 16 (1).

47. The IRC recommends that the State amend all relevant laws and policies and establish a system of monitoring that addresses all forms of exploitation, violence and abuse. Further, that the State increase its efforts to educate law enforcement and judicial officers, social workers, healthcare personnel, and teachers regarding violence issues and attendant reporting. Further, that the State increase its efforts to educate all relevant actors about gender equality and develop resources for assistance and protection.

#### **Protecting the integrity of the person (art. 17)**

48. The IRC is concerned that the Eugenic Health Act and the Mental Health Act permit coerced abortion and sterilization of persons with disabilities, and note the impact upon girls and women with disabilities, especially those with intellectual and/or psychosocial disabilities.

49. The IRC recommends that the State amend the Eugenic Health Act and the Mental Health Act such that legal, procedural, and social protections, including but not limited to, freely accepted supported decision-making and legal representation, are put into place to

**prevent coerced medical procedures against persons with disabilities.**

**Liberty of movement and nationality (art. 18)**

50. The IRC is concerned that there are restrictions on the entry and citizenship in Taiwan by persons with disabilities and their families.

**51. The IRC recommends that the State repeal all laws and provisions that restrict the right to movement, liberty and acquisition of citizenship of persons with disabilities and their families.**

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

52. The IRC is concerned that:

- a) Persons with disabilities are denied the right to live, be included, and actively participate in the community on an equal basis with others; further, there exists a high incidence of institutionalization and heavy dependence on family members whereby individuals are denied choice as to their place of residence, and forced into particular living arrangements;
- b) Persons with disabilities do not receive adequate support to live and actively participate in the community, including assistance with activities of daily living, and are thus isolated and segregated, preventing the realization of their full human potential; and
- c) The provision of personal assistance services to persons with disabilities does not comply with the UN CRPD Committee's General Comment No. 5.

**53. The IRC recommends that the State:**

- a) **Develop a time limited plan for the phasing out of residential institutions and other particular living arrangements of all sizes, ensure choices on where, how, and with whom to live in the community, and promote independent living, including adequately increased financial resources to support a full range of community-based services;**

- b) **Develop a time limited plan for providing persons with disabilities adequate support to live and actively participate in the community and prevent their isolation and segregation; and**
- c) **Incorporate the budget for personal assistance services into the official national budget to ensure stability, predictability and transparency, and that the provision of personal assistance include:**
  - **direct payments to the individual based on an individual needs assessment sufficient to secure independence in the activities of daily living, for purchasing assistance services and for employing one's own personal assistants at competitive wages, without co-payment by the individual;**
  - **customizing services by the individual, if necessary with supported decision-making over recruiting, training, and supervising assistants to fit one's individual requirements, life circumstances, and preferences; and**
  - **a one-on-one relationship between the individual and personal assistants where assistants are not shared with other users. Personal assistance must be sufficient in quality and quantity to enable persons with disabilities to be free from dependence on others and to ensure the realization of their full human potential.**

#### **Personal mobility (art. 20)**

54. The IRC is concerned that:

- a) **A large number of persons with disabilities do not benefit from advances in assistive technology, including personal mobility devices; this is due to a restriction in the number of assistive devices granted per person (four items within two years), as well as a co-payment requirement that adversely affects the ability of persons with disabilities to live independently and be included in the community, in particular persons with multiple and extensive disabilities; and**
- b) **Persons with epilepsy are not eligible to apply for driver's licenses.**

55. **The IRC recommends that the State:**

- a) **Establish for all persons with disabilities the mandatory provision, maintenance and adaptation of assistive devices that are affordable or free of charge according to those persons' means and choice; and**
- b) **Revise regulations for issuing driver's licenses to persons with epilepsy.**

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

56. The IRC is concerned about:

- (a) The lack of recognition and support of the specific cultural and linguistic identity of persons who are deaf through the promotion of Taiwanese Sign Language and deaf culture;
- (b) The lack of access to information and communication technologies (ICTs), Braille, Taiwanese Sign Language, easy read formats, and digital communication, including all government documents and information, public and private websites, news broadcasting, and information on emergencies and disasters;
- (c) The CRPD not having been translated into an easy read format or Taiwanese Sign Language;
- (d) Persons with disabilities in particular living arrangements being unable to freely communicate with individuals outside those particular living arrangements; and
- (e) Taiwanese Sign Language not being introduced early enough to deaf children.

57. The IRC recommends that the State:

- (a) **Recognize Taiwanese Sign Language as an official language and allocate adequate funding for professional training and hiring of Taiwanese Sign Language interpreters in the area of public services, set a sufficient number of Taiwanese Sign Language interpreters to be trained, and include Taiwanese Sign Language as an elective language in the school curriculum, enabling both deaf and hearing students to learn it;**
- (b) **Adopt and take the necessary measures to enforce legislation on access to all public and private information and communication so as to facilitate**

access in all formats and technologies appropriate to all kinds of disabilities:

- (c) Translate the CRPD into an easy read format in cooperation with persons with intellectual disabilities, and into Taiwanese Sign Language in cooperation with the deaf community;
- (d) Ensure that persons with disabilities in particular living arrangements can freely communicate with individuals outside those particular living arrangements at times of their own choosing; and
- (e) Introduce Taiwanese Sign Language early enough to deaf children and their parents.

#### **Respect for privacy (art. 22)**

58. The IRC is concerned about:

- (a) The general lack of awareness regarding the protection of privacy of persons with disabilities among each of the five Yuans, including the Control Yuan;
- (b) The lack of protection of privacy of persons with disabilities under the Personal Information Protection Act, and in particular, arbitrary sharing of personal information amongst different ministries and agencies; and
- (c) The lack of enforcement of article 24 of the Mental Health Act that protects the privacy of persons with psychosocial disabilities, resulting in their treatment histories being disclosed in the public domain, including the press.

59. The IRC recommends that the State:

- (a) Promote awareness on the privacy of persons with disabilities throughout the State and in each of the five Yuans, including the Control Yuan;
- (b) Revise the Personal Information Protection Act to fully ensure the privacy of persons with disabilities, and also require written consent from persons with disabilities as a condition for the sharing of any personal information; and
- (c) Strictly implement article 24 of the Mental Health Act and protect the privacy of persons with psychosocial disabilities, including their treatment histories.



### **Respect for home and the family (art. 23)**

60. The IRC is concerned that the State:

- (a) Lacks empirical data regarding the incidence of sterilization of persons with disabilities;
- (b) Lacks sexual and reproductive health education for persons with disabilities, especially persons who are deaf or who have intellectual disabilities; and
- (c) Does not provide adequate support for parents with disabilities, resulting in the children of those parents being removed from the home.

**61. The IRC recommends that the State:**

- (a) Investigate and publish data regarding the incidence of sterilization of persons with disabilities, and educate healthcare providers on the requirement of informed consent;**
- (b) Provide sexual and reproductive health education to persons with disabilities, especially persons who are deaf or who have intellectual disabilities; and**
- (c) Provide adequate support to ensure that biological and adoptive parents with disabilities can fulfil their role as parents and raise their children, and educate social service professionals regarding the rights and capabilities of parents with disabilities.**

### **Education (art. 24)**

62. The IRC expresses concern that the State has not fully committed to ensuring a fully inclusive education system at all levels. The State has not addressed the issues raised in the UN CRPD Committee's General Comment No. 4 to become fully inclusive, and in particular fails to distinguish between exclusion, segregation, integration, and inclusion. Likewise, the State has not addressed the implications of Goal 4 of the Sustainable Development Goals which calls for "inclusive and quality education." The IRC:

- (a) Expresses concern at the lack of a time-limited plan to transform the education system to comply with UN CRPD Committee General Comment No. 4;

- (b) Expresses concern that the State restricts the participation of students with disabilities in regular classes within regular schools, and imposes limits on students with disabilities in vocational and professional training;
- c) Expresses concern that students with disabilities are not permitted to participate in the formulation and monitoring of their own Individual Education Plans;
- d) Expresses concern that the education of children, youth and adults with disabilities in regular educational facilities is hindered by, among other things, the lack of universal design, universal design for learning, and reasonable accommodations in all academic and social aspects of student life;
- e) Expresses concern that many families either provide or pay for individual school-related supports without which their children are unable to attend school;
- f) Expresses concern at the lack of teacher training to support students with disabilities in regular classrooms; and
- g) Expresses concern at the lack of instruction of Taiwanese Sign Language in the education system.

**63. The IRC recommends that the State:**

- (a) In close cooperation with persons with disabilities, their families, and their representative organizations undertake a thorough review of both the regular education system and the special education system and develop a time-limited plan to transform and unify the existing systems to become fully inclusive and thus conform to UN CRPD Committee General Comment No. 4;**
- (b) Immediately recognize the right of students with disabilities to participate in regular classes within regular schools, including eliminating restrictions on vocational or professional training;**
- (c) Enable students with disabilities to participate in the formulation and monitoring of their own Individual Education Plans, consistent with Article 7 (evolving capacity of children) and Article 12 (legal capacity);**
- (d) Ensure the education of children, youth and adults with disabilities in regular educational facilities by providing, among**

**other things, universal design, universal design for learning, and reasonable accommodations in all academic and social aspects of student life;**

- (e) Provide the individual school-related supports required to enable children with disabilities to attend school and receive an effective education;**
- (f) Revise pre-service and in-service teacher training to support students with disabilities in regular classrooms; and**
- (g) Introduce and promote the teaching of Taiwanese Sign Language in the education system.**

#### **Health (art. 25)**

64. The IRC is concerned that:

- (a) The State has not provided equal access for persons with disabilities to medical services in a range of facilities across rural and urban locations of Taiwan;**
- (b) Women and girls with disabilities lack equal access to sexual and reproductive healthcare as mandated by the UN CRPD Committee's General Comment No. 3;**
- (c) Persons with disabilities are denied their right to informed consent to medical diagnosis and treatment;**
- (d) Medical personnel are not trained as part of their standard training courses to provide healthcare to persons with disabilities;**
- (e) Insurance companies discriminate against persons with disabilities in their pricing and coverage; and**
- (f) Prisoners with disabilities in State confinement lack access to healthcare.**

65. The IRC recommends that the State:

- (a) Ensure inclusive design and equipment for all medical diagnoses and treatment, particularly for women and girls with disabilities;**
- (b) Increase the training and sensitivity of healthcare professionals on providing sexual and reproductive healthcare services to women and girls with disabilities consistent with the UN CRPD Committee's General Comment No. 3;**

- (c) **Ensure that persons with disabilities give informed consent to medical diagnoses and treatment;**
- (d) **Revise standard medical training so that it includes modules on how to provide healthcare to persons with disabilities;**
- (e) **Review and amend the pricing and coverage policies of insurance companies so that persons with disabilities have equal access to and equal pricing of insurance coverage; and**
- (f) **Ensure equal access to healthcare by prisoners with disabilities in State confinement.**

#### **Habilitation and rehabilitation (art. 26)**

66. The IRC is concerned:

- (a) **That persons with disabilities in rural areas are required to travel great distances at personal cost in order to access rehabilitation services;**
- (b) **About the lack of support measures, including peer support, for rehabilitation services for persons with disabilities of all ages in rural areas;**
- (c) **About the slow implementation of the “Community healthcare and home care for children with delay programme” by the Social and Family Administration of the Ministry of Health and Welfare; and**
- (d) **That prisoners with disabilities, particularly those with Attention Deficit Disorder, do not receive rehabilitation services while in State confinement.**

67. The IRC recommends that the State:

- (a) **Provide adequate rehabilitation services to persons with disabilities in rural areas without additional costs;**
- (b) **Provide adequate support measures for rehabilitation services, including peer support, to persons with disabilities of all ages in rural areas;**
- (c) **Immediately implement all aspects of the “Community healthcare and home care for children with delay programme” beyond the pilot program; and**
- (d) **Provide rehabilitation services to all prisoners with disabilities in State confinement.**

#### **Work and Employment (art. 27)**

68. The IRC is concerned that:

- a) Labor market participation of persons with disabilities, especially women, is disproportionately lower than that of persons without disabilities;
- b) The work environment poses barriers to persons with disabilities, yet the State has not required the provision of reasonable accommodation in the workplace; further, the State has erroneously translated reasonable accommodation as “reasonable arrangement of the space”;
- c) Persons with disabilities cannot access vocational training as preparation for employment;
- d) Workers with disabilities are more often employed in part-time or temporary positions than workers without disabilities, are underrepresented in professional work, and earn lower wages;
- e) Persons with disabilities lack sufficient legal remedies to challenge discrimination in the labor market;
- f) The quota system, which has long dominated employment policies for persons with disabilities, has been ineffective;
- g) Sheltered workshops do not facilitate transition by persons with disabilities to the open labor market; and
- h) Persons with disabilities do not seek employment for fear of losing their means-tested disability pensions.

69. The IRC recommends that the State:

- a) **Develop measures, intensify efforts, and allocate sufficient resources to promote the employment in the open labor market of persons with disabilities, especially women;**
- b) **Mandate the provision of reasonable accommodation in the workplace; further, correct State translations of reasonable accommodation in the CRPD;**
- c) **Ensure that persons with disabilities can access vocational training as preparation for employment;**
- d) **Review labor market practices and eliminate obstacles for persons with disabilities to professional work, full-time employment and equal pay for equal work; increase opportunities for students and job seekers with disabilities through measures such as internships,**

- hands-on experience, subsidized workplace adaptation including assistive technology, and job coaching;
- e) **Enforce disability employment rights, and provide resources for legal action by civil society to also enforce disability employment rights;**
  - f) **Analyze the current quota system and consider alternative options, including an affirmative action scheme;**
  - g) **Develop and implement a plan to phase out sheltered workshops while also facilitating the transition by persons with disabilities employed by sheltered workshops to the open labor market; and**
  - h) **Remove disincentives to employment by persons with disabilities created by means-tested disability pensions.**

#### **Adequate Standard of Living and Social Protection (art. 28)**

70. The IRC is concerned that:

- a) **Persons with disabilities live in poverty at a higher rate than the general population;**
- b) **Current retirement regulations and the Labor Insurance Act reduce or render ineligible persons with disabilities for retirement pensions;**
- c) **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; and**
- d) **Accessible housing is available mainly in social housing and not in public and private, newly constructed and old housing; moreover, the current Housing Act impedes renovation of existing housing for the purposes of rendering it accessible.**

71. **The IRC recommends that the State:**

- a) **Mandate that the eligibility criteria for persons with disabilities to obtain financial assistance and subsidies be independent of their and their families' means;**
- b) **Revise current retirement regulations and the Labor Insurance Act so that persons with disabilities are eligible for retirement pensions;**
- c) **Revise the national pension scheme so that persons with disabilities without a work history are eligible for a disability pension at a level that insures a dignified life in the community; and**

- d) **Prioritize accessible and affordable new residential construction in the public and private sector; construction subsidies should be increased for making existing housing accessible; binding regulations that stipulate accessibility in all residential new construction, public or private, should be adopted; effective rent subsidies to persons with disabilities and households with disabled members should be introduced; and obstacles in the current Housing Act that impede renovation of existing housing to render it accessible, should be removed.**

### **Participation in political and public life (art. 29)**

72. The IRC is concerned that:

- (a) The right of persons with disabilities to vote is violated due to election rules that prohibit individuals who have been placed under guardianship from exercising their franchise;
- (b) The State does not encourage candidates with disabilities to seek election; further, the State neither gathers nor retains data related to public office seekers or elected officials with disabilities; and
- (c) The right of persons with disabilities to participate equally in political and public life is violated by inadequate and untimely information being disseminated in advance of voting, inaccessible polling places, and an absence of supported decision-making for those persons with disabilities requiring such support.

73. The IRC recommends that the State:

- (a) **Enable persons with disabilities to vote on an equal basis with others, and amend election rules to this effect;**
- (b) **Encourage candidates with disabilities to seek election, and gather and retain data related to public office seekers or elected officials with disabilities; and**
- (c) **Revise its policies so that adequate and timely information is widely disseminated in accessible formats in advance of voting, all polling stations are made accessible, and supported decision-making be provided to voters with disabilities who require such support.**

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

74. The IRC is concerned about:

- (a) The absence of programmes and projects with budgets to promote participation of persons with disabilities in sport;
- (b) The small number of digital books available, making it difficult for persons who are blind, visually impaired and otherwise print disabled, to have access to published materials;
- (c) The discriminatory regulations and practices at both national and local levels by parks, amusements centers and sports centers discriminating on the basis of disability, including against those with psychosocial and intellectual disabilities with respect to their admission and participation; and
- (d) The lack of access to playgrounds for children with disabilities.

75. The IRC recommends that the State:

- (a) **Revise the National Sport Act in compliance with the CRPD in order to promote the participation of persons with disabilities in sport and establish programmes and projects promoting the participation of persons with disabilities in sport;**
- (b) **Promote publications in accessible formats in line with the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled, administered by the World Intellectual Property Organization (WIPO);**
- (c) **Eradicate discriminatory regulations and practices at both national and local levels by parks, amusement centers and sports centers rejecting persons with disabilities, including persons with intellectual and psychosocial disabilities, by strengthening relevant acts including the People with Disabilities Rights Protection Act and the Civil Code; and**
- (d) **Develop playgrounds based on universal design to allow children with disabilities to participate in leisure and recreation.**

## **C: Specific obligations (arts. 31-33)**

### **Statistics and data collection (art. 31)**

76. The IRC is concerned about the methodology used by the State for the



collection of all forms of data, including but not limited to the census, national household surveys, and disaggregated data, with regard to persons with disabilities. The currently utilized methodologies do not follow a human rights-based approach, and fail to reflect the removal of barriers as part of their criteria.

**77. The IRC recommends that the State systematically collect data, across all sectors, including health, education, employment, political participation, access to justice, social protection, violence, and rural populations, and develop human rights-based indicators to provide accurate information on the implementation of the CRPD.**

#### **International Cooperation (art. 32)**

78. The IRC is concerned that the State lacks a cross-cutting policy to promote the rights of persons with disabilities in all of its international cooperation activities, including its efforts aimed at implementing Agenda 2030.

**79. The IRC recommends that the State develop a cross-cutting policy to promote the rights of persons with disabilities in all of its international cooperation activities; and ensure the adoption of a disability-rights perspective in all efforts aimed at implementing Agenda 2030 and the Sustainable Development Goals.**

#### **National implementation and monitoring (art. 33)**

80. The IRC is concerned:

- (a) About the lack of the formal designation of a national focal point, which includes staff trained on the human rights of persons with disabilities, under CRPD article 33 (1);
- (b) That the Promotion Team for the Rights and Interests of Persons with Disabilities of the Executive Yuan currently functioning as the designated coordination mechanism is not well known within the State or by civil society;
- (c) That the State lacks an independent monitoring mechanism such as a

National Human Rights Institution or similar body, in conformity with all the requirements set out in the Paris Principles, despite discussions on this topic for over five years; and

- (d) That the involvement and participation of persons with disabilities and their representative organizations in the monitoring process is limited by a percentage quota.

**81. The IRC recommends that the State:**

- (a) Formally designate a national focal point with immediate effect, and that such national focal point include staff trained on the human rights of persons with disabilities;**
- (b) Fully disseminate information about the role and responsibilities of the Promotion Team for the Rights and Interest of Persons with Disabilities of the Executive Yuan as the designated coordination mechanism both within the State and civil society;**
- (c) Immediately establish an independent monitoring mechanism in the form of a National Human Rights Institution or similar body, in conformity with all the requirements set out in the Paris Principles, thus mandating that the independent monitoring mechanism be fully independent and therefore not within the Presidential Office, the Control Yuan, or any part of the government structure; and**
- (d) That organizations of persons with disabilities are able to participate fully in the monitoring process as required by CRPD article 33 (3), and that the State provide organizations of persons with disabilities with adequate financial and human resources to enable them to participate in national implementation and monitoring of the CRPD.**

#### **IV. Follow-up and dissemination**

82. The IRC requests that the State, within 12 months and in accordance with article 35 (2) of the CRPD, publicly disseminate information on the measures taken to implement the IRC's recommendations as set out above in paragraphs 23(b) and 81(c).

83. The IRC requests the State to implement the recommendations of the IRC contained in the present Concluding Observations. It recommends that the State transmit the Concluding Observations for consideration and action

to members of the national and local government and legislative bodies, officials in relevant ministries, local authorities, and members of relevant professional groups such as education, medical and legal professionals, as well as to the media, using modern social communication strategies.

84. The IRC strongly encourages the State to involve civil society organizations, in particular organizations of persons with disabilities, in the preparation of its periodic report.

85. The IRC requests the State to disseminate the present Concluding Observations widely, including to non-governmental organizations and representative organizations of persons with disabilities, as well as to persons with disabilities themselves and members of their families, in national and minority languages, including Taiwanese Sign Language, and in accessible formats, and to make them available on the government website on human rights.