

**Written submissions with country specific information that
contributes to the review of second State Party reports pursuant
to Convention on the Rights of Persons with Disabilities**

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Articles 1~4 Purpose, definitions, general principles, and general obligations

1. The definition of disability is still oriented from medical perspectives

1) The recognition of "persons with disabilities" focuses on the identification of medical models, which is the primary capacity qualifier among most welfare services¹. Meanwhile, people with mild impairment while their activity limitation were mutually relevant to environmental factors are likely to be excluded. The impact can extend to the statistics on the overall number of persons with disabilities.

2) Failure to fully present the impact of activity limitation and participation restrictions and environmental barriers in the World Health Organization's International Classification of Functioning, Disability, and Health (ICF) on individual disabilities; nor can it prompt local governments to integrate welfare policy to eliminate restrictions by environmental factors.

2. Recommendations :

1) State party should review the restrictions and evaluation methods of various support measures, while revise it towards an assessment mechanism that conforms to the human rights perspective, and provide services based on actual demands rather than qualifications.

2) State party should propose the usage of data collected after the implementation of the ICF for the identification of disabilities, and establish an analysis of demographic characteristics as a basis for reviewing policies and resource allocation with the private sector; conduct demand assessment from a social model to a human rights model and service delivery.

3. Although state party has incorporated the term "universal design" into certain statutes, it still lacks the definition, connotation, and promotion plans.

4. Recommendations : State party should make universal design legitimate,

¹ To acquire life reconstruction, assistive aid subsidies, tax incentives, etc., people need to pass disability identification before entering individual needs assessment and relevant services. Currently only job redesigns in employment support are available for persons diagnosed with dementia but did not passed the qualification.

including the definition of public and private sectors, and formulate norms or guidelines in education, labor, health care, transportation, justice, architecture environment, leisure, and entertainment at all levels, with dedicated budgets annually. Establish a promotion plan to advocate the application of universal design.

5. Ministry of Health and Welfare (MOHW) has drafted the "Disability Impact Assessment" for respective agencies as reference, however, it is not mandatory. Since the outbreak of COVID19, MOHW's own epidemic prevention policies have often missed the consideration of the special needs of persons with disability. They only got remedies afterwards.
6. Recommendations : The "Disability Impact Assessment" should be incorporated into formal procedures when formulating various regulations to ensure that the policy complies with the CRPD principles.

Article 5 Equality and non-discrimination

7. The regulatory review measures referred to in the state report are not a systematic inventory of all statutes. It is rather a report from relevant government agencies regarding violations of CRPD during a specific period. Therefore, there are still certain content or legislative spirit, and legal impacts that infringe or damage rights of persons with disability. "Discrimination" currently deals with mostly discriminatory terms, and there is no clear working definition for direct, indirect, and related discrimination².
8. Recommendations : The National Human Rights Commission shall implement an independent monitoring mechanism to comply with article 33 of the convention. All administrative agencies should establish grievance channel to allow

²For example: Although article 5 of the Employment Service Act clearly stipulates that employers shall not discriminate against job applicants on the grounds of physical or mental disability, it does not prohibit requesting personal information and attaching photos irrelevant to the profession, which make disabilities such as facial injury became a barrier to obtain interview opportunity. In Article 5 of such Act, "Following Cases are Prohibited" shall be amended to add a restriction that employer should not request applicants to provide personal information on the resume that is not related to the job function, such as attach photos.

individuals and groups to report on the status of infringement of rights as a result of existing statutes and regulations when they violate the principles of CRPD. At the same time, relevant cases should be documented and used as review materials for the following state reporting.

9. The content of "reasonable adjustment" on the national report scattered around various statutes and regulations, but did not explain the respective principles and application procedures of government agencies³.
10. Recommendations : In addition to the education of equal rights under CRPD, the central and local civil servants who implement it should also be trained in working principles before they can execute their duties in accordance with the spirit of the Convention.

Article 6 Women with Disabilities

11. There is a dedicated protection hotline for domestic violence and sexual assault prevention and treatment, but when testing the actual online version for the hearing impaired, it did not respond immediately. They have shelter as urgent remedy for victims of domestic violence, but they have no sign language interpreter at the site. Some resettlement centers lack accessibility facilities, or they just simply refuse to accommodate people who cannot live independently and referred them to institutions for persons with disabilities, whereas their door access control is not as strict as resettlement centers. Some counties and cities outsourced hospitals to provide "sheltered beds" in the ward as an alternative.
12. Recommendations : The state should ensure that persons with disabilities have equal access to notification channels and dedicated resettlement measures for the prevention and treatment of domestic violence and sexual assault, especially for women⁴: (1) The online consultation hotline can respond to requests for help in a

³This parallel report will then address the reasonable adjustments issues in Article 13 Prison Facilities, Article 24 Schooling, and Article 27 Employment in the Civil Service System, Occupational Education and Employment, etc.

⁴According to a survey by Ministry of Health and Welfare (MOHW) (2011), the number of victims of sexual assault is 6,049, of which 1,030 are persons with disability, and 83% are women (855); the

timely manner; (2) Provide sufficient assistance resources for emergency resettlement, such as: sign language services, accessibility facilities, personal assistant, or other support services.

13. Labor participation rate of women with disabilities is particularly low. The state has invested resources in vocational training, but the actual employment rate is not satisfactory; the policy also lacks positive and differential treatment measures to encourage women with disabilities in vocational training and employment.

14. Recommendations : Central and local governments should invite persons with disabilities to discuss how to expand the content of vocational training in order to improve the employment options of women and all persons with disabilities; and propose countermeasures for women with limited employment options and low wages.

15. Many "accessibility certified hospitals" do not have adequate equipment or personnel to assist women with disabilities⁵. According to paragraph 216 of the state report, each county and city can provide different health education consultation services for pregnant women with disabilities. The status of usage is unknown.

16. Recommendations :

1) State should make an inventory of the accessibility certified hospitals in each region from 2023 to ensure that they can provide assistance for women with disabilities, such as lifts, seat-type weight scales, and obstetrics and gynecology examination chairs with adjustable height, mobile X-ray machines, communication, and assistance for the hearing impaired and visually impaired, etc.; and subsidizing other hospitals and clinics to add barrier-free medical equipment for obstetrics and gynecology.

2) The state should provide individual medical service for pregnant women

number of victims of domestic violence is 53,484, of which 5,122 are persons with disability. Among them, women accounted for 63.8% (3,266 in total).

⁵For example: lifting examination table with unsuitable height, mammography camera only feasible for standing position

with disabilities. Train medical personnel, including medical examinations, pregnancy check-ups, medical assistive devices and communication aids required during delivery.

Article 7 Children with disabilities

17. State report did not cover the protection of the rights of expression for children with disabilities in health and public health disposal⁶.

18. Recommendations

- 1) When applying medical and health-related treatments such as surgical treatment, determination of physical sex, vaccine administration, etc., children's right to express their opinions should be protected. Medical and health treatments such as the "Principles of Common Recommendations for Corrective Surgery for Minor Intersex Persons" should be amended to protect children. The "informed consent" for juvenile should conform to the spirit of CRPD and CRC (The Committee on the Rights of the Child), while providing legal and procedural protection.
- 2) Raise the awareness of parents and children regarding disabled LGBTI juveniles and related issues such as sex education and physical autonomy⁷.

19. Regarding healthcare service for the children with delayed development in rural communities, state report only revealed a growth in the total number of services. It failed to reflect the variations and gaps in the service utilization rate between urban and rural areas⁸. There are obvious differences in service utilization rates

⁶For example: Although Article 50 of the Mental Health Act clearly stipulates the requirements for informed consent, however, when dealing with the medical treatment for juveniles, regardless of their ability, it still requires the consent of the legal custodian. The third item of "Principles of Common Recommendations for Corrective Surgery" promulgated on November 2018 regarding "Medical treatment of minor intersex persons", also failed to present children-oriented opinion expression.

⁷In response to the right to sexual and reproductive healthcare for juveniles on the paragraph 67 of the concluding observation of the CRC's initial state report.

⁸The investigation report of the Control Yuan (2020) pointed out: (1) More than half of the developmental delay cases were discovered after the age of 3, and 5% were reported after the age of 6, as a result they missed the opportunity for early intervention, (2) the number of cases in demand increased annually, but the budget decreased instead.

among counties and cities, while a certain percentage of people has not received early treatment services⁹.

20. Recommendations : In addition to increasing the quota in early treatment deployment, all families with potential needs should be taken as project targets. The differences in the density of early treatment resources in each administrative district should be counted, gaps in key areas should be identified with improvement schedules.
21. The campus still lacks a lot of support for the emergency medical needs of children with special needs.¹⁰
22. Recommendations : Ministry of Education (MOE) should establish a standard operating procedure for schools to deal with the emergency medical needs of children with special needs.

Article 8 Awareness Raising

23. National Communications Commission (NCC) has not actively implemented relevant regulations that discriminate against persons with disabilities in radio and television¹¹. Only three cases have been disciplined in the past four years. There is no constraint on emerging media such as online and social media.
24. Recommendations :
 - 1) The state should work with media association to formulate relevant reporting guidelines, and ensure the smooth passage of complaints. NCC should discipline discriminatory remarks in accordance with the statutes,

⁹Table 2-6-16, Section 6 - Status of Early Intervention, Survey Report on the Living Conditions and Needs of Persons with Disabilities, MOHW (2016).

¹⁰Regarding paragraph 28-d) on IRC's (International Review Committee) concluding observations on the initial report of the emergency medical response ability training for children with special needs, it should include but not limited to the course of "Cleaning, suction and removal of secretions in the oral cavity (prior to Uvula palatina) and artificial airway tubes", but currently only this paragraph is available.

¹¹On the 50th paragraph of the national report, both the "Person with Disabilities Rights Protection Act" and the "Mental Health Act" have clearly stated that discriminatory terms or descriptions must not be used, and there must be no report that are inconsistent with the facts or mislead readers to discriminate or prejudice against persons with disabilities.

and regularly publish the number and frequency of complaints to the media.

- 2) Regarding discriminatory remarks against persons with disabilities from online media, television and other emerging media, regulations and penalties shall be formulated by 2023.
25. Central government has subsidized local governments for CRPD training and awareness raising. But it did not specify the status of implementation, nor did it present the impact assessment.
26. Recommendations : State should coach local governments to refer CRPD as a policy planning and assessment index, and cooperate with the central welfare resource allocation as incentives, such as general subsidies, social welfare plan subsidies, public welfare lottery surplus subsidies and rebate subsidies, etc.; and encourage local government uses its own financial resources to respond to the needs of persons with disability in the area, propose corresponding policy plans, and publish the implementation reports and impact assessments respectively.
27. Sexual harassment and gender discrimination often occurred in the workplace and placement areas of persons with disability; promotion of gender equality is also a mere superficial, lacking a whistleblower mechanism; the state lacks actions to raise awareness of multiple discriminations such as intertwined genders among persons with disability.
28. Recommendations :
- 1) The state should propose action plans for awareness raising and self-protection in workplaces, sheltered workshops, or institutions of persons with disabilities, and establish a whistleblower mechanism to reduce the number of victims from dual disadvantages of obstacles and gender in various fields.
 - 2) In addition to dogmatic learning, interactive pilot teaching plans are added to the courses of compulsory education schools at all levels and community colleges, such as actual contact with persons with disability, situational experience learning, etc.

Article 9 Accessibility

Buildings and Environment.

29. The improvement rate of the approved subsidies for the improvement of accessibility facilities in existing houses is low¹². In 2019, there were 9 counties and cities who did not apply for arcade subsidies for four consecutive years, hence the effectiveness of the incentive policy was limited¹³.
30. Although the regulations stipulate that event venues should be equipped with various accessibility facilities¹⁴, but the farms, camping areas, experimental forest farms and other event venues under the jurisdiction of various ministries have not amend the statutes¹⁵.
31. Insufficient training for construction personnel working for sidewalks, parks and other related projects, and incorrect settings such as vehicle and road blockage were often observed during design and construction periods.
32. Recommendations :
- 1) The state should develop more active improvement practices for accessibility, such as setting penalties and improvement schedules.
 - 2) Ministry of Transportation and Communication (MOTC) is the competent authority of national scenic areas/sightseeing amusement parks/camping sites. Forest recreation areas/recreation farms are under the supervision of the Council of Agricultural and Veterans Affairs Council of Executive Yuan. Riverbanks, waterfronts coast parks are under the supervision of the Ministry of Economic Affairs. Universities and their affiliated forest farms are under the supervision of MOE. They all should formulate accessibility facilities design standards and improvement plans by 2023.

¹² Less than 10 cases per year.

¹³ According to the state Report appendix Table 9.2.

¹⁴ According to Article 57 of "Person with Disabilities Rights Protection Act".

¹⁵ Currently, only buildings, pedestrian environments, and urban parks have respective competent authorities from central government and accessibility statutes.

- 3) Ministry of Labor and Ministry of Examination should incorporate accessibility and universal design regulations in civil engineering, interior decoration, landscape design and other vocational training, skills verification, and professional examinations.

Transportation

33. Public transportation systems in the city and on the major roads have accessibility services. However, due to variations in the competent authority, they cannot be systematically connected to the original welfare services such as rehabilitation buses, wheelchair-accessible taxi¹⁶ and shuttle buses for long-term care services. The respective contact channels for existing services are also different.

34. Recommendations :

- 1) MOTC should integrate various types of accessibility transportation resources within four years, establish user-oriented services policy. For example, establish a multi-category transportation service reservation platform and integrate all types of accessibility transportation. Meanwhile, the service is connected to the public transportation system, making it more user friendly.
- 2) In order to solve the urban-rural gap caused by insufficient transportation resources, state should be more flexible to relax the content of transportation services in remote areas, and apply diversified programs to subsidize the development.

Information Accessibility

35. Although MOHW conducts “easy to read and understand” annual training for government personnel, it does not provide guidelines on how to produce easy to read information.
36. The regulations only stipulate that website of government agencies and schools must be certified with accessibility marks, whereas other public information is not required. NCC has published guidelines of mobile apps (APP) development for

¹⁶ Wheelchair-accessible taxis are currently being subsidies by MOTC, but their operating model is back to market mechanism, which make it difficult for rural areas to increase the utilization rate.

accessibility, but there are no supervision standards and it has not yet been mandated.

37. The scope of building accessibility does not cover the need of person with hearing impairment.

38. Recommendations :

- 1) MOHW shall collect domestic and foreign data, invite relevant groups for further discussion and establish definitions, principles, guidelines, libraries, and labels for easy-to-read. Meanwhile, assist each ministry in the establishment and implementation on necessary information domains such as public service web pages and APPs.
- 2) Public information, investment, commissioning, and outsourced projects from the government should have the website been certified with accessibility marks (cannot be replaced by simplified functions or dedicated user-friendly zones), while set-up achievement target for obtaining certification marks. Incentive measures should be provided for private websites, including websites for on-line shopping, consumption payment, health management, financial management, transportation services, etc., to promote and counsel accessibility certification. NCC should formulate accessibility standards for APP as soon as possible, and incorporate APP from government and school agency into mandatory regulations by 2023, while other financial institutions and e-commerce should establish improvement targets.
- 3) Construction and Planning Agency amended the " Design Specifications of Accessible and Usable Buildings and Facilities" to include the settings of "flash warning system" and "assistive hearing device" as one of the standing equipment, in order to encourage hearing-impaired persons wearing hearing aids or electronic ears to connect directly to updated information.

Financial Services

39. For the deployment of accessibility automated teller machines (ATM), Financial Supervisory Commission (FSC) only encourage financial institutions to

preferentially replace them in certain public places¹⁷. Only part of webpages from the bank got accessibility certification while they still failed to provide full functions.

40. Although the FSC has required full accessibility functions for assigned and non-assigned wire transfers via online banking and mobile banking (APP), not all financial institutions' websites and apps matched the requirement.

41. At present, the "Guidelines for Financial User-Friendly Services" still failed to provide sufficient assistance for persons with intellectual disabilities or dementia and Alzheimer's..

42. Recommendations :

- 1) FSC should identify ATM replacement schedules by 2023, to meet 100% deployment of ATMs nationwide accessible to persons with disability. While mandate all websites and APPs of financial institutions been certified with full accessibility functions.
- 2) Financial, household registration and land administration personnel need to strengthen their understanding of the demented of persons with intellectual disabilities or dementia and Alzheimer's and provide financial service assistance. They should provide simpler and clearer information and issue warnings about fraud or financial exploitation.

Article 11 Situations of risk and humanitarian emergencies

43. When COVID19 first became pandemic, the need of persons with disabilities were not considered when government lay out counter measurements, remedy is only made after the situation occurs¹⁸.

¹⁷According to statistics in 2019, there are 28,141 ATMs suitable for wheelchair users, and 1,318 voice activated ATMs suitable for visually impaired users; the number of ATMs installed nationwide is 31,081

¹⁸In 2019, there were insufficient accessibility facilities at screening stations/quarantine premises, no sign language translation was provided at the epidemic prevention press conference, no accessibility design on the mask pre-purchase website/APP, and epidemic prevention hot-lines could not respond to hearing-impaired users.

44. Although persons with disabilities have been included under the standard operating procedures for emergency evacuation in disasters plus disaster prevention advocacy and drills, it is simply principled practices without more detailed operational guidelines.
45. Recommendations :
- 1) In order to enhance the awareness of public policy planning, government should conduct a "disability impact assessment review" prior to formulating statutes and policies, especially for the preventive measures of natural disasters, emergency resettlement, etc., to ensure that the persons with disabilities are included. The implementation of statutes or emergency measures will not exclude persons with disabilities, nor will they be forced to accept secondary treatment.
 - 2) Government should simulate the feasibility of various assistance measures and specific operation guidelines when formulating emergency evacuation measures for disaster prevention based on the variations in the information reception, communication, and action capabilities of the persons with disability. When designing emergency evacuation venues at schools, parks, and community centers, the universal adaptation of the hardware environment for persons with disability as well as for the general public should also be evaluated.

Article 12 Equal recognition before the law

46. The number of litigations related to guardianship or auxiliary declaration of persons with disabilities has increased¹⁹. Current system failed to meet the needs of the gradual degradation of the dementia's capacity to recognize, support, and risks of financial exploitation or freezing.
47. Recommendations : In addition to the existing guardianship system which is an

¹⁹There are four main categories: persons with dementia and Alzheimer's, vegetative, psychosocial disabilities, and intellectual disabilities.

alternative policy, state should establish an auxiliary decision-making and supportive mechanism for persons with disability²⁰, and improve the awareness of relevant personnel²¹.

Article 13 Access to justice

48. When a full statement cannot be made during legal investigation, relevant judicial agencies should notify the family of the party concerned or request the court to appoint a social worker to serve as an assistant. However, there is no objective standard to justify "incomplete statement". In addition, the resources for judicial interpretation of sign language are still insufficient, which makes it difficult to obtain assistance in sign language interpretation within the legal time limit. Although there is an oral reading service for transcript confirmation, there is still a lack of electronic format. As a result, visually impaired persons cannot personally confirm the transcript.

49. Recommendations :

- 1) During prosecutors' investigations, courts or prosecution proceedings, police and judicial personnel should respect the common communication methods used by the persons with disability, and allow them to choose the communication methods that can be fully understood and expressed by the parties. Hardcopy transcripts should be recorded in electronic format, and visually impaired computer aids or vision assistants should be provided, so that visually impaired persons can personally read and confirm during the transcript or interrogation process.
- 2) The provision that persons with disabilities can choose to be accompanied by legal representatives, spouses, social workers, etc. during the interrogation

²⁰According to paragraph 39 of IRC's initial concluding observations, and the United Nations CRPD Committee's General Opinion No. 1.

²¹For example, for persons with progressive degeneration (disability or dementia), a detailed revision of the guardianship system will provide supportive decision-making options instead of alternative decisions, so that people with mildly degraded disabilities can start to manage their assets and medical treatments in advance.

does not require the identification of disability, for example medical records or relevant certificates can be served as qualifications.

- 3) Police, prosecutors, lawyers, notaries and other legal practitioners and judicial personnel should be more aware of various types of disabilities, especially mild cognitive disabilities. Under the investigation process, it is necessary to initiate judicial assistance procedures for persons who are suspected of having disability and those who "cannot make a complete statement" in order to implement the protection of due legal procedures.
50. There is a serious shortage of medical resources in the prison²². The number of people with disabilities counted by the correction agency is mainly those who have certificates of disability, but the prison staff do not have sufficient training and resources to identify or provide necessary assistance to those who may be potentially disabled²³. According to the report from Control Yuan, only a small number of persons with disabilities in prison were certified²⁴, and the number of persons under the iceberg exceeds 4% of the current appraisal.
51. Recommendations : Ministry of Justice should increase the medical resources in prisons and correction schools, including: mental medical resources, improvement of accessibility facilities, attention to the processing procedures for suspected cognitive impairments of inmates, and increase inspections of possible disability for elderly inmates, and strengthen healthcare of female prisoners, such as medical resources for obstetrics and gynecology examinations.

Article 14 Liberty and security of person

52. "Mental Health Act" does not conform to the spirit of the Convention in terms of

²²Storm Media Group (2020): The prison has long-term overcapacity issue; the ratio of medical staff to inmates (including disabled + non-disabled) is 1:337.

²³For example: persons with psychosocial disabilities, intellectual disabilities, autism, dementia and Alzheimer's.

²⁴According to the report from Control Yuan (2019 file 0073), a total of 63,317 prisoners in 51 prisons across the country, only 2,674 have disability certifications, less than half of the norm. There were 2842 persons in prison who have mental illnesses such as depression, manic-depression, and Schizophrenia, and this number increased rapidly annually.

judicial protection, personal freedom protection, inhumane treatment, and respect for privacy²⁵.

53. Healthcare institution initiates the appraisal of compulsory hospitalization in accordance with the ordinance, however, the review committee can only make decisions based on written information, but has no authority to investigate whether the client has specific evidence for compulsory hospitalization; the average length of hospitalization is also too long.
54. The compulsory medical treatment procedures are not sufficiently monitored and guaranteed. The healthcare and police agencies at local government levels do not have standard procedures to justify and implement such Acts. As a result, local police agencies have misjudged or abused compulsory treatment.
55. Recommendations :
 - 1) Comprehensively review the content of the provisions of “Mental Health Act”, and amend the intent of the convention in the review and relief channels. Disciplinary actions that restrict personal freedom, such as compulsory hospitalization and medical treatment, should be based on the "principle of retention for judges" to avoid abuse; the duration of compulsory hospitalization should be adjusted flexibly according to the condition.
 - 2) The court should strengthen mechanism for professionals to participate in the evaluation, and should investigate whether the parties have specific evidence necessary for full-time hospitalization as a reference basis to comply with basic human rights.
 - 3) Central government should uniformly formulate an assessment mechanism for emergency placement and its qualifications, upgrade the training of police personnel, and establish an assistance process for people with suspected psychosocial disabilities who are at high risk for help/contact.

²⁵For example, Article 25 permits restrictions on the freedom of communication and visitors with mental disorders based on their medical conditions or medical needs. However, the intervention of lawyers to assist clients in judicial relief or social workers' visits is hindered by the hospital.

Article 15 Freedom of torture or cruel, inhuman, or degrading treatment or punishment

56. Ministry of Justice intends to abolish five-year limit of guardianship²⁶, and the Judicial Yuan amends the Criminal Procedure Act - "emergency guardianship" to extend the guardianship timeframe. Due to the lack of mental medical resources in prisons, there are doubts about exceeding judicial judgments in terms of excessive extension of mental treatment assessment results, infringement of personal freedom of the prisoner or the defendant in custody, and the expansion of administrative execution.
57. Recommendations : When the law restricts the personal freedom, it should be implemented through the most prudent evaluation process, the “principle of retention for judges” and professional advice. The extension of the guardianship period, the establishment of judicial psychiatric hospitals, and the emergency guardianship of the Criminal Procedure Act of the Judicial Yuan, which are currently being revised, should not violate such principle and the spirit of the Convention.

Article 16 Freedom from exploitation, violence, and abuse

58. The number of victims of gender-based violence among special education students is increasing every year, and the sexual violence prevention and control system plan has not formulated strategies for the needs of the persons with disability and the specificity of institutional sexual assault²⁷. According to the

²⁶United Daily News (2020): Due to the recent felony conviction and the controversy about the lighter sentence due to the perpetrator's "mental state", since 2020, all parties in the Legislative Yuan have proposed to amend the third paragraph of Article 87 of the Criminal Law and intend to extend the guardianship penalty period; The Minister of Justice even stated that the current maximum 5 years of guardianship can be sanctioned after evaluation and appraisal, and the proposal to amend the law to change the number of years to "unlimited".

²⁷For example, in 2014, a parent organization revealed that the Miaoli County People-Friendly Correctional Home imposed improper and violent punishments on specific service users, but because some family members were unwilling to transfer to other agency, plus city government was limited by insufficient agencies that can provide services under its jurisdiction, even though the institution was

regulation, everybody in the institution is responsible for reporting sexual assaults and criminal acts²⁸, but in practice, the notification and the investigation process of suspected cases is often delayed. The notification will not be executed until the number of victims has accumulated. Many teaching or administrative staffs have already aware of the situation, but they still delayed the report. No punishment for those who concealed it and failed to report²⁹. There is also a lack of discussion of other forms of exploitation, such as financial exploitation, psychological abuse, neglect, abandonment, etc.

59. Recommendations : For the notification of suspected sexual assault cases, a whistleblower mechanism should be established. For those who failed to report, administrative responsibilities should also be pursued to strengthen the implementation of the statutory notification mechanism and establish a post-incident resettlement process. Other forms of mistreatment besides violence should also be defined and included in prevention and treatment.

Article 18 Liberty of Movement and Nationality

60. Even foreign disabled persons with permanent residence permits or dependent residence permits have settled in this country for a long time, they cannot obtain necessary support services.
61. Recommendations : The state should review the restrictions on the nationality status of existing welfare services, and provide corresponding support measures for aliens with disabilities living in this country without affecting the well-being of local citizens.
62. Current ordinances restrict the entry of persons with psychosocial disabilities³⁰,

disciplined, the penalty is still unable to forcibly suspend the service.

²⁸In accordance with Article 8 of “Sexual Assault Prevention Act” and Articles 75 and 76 of “People with Disabilities Rights Protection Act”.

²⁹For example, the collective sexual assault case of Tainan Qi Cong School for The Hearing Impaired and the sexual assault case of the private Meilun Qi Neng Intellectual Development Center in Hualien County, the staff did not immediately register the report after they knew it.

³⁰Articles 18 and 38-1 of” Enforcement Regulations of the Immigration Act”.

but it is impossible to define inspection standards in practice, which in vain deepens the stereotype of persons with psychosocial disabilities.

63. Recommendations : Ministry of the Interior should revise ” Enforcement Regulations of the Immigration Act” as soon as possible to abolish negative restrictions on the presentation of persons with psychosocial disabilities.

Article 19 Living independently and being included in the communities

64. The survey shows top three challenges for persons with disabilities to participate in the society without a partner are: going to government offices, bank, or post office, and going out without a companion³¹. At present, in the fields of social welfare, labor (workplace), and education, the authorized personal-assistant hours are insufficient; even after the service is approved, there is a shortage of assistants to provide support³².

65. Recommendations :

- 1) The state should adjust and set annual budget based on the needs of independent living, such as persons with disabilities in each category, gender, age, and subsidy hours, to support the demand.
- 2) State should put forward specific and effective action plans and allocate funds to ameliorate the issue of insufficient manpower and subsidy hours, to ensure that persons with disabilities can acquire adequate support in all aspects of life. Meanwhile, to ensure that assistant services in various fields can be integrated and used to revise regulations and measures centered on service users, rather than segmented by respective public agencies.

66. Except "long-term care services", community support services have limited growth in other projects. Government encourages persons with disability who are

³¹ According to the report on the living conditions and needs of persons with disability in 2016

³²The state provides "personal assistants", "workplace assistants" and "special education student assistants" hours for the persons with disability, with a maximum of 60 hours per month and a minimum of 30 hours per month, which is difficult to meet the needs. It is unable to meet the needs of community life, work, teaching and learning for persons with disabilities.

willing to return to the community. After six months of training and experience, if they formally transfer to the community living, the residential care expenses will be terminated³³. However, persons with disabilities have no sustainable economic ground and stable job, therefore, they will still depend on their family members or return to the institution after the subsidy ceases. In addition, those who stay in institutions for a long time often choose to start an independent life in the vicinity of the original institution, but they cannot get support services due to household registration issues³⁴.

67. Recommendations :

- 1) State should set the targets for respective community-based services, formulate an action plan for the next four years, meanwhile, plan and construct various community-based service resources based on the needs of persons with disability.
- 2) MOHW should guide the transformation of full-time institution for persons with disability, so that original institution's accumulated service experience can be better utilized, and it can also provide more individualized services for local disabled having independent living in the community³⁵.
- 3) Flexible extension of hours for the subsidy of existing residential care, in order to support the needs after transferring to the community, and link up with relevant community resources. Community housing project should not restrict the subsidy objects based on their household registration, and encourage the nearby institutions to become the companions and support of persons with disability during the training for independent living.
- 4) People with mild disabilities who have not obtained a certificate of disability

³³ The Adaptation Plan for Welfare Institutions for the Disabled to Integrate with the Community" commissioned by MOHW.

³⁴According to the report on the living conditions and needs of people with disabilities in 2016, only 5.22% of residents live in institutions. The main reason for residential institutions is "family or relatives cannot take care of them", which represent 58.65%. Those who have lived for more than 7 years account for 33.02% which is the highest portion.

³⁵For example: Encourage institutions to initiate community housing programs and become a resource for diversified community service, to form community centers for the persons with disability who are willing or in need of community housing programs to integrate into the local community.

should also be included in the community services and provide services such as independent living, reconstruction, and rehabilitation³⁶, and provide immediate assistance with the goal of extending the disability service.

68. This state only presents the status of independent living and personal assistants. It does not reflect all the aspects of providing community services for people with disabilities, nor does it explain how to provide skills training, housing and transportation assistance, employment, and community resource links for independent living, etc.³⁷.
69. Recommendations :
- 1) State should present the promotion of self-selection, decision-making, and responsibility for persons with disabilities to enhance the abilities of "self-determination" for them at all ages and levels of life, and propose an overall plan for the development of independent living services by 2023.
 - 2) The state should develop an effective model that assists persons with intellectual disabilities in self-determination or decision-making assistance, and incorporates relevant support service measures, including: care mode, employment assistance, driving decision-making, financial management, medical autonomy, etc., to support their self-determination, choice, and responsibility³⁸.
70. Government provides support for persons with psychosocial disabilities in the community living, but the budget is far lower than the mandatory hospital treatment expenses. Community support services still focus on medical intervention and risk management, there is no discussion and application from the perspective of human rights³⁹.

³⁶The "Home Rejuvenation" service of the Ministry of MOHW assists patients to use the existing functions of the body to adapt to life after recovery. "Home rehabilitation" is no different from general rehabilitation, except that the rehabilitation site is changed from hospital to home

³⁷State Report Table 19.2 - The number of service users and service-time cannot reveal the effectiveness of different categories and levels of respective disabilities. It is recommended that the government respond specifically to IRC's initial concluding observations paragraph 53-c).

³⁸For example: Dementia Consultation and Advisory Group, Dementia Safety Driving Decision Support Workshop, etc.

³⁹According to "National Mental Health Phase II Project from 2017 to 2020", the budget of

71. Recommendations : State should review the adequacy of mental health resources allocation based on human rights model, formulate budget planning, and implement segmented improvement plan for community services.

Article 20 Personal mobility

72. Persons with disabilities who have been assessed and confirmed to have a need for assistive devices can receive assistive device subsidies upon purchase after verification. However, subsidies are still classified according to the types of barriers under the old system. In the evaluation process, persons with disabilities are regarded as passive roles and not oriented by their usage requirements⁴⁰.

73. Recommendations :

- 1) MOHW should revise "Subsidy Standards of Assistive Devices for Disabled Persons". Evaluation of subsidies should be based on the needs and functions, rather than designated items and projects. Evaluation process of assistive devices should also strengthen individual opinions, confirmation the willingness, and develop a system design centered on persons with disability.
- 2) Rental rate of assistive devices is low, most of them are mainly purchased. The demand various for assistive devices as age grows and disability progressed, while leasing promotion is more effective; it is recommended to actively increase the assistive device leasing scale by at least 50% within two years.

74. New types of mobility aids such as electric wheelchairs, electric scooters, and wheelchair electric carts are advancing every day. In recent years, there has been constant debate about whether various mobility aids can be used for public transportation and whether they can be driven on the sidewalk.

"Development of a diversified and community-based mental patient healthcare model, link residential and occupational service resources, and support patients' lives in the community" in 2017 is 5,465,000. Compared to "Strengthen the emergency treatment, compulsory treatment and implement the management and follow-up of mental disabled in the community" budget is 179,980,000, the difference is 32 times. This reflects that the state has neglected community support for people with mental disorders.

⁴⁰ IRC's initial concluding observations paragraph 55-a) suggested that people with disabilities must be provided with affordable or free assistive devices based on their abilities and options.

75. Recommendations : Ministry of Transportation and Communication together with MOHW shall deal with the integration issues of various mobility aids in connection with transportation tools, such as: traffic width, moving lines, size standards, charging station settings, wheelchair space in the car, securing facilities for wheelchairs in the car, etc., are included in the transportation plan to enhance the convenience and safety of the mobile device users.
76. Assistive device research and development grants from Ministry of Science and Technology over the years did not specify the product development and subsequent promotion status; there are users who would like to purchase but it is out of stocks.
77. The "Regulations for Governing the Management of Medical Devices" has stagnated the identification of non-medical assistive devices, which is affecting R&D and market promotion⁴¹. When newly developed assistive devices from abroad are to be imported, they are subject to regulatory restrictions. The procedures and regulations required are complicated, it is difficult for non-professionals to fulfill the application.
78. Recommendations :
- 1) State should ensure that assistive products developed with government subsidies can attract vendors to participate in subsequent development and promotion, and make them available for people with disabilities at affordable costs.
 - 2) The government should complete the classification guidelines for non-medical devices as soon as possible to ensure national certification standards after the products are launched, as well as quality control and consumer hazard compensation mechanism for defective products post-market. Meanwhile,

⁴¹When " Regulations for Governing the Management of Medical Devices " promulgated by MOHW in January 2020, Article 3 was clearly defined as non-invasive, non-hazardous to human health and use of assistive devices that do not require the assistance of medical personnel. They may be reported to the central competent authority for approval and exemption from being listed as medical devices to facilitate user acquisition, and increase the willingness of private R&D and vendors to invest; but the Executive Yuan has not approved an implementation date, meanwhile, Food and Drug Administration (FDA) held a discussion meeting in May of the same year but there was still no progress.

establish convenient channels to assist persons with disability to procure emerging assistive devices from abroad.

79. Current regulations restrict the types of driver licenses that can be applied for hearing impaired, visual impaired, audio and speech impaired, and physical impaired persons⁴². It ignored the fact that persons with disability still can have the capability to drive on the road when they were provided with adequate assistive devices and transportation support.
80. Ministry of Transportation and Communication started piloting driver license for elderly drivers in 2016⁴³. However, for seniors with dementia who live in areas where the public transportation is not convenient, it has not proposed a solution to their transportation needs.
81. Recommendations :
 - 1) Ministry of Transportation and Communication should review the restrictions on the driver license for persons with disabilities, and develop appropriate examination/training mechanisms, assistive devices/measures to assist drivers, improve traffic guidelines, etc. for respective category of disability.
 - 2) Propose an implementation strategy to balance rights of people with dementia and traffic safety. Meanwhile, develop training assistance for people with very mild and mild dementia.

Article 21 Freedom of expression and opinion and access to information

82. “Development of National Languages Act” promulgated in January 2019 has incorporated sign language as national language. However, only MOE has incorporated it in the curriculum guidelines and courses started from 2023 and Ministry of Culture has incorporated it in the site staff training and language subsidy program. Others were simply an extension of local government's prior

⁴² "Guidelines for Persons with disability to Apply for Driver Licenses for Automobiles and Motorcycles".

⁴³In order to be renewed for a 3-year short-term driver license, persons over 75 years old are required go to Motor Vehicles Office to pass the physical and cognitive function examination, and provide evidences of not having moderate or above dementia.

sign language translation campaigns; no update measures were observed.

83. According to government survey, the rate of access of information by people with disabilities falls behind the national average of 45.5%. Among them, the rates of multiple impairments, visual impairments and hearing impairments are much lower. Currently, it is not that popular to observe dictation, synchronized captioning services on various activities and published information. As a result, there is still a gap for visually and hearing impaired in receiving information.
84. Regarding the broadcast of proceedings at Legislative Yuan, except premier's state report, none of the committee meetings provide sign language or subtitles.
85. At present, the sign language and simultaneous transcription services provided by local governments do not support activities involving private commercial interests and collecting fees. As a result, hearing impaired cannot apply for the services when they participate in exhibitions or seminars with a charged admission fee.
86. Recommendations :
 - 1) When government agencies promote related activities, budgets should be made to support sign language, simultaneous transcription or caption services, and dictation services, including social participation such as education, occupation, culture, entertainment, health and medical care, leisure sports, civic politics. Meanwhile, provide voice recognition and image narration training for the personnel, and encourage the development and optimization of software technology.
 - 2) Promote sign language as a new type of cultural campaign, encourage general publics to learn it, not just limit to hearing-impaired students/family, and break through the barriers of communication between persons with disability and the non-disabled.
 - 3) State should plan or encourage the establishment of transcription centers and service platforms, combining remote video and cloud technology to provide instant transcription or communication services for sign language, text, and voice

messages, in order to reduce the daily communication barriers of the Deaf and hearing impaired.

- 4) Sign language and synchronized captioning services on Legislative Yuan's proceedings shall be implemented gradually with full scale. Sign language, simultaneous transcription or subtitle services provided by local government should also have additional budget to expand the scope of services and enhance the opportunities of social engagement for the hearing impaired/Deaf persons.

Article 22 Respect for privacy

87. Media reports often disclose personal information, household environment, and even medical treatments on persons suspected with psychosocial disability. It not only infringes privacy rights, but also violates the principle of non-disclosure of information related to judicial investigation.
88. Recommendations : Regarding suspects who are suspected to be psychosocially disabled, MOHW and respective county and city governments should report the case which infringe their privacy rights and violated the "Mental Health Act". The number of such reprimanded cases should be reported regularly.

Article 23 Respect for home and family

89. There is a lack of information on pregnancy, maternity check-ups, post-natal care, and childcare relevant to various barrier types, not to mention the available healthcare resources are insufficient. At present, the Health Handbook for Pregnant Women published by the MOHW has no relevant information for persons with disabilities, such as the impact to persons with psychosocial disabilities regarding to their respective status of pregnancy, barrier-free medical centers for maternity examinations, barrier-free nursing homes for post-natal care etc.
90. Recommendations : State should develop healthcare information that can be

read and applied as sex education for various disabilities, such as pregnancy, childbirth, and childcare, and adapt to relevant service programs to support birth control for persons with disability.

91. Only a few local governments provide parenting guidance for persons with disability⁴⁴.
92. Recommendations : MOHW should set a four-year goal, urge local governments to manage marriage and childbirth counseling services for the disabled, enhance service utilization, introduce, and promote childcare aids, increase the fertility rate of families with disabilities, and enhance the training for service providers regarding the varieties of disabilities.

Article 24 Education

93. There were several incidents of school illegal rejection or improper treatment in 2020, but state report did not respond to the problem⁴⁵. The proportion of children aged 2 to 3 years with retarded development who are enrolled in kindergartens is very low⁴⁶, and children with severe developmental retardation lack appropriate kindergartens.

94. Recommendations :

- 1) Under the goal of zero rejection of enrollment, the state should formulate penalties in the next four years to ensure that schools at all levels under

⁴⁴ IRC's initial concluding observations paragraph 61-c) reflected that international review committee has specifically pointed out that appropriate support should be provided to disabled parents and adoptive parents, so as to do their duties and raise their children, on top of it, educate social service professionals to understand rights and abilities of parents with disability.

⁴⁵ Control Yuan Investigation Report (2020): An autistic student in Taichung was repeatedly rejected the right of admission to a public school or was asked to transfer by the school, and his teacher took the lead in verbal bullying. CT Want reported (2020): superintendent of preschool accused the school of "circumstantial killing". The chairperson of parent-teacher association posted a note on the face book to disclose the identity of a 11-year-old child. China Times (2020): reject the enrollment of autistic students. The Control Yuan corrected Dongbian Elementary School in Taichung city. Eastern TV News (2020) "Asperger's Disease" 5th grade student was bullied!

⁴⁶Control Yuan Investigation Report file 109 Jiao-Diao 0025.

national compulsory education have sufficient integration and special education resources to protect the right to education of every students with disability. MOE should review of the distribution of special education resources in rural areas and gradually improve the uneven distribution.

- 2) State should increase the number of kindergartens and ensure that children with disabilities are given priority registration in school. Relevant services for children with severe developmental retardation should be established to integrate special education and treatment services. Children with speaking or communication difficulties should have reasonable adjustment strategies, such as: increasing speaking time, providing relevant photos or diagrams and materials, so that children can participate in individualized education programs (IEP) conference.

95. In order to achieve integrated education, it is not enough for regular class teachers to participate a minimum of three-hour special education workshop each year. The survey also showed that more than 30% of students are not aware of special education services⁴⁷.

96. Recommendations :

- 1) MOE should invite scholars and experts in the field of special education and representatives of non-governmental organizations to examine whether the times and content of special education-related trainings meet practical needs.
- 2) MOE should analyze the users and target of special education services, formulate strategies to ameliorate the challenges of education among persons with disability, and raise the awareness of students and their families on various special education services.
- 3) MOE should formulate an awareness-raising plan for the next four years

⁴⁷According to the Disability Survey by MOHW in 2016, there are still 27-44% of students with disabilities who are not aware of 6 special education services, about 31-47% know but haven't utilized them. The reason is that "not needed" accounts for the highest percentage, and 39.57% said there have been difficulties in receiving education, among which 15.57% have "difficulties getting along with classmates or teachers, so they don't want to go to school".

and evaluate the effectiveness of its implementation to ensure that all educators on campus have sufficient awareness about disabilities.

97. Current practice of arranging the persons with disability in ordinary classes is simply a kind of "concordance", such as the deployment of assistants and an accessibility environment, however, there is still a lack of resources to actively promote "integration", such as: the awareness of disabilities among teachers and students, reasonable adjustments of education process and so on. Students with special needs often encounter difficulties when they participate in learning activities, such as sports and outdoor teachings.
98. Recommendations : MOE should supervise schools at all levels to implement IEPs for students with disability, and implement a mechanism for inviting students and their parents to engage, link resources, and meet learning needs and integration goals as much as possible. In addition to providing assistive learning aids, student assistants, extend examination time, and academic performance adjustments, it should also focus on the establishment of interpersonal relationships and other enhancements.
99. The general guidelines of "Curriculum Guidelines of 12- Year Basic Education" does not explicitly mention the concept of universal design⁴⁸; although courses can be set according to the needs of students for special education, it does not meet the universal goal of learning together for all. Reasonable adjustments were not substantially implemented. There is no standard for the schools to revising the assessment methods and adjusting the work loadings.
100. Recommendations :
 - 1) MOE should invite scholars and experts in the field of special education and representatives of non-governmental organizations and school teachers to jointly draft universal design application manual, and assist in promoting and encouraging teachers to apply this concept to teaching content, in order to promote the understanding and communication between regular and special students.

⁴⁸The general guidelines of "Curriculum Guidelines of 12- Year Basic Education" (<https://reurl.cc/8n8xdb>) covers education of human rights, citizenship implementation, inclusion and respect of diversified culture populations.

- 2) MOE should amend Article 19 of the Special Education Act to conform with the principle of "reasonable adjustment", and include other objective needs and support services.
101. MOE has provided "special education student assistants" to supplement personal assistants, and commissioned respective schools to coordinate the services. However, due to difficulties in finding manpower, assistance-hour shortage and insufficient awareness of assistants, parents often need to recruit additional assistance at their own expense.
102. Recommendations : The state should reserve training budget for "special education student assistants" to improve their professional knowledge. Meanwhile, provide a recommendation list of potential candidates and pre-school circuit counseling professionals as resources for respective schools.
103. Teachers can access supplementary textbooks, reading lists, and digital learning. However, due to the lack of formats, equipment, and software for students with visual or learning disabilities to read, the issue of information access and digital gaps for students with disabilities remained unsolved. In addition, there are insufficient resources for special education in rural areas with poor accessibility, which makes it impossible for students with special learning needs to obtain appropriate education. Even providing material subsidies or expense reimbursement still cannot solve the problem.
104. Recommendations : MOE should reserve budget for the promotion of barrier-free digital information systems and increase the proportion of schools utilize multiple media teaching materials. Teaching content should be developed in the direction of "universal textbook". Enable students with disabilities and regular students to learn simultaneously, avoiding students who use special textbooks and got stigmatized.
105. Although the laws and regulations stipulate that schools must not deny admission on the grounds of disabilities. However, after entering the higher education system, students often face the situation of not knowing how to make reasonable

adjustments and insufficient hardware and software support⁴⁹. The resources for adult continuous education also lack the design that allows persons with disability to participate.

106. Recommendations :

- 1) MOE should coordinate respective universities and colleges to propose practical mechanisms to resolve the challenges of integrating persons with disability into higher education, encourage students to take the initiative to submit reasonable adjustment applications, and set a quota for the number of applications and appeal channels to supervise the implementation of the right for education.
- 2) When continuous education center at each university, MOE, and local governments set up community colleges, it should incorporate curriculums which meet the needs of adult education for the persons with disability. Meanwhile, the venue and learning should have assistive measures for accessibility.

Article 25 Health

107. The state has formulated a health policy for persons with disability, however, it lacks a scenario analysis and cannot examine the degree of program implementation⁵⁰. The survey of people with disabilities shows that the frequency and proportion of participating in physical examinations are also lower

⁴⁹ Practical case: The public areas on campus have not been modified for accessibility, therefore, students with physical disabilities cannot access school canteen. Meanwhile, it failed to provide braille textbooks for visually impaired students. When using online teaching, it did not foster the need of visually, hearing, and sense impaired students. Plus the fact of misinterpretation by sign language interpreter relevant to the examination.

⁵⁰The "2020 Citizen Health White Paper" includes children with developmental delays, school-age children, adults, and the elderly. A total of 33 goals have been set for primary prevention, secondary prevention, and tertiary prevention. It also pointed out that "The demand of healthcare from persons with disability is much more than regular citizens, by joining national health insurance does not mean their health-related issues have been improved. The health policies for persons with disabilities at all stages are fragmented."

than the norm⁵¹.

108. Recommendations :

- 1) Health Promotion Administration of MOHW shall submit a complete implementation report on the 33 health policy objectives of the disabled population in the "2020 Citizen Health White Paper", and formulate policies to promote the health of the disabled in the next five years.
- 2) The promotion channels for the physical examination and status of accessibility at the site for people with disabilities participating in physical exam should be reviewed together with relevant improvement programs.

109. The codes for barrier-free facilities have not yet been applied to primary clinics. Persons with disability often need to travel long distance to seek medical treatment, which cause additional transportation costs. Many medical institutions that have barrier-free labels have not widely installed relevant medical equipment, supporting procedures, and assistive services that are convenient for persons with disability.

110. Recommendations : The state should include the provision of barrier-free clinics in the "Guidelines for the Establishment of Medical Institutions" and "Building Technical Codes - Building Design and Construction", and complete the plan by 2023. Meanwhile, set the target of improvement rate within four years as action plan to raise the availability of healthcare services.

111. The state has formulated the "Informed Consent" under hospital evaluation; however, it has not stated how to provide support measures for different types of obstacles, and the overall participation rate is very low⁵². The state report did not specify current implementation rate and target timeframe (including education and training) for each department in the future.

⁵¹According to the report on the living conditions and needs of persons with disabilities in 2016, 54.82% of them "have not had" physical examinations.

⁵² According to MOHW's statistics, there are 22,992 medical institutions in 2019. 1.98% participated in western medicine accreditation, including 456 medical centers, regional hospitals, and district hospitals.

112. Recommendations :

- 1) The state should specify the policy objectives in accordance with the “CRPD General Observation No. 1” to encourage persons with disabilities to exercise the legal authority of "the right to know, choose and decide on healthcare", meanwhile, the type and intensity of support measures provided must reflect the diversity of persons with disabilities.
- 2) MOHW should increase the number of hours of education and training for medical staff to recognize various types of persons with disability and assist in seeking medical treatment. Meanwhile, promote various types of user-friendly hospitals and dementia-friendly certification standards, and provide on-site interactive experience.

Article 26 Habilitation and rehabilitation

113. Ministry of Labor has organized supplementary training courses for foreign caregivers⁵³, but the results are not good. Only 2 people were trained in 2018 and no one was trained in 2019⁵⁴.

114. Recommendations : The state should stipulate the number of hours of regular training for foreign caregivers each year, and provide supporting services during training to ensure uninterrupted services, improve the quality of care, and the labor and education rights of foreign caregivers.

115. The long-term care reimbursement has been added to the "Allowance for challenged healthcare services" to increase the willingness of home-care provider to serve disabled persons with special needs. However, there are home-care providers who still unwilling to provide complicated or difficult services, such as

⁵³ According to the "Supplementary Training Measures for Foreigners Engaged in Home-care Service", the content includes physical care, first aid knowledge, cultural adaptation, and life communication skills, etc.

⁵⁴ According to the annual statistics by National Development Council, the number of migrant workers engaged in social-welfare was 261,000 in 2019.

glycerin enema, rectal suppository, anal irritation, stool excavation, enema water injection, etc.

116. Recommendations :

- 1) MOHW should continue to improve home service resources to the extent that people with severe disabilities can maintain daily life as the standard; the content of services should be based on whether the quality of life of persons with disability can be maintained, not just based on medical-related needs. In addition, the home service agency should be mandated to provide services based on the service items and cannot delete or reduce the service content by itself.
- 2) The policy progress report on the service linking up the long-term care 2.0 service for persons with disability should be regularly evaluated and reported (including the progress of the inter-agency pilot plan incorporated into the long-term care system) to facilitate the assessment and adjust the system and regulation to adapt the characteristics of the disability.

117. Those who are still in a disabled state after treatment, if they cannot obtain the qualifications for disability before discharge, and are not covered by the scope of long-term care services⁵⁵, they will not be able to connect to the service at the time of discharge, as a result they were not been able to enter rehabilitation and life training early enough to link to the society adaptation plan.

118. Recommendations : State should adjust the target threshold of the "Connecting Long-term Care 2.0 Discharge Preparation Friendly Hospital Incentive Program" to provide temporary care services for people with short-term disability, and for those who are "expectable and irreversible disability in the future" but cannot obtain proof of disability in the short term, directly connect to care services and rehabilitation.

Article 27 Work and employment

⁵⁵ The long-term care service targets at disabled elderly over 65 years old, disabled indigenous people over 55 years old, demented people over 50 years old, and disabled persons of any age, who need to be assessed by the care center to be recognized as service targets.

119. The proportion of persons with disabilities who are engaged in atypical jobs, accounting for 22.0% of all employees with disabilities, but compared with typical jobs, the security of salary and fringe benefits are relatively insufficient.
120. Recommendations : The employment subsidy program for the persons with disability provides more diversified job types and working hours design; for example, flexible working hours of less than 20 hours per week can help people with different physical abilities or in rehabilitation center to gradually enter regular workplace.
121. Ministry of Labor has organized vocational training courses for various categories in the form of commissions and subsidies, but it does not require barrier-free auxiliary facilities in the venues, which limits the participation and affects the right for further education.
122. Recommendations : All occupational education sponsored by the government should include reasonable adjustment measures such as barrier-free places, sign language translation/simultaneous transcription, vision assistance, and documents with barrier-free format into mandatory contract.
123. Ministry of Labor promotes job redesign on the webpage to encourage employers to apply, but it does not have application channels for disabled workers.
124. Recommendations : Increase the protocols for labors to apply "job redesign"⁵⁶. In the future the service target can cover people with disabilities who have not obtained a certificate, so that they can use the application for job redesign and reasonable adjustment of work to improve probability and percentage of young and middle-aged people who were mid-way or transiently disabled to stay in the workplace⁵⁷.
125. The characteristics of sheltered factory in this country are that “sheltered

⁵⁶Current regulations require the employer to be the applicant.

⁵⁷The “Implementation and Subsidy Guidelines of Job Redesign for Persons with Disability” was extended in March 109 to persons with intellectual disabilities who do not have a disabilities brochure but is capable to work. They can apply job redesign and reasonable work adjustment services based on diagnosis certificate, and no longer limited to the disability brochure. This is an improvement of flexible adjustment regarding the definition of persons with disability based on the nature of the service.

employment is more of an institutional and isolated service model, and it is an environment that has less interaction with the community, more protective, and is determined by the parents⁵⁸, with limited transfer ability⁵⁹. Sheltered factory or career counseling programs often have production capacity and performance appraisal concerns, they often end up taking high-functional clients, but reject clients who have multiple disabilities or whose work ability is approaching the lower limit after evaluation.

126. Recommendations : The state should reorient the development direction of sheltered factory in accordance with the spirit of the Convention, and propose an action plan to assist in transforming into employment support measures compliant to human rights, in order to ensure that person with disabilities can link to the open job market. It should also propose to eliminate institutional, isolated, and protective, but employment-support oriented action plan that can be determined by the client.
127. In recent years, the number of people with disabilities as civil servants has increased year by year, but after entering the public service, they are often labelled and bullied due to special entrance examinations or barrier characteristics, such as improper verbal treatment, rejection by peers or officials, improper job arrangements, etc.
128. Recommendations : Governments at all levels should include indicators for promoting the work of the persons with disability and inclusive workplaces into the appraisal system, such as: reasonable adjustment, job redesign, barrier-free environment, workplace support, employee attitudes, etc. In the stage of applying volunteer briefings and practical training, the vocational counseling assessment service is included for subsequent deployment by the Directorate-General of Personnel Administration of Executive Yuan and Ministry of Civil Service.

⁵⁸As stated in the "Handbook of Handicapped Persons Transferring from Sheltered Workshops to General Workplace Counseling" published by the Workforce Development Agency in 2020.

⁵⁹Only 17 employees nationwide from January to June 2020 were transferred from sheltered workshops to general workplaces, accounting for 0.85% of total sheltered employment population.

Article 28 Adequate standard of living and social protection

129. The premature ageing of persons with disabilities has occurred due to long-term employment in the workplace. The revision of the regulations on the retirement of civil servants has been completed so that persons with disabilities can apply for monthly pensions voluntarily after assessment at the age of 55; however, the part of labor retirement is still under discussion⁶⁰.

130. Recommendations : According to the revised retirement rules for civil servants with disabilities in 2018, the "Labor Insurance Act" should be amended so that disabled workers over 55 years of age can apply for voluntary retirement after assessment and claim monthly pensions⁶¹.

131. Although the government subsidizes the installation of elevators in old apartments, the number of applications is very few, and the environmental restrictions on old residential renovation may be the reason. Renters often encounter challenges such as rents were not affordable, rejection by the landlord, or not enough options for accessibility.

132. Recommendations :

- 1) Ministry of the Interior should review the progress and challenges of accessibility housing subsidies in the past, and put forward policy goals for improving accessibility facilities and adding lifting equipment in the future.
- 2) In addition to the promotion of social housing, the state should plan for diverse housing assistance for persons with disability, such as utilize private vacant houses, property outsourced management, and other methods to meet the housing needs of persons with disability.

133. Bulletin, application, registration, and other information relevant to social housing do not considered the accessibility and legibility of the information,

⁶⁰According to paragraph 256 of the state report, the disability workers requesting labor insurance disability reimbursement or early retirement before the official retirement age is a different level issue than the official retirement pension, whereas the payment amount and coverage are significantly different.

⁶¹According to IRC's initial concluding observations paragraph 70-b).

which increases the difficulty of application. Although social housing has barrier-free room, the design lacks flexibility and cannot meet the needs of people with different disabilities. Although residents can renovate the room for accessibility, it must be restored when the lease expires, which is an additional cost.

134. Recommendations :

- 1) The state should produce accessibility formats and easy-to-read versions of information and publications relevant to public housing to ensure that the information is accessible to persons with disability. Social housing should provide renovation subsidies for accessibility, and extend lease term to reduce the cost.
- 2) The state should develop and increase the proportion of universal design and barrier-free design, increase the quota for the persons with disability, and encourage private investment in the transformation and design of universal or barrier-free housing, and provide more options in the community for diverse ethnic groups and family combinations.

Article 29 Participation in political and public life

135. The current electoral regulations prohibit persons under guardianship from exercising their right to vote, resulting in the deprivation of the right to vote for persons with disability. The amendment procedure has not yet been completed.

136. Recommendations : The state should amend the "Presidential and Vice-President Election and Recall Act" and the "Public Official Election and Recall Act" by 2023 to abolish the rule that deny persons under guardianship the right to vote.

137. In recent years, the Central Election Commission has planned various measures to help people with disabilities understand elections and participate in voting, but sporadic incidents which jeopardize voting rights have occurred.

138. Recommendations : Central Election Commission regularly cooperates with groups with disabilities to conduct regular simulation exercises for information

reception, mobility, and communication assistance for different disabilities. Provide various voting tools and procedures demonstration. Increase election staff's awareness of persons with disability. In terms of life reconstruction or training services, mock voting can also be included as one of the projects. In addition to photos and texts that are easy to read in mock elections, audio and video should be added to help people with cognitive impairments to understand it as a benchmark.

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

139. Sports Administration of the MOE has set out the "Sports Policy White Paper" to present various policies of school sports, sports for general publics, competitive sports, international and cross-strait sports, sports industry, etc., and the goals for the promotion of sports with disabilities in the future, such as: the improvement timeframe for the elimination of discrimination in sports venues.
140. Recommendations : The Sports Administration MOE should reveal the status of the "Sports Adaptation in the School Promotion Plan", prepare a budget and formulate strategies to improve the sports plight of students with disabilities, actively cultivate adaptive physical education teachers and promote adaptive sports, including increasing the participation of adaptive physical education teachers in IEP meetings and host adaptive sports ratio⁶², to improve the knowledge and ability of personnel.
141. The number of non-governmental donations of digital publications is limited⁶³, and the official translation of hardcopy publications is still not as fast as the increase in publications.
142. Recommendations : The state should take more active actions, such as cooperating with private platforms to translate into special editions to eliminate

⁶² 2015-2018 School Sports Statistics Annual Report-The difficulties faced by schools at all levels in adapting to physical education.

⁶³ In 2119, only 2,298 items/piece/volume of electronic braille/MP3/dual-vision/EPUB/audio books were added, which is far from the total number of books published throughout the year.

the gap in information access for persons with disability; and present an analysis of current status of the collection of digital book resources.

143. The exhibition design of many museums has not considered the needs of people with various disabilities for cultural access, such as: no oral video service is provided, the guide is not suitable for the hearing impaired who already use hearing aids, and the exhibit cabinet is too high.
144. Recommendations : The state should regularly review whether the "Cultural Exhibition Venue Friendly Services and Facilities Checklist" achieves the goal of protecting the cultural access rights of the persons with disability. Those public agencies who failed to meet the requirements will be reprimanded, while private museums will apply incentive system.
145. There is still room for improvement in the coverage of barrier-free seats in cinemas, meanwhile, some of them are in the first row, or are separated from regular seats.
146. Recommendations : The state should actively promote the establishment of barrier-free seats in movie theaters across Taiwan. Meanwhile, invite experts, scholars, and non-governmental organizations and other relevant personnel to discuss together, protect the rights of the disabled to enjoy a comfortable viewing experience, and provide guidance to movie theaters for employee service education and training.
147. MOHW has not yet set the regulations and applicable ages for the inclusive children's playgrounds actively promoted by local governments, and the setting information has not been fully promulgated.
148. Recommendations : The state should invite persons with disabilities and representatives of relevant groups by 2023 to develop guidelines for the design of inclusive playgrounds, and set up an information integration platform for inquiries.
149. The Ministry of Culture has discussed the promotion of a demonstration program for the installation of oral video equipment in theaters, but it did not specify the

specific content and schedule. In recent years, program producers and television companies have received subsidies as incentive to produce oral video services, but the number of cases is very small. Although the NCC has listed the promotion of the media for the visually and hearing impaired as replacement criteria for licenses review, but the proportion is very small.

150. Recommendations : The Ministry of Culture and NCC should invite disabled groups to set goals for the promotion of oral video services and television access policies by 2023.

Article 31 Statistics and data collection

151. Some of the information provided in state report lacks the inclusion of the disabled in the original statistics. It is recommended that in the next four years, when government agencies conduct various large-scale surveys, they should comply with the United Nations "Human Rights Indicators: Measurement and Implementation Guidelines"⁶⁴, including the number of persons with disabilities, gender, age, and types of disabilities, etc. to facilitate analyze and supervise the implementation of the convention. It should include but not limited to the points listed below.

152. Pursuant to Article 7, 8 :

- 1) The statistics of persons with disabilities who are both intersex and transgender, including ethnic group and treatment status.
- 2) The needs of early treatment and education for children with developmental delay, the deployment of community treatment, home service resource deployment, and the utilization rate of community treatment in various districts⁶⁵.
- 3) The status of labor participation among women with disability.

153. Pursuant to Article 14-16 :

⁶⁴ " Human Rights Indicator: A Guide to Measurement and Implementation" published by UN in 2012

⁶⁵ IRC's initial concluding observations paragraph 66-c) concerning the "Implementation Plan of Community Treatment and Education Base for Children with Developmental Delays".

- 1) The status of voluntary and involuntary medical treatment in accordance with the "Mental Health Act", including: psychosurgery, electroconvulsive treatment, other government-published treatments or special treatment methods, review of voluntary and involuntary medical treatment, etc.
 - 2) The effectiveness of community psychiatric treatment related programs, including changes in the number of mandatory medical treatments and hospitalization days after provision, and assessment of the care status.
 - 3) The number of judicial incidents, procuratorial actions, and measures to provide assistive services.
 - 4) The number of prisoners who have suffered physical and mental disabilities after becoming an inmate, the status of transfers from jail to medical treatment, the application/approval status of reasonable adjustments and the usage of rehabilitation services.
 - 5) The status and process of gender-based violence involving students with disabilities in every counties, cities, and schools at all levels, and the status of bullying complaints.
154. Pursuant to Article 19 : Independent living requires statistics and situation analysis, peer support personnel and personal assistant services, and the status of other personal assistive services for persons with disability outside of the program.
155. Pursuant to Article 21 : The population and current status of sign language usage.
156. Pursuant to Article 24 :
- 1) The process of emergency medical needs for special children, and the status of relevant personnel receiving relevant annual training.
 - 2) The number and proportion of disabled students and their parents who participated in the IEP according to the Special Education Act, and the status of reasonable adjustments proposed in accordance with the Act.
157. Pursuant to Article 25, 26 :

- 1) Various health surveys such as preventive health care, including the analysis of the gap between persons with disability and general publics.
- 2) The usage of services by persons with disabilities in long-term care centers and the accessibility of service resources.
- 3) The implementation status of the discharge preparation and the "Continuing Long-term Care 2.0 Discharge Preparation Friendly Hospital Incentive Program".
- 4) The proportion and status of disabled persons or families in using foreign nursing services.

158. Pursuant to Article 27 :

- (1) The number of applicants and actual/implementation of "reasonable adjustment" at workplace (including government agencies).
- (2) Statistics of the persons with disability in the "Survey of National Civil Servants' Personnel Transitions over the Years" and the "Registration of Resignations and Reasons for Resignations of Civil Servants in Various Agencies" regularly published by the Ministry of Civil Service.

159. Pursuant to Article 29, 30 :

- 1) The status of political and public policy participation of persons with disabilities, including the Central Election Commission, central and local government agencies.
- 2) Statistics and research reports on arts and cultural activities by Ministry of Culture, including analysis of cultural trends.
- 3) Statistics by Sports Administration, such as participation in sports activities and utilization rate of various public sports venues, are included in the category of persons with disability.