

**Replies to CRPD List of Issues**  
**The League for Persons with Disabilities, R.O.C**  
**September, 2017**

**Purpose (art.1), Definitions (art. 2), General principles (art. 3),  
General obligations (art. 4)**

**1. Please provide information regarding the review of terminology and amending laws to recognize the full human rights of persons with disabilities, beyond the current emphasis on the need for their protection alone.**

Reply:

In addressing para 1 and 3 of the country reply , 73% of the Acts and administrative measures in the List of Reviewed Items with Priority for amendment affects rights to work for persons with disabilities. When governmental authorities hold meetings on how to amend the laws and measures, Ministry of Labor or scholars/experts on international labor laws were rarely invited while the invited scholars and officials attending the meetings do not have sufficient knowledge of CRPD. Some governmental authorities tend to maintain harmful stereotypes and stigma associated with persons with disabilities. For example, Ministry of Health and Welfare holds the assumption that persons with psychosocial disabilities are dangerous to children, and therefore tend to maintain the clause excluding persons with psychosocial disabilities from working with children in the Protection of Children and Youths Welfare and Rights Act in order to protect children and to ensure the realization of Convention on the Rights of the Child.

We suggest that government should comprehensively review all laws and measures concerning with limitation of occupations for persons with disabilities, for the purpose of combating stigma on persons with disabilities and ensure the limitation of rights shall conform with rule of proportionality and concept of reasonable accommodation.

**2. Please explain how the concept of a human rights model of disability is used to determine disability beyond the ICF system currently being used.**

Reply:

The classification for persons with disabilities in Special Education Act does not change after People with Disabilities Rights Protection Act adopted the ICF system in 2007. Therefore, there are currently two parallel systems on the classification of persons with disabilities. We suggest the government provides information on how to integrate the two systems.

**3. Please describe the concrete steps taken to amend national legislation and regulations to include the concept of reasonable accommodation and the recognition that the denial of reasonable accommodation constitutes a form of discrimination, and to ensure its application in practice in the public and private sectors.**

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Reply:

In addressing to the country reply 4-2, when schools under senior high school level fail to provide sufficient special education services and supports(also see para 49 of LPD parallel report), students with disabilities are “implicitly rejected” and had no choice but to study in special schools or drop out. In addition, the “admission examinations for enrollment of students with disabilities to tertiary institutions” is an additional channel for students with disabilities to enter higher education, but not all types of students with disabilities were welcomed to apply to all institutions. For example, National Taiwan Sport University has 7 departments ~~in~~ for undergraduate studies, but only 3 departments open up enrollments for a few certain types of students with disabilities. On the regulation of their enrollments, many institutions specify the limitation on their physical environment on campus, such as the school is built on hills, there is no elevator in the academy etc., and how the courses are conducted, such as all instructors deliver courses via verbal communication, courses will be delivered in labs or outdoor, etc. Many schools ask students who have difficulty in getting up-and-down stairs or in-and-out labs independently, communicate verbally, control emotions, differentiating colors or reading and writing etc. to “have discernment while selecting departments”. Meanwhile, the schools did not specify when the campus will be more accessible and what reasonable accommodation and supportive measures provided are, for example, if schools will arrange personal assistants or physiological support for students with rare disease.

We suggest Ministry of Education(MOE) should adopt a working schedule to conform with Special Education Act, University Act and relevant laws and regulations to CRPD/GC/2, and to monitor if all schools implement accessibility and provide reasonable accommodation. MOE should also urge all schools open up enrollments to all students with disabilities, and to ensure all students enjoy equal quality of schooling and equal opportunity to choose their profession in higher education.

**4. Please indicate what steps are being taken to amend legislation to include a definition of universal design and how it will be regulated in areas such as: education, health, transportation, and the built environment.**

Reply:

In the country report and the country reply, it appears that government has no plan to amend legislation to include definition of universal design for all.

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

**9. Please provide information on programmes, including affirmative action measures, to promote the rights of women and girls with disabilities, especially intersecting forms of identity status.**

Women and girls with disabilities face multiple and intersecting discrimination. For

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example, in field of higher education, para 21 of the 2014 Taiwan CEDAW Review Conclusion expresses concern on the persistence of gender segregation in the field of higher education, and recommends that the government strengthen measures to eliminate gender stereotypes and structural barriers to deter girls and boys from enrollment in non-traditional disciplines. On top of it, the situation that schools indirectly decline persons with disabilities for enrollment makes the option of women and girls with disabilities to study less(see para 50-52 in LPD Report and LPD reply to Lol 3).

In addition, according to the second draft of the third Taiwan CEDAW country report, the employment rate of women with disabilities is significantly less than men with disabilities, and their average monthly income is also far less than men with disabilities(para 11.24 of Draft of 3rd Taiwan CEDAW Report). the elderly and the persons with disabilities are the second highest reason why women didn't participate in labor, faced employment discrimination and unemployed.(para 11.3, 11.7, 11.16 of Draft of 3rd Taiwan CEDAW Report). Para 25 of 2014 Taiwan CEDAW Review Conclusion notes that women's primary responsibility in the family is one of the main reason for their low labor force participation.

We suggest government should develop plans to devise awareness-raising measures in addressing gender stereotypes and to eliminate structural discrimination against women and girls with disabilities , and to ensure the said measures are accessible to students and adults with disabilities. The said measures include:

- (1) to include concept of multiple and intersecting discrimination gender equality awareness-raising programmes
- (2) to increase enrollment rate of women and girls with disabilities, for example, the support services provided to girls returning to school during and after pregnancy should also take girls with disabilities into consideration.
- (3) to increase labor force participation of women with disabilities through the provision of accessible and affordable childcare services and temporary measures with specific targets and time frame.

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

**12. Please explain what steps are being taken to allow children with disabilities to speak for themselves and to recognize the evolving capacity of children with disabilities.**

Reply:

In addressing to para 5 of the country reply, Article 9 of Enforcement Rules of Special Education Act optionally require students with disabilities to participate in enactment of IEP meetings. We suggest the government to specify the ratio of students with

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disabilities participate in IEP meetings, and the information shall include types and level of their disabilities.

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

**14. What nationwide awareness-raising campaigns and strategies, based on a human rights model of disability, have been adopted to address harmful stereotypes and stigma associated with persons with disabilities?**

Reply:

Nationwide awareness-raising campaigns focus on presenting learning, working and sport achievements of persons with disabilities, as well as how they overcome their disabilities; however, they rarely address harmful stereotypes and stigma associated with persons with disabilities.

**16. Please provide information on the plans to update the CRPD translation into traditional Chinese, and to prepare accessible versions, including sign languages and easy-read versions of the CRPD.**

Reply:

In addressing to the country reply, we suggest government should also publish audio version of CRPD.

**17. Please provide on information on the training provided to civil servants to raise their awareness regarding the CRPD.**

Reply:

Judicial Yuan website provides data of judicial decision-making that invoke international human rights covenants, including ICCPR&ICESCR, CEDAW, CRPD and CRC. The government also have conducted numerous training on human rights covenants to civil servants; however, para 10 and 11 of 2014 Taiwan CEDAW Review Conclusion concerns that there is no impact assessment of such trainings, including whether those trained are applying human rights covenants to their works, in particular as a framework for the drafting of laws, policies and court decisions. We suggest government should make court decisions that invoke CRPD to be known to the public after de-identification, for the purpose of awareness-raising. We also urge the government to apply the CEDAW Review Committee's advice in the field of awareness-training regarding the CRPD as following:

(i) court cases be systematically registered, disaggregated by sex, type of disabilities, and other categories.,

(ii) court decisions be analysed for their compliance with CRPD and other International

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human rights standards; and

(iii) court decisions be used to assess the impact of CRPD and human rights training.

**Accessibility (art. 9)**

**20. Please provide information on how accessibility standards, monitoring systems and sanctions for noncompliance are planned to be improved.**

Reply:

In addressing to the para 3 and 4 in the country report, Control Yuan officially corrected Construction and Planning Agency, Ministry of Interior for its negligence to urge local governments to apply punitive measures toward parties failed to implement accessibility. Such negligence made the punitive measures useless (Yuan Tai Cai Zi No.1062230074, 10th February 2017). We suggest the Construction and Planning Agency propose plans to implement sanctions for noncompliance.

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

**28. Please inform the Committee of specific measures and safeguards provided to persons with disabilities at all steps in the criminal and civil justice systems, and why those measures and safeguards conform to CRPD Article 13.**

Reply:

In addressing the country reply, Taiwan has poor specific measures and safeguards provided to persons with disabilities in the criminal and civil justice system. The Presidential House invited hundreds of representatives from the justice sector, civil society and academics to be members of National Affairs Conference on Judicial Reform in April-June, 2017 and announced the conference conclusions on 12th August. The conclusions related to judicial protection of persons with disabilities include:

1. Review current judicial protective measures and institutions in accordance with UN core human rights conventions. For example, prohibit the use of polygraph for vulnerable victims or defendants, note the capability to stand trial and the capability to serve a sentence, etc.
2. Amend present laws and regulations about judicial protection and assistance mechanisms including the witness, the defendant and the victim, and set up concrete laws and regulations to social vulnerable groups consistently.
3. Make comprehensive rules about all types of lawsuit, non-litigation, administrative executions and other administrative procedures for social vulnerable groups.
4. Improve judicial interpretation resources, including sign language interpreters and communication access real-time translation.
5. Establish independent National Justice Science Committee, and members of committee should include experts in human rights, psychology, law, brain science, criminalistics/forensic science etc. so as to strengthen the ability of judicial system to

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discover the truth and reduce miscarriage of justice through policy development, education and certification.

We suggest government should initiate a timetable on implementing the conclusion of the National Affairs Conference on Judicial Reform.

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

**31. Please inform the Committee of what measures the State has taken to conform to Article 14 of the CRPD as it has been interpreted by the CRPD Committee in its issued guideline.**

Reply:

CRPD Committee's guidelines on the article 14 ~~which~~ prohibits the deprivation of liberty merely on the medical grounds; however, article 21 of Mental Health Act(MHA) authorizes psychiatric institutions and mental health care institution to carry out restrictions of a patient's place of residence or mobility for reasons of medical care, rehabilitation, education and training or employment service and guidance, in addition to the mandatory treatment and mandatory community treatment addressed in para 21-24 of the LPD Report. Art 37 of MHA allows the said institutions to restrain patients' bodies without their consent. All of above provisions are in breach of article 14 of CRPD.

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

**34. Please inform the Committee of what measures the State has taken to ensure that persons with disabilities receive adequate support to make decisions with fully informed consent regarding medical procedures and treatments.**

Reply:

Items of mandatory community treatment include pharmaceutical therapy, testing of pharmaceutical concentrations in blood or urine, and screening for alcohol or other addictive substances. However, article 46 of MHA authorizes psychiatric institutions to perform mandatory community treatment without informing the patients, and to contact the police agencies or fire-fighting agencies for assistance in the execution.

Article 50 of MHA permits psychiatric institutions to perform treatments to patients with informed consent; however, for children under 6 years old and severe patients, the institutions only need consents of the patient's guardian. Article 47 and 49 lists items of the treatments which include psychiatric surgical operations, electroconvulsive therapy, or other special treatments modalities promulgated by the central competent authority.

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

**35. Please inform the Committee about the existence of a monitoring system in line**

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**with Article 16, para 1 of the CRPD.**

Reply:

Both para 23 of 2014 Taiwan CEDAW Review Conclusion and para 25 of 2017 Taiwan ICCPR&ICESCR Review Conclusion concern violence against particular groups of women and girls, such as women with disabilities and the new immigrants who arrived as brides, and recommend the government to collect data on prevalence and incidence of sexual bullying and sexual harassment at all education levels and training settings, and whether these impact on disproportionately on particular groups of women and girls, and to make a comprehensive plan be developed to address domestic violence by adopting an interdisciplinary and multi-sectoral approach. We suggest the government should specify the plans made to implement the said advice, the data collection ,and plans made in accordance should also include violence which took place within special schools and accommodation institutions for persons with disabilities, for the purpose to assess if the current anti-violence measures are effective.

**36. Please also inform the Committee about violence against women and children with disabilities, including indigenous women and children with disabilities, and what specific measures the State has put into place to prevent and eliminate all forms of violence across all aspects of society.**

Reply:

In addressing to para 2 of the country reply, para 2.31 of Draft of Taiwan CEDAW Report shows that among all sexual assault cases, the number of female victims with disabilities is 2.6 times that of general women, and the number of female victims with disabilities under 18 years old is 6.8 times that of general girls under 18 years old. The country reply did not demonstrate if the violence prevention measures and information are provided with accessible formats, indigenous languages, languages of new immigrants, and if the shelters for the victims provide barrier-free environment and supportive measures. In addressing to para 114 of the country report, it listed organizations for people with disabilities, medical care institutions and hotels as shelters for victims with disabilities. It is at question that if the victims with disabilities can also be provided with equal support and services, for example, shelters with 24 hours a day service mentioned in para 115 of the country report. We suggest the government to specify how to ensure the violence prevention measures are equally provided to victims with disabilities.

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

**37. Please inform the Committee what measures the State intends to enact to amend the Genetic Health Act (Eugenic Health Law) so as to prevent violations of Article 17.**

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Reply:

Executive Yuan submitted the draft amendment of Genetic Health Act and proposed to change its title to Reproductive Health Act to Legislative Yuan in 2012. We suggest the government to provide information on the process and principles for the amendment.

**38. Please also inform the Committee what measures the State intends to enact to amend the Mental Health Act so as to prevent violations of Article 17.**

Reply:

Legislative Yuan is currently debating on the amendments of Mental Health Act, two versions of the amendments proposed by legislators advocate for widening the definition of severe patients and to apply mandatory hospitalization to drug addicts, alcoholics and persons who harmed animals, persons with tendency to harm themselves, for the purpose to prevent persons with psychosocial disabilities from harming others. We suggest the government deliberate if there is any mechanism ensuring legislation or law amendments passed by the Legislative Yuan are in accord with CRPD.

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

**44. Please explain the government's policies regarding subsidization of motor ownership and adaptation, drivers' training and licensing for persons with disabilities.**

Reply:

Current laws and regulations prohibit persons with physical disabilities from taking huge heavy motorbikes(over 2500 c.c.) driving exams. We suggest Ministry of Traffic should explain the schedule to amend the law to ensure persons with disabilities enjoy equal rights to move freely with the greatest possible independence in the manner of their choice.

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

**46. Please provide information on the safeguards within the Personal Information Protection Act which protect the privacy of persons with disabilities, preventing the arbitrary sharing of information among different ministries and agencies. Please provide the number of cases in which damage compensation has been claimed and awarded under the Personal Information Protection Act.**

Reply:

The constitutional status and powers of Control Yuan(C.Y) made it most similar to

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National Human Rights Institution among all current Taiwan governmental institutions; however C.Y. is lack of awareness in protection of the privacy of persons with disabilities. For example, Control Yuan investigated a case that a 6-year-old child died of domestic abuse in 2015 in Tainan. The perpetrator was the child's father who has psychosocial disability. Control Yuan issued an official correction (105 Nei Zheng No.0017) against Tainan government for not fulfilling her responsibility to properly implement "community care services for psychiatric patients" and "care for vulnerable children under 6-year-old program". In the official letter, Control Yuan indicated that "community care services for psychiatric patients" is an important measure for social safety net, and pointed out that Ministry of Health and Welfare should take measures since it is also at fault for not building an integrated system of related resources and information so that relevant competent agencies could not access to the information, fully realize the risk factors and prevent the child from domestic abuse. C.Y then required the Ministry of Health and Welfare to provide lists of patients with mental illness to the relevant competent authorities. We believed C.Y's instruction is in breach of both article 22 and para 1.b of article 31 of CRPD.

We suggest the government:

1. amend article 6 of the Personal Information Protection Act to ensure the governmental authorities' collection of personal information in compliance with with human rights standards.
2. ensure punitive provisions in Personal Information Protect Act are implemented for the purpose of preventing the arbitrary sharing of information on grounds of social security or protection.
3. strengthen awareness of for public servants including members of Control Yuan, political appointee and legislator in addressing protection of privacy of persons with disabilities.

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

**49. Please provide information on the number of students with disabilities, disaggregated by impairment type, who are educated in special schools and self-contained special education classrooms and how their inclusive education is being promoted.**

Reply:

In addressing to para 4 of the country reply, according to data from Ministry of Interior in 2011, 12%-69% of students with disabilities do not realize there were specific special measures provided(see table 49.1). We suggest government propose plans to ensure students with disabilities understand and use the supportive measures.

In addition, article 4 of the Special Education Act require schools under high school

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level should employ aides/assistants to students with special educational needs, for the purpose of enabling students with disabilities to learn with ordinary students in joint studies held in common venues. In other words, the aides are critical for the implementation of inclusive education. The government should provide information on how many aides were employed and the content and hours of training, if the trainings sufficient to enable students to take all type of courses.

**Table 49.1**

<b>Services provided to students with special education needs</b>	<b>Percentage of respondents(students with disabilities) who do not aware of each service</b>
Family support services	69.20 %
pick-up service between school and students' homes or supplement for transportation fees	49.59 %
scholarship or reduction of tuition and fees	32.86 %
Assitive devices for study use	53.29 %
Textbooks of large print,braille or audio version	56.11 %
Textbooks of large print,braille or audio version(for persons with visual impairment only)	12.17 %
Appropriate assistance and services provided when taking tests and examinations	58.68 %
Barrier-free environment	47.93 %
Assistence provided by sepeical education teachers	32.40 %

Data in this table excludes respondents who are children under 3 years old, persons in a vegetative state and persons with dementia.

Source:Ministry of Interior, Report on Physically and Mentally Disabled Disabled Citizens Living and Demand Assessment Survey, Republic of China 2011

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**Health (art. 25)**

**52. Please provide information on measures taken to provide persons with disabilities with the same range, quality and standard of free or affordable health care and programmes as provided to other persons, including in the area of sexual and reproductive health and population-based public health programmes.**

Reply:

In response to para 1 of the country reply, persons with disabilities have higher health risks compared to the general population, however the government did not provide information on how the services, such as accessible examination devices and supportive measures, are adjusted to needs of persons with disabilities.. Meanwhile, the accessibility of accessible basic medical institutions is low(See Para 55-58 of LPD Report) and there is no amending plan to basic medical institutes in Ministry of Health and Welfare, it prevents persons with disabilities from gaining basic medical services with the same range and quality as provided to other persons..

With regard to para 1-1&1-2 of the country reply, according to the investigation from Health Promotion Administration, Ministry of Health and Welfare(HPA), the coverage ratio to use "Adult Preventive Care Service" is merely 30-31%, that is, there are as many as 70% persons did not use this service. 20% of children did not use "Children Preventive Care Service," but there are not population coverage analysis in the investigation. Government should analyze and specify whether persons with disabilities use each service equally and whether they acquire sufficient and quality health care. Also, government should establish investigation and monitoring database.

In addressing to para 1-3 of the country reply, government should specify the condition and effect of the health promotion and parenting seminars especially the participation of teenagers with disabilities in special education schools, self-contained special education classrooms and general classrooms. ,and if teaching materials are made to ensure access for teenagers with various disabilities. HPA have established a youth website,'e-school for sexual education,' however the website is not qualified as an accessible web page addressed in article 52-2 of People with Disabilities Rights Protection Act. In addition, materials with accessible formats for persons with visual challenges, mental challenges and dyslexia. Government should specify the improvement plan of the website design and accessible information.

In response to para 1-5 of country reply, HPA set up Standards Governing Health Checkups and Healthcare Services for People with Disabilities in accordance with People with Disabilities Rights Protection Act at 22th January, 2008. Municipal and county (city) should hold health checkups and health care services on a regular basis and follow-up regularly. HPA did not show the implementing condition of the measures by local government for 9 years. Government should set up health statistics

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and monitoring mechanisms in order to ensure persons with disabilities have the right to access the highest standard of healthcare.

In addressing to para 1-6 of country reply, government provide cancer screening service without providing information on specific number of persons with disabilities who do not do necessary health checkups on a regular basis. Also, there is no specific number of persons with disabilities who do not accept health screening on a regular basis and analysis of the distribution of residential areas. In addition, government often ignore needs of persons with visual challenges, hearing challenges and mental challenges while building multi media channels to promote health care services. We suggest the government should set up health investigation and monitoring mechanisms in order to ensure persons with disabilities have the right of the toppest standard healthcare.

**54. Please provide a timetable to eradicate discrimination by insurance companies denying persons with disabilities, particularly those with intellectual and psychosocial disabilities under guardianship, health insurance.**

Reply:

In response to para 1 of the country reply, according to para 3, article 107 of Insurance Act, persons with intellectual and psychosocial disabilities who facesignificant unequal situation when signing life insurance contracts do not need to become subject to commencement of guardianship by the court.(Paragraph 59-60, CRPD Parallel report) Financial Supervisory Commission, some Insurance Act law scholars and insurance companies deem that persons with intellectual and psychosocial disabilitiesmay only be used by others and do not have intention to support family economy after death with purchasing insurance on the grounds of avoiding moral risks. This regulation not only continuously maintain the harmful stereotype to persons with disabilities and violate Article 12 of CRPD, but also makes families of persons with disabilities be threatened with poverty. We suggest the government should abolish para 3, article 107 of Insurance Act and ensure that persons with disabilities are assisted to make their own decisions based on general comment No.1 of CRPD.

In response to para 3 of country reply, Financial Supervisory Commission set up grievance hotline of insurance rejection or discrimination case in The Non-Life Insurance Association and The Life Insurance Association. The members of both associations are insurance companies, and the associations are founded for protecting common interests of insurance companies. Therefore, the method can not be effective to deal with grievances and supervise insurance companies. Based on article 11 of "Guidelines for all level authorities affiliated to Executive Yuan in receiving grievanances," government authorities shall register, classify, gather statistics, regulate and set up 30-day handling deadline when receiving grievances.We urge the Government should set up grievance hotline in government organizations directly to

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be effective to deal with grievances, monitor and eradicate discrimination against persons with disabilities from insurance companies.

In regard to para 4 of country reply, at August 2017, Ministry of Education(MOE) indicated that it was hard to tender student group insurance. To tender successfully, MOE added the new clause to prohibit insured children with illness can't gain from claiming expense in the said tender project.. Government agreed and accepted the situation that business insurance companies refuse persons with disabilities or catastrophic illness to insure.

We suggest the government should provide information on if Financial Supervisory Commission should specify whether there are methods to strengthen right of insured persons with disabilities, including setting up penalties and to fine those institutes, including governmental authorities, which refuse persons with disabilities to insure or which are involved in other discriminative case, not improving after exhorting.

**55. Please provide a timeline to ensure accessibility, both physical and information, to health and medical care services in the community.**

Reply:

In response to para 1 of the country reply, Health Promotion Administration(HPA) should specify and review the four criteria of "Age-Friendly Health Services" to correspond with the formulations of Article 9 of the CRPD and Article 25 of the CRPD. For example, criterion 1st policy of management - basic training for staffs, involving sensitivity to the groups with disabilities and accessible resources, criterion 2nd communication and service- to provide screen reader to persons with visual impairment and to offer sign language translation services to persons with hearing impairment, criterion 3rd care processes- to provide care information which can be read by persons with disabilities, criterion 4th physical environment - to provide convenient medical examination equipments to persons with disabilities, etc..We also suggest the HPA to specify the plan to review national promotion formulations after amending.

In response to para 2 of country reply, Department of Medical Affairs, Ministry of Health and Welfare should illustrate whether there is an amending plan to accessible space and facilities in entire basic medical institutions except for Rehabilitation Dept, and the effect of accessible medical environment assisting plan in 2017.

In response to para 4 of country reply, though the website of HPA has accessible design conformance, the information for the public to download and read in the website are hard to read by persons with visual challenges or hearing challenges. For example, there are not synchronized subtitles in the publicity films, and the publicity pages are picture-files. We suggest Ministry of Health and Welfare should review entirely

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whether the belonged websites correspond with the guideline of accessible websites and whether the information in the websites involve accessible formats(publicity films, ordinances, leaflets, manuals, etc.),and provide information on the improvement plan.

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

**56. Please provide information on the plans to provide measures, including through peer support, to rehabilitation services in rural areas.**

Reply:

According to 2011 report on physically and mentally disabled citizens living and demand assessment survey, 60.05% of persons with disabilities who need to rehabilitate had received regular treatments; 31.05% of that had not. Compared with other age groups, over half of persons with disabilities under the age of 12 need to rehabilitate. We suggest t government should specify rehabilitation service plan in rural area.

**57. Please provide information on the implementation on “Community healthcare and home care for children with delay programme” by the Social and Family Administration of the Ministry of Health and Welfare**

Reply:

According to 2011 Report on physically and mentally disabled citizens living and demand assessment survey, 11.9% of persons with disabilities had been diagnosed as developmental delay in childhood, of which 4.60% had accepted early intervention; 6.20% had not, which was 1.89% higher than the proportion in the 2006 investigation. There are approximately 1126 assessment and treatment service institutions currently; reported amount of clients of children with developmental delay are 21659; estimated service coverage ratio is only 5%. It is suggested that government should explain the contents of the program, including whether the factors, such as the distribution of service resources, early intervention service model and social inequality, affect the utilization rate of early intervention service. Government should also illustrate how to provide children and parents with the appropriate early intervention service plan.

**Work and employment (art. 27)**

**58. Please explain the government’s measures to improve access to public and private mainstream labor markets for persons with disabilities, and to decrease the current prevalence of segregated employment.**

Reply:

**1.The effect of quota-based employment regulation is unclear, and the exception should not be arbitrarily expanded**

In regard to para 1 of the country reply, the investigation from Ministry of Labor in

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May 2016 shows that even though 48.44% of those institutes over-employed people with disabilities, 8.85% of the institutes with the obligation to employ persons with disabilities did not employ sufficient number of persons with disabilities. Moreover, the investigation only shows gender, age and categories of disabilities, not showing their job positions, types of employment and average earnings per month, so that we can not see the effect of quota-based employment regulation. The domestic and foreign studies reveal that employers tend to employ persons with disabilities in worse positions. Their salary, opportunity of promotion, welfare and benefits are not as same as provided to the other persons. There are case that some employers hire persons with disabilities with regular contracts. Once the employers have hired enough number to comply with the quota-based employment regulation, the employees with disabilities will be laid off. We suggest Ministry of Labor should not only announced the list of the organizations with insufficient personnel headcounts every month, but also investigate the average earnings per month, positions, types of employment in quota-based employment to reveal the effect of quota-based employment regulation.

Ministry of Labor announced two laws and regulations about part-time assistants and adjunct faculty in 2015 and 2017 respectively, regulating part-time labor assistants and adjunct faculty should be insured in labor insurance by universities and colleges in order to protect labor right of them. In accordance with Article 38 of People with Disabilities Rights Protection Act, employees with labor insurance must be counted in the numbers of total employees. However, since the abovementioned regulation announced, many universities and colleges claimed that they could not employ enough number of employees with disabilities. Thus, Ministry of Education argued that part-time labor assistants and adjunct faculty should be listed in the exception of quota-based employment in People with Disabilities Rights Protection Act. We suggest Ministry of Labor should specify how to fulfill quota-based employment of persons with disabilities and how to prevent the exception of abovementioned regulation from being arbitrarily expanded.

**2. The proportion of persons with disabilities participating in vocational training is too low**

Vocational training is the vast way for persons with disabilities to access mainstream labor market. There are two categories of vocational training for persons with disabilities in Taiwan: inclusive vocational training and special vocational training. We suggest the government to provide the number of classes, content of classes, number of participants with disabilities in both categories, etc., to show the effect of vocational training and whether it fits in the need of persons with disabilities.

According to The Survey on the Labor Force Status of People with Disabilities by the Ministry of Labor in 2014, 92.2% of persons with disabilities had never participated in vocational training, of which 17.57% due to their lack of mobility; 21.8% did not know where to search the information of vocational training. Apparently, many problems

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exist in current vocational training, such as lack of accessible facilities, inconvenient transportation and poor communication of information. It will affect the right of persons with disabilities. We suggest the government should provide the review plan.

**3.The proportion of persons with disabilities as atypical workers is higher than the general employees.**

There are approximately one third of employed persons with disabilities doing atypical works in Taiwan. The proportion was significantly higher than that of the other employees . According to The Survey on the Labor Force Status of People with Disabilities by the Ministry of Labor in 2014, 32.5% of employed persons with disabilities did atypical works, such as part-time, temporary and dispatched works. And the main reason of that was "I can't find the appropriate typical work."(45.0%). That is, nearly half of them did atypical works involuntarily. Moreover, 84.6% of unemployed persons with disabilities hoped to do "full-time typical work." Due to short work time and unstable work status, atypical works will impact earnings and life quality of employees with disabilities. Government should formulate the policy to improve this situation.

In addition, People with Disabilities Rights Protection Act regulates that, "employees with disabilities who work for part time and receive payment no less than half of the basic wage can be counted in pairs as employees with disabilities and total employees." The investigation about quota-based employment from Ministry of Labor only shows the number of employees with disabilities and employers annually. We can not see which types of employment do the institutes hire employees with disabilities in and whether the regulation cause companies tend to hire persons with disabilities as atypical workers. Government should provide relevant statistics data and studies to clarify the situation of quota-based employment and the influence of the said regulation.

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

**60. Please provide information on government plans to review the current array of social and health insurance, retirement and early retirement pension, rent subsidies, tax deductions, exemptions, reductions, subsidies, etc. for the purpose of building an integrated, comprehensive and simplified system that promotes a dignified standard of living with self-determination regardless of a person's disabilities, sex, age or geographical location and regardless of other family members' income.**

Reply:

The country reply has listed relevant welfare policy of persons with disabilities; however, it lacks of the review plan. We suggest the government should provide the plan to review each welfare policy.

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In addition to living allowance, social insurance, pension, tax subsidies, etc., the assistive devices and medical expenses are vital expenses to persons with disabilities and their family. Please review current medical subsidies and assistive devices subsidies, and evaluate whether to correspond with the need of persons with disabilities.

According to current Labor Insurance Act and Labor Pension Act, the level of wage directly connected to employee's benefits after retirement. Average regular income of persons with disabilities is about 64% of nationwide workers' average income (See Paragraph 64 of LPD Report). We suggest the government to provide a follow-up plan to protect the economic security of the elderly with disabilities.

The identified standards to "disabilities" in Government Employee Insurance Act, Military Personnel Insurance Act and Labor Insurance Act are inconsistent, far from a integrated, comprehensive and simplified system. We urge the government to provide the review plan.

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

**61. Please provide the Committee with data on how many persons with disabilities were prevented from voting and on what grounds.**

Reply:

There are many reasons that aged persons with disabilities cannot exercise the right to referendum: to have the declaration of guardianship, not to have the designated household registration and to be the regulation. Some scholars were commissioned by Central Election Commission to research "Voting Participation of Disabilities in Taiwan in 2010" (Ching-Hsin Yu, Tsong-Jyi Lin et al., 2010; 2013). They conducted a sample survey to people with disabilities identification. The research indicates that:

1. Poor physical and mental health conditions are the main reason that persons with disabilities who have the right to referendum did not go to vote, accounting for 50% of all reasons.
2. Persons with more serious degree of disabilities have lower desire to vote. Persons with higher family monthly income have higher desire to vote.
3. If the walking distance and time between the house and the polling station is over 20 minutes, the desire for persons with disabilities to vote will decrease apparently.
4. Persons with visual impairment are the lowest group of the rate of voting in all categories of disabilities.
5. 30% of persons with disabilities do not know that they can request an person to assist them to vote. 50% of main caregivers do not know they can assist persons with disabilities in voting.

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We suggest government should illustrate whether there are further follow-up researches and whether there are measures to reduce voting barriers resulted from household registration, physical challenges and the environment and service in polling station according to the results of researches.

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

**64. Please provide information on the steps taken to eradicate discriminatory regulations and practices by parks, amusement centers and sports centers rejecting persons with disabilities, including those with psychosocial disabilities.**

Reply:

In response to the country reply, there are still many civil sports centers and swimming pools have regulations to prohibit persons with disabilities from entering.. For example, New Taipei City Banqiao Civil Sports Center regulate that "It is forbidden to take pets into the stadium. And work dogs for persons with visual impairments are required to wait in the designated 'outdoor area.'" .In addition, Taipei City Wanhua Sports Center regulates, "We suggest people with disabilities identifications should be accompanied by an adult to swim in the pool at all time. The adult shall take all responsibilities to behaviors of the people with disabilities identifications in the sports center."

Thus, we advice government to specify what steps taken to eradicate all discriminatory regulations and attitudes and whether they fine the institutes with rejection against persons with disabilities or with other discriminatory events without improvement after exhorting.

**65. Please provide information on the provision of teaching of sign languages.**

Reply:

In regard to the country reply, government should illustrate to what extent do deaf people and organizations for deaf people be included in the planning and implementation of teaching of sign languages to ensure that the provision of teaching of sign languages make for the respect for sign languages and the deaf culture. Moreover, National Language Act has not yet incorporated sign language into national language.

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**Abbreviations**

LPD Report	Parallel Report of the League of Persons with Disabilities, R.O.C
Lol	List of Issues for Taiwan's First Report on the Implementation of CRPD by the Review Committee, 2017
the country report	Taiwan's First Report on the Implementation of CRPD
the country reply	Taiwan government's replies to List of Issues of CRPD committee
2014 Taiwan CEDAW Review Conclusion	Review of Taiwan's Second Report on the Implementation of CEDAW , Conclusion and Recommendation of the Review Committee, 26 June 2014
2017 Taiwan ICCPR&ICESCR Review Conclusion	Review of the Second Reports of the Government of Taiwan on the Implementation of the International Human Rights Covenants, Concluding Observations and Recommendations adopted by the International Review Committee, 20 January 2017
Draft of 3rd CEDAW Report	the second draft of Taiwan's Third Report on the Implementation of CEDAW, 20 June 2017
	note: Review of Taiwan's Third Report on the Implementation on CEDAW is scheduled to hold in 2018