

**Opinions on List of Issues for the Second Review
of Taiwan from Nonprofit Organization**

Organization Name : NPO Taiwan Public Welfare League of
CRPD Committee

Concerning Article : Article 5 Equality and Non-Discrimination

Question Number : 2 (a)

- Question Number and Content :

2. Please provide information on plans, through creation or amendments of regulations, procedures, and legislation, including the Constitution : (a) To add explicit provisions to prohibit discrimination and obligate the State to enact positive measures for the promotion of equality across the State.

- NPO Taiwan Public Welfare League of CRPD Committee's Opinions :

In recent years, Taiwan's promotion of legislation and enforcement to ensure the rights of persons with disabilities seems to have reversed course. Examples include the following: The Legislative Yuan deliberated and passed a bill on "custodial sanctions" for persons with cognitive disabilities, removing the previous 5-year enforcement time limit. Some physicians have voiced opposition to barrier-free facilities requirements for medical clinics, and the adoption of a non-human-rights model to subsidize disabled people in applying for assistive devices. The ongoing development of institutions for long-term care does not actually consider the human rights of disabled and does not meet CRPD norms. This legislative backsliding is mainly due to the lack of sufficient protection for human rights in Taiwan's constitution, which lags behind CRPD norms. In particular, Article 29's protections for the suffrage of disabled persons are quite weak, and no current members of the Legislative Yuan are persons with disabilities. Thus, the drafting of relevant legislation is entrusted to lawyers, politicians, diplomats, financiers, physicians, nurses, architects and other non-disabled people. In contrast with the "Nothing about us without us" ethos, this situation results in the ineffective promotion and enforcement of disabled-related legislation.

After the Legislative Yuan established the Constitutional Amendment Committee in October 2020, the Taiwan Public Welfare League and other disability-related groups organized the CRPD Constitutional Amendment Committee, seeking to ensure that persons with disabilities are appointed to committee seats as legislators-at-large to advocate for the inclusion of CRPD equal rights provisions to the Constitution and as basic national policy. While such efforts have gained support from the opposition Kuomintang and Taiwan People's Party, and have attracted broad popular support, unfortunately the ruling Democratic Progressive Party has yet to indicate its support.

We believe that amendments to the ROC Constitution are needed to ensure the rights

of persons with disabilities to participate in the nation's politics. In addition to eliminating barriers and discrimination through legislation, such amendments can also promote the rights of persons with disabilities to enjoy dignity, freedom and equality, securing them the benefits of broad social participation and integration. Therefore, we recommend the International review committee strenuously urge the government to promote Constitutional amendments to ensure the rights of inclusion for persons with disability in Taiwan and guarantee their equal rights under the CRPD.