

Replies to CRPD List of Issues
Eden Social Welfare Foundation
May 2022

List of Issues No. 1 (b)

What statutory guidelines are in place to implement, and enforce the principle of universal design in places of employment, education, health, and transportation, including adoption of measures to ensure reasonable accommodation?

Replies:

The government has yet to regulate accessibility specifications for clinics, complete the schedule for promoting the improvements of accessible facilities for existing clinics, and establish accessibility specifications for newly opened clinics.

《The 2021 Progress Tracking of the Overall Effectiveness of the Hierarchical Medical System》 shows the doctor consultation rate of medical institutions at all levels as follows: 11.20% for medical centers; 15.45% for metropolitan hospitals; 12.06% for local community hospitals; and 61.29% for physician clinics. The statistics indicate that Taiwanese nationals mostly visit physician clinics for doctor consultation services. Regarding the implementation and enforce the principle of universal design in place of health, the government only included hospitals and public health centers, but not clinics in the 《Design Specifications of Accessible and Usable Buildings and Facilities》 .

The Ministry of the Interior (MOI) discussed the inclusion of clinics in the 《Design Specifications of Accessible and Usable Buildings and Facilities》in 2016, but the Ministry of Health and Welfare (MOHW) did not implement the inclusion due to the concerns of the Taiwan Medical Association and the Taiwan Medical Clinics Association about this measure. MOHW made an advanced announcement in 2021 that it would regulate the accessibility specifications for newly opened clinics in the 《Establishment Standards for Medical Institutions》 . However, they have returned to the discussion of this topic due to different opinions raised by medical groups. As of this international review, the government has not regulated accessibility specifications for neither newly opened nor existing clinics.

List of Issues No. 6 (b):

The consideration the State has given to adopting measures that would require official publications and information in all accessible communication formats (print, visual, oral or electronic).

Replies:

The government does not systematically require official publications and information in all accessible communication formats.

《The Regulations for Issuing Web Accessibility Accreditation Badges for Websites of Governmental Agencies and Schools》 stipulate the accessibility functions of informational service websites of all levels of government and their affiliated agencies (institutions) as well as school, but do not stipulate such formats on the businesses websites of government-commissioned or subsidized and other public information. Both the 《Guide for Accessible Meetings and Events for Persons with Disabilities》 compiled in 2019 and the 《Guide for Making Information Easy to Read and Understand in Taiwan》 published in 2022 by the government are for reference rather than a mandatory requirement.

List of Issues No. 9 (e)

The recent amendment of article 87 of the 《Penal Code》 regarding the extension of the period of guardianship.

Replies:

The guardianship is imposed on a criminal who is not punished or whose sentence has been reduced due to mental or psychological impairment, and that person has a risk of recidivism or danger to public safety.

The initial guardianship system did not take into account the severity of the original crime committed by a criminal, nor did it consider whether the period of the guardianship exceeded the sentence the criminal would have received. Article 87 of the 《Penal Code》 , which came into force on February 18, 2022, amended the maximum period of the guardianship from the original five years to less than five years for the first time, less than three years for the first extension, and less than one year for each extension starting from the second time, with no limit on the number of extensions.

List of Issues No. 19 (a)

Please explain to the Committee the legal basis for restrictions on the use of smart phones and other means of communicating with the outside world, by patients in mental health hospitals/wards.

Replies:

Article 25 of the existing 《Mental Health Act》 allows mental health care institutions to implement restrictions on patient's rights regarding personal privacy, communication freedom, and receiving visitors based on the patient's conditions or medical care needs. This provision is maintained in the draft amendment to the《Mental Health Act》 .

A patient who believes that his or her personal rights have been violated may file a complaint with the government. However, with restrictions on communication freedom and receiving visitors, the patient is unable to communicate externally or to meet with an attorney or other support person, and thus fails to file a complaint at the time of the occurrence.

List of Issues No. 21 (c)

Please provide information to the Committee: How the concept of Universal Design for Learning is being applied through the education system and not only for learners with disabilities.

Replies:

There is no explicit reference to Universal Design for Learning in the overall 《*Curriculum Guidelines of 12-Year Basic Education*》. The mistaken interpretation of “reasonable accommodation” by the Ministry of Education (MOE) led to the adjustment of required courses and assessment methods, which is based on professional assessment carried out on students with special needs, in the 《*Curriculum Guidelines of 12-Year Basic Education*》 to be inconsistent with the “reasonable accommodation” requirements specified in the CRPD. The separate curriculum of special needs offered for students with special needs, which is based on professional assessment, in the 《*Curriculum Guidelines of 12-Year Basic Education*》, does not achieve the “universal” goal of participation in learning by all students.

List of Issues No. 24 (c)

Please explain to the Committee why people working in sheltered workplaces do not receive the minimum wage and what would be the implications (on persons with disabilities, on society, on the economy) of mandating minimum wage in sheltered workplaces.

Replies:

The 《*Labor Standards Act*》 of Taiwan stipulates that a worker shall be paid wages as determined through negotiations with the employer, but such wages shall not fall below the basic wage. However, the 《*People with Disabilities Rights Protection Act*》 provides that persons with disabilities not independently competitive in employment market may enter sheltering employment in accordance with the results of occupational guidance assessment. In addition, sheltered workshops may pay persons with disabilities under sheltering employment less than the basic wage based on their productivity. The method of calculating the wages based on productivity is determined by the employer of each sheltered workshop.

According to the 2018 Investigation Report of the Control Yuan, more than 70% of sheltered workshops were established and operated by non-profit organizations; these workshops have to support persons with disabilities under sheltering employment in the long run, face a problem of lower productivity, and need to assume sole responsibility for their own profits or losses in order to compete with other enterprises. Furthermore, the same investigation report shows that sheltered workshops in 12 counties and cities reported a net profit, while sheltered workshops in 9 counties and cities reported a net loss.