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**Alternative Report**

**on the Implementation of the Convention on the**

**Rights of Persons with Disabilities**

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Article 5, article 6, article 9, article 11~13, article 16, article 19,  
article 21, article 24, article 27~29, and article 31

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**By Taiwan Association for Disability Rights**

# **Alternative Report on the Implementation of the Convention on the Rights of Persons with Disabilities**

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## **Introduction of Taiwan Association for Disability Rights (TADR)**

Taiwan Association for Disability Rights (TADR) is composed majority of disabled members responsible for policy decision in order to fulfill Article 33 of CRPD for a DPO to monitor the government. TADR emphasized on promoting equal rights that ought to be possessed by people with disabilities, to maintain their human rights, to facilitate international exchanges and cooperation with pioneers and leaders in the aspect of disability, to bring in effective implementation projects, to persuade legislative committees and make recommendations to government, to provide training opportunities for disabled policy advocates to visit and learn from other developed countries' experience and to enhance awareness of human rights of disabled people from international perspectives.

In order to eliminate discrimination towards disabled people, we emphasized particularly on promoting community education and in together added in elements of drama musicals and hip-hop rapping performance in order to reinforce general public's understanding towards disabled people. Moreover, we provided legal consultations, speed up technical development of assistive devices and cultivated cultural innovation as we wished to start from the basic and one's core beliefs. We aimed to facilitate disabled people to participate in the community, cultural activities and public policies so as to achieve community integration and enjoyed human rights and freedom as everyone does in the community.

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## **Article 5 Equality and Non-discrimination**

1. Though Taiwan has established a National Human Rights Commission and the Executive Yuan is drawing up action plans addressing human rights, the well-being of persons with disabilities still falls exclusively under the jurisdiction of the Ministry of Health and Welfare. Given that persons with disabilities should enjoy all the same rights and fundamental freedoms as other citizens, the government should promote holistic development of such persons via all relevant ministries, with the Executive Yuan in charge of interdepartmental communication. Additionally, the National Human Rights Commission should increase the number of representatives of persons with disabilities. Only in this way can our policies fully meet the needs of all people.

## **Article 6 Women with Disabilities**

2. In the workplace, women with disabilities frequently face unequal hiring and promotion standards. They are generally required to complete the same tasks as other employees and work nine to 12 hours a day on average, exceeding the eight-hour standard. Those who have children have particular difficulty obtaining sufficient resources. Facing the double burden of work and child-rearing, they are more likely to resign due to overtime. They are forced to seek out atypical work, often with low performance evaluations from prior employers.
3. Over half of women with severe disabilities require the help of a personal assistant during menstruation. They may also experience pain or need to take time off, increasing the difficulty of finding work. Hence, we must strengthen the empathy of employers and require them to make reasonable accommodations for disadvantaged groups.

- **Lack of support for mothers with disabilities**

4. Mothers with severe physical disabilities often lack adequate support during pregnancy and child-rearing. They are usually forced to resign from their jobs in order to take care of young children. Under current policies, including the People with Disabilities Rights Protection Act (PDRPA), personal care services do not provide assistance with parental work or socially expected roles such as storing clothes during changes of season. We recommend the inclusion of support for parental and household responsibilities under the Long-Term Care Services Act.
5. Mothers with mental disorders frequently experience elevated anxiety during pregnancy, which can be exacerbated by the search for a childcare aide. Decreased mental function can also cause high anxiety and other emotional symptoms throughout the course of parenting. In-person care and support is critical to ensure a healthy and constructive parent-child relationship.

## **Article 9 Accessibility**

- **Improve accessibility of the physical environment**

6. According to regulations in the Architectural Barriers Act (ABA), only new buildings are required to adopt barrier-free designs. Because older buildings are exempt, many learning institutes with student bodies of over 100 people do not provide barrier-free toilets. Older private buildings such as churches, temples and cultural monuments also lack an effective path toward improvement, especially in remote areas.
7. Accessible hotel rooms rarely provide fixed or mobile bath chairs, making it difficult for physically disabled individuals to find suitable accommodation when traveling.
8. Medical facilities and equipment still leave much to be desired. For instance, severely physically disabled individuals cannot use X-ray machines in regional



hospitals or clinics. Such individuals must instead go to large-scale teaching hospitals. Although these facilities have mobile X-ray machines, they are usually the bed type, which we believe is not sufficient to qualify as universal assistive technology. Medical chair design is also very unfriendly to the physically disabled, including those used in dental, obstetrics and gynecology clinics, as well as community pharmacies. Touring medical vehicles additionally lack barrier-free equipment, limiting access to Pap smears and mammograms.

9. There is little to no awareness of accessibility among residential communities, many of which set up concrete pillars or other barriers to prevent scooters from entering. Because of these obstructions, wheelchair users find it very difficult to come and go, and since the buildings are privately owned, barriers cannot be forcibly removed. Sidewalk space is also not broad enough and is often full of obstacles, including thresholds at the entrances and exits of private storefronts. We recommend that the government launch a campaign to build awareness and enhance communication with property owners, with incentives offered to promote cooperation.

## **Article 11 Dangerous Situations and Humanitarian Emergencies**

10. In order to protect persons with disabilities during emergencies and natural disasters, the government should provide specialized escape equipment in public places in addition to illustrations and drills outlined in section 93 of Taiwan's national CRPD report. For instance, wheelchair-friendly emergency escape equipment and instant messaging services for the hearing impaired can reduce risk of death and casualties. Such equipment has been widely implemented in European countries in line with recommendations by the International Organization for Standardization (ISO). We propose the government upgrade emergency escape equipment according to ISO guidelines.

## **Article 12 Equal Recognition before the Law**

11. According to the CRPD and its Optional Protocol, all signatories should review laws pertaining to persons with disabilities to ensure they are not subject to unequal restrictions. Due to the implementation of alternative decision-making systems, such as the guardianship system, the legal rights of persons with disabilities have been deprived in many respects, which violates the spirit of CRPD. These practices must be abolished to ensure equal rights and recognition before the law. We recommend that the government support autonomous decision-making.
12. The Executive Yuan finalized an amendment to the Criminal Code on 4 March 2021 regarding measures if a crime is committed by persons with mental disorders or impairment. Under the amendment, prosecutors can petition judges to extend the guardianship period by up to three years an unlimited number of times. This is in complete violation of CRPD.

## **Article 13 Access to Justice**

13. According to section 96 of the national CRPD report, the government has not yet provided adequate measures and safeguards to persons with disabilities in all criminal and civil justice proceedings. We suggest that the judiciary establish procedures and mechanisms allowing reasonable accommodations for each disability category, including physical impairment, hearing impairment, visual impairment, and mental and nervous system impairment.
14. At present, the judiciary's physical environment is not wheelchair friendly. We suggest that courts widen security gates and create wheelchair accessible spaces for defendants, plaintiffs and witnesses.
15. According to section 100 of the national CRPD report, prosecutors and judges lack awareness of rights and protections laid out in the convention such as a barrier-free environment and accessible transportation. We suggest the

government strengthen education and training on the contents of the convention for judicial officers, including equal rights to procedural protections and standard levels of assistance throughout the legal process. Training should be done in consultation with disability organizations and representatives of persons with disabilities.

## **Article 16 Protection against Exploitation, Violence and Abuse**

- **Utilize satisfaction questionnaires and improve institution evaluation mechanisms**

16. Care agency evaluations currently do not incorporate user feedback. All users, including those with nonverbal autism, should be given the opportunity to provide feedback, with the help of communication aids if needed. The government should take such feedback into account when evaluating services for the disabled, especially service agencies. In addition, each category should receive a minimum score of 60 for an agency or institution to pass the evaluation, with a total score of 80 or above classifying as “excellent” or “A grade.” We recommend that an institution with any category falling below 60 should fail the assessment, even if the total score is over 80.

- **Arrange psychologists to provide emotional counseling at care agencies**

17. Individuals with autism often have difficulty communicating, which can lead to misunderstandings, anger and roughness with service staff. On-the-job training should be strengthened, and service organizations should be required to have in-house psychologists to supervise staff and provide emotional counseling.

## **Article 19 Independent Living and Integration in Society**

### **• Institute unified application process for care and support**

18. At present, human support for persons with disabilities all fall under different competent authorities, and applications must be submitted at separate agencies. For instance, requests for personal care assistants, workplace assistants, and home health care aides are respectively processed by the Social Bureau, Labor Bureau, and Health Bureau. The lack of a unified application process creates undue burdens for persons with disabilities, especially when they are applying for services across multiple counties and cities. If persons with disabilities reside outside their place of household registration, there is no reasonable way for them to access long-term care, independent living for disabled people or other services.

19. The salary of workplace assistants is allocated once every three months after verification by county and city authorities. When assistants require advance funds, they must borrow it from their clients, resulting in an additional source of stress for persons with disabilities.

20. Due to limited resources, we recommend that services provided by workplace and personal care assistants be more flexible so clients can use them as needed, without restrictions by the department providing funding.

### **• Personal care assistants cannot meet the real demands of persons with disabilities**

21. Taiwan's support services are divided into three categories: in-home aides responsible for long-term health care, personal assistants responsible for activities outside of the home, and workplace assistants responsible for aiding with job duties. Needs spanning categories or arising in emergency situations cannot easily be met under the current system.

• **Increase maximum hours and bolster positive work attitude of peer counselors**

22. Peer counselors earn an hourly rate of NT\$200 for up to 10 hours per year, without compensation for travel expenses. In addition, peer counselors mentoring external groups earn NT\$800 per hour, while internal peer counseling is NT\$400 per hour. The government subsidizes two hours of peer counseling for each group per month, for up to 24 total hours. Peer counseling cannot replace a regular job as the compensation and number of hours are very limited. As a result, very few people are willing to engage in this work.

23. In Taiwan, personal assistance is divided into in-home care and social support. We believe this is solely for administrative purposes and is not consistent with the needs of persons with disabilities. In Europe and the U.S., persons with disabilities depend on care providers for social support. In Taiwan, the funding comes from separate bureaus, so long-term health care falls under home services and personal assistants are classified under social support. If persons with disabilities apply for both services at the same time, their requests may be denied despite the fact that they also require social participation.

24. The Senior Citizens Welfare Section under the Social Affairs Bureau is currently the primary source of funding for community care centers, without any additional backing provided by the welfare services department for persons with disabilities. Although long-term care for persons with disabilities of all ages is subsidized by the Ministry of Health and Welfare and the Long-Term Care Services Act stipulates that persons with disabilities qualify for community care, in practice local governments only provide service to people aged 65 or older, excluding persons with disabilities below that age. We suggest the government should increase resources for community care centers to ensure access for all who need it.

• **Develop Direct Payment system to address problems**

25. Advanced countries like Sweden and the United Kingdom have implemented Direct Payments systems, which can solve problems listed above such as difficulty hiring personal assistants for all-around support in daily life. According

to the concluding observations of Taiwan's initial national CRPD report (46-c), direct payments to individuals based on individual needs assessments are sufficient to secure independence in daily living, purchasing assistance services and employing one's own personal assistant at competitive wages, without the need for co-payment by the individual. We recommend the government act to implement a direct payment system as soon as possible.

26. The government should carefully evaluate whether International Classification of Functioning, Disability and Health (ICF) continues to be applied. The funding and scope should be limited to identifying barriers as a reference for distributing benefits. The Ministry of Health and Welfare should guide the process and use the results to adjust resource allocation. We should additionally make further improvements to the environment and bolster assistive resources and support services to make social participation easier for persons with disabilities. Policy adjustments should ensure the needs of the severely disabled are fully met. Currently such individuals may be denied certain resources if they employ a foreign caregiver.
27. The implementation of needs assessments and the quality of assistance provided by social workers for persons with mental disabilities is poor. Some social workers are not adequately familiar with mental disorders and impairments, leading to the infringement of people's rights and interests. The results of evaluations should be easy for individuals and their family members to understand. Additionally, the government should customize services to meet the needs of persons with mental disabilities and establish in-home services and community-based service facilities, with access not limited by evaluation results.
28. All evaluations for persons with disabilities—such as disability identification and eligibility for assistive devices and services under the Long-Term Care Services Act—should be simplified and integrated into a single assessment. In this way, we can avoid repeat applications and reduce the waste of time and resources.

## **Article 21 Freedom of Expression and Access to Information**

29. Every sign language interpretation center across the country should have a hearing-impaired supervisor to help interpreters understand their ideas and needs. The supervisors should observe interactions between interpreters and hearing-impaired individuals and provide further training and education to enhance sign language services.

## **Article 24 Education**

### **• On the right to inclusive education**

30. Under CRPD, inclusion is the key to protecting the right to education, but Taiwan's Special Education Act stipulates that every city and county must have a special education school, which mainly enroll high school students with disabilities. We suggest that the government work to make education more inclusive by providing more resources and support for students with disabilities to attend non-special needs schools.

### **• Lack of an education system support that meets individual needs**

31. Students with disabilities at the elementary, middle and high school levels do not participate in the Individualized Education Program (IEP), meaning IEP has not been fully implemented and special needs services have not been provided based on actual needs. Reasonable accommodations for students with special needs are not taken seriously. The Individualized Support System (ISP) fails to provide the required support services beyond simple assistive devices and is therefore not useful for special education.

32. Non-special needs schools lack universal design and fail to provide reasonable accommodations for students with disabilities.

33. Teacher training at non-special needs schools is insufficient and therefore parents must bear the costs of additional support. Centralized special education schools also refuse to enroll students with severe disabilities who have no caregiver accompanying them. This is not only violates the rights of all citizens to receive compulsory education, but also defeats the purpose of special education.
34. Sign language is still not common. The education system currently does not provide sign language instruction. We recommend sign language be included in the curriculum alongside Taiwanese, Hakka and indigenous languages. In this way, sign language can become more universal.
35. The Special Education Act is the source of law for students with disabilities in Taiwan. In 2013, Article 30-1 was revised to include the stipulation that schools of higher learning must implement special education services. However, all levels of education are unable to provide support according to the true needs of students with disabilities, including accommodations like commuter transportation (especially across school districts), accessible transportation for field trips, assistants for students with special educational needs, barrier-free campuses, specialized classroom equipment, etc. This does not comply with the concept of making reasonable accommodations, and the situation in tertiary institutions is even worse. Despite the high rate of college attendance in Taiwan, very few departments accept students with disabilities and university admission quotas fail to reserve spots for students with different disabilities. As for the physical environment, inaccessible pathway design on campuses has not seen improvement for many years.
36. There are many environmental and equipment constraints at tertiary institutions in Taiwan. They do not provide adaptive education or make reasonable accommodations.
37. The lack of barrier-free transportation in Taiwan and the large urban-rural gap makes it difficult for students with disabilities to select schools. Although there is a specialized entrance examination for students with disabilities, openings are not common, and the examination is full of discriminatory language demonstrating a



lack of support and acceptance. The examination merely gives the appearance of offering educational opportunities when in reality special needs students cannot receive adaptive education.

- **Inclusive education teachers have insufficient professional understanding of reasonable accommodation**

38. Teachers are not sufficiently aware of reasonable accommodations such as assistive devices, special education aides, adjustment of assessment methods and distance learning.

- **Entrance gates at schools of all levels create discriminatory obstacles**

39. Many schools set up railings and barriers in front of school gates or on sidewalks to prevent scooters from entering. This creates obstacles for people with mobility impairments and violates their right to equal access. This is one of the most blatant discriminatory practices at educational institutions and is especially prevalent at institutions of higher education.

- **The Ministry of Education does not have a dedicated agency for special education**

40. Under the Ministry of Education (MOE), the Department of Student Affairs and Special Education is in charge of special education at colleges and universities, the Department of Technological and Vocational Education is in charge of five-year junior colleges, and the K-12 Education Administration is in charge of public elementary, middle and high schools. At the same time, local education bureaus are in charge of municipal schools. These parallel organizations fail to provide consistent support for special education.

- **Lack adult education for persons with intellectual disabilities**

41. Even though the MOE has a Department of Lifelong Education, it does not include special education, meaning persons with intellectual disabilities lack adult education support services.

## **Article 27 Work and Employment**

42. The Ministry of Labor (MOL) and municipal Foreign and Disabled Labor Offices should release the number of people with different disabilities who use employment services each year. Statistics should match for at least 10 years to increase efficacy.

- **Disabled people do not enjoy equitable job conditions**

43. At present, there are many inequalities in the labor market. The salaries of persons with disabilities are much lower than other employees. Even after working for 20 years, they still cannot participate in company trips because tour buses, restaurants and hotels lack barrier-free environments. Companies ignore the rights of persons with disabilities because they are the minority. There is a hierarchical relationship between employers and employees, and a disagreement with one's boss can cost someone their job. Employees with disabilities do not dare speak directly to supervisors when other employees discriminate against them. Overall, they are often regarded as employees who do not make valuable contributions to the company.

44. In recent years, the unemployment rate of persons with disabilities is double that of the country. There are three main reasons for this. First, the MOL has difficulty forcing employers make reasonable accommodations for people with disabilities, which limits their ability to even get interviews. Second, the MOL has not set up innovative vocational training geared toward specific disabilities and training is

unevenly implemented in different areas. We must narrow the urban-rural and interregional gaps in development and enhance specialization. Third, the MOL and Ministry of Civil Service have not effectively integrated employment funds and pension systems for persons with disabilities. We recommend that the MOL publicly announce employment benefits for different types of disabilities, including vocational training services, protections, social support, and employment service stations.

45. The MOL should stipulate reasonable accommodations that employers of persons with disabilities must make. We suggest that the MOL add rules of reasonable accommodation to the Persons with Disabilities Rights Protection Act. Especially in exceptional situations like the COVID-19 pandemic, we should exempt them from clocking in or allow flexible working hours and workplace practices.
46. According to Table 27-4 of the national CRPD report, job accommodations are simple and crude. We suggest the government increase the budget for various disabilities such as physical impairment, hearing impairment, visual impairment, mental disorders and intellectual and developmental disabilities. Statistics show job accommodations have been improving but are still not up to CRPD standards and do not consider the fact that most persons with disabilities are engaged in atypical work. We suggest that the MOL reform the support system for persons with disabilities by updating reasonable accommodations.
47. Concerning persons with limited mental function, vocational training and employment support is essential because it is common to lose job knowledge from before the onset of symptoms. However, there is not enough human support during training and courses are limited. Such individuals also require adaptive development and psychological support, but as of right now these are only offered in groups settings, which is insufficient to meet most individuals' needs. According to the spirit of CRPD, we recommend that the MOL allocate an employment system budget for individualized training and support.
48. According to the reasonable accommodation and performance evaluations, we found that in the past ten years government employees with disabilities had an

average performance score of 62 percent, which is lower than the overall average of 75 percent. The higher the degree of disability, the lower the average score was. Additionally, persons with disabilities receive far fewer promotions than other employees. This is largely because the government does not provide a reasonable accommodation system, which limits employees' ability to execute their jobs. We suggest the Ministry of Civil Service investigate performance evaluation methods and ensure fair and reasonable treatment across the board.

49. According to a report by the Ministry of Health and Welfare, persons with disabilities age prematurely, with severe and profound disabilities respectively expediting aging by 7.5 and 7.7 years. The average age in which symptoms of premature aging set in is 45 years old. According to Article 47 of the People with Disabilities Rights Protection Act, central labor authorities shall establish an early retirement mechanism for employees with disabilities to ensure quality of life after they leave the workforce. Due to the shorter life span of persons with disabilities, it is unfair to set retirement at age 65. In recent years, the government revised the standard for government employees with disabilities to allow them to collect pension at age 55. We suggest that the government adjust relevant laws to make all persons with disabilities eligible to collect pension starting from age 55.

50. Many persons with severe disabilities employ foreign workers, which requires them to pay employment security fees despite the fact that the employment security fund is not designed to promote employment of persons with disabilities. We recommend that the government add a special fund for vocational training and career guidance for such individuals. We additionally suggest that central and local government agencies such as the labor, social and education administrations specify the rights and interests of persons with disabilities, including the use of public funds and planning of public benefit activities (PBA). The source of law for the above labor matters is the Employment Service Act, which details vocational training, career guidance and unemployment compensation for all workers including persons with disabilities (severance under the old system was one month's salary for each year of service while the new system limits severance to half a month's salary for up to six months). Transforming employment security

fees into a strengthened unemployment compensation for persons with disabilities, with severance pay set at one month's salary for each year of service, would help protect their rights and well-being.

- **Difficulties attaining continuous employment**

51. In Taiwan, many jobs for persons with disabilities are contracted, offering no long-term security. It is common for annual contracts not to be renewed, which affects workers' ability to accrue annual leave and pension.

- **Physical environment and labor market must be more inclusive and accessible**

52. Before persons with disabilities can attend a job interview, they must survey the physical environment to check for barriers and obstacles, especially at private enterprises and remote sites. The lack of accessibility in buildings and on surrounding sidewalks makes it very difficult for persons with severe physical disabilities to find jobs. For this reason, they often have to work at schools, hospitals, and NGOs or in the public sector. We recommend that the government strengthen the barrier-free environment in public buildings to enhance wheelchair accessibility. In Taiwan, workers must have labor insurance through their employer in order for employers to submit applications for reasonable accommodations on their behalf. This means there is no way for employees to request improvements as job applicants, making job searches much harder for persons with disabilities.

## **Article 28 Adequate Standard of Living and Social Protections**

53. There is no policy for lifting low-income persons with disabilities out of poverty. If they find work and their income exceeds the threshold, their disability allowance is canceled. This policy disincentivizes them to look for work even though subsidies only cover basic necessities. We suggest that the government continue providing disability allowance for six months after employment begins and the job is stable.

54. Persons with disabilities have low employment rates and low salaries, while their expenditures are much higher than the average person due to medical expenses, transportation expenses, assistive devices, personal assistants and foreign caregivers. In addition, the government stipulates that persons with disabilities cannot have both foreign caregivers and home care services or personal assistants. If they choose to hire a foreign caregiver, they must pay out of their own pocket and pay a NT\$2000 employment security fee to the government. If the foreign caregiver resigns, they must care for themselves. The employment security fee also does not go toward promoting employment or fairer treatment for persons with disabilities.

## **Article 29 Participation in Political and Public Life**

55. Central Election Commission should make reasonable accommodations for candidates with disabilities, including providing barrier-free stages for political events and extending the time for political presentations.

## **Article 31 Statistical Research and Collection of Data**

56. At present, there is no information on the number of immigrants to Taiwan with disabilities. Since new immigrants cannot get their Disability Certificate before becoming citizens, they cannot receive any benefits of persons with disabilities in Taiwan.

57. Among twins, one of the pair may have attention deficit hyperactivity disorder (ADHD) or a disability, but there is no relevant data from government statistics on this.