

Face Equality International (FEI) Research Project

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Taiwan

No	Question		Answer
1.	<p>a. Do people with facial disfigurements (marks, scars, etc.) have any legal protection against discrimination?</p> <p>b. Which law relates or mentions the legal protections?</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>Based on Taiwan's legal framework, specifically Article 5 of the People with Disabilities Rights Protection Act, people with facial disfigurements, such as marks or scars, are indeed protected against discrimination. This protection is extended to individuals with disabilities, including those with facial disfigurements, to ensure equal treatment and opportunities in various aspects of life, including employment, education, and public services. The protection is only available to people being considered as having disabilities (as explained below).</p> <p><i>People with Disabilities Rights Protection Act:</i> https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=D0050046</p> <p>Taiwan is not eligible to become a State Party to the major human rights treaties as it is not a member State of the UN. Nonetheless, the government has given effect to international human rights treaties through its domestic legislation. In 2014, the Convention on the Rights of Disabled Persons Implementation Law (“Implementation Law”) was passed and Article 2 provides that the UNCRPD provisions “shall have domestic legal status”.</p> <p>Source: https://www.disabilityrights.law.hku.hk/taiwan</p>
2.	<p>a. What is this country's legal definition of disability?</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>a. Taiwan's legal definition of disability is found in Article 5 of the People with Disabilities Rights Protection Act (the “Act”). It sets out eight categories of disability. A person is considered to have a disability if they are limited or restricted from engagement in ordinary living activities and from society as a result of having one or more of the following disabilities:</p>

<p>b. When do people with a facial disfigurement fit within that definition?</p> <p>c. How does being excluded from that definition affect the protection of their rights?</p>		<ol style="list-style-type: none"> 1. Mental Functions & Structures of the Nervous System; 2. Sensory Functions & PainThe Eye, Ear and Related Structures; 3. Functions & Structures of/involved in Voice and Speech; 4. Functions & Structures of/related to the Cardiovascular, Haematological, Immunological and Respiratory Systems; 5. Functions & Structures of/related to the Digestive, Metabolic and Endocrine Systems; 6. Functions & Structures of/related to the Genitourinary and Reproductive Systems; 7. Neuromusculoskeletal and Movement related Functions & Structures; 8. Functions & Related Structures of the Skin. <p>Source: https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=D0050046</p> <p>b. People with facial disfigurement would, in principle, be protected under category 8 however they have to undergo an evaluation to determine if they are classed as disabled.</p> <p>In Taiwan, the categorization of disability is determined by the Ministry of Health and Welfare through its disability evaluation system. The process involves medical assessments and evaluations conducted by designated hospitals and institutions to determine the type and degree of an individual's disability.</p> <p>The evaluation process considers various factors, including physical, mental, intellectual, and sensory impairments, as well as the impact of these impairments on an individual's daily life activities and social participation.</p> <p>Once an individual is evaluated and determined to have a disability, they are issued a disability certification card, which grants them access to various rights, services, and benefits provided by the government which cover 6 areas: medical rights, educational rights, employment rights, supportive services, economic protection, and protective services.</p> <p>If a person with facial disfigurement does not pass the evaluation, they would not be granted the protection afforded under these rights.</p> <p>c. If a person does not pass the evaluation and as a result is not considered as a person with disabilities, the person is not protected under the People with Disabilities Rights Protection Act.</p>
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3.	<p>Are there aspects of disability and/or disfigurement law that ensure a legal right to healthcare, education or employment?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>The People with Disabilities Rights Protection Act (“Act”) outlines the process for accessing disability protections and services. It mandates the setting up of assessment teams by municipal and county authorities to evaluate health conditions and living needs of individuals with disabilities, including the issuance of disability identification by these authorities (Article 6, 7). These assessments are conducted by appointed professionals or institutions and entail various factors like family economic status, care service needs, and social participation requirements. Persons with disabilities can reach out to the Division of Welfare Services for the Disabled (“DOSW”) to obtain disability identification. Registered city residents with disability may visit designated hospitals for examination to classify the status of their disabilities. Once the level of disability is determined, DOSW will issue a Disability ID to ensure related benefits for the applicants are properly given.</p> <p>Source: https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=D0050046 https://english.dosw.gov.taipei/News_Content.aspx?n=78DCE46BFF7721CF&sms=85FBABE70858A8D4&s=8EC812B46B867994</p> <p>To ensure effective implementation, the legislation assigns responsibility to government authorities at different levels to organize units or appoint officers dedicated to handling disability-related affairs. It also emphasizes the inclusion of representatives from the disability community in decision-making processes.</p> <p>The Act provides for the following rights and protections: (a) health and medical care (Chapter 2); (b) education (Chapter 3); (c) employment (Chapter 4); (d) support services (Chapter 5); (e) economic security (Chapter 6); (f) protection services (Chapter 7), and also provides for penalties in cases of violation.</p> <p>Health and medical care: The Act supports the provision of regular health examinations and follow-up services based on assessment reports of disability. The legislation requires hospitals to facilitate communication and provide discharge planning programs for people with disabilities, covering aspects such as home care, rehabilitation, and assistive devices. It also mandates the establishment of special clinics for people with disabilities by municipal and county authorities. Authorities are directed to establish medical and rehabilitation facilities and subsidize necessary medical care and rehabilitation services.</p> <p>Education: Additionally, to support education, the Act provides for the establishment of special educational facilities and ensures access to education without discrimination. Authorities are required to provide free transportation and educational subsidies based on socioeconomic status. Educational institutions must</p>

		<p>also provide necessary resources and accessible environments for people with disabilities. Finally, the legislation encourages the inclusion of people with disabilities in higher education and supports the development of relevant departments in colleges.</p> <p>Employment: The Act also provides for rights and provisions related to employment. Key points include provision of occupational rehabilitation services, case management, training, employment assistance, and entrepreneurship guidance tailored to individuals' abilities and needs. Sheltered employment and supportive services must be provided for those unable to work competitively. Authorities are to establish occupational training centers, employment services, and sheltered workshops. Public and private entities with a certain number of employees must hire a minimum percentage of people with disabilities. Failure to meet quotas results in penalties paid to a disability employment fund. This fund subsidizes employers who hire above quotas, covers costs of accommodations, and promotes employment rights. Incentives are given to exemplary employers. Authorities at all levels are responsible for implementing, funding, and overseeing these employment policies and programs for people with disabilities.</p> <p>Support Services: Chapter 5 of the Act outlines various support services and measures for individuals with disabilities to facilitate integration and welfare of members of the disabled community. It covers career transition plans, home services like care, counselling, and residential assistance, family support through respite care and training, enabling social participation through leisure, sports, and legal counselling, promoting digital accessibility, accessible transportation, barrier-free infrastructure, transportation and admission benefits among others.</p> <p>Economic Security: Chapter 6 of the Act outlines measures for ensuring economic security for individuals with disabilities. Article 70 delineates a comprehensive approach to economic support, including life subsidies, day care and residential care subsidies, caregiver allowances, and pension/annuity insurance, regulated by existing social insurance laws. The Act also mandates municipal and county authorities to provide various subsidies based on need assessments, covering expenses like life, medical care, home care, assistive devices, housing, and parking, with regulations set by central competent authorities. The Act also provides for tax reductions or exemptions for disabled individuals or their supporters, with special considerations in tax returns and non-taxation of received subsidies. Article 73 of the Act stipulates government subsidies for disabled individuals participating in social insurance premiums, with regulations set by central competent authorities, collectively aiming to alleviate financial burdens and enhance economic security for people with disabilities.</p> <p>Source: https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=D0050046</p>
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4.	<p>a. How effective are the legal protections? Please describe evidence available of the effect of the legal protections.</p> <p>b. What are deficiencies or areas for improvement in these legal protection measures as they apply</p>		<p>a. In general, the legal protections are effective in the sense that there are various channels for the government and society as a whole to monitor the effectiveness of disability-related laws and regulations and to improve the existing protections by amending the laws or strengthening implementation at the grassroots level.</p> <p>For instance, the Implementation Law provides for its own reporting obligations. Pursuant to Article 7, the government shall file a report every four years after submission of an initial report within the first two years. The second national report on the UNCRPD in Taiwan was issued in 2022. Sources: https://www.sunshine.org.tw/english/news/CRPDreport https://covenantwatch.org.tw/wp-content/uploads/2015/12/CRPD_2th_CORs_EN.pdf (full pdf of Concluding remarks)</p>

<p>and affect people with facial disfigurement?</p> <p>c. What evidence exists to prove that the information and resources guaranteed by law are actually available to disabled persons?</p>		<p>The report praised progress in some areas but raised some areas of concern including i) the definition of disability in Article 5 of the Act is not in accordance with the UNCRPD, ii) there is no national strategy to implement the UNCRPD and iii) a lack of consultation with disabled organisations (para 36).</p> <p>Concern was also raised that there is no comprehensive anti-discrimination law. Non-discrimination provisions are scattered across several Acts and are substantively insufficient to meet the requirements of the UNCRPD. This gap allows for continued discrimination against people with disabilities particularly in relation to employment (paras 38 – 40). There is no specific reference to facial disfigurements in the report (except as stated in the paragraph below) but it would seem likely that these issues would impact on people with facial disfigurements.</p> <p>It is worth noting that the report found a significant improvement in the recruitment of people with facial disfigurements in the civil service. In the past 10 years, the average annual growth rate of civil servants in Taiwan is around 0.62%, while the average annual growth rate of civil servants with facial disfigurement is around 5.54%. This shows a growing recognition of people with facial disfigurements in the civil service sector.</p> <p>b. Other than the above-mentioned report, the Control Yuan (an executive branch at the national level in Taiwan which is responsible for supervising or auditing the performance of all the other executive branches) publishes regular reports on the implementation of the disability laws.</p> <p>In 2020, a report indicated that bureaucratic practice among different government departments and localities prohibit sharing of information in relation to profiles and needs of disabled people and result in disabled people having to undergo repeated tests and assessment before they can gain access to the social welfare and benefits they are entitled to under the laws. Source: https://cybsbox.cy.gov.tw/CYBSBoxSSL/edoc/download/51074 (in Chinese only)</p> <p>In 2023, another report found some deficiencies in the sheltered workshops managed by government-sponsored NGOs where disabled persons work. For instance, these workshops pay a generally low salary and the workers usually work in confined areas which discourages them from interacting with society and transitioning from these workshops to the labour market. Source: https://cybsbox.cy.gov.tw/CYBSBoxSSL/edoc/download/62200 (in Chinese only)</p> <p>The Ministry of Health and Welfare has introduced a legislative bill to improve the existing Act. The main areas for improvement include:</p>
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