

# The response by The League for Persons with Disabilities, R.O.C. with regard to the list of issues on second state report on Convention on the Rights of the Child (CRC)

Submitted by The League for Persons with Disabilities, R.O.C..

Relevant CRC articles	Numbers on the list of issues
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Article 19 Protective measures to prevent abuse and desertion	5.1 、 5.4
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## CRC Article 12 - The right of the child to be heard, No 3.5 on the list

Response by The League for Persons with Disabilities :

The representative of the National Human Rights Commission stated at the second CRPD International Review Conference on State Reports that the right of children with disabilities to express and participate in decision-making has not yet been taken seriously in Taiwan, including the fact that among representatives of children from various local governments, children with disabilities account for only 1%. At present, children with disabilities have not been able to participate in IEP (Individualized Educational Program) meetings, while there are problems in the implementation of the current IEP system, including lack of awareness by parents with regard to the IEP meeting procedures, and the failure of schools to hold IEP meetings.

## CRC Article 17 - Access to appropriate information, No 4.3 on the list

Response by The League for Persons with Disabilities :

Government surveys show that the number of households with disabilities over the age of 12 who are connected to the Internet, are lagging behind by 15.2% in the national average. Less than 75% of households with visual impairments, multiple impairments and physical disabilities have internet access. The gap of the internet access rate between people with disabilities in all age groups and the same age generation in the country ranges ranged from 12.4% to 18.6%.

Among the reasons of households who cannot access the internet at home, the highest is that they do not have the demand or have no intention to use the Internet (43.0%), followed by not knowing how to access computers and the Internet (37.4%), having no computer equipment or the internet is down (4.7%). %), unable to afford the cost of internet connection (2.8%) and unable to afford the cost of computer equipment (2.7%), etc. There are 1.4% of the respondents who answered other

reasons (such as concern about being addicted to the internet, lack of time, have access to the internet at other places, poor communication facilities and environment, etc.).

Regarding the ability to access information, 44.9% of persons with disabilities need timely assistance from others, and 3.0% need someone to support them all the time. Among them, less than 40% of people with visual, auditory and balance impairments do not need assistance at all, meanwhile, those with severe disabilities are less able to operate computer networks independently.

**CRC Article 19 - Protective measures to prevent abuse and desertion,**

**No 5.1, and No 5.4 on the list**

Response by The League for Persons with Disabilities:

In the second state report of the Convention on the Rights of Persons with Disabilities - the list of issues raised by the International Review Committee and the content of the government agency's response, the International Specialist asked at point 13(c) "Has Taiwan ever targeted persons with disabilities in workplaces, institutions or special schools to the extent in which people were subjected to physical, emotional, economic or gender abuse, violence, bullying, and discrimination or exploitation with systematical review ?" Only the Ministry of Health and Welfare expressed that there was no relevant information, while the rest of the agencies did not respond to the issue at all.

Currently Taiwan lacks a law to protect whistleblowers in a broad sense. Most of the laws and regulations are scattered to encourage the public to report illegal issues. For example, Article 74 of the Labor Standards Act, Article 36 of the Gender Equality in Employment Act, Article 15 of the Witness Protection Law, and Article 43 of Act governing Food Safety and Sanitation. Executive Yuan has formulated a draft of the "Act of Protection for Whistleblowers" in 2019, but it only focused on

anti-corruption. Although the responsibility for reporting sexual assault or violent incidents is stipulated for relevant personnel, it is likely for the informant to be exposed during the administrative and judicial investigation procedures. This also affects the notification rates, leading to a tendency to deal it with silence.

CRC Article 20 - Protect the child deprived of family environment,

Article 23 – Welfare of child with disabilities, No 6.4 on the list

Response by The League for Persons with Disabilities :

According to the statistics by the government in 2019, there were 309 children with disabilities in placement, education and training institutions. However, there was no analysis of the types of their disabilities. In the implementation of the first phase of the review of the second phase of strengthening the social safety net, it stated that there were 4,250 children and youth been placed in foster families and institutions in 2020. This including 800 people with certified disabilities and developmental retardation, which accounting for 18.82%.

At present, the second phase of strengthening the social safety net program (6) aimed to improve and expand the resources for the placement of children and youth outside the home. The expected benefits cannot be reviewed against the development goals of resource services for children and youth with disabilities. Meanwhile, the cultivation of children's self-reliance does not incorporate Article 19, living independently and being included in the community and the perspective of rights from General Comment No. 5 in CRPD. When adolescents with disabilities who are 18 or 20 years old were transferred from the placement agency to the community, if the relevant measures are not intervened in advance, and the relevant resources are insufficient, they are more likely to have difficulty to adapt to living independently.

The government utilize the public welfare lottery rebates to budget "Support Service Program for Independent Living for Disabled People" for applicants over 18 years old. This policy lacks relevant measures to

cultivate children and youth with disabilities to live independently and make decisions in the community.

CRC Article 23 - The right of child with disabilities, Article 24 - Medical assistance and healthcare, Article 27– Standard of living, Article 28–Education, No 7.2 on the list

Response by The League for Persons with Disabilities :

During the COVID-19 pandemic, all hospitals in Taiwan suspend non-acute diagnosis and treatment, and provide community care services. Some hospitals provide early treatment services, but children with disabilities cannot cooperate with wearing masks, hence some will be denied admission to the hospital for rehabilitation. Parents also need to be concerned that children with disabilities who cannot wear masks when going out will be criticized by the society and fined.

The school's epidemic prevention measures stipulated that only students with negative results for quick screening tests are allowed to attend the class. However, some students with disabilities cannot cooperate with quick screening tests, which not only affects the right of students with disabilities to receive education, but also increases the burden on parents who need to take care of them. Quick screening reagents caused additional burdens on families. In May 2022, it was announced that the free quick screening test will only provide 5 doses of quick screening reagents per person for low-income, middle- and low-income households. Taiwan's low-income households and low- and middle-income households have rigorous evaluation standards, and not all of them are eligible.

## CRC Article 28-Education, Article 31-Recreational and cultural

### activities, No 7.5 on the list

Response by The League for Persons with Disabilities :

The statistics of physical education in the school has no gender, disability category, region, socio-economic status in the classification, only the data for teachers with professional background have regional classification. The statistics pointed out that schools are facing difficulties in adapting to physical education, with "insufficient teachers or manpower" accounting for the highest at 55.63%, followed by "poor physical fitness and motor skills of students with disabilities" accounting for 49.08%, followed by "lack of barrier-free environment and suitable equipment at the venue" and "safety issues for students with disabilities in class", which accounted for 41.13% and 39.56% respectively.

According to the sports statistics of the Sports Administration, the classification includes gender, age, and occupation, but there is no analysis of gender, disability categories, and socioeconomic status. It is impossible to know the situation of participation of children with disabilities in off-campus sports activities.

According to the survey data from the Ministry of Health and Welfare, in terms of "sports and fitness activities", the reasons for people with disabilities to go out for activities in the last month are statistically classified by region, age, but without the analysis of gender, type of disability, and socioeconomic status.

### CRC Article 28-Education, No 8.1 and 8.3 on the list

Response by The League for Persons with Disabilities :

According to the response in List 4.3, the access of internet by households with disabilities is indeed 15.2% behind the national level, which also affects the situation of people with disabilities receiving

online education.

Although the government has set reference guidelines for online learning, local governments have provided online courses, activities, teaching and assessments during the pandemic, the practice is very different. The learning platform is not barrier-free, certain curriculum and online teaching cannot be fully participated by some students with disabilities. The effectiveness of learning is significantly reduced, in the end, parents have to engage in teaching and labor support roles at home.

According to the second state report of CRPD, 95% of students with disabilities were studied in general schools together with non-disabled students in 2019 , of which 84% studied in general classes and 11% in intensive special education classes; 5% attended special education school. The government has promoted inclusive education, but there are insufficient special education resources, as a result, students with disabilities still encounter many issues in the process of receiving education. According to the Ministry of Health and Welfare,

Among the students in the schools, 39.57% said they had encountered difficulties in receiving education. Among them, “difficulty getting along with classmates or teachers, so I don’t want to go to school” accounted for the most at 15.57%, followed by “challenges in financial burden” at 10.91%, “inconvenient to commute” accounted for 8.63% and “need someone to assist and accompany students or take care of daily living obstacles” accounted for 8.14%. Different types of obstacles have experienced different difficulties.

There were about 27-44% of students with disabilities who do not know about 6 special education services, among which "educational assistive devices" is the highest at 43.58%, followed by "family support services", of which 42.49% saying they were not aware of it. Next is 40.12% on "adaptive teaching materials". Among the reasons from whom aware of it but not using them, all 6 items have the highest proportion of no demand, accounting for about 90% of knowing but not using it. Meanwhile, the government has not explored whether no demand is really unnecessary or does not meet the demand.



Statistics from Ministry of Education show that students with disabilities have a higher drop out rate than non-disabled students in senior high schools.

On August 3, 2022, at meeting venue of the International Review Conference of the Second State Report of the CRPD, non-profit organizations also raised many issues concerning the education rights of students with disabilities to the international review committee members, including:

Special education student assistants provided to students with disabilities are unable to provide individualized support and assistance to students with disabilities due to low wages and insufficient manpower, which affects the level of participation in campus life at all levels, including one-on-one assistance. As a result, some parents have to go to the school to accompany and support their children in school all day long, and there are even cases where teachers refuse special education student assistants to assist them in the class.

Learning disabilities are congenital disabilities, and such proportion is increasing annually. However, there are no educational resources suitable for those with learning disabilities.

For students with mental illness or mental disorders, the school has no alternative educational support measures other than medical treatment. As a result, students with mental disorders are less likely to attend school activities due to their illness. They were very concerned about being suspended due to excessive sick-leave.

Access to digital books for the visually impaired is still limited

Hearing-impaired people generally have lower access to adult education, because of insufficient sign language interpretation and transcription services.

Taiwan has formulated the "Special Education Student Grievance Service

Guidelines", and each county and city government has established a "Special Education Student Grievance Council", however, none of them confirmed the site of the public information related to the number of complaints received, meanwhile, the annual special education statistics published by educational institutions have no complaints data.