

# An Empirical Study on Disabled Human Rights in Taiwan

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## Introduction

For knowing that “those against humanity is the main cause for warfare”, the United Nations has clarified the protection of human rights in the “*The Charter of the United Nations*”, and therefore ratified “*Universal Declaration of Human Rights*” in 1948, “*International Covenant on Civil and Political Rights*” and “*International Covenant on Economic, Social and Cultural Rights*” in 1966 as the “*International Bill of Rights*”, which has become an international consent from a national concept.

For connecting with the international human affairs and the approving for the “*International Covenant on Civil and Political Rights*” and “*The International Covenant on Economic, Social and Cultural Rights*”, the Legislative Yuan has completed the legislation on March 31<sup>st</sup> 2009 and announced on April 22<sup>nd</sup>, thereafter President Ying-jeou Ma signed the ratification of the both covenants on May 14<sup>th</sup>, that has proved another milestone on human rights affairs.

According to the 7<sup>th</sup> article of the 10<sup>th</sup> Act of Additional Articles of ROC Constitution, the insurance, medication, good-accessibility, education and career training by the state for the disables should be assured, that “the Disabled Protection Act”(2007) is ratified for the whole assurance.

On the good-accessibility, the Ministry of Interior has urged the local governments to have reform programs by section and term while by each year the guider will check and encourage the process of good-accessibility building from all supports.

To have better career environment, every public service, public school, and public enterprises, by the 1<sup>st</sup> and 2<sup>nd</sup> article of the 31<sup>st</sup> of “the Disabled Protection Act, the disabled but capable personnel must be at least 2% while the total personnel is above fifty when it must be 1% while above 100.

On life assurance and medication, the need for the disabled caring and welfare finance is uprising that the relative budget is more than 100 billion NT dollars in the last decade, however it is still not sufficient that since 1991 the 14<sup>th</sup> Act of “the Disabled Welfare Act” has “proved the medication, restoration and education of the disabled” yet the regulations for the care is too out of date, so the monthly allowance has been plus 1000 NT dollars that every disabled person should have 3000 to 7000 dollars for having better way of living.

And concerning that the disabled is depend on the caring institution that not only the public but the also the private at majority has better rewards for establishment or organization.

According to the 4<sup>th</sup> Article of Mental Health Act, the deserved rights and welfare of the mental patients is assured. For instance, the deserved rights and welfares should be clearly assured by laws. ( Line 36 ) The privacy about communication and meeting should be guaranteed for not being audio or video recorded. ( Line 38 & 37 ) . Moreover, the appealing procedure and punishment is also aims to personals and institutions for its abusing behaviors( Line 39 ) and the family of the disabled is partly free (Line 41) and paid for medication by the National Health Insurance Act since 1995.

According to 8<sup>th</sup> Act of the Lottery publishing regulations, the lottery dealer should any of the disabled, thee aborigines, and the low-income family for priority, or the employee should be more than one of the fifth and the fashion of lottery is also good for the disable’s employment and income of the social welfare policies.

Since 1997 the ratification of the Disable Protection Act (as the Disabled Rights Protection Act in 2007), the aiding has been more for helping the disabled in better situation, while the public service has been establishing sixteen aiding centers to have clinical and counseling services, and more like aiding center of the facial damage, the impair-hearing, foot, and information center. To have comprehensive integration of resources and services, the Yang-ming Medical University and the Ministry of Interior has cooperated to establish the multi-function aiding and integration center, for better aiding program.

Chinese Human Rights Association (CAHR) has been long advocated the human rights and the survey is always an authoritative report. From year 2006 to 2009, this paper aims to study on the development of disabled human rights in Taiwan. By the CATI survey and then explain the current issue and direct for the assurance of disable human rights in Taiwan.

## **The Analysis of the Development**

CAHR has conducted the Delphi Method Survey to investigate those who have further understanding on the disable human rights and have questionnaire which the problem is a positive sentence while the answer is taken as likert scale: 5 for very good, 4 for good, 3 for average, 3 for bad, and 1 for very bad. If the expert has anyquestion, the open blank is for the response.

And by popular telephone survey, I will analyze the development of the disabled in Taiwan which includes six indicators: “survival right”, “medical right”, “educational right”, “worker right”, “judicial right”, and “social participation right”. From 2006 to 2009, the sampling is as the table one.

Table 1 : 2006-2009 Sampling distribution of popular telephone survey.

Year	Sample
2006	1084
2007	1079
2008	1091
2009	1091

For analyzing performance of the disabled human rights as diagram 1, the blue is “Satisfied”, the red is “Unsatisfied ”and the green is “no comment”. Durin the four-year development of performance, the property of “no comment”in the 2009 is the lowest while more people care about the rights of the disabled in the advocacy of the government and NGOs. Hence, though the trend of the “satisfied”and the “unsatisfied”is similar but the “satisfied”is more than the“unsatisfied”that the government and NGOs should be glad to see this trend.

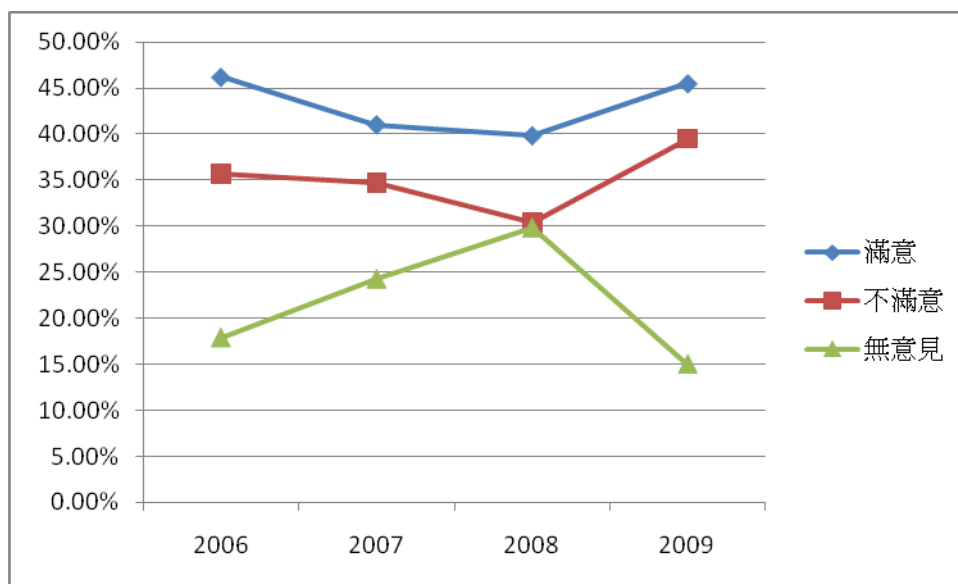


Table 1. Performance of the disabled human rights(the blue is “Satisfied”, the red is “Unsatisfied ”and the green is “no comment”)

## Analysis of each indicator

According to the performance learned from the popular survey, I will explain by each indicator that how the development of the disabled human rights is going. The number in the table is the average while the problem is a positive sentence while the answer is taken as likert scale: 5 for very good, 4 for good, 3 for average, 3 for bad, and 1 for very bad.

Before my explanation, there are a few to mention that 1.) the 2006 analysis does

not provide enough data by each indicator. 2.) for the presence of each indicator is not continuous per year for adapting into new situation but difficult for trend analysis. So I just have a simply analysis before I can have further exploration.

### 1. Survival right

Concerning survival rights, the development from 2006 to 2009 is as table 2. The score of each item is coming stable.

Table 2. 2006-2009 statistics of “survival right” indicator

Survival Right	2006	2007	2008	2009
The disabled has the equality with other nationals in living.	2.58	2.5475	2.5100	2.5084
The disabled has enough social support, and caring in living.		2.7459	2.5700	2.7639
The disabled is not exploited, used, ignored, abused, and discriminated.		2.4183	2.3700	2.5514
The individuality of the disabled is respected in the caring institution.		2.7881	2.7100	N/A

From comprehensive perspectives, it still takes lots of efforts on improvement and promotion. Most experts think that the assurance of survival rights is promoted but still far from those of normal nationals. Moreover, under the economical situation, the living of the disabled has more challenge encountered that the policies and measures are yet universal and sound. The main dilemma is the lack of human resources and the rural-urban development divide while the government’ s measures are not convenient for people. Concerning the discrimination and exploitation, there is a lot to improve, but the prime reason is about the circumstances and employer: its personal not business.

### 2. Medical right

Concerning medical rights, the development from 2006 to 2009 is as table 3. The score of each item is rising as affirmed.

Table 3. 2006-2009 statistics of “medical right” indicator

Medical Right	2006	2007	2008	2009
The medical need for the disabled is sufficient by professional team.	2.94	2.3413	2.66	N/A
The medical care is qualified for		2.8742	2.69	2.9861

the disabled in institution.			
The resource of medical care is not overly allocated to certain group.	2.6659	2.74	2.7778
The cares have enough knowledge and skill to provide the support.	2.9375	2.91	N/A

From comprehensive perspectives, the medical rights have more affirmation that the dilemma goes to the lack of caring institution and allocation of resources needs adjustment, so the medical right has more significance on performance but still takes more efforts on individual perspective.

### 3. Educational right

Concerning educational rights, the development from 2006 to 2009 is as table 4. The score of each item is rising as affirmed.

Table 4. 2006-2009 statistics of “educational right” indicator

Educational right	2006	2007	2008	2009
The disable children has the same previous caring, preschool education, caring and special training form different cities.	2.58	2.2176	2.23	N/A
The disabled can have enough facilities in mandatory education.		2.6759	2.74	2.9792
In the mandatory education, the faculty for the disable is enough and qualified.		2.5221	2.71	2.8056
In the mandatory education, the disable have good-accessibility in the mandatory learning.		2.7027	2.74	2.9389

From comprehensive perspectives, the educational rights reveal the concerns about the rural-urban development divide that the urban area has more sound facilities but the teachers for special educations is not enough. In other words, the “software” is more urgent than the “hardware” in demand.

### 4. Worker right

Concerning worker rights, the development from 2006 to 2009 is as table 5. The

score of each item is rising but the problem of “equal pay for equal work”

Table 5. 2006-2009 statistics of “worker right” indicator

Worker right	2006	2007	2008	2009
The government department can employ enough disables by law.	2.64	3.2545	2.97	2.9667
The disable can have equal pay for equal work without discrimination.		2.3827	2.26	2.3681
The disable can share the same acceptance with other colleagues.		2.9219	2.71	2.7386

The experts show that the government departments have efforts on securing the worker rights of the disable while few of them cannot be free of discrimination which needs more promotion of the public conscious. Concerning the problem of “equal pay for equal work” , most experts takes that the low-productivity becomes the excuse of exploitation which generates the unfairness on the basic demand. Most experts believe that those who employ the disable have more acceptance and assurance.

## 5. Judicial right

Concerning judicial rights, the development from 2006 to 2009 is as table 6. The score of each item is rising as better one than others.

Table 6. 2006-2009 statistics of “judicial right” indicator

Judicial Right	2006	2007	2008	2009
The legal system can assure the disable’ s security, autonym, and individuality.	2.78	3.0442	2.82	2.9070
The establishment of a legal institution is protected by the law when conflicted by the community.		2.5996	2.49	2.6014

The legal system has improvement on the assurance of disabled human rights but some laws and regulations are yet timely comprehensive coordinated and adjusted with demands. On the other hand, when it comes to dispute, the authority is still too weak for protecting the disable and weakening their advocacy for rights. Anyway, the legal system is good but still not good enough on applying them.

## 6. Social participation right

Concerning social participation rights, the development from 2006 to 2009 is as table 7. The score of each item is rising as best one amongst others.

Table 6. 2006-2009 statistics of “social participation right” indicator

Social participation right	2006	2007	2008	2009
The disabled can have good-accessibility in public area and transportation.	2.66	2.5667	2.46	2.6871
The disabled can have good sociality and interaction with others in fitting.		2.7667	2.8	2.8859
The community can accept the facilities and institutions for the disabled.		2.5093	2.49	N/A
The disabled can share the same citizenship in political participation like voting and being voted.		3.0913	2.97	N/A
The policy making has the involvement and influence of the disable when its relative to them.		2.9293	2.69	N/A

The experts say that the promotion of the social participation right is on not only the institutional reform of the surrounding but also the thinking and behaving of the disabled. Concerning the transportation, the design is concerned that it should be more humane as foreign while the rural-urban issue is yet solved even by this indicator.

## Conclusion

From this survey, the opinions of the experts are more negative than those of the people, which could mean the experts who have more understanding about the disabled rights also have expectation and demands of the government. On the other hand, lack of professional knowledge and working experiences could mislead to dissidence that the people only judge by instincts and stereotypes.

Moreover, judging from the overall evaluation or the disabled human rights, it still have high ratio of the people have “no comments” that I suggest there are two causes whether the people have ignorance on the disabled human rights or the

expectation is with the assurance.

The assurance of the disabled is well developing on legal system and hardware facilities by chance equality, caring quality, and social integration while the considerations goes to quality from quantity that the efforts on human right development is sustainable but not leaping forward, so there is still a long road- not only governments, enterprises, and social groups should work together in policy-making as a citizen' s responsibility in deliberative democracy that individuality is secured from legally, politically, socially, and culturally.