

Act to Implement the Convention on the Rights of Persons with Disabilities

Announced Date: August 20, 2014

- Article 1* This Act is made to implement the Convention on the Rights of Persons with Disabilities (hereafter the Convention) adopted by the United Nations in 2006 to protect the rights of all persons with disabilities, safeguard their full and equal participation in society, politics, the economy and culture, and promote their individual independence and development.
- Article 2* Provisions in the Convention regarding the rights of persons with disabilities have domestic legal status.
- Article 3* Legal and administrative applications of the Convention should make reference to its legislative purposes and interpretations by the Committee on the Rights of Persons with Disabilities of the United Nations.
- Article 4* Whenever exercising their functions all levels of government institutions and agencies should conform to the provisions in the Convention regarding rights of persons with disabilities; avoid violating the rights of persons with disabilities; protect the rights of all persons with disabilities from infringement by others; positively promote realization of human rights.
- Article 5* All levels of government institutions and agencies should take responsibility for preparing, promoting and implementing provisions in the Convention within their functions that are governed by existing laws and regulations. When multi functions are involved distinct governmental institutions and agencies should contact and coordinate with each other to carry out their responsibilities. The government should cooperate with other national governments and international non-governmental organizations and human rights institutions to realize the promotion and protection of the rights of persons with disabilities in the Convention.
- The government shall seek the opinions of organizations of persons with disabilities, establish standards and guidelines to assess the implementation of the Convention and the impact on human rights, and establish mechanisms to assess and evaluate the impact of policies and the act.
- Article 6* In order to promote tasks related to the Convention, the Executive Yuan shall invite academic experts and representatives from organizations of persons with disabilities and all governmental institutions and agencies to establish a committee for the promotion of the rights of persons with disabilities. Regular meetings, coordination, research, reviews and consultations shall be conducted and the following matters shall be performed:

1. Promotion and educational training of the Convention.
2. Supervision of the implementation of the Convention by all levels of government authorities.
3. Research and investigation into the current status of the rights of persons with disabilities in the Republic of China.
4. Submission of national reports.
5. Acceptance of complaints about breaches of the Convention.
6. Other matters related to the Convention.

The number of academic experts and representatives from organizations of persons with disabilities shall represent no less than 1/2 of the total number of committee members. Each gender shall be represented by at least 1/3 of the total number of committee members.

Article 7

The government shall establish a reporting system regarding the rights of persons with disabilities. The first national report shall be submitted within two years from the implementation of this act. Thereafter, national reports shall be filed every four years. Relevant academic experts and representatives from private organizations shall be invited to review the reports. Relevant academic experts in the provisions of the preceding paragraph shall include persons who are experienced in the affairs of the rights of persons with disability in the United Nations. The government shall review and study subsequent policies based on their opinions, and regularly check the performance of the reporting system.

Article 8

Persons with disabilities protected by the Convention and the relevant regulations that have their rights infringed, which cannot or may only with difficulty be implemented shall make an appeal, file a claim or other way of petitioning to protect their rights. The same practice is applied to infringed rights that are protected by other ratified or joined international conventions in the Republic of China and relevant regulations. When persons with disabilities appoint an attorney to exercise the rights in the preceding paragraph, the government shall provide legal aid according the act. The processing affairs of legal aid shall be entrusted to the Legal Aid Foundation or other private organization.

To protect the rights of persons with disabilities, the government shall conduct training to judicial personnel.

Article 9

The cost required for the protection of the rights of persons with disabilities in the implementation of the Convention by all levels of government authorities shall be budgeted as a priority based on financial status. Implementation shall take place gradually.

Article 10

Each level of government authority shall provide a priority review list about the legislation and administrative measures under its jurisdiction based on the provisions of the Convention within two year from the implementation of this Law. Any inconsistency with the provisions of the Convention shall be corrected by addition, amendment or cancellation of the relevant legislation or improvement of the administrative measures within three years from the implementation of this Law. The establishment (amendment), revision or cancellation of the remaining legislation and improvement of administrative measures shall be completed within five years from the implementation of this Law.

Prior to the establishment (amendment), revision or cancellation of the legislation and improvement of administrative measures in the proceeding paragraph, the provisions of the Convention are applied.

The amendment, revision or cancellation of the legislation and improvement of administrative measures in the first paragraph shall seek opinions from organizations of persons of disabilities.

Article 11

For matters not regulated by the act, the government should make reference to the Convention and the interpretations by the Committee on the Rights of Persons with Disabilities of the United Nations according to the attributes of the matters.

Article 12

This act shall come into effect from December 3, 2014.