

**Accessibility, Reasonable Accommodation and
Non-Discrimination Principle: A Legal Review of Consistence
between the CRPD and Equal Treatment Regulations in the
Constitution and the Rights Protection Act for Persons with
Disabilities in Taiwan**

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Abstract

The Rights Protection Act for Persons with Disabilities and the concerning regulations and policies in Taiwan have long focused merely on non-discrimination, affirmative actions and social benefits. The right of persons with disabilities to equal participate in the society has never been taken seriously in law systems. Even according to the amendment article of the constitution in Taiwan, the state is obligated to realize the independent life of persons with disabilities, this norm has never been understood as their human rights. Accordingly the measures of accessibility in general and reasonable accommodations in individual cases which make the independence and autonomy of persons with disabilities possible fall into governmental discretions; also the discrimination and exclusion against persons with disabilities in private law have been insufficiently handled. This article aims to demonstrate the different models of equal principle, the de facto equality of CRPD on the one hand and the equality before law of the Article 7 of the Constitution in Taiwan on the other hand. This article is further conducted to analyze how to implement the model of de facto equality into the law systems in Taiwan by law reforms and legal interpretation in conformity with CRPD.

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