

Title : Act of Human Rights Protection and Compensation for Hansen's Disease Patients

Announced Date : 2008-08-13

Category : Ministry of Health and Welfare

#### Article 1

This Act is enacted to offer appeasement and compensation to Hansen's disease patients for the social exclusion, physical and mental pain they suffer due to the isolated treatment policy, as well as to protect their rights to medical and nursing services.

Other laws and regulations apply to matters not covered in this Act.

#### Article 2

The "Hansen's disease patients" referred to in this Act are the leprosy patients and survivors stated in the relevant laws and regulations. Within six months from the implementation of this Act, the respective competent authorities shall rectify the so-called "leprosy" and "leprosy patients" as mentioned in other laws and regulations according to this Act.

#### Article 3

The ways of compensation and protection provided in this Act are:

1. Restoring reputation: including open apology, paying tribute to the deceased, actively publicizing the correct knowledge about Hansen's disease and promoting social and educational policies that help restore the reputation of Hansen's disease patients, etc.
2. Offering compensatory payments.
3. Medical rights: including the establishment of medical facilities and equipment that meet the special physical and mental needs of Hansen's disease patients, and allocation of sufficient medical and administrative manpower, as well as engaging in research and studies on the prevention of Hansen's disease, etc.
4. Rights to nursing services: including living subsidies, assistance in returning to the community and family, lifelong treatment and care, rehabilitation and nursing services, etc.

Care-takers who accompanied the Hansen's disease patients in the hospital for taking care of them before the implementation of this Act may also accompany the Hansen's disease patients during the nursing care period.

#### Article 4

The central health competent authority is in charge of this Act.

## Article 5

For surviving patients who have contracted Hansen's disease during the period from October 25, 1945 to the implementation of this Act, compensation is given according to the following provisions:

1. Compensation of NT\$120,000 is given per each full year of hospitalization from October 25, 1945 to March 31, 1962.
2. Additional compensation of NT\$80,000 is given per each full year of hospitalization from April 1, 1962 to December 31, 1982.
3. For those not fulfilling the preceding two conditions, a basic compensation of NT\$200,000 is given.

For compensation mentioned in Subparagraphs 1 and 2 above, the time less than a year is calculated pro-rata according to the number of months hospitalized; and the time less than a month is counted as one month.

The compensation standard for non-Hansen's disease patients who were mistakenly put under mandatory isolation is NT\$100,000 per each year of hospitalization, and for the time less than a year, the compensation is calculated on a monthly basis.

## Article 6

Application for the compensation shall be in written form, with content including the following:

1. The applicant's name, sex, date of birth, ID number and domicile (or residence).
2. For compensation to be credited to the applicant's specified account with a financial institution, the name of the financial institution and the account number.
3. The applicant's signature or personal seal.

The written application as mentioned in the preceding paragraph shall be attached with the following documents:

1. Photocopy of the ID card or other documents that may prove the content listed in Subparagraph 1 of the preceding paragraph.
2. Documents that may prove the contraction of Hansen's disease during the specified period in Paragraph 1 of the preceding article and the survival until now.
3. Photocopy of the passbook cover for those who request the compensation to be credited to their own specified account with a financial institution as provided in Subparagraph 2 of the preceding paragraph.

For application for both types of compensation mentioned in Subparagraphs 1 and 2, Paragraph 1 of the preceding article, the application for first type of compensation

shall also state the name and address of the sanatorium, and the duration of stay in the sanatorium; the supporting documents shall also be provided.

#### Article 7

The competent authority shall finish the review within three months after receiving an application, and shall inform the applicant about the review result. Applicants who are confirmed by the competent authority through the review to be qualified for compensation shall be given the compensation in lump sum within two months from the day next to the delivery of the notification of review result. Compensation will not be given if not claimed over two years from the day next to the delivery of the aforesaid notification.

#### Article 8

The government shall plan for a Hansen's disease medical zone in an appropriate area inside the Leseng Sanatorium to serve commemorative and public health educational purposes.

#### Article 9

The rights of claim of the compensation shall not be transferred, inherited, distrained or bonded.

#### Article 10

For those who contracted Hansen's disease during the period from October 25, 1945 to the implementation of this Act, and died during the period from October 26, 2005 to the implementation of this Act, the surviving dependents (i.e., spouse and lineal descendants), if any, will be given a lump-sum consolation money of NT\$200,000. For the granting of the consolation money mentioned in the preceding paragraph, if there are two or more surviving dependents, they shall jointly claim the money upon the competent authority's notification of any one of them, and the provision set forth in Paragraph 3 of Article 7 shall apply.

#### Article 11

Compensation or consolation money received pursuant to this Act is exempted from income tax.

#### Article 12

The budget required for execution of this Act shall be processed by the competent authority according to the established budgeting procedures.

Article 13

This Act shall come into effect from the date of promulgation.