Compulsory insurance, or individual mandate, is the most important yet controversial linchpin in Taiwan National Health Insurance (NHI) system and has drawn close scrutiny regarding its constitutionality because a direct and unconditional requirement for an individual to transfer money to a universal health insurance program seems significantly violate individual liberties, especially the “disenrollment freedom”. Even though Taiwan’s Constitutional Court held in Shizi No. 472 that the NHI’s individual mandate is not unconstitutional because the restriction on individual liberty is justified as a means to promote social welfare and to improve national health, it failed to analyze the extent of the restriction in depth. Thus, a monitorable four-step systematic examination is proposed in this paper to explore the human rights burdens that the NHI’s individual mandate places on individual liberty. This paper concludes that, even though Taiwan’s compulsory NHI, which adopts a single payer system with a universal standardized medical coverage, is adequate and effective, such a coercive healthcare policy still unjustifiably restricts individuals’ freedom to purchase/decline health insurance because it is not the least intrusive alternative and provides no proper trade-off between restricted liberty and pursued public order.

Human Rights Impact Assessment for Health Care Policy

**Step 1** Examine burdens on human rights

**Step 2** Clarify the purposes of health care policies
  - clear purposes
  - adequate relationship

**Step 3** Evaluate effectiveness of health care policies

**Step 4** Assess trade-off relationships in health care policies
  - moral powers
  - importance test – lexical order of liberties

Priority rule
Public interest rule