**List of Issues submitted by theReview Committee**

**for the Second ICCPR Report**

**GENERAL ISSUES**

1. In its Response to the Concluding Observations and Recommendations Adopted by the International Group of Independent Experts of April 2016 (hereinafter referred to as “Response”), the Government of Taiwan described its efforts towards establishing a National Human Rights Institution in accordance with the Paris Principles (§§ 1-3). On 10 December 2015, the Control Yuan introduced the draft Organic Law of Control Yuan National Human Rights Commission (ibid, § 3). In its Shadow Report on Government’s Response to the 2013 Concluding Observations and Recommendations of 16 August 2016, Covenant Watch (hereinafter referred to as “CW”), reported that during her election campaign, current President Tsai Ing-wen had publicly announced on 9 December 2015 “that she would promote the establishment of a national human rights commission if elected on the January 16, 2016 national polls”. Did the Government adopt the draft Organic Law or take any other further step aimed at establishing a National Human Rights Institution in Taiwan?
2. In Table 56 of the Common Core Document Forming Part of the Reports of April 2016 (hereinafter referred to as “Core Document”), the Government of Taiwan indicates that it has accepted as legally binding by means of ratification/acceptance or accession the International Convention on the Elimination of all Forms of Racial Discrimination (CERD 1970), the two United Nations Covenants (2009) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW 2009). The other UN core human rights treaties were neither signed nor ratified by Taiwan. On the other hand, in §§ 5 to 13 of its Response, the Government refers to the “Implementation Act” for the Convention on the Rights of the Child (CRC) of 4 June 2014 which was “implemented” on 20 November 2014 (§ 5). Similarly, the “Act to Implement” the Convention on the Rights of Persons with Disabilities (CRPD) was announced on 20 August 2014 and “enforced” on 3 December 2014 (§ 9). With respect to other core treaties, implementation acts are being discussed. In § 34, CW reports that “the CRC and the CRPD were only ratified by the Legislative Yuan on April 22, 2016”. Could the Government of Taiwan please provide updated information which of the core human rights treaties have so far been accepted as legally binding? What is the legal effect of treaties that have been ratified by Taiwan in the domestic legal system without a specific implementation act, such as CERD? What is the legal effect of treaties in respect of which a domestic implementation act has been adopted and “enforced”? How far are the preparations for the ratification and implementation of the Convention against Torture (CAT) and its Optional Protocol (OPCAT), including the establishment of a National Preventive Mechanism? How far are the preparations for the ratification and implementation of the Convention on Migrant Workers (CMW) and the Convention for the Protection of All Persons from Enforced Disappearance (CED)? Why are further deliberations required to see “whether it is necessary to incorporate” the CED into domestic law, as stated in § 12 of the Response?
3. CW reports that “Numerous cases of disappearances occurred in Taiwan during the nearly four decades of martial law rule” (§ 46). What has been done to establish the fate and whereabouts of these disappeared persons?
4. With respect to human rights education, the Government reports in § 22 of its Response that “The syllabus for the 12-year basic education program was expected to be announced in February 2016”. CW recommends that the government should draft a comprehensive national human rights education action plan (§ 65). Does the Government plan to adopt and implement such a comprehensive human rights education plan?
5. Have there been any derogation measures or restrictions of rights in accordance with Articles 4 or 5 of the Covenant since its ratification in 2009?

**ARTICLE 1: please refer to the section on Article 27**

**ARTICLE 2**

1. In para 8 of the report it is stated that pursuant to the Implementation Act Relating to the International Covenants, the review of current regulations that do not comply with the principles of ICCPR and ICESCR is on- going. Among others, significant laws that have been identified as not completely in compliance are the Nationality Act, Detention Act, and the Code of Criminal Procedure. It is also stated that the acts concerned have been submitted in 2012 to the Legislature Yuan to be amended. Please indicate obstacles faced in completing the amendments and whether a time frame has been set for completion of the amendments.

**ARTICLE 3**

1. The Report provides information on pages 6-8 that between 2012 and 2014, the percentage of women as senior civil servants, (including political appointees) while increasing, still lags behind that of men (27.87% to 31.10%). Please provide information on whether there are policy measures such as the use of temporary special measures to accelerate the pace of women’s participation in senior managerial positions not only on the basis of gender but also on the basis of indigenous status and disability. If not whether such policy measures will be considered.
2. In response to para 26 of the previous Concluding Observations which recommended the creation of knowledge of rights of women under CEDAW among society, government officials and the judiciary, so that all branches of Government have the capacity to apply CEDAW as a framework for all laws, court verdicts and policies on gender equality, the Responses to the Concluding Observations refers (page 19), to the 2 nd periodic report of CEDAW para 2.18 which lists several promotional activities on gender equality via TV, radio and the theater. The CEDAW report also states that the government has provided a digital learning course about CEDAW on its website. Besides such promotional activities, please provide information on whether all officials, judicial officers, law enforcement personnel and legislators in concerned government agencies received training continuously on the nature and content of the obligation to implement CEDAW. Please also provide information on how such training is evaluated for effectiveness and results.

**ARTICLE 6**

1. In Table 45 of the Core Document (page 44), the Government reports a significant increase in the number of deaths in custody in 2015. Did the Government carry out a thorough investigation into the causes of these 13 deaths in custody? If so, what were the results of these investigations?
2. In 2013, six persons were executed, in 2014, five persons, and in 2015 again six persons. This shows that the number of executions has not declined despite the strong recommendations of the international experts during their examination of the First Report of Taiwan. In § 177 of its Response, the Government alleges that the periodic resolutions of the UN General Assembly calling upon all States to suspend the carrying out of death sentences “cannot, for the time being, serve as the legal basis for our country to suspend the death penalty”. Is the new Government of Taiwan willing to take decisive action to abolish the death penalty in accordance with Article 6 paras 2 and 6 and Article 7 of the Covenant or at least to adopt a moratorium in accordance with the relevant resolutions of the General Assembly?
3. In § 68 of its Second Report Submitted under Article 40 of the Covenant (hereinafter referred to as “Report”), the Government submits that the Ministry of Justice has assembled in 2010 a task force that specializes in the gradual elimination of the death penalty. “Following an order issued by the Ministry of Justice to execute six death row convicts on December 21, 2012, some members openly expressed their decisions to leave the task force, which left the task force short of the minimum size to continue its functions”. Does the current Government intend to re-establish this task force in order to achieve its aim of gradually eliminating the death penalty?
4. Have there been any executions carried out in 2016, and in particular since the new Government took office?

**ARTICLE 7**

1. In § 83 of its Report, the Government states that it “already has laws that prohibit crimes similarly to what is described as torture” in Article 7 of the Covenant and Article 1 CAT. These crimes are further specified in §§ 191 to 193 of the Response. Does the Government intend to enact a crime of torture in full line with the definition of torture under international law with appropriate penalties?
2. In § 250, CW criticizes the draft “Act for the Prevention of Crimes against Humanity and Torture” and recommends to prevent its “rushed enactment in a third reading”. Has this draft bill been reintroduced into the current Ninth Legislative Yuan?
3. Does the Government intend to establish an independent body to effectively investigate and prosecute every allegation and suspicion of torture in accordance with Articles 12 and 13 of CAT?
4. Does the Government intend to establish an independent and effective national preventive mechanism in accordance with OPCAT with the power to carry out unannounced preventive visits to all places where persons may be deprived of personal liberty?
5. In § 90 of its Report, the Government states that amendments were made to Article 8 of the Educational Fundamental Act with the aim to “prohibit students being subjected to any form of corporal punishment that would damage their physical or mental health”. Does this mean that corporal punishment which is not proven to damage the physical or mental health of students is still permitted under this act?
6. Is corporal punishment still permitted in any institution, including the military, schools, special educational institutions or the family?

**ARTICLE 8**

1. In § 109 of its Report, the Government submits that victims of human trafficking have been mostly from China and Southeast Asian countries, such as Indonesia, Vietnam, Thailand and the Philippines. In recent years, victims of sexual exploitation have been mostly Indonesians, and victims of labour exploitation mostly involved Indonesians, followed by Vietnamese. According to the Taiwan 2015 Human Rights Report published by the US Department of State, “Principal human rights problems reported during the year were labor exploitation of migrant workers by fishing companies, exploitation of domestic workers by brokerage agencies, and official corruption”. Does the Government ensure that foreign victims of human trafficking are granted permanent residence and are protected against being returned to their countries of origin?
2. Does the Government intend to ratify and/or implement the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime of 2000 (Palermo Protocol)?
3. Does the Government intend to ratify and/or implement the ILO Convention No. 189 on Domestic Workers?
4. In paragraph 108 of the Second Report, it is stated that the country has signed MoUs with 14 countries up to the period October 2015 with regard to human trafficking prevention. Please provide information on whether these MoUs contain a broad definition of trafficking according to international standards, whether it take a human rights approach to victims of trafficking with provisions that enable them to seek asylum in the countries of destination rather than identifying victims as offenders of immigration laws. Also please provide information on whether the MoUs cater for the specific contexts of women victims in both sending and destination countries as laid out in CEDAW’s General Recommendation 26.
5. Paragraph 110 of the Report provides data on a number of cases of labour and sexual exploitation between the years 2012 and 2015. Please provide data on number of cases investigated, indicted and convicted with regard to offenders/traffickers/agents etc.
6. With regard to the prevalence of child labour between the ages of 16-18, discussed in paragraph 120 of the Report, please provide data on the number of employers penalized for assigning hazardous work to children below the age of 18.
7. Paragraph 121 of the Report indicates a justification for the prevalence of child labour (16-18 years) in the interest of meeting the financial needs of the children concerned. Please provide information on the number of children between the ages of 16-18 who are working. Further please provide information on how the developmental needs of the children for education, recreation and health are met under those circumstances.

**ARTICLE 9**

**Habeas Corpus Act**

1. General Comment No. 35 of the Human Rights Committee provides that, “The notion of ‘arbitrariness’ is not to be equated with ‘against the law’, but must be interpreted more broadly to include elements of inappropriateness, injustice, lack of predictability and due process of law, as well as elements of reasonableness, necessity and proportionality.” Please elaborate on the extent to which the court practice under the amended Habeas Corpus Act is in accordance with General Comment No. 35. Is it the view of the Government and the courts that the judge in a habeas corpus case can review not only the legal formality of the detention decision but also its reasonableness, necessity and proportionality?

**Mandatory hospitalization**

1. According to the Covenants Watch Shadow Report (paragraphs 185-189), mentally ill patients subject to compulsory hospitalization under the Mental Health Act have received little professional legal assistance if they wished to challenge the decision of hospitalization, and, in practice, there have thus far been few cases filed in courts and no successful cases ordering release. Is this observation correct? What are the measures of the Government to ensure that adequate resources and legal assistance are provided to enable patients in custody to resort to judicial remedy? Please provide statistics for the number of patients subject to compulsory hospitalization, the number of cases in which patients have petitioned courts for release and the results.

**Pre-trial detention**

1. For serious crimes defined under Taiwan’s Criminal Procedure Law, what is the detention rate? What is the average length of the accused person’s detention awaiting trial in cases of serious crimes?
2. The 2013 Concluding Observations and Recommendations pointed out that the maximum period of eight years of pre-trial detention stipulated by the Criminal Speedy Trial Act violates the “reasonable time” limit of Article 9(3) ICCPR. According to paragraph 221 of the Government’s Response to the 2013 Concluding Observations and Recommendations, since December 2013 there has not been a case of defendants who have been in detention for more than five years. Given the current practice, has the Government re-assessed the reasonableness of the eight-year maximum under the Criminal Speedy Trial Act and considered reducing it?

**ARTICLE 10**

1. In § 154 of its Report, the Government admits that as of 22 December 2015, “nation-wide correction institutions had a total capacity of 55,676 and were being used to hold 63,045 inmates; this represented an excess of 7,369 inmates or 13.23 %.” In § 155, the Government continues: “Correction institutions mostly consist of old buildings characterized by small confinement spaces, and there will be no immediate improvement to the over-crowdedness due to lack of human resource, budget, and protest from local residents wherever prisons are relocated.” In § 197, the Government openly admits that “Correction institutions are unlikely to respond effectively to emergencies such as illness and riot because of the shortage of manpower.” The Taiwan 2015 Human Rights Report issued by the US Department of State also emphasized that prison overcrowding remains a major problem in Taiwan. In § 251 of its Shadow Report, CW refers to a 2015 riot at the Kaohsiung Prison, where six convicts had taken the warden hostage and demanded respect for the human dignity of inmates. All six prisoners ultimately committed suicide. According to CW, “The Kaohsiung Prison Incident stands as a warning which showed that neither the Ministry of Justice or the Ministry of Health and Welfare had taken positive actions to implement the Conclusions and Recommendations made by the international human rights experts during the review of the first State report on the ICCPR in January 2013.” On 23 September 2016, the Scottish High Court of Justiciary ruled in the case of Zain Taj Dean v. the Lord Advocate and the Scottish Ministers (2016 HCJAC 83) that the extradition of the applicant to Taiwan would violate Article 3 of the European Convention on Human Rights (ECHR) on the grounds that the prison conditions in Taiwan constitute inhuman and degrading treatment. Which actions has the Government taken to address the serious overcrowding and the deplorable conditions in Taiwanese prisons and to implement the recommendations of the international experts? Does the current Government intend to address this serious human rights problem in a more effective manner? Why have there not been more budgetary and human resources allocated to bring the Taiwanese prison system in line with the requirements of Article 10 of the Covenant? Which measures have been taken to reduce the total number of prisoners?
2. In § 165(1) of its Report, the Government states that “According to Paragraph 1, Article 36 of the nation’s Enforcement Rules of the Prison Serving Act, imprisonment is intended to help inmates develop survival skills, diligence, and strong will. It is not intended as a means of torture or slavery”. What does this mean? How does the Government reconcile such legal provisions and their interpretation with Article 10(3) of the Covenant, according to which the penitentiary system “shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation”?
3. In § 208 of its Response, the Government provides information on the situation, health conditions and medical parole of former President Chen Shui-bian. What is the present situation of former President Chen?

**ARTICLE 12**

1. In the previous Concluding Observations the experts recommended legislative and policy amendments in order to bring the administrative decisions of tax authorities, preventing nationals from leaving the country for reasons of financial and taxation control, in line with the requirements of freedom of movement. The second Report of the country states that measures have been taken to reduce the restriction on citizens’ right to go abroad for purposes of tax control and any such order restricting movement will follow the rule of fairness and proportionality (§ 234 of the Response to the Concluding Observations) and will be supervised by the Enforcement Agency. Hence no legislative or policy amendments are needed.

Please provide information on the complaints mechanism by which dissatisfied individuals can seek redress in case of unfair application of the rules and on the number of complaints that may have been made and with what results.

1. The Report in para 209 provides information on legislative and policy measures to address disaster prevention and protection. Please provide information on the effective implementation of specific measures taken to rehabilitate vulnerable populations such as the elderly, the disabled, women and children in the aftermath of the February 2016 earthquake which struck Southern Taiwan.

**ARTICLE 14**

**Obligations to comply with the ICCPR**

1. The Government reportedly will hold a national conference on judicial reform in October 2016. Please comment on whether the Government, when considering judicial reform, will make a priority its commitment to protect the defendant’s right to a fair trial under Article 14 of the ICCPR, including but not limited to speeding up the passage of necessary legislative amendments that have been proposed to comply with Article 14.

**The right to prepare defense and to communicate with counsel**

1. What are the restrictions in practice on the detained defendant’s access to counsel, including in cases where the defendant is prohibited from meeting people other than counsel? How often and for how long can the detained defendant meet with counsel in the detention center? Can the defendant have access to case documents and evidence in such meetings?

**The right to be tried without undue delay**

1. In response to paragraph 64 of the 2013 Concluding Observations and Recommendations, the Government states that “The European Court of Human Rights holds that violation of the requirement to have a hearing within a reasonable time occurs only if all the court proceedings take more than ten years (ECtHR, Judgment of 15 July 1982, Eckle v. Germany, § 80), making the eight-year limit in Article 7 of the Criminal Speedy Trial Act rather “reasonable” (Response to the 2013 Concluding Observations, § 223). This interpretation seems inaccurate. The decision in the case cited by the government was apparently not meant to establish 10 years as a benchmark for determining “undue delays.” It went only as far as stating that delays of 17 years or even of 10 years are “undoubtedly inordinate,” without foreclosing the possibility that a trial process that lasts less than 10 years may still be considered an undue delay. Has the Government considered reducing the eight-year limit in the Criminal Speedy Trial Act?
2. Please provide statistics since ratification of the ICCPR for the average length of trial process in criminal cases (serious crimes and non-serious crimes separately), civil cases and administrative cases including tax cases. Please also elaborate on the measures taken by the Government to prevent undue delay in these cases.

**The right to legal assistance**

1. According to the Covenants Watch Shadow Report, no asylum-seekers in Taiwan have received any legal aid when detained in the alien detention centers for the crimes of illegal entry or overstay (§ 195). Is this observation accurate? Please elaborate on the measures taken by the Government to allow legal aid to be provided to illegal entrants or overstayed aliens and Mainland Chinese.
2. According to the Covenants Watch Shadow Report, rural and remote areas may have fewer defense lawyers available than more developed areas as a result of unnecessarily onerous geographic restrictions on the lawyer’s right to practice relating to registration (paragraphs 308-310). Please provide information on whether access to counsel and legal aid in rural and remote areas is adequate in practice.

**The right to call and examine witnesses**

1. In the case of the Tu brothers, who were executed by the Government in 2014, the court admitted into evidence written statements that the PRC police took from a crucial witness in Mainland China, but the statements were never subject to defense cross-examination in the Taiwan court, as the court claimed to have "practical difficulty" in finding the relevant Mainland witness. Please comment on whether the defendants’ right to cross-examination had been violated in this case and how written statements that are not subject to cross-examination should be dealt with in similar cases that involve witness statements taken and provided by Mainland Chinese authorities.

**Integrity of evidence**

1. According to the Covenants Watch Shadow Report, Taiwan’s Control Yuan has investigated and identified the flaws in the handling and preservation of evidence in judicial proceedings (§ 330). Please summarize the Control Yuan’s findings and elaborate on the measures that the Government has taken in response to protect the integrity of evidence.

**The right to the free assistance of an interpreter**

1. The Covenants Watch Shadow Report claims that there is a gap between the supply and demand for interpretation services in judicial proceedings (paragraph 318). Has the Government assessed the demands based on statistics for the number of cases involving defendants from different countries before evaluating the adequacy of the current supply? Please provide available statistics and comment on whether the courts, prosecutor’s offices and police stations have adequate interpretation services for the accused person, especially in rural and remote areas. In addition, has the Government considered enacting legislation to ensure adequate training, certification and staffing of interpreters, as suggested by civil society groups?

**The right to appeal**

1. Please explain why Articles 376 and 377 of the Criminal Procedure Law have not yet been amended to allow all defendants the opportunity of appellate relief in accordance with the requirement of Article 14 (5) of the ICCPR. What has the Government done since the 2013 review to facilitate the passage of the proposed amendments? Please comment on whether the right to appeal should be implemented nevertheless, even before Articles 376 and 377 are revised, given that the ICCPR has been incorporated into domestic law.
2. Please also explain why Article 388 of the Criminal Procedure Law has not been amended to afford the defendant compulsory defense in the third instance. What has the Government done since the 2013 review to facilitate the passage of the proposed amendment?

**The right to compensation for wrongful conviction**

1. What are the current mechanisms for investigating, identifying and correcting wrongful convictions? Have the Government and the judiciary been in communication with civil society groups, lawyers and academics in establishing such mechanisms? What are the measures that are currently under consideration by the Government? What are the Government’s statistics for the number of wrongful conviction cases?
2. According to the Covenants Watch Shadow Report (§ 183), in the case of the “Hsichih Trio” who sued for compensation, the court noted that the wrongful conviction of the defendants was caused by their own confessions and therefore it was “attributable” to the defendants. Yet, as is well-known, in practice confessions of the accused may be illegally coerced or unduly influenced by interrogators. Please explain the court’s practice in determining whether the illegality is “attributable” to the defendant in cases of compensation for wrongful conviction and whether an illegally extracted confession is considered as “attributable” to the defendant.

**The right to be protected against a second trial for the same offense**

1. Please explain why the Criminal Procedure Law has not been amended to prohibit a retrial from being filed against a defendant who has been finally acquitted. Before the Criminal Procedure Law is amended, what are the measures taken by the Government to implement its obligations to protect the defendant’s right against a second trial for the same offense?

**ARTICLE 17**

1. In the previous Concluding Observations, the Experts recommended that the Government should take steps to abolish provisions in the Criminal Code that criminalises adultery as this would constitute an arbitrary interference with privacy. Please provide information on whether this has been done or whether there is an intention to do so.
2. The Report also indicates that any illegal surveillance with regard to communication monitoring would be subject to civil and criminal liabilities (§ 271). Please provide information of cases where legal action has been taken against illegal surveillance, if any.

**ARTICLE 18**

1. Please give more detailed information on the draft version of the Religious Group Act submitted to the Legislative Yuan on 22 June 2015 and the reasons for the amendments (cf. the Second State Report on ICCPR, § 283).

**ARTICLES 19-20**

1. Film and TV programs of Mainland origin can according to Regulations governing Distribution, Display and Exhibition of Mainland Films and TV programs be distributed or shown in Taiwan once reviewed and approved by the Government (cf. the Second State Report, § 291). What are the criteria under these rules for approving such films and programs and what authority has the power to make the approval? What did the rejected case in 2014 concern?
2. Can more detailed information be given about the use of Article 140 of the Criminal Code concerning insult against civil servants and government agencies and the deliberations to amend it (cf. the Second State Report, § 294)? Who are the judicial officers that on a case-by-case basis determine “the boundary between freedom of speech and insult” and based on what criteria are their decisions made? Are there remedies against their decisions?
3. In Recommendation 72 the experts called upon the Government “to immediately take preventive steps to block any merger or acquisition of news channels or newspapers” and to enact “a comprehensive law on ensuring that the diversity of media is encouraged to protect free speech and the right to seek, receive and impart information and ideas of all kinds”. Why has the draft by the National Communications Commission submitted to the Legislative Yuan on 26 April 2013 not been adopted (cf. the Government’s Response, § 254, and the CW Shadow Report, § 294)? Have any other measures been taken in order to comply with the recommendation? If not, how does the Government intend to remedy the situation?
4. In Recommendation 73, the experts advocated the repeal of Articles 104 and 246 of the Criminal Code in order to comply with Article 19 ICCPR. In the Response (§ 255), the Government maintains that neither of the articles could be considered contrary to the ICCPR. According to CW the Response does not provide “substantive discourse on each of these restrictions” and is not “genuine” (cf. the Shadow Report, § 297). What is the Government’s reaction to this criticism? Would the Government be willing to reconsider its position?
5. Can further information be made available concerning the legislative drafts submitted in February 2016 to the Legislative Yuan with the intention of enacting new anti-discrimination laws (cf. the CW Shadow Report, § 305)? Will the drafts, if enacted, comply with recommendation 74 of the experts? If not, will the Government reconsider to propose a specific provision on national, racial and religious hatred inserted in the Criminal Code despite the fact that such crimes as alleged may be punished under various other legal provisions?
6. Why can the “Child and Youth Sexual Exploitation Prevention Act” not be implemented (cf. the CW Shadow Report, § 369)? Is it correct as alleged in this Report that the National Police Agency violates the freedom of opinion, expression and information as protected by Article 19 of the ICCPR? If so, what does the Government intend to do in order to remedy the situation?
7. Please provide information on whether the film “Shall we swim” has been excluded from being used in all schools and if so, for what reasons? Referring to the allegations in the CW Shadow Report (§§ 372-378) have the requirements of Article 19 ICCPR been respected?

**ARTICLE 21**

1. So far no legislative amendments have been made of the Assembly and Parade Act in order to bring in into conformity with Article 21 ICCPR as urged by the experts in Recommendation 75. Can more detailed information on the draft bill submitted to the Legislative Yuan in February 2016 renamed “Assembly and Parade Protection Act” be provided? Is it correct as argued by CW in the Shadow Report (§ 298) that the overall effect of the draft on the locations for assemblies and marches will not be changed and that unclear preconditions for forcible dispersion of assemblies and marches “may actually legalize police actions to disperse assemblies and marches”? Does the draft comply with Recommendation 75?
2. Do the administrative rules following Interpretation No 718 of the Constitutional Court grant the necessary protection of the right to hold urgent or spontaneous rallies (cf. the CW Shadow Report, § 299)? Is it correct as alleged in this report (§§ 301-303) that the accountability of the police when enforcing law “gravely threatens the freedom of speech and assembly” and that “a culture of impunity for the abuse of police powers continues to be a major threat to the exercise of the freedoms of speech and assembly in Taiwan” (cf. also the allegations in the CW Shadow Report, §§ 398-402)? If so, what does the Government intend to do in order to remedy the situation?
3. Please provide information on the filing procedure for assemblies and parades. Is it correct as alleged in the CW Shadow Report (§ 388) that “the state actually still has the ultimate approval power toward assembly and parade”? Does the system comply with the requirements of Article 21 ICCPR?
4. Are the allegations in the CW Shadow Report (§ 397) that the police in Taiwan “often hinder and even arrest people monitoring the assembly, including journalists, and also hinder the inquiry of accountability regarding human rights issues related to the assembly” correct? If so, what does the Government intend to do in order to remedy the situation?
5. Please provide more factual information on the case of Huaguang Community. Were the allegations of various violations of domestic law in the CW Shadow Report (§§ 392-395) brought before the Taiwanese courts? If so, what was the outcome of the judicial review? If not, for what reasons was a judicial review not initiated?
6. Please provide information on the Social Order Maintenance Act. Is the allegation in the CW Shadow Report (§ 300) that this law together with the Criminal Code “is utilized to curb freedom of expression and assembly” and “actually applied by the Government, depending on the situation, in a targeted and instrumental manner to arrest, fine or indict people” correct? If so, what does the Government intend to do in order to remedy the situation?

**ARTICLE 22**

1. According to the Second State Report (§ 301) the establishment of civil associations in the R.O.C. is subject to approval, as a permit is required if the group of founders consist of 30 persons or more. What are the criteria for granting a permit, which authority is competent to decide the applications and what remedies are available against a rejection? Please give more information on the initiative to change the system from permission-based to registration-based (cf. § 308 of the Report). Is the system in conformity with the right to freedom of association under Article 22 of the ICCPR?

**ARTICLE 23**

1. In the previous Concluding Observations the Experts recommended that the law on the minimum age of marriage be amended to raise the minimum age of marriage of women to 18. Please indicate whether this has been done. If not, please provide information on whether there are plans to do so and within what time frame.
2. With regard to the issue of the recognition of the diversity of families and same sex marriages, the Second Report indicates that surveys have been conducted that reveal different opinions regarding the subject (§ 329) and that the Ministry of Justice will continue to promote rational discussion so that the country will reach a consensus. Please provide information as to whether, as recommended by the Experts, gender equality and gender diversity awareness and education has been conducted to society in general and in schools in particular as well as the scale and scope of such education.
3. According to the Second Report, several surveys on domestic violence have been conducted (§ 264 of the Response). Please provide data on the results of these surveys with regard to data on the prevalence, cause and effects of domestic violence. While the Implementation of the Concluding Observations shows many initiatives to combat violence against women, please indicate whether the impact of the initiatives has been assessed and whether a comprehensive plan to address domestic violence is developed by adopting an interdisciplinary and multi-sectoral approach.

**ARTICLE 25**

1. Please provide information on the proposal to introduce an absentee ballots system (cf. § 378 of the Second State Report).
2. According to table 42 in § 394 of the Second State Report, the number of male candidates in local public officials elections is considerably higher than the number of female candidates – the latter not exceeding 30 %. Are measures envisaged to make the participation of men and women more equal?
3. Please provide information on what kind of restrictions are imposed on persons of Mainland origin with R.O.C. nationality concerning the right to civil service and the Government’s intentions to revise the rules (cf. the Second State Report, § 369). Are the restrictions compatible with Article 25(c) ICCPR?
4. According to the Second State Report (§ 371) it is a condition to be entitled to vote in elections and referendums that the citizen has resided in the electoral district for respectively 44 and 66 months. Unless the information is incorrect, please explain the reasons for this requirement and its compliance with Article 25(b) ICCPR.
5. Please give more detailed information on the election system in so far as it concerns the legislator seats for indigenous peoples. Is it correct (as alleged in § 48 of the CW Shadow Report) that the system involves much higher election costs for indigenous legislator campaigns, that it benefits strong political parties and that it gives the current legislators a considerable advantage in both media coverage and control over voter lists? Are any measures envisaged to revise the system?
6. Is it correct (as alleged in § 50 of the CW Shadow Report) that the election system in respect of indigenous legislator candidates may give rise to doubts as to the anonymity of voters? Does the system comply with Article 25(b) ICCPR? If not, are any measures envisaged to remedy the situation?

**ARTICLE 26**

1. While “Equality and Non-discrimination” under Articles 2 and 3 ICCPR are limited to rights as described in the Covenant, Article 26 has no such limitations, thus applicable to “economic, social and cultural rights” as well as to “civil and political rights”. Does the Taiwanese Constitution protect “economic, social and cultural rights” as such and, if not, how are they protected and to what extent?
2. The Report lists several laws which have anti- discrimination clauses. (pages 3-5 of the Report) The Report also provides information on complaints received in relation to employment discrimination. But there is no information on the enforcement of anti-discrimination laws in all other fields, health, education, immigration, the elderly, disability, armed forces etc. Please indicate whether the enforcement of all laws that have anti –discrimination clauses are monitored and by which authority; whether adequate remedies are provided for in these laws; in case of infringement of the laws concerned, please indicate whether there are easily accessible procedures for making complaints and whether they are well known to the public; please name the competent authorities tasked with adjudicating such infringement.

**ARTICLE 27**

1. According to § 3 CW, the implementation of “The Indigenous Peoples Basic Law” is still far from meeting the standards listed in the Concluding Observations and Regulations Adopted by the International Group of Independent Experts, Article 1, 3, 4 and 5 of the ICCPR and the UN Declaration of the Rights of Indigenous Peoples. § 7 CW suggests that the concrete implementation of “The Indigenous Peoples Basic Law” could be realized by putting its content directly into the text of the Constitution in the form of a special chapter. Does the Government intend to adopt such an amendment? And to further ensure the rights of Indigenous People, particularly the right to self-determination, does the Government intend to elevate the UN Declaration on the Rights of Indigenous Peoples to constitutional status?
2. In § 4 of its Report, the Government submits that via amendment of “The Indigenous Peoples Basic Law” from 16 December 2015 indigenous tribes were conferred the status of “public judicial persons”, in order to further their autonomy. How will these “public judicial persons” fit into the existing legal framework of local self-governing bodies? What is the status of the review of the “Regulations on the Indigenous People Autonomy” and its role in this context?
3. As stated in § 2 of its Report, the Government states that Indigenous Peoples may hunt wild animals, pick wild plants and fungi, among other non-profit activities, legally for the sake of their traditional culture, rituals, or self-use within aboriginal regions. These rights, however, are restricted by other laws and, according to statistical analysis referenced in § 12 CW, more than 330 Indigenous persons were prosecuted and sentenced for violations of the “Wildlife Conservations Act” and the “Act Governing the Control and Prohibition of Gun, Cannon, Ammunition and Knife” between 2004 and March 2016. According to § 18 CW, local Amis Peoples were penalized and prosecuted multiple times for violating the “Fishery Act” and the “Forestry Act”. These measures and regulations fail to protect Indigenous cultures. Does the Government intend to amend the abovementioned regulations as well as the “Regulations Governing Indigenous Peoples Hunting and Use of Wild Animals based on Traditional Culture and Ceremony Needs” and to remove daily fishing, hunting, collecting and ceremonies from restrictions and prohibitions? How does the Government intend to raise awareness for the traditional cultures of the Indigenous Peoples among law enforcement personnel?
4. Although the Government advocates for the inclusion of tribal decision-making processes in reconstruction, relocation and settlement activities, as stated in § 2 of its Report, CW criticizes in its § 32 to 34 that it has failed to implement this approach by forfeiting to comprehensively understand the mechanism of participation, decision-making and consultation as well as Indigenous Peoples’ traditional knowledge on disasters referring to the site. How does the Government intend to better respect and include the knowledge and the will of the Indigenous communities in the relocation processes?
5. According to § 49 CW, only Indigenous citizens are permitted to vote for the 6 legislator seats, which are reserved for Indigenous Peoples. This leads to the isolation of the Indigenous part of the population by allowing non-Indigenous legislators to ignore Indigenous affairs. What is the justification for this arrangement and what could the Government do to redefine its election system to reinforce ethnically and regionally representability and reflect an inclusive system design?
6. As stated in § 24 CW, the Government should respect the language, cultures, customs and values of the Indigenous Peoples when formulating laws and regulations, administering justice and various procedures. Yet, § 26 CW argues that not every case concerning Indigenous Peoples should be tried in the Special Unit or Special Court of Indigenous Peoples, but only those concerning the protection or impact of Indigenous culture. How does the Government intend to delineate the jurisdiction of the Special Unit and the Special Court of Indigenous Peoples? What measures can the Government take to equip these judicial bodies with the necessary expertise to adjudicate cases relating to Indigenous culture?
7. According to § 52 CW, the “Taiwan Indigenous Television”, which was introduced in 2014, is the only broadcasting channel that still cannot be viewed on a digital TV channel. What are the reasons for this? Is the Government taking steps to resolve this issue?