

ANNEX 1 (re Question 1)

The Proposal to Establish Research and Planning Task Force for National Human Rights Institution

By the Presidential Advisory Committee on Human Rights

(1) Planning done based on:

An impromptu motion raised in the 6th meeting of the Presidential Advisory Committee on Human Rights (總統府人權諮詢委員會) led to the decision to “establish a research and planning task force for a national human rights institution”. The 7th meeting decided “the necessity of establishing a national human rights institution can be discussed at the next committee meeting”.

(2) Members of task force:

1. According to past practice at the Presidential Office to establish task-oriented groups, the Committee may set up a task force to address specific issues. Members of the task force are assigned by the Committee Chairperson or elected by committee members.
2. It is recommended to have one task force Chairperson, one Vice Chairperson and five task force members to research on and do planning for the task.

(3) Mission and Schedule:

The task force does research and devises feasible solutions in three stages.

1. 0-6th month – The task force “researches on the necessity of establishing a national human rights institution”; issues to discuss at this stage include the legal status, the nature, the authority and responsibilities of the institution and the boundaries between different yuans of the government.
2. 7th-12th month – The task force “devises feasible solutions to establish a national human rights institution”; issues to discuss at this stage include the organization, the structure, the operation of the institution and other concerns related to the amendment of the Constitution and Laws.
3. 13th-18th month – The task force “studies whether a provisional office for the national human rights institution is to be established” and discusses headcount, budget, office location and so on.

(4) Staff Unit:

The establishment of a national human rights institution will involve the adjustment of and planning for overall government structure and functions, and the competent authority for this type of work is the Research, Development and Evaluation Commission, Executive Yuan (行政院研考會).

However, human rights business is currently within the scope of work of the Ministry of Justice (MOJ), so the Executive Yuan is advised to decide whether to assign the MOJ or the Research, Development and Evaluation Commission as the Staff Unit to the task force. The Secretariat (Presidential Office) and the Conference Service Division (MOJ) of the Committee will continue to share original staff responsibilities assigned to them.

(5) Operation:

1. Staff Meeting: The Staff Unit shall convene a meeting when it deems necessary and invite participants from relevant government agencies. Meeting minutes or progress shall be submitted to the Committee Chairperson.
2. Task Force Meeting:
 - (1) The task force Chairperson (or Vice Chairperson) shall convene a meeting every one to two months, or the Staff Unit may propose to the Chairperson to call a meeting. Meeting minutes shall be submitted to the Committee Chairperson.
 - (2) If the issues to be discussed in the meeting involves the authority and responsibilities of other yuans or agencies, this yuan or agency may invite participants from the civil society, scholars and experts to attend and share their opinions.
3. Official documents submitted to the Committee Chairperson by the Staff Unit should be passed through the Executive Secretary to the Committee.
4. The establishment of a national human rights institution involves the organization of government agencies and procedures to amend the Constitution and laws, and the Presidential Advisory Committee on Human Rights undertakes the mission to provide policy advice to the President. The research and planning results for each stage by the task force shall be compiled by the Conference Service Section of the Presidential Advisory Committee on Human Rights (i.e. MOJ), discussed by all committee members and proposed to the President as policy advice. The next-stage research and planning depends on the President's instructions, and if a policy is shaped to establish a national human rights institution, the task force will continue to provide planning advice to facilitate policy-making.