

**International Covenant on Economic,
Social and Cultural Rights**

List of Issues to be taken up in connection with the
Consideration of the initial report of Republic of China
(Taiwan)

**Replies of Republic of China (Taiwan) to the list
of issues**

Review of Taiwan's Initial State Reports under the ICCPR and the ICESCR

Part I

List of Issues Relating to the Core Document and Replies from the Government of ROC (Taiwan)

1) Taiwan has not yet established a national human rights institution that complies with the Paris Principles adopted by United Nations General Assembly resolution 48/134 of 1993. What progress is being made towards the setting up such an institution?

1.

- (1) An impromptu motion was raised in the 6th meeting of the Presidential Advisory Committee on Human Rights (總統府人權諮詢委員會) to “request the national Advisory Committee on Human Rights to discuss a proposal that aims at establishing a task force to plan for a national human rights institution”. It was decided in the meeting to “establish a research and planning task force for a national human rights institution”. In the 7th meeting on “the review of the incorporation of the two Covenants into domestic laws”, it was decided “the necessity of establishing a national human rights institution can be discussed at the next committee meeting”. Following the above decision, the Conference Service Section (議事組) proposed “the draft of establishing a research and planning task force for a national human rights institution” in the 8th meeting of the Presidential Advisory Committee on Human Rights. It was decided in the meeting that “the proposal was passed and staff support for the research and planning task force will be assumed by an agency designated by the Executive Yuan.”
- (2) On Aug 22, 2012, the Executive Yuan designated the Ministry of Justice (MOJ) as the staff unit (幕僚) to assist the task force. The MOJ, also functioning as the Conference Service Division of the Presidential Advisory Committee on Human Rights, follows the instructions of the Executive Yuan and the 8th meeting of the Presidential Advisory Committee on Human Rights on June 13, 2012, to do planning accordingly. (Please see the annex 1.)

2. Based on the planning, to establish 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 (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 Executive Yuan will start the preparatory work.
3. Since the R.O.C has signed and ratified the ICESCR, a national human rights institution, if established, will include economic, social and cultural rights analysis.

2) **Taiwan has ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Covenant on Economic, Social and Cultural Rights (CESCR), the Covenant on Civil and Political Rights (CCPR) in the last few years. Is it envisaged to ratify other more recent UN core instruments, notably the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the Convention on the Rights of the Child (CRC), the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (MWC), the Convention on the Rights of Persons with Disabilities (CPD), and the International Convention for the Protection of All Persons from Enforced Disappearance (CPED)?**

4. Convention against Torture (CAT):
 - (1) In 1984, the UN passed the Convention against Torture (CAT) and other instruments against atrocity and inhumanity and also the conventions against humiliation and penalty. Our country is not a US member, so that we are not able to join in the signing of these documents, but still we have left no stone unturned in preventing atrocity, upholding human dignity and protecting human rights. As evidence, we have made laws and statutes to prevent extracting confession through torture. Besides, we have refused to adopt lash punishment under any circumstances.
 - (2) To prevent torture confession, the Criminal Code of our country provides:
“A public official charged with the duty of bringing offenders to justice who commits one of the following offenses shall be punished with imprisonment

for not less than one year but not more than seven years:

- (1) Abusing his authority in arresting or detaining a person,
- (2) Using threat or violence to extract evidence,
- (3) Unknowingly causing an innocent person to be prosecuted or punished or causing a guilty person not be prosecuted or punished (Paragraph 1).

If death results from the commission of the offense, the offender shall be punished with imprisonment for life or for not less than three but not more than ten years.”

Article 126 of the same law states: “A public official charged with the custody, conveyance, or detention of prisoners who commits an act of violence or cruelty to a prisoner shall be punished with imprisonment for no less than one year but not more than seven years. If death is resulted from the commission of the offense, the offender shall be punished for life or for not less than seven years; if serious bodily harm results, the offender shall be punished with imprisonment for not less than three but not more than ten years (Paragraph 2).” This is to say such crimes are to be punished in our country. Article 6 of the Criminal Code stipulates that this Code shall apply to a public official of the Republic of China who commits same crime beyond the territory of the Republic of China, indicating our law is consistent with the UN convention.

- (3) The Code of Criminal Procedure of our country strictly defines the confessions good for proof and the burden of proof. Article 156 provides that confession of an accused not extracted by violence, threat, inducement, fraud, exhausting interrogation, unlawful detention or other improper means and consistent with facts may be admitted as evidence. Confession of an accused, or a co-offender, shall not be used as the sole basis of conviction and other necessary evidence shall still be investigated to see if the confession is consistent with facts. If the accused states that his confession has been extracted by improper means, his confession shall be investigated prior to investigating other evidences; if the said confession is presented by the public prosecutor, the court shall order the public prosecutor to indicate the method to prove that the confession is obtained under the free will of the accused.” This is to say that if a confession is disputed by a defendant, the court shall make an investigation, in which the burden of proof falls on the shoulder of the prosecutor so that unlawful extraction of confession can be avoided.
- (4) Our media have repeatedly urged the application of lashing as punishment for sexual assault criminals. But we know correction has replaced

retribution in modern criminology and this has become the trend of crime penalty. Punishment by lashing, as a product of feudal period, is inconsistent with the thought of modern terminology. More than 90% of world nations have not adopted lashing punishment and, still, our country has endorsed two UN conventions, and Article 7 of the International Covenant on Civil and Political Rights states that nobody shall have the “Right to Freedom from Torture or Cruel, Inhuman or Degrading Treatment or Punishment.” Consequently, our government always believes the introduction of lash punishment is inconsistent to the foregoing Covenant and, therefore, we have not adopted lash punishment.

- (5) To sum up, the spirit of banning the use of torture and other atrocious and inhumane punishment has been carried out in our country and, therefore, there is no need to set up a committee on banning the use of torture. At present, we have no plan to endorse the Covenant.

5. the Convention on the Rights of the Child (CRC) :

- (1) The Convention on the Rights of the Child was adopted by the United Nations in 1989. As not a member state of the United Nations, Republic of China (Taiwan) has not yet signed up the Convention but has always upheld the spirit of the Convention and devoted itself to the protection of children's rights and interests. Taiwan has been far ahead of the other Asian countries in the legislation of various laws and acts to protect the human rights of children and adolescents. With a quality in legislation rivaling that of the advanced countries in Europe and America, Republic of China (Taiwan) has already stipulated many laws related to children's human rights, including the Sexual Assault Prevention Act, the Domestic Violence Prevention Act, the Family Education Law, the Protection of Children and Youths Welfare and Rights Act, and Gender Equity Education Act. It is hoped that every child and adolescent can grow safely, healthily, and happily under by the education, welfare, health care, culture and family care systems planned and designed by the government.
- (2) To fulfill the spirit of Convention on the Rights of the Child and respond to the trend of international child welfare development, Taiwan declared in its Child Welfare Act amended in 1993 that the aim of adding a special chapter to the Act is to maintain the physical and mental health of children, to promote the normal development of children, and to protect the welfare of children. Moreover, with reference to the spirit of Convention on the Rights of the Child adopted by the United Nations, all the measures to protect the interests of children were included in our Child Welfare Act. The Child

welfare Act and Youths Welfare Act were amended and consolidated into the Child and Youths Welfare Act in 2003, so that our children and adolescents can be taken care of in accordance with a more comprehensive, specific and consistent specification, which is also more in line with the spirit of Convention on the Rights of the Child adopted by the United Nations on the custody of children under the age of 18. It was in 2004 that 13 sub-laws, including their Enforcement Rules, were completed.

- (3) To more actively protect the basic human rights of children and youths, respond to the changing trends in social and family structure, and align the human rights of children and adolescents with the international standards, the government amended and announced its Protection of Children and Youths Welfare and Rights Act on November 30, 2011. With its contents increased from 75 to 118 articles, aiming to reach the same connotation as the UN Convention on the Rights of the Child, we have added into the Act such contents as identity, health, safety, education, social participation, ideography, welfare, protection, recreation, leisure, and development opportunities. We have also legalized all the basic rights, privacy protection, care for high-risk families, media management and standards, negative qualification for professionals to serve at the child and youth agencies, ideographic rights for children and teenagers, and rights for social participation. We have also included domestic adoption as the priority principle. It is hoped that we can fulfill the UN Convention on the Rights of the Child to improve the welfare of our children and adolescents and safeguard their rights and interests.
- (4) Our country has not only set relevant laws through legislative processes to protect the human rights of children to meet the requirements of the Convention on the Rights of the Child but has also actively promoted various Child Welfare Policies to safeguard the human rights of children and adolescents, provide them with welfare services, and create a safe environment for the growth of children and adolescents. With regards to children's nationality, identity protection, prohibition against separation from parents, family reunion, and curb on illegal transfer to foreign countries stipulated by Articles 7 to 11 of the Convention on the Rights of the Child, our country has been implementing them in accordance with the provisions of our relevant laws and regulations.
- (5) Child-care service
According to Article 23 of the Act of Gender Equality in Employment, employers hiring more than two hundred and fifty employees are required

to set up child-care facilities or provide suitable child-care measures, and competent authorities will provide certain subsidies. Acting in accordance with the Act of Gender Equality in Employment, we have enacted the Rules for the Standards of Establishing Child-Care Facilities and Measures and Providing Subsidies and subsidies are given accordingly to enterprises that provide child-care service, regardless of the number of their employees. The policy is to encourage employers to set up child-care facilities or provide suitable child-care measures to help their employees who are in need of child care, in order to develop friendly environments where work and family can be balanced and gender equality in employment can be ensured.

(6) Labor Standards Act

To protect the rights and interests of workers under 16 years of age, there are regulations and corresponding penalty provisions set forth in Articles 44 to 48 of the Labor Standards Act with regard to the age of children who are permitted to work, the types of work they are permitted to do, the requirement of a letter of consent from their legal guardians, their work hours, and the prohibition of child workers to work the night shift. The said regulations are in compliance with Paragraph 2, Article 32 of the Convention on the Rights of the Child. As for whether the government intends to ratify the said Convention, due to the comprehensiveness of the issues involved, it requires further review and assessment.

6. the Convention on the Rights of Persons with Disabilities (CPD):

(1) The disabled filing early claims for Labor Insurance old-age pensions

A. Workers who have had Labor Insurance coverage for 15 years and reached the age of 60 may file claims for full-amount old-age pensions. Those who are physically disabled and have the need to make early claims may file claims for a reduced amount of pension benefits 5 years earlier. The CLA is currently making plans to establish an assessment mechanism for the payment of disability pensions to extend the coverage of workers entitled to file disability pension claims. In the future, insured persons having been assessed by physicians as suffering work capacity impairment to a certain percentage may file their disability pension claims.

B. Labor Insurance is to provide the insured with proper protection so that they can meet their everyday needs. However, it is only one link in the social security system. The work of looking after the life of the disabled should be evaluated comprehensively with social insurance, social

welfare, vocational rehabilitation, and healthcare systems all taken into consideration.

- (2) When the People with Disabilities Rights Protection Act was amended in 2007, it had not only referred to the spirit of the Convention on the Rights of Persons with Disabilities, also transferred the spirit from CRPD to People with Disabilities Rights Protection Act. We prefer to implement People with Disabilities Rights Protection Act rather than to ratify the Convention on the Rights of Persons with Disabilities in the near future.
7. Since the R.O.C is not a member state of the UN, the instrument of ratification or accession cannot be deposited at the UN and therefore the elements for international treaties to become effective in the State are incomplete. To address this issue, the R.O.C has drafted the “Conclusion of Treaties Act”* and the “Provisional Act Governing the Incorporation of Multilateral Conventions into Domestic Laws”* to guide the practice before the R.O.C can reinstate its representation at the UN. It is expected that these Acts will provide a solution to the issue of not being able to deposit the instruments of ratification, accession, acceptance and approval after signing international treaties. Before the two drafts are officially passed into laws and in order to keep up with the international community during this time, the R.O.C has established a task force that takes charge in selecting the approaches of incorporating international conventions into domestic laws. The task force has the responsibility to promote local implementation of international conventions and is actively doing so with the following international treaties: Convention on International Trade in Endangered Species of Wild Fauna and Flora, Vienna Convention on Consular Relations, Optional Protocol to the Vienna Convention on Consular Relations concerning Acquisition of Nationality, Optional Protocol to the Vienna Convention on Consular Relations concerning the Compulsory Settlement of Disputes, Vienna Convention on the Law of Treaties, United Nations Framework Convention on Climate Change, International Convention for the Suppression of the Financing of Terrorism, UN Convention Against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, UN Convention Against Corruption, and Chemical Weapons Convention. The Convention for the Protection of All Persons from Enforced Disappearance (CPED) and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their

Families (MWC) will be included in the review conducted by the task force in the future.

- 3) **According to Article 8 of the Implementation Act all levels of governmental institutions and agencies should review laws, regulations, directives and administrative measures within their functions for any revision or amendments within a period of two years after the Implementation Act entered into effect (i.e. by 10 December 2011). Please provide information about progress made and difficulties encountered in this review process.**
8. In order to meet the requirement of Article 8 of the Implementation Act of both Covenants, the Ministry of Justice (MOJ) has been responsible for the review of relevant laws, regulations and administrative measures since 2009 and has collected 263 review cases, which include 219 cases submitted by various government agencies and 44 cases proposed by private organization Covenants Watch (兩公約施行監督聯盟). Among these cases, 165 are relevant to laws, 49 are relevant to directives, 46 are relevant to administrative measures and 3 are relevant to policies.
9. Since the Implementation Act of both Covenants has come into force on December 10th, 2009, government authorities concerned have been actively reviewing the laws, regulations, directives and administrative measures within their functions. By January 28th, 2013, out of the 263 cases mentioned above, 198 (75.29%) cases have been reviewed while the other 65 (24.71%) cases have not yet been reviewed as originally scheduled. Among the 65 cases, 48 are relevant to laws (22 are currently reviewed by the Legislative Yuan, 2 are studied by the Judicial Yuan, and 24 are studied by government agencies concerned), 16 are relevant to directives and 1 is relevant to administrative measures.
10. Although the agencies have submitted the revision drafts to the Legislative Yuan within a two-year period, the Legislative Yuan has not been able to finish the review process. The reason for most cases of law revision that cannot be completed as scheduled is due to the expiry of tenure of the Legislators. The authorities concerned have already re-submitted the cases to the Executive Yuan for review before passing on to the Legislative Yuan. As to the cases that are still under discussion, consensus has not yet been made due to the concern for interest of relevant entities and the authorities concerned are currently communicating and negotiating with various entities. As to the cases relevant to directives, the review process has not been completed due to the pending of the parent laws.
11. As to the cases that cannot finish the review process as scheduled, MOJ has

requested the authorities concerned to propose concrete responsive measures and invited scholars and experts in the field of human rights to host a review meeting during November 14th and 30th, 2011 to discuss whether these laws and regulations meet the requirement of the two Covenants and decide whether the responsive measures proposed by the authorities concerned are appropriate and to ensure that the delay of revision would not harm the right and benefits of the people. MOJ also requested the authorities concerned to actively promote the revision of relevant laws and regulations and fulfill the protection of human rights according to Article 4 of the Implementation Act mentioned above which stipulates that governments of all levels shall meet the requirement of human right protection of the two Covenants when exercising their rights and fulfilling their responsibilities.

12. According to Article 3 of the Implementation Act for the ICCPR and the ICESCR, laws and regulations that are applicable to the two Covenants should refer to the legislation intent and the interpretation of the Human Rights Committees of the two Covenants, which should include the interpretation of the Committee on Economic Social and Cultural Rights (CESCR).

4) Please provide more specific information on the activities carried out by this Committee. Does it conduct such activities only at the request of the Control Yuan or also on its own initiative? Would the Committee be entitled to investigate presumed corruption practices that adversely affect human rights?

13. Under Section 3, Article 2 of the Organic Law for Control Yuan Committees, the Control Yuan shall establish special committees if necessary (in addition to standing committees). To safeguard human rights, the Control Yuan established the Human Rights Protection Committee in 2000, following the enactment of the “Regulations for Establishing Control Yuan’s Human Rights Protection Commission”. It is chaired by the Vice President of the Control Yuan and consists of nine to eleven members directly appointed by the President of the Control Yuan from among incumbent Control Yuan Members.
14. Control Yuan’s Human Rights Protection Commission serves to: 1) Identify and investigate cases involving violations of human rights; 2) Deliberate and advise on matters relating to human rights investigation reports; 3) Propose changes to existing human rights regulations; 4) Establish and maintain contact with human rights organizations in Taiwan and around the world; 5) Promote human rights awareness.
15. For cases of alleged corruptions that infringe upon human rights and require

further examination, the Committee may form a task force by recommending or appointing on a rotational basis at least one of its sitting Members to investigate. The Members may also launch own-motion investigations of their own accord. The seven standing committees regularly inform the Committee of any human rights investigations having been reviewed and passed during their monthly committee meetings. Having selected significant cases from the above investigations, the Committee then puts together an annual report documenting important human rights investigations carried out by the Control Yuan, so as to raise public awareness of human rights protection works at different government levels.

- 5) **While the corporate sector contributes in many instances to the realization of the rights enshrined in the Covenants, there may also be corporate activities that are detrimental to the enjoyment of these rights. Examples may occur in such matters as unsafe labour conditions, restrictions on trade union rights, discrimination against female workers and migrant workers, corruptive practices. Please provide information on measures taken with regard to the role and impact of the corporate sector on the enjoyment and the realization of the rights included in the Covenants.**

16. **discrimination against female workers**

- (1) To reinforce maternity health protection and eliminate all forms of discrimination against women, as well as to maintain the balance between maternity protection for female workers and equality in employment, the Council of Labor Affairs, taking into consideration the development in medicine and technology, promotion of gender equality and women's labor force participation, and the Enforce Act of Convention on the Elimination of All Forms of Discrimination against Women that had already taken effect on Jan. 1, 2012, the Council of Labor Affairs has made the decision and removed the provision on prohibition of female workers to engage in dangerous and hazardous work from the draft revision of the Labor Safety and Health Act. Meanwhile, regulations on the protection of female workers who are pregnant or have given birth less than one year ago have been added respectively and the level of danger or hazard of work female workers are allowed to do has been redefined. Employers are required to make risk assessment and control and adopt classified management measures for work entailing potential maternity health risks. For female workers who are pregnant or have given birth less than one year ago, work adjustment or change or other health protection

measures must be adopted according to suggestions from physicians who have conducted fitness evaluation.

- (2) The draft was already presented on Nov. 22, 2012 to the Legislative Yuan for review.

17. **unsafe labour conditions**

(1) The Labor Standards Act

The Labor Standards Act has been enacted to provide minimum standards for working conditions, protect workers' rights and interests, strengthen employee-employer relationships, and promote social and economic development. In addition to regulations on minimum wages, work hours, breaks, various types of leave, retirement, minimum compensation for occupational accidents, there are also provisions particularly stipulated for the protection of child and female workers in the said act. All workers employed by business entities to which the Labor Standards Act applies, regardless of their nationality, are protected by the act. The terms and conditions of any agreement between an employer and a worker shall not be below the minimum standards. Employers who violate any of the mandatory regulations and prohibitions shall be penalized according to related regulations.

(2) The Act of Gender Equality in Employment

A. The Act of Gender Equality in Employment applies to people who are already employed and those applying for employment. According to Articles 7 to 11 of the Act of Gender Equality in Employment, employers shall not discriminate against applicants or employees because of their gender or sexual orientation in the course of recruitment, screening test, hiring, placement, assignment, evaluation and promotion, when organizing or providing education, training, other related activities and various welfare measures, or when making decisions regarding wages, retirement, severance and discharge from employment. However, when the work only suits a specific gender, the said regulation shall not apply. Employees who find their employers to be in violation of the aforesaid regulation may file complaints with the local labor authority. If the violation is confirmed, the corresponding penal sanction will be imposed according to law.

B. To reinforce the awareness and knowledge of the contents of the Act of Gender Equality in Employment in various sectors, the Council of Labor Affairs has worked with local labor authorities and given presentations on gender equality in employment on an annual basis since the act took effect in 2002. Meanwhile, starting in 2009, gender equality in employment and workplace sexual harassment prevention seed teacher training workshops have been conducted each year to

improve the skills and knowledge of personnel responsible for work associated with gender equality in employment. Scholars and specialists are invited to lecture on regulations regarding gender equality in employment and related practices. Those attending the courses are the personnel in charge of work related to gender equality in employment and the members of the gender equality committee in county and city governments, and the supervisors of related departments and labor union staff members of business entities. The objective is to improve the ability of related personnel to investigate and handle cases of gender discrimination when they happen

18. **union rights**

- (1) Regarding the range in which teachers are allowed to exercise their labor rights as indicated in Article 6 of the Labor Union Act, the issue was discussed on Apr. 18, 2012 in the preliminary meeting of the 20th Conference of the Human Rights Protection Subcommittee of the Executive Yuan and the decision was that a gradual approach would be adopted to revise the act. It is expected to be completed by May 20, 2016.
- (2) The Council of Labor Affairs approved at the end of May 2012 to put together a team composed of scholars and specialists to revise the three major labor laws. The members will first collect related information before the first meeting is convened. Currently, they are drawing up their opinions with regard to the revision to be conducted.

19. **discrimination against migrant workers**

- (1) The basic rights and interests of foreign workers are protected by labor laws and regulations during their work periods in Taiwan. All workers, local or foreign, are equal before the law and equally protect by the law. The minimum wages, work hours and other labor conditions of those employed in businesses to which the Labor Standards Act applies are protected. The Labor Insurance Act and the Employee Welfare Fund Act also provide protection of the basic human rights and labor rights of foreign workers who will not be discriminated against because they are foreigners. For example, it is stipulated that employers are required to pay wages in full amount to foreign workers without subtracting any service fee on behalf of an employment agency or collecting loan payments for any creditor overseas; those who violated the regulation will be sanctioned on the grounds of overcharging.
- (2) Business entities and private employers that hire foreign workers are required to abide by labor laws and regulations as well as the Employment

Services Act and its related regulations. Business entities and private employers found to have violated any related law and regulation will be subject to fines and have their permit for recruitment or employment of foreign workers revoked, and their applications for employment of foreign workers in the future will be rejected.

20. To strengthen corporate governance and business ethics, enterprise internal and external oversight and to protect the interests of investors and employees, the Executive Yuan has amended and adopted the incorporation of “Enterprises Integrity Promotion “into " National Integrity Building Action Plan" as well issued letter to each competent agency to implement on December 28, 2012.
21. The preceding Plan clearly expresses seven specific strategies, eleven implementation measures, performance targets and executing units. Specific strategies are as follows:
 - (1) Enhance the corporate governance and ethics by promoting relevant measures, strengthening internal and external supervision, as well as protecting best interests of the investor and employees.
 - (2) Promote Corporate Social Responsibility (CSR); enhance communication between enterprises and public; as well as consolidating mutual understanding of anti-corruption between enterprises and private sectors.
 - (3) Guide and reward the enterprises to establish ethics regulation and mechanism of internal control.
 - (4) Establish the mechanism for corporate governance, honesty and ethics assessment, so the general public and employees can supervise the corporate operation easily.
 - (5) Enhance communication and seminar with managers and employees from international corporate and institutes to improve the factors that obstructing the competitiveness.
 - (6) Strengthen clues excavations, evidence collections and investigations of enterprise corruptions.
 - (7) Strengthen management supervision of government owned enterprises to promote the integrity of management.
22. Furthermore, with a view to guiding enterprises to gradually implement the business philosophy of integrity so as to protect interests of investors and employees, the Financial Supervisory Commission has enacted rules of “Corporate Governance Best-Practice Principles for TWSE/GTSM Listed Companies” and “Corporate Social Responsibility Best Practice Principles for TWSE/GTSM-Listed Companies” on October 4, 2002 and February 6, 2010, and amended them on November 22, 2012 and August 22, 2011, respectively.

Part II
List of Issues Relating to ICESCR and Replies from the Government of ROC
(Taiwan)

Right to Self-Determination (Article 1)

6) The various thresholds required for the success of a referendum under the Referendum Act have been widely criticized as being too stringent. Would it be appropriate to lower the relevant thresholds in order to strengthen the internal dimensions of the right to self-determination?

23. Lower thresholds helps to strengthen people's rights to self-determination, however, a referendum requires considerable manpower and resource, if thresholds are too low, there is a substantial possibility of abuse, and the legitimacy of referendum might be compromised. Therefore, it is still necessary to set up thresholds for now. Furthermore, government also needs to review the referenda's legitimacy and if they are related to the publicity issues. Many people discussed whether to lower the bar in our society for the past few years, but they failed to reach a consensus. If there is a consensus on this issue in the future, we should take action to change the Referendum Act.

7) To what extent does national law and policy provide for meaningful consultation with indigenous groups, when the latter's interests are affected by projects with important national benefits?

24. Ministry of Economic Affairs

To build up the water resource exploitation in indigenous area, we have to request indigene for agreement according to rule 21, Indigenous Basic Law. The water resource exploitation should be based on the assessment of environmental impact. The explanation meeting and the public hearing should be therefore held according to rule 8 and 12, respectively. To make the clear understanding of the water resource for indigene, we have to communicate with them to their approval during the examination of the feasibility of this plan, before the moving to the next phase.

25. Ministry of Transportation and Communication

- (1) Tourism Bureau defined the boundary of designated scenic area according to "Regulations Governing the Management of Designated Scenic Areas Chapter II planning and Construction Article 4" which stated: Upon deployment of the Indigenous People's Basic Law, the demarcation of the indigenous people's regions as national scenic areas in accordance to the

provision above shall be consented by the local indigenous people and a common management mechanism shall be formulated with the indigenous people in accordance to the said Law.

(2) As “Environmental Impact Assessment Act Chapter 2 Assessment, Review and Supervision Article 11” stated: The developer shall prepare a draft environmental impact assessment report based on a deliberation of the opinions of the competent authority, the industry competent authority, relevant agencies, scholars, experts, groups and local residents, and present the draft environmental impact assessment report to the industry competent authority.

(3) The draft environmental impact assessment report in the foregoing paragraph shall record the following.

6. Current environmental conditions, primary and secondary areas that could possibly be impacted by the development activity and all related plans

11. Handing of the opinions of relevant agencies

12. Handing of the opinions of local residents

15. Summary chart of strategies for the prevention and mitigation of the adverse impact of development activity on the environment

And according to the same Act as above, Article 12, The industry competent authority shall, in conjunction with the competent authority, members of the Committee and other relevant agencies, invite together experts, scholars, groups and local residents to conduct an on-site inspection and hold a public hearing within thirty days after receipt of the draft environmental impact assessment report; records of the on-site inspection and public hearing shall be maintained and submitted to the competent authority within thirty days after the on-site inspection and public hearing.

26. Council for Economic Planning and Development

(1) Taiwan enacted the Indigenous Peoples Basic Law in 2005 with the aims of protecting the basic rights of indigenous peoples, promoting their survival and development, and building ethnic relations on a basis of living side by side in co-prosperity. This law effectuates self-determination for indigenous peoples, guaranteeing their equality of status and autonomous development. Article 6 of the law stipulates that, when a conflict arises between the scope of authority of the government and indigenous peoples’ self-determination, the Presidential Office will convene a coordination meeting to resolve the conflict.

- (2) To address important issues relating to the enactment of the Indigenous Peoples Basic Law, indigenous peoples' self-determination, and other such matters, the Council of Indigenous Peoples (CIP) has organized Indigenous Peoples Administrative Conferences in 1997, 1998, 2001, 2010 and 2011. Bringing together Aboriginal legislators, representatives of central government agencies, officials from city and county government agencies responsible for indigenous peoples' affairs, the mayors of Aboriginal towns and townships, and Aboriginal experts and scholars, the conferences have provided an open discussion platform for conducting extensive communication and coordination and gathering consensus on the issues under consideration.
- (3) To respect indigenous peoples' right to self-determination, promote indigenous peoples' economic development, and safeguard related rights and interests, when drawing up plans, programs and projects, the CIP routinely invites participation and discussion by related indigenous peoples' organizations. When conducting the review process for major public works projects proposed by the CIP, the Council for Economic Planning and Development (CEPD), in addition to inviting input from related Cabinet agencies, also invites the CIP to join in discussions, and does its utmost to give it support.

Nature of State Parties' obligations (Article 2(1))

- 8) **The 2009 Act to implement the two Covenants provides that both have domestic legal status and that interpretations of both Covenants by the Human Rights Committee should be taken into account by domestic authorities. Please list the principal instances in which the courts and the administrative authorities have invoked specific provisions of the ICESCR, or referred to the relevant international interpretations. Did the 2009 Act intend that account should also be taken of interpretations adopted by the Committee on Economic, Social and Cultural Rights (CESCR); if not, why not; if so, why is it not specifically stated?**

27.

- (1) After Judicial Yuan searching judgments from courts at all levels
 - A. One civil case judgment Jian-Shang-Zi No. 201 from Taiwan Kaohsiung District Court in 2009 cited the contents of ICCPR and ICESCR.
 - B. Judgment about environmental issues, and events such as the Taipei High Administrative Court 2011 Su Zi No. 1751 of the judgment the

legal system is computed using the precautionary principle of environmental impact assessment, development of behavior, such as the risk of adverse effects of the environment, an environmental impact assessment, assessment review process has stringent rules, the main concern of adverse impact of development activity on the environmental review. Therefore, the Act stipulates on mortgage safeguard the development of behavior that may affect the personal interests of the residents within the scope of the Department of residents in this range is a development activity as local residents, interested parties, the parties qualified. In accordance with the International Covenant on Civil and Political Rights (ICCPR) and the Economic Social and Cultural Rights and the International Convention (hereinafter referred to two of the two conventions) Enforcement Act, the International Convention of Economic, Social and Cultural Rights as guaranteed in Article 11, Subparagraph 1, of living standard of the two conventions Protection of human rights should include the physical environment of human rights violations should be judicial relief. Recognized the plaintiff Yu, Yi and other 10 individuals to protect their own rights and interests, and contentious, their living environment and the development of the disputed case straight line distance may affect the range of residents, according to an Article 5, paragraph 1 of the Environmental Impact Assessment Act and regulations are developed behavior drains of residential living environment disputed the conclusions of the review of the EIA sanctions directly affected, since the party with contentious eligibility. Hearing after judgment part in favor of the plaintiff, and the Taipei City Government 2011 September 29 Fu Su No. 10009115100 revoke the construction permit event the appeal decision and the Ministry of the Interior of urban design and land station within 2011 November 22 Tai Nei Su Zi No. 1000230119 development permit consideration of events revoke part of an appeal decision.

- (2) The Group for Promotion and Protection of Human Rights, Executive Yuan (行政院人權保障推動小組), compiled 263 review cases in current laws and regulations that are inconsistent with the two Covenants. Competent authorities were then asked to revise laws and administrative measures in order to comply with the Covenants and general comments. Where there were disputes, review meetings were convened and resolutions submitted to competent authorities.
- (3) The Ministry of Justice (MOJ) takes the application of the two Covenants

into consideration when it engages in general consultations regarding laws and regulations with the Executive Yuan and other agencies under the executive branch. For instance, in the two cases on “whether a civil servant who doubles as a laborer can participate in strikes” and “people who have been sent to reforms under the Gangster Prevention Act (檢肅流氓條例) shall not register as taxi drivers”, the Ministry invoked Article 8 and Paragraph 1 under Article 6 of the ICESCR respectively when drafting administrative letters of interpretation to respond to these queries.

- (4) In addition to being an academic research funding body, National Science Council (NSC) is also a government ministry for S&T policy implantation. In July 2012, NSC announced to loosen regulations to give more flexibility for project funds usage. This decision exactly meet the requirements described in the ICESCR 15-3, "to respect the freedom indispensable for scientific research and creative activity".
- (5) Based on the regard and respect for the Hakka culture, the government established “Hakka Affairs Council” on 14th of June, 2001, and promulgated ‘Hakka Basic Act’ on 27th of January, 2010, for passing down and thriving Hakka language and culture, developing Hakka cultural industries, promoting Hakka affairs, securing the collective rights and interests of the Hakka ethnic group, establishing harmonious coexistence with common prosperity and also declaring the fundamental rights and the ethic value of Hakka, which had not been treated equally before, to stipulate other authorities of language, education, mass media and culture as normative duties in legal system. Besides, these measures should be a standard of the legal policies for other administrative authorities. ICESCR Article 15 about the rights of participation in cultural life is taken into account of all of these policies.

28.

- (1) Article 3 of the Implementation Act provides that “the application of the two Covenants shall refer to the intentions of the Covenants and the interpretations made by the two Covenants’ Human Right Committees”*. In the Implementation Act, the “two Covenants” include both the ICCPR and the ICESCR, while the “two Covenants’ Human Right Committees” refer to both the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, thus the wording of “the two Covenants” preceding “Human Right Committees”.
- (2) The book titled “General Comments, ICCPR & ICESCR” (Traditional Chinese version) edited and published by the MOJ in December, 2012,

contains interpretations of the two Covenants adopted by the Human Rights Committee and the Committee on Economic, Social and Cultural Rights. Copies of this book were given to and widely circulated among administrative agencies, so that government agencies may look into it and clear any doubts over the content of the two Covenants and follow the Covenants as well as the general comments when conducting administrative business.

*This is translator's translation.

9) Please indicate which laws were found by the Executive Yuan, in applying Article 8 of the Implementation Act, to be inconsistent with the ICESCR, and indicate what subsequent amendments were made.

29. There are 30 cases of laws, regulations, directives and administrative measures that are inconsistent with the ICESCR. Those have been corrected with amendments include “Article 56 of Equalization of Land Rights Act (平均地權條例); Article 46-1 of People with Disabilities Rights Protection Act (身心障礙者權益保障法); Article 10-1 of Private Security Industry Law (保全業法); Article 4 of Labor Union Act (工會法) and Article 26 of Teacher's Act (教師法); Article 26 of Professional Engineer's Act (技師法) and Article 1114 and 1117 of Civil Code (民法). The amendments and revisions are stated as follows:
30. Article 56 of Equalization of Land Rights Act stipulates that objections to the project are raised by more than half of the interested landowners who own among themselves more than half of the land to be consolidated, the competent authorities shall “conciliate and revise the plan showing how the land is to be consolidated in consideration of the objections, and re-submit to the competent superior authorities for approval.” The law did not fully respect the opinions of the majority of the interested land owners and stipulated that “landowners shall not re-submit objections”, which seemed to overly control the property right and the right of filing appeal and lawsuit. It was considered violating Article 4 of the ICESCR, therefore the stipulation of “landowners shall not re-submit objections” is removed.
31. Article 46-1 of People with Disabilities Rights Protection Act originally stipulated that “people without seeing disability cannot engage in massage service.” It is considered that the stipulation violates Article 6 of ICESCR. Also according to the Council of Grand Justices, it violates Article 7 of the Constitution on Right of Equality. Therefore the part of the article had lost its efficacy on October 31, 2011.

32. Originally the private Security Industry Law stipulated that people who had committed any crimes can only serve as security service personnel 10 years after finishing the term of imprisonment regardless of the crime's relevance with the security activities. In consideration of protection the basic rights of people and the principle of proportion, the restriction on the passive qualification for security service personnel has been loosened.
 33. Article 4 of the Labor Union Act originally stated that employees of educational institutions of all levels of government and the employees of the firearms and ammunition industry shall not organize labor union, which is considered violating Article 8-1 and 8-3 of the ICESCR. Therefore amendment of Article 4 of the Labor Union Act was made on June 1st, 2000 to allow teachers to organize labor unions. While civil servants have not yet been allowed to organize labor unions, the Ministry of Civil Service (銓敘部) had promised to promote the amendment of Civil Servant Association Act (公務人員協會法) to expand the negotiation and suggestion rights of civil servant associations. As to the employees of the firearms and ammunition industry, the act has been relaxed to allow workers to organize labor union except for military personnel and the employees of the firearms and ammunition industry supervised by the Ministry of Defense according to law.
 34. Before the amendment, the Professional Engineer's Act stipulated that the professional engineer association shall be established in the province (municipality) association, which is considered violating Article 8 of the ICESCR. In order to provide more flexibility, Public Construction Commission of the Executive Yuan (行政院公共工程委員會) had revised Article 26 to allow the establishment of national association.
 35. In the original stipulation of "maintenance" in Article 1114 and 1117 of the Civil Code, the person assumed the obligation of furnishing maintenance was not able to relieve or being exempted from such an obligation when the persons entitled to maintenance deserted, conducted domestic violence or sexual assault on the obligation-bearer or certain relatives of the obligation-bearer, which apparently violates the principle of equality between rights and obligations and Article 10-1 of the ICESCR. Ministry of Justice therefore has made an amendment of exempting or relieving the obligation of furnishing maintenance for the person assumed the obligation of maintenance. (The amendment of Article 1118-1 of Civil Code)
- 10) What actions have been taken by the Control Yuan specifically designed to promote implementation of the ICESCR? What alleged violations of**

esc-rights have been investigated by the Human Rights Protection Committee operating under the auspices of the Control Yuan?

36. The Control Yuan is the National Ombudsman of the Republic of China (Taiwan). The five-power Constitution foresees its independent powers in handling public complaints and launching investigations when necessary. In practice, its role as government watchdog partially fulfills the function of a national human rights institution. The ratification of ICESCR provides the Control Yuan with concrete international norms against which it measures government actions in an effort to improve human rights conditions in Taiwan.
 37. Among the 2,083 investigations conducted during the period between inauguration of 4th Control Yuan in August 2008 and 2012, a total of 1,176 cases have been identified to involve human rights issues. Furthermore, 827 of these human rights cases involve the rights set forth by ICESCR, accounting for 39.7% of all investigations and 70.3% of those dealing with human rights violations. To specify, some of the categories include: the right to health and life, right to work, right to property, right to cultural life, right to education, environmental rights and right to social security.
 38. Over the years, the Control Yuan has investigated numerous cases involving rights covered in ICESCR, including: long-term care for the elderly; food security (tainted milk, plasticizer and pesticide residues); recruitment and rights of foreign workers and domestic helpers in Taiwan; controversial land expropriation in Dapu Township, Miaoli Country; control of placement marketing in media; aborigines' rights to education; campaigns against and prevention of school bullying, sexual assault, and sexual harassment; soil and water pollution, as well as chronic shortage of protective services social workers.
- 11) Paragraph 10 of the Report describes how foreign aid was utilized largely for economic development, and Taiwan's provision of foreign aid to various causes which are laudable. In line with the CESCR treaty-specific Guidelines on Reporting (E/C.12/2008/2) please indicate the impact of international assistance and cooperation, whether received or provided, on the realization of the Covenant rights in Taiwan and, as the case may be, in other countries.**
39. Beginning in 1951, the US provided a total of US\$1.482 billion of project and non-project assistance to the Republic of China (Taiwan) over the course of 15 years. Of this, most came as economic aid, then agricultural products and development loans. Furthermore, international organizations such the World Health Organization, the International Development Association, the World Bank

and the Asian Development Bank also provided loans and technical cooperation to help Taiwan.

40. The ROC government used these aids in its transportation infrastructure, industrial facilities, financial development, improvement of medical care and public health, agricultural and fisheries development, education and personnel training programs. With the self-sufficiency of agriculture which provides a foundation for industrial development, the government adopted an import substitute and export oriented economic development policy to help create employment and increase living standards. Taiwan's GDP has increased from 197 dollars in 50s to 20,101 dollars in 2012.
41. Thanks to these aids, Taiwan enjoys a great success in development. Taiwan government endeavors in promoting international cooperation for the goals of promoting friendly relations with diplomatic allies, fulfilling Taiwan's responsibility as a member of international community, giving back to the international community, and developing humanitarianism. In helping our allies in development, we focus on the principles of appropriate motives, due diligence and effective practices; set up the goals for partnerships for progress and sustainable development; and follow the articles of the International Covenant on Economic, Social and Culture Rights.
42. In practice, our international cooperation projects have focused on agricultural and fishery technical cooperation. The purposes are to demonstrate and to train our allies' farmers in cultivation, to increase food supply for the local people, thus increasing their living standards (Article 11). For example, the Upland Rice Expansion in the Republic of The Gambia was established in 2009. The purpose of this project is to achieve self-sufficiency in rice production over a four-year period by reclaiming 32,000 hectares for the cultivation of upland rice, and raise average rice yields to more than 3 tons/hectare. In that 4 years, there were more than 38,000 farmers trained in the project, the total involved participant are more than 67,000 farmers. This project not only helped in providing self-sufficient food, but also created a lot of work opportunities (Articles 6 & 7). The total people benefited are some 170,000.
43. Aftermath the earthquake in Haiti, the Taiwan Technical Mission in Haiti helped the victim farmers in Torbeck to improve their irrigation facilities and plant paddy rice. Yields of rice in totaled 21,000 tons. This is not only for self consumption but there is a surplus to sell at market, thus the concept of marketing is brought in. It helps 8,400 local farmers be employed and increases their living standards. As a result, Haiti has reduced its rice import by 2.4% (7,200 tons).

44. Besides the agriculture/fishery and basic industry, Taiwan also provides medical assistance projects in areas lacking of medical resources. According to the statistics of WHO regarding our allies in Pacific Islands, there are less than 10 doctors for every 10,000 people, especially in capitals the situation is worse. Every year, we send Mobil Medical Missions to our allies to help in medical care. (Article 12) For example, in 2012, we sent out 9 teams and a total of 47 medical professionals to diagnosis disease for local people. In total of 3,296 patients was treated. In Gambia, we work with their Ministry of Health for pregnant women's health service in Upper-River Region. The project was to help in improving the skill of pregnant women's health service providers for better quality of service, and reduce the death rate of pregnant women and new born babies.
45. Taiwan's education has made a lot of contribution to its economic growth. Thus, in promoting the international cooperation, we focus both in education and our technology strength to enhance the education cooperation. (Article 7 & 13) We launched projects of "Lighting Up Africa" and "Lighting Up Pacific" in some Africa and Pacific countries. Through the cooperation between the government and manufactures, Taiwan provides solar and energy-saving LED lights, which allow the school kids to read at night. Furthermore, Taiwan government works with APEC in promoting "A-DOC" project among members to expand the usage of computer for reducing the digital divide.
46. Most recently, Taiwan started in sharing the advanced technology application in international development cooperation. For example, Taiwan established "Geographic Information Systems (GIS) Application" projects in Central American countries, such as Nicaragua, Honduras, and Salvador. We share with the FORMOSAT-2 satellite image analyses in disaster rescue, farm land planning, forest reservation, etc. Every year, we invite officials from these countries to visit Taiwan to learn how to apply the GIS technology information in policy planning.

Non-Discrimination (Article 2 (2))

- 12) **In Taiwan, discrimination against different groups of people is dealt with by different bodies created by different laws, such as Task Force, Review Committee or Review Panel, and in a very limited way. Has there been any discussion on the need to enact a comprehensive Anti-Discrimination Act which encompasses all grounds of discrimination and in all areas?**
47. Discrimination against different groups of people is dealt with by different bodies based on different laws ensures the specialized field and makes the protection of human rights workable.

48.

- (1) For the necessity and practicability of President Ma's propose on formulating Anti-discrimination Law, which is not only highly relevant to his human rights policy , but also formal response to the anti-discrimination which drafted by 22 Legislators including Ms. Cheng Li-wen in 2009.
- (2) Department of Justice asked for other department's opinions and the result was 13 agreed, 13 disagreed, and 22 had no position on Anti-discrimination Law. Therefore, the central government still has no consensus on this topic and there are still many controversies and arguments in every aspect of our society too. We still need to pay more attention on what our society expects on human rights issues and foster common consensus.

13) From Table 2 (p. 12) of the Report on ESC-Rights, when the Employment Discrimination Review Committee decides on the complaints that there were in fact violations, the penalty is only fines. What remedies are provided to the victims of discrimination? To be reinstated and/or to get compensation, do the victims have to pursue another legal procedure such as filing a civil lawsuit?

49. If a job applicant or employee should find that the employer has violated Paragraph 1, Article 5 of the Employment Services Act, he or she may provide related evidence and apply according to Article 6 of the Employment Services Act to the labor or social welfare authority in the local government for deliberation. If the committee on the review of discrimination in employment confirms the employer as having indeed engaged in discriminatory conduct, the employer will be subject to a fine no less than NT\$300,000 and no more than NT\$1,500,000 imposed in accordance with Article 62 of the Employment Services Act. The said act only provides the legal basis for the imposition of fines on employers in violation of the law; there are no provisions with regard to employers' compensation to victims of discrimination.

Equal Rights of Men and Women (Article 3)

14) Bearing in mind that in the Covenant, the equal enjoyment of men and women of economic, social and cultural rights is not an "ideal" (Report, para.32) but a human rights standard, and that the State's obligation is to ensure that this standard is enjoyed in law and in fact, please provide information as to how the numerous initiatives to promote equality are being implemented, the impact on the ground, and the difficulties

encountered.

50. Many laws of our country can guarantee the gender equality. As stipulated in Article 7 of the ROC Constitution, “all citizens of the Republic of China, irrespective of sex, religion, race, class, or party affiliation, shall be equal before law.” Article 10, Paragraph 6 of the Additional Article of the Constitution prescribes, “the state shall protect the dignity of women, safeguard their personal safety, eliminate sexual discrimination, and further substantive gender equality.” Gender Equity Education Act was enacted to “promote substantive gender equality, eliminate gender discrimination, uphold human dignity, and improve and establish education resources and environment” in hopes of building a civil society that respects gender equity. Article 25 of the Labor Standards Act stipulates that an employer may under no circumstances discriminate between the sexes in the payment of wages. In Articles 7 to 11 of the Act of Gender Equality of Employment, it is stipulated that employers may not discriminate against employees or job applicants because of their gender or sexual orientation in the course of recruitment, screening test, hiring, placement, assignment, evaluation and promotion, when organizing or providing education, training, other related activities and various welfare measures, or when making decisions regarding wages, retirement, severance and discharge from employment. For the purpose of ensuring national’s equal opportunity in employment, in article 1 of the Employment services Act, employer is prohibited from discriminating against any job applicant or employee on the basis of gender and gender orientation. According to the Act for Worker Protection of Mass Redundancy, when implementing a mass redundancy plan, gender shall not be taken as the cause of discharge. In further consideration of biological differences between males and females, and in order to safeguard the rights of males and females to gender equality, the terms of Article 3 of the Civil Service Leave Regulations stipulate that where family members undergo vaccination, experience serious illness, or other major events requiring personal care of family members, civil servants may apply for family care leave; maternity leave of three days may be granted for the spouse of a woman giving birth; and female civil servants unable to perform work tasks due to menstrual issues may be granted leave of one day per month, in fulfillment of the government’s obligation to safeguard gender equality.
51. In addition, the CEDAW was clearly stipulated that it has the effect of domestic law. On June 8, 2011 the President promulgated Enforcement Act of Convention on the Elimination of All Forms of Discrimination against Women and this was executed from January 1, 2012. Article 8 of that Act specified that within three years after this act is implemented, government departments and agencies at all

levels should complete the stipulation, amendment or abolishment of the laws and improve the administrative measures in order to conform to the provisions of CEDAW. In 2012 the “Big Step on Gender Equality-Implement the Plan on the Convention on the Elimination of All Forms of Discrimination against Women” was established. Government departments and agencies at all levels must train relevant personnel according to the plan and must complete law reviews and amendments before 2014 according to schedule so as to realize the implementation of the CEDAW and to protect gender human right. In 2012, the Gender Equality Department of the Executive Yuan supervised government departments and agencies at all levels to conduct 303 sessions of CEDAW law review training and a total of 20,253 government employees were trained.

52. Our country has built the gender equality mechanism of the central government. The Committee of Gender Equality, Executive Yuan was established to integrate, coordinate and supervise the gender equality affairs; establish the Gender Equality Department responsible for the comprehensive planning of gender equality policy, laws and plans, research and development, coordination, examination and supervision. The gender equality project team of various departments will promote various gender equality affairs; establish the “Task Force of Gender Mainstreaming” as the platform of continual opinions exchange between the non-government members of the Committee of Gender Equality, Executive Yuan and for refining the tools of gender mainstreaming.
53. In order to plan the administration blueprint of the gender equality of our country, the Executive Yuan approved the Gender Equality Policy Guidelines on December 2, 2011 as the guiding direction of the future gender equality policy. In addition, the Gender Equality Department of the Executive Yuan was established in 2012 to administer the promotion. The contents of that guiding principle covers 7 core issues including “Gender on Equal Rights, Decision-Making and Influence”, “Gender on Employment, Economy and Welfare”, “Gender on Education, Culture and Media”, “Gender on Safety and Justice”, “Gender on Health and Healthcare”, “Gender on Demography, Marriage and Family” and “Gender on Environment, Energy and ICT” and 245 concrete measures are items that should be completed in short, medium and long term. The philosophy of the women’s rights and interests and gender equality is substantiated that will become the direction and goals to be followed when various authoritative departments are popularizing the gender equality. The Gender Equality Department of Executive Yuan has established the “Gender Equality Policy Guidelines Report Information System” in order to examine the promotion process of various authoritative institutions. Parts of relevant

administrative measures which are processing are as the followings:

- (1) In order to understand the social condition of different gender, various departments are actively establishing the gender statistical information. Apart from announcing in the departmental web page for various sectors, this will be an important reference for policy planning and analysis for departments. However, the gender statistical items of our country still cannot extremely correspond or conform to CEDAW or other important indicators. Therefore our country has started to study the gender statistical item and information platform that can connect internationally in order to facilitate our country to unfold the statistical information on the gender equality promotion results internationally.
- (2) Aiming at the medium and long term plan and law that will affect the rights and benefits and welfare of the people most, starting from 2009 the gender impact assessment was implemented in full and the effect on different gender and the estimate evaluation result on the level of benefit will be the reference for effective measures on promoting gender equality. Every year various departments will process about 200 medium and long term plans. However, there are findings that in the course of processing, the gender impact assessment system encounters shortage of gender statistics and problems cannot be clarified sometimes. More detail gender statistics are in the course of construction and relevant systems are in the course of amendments.
- (3) The government amended the Sexual Assault Crime Prevention Act, and implemented related measures since 2012 which included releasing Enforcement Rules for the Sexual Assault Prevention Act ". Besides that, in order to prevent the sexual offenders commit the crime again. New laws which released in April, 2012, stated that the local police need to inspect the Sexual Assault offender in its jurisdiction at least once a month. Moreover, that local police are able to increase the frequency of inspection based on the assessment of the health bureau or prisons. The laws were aimed to create a seamless integration for central and local supervision to the Sexual Assault offenders.
- (4) The Ministry of Interior (MOI) established the "113 hotline program" for public to report domestic violence, sexual assaults, and children protection. According to the records from 2012, 70 percent of the callers were from women, these results are consistent with the domestic violence incidents. In the future, MOI will strengthen the gender sensitivity for the operators and provide the law consulting services (for women especially). Furthermore,

senior staffs from judiciary and inspectors will be trained as supervisors for the Domestic Violence Safety Net to perfect the 113 hotline.

- (5) Strengthen the awareness of Gender Equality in National Police Agency, National Fire Agency and National Immigration Agency. For a long term, the National Police Agency, National Fire Agency and National Immigration Agency are indicated as virile –described career. MOI aim to deepen the Gender Equality consciousness by conducting multiple training programs, and increasing the proportion of female in these fields gradually. For example, the firefighters consist of 103,425 people national wide, of which the female ratio increases from 6.57% in 1996 to 10.42% at the end of Nov, 2012.
- (6) 30 people won the award of “Nationwide Filial Piety Award” held by the government in 2012. Among them, 17 were male, and 13 were female. It was the first time in history that awards winners had more men than women. The results showed that filial piety should not have gender difference. It also broke the gender stereotypes of women play caregivers.
- (7) In order to promote the Concept of Funerals for the new era: “Funeral self-assertion, gender equality, multicultural respect”, MOI hosted a conference when the book of “A Guide for funeral customs and modern practices in Taiwan” was released in 22nd, June 2012. During the conference, gender scholars, professionals from funerary industry and staff from LGBT organizations were invited to input their opinions for the discussion of” How to reconstruct the funerals which are based on the diversity and gender equality”. More importantly, in the Taiwanese culture, it was used to be men play key roles in the ceremony in the past, but MOI tried to promote the concept that women can also play the same roles in the new age.
- (8) About education, the Ministry of Education (MOE) subsidizes local governments in an annual basis to help promote infinitives on gender equality education. On-site inspections, evaluation trips, and trainings have been planned to enhance the operation of the committees and schools’ consciousness of gender equality education. Gender equality has been officially included into school curriculum outline in order to promote respect for gender diversity and eliminate discrimination. Pre-job and on-the-job trainings are available for educators; counseling panels are set up. Such efforts, including the provision of courses and activities on the topic, are aimed at arousing the public’s awareness and knowledge about gender equality. The supervision over the reporting and treatment of

campus gender incidents has been strengthened. Specialized personnel on the topic have been trained to deal with such incidents. Handbooks and teaching materials have been prepared. Training programs on the investigation and treatment of such incidents have been provided and the mechanism to ban teachers involving in an offence has been reinforced. The efforts are made to help schools at varying levels to cope with campus gender incidents and to create a friendly and safe campus environment. To promote gender equality education, quarterly materials have been published. Diversified promotion materials are developed. There are also promotion initiatives and advertisements planned to further gender equality.

54. In the ICCS2009 (International Civic and Citizenship Education Study 2009) held by IEA (International Association for the Evaluation of Educational Achievement), Taiwanese junior high school students ranked first on supportive attitudes toward gender equality, fourth on civic knowledge, after Finland, Denmark, and South Korea. That is a solid proof of what has been achieved after years of efforts to promote gender equality. The government of Taiwan will continue its efforts to bring a more equal and dignified life to different genders.

15) The principle of equality that applies to men and women is similarly applicable to those whose gender identities are different from their biological sex. Please describe to what extent the Government has taken into consideration the enjoyment by these groups of their esc-rights.

55. The “Guiding Principles for Gender Equality Policy” was promulgated by the Executive Yuan on December 19, 2011. It covers the protection of various rights of diversified gender groups and the promotion of their rights and interests. The Gender Equality Department of the Executive Yuan established in 2012 was responsible for the integration and supervision on relevant units to process. The rights and interests of the diversified gender groups in the “Guiding Principles for Gender Equality Policy” are as follows:

- (1) The “Employment, Economy and Welfare” chapter clearly stipulates that employment service should be provided to persons with sexual diversity;
- (2) The “Population, Marriage and Family” chapter clearly stipulates that protection on the rights and interest of de facto partners should be actively promoted and there should be study on the welfare of other aspect and countermeasures on the protection of their rights and interests;
- (3) The “Education, Culture and Media” chapter clearly stipulates that teaching method and media material should be developed to train disadvantaged gender group, to enhance their consciousness ability in gender equality; and

promote the media's self motivation to enhance its gender sensitivity. In 2004, the Ministry of Education also enacted and promulgated Gender Equity Education Act as the legal base for our country's gender equity education.

- (4) The "Personal Safety and Judiciary" chapter clearly stipulates that diversified treatment should be developed on homosexual victims from violence. At the same time, the gender sensitivity of relevant service personnel should be strengthened.
 - (5) "The Health, Medical Treatment and Care" chapter clearly stipulates that gender friendly medical treatment and care environment should be promoted ; and there should be an understanding on the health and medical treatment requirements of diversified gender groups to provide appropriate service.
56. The rights of the marriage and family of homosexuals are the point of concern by the government. As this involves in major reform on the family system in the civil code of our country, apart from anticipating on the formation of common consensus of the society, other units of the government also actively conducts relevant legal system research.
 57. In 2011, Germany, Canada and France were selected by the Ministry of Justice to conduct the research of same-sex partners and same-sex marriage system, evolution of legislation and its course, the schedule of promotion of legislation, the difficulties encountered during legislation and its solutions that will be the reference for the evaluation on the policies of the government.
 58. In the future, the government will conduct the opinion survey on the legalization of same-sex partners of our country to understand the level of acceptance by our citizens on the legalization of same-sex partners, and difficulties may encounter during the designing of the relevant mechanism. In the other hand, the Ministry of Interior also conducts assessments for the feasibility of the incorporating Diversification Registration Mechanism.
- 16) Throughout the report, gender equality and gender equity are used interchangeably. While appreciating the explanation given (Report, para.32), ICESCR prescribes women's equal enjoyment of esc-rights – thus gender equality should not be replaced with the term gender equity. Has there been any consultation with the women's rights and human rights organizations on this issue?**
59. In order to implement the protection of the rights of women in various aspects in the CEDAW, our country started to exercise Enforcement Act of Convention on the Elimination of All Forms of Discrimination Against Women on January 1, 2012. Article 4 of the Enforcement Act of CEDAW stipulates that "Upon

exercising its authority, all government units shall do so in accordance with all rules and regulations regarding protection to genders and human rights specified in the Convention, eliminate gender discrimination, and actively promote the realization of gender equality.” The gender equality that our country intends to realize is its “substantive equality” and this is to look at the difference of different gender positively to solve the “structural inequality” instead of only “formal equality/equity”. In order to reach the above goals, before the Gender Equality Department of the Executive Yuan conducts a full review of all rules, regulations and administrative measures of government departments and agencies at all levels whether these can conform to the provisions of the CEDAW, the Department had counseled relevant women group representatives many times (including The Foundation of Women’s Rights Promotion and Development, Chinese Women Judges Association etc.), non-government members of the Committee of Gender Equality, Executive Yuan (many are non-government women group representatives including the National Alliance of Taiwan Women’s Associations, Awakening Foundation, Homemakers United Foundation, The YWCA of Taiwan, Peng Wan-Ru Foundation, Taiwan Indigenous Peoples Enterprise and Economic Development Association) and many legal and gender equality experts and scholars to jointly plan and design the educational training course content and the flow reviewing laws/administrative measures.

60. On whether the laws/administrative measures presently in the process can conform to the examination flow provided by CEDAW, not only there is requirement on administrative departments and agencies at all levels to review whether the law itself can conform to the provisions of CEDAW, there is also requirement that relevant gender statistics have to be stipulated so as to understand whether the implementation result of the laws can conform to the gender substantial equality or there are gaps that require improvement. In the course of this kind of reviewing, besides that the government employees of the government departments and agencies at all levels can learn about and realize the meaning of gender substantive equality, they can also understand the present condition of gender equality of our country so that this can be the reference for administrative measures for government departments and agencies at all levels in the future.

17) For equal rights of women in the enjoyment of the esc-rights it is essential to eliminate gender role stereotypes. What efforts has the Government taken to change the stereotyped gender roles in the family, as well as in society in general?

61. The Article 5(a) of the CEDAW states “States Parties shall take all appropriate measures: (a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women.” In various chapters in the Gender Equality Policy Guidelines promulgated by our country in 2011 also emphasize the importance of elimination of stereotyped impression and the mission of regularization. The Gender Equality Department of the Executive Yuan continues to supervise the active implementation by various departments of the central government including:

- (1) Education: the gender equality education is listed as the education reform item and the Gender Equity Education Law is promulgated so that the implementation of gender education can be proper and authoritative. The “White Paper on Gender Equality Education was also promulgated”. The school is the principal body and the gender equality education is implemented from organization, resource, course teaching and incident prevention. At the same time, this is expanded to family and the society. The primary and middle school course outline shall clearly stipulate inclusion of gender equality education as part of the formal education. The development of academic research on gender equality education and teaching material and method is encouraged. For equal rights of women in the enjoyment of esc-rights and eliminating gender role stereotypes, each year, empowerment workshops on gender equality in family education are held by the Ministry of Education for staff and volunteers in family education centers nationwide. In 2011, to help the decision-making level in family education centers form better ideas about gender equality and gender mainstreaming and promoting family education, seminars were held for officers at director level or higher, conferences were arranged in national meetings for family education. In order to promote women’s welfare and empower women, the government (Ministry of the Interior) actively collaborates with civilian groups, and provides women with multidimensional services such as empowerment courses and women welfare activities, to increase women’s opportunities in society, and eliminate the stereotyped gender roles and social exclusion. These measures are all aimed to let both women and men can enjoy gender equality in society.
- (2) Culture: continues to examine and transform the misogyny in religious and traditional folk rituals and concept; actively encourage the development of

gender equal right culture. For example, in order to promote the Concept of Funerals for the new era: “Funeral self-assertion, gender equality, and multicultural respect”, MOI issued the book of “A Guide for funeral customs and modern practices in Taiwan” in 22nd, June 2012, to show that women can play important roles in the funeral ceremony. Consigns to process the “Indigenous People Traditional Gender Culture Special Edition Writing Plan” to conduct study on the traditional gender culture of various indigenous tribes.

- (3) Media: In order to promote that the content of media production can have respect on the gender difference and to eliminate the stereotyped impression thereby revealing the diversified role image of gender, the National Communication Commission of our country invites gender scholars and experts and non-government groups to convene counseling meetings to amend the content of the existing Broadcast Media Gender Issue Content Principle and change its name to Guiding Principle for Broadcast Media Involving Content Relevant to Gender . It clearly stipulates that media should avoid the content of gender discrimination and in the Satellite Broadcast TV Enterprise and Offshore Satellite Broadcast TV Enterprise Appraisal and License Renewal Operation Essentials and Cable TV Systems Operators Appraisal Essentials , the past achievements of Gender Equality being processed are listed as items to be stated in the appraisal report and license renewal plan. The implementation of the Games Software Classification Management Method is promulgated and implemented and gender discrimination contents including gender characteristics, sexual hint or improper speech etc. are included in the classification management.
62. In addition, the government has progressively established the gender statistical information on various occupations so as to understand the present condition of the occupational sex segregation of our country It is hoped to establish the gender distribution diagram of various occupations in our country, to enhance the ratio of minority gender in various occupations and to eliminate the phenomenon of sex segregation. There are findings that there is gender segregation in the nursing aid domain and science and technology domain: nursing aid and early childhood education employees are mostly females and science and technology employees are mostly males. For a long term, the National Police Agency, National Fire Agency, and National Immigration Agency are indicated as virile –described career. However MOI expect to achieve the goal as deepen the gender consciousness by conducting lots of training programs, in the end of to

create a balance and hire more females in working fields mentioned above.

63. The Gender Equality Department of Executive Yuan also produced the CEDAW television short film, broadcast publicity tape, network advertisement and plane DM etc. to actively promote the concept of equality in different gender in learning, work, dividing housework and participation in politics. Now this is being broadcasted and published in various medias. The Gender Equality Department also produced the CEDAW digital learning course that is provided to government employees to conduct further studies in order to strengthen their gender equality concept and to eliminate the regularization in various aspects and stereotyped gender role social anticipation so that different gender can obtain sufficient social resource and support to autonomously develop their potential and to create unlimited possibility in their lives.

Rights to Labour, Working Conditions, Trade Unions and Social Security

(Article 6 – 9)

- 18) To what extent do workers in the informal economy share in the enjoyment of basic esc-rights (see Report, paras. 59 and 122-123), such as equal pay for work of equal value, adequate social security coverage, notably health insurance and national pension insurance, safe and healthy working conditions (cf. CESCR General Comment 19, para.34)?**

64. **Labor Safety and Health Act**

- (1) The Labor Safety and Health Act currently applies only to mining, quarry, construction, manufacturing, plumbing and electrical service, transportation, and eight other types of businesses and the work venues of certain operations. It does not cover self-employed workers or all the workers in each profession.
- (2) After studying related information from the ILO, Finland, the US, Australia, and Korea regarding the legislative purposes and range of application of occupational safety and health regulations as well as the practices in and outside Taiwan, the Council of Labor Affairs has changed the title of Labor Safety and Health Act to Occupational Safety and Health Act to make it applicable to all professions and protect the safety and health of all workers. At the same time, it will also be extended to protect the workplace safety and health of self-employed workers, volunteer workers, and trainees in occupational training institutions.
- (3) The draft was already presented on Nov. 22, 2012 to the Legislative Yuan for review.

65. **Dispatched employment**

As for the labor rights of unofficially employed workers, if they are hired by business entities to which the Labor Standards Act applies, all the labor conditions an employer provides for such workers, including wages, work hours, breaks and leave, severances and retirement pensions must comply with related laws and regulations and must be the same as those provided for the regular workers employed by the same business entity. The CLA is currently formulating regulations to protect dispatched workers. Where the protection of the rights and interests of dispatched workers is insufficient, regulations on the responsibility of the user business entities and equal treatment will be added to enhance the protection of the rights and interests of dispatched workers.

66. **Health insurance-National Health Insurance Act (NHI)**

The National Health Insurance is a mandatory social insurance. All individuals holding the Republic of China nationality and having registered their household in Taiwan for more than four months shall, by law, be enrolled in the NHI. Legal aliens with certification documents for residency and having resided in Taiwan for more than four months shall also, by law, be enrolled in the NHI. However, those with employee status are not subject to the restrictions of the aforementioned four-month period. By the end of 2011, the total enrollment was 23,198,664 persons, with the enrollment rate of higher than 99% of the population, nearly approaching the goal of full insurance enrollment. The extent do workers in the informal economy have the same equality social security coverage in the National Health Insurance system °

67. **National pension insurance**

- (1) The national pension system came online in 2008. It is a form of social insurance with payments made by a pension fund. Citizens(include workers in the informal economy) aged 25 to 65 ineligible for the military, civil servant and teacher, labor, or farmer’s insurance programs are thus enrolled in the social security network so that the insured and their families receive basic economic protection upon reaching old age, childbirth, suffering physical and/or mental disabilities, and dying.
- (2) As people insured under the national pension program are mostly unemployed and/or financially disadvantaged, the National Pension Act employs a “soft” compulsory approach for those who have not paid the premium. Failure to pay the premium does not subject enrollees to any penalty, nor is there any compulsory enforcement of payment made. Article 17 of the National Pension Act stipulates that the insured person is responsible to pay past due premiums within a 10-year timeframe. Those who fail to pay the premium and interest incurred within said timeframe, unpaid years will not be included as insured years. In addition, benefits will be suspended prior to the insured’s paying premiums and interest due.

- (3) As of the end of October 2012, there were a total of 3,743,063 people enrolled in the program.

19) Describe the role of the judiciary and of other competent authorities in settling labour disputes and provide an overview of the nature of cases that were subject to labour dispute litigation (Report, paras.63-67).

68. Article 5 of the Act for Settlement of Labor-Management Disputes stipulates that the court may set up a labor tribunal, if necessary, when handling labor-management disputes. Statistics show that 98% of the labor-management dispute cases processed in recent years have been related to disputes over labor rights that had to be taken to court to seek remedies since they could not be settled through mediation or arbitration by the competent authority. In the revised provisions of the Act for Settlement of Labor-Management Disputes that went into effect on May 1, 2011, it is stipulated that the central labor authority is to contribute to help set up a “Labor Rights and Interests Fund”. The CLA has also established the “Regulations on Legal Assistance and Financial Aid for Workers in Lawsuits over Labor-Management Disputes” in which there are clauses regarding the provision of appropriate aid to workers going through litigation procedures to reduce the obstacles that they may face in lawsuits.

69.

(1)

- A. Disputes, which are not entering litigation, may be settled by the procedures of mediation, arbitration or decision on unfair labor practices in accordance with the Act for Settlement of Labor-Management Disputes. The competent authority shall be the Council of Labor Affairs, Executive Yuan at the central level, the municipal government at the municipal level, and the county (city) government at the county (city) level. Civil Department is not the competent authority for labor-management disputes, so no comment to this sub-issue.
- B. When both parties file suit for labor-management disputes, the case shall be mandatory mediation case in accordance with Article 403, Paragraph 1, and Subparagraph 8 of Code of Civil Procedure. Mandatory mediation cases shall be mediated by courts before proceedings in accordance with the same law. In case the mediation failed, actions between an employer and an employee arising from an employment contract with an employment term of less than one year shall apply to summary proceedings (see Article 427, Paragraph 2 of the Code of Civil Procedure). In case the employment contract with an employment term of more than one year,

general proceedings, summary proceedings or small claim proceedings shall be applied in accordance with the value of the claims.

- C. Courts shall maintain their neutral and objective character in the proceedings of labor-management disputes and try by the laws.
- (2) Administrative proceedings provide people with remedy procedures against unlawful administrative action, in order to protect the rights and interests of the people and to ensure that the state administrative power is lawfully exercised. The right to work is protected by basic rights constructed by Article 15, 152, 153, and 154 of the Constitution. The Administrative Court constructs the content of the right to work through the application of the laws and regulations, such as the Labor Standards Act, the Labor Union Act, Labor Safety and Health Act, Labor Inspection Act, the Vocational Training Act, the Employment Services Act, Act for Protecting Worker of Occupational Accidents, Act of Gender Equality in Employment, the Employment Insurance Act, Labor Education Implementation Regulation, etc., combined with the Collective Agreement Act, Act for Settlement of Labor-Management Disputes, Labor Insurance Act. The Act for Settlement of Labor-Management Disputes, amended and promulgated on July 1, 2009 and enter into force on May 1, 2011, stipulates that an employer may not suspend or shut down the business, terminate the labor contract, or undertake any other activities unfavorable to employees due to a labor-management dispute during the procedures of mediation, arbitration or decision on unfair labor practices. (the first part of Article 8). Such regulation apparently tend to protect both labor and employer and temporarily balance the normal operation of the enterprises and labors' right to work , and this is academically known as the "cool-down period. When employers violate provisions, the competent authority may impose fines of no less than N.T. \$200,000 but not exceeding N.T. \$600,000 (Article 62, paragraph 1). After the Act to Implement the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights was promulgated on April 22, 2009, there has been 11 cases of labor-management dispute in administrative courts at all levels. Besides the cases that are revoked due to illegal arbitration procedure (Kaohsiung High Administrative Court 2009 Su-Zi No. 123, Supreme Administrative Court 2010 Cai-Zi No. 1402, Taipei High Administrative Court 2012 Su-Zi No. 765 judgment, and Supreme Administrative Court 2012 Cai-Zi No. 2597), no correction is made to pay court fees (Taipei High Administrative Court 2010 Su-Zi No. 139), the right

to request in substantive law (Taipei High Administrative Court 2009 Su-Zi No. 1362) were dismissed, and the cases are transferred without jurisdiction(Taipei High Administrative Court 2010 Su-Zi No. 930), there are three substantive cases. Kaohsiung High Administrative Court, 2011 Jian-Zi No. 112,deems that Tainan City Government fined Taiwan Pepsi Foods Co., Ltd. (hereinafter referred Pepsi Co.) \$20,000 yuan (equivalent to N.T. \$ 60,000) in accordance with Article 40 of the Act for Settlement of Labor-Management Disputes Article 40 (now Article 62, Paragraph 1 of the same Act) for terminating contract with Tsang Yuk Bun during the labor dispute mediation, which resulted in heating labor dispute during mediation, and violated Article 7 (now Article 8) of the Act for Settlement of Labor-Management Disputes, was lawful; Council of Labor Affairs of the Executive Yuan May 11, 2011 of Lao-Su No. 0990028035 appeal decisionshall be maintained; Taiwan Pepsi Co. appeal for the revocation is no reason that should be rejected. Similar to the merits to the remaining two cases will not be repeated. (Supreme Administrative Court 2009 Pan-Zi No. 1127, Taipei High Administrative Court 2009 Jian-Zi No.338, and Supreme Administrative Court 2010 Cai-Zi No. 967)

20) While the Labour Standards Act applies to a large majority of the working population, some categories of professional and other workers do not fall under the coverage of this Act. What measures are being taken that the protection provided by the Act will apply to all who are part of the labour force, including dispatched workers (Report, paras. 72-74)?

70. Labor Safety and Health Act

- (1) The Labor Safety and Health Act currently applies only to mining, quarry, construction, manufacturing, plumbing and electrical service, transportation, and eight other types of businesses and the work venues of certain operations. It does not cover self-employed workers or all the workers in each profession.
- (2) After studying related information from the ILO, Finland, the US, Australia, and Korea regarding the legislative purposes and range of application of occupational safety and health regulations as well as the practices in and outside Taiwan, the Council of Labor Affairs has changed the title of Labor Safety and Health Act to Occupational Safety and Health Act to make it applicable to all professions and protect the safety and health of all workers. At the same time, it will also be extended to protect the workplace safety and health of self-employed workers, volunteer workers, and trainees in

occupational training institutions.

- (3) The draft was already presented on Nov. 22, 2012 to the Legislative Yuan for review.

71. **Dispatched employment**

- (1) Businesses whose main economic activity is labor dispatching are considered labor suppliers. Starting on Apr. 1, 1998, they have been subject to the Labor Standards Act. Therefore, when hiring and dispatching workers, the labor conditions, including wages, work hours, breaks and leave, severances and retirement pensions, must comply with related laws and regulations.
- (2) Labor dispatching involves trilateral relations and there are doubts that current labor laws and regulations cannot provide enough protection. Therefore, the CLA is currently working out regulations on labor dispatching to enhance the protection of the rights and interests of dispatched workers. Before completing the said regulations, the CLA will take active measures to ensure that labor dispatching businesses abide by related laws and regulations, including holding educational presentations on the protection of the rights and interests of dispatched workers, establishing administrative guidelines for the protection of the rights and interests of dispatched workers, inspecting labor dispatching operations, etc.

21) What steps is the State Party taking to raise the minimum wage levels (Report, para.81) to meet the minimum requirements of an adequate standard of living?

72. According to Article 7 of the International Covenant on Economic, Social and Cultural Rights, a signatory country has to responsibility to ensure the remuneration all workers receive is, at the minimum: 1) fair wages..., 2) able for them to maintain a decent living for themselves and their families in accordance with the provisions of the Covenant.
73. Again, as set forth in International Labor Convention No. 131 (Convention Concerning Minimum Wage Fixing, with Special Reference to Developing Countries): Minimum wage fixing is to provide protection for wage earners against unduly low wages. The elements to be taken into consideration in determining the level of minimum wages shall, in addition to national practice and conditions, include: the needs of workers and their families (taking into account the general level of wages in the country, the cost of living, social security benefits, and economic factors (including the requirements of economic development, levels of productivity and the desirability of attaining and

maintaining a high level of employment).

74. To ensure that the minimum wages established can provide the aforesaid protection, Article 21 of the Labor Standards Act stipulates that a worker will be paid such wages as determined through negotiations with the employer, provided, however, that such wages do not fall below the basic wage. It is also prescribed in Article 4 of the Minimum Wage Review Regulations that, to review minimum wages, the Minimum Wage Review Committee must gather and study the data with regard to the national economic development status, wholesale prices, consumer prices, national income and income per capita, the labor productivity, employment situation and wages of various industries, and household income. Both regulations comply with the norms of international conventions.

22) Please provide information on the so-called “de-linking” of wages of foreign labourers from the basic wage.

75. According to existing regulations, the wages all business entities to which the Labor Standards Act applies pay to their workers, regardless of their nationality, may not fall below the basic wage.

23) The Report expresses concern about wages being insufficient for workers and their families to maintain an adequate standard of living (paras. 81-83). This applies in particular to persons with disabilities who generally receive lower wages. What measures are taken to remedy this poverty gap? (see also Core Document, para. 215 on the rights of low income families).

76. **The Public Assistance Act**

In order to increase the range and help more low income people, the qualification and legalization of rights for middle and low income people were amended in the Public Assistance Act of R.O.C amended in 29th Dec, 2010. In article 12 of the Public Assistance Act of R.O.C has entitled the low income persons with disabilities the right to apply more aids (cash benefit) to remedy this poverty gap.

77. **Promotion of Employment**

In view of the weaker competitiveness of low income earners (low-income and lower-income households) in the job market, the “2011-2016 Program for Promotion of Employment for Individuals from Low-income and Lower-income Households” has been established and implemented to provide assistance for such people to receive vocational training and subsidies for them to take part in technician skills certification, provide them with practical training opportunities, and help them find employment. Other efforts include teaching them to learn to utilize employment resources, improve employment qualifications, and develop

correct career concepts. Social resources are consolidated to build a network to ensure suitable employment so that such individuals can become independent, lift themselves out of poverty, and improve the finances of their families.

24) It is submitted that correctional and remedial measures are being taken in connection with sexual harassment in the working place (Report, paras.39-41, 86 and 103,as well as Tables 4-6).Please elaborate more in particular what preventive measures are taken.

78. The Act of Gender Equality

(1) To improve the awareness and knowledge of the Act of Gender Equality in Employment in all sectors as well as to help business entities establish sexual harassment prevention mechanisms, the Council of Labor Affairs cooperated with county and city governments, science park administrations, and export processing zone administrations and conducted 25 sessions of the 2012 “Act of Gender Equality in Employment and Sexual Harassment Prevention Presentation”. A total of 2,606 people attended.

(2) To develop the related knowledge and skills of personnel responsible for work associated with gender equality in employment, the Council of Labor Affairs conducted two sessions of the “Gender Equality in Employment and Workplace Sexual Harassment Prevention Seed Teacher Training Workshop” in Oct. 2012. Scholars and specialists were invited to lecture on regulations regarding gender equality in employment and related practices. About 100 people in total attended these courses. They were personnel in charge of work associated with gender equality in employment and the members of the gender equality committee in county and city governments, and the supervisors of related departments and labor union staff members of business entities. The objective was to improve the ability of related personnel to investigate and handle sexual harassment cases if they should happen.

(3) To educate workers on prevention of sexual harassment in the workplace, the Council of Labor Affairs posted in newspapers a series of 10 cases of successful counteraction against sexual harassment in the workplace as examples. The series ended in Dec. 2012.

79. Sexual Harassment Prevention Act

According to Sexual Harassment Prevention Act 7, the organizations, troops, schools, institutions or employers should prevent incidents of sexual harassment as well as taking effective corrective measures immediately when becoming aware of the occurrence of sexual harassment. Ministry of the Interior has

prepared a "No Sexual Harassment" sign. Organizations, armed forces, schools, institutions and companies having 30 or more employees are encouraged to write the Ministry's special phone number for lodging complaints on the sign and place it in the most notable spot in their offices or public places.

25) Please provide further information on legal and other measures to expand the coverage of the Labour Safety and Health Act to all the categories of workers not yet covered by the Act (Report, paras. 87-88).

80. Labor Safety and Health Act

- (1) The Labor Safety and Health Act currently applies only to mining, quarry, construction, manufacturing, plumbing and electrical service, transportation, and eight other types of businesses and the work venues of certain operations. It does not cover self-employed workers or all the workers in each profession.
- (2) After studying related information from the ILO, Finland, the US, Australia, and Korea regarding the legislative purposes and range of application of occupational safety and health regulations as well as the practices in and outside Taiwan, the Council of Labor Affairs has changed the title of Labor Safety and Health Act to Occupational Safety and Health Act to make it applicable to all professions and protect the safety and health of all workers. At the same time, it will also be extended to protect the workplace safety and health of self-employed workers, volunteer workers, and trainees in occupational training institutions.
- (3) The draft was already presented on Nov. 22, 2012 to the Legislative Yuan for review.

26) Does not the current policy on importing foreign workers (Report, paras 92-94), notably the role of brokerage firms that often levy excessive fees, lead to treatment of these workers as commodities? (i) What measures are being taken to protect foreign workers against exploitation and unfair practices? (ii) While foreign workers employed by industries to which the Labour Standards Act applies are entitled to the protection of their working conditions, what are the rights of foreign workers employed by industries to which the Labour Standards Act does not apply? (iii) Further, to what extent do foreign workers have the benefit of the Employment Services Act? (see ICCPR Report, paras. 31 and 116)

81. Are foreign workers treated as commodities?

That the government should allow private businesses to operate in areas where

private management can be allowed is a general tendency in the modern world. In Taiwan, private employment service agencies (hereinafter referred to as employment agencies) are operations that required special permission. Private businesses or individuals can apply to the competent authority for permission to set up profit-seeking or non-profit employment agencies and obtain the license before they can begin operation. When employment agencies accept the delegation of employers to bring in foreign workers, they have to go through the process of applying for permission, helping the employers select workers overseas, making transportation arrangements for foreign workers to leave their homes and arrive at the workplace in Taiwan, taking the workers to have physical examinations, providing interpreters, information and consultation, and going through other procedures needed to bring the workers into Taiwan. They do not treat foreign workers as commodities. The licensing and administration of employment agencies have also been an important part of the foreign worker policy. Employment agencies' charge items and standards are clearly specified. Any one who overcharges will be subject to a fine, business suspension, or license revocation imposed according to law. Meanwhile, the Council of Labor Affairs has also established regulations on compulsory accreditation of employment agencies. Inspection frequencies are increased if accreditation results suggest the necessity. If violations are confirmed, severe sanctions will be imposed to remove obnoxious employment agencies from the market. Through reinforcing the administration of employment agencies, the government is able to protect the rights and interests of both employers and foreign workers

82. **Protection of foreign workers against exploitation and unfair practices**

To protect foreign workers against exploitation and unfair practices, the Council of Labor Affairs created on Dec. 31, 2007 the "Direct Hiring Service Center" to help employers rehire foreign workers upon expiration of contract without going through an employment agency. Foreign workers are able to save the large amount of money that an employment agency overseas normally charges. The Council of Labor Affairs has proposed to the source countries of foreign workers that employment agency fees should not be any more than one month of basic wages in Taiwan and also coordinated the source countries to specify employment agencies' charge items and standards. At bilateral labor service cooperation meetings, the Council of Labor Affairs has requested the source countries of foreign workers to review the criteria of fees their employment agencies charge and reinforce the control on overcharging. Meanwhile, it is clearly stipulated that employers must pay wages in full amount to foreign workers. If found to have withholding portions as employment service charges on

behalf of employment agencies or for other non-statutory expenses, the employer will be ordered to pay the withheld portions back to the worker within a specified period or face fines, revocation of the recruitment permit, or part or the entire foreign worker employment license and agree to allow the worker to change employers.

83. **The rights of foreign workers employed by businesses to which the Labor Standards Act does not apply**

(1) The rights of foreign workers employed in professions to which the Labor Standards Act does not apply, such as domestic caregivers and helpers (to whom, whether ROC citizens or foreign nationals, the Labor Standards Act currently does not apply), are to be defined in the employment contract signed between the employer and the foreign worker. However, to ensure that the rights and interests of foreign workers are protected, the Council of Labor Affairs has stipulated in the Regulations on the Permission and Administration of the Employment of Foreign Workers (hereinafter referred to as the RPAEFW) enacted pursuant to the Employment Services Act that the employer and the foreign worker must sign an affidavit of wages. Before a foreign worker enters Taiwan, the employer, the worker, the domestic employment agency, and the foreign employment agency have to sign an affidavit regarding the expenses incurred for the worker to enter the Republic of China to work and his/her wages/salary. The affidavit must carry information with regard to the wages/salary of the worker in Taiwan and the expenses accrued before entering Taiwan and verification by the competent authority in the source country is required. Also, the employer must sign a labor contract with the foreign worker. Meanwhile, Article 43 of the RPAEFW stipulates that an employer has to pay the wages to the foreign worker directly and no part of the contents of the contract may be altered to the disadvantage of the worker.

(2) Domestic workers are employed by individuals to tend the sick or the elderly, take care of the family members, and do housework. Due to the unclear distinction of work hours and rest time, it is difficult to apply the Labor Standards Act to such workers. Therefore, after inviting domestic worker groups and employer groups, as well as scholars, specialists and related authorities to discuss and consult several times, the Council of Labor Affairs has formulated the Draft of Labor Protection Act for Domestic Workers to protect the rights and interests of domestic workers,. The draft has been presented to Executive Yuan for review. The Council of Labor Affairs will remain practical and continue to push for the legislation

of the Labor Protection Act for Domestic Workers.

(3) Social security for foreign workers

According to Subparagraphs 1 to 5, Paragraph 1, Article 6 of the Labor Insurance Act, the employees of business entities hiring more than five workers, employees of government offices, public or private schools who are not legally entitled to enroll in the insurance programs for civil servants and teachers, and workers in the fishing industry are required to enroll in the Labor Insurance program under their employer as an insured unit. As specified in Paragraph 3 of the same article, the same provision apply to foreign workers. Foreign nationals who work in Taiwan legally and comply with the aforesaid regulation are required to enroll in the Labor Insurance program. According to law, all insured persons covered by Labor Insurance, whether ROC citizens or foreigners, may file claims for insurance benefits when meeting the requirements.

84. Which of the rights stated in the Employment Services Act do foreign workers have?

Chapter 5 of the Employment Services Act is specifically dedicated to the employment of foreign workers and the corresponding administration. It covers the types of work foreigners can be hired to do, the requirements of contract signature and work permit application, things employers are forbidden to do, physical examinations of foreign workers, the requirement of reporting to the competent authority when foreign workers change employers or their whereabouts are unknown, etc. Subparagraph 15, Paragraph 1 of Article 54 particularly stipulates that with employers who have seriously violated laws and regulations on the protection of the rights and interests of workers, the central competent authority may reject applications for permits to recruit and employ foreign workers or revoke such permits if they have already been issued. As specified in the said article, serious violations include failure to enroll the workers in insurance programs in accordance with the Labor Insurance Act and the National Health Insurance Act, failure to terminate labor contracts in accordance with the regulations set forth in the Labor Standards Act, commitment of sexual assault, molestation or physical abuse by the employer, the care receiver or any of the household members, commitment of human trafficking as described in the Immigration Act, etc., and the employer has been confirmed by the police as having committed illegal conduct, indicted by the prosecution, or ruled by a first instance court as guilty.

27) To what extent are basic human rights, such as those relating to food,

health care, shelter and protection against exploitation and abuse, ensured and respected with regard to non-documented migrant workers? (see ICCPR Report, para.140).

85. The government is unable to protect the personal safety and rights and interests of foreign workers whose whereabouts are unknown or those working illegally (without work permits) before they are tracked down. Once they are found, the National Immigration Agency will act according to the Immigration Act, put them in detention, and then deport them. During the detention period, food and medical care are provided and their rights and interests are protected. All related expenses are paid by a budget set aside from the Employment Stability Fund of the Council of Labor Affairs. The detention cost and air fares are covered by the Employment Stability Fund.
- 28) Some categories of workers and workers in special circumstances are excepted from the right to strike (Report, para.118). Explanation is needed why members of the teaching profession – together with employees of the Ministry of National Defence – find themselves in this category? (see ICCPR Report, para.282).**
86. After amendment, the regulations in the three major labor laws on the right to strike have become more specific, including simplification of the procedure to reach the resolution of holding a strike to prevent procedural obstacles, confirmation of exemption of workers partaking in legal strikes from civil and criminal responsibilities to minimize their apprehension about being part of a strike. Workers are no longer prohibited to go on strikes, except those employed by the Ministry of Defense and its subsidiaries and teachers due to national security considerations and students' right to education. All these are clearly prescribed in the Act for Settlement of Labor-Management Disputes.
87. Teachers or workers employed in the various units of the Ministry of Defense are still given the option of exercising their right to strike, but it depends on whether social consensus can be achieved during the legislative process and the level of commitment. Teachers and national defense personnel are not entirely free to choose to go on a strike. After the restriction in the Labor Union Act on the organization of labor unions by teachers and certain employees in national defense units was lifted, the opinions in different sectors appeared divided on whether teachers could go on strikes but concurred on the priority of national security. Hence, it is stipulated in Article 54 of the Act for Settlement of Labor-Management Disputes that teachers, workers employed by the Ministry of Defense and its subsidiaries, and other school employees may not go on

strikes in order to protect students' right to education (Articles 21 and 23 of the Constitution) and military security. However, to make the scope of prohibition reasonable, legally employed full-time teachers, part-time teachers and substitute teachers, and other full-time and part-time school personnel employed according to administrative regulations, though prohibited to go on strikes, may resort to other actions, such as parades, demonstrations and sit-ins, to exercise their right to dispute. Plus, according to Paragraph 2, Article 25 of the Act for Settlement of Labor-Management Disputes, the aforesaid personnel may unilaterally apply for arbitration when a labor-management dispute involves adjustment. This is a compensatory measure for the prohibition of such personnel to go on strikes as set forth in Article 54 of the Act for Settlement of Labor-Management Disputes.

29) Article 115 of the Constitution provides for the establishment of a social insurance system. (Report, paras. 119 et seq.) More information is needed to what extent the social security system applies to workers and their families who fall into the categories of part-time, casual, self-employed and home workers, workers in the informal economy, indigenous peoples and minority groups, non-nationals - including migrant workers, refugees, asylum seekers and stateless persons- (see also in this context CESCR General Comment 19, paras.33- 38).

88. The Labor Insurance

According to Labor Insurance Act, labors employed by a company or firm with more than five employees shall all be enrolled in this program by the employer. For the unemployed or self-employed people, they can enroll the Labor Insurance by joining the Labor Union. The term "employee" is defined as people employed by a company or firm in whether in full-time, part-time, foreign, self-employed or casual. People can join the Labor Insurance or other occupational insurance when being employed, otherwise, they can join the National Pension Insurance when being unemployed.

89. Indigenous people

The indigenous people have equal human rights as other nationals in our country; they are eligible to enroll the Labor Insurance when employed or enroll the National Pension Insurance when unemployed. Relatively, they are the disadvantaged group in the society, hence, in addition to above insurance, the Council of Indigenous People from Executive Yuan formulated the "Society Security for Indigenous People Project" to look after their social security, employment and hygiene issues.

90. Refugees

The Refugee Act is still under legislating; therefore it is unable to implement into the social security system. Details of the draft for this act are described below :

- (1) Based on Article 7 of the draft of the Refugee Act, during the timeframe of reviewing the refugee recognition cases, the competent authority may give applicants permission to stay in the Taiwan. The applicants are entitled to receive legal counseling services, medical care and other basic rights as well as abide by the laws and regulations of our country.
- (2) Based on Article 13 of the draft of the Refugee Act, for an individual who has obtained refugee status, the competent authorities shall issue corresponding documents certifying such status. For an individual holding refugee status certification documents, he/she shall be able to apply for ARC or refugee travel documents, and will be entitled to apply for APRC or naturalization in accordance with the related law. Furthermore, according to Article 9 of the National Health Insurance Act, those who have ARC and established a registered domicile for at least six consecutive months are eligible to be insured by National Health Insurance.

Rights of the Family (Article 10)

- 30) Please provide annual statistics on the proportion of international marriages out of total marriages for the past ten years, disaggregated by country of origin of women. What are the situations of the foreign immigrant wives of Taiwanese men, and what laws, policies and programmes does Taiwan have to protect their equal rights?**

91. The situations of the foreign immigrant wives

Foreign and Mainland Chinese spouses leave their countries of origin to establish families with Taiwanese. Due to the changes in geographical environment, weather conditions, societal groups, linguistic environment, and culture, they often encounter the following situations:

- (1) Adjusting to a new lifestyle: Due to different mother tongue language, foreign spouses need time to learn the new language and get accustomed to life in our country. Although Mainland Chinese spouses do not have language barrier, they still have difficulties in adjusting to our local culture and environment, which may be different and strange to them.
- (2) Human relationship: Due to the language barriers and cultural differences, foreign spouses do not know their neighbors very well and less involved

in the local community. They need time to adjust and establish relationships.

- (3) Employment: Since foreign and Mainland Chinese spouses have limited qualified education verification, and language barriers, it is difficult for them to look for jobs. As most jobs available to them are low-paying, their employment rights are negatively affected.
- (4) Relationship with the other members in the family: Due of the large discrepancies between foreigners or Mainland Chinese and their spouses in terms of age, know-how, and cultural differences, they often encounter many problems after marriage. These problems may involve spouses, other family members, in-laws, or having low status in the family. Those who choose to file for divorce encounter problems with regards to residency, legal proceedings, child custody... etc.

92. Laws, policies, or projects aim to protect their equal rights

- (1) The “Counseling Mechanisms for Foreign and Mainland Chinese Spouses” was established in 2003. It has eight main functions: life-adjustment counseling, health services, employment rights protection, enhancing education and culture, assisting in children’s education and upbringing, ensuring safety and life-protection, establishing a sound legal system, and promoting public awareness. These will be carried out collaboratively by governing bodies, including local governments.
- (2) In order to strengthen counseling services for new migrants, government and private resources are combined effectively to establish a special fund for foreign spouse counseling, which starting 2005 and estimated to raise three billion NTD in ten years.
- (3) By pushing forward the “Foreign Spouse Life-Adjustment Counseling Implementation Project”, which establishes counseling resources for foreign spouses. It is aimed to increase their ability to adjust to life in Taiwan and help them to integrate into the new lifestyle successfully. The project also strives to foster a multicultural society by assisting local governments in offering life-adjustment counseling, workshops, multicultural events, life-adjustment information sessions, etc.
- (4) The Legislative Yuan issued a white paper on Population Policy on March 10, 2008,. It establishes six main immigration policies, and added counseling as a policy objective. By strengthening counseling mechanisms at the pre-arrival stage of immigration, the policies promote the protection of social, cultural, educational, and economic rights, and

increase the ability of migrants to adjust to the local lifestyle and allow them to become autonomous in employment.

- (5) In order to help life-adjustment for new migrants and their children, the “National New Migrants Torch Project” was newly pushed forward in 2012. By combing the resources from the Ministry of the Interior, Ministry of Education, schools of all different levels, and private institutions, the “Torch Project” is an inter-governmental, joint effort which also involves different segments of society. Multicultural events are held in 362 “key new migrant schools”, which have a significant number of students whose parents are new immigrants. In addition, there are new migrant volunteer counseling training sessions, native-language classes, Southeast Asian language instructor accreditation, and family support programs. The aim of this project is to strengthen the effectiveness of counseling networks and support family functioning.
 - (6) When residents of Mainland China, Hong Kong, or Macao become spouses of Taiwanese citizens, they may apply for entry into Taiwan by family-sponsorship based on marriage. This is in order to protect the right to family reunification, to allow such couples to continue marital life, and enable foreign spouses to obtain residency and household registration in Taiwan. The process is without discrimination based on gender, with equal treatment across the board, and with respect for the freedom of marriage.
 - (7) Foreign spouses, according to relevant regulations of Entry and Exit Immigration Law, may obtain residency status. Immigration law also guarantees the residency status of foreign spouses who have legal guardianship over minors with Taiwan residency in the event of: the death of family sponsors, becoming victims of domestic violence, divorce, or deportation due to repealed residency permits. For the spouses whose residential visa have expired and were sent back to Mainland, they are allowed to continues their residency if the repatriation may cause serious and non-repairable damage to their children who have Taiwanese residency.
93. The principle of protecting Mainland spouses’ rights and equalizing their rights with those of foreign spouses Cross-strait marriages have gradually normalized as cross-strait exchanges grow closer and relationship between the two sides improved. In response to further realize the spirit of human rights protections under the *International Covenant on Civil and Political Rights* and the *International Covenant on Economic, Social and Cultural Rights*, the Mainland

Affairs Council (MAC) drafted amendments to Article 17 of the *Act Governing Relations between the People of the Taiwan Area and the Mainland Area* in reference to the system for foreign spouses in Taiwan. The amendment adjusted and loosened restrictions on the period required for Mainland spouses to obtain a ROC identity card to four to eight years, in hope that it can fulfill the policy principle of protecting and equalizing the Mainland spouses' rights. The Executive Yuan submitted the draft amendment to the Legislative Yuan for deliberation on November 14, 2012.

94. Annex 2 is the statistic of international marriages.
- 31) Compared to Taiwan's economic development, eight weeks of maternity leave seem rather short. Is the Government intending to increase the length of maternity leave? Also, how much is the allowance to the parent while the mother or father is on child care leave without pay?**
95. As for the question of whether the number of days of maternity leave will be extended, as the business scales of domestic enterprises vary and balance between the rights and interests of workers and employers has to be taken into consideration, it requires further review and assessment.
96. As stipulated in Article 11 of the Employment insurance Act, when insured persons with over one year of insurance coverage and children under three years of age request for parental leave according to the Act of Gender Equality in Employment may apply for parental leave allowance. According to Article 19-2 of the same act, the said allowance will be 60% of the average insured wages of the insured person in the six months before the month the parental leave begins and paid on a monthly basis during the parental leave. The allowance will be paid for each child for up to six months. If both parents are insured, they are required to apply separately, not together. Thus, for each child, the parents may receive the parental leave allowance for the maximum of twelve months
97. According to Constitution of the Republic of China (Taiwan) Article 156 , the State, in order to consolidate the foundation of national existence and development, shall protect motherhood and carry out the policy of promoting the welfare of women and children. Regulations on Civil Servants' Applications for Leave article 3 requires that civil servants have 42-day(equal to 8 weeks and 2 days) maternity leave after childbirth and their spouse have 3-day accompanying maternity leave. However, the low birth rate has become a national security issue. The maternity leave we give our civil servants is comparatively shorter than our neighboring countries such as Japan and Singapore (10-12 weeks on average).In order to increase the fertility rate of our

civil servants, we will research and discuss the possibility of increasing the length of civil servants' maternity leave with the Examination Yuan in the future.

98. Under the Public Servant and Teacher Insurance Program, effective 1 August 2009 males and females are equally eligible to receive unpaid nursing leave allowances to compensate for lost wages during unpaid leave to care for an infant. Related measures are detailed as follow:

(1) Eligibility:

A person covered under the Public Servant and Teacher Insurance Program for not less than one year, who is caring for a child/children under three years of age, and who arranges for unpaid leave and opts to continue participating in the scheme, may apply to receive an infant care unpaid leave subsidy, regardless of sex.

(2) Payment standards:

A. Payments are made monthly, effective from the date of commencement of unpaid leave, at a rate of 60% of the average monthly insurance payment (wage) for the six months prior to the month during which unpaid leave is taken; payments shall be made up to a maximum of six months, and the number of days taken less than one month prorated by the actual number of days of unpaid leave.

B. An insured individual with twins, children from a multiple birth, or who has an additional child during the period of unpaid newborn care leave may stagger payment periods for different children to receive allowances.

C. When both parents are insured under the scheme, take unpaid leave to care for the same child at different times and opt to continue to participate in the program, each parent may receive allowances.

(3) Current status:

Since its introduction on 1 August 2009, as of 31 December 2012 a total of 15,320 persons have received this allowance, including 1,266 males and 14,054 females, respectively, totaling NT\$1,229,000,000 in approved payments.

32) What has been the accommodation rate of the child care facilities from infants up to the age of 5?

99. As of December 31, 2012, the number of children aged 0 to 2 years old is 419,670. Institutional daycare centers can accept 9,000 of them, with an accommodation rate of 2.14%, while the home childcare services can accept

46,232 of them, with an accommodation rate of 11.02%, Kindergartens in Taiwan accommodate children between aged 2 to first grade in primary school. The accommodation rate is 84.74%.

Right to Food (Article 11)

33) In the Report, para. 207, it is stated that measures are being taken to secure sufficient food supply: (i) How does the Government influence the decisions of the competent local authorities in this matter? (ii) What programmes are in place regarding disaster risk management and disaster recovery in Taiwan, a country often beset by intense weather events?

100.

(1) As the effect of global climate grows more significantly, the changes of water environment has become more rapidly and unpredictable causing the frequency, scale and damage of the disasters to increase. Under this circumstance, the Water Recourse Agency of Ministry of Economic Affairs has planned and promoted “Disaster Mitigation Promoting Projects (2011~2015) targeting at rooting the mitigation strength, integrating relief information and comprehensive prevention planning to strengthen the mitigation preparation, the warning system, and the rebuilding. These improvements can diminish the risks and damages of the disaster and recover people’s living functions effectively.

(2) At present, post-disaster recovery schemes for centrally managed river, coast and regional water drainage and etc are: (i) Major rivers environmental constructions scheme. (ii) Coastal environmental constructions scheme. (iii) Regional water drainage regulation and environmental construction scheme to improve river and regional drainage conditions, coastal landscapes and to provide a natural riverside environment for public recreations while reducing damages incurred from water disasters, strengthened disaster prevention efficiency.

101. To meet the national food security need for stable food, according to the Food Administration Act, the Government should purchase rice from local farmers and imports 94,068 tons of brown rice each year, as an obligation of being a WTO member, to replenish the public stock. Those public stocks are stored in more than 300 warehouses around the country to ensured to reach the security level which is set at an amount enough for three-month consumption.

102.

(1) As for natural disasters, such as typhoon and earthquake, responsible by

Ministry of the Interior, we have enacted relative disaster prevention and protection business plans which are executed by central and local governments respectively. When a disaster occurs, governments of all level will immediately set up emergency operation centers and work together to carry out the necessary response work, including disaster rescue, victim shelters arranging, post-disaster recovery and so on.

- (2) In order to strengthen the abilities against disasters, National Fire Agency of Ministry of the Interior have implemented a series of disaster prevention and protection for cultivation to enhance civilians' abilities to prevent and evacuate from disasters.

Right to Housing (Article 11)

- 34) Is the Government planning to adopt a national housing survey and housing policy, addressing in particular the situation of marginalized and disadvantaged groups of society (cf. Report, paras. 215-218)?**

103.

- (1) The government provides various ways to help citizens in housing issue. For the medium to low income families, governments provide the suitable price houses and subsidies the interest of the home loan. For the low income families, government subsidies the rents or provides the units that are for rent only.
- (2) The government conducts the housing condition survey every decade, and establishes the 4 years term implementation plan for the housing policy.

104. The Housing Act which was just established in 2011, was designed to robust the housing market, improve the quality of living, and thus allow all citizens to enjoy suitable housing and a dignified living environment.

105. In order to satisfy the demand of the disadvantaged groups and provide high quality social housing, the government plans to build social houses in 5 districts within Taipei City and New Taipei City, which are the two most crowded cities in Taiwan. It is expected to build 1,661 households. Besides, in order to understand the demand of the housing, the government also conducted the social housing demand survey in December 2011. The results will be used to implement the medium and long-term project for the disadvantaged groups.

106. In order to reduce the burden of nationals living, over the years, the government consistently provides assistance for the families or individual person if he or she is qualified as Low Income. The "Integrating Housing Relevant Funds Program" has been promoted since 2007. However, due to the limited resource the

government has, there are series of assessment for the applicants. The funding priority will be decided based on the following criterions:

- (1) The annual income of the applicant's family;
- (2) Number of the applicant's family members;
- (3) Age of the applicant;
- (4) Verify the applicant's family member(s)' qualification for Disadvantaged People;
- (5) Verify if the applicant had receive the government's funds for purchasing the house before.

107. Furthermore, the disadvantaged families (single-parent family, victim of domestic violence assault and their children ...etc.) not only will receive more points during the assessment, they will also gain higher priority and assistance to solve their housing problems.

35) Please provide information on the situation of the homeless. What steps is the Government taking in that respect?

108.

- (1) According the nearest government statistics ,there are about 3,374 homeless people (3,012 of male, 362 of female) who have been registered for service in Taiwan.
- (2) The government provides supports and assistances to help these persons to return home, caring service, providing shelters, and festival activities. The social work system also refers some homeless people to go for a job through the labor administration system.

109.

- (1) Both the county and city governments provide various services for those homeless people who have registered in the system. Some of them did not get registered may caused by no fixed places to stay; unknown identification; or have no intention to register.
- (2) In order to encourage the local governments to provide counseling services, the Ministry of Interior grants the funds for them to provide the services and organize the events listed below:
 - A. Providing the minimum substance for basic life support: supplying of hot food, showers, keeping warm, barbering, clean clothing, sleeping bags, health care ...etc,
 - B. Subsiding funds to organize events like New Year Festival, seminars for related topics, increase visiting frequency and caring program during cold seasons.

36) Please provide further details, particularly as regards forced evictions (Report, para. 217). Does the State Party provide alternative housing for those forcibly evicted, in line with CESCR General Comments 4 and 7)?

110. Before submitting expropriation plan, the applicant(s) should hold a public hearing to hear the opinions of affected landowners and interested parties. And In accordance with the “Land Expropriation Act”, the applicant(s) should evaluate the public interest purpose ; necessity of such undertaking ; carry out overall evaluation ; and analysis of the sustainable development factors from social, economic, cultural, ecological areas, and so on.
111. When the tenants were forced to resettle due to expropriation or public facilities construction, the compensation for the resettlements will be paid by the project implementers based on the value of the facilities, crops on that land.
112. Handling of urban renewal is to provide people with adequate standard of living for themselves and their families, and to satisfy the demand of constantly improving the environment. In line with the provisions of Article 11 of UNCESCR .In accordance with the Urban Renewal Act , the new proportion after the reconstruction will be based on original proportion before; the renewed land will be given to the owner after the implementation fees are paid. It was not done by forcing relocation of the original households.
113. During the implantation of the urban renewal, if the tenants can't stay in the original place and have to find a place somewhere else due to the removal or demolition of the building, the rents and transportations fees for the temporal resettlement will be subsidized by the implementers. By doing this way, the tenants can process the relocation themselves without the their lives being disturbed.
114. After the disaster of Typhoon Morakot, in order to help victims rebuilding their home efficiently, government made a policy of Relocation to Permanent Housing, which was cooperated by a multi-sector group made up of the government, non-profit organizations, and associated volunteer groups. While the government offered, rezoned the new lands; constructed infrastructure and basic public facilities, NPOs were responsible for the construction of permanent housing.
115. In accordance to "Special Act for the rehabilitation for Typhoon Morakot Disaster" article 20, after gaining the prior agreement for the resettlement and consolations and with the residents, the local governments could start relocating the residents. The program was not done by force but co-operation between the residents and the government. 39 sites which consisted of 3,441 permanent houses were completed by end of December, 2012.

Rights to Health and Water (Article 12)

37) What measures is the Government taking to address the high pregnancy and abortion rate amongst female adolescents, and how is teenagers' sexual health education effectively guaranteed? Are there training courses on sexual health issues for health care personnel? (Report, paras. 237-239).

116. Schools shall host activities to promote health and help develop health lifestyles, including sexual health education, and provide courses and activities on gender equity education and sexual health education to help students form accurate knowledge on sex and attitude toward safe sex and birth control. Also, teenage pregnancy prevention, management, and treatment shall be integrated in relevant activities or events held by educational administrations and schools at all levels. Schools should take an active role in preventing and coping with student pregnancy and protecting students' basic human rights and rights to education from three aspects: education, guidance, and assistance. When coping with incidents of teenage pregnancy, schools shall stick to professional ethics, respect privacy, and take necessary measures to help out, keep confidentiality and ensure the rights of pregnant students or students with children. To promote sexual health education in schools, the Ministry of Education (MOE) and the Department of Health (DOH) launched a new work mode "health promotion school", integrating sexual health education into one of the goals of the schools, based on the idea of whole person development. The MOE commissioned specialized groups to prepare the nation's sexual health education guidelines as the supplementary material for sexual health education in hopes of embracing partners into school education and reinforcing sexual health education. In addition, a learning resource network was established to provide health education teachers with access to teaching resources in order to help students cultivate correct concepts, respect for the autonomy of others, cope with personal relationships, deciding on premarital sexuality, and possible legal consequences. To supervise sexual health and wellness education in schools, an inspection visit plan was organized to supervise arts education, activity courses, sexual health education and health and wellness education. Training programs were planned for school administrative personnel and teachers of health and wellness education, and promotion teams comprising college students were formed to visit 28 senior high schools and schools at lower levels to promote sexual health education.

117. To assist and guide local governments and private organizations to hold activities and seminars for advocacy of sex education, gender relations consultancy, and

treatment of unmarried pregnant women, so that children and adolescents can be guided to establish correct sex knowledge, and various services are as follows:

- (1) The "sex e-Learning (" The Secret Garden ") - Youth Portal" provides adolescent sexual health information.
- (2) "Adolescent sexual health service promotion plan," utilized the familiar MSN as a platform to converse and consult with young people. The plan also integrated with local community school to transfer the needed young people to individual psychological counseling or medical institutes to receive treatments.
- (3) By integrating the education, health and social affairs agencies of the central and local governments, we have set up the one-stop service to address the needs and problems of children, adolescents and their significant others. Through consultation, contact, and resource referrals, we form a service resource network to provide the unmarried pregnant girls with an assistance package in a timely manner.
- (4) "The adolescent-friendly physician / outpatient (Teens' happiness Number 9) Plan" was implemented, which joined medical institution to provide various contraceptive methods and consulting services to the young people. Thereby assisting the teenagers to communicate with their parents and jointly solve problems such as unexpected pregnancy, and 149 reproductive health consultants were trained in 2012.
- (5) Subsidized by government, private organizations set up the national advice hotline and the help website to the unwed pregnant adolescents. In addition to offering them handy and instant consultancy and help, the hotlines and websites also help integrate resources and refer those cases to local governments for placement, adoption, assistance and services.

118. We have subsidized the relevant units to handle the cases of unwed pregnant girls and the youth support system programs, and professional non-governmental organizations were subsidized for offering gender relations consultancy and treatment services to the unwed pregnant girls. Local governments are guided and assisted to set up the placement and correctional institutions for unmarried mothers and their infants and to offer the unwed pregnant girls the necessary treatment services, so that they can settle down if they cannot receive assistance from their own native families. Four maternal and infant correctional institutions have so far been set up.

119. The National Union of Nurses' Association, R.O.C. and Taiwan Community Hospital Association were subsidized to conduct continue education which provided includes 59 sessions of sexual health related issues in order to strengthen the competency of nursing care.

38) Please provide information on mental health problems generally, beyond prevention and control of occupational accidents (Report,paras.252-253), explaining the ratio of in-patients and out-patients, and availability of ambulatory care, and on affordability of such care (cf. CESCR General

Comment 14).

120. The annex 3 showed the information on chronic psychiatric disorder in Taiwan during 2011, and the ratio of in-patients and out-patients according to the actual number of patients is

$$\frac{\textit{outpatient}}{\textit{inpatient}} = 3.74$$

121. If the ratio is calculated by cases, then the ratio becomes

$$\frac{\textit{outpatient}}{\textit{inpatient}} = 8.82$$

122. For the acute psychiatric disorder, we have to filter the data from national health insurance database which has been strictly encrypted to protect personal information. Therefore, gathering of the information on acute psychiatric disorder is currently experiencing difficulties. Besides, Mental Health Act does not violate the provisions of human rights discrimination, amending by the implications of the legal equality. At the present time, there are psychiatric section in-patient and outpatient services in each municipal city, each county/city in Taiwan. There are 381 medical institutions can provide outpatient services and 129 institutions can provide hospitalizations.

39) Please provide further information on the availability and accessibility of health care for persons with disabilities, and what steps is the State Party taking to improve the health care situation of these individuals (report, para. 233)?

123. Hospital of Outpatient management approach, based on Article 24, section 2, of the People with Disabilities Rights Protection Act, our country's 22 local Health Bureaus have designated 79 hospitals to provide dental care and early childhood intervention outpatient services, particularly for people with disabilities. In order to make sure the people with disabilities have their fair accessibility for hospitality, by operating Rehabilitation Bus services, the government provides medical transportations for the people of disabilities to the hospital. Long term care project in Taiwan has achieved the concrete outcomes. The rate of coverage rate among the disable elderly population has been increased for twelve times to 27% in 2012. To provide the long term care service to more people and develop the foundation of service network for the long term care system, the middle term project from 2012 to 2015 of the Ten-year Plan for Long-term Care has been finished. The long term care service will open to more people based on the needs,

and the minority will be considered as the priority. To eliminate the gap of long term care service between rural and urban areas, Department of Health is actively promoting the development of local long term care system in the remote areas, training the local professionals, and building the local community long term care service bases. Until 2012,13 long term care service bases have been built and it is estimated that there will be 40 bases in the end of 2014.

40) According to information received, only a reduced rate of water is available for the agricultural sector. Please explain the fallow land policy begun as early as the 1973 Agricultural Development Act, and what steps is the Government taking to secure sufficient access to water?

124.

- (1) The Agricultural Development Statue of 1973 was formulated to ensure sustainability of agricultural development in Taiwan under liberalization of global trading in agricultural products. In order to protect farmers' income and welfare under the pressure of international market competition, from 1983 to 1995, the Ministry of Agriculture subsidized farmers to grow other produces or fallowing their land periodically. Such government subsidies not only reduced surplus production of rice, but also generated other benefits such as improved fertility of agricultural land and ecological services provided by fallow farm lands.
- (2) Taiwan has long adopted several strategies to ensure agricultural water supply, such as improving irrigation water use efficiency, controlling and surveying of irrigation water pollution, and developing multi-purpose irrigation infrastructures. The main measures have included:
 - A. Continuing investment in irrigation infrastructures such as storage facilities and irrigation canals, in order to stabilize water supply quantity.
 - B. Constructing additional storage facilities with dedicated purpose of storing surplus agricultural water for later use, such as storage of raining season's surplus water for use during dry season, or of night time's surplus water for use during the day.
 - C. Promoting the production of diverse produces other than paddy rice and agricultural water conservation, in order to increase agricultural use efficiency and the quality of produces.
 - D. Modernizing irrigation management through research and development of automatic flow monitoring and regulating equipment for field applications.
 - E. Establishing mechanisms for irrigation water pollution monitoring and

control, as well as assessing the feasibility of treating and reusing municipal wastewater, in order to increase quantity of available agricultural water supply.

- F. Encouraging farmers to adopt practices that could increase the capacities of paddy fields or fallow farmland in flood regulation and groundwater recharge, in order to increase the environmental services of the agricultural production systems.

125. Promoting paddy fallow is the sequential policy that reform the production structure of rice :

- (1) In 1984 to 1997 : In order to solve rice storage problem , Taiwan started the Rice Product and Paddy Rotation Plan in 1984 to 1997.
- (2) In 1997 to 2010 : The Paddy Land Utilization Adjustment Program and sequential plans were launched in 1977 following Taiwan’s accession to WTO. The purpose was to reform the production structure of rice, upland crops and sugarcane which are crops purchased at guaranteed prices by the government. Measures of crop rotation and fallow have been advocated to improve soil fertility and to avoid overproduce. The land is well maintained being ready for producing so that temperate food supply can be assured in case of need.
- (3) In 2011 to 2012 : Paddy Land Utilization Adjustment in order to secure adequate food supply and maintain proper food prices, the Agency started paddy land utilization Adjustment and the Small Landlord and Large Tenant Policy in 2009. This project encourages land owners to rent their fallow lands to “large tenants” for the production of rice, forage corn, forage, silage corn or crops of organic farming. The major advantage of the policy is to expand the farm scale and improve the management efficiency.

126. The agricultural water consumption in Taiwan gradually decreased since 1979 due to the development of modern sprinkler/drip irrigation facilities, the promotion of agricultural land set-aside policy, dry farming policy and the water conservation policy. The priority of agricultural water still dominates according to the Water Conservancy Law and Water Rights even in the reduction of agricultural water consumption annually.

127. Under water rights assessment (including agricultural water consumptions), authorities should comply with the Water Act and enforcement rules. In compliance to Clause 17 of the Act, water allowance for agricultural (irrigation) purposes should be assessed based on plantation areas, irrigation rate, water usage time, rate of conveyance loss and etc. In addition, the assessment should also adhere to water rights regulations: (i) Evaluations of hydrologic conditions

of the irrigation regions. (ii) Water usage from surrounding approved consumptions (iii) Environmental base flow. (iv) Water consumptions required by economical activities.

41) Please explain further the effects of monitoring of pollution amelioration on agricultural land (Report, para. 211).

128. The heavy metal pollution of cultivation soils and crops are supervised by Environmental Protection Administration (EPA) and Council of Agriculture (COA), State House. In order to maintain the safety and quality of agricultural produces, as well as protecting people's health, COA implements the project of survey and arbitrate the dispute about contamination on crops every year. Furthermore, for avoiding the distribution of agricultural products which were not qualified to the standard of food's safety, and finding heavy metal polluted cultivation, COA monitors crops from the potential heavy metal polluted land. The numbers of random inspection of the food crops are about 460 every year.
129. When the food crops have heavy metal contamination, which are not qualified for food's safety standard, the cities and counties of governing will destroy the polluted crops and compensate farmers for their loss, and avoid the distribution of polluted crops based on standard operating procedure (SOP). At the same time, COA will also inform EPA to follow and monitor the contamination as well as the quality of water for avoiding the increasingly pollution. Moreover, the cities and counties of governing will help farmers leave the land fallow for decreasing the risk of heavy metal pollution.
130. Based on the data provided by the Council of Agriculture, there is a total of 800,000 hectares of farmland nationwide. A systematic grid-sampling method was used for farmland investigation nationwide by the environmental protection agencies since 1982. The 2001 investigation results indicated that a total of 319 hectares showing high pollution potential. In 2002, it was confirmed that a total of 277 hectares (1,183 parcels) of farmland was contaminated, 261 hectares (1,108 parcels) of which have been remediated.
131. Environmental Protection Administration (EPA) has established a "comprehensive indicator evaluation system" based on the historical soil data and irrigation methods provided by Taiwan Agricultural Research Institute, Council of Agriculture. EPA has evaluated the pollution potential for 17 Irrigation Areas (including 3419 work stations, approximately 580,000 hectares) nationwide. The evaluation results were in 5 categories, including 410,000 hectares in category "Good", 73,000 hectares in category "Moderate", 49,000 hectares in category "Alert", 7,000 hectares in category "Contaminated", and

8,000 hectares in category “Hazardous”.

132. EPA investigated 12 “Contaminated” and “Hazardous” work stations (approximately 1,381 hectares) in 2010. The results showed that a total of 778 parcels (approximately 122 hectares) were contaminated and currently the remediation is in progress. As of December 31, 2012, a total of 2,498 parcels (approximately 516 hectares) of farmlands were contaminated. A total of 1,774 parcels (approximately 407 hectares) had been remediated, which showed a site closure rate of about 79%.

42) Please explain the ruling of an administrative court on the cancellation of an environmental impact assessment of the stage III Project of the Central Taiwan Science Park. Why were the construction operations of the contractors not stopped ?(Report, para. 212), considering the health risks of contaminated agricultural irrigation water, as evidenced in the high dioxin level in the blood of Houli District residents, as compared with the rest of the country.

133. On January 21, 2010, the Supreme Administrative Court withdrew the of Chising Site, the Stage-III Project of the Central Taiwan Science Park (CTSP) (the Judgment of the precedent No.30, 2010).The conclusions of the review of the Environmental Impact Assessment (EIA) and development permit belonging to two administrative sanctions, the conclusions of the review of the EIA lose validity, development permit is not followed immediately shall become null and void:

(1) According to the EIA Act, National Science Council (NSC) has been lawfully completed the EIA review process In the case of the environmental impact statement of CTSP Phase- III (Houli Site-Chising Farm) Development Plan. Therefore, the two manufacturers in the park is legally with applied lawfully and obtained the relevant permission settings. After the revocation of the administrative proceedings to the conclusions of the review of the EIA, it shall be handled by the administrative channels for relief in the Administrative Procedure Act prescribes, rather than by the EIA Act.

(2) This case shall be measured the protection of reliance interest to the manufacturers and the public welfare maintaining for the whole or any part of the revocation, and the other setting to the date of losing the effectiveness, or not to revoke in accordance with the Administrative Procedure Act by the license approving agency (NSC, CTSP Administration and Planning Agency Ministry of the Interior, etc.) in less than 2 years.

According to the results which review has not been ended based on the health risk assessment which has been completed by development units, it shows that the affect of health risk or public welfare is in the acceptable range in this case. NSC considered the parties involved in this case are Environmental Protection Administration (EPA Taiwan), NSC and CTSP Administration, therefore, the effect of the ruling should not involve the third party (tenant) based on the public welfare aspects of national economic development, legitimate expectation to tenant and employment promotion according to the proviso of article 117 of Administrative Procedure Act. The approved licenses are exempted from the withdrawing. Although the litigant's public construction was suspended due to the ruling, the tenant shall continue its construction and production.

- (3) After that, however, on February 24, 2011, the Taipei High Administration Court judged the NSC and EPA Taiwan win the lawsuit (Judgment of the litigation No.1179, 2010) which is an accusation, claimed by environmental groups and a part of local residents, that Stage-III Project of CTSP development activity permission of NSC should be invalid and CTSP should suspended its development. Therefore the development permission issued by NSC was not an invalid administrative disciplinary action. This court judgment explained the importance of laws to protect the right of tenant's trust. Under this judgment, administrative branches of government did not obey the judge of the court.
- (4) For the checks of national health, the original conclusions of the review in this case has been asked to 「development units should Put forward the health risk assessment before the operation. ... if the results of the assessment have long-term adverse effects on the health of residents, the development units should commit to unconditional revocation of the development of this case」. In essence, it has been to ensure the health of the residents will not be affected by the development of this case. According to the health risk assessment in Chising Farm part which measured by the team of Dr. Chang-Chuan Chan and Dr. Kun-yu Wu in the Institute of Occupational Medicine and Industrial Hygiene, National Taiwan University which has been commissioned by CTSP Administration, the cancer risk is 2.13×10^{-7} . And according to the U.S. Environmental Protection Agency standards, it is acceptable risk. EPA Taiwan has asked the development units to replenish information, and if follow-up review revealed the health risk assessment error made by the research team and confirm the long-term adverse impact on the national health, EPA Taiwan will require NSC to

revoke the development permit of CTSP Administration in accordance with the Administrative Procedure Act.

134. The effluent of the stage- III Project of CTSP was never discharged to agricultural irrigation ditch, and the concentration of water pollutants was complied with the effluent standards. The phenomenon of high dioxins accumulated level in the blood of Houli District residents has existed for many years before the stage-III Project of CTSP was operated since 2007; Besides, the dioxins are not the characteristic substances from this Science Park. Consequently, neither the case of contaminated agricultural irrigation water nor the phenomenon of high dioxins accumulated level in the blood of Houli District residents has relationship with the stage-III Project of CTSP.
135. About “the high dioxin level in the blood of Houli District residents, as compared with the rest of the country”, in order to strengthen the control of dioxin emissions and reduce risk, the main two implementations of the EPA Taiwan are as followed:
- (1) To strengthen the control of the dioxin emissions, 6 regulations were promulgated to include all the stationary dioxins emission sources, which were “Waste Incinerator Air Pollutant Emissions Standards”, “Small and Medium-Sized Waste Incinerator Dioxin Control and Emission Standards”, “Steelmaking Industry Electric Arc Furnace Dioxin Control and Emission Standards”, “Steel Industry Sintering Plant Dioxin Control and Emission Standards”, “Electric Arc Furnace Flue Dust Treatment Dioxin Control and Emission Standards”, and “Dioxin Emission Standards for Stationary Pollution Sources”.
 - (2) EPA Taiwan implemented the investigation of domestic dioxin emissions and environmental monitoring since 2002. With the control strategies executed by environmental protection authorities at all levels, the total emission of dioxins has reduced from 327g in 2002 to 55.7g in 2011. The reduction rate is 83%.Taiwan yearly average of ambient dioxin concentration in 2010 to 2012 is about 0.029~0.051 pg I-TEQ/m³ and 0.043 pg I-TEQ/m³ nearby Houli District Office in 2010 which are significantly lower than the average concentration of 0.089 pg I-TEQ/m³ in 2002 and 2003. The world’s only ambient dioxin air quality standard is set by Japan, which is 0.089 pg I-TEQ/m³. The ambient dioxin concentration in Taiwan is much lower than the standard set by Japan.
136. Administrative litigation is designed to resolve the dispute between the people and the executive agencies. In the principle of the separation of powers, the administrative court plays the supervisory role over the law, reviewing of the

legality of the administrative actions. The judgment of the Supreme Administrative Court 2011 Pan-Zi No. 2263 and the judgment of the Taipei High Administrative Court 2010 Su-Zi No. 1179 were adjudicated in accordance with the petition to confirm the 2006 development permission, which was approved by the National Science Council based on the environmental evaluation that were revoked by administrative court, was invalid, and the civil notice issued to the Environmental Protection Administration to order the Central Taiwan Science Park to stop development activities in accordance with the Article 23, Paragraph 8 and 9 of the Environmental Impact Assessment Act. The content of the judgment is as follows: “The effect of the original development permission, which does not include the situation that the permission was granted after the environmental impact assessment is done but revoked later, in this case does not apply to Article 14, Paragraph 1 of Environmental Impact Assessment Act, and this case shall apply to Administration Procedure Act in accordance with the jurisprudence of “multi-stage administrative procedure” and “continuing administrative disposition”, the National Science Council may abolish the permission actively in accordance with relevant regulations; when this case is still pending, the Environmental Protection Administration has complete 2010 environmental assessment review, which was adopted by the National Science Council to grant 2010 development permission while abolishing 2006 development permission; in other words, the 2006 development permission was invalid on September 6, 2012. The litigant for confirming the 2006 development permission to be invalid was revoked, and the reason is that the case does not possess the element of administrative disposition invalidation litigant. Article 23, Paragraph 8 of the Environmental Impact Assessment Act, stipulates that the competent authority shall follow the laws and act accordingly within 60 days after receiving civil notice and deeming the development unit indeed violates Environmental Impact Assessment Act or other regulations; rights and obligations between the competent authority and the development unit are not founded until the competent authority commanding the development unit to take certain actions or disposing in accordance with laws, and before that, legal relations between the competent authority and the development unit may not be created; whether or not the development unit violates Environmental Impact Assessment Act or other regulations belongs to questions of fact rather than legal relation. However, the fact is not yet revealed, and whether or not the Environmental Protection Administration contains the obligation of the public law is neither the legal relation nor the party to be confirmed with in the administrative procedure. This case, thus, is revoked accordingly.” The judgment

from administrative court clarifies the reasons that this case may not be established within the scope of the proclamation from the plaintiff, and the administrative court may not receive the case by exceeding and proclamation from the plaintiff and the type of litigant chosen by the plaintiff. Therefore, courts may not decide whether or not there are other causes that shall prevent the development unit from continuing construction.

43.) What measures is the Government taking to raise the rate of water pipeline connections in the eight counties and cities mentioned in the Report, para. 214?

137. The water pipeline connection rate 91 % of the water supply zone administered by Taiwan Water Corporation is higher than advanced countries such as Sweden, Austria, Norway, Finland, South Korea. In the water supply zone, two reasons like people who lived some residences nearby the water supply system do not spent expense of distribution pipes and too high Investment cost above one hundred billion New Taiwan dollars budgeted by Taiwan Water Corporation cause parts of these eight counties to bring out the water supply system and reduced the water pipeline connection rate under the national average. Thus, in order to subsidize for people like low-income households who do not spent expense of distribution pipes, the Water Supply Act code 61 was revised by Ministry of Economic Affairs. Year 2012 to 2015, Ministry of Economic Affairs also subsidized to Taiwan Water Corporation and reduced its Investment cost. This will take to raise the rate of water pipeline connections about 0.25%.

Right to Education (Article 13)

44) Please provide comparative information regarding teachers' wages, benefits and working conditions, in the public/private education system, including the urban/rural, in all levels of education (cf. CESCR General Comment 13).

138. Teachers in either public or private schools are subject to equal rights and obligations under the Teachers' Act. The remuneration for teachers in public schools are calculated and paid in accordance with Regulations Governing the Payment of Remuneration to Military, Public and Teaching Personnel while the salary, benefits, and working conditions of teachers in private schools are prescribed in the employment agreement between the teacher and the school.

(1) The salary of teachers in public schools:

A. The salary is calculated and paid in accordance with Table of Salary

Grades and Remuneration Standards, which is established under Regulations Governing the Payment of Remuneration to Military, Public and Teaching Personnel.

- B. There are two types of additional pays: academic research pay and regional additional pay
 - a. Academic research pay is subject to “Table of Academic Research Pay Standards for Teaching Personnel in Public Colleges and Universities” and “Table of Academic Research Pay Standards for Teaching Personnel in Public Junior High and Elementary Schools and in Ministry of Justice Juvenile Correction Schools”.
 - b. Regional additional pay is subject to “Table for Additional Regional Pay Standards for Faculty and Staff in Public Schools”.
- (2) Private schools’ payment standards are established by the schools themselves, based on their financial status.

Right to take part in cultural life, etc. (Article 15)

45) Please indicate the difficulties encountered, if any, in ensuring harmony among the diverse cultures in the country, including immigrant cultures.

139. The Taiwanese society is multi-cultural and multi-ethnic with groups like the native peoples, the Minnan, the Hakka, Mongolian and Tibetan people, and immigrants. Considering the real socio-economic circumstances and composition of population, and made efforts to safeguard the value of multi-culture mentioned in the amendments to the ROC Constitution, to ensure the fairness and justice of the distribution of resources, and to protect the rights of other groups, in response to the world’s human rights appeal for minority groups.

140. Minnan and Hakka culture have become part of the mainstream in Taiwan, while indigenous culture has seen strong development thanks to legal and educational support. A retrospect of native people’s education over the past years shows that, policies, systems, plans, and supportive measures have been provided with legal protection. One of the most solid examples is what is prescribed in Article 7 of the Indigenous Peoples Basic Law: “. . . shall protect indigenous peoples’ rights to education. . . in accordance with the will of indigenous peoples.” The article clearly indicates that native people should receive native culture education in accordance with the characteristics of the native culture they belong to. Also, the Education Act for Indigenous Peoples prescribes that native education refers to general education and ethnic education. The former should be administered in accordance with the needs of the native people and the courses and materials

cover topics related to the histories, cultures, and values of the native groups (Article 20). Native students at preschool and obligatory education ages should be provided with chances to learn their mother tongues, histories, and cultures (Article 21). The design of curriculum should respect the ideas of native people and native representatives should participate in the design and development of curriculum (Article 23). In 2010, revealed White Paper on the Educational Policy for Indigenous Peoples and launched a mid-term project for native education where the establishment of an ethnic schooling system for native peoples was listed as one of the key tasks for reinforcing native education. Hence, it has become a consensus that preserving the tradition and culture of indigenous peoples is one of the goals of school education.

141. In the future, the curriculum for native education will become more ethnic-knowledge-oriented. In addition to the integration of language and culture into native education, ethnic knowledge will be a focus of attention to help reconnect tradition and transform traditional knowledge to meet today's needs. And to set up training and employment programs for the supply of teachers in remote native tribes to solve the shortage of teachers in faraway tribal areas. In the future, the Ministry will continue reviewing the training and employment methods from the perspective of the native people's autonomy and will in order to preserve the cultures and knowledge of each tribe and to meet their education needs.
142. In Mongolian and Tibetan groups, there are very few Tibetans in Taiwan. They are inability to solve their own problems and are also inaccessible to the available resources owing to language and cultural barriers, and lack of social network. Based on respect and support for the disadvantaged Tibetans, the government in combination with social workers has launched a program "Care for Tibetans in Taiwan" providing assistance and guidance to Tibetans, ranging from medical care, employment, education, livelihood support etc. Moreover, it also enhances adaptability of Tibetans in Taiwan to the environment, and integrates them into the local community at the earliest. The program has brought about remarkable results.
143. Moreover, integrating the cultures of new immigrants is seen as an important issue in Taiwan. Currently due to age, identity, cultural and other differences, foreign and mainland Chinese spouses tend to have life-adaption, inter-personal relation, parenting and domestic interaction problems; those who choose divorce could also face situations of legitimate residence, lawsuit as well as child custody. In order to promote importance of immigrants' human rights and respect for multicultural values to all sectors of society, and in order to help foreign and

mainland Chinese spouses deal with the aforementioned issues, the government formulated the “*Measures to Care for and Assist Foreign and Mainland Spouses*” in 2003, with the efforts from both central and local governments to provide the spouses with life-adaption, and medical treatment, employment rights, culture/education, parenting, personal safety, laws, and various services.

144. Since 2000, entrusted groups of marriage immigrants to jointly hold seminars on laws and regulations, lectures on life developments, computer courses, and family activities in counties and cities throughout Taiwan, so as to help Mainland spouses adapt to living in Taiwan. Furthermore, according to the focal task of "life orientation counseling" under the "Task Allocation Table for Measures on Counseling and Guidance for Foreign and Mainland Spouses", the government has since 2003 arranged counseling activities for Mainland spouses' living in Taiwan, from which Mainland spouses' thoughts were collected and used as reference to regularly review related laws and regulations. Since 2011, annually held a series of *multi-culture expositions* on International Immigrants Day, to which Mainland spouses, foreign spouses, and related groups were invited.
 145. Helping new immigrants adjust to life in Taiwan and participate in social life, especially in the realm of culture and the arts, we host a variety of free events associated with Immigrants Day and International Migrants Day for new immigrants and their families. These include a program to introduce them to Taiwan's museums, at which artistic activities will help to further their understanding of Taiwan's culture. We are also working with museums to train Southeast Asian immigrants to research and produce curriculum on the traditional handicrafts of their home countries. Based on these, classes can be designed, which can increase immigrants' participation in the cultural life of the nation while also promoting cross-cultural exchanges.
 146. Taiwan is in the midst of an effort to overcome ethnic divides and eradicate discrimination. In the future, government agencies will put a great deal of effort into promoting a multicultural society in their respective sphere of influence by keeping in mind the stable development of all the nation's ethnic groups when drawing up policies, designing subsidies, and planning events.
- 46) It has been estimated that nine of Taiwan's 42 indigenous languages are endangered. What steps has the Government taken to preserve or encourage the use of these languages?**
147. Launch a program on saving the endangered indigenous language: invite elders, language teachers, representatives from the village and the person in charge the association, the purpose of the program is to inspire the indigenous people to

have crisis consciousness, help the association and help the elders to pass the wisdom. Through this program, villages among 9 of the 14 tribes need to propose a project which can fit in their villages, and apply for the fund in order to implement the project. In the end, build up the village consciousness that we can save our own languages and the children can also save their languages, also can inspire the villagers' passion.

148. The details of the program describe as following:

- (1) Establish the endangered language preserve and development group, from indigenous' point of view, draft a series of strategy to save the languages.
- (2) Establish the database of the village and make the survey of demographic statistics in order to understand the status of the usage of the language under different age and its attitude on purpose of establish the database.
- (3) Oral history from the elders, history could be someone's life story, villages' history which includes the history of immigration, fairy tales, traditional ceremony, songs, major incident in the village or cultures related issues.
- (4) Establish the one by one teaching system, which means one teacher and one student, through the casual interaction or speaking, student can learn the language.
- (5) Use the language at home, through speaking the language at home, increase the willing of use the language.
- (6) Open courses for the certification examination, encourage people to take the exam, and open the course in adequate place.
- (7) Giving reward to the family or village who use native language during the meeting in public.