**List of Issues submitted by the**

**Review Committee for the Second ICESCR Report**

**Transitional Justice**

**1**. In COR, 2013, points 24-25, the Review Committee underlined the importance of healing and reconciliation within the Taiwanese Society as well as revealing the full truth and achieving reparative justice about the gross violations of human rights that occurred in the years of the “White Terror”. The Review Committee duly notes the information provided on this matter by the Government in its response. The Review Committee also noted in this regard the Parallel Report of the Chinese Association for Human Rights and in particular, with the completion in 2014 of the work of the Foundation providing compensation and recovery measures to the victims and their relatives of the White Terror period, the further follow-up activities envisaged in the “Promotion of Transitional Justice Act” to be carried out under the auspices of the International Centre for Transitional Justice. The Review Committee invites the Government of Taiwan to keep the Committee informed of the ongoing and further activities in the implementation of the Promotion of Transitional Justice Act.

**Article 1 - Indigenous peoples’sright to self-determination**

**2**. The Experts note with satisfaction the efforts made that led to the removal of nuclear waste from Orchid Island. Please provide further information on the communication with two county governments - Daren Township in Taitung County and Wuchiou Township in Kinmen County - with respect to the referendum concerning nuclear waste disposal. (COR p30, Response to COR p85 - 87).

In paragraph 3 of the Second Report on ICCPR, a new Regulation to comply with Article 21 of the Indigenous Peoples Basic Law (IPBL) mentions that the government will have to consult indigenous peoples with the aim of getting consent prior to any development activities.

**3**. The Report also mentions that the IPBL Promotion Committee of the Executive Yuan has completed 68 revisions to laws, ordinances, administrative rules and projects. What mechanisms are being applied to further monitor the implementation of the Regulation, the positive revisions and development programs on indigenous territories?

**4**. What measures have been taken to ensure that indigenous peoples can fully participate in all stages of project planning and execution, including their representatives, measures that respect their traditional cultures and institutions?

**5**. Please provide information on the work of the Ping Pu Peoples Task Force and the response by the Executive Yuan to recognise the Ping Pu peoples. (ref COR p33, Response to COR p. 97 - 98).

**Art. 2 (1) and 2 (2) – Achieving progressively the full realization of the rights recognized in the ICESCR, non-discrimination**

**6**. Taiwan’s 2014 budget for international cooperation was 0.05% of GNI. In order to meet the international commitment of 0.7% of GNI, is there any plan to increase Taiwan’s ODA? Also, is there human rights impact assessment process before, during and after providing the ODA?

**7**. Is there a comprehensive anti-discrimination legislation, covering all grounds of discrimination?

**The role of national human rights institutions (CESCR General Comment no. 10)**

**8**. In the Concluding Observations and Recommendations Adopted by the Review Committee in 2013 (COR, 2013, points 8-9), the Committee recommended that a specific time frame be set for the establishment of an independent national human rights commission in accordance with the Paris Principles as a priority objective. In its Response the Government reported a series of activities by the National Human Rights Institution Research and Planning Task Force and the designation of the Ministry of Justice (Executive Yuan) as the competent authority dealing with the matter. Further, the Control Yuan became actively involved in the development of the legal basis of a National Human Rights Commission. In view of the important potentials to be attached to such an independent national body for the promotion and protection of human rights, it will be appreciated to receive more specific information as to the overall priority given to this issue and the time frame set for that purpose.

Please provide information on the main contents of the draft Law, including the scope of the mandate, composition and power of the National Human Rights Commission to be established, and how it would satisfy the Paris Principles.

**9.** Paragraph 180 of the initial review core document[[1]](#footnote-1)under the heading titled “Republic of China’s involvement in cases of human rights protection around world”cited five cooperative projects as the top priority for the country's foreign aid strategies and directions: eradicating extreme poverty and hunger, achieving universal primary education, combating communicable diseases, establishing environmental sustainability and global development partnership.The CESCR’s General Comment No. 3 stresses that international cooperation for the realization of economic, social and cultural rights, is an obligation of all States. In this regard,please describe the specific measures undertaken by the ROC to effectively implement these strategies and illustrate how they impact directly on the realization of economic, social and cultural rights in partner countries.[[2]](#footnote-2)

**10**. Please provide an overview regarding the plans and measures envisaged by the ROC, towards the attainment of the nationally-driven Sustainable Development Goals as well as the Paris Climate Agreement of 2015, in the context of their impact on the enjoyment on economic, social and cultural rights.

**Art. 3, in conjunction with Art. 7 and Art. 10 – Equal rights of men and women, conditions of work, children’s rights, domestic violence**

**11**. Please provide information on government measures to eliminate horizontal and vertical job segregation by gender, as well as efforts to ensure not only ‘equal pay for equal work’ but also ‘equal pay for work of equal value.’

12. Considering women’s career interruptions due to pregnancy and childbirth and their considerable negative effect upon women’s occupational positions (ICESCR report, Tables 9~11), what are the government measures to counter the negative effects?While recognizing the information on the child care system (paras. 170-173), please provide data on the number of children with childcare needs and their satisfaction rates for children up to age 5 for the past 10 years, including disaggregated by the disadvantaged groups of women such as women with disabilities, indigenous women and marriage immigrants.

**13**. According to para. 158 of the report on ICESCR, more than 1,700 girls and boys under the age of 18 get married each year in Taiwan. What is the current situation of government efforts to raise the legal age for marriage?

**14**. Is domestic violence punishable? If so, please provide information on the number of investigations and the punishment imposed.

**Articles 6 & 7 - Right to just and favourable conditions of work**

**15**. With respect to assistances for indigenous peoples ( para. 28 and 35, Second Report on ICESCR), what measures have been taken to empower indigenous peoples in secure livelihoods, maintain their traditional occupations apart from guaranteeing employment. Please provide disaggregated employment data on indigenous peoples, their wages and opportunity for promotion.

**16**. With respect to post-disaster reconstruction, what measures have been and can be taken to ensure disaster prevention and relief, and to establish a climate change research focus on indigenous regions?

**17.** Taking into account the CESCR’s general comment No. 23 (2016) on the right to just and favourable conditions of work, please provide updated information on the minimum wages, in particular with regard to:

* 1. the levels of minimum wages in the last 4 years, differentiating between agricultural and non-agricultural sectors;
  2. whether business establishments are granted exemptions from complying with the minimum wage;
  3. the bases on which the minimum wage is reviewed and adjusted so that it is sufficient to provide a decent living for workers and their family members, and what is being done to raise those minimum wages for those falling below the poverty threshold;
  4. what sanction measures are available as regards employers who fail to pay the minimum wages, both in the formal and informal sectors of the economy.

**18**. Please provide updated information to address the large gender pay gap in both the public and private economy, and how the principle of equal remuneration for women and men for work of equal value is being implemented and enforced.

**19**. Please give further information about the labour inspection service and its effectiveness during recent years.

**Articles 6 and 7 – Migrant Workers and their Labour Conditions (COR, 2013, points 38-39)**

20. In its 2013 Concluding Observations and Recommendations the Review Committee expressed serious concerns as to the abuse of rights and the absence of rights of migrant workers in such areas as their recruitment, often involving exorbitant brokers’ fees, their almost complete dependence on their employers, and the restrictions on their transfer between employers, their loss of status as documented workers, and their becoming undocumented with the imminent risk of deportation. In its Response to the Concluding Observations and Recommendations (points 38-39) and in its second report submitted under Articles 16 and 17 of the ESC Covenant (points 70 ff.) the Government provided information which is duly noted but does not allay the serious concerns expressed by the Review Committee in 2013. Similar concerns were also expressed in the Country Report on Human Rights Practices in Taiwan for 2015 by the United States Bureau of Democracy, Human Rights and Labor under Section 7 – Workers Rights. The Review Committee invites the Government to provide information and comments on the following issues:

(i) the caregiver and domestic worker industry is reported as largely controlled by brokerage agencies that hire workers in their home countries and act as their representatives in Taiwan. Consequently, the actual take-home salaries for domestic workers are often far below the poverty level and thus constitute unacceptable condition of work;

(ii) the Council of Labour Affairs (CLA) is supposed to provide basic labour protection for foreign household caregivers but fails to strengthen its inspection tasks, including a more systematic oversight of foreign brokerage companies;

(iii) reported abusive working conditions rampant for migrant workers on Taiwan – flagged fishing vessels operating out of Singapore (see further the April 2016 Greenpeace report on Government Failure and Illegal, Abusive and Criminal Fisheries).

**21**. The response to the concluding observations and recommendations on the initial review, as contained in paragraph 8, only makes a general reference to the completion in December 2014, of the Ministry of Labor’s assessment regarding the rights of migrant workers and members of their families. What were the specific recommendations that came about after the assessment and examination? Please provide a detailed, updated information on the status of these specific recommendations.

**22.** Well-documented reports have yielded information regarding the global Taiwanese fishing fleet operating “almost entirely out of control, in which some of the most serious crimes, including violence, labour abuses, illegal, unreported and unregulated (IUU) fishing and their serious impacts, are endemic and routine” allegedly because of the failure of Taiwan’s authorities at the highest level.[[3]](#footnote-3) In this context, please provide detailed information specifically on the reported labour abuses and appalling living conditions of foreign workers especially on Taiwanese longliners, and include an explanation on the apparent inability of the ROC government to enforce its own laws in this regard.

**Art.8 – Trade Union Rights**

**23**. Public service employees are still prohibited from organizing and operating labour unions. Firefighters, for example, were only allowed to set up a „National Association for Firefighters’ Rights“ . One initiator of the Association was given over 40 demerits in three months, resulting in his eventual dismissal from the firefighters force. What steps is the MOL taking to address this problem?

**24**. The Labour Union Act foresees that directors and supervisers of unions can take official leave to carry out union affairs. This possibility for leave is not extended beyond directors and supervisers. The MOL, MOE and the Control Yuan apparently take a restrictive position in this respect. What are the ministries of labour and education doing to bring their practice in line with the obligations flowing from article 8 ICESCR?

**25**. The Government maintains that collective bargaining agreements have increased from 75 in 2006 to 300 in 2014. However, over 200 of such agreements merely contained one stipulation that schools should deduct union fees from salaries of teachers on behalf of the union. What are the MOE and MOL planning to do to substantively increase collective bargaining possibilities?

**Article 11 – Right to Adequate Housing (General Comments No. 4 and 7)**

**26**. Please furnish more information on steps taken by the Government to deal with the situation of people and communities in the country who are facing forced evictions. What steps has the government taken to bring in line its ‘Urban Renewal Act’ and the ‘Land Expropriation Act’ with international standards including General Comment No. 4 and the UN Basic Principles and Guidelines on Development based Displacement and Evictions.

**27.** What steps have been taken by the Government to have more accurate data on the number of homeless and street people in Taiwan. Has the government taken steps to improve access to adequate housing for the homeless and adequate services in the shelters including ‘locker storage services’. Has the government been able to remove the obstructions blocking access by homeless people to housing resources promised in the ‘Housing Act’.

**28**. Can the Government explain what is being done to overcome the primacy that the ‘right to property’ enjoys over ‘the right to housing’ in government policies, the existing civil code and administrative regulations and in court judgements. In para 217 of the Report, the government mentions steps taken on ‘Social Housing’. The information provided by civil society organisations, however, indicates that for those in Taiwan who do not have property ownership rights or hold title accessing housing is beyond their financial capacity. What steps is the government taking to ensure that vulnerable people can have access to adequate housing.

**29**. What steps have been taken by the Government to improve the housing and living conditions of the 47% of Taiwan’s indigenous population that is now living in cities. What steps is the government taking to respect ‘tribal community residence’ and ‘tribal sovereignty’ over urban and rural indigenous villages. What steps are being taken to ensure that these communities are not dispossessed due to the government use of policy tools such as ‘resettlement subsidies’ and ‘illegal housing demolitions’.

**Art. 12 – Right to physical and mental health (CESCR General Comment no. 14)**

**30**. In para. 260 and table 58 of the Second Report on the ICESCR, cases of sexually transmitted disease involving adolescents are detailed. Please explain the alarming increase in respect of Syphilis and Gonorrhoea between 2012 and 2015, particularly in relation to boys between the ages of 15 – 19, and what measures have been taken to combat this situation?

**31**. The amended Rare Diseases and Orphan Drugs Act of 2015 has detailed measures of prevention, screening, and study of rare diseases. What is being done beyond identifying the problems encountered? To what extent have increased subsidies to home medical treatments been successful? Please give disaggregated figures on an annual basis.

**32.** In para. 242 of the Report, the difference between life expectancy at birth in the most affluent townships/city/county is stated as 85.3 years, as against only 62.5 years in the least affluent areas. What concrete health promotion steps has the Ministry of Health taken, beyond cooperation and consultation between different departments and authorities, and what results have been reached?

**33**. In para.245 of the Report, laudable measures of basic education, licence renewal and on-job training of medical personnel are mentioned. Please give disaggregated figures on the various medical personnel on an annual basis for the last four years, particularly disaggregated between urban and rural areas.

**34**. In paras.246 and 247 of the Report, the Ministry of Health refers to the drafting in 2015 of a White Paper on mental health promotion covering future courses for mental health policies and infrastructures in the next 10 years. Has this drafting been concluded, and what implementation steps have been taken in that respect?

**35**. Please give more detailed information and data on the Government’ s educational efforts as regards LGBTI human rights, transcending the focus on HIV/AIDS. What concrete steps have been taken to enhance awareness and acceptability of medical and education personnel in their professional education and provision of medical assistance to LGBTI persons, in particular what steps are being taken to provide LGBTI-friendly environments in medical health facilities (such as guaranteeing privacy, acceptable rest rooms, and acceptable recording of medical records) ?

**Art. 12 – Right to sexual and reproductive health (CESCR General Comment no. 22)**

**36**. Please provide information on the contents and number of hours of education on the right to sexual and reproductive health currently offered at different levels of schools (elementary, secondary and tertiary), and also for adolescents outside of the school system.

**Article 13 – Right to education**

**37.** Both the initial and second report, only report about student dropout rates showing which population groups are affected, and describe government policies regarding reduction of dropout rates. Please provide detailed specific information beyond just statistics, regarding the factors that cause these dropouts, and include the actual effects of measures undertaken by government to address the issues relating to student dropouts, if any. In addition, please discuss the consistently wide disparities between the enrolment rates in tertiary level education of male and female students with disabilities, as shown in Table 73 of the second report.

**Article 15 – Right to participate in cultural life (CESCR General Comment no. 21)**

**38**. Please provide information beyond statistics and other numerical modalities, on the actual effects in practice of government programs and policies outlined in both the initial and second reports, and how the implementation of such programs and policies, are consistent with the standards of Article 15 of the Covenant, in conjunction with General Comment numbers 20 and 21 of the CESCR, on non-discrimination and the right to take part in cultural life, respectively.

1. Dated September 2012 [↑](#footnote-ref-1)
2. UN Doc. E/1991/23. General Comment No. 3: The nature of States parties obligations (art. 2, para. 1, of the

   ICESCR) para. 14. [↑](#footnote-ref-2)
3. See Greenpeace report dated April 2016 titled “Made in Taiwan, Government Failure and Illegal, abusive and Criminal Fisheries” [↑](#footnote-ref-3)