Implementation of the International Covenant on Civil and Political Rights

Second Report Submitted under Article 40 of the Covenant

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Article 1

Peoples' Right to Self-Determination

1. See Notes 1 to 3 of the ICCPR First National Report.

Indigenous Peoples' Right to Self-Determination

2. See Notes 4, 6 to 9 of the ICCPR First National Report.
3. Notes on Indigenous Tribal Meeting amended in 2007, 2010 and 2015. Following amendments to Paragraph 4, Article 21 of The Indigenous Peoples Basic Law on June 24, 2015, new Regulations on Counseling from Indigenous tribes' Consent was established towards the end of December 2015 based on the meaning of Article 21. Enforcement plan of The Indigenous Peoples Basic Law is currently under review by the Indigenous Peoples Basic Law Promotion Committee of the Executive Yuan. The committee has identified 86 laws, ordinances, administrative rules, and projects that need to be revised; by October 2015, a total of 68 revisions (79%) were completed.
4. Paragraph 12, Additional Article 10 of the Constitution has required the state to assure indigenous people's social status and their rights to political participation. On December 16, 2015, the government added Article 2-1 to The Indigenous Peoples Basic Law, which made indigenous tribes as public judicial persons (subject to approval of the central authority) they need for autonomy. A draft version of the Provisional Regulations on the Autonomy Law was submitted to the Legislative Yuan for review on December 18, 2014, and was later renamed Regulations on the Indigenous People Autonomy.

Article 2

Regulatory Reviews in Line with the Covenant

5. See Notes 15, 16 and 276 in the responses made to opinions and recommendations of the ICCPR/ICESCR First National Report.
6. See Note 151 in the Common Core Document of the ICCPR/ICESCR First National Report.
7. See Note 13 of the ICCPR First National Report.
8. Pursuant to Article 8 of ICCPR/ICESCR Implementation Act, the government has taken a series of actions to revise its current regulations that do not conform with the principles of

ICCPR/ICESCR. A Human Rights Promotion Task Force has been assembled under the Executive Yuan (headed by the Ministry of Justice) to oversee the review effort. The review found 263 cases that did not conform with ICCPR/ICESCR principles, of which 225 or 85.55% were rectified by December 2015, while 38 or 14.45% still remained. 30 of these yet-to be-rectified cases were related to laws (26 of which concerned the Assembly and Parade Act, Fire Services Act, Industrial Group Act, Nationality Act, Detention Act, and The Code of Criminal Procedure[1]), while 7 were related to government ordinances (which require corresponding amendments to the main laws) and 1 was related to administrative measures. These ongoing rectifications are being monitored by the National Development Council. To facilitate the rectification, the Ministry of Justice invited scholars, experts, civil associations, and relevant authorities into meetings, during which they shared opinions on how to rectify the remaining cases and ensure prompt approval at the Legislative Yuan. Until these changes are completed, each authority has devised its own responsive measures in the meantime. In addition to supervising various authorities for the completion of outstanding cases, the Ministry of Justice also engages other subordinates of the Executive Yuan to take initiative in reviewing current regulations and administrative measures (while at the same time keeping higher government authorities informed of such progress). Any regulations or administrative measures that are considered to be against ICCPR/ICESCR principles shall be reported to and tracked by the Ministry of Justice.

9. In response to the opinions, recommendations and weaknesses raised by international human rights experts, the Presidential Office Human Rights Consultative Committee has assembled a regulatory review team specifically for the purpose of revising current regulations in line with the 81 issues raised. The team held 7 meetings between 2013 and 2015, and had completed the review of all 94 cases. Meanwhile, the Ministry of Justice is urging various government authorities to complete their regulatory revisions in the shortest time possible.

[1] The 6 regulations that were not rectified in time had been submitted to the Legislative Yuan for review on: Assembly and Parade Act - May 28, 2012; Fire Services Act - September 11, 2012; Industrial Group Act - October 21, 2013; Nationality Act - March 27, 2012; Detention Act - May 29, 2012; The Code of Criminal Procedure - April 27, 2012.

Item 1, Article 2, Article 3, and Article 26

The Constitution and Anti-discrimination Laws

10. See Note 15 of the ICCPR First National Report.
11. Laws that contain anti-discrimination clauses include: Senior Citizens Welfare Act, People with Disabilities Rights Protection Act, Immigration Act, Gender Equity Education Act, Mental Health Act, Communicable Disease Control Act, HIV Infection Control and Patient Rights Protection Act, Labor Standards Act, Act of Gender Equality in Employment, Employment Service Act, Act of Punishment of the Armed Forces, and Educational Fundamental Act.
12. According to Article 29 of the Senior Citizens Welfare Act, employers must refrain from discriminating against elder workers in the workplace.
13. The People with Disabilities Rights Protection Act augment authorities in various sectors including Finance, Policing, Gymnastics, Culture, Procurement Regulations, Communication & Mass Media, Scientific and Technological Research and Economics to extend protection for persons with disabilities. Article 16 stipulates respect and protection for the dignity and legal rights of persons with disabilities shall be respected and protected, and prohibits discrimination in access to education, examination, employment, residence, migration and medical treatment. Article 40 requires employers should follow the principle of equal pay and no discriminatory treatment. The normal working hour salary must not be less than the minimum wage. Article 74 provides media must not discriminatorily name or describe disabilities or suspected disabilities when referring to people with (suspected) disabilities, or using contents that are untrue or are likely to mislead the audience into discriminating against people with disabilities. Violations against the above are subject to penalty.
14. Article 62 of the Immigration Act prohibits any form of discrimination (such as nationality, race, skin color, social status, place of birth, etc.) against people residing in Taiwan. People who have their rights violated by acts of discrimination may file complaints with the authorities. For every case reported that is deemed to have violated the above laws, the

authorities will notify the violator immediately so that corrections can be made within a given time; those who fail to make corrections within the given time will be subject to fines.

15. The provisions of Article 19 of Gender Equity Education Act, stipulate that when teachers engage in teaching activities they must be fully aware of gender equality and use teaching materials that reflect this, break down gender stereotypes, and avoid gender bias and gender based discrimination.
16. In accordance with the Article 22 of the Mental Health Act, patients' dignity and legal rights should be respected and protected, and must not be discriminated against. In Article 23, it is prohibited for the media to make discriminative references or descriptions regarding mental illness; in addition, news coverage must refrain from using contents that are untrue or are likely to mislead the audience into discriminating against patients. Media broadcasting violations are subject to penalty.
17. According to Article 11 of the Communicable Disease Control Act, the dignity and legal rights of patients with communicable disease, medical personnel in care of such patients, patients under isolation care, home-based quarantine, concentration camp quarantine and their families should be respected and protected, and must not be discriminated against. Violations against the above are subject to penalty.
18. According to Article 4 of the HIV Infection Control and Patient Rights Protection Act, the dignity and legal rights of infected persons should be respected and protected, and must not be discriminated against. Violations against the above are subject to penalty.
19. According to Article 25 of the Labor Standards Act, it is prohibited for employers to treat workers differently based on gender. Employees who perform the same roles at the same level of efficiency should be equally remunerated. Violations against the above are subject to penalty.
20. Articles 7 to 11 of the Act of Gender Equality in Employment prohibits gender discrimination in the workplace. According to the law, employers may not treat employees / job seekers differently on the basis of gender or sexual preference during recruitment, interview, work assignment, performance evaluation, promotion or training, or offer discriminative treatments in terms of welfare, salary, retirement, redundancy, severance or

dismissal. Violations against the above are subject to penalty. Employees and job seekers are legally entitled to file complaints with the local authority against any employer that violates against the Act of Gender Equality in Employment. Employers, employees and job seekers are entitled to appeal to the Gender Equality in Employment Committee, Ministry of Labor, within 10 days if they disagree with decisions made by the local authority. According to Article 26 of the act, employers are liable to compensate employees for any damages suffered as described in Articles 7 to 11 or 21.

21. According to Article 5 of the Employment Service Act, employers must assure equal employment opportunities and shall refrain from discriminating job seekers and employees for their race, social status, language, thoughts, religion, political association, origin, place of birth, sexual preference, age, marital status, appearance, physical/mental disability, or union association. Violations against the above are subject to penalty. Meanwhile, Article 6 of the act and Article 2 of the implementation rules have stipulated the creation of an Employment Discrimination Review Committee that comprises of representatives from government agencies, departments, labor organizations, employer organizations, scholars and experts to review complaints concerning employment discrimination.
22. Article 32 of the Act of Punishment of the Armed Forces prohibits supervisors from discriminating or exercising unfair treatments against penalized persons or subordinates who have filed complaints, appeals, objections, administrative litigations, or sought remedies otherwise.
23. Article 6 of the Educational Fundamental Act, stipulates that a private educational institution may organize specific religious activities that are in accordance with the purpose for which it was established or the nature of some academic teaching activity. At the same time, they must respect the wishes of their administrative staff, teachers, and students, and cannot they participate in such events and are not permitted to discriminate against them in any way if they do not participate.

Equal Gender Rights in the Civil Code

24. See Notes 57 to 62 of the ICCPR First National Report.

Gender distribution in public and private sectors

25. See Note 22 of the ICCPR First National Report.

26. There are 52,436 managerial staff currently employed by subordinates and local authorities of the Executive Yuan, and 19,796 (37.75%) of them are female. Between 2011 and 2014, the percentage of females workers in the public sector across all categories (i.e. political appointees, senior civil servants, indigenous civil servants, and persons with disabilities working as civil servants) had increased.

27. Table 1 shows the sex ratio of Executive Yuan political executives appointed between 2012 and 2014.

Table 1　Sex Ratio of Political Executives Appointed at Inauguration of Executive Yuan Premier

Unit: persons; ％

Year	Total	Male	Ratio	Female	Ratio
2012	36	25	69.44	11	30.56
2013	36	30	83.33	6	16.67
2014	34	29	85.29	5	14.71

Source: Directorate-General of Personnel Administration, Executive Yuan

28. Sex ratio of political appointees, senior rank (detail) civil servants, indigenous civil servants and disabled civil servants between 2012 and September 2015 are presented in Table 2.

(1) Between 2012 and September 2015, female political appointees as a percentage of total female civil servants had remained largely unchanged at 0.06%, whereas female senior rank (detail) civil servants as a percentage of total female civil servants had increased from 1.72% to 1.88%; the percentage of female indigenous civil servants relative to total female civil servants had increased from 1.40% to 1.49%, where as the percentage of females disabled civil servants relative to total female civil servants had increased from 1.57% to 1.73%.

(2) Between 2012 and September 2015, the percentage of females among all civil servants had increased from 39.86% to 41.58%; the percentage of females among all political appointees had increased from 18.24% to 20.04%; the percentage of females

among all senior civil servants had increased from 27.87% to 31.10%; the percentage of females among all indigenous civil servants had increased from 28.63% to 32.50%; and the percentage of females among disabled civil servants had increased from 33.50% to 35.41%. The percentage of females had increased across all categories.

Table 2 Sex Ratio of Civil Servants

Unit: Person(s); %

Item \ Year	2012	2013	2014	2015(1-9)
Civil servants	343,861	346,059	347,816	343,892
Male	206,784	205,852	204,827	200,902
Male civil servants as a percentage to total civil servants	60.14	59.48	58.89	58.42
Female	137,077	140,207	142,989	142,990
Female civil servants as a percentage to total civil servants	39.86	40.52	41.11	41.58
Political appointees	455	458	424	454
Male	372	374	341	363
Male political appointees as a percentage to total male civil servants	0.18	0.18	0.17	0.18
Female	83	84	83	91
Female political appointees as a percentage to total female civil servants	0.06	0.06	0.06	0.06
Senior civil servants	8,439	8,503	8,549	8,647
Male	6,087	6,052	5,963	5,958
Male senior civil servants as a percentage to total male civil servants	2.94	2.94	2.91	2.97
Female	2,352	2,451	2,586	2,689
Female senior civil servants as a percentage to total female civil servants	1.72	1.75	1.81	1.88

Indigenous civil servants	6,707	6,740	6,734	6,566
Indigenous civil servants as a percentage to total civil servants	1.95	1.95	1.94	1.91
Male	4,787	4,750	4,628	4,432
Male indigenous civil servants as a percentage to total male civil servants	2.31	2.31	2.26	2.21
Female	1,920	1,990	2,106	2,134
Female indigenous civil servants as a percentage to total female civil servants	1.40	1.42	1.47	1.49
Persons with disabilities working as civil servants	6,432	6,833	7,323	6,995
Percentage of persons with disabilities working as civil servants relative to total civil servants	1.87	1.97	2.11	2.03
Male	4,277	4,468	4,763	4,518
Percentage of males with disabilities working as civil servants relative to total civil servants	2.07	2.17	2.33	2.25
Female	2,155	2,365	2,560	2,477
Percentage of females with disabilities working as civil servants relative to total civil servants	1.57	1.69	1.79	1.73

Source: National Civil Servants Database

29. Table 3 shows the total number of registered companies and the number of companies run by female persons-in-charge between 2012 and October 2015.

Table3 Total Registered Companies and Companies Run by Female Persons-in-charge

Unit: No. of businesses

No. of businesses / Year	No. of businesses run by female persons-in-charge	Total number of companies
2012	176,744	605,365

2013	182,300	620,401
2014	188,294	637,556
2015(1-10)	194,120	653,874

Source: Ministry of Economic Affairs

Anti-discrimination measures

30. The Executive Yuan launched the 3rd phase (2014~2017) Gender Mainstreaming Implementation Program in October 2013. The focus of this phase is enhancing the quality and effectiveness of the 6 main tools of gender mainstreaming, such as gender statistics, gender budget, gender impact assessments, etc. The purpose is to integrate gender perspectives into legislation policy and administrative measures, reinforce the implementation of CEDAW and Gender Equality Policy Guidelines, and achieve de facto equality.

31. According to statistics prepared by Employment Discrimination Review Committees (first created in 2014) of each county/city government, gender discrimination still accounted for the highest number of cases in all employment discriminations reported in the last 3 years; whereas age and disability were the next most common forms of discrimination.

32. The Act of Gender Equality in Employment was implemented since March 8, 2002. Under the regulation, job seekers and employees are entitled to file complaints to their local labor authority for any discrimination encountered at work. Cases that have been identified as gender discrimination are referred to the Gender Equality in Employment Committee for review. Once a complaint has been subjected to review, the employer will be responsible for proving absence of discrimination (gender, sexual preference etc) in the work place. The Gender Equality in Employment Committee then reviews each case based on the facts presented, and any established cases of gender discrimination will be referred to the labor authority for penalties. Table 4 shows the number of gender discrimination complaints filed by employees in accordance with Act of Gender Equality in Employment between 2012 and September 2015.

Table 4 Gender Discrimination Complaints Filed by Employees in Accordance with Act of

Gender Equality in Employment

Unit: Cases; NTD

Cases / Year	Cases accepted	Cases reviewed	Cases established	Penalty amount
2012	207	147	52	-
2013	145	65	21	-
2014	194	99	31	-
2015(1-9)	135	55	23	6,610,000

Source: Ministry of Labor

Note: Data on penalty amount was added only after 2015.

33. Table 5 shows the percentage of businesses that made decisions based on employees' gender between 2012 and 2014, according to the employment survey conducted by the Ministry of Labor.

Table 5 Percentage of Businesses that Made Decisions Based on Employees' Gender

Unit: %

Item / Year	Work assignment	Salary payment criteria	Degree of salary increase	Appraisal (evaluation or bonus)	Promotion	Training and continuing education	Severance	Employee welfare measure	Parental leave without pay	Retirement	Recruitment and screening test hiring
2012	27.8	9.6	4.6	2.1	2.4	2.5	1.3	1.7	-	-	-
2013	27.9	9.3	3.9	2.8	2.6	2.4	1.0	1.9	6.6	1.4	6.1
2014	23.5	9.3	3.8	2.5	1.9	2.4	1.1	1.5	8.8	0.8	4.6

Source: Ministry of Labor

34. Table 6 shows the number of gender discrimination encountered by female employees in 2013, according to the employment survey conducted by the Ministry of Labor.

Table 6 Cases of Workplace Gender Discrimination Against Female Employees

Unit: %

Item	Job search	Work assignment	Degree of salary increase	Performance evaluation	Evaluation and appraisal	Training and continuing education	Discharge, severance and termination.	Employee welfare measure	Parental leave without pay	Retirement
Female	3.3	3.4	5.2	2.3	2.5	1.1	1.1	1.8	1.0	0.0
Occupation										
Legislators, Senior Officials and Managers	5.9	5.8	3.3	1.0	8.7	1.2	0.7	1.7	-	-
Professionals	1.7	2.7	2.3	1.6	1.4	0.7	0.1	0.6	0.8	-
Technicians and Associate	3.1	3.6	7.4	2.3	4.2	2.1	1.2	1.3	0.7	0.1
Clerical Support	2.3	2.6	2.7	1.7	1.9	0.7	0.4	1.7	1.6	-
Service and Sales Workers	2.9	2.5	3.7	1.5	1.2	0.6	1.0	1.3	0.7	-
Skilled Agricultural,	17.7	17.7	17.7	28.8	17.7	17.7	17.7	17.7	-	-
Craft and Related Trades	3.3	0.7	11.1	7.5	0.9	-	-	6.9	-	-
Plant and Machine	7.6	8.1	9.9	4.2	3.8	0.7	2.8	4.7	1.3	-
Elementary Laborers	3.8	2.2	7.5	2.1	1.3	1.6	2.9	1.3	2.1	-

Source: Ministry of Labor

Note: 1. *Represents sample size of less than 30. The data has been presented for reference and is not analyzed due to insignificance.

2. Values less than 0.1% are presented as 0.0%.

Measures to Eliminate Discriminative Customs Against Women

35. See Note 65 of the ICCPR First National Report.

36. AA book titled "Modern Funeral Customs" was published in June 2012. A modern wedding customs improvement task force was assembled in 2012 to revise wedding customs that are outdated and do not conform with gender equality principles. In May 2014, the government started issuing certificates for funeral directors, and Level 2 Funeral Service proficiency is one of the prerequisites needed to attain the certification. Furthermore, the funeral service proficiency exam has been revised by the Ministry of Labor to incorporate gender-equal concepts and practices. The presence of certified funeral directors will eventually change local funeral customs to conform with the modern world. The Modern Wedding Customs, published in December 2014, introduced new perspectives to couples' roles as well as solutions to a gender-equal relationship and values of democratic pacification. The publication gave new interpretations and suggested new practices that people may adopt in real life.
37. The government's 9-year elementary/junior high school curriculum has already discarded content that reflected or promoted old customs and social norms that are antithetical to gender equality. The Ministry of Education has also compiled a new Taiwanese Minnan dialect dictionary that explains that many traditional vocabulary items are considered to reflect discrimination against a particular gender explained and changed many of the phrases that were considered to reflect discrimination against a particular gender. This serves to hence convey the gender-equal concept without compromising the dictionary's purpose as a language tool.

Regulation on Offense Against Sexual Autonomy

38. See Notes 69 and 70 of the ICCPR First National Report.
39. Persons aged below 16 do not possess sexual autonomy, therefore any sexual intercourse or harassment on person (male or female) aged 14 or above but less than 16 is punishable by law. Sexual intercourse or harassment on person (male or female) aged below 14 would be subject to even more severe penalties, namely 3 to 10 years imprisonment for sexual intercourse and 66 months to 55 years imprisonment for sexual harassment. Forced sexual intercourse or harassment against spouse, and consensual sexual intercourse or harassment of person (male or female) aged below 16 by a person below 18 years of age are indictable

only upon complaint.

40. The Ministry of Justice is currently exploring possibilities to amend Articles 221 and 224 of the Criminal Code, and remove the list of criteria used to determine the victim's will and consent. The purpose of this amendment is to free the court from having to explore victims' subjective intent while establishing crimes of forced sexual intercourse or harassment.

Measures for Achieving Gender Equality via Broadcast Media

41. See Note 63 of the ICCPR First National Report.

42. The government has established the council for broadcast and TV programs and commercials and invited public representatives to offer opinions with regards to the content of current programs and commercials on broadcast and TV. The council is founded with 39 to 51 members, and no particular gender shall represent less than one-third among the councilors. Council members comprise of 19 to 23 experts and scholars, 15 to 19 representatives from various civil associations, and 5 to 9 content producers. 19 councilors are elected from the list for each council meeting. Meetings are held once every 2 to 3 months.

43. In 2012, the National Communications Commission invited gender experts, scholars, and representatives of civil associations for a conference, during which they revised and renamed Guidelines on the Production of Gender-sensitive TV and Radio Contents. This guideline was later forwarded to radio stations, TV stations and various associations on September 20, 2012, to serve as reference. The guideline was once again revised in 2014. Table 7 shows the number of cases that the National Communications Commission had penalized in accordance with TV and radio regulations for inappropriate sexual contents or gender-related issues between 2012 and October 2015.

Table 7 Cases Penalized for Inappropriate Sexual or Gender-related Contents

Unit: Cases; NTD

Radio			
Year	Cases		Fine
	Content that has adverse impacts on the mental health of children and youth	Content that is against public order or social customs	

2012	9	2	105,
2013	0	0	0
2014	1	0	9,00
2015 (1-10)	0	0	0

TV				
Year	Cases			Fine
	Violate program rating regulations	Content that has adverse impacts on the mental health of children and youth	Content that is against public order or social customs	
2012	4	1	0	75,
2013	3	3	0	91
2014	5	0	0	84,
2015 (1-10)	0	0	0	0

Satellite				
Year	Cases			Fine
	Violate program rating regulations	Content that has adverse impacts on the mental health of children and youth	Content that is against public order or social customs	
2012	6	19	2	7,00
2013	5	4	0	1,60
2014	17	0	2	1,30
2015 (1-10	7	0	0	900, 000

Source: National Communications Commission

44. In April 2014, two TV stations were found with broadcasting contents that intentionally objectified, defiled, and degraded the image of women, which openly challenged the society's order, customs, and value towards gender equality and constituted discrimination against women's political involvements. The National Communications Commission had imposed a fine of NTD 500,000 for each violation in accordance with Subparagraph 3,

Article 17 of the Satellite Broadcasting Act. Following the above penalty, the number of complaints made by the audience had surged to 4,003 cases in 2014. Table 8 shows the number of public complaints raised against TV and radio contents for inappropriate references to sex or gender between 2012 and September 2015.

Table 8 Public Complaints Against TV and Radio Contents for Inappropriate References to Sex or Gender

Unit: Cases

Year	Complaint type			Total complaints received
	Content that is against public order or social customs	Contents that have adverse impacts on the mental health of children and youth	Inappropriate content rating	
2012	270	306	122	2,674
2013	103	179	35	1,787
2014	4,003	266	29	9,797
2015(1-9)	92	144	20	1,729

Source: National Communications Commission

45. Satellite Television Broadcasting Association R.O.C. has established a set of self-discipline guidelines that explicitly prohibits discrimination in news reporting, any form of presentation such as text, audio, or video which in regards to the subject's ethnicity, organization, nationality, complexion, social status, religion, sexual orientation, disability, or disadvantage is prohibited. The association has a self discipline committee with 11 members that consist of executive officers from various satellite TV channels. The purpose of this committee is to gather opinions from the public about the content of news channels and explore areas of improvement. To assist with its decisions, the self discipline committee has assembled a counseling panel comprising of 15 to 25 members chosen proportionally from scholars, experts, civil representatives, and consumer representatives. Their main responsibilities are providing advice on satellite news channels. The committee holds its meetings once every 2 months. The committee would issue guidance or penalties for any content that involves discrimination. In 2014, for example, a correspondence was issued to

Radio, TV and Media Association to remind its members to refrain from using descriptions such as deaf and mute, but instead to use hearing challenged and verbally challenged when referring to people with disabilities. For the image and rights of mental patients, the committee also instructed the Radio, TV and Media Association in 2014 to inform its members to re-translate "schizophrenia" into a Chinese term to have a less offensive meaning.

Care for the Socially Disadvantaged

46. See Notes 72 to 98 and 112 to 120 of the ICESCR Second National Report.

47. See Notes 49 and 50 of the ICCPR First National Report.

Article 4

Previous Decisions that Significantly Limited People's Rights under ICCPR

48. See Note 74 of the ICCPR First National Report.

Article 5

49. See Note 76 of the ICCPR First National Report.

Article 6

Protection over Right of Life

50. People's right of life should be respected and protected. The country prohibits termination of pregnancy except for circumstances described in the Genetic Health Act, and requires brain death to be pronounced in strict compliance with the Human Organ Transplant Act. Prosecutors are required to investigate immediately any people who are found or suspected to have died from non-natural causes. Where criminal activities are suspected, prosecutors must pursue further investigations. If a case involves intentional deprivation of life, the prosecutor shall work with the law enforcement department to investigate the victim's remains and the act of crime in accordance with the Criminal Code and The Code of Criminal Procedure.

51. The number of homicide cases processed by all police agencies between 2012 and 2015 (Jan to Oct) were 624 (2012), 469 (2013), 474 (2014), and 356 (2015).

52. Compensations are available under the following laws in the event of a deprivation of right of life:

(1) The Civil Code, Crime Victim Protection Act, and State Compensation Law.

(2) Law of Compensation for Wrongful Detentions and Executions: Following the amendments made to the Law of Compensation for Wrongful Detentions and Executions on July 6, 2011, compensation for wrongful execution are being calculated at NTD 3,000 ~ NTD 5,000 per day detained, plus a daily compensation for death penalty. The minimum compensation for death penalty had been raised, whereas the NTD 30-million cap was also removed during the latest amendment.

Procedures and Review System of the Amnesty Act

53. Paragraph 4, Article 6 of ICCPR only requires for anyone sentenced to death to have the right to seek pardon or commutation of the sentence, and that signatories may not deprive people's rights and means to possible pardon when sentenced to death. The country's Amnesty Act does not impose eligibility requirements on those who seek pardon. Anyone, including those who have been sentenced to death, may plead for pardon. The pardon has been issued on several occasions since the Constitution was enforced. Xiao-xian Huang, for example, was one of those who had his sentence reduced from the death penalty.

54. Paragraph 1, Article 6 of the Amnesty Act read: "The President may consult relevant departments via the Executive Yuan on decisions such as pardon, amnesty, sentence reduction, and reinstatement of one's rights." Paragraph 3, Article 11 of the Ministry of Justice Organization Act also stipulates: "The Department of Prosecutorial Affairs is responsible for the following matters: ...3. Discussion, review, issuance and certification of pardon, amnesty, sentence reduction, and restoration of rights."

55. The United Nations Human Rights Committee has given signatories abundant discretion over their pardon procedures, and did not require them to follow any specific procedures.

56. The United Nations Human Rights Committee did not, in any of its interpretations, require signatories to establish a pardon committee for the purpose of reviewing and granting pardons for those who have been sentenced to death. In the case of Rawle Kennedy, the United Nations Human Rights Committee stated that Paragraph 4, Article 6 of ICCPR

imposed no particular procedures on the grant of pardon, therefore signatories have full discretion over how pardon should be granted.

Death Penalty

57. See Notes 200 to 203 of this report.

58. As of October 2015, there were 42 confirmed death row convicts whose sentences were yet to be carried out; 15 of whom were aged 25 and above up to 40, 23 of whom were aged 40 and above up to 55, 3 of whom were aged 55 and above up to 65, and 1 was aged 65 and above. Forty-one of the death row convicts were male, while 1 was female. Thirty-two of the death row convicts were sentenced for homicide, 1 was sentenced for murder of direct relative, 5 were sentenced for robbery homicide, and 4 were sentenced for kidnapping and ransom.

59. The number of death row convicts executed between 2012 and 2015 was 23: 6 in 2012, 6 in 2013, 5 in 2014, and 6 in 2015.

60. The Judicial Yuan has developed a sentence database that provides analyses on sentences issued for homicide cases. Representatives such as judges, prosecutors, defense attorneys, scholars and civil associations are invited into meetings to establish to aggravating/mitigating factors and sentencing guidelines s for the sentencing of homicide and other serious crimes.

The case of Jian-he Su

61. See Note 89 of the ICCPR First National Report.

62. The case was ruled not guilty by Taiwan High Court in 2011 under Judgment No. Zhu-Zai-Geng-1. Bing-lang Liu, Lin-xun Zhuang and Jian-he Su then pursued to claim remedies for the criminal proceeding, which Taiwan High Court later approved NTD 5,421,000, NTD 5,004,000 and NTD 5,421,000, respectively, on April 10, 2013.

The Case of Xing-ze Zheng

63. In 2002, a police shootout occurred inside a karaoke parlor located at Fengyuan City, Taichung County, which resulted in the death of police officer Xian-pi Su and criminal Wu-xiong Luo. During Police Investigation, Xing-ze Zheng, a man who was also present at the karaoke parlor, admitted of having fired weapon and was therefore named the suspect

who shot officer Su. In 2006, the court sentenced Zheng to death. Zheng's attorney made a complaint to the Control Yuan, which later investigated and found evidence that the court's ruling had been based upon involuntary and unauthentic confession, the defendant's claim had lacked evidentiary support, and the autopsy report for Wu-xiong Luo had not been kept for record-keeping. The Control Yuan's investigation also found that the evidence that served in the defendant's favor was not investigated in detail and that there were signs of police torture. In March 2014, the Control Yuan issued an official letter to the Ministry of Justice recommending the Supreme Court Prosecutor's Office to file an extraordinary appeal and apply for a retrial. The defendant's attorney also applied for a retrial after the Control Yuan's investigation. The Supreme Court Prosecutor General later filed an extraordinary appeal on August 19, 2014, which was ultimately rejected by the Supreme Court on August 28, 2015.

The Case of Guo-qing Jiang

64. See Notes 90 and 91 of the ICCPR First National Report.

65. The case was ruled not guilty by Taiwan High Court on April 2, 2013, and the prosecution's appeal was ultimately rejected by the Supreme Court on March 19, 2014. The Ministry of National Defense's northern district military court accepted a compensation claim for the wrongful imprisonment and execution of Guo-qing Jiang after he was ruled not guilty. On November 29, 2011, a compensation totaling NTD 131,805,000 was paid, and the court's Compensation Review Panel found major misconduct involving Zhao-min Chen, Jia-sheng Cao, Rui-peng Huang, Zhong-qing Ke, Zu-yao He, Zhen-huan Deng, and Zhi-ren Li (deceased), whom will be liable for reimbursing the full amount of compensation as stipulated in the Law of Compensation for Wrongful Detentions and Executions. With the exception of Zhen-huan Deng, who had paid a negotiated sum of NTD 2.8 million in April 2012, a civil litigation was raised against the remaining parties on April 12, 2012, to Taipei District Court, and a judgment was later awarded on May 29, 2014, which demanded all remaining parties to pay a sum of NTD 59,577,053.

Gradual Reduction of the Death Penalty

66. See Notes 177, 182 to 186 in the responses made to opinions and recommendations of the

ICCPR/ICESCR First National Report.

67. Abolishment of the death penalty is a complicated issue. UK, for example, took 30 years to abolish its death penalty, whereas France and Germany both took more than a hundred years to achieve their goals. Although local human rights organizations have actively advocated the abolishment of death penalty in recent years, the majority public (70%~80%) were still against the idea. According to a survey conducted in July 2012, 76.7% of interviewees still opposed the idea of abolishing death penalty, while 81.6% of people supported the idea to gradually reduce the use of death sentences. In July 2012, the Ministry of Justice commissioned a survey to explore whether there would be a shift of public opinion if there were alternative solutions to death penalty. The survey showed 82.8% of people agreeing to the introduction of life-time imprisonment without parole, but 56.5% remained hesitant about replacing the death penalty entirely with this new sentence. Furthermore, life-time imprisonment raises new concerns such as deployment of correctional officers, hardware institutions, and medical resources. The Ministry of Justice currently adopts the approach to maintain death penalty but reduce the use of which, and gradually eliminate it in the future.

68. On January 19, 2010, the Ministry of Justice assembled a task force that specializes in the gradual elimination of death penalty. The task force held 14 meetings between March 23, 2010, and July 20, 2012. Through these meetings, a consensus was developed that: There should not be a predetermined timeline for the abolishment of death penalty; instead, it would require more rational discussions and supporting measures before achieving the goal. In the meantime, death penalties should be used with utmost discretion, and resources should be prioritized toward protecting victims. The Ministry of Justice will continue its current approach to reduce the use of death penalty based on the consensus concluded by the task force. Following an order issued by the Ministry of Justice to execute 6 death row convicts on December 21, 2012, some members openly expressed their decisions to the leave the task force, which left the task force short of the minimum size to continue its functions.

69. Promotion of restorative justice:

(1) Some correction institutions have invited representatives from Restorative Justice

Promotion Task Force, Association for Victims Support and other social groups to conduct teachings at correction institutions. Depending on the needs of the courses organized, other case victims or family members were invited to share their stories, whereas inmates were persuaded to express their apologies to victims or family members in writing.

(2) On case-by-case basis, restorative justice was referred to district court prosecutor's office along with photocopied documents (such as court summons, indictment forms, judgments, etc.), or arranged by the Association for Victims Support under the consent of both the offender and the victim (or victim's family). Restorative procedures were carried out by impartial facilitators.

70. The government has taken a number of initiatives to reduce the use of death penalty:

(1) All crimes that used to be absolutely punishable by death are now punishable by alternative sentences.

(2) From July 1, 2006 onward, persons aged less than 18 can no longer be issued death penalty or life-time imprisonment.

(3) Tightened parole criteria for people who have been sentenced to life-time imprisonment, and increased maximum sentences for multiple convictions, thereby giving judges more reasons to issue life-time imprisonment over death sentence.

(4) Recommended prosecutors to avoid requesting the death penalty where possible.

(5) Death penalties are now issued only for the most severe of crimes and to prevent and punish acts of brutality against the people. Paragraph 1, Article 347 of the Criminal Code was further amended on June 18, 2014, to exclude intentional kidnapping and ransom from the list of crimes that are punishable by death. Under the Criminal Code, some crimes are still punishable by death even when no violation of life has occurred. Such crimes include: civil disturbance (Paragraph 1, Article 101), collusion with enemy state (Paragraph 1, Article 103), collusion for loss of territory (Paragraph 1, Article 104), armed defiance against the nation (Paragraph 1, Article 105), aggravated aid to an enemy state (Paragraph 1, Article 107), abandonment of defense (Article 120), hijacking (Paragraph 1, Article 185-1), robbery combined with another

serious offense (Paragraph 2, Article 332), Piracy Act (Article 333), piracy combined with another serious offense (Article 334), and kidnapping for ransom combined with another serious offense (Article 348). The Ministry of Justice has a Criminal Code Improvement Task Force that constantly reviews whether death penalty should be maintain for the above crimes. In particular, the task force has recommended to remove death penalty for robbery and piracy (Chapter 30 of the Criminal Code), extortion and kidnapping for ransom (Chapter 33), and offenses against public safety (Chapter 11) that result in no loss to the right of life.

71. Starting in 2012, the Supreme Court requires oral arguments to be thoroughly completed on cases involving the death penalty. Meanwhile, the government has been executing death sentences using the most stringent standard possible. Upon receiving a death sentence judgment from the Supreme Court, Guidelines for Reviewing Execution of Death Penalty Cases requires the prosecutor's office to first verify that the prosecutor, the defendant and defendant's attorney have all received a copy of the judgment, then confirm that there is no reason for a retrial, extraordinary appeal and that all alternatives stated in the Amnesty Act and Article 465 of The Code of Criminal Procedure have been exhausted before referring the case to the Ministry of Justice. The Ministry of Justice will once again explore possibilities for a retrial, extraordinary appeal, or interpretation by Grand Justice that would stop the execution. Counselor of the Ministry of Justice will then confirm whether the case has any possibility of a retrial or extraordinary appeal, and the Ministry of Justice will only approve execution of death penalty when there are no alternative procedures or reasons that can justify the delay of execution.

72. Of all the people executed between 2008 and 2011, it took an average of 61.56 months (about 5 years) to conclude a death sentence from the day the crime was committed, and it took an average of 35.67 months (about 3 years) from the day issued to actually carry out the death sentence. Of all the people executed between 2012 and 2015, it took an average of 84.43 months (about 7 years) to conclude a death sentence from the day the crime was committed, and it took an average of 56.09 months (about 4.7 years) from the day issued to actually carry out the death sentence.

73. Between 1996 and 2005 there had been an average of 17.4 death sentences issued and 16.5 people executed per year. The number of death sentences issued and carried out between 2006 and 2015 is presented in Table 9, which averaged only 6.2 death sentences and 3.2 executions per year. In the last 10 years, the number of death sentences issued had reduced by 64.3%, whereas the number of executions had decreased by 80.6%.

Table 9 Death Sentences and Executions

Unit: Person(s)

Year	Number of	Number of
2006	11	0
2007	4	0
2008	2	0
2009	15	0
2010	4	4
2011	16	5
2012	7	6
2013	3	6
2014	1	5
2015(1-10)	0	6

Source: Ministry of Justice

Abortion

74. Article 9 of the Genetic Health Act outlines the mandatory criteria for induced abortions.

75. The government conducts the Taiwan Fertility and Family Survey once every 4 years. Based on the survey conducted in 2008 (the 10th), 73,282 women aged between 20 and 49 were estimated to have undergone induced abortion in 2007. This number was consistent with the estimate of 60,000 ~ 70,000 based on RU486 usage in 2009~2010 and the number of induced abortion treatments reported through the National Health Insurance Scheme between 2006 and 2009. During the 2012 (11th) Taiwan Fertility and Family Survey, it was estimated that 60,445 (incidence of induced abortion 1.13%) of women aged between 20 and 49 had undergone induced abortion in 2011.

76. On January 13, 2011, amendments were made to Subparagraph 1, Article 28-4 of the Physicians Act to prohibit physicians from performing prenatal gender selection for reasons

unrelated to sex-linked disease, or performing induced abortion solely based on fetus gender. On March 23, 2012, prenatal examination of fetus gender by medical technologists for reasons other than the diagnosis of sex-linked disease had been interpreted as inappropriate practice under Subparagraph 2, Article 36 of the Medical Technologists Act. On April 5, 2012, Article 13-1 was added to Enforcement Rules of Genetic Health Act, which specifically prohibited use of fetus gender as a reason to perform induced abortion for women who have been diagnosed or proven to suffer from health or living due to pregnancy or childbirth. On February 18, 2014, Regulations for Artificial Reproduction Institution Permit was amended to introduce sex ratio monitoring as one of the assessed parameters. By regularly monitoring the genders of babies delivered and through efforts such as counseling, inspections, removal of illegal advertisements, and promotion of gender equality, medical ethics and gender education, the government has saved approximately 5,646 female babies in the last 4 years.

Human Organ Transplant

77. The brain death guidelines were last revised and implemented on December 17, 2012. The guidelines were broadened to include children aged 3 and below, for which brain death would have to be pronounced by qualified pediatricians. Time interval between two brain death pronouncements: at least 12 hours for subjects aged 1 to 3, and at least 24 hours for subjects less than 1 year old.

78. The Human Organ Transplant Act was last revised on July 1, 2015. Since December 21, 2012, the Ministry of Justice no longer grants prisoners on death row the choice to donate organs upon death penalty.

Prevention against Excessive Police Force

79. The Act Governing the Use of Police Weapons has been implemented to govern the use of force and firearms by the police. The Act requires police weapons to be used only if absolutely necessary and to the extent that is considered reasonable. Uses of police weapon should also avoid inflicting fatal wounds. Police officers are required to make thorough reports to the supervisor every time a police weapon is used. If a police officer makes inappropriate use of police weapon to the damage of a person's life, health or property, for

which the state is liable to compensate, the police officer would be subject to disciplinary actions and be held responsible for criminal and civil liabilities. In addition, victims will also be entitled to claim against the state for damages suffered, according to Article 24 of the Constitution and Articles 1 and 2 of the State Compensation Law.

80. There had only been 1 indictment against the police agency for death caused by the use of police weapon between 2012 and October 2015. This particular incident occurred during an arrest attempt, when a police officer opened fire at the wanted subject as he tried to hit the police officer with a car, and ultimately resulting in the death of the wanted subject. However, the court held very different opinions toward the case. This case has now been appealed to the Supreme Court, and no final judgment is issued so far.

Article 7

Torture

81. See Notes 191, 192, 196 to 198 in the responses made to opinions and recommendations of the ICCPR/ICESCR First National Report.
82. See Notes 153 to 164 of this report.
83. The country already has laws that prohibit crimes similarly to what is described as torture in Article 7 of ICCPR and Article 1 of United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT). Meanwhile, the Ministry of Justice Criminal Code Improvement Task Force is actively amending the terms of the Criminal Code in order to further complete the country's legal framework on the prohibition against torture.
84. Employees at detention institutions are being trained on the prohibition of torture and improper treatments. A draft amendment of the Detention Act was made in accordance with ICCPR principles and was submitted for review at the Legislative Yuan on May 29, 2012.
85. The Control Yuan has the authority to investigate, correct, impeach, and censure government agencies and their public servants. It is also empowered under Article 3 of the Control Act and Regulations Governing Circuit Supervision by the Control Yuan to inspect central/local government agencies and their work facilities on a regular basis. It is

responsible for investigating violations and malpractices involving government agencies and civil servants. In addition to the Human Rights Protection Committee, the Control Yuan also has 7 standing committees including the Committee on Judicial and Prison Administration Affairs, all of which have the authority to conduct regular preventive inspections on government functions where human rights are most likely to be threatened, such as law enforcement, national security, armed forces, prison, and detention facilities. Once an investigation is launched, members of the Control Yuan may visit the above locations to investigate facts and truth, providing a preventative measure for torture across the country.

86. Between 2012 and October 2015, the Control Yuan's Committee on Judicial and Prison Administration Affairs conducted 21 inspections at a total of 94 government agencies, and raised 539 opinions during the process. Amongst all investigation reports concluded by the committee, 167 cases (81.5%) of which involved human rights issues. The Control Yuan demanded corrections for 31 of those cases, representing 88.6% of all human rights assurance cases investigated by the Committee on Judicial and Prison Administration Affairs. Cases concerning the rights to judicial protection were the most common issue in investigation reports (65.4%) and corrective cases (51.3%). Corrections involving correction facilities included: inappropriate use of restraining tools and leather cuffs by Chang Hua Prison, and inappropriate discipline at Taoyuan Reform School that resulted in the death of youth named Mai. See Table 10 for details.

Table 10 List of Correction Institutions Investigated, Corrected and Impeached

Control Yuan case No.	Date of review	Date of closure	Findings and progress
Inappropriate use of restraining tools and leather cuffs by Chang Hua Prison that violated inmate's human rights (102-Si-Diao-0043; 102-Si-Zheng-0008)	2013.08.14	Ongoing	1. Corrections issued to the Ministry of Justice and Chang Hua Prison. 2. Notices were issued to Judicial Yuan and Ministry of Justice, and forwarded to judges and prosecutors for reference. 3. Investigation results were forwarded to plaintiffs.

Control Yuan case No.	Date of review	Date of closure	Findings and progress
Inappropriate discipline at Taoyuan Reform School that resulted in the death of youth named Mai; and abuse of student at Chang Hua Reform School (104-Si-Diao-0014, 104-Si-Zheng-0004, 104-He-4)	2015.06.10	Ongoing	1. Impeached former curator, former chief of discipline, and current chief of health of Taoyuan Reform School; and current curator of Chang Hua Reform School. 2. Demanded corrections by the Executive Yuan, the Agency of Corrections (under the Ministry of Justice), Taoyuan Reform School, and Chang Hua Reform School. 3. Requested the Ministry of Justice to supervise improvements from the Agency of Corrections, Taoyuan Reform School and Chang Hua Reform School, while at the same time penalize wrongdoers. 4. Requested the Ministry of Justice to have its inspection departments continue investigation of this case. 5. Requested the Ministry of Health and Welfare to develop improvement measures and to the Judicial Yuan's Juvenile and Family Department.

Source: Control Yuan

87. The Ministry of the Interior has made a draft version of Enforcement Rules on Convention against Torture, where Article 6 proposes the establishment of committees relevant to the prevention of torture under the Control Yuan. Once the convention is ratified, the Control Yuan would have the legal basis to review and monitor practices of various government institutions for greater compliance with the convention. The enforcement rules may empower the Control Yuan with greater authority to inspect detention facilities, thereby making it an independent and credible defense against torture and other cruel, inhuman or degrading treatment.

88. The Ministry of Justice has proposed amendments to Article 8 of the Law of Extradition to allow the country to reject extradition requests of a foreign entity if the person sought to be extradited had been or is believed to be subjected to torture or other cruel, inhuman or

degrading treatment or punishment in the said entity.

89. In April 2015, the National Police Agency, Ministry of the Interior, implemented Notes on Use of High-pressure Waterjet by Police Officers that demanded officers to exercise stringent discretion when using high-pressure waterjet vehicles. In addition, police officers are required to comply with Police Power Exercise Act and Act Governing the Use of Police Weapons when using police weapons to maintain public order and secure the safety of government institutions. Paragraph 1, Article 3 of the Police Power Exercise Act permits use of police power only to the extent necessary to achieve the intended purpose, and only in a manner that causes the least damage to people's rights.

Prohibition Against Corporal Punishment

90. Amendments were made to Article 8 of the Educational Fundamental Act promulgated on December 27, 2006prohibit students being subjected to any form of corporal punishment that would damage their physical or mental health. Teachers may guide or correct students' behavior, but must refrain from such conduct as defaming, insulting public humiliation, or threatening.

91. The Mental Health Act prohibits physical and mental abuse against persons with mental illness.

92. The provisions of the 2014 amendment to the Directions Regarding On-Campus Security and Reporting Disaster Incidents require educational institutions and preschools to take immediate actions in the event of learning of a campus safety incident or disaster, and report the incident to the legally designated authority and to the online campus safety incident reporting network within a specified period of time. Statistics for the period between 2012 and 2015 record 200 reported instances of corporal punishment in schools at senior secondary and lower levels. Depending on the level of education the student involved is receiving, matters relating to such instances events may be overseen by the local government or the Ministry of Education or both. After receiving a report of corporal punishment being inflicted, the Ministry of Education or local government will require the school involved to immediately convene an investigation team and obtain details of what happened, and if it is confirmed that such an incident occurred, the offender is punishable

by law. A case involving a serious offenses may result in a teacher's dismissal, suspension, or denial of future employment after an assessment by the Teachers Review Committee.

The Case of Zhong-qiu Hong

93. On June 23, 2013, Private Zhong-qiu Hong of the 542nd Brigade of The Republic of China Army was issued a 7-day repentance punishment for bringing camera phone and MP3 player onto military facility, and was later subjected to solitary confinement at the 269th Brigade. During a physical training on July 3, Hong suffered a heat stroke and died at hospital. The incident soon aroused the public's attention towards human rights and disciplinary treatments within the armed forces. The Ministry of National Defense had since amended the Act of Punishment of the Armed Forces and relevant regulations in response to this incident.

Human Rights Protection in the Military

94. The R.O.C. Military Personnel Rights Protection Committee was created in 1999 to handle cases of mistreated military personnel and any incident involving violation of their rights. The committee was later renamed R.O.C. Military Personnel Rights Protection Council on January 1, 2013, and invited government representatives, scholars, experts, and persons of relevant expertise as council members. The council adopts a 2-tier system; tier-1 authority applies to the review of human rights cases occurred at the R.O.C. Military Personnel Rights Protection Council, whereas tier-2 R.O.C. Military Personnel Rights Protection Council is for the re-assessment of resolutions made by tier-1 R.O.C. Military Personnel Rights Protection Council.

95. Military personnel are able to raise complaints via the 1985 hotline and the command headquarters' 0800 hotline. All complaints received are categorized by their nature and referred to responsible units for further processing and response. Upon receiving complaint, supervisors are required to respond immediately and reply to plaintiffs regarding the outcome. Plaintiffs who are unsatisfied with the results may escalate their complaints to a higher authority.

96. Military personnel who violate Criminal Code of the Armed Forces or special laws thereof during peace times are tried by the judicial department starting on January 13, 2014. Since

then, there had been 6 lawsuits involving suspected abuse of subordinates, of which 5 were not prosecuted and 1 was prosecuted and was ruled by court only as an act of threat to personal safety.

97. Amendments to the Act of Punishment of the Armed Forces dated May 6, 2015, allow complaints, appeals, administrative litigations or rights protection measures to be raised at time of punishment. In addition, persons who object against their repentance punishments may seek legal aid through the Habeas Corpus Act, and all supervisors are prohibited from discriminating or mistreating penalized persons who have sought legal aids. If complaints are raised, repentance and punishments of any kind must be suspended and investigated with immediate effect.

Medical Treatments and Human Trials

98. Article 18 of the Mental Health Act prohibits physical and mental abuse against persons with mental illness. In order to protect the rights of mental patients, the act has introduced legal basis and procedures on mandatory hospitalization, and requires all necessary treatment and protection to be utilized over the period in which mandatory hospitalization (i.e. emergency placement) is approved. Meanwhile, Article 37 of the act requires regular inspections on mental patients' health if a medical institution decides to take protection measures that restrain or restrict patients' freedom of movement for treatment or purposes such as prevention of violence, accidents, suicide or self-harm attempts. Currently, all mandatory hospitalization, restraint and isolation of mental patients are being carried out in compliance with law. There had been no injury or death cases resulting from mandatory hospitalization in 2015.

99. The Medical Care Act, Human Subjects Research Act, Regulations on Human Trials and Good Clinical Practice Guidelines have outlined in details the extent of consent to be obtained in a human trial (including acknowledgment to possible risks, damage compensations or insurance), the recruitment of trial subjects, publication of results, protection of the socially disadvantaged, and reporting of adverse effects.

100. The government has stated in various project subsidy policies (e.g.: Research Project Subsidy Guidelines, Industry-academia Project Subsidy Guidelines, Application-type

Start-up Project Subsidy Guidelines, etc.) that, any research projects that involve experiments on human subjects, collection of human samples, embryos, stem cells, etc. must be supported with approval documents issued by the medical ethics committee or human subject experiment committee.

101. According to Article 18 of the Human Subjects Research Act, which was implemented on December 28, 2011, the central authority is required to conduct regular reviews of such projects and publish its results. These reviews may be outsourced to private institutions and organizations. On February 22, 2013, the Ministry of Education developed Notes on Review Practices of Institutional Review Board for Human Subject Research, and later amended it on August 11, 2014 and August 5, 2015.
102. The Ministry of Education has commissioned the National Applied Research Laboratories to assist with the inspections for approving review committees, in particular the institutional review boards (IRB) (human subject research ethics review committees) of universities and colleges. The inspections focus on: each IRB's composition, its administrative operations, its review procedures, and the promotion and implementation of ethical research by units undertaking research.
103. Each tertiary institutions may establish IRB as needed for undertaking particular research projects. Inspections conducted by the Ministry of Education show that 12 universities have established an IRB that meets the criteria. On January 6, 2015, the Ministry of Education made the list of IRBs that had passed the inspection public and notified all tertiary institutions that they must submit research projects for review by an IRB that meets the criteria before commencing.
104. Following the announcement of Human Subjects Research Act, the Council of Indigenous Peoples then invited relevant departments into discussion about the consents and commercial interests of indigenous peoples in human trial projects, and began drafting the final regulation. The council expects to hold 4 seminars throughout the nation in 2016 to discuss this issue.

Article 8

Legislation on the Prevention of Human Trafficking

105. See Note 112 of the ICCPR First National Report.

106. Many legislative discussions have been held since the implementation of the Human Trafficking Prevention Act. These discussions have formed the following consensus: human trafficking shall be defined and categorized using existing classifications, with the removal of terms such as "intentional concealment of vital information" and "withholding of vital documents;" charges of human trafficking are no longer filed on the basis of violating a person's own free will, and hence the wording should be revised accordingly; private employment service providers will be made responsible for reporting human trafficking activities; assistance will be provided to victims needing shelter and suspected victims; victims or suspected victims of human trafficking that satisfy the definition of victim described in Child and Youth Sexual Transaction Prevention Act shall be given priority for shelter and assistance services.

107. To prevent human trafficking, the Ministry of Justice and Judicial Yuan will be exercising their authority to help speed up investigations; meanwhile, victims will be constantly informed of the investigatory progress. To assist in international efforts regarding the prevention human trafficking, the country will be coordinating its immigration task forces around the world to engage local immigration authorities in signing memorandums of understanding (MOU) with regards to immigration and human trafficking prevention affairs.

108. The country has been actively assisting the world in the fight against human trafficking, and has signed MOUs or agreements on immigration and human trafficking prevention affairs with 14 countries including the USA, Japan, Vietnam and Indonesia between August 2011 and October 2015.

Investigation and Indictment Against Human Trafficking

109. Victims of human trafficking have been mostly from China and Southeast Asian Countries such as Indonesia, Vietnam, Thailand and the Philippines. In recent years, victims of sexual exploitation have been mostly Indonesians, and victims of labor exploitation mostly

involved Indonesians, followed by Vietnamese.

110. There had been 86 known cases of labor exploitation and 62 known cases of sexual exploitation in 2012; 84 known cases of labor exploitation and 82 known cases of sexual exploitation in 2013, 51 known cases of labor exploitation and 87 known cases of sexual exploitation in 2014; and 39 known cases of labor exploitation and 91 known cases of sexual exploitation in 2015 (January to October). The number of sexually exploited minors were 97 in 2012, 88 in 2013, 81 in 2014, and 84 in 2015 (January to October).

Protection of Human Trafficking Victims

111. See Note 118 of the ICCPR First National Report.

112. The National Immigration Agency (Ministry of the Interior) and the Ministry of Labor have been collaborating with civil associations to provide shelters for victims. The number of new victims sheltered was 462 in 2012, 366 in 2013, and 292 in 2014. Subsidies were provided by the Ministry of Labor to assist civil associations in their establishment of shelters. Table 11 shows the nationality and gender of victims and suspected victims sheltered between 2012 and October 2015. Victims or suspected victims of human trafficking that the government had sheltered to date were mostly exploited for labor (336 in 2012, 248 in 2013, 192 in 2014, and 61 as of October 2015). Few were sexually exploited (149 in 2012, 122 in 2013, 64 in 2014, and 33 as of October 2015) and there had been no case of exploitation in the form of organ harvesting. Following the implementation of the Human Trafficking Prevention Act in June 2009, the Ministry of Labor had issued work permits to 190 people in 2010, 179 people in 2011, 305 people in 2012, 282 people in 2013, 202 people in 2014, and 105 people in 2015 (January to October).

Table 11 Sheltered Victims or Suspected Victims of Human Trafficking - by Nationality and Gender

Unit: Person(s)

Nationality / Year	Indonesia		Thailand		The Philippines		Vietnam		Subtotal
	Male	Female	Male	Female	Male	Female	Male	Female	
2012	35	355	0	1	10	15	24	45	485
2013	23	268	3	1	0	7	23	45	370

2014	19	134	0	1	6	41	19	36	256
2015(1-10)	21	44	0	1	2	5	10	11	94
Total	98	801	3	4	18	68	76	137	1,205

Source: Ministry of Labor

113. Provide shelters and enhanced protections:

(1) Child and juvenile victims are given medical care, psychological counseling and other assistance on a case-by-case basis by the municipal/county/city government.

(2) To assist local adult victims of sexual exploitation, the central government has coordinated local government bodies into providing shelter as the top priority. If shelters are inadequate or inappropriate for the purpose, local governments will still be able to seek assistance from non-government organizations and build a complete shelter service network. For victims who reject shelter and decide to return home instead, the Ministry of Health and Welfare has instructed the law enforcement department to obtain the victim's consent to be referred to another social department. Once consent is obtained, the law enforcement department will complete a referral form and fax to the social department, where subsequent services will be continued. Victims and suspected victims are offered services and protection such as living care, mental counseling, medical assistance, legal consultation, interpretation, and company to investigations.

114. To ensure the right of victim to ask for help after assistance, the Ministry of Health and Welfare has instructed the law enforcement department hand over a copy of human rights manual to every human trafficking victim when a case is processed.

115. In an attempt to arouse public awareness on human trafficking, the government has incorporated human trafficking topics into child and juvenile sexual exploitation prevention seminars and training courses held at designated hospitals of the mental health network. Meanwhile, digital signage has been used to promote the public's awareness towards preventing human trafficking and sexual exploitation of children and juveniles.

Prohibition Against Forced Labor

116. See Note 113 of the ICCPR First National Report.

117. Following amendments to the Occupational Safety and Health Act on July 3, 2013,

Paragraph 2, Article 6 of the act now explicitly requires employers to adopt necessary health measures for the prevention of illnesses associated with prolonged and over-burdened work activities (the "over strain" clause). In 2014, a total of 67 people were compensated for work-induced cerebrovascular disease under the labor insurance scheme. This was 16 people fewer than the 3-year average of 83 (88 in 2011, 92 in 2012, and 68 in 2013). It is evident that the nation's over strain prevention strategies have slowed down the spread of illness caused by prolonged working. Given the common abusive use of interns as cheap labor and the lack of protection over their interests, the government has explicitly required all students participating in industry cooperation programs to have their rights protected according to The Act of the Cooperative Education Implementation in Senior High Schools and the Protection of Student Participants' Right, starting from the 2013 academic year. In 2014, the Ministry of Labor accompanied the education authority to randomly inspect interns' work conditions at 60 businesses, and found 41 businesses having exhibited no violation whatsoever. Among the 60 businesses randomly inspected in 2015, 36 of which exhibited no sign of violation.

Child Labor

118. See Notes 363 and 364 of this report.

119. Total number of child laborers in the country was 3,426 (2,273 male, 1,153 female) in 2012, 2,297 (985 male, 1,312 female) in 2013, and 2,091 (1,247 male, 844 female) in 2014.

120. Protection of child labor is stipulated in Articles 44 to 48 of the Labor Standards Act. Employers who violate the regulation may be subject to a maximum of 6 months imprisonment, detention, or NTD 300,000 in fines. Paragraph 1, Article 29 of the Occupational Safety and Health Act has specifically prohibited employers from assigning workers aged less than 18 to dangerous or hazardous works. Employers who violate the regulation may subject to a maximum of 1 year imprisonment, detention, or NTD 180,000 in fines according to Article 41 of the act.

121. Existing regulations have already offered comprehensive protection in terms of work environment and work hours to persons aged 16 above up to 18. If child labor is redefined as persons below 18 years of age in the Labor Standards Act, then any existing workers

aged 16 and above up to 18 would have to be treated as child labor, particularly with regards to their night time works. Doing so would pose immediate impact against the work rights and income of employed workers (particularly for those who are financially challenged), and hence should be evaluated carefully.

Article 9

Protection of Personal Freedom

122. See Notes 122 and 123 of the ICCPR First National Report.

123. On June 18, 2014, Article 237-10 was appended to the Administrative Litigation Act, which gives inmates or their relatives the right to challenge the National Immigration Agency's detention decisions. Upon receiving such protest, the National Immigration Agency would have to transfer the detainee to court within 24 hours.

124. On January 8, 2014, the Habeas Corpus Act was amended with the following focuses: a person arrested or detained by an organ other than court, may petition for habeas corpus, no matter criminal activities are involved or not; an arrestee's or a detainee's request should be reviewed by a specialized court; arrestees and inmates must be transferred to court immediately upon receiving a writ of habeas corpus; arrestees or inmates shall be given the opportunity to state their cases in the hearing; and remedial procedures should be made available for those who have their requests rejected. Tables 12 to 14 show cases of habeas corpus cases received and concluded by district courts.

Table 12 Habeas Corpus Cases Concluded by District Courts

Unit: Cases

Status / Case type	Existing cases	New cases	Closed	Outstanding	Finalization status					
					Inappropriate arrest/detention; immediate release	Request rejected	Submission of original files and documents to court	Partial release; partial rejection	Request withdrawn	Others
Total	0	596	596	0	21	438	6	0	131	0
Civil	0	3	3	0	0	3	0	0	0	0
Domestic	0	81	81	0	2	65	4	0	10	0

Criminal	0	469	469	0	11	341	1	0	116	0
Juvenile	0	2	2	0	0	0	0	0	2	0
Administrative	0	41	41	0	8	29	1	0	3	0

Source: Judicial Yuan

Note: Data dated: July 2014 to October 2015.

Table 13 Administrative Habeas Corpus Cases Concluded by District Courts

Unit: Person(s)

Finalization status / Reason of arrest	Final decisions for arrestees/inmates					
	Total	Inappropriate arrest/detention; immediate release	Request rejected	Submission of original files and documents to court	Request withdrawn	Others
Total	44	9	31	1	3	0
Immigration Act	13	5	8	0	0	0
Act Governing Relations between the People of the Taiwan Area and the Mainland Area	23	4	17	0	2	0
Others	8	0	6	1	1	0

Source: Judicial Yuan

Note: Data dated: July 2014 to October 2015.

Table 14 Administrative Detention Requests Concluded by District Courts

Unit: Cases

Status / Request type	New cases	Closed cases	Finalization status				
			Approved	Request rejected	Jurisdiction transferred	Request withdrawn	Others
Total	6,079	6,027	5,693	39	0	294	1
Challenge of detention	4	4	0	4	0	0	0
Continue detention	6,003	5,951	5,642	17	0	291	1
Extension of detention	60	60	51	7	0	2	0
Cessation of detention	12	12	0	11	0	1	0

Source: Judicial Yuan

Note: Data dated: February 2015 to October 2015.

125. Prior to an interrogation, The Code of Criminal Procedure requires defendants or crime suspects to be informed of their charges, their right to silence, right to defense attorney, and right to investigate evidences that favor their defense. To further protect defendants' rights, the Judicial Yuan has proposed amendments to Article 89 of The Code of Criminal Procedure, which requires defendants to be informed the reasons of their arrest, along with the list of items stated in Article 95 of The Code of Criminal Procedure, at the time the arrest takes place. According to Article 79 of The Code of Criminal Procedure, an order of arrest should be prepared in 2 copies, and 1 of which will be given to the defendant or family members thereof at the time of arrest. Meanwhile, Paragraph 4, Article 88-1 of the Act requires prosecutors or judicial police officers to inform crime suspects or family members of their right to appoint a defense attorney when an arrest is carried out in accordance with Paragraph 1 of the same Article.

Custody and Detention

126. Remands are to be requested by prosecutors at court, up to a maximum of 2 months and 1 extension if necessary. Custody must be withdrawn immediately when there is no longer a reason to do so. Defendants, defense attorneys and defendants' assistants are all entitled to request for the court's decision to withdrawal custody or accept bonds instead of custody. Prosecutors may also withdrawal custody or request to have the court accept bonds instead of custody during investigation.

127. Law enforcers may hold a person in custody by presenting a valid order of arrest, or on the basis of crime in progress or other emergencies. The maximum period of custody is 24 hours, but usually inmates are handed over to prosecutors within 16 hours, which gives prosecutors 8 hours to conduct a preliminary investigation and determine whether the subject should be released, restricted in own residence, assigned to the custody of another department, bailed, or further detained at the court's approval. Tables 15 and 16 show the number of custody requests raised by prosecutors during investigation, and decisions of the district court, high court and branch courts thereof between 2012 and October 2015.

Table 15 District Court Decisions on Custody Requests Raised During Prosecutors'

Investigations

Unit: Person(s); %

Year \ Finalization status		Total	Request approved	Detained because of the inability to pay the bail or deliver or impossibility to limit one's residence	Overruled	Mandated bail	Mandated delivery	Mandated limitation on one's residence	Mandated bail and limitation on one's residence	Mandated delivery and limitation on one's residence	Request withdrawn	Others
2012	Person(s)	9,887	8,017	40	569	626	22	270	326	4	0	13
	Ratio	100.00	81.09	0.40	5.76	6.33	0.22	2.73	3.30	0.04	0	0.13
2013	Person(s)	8,683	6,768	24	585	611	15	281	381	8	0	10
	Ratio	100.00	77.95	0.28	6.74	7.04	0.17	3.24	4.39	0.09	0	0.12
2014	Person(s)	7,978	6,162	26	615	496	18	218	426	11	0	6
	Ratio	100.00	77.24	0.33	7.71	6.22	0.23	2.73	5.34	0.14	0	0.08
2015	Person(s)	3,917	2,838	17	377	316	14	136	216	2	0	1
(1-10)	Ratio	100.00	74.97	0.36	8.51	7.03	0.24	3.21	5.56	0.08	0	0.05

Source: Judicial Yuan

Table 16 High Court (and Branch Court) Decisions on Custody Requests Raised During Prosecutors' Investigations

Unit: Person(s); %

Year \ Finalization status		Total	Request approved	Overruled	Mandated bail and limitation on one's residence
2012	Person(s)	7	6	1	0
	Ratio	100.00	85.71	14.29	0
2013	Person(s)	4	3	0	1
	Ratio	100.00	75.00	0	25.00
2014	Person(s)	3	1	2	0
	Ratio	100.00	33.33	66.67	0
2015(1-10)	Person(s)	1	1	0	0

	Ratio	100.00	100.00	0	0

Source: Judicial Yuan

128. Detention cases:

(1) In response to Judicial Yuan Interpretations No. 708 and 710, amendments made to the Administrative Litigation Act became effective on February 5, 2015, which appended Chapter 4 prescribeing the types, procedures and jurisdiction in the case of a detention request. The prerequisites of a detention request, however, are governed by the Immigration Act, the Act Governing Relations between the People of the Taiwan Area and the Mainland Area, and Laws and Regulations Regarding Hong Kong & Macao Affairs.

(2) There are 4 types of requests that can be raised in relation to a detention: protest request, continuation request, extension request, and cessation request. The detention period can be distinguished into three phases: temporary (from the 1st day until the 15th day), continuous (from the 16th day until the 60th day), and extended (from the 61st day until the 100th day). Detention of Mainland residents may be allowed one further extension (from the 101st day until the 150th day). Detention within the temporary phase is issued at the discretion of the National Immigration Agency (Ministry of the Interior). If a protest is raised by the detainee or by a qualified relative, the National Immigration Agency shall forward this protest to the court's review within 24 hours. Detentions that are longer than 15 days must be requested in advance by the National Immigration Agency, and proceed only with the approval of the court. After the court has approved the detention for a continuous or extended time, the detainee or qualified relative may raise a cessation request to court to cease the detention once there is no longer a reason or necessity to do so, or if situation changes that exempts the detainee from further detention.

(3) The purpose of detention is to facilitate expulsion of foreigners or Mainland/Hon Kong/Macao residents. When presented with a detention request, the court shall base its decisions on: whether there is significant challenge in the expulsion process to justify a detention; whether expulsion is impractical or difficult without detention;

whether there are alternatives to detention, such as bonds or restriction in own residence; and whether there are laws that prohibit against detention in such cases.

(4) Table 17 shows detentions of foreigners and Mainland/Hong Kong/Macao residents and the underlying causes.

Table 17 Detention of Foreigners and Mainland/Hong Kong/Macao Residents and the Underlying Causes

Cause of detention / Inmates' identity	Temporary/continual detention	Extension of detention	Further extended detention
Foreigner	1. Unable to present valid travel documents as required. 2. Evidence to suggest loss of whereabouts, escaping from authority, or reluctance to leave the country under own free will. 3. Wanted by foreign government.	Loss or voided passport/travel document, which cannot be replaced, renewed or extended in time.	Detention cannot be extended further.
Mainland residents	1. Unable to present valid travel documents, or that travel documents are pending verification. 2. Evidence to suggest loss of whereabouts, escaping from authority, or reluctance to leave the country under own free will. 3. Wanted by an overseas authority.	Same as described on the left.	Same as described on the left.
Hong Kong/Macao residents	1. Unable to present valid travel documents as required. 2. Evidence to suggest loss of whereabouts, escaping from authority, or reluctance to leave the country under own free will. 3. Wanted by an overseas authority.	Same as described on the left.	Detention cannot be extended further.
Note	All continual detentions must be requested from court at least 5 days before the temporary detention period expires (15 days).	Permission must be sought from court at least 5 days before the continual detention expires (45 days).	Permission must be sought from court at least 5 days before the extended detention expires (40 days).

Source: Judicial Yuan

(5) Persons who have been subject to expulsion and satisfy any one of the detention criteria listed above will be detained only if: (1) there are no reasons not to do so, such as mental disability or illness (where detention may affect patient's treatment or even endanger life), 5 months pregnancy or above, less than 2 months from the last childbirth or miscarriage, being under the age of 12 and diagnosed of communicable disease as listed in Article 3 of the Communicable Disease Control Act, senile conditions or disabilities that render the patient unable to self-manage daily living activities, or being restricted from leaving the country by judicial or other departments; and (2) all other alternative means to detention have been exhausted, such as bail, regular reporting of whereabouts, restriction in residence, regular visits, and use of reliable contact methods.

Prevention Against Solitary Confinement

129. See Notes 153 to 157 of this report.

130. Table 18 explains how prosecutors supervise restriction of personal freedom imposed by judicial police officers. Detention of the people is carried out under the governance of multiple institutions. Inmates' information is protected by the Personal Information Protection Act, and any public requests for inmates' information are fulfilled to the extent deemed legal and appropriate.

Table 18 Prosecutors' Supervision over Restriction of Personal Freedom by Judicial Police Officers

Judicial police shall exercise compulsory disposal		Prosecutor supervision mechanism	Outcome of prosecutor's disapproval of compulsory disposal
Category	Prerequisite		
Arrest with a warrant	Crime suspect has been legally informed but fails to appear without valid reason (Paragraph 1, Article 71-1 of The Code of Criminal Procedure)	Report to the public prosecutor for issuance of the arrest warrant ex ante.	Do not arrest

	Arrest without a warrant	Emergency arrest (Paragraph 1, Article 88-1 of The Code of Criminal Procedure)	When it is not too late to report to the public prosecutor, report to the public prosecutor for issuance of the arrest warrant ex ante.	Do not arrest
			When it is an emergency and cannot be reported to the public prosecutor in time, report to the public prosecutor for issuance of the arrest warrant ex post.	Release of the detained
		Defendant is wanted. (Paragraph 1, Article 87 of The Code of Criminal Procedure)	The wanted notice is signed by the public prosecutor during investigation.	
Arrest	Crime in progress (Paragraphs 1 and 2, Article 88 of The Code of Criminal Procedure)		Send the criminal under escort to the public prosecutor for interrogations	
	Suspected crime in progress (Paragraphs 1 and 3, Article 88 of The Code of Criminal Procedure)			
	Wanted defendant (Paragraph 3, Article 85 of The Code of Criminal Procedure)		The Prosecutor General is required to sign on the police circular order during investigation	

Source: Ministry of Justice

Evolution of the Law of Compensation for Wrongful Detentions and Executions

131. See Note 134 of the ICCPR First National Report.

132. Table 19 shows the number of compensation cases processed by district courts and high courts between 2012 and June 2015.

Table 19 Compensations of Wrongful Convictions Processed by District and High Courts

Unit: Cases

Institution	Year	Confirmed cases	Approved cases
District court	2012	246	101
	2013	208	102

	2014	167	79
	2015(1-6)	60	33
High court	2012	76	46
	2013	79	58
	2014	54	32
	2015(1-6)	24	12

Source: Judicial Yuan

Previous Compensations on Wrongful Conviction of Sedition and Espionage During Period of Martial Law

133. See Note 136 of the ICCPR First National Report.

134. Table 20 shows the number of cases reviewed and amount paid by the compensation foundation between 1999 and October 2015 for wrongful convictions of sedition and espionage crimes during the period of martial law. After the compensation foundation had closed down, the Executive Yuan instructed the Ministry of Culture to take over the fund's responsibilities such as caring, commemorating and restoring reputation for victims, as well as promotion of human rights, and gathering, studying, and education on facts relevant to the period of martial law. The Executive Yuan has assigned the Ministry of Culture the responsibility to safe keep and study all 10,067 files left by the foundation. Through the retention of files, the government hopes to preserve precious memories of its human rights history. Meanwhile, the Ministry of Culture continues to engage victims (and family members), historians, lawyers, experts and victim organizations to promote accessibility of the files, while at the same time protect the privacy of all people involved.

Table 20 Cases Reviewed and Amounts Paid by Compensation Foundation for Wrongful Convictions of Sedition and Espionage During the Period of Martial Law

Unit: Cases; NTD thousand

Item	Case count/amount
Appropriated quota	20,253,236
Number of cases handled	9,582
Number of cases reviewed	9,452
Number of cases approved for	7,526
Number of cases disapproved	1,926

Amount of compensation	19,599,900
Number of cases with	4,066

Source: Improper Martial Law Period Insurgency and Espionage Convictions Compensation Foundation

Note: Data was dated from 1999 to 2015 (there were 4,055 cases of restored reputation as of December 9, 2014, and 4,066 cases as of October 2015; statistics after December 10, 2014, were provided by Memorial Foundation of 228).

135. Between 2012 and 2015, the Ministry of National Defense processed and concluded 18 cases that involved compensation claims through its military courts and prosecutors' offices. In 11 or 61% of all cases closed, compensations totaling NTD 4,649,393 were approved to 11 beneficiaries. In addition, the Ministry of National Defense has taken a number of initiatives to investigate lack of care in the duties of its internal personal make claims against them.

Protection of the Mentally Ill

136. See Note 95 in the Common Core Document of the ICCPR/ICESCR Second National Report.

137. The government has been launching a launching the Medical Care Network Plan and expanding it stage-by-stage to strengthen mental patient care and recovery at the community level. A mental healthcare information system has been developed to support individual registration, discharge referral, and community tracking of mental patients. As of October 2015, there had been 142,196 registered patients nation-wide. These patients were classified by the severity of their illness and are regularly tracked and visited by 2,742 public health nurses and 96 mental illness prevention inspectors, who may refer patients to the needed resources (e.g. social aid, employment, medical care etc) on a case-by-case basis.

Asylum Seekers and Illegal Immigrants

138. Large capacity shelters operated by the National Immigration Agency, Ministry of the Interior, housed illegal foreigners totaling 9,541 in 2012, 9,346 in 2013, and 7,090 in 2014.

The number of people housed in large capacity shelters has decreased over the years. The National Immigration Agency does not detain right away when foreigners or Mainland are found to have entered the country illegally, or when violators have been assigned from another department. Instead, the agency would first evaluate whether the violators satisfy all detention requirements listed in Article 38 of the Immigration Act or Article 18-1 of Act Governing Relations between the People of the Taiwan Area and the Mainland Area, and detain only if absolutely necessary. The average number of days over which foreigners were detained was 44.11 in 2012, 36.15 days in 2013, 37.95 in 2014, and 27.84 days for the 10 months ending October 2015. The average number of days over which Mainland residents were detained were 80.17 days in 2012, 61.57 days in 2013, 50.96 days in 2014, and 51.94 days for the 10 months ending October 2015. All foreigners who have been detained for illegal activities are notified in writing of the facts, reasons, legal basis, rights (such as presence of a translator) and obligations pertaining to their detention. Information pamphlets are printed in 17 languages including English, Vietnamese, Thai and Indonesian, and are given to inmates as a means of informing their rights and obligations.

Article 10

Treatment of Detained Subjects

139. See Notes 142 to 145 of the ICCPR First National Report.

140. In 2014, the Agency of Corrections, Ministry of Justice, assembled The Group on Corrections Innovation and invited experts and scholars into regular meetings to discuss its current correction activities. Resolutions of such meetings are posted online along with progress reports to enable public supervision.

141. Following amendments to the Code of Court Martial Procedure on August 13, 2013, all active soldiers who commit violations against the Criminal Code of the Armed Forces or special regulations thereof during peace times are now being indicted and punished by the judicial department. Given the fact that military prisons were no longer required during peace times, they were decommissioned on January 17, 2014, and reassigned to the Ministry of Justice. The Ministry of National Defense currently has no issues regarding the

detention of military criminals.

142. Reform of the confinement system:

(1) See Note 97 of this report.

(2) The Ministry of National Defense has implemented supplementary rules to its confinement policy and completed hardware upgrades in 9 confinement institutions. In addition, the Military Police Training Center has been assigned to the training of confinement facility curators.

The Rehabilitation/Protection System and Progress

143. See Note 154 of the ICCPR First National Report.

144. Treatment and release of drug addicts

(1) Rehabilitation treatment: According to the Act of Execution of Rehabilitation Treatment and the 40-day operating cycle, patients are first admitted into rehab facility, then have their health conditions checked and urine samples taken before undergoing a series of detoxification treatments. The medical staff would also evaluate patients' tendency to continue use of drugs. During the period of treatment, patients are offered courses such as human culture, healthcare, law, addiction control, religious doctrine, and career counseling.

(2) Treatment for drug abusers: According to the Act of Execution of Drug Abuser Treatment, patients are required to undergo treatment in three different stages: adjustment period, psychological counseling period, and social adaptation period. Each treatment facility is required to comply with Notes on Rehabilitation Treatment and structure courses for patients at different stages of treatment. These courses comprise of psychological therapy, counseling, and social aid that are tailored specifically to the needs of each patient, and are intended to assist in their recovery.

(3) Treatment of narcotic criminals: Each prison will treat narcotic criminals according to its own counseling schemes and family support programs. Drug offenders are subjected to three stages of treatment: evaluation during admission, guidance while serving sentence, and counseling and goal-setting prior to release. Local resources such as healthcare, social services, employment referral, and skills training are being

introduced to accommodate inmates' needs.

(4) Social adaptation counseling: By working closely with Taiwan After-care Association, Drug Abuse Prevention Center, and Employment Service Station, inmates are offered individual or group counseling prior to their release from correction institutions. These institutions continue to provide resources and assistance after inmates' release, and the professional relationship enables the Drug Abuse Prevention Center to proceed with subsequent follow-ups and counseling.

Long-term Care and Nursing for Elders

145. See Note 155 of the ICCPR First National Report.

146. As of September 2015, there were 1,063 senior citizen institutions in the country (including 25 domiciliary institutions, 985 nursing institutions 52 long-term care institutions, and 1 dementia institution) offering 59,675 beds and housing 46,369 people in total. This represented a utilization rate of 77.7%.

147. According to Article 41 of the Senior Citizens Welfare Act, senior citizens who are in distress of life, health or freedom due to neglect by direct blood offspring or any obligated supporters are entitled to apply for short-term protection and shelter from the municipal/county/city authority. Protection and shelter are granted by the authority either based on the requests raised or based on social volunteers' evaluation. Between 2011 and June 2015, a total of 3,554 people were given shelter.

Psychiatric Institutions

148. See Note 95 in the Common Core Document of the ICCPR/ICESCR Second National Report.

149. The Ministry of Health and Welfare randomly evaluates hospitals and follows up on counseling progress each year in accordance with the Medical Care Act and Psychiatric (Teaching) Hospital Accreditation Procedures/Standards. Meanwhile, local health departments are responsible for regularly supervising psychiatric institutions that operate within their jurisdictions. As of October 2015, there were 44 psychiatric hospitals with valid certifications; 11 of which had qualified for the status of teaching hospital.

Treatment of Detained Foreigners

150. Representative offices of countries such as Indonesia, Vietnam, Thailand, etc. pay regular visits to detention institutions to check on inmates from their home countries. The National Immigration Agency works closely with civil and religious organizations to provide medical service and necessary care to inmates at large-capacity detention institutions. Informative seminars are held on a monthly basis, whereas entertainment events are organized on festive occasions. Outdoor activities, guest visits, phone calls, television sets, newspapers and magazines are made available on a regular basis. In addition, inmates are offered skill training and their living environment is regularly maintained for cleanliness and security.

Management of Housing Institutions for Mainland Chinese Crew

151. See Note 158 of the ICCPR First National Report.

152. Currently there are 4 fishing harbors equipped with housing institutions for mainland china crew. These institutions have the capacity to accommodate 1,578 people in total, and the most highly used shelter in 2015 was the one at Nanfangou, averaging 58 occupants per day. The least used shelter was the one at Hsinchu, averaging 5 occupants per day. Mainland Chinese crews do not have their movement restricted in any way as long as they pose no disturbance to others. In addition, their health needs have been fully accommodated.

Correction Institutions

Imprisonment

153. See Note 150 of the ICCPR First National Report.

154. As of December 22, 2015, nation-wide correction institutions had a total capacity of 55,676 and were being used to hold 63,045 inmates; this represented an excess of 7,369 inmates or 13.23%. 57,609 of these inmates were serving their sentences, whereas defendants made up another 2,363. Apart from those mentioned above, the correction institutions also held juveniles, patients of rehabilitation treatments, and other inmates.

155. As of October 2015, each detainee averaged a living space of 0.7 ping, excluding toilet and basin. There was no over-utilization of capacity in juvenile correction institutions. Female inmates averaged a living space of 0.687 ping, whereas other inmates averaged a living space of 0.59 ping. Correction institutions mostly consist of old buildings characterized by

small confinement spaces, and there will be no immediate improvement to the over-crowdedness due to lack of human resource, budget, and protest from local residents wherever prisons are relocated.

156. In an attempt to resolve the prolonged overcrowding of detention institutions, the Agency of Corrections proposed a 10-year improvement program in 2012 and later commissioned the use of Tainan Second Prison and Bade Minimum-security Prison on July 16, 2015. On September 1, minimum-security sections were added to Taichung Prison, Pingtung Prison and Taitung Prison; the additional capacity of 2,142 could somewhat relieve the overcrowding situation. Meanwhile, the Ministry of Justice is trying to reduce the number of inmates by applying controls at the upstream (such as the use of probation, deferred prosecution, fines/labor in lieu of imprisonment), the mid-stream (transferring inmates between correction institutions to balance the overcrowding situation), and the downstream (e.g. relaxed probation criteria, digital processes, and shortened release procedures).
157. Inmates are held in custody either in solitary or in group. Group confinement is the preferred method of custody whenever possible, unless the detainee exhibits tendency of escape, suicide, violence, disruptive behavior, or severe danger that needs to be isolated for the protection of other inmates, or is diagnosed of communicable disease and requires isolated treatment. Solitary confinement is not being used as a means of punishment.

Security

158. Where inmates comprise of different genders, wardens would arrange separate cells to accommodate inmates' physical and mental needs.
159. All correction staff are given proper training and guidance, including human rights principles conveyed in ICCPR/ICESCR. A set of guidelines has been established to guide the actions of correction staff, thereby making sure that inmates do not receive punishment in addition to what the laws have imposed upon them, and that they are treated in a human manner that does not undermine their dignity.
160. Correction institutions are not intended to punish inmates more than the law has. It is a requirement to inform inmates of the rules they need to comply at the time of their

imprisonment. These rules must also be posted in each cell. Inmates will not be punished unless they commit violation against the Prison Act or other relevant laws. Before administering the punishment, inmates must be informed of the reasons of their punishment and given an opportunity to defend themselves. The extent and process of punishment must conform with the rule of proportionality and procedural justice. Those who disagree with their punishments are entitled to appeal to the institution or inspector.

161. In July 2013, the Ministry of Justice implemented Notes on Use of Restraining Instruments for Agency of Corrections and Subordinates, which provided correction staff the basis of compliance with regards to their use of restraining instruments. The Notes had been created to protect the rights of inmates and were particularly clear that restraining instruments should not be used as a means of punishment.
162. Uses of police baton and firearm are subject to comply with Article 24 of the Prison Act, Article 31 and Article 32 of the Enforcement Rules of the Prison Serving Act, and any correction laws as deemed relevant. These uses must conform with the rule of proportionality, and should aim to cause the least damage possible.
163. According to the Prison Act and correction laws, inmates shall be allowed visits and communication with relatives or other visitors. Starting from March 2015, person who has been identified as partner of a same-sex relationship with the inmate may be allowed visit, communication, and may deliver food and essential items to the inmate. Inmates who exhibit good behavior and satisfy the necessary legal requirements may be granted short visits to home or be allowed to live with spouse and direct blood relatives at a designated location for a specified duration.
164. Straitjackets can be used on inmates only for the purpose of preventing violence, vandalism, self-harm or suicide, and would require the prescription of a certified physician. On June 11, 2013, the Agency of Corrections issued an instruction to its subordinates prohibiting the use of straitjackets, restraining blankets, or any medical instrument that has the effect of restraining personal freedom without prescriptions.

Work

165. Below is a review of the nation's correction work principles based on United Nations

Standard Minimum Rules for the Treatment of Prisoners:

(1) According to Paragraph 1, Article 36 of the nation's Enforcement Rules of the Prison Serving Act, imprisonment is intended to help inmates develop survival skills, diligence, and strong will. It is not intended as a means of torture or slavery.

(2) According to Paragraph 2, Article 37 of the Enforcement Rules of the Prison Serving Act, all inmates are required to participate in work activities unless otherwise specified by law or for reasons such as illness, security, or cultivation. According to Article 16 of the Detention Act, curator of the detention center may assign work duties based on defendants' will. In the case of rehabilitation, the Act of Execution of Drug Abuser Treatment does not specify work requirements as inmates are held in custody primarily to control drug addictions.

(3) Articles 28 and 31 of the Prison Act state that inmates should be assigned 6 to 8 hours of work each day, and cease in occasions such as public holidays, death of family members, or for other reasons deemed necessary. Work hours are generally capped at approximately 40 hours per week. However, inmates must also be allowed sufficient time to participate in cultivation and correction activities, therefore the time they spend on work are actually shorter than average workers.

(4) According to Article 32 of the Prison Act, working prisoners should be paid wages based on their behavior and performance. Article 33 of the Act outlines the percentages at which work income should be allocated. In 2014, inmates of correction institutions were paid wages averaging NTD 443 per person, per month. This sum was lower than the wage of an average worker mainly because: inmates are assigned fewer work hours in the correction facility; skill training, correction and security take priority over economic gains; production volume has been kept low in order to avoid the misconception that prisons are being run as a place for cheap labor; and that correction institutions are overcrowded and works are being performed in tight spaces using outdated equipment.

Cultivation

166. Cultivation programs have been developed based on inmates' age, health status, education,

and nature of crime committed. Apart from the counseling and education stipulated by law, the cultivation program has been diversified in recent years to include activities such as arts, culture, reading, visits, family support courses, religious teachings, and counseling using other social resources to allow inmates to readjust to society.

167. In 2015, counseling courses were given to staff and volunteers in an attempt to improve the quality of the cultivation program and resources available to inmates.

168. The public currently holds diverse opinions on whether inmates should be allowed to bring children in to prison. Nevertheless, the existing correction laws allow female inmates to bring children aged 3 and below into prison. Inmates who bring children into prison are given proper care and assistance as required by law, while every effort is being made to improve the condition of the nursery room, quality of parental courses and healthcare. Meanwhile, arrangements are made with social welfare organizations to accommodate the children as they grow.

Meals

169. Inmates' meals are funded using state budget. As of October 2015, monthly meal expenses averaged: NTD 2,000 for adult inmates, NTD 2,510 for juvenile inmates, NTD 2,340 in offshore islands (excluding Matsu) and NTD 3,200 in Matsu.

170. Inmates who lack the means to provide for their living needs are subsidized to an appropriate extent.

171. In winters (December 1 to end of February the following year), inmates are given hot shower on every open day. Between March 1 and November 30, inmates are given hot shower 2 times per week or on open days below 20 degrees Celsius. However, hot shower is provided every open day throughout the year in wards that confine women, persons aged 65 and above, and the ill. Fuel expenses are paid from a prison fund, which cost approximately NTD 100 million per year.

172. The Ministry of Justice had devised a program to improve inmates' living conditions and treatments in 2015. The program involved the use of operational funds and budgets to subsidize each correction facility in repairing water leakage, floors, ventilation, and adding temperature cooling equipment.

Healthcare and Medicine

173. Inmates have been included in the National Health Insurance Scheme since January 1, 2013. Amounts budgeted for health insurance were NTD 1,212,000 in 2013, NTD 944,000 in 2014, NTD 1,070,000 in 2015, and NTD 1,399,000 in 2016. Each correction facility has contracted with local participating hospitals of the National Health Insurance Scheme, thereby enabling hospitals to assign medical staff into prison institutions where they can provide medical services to inmates. There have been significant improvements in terms of service quality, treatment variety and accessibility following this development. The National Health Insurance Administration (Ministry of Health and Welfare) has launched a program to deliver medical services to insurance-covered persons who are held at correction institutions. A total of 32 medical teams from more than 100 medical institutions were mobilized to provide health insurance-covered medical services to the 64,000 inmates held at 51 correction institutions throughout the nation. Table 21 shows use of medical service by inmates between 2013 and June 2015.

Table 21 Use of Medical Service by inmates

Unit: Cases; %

Year	Number of treatments conducted within prison	Number of guarded treatments conducted outside prison	Number of hospitalized treatments	Satisfaction rate
2013	690,460	20,941	5,077	94
2014	746,802	22,407	5,446	94
2015 (1-6)	357,710	11,236	2,727	-

Source: Ministry of Justice

174. In order to improve inmates' mental health and prevent them from attempting suicide, a simplified scorecard has been implemented across prisons as a means of assessment. The assessment results enable early intervention into inmates' state of health.

175. Security inspections are conducted on a regular and random basis to identify and remove any item that can be used to attempt suicide. Prison staffs are given training on mental health, first-aid and CPR on a yearly basis, which help them observe, identify, and respond to changes in inmates' mental state and health.

176. Correction institutions have been active in introducing new addiction treatments and monitoring rehabilitation progress of drug offenders. Meanwhile, other programs such as family support, after-care, employment referral, and contact with Drug Abuse Prevention Center are being made available to help inmates blend back into society.
177. Inmates who exhibit changes in mental state are given regular counseling and follow-ups. They are medicated regularly as prescribed by physicians, and may be referred to professional counseling if deemed necessary. If treatment cannot be performed properly at the correction facility, inmates may be referred to the nearest medical institution and treated on a guarded basis. Uses of medical ward and off-site guarded treatments are subject to approval by the Agency of Corrections, Ministry of Justice.
178. The Agency of Corrections has devised the Reference Guidelines for Reviewing Compassionate Release for Medical Care to accommodate the following situations: (1) illness of high fatality rate, which is expected to result in death within a short time; (2) severe physical/mental disability for which the prison lacks the capacity to handle; (3) severe illness that renders an inmate in constant need of prolonged hospitalization outside prison; (4) severe disability of limbs that renders an inmate in constant need of physiotherapy outside prison; (5) illnesses that are complicated beyond control and may result in death at any time; (6) communicable disease for which isolated treatment cannot be performed within prison. The above guidelines have been adopted consistently to address illnesses that cannot be treated in prison.
179. Given the condition of correction institutions and the likelihood of causing skin diseases (such as scabies), the Agency of Corrections has implemented a set of skin disease prevention procedures across all correction institutions since July 1, 2014, that demanded level-3 prevention to be taken against skin diseases affecting inmates.

Parole

180. See Note 211 in the responses made to opinions and recommendations of the ICCPR/ICESCR First National Report.
181. In addition to complying with all legal requirements, beside basic legal rules, the Ministry of Justice will review parole requests based on the crime committed, the inmate's behavior,

and chances of reoffending before giving the final approval. All parole decisions are weighed against victims' and public sentiment, and are in no way related to inmates' race, skin color, gender, language, religion, or social status.

182. On October 23, 2015, the Ministry of Justice instructed all correction institutions to conduct special parole reviews for inmates who were sentenced to 2 years or less. During the review, approvals were granted in favor of first-time offenders, minor offenses, inmates that exhibit low probability of recidivism, and cases supported by robust rehabilitation programs.

183. After gathering opinions from experts, scholars and practitioners, the Ministry of Justice developed a set of parole review guidelines on October 23, 2015, and published the information onto its website.

184. Probation orders are now being issued by the prosecutor's office of the court at which the case was reviewed. Meanwhile, correspondences between prosecutor's offices and correction institutions are being exchanged digitally for higher efficiency. From the day a prison raises a parole request to the review committee until the day inmate is released, the average time for parole-reviewing taken to review a parole has been reduced from 40 days to 27 days.

185. To conform with the meaning of Judicial Yuan's interpretation No. 691, the Ministry of Justice has provided a clear set of procedures that inmates may follow when their paroles have been rejected. See Note 196 of this report for the number of appeals and administrative litigations raised in response to rejected paroles between 2012 and October 2015.

Juvenile Law

186. See Note 225 of the ICCPR First National Report.

187. Based on investigations conducted by the juvenile investigation officer, the juvenile court may decide to forgo trial if the offense is considered to be of minor impact, and instead refer the offender to a child or juvenile institution where appropriate counseling is provided. This is one of the common practices adopted in this nation to direct juvenile offenders from the judicial department to the social welfare system. The number of people referred to the social welfare system through this approach were 103 in 2012, 103 in 2013, 117 in 2014, and 69 in 2015 (Jan ~ Oct).

188. According to law, juvenile correction institutions are used to accommodate juveniles who are under protective custody, detained observation, criminal investigation, cultivation program, and those who have been convicted guilty. Inmates are treated separately according to their needs, while education and skill training are offered to help them develop proper living habits. Teachers, counselors and trainers work and live with their students on rotating shifts. Parents and guardians are allowed contact with juveniles via phone or visits. Juveniles who find themselves punished or mistreated are entitled to file complaints to the correction facility or to the supervising authority.
189. Detained juveniles are generally uninterested in the ordinary education and therefore exhibit poor academic performance. To address this lack of interest, reform schools have taken a more technical preference towards their course selections. Inmates are subjected to half-a-day of common studies followed by half-a-day of diverse skill training courses. Reform schools have also been working with the Workforce Development Agency (Ministry of Labor) on organizing short-term skill training and career development courses to help inmates discover their own talents, instead of simply keeping them incarcerated.
190. Juvenile correction institutions are now interconnected and supported with teaching and learning resources that the Ministry of Education has provided for juveniles at elementary, junior high, and high school age. Remedy teaching courses are being provided since the 2015 academic year to ensure children's right to education.

Inmates' Complaints

191. At the beginning of their imprisonment, all inmates are notified of the complaint rules either in writing or using projection slides. After which, each detainee is handed a manual that explains complaint rules in details. This is to ensure that inmates are made aware of the channels they can use to express opinions or raise complaints. Inmates are entitled to raise complaints to inspectors or to the court that issued their sentences if they disagree with the decisions or treatments made by the correction institution.
192. On March 5, 2015, the Agency of Corrections instructed all correction institutions to issue written documents when administering punishment to inmates who have violated discipline. These written documents must specify the punishments issued, the cause of such

punishment, the legal basis, and the means and duration through which inmates can raise complaints or seek assistance if they disagree with the decision of the correction facility.

193. Pursuant to Judicial Yuan's interpretation No. 653 and 720, before the latest amendment of the Detention Act, detained defendants can seek assistance from the court that issued their detention for any decisions made in regards to their complaints, by following Article 416 of The Code of Criminal Procedure.

194. Although inmates' request for aid are not covered by Judicial Yuan Interpretation No. 653, the Ministry of Justice has proposed a draft amendment to the Prison Act that would give inmates the full protection of their rights to litigation once legislative procedures are completed.

195. The Agency of Corrections (Ministry of Justice) notified all prisons on April 5, 2012, that inmates' request for aid from court shall proceed without restrictions in accordance with the procedures of the court's criminal division before the Prison Act completes its amendments.

196. Between 2012 and October 2015, a total of 826 complaints and assistance requests were raised by inmates. See Table 22 for details. Fourteen appeals and administrative litigations were withdrawn by the respective plaintiffs; 161 appeals were denied and 13 were unaccepted; 11 administrative litigations were rejected by court while 14 were under investigation.

Table 22 Complaints and Assistance Requests Raised by Inmates

Unit: Cases

Category / Year	Complaint					Appeal	Administrative litigation	Total
	Violations	Parole	Progressive treatment	Treatment in life	Others	Parole		
2012	87	6	7	17	5	54	1	177
2013	109	12	4	7	4	61	5	202
2014	114	7	5	79	4	39	6	254
2015(1-10)	107	3	4	25	6	44	4	193

Source: Ministry of Justice

Disciplinary Personnel

197. Correction institutions currently employ a total of 5,498 security guards (including 250 contract staff). This was equivalent to a guard-inmate ratio of 1: 11.5. The ratio was far more inadequate than Hong Kong (1: 2.4), Korea (1: 3.5), Japan (1: 4.6), and Singapore (1: 8.3). The lack of security guards coupled with the need to work in rotating shifts sometime result in the situation where one guard is assigned to oversee a hundred inmates at certain locations. Correction institutions are unlikely to respond effectively to emergencies such as illness and riot because of the shortage in manpower.
198. Correction institutions currently employ a total of 414 cultivation staff, which is equivalent to 1 cultivation staff per 153.5 inmates. In addition to providing regular services such as counseling, education, parole and entertainment, cultivation staff are also responsible for organizing skills training, arts/cultural exhibitions, seminars, and career advisory sessions. The shortage of manpower has over-burdened existing cultivation staff, and detracted the effectiveness of their efforts.
199. In 2015, the Ministry of Justice proposed a plan to increase the number of cultivation staff at correction institutions. The plan expects to increase both security guards and cultivation staff over 3 years in 4 stages, and the goal is to achieve 1 security guard per 8 inmates and 1 cultivation staff per 100 in 2016. Although the Executive Yuan had recently approved 300 additional staff in July 2015, the number still falls short of the 3,041 stated in the report; but due to constrains imposed by Act Governing the Total Number of Personnel Headcounts of Central Government Agencies and the current budget, correction institutions still need to rely upon the assistance of other departments.

Treatment of Death Row Convicts

200. Inmates are allowed visits and correspondences with relatives and friends 2 times a week. Visits are limited to 30 minutes per session and may be extended where necessary. Death row convicts are allowed visits with relatives by phone, travel, or appointment, and all visits and correspondences are approved in favor of the inmates.

201. As part of the cultivation program, death row convicts are offered outdoor activities, life education, and counseling on mental health and suicide prevention to relieve stress. During Lunar New Years, Mother's Days and Mid-autumn Festivals, death row convicts are granted face-to-face visits and phone conversations with relatives. Out of respect towards religious beliefs, death row convicts are accompanied by religious staff or volunteers on a weekly basis to help moderate their emotions. Furthermore, volunteers and civic associations of legal background are invited to offer legal counseling and assistance to inmates.
202. In terms of medical treatment, all death row convicts are currently covered by the National Health Insurance Scheme, which provides them with the same medical treatments, procedures, and quality as do inmates in general. As for mental health, correction institutions may use a simplified health scorecard (BSRS-5) to evaluate inmates' mental state where necessary, and provide emotional support, counseling, or refer medical services based on the result.
203. Death row convicts are assigned work duties based on their mental/physical state, security requirements, and living needs. They may choose to participate in work duties at their own free will, and the works they are assigned to are primarily simple tasks without the need for tools.

Article 11

Custody for Evasion of Tax Obligations

204. See Note 159 of the ICCPR First National Report.
205. The Ministry of Justice has revised rules of arrested custody stipulated in The Administrative Execution Act. Subparagraph 2, Paragraph 1, Article 35 of the draft amendment retains all causes of arrest from Paragraph 3, Article 17 of the existing regulation, while new causes of arrest are introduced to Subparagraphs 4~6, Paragraph 1, Article 46 of the draft amendment, which read: "4. Failure to issue declaration according to Article 25, or denying statement after a declaration is given. 5. Failure to provide property details in accordance with Paragraph 1, Article 26. 6. Making false statements, omitting important information or providing false property details intentionally after a declaration is

given." This amendment was made in accordance with Judicial Yuan Interpretation No. 588 and Grand Justice's opinions on the property declaration system used in Germany. The draft amendment aims to adopt the German system into the country's legal framework, giving the Administrative Enforcement Agency the authority to seek court's approval for arrest and custody of people who violate their duty of declaration, for which compliance is deemed virtually impossible unless the subject is held in custody.

206. This draft amendment empowers creditors or tax collectors to seek court's approval to detain debtors who do not fulfill their tax obligations despite their ability to do so, and those who intentionally conceal property to avoid obligations. The number of new arrested custodies made in relation to the above were 234 in 2012, 241 in 2013, 272 in 2014, and 231 in 2015 (Jan to Oct).

Article 12

Freedom of Domestic Relocation

207. According to Article 10 of the Constitution, people shall have the freedom of residence and relocation. In Paragraph 1, Article 16 of the Household Registration Act, residents are required to register their relocation when moving out of their registered areas (township, city, district etc) for more than 3 months. However, the relocation needs not be registered in circumstances where the law has stipulated otherwise, or because of military service, domestic education, admission into correction facility, or admission into long-term care facility or similar places. Paragraph 1, Article 17 of the same act also requires residents to register their relocation when moving into a new area (township, city, district, etc.) for more than 3 months. According to Subparagraph 6, Article 26 of the same act, residents are required to register their relocation at the household registration office in the local vicinity of their new homes. Precedent judgments of the Supreme Administrative Court have ruled relocation as a factual action, and therefore registration of relocation should also be based on facts. As mentioned above, people have the freedom of residence and relocation, and the Household Registration Act does not restrict such freedom as it does not require people to register before moving into a new area, but instead allows them to live in the area of their

desire for 3 months before registering their relocation.

Indigenous People's Freedom of Relocation

208. See Notes 171 to 174 of the ICCPR First National Report.

Disaster Evacuation and Shelter

209. According to Paragraph 1, Article 24 of the Disaster Prevention and Protection Act, the municipal government, county (city) governments, or the township (city) office shall advise or force people to evacuate and provide proper settlement to protect the safety of people's lives and properties or prevent further expansion of disaster. For the purpose of preventing or avoiding immediate danger, the government may also take mandatory actions in accordance with Articles 36 to 41 of The Administrative Execution Act. Once an emergency response center has been established, the commander shall follow Subparagraphs 2 and 3, Paragraph 1, Article 31 of the Disaster Prevention and Protection Act by delimiting a precaution zone to limit or forbid people to enter or order to leave by issuing temporary pass**,** and specify some interval within a road, water area, and/or an air altitude to limit or forbid passages of vehicles, sea vessels and aircrafts**.** When delimiting a precaution zone, an emergency response center is required to follow Article 31 of the Disaster Prevention and Protection Act and Article 7 of the Administrative Procedure Act, and do so to the extent deemed appropriate and necessary for the given danger. The use of perimeters should not be vague or abusive, and must conform with the rule of proportionality.

Relocation in the Event of Nuclear Accident

210. In the occurrence or possible occurrence of nuclear accident, the government shall take a series of intervention measures according to the Nuclear Emergency Response Act to ensure the safety of the public; such measures may include shelter and evacuation.

211. Under the Disaster Prevention and Protection Act, government agencies are authorized to evacuate and provide proper settlement to protect the safety of people's lives and properties or prevent further expansion of disaster in a case of a disaster or where there is a concern of a disaster. In 2012, the Disaster Prevention and Protection Act underwent an amendment to incorporate radiation disasters and responsibilities of the Atomic Energy Council, which is the authority of nuclear power. The amendment is currently being reviewed by the

Legislative Yuan.

Immigration Freedom

212. See Note 162 of the ICCPR First National Report.

213. The Immigration Act is the main law used to prohibit citizens from leaving the country. The act uses three forms of control: judicial control, probation, and financial control. Citizens who have existing household registration in Taiwan cannot be denied entry into the country. Table 23 shows cases of denied exits involving citizens of the Republic of China between 2012 and October 2015. Table 24 shows cases of denied entries involving foreigners between 2012 and October 2015.

Table 23 Cases of Prohibited Exits Involving Citizens

Unit: Person(s)

Year	Item / Gender	Judicial Control	Probation Control	Financial and Taxation Control	Administrative Enforcement	Military Service Control	Total
2012	Male	10,703	9,243	1,917	535	162	22,560
	Female	1,439	1,162	715	158	0	3,474
	Subtotal	12,142	10,405	2,632	693	162	26,034
2013	Male	29,336	9,704	1,525	586	142	41,293
	Female	3,456	1,142	553	207	0	5,358
	Subtotal	32,792	10,846	2,078	793	142	46,651
2014	Male	26,273	9,696	1,413	472	143	37,997
	Female	2,892	1,145	524	163	0	4,724
	Subtotal	29,165	10,841	1,937	635	143	42,721
2015 (1-10)	Male	20,538	7,546	257	457	94	28,892
	Female	2,277	852	78	151	0	3,358
	Subtotal	22,815	8,398	335	608	94	32,250

Source: Ministry of the Interior

Table 24 Cases of Prohibited Entry Involving Foreigners

Unit: Person(s)

Year	Item / Gender	Previous Record of Overstay and Illegal Work	Criminal History	Communicable Disease	Illegitimate Acquisition, Forgery, or Misuse of Passport; or Visa application using false identity	Member of Terrorist Organization or Involvement in Terrorist Activity	Actions that are Against Public Order or Social Customs	Information from the International Criminal Police Organization	Total
2012	Male	6,508	338	113	8	66	0	9	7,042
	Female	9,943	302	165	52	1	22	0	10,485
	Subtotal	16,451	640	278	60	67	22	9	17,527
2013	Male	8,016	335	152	9	58	0	40	8,610
	Female	11,071	293	240	95	0	30	1	11,730
	Subtotal	19,087	628	392	104	58	30	41	20,340
2014	Male	7,048	447	195	17	40	4	0	7,751
	Female	10,494	305	187	104	2	7	0	11,099
	Subtotal	17,542	752	382	121	42	11	0	18,850
2015 (1-10)	Male	6,419	289	108	12	34	1	0	6,863
	Female	8,693	195	121	50	0	18	0	9,077
	Subtotal	15,112	484	229	62	34	19	0	15,940

Source: Ministry of the Interior

214. The government has proposed a draft amendment to Article 17 of Act Governing Relations between the People of the Taiwan Area and the Mainland Area, which sought to adjust the time taken for Mainland spouses to attain citizenship from 6 years to a more flexible range of 4 ~ 8 years. The draft amendment was submitted to Legislative Yuan for review on November 14, 2012.

215. Articles 18 and 21 of the Immigration Act have imposed general entry and exit restrictions on foreigners; these restrictions are not entirely for disease control purposes.

Quarantine of Communicable Diseases

216. Articles 44 and 45 of the Communicable Disease Control Act and the Procedures for

Isolation Care Treatment and Reassessment of Communicable Diseases announced on December 11, 2013, have clearly outlined the prerequisites for subjecting patients of communicable diseases to quarantined treatments, as well as details such as the organization responsible for carrying out quarantine, the execution and dismissal procedures, the period of quarantine, and reassessment procedures.

217. Patients under isolation care and their families may immediately request assistance of courts in accordance with the Habeas Corpus Act. Any administrative measures that deprive someone's freedom will be handled according to the Habeas Corpus Act. Patients under isolation care by the competent authorities will be entitled to a reasonable compensation. Since the epidemic conditions is unpredictable, compensation will also be given depending on the length of the quarantine, and is available only for contactor who are quarantined at the designated location without violating any quarantine rules. This compensation used to be fixed at NTD 600, but is now being announced by the Central Epidemic Command Center on a case-by-case basis.

218. The Ministry of Health and Welfare has produced manuals, workbooks for the prevention of the various notifiable diseases. People who have been in contact with patients affected by communicable diseases are tracked and asked for personal health management by the local competent authorities.

Article 13

Issuance of Visa

219. See Notes 184, 185, 188 and 189 of the ICCPR First National Report.

220. Taiwanese passport holders are given privileges such as visa waiver, visa upon arrival, and electronic visa to 153 countries or regions as of November 2015.

221. Table 25 shows the number of R.O.C. visas issued, rejected, canceled and invalidated between 2012 and October 2015. Visa rejections, cancellations and invalidations were mainly due to: (1) Applicant's illegal conduct; (2) Errors made by the foreign representative office when entering applicant's data or visa conditions; (3) Foreign workers decided not to work in Taiwan due to personal or family reasons; (4) Resignation of foreign office

representatives in R.O.C. The number of visas canceled due to applicants' illegal conduct was 4 in 2012, 6 in 2013, 12 in 2014, and 11 in 2015 (January to October).

Table 25 Number of Visas Issued, Rejected, Canceled and Invalidated

Unit: Cases

Year	Issued	Rejected	Canceled/invalidated
2012	444,907	2,861	6,176
2013	474,186	4,534	6,240
2014	526,730	4,918	5,956
2015 (1-10)	439,276	3,454	5,124

Source: Ministry of Foreign Affairs

Expulsion of Foreigners

222. See Note 214 in the responses made to opinions and recommendations of the ICCPR/ICESCR First National Report.

223. See Notes 192, 194 and 197 of the ICCPR First National Report.

224. According to Article 95 of the Criminal Code, foreigners who have been sentenced to imprisonment and an order of expulsion has been made by a court may be expelled from the country after the sentence is served or pardoned. The National Immigration Agency is also authorized to expel foreigners who violate Paragraph 1, Article 36 of the Immigration Act (including situations such as entering the country without undergoing a document check, and entering the country without a valid permit).

225. The National Immigration Agency may expel foreigners or order them to leave the country within 10 days if they exhibit any of the conditions described in Paragraph 2, Article 36 of the Immigration Act. According to the Immigration Act and Regulations Governing Forcible Deportation For Foreigners, the subjects must be given opportunities to state their opinions prior to expulsion, and the decision must be issued in writing using a language that is understandable to them. The number of expelled foreigners was 12,756 in 2012, 11,792 in 2013, 8,166 in 2014, and 7,500 in 2015 (January to October).

226. Foreigners who are currently being investigated or tried by the judicial department for violations may still be expelled from the country, provided that they are not detained,

arrested, held in custody or restricted from leaving, and that they are served with a 10-day notice is served by the National Immigration Agency to the judicial department prior to expulsion. The National Immigration Agency does not detain right away when the foreigner has been assigned from another judicial department. Instead, the agency would first evaluate whether the foreigners satisfies all detention requirements listed in Article 38 of the Immigration Act, and detention or the taking of alternatives to detention measures are carried out only if absolutely necessary. According to Article 3 of Regulations Governing the Detention of the Aliens, all inmates must be given a detention decision in writing. Furthermore, the National Immigration Agency assigns detained foreigners into different facilities depending on the expected time of expulsion. Those who can leave within a relatively short time are placed into temporary detention centers of the Specialized Operational Brigades of the National Immigration Agency, whereas those who cannot leave within a short time-horizon are placed at large-capacity detention centers of the National Immigration Agency. The number of foreigners detained at large-capacity detention centers were 9,541 in 2012, 9,346 in 2013, 7,090 in 2014, and 7,171 in 2015 (January to October).

227. According to Article 14 of the Legal Aid Act (last amended on July 1, 2015), non-R.O.C. citizens are entitled to seek assistance from Legal Aid Foundation if they meet any of the following conditions: (1) people who reside legally within the border of the R.O.C.; (2) people who lost their residency due to incidents not imputed to themselves; (3) Victims or possible victims in a human trafficking case; (4) people who do not reside within the border of the R.O.C., but have received the Foundation's aid in the past for the same cause; (5) people who do not reside within the border of the R.O.C. may exercise their rights under the laws of the R.O.C. when the other party, who received the Foundation's aid in the past for the same cause, passes away; (6) people who do not reside within the border of the R.O.C. may exercise their rights under the laws of the R.O.C. when the other party passes away due to an occupational accident; (7) Other situations as decided by the Foundation.

228. According to Paragraph 3, Article 13 of the Legal Aid Act, foreign nationals who came to Taiwan in accordance with Subparagraphs 8 to 10, Paragraph 1, Article 46 of the Employment Service Act or a citizen's spouse who is in financial disadvantage and has not

been naturalized, or who has been naturalized but does not have domestic household registration can be recognized as "No Financial Capacity" by signing a declaration.

Article 14

Court Organization

229. Article 77 of the Constitution specifies the Judicial Yuan as the nation's highest judicial authority, which has charge of civil, criminal and administrative cases, and over cases concerning disciplinary measures against public functionaries. Article 78 of the Constitution also gives Judicial Yuan the authority to interpret the Constitution, laws and ordinances. Responsibilities of the Judicial Yuan are carried out by the Justices of the Constitutional Court, Supreme Court, High Court (and branch courts), district courts, juvenile and family court, Supreme Administrative Court, High Administrative Court, Intellectual Property Court, and the Commission on the Disciplinary Sanctions of Functionaries.

230. Prior to the 2013 amendment of the Code of Court Martial Procedure, the Ministry of National Defense had district military courts, High Military Court and Supreme Military Court operating under its supervision; pursuant to the Code of Court Martial Procedure, these courts were used only to try exiting military personnel who violate against the Criminal Code of the Armed Forces or special regulations thereof. Defendants were tried in two tiers depending on their ranks and status; those who disagreed with the judgment of the second tier were entitled to appeal to the judicial department for trial at the third tier. Following amendments to the Code of Court Martial Procedure on August 13, 2013, all active soldiers who commit violations against the Criminal Code of the Armed Forces during peace times are now being indicted and punished under The Code of Criminal Procedure.

Appointment of Judges

231. There are several sources of judge candidates: (1) Those who pass the judge exam are required to complete a 2-year theoretical and practical training at the Ministry of Justice's Academy for the Judiciary and pass all exams; these candidates may choose to become judges or prosecutors based on their academy results. (2) Lawyers, scholars, and public

defenders may be selected to become judges; all qualified candidates are required to complete their studies at Judicial Yuan's Judges Academy for the Judiciary, pass all exams and undergo review of Judicial Yuan's Personnel Review Committee before being appointed as judges.

232. Between 2006 and 2014, the number of female judges had increased from 621 to 956, whereas the number of male judges had increased from 1,047 to 1,160.

Assurance of Judges' Position and Performance Evaluation

233. Articles 80 and 81 of the Constitution require judges shall be above partisanship and shall, in accordance with law, hold trials independently, free from any interference. Judges shall hold office for life. No judge shall be removed from office unless he has been found guilty of a criminal offense or subjected to disciplinary measure, or declared to be under interdiction. No judge shall, except in accordance with law, be suspended or transferred or have his salary reduced. Between 2006 and 2015, a total of 5 judges were disciplined for involvement in bribery. The Judges Act, passed in 2011, introduces disciplinary measures such as removal from judgeship duties, dismissal, suspension, transfer to a position other than judgeship for those who have been deemed incompetent for the role. The Judges Act also imposed restrictions on the transfer of judges across regions and levels, and introduced the Court of the Judiciary and Judicial Evaluation Committee under the Judicial Yuan to oversee judges' disciplinary measures, status protection, independence, and individual case evaluation.

234. The Judicial Evaluation Committee was established on January 6, 2012, and had received 40 review cases as of October 2015, of which 35 were closed. Of all the cases established in accordance with Paragraph 1, Article 39 of the Judges Act, 11 were submitted for review by Control Yuan via the Judicial Yuan, while 5 were referred to Judicial Yuan's Personnel Review Committee for review. There were 12 cases that failed to establish, as described in Article 38 of the Judges Act. 4 of these cases were not evaluated for reasons mentioned in Article 37, whereas 1 case was publicly announced for future reference, and 2 were withdrawn by the applicants. As of October 2015, there were still 5 pending cases.

235. The Prosecutor Evaluation Committee was first assembled on January 6, 2012, and had

accepted 53 case requests by October 2015. These cases were processed in 47 separate reviews (1 of the reviews involved 5 cases, while another review involved 3 cases), of which 44 reviews (50 cases) had already been completed while 3 reviews were still ongoing. Of the 44 completed reviews, 7 were referred by the Ministry of Justice to the Control Yuan, 2 were established and referred to the Ministry of Justice for appropriate decisions, 4 had failed to establish and were referred to the respective supervisors for appropriate decisions, 14 had failed to establish with no further actions, 16 were not evaluated (13 of which were outside the 2-year statutory limitation, while the other 3 were due to difference in legal perspective), and 1 was withdrawn by the applicant.

Examples of Oral Arguments Among Grand the Justices of the Constitutional Court

236. When interpreting the Constitution, the Justices of the Constitutional Court may engage in oral arguments by following Constitutional Court proceedings. A total of 8 arguments were made between 1993 and 2015, and involved the following topics: definition of government bond, protection of personal freedom, whether the Vice President is able to assume the role of Executive Yuan Premier, assembly and parade, Act of the Special Commission on the Investigation of the Truth in Respect of the 319 Shooting, mandatory finger-printing of the Household Registration Act, and parts of the Social Order Maintenance Act that pertained to journalists' professional practices and restrictions of pharmacists' place of business.

BAR Associations

237. See Note 204 of the ICCPR First National Report.

Public Judicial Proceeding and Presumption of Innocence

238. See Notes 208, 209 and 211 of the ICCPR First National Report.

Compulsory Defense

239. The Code of Criminal Procedure underwent an amendment on January 14, 2015, in particular regards to compulsory defense (Article 31). What was previously described in Subparagraph 3, Paragraph 1 and Paragraph 5 of the Article as "persons who are mentally retarded and unable to provide full statements..." were changed to "persons who are mentally challenged or otherwise deficient and unable to provide full statements..." In addition, other changes had also been made to ensure adequate assistance during the

litigation procedure. Subparagraph 5, Paragraph 1, Article 31 of The Code of Criminal Procedure states that, when a defendant of low income or medium-low income status requests to have a defense attorney appointed by the court, the presiding judge shall appoint a public defender or attorney to represent the defendant. Notes on Criminal Court Proceedings require the defendants to be notified of their rights to compulsory defense (Note 6), assistant ad litem (Note 7), and presence of an attorney in detained interrogation (Note 34).

240. The Legal Aid Foundation was established pursuant to the Legal Aid Act. It provides necessary legal aids to people who are indigent or are unable to receive proper legal protections for other reasons, and has defense attorneys stationed at branches throughout the nation to accompany defendants in their interrogations or defend them in court.

241. Between 2012 and 2015 (Jan ~ Oct), the number of criminal defendants who applied for legal aids were 16,464 (2012), 18,337 (2013), 18,633 (2014), and 16,240 (2015); the number of legal aids granted were 10,908 (2012), 13,017 (2013), 13,608 (2014), and 12,121 (2015) (Jan ~ Oct).

242. Between 2012 and 2015 (Jan ~ Oct), legal aids were granted to 7,887 (2012), 8,193 (2013), 9,764 (2014), and 8,460 (2015) cases of compulsory defense. Out of all aided compulsory defenses between 2012 and 2015 (Jan ~ Oct), the number of legal aids granted to indigenous people totaled 246 (2012), 908 (2013), 2,327 (2014), and 2,107 (2015).

243. Out of all aided cases between 2012 and 2015 (Jan ~ Oct), the number of legal aids granted to foreigners totaled 1,445 (2012), 1,410 (2013), 1,455 (2014), and 1,023 (2015).

244. The Ministry of Justice has proposed to amend Article 388 of The Code of Criminal Procedure and introduce compulsory defense to all tier-3 trials. Once the amended is enforced, no judgment shall be awarded on any cases described in Paragraph 1, Article 31 until the defense attorney presents an appellate brief or a statement of defense.

245. The Ministry of Justice has proposed to amend The Code of Criminal Procedure and bring forward compulsory defense to the stage of police investigation for felony cases. If the defendant does not appoint a defense attorney, one shall be appointed by the judge; furthermore, preparation procedures cannot begin until the defense attorney is present.

246. Tables 26 and 27 show the number of public defense cases occurred between 2012 and October 2015.

Table 26 Public Defense Cases Processed at District Courts

Unit: Cases

Category	Cases accepted						Closed cases	Outstanding cases
	Total	Existing cases	New cases					
			Total	Compulsory Defense	Optional defense	Others		
Total	56,628	4,728	51,900	51,838	5	57	51,014	5,614
Public defender	49,520	4,170	45,350	45,289	4	57	44,956	4,564
Non-public defender	7,108	558	6,550	6,549	1	0	6,058	1,050

Source: Judicial Yuan

Table 27 Public Defense Cases Processed at High Court

Unit: Cases

Category	Cases accepted						Closed cases	Outstanding cases
	Total	Existing cases	New cases					
			Total	Compulsory Defense	Optional defense	Others		
Total	14,315	949	13,366	13,180	118	68	13,384	931
Public defender	10,155	508	9,647	9,481	98	68	9,549	606
Non-public defender	4,160	441	3719	3,699	20	0	3,835	325

Source: Judicial Yuan

Protection of Judicial Rights of Indigenous People

247. The Council of Indigenous Peoples has been working with the Judicial Yuan and Ministry of Justice since 2010 to explore practical solutions that would enhance the rights of indigenous peoples. In 2012, a total of 48 dedicated prosecutors were appointed in 21 district courts to handle cases involving indigenous people. Between 2013 and 2015, 26 Indigenous Peoples Tribunal Sections were created under the Judicial Yuan to handle cases involving indigenous people; their duties in litigation procedures have also been expanded from tier-1 to tier-2 trials. Each year, these judges and prosecutors are given on-job trainings on the customs of the indigenous people. In 2014, Ministry of the Interior amended Regulations Governing Permit of Guns, Ammunition and Knives to better accommodate the

customs of the indigenous people.

248. In 2013, a book containing major of indigenous people was published to analyze the domestic Indigenous Peoples practical implication in law..

249. The Council of Indigenous Peoples has developed a set of Notes on Legal Aids for Indigenous People, in which the Legal Aid Foundation was appointed to assist all indigenous people nationwide in legal consultation, administrative litigation, brief drafting, and resolution of legal disputes free of charge. The number of people aided by this program were 281 in 2013 (Apr ~ Dec), 1,481 in 2014, and 1,843 in 2015 (Jan ~ Oct).

Interpretation Services in Judicial Proceeding

250. See Note 217 of the ICCPR First National Report.

251. Among the 90 interpreters employed by courts in 2015, 9 of whom were specialized in English, 3 in Japanese, 35 in Hakka language, and 1 in sign language. The Judicial Yuan has adopted contracted interpreter services since 2006. It has acquired a comprehensive collection of talents specialized in sign language, Hakka language, indigenous language, Southeast Asian languages, English and European languages that can be called to serve during court proceedings. Taiwan High Court and its branch courts at Taichung, Tainan, Kaohsiung and Hualien all have a list of contracted interpreters ready to provide service. These talents are capable of delivering services in 19 languages including sign language, Hakka language, indigenous language, Cantonese, Yunnan language, English, Japanese, Korean, Vietnamese, Indonesian, Thai, Filipino, Khmer, Burmese, Malay, Spanish, Portuguese, French, and German. District courts may summon interpreters within their vicinity from the above list. The total number of contracted interpreters was 170 in 2013, 262 in 2014, and 244 in 2015.

252. In 2011, the Judicial Yuan instructed courts at all levels to expand the size of indigenous language interpreters, and on May 26, 2015, a list of talents proficient in all 16 tribal languages was provided by the Council of Indigenous Peoples and forwarded to courts to assist them in their search for interpretation talents. The number of contracted interpreters of the indigenous language was 39 in 2012, 46 in 2013, 38 in 2014, and 35 in 2015.

253. Taiwan High Court and its branch courts have included interpretation skills and ethics into

interpreter training courses. In addition, the Judges Academy for the Judiciary also has courses such as roles of an interpreter and social responsibilities incorporated as part of the interpreter certification workshop. The Judicial Yuan has translated the Code of Conduct for Court Interpreters into English, Japanese, Vietnamese, Thai and Indonesian to give contracted interpreters a better understanding of the content. Interpreters, whether contracted or temporary, are required to complete the undertaking procedure before proceeding with interpretation service. The court would select interpreters based not only upon their ability in the case involved, but other considerations such as avoidance of conflicting interests and anything that would affect their ability to interpret messages correctly.

254. The Ministry of Justice has Taiwan High Prosecutors Office and Branch Offices to maintain a registry of contracted interpreters. The names and language proficiency of these interpreters also need to be made accessible on website for the prosecutor's office and the public. Since June 2013, Taiwan High Court Prosecutor's Office has reviewed, certified, and contracted a total of 59 interpreters capable of delivering interpretation services in indigenous and Southeast Asian languages. The list of contracted interpreters has been published onto the website of Taiwan High Court Prosecutor's Office (http: //www.tph.moj.gov.tw/lp.asp?ctNode＝27064&CtUnit＝8796&BaseDSD＝7&mp＝003).

Right of File Review

255. See Note 219 of the ICCPR First National Report.

Cross-examination Procedures

256. See Note 220 of the ICCPR First National Report.

The Appeal System

257. See Note 221 of the ICCPR First National Report.

258. Tier-2 trial is a retrial of cases concluded from tier-2 trial, meaning that cases are substantially re-examined by the tier-2 court. Tables 28 and 29 show the number of cases with rights of appeal deprived during criminal proceedings, and the percentage of cases that could be appealed to a superior court between 2012 and October 2015.

Table 28 Cases with Right of Appeal Deprived during Criminal Proceedings

Unit: Cases; %

Category / Year	Percentage of plea bargains in district criminal proceedings			Percentage of tier-2 (High Court) trials denied of appeal according to Article 376 of The Code of Criminal Procedure		
	Plea bargain cases	Number of public prosecution cases	Ratio	Shang-Yi-Zi- Closed cases	Tier-2 Closed cases	Ratio
2012	8,218	179,877	4.57	7,468	19,295	38.70
2013	6,789	181,707	3.74	7,317	18,111	40.40
2014	5,685	199,548	2.85	7,023	17,116	41.03
2015(1-10)	3,754	166,581	2.25	5,245	12,963	40.46

Source: Judicial Yuan

Table 29 Percentage of Cases Granted Appeal at a Superior Court

Unit: Cases; %

Category / Year	District court			High court		
	Number of cases granted appeal(A)	Number of cases denied appeal(B)	Ratio (A/(A+B))	Number of cases granted appeal(A)	Number of cases denied appeal(B)	Ratio (A/(A+B))
2012	159,814.0	5,010.0	96.96	9,704.5	8,272.0	53.98
2013	161,723.0	4,972.5	97.02	8,761.5	7,951.5	52.42
2014	175,347.5	5,252.5	97.09	8,277.0	7,867.5	51.27
2015(1-10)	144,566.0	4,092.0	97.25	6,422.0	5,902.0	52.11

Source: Judicial Yuan

259. Some guilty judgments cannot be appealed to the superior court; for example, cases that are ruled not guilty in the first instance but ruled guilty in the second instance can no longer be appealed to the third instance. However, to enforce the people's constitutional rights to litigation, the Judicial Yuan is planning to revise The Code of Criminal Procedure by deleting Article 376 and amending Article 377, so that appeals to the third instance are evaluated solely based on the reasoning and are not affected by case type or the severity of sentences imposed. Table 30 shows the number of cases ruled not guilty in the first instance,

guilty in the second instance and hence were prohibited from appealing to the third instance between 2012 and October 2015.

Table 30 Cases Ruled Not Guilt in First Instance and Guilty in Second Instance, which Appealed Were Denied at the Third Instance

Unit: Cases

Type of court / Year	Total	Taiwan High Court	Taichung Branch Court	Tainan Branch Court	Kaohsiung Branch Court	Hualien Branch Court	Kinmen Branch Court
2012	375	203	52	38	74	7	1
2013	368	184	65	29	76	14	0
2014	340	157	72	40	56	14	1
2015(1-10)	235	97	47	30	48	12	1

Source: Judicial Yuan

Note: Where multiple charges were involved, only charges of the highest severity were taken into consideration. If a case involves multiple defendants and one of the defendants is ruled not guilty in the first instance but guilty in the second instance, causing appeals to be entirely or partially denied, then the case would be accounted in this Table.

Article 15

Principle of Legality

260. See Note 229 of the ICCPR First National Report.

Applicability of New and Old Laws

261. See Note 230 of the ICCPR First National Report.

Article 16

Attaining Legal Personality

262. See Notes 233 and 234 of the ICCPR First National Report.

Birth Registration System

263. The Nationality Act recognizes nationality primarily based on the jus sanguinis principles. However, children born within the R.O.C. by parents of unknown or no nationality may be granted R.O.C. citizenship according to Subparagraph 3, Paragraph 1, Article 2 of the

Nationality Act. In addition, children born within R.O.C. whose parents have applied for naturalization of R.O.C. nationality may also be granted R.O.C. citizenship as do their parents, according to Article 7 of the Nationality Act.

264. The Nationality Act stipulates that children who have attained R.O.C. citizenship do not have their citizenships voided over time due to prolonged stay overseas or any other reason. To lose R.O.C. citizenship, the father or mother must apply to lose their citizenship at the same time as does the child, and the request would be subject to approve of the Ministry of the Interior.

265. Foreign children and youths who do not also attain R.O.C. citizenship must enroll in the National Health Insurance after obtaining an alien resident certificate and then fulfilling the condition of a continuous residence within Taiwan for six months.

Non-R.O.C. Children

266. The government's first priority in handling children/juveniles of non-local nationality or are without nationality is to help them attain nationality, household registration, residential permit or identity of other kinds. Until identity is attained, these children/juveniles will be given education and medical attention by the local authority according to Article 22 of The Protection of Children and Youths Welfare and Rights Act. They will be provided with social welfare services such as living support, guardianship, medical subsidies, and shelter. Every six months, the Ministry of Health and Welfare would instruct local governments to have their social affairs departments report the latest progress on children who were born in Taiwan without local nationality, and special-case juveniles. Meetings are held across departments to accommodate the needs of individual subjects.

267. Between 2013 and June 2015, there were 43 cases of non-local children that required assistance (9 involved adoption, 4 involved acquisition of nationality, 8 involved residency and passport, 6 involved expulsion, 3 involved residency/identity of relatives, 5 involved search for birth mother or family member, 1 involved child custody, 6 involved adoption, and 1 involved health insurance). The government has so far assisted 146 similar cases in total, and 103 of which were closed as children were given R.O.C. nationality or returned to home country with birth parents. The remaining 43 cases are being assisted in accordance

with The Protection of Children and Youths Welfare and Rights Act.

Article 17

Protection of Private Life

268. See Note 243 in the responses made to opinions and recommendations of the ICCPR/ICESCR First National Report.

269. See Note 238 of the ICCPR First National Report.

270. To issue a interception warrant, the intelligence department (National Security Bureau; NSB) needs to conduct stringent preliminary and secondary reviews, which are verified twice by the head of the NSB, and then seek approval from a Taiwan High Court judge.

271. Following amendments to The Communication Security and Surveillance Act on June 29, 2014, retrieval of communication records not only requires judge's order, but is limited only for crimes with maximum penalties of 3-year imprisonment and above. Furthermore, the law requires all monitored subjects to be notified of the means through which they can seek legal aid at the end of their surveillance. Any illegal surveillance would be subject to civil and criminal liabilities, and any evidence gathered illegally are non-admissible at court.

Search

272. See Note 242 of the ICCPR First National Report.

Protection of Personal Information

273. The amendment to the Personal Information Protection Act was enforced on October 1, 2012, with the following changes: (1) The Party (i.e. the individual) shall have the right to inquire, review, duplicate, supplement or correct their own information, the right to request to discontinue collection, processing or use of information, and the right to request to delete their information from the counterparty's database. These rights cannot be waived in advance or limited by a specific agreements. (2) The information gatherer has an obligation to notify the Party of the information classification and purpose of collection, whether directly or indirectly, except for situations where the Party needs not be notified. (3) Violations that result in the illegal collection, processing or use of personal information or any infringement against the rights of the Party are subject to criminal liabilities,

compensations or administrative penalties.

274. While the Ministry of Justice was still drafting amendments to Enforcement Rules of the Personal Information Protection Act, the public has already raised a number of issues concerning difficulties in the implementation of the amended Personal Information Protection Act (for example: Article 6 - it is too stringent to collect "medical treatment, genetic information, sex life, health examination, and criminal record " that the above information cannot be collected even though a written consent of the Party has been obtained; Article 41 - violation for non-profit purposes are too extensive; Article 54 - the duty of notification should be fulfilled within 1 year after the effective date). In order to review the disputed clauses in greater discretion, the Ministry of Justice has recommended to the Executive Yuan to implement the Personal Information Protection Act across a number of stages, and the amended version of the Personal Information Protection Act was implemented on October 1, 2012. However, Articles 6 and 54 were scheduled to implement during the second stage for they were much more debatable. The Act was later amended on December 30, 2015, and is now pending for the Executive Yuan to set a date for implementation.

Personal Information Database

275. See Notes 245 and 246 of the ICCPR First National Report.

276. There are 26 institutions that have been permitted to establish biobanks. According to the Human Biobank Management Act, participants have the right to request for changes to identifiable personal information stored in the biobank. When a participant requests to exit the biobank program, the operator must destroy all specimen, documents and information previously provided by the participant.

277. The NHI PharmaCloud system was launched in July 2013, This system is a patient-centered pharmaceutical record system applying a cloud-computing technology. Medical care institutions are required to have patients' written consents in accordance with the Personal Information Protection Act if they are going to make batch downloads of patients' drug records from the system.

278. Between 2012 and October 2015, there were 13 violations of financial confidentiality in the

financial service industry (7 involving banks, 1 involving a securities/futures firm, and 5 involving insurance companies), for which the Financial Supervisory Commission issued fines totaling NTD 20.94 million.

279. Respective agencies Article 18 of the Archives Act. Operation Directions for Applications for the Return of Private Documents in the Archives to Victims of Political Oppression was promulgated in 2011, and the first batch of return was completed in the same year. Meanwhile, the government is constantly checking for remaining private documents in the national archives, and has taken the initiative to contact the victims or their family members, and continued with the return. As of October 2015, private documents of 179 victims had been identified; 170 victims or their family members had been reached and applications from 105 people were processed.

280. The construction of MJIB Fayan System, a database to let MJIB special agents check suspects' backgrounds on line including date of birth, household registration, military service records, etc., has been based on the need for fulfilling its legal responsibilities. It also meets the specific goal of Personal Information Protection Act to protect national security and promote public interests. There are none violations of or damages to people's rights.

Protection of Violation Against Personal Reputation

281. Civil Code Articles 184 and 195, Criminal Code Articles 309 - Public Insults, Article 310 - Defamation, Article 312 - Insult Against Deceased Person, and Article 313 - Damage of Credibility, Civil Servants Election And Recall Act Article 104, and Presidential and Vice Presidential Election and Recall Act Article 90 are all intended to protect personal reputation and credit. Indictments for violations against Article 104 of the Civil Servants Election And Recall Act totaled 2 cases and 2 people in 2013, 16 cases and 21 people in 2014, and 36 cases and 44 people in 2015 (Jan ~ Oct). A total of 15 people were convicted guilty. No indictments had been made and no person was convicted guilty of violation against Article 90 of the Presidential and Vice Presidential Election and Recall Act. Between 2012 and 2015 (Jan ~ Oct), the number of people convicted guilty by district courts for violations against Article 309, 310, 312 or 313 of the Criminal Code were 1,091

(2012), 1,133 (2013), 1,101 (2014), and 861 (2015); the number of people convicted guilty by high court (and branch courts thereof) were 174 (2012), 235 (2013), 212 (2014), and 137 (2015).

Article 18

Religious Freedom

282. See Note 250 of the ICCPR First National Report.

283. Ministry of the Interior has made a draft version of the Religious Group Act and submitted it for review at Legislative Yuan on June 22, 2015. The purpose of the act is mainly to regulate organizational operation, financial management, religious affairs, and to outline the relevant rights and obligations of religious legal entities and temples.

Types of Religion

284. The government does not investigate people's religious beliefs, but records the number of followers only as reported willingly by various religious organizations. Religion category statistics are prepared only on religious groups that have officially registered. Each religious organization is classified according to name or the specified attribute, and the purpose of maintaining statistics is solely to understand religion developments within the country. The main religions that existed in Taiwan in 2014 were: Buddhism, Taoism, Judaism, Catholicism, Protestantism, Islam, Eastern Orthodoxy, Xiaism, Zailiism, I-Kuan Tao, Pre Cosmic Salvationism, Tiende, Xuanyuan, The Church of Jesus Christ of Latter-day Saints (Mormons), Tenrikyo, Baha'i, Unification Church, Scientology, Mahikari Bunmeikyodan, Maitreya Great Tao, and Tienti.

Protection of Religious Belief

285. See Notes 252 to 257 of the ICCPR First National Report.

286. Between 2012 and October 2015, a total of 273 draftees were assigned to substitute service because of religious beliefs. They were entirely assigned to social welfare institutions to perform social services.

Article 19

Media and Exchange of Information

287. The Radio and Television Act, Cable Radio and Television Act, and Satellite Broadcasting Act all contain clauses that prohibit political party involvements in the media. They explicitly prohibit government agencies, political parties, beneficiaries and trustees thereof from directly or indirectly investing into radio and TV businesses. As of October 2015, the nation had 171 radio stations and 5 radio TV stations. See Tables 31 and 32 for the number of licensed broadcasters, satellite TV businesses, and channels.

Table 31 Broadcasters and Channels

Unit: Businesses; channels

Category	Businesses/channels
Radio station	171
TV station	5
Community antenna television	7
Satellite broadcasting (Live satellite TV broadcast service provider)	6
Satellite broadcasting (Satellite TV program provider)	113/295*
Cable TV system operator	59
Cable TV transmission system	3

Source: National Communications Commission

Note: *113 represents the number of companies / 295 represents the number of channels.

Table 32 Licensed Satellite TV Businesses and Channels

Unit: Businesses; channels

Item / Year	Businesses*		Channels	
	Local	Offshore	Local	Offshore
2012	80	29	157	112
2013	84	30	165	115
2014	86	29	169	111
2015(1-10)	91	30	179	116

Source: National Communications Commission

Note: *8 companies were licensed to operate both local and offshore channels.

288. Following amendments to The Motion Picture Act on June 10, 2015, many of the old restrictions such as: education background of film business person-in-charge, licensing for film business, registration of film workers, prohibitions against contents that undermine the country's or industry's image, film reviews, censorship, review of film commercials and promotional materials etc were removed. According to the Public Television Act, Public Television Service is jointly owned by all citizens of the nation and operates independently. Table 33 shows the number of printed media (newspapers, news agencies, and magazines) registered between 2012 and October 2015.

Table 33 Number of Printed Media (Newspapers, News Agencies, and Magazines)

Unit: No. of businesses

Type of printed media / Year	Newspaper	News agency	Magazine
2012	2,278	2,247	9,764
2013	2,363	2,486	10,891
2014	2,514	2,771	12,004
2015(1-10)	2,608	2,953	13,049

Source: Ministry of Economic Affairs

Media Licensing

289. Application, approval, rejection, replacement and revocation of licenses for radio television, cable television, and satellite television have been outlined in the Radio and Television Act, the Cable Radio and Television Act, and the Satellite Broadcasting Act. The Radio and Television Act, Cable Radio and Television Act, and Satellite Broadcasting Act were last amended on January 6, 2016. Amendments to Radio and Television Act were mainly focused on the removal of outdated controls on program contents. Amendments to Satellite Broadcasting Act were mainly to permit product placement and sponsorship. Amendments to Cable Radio and Television Act were mainly focused on relaxing regional restrictions for cable TV, speeding up development of digital cable TV infrastructure, and adjusting subscription rate controls.

News Interview and Exchange of Information

290. See Notes 262 and 263 of the ICCPR First National Report.

291. According to Regulations Governing Distribution, Display and Exhibition of Mainland Films and Programs in Taiwan, films and TV programs of Mainland origin can be distributed or shown in Taiwan once reviewed and approved by the government, and with texts changed into Traditional Chinese characters. The total number of Mainland TV programs approved for distribution or display are 861 in 2012, 844 in 2013, 906 in 2014, and 782 in 2015 (Jan ~ Oct). Only 1 was rejected in 2014.

Mediation Between Freedom of the Press and Police Authority

292. For every public assembly and demonstration that has been brought to attention, the National Police Agency would hold a coordination meeting and devise a work plan that specifically demand all law enforcement units to ensure security of the press area, the camera platform, and SNG vehicles. The agency also engages the media in close communication before hand and makes arrangements that would assist their coverage. If the media needs to be evacuated from site due to illegal activities or danger, the agency would advise and communicate extensively to convince media participants, while at the same time provide them with the necessary assistance to cover public assemblies and demonstrations.

Laws Restricting Freedom of Speech

293. See Note 264 of the ICCPR First National Report.

294. According to Judicial Yuan interpretation No. 509, freedom of speech is one of the basic rights protected by the Constitution, and therefore should be enforced by the state to the maximum extent possible. However, for the protection of personal reputation, privacy and public interest, laws can be imposed to limit freedom of speech to a reasonable extent. Article 140 of the Criminal Code prohibits insult against civil servants and government agencies. The purpose of this regulation is to assure civil servants the same level of human rights protection as does the general public, thereby enabling them to perform their lawful duties for the security, order, and common interest of the nation. Ministry of Justice's Criminal Code Improvement Task Force has discussed and reached the conclusion that Article 140 of the Criminal Code remains relevant, but a slight revision should be made to Paragraph 1, rephrasing "...to perform their lawful duties..." into "...to exercise their

authorities..." to narrow down the applicability of this law. As for Paragraph 2, the task force considered it relevant to the exercise of state authority, and the term "government agency" had never caused any disputes in the past, and therefore should be maintained. Meanwhile, the boundary between freedom of speech and insult will be determined by judicial officers on a case-by-case basis. As for Subparagraph 2, Article 153 of the Criminal Code that prohibits people from inciting others to violate laws, the task force has recommended to remove such clause.

Article 20

Prohibition Against Advocacy of War and Hatred

295. Criminal attempts and preparations are punishable under Article 100 (civil disturbance), Article 101 (riot) and Article 103 (conspired war against the state) of the Criminal Code. In addition, Article 153 of the Criminal Code considers incitement of crime a criminal behavior on its own.

296. According to the nation's Mass Atrocity Punishment Act, any person who intends to exterminate whole or part of any ethnic group or religious organization is punishable by death, life imprisonment, or at least 7 years imprisonment. Article 2 of the Mass Atrocity Punishment Act also states punishments for persons who conspire, prepare, or attempt in the crime. Meanwhile, Article 3 of the above act imposes life-time or 7-year imprisonment or higher on persons who incite others to commit mass atrocity.

Article 21

297. A draft amendment of the Assembly and Parade Act was submitted for review at Legislative Yuan on May 28, 2012. These amendments were focused on: freedom of expression; changing from an approval-based system to an acknowledgment-based system; ensuring peace during public assemblies and demonstrations; maintaining social and public interest; dismissal order based on the principle of proportionality; application of general laws instead of criminal treatment; and removal of minimum fine amount.

298. According to Judicial Yuan Interpretation No. 718: (1) Paragraph 1, Article 8 of the

Assembly and Parade Act that requires outdoor assemblies and demonstrations to be approved by the authority but without excluding assemblies/demonstrations of urgent/incidental nature; and (2) Paragraph 1, Article 9 of the Act; and (3) Paragraph 2, Article 12 of the Act that requires prior approval for urgent assemblies/demonstrations, are considered to have violated the Constitution. On August 18, 2014, a draft amendment was submitted to the Legislative Yuan with the following focuses: assemblies/demonstrations of incidental nature no longer need to be reported in advance; changed the lead time for reporting assemblies/demonstrations of urgent nature; introduced restrictions on assemblies/demonstrations that are held on an incidental and urgent basis for the purpose of ensuring peaceful outcome; and introduced new requirement where termination or ending of the assembly/demonstration is to be announced by the leader.

299. The National Police Agency has informed all police departments to take into consideration the rule of proportionality when exercising various authorities under the Assembly and Parade Act, such as suppression, dismissal and those described in Article 29, in order to protect people's rights to public assembly and ensure a peaceful outcome. On December 29, 2014, a new set of principles was established to exempt incidental public assemblies/demonstrations from having to seek approval, while urgent public assemblies/demonstrations are reviewed instantaneously. These principles will provide the basis for distinguishing public assemblies/demonstrations of incidental or urgent nature until the amended regulation is passed.

Article 22

Establishment of Civil Association

300. See Note 81 in the Common Core Document of the ICCPR/ICESCR Second National Report.

301. Establishment of civil associations in the R.O.C. is subject to approval. To establish a civil associations, a group of founders no fewer than 30 are required to apply for permit from the authority. Once a permit has been given, the founders shall hold a meeting to assemble a preparation committee. After all preparations have been completed, the association can be

formally established by convening a foundation meeting. According to the Regulations for Registration of Social Entities, it takes the authority approximately 2 to 4 months from the day of application to grant the permit. Once permit is granted, the applicant will be notified to prepare and establish within 6 months, which can be extended up to 3 months subject to the authority's approval.

302. According to Note 3 of Regulations for Registration of Social Entities, the recognized categories of social associations included: academic, healthcare, religion, sports, social services and charity, international, commerce, environmental protection, family association, hometown association, alumni, and other public interest groups. There is no separate category for human rights. However, judging by the name and purpose of civil associations, there were a total of 118 human rights-related civil associations as of October 2015.
303. The authority plays the role of counselor, helping founders with the establishment of their civil association. The number of newly registered civil association was 659 in 2013, 636 in 2014, and 330 in 2015 (Jan~Oct).
304. As of June 2015, there were a total of 5,259 occupational associations throughout the country, of which 333 were national organizations and 4,926 were local; there were also 45,284 social associations throughout the country, of which 12,541 were national organizations and 32,743 were local.
305. The Ministry of Labor began construction of a labor administration system in 2011. The system records entries of all union applications, regardless of whether they are approved or rejected. A total of 474 new unions were registered between 2012 and November 2015.

Amendment of Laws Concerning Civil Associations

306. See Note 100 of the ICESCR Second National Report.
307. Amendment of laws concerning people's freedom of association between 2012 and 2015: Commercial Group Act was amended on February 4, 2015, with enforcement rules amended accordingly on June 22, 2015; Educational Association Act was amended on November 12, 2014, with enforcement rules amended accordingly on May 29, 2015.
308. Ministry of the Interior has taken a number of initiatives to amend civil association laws, changing from a permission-based system to a registration-based system while at the same

time remove unnecessary restrictions. These changes were made to minimize government intervention in civil association and to simplify administrative processes. Prior to the amendment, the Ministry of the Interior had assisted civil association by offering guidance. Starting in July 2015, many of the issues that needed to be reported by civil association were simply acknowledged by the authority, instead of approved.

309. According to Judicial Yuan Interpretation No. 733: Paragraph 2, Article 17 of Civil Associations Act, which requires civil association to elect one chairperson among the managing directors and those that do not have managing directors to elect one chairperson among directors, has been recognized as a restriction beyond necessity on the internal affairs of a civil association. This requirement is considered a violation against occupational associations in accordance with Article 23 - Rule of Proportionality and Article 14 - People's Right to Association of the Constitution. Ministry of the Interior had since made amendments to the Civil Associations Act to remove restrictions on how civil association choose to elect their leaders. The amended act now only requires civil association to operate in conformity with democratic principles; civil association can now determine their own ways of appointing chairperson in their articles of incorporation.
310. Due to the fact that the Industrial Group Act was no longer relevant given the existing social and economic reality, Ministry of the Interior had proposed partial amendments of the Industrial Group Act to the Legislative Yuan for review.
311. Amended versions of the Labor Union Act, Collective Agreement Act and Act for Settlement of Labor-Management Disputes were implemented in 2011. These amendments were largely focused on: simplified union registration procedures, broadened union categories, freedom of alliance between unions, employers' obligations to check off corporate union dues from members’ wage, bargaining in good faith under the Collective Agreement Act, restrictions on non-members' entitlement to benefits negotiated by union members to solve free-rider problem, simplified procedures for industrial action, provide for type of unfair practices, establish the tribunal of unfair labor practices and remedy procedure.

Unions

312. See Note 28 in the Common Core Document of the ICCPR/ICESCR Second National Report.
313. See Notes 279 to 283 of the ICCPR First National Report.
314. Amongst all corporate and industrial unions and industry unions existing as of Septe mber 2015, the manufacturing sector accounted for the largest number at 566, and was followed by freight and warehousing transportation & storage (105) and financia l & insurance activities (64).
315. Amongst all professional union existing as of September 2015, craft & related trades workers accounted for the largest number at 1,110, and was followed by service and sales workers (1,038), and basic skilled and elementary laborers (534).

Civil Servant Associations

316. Civil servants may exercise their rights of association in accordance with the Civil Servant Association Act by forming civil servant associations. These associations have the right to recommend and participate in decision making, and serve a vital role in dispute resolution.
317. There are two tiers of civil servant association: the national level (National Civil Servant Association) and the agency level, and agency-level civil servant associations can be further distinguished between central and local governments. The National Civil Servant Association was founded on October 2, 2009, comprising of agency-level associations as individual members. In terms of agency-level associations, 21 of which were formed within the central government while 14 were formed within local governments.

Article 23

Definition of Family

318. See Note 284 of the ICCPR First National Report.

Family Court

319. All district (juvenile and family) courts have established family courts in accordance with the Family Act and The Juvenile and Family Court Organization Act. In 2015, there were 125 judges that specialized or concurrently handled domestic affairs at district courts throughout the nation. Following the establishment of The Juvenile and Family Court

Organization Act in 2010, Taiwan Kaohsiung Juvenile and Family Court was created in 2012 specifically to conduct tier-1 trials of all family matters. At locations that are without a dedicated juvenile and family court, all related cases are processed by the family tribunal of the district court. Judges that specialize in such cases are required to complete more than 12 hours of training each year.

320. The Judicial Yuan has specialized courses available to train family court judges, whether they are new or experienced in the judge role. These courses cover an extensive range of topics including family laws, family dynamics, women's/children's/juveniles' rights, gender awareness, and cultural diversity. All existing family court judges are subjected to three sessions of family-related training each year.

321. The Judicial Yuan has maintained a list of contracted interpreters who are proficient in sign language, Southeast Asian language and other foreign languages for cases involving family matters (including foreign spouses). Backgrounds of proficient interpreters have been made available to court to aid in their selection depending on the cases involved.

322. The government has published manuals on topics such as mediation proceeding of family matters and the use of Guardian Ad Litem, and made them available in 7 foreign languages including English, Japanese, Korean, Thai, Vietnamese, Indonesian, and Malay. Following amendments to the Domestic Violence Prevention Act in February 2015, corresponding changes were also made to the Civil Protection Order Application Brief and the domestic violence victim inquiry form. Both documents have been translated into the 7 languages mentioned above, while translations for Burmese and Khmer are currently under way. English and Japanese translated versions of the civil court notice and civil case delivery certificate were completed in 2011 and given to courts for reference. Currently, professional translators have been engaged to translate the above documents into Vietnamese, Indonesian, Thai, Malay and Khmer, and will be made available to court and the private sector as soon as they are completed. Translation of judgment, however, should be completed at the capacity and expense of those in need of such service, given the court's lack of resources and talents to translate cases of varying degrees of complexity and the fact that translation fees are considered part of the litigation expense.

323. All mediators of family matters are required to undergo 30 hours of training prior to service and at least 12 hours after service begins. Failure to complete such trainings will result in the loss of eligibility or discontinuance of service.

Legal Requirements and Implications of Marriage

324. See Notes 286 and 287 of the ICCPR First National Report.

Rights and Obligations of Spouse

325. See Notes 291 to 298 of the ICCPR First National Report.

326. Following amendments to Article 1030-1 of the Civil Code in 2012, the rule of exclusivity is established over the residual properties in a marital relationship, which makes such properties non-transferable and non-inheritable except in the case of a contractual commitment or indictment.

Research on a Legal System that Supports Alternative Families

327. In 2012, the Ministry of Justice outsourced a research titled "The Legal Recognition of Same-sex Relationships in Canada, Germany and France" and later outsourced a study on legalization of same-sex marriage in Taiwan in 2013.

328. The Ministry of Justice held four conferences between 2013 and 2014 to gather opinions on how same-sex marriage should be regulated and how the rights of partners in a same-sex relationship can be protected.

329. In conclusion, the Ministry of Justice has adopted a 2-phase approach towards regulating same-sex marriage. The first phase involves protection of rights for same-sex partnership, for which various government departments were instructed to review their existing protection measures and promote awareness towards such rights within their areas of responsibility. The second phase is when the Ministry of Justice regulates same-sex marriage in the form of law. Due to the complexity associated with this issue, the Ministry of Justice made random phone surveys in December 2015 as part of its attempt to facilitate rational discussions between people of opposing views. The phone survey showed 35.5% of people in favor of "Legalized marriage between same-sex companions," 21.1% of people in favor of "Spouse-like identities but non-spouse like rights for same-sex companions; such as the right to healthcare and insurance but no right to adoption," and 31.7% in favor of

"Maintaining current situation with no special protection for the rights of same-sex companions." According to the survey, there are apparently very different opinions among citizens regarding the protection of rights for same-sex companions. The Ministry of Justice will continue to promote rational discussion and communication so that the country may reach a consensus on the issue that would reduce the impact and waste of social resources brought upon by the change of system.

Rights of Same-sex Companions

330. The government had reviewed all the spousal rights in regulations and administrative measures to identify whether they are applicable to same-sex partners. By 2015, a total of 573 regulations and administrative measures concerning spousal rights and obligations had been reviewed; these legal issues would be expanded to applicable to same-sex partners in the following ways:

(1) 498 of the above legal issues were spouse-exclusive rights, for which the Ministry of Justice is required to amend the Civil Code or introduce a new same-sex partnership law in order to give same-sex partners a status similar to spouses that would entitle them to the respective laws.

(2) Before the Ministry of Justice is able to amend the Civil Code or introduce a new same-sex partnership law, several authorities have identified areas where regulations and administrative measures can be applied to treat same-sex partners equally as family members, cohabitants, related persons and therefore address 45 of the identified legal issues to protect the rights of same-sex partners.

(3) Same-sex partners may use wills and other arrangements to secure their rights in 6 of the identified regulations and administrative measures. The Labor Pension Act already allows employees to specify beneficiaries in the form of will; however, under the Act of Insurance for Military Personnel and the Civil Servants and Teachers Insurance Act, a same-sex partners can be specified as a beneficiary in the form of will only if the insured has no other relatives or legal beneficiaries.

(4) Twenty-four of these legal issues were either no longer applicable or had already been abolished, or require the subject to bear certain obligations.

(5) Some local government authorities have already begun a mechanism which same-sex partners can note their partnership on the household registration data system for reference, whereas the registration has no legal effects. The mechanism was started by Kaohsiung City Government on May 20, 2015, by Taipei City Government on June 17, 2015, and by Taichung City Government on October 1, 2015; by October 2015, a total of 70, 34 and 92 couples, respectively, had noted their partnership.

331. The Domestic Violence Prevention Act has been recognizing existing and former domestic partners as family members since 2007; this ensures protection and assistance to all same-sex companions who have or once had a domestic partner relationship. Out of all intimacy domestic violence cases reported in 2014, only 239 or 0.39% of which involved same-sex companions in an existing or former domestic partner relationship.

332. As an encouragement to partners of a same-sex companionship for seeking professional help on conflicts in an intimate relationship, the government has been producing promotional videos and pamphlets to advise people of the assistance and resources available to them. In recent years, a total of 8 same-sex intimacy violence prevention courses were organized for direct service personnel of law enforcement, social, education, mental counseling, and judicial department. These courses were intended to provide direct service personnel with the knowledge they need to prevent domestic violence in same-sex intimate relationships.

333. The government has also been working with civil associations for the organization of online courses to promote heath, professional skills, and identity of same-sex companions, while at the same time provide information on public health and social welfare pertaining to their interests.

334. Through the use of professional talents and case-by-case management, the government has been able to provide different groups of people (including those with multisexual preference) with the counseling, referral, and resources they need.

Divorce System

335. See Note 299 of the ICCPR First National Report.

Exercise of Parental Rights after Divorce

336. In 2013, amendments were made to Article 1055-1 of the Civil Code, which requires courts to take into consideration all relevant factors and award parental rights in children's best interests. In addition to relying on the reports made by social workers family matter investigation officer, courts may also base its decisions on findings of police authorities, revenue services, financial institutions, schools or any government agency, group, or appropriate persons.

337. Among the 4,707 cases of divorce with child custody concluded by district courts between 2012 and 2014, 1,630 cases or 34.63% were awarded to the father whereas 2,799 cases or 59.46% were awarded to the mother and 166 cases were awarded joint custody. Table 34 shows child custody awarded by district courts in divorce cases between January and October 2015, categorized by parents' nationalities.

Table 34 Child Custody Awarded by District Courts in Divorce Cases

Unit: Person(s)

Child custody / Nationality		Awarded to the father	Awarded to the mother	Joint custody	
				Father	Mother
R.O.C.		374	626	49	41
	Indigenous peoples	7	0	0	0
Mainland		0	12	0	2
Foreigner		3	4	0	4
Unknown and others		107	195	27	29
Total		484	837	76	76

Source: Judicial Yuan

Note: 1. This Table has been prepared based on divorce cases concluded by district (juvenile and domestic) courts. From 2014 onwards, the right of custody and parent's nationality is determined based on the number of underage children assigned to the father or the mother.

2. The above data may be corrected or adjusted for a number of reasons, and hence may differ from the figures published on Judicial Yuan's website.

Adoption of Local Nationality by Foreign Spouses

338. A total of 17,816 people had naturalized to the R.O.C. Between 2012 and October 2015; 17,088 (or 95.91%) of whom were female and 728 (or 4.09%) of whom were male. A total of 2,707 people had lost their R.O.C. nationality during this time; 1,483 (or 54.78%) of whom were female and 1,224 (or 45.22%) of whom were male. A total of 1,294 people had restored their R.O.C. nationality during this time; 904 (or 69.86%) of whom were female and 390 (or 30.14%) of whom were male. Judging by the reason of naturalized nationality, 16,594 (or 93.14%) of whom had adopted nationality through marriage, with females representing the majority. Vietnamese accounted for the highest number of adopted nationality at 76.69%, and was followed by Indonesians, Filipinos, Burmese, and Thai.

339. The number of people who had their naturalized nationalities (acquired through marriage with R.O.C. citizens) revoked were 3 in 2012, 8 in 2013, 9 in 2014, and 6 in 2015 (Jan ~ Oct). The total number is 26 in all.

Residency and Identity Registration of Mainland Spouses

340. The time taken for Mainland spouses to acquire R.O.C. ID cards has been aligned with those of foreign spouses under the draft amendment to Article 17 of the Act Governing Relations between the People of the Taiwan Area and the Mainland Area, which was submitted for review by Legislative Yuan on November 14, 2012. Table 35 shows the number of Mainland spouses who had resided and registered local identity in Taiwan between 2012 and October 2015.

Table 35 Number of Mainland Spouses Residing and Registered in Taiwan

Unit: Person(s)

Year	Mainland spouses residing in Taiwan		Mainland spouses registering identity in Taiwan	
	Male	Female	Male	Female
2012	1,106	15,767	72	4,422
2013	789	15,070	82	4,464
2014	855	15,844	63	4,445

2015 (1-10)	696	11,753	51	3,399

Source: Ministry of the Interior

Rights to Family Reunion

341. See Notes 308 and 309 of the ICCPR First National Report.

342. Foreigners who have adopted R.O.C. nationality or have been permitted to reside in the country may also apply for residential permits for their spouse and underage children. Between 2012 and 2014, 13,785 residential permits were granted to children of immigrants and foreign workers. According to Articles 18 to 22 of Regulation Governing Dependent, Long-term and Permanent Residency of Mainland Residents in Taiwan, qualified Mainland residents in Taiwan may apply for long-term residency for their Mainland parents and underage children.

343. On May 26, 2011, the long-term residency quota was significantly increased to allow more Mainland residents in Taiwan. In particular, the long-term residency quota on social programs was raised from 36 to 254 per year, whereas the quota for direct-blood children aged below 18 was raised to 180. The residency quota was once again revised on November 25, 2012, raising children's age restriction from 18 to 20.

344. Mainland spouses who have been granted long-term or permanent residency may apply for long-term residency permits for direct-blood children, provided that the children made their first visit in Taiwan below the age of 16, and made legal visits to Taiwan for 4 consecutive years and stayed for 183 days or more per year. Mainland spouses with registered identity in Taiwan may apply long-term residency for direct-blood children aged 20 and below. A total of 743 people were granted the above permit between 2012 and July 2015 (184 in 2012, 191 in 2013, 227 in 2014, and 141 between January and July 2015). Between 2012 and 2014, a total of 7,544 residential permits were issued to children of immigrants and foreign workers.

Article 24

Protection of Children

345. In 2011, the Children and Youths Welfare Act was renamed The Protection of Children and

Youths Welfare and Rights Act along with several amendments. On February 4, 2015, the Child and Youth Sexual Exploitation Prevention Act was renamed Child and Youth Sexual Transaction Prevention Act along with several amendments. In addition to name changes and alignment with international standards, regulations are also being amended to allow broader protection, more thorough assessment of whether victims should be sheltered, enhanced duties of the authority, and more diverse penalties against violations.

346. In 2012 and 2015, The Protection of Children and Youths Welfare and Rights Act was amended to introduce new rules such as: care and regular visits to children of drug-related offenders, prohibition of certain business activities related to gambling, prostitution violence within 200 meters of high school (vocational school) and below, and prohibition against subjecting children and youths to environment of likely danger or harm. In 2014, the Implementation Act of the Convention on the Rights of the Child was introduced. Table 36 shows the number of children who died of abuse between 2012 and June 2015.

Table 36 Death of Abused Children

Unit: Person(s)

Year	Child and youth population	Number of protected children and youths	Number of deaths as a result of abuse		
			Subtotal	Child abuse to death	Filicide
2012	4,380,203	19,174	33	17	16
2013	4,258,385	16,322	21	12	9
2014	4,149,792	11,589	17	10	7
2015 (1-6)	4,101,033	4,879	11	5	6

Source: Ministry of Health and Welfare

Note: The number of protected children and youths were calculated only after Article 53 of The Protection of Children and Youths Welfare and Rights Act was implemented.

347. Citizens are required to register new births at the household registration office within 60 days after children are born. Children will be given Chinese names at the time of registration. Household registration offices are required to issue reminders to people who have not registered child birth beyond the due date, and may proceed to register and name

the newborn child at its discretion if all reminders have been neglected.

348. According to the Civil Code, legitimate children and children born out of wedlock are indifferent and indiscriminate in terms of their right to inheritance.

Special Judicial Protections for Children

349. See Note 312 of the ICCPR First National Report.

350. Similar to UK, USA and Japan, the country adopts a juvenile delinquency system (Subparagraph 2, Article 3 of the Juvenile Delinquency Act) that calls for judicial intervention on juveniles who have exhibited inappropriate behavior that, although do not pose a violation against law, is highly likely to result in actual violation given the juvenile's character and environment. These interventions are intended to protect juveniles from bad influence and help them rediscover their right path. Judicial Yuan Interpretation No. 664 also held the opinion that: The call for juvenile court intervention in Item 3, Subparagraph 2, Article 3 of the Juvenile Delinquency Act on juveniles who exhibit high frequency of absence from home or school is intended as a means to protect and prevent juveniles from committing violations against the law, given their character and surrounding environment. This intention did not violate the meaning of the Constitution. However, the use of detention institutions to restrict juveniles who are frequently absent from home or school, as described in Subparagraph 2, Article 26 and Subparagraph 4, Paragraph 1, Article 42 of the Juvenile Delinquency Act, not only is a violation of personal freedom, but also contradicts against the Constitution's rule of proportionality and the intent to protect juveniles' dignity in the first place. The Judicial Yuan has assembled a Juvenile Delinquency Act Revision Committee in 2013 to incorporate the above interpretations into the next amendment of the Juvenile Delinquency Act.

    The new amendment will be focused on limiting the range and criteria of delinquency offenses, and introducing counseling as a preferred solution. Meanwhile, detention and discipline of delinquency offenders are also under review.

351. Table 37 shows the outcome of investigations conducted between 2012 and October 2015 on juvenile and child protection cases.

Table 37 District Court Investigations on Juvenile and Child Protection Cases

Unit: Person(s)

Year	Finalization status							
	Total	Referred (transferred) to another jurisdiction	Referred to prosecutor	Not tried	Tried	Searching	Merged with another case	Others
2012	20,631	1,293	234	5,145	12,898	102	912	47
2013	26,155	1,668	432	6,572	16,227	164	1,001	91
2014	22,441	1,666	245	5,827	13,514	199	958	32
2015 (1-10)	17,835	1,474	212	4,551	10,748	153	651	46

Source: Judicial Yuan

352. Children and juveniles who exhibit hearing, verbal or communication difficulties may be assisted by interpreters. Questioning and statements may be completed in words. An outsourced interpretation system has been developed since 2006. Today, the court has 276 contracted interpreters available to deliver services in 19 languages including sign language, Hakka language, indigenous language, Southeast Asian languages, English, and European languages. Interpreters' expenses are borne by the national treasury.

353. Article 16 of the Family Act requires all lawyers, social workers, psychologists or other Guardian Ad Litem recommended by the association to exhibit proper gender equality awareness, respect for cultural diversity, and adequate knowledge in handling family matters. The Judicial Yuan has made a list of recommended candidates that courts may choose from for the cases on hand. To give new immigrants and foreigners a better understanding of how procedural supervisors work and what types of assistance can be expected from them, the Judicial Yuan had engaged professionals to translate the procedural supervisor manual into 7 languages namely English, Japanese, Korean, Vietnamese, Indonesian, Thai and Malay in 2013. This manual was forwarded to courts, lawyers, social workers, psychologists, the Legal Aid Foundation and civil associations to be used as reference. Later in 2014, printed advertisements were produced to promote this system.

354. Article 18 of the Court Organization Act was amended in 2015 to allow the appointment of

family matter investigation officer at district courts, therefore the national exam quota can be adjusted to produce the number of talents needed by district courts. A total of 13 candidates will be sourced from the 2016 exam, and shall be appointed to courts once they have been chosen.

Prevention of Campus Bullying

355. The government has implemented a 3-tier strategy (education, detection, and counseling) to prevent campus bullying including “Friendly Campus Week” activities, and multiple reaction modes. The Ministry of Education, the Ministry of the Interior, and the Ministry of Justice have jointly formulated a set of procedures for reporting students' participation in undesirable group activities. When such participation is discovered the matter is handled in accordance with Ministry of Education Notes on Campus Safety. The number of reported cases of campus bullying were 293 in 2012, 205 in 2013, 238 in 2014, and 158 in 2015 (Jan ~ Oct), totaling 894 cases.

Protections for Children Lacking Normal Family Life

356. See Note 318 of the ICCPR First National Report.

357. According to The Protection of Children and Youths Welfare and Rights Act, children and juveniles who encounter major changes that deprive them of normal family life may be sheltered or counseled by the local government at the parent's or guardian's request. When arranging shelter for children and juveniles who have suffered from loss of parents, abuse or neglect, local governments are required to seek accommodation in the priority of: in order, relatives, foster homes, children's and juveniles' placement and educational institutes, other placement institutes. The government will continue to provide guidance for existing foster homes and children's and juveniles' placement and educational institutes, while at the same time explore new foster homes and shelters and advocate care for disadvantaged children and juveniles at the community level. The number of people sheltered at children's and juveniles' placement and educational institutes under the Juvenile Delinquency Act were: 208 males and 60 females in 2013, 195 males and 52 females in 2014, and 155 males and 48 females in 2015 (Jan ~ Jun). Table 38 shows placement at children's and juveniles'

placement and educational institutes, and Table 39 shows placement at foster homes, between 2012 and 2015.

Table 38 Placement at Children's and Juveniles' Institutions

Unit: Cases; persons

Year	No. of institutions	No. of beds	Number of people sheltered	
			Male	Female
2012	123	4,816	1,858	1,691
2013	126	4,985	1,842	1,700
2014	124	4,991	1,818	1,683
2015 (1-6)	123	4,987	1,756	1,631

Source: Ministry of Health and Welfare

Table 39 Placement at Foster Homes

Unit: Households; persons

Year	Number of homes (households)	Number of people sheltered	
		Male	Female
2012	1,248	927	908
2013	1,275	899	905
2014	1,289	847	896
2015 (1-6)	1,368	832	886

Source: Ministry of Health and Welfare

Note: Each foster family is capable of accommodating two children.

Protection of Pregnant Students

358. The provisions of Article 14-1 of the Gender Equity Education Act require educational institutions to protect the rights of pregnant students. On August 5, 2015, the Ministry of Education renamed its Student Pregnancy Counseling Directions as the Directions Governing the Safeguarding of Pregnant Students Right to Continue Receiving Education and the Providing Counseling Assistance.

359. The Directions Governing the Safeguarding Pregnant Students Right to Continue Rec eiving Education and Providing Counseling Assistance, include provisions requiring a

school that discovers that an underage student is pregnant to immediately form a ta sk force with the principal serving as its convener. A student counseling unit must a lso be assigned to set up a counseling window for the student. Adult or married stu dents who have pregnancy related needs may also request assistance from their educ ational institution. Schools have been assigned the responsibility of teaching students what they need to know to prevent an unexpected pregnancy, and encourage teache rs, students and parents to have a more receptive attitude and be more supportive of students who are pregnant or are raising a child. School staff are being trained to prevent and handle student pregnancies, and offer assistance such as counseling, refe rrals, shelter, healthcare, employment, family support, financial security, legal aid, an d alternative education. It is the school's responsibility to report and respect a pregn ant student’s, and to provide such a student a friendly and safe learning environment. Awareness is being raised to prevent students from dropping out of school due to pregnancy male or female student looking after a child aged 3 or younger.

Prevention Against Child Trafficking

360. See Note 319 of the ICCPR First National Report.

361. The United Nations Convention on the Rights of the Child, the Optional Protocol on the Involvement of Children in Armed Conflict, and the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography were presented for review by the Executive Yuan on October 2, 2014. Outcome of the review was later forwarded to the Legislative Yuan along with Chinese versions of the Convention on the Rights of the Child and the two Optional Protocols.

362. According to Article 3 of Convention on the Rights of the Child, regulations and administrative measures shall be developed based on the meaning of the Convention and interpretations of United Nations Committee on the Rights of the Child. The Implementation Act of the Convention on the Rights of the Child was developed specifically for this purpose. Apart from the context of the Convention, the Implementation Act also took into consideration the meaning of children's rights protection, the two Optional Protocols, the Optional Protocol to the Convention on the Rights of the Child on a

communications procedure, and other general opinions of the United Nations.

Protection of Child Labor

363. Chapter 5, Articles 44~48 of the Labor Standards Act defines child labor as an employee aged 15 and above but less than 16. Employers are not allowed to assign child labor to more than 8 hours of work per day, 40 hours per week. In addition, child labor is also prohibited from working during public holidays and night times, and must not engage in stressful or hazardous works. Employers are required to maintain proof of child labor's age and consent signed by the child's legal representative. Child labor's work hours must be kept within regulations.

364. On June 11, 2014, Article 45 of the Labor Standards Act was amended to introduce new guidelines on accessibility and employees' physical and mental health. It outlines maximum hours of work per day, break time, public holidays, duration of permit, prohibited workplaces, and procedures undertaken by local authorities to review compliance. Employers are required to seek permission from the local labor authority when employing persons aged below 15.

365. The Ministry of Labor has been supervising county/city governments to pay particular attention to the work conditions of child labor and adolescents during their labor inspections. The purpose of labor inspections is to make sure that any paid workers aged below 15 are given work conditions that comply with Article 45 of the Labor Standards Act. A total of 14,774 labor inspections were conducted in 2013, during which 15 violations against child labor laws were discovered (8 cases involved illegal employment of child labor, 1 involved stressful and hazardous works, 3 involved overtime works, and 3 involved night time working). A total of 12,373 labor inspections were conducted in 2014, during which 13 violations against child labor laws were discovered (7 cases involved illegal employment of child labor, and 6 involved night time working). A total of 34,752 labor inspections were conducted by October in 2015, during which 28 violations against child labor laws were discovered (12 cases involved illegal employment of child labor, 4 involved overtime works, and 12 involved night time working). Employers who violate the above laws may be sentenced up to 6 months imprisonment plus a fine of NTD 300,000.

Article 25

Right of Participation in Political Affairs

366. See Notes 323 to 327 of the ICCPR First National Report.

367. See Table 40 for voting right restrictions in Presidential and public official elections.

Table 40 Voting Restrictions

Category	Nationality	Age restriction	Residency	Identification	Voting method
President and Vice President Election	R.O.C. citizen	20 years of age	6 months	No guardianship declaration	Cast ballots at the polling station
Public Official election	R.O.C. citizen	20 years of age	4 months	No guardianship declaration	Cast ballots at the polling station

Source: Central Election Commission

368. The Central Election Commission has been maintaining statistics on voters' gender for every nation-wide and local elections since the 7th7th legislator election in 2008. These results are published onto the website of the Central Election Commission (http: //db.cec.gov.tw/).

369. With regards to citizens' right to civil service, Article 21 of Act Governing Relations between the People of the Taiwan Area and the Mainland Area was introduced based on the concern that civil servants would have an immediate duty of loyalty to their roles once employed by the state. Given the different understanding of democratic values by people of Mainland origin and the time they need to adapt to the Taiwanese society, a restriction was thus imposed on their right to civil service. Judicial Yuan interpretation No. 618 had already clarified that such restriction does not violate the principle of equally mentioned in the Constitution; nevertheless, the government will continue to revise its rules for the rights of Chinese Mainland people who have chosen to adopt R.O.C. nationality.

370. Article 130 of the Constitution gives all citizens aged 20 and above the right to vote. The Presidential and Vice Presidential Election and Recall Act and the Civil Servants Election And Recall Act both allow citizens aged 40 and above to register as President or Vice President candidates. Persons aged 23 and above may register as public official candidates

at the location in which they are entitled to vote. This excludes municipal/county/city mayor elections where the candidate must be at least 30 years of age, and township mayor elections where the candidate must be at least 26 years of age. According to the Referendum Act, citizens aged 20 and above are entitled to vote in referendums unless they are still under guardianship for any reason.

371. Citizens aged 20 and above have the right to vote in elections and referendums unless they are still under guardianship for any reason. However, they must reside in the electoral district continuously for 44 months or 66 months to be entitled to vote in elections or referendums.

Restrictions for Adopted Nationalities

372. Article 10 of the Nationality Act prohibits foreigners from assuming senior civil servant/public official positions (e.g. President, Vice President, deputy of each Ministry or above, and central/local elected public officials) in the first 10 years after attaining R.O.C. citizenship. Meanwhile, Paragraph 7, Article 24 of the Civil Servants Election And Recall Act allows persons who have naturalized R.O.C. nationality to register as candidates only after 10 years of acquiring their citizenship. The above restrictions have been imposed on the consideration that persons who lost their previous nationality to acquire R.O.C. citizenship generally have inadequate understanding towards the nation's background. It would be more appropriate for them to assume the role of decision maker once they have identified and gained a more thorough understanding of the nation's history.

Regular Elections

373. Public officials including President, Vice President and legislators are elected on a nation-wide basis, whereas positions such as mayors, village chiefs, and local representatives are elected on a regional basis. All above positions serve a term of four years, and are elected once every 44 years. Following the announcement of Additional Articles of the Constitution, all legislators have been directly elected since 1992, whereas Presidents and Vice Presidents have also been directly elected since 1996. These elections are held in regular cycles and apply to local public officials as well. Nation-wide and local elections of public officials are being held on a collective basis in recent years, averaging

one election every two years (11 nation-wide election followed by 11 local election).

374. The 13th presidential and the 8th legislator election were both held on January 14, 2012, during which the President, Vice President and a total of 113 legislators were elected (including 73 from single member electoral districts, 33 from lowland indigenous groups, 33 from highland indigenous groups, and 34 legislators-at-large and overseas compatriots).

375. Since 2014, all elections of local public officials have been arranged to coincide on the same day. The local public officials election dated November 29, 2014, produced 22 municipal/county/city mayors, 907 municipal/county/city councilors, 204 township mayors and municipal indigenous district executives, 2,141 township/municipal indigenous district representatives (another 5 of whom had decided to re-elect on another date), and 7,848 chiefs of villages (another 3 of whom had decided to re-elect on another date).

376. The 14th presidential and 9th legislator election are scheduled to take place on January 16, 2016, for which the Central Election Commission had made corresponding announcements on September 16 (concerning the presidential election), September 22 (the names of endorsers of the presidential election), and November 13 (concerning the legislator election) in 2015.

Restrictions on Suffrage Rights

377. See Note 331 of the ICCPR First National Report.

378. The Ministry of the Interior has proposed to introduce an absentee ballots system into the Presidential and Vice Presidential Election and Recall Act and the Referendum Act, but the amendment has yet to complete legislation procedures.

379. The bond system has been introduced as an appropriate and reasonable means to discourage abuse of the election system that would result in the waste of social resources. Bonds for the presidential election are set according to the Presidential and Vice Presidential Election and Recall Act, whereas bonds for public official elections are set by the Central Election Commission. Bonds of major elections that took place between 2012 and January 2016 were set at: NTD 15,000,000 for the presidential election; NTD 200,000 for legislator, county/city mayor, and municipal councilor election; NTD 2,000,000 for municipal mayor election; and NTD 120,000 for county/city councilor election.

Voting Rights for Persons with Physical or Mental Disability

380. The Central Election Commission (CEC) has been introducing a number of accessibility and assistance measures for the convenience of voters with physical or mental disability. Apart from recording audio versions of electoral bulletins, arranging sign language interpretation service for electoral public forums, setting up wheelchair-accessible polling booths, accommodating visually-impaired voters by providing ballot slip covers with Braille printing, and allowing assistants to vote on behalf of the person, the CEC also demands municipal/county/city election commission to enhance accessibility inspection and increase the number of assistants at local polling stations to provide active aid for senior citizens and voters with disabilities. Meanwhile, an accessible section has been created on CEC's website, and all video clips were encoded with Chinese subtitles to help voters obtain vital information.

381. In 2015, the CEC introduced an accessibility course into its election affairs training program, and organized a series of seminars where experts were invited to speak on suffrage rights of persons with disabilities. Furthermore, notes on assistance to persons with disabilities have also been added into training materials.

Election Annulment

382. See Note 333 of the ICCPR First National Report.

383. According to Article 133 of the Constitution, an elected person may be recalled by the presiding constituency. Both the Presidential and Vice Presidential Election and Recall Act and the Civil Servants Election And Recall Act have been clear on the criteria and procedures for recalling or annulling an election. Article 79 of the Local Government Act empowers the government to dismiss the duty of any local public official who has been annulled of their elected roles.

Discipline of Civil Servants and Aids

384. **The disposition, discipline and remedies of public functionaries** In accordance with the amendment of the Public Functionaries Discipline Act on May 20, 2015, the case of public functionaries discipline shall be adjudicated in the form of judgment by collegiate bench. The amended act provides several kinds of disciplinary disposition against public

functionaries, including: removing from office, dismissal, deprivation or reduction of pension, suspension, demotion, salary cut, fines, records of misconduct and reprimand. Removing from office would discharge all current duties and render the civil servant unable to assume any civil servant roles in the future. Once the Public Functionary Disciplinary Sanction Commission has made its decision, an appeal can be made to the commission to re-open the review if there are any justifiable reasons for doing so.

385. Public functionaries may appeal to the Civil Service Protection and Training Commission and request to re-open review of any other personnel administrative disposition (including suspension or dismissal of duty) imposed against them. If they still disagree with the outcome of the secondary review, the administrative court may intervene to determine whether the decision of the secondary review is legitimate.

386. Amendment of Act of Punishment of the Armed Forces on May 6, 2015, introduced new penalties such as: demotion for commissioned officers; dismissal, demotion and suspension of leave for noncommissioned officers; and salary reduction for soldiers. The amendment also abolished disciplinary punishments previously applied on noncommissioned officers and soldiers, and changed solitary confinement to repentance with duration reduced from 30 days to no more than 15 days. Under the amended regulations, those who disagree with their demotion, salary reduction, and repentance penalties are entitled to appeal or seek aid via administrative litigation. In the case of a repentance penalty, the penalized person or any other party may raise objections to court or to the executor during the punishment if it is considered to pose restriction of personal freedom. Upon receiving such objection, the supervisor in charge of the punishment must complete a review within 24 hours, and if the review finds no issue of concern, the case would have to be referred to court and handled according to the Habeas Corpus Act.

Rights to Civil Servant Exams

387. See Note 338 of the ICCPR First National Report.

388. Civil Service Examinations are governed by the Civil Service Examinations Act, which imposes restrictions such as age, health condition, gender and military service status depending on the requirements of different recruiters. To ensure the people's right to

examination and civil service, the Ministry of Examination has, on many occasions, consulted recruiters on the possibility of canceling or relaxing these restrictions. Progresses so far is as follows: age restrictions were cancelled or relaxed on 14 exams under the Special Examination for Patent and Trademark Inspection Personnel; health check requirements were removed from general examinations, and relaxed for special examinations; gender restrictions were gradually removed from 6 exams such as the Special Examination for Customs Personnel; and military service requirements were cancelled or relaxed for 7 exams including the Special Examination for Transportation Enterprise Personnel. Currently, maximum age restrictions are still imposed on 10 examinations including the Special Examination for Intelligence Personnel; and military service requirements are still imposed on 6 exams such as the Special Examination for Investigative Agents. There are 16 exams that still demand health checks, including: Level 3 Senior Examinations and Junior Examinations for Aviation Pilots, as well as Aircraft Maintenance, Special Examination for Investigative Agents, Special Examination for Intelligence Personnel, Special Examination for Police Officers, Examination for General Police Admittance, Special Examination for Transportation Enterprise Railway Personnel, Special Examination for Civil Aviation Personnel, Special Examination for Customs Personnel, Special Civil Service Examination for Coast Guards, Special Civil Service Examination for Indigenous People (for judicial police and correctional facility custodial personnel), Special Examination for Consular and Diplomatic Personnel, Special Examination for International Trade Personnel, Examination for Judges and Prosecutors, Special Examination for Immigration Personnel, and Special Examination for Judicial Personnel. Exams that currently still impose gender restrictions include prison warden and correctional facility custodial personnel examinations.

389. 1996 saw the introduction of the Special Examination for the Disabled, and special exam sites have been used since 1991 to ensure the best protection of their rights. Since 2009, disabled qualifiers have been able to receive basic job training, and the training environment has been continuously reviewed and improved to accommodate their learning needs. A total of 1,056 people were recruited through this examination between 2012 and

2015.

390. Between 2012 and October 2015, a total of 8 dismissed civil servants had returned to civil service after expiry of their suspension-of-employment period; 11 of whom had returned to the original position.

Rights to Civil Service for Persons with Disability

391. Table 41 shows the number, gender and rank of persons with disabilities who had worked as civil servants between 2012 and September 2015.

Table 41 Conditions of Disabled Civil Servants

Unit: Person(s); %

Item / Year	Total	Male		Female		Senior		Mid-level		Junior	
			Percentage		Percentage		Percentage		Percentage		Percentage
2012	6,432	4,277	66.50	2,155	33.50	120	1.87	1,932	30.04	2,217	34.47
2013	6,833	4,468	65.39	2,365	34.61	145	2.12	2,137	31.27	2,360	34.54
2014	7,323	4,763	65.04	2,560	34.96	158	2.16	2,417	33.01	2,468	33.70
2015 (1-9)	6,995	4,518	64.59	2,477	35.41	156	2.23	2,360	33.74	2,384	34.08

Source: All Civil Servants Database

Note: The table shows all senior, junior and elementary rank (detail) civil servants who were characterized as persons with disabilities. The percentages were calculated out of total civil servants with disabilities.

392. Between 2012 and 2014, a total of 820 people had passed the civil service special examination for the disabled and reported to training; 5 of whom did not complete their training mostly because of voluntary withdrawal. Overall, 99.39% of candidates had completed training and were assigned to their duties.

Assurance of Women's Suffrage Rights

393. See Notes 340 to 342 of the ICCPR First National Report.

394. Table 42 shows the percentage of female candidates in local public officials elections held between 2009 and 2014.

Table 42 Percentage of Female Candidates in Local Public Officials Elections

Unit: Person(s); %

Year	Name of election	Total	Male	Female	Percentage of female candidates
2009	County/city mayor election	54	47	7	12.96

Year	Name of election	Total	Male	Female	Percentage of female candidates
	County/city councilor election	935	694	241	25.78
2010	Municipality mayor election	14	10	4	28.57
	Municipality councilor election	646	458	188	29.10
2014	Municipal/county/city mayor election	84	70	14	16.67
	Municipal/county/city councilor election	1,600	1,146	454	28.38

Source: Central Election Commission

Assurance of Suffrage Rights of Indigenous People

395. See Notes 343, 344 and 346 of the ICCPR First National Report.

396. The Local Government Act has a separate chapter dedicated to assuring mountain indigenous people within special municipalities of their right, matters and the necessary financial resources for self-government. The act also assures source of funding to indigenous people's autonomous governance. Table 43 shows the number of indigenous people hired by Executive Yuan subordinates and schools between 2012 and 2014.

Table 43 Number of Indigenous People Hired by Executive Yuan Subordinates and Public Schools

Unit: Person(s)

Category / Year	Civil servants	Five categories of personnel	No. of persons employed
2012	6,986	4,666	11,652
2013	6,572	4,254	10,826
2014	6,630	4,397	11,027

Source: Directorate-General of Personnel Administration, Executive Yuan

Note: Five categories of personnel are defined by law as the following five types of people: contract workers; stationed security guards; technician, driver, caretaker, cleaner; toll collector; other non-civil servant and non-technical roles.

397. The first Special Examination for Indigenous People was held in 1956; it was inten ded to select administrative and technical personnel of indigenous origin to aid in th e autonomous governance and economic development in indigenous districts. The exa m was later renamed Civil Service Special Examination for Indigenous People in 20

04, and is now available in levels 1, 2, 3, 4 and 5. A total of 695 people were rec ruited from this exam between 2012 and November 2015.

Article 27

Respect and Preservation of Minority

398. See Notes 348, 349, 355, 357 and 358 of the ICCPR First National Report.

399. See Note 320 of the ICESCR Second National Report.

400. There are several language minority groups in Taiwan, including the following: new immigrants (foreign spouses); migrant workers from Indonesia, Philippines, Thailand and Vietnam; indigenous peoples; Mongolians; Tibetans; and Hakka people.

401. On October 6, 2011, the government adopted the United Nations International Migrants Day (December 18) as its own Immigrants Day. Multicultural events were organized in 2012, 2013 and 2014 on this day to welcome, celebrate and cherish cultural diversity here in Taiwan.

402. The nation has established Council of Indigenous Peoples and Indigenous Peoples Cultural Foundation to cater for the interests of indigenous people. The foundation began operation of Taiwan Indigenous TV since 2014, whereas The Museum Act was amended in 2015 to include the establishment of a national indigenous peoples' museum. In 2010, the Ministry of the Interior amended Article 4 of Regulations Governing Memorial and Festive Days to allocate 11 public holiday during indigenous peoples' annual celebration. This policy has been enforced since 2011, and has the effect of directing the public's respect towards cultural diversity.

403. The Mongolian and Tibetan Affairs Commission has been promoting Mongolian and Tibetan cultures by organizing regular Mongolian and Tibetan languages courses, annual Genghis Khan memorial ceremonies, lectures on Mongolian and Tibetan issues as well as other cultural events/exhibitions.

404. The Hakka Affairs Council amended and published the "HAC Supervision and Evaluation Directions for Promotion of Barrier-free Hakka Speaking Environment for Public Affairs",, public/private hospitals, financial institutions and public transportation for providing

broadcast and counter services in Hakka language. Preliminary, intermediate, and advanced certifications of Hakka language proficiency were introduced. In 2012, Hakka language certification was also introduced for children aged 4 ~ 6. In 2013, the preliminary Hakka language proficiency certification was made digital for the very first time.

405. Between 2013 and 2015, nation-wide Hakka conferences were held regularly to help communicate and integrate opinions for policy-making. Luidui Hakka Cultural Park and Miaoli Hakka Cultural Culture Park were opened in 2012 and 2013, respectively, by Taiwan Hakka Culture Development Center, Hakka Affairs Council to provide the public an easy access to the Hakka culture. Tourism resources and featured industries have been integrated into the two parks to make them attractive and financially viable.

406. Elementary students are required to choose one native language (Hokkien, Hakka, or indigenous language) as part of their study. An electronic dictionary of native languages has been developed with spelling, pronunciation and wording standardized. In addition, a Native Language Day was introduced to promote the study of native languages.

Judicial Rights of New Immigrants, Migrant Workers, and Indigenous Peoples

407. See Notes 247 to 254 of this report.

408. On January 1, 2013, the Judicial Yuan established an Indigenous Peoples Tribunal Section that specializes in litigation cases involving indigenous peoples. On September 3, 2014, all primary and secondary courts except offshore district courts in Penghu, Kinmen and Lienchiang had established their own Indigenous Peoples Tribunal (Sections).