

Taiwan International Review Process
List of Issues
ICCPR & ICESCR

28 June 2021

Documents received by the International Review Committee:

Government Reports:

- Common Core Document Forming Part of the Reports, Third Report on the ICCPR and ICESCR (referred to as *Common Core Document*)
- Implementation of the International Covenant on Civil and Political Rights, Third Report Submitted under Article 40 of the Covenant (referred to as *Third Report*)
- Implementation of the International Covenant on Economic, Social and Cultural Rights, Third Report Submitted under Articles 16 and 17 of the Covenant (referred to as *Third Report*)
- Response to the Concluding Observations and Recommendations Adopted by the International Review Committee on January 20, 2017 (referred to as *Response*)

NHRI Report:

- Independent Opinion on the Third National Report on the ICCPR and ICESCR, National Human Rights Commission (referred to as Independent Opinion)

20 Parallel Reports from Civil Society:

- Association for Learning Disabilities of the Republic of China
- Buddhist Association of Republic of China, Buddhist Association of Taiwan and Chinese Buddhist Bhikkhuni Association
- Presented by Taiwan Alliance to Promote Civil Partnership Rights
- Chinese Association for Human Rights
- Association of World Citizens, Chinese Association for Human Rights, Research Center for Department of Financial and Economic Law, National Chung Cheng University Taiwan, Taiwan Association for the Study of Finance Criminal Law, and Tax and Legal Reform League
- Mental Health Association in Taiwan
- Covenants Watch
- Awakening Foundation
- National Alliance of Presidents of Parents Associations
- Chinese Association for the Development of Affective Education
- Taiwan Mothers Shield Alliance
- Taiwan Association of Gender/Sexuality Rights Protection and R.O.C. Association of HIV/AIDS and Child Care
- Kaoshiung City Parent Association
- New Taipei City Loving and Protecting Minors Association
- Taiwan Parents Protect Women and Children Association
- Profemina Taiwan
- NGO Coalition for the Well-being of Next Generation
- Taiwan Women and Children Rights & Benefit Association
- Taiwan Rainbow Crosser Rights Association
- Amnesty International

International Covenant on Civil and Political Rights (ICCPR)

Article 1

1. Regarding Taiwan's referendum for the general population, please give details concerning amendments to the *Referendum Act* (2018) and the proposed amendment to the *Referendum Act* (2019), in particular how they address the issue of inconsistencies between referendum proposals. If public hearings are to be held for each referendum proposal, what are the guarantees for ensuring that they are consistent with human rights standards and contribute to the effective realization of the right of peoples to self-determination?
2. With reference to the *Third Report* (§§ 1-6, 276-280), bearing in mind the *Indigenous Peoples Basic Law*, please provide information on the measures taken to ensure that (1) any plans concerning the development of the ancestral lands and other resources of indigenous peoples respect and comply with the principle of prior, free and informed consent from indigenous peoples; (2) categorization of indigenous peoples is based on their self-identification; and (3) safeguards are adopted to guarantee the political and other participation of indigenous peoples.
3. Please indicate the current situation concerning loss of reserved land caused by illegal trade or subleasing of indigenous land, and measures adopted to overcome financial difficulties faced by indigenous peoples in this regard.

Articles 2 and 3

4. In the responses to the 2017 *Concluding Observations*, it is stated that consultations are underway on the enactment of a comprehensive anti-discrimination law. Please provide further information on the contents of this law and its compliance with international human rights standards. Does it contain a definition of discrimination to cover direct and indirect discrimination, and does it apply an intersectional approach to discrimination? Does it encompass gender identity, sexual orientation, and gender expression? Does it include positive obligations as well as provisions for reasonable accommodation of difference that are binding on both the public and private sectors, and placing an obligation on the Government to ensure de-jure and de-facto equality? Does the law also contain provisions for adequate remedies and their enforcement, and indicate the agency responsible for the oversight of its implementation? Please further indicate whether civil society groups were invited to participate in the consultations and whether a time frame has been set for the completion of the draft law and its adoption.
5. Please indicate if there is a policy or law against emerging forms of violence such as stalking or cybercrime (including digital sexual violence).
6. In § 18 of the *Third Report*, it is stated that "victims of sexual harassment may claim for reasonable monetary compensation for pecuniary and other damages". Please

provide information on the number of compensations and quantum paid out in the years 2018-2020 as against the number of claims for compensation.

7. Does statistical data collected on reported cases of various forms of violence include an intersectional analysis across various identities of the victims and other variables? If so, please provide this data.
8. In compliance with the Review Committee's recommendation in 2017 for the Government to upgrade the Gender Equality Department so that it has the power, authority and budget to effectively carry out its mandate, it is reported in the *Response* that in 2019, the department's budget for gender issues saw an increase over the two previous years. Please provide information on the percentage of increase in budgets over the last two years.

Article 4

9. With reference to the *Third Report* (§ 28), please provide information on the measures taken to address the COVID-19 pandemic. In particular, please specify whether any such measures derogate from Taiwan's obligations under the ICCPR, including with respect to the rights to freedom of expression, freedom of peaceful assembly/association and freedom of movement. Please give details of how the *Special Act for Prevention, Relief and Revitalization Measures for Severe Pneumonia with Novel Pathogens* impacts human rights, in particular in relation to the provisions concerning quarantine, control and prevention measures, and personal data collection, storage and usage.
10. If those measures derogate from Taiwan's obligations under the ICCPR, please specify whether the measures are strictly required by and proportionate to the exigencies of the situation and limited in duration, geographic coverage and material scope, as outlined by the Human Rights Committee in its statement on derogations from the Covenant in connection with the COVID-19 pandemic (CCPR/C/128/2) and whether in this regard other obligations under the Covenant have been fulfilled.

Article 6

11. The *Third Report* (on page 21) indicates a decline in the number of persons sentenced to death and executed. Over the quinquennium 2015-2019, there were four death sentences and eight executions. By comparison, over the quinquennium 2010-2014, there were 31 death sentences and 26 executions. The *Third Report* speaks of the 'gradual elimination' of the death penalty. Please confirm whether these statistics reflect an official policy promoting abolition of the death penalty and if so, indicate when Taiwan expects to be in a position to impose an official moratorium and proceed to de jure abolition, as requested by the Review Committee in 2013 and 2017. In the past, Taiwan has resisted calls to reduce the use of capital punishment by invoking

public opinion. Does the decline in death sentences and executions reflect a change in public opinion?

Articles 7, 9 and 10

12. In 2013 and 2017, the Review Committee strongly recommended to incorporate torture, as defined in Article 1 CAT, as a separate and specific crime into the *Criminal Code of Taiwan*. In its *Response* (§§ 163 and 164), the Government stated that it is “actively amending the provisions of the Criminal Code” without, however, providing any clear answer. Could you please explain whether a specific crime of torture, as defined in Article 1 CAT, has been included in the Criminal Code? If so, has anybody been investigated or sentenced under this provision?
13. In § 57 of the *Third Report*, it is stated that “the Control Yuan will be designated as the National Preventive Mechanism (NPM) to inspect related sites and facilities where public authorities have deprived people of their personal freedoms allowing it to play a greater role in preventative monitoring”. Could you please explain whether such an NPM has already been established? If so, does this NPM comply with the requirements enlisted in OPCAT, above all its independence? Who appoints the members of the NPM? How many visits to detention facilities has the NPM conducted since its establishment? Were these visits unannounced? What were the findings and recommendations of the NPM?
14. In 2013 and 2017, the Review Committee recommended that all allegations or suspicions of torture shall be thoroughly and promptly investigated by an independent and impartial body with full criminal investigation powers. In its *Response* (§ 166), the Government reaffirms that the ordinary prosecutors are “independent and impartial judicial authorities”. Since torture is a special crime usually committed by law enforcement authorities (police, prosecutors etc.), the investigation and prosecution of allegations of torture is only effective if it is conducted by authorities fully independent from such law enforcement authorities, including prosecutors. Could you please explain whether the Government has taken any efforts to establish a truly independent specialized body responsible only for the investigation and prosecution of torture and similar misconduct by law enforcement authorities?
15. With a total population of 23.6 million people (*Common Core Document*, Table 1), and a total prison population of roughly 61,000 prisoners and pre-trial detainees (*Third Report*, § 95), Taiwan continues to have a comparably high incarceration rate of around 260 prisoners per 100,000 inhabitants, as is also confirmed by the statistics of the World Prison Brief. This high incarceration rate results from “tough on crime” policies (see also Covenants Watch, §§ 375 ff) and leads to overcrowding of prisons and inhuman prison conditions, which have been strongly criticized by the Review Committee in 2013 and 2017. In § 46 of its *Independent Opinion*, the Taiwan National Human Rights Commission (NHRC) concludes that “at least 20% of the prisoners were unable to satisfy their basic needs when serving their sentence.” This would amount to a violation

of their right to human dignity, as stipulated in the Constitution of Taiwan and Article 10 ICCPR. The *Third Report* acknowledges again prison overcrowding (§ 95), a serious shortage of prison staff (§§ 112 ff) and other problems related to imprisonment. Which measures have been taken to address this problem?

16. In response to the recommendations of the Review Committee to reduce the prison population, the Government states that “Taiwan has adopted a bipolar policy for processing criminal cases by imposing severe penalties for major crimes and light penalties for minor crimes, adopting both leniency and strictness. Taiwan has adopted severe penalties for criminals who commit serious offenses or repeat offenders based on the theoretical basis of retributive justice and taking offenders out of society”. This “theoretical basis” seems to be in clear violation of Article 10 ICCPR. Will the Government of Taiwan reconsider its retributive criminal justice policy in order to bring it in line with the right of all detainees under Article 10 ICCPR to be treated with humanity, with respect for the inherent dignity of the human person and with the requirement that the penitentiary system shall aim not at retribution but at the reformation and social rehabilitation of prisoners?
17. Similarly, the Review Committee in 2017 has again strongly regretted any lack of progress in the abolition of capital punishment. It urged the Government “to take the lead in raising public awareness against this cruel and inhuman punishment, rather than being exclusively concerned with public opinion”. In its *Response* (§ 172), the Government repeats that “even though abolition of the death penalty is an international trend, it involves a wide range of issues and cannot be achieved overnight”. Please explain why a moratorium on executions cannot be achieved overnight as has been the case in numerous other countries in all world regions. Rather than bringing its criminal justice system in line with the requirements of Article 10 ICCPR and thereby abolishing the death penalty as a cruel and inhuman punishment in violation of Article 7 ICCPR, or at least as a first step imposing a moratorium on executions, the Government hides behind opinion polls and the rights of victims to “restorative justice” (§ 175). Does “restorative justice”, in the opinion of the Government, mean that victims and their families have a right to determine whether perpetrators shall be sentenced to death?
18. Please provide precise statistics as to how many children (up to the age of 18 years) are currently (at a snapshot date before the Review) deprived of liberty in prisons, pre-trial detention facilities, police custody, migration-related detention centres, psychiatric hospitals and special facilities for children with disabilities, drug rehabilitation centres, juvenile correctional institutions, reform schools, correctional schools or other closed institutions? Please also provide statistics on the number of children deprived of liberty on an annual basis for the last years in order to show any significant trends.
19. Has the COVID-19 pandemic led to restrictions on the right to personal liberty? If so, which?
20. Have prisoners and detainees been affected by COVID-19? If so, how many of them tested positive, how many have suffered from the disease, and how many died? Have

detainees and prisoners, including children and elderly people, been released because of COVID-19 in order to reduce overcrowding and combat the danger of clusters?

Article 8

21. Since the *Second Report*, new legislation has been introduced to deal with the exploitation and inhumane working conditions of foreign crew on Taiwanese flagged vessels. Adoption of the new legislation amounts to recognition that there was a serious problem. Please explain how the legislation has been implemented. In particular, have there been prosecutions or other enforcement measures to address the violations of Article 8 ICCPR?

Articles 12, 13 and 24

22. Has the COVID-19 pandemic led to restrictions of freedom of movement? If so, which?
23. In its *Third Report*, the Government reports a significant increase in the number of rejected visas (Table 14: from 4,934 in 2016 to 11,817 in 2019), in the number of expelled foreigners (§ 141: from 9,296 in 2015 to 16,577 in 2019) and in the number of foreigners held in large detention centres (§ 142: from 8,526 in 2015 to 13,585 in 2019). What is the reason for these rapidly growing numbers? What is the precise number of children (unaccompanied minors up to the age of 18 years and children with their families) who were expelled and/or detained in these years?
24. Covenants Watch reports (§§ 526 and 527) that stateless children are often excluded from access to primary and other forms of education and national health insurance benefits, in violation of Article 24 ICCPR. Can you please explain whether this allegation is correct and which efforts the Government is taking to provide stateless children with equal rights aimed at satisfying their basic needs?

Article 14

25. In the *Parallel Report 2020* by the Association of World Citizen and other associations (pages 27-29), it is alleged that the requirement of impartiality under Article 14 is not complied with in the procedural laws of Taiwan, as a judge who was involved in the investigation or interrogation of the trial in a lower court is only excluded from hearing the case on appeal, if he or she was the ruling judge in the lower instance. The Government is requested to give information on how the recusal system works under Taiwanese law, when a judge has taken part in a case at various court levels. Is the system compatible with Article 14 ICCPR?
26. In the *Concluding Observations* of 2017, §§ 38-39, the CRPD International Review Committee has found that many laws in Taiwan deprive persons with disabilities of the right to justice. In addition, the Committee has found that a failure to distinguish between legal capacity and mental capacity deprives persons with disabilities of the

right to access to justice. In both relations, they have found a violation of Article 12 of CRPD. The Government is requested to give information on what has been done with respect to the findings of the CRPD Committee and comment on whether they likewise constitute a violation of the right to an equal access to court and a fair trial under Article 14 ICCPR.

27. According to the Parallel Report of Covenants Watch, §§ 480-486, Article 159 of the *Code of Criminal Procedure* allows statements made by someone other than the defendant and documents made by a public official or a person in the course of performing professional duty to be used directly as evidence without confrontation and examination. The same practice is allowed with reports of an expert witness under Articles 206 and 208 of the *Code of Criminal Procedure*. It is alleged by the Covenants Watch that such a practice is in breach of the right to be presumed innocent and the right of confrontation, examination, and sufficient opportunity to make a statement under Article 14(2)-(3) 3 ICCPR. Similar violations are alleged under the *Witness Protection Act* and the *Sexual Assault Crime Prevention Act*. The Government is requested to give detailed information on how Taiwanese law is applied in the mentioned situations. Does the system comply with the requirements under Article 14?
28. Following recommendations by the Review Committee to remedy a violation of Article 14(5) ICCPR, Article 376 of the *Code of Criminal Procedure* was amended on 16 November 2017, with effect from 18 November 2017, in order to allow persons who have been acquitted in the first instance but convicted by the second instance to appeal to the third instance. However, according to the Parallel Report of Covenants Watch, § 422, the right has not been made available “to cases before November 17th, 2017” which still follow the previous provisions. The Government is requested to explain why the right to appeal has not been granted in all pending cases and how such a limitation can be considered compatible with Article 14(5).
29. In the Parallel Report of Covenants Watch, §§ 471-472, it is alleged that the possibility to deny or reduce compensation under Article 14(6) ICCPR is used in a way not compatible with the principle of legal certainty and sometimes even used as a ground for reducing compensation based on a re-examination of the defendant’s guilt in violation of “constitutional principles such as the double jeopardy clause and the principle of presumption of innocence”. It is also criticized that no compensation is granted if the defendant has not been subject to restrictions on personal freedom or any legal sanctions. The Government is requested to comment on and provide relevant information concerning these allegations. Have the requirements of Article 14 ICCPR been complied with?
30. According to the Parallel Report of Covenants Watch, §§492-495, the Asian Human Rights Court Simulation (AHRCS) ruled in July 2019 that there had been a violation of Articles 7 and 14 ICCPR in the case of Chiu Ho Shun who had been sentenced to capital punishment. The Government is requested to provide details about the findings in the ruling of the AHRCS. Have any measures been taken to comply with the ruling?

If so, please provide information on what has been done. If not, please explain why. For how long time has Chou been imprisoned?

Article 16

31. Please explain how the problem of birth registration of children born in Taiwan is being addressed in light of the circumstances of birth mothers who have an irregular immigration status. What measures can be taken to ensure that all children born in Taiwan are registered? Civil society organisations have proposed that addressing this issue requires a more relaxed policy with respect to migrant women who give birth in Taiwan. Is this proposal or similar measures being considered?

Article 17

32. With reference to the Review Committee's 2013 and 2017 *Concluding Observations*, the Committee reiterated its recommendations "to decriminalize adultery and expresses its concern about its disproportionately negative impact on women" (2017 *Concluding Observations*, § 70). Please provide information on developments since the last review to ensure compliance with human rights in this regard.
33. With reference to the *Third Report* (§§ 183-194), please provide information on (1) facial recognition technology being used in Taiwan, and (2) the new E-Identification (EID) system, with implications for surveillance and limitations imposed on the right to privacy. Please indicate whether those innovations are in accordance with the law and are strictly required by and proportionate to the exigencies of the situation, as well as in compliance with the principle of non-discrimination.
34. Please specify further whether there are any measures to prevent personal data from being misused by the public and private sectors; an effective system for conducting risk assessment concerning those innovations and monitoring of their operationalization; and a mechanism to receive complaints and ensure corrective action in conformity with human rights. Please provide information on incidents of abuse about the scope, use, access and storage of such data, and related remedial measures.
35. What are the means to ensure that laws and policies ordering persons to submit to physical examination, such as in relation to drug-related offences, comply with their right to privacy?
36. With reference to the Review Committee's 2017 *Concluding Observations*, the Committee recommended the provision of explicit legal recognition of people's freely chosen gender identity, without unnecessary restrictions (§ 72). Bearing in mind the work of the UN Independent Expert on Protection against Violence and Discrimination based on Sexual Orientation and Gender Identity, and the international position that the gender identity of transgender persons should be recognized without coerced surgery and psychological assessment, please indicate developments concerning the preparation of a law to recognize gender identity in this respect.

37. Regarding intersex persons, please indicate whether there are developments to prevent surgery concerning their sex characteristics from being imposed on them from a young age and to ensure their autonomy of choice in relation to those characteristics, bearing in mind the evolving capacities of the child.
38. Concerning gender markers, please provide information on developments to promote non-discrimination and measures to foster empathy for gender diversity.
39. What are the measures to ensure that the *Consumer Debt Clearing Act*, which can publish debtors' information online, protects the identity of debtors' children from being exposed in breach of their rights?

Article 18

40. With reference to the *Third Report* (§§ 195-201), please provide details of the draft *Religious Group Act* and whether there has been effective consultation with the various religious groups on the substance of the law, bearing in mind administrative, tax and other measures which may have impact on freedom of religious belief.

Article 19

41. Please provide information about limitations or restrictions on freedom of expression related to the COVID-19 pandemic, including any prosecutions of journalists and media.
42. Section 309 of the *Criminal Code* makes 'public insult' an offence. This appears to be incompatible with Article 19 ICCPR. Please indicate whether there are plans to repeal section 309 or, at least, to direct law enforcement authorities to ignore it.

Article 20

43. Why is there no *Criminal Code* provision addressing advocacy of national, racial or religious hatred? If other legal provisions address the requirements of Article 20 ICCPR, please provide examples of their implementation.

Article 21

44. For what reasons has the *Assembly and Parade Act*, which the Government in the 2013 review proceedings already acknowledged was in violation of Article 21 ICCPR, not yet been amended despite the draft which was submitted to the Legislative Yuan in 2016? Does the draft comply with the requirements which must be respected in accordance with the interpretation of Article 21 in General Comment No. 37 (2020)?
45. According to *Interpretation No. 718* by the Constitutional Court, the right to hold urgent and spontaneous rallies is granted by the Constitution. In the Parallel Report of Covenants Watch (§435), it is alleged that systemic problems have persisted in the last

four years and that “protests are typically hotspots for confrontations and plentiful limitations remain on people’s rights to assemble and march”. The Government is requested to comment on how the Interpretation has been applied by the authorities in the last four years and whether the application is in conformity with the constitution and ICCPR.

46. In the Parallel Report of Covenants Watch (§§ 437-438), it is alleged that enforcement against assemblies by the police is often chaotic due to a lack of legal standards and as a result police officers largely rely on administrative rules and standard operating procedures. This structural problem leads police officers in charge to act out of control and with limited accountability and possibility for citizens to get compensation for illegal behaviour. In the same context Amnesty International in its report point 7.2. underlines that at present there is no regulation to ensure that the use of less lethal weapons, even if they can cause severe damage, complies with international human rights standards, in particular the principle of proportionality, cf. in this respect the General Comment No. 37 (§§ 85-87). The Government is requested to comment on these allegations and indicate whether it should be considered to introduce legislation in order to avoid uncertainty about enforcement procedures.
47. Covenants Watch furthermore criticizes that penalties are still applied to protesters despite recommendations by the Committee of Experts to abandon this practice, cf. also General Comment No. 37 (§ 67). Would the Government consider bringing this practice to an end, irrespective of whether a draft bill has been adopted?
48. Please provide information and comment on the allegations in the Parallel Report of Covenants Watch (§ 437) concerning the so-called Labour-law incident. Did the authorities act in accordance with their obligations under Article 21 ICCPR?
49. The Government is requested to provide information and comment on the incident concerning the Sunflower movement which led to prosecution and was decided by a High Court judgment in April 2020. Is the judgment final? Have the authorities as alleged by Amnesty International in its report point 7.3 failed to comply with their obligations under Article 21 ICCPR?
50. The Government is requested to provide information and comment on the incidents mentioned in the *Independent Opinion* §§ 126-127 of the NHRC, cf. also § 130 of the *Opinion*. Were the rights granted by Article 21 ICCPR respected?

Article 23

51. It is commendable that Taiwan has legalised same sex marriage through *Judicial Yuan Interpretation No. 748*. Investigating the de facto situation, has there been monitoring of the implementation of the law to ascertain whether there are circumstances that would impede certain individuals or couples from benefitting from this law? If so, please explain such circumstances and whether there are plans to circumvent them.

52. Numerous initiatives have been reported which are addressing violence against women in Taiwan, especially domestic violence. Please indicate whether the impact of the various initiatives has been assessed, and on the basis of this assessment, whether a comprehensive plan has been developed to address domestic violence by adopting an interdisciplinary and multi-sectoral approach.

Article 25

53. In the *Common Core Document*, Table 18 (page 24) shows the number of elected local administrators, chiefs of villages, and local representatives. Please provide a breakdown of elected representatives based on gender, ethnicity, disability or other minority status.

54. The number and gender distribution of elected legislators in 2012 and 2016 are presented in Table 20 (page 25). Please provide a breakdown of elected legislators based on ethnicity, disability or other minority status.

Article 27

55. With reference to the *Third Report* (§§ 275-280), please provide information on access by persons belonging to minorities and by indigenous peoples to healthcare and other social, cultural, political and economic supports interfacing with the COVID-19 pandemic.

56. In particular, on the basis of non-discrimination, please indicate how migrant workers, including seafarers, from other countries have such access, and provide information on the measures adopted to assist them, the challenges faced and related adjustments and solutions.

57. Please give details of how the languages of persons belonging to minorities and indigenous peoples, and other aspects of their culture, are respected in a spirit of inclusion and are guided by the concept of “Leave No One Behind” as advocated by the UN Sustainable Development Goals.

International Covenant on Economic, Social and Cultural Rights (ICESCR)

Article 2(1)

1. Please explain in more detail and clarity how the Government makes sure that – across and among all stakeholders – there is a common understanding of the internationally recognized human rights principles and standards contained in the Universal Declaration of Human Rights (UDHR).

2. Please provide an update on the *National Human Rights Action Plan of Taiwan* that was scheduled for release in December 2020 by the Executive Yuan. In addition, please provide a detailed outline of its contents.
3. Please provide information on the legislative, administrative, and other measures that have been taken to ensure that national and transnational business entities in Taiwan fully respect the economic, social and cultural rights of all persons and groups, and that they apply the principle of due diligence throughout their operations.
4. What measures for climate change adaptation and preparedness has the Government put in place to mitigate the adverse effects of climate change and environmental degradation on the population of Taiwan? How do these measures ensure the enjoyment of economic, social and cultural rights by vulnerable groups living in rural areas, such as indigenous peoples, as well as other groups engaged in agriculture and fishing?

Article 3

5. While taking into account the Government's efforts to enhance gender equality over the past years as described in §§ 13 to 18 of the *Third Report*, it is noted at the same time that there has been an increase in the unemployment rates of women as reflected in Table 12 of the *Common Core Document*. In this regard, please clarify how these efforts of the Government have brought about concrete and positive results.
6. Please provide comparative statistics covering the past five years that illustrate women's economic participation rates, the gender pay gap where it exists, and the proportion of women's representation in the executive, legislative and judicial government branches at the national and local levels.
7. Considering the significant gap in the employment rates of women as compared to those of men in the general population as well as among indigenous peoples and persons with disabilities, please discuss the measures that are in place if any, to close this gap.

Article 6

8. In addition to §§ 72 to 75 of the *Third Report*, please provide more relevant and concrete information that directly responds to the repeated calls by the International Review Committee for the Government to pass the *Domestic Workers Protection Act* without further delay. Please indicate the timeframe within which the work of the Domestic Workers Task Force referred to in § 76 of the *Third Report* will be completed.
9. Please provide detailed information on the measures undertaken by Government to protect the human rights of migrant domestic workers during the period of waiting for the adoption of the *Domestic Workers Protection Act*.
10. In §§ 38 and 39, the *Third Report* mentions two categories of "non-conventional workers"—street vendors and unregistered factories—who are left out of government regulations. Please clarify whether these "non-conventional workers" are treated the

same as informal sector workers. Please provide the total number of “non-conventional workers” who are thus not protected by the *Labor Standards Act*, and indicate the measures envisaged by the Government, if any, to reduce their numbers.

11. Indicate the specific penalties imposed by the Ministry of Labour on employers who are found to be violating the “labour rights” of working students as mentioned in § 89 of the *Response*.

Article 7

12. In view of the significantly higher rates of work-related accidents among foreign workers than among those who are Taiwan nationals as quoted from a 2020 Control Yuan report, what steps are being taken to effectively reduce these accident rates? (2020 Covenants Watch Parallel Report, page 237)
13. In addition to the information provided in the *Third Report*, the *Common Core Document* and the *Response*, please describe what concrete measures are being undertaken by the Government to overcome the obstacles to effectively and finally put an end to the frequent and multiple human rights abuses happening on board Taiwanese vessels at sea, including in the following specific cases:
 - (a) In 2014, the Taiwanese vessel named “Giant Ocean” was implicated in the trafficking of more than 1000 Cambodian fishermen who were also found to be victims of deception, starvation, torture, and death threats. Six Taiwanese were convicted of human trafficking by the Government of Cambodia but only one was sent to prison while the others remain at large as the Government of Taiwan still has to convict them. It is reported that two of those convicted remain on the list of trusted intermediaries in Taiwan’s Fisheries Agency and continue to actively engage in the employment of foreign crew members.
 - (b) In September 2020, the US Department of Labor included Taiwan’s distant water fishing catches in its *list of goods produced by child labor or forced labor*. The same source also described the situation of the foreign crew members who “face hunger and dehydration, live in degrading and unhygienic conditions, are subjected to physical violence and verbal abuse, are prevented from leaving the vessel or ending their contracts, and are frequently not paid their promised wages or have food and lodging fees illegally deducted from their wages.” (2020, US Department of Labor. *List of Goods Produced by Child Labor or Forced Labor* p. 76).

Article 10

14. What is the extent of illegal underage employment in Taiwan? What measures does the Government envisage to effectively stop this practice?

15. Please provide updated statistics disaggregated by sex of the actual numbers of the youth 16 to 18 years of age working full-time or part-time, as distinguished from those who are out-of-school youth working full-time or part-time.
16. Please provide additional information beyond those mentioned in §§ 144 to 147 of the *Third Report* to clarify the current situation of new immigrants and their families, who are reportedly experiencing significant difficulties in their integration into Taiwanese society. Include a discussion on the work being done by the Committee for Coordination of New Immigrant Affairs mentioned in § 127 of the *Common Core Document*; the progress this Committee has achieved, the difficulties it has encountered, and how it intends to address them.

Article 11

17. Please indicate the most recent poverty rates and the levels of hunger among the various populations in Taiwan.
18. Please provide more information on the general situation of how the right to an adequate standard of living including the rights to adequate food, to adequate housing and to clean water are being fulfilled in practice.
19. Please provide an estimate on the scale of the informal settlements in Taiwan and the measures the Government is undertaking to improve their security of tenure.
20. Please indicate whether the *Urban Renewal Act*, the *Land Expropriation Act*, and the *Urban Land Consolidation Act* are consistent with international standards including the General Comments No. 4 and No. 7 of the ICESCR, and the UN Basic Principles and Guidelines on Development-based Displacement and Evictions. Please clarify why the Government has not adopted the *Forced Relocation Settlement and Reconstruction Act* as stated in § 231 of the 2021 NHRI *Independent Opinion*.
21. Please discuss the number of people who have been forcibly evicted from their homes due to development plans and indicate the criteria for assessing compensation for those who are evicted.
22. Please describe the steps that the Government has taken to establish free, prior, and informed consent for indigenous peoples regarding development plans and programmes that affect them as indicated in § 28 of the *Response*.
23. Please provide further information on what policies the Government has implemented to ensure the housing rights for the indigenous peoples who live in the urban area, in indigenous settlements within non-indigenous regions, and in the post-disaster reconstructions notably in the case of the Morakot disaster.
24. Please provide more detailed information on the prioritisation of water resources for domestic and public use under the *Water Act*. § 187 of the *Third Report* states that 470,000 households did not have access to tap water in 2019. What progress has been achieved since then?

25. Please provide additional information on enhancing and processing procedures to reduce soil and groundwater pollution risks to protect the right to clean water of affected persons. Please indicate whether there have been any positive changes so far.

Article 12

26. Please provide more detailed information on the Lo-Sheng Sanitarium Overall Development Project. Indicate how this project protects and fulfils the right to health of the residents and whether the project is consistent with the UN Basic Principles and Guidelines on Development-based Displacement and Evictions.
27. Please provide more detailed information on the *Action Plan to Eradicate Health Disparity in Indigenous Communities* mentioned in the § 207 of the *Third Report*. Indicate whether there are improvements in the health situation of these communities in relation to high-risk maternal health management as well as tobacco, betel nut, and alcohol control.
28. Please provide updated information including relevant statistics on the health situation in detention facilities where a serious problem of overcrowding has reportedly developed between 2017 and 2021. In addition, please clarify whether appropriate medical treatment is available and accessible in these detention centres, especially in cases where specialist treatment for serious diseases is necessary.
29. Please provide updated information on the situation concerning the relocation of the nuclear waste storage site on Orchid Island after 2019.
30. What steps have been taken after 2018 regarding the prevention of HIV/AIDS and enhancing knowledge of adolescents about sexually transmitted diseases? In § 138 of the *Response*, “creative promotional campaigns” are mentioned. Please describe what types of campaigns have been carried out and what results have been achieved.
31. Please provide information on the situation of teenage pregnancy and its causes; whether abortion is available and on what conditions; whether a pregnant girl can continue her education after she gives birth; and what other assistance is provided by the Government.
32. Persons with mental disabilities within in-patient or hospital settings have reportedly been cut off completely from the outside world. What support measures have been taken to improve the situation of persons with physical and mental disabilities while COVID-19 prevention measures are in effect?

Article 13

33. Please provide comparative data, covering the past five years, on the completion rates of working students in their chosen field of study.

34. In what ways is the curriculum of the College of Indigenous Peoples different from the curriculum of a regular college? What are the enrolment rates and completion rates of the indigenous students in this educational institution?
35. Please discuss in more detail the process of teacher-training for human rights education teachers and trainers in schools, and for the numerous other sectors that are briefly mentioned in § 142 of the *Common Core Document*. Include in the discussion specific information on the qualifications of professionals who teach human rights to those who are aspiring to be human rights teacher-trainers.
36. Please provide information on how human rights education is incorporated into the 12-year national basic education programme in addition to the information in § 141(1) of the *Common Core Document* that describes only what the teachers are taught but not what the students are taught.
37. What plans are there for extending support for children with all types of disabilities – not just those with physical disabilities – to enable them to participate fully in their local schools and to ensure their access to the higher education level?
38. How does the Government respond to attacks on “gender equity education”? What is being done to raise awareness among the wider community about the equal rights of LGBTI people?

Article 15

39. Please describe the best practices of the Government beyond the policies enumerated in the *Third Report* regarding information dissemination and awareness-raising specifically among those with visual impairment and/or for those with hearing impairment, new immigrants and other individuals and groups among the public at large, who may not understand the Mandarin language or the Taiwanese language or the Taiwan sign language.
40. Please name the 16 officially recognized indigenous peoples of Taiwan, their respective population numbers disaggregated by sex and age, and their population distribution throughout the territory.
41. Please discuss the issue of the indigenous cultures and languages that are reported to be in immediate danger of extinction. In addition to the enumeration of laws in § 5 of the *Common Core Document* and §§ 240 and 241 of the *Third Report*, please describe in detail the practical programmes that are in place to promote, preserve and protect the respective individual cultures and languages of each of the 16 indigenous peoples.
42. Please describe the participation of indigenous peoples themselves in the Government’s programmes that aim to promote and preserve their respective cultures and languages in their homes and communities.