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Implementation of the International Covenant on Civil and Political Rights

Fourth Report on the ICCPR and ICESCR

 Republic of China (Taiwan)



ICCPR &
ICESCR

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Article 1 Peoples' Right to Self-Determination

Self-Determination and Referendums

1. Taiwan is an independent democratic republic and its sovereignty belongs to its citizens. There are 11 types of public officials including president and vice president, legislators, municipal mayors, municipal councilors, chiefs of indigenous districts in special municipalities, councilors of indigenous districts in special municipalities, county magistrates/city mayors, county/city councilors, township chiefs, township councilors, and chiefs of villages/boroughs, and they are all elected directly by the people. Furthermore, the Referendum Act has been enacted, allowing citizens to autonomously decide on public affairs through direct popular vote, thus fulfilling the objective of people's self-determination. In 2021, the joint signature collection for four referendum proposals was completed, but all failed in the voting. The effects and handling of a referendum proposal are clearly defined in Article 30 of the Referendum Act. After a national referendum proposal is passed, the Central Election Commission shall announce the voting results within 7 days after the voting is completed, and shall forward the voting results to the Executive Yuan and the Legislative Yuan for the competent authorities to take the necessary measures.

Indigenous Peoples' Right to Self-Determination

2. Taiwan established the Council of Indigenous Peoples to take charge of indigenous peoples' affairs. Taiwan also enacted relevant regulations such as the Education Act for Indigenous Peoples, the Indigenous Peoples Basic Law, Protection Act for the Traditional Intellectual Creations of Indigenous Peoples, Regulations Governing the Collective Management of Resources in Areas of Indigenous Peoples, and Regulations on Counseling for Indigenous People's Consent to provide protection and support for the position, political participation, education, culture, transportation, water resources, health, medical services, economy, land, and social welfare enterprises of indigenous peoples and facilitate their development. To establish the basis for the self-governance of indigenous peoples, Taiwan established the Indigenous Historical Justice and Transitional Justice Committee, under the Office of the President, in 2016. The Committee affirmed the following in the first meeting: "Self-governance of indigenous peoples shall include a specific scope in terms of space, self-governance rights and privileges, and fixed sources of income. The organizational structure of the self-governance government must be produced with equality between the indigenous peoples and the government and sufficient negotiations, and the tribe public legal

person shall accumulate the foundation and power for self-governance of the indigenous people."

3. The Indigenous Peoples Basic Law recognizes the indigenous peoples' rights to use land and natural resources. Indigenous people may undertake non-profit seeking activities such as hunting wild animals, collecting wild plants and fungi, collecting minerals, rocks, and soils, and utilizing water resources for traditional culture, rituals, or self-consumption. However, they remain bound by restrictions in the Water Act, Mining Act, Sand and Gravel Excavation Act, and Firearms, Ammunition, and Knives Control Act. To show respect for the culture of indigenous peoples, regulations in the Firearms, Ammunition, and Knives Control Act have been relaxed and interpretations of related regulations in the Act on Wildlife Conservation, Fisheries Act, and The Forestry Act have been issued. The government also established the Regulations of Harvesting Forest Products Customary of Indigenous Peoples and set up the Indigenous Peoples Land Survey and Processing Committee to improve the legal environment and mechanisms for the indigenous peoples' use of natural resources.
4. The Mining Act was amended and promulgated for implementation on June 21, 2023. The Ministry of Economic Affairs also announced on May 3, 2024 the Guidelines on the Consultation Procedures of Articles 48 and 50 of the Mining Act to assist tribes in conducting tribal council meetings. Additionally, for mining land approved before the implementation of Article 50 of the Mining Act, if the mineral right holder has not yet completed the consultation and consent process in accordance with Article 21 of The Indigenous Peoples Basic Law, they must do so within one year from the amendment's effective date. The Council of Indigenous Peoples will supervise county and city governments and township/district offices to assist the tribes in completing this consultation and consent process. Regarding the public announcement of indigenous lands, 87 cases have completed the delineation of indigenous traditional territories. In accordance with the delineation regulations, each tribe formed the Delineation Task Force, conducted on-site surveys, prepared mapping data, and coordinated with neighboring tribes. After the delineation results passed tribal council meetings, they were reported to the township/district offices and county and city governments for review, then submitted to the Council of Indigenous Peoples. Four specific cases (Jianshi Township, Hsinchu County; Fuxing District administrative area, Taoyuan City; Beili Tribe's traditional territory, Taimali Township, Taitung County; and Damayan Tribe's traditional territory, Wanrong Township, Hualien

County) met the conditions of relatively simple ethnic composition and no overlapping disputes. Consultations for these four cases to gather opinions from all management agencies within their delineated areas have been completed, with all agencies having no objections. The announcement process for these cases will proceed in accordance with the law.

5. When a government agency or a private enterprise engages in land development on indigenous land, it is required to consult with local indigenous communities and obtain their approval or participation before proceeding in accordance with the intentions of the indigenous people. The government must not disregard the will of an indigenous community and may not store hazardous substances on indigenous land without consent. If a candidate site for the final disposal site for low-level radioactive waste selected by the government is located on indigenous land, the proposal can only proceed if it receives more than 50% approval in a referendum held among the indigenous residents of that land. This ensures the protection of the rights and interests of indigenous people. From the promulgation of the Regulations on Counseling for Indigenous People's Consent to April 2024, a total of 202 cases requiring consent were reported by local township and district offices. Among these, 54 cases resulted in adjourned meetings nor non-consent, while 148 cases received approval.
6. The Regulations on Delimiting Indigenous Land or Tribal Range Land were established in 2017. The regulations specify that land in the traditional realms of indigenous peoples refers to public land assigned in accordance with regulatory procedures to indigenous people to facilitate traditional rituals concerning ancestral worship and others, their surrounding hunting areas or cultivated land, or other public land for which the boundaries may be determined in accordance with the characteristics of the culture and traditional habits of indigenous peoples.
7. To implement the government's goal for achieving transitional justice for indigenous land, regulations regarding the five-year waiting period for indigenous peoples to obtain ownership of state-owned indigenous reserves free of charge in the Slope Land Conservation And Utilization Act were deleted in 2019. By 2024, indigenous peoples had acquired approximately 53,398 indigenous reserves, covering an area of 21,199 hectares.
8. The Additional Articles of the Constitution stipulate that the state shall safeguard indigenous peoples' social status and right to political participation in accordance with the people's intent. The government added provisions to the Indigenous Peoples Basic Law, which gave

indigenous tribes the status of public legal persons following a decision by central competent authorities, laying the foundation for self-governance. Indigenous tribes, however, have expressed varied opinions on establishing a public legal person system for themselves. Consequently, the process of soliciting feedback from indigenous peoples will be restarted to help move forward with this system's establishment.

9. Refer to Notes 48 and 58 of the Response to the Concluding Observations and Recommendations on the third national reports on the two covenants for details on the consultation and consent process involving indigenous peoples.

Article 2 State Party Obligations

10. For the human rights impact assessment of bills and medium- and long-term case plans, please refer to Note 115 of the common core document of the fourth national reports on the two covenants.
11. See Note 91 in the common core document of the fourth national reports on the two covenants for review procedures for whether a bill of the legislative departments violates related human rights regulations.
12. To fully implement the requirements of the Constitution and the Covenant regarding the protection of personal liberty, and in accordance with Judicial Yuan Interpretations Nos. 708 and 710—which affirm the right of detained individuals to immediately petition the court for a swift review and decision on temporary detention, thereby ensuring opportunities for relief, amendments were made to the Administrative Litigation Act. These amendments, in conjunction with changes to the Immigration Act, the Act Governing Relations between the People of the Taiwan Area and the Mainland Area, and the Act Governing Relations with Hong Kong and Macau, clearly define the types of detention review applications, their jurisdictional courts, and trial procedures. This enables the Administrative Court to play a more central role in safeguarding personal liberty.
13. The Control Yuan may handle public petitions and conduct investigations or initiate investigations at its discretion. Following an investigation, if the Control Yuan discovers improper conduct by any government agency, it may propose corrective measures. If it finds civil servants involved in serious legal violations or dereliction of duty, it may impeach or censure them. Furthermore, pursuant to Article 2 of the Organic Act of the Control Yuan National Human Rights Commission, the National Human Rights Commission may, either

on its own initiative or in response to petitions from the general public, investigate incidents involving torture, human rights violations, or various forms of discrimination, and handle them and provide remedies in accordance with the law.

14. Pursuant to the Act to Implement the ICCPR and ICESCR, the government has taken a series of measures to revise laws, regulations, and administrative measures that do not conform to the ICCPR and ICESCR. The Human Rights Promotion Task Force was established under the Executive Yuan to oversee the review effort. The review found 263 cases that did not conform to the ICCPR/ICESCR, of which 243, or 92.4%, had been rectified by 2024. Meanwhile, 20, or 7.6%¹, remained unchanged, of which 16 were related to laws (involving five laws—the Code of Criminal Procedure, the Assembly and Parade Act, the Industrial Group Act, the Act for Settlement of Labor-Management Disputes, and the Labor Union Act), three were related to regulations (amendments required based on parent legislation), and one to an administrative measure. Ongoing rectifications are being monitored. For changes that have not yet been completed, the competent authority has proposed specific response measures and continued to implement amendment procedures (published on the Human Rights in Taiwan website of the Ministry of Justice, URL: <https://www.humanrights.moj.gov.tw/>) and continued to implement amendment procedures.
15. See Notes 97 (2), 105, and 107 of the common core document of the fourth national reports on the two covenants for information on remedial measures for infringements of rights protected by the Covenant.
16. Regarding the human rights training courses provided to judges, attorneys, law enforcement personnel, and public officials at all levels, please refer to Notes 119 to 128 of the common core document of the fourth national reports on the two covenants, and Notes 26 to 35 of the Response to the Concluding Observations and Recommendations on the third national reports on the two covenants.

Subparagraph 1 of Article 2, Article 3, Article 26 Equality and Non-Discrimination

Anti-Discrimination Provisions in the Constitution and Laws

17. The Constitution states that all citizens of the Republic of China, irrespective of sex, religion, race, class, or party affiliation, shall be equal before the law. The Additional

¹ Due to numerical rounding when calculating the percentages, there might be slight discrepancies between the sum of the sub-categories and the total. The same applies to all the following.

Articles of the Constitution also stipulate that it is the state's responsibility to maintain the dignity of women, and to protect them from harm and discrimination in order to achieve equality between the different genders. Taiwan also established laws that contain anti-discrimination clauses against discrimination based on race, skin color, gender, language, religion, political opinion, other claims of national origin, social class, property, or birth. The laws include the Fundamental Act of Education, the Indigenous Peoples Basic Law, the Immigration Act, the Special Education Act, the Gender Equity Education Act, the Gender Equality in Employment Act, the Sexual Harassment Prevention Act, the Labor Standards Act, the Employment Service Act, the Social Welfare Fundamental Act, the Senior Citizens Welfare Act, the People with Disabilities Rights Protection Act, the Mental Health Act, the Communicable Disease Control Act, the HIV Infection Control and Patient Rights Protection Act, and the Armed Forces Punishment Act.

18. Regarding the study and formulation of comprehensive anti-discrimination laws, please refer to Notes 20 to 24 of the Response to the Concluding Observations and Recommendations on the third national reports on the two covenants.

Gender Distribution in Public and Private Sectors

19. The Civil Service Promotion Act does not adopt different promotion measures for different genders in the promotion of civil servants to senior executives. In addition, the head of an agency may appoint personnel exempt from promotion (recruitment) review to help them choose personnel with same ideals to serve as the head, deputy head, or mid-level or senior-level executives in affiliated agencies. However, consideration of appointed personnel's gender distribution is entirely determined by the head in accordance with his or her duties.
20. As of 2024, 53,184 managerial personnel were employed by agencies under the Executive Yuan and local authorities, 21,695 (40.79%) of whom were female. Between 2020 and 2024, the percentage of female managerial personnel in the public sector increased in all categories. From 2020 to 2024, the proportion of female political heads and deputies of level 2 agencies under the Executive Yuan was 12.05%, 14.12%, 15.29%, 18.18%, and 22.09%, respectively. From December 2020 to September 2024, the percentage of female civil servants in Taiwan increased from 42.31% to 43.37%. Women account for a higher proportion than men among civil servants in administrative agencies, excluding police officers, and the proportion increased from 53.29% to 54.17%; the percentage of female

political appointees increased from 22.13% to 25.00%; the percentage of female senior civil servants increased from 37.18% to 39.75%; the percentage of female junior civil servants increased from 58.33% to 59.33%; the percentage of female basic civil servants decreased from 56.42% to 55.82%; the percentage of women among indigenous civil servants increased from 37.33% to 40.72%; and the percentage of women among civil servants with disabilities increased from 37.54% to 38.62%.

21. From 2020 to 2024, the ratio of the total number of registered companies and the number of companies led by women was 31.1%, 31.45%, 31.72%, 31.9%, and 32.12%, respectively. From 2020 to 2024, the percentage of female directors at publicly-listed companies (TWSE, TPEx, and Emerging Stock Board) was 14.28%, 14.69%, 15.80%, 16.79%, and 18.92%, respectively. In line with the promotion of the Sustainable Development Roadmap - Corporate Governance, TWSE- and TPEx-listed companies completed the establishment of audit committees to replace supervisors in 2022. From 2022 to 2024, the percentage of female audit committee members in TWSE- and TPEx-listed companies was 14.79%, 16.36%, and 19.88%, respectively.

Discrimination Complaints

22. According to statistics prepared by the competent authorities of labor administration of each county and city government, gender discrimination still accounted for the largest share of employment discrimination cases. Age and disability discrimination were the next most common forms. According to the Gender Equality in Employment Act, where an employee or job seeker discovers an employer to be in violation of related regulations, he/she may lodge a complaint with the local competent labor authority at the location of the work place and submit the case to the Gender Equality in Employment Committee for review. Once a complaint has been subjected to review, the employer will be responsible for proving that discrimination concerning such aspects as gender and sexual orientation does not exist in his or her workplace. If the Gender Equality in Employment Committee deems the employer to be guilty of gender discrimination, the case will be referred to the local labor authority for penalties. Gender discrimination complaints filed by employees in accordance with the Gender Equality in Employment Act, number of cases processed by the local labor authority, number of reviews, number of confirmed cases, and penalty amount: There were 137, 81, and 29 cases, and NT\$7.94 million in 2020; 160, 103, and 32 cases, and NT\$7.5 million in 2021; 154, 98, and 26 cases, and NT\$5.79 million in 2022; 160, 94, and 32 cases, and

NT\$6.25 million in 2023; 250, 186, and 56 cases, and NT\$11.25 million in 2024.

23. The Sexual Harassment Prevention Act stipulates that anyone who sexually harasses another person shall be fined by the competent authorities of special municipal or county/city governments. In 2024, local governments received 2,120 complaints and imposed a total of 1,270 penalties. In addition, victims of sexual harassment can seek financial or other types of compensation from the perpetrators. If a person's reputation has been damaged, the taking of proper measures for the rehabilitation of his or her reputation may also be claimed.

Measures to Eliminate Discrimination against Women in Traditional Customs

24. Ancestor worship guilds are independent properties established for the purpose of ancestral worship, with most having been founded before the establishment of the Republic of China. Since the implementation of the Act for Ancestor Worship Guild, when an inheritance occurs among the members of an ancestor worship guild, the inheritors should be listed as members who jointly undertake the ancestral worship. The rights to succeed as a member are not differentiated by gender.
25. Additionally, in response to Constitutional Court Judgment No. 1 of 2023, the Ministry of the Interior has been drafting amendments. Before the implementation of the Act for Ancestor Worship Guild, if an inheritance occurred among the members of an ancestor worship guild, all direct lineal descendants of the deceased should have been listed as members. For ancestor worship guilds that had already been issued a certificate of all members, female lineal descendants of the founder who have not yet been listed as members may submit documentation proving their status as direct lineal descendants of the founder, along with written consent to jointly undertake ancestral worship. They may then request to be listed as members of the ancestor worship guild. From the date of such request, they shall enjoy the rights and bear the obligations of a member of that ancestor worship guild, provided that the rights and obligations already realized by the original members remain unaffected. Upon the completion of this amendment, the inheritance of ancestor worship guild members should achieve full gender equality, regardless of whether it falls before or after the implementation of the Act for Ancestor Worship Guild. Female lineal descendants may no longer be excluded based on the guild's regulations. This draft amendment has been sent to the Executive Yuan for review. To understand the specifics of ancestor worship guild regulations, a 2022 survey by the Ministry of the Interior found that out of 3,244 ancestor worship guilds, 1,238 (38.2%) had no existing regulations, while 2,006 (61.8%) did. Among

those with regulations, 1,315 (65.6%) did not restrict membership to male lineal descendants, but 691 (34.4%) explicitly stipulated that only male lineal descendants could be members. Since the establishment of the Act for Ancestor Worship Guild, a total of 1,050 ancestor worship guilds had been registered by local governments by 2024, with a total number of current members totaling 215,968, including 190,360 males and 25,608 females, with women accounting for 11.86%.

26. The Curriculum Guidelines of 12-Year Basic Education have incorporated gender equality education as a key topic, aiming to promote substantive gender equality, eliminate gender discrimination, safeguard personal dignity, and establish gender-equal educational resources and environments. Meanwhile, the Ministry of Education has also compiled a new dictionary for Taiwanese Hokkien that explains and suggests new options for phrases considered discriminative against a particular gender, thereby conveying gender equality without compromising the dictionary's purpose as a language tool.

Gender Equality Rights in Marriage

27. The Civil Code no longer distinguishes between marriage and matrilocal residence for the matrimonial prefix of surname. Not prefixing the spouse's surname to one's original name is the norm and prefixing is the exception. Anyone can restore their original name in the duration of the marriage. The matrimonial domicile shall be agreed upon by both the husband and the wife. Without an agreement or upon impossibility to reach an agreement, a court ruling may be filed for. In addition, women and men have equal inheritance rights. See Notes 264 to 266, Notes 268 to 272, and Note 274 of this report for information on the age of marriage, marriage property system, children's surnames, and the exercise of parental rights.

Legislation Concerning Sexual Offenses

28. The Criminal Code contains a dedicated chapter on sexual offenses. A person who by threats, violence, intimidation, inducing hypnosis, or other means infringes on the will of a male or female, and has sexual intercourse with such person, shall be liable for forced sexual intercourse or a forced obscene act. In the event of an offense committed by 2 or more persons, the offenders shall bear liabilities for the severe sexual offense of forced sexual intercourse or a forced obscene act. Where the offense results in death or aggravated injury, or where the offender deliberately murders the victim or causes aggravated injury, the aggravated and combined offenses shall be included in the penalty. Separate regulations

have been established for having sexual intercourse with or committing an obscene act against boys and girls under 14 and those over the age of 14 but younger than 16. Having forced sexual intercourse with or committing an obscene act against a spouse is indictable only upon complaint.

29. Article 228 of Taiwan's Criminal Code stipulates that offenders, who hold the specific status or relationship enumerated in that article, by virtue of their superior or dominant position over the victims (e.g., due to a subordinate, dependent, or vulnerable relationship), acquire authority or opportunities for supervision, assistance, or care over those victims. This often compromises the victims' ability to exercise their autonomy of will, leading them to be compelled to comply with the offender's demands due to the pressure arising from this special relationship. As such, whether the sexual intercourse or the obscene act committed by the offender against the victim should be considered forced sexual intercourse or a forced obscene act, or exploitation of powers or opportunities for sexual intercourse or an obscene act, shall be determined by whether the victim is able to determine the disadvantages. Where the method employed by the offender is sufficient for overpowering the victim's sexual autonomy, the offender shall be punished in accordance with Article 221 or Article 224 of the Criminal Code. Where the offender uses the aforementioned special relationship of power and the victim is forced to give in after considering the disadvantages such as losing certain interest or suffering certain damage, the offense shall be determined in accordance with Article 228 of the Criminal Code. As such, in cases where the victim is an individual less than 16 years of age, even if the victim and the perpetrator have a relationship such as relatives, guardianship, raising, education, training, assistance, medical, official, business, or other similar relationship, if the victim's consent is based on giving in to a relationship of power, according to the theory of absorption, the offenses specified in Article 227 of the Criminal Code shall be determined separately based on the conditions of the offense. From 2020 to 2024, the number of individuals prosecuted under Article 227 of the Criminal Code was 557, 526, 482, 468, and 519, respectively. Of these, 2,548 individuals were found guilty. The number of people prosecuted in accordance with Article 228 of the Criminal Code was 41, 24, 24, 37, and 32, respectively. Of these, 141 individuals were found guilty.
30. The Sexual Assault Crime Prevention Act was amended and promulgated on February 15, 2023. In response to the addition of sexual privacy offenses to the Criminal Code, the relevant provisions of the Sexual Assault Crime Prevention Act concerning victim protection

and assistance measures have been extended to victims of sexual privacy offenses. Additionally, the Act's treatment and monitoring measures for sexual assault offenders, such as psychological treatment or counseling and education, registration and reporting, and compulsory treatment, have been amended to enhance the implementation and enforcement of community treatment and monitoring. New mechanisms, including the definition of victims and media responsibility, have also been added. The full text comprises six chapters, including penalties.

Gender Equality Promotion in the Media

31. In order to promote radio and television programs and advertising content that respects gender and sexual orientation differences, eliminates discrimination, prejudice, and stereotypes, and thereby presents gender-diverse roles and creates a gender-friendly space, the National Communications Commission has established guidelines for broadcasting enterprises to eliminate discrimination, stereotypes, and prejudice, as well as support diverse, gender-friendly content in radio and television programs and advertising. From 2020 to 2024, the National Communications Commission imposed 21 penalties on radio and television media concerning gender issues, with fines totaling NT\$5.76 million. Furthermore, the Satellite Television Broadcasting Association R.O.C. (STBA) implemented self-regulatory news guidelines, prohibiting discrimination in any form—across text, audio, images, or video—based on identity status, ethnicity, nationality, class, place of birth, religion, gender, sexual orientation, marital status, disability or any vulnerable group.
32. Additionally, the STBA has established a Self-Regulatory Committee, consisting of individuals responsible for news operations at each satellite TV news channel. The Committee's primary tasks include gathering feedback from all sectors on satellite TV news channel content, proactively reviewing existing satellite TV news programs, and recommending improvements. The STBA also established a News Advisory Committee, composed equally of scholars, experts, private citizens, and consumer group representatives. This Committee holds meetings regularly to review and offer opinions on satellite TV news channel content that may violate relevant laws or the STBA's self-regulatory guidelines. The complete meeting minutes are published on the STBA's official website and submitted to the National Communications Commission when necessary.

De Jure or De Facto Status of Non-R.O.C. Citizens

33. See Notes 75, 165 to 170, 199 to 203, 215 to 217, 280 to 287, and 306 of this report and

Note 197 of the fourth national report on the ICESCR.

34. Care and service measures have been established for new immigrants to respond to issues faced by foreign spouses and international marriages, help foreign spouses adapt to life in Taiwan as quickly as possible, and support the stability of families formed through international marriages. Specific measures have been established for eight main key tasks including life adaptation counseling, medical and childbirth healthcare, protection of employment rights, promotion of education and culture, assistance for raising children, protection of personal safety, improvement of the legal system, and education of public policies. The measures are carried out by central government agencies and local governments. The New Immigrant Development Fund was established to integrate marriage immigration care and assistance services and government and private resources. Approximately NT\$300 to 370 million are allocated each year for the Fund to promote marriage counseling and care for immigrants and related services. For relevant implementation information, please refer to Note 196 of the fourth national report on the ICESCR.

Article 4 Rights Limitations

35. Since the incorporation of the two covenants into domestic legislation in 2009, Taiwan has never announced or rescinded its obligations for protecting the rights specified in the Covenant in accordance with the regulations of this Article.

Article 5 Exceeding the Permissible Scope of Rights Limitations

36. Since the incorporation of the two covenants into domestic legislation in 2009, Taiwan has never interpreted the clauses of the Covenant as the state's right to damage any right or freedom confirmed in the Covenant or limit or eliminate any of its obligations to protect basic human rights based on the pretext that the Covenant does not recognize such rights or that it recognizes them to a lesser extent.

Article 6 Right to Life

Protection of the Right to Life

37. People's right of existence should be respected and protected. The country prohibits abortion except for circumstances described in the Genetic Health Act; in addition, brain deaths can only be pronounced in strict compliance with the Human Organ Transplant Act. Prosecutors

are required to immediately conduct autopsies on people found or suspected to have died from non-natural causes. Where criminal activity is suspected, prosecutors must further inspect and investigate. If a case involves intentional deprivation of life, the prosecutor shall work with law enforcement agencies to examine the victim's remains and conduct investigations in accordance with the Criminal Code and the Code of Criminal Procedure.

38. Compensation is available under the Civil Code, the Crime Victim Rights Protection Act, the and State Compensation Law in the event of deprivation of the right to life. According to the Criminal Compensation Act, compensation for wrongful executions are calculated at NT\$3,000 to NT\$5,000 per day detained, plus a daily compensation for the death penalty. The minimum compensation for the death penalty had been raised, whereas the original NT\$30 million limit was also removed during the latest amendment.

Avoiding Improper Use of Force by the Military and Police

39. The Act Governing the Use of Police Weapons has been implemented to govern the use of force and firearms by the police. For instance, the Act requires police weapons to be used only if absolutely necessary and to the extent that is considered reasonable. When police officers use their weapons, they should avoid inflicting fatal wounds. Police officers are required to make thorough reports to their supervisor every time a police weapon is used. Supervisory officers at all levels oversee police training on the use of police weapons and the maintenance and management of weapons and ammunition. They also utilize training sessions or patrol inspections to publicize the provisions of the Act Governing the Use of Police Weapons and to conduct case-based education, thereby enhancing officers' knowledge and ability regarding the correct use of police weapons. If a police officer makes excessive use of a police weapon and harms a person's life, health, or property, and if the state is liable to provide compensation, the police officer will be subject to disciplinary action and be held responsible for criminal and civil liabilities in accordance with the Constitution and State Compensation Law; in addition, victims will also be entitled to state compensation for damages suffered. From 2020 to 2024, there was one case in which a police agency was prosecuted for causing a death through the use of police weapons; the case is currently being pursued in courts at various levels. During the same period, there were no cases of prosecution for injuries caused by police weapons, no cases reported or filed by the public involving the use of police weapons, and three cases involving claims for state compensation due to the alleged illegal use of police weapons.

Death Penalty

40. The Judicial Yuan has established a Sentencing Information System for homicide and other related offenses, which provides an overview of sentencing distribution. Furthermore, it convenes focus group meetings comprising judges, prosecutors, defense attorneys, scholars, and relevant civil society organizations to formulate a reference table for sentencing considerations in homicide and related criminal cases. As of 2023, there were 37 people whose death sentences had not yet been executed, including 36 men and one woman. In addition, 20 of the death row inmates were sentenced for homicide, one was sentenced for murder of a direct relative, 11 were sentenced for robbery homicide, and five were sentenced for kidnapping and ransom. The number of death row inmates executed between 2020 and 2024 was one, zero, zero, zero, and zero respectively, totaling one.
41. Since 2012, the Supreme Court has required oral arguments to be thoroughly completed in cases involving the death penalty. Meanwhile, the government has executed death sentences using the most stringent standards possible. It revised and promulgated the Guidelines for Reviewing Execution of Death Penalty Cases on September 1, 2016. It referenced international initiatives such as the opinions of the Innocence Project of the American Civil Liberties Union on the retention and abolishment of the death penalty and measures for death row remedies taken by the U.S. Department of Justice to require the Supreme Prosecutors Office to carefully review final verdicts for death sentences for the following items before submitting the request for execution to the Ministry of Justice: (1) Eyewitness misidentification; (2) Unreliable and incomplete assessment; (3) Lack of consistent standards in forensic science; (4) Inappropriate behavior of the prosecutor or police in investigations; (5) Inadequate or incompetent defense; (6) Unreliable secret witnesses. The finalized death sentences of Hung-Chi Li, Lin-Kai Huang, and Jen-Hsien Weng were reviewed in accordance with the amended guidelines for additional confirmation. In addition, the Operating Guidelines for the Review of Controversial Death Sentences by the Supreme Prosecutors Office were promulgated on December 12, 2016, to obtain diverse professional opinions from society on controversial death sentences and to dispel people's doubts on controversial cases. The Guidelines allow reputable legal associations or organizations from the private sector to request the Supreme Prosecutors Office to review controversial death sentences. In July 2018, the Supreme Prosecutors Office reviewed the finalized death sentence of Chih-Hung Hsieh and the prosecutor petitioned for a retrial on

behalf of the sentence recipient. The court ruled to reopen the case for retrial and terminated the execution of penalties on March 14, 2019. Chih-Hung Hsieh was released and the case is now on trial. Therefore, before reporting to the Ministry of Justice, the Supreme Prosecutors Office shall rigorously review finalized death sentence cases in accordance with the Regulations for Executing the Death Penalty, the Guidelines for Reviewing the Execution of Death Penalty Cases, and the intent of Constitutional Court Judgment No. 8 of 2024. This review shall exclude situations where execution cannot proceed due to ongoing judicial relief procedures, lack of capacity for execution, or pregnancy, thereby safeguarding the human rights of inmates.

42. As the execution of a death penalty invariably results in the loss of a life that cannot be recovered, the Ministry of Justice exercises all due care in the execution of death penalties and implements stringent review procedures for death penalties. It only resorts to the execution of death penalties after all legal measures are exhausted. After the Ministry of Justice receives all documents and information for a finalized death sentence from the Supreme Prosecutors Office, it assigns a counselor to specifically review all related documents of the case. The counselor confirms whether the Supreme Prosecutors Office has, in accordance with regulations, inquired about the death row inmate's status regarding a retrial, an extraordinary appeal, or constitutional court proceedings (including ongoing cases), and their mental state. The Ministry of Justice then forms a Death Sentence Execution Review Task Force to discuss and review whether there are any conditions that render the death sentence unfit or unsuitable for execution. Following the Guidelines for Reviewing Execution of Death Penalty Cases, the Task Force again inquires with the Judicial Yuan, Taiwan High Court, Supreme Prosecutors Office, and correctional institutions about whether the death row inmate has petitioned for a constitutional court procedure, retrial, extraordinary appeal, or lacks the capacity for execution. The Task Force also confirms with the Office of the President that no pardon has been granted before approving the execution. The procedures for protecting the human rights of death row inmates are cautious and comprehensive.
43. In September 2024, the Constitutional Court of the Judicial Yuan rendered its Constitutional Judgment No. 8 of 2024, declaring that the death penalty is constitutional only when applied to the most serious crimes and in strict compliance with the most stringent due process of law under the Constitution. This judgment is binding upon all national agencies and the

public throughout the country. As of December 2024, a total of 37 death penalty cases were reviewed case by case by the Supreme Prosecutors Office in accordance with the verdict. Taiwan's death penalty policy needs to take into account politics, society, and public opinion. Surveys throughout the years have shown that 80% of the public supports maintaining the death penalty system. The constitutional interpretation upheld the constitutionality of the death penalty. The policy regarding the retention or abolition of capital punishment requires societal consensus. Therefore, it is inappropriate to rashly abolish the death penalty before such a consensus has been forged. The Ministry of Justice conducted research into alternatives to the death penalty in 2023 and a public opinion survey in 2024. These findings will be integrated to inform the formulation of future policy. For constitutional judgments on the controversy over the constitutionality of the death penalty, see Notes 123 to 125 of the Concluding Observations and Recommendations on the third national reports on the two covenants.

44. To prevent wrongful convictions, the Ministry of Justice established the Review Procedures of Guilty Conviction Cases for Prosecutorial Agencies on June 13, 2017. For convictions in which there were applications for retrial or extraordinary appeals were previously dismissed by the courts, the Taiwan High Prosecutors Office formed a final conviction case review panel. This panel is convened by the chief prosecutor or a deputy, who invites relevant affiliated head prosecutors or designated head prosecutors, prosecutors, forensic pathologists, forensic scientists, criminologists, attorneys, or retired judicial officers, depending on the specifics of individual cases. Organizations such as the National Bar Association, regional bar associations, and other groups dedicated to the protection of justice and human rights may request a review by the panel to determine whether there are grounds for retrial or extraordinary appeal under the Code of Criminal Procedure. For cases involving finalized death penalty verdicts, a mechanism has been established allowing relevant organizations to submit opinions where there is doubt concerning the case to the Taiwan High Prosecutors Office for review by the aforementioned panel. Between June 2017 and 2024, the panel reviewed a total of 58 cases, of which 50 have been concluded.
45. Since 2013, all death row inmates are covered by the National Health Insurance scheme, which provides them with the same medical care as the general public. The High-Level Care Inmate Treatment Plan was announced in 2019. This Plan was later revised in 2021 to become the Correctional Institution Inmate Suicide Prevention and Treatment Plan 2.0.

Under this revised Plan, inmates with finalized death sentences are identified as potential suicide risks within correctional institutions. They undergo annual, regular screenings using professional assessment tools like the BSRS-5 and PHQ-9. Additionally, behavioral observation and empathetic interviews serve to screen for and provide early warning of inmates' mental health conditions. A three-tiered prevention model is adopted, offering medical and counseling interventions of varying intensity and frequency based on individual needs. In 2020, a pilot program for individualized treatment plans for inmates with finalized death sentences awaiting execution was announced. Under this program, the enforcement agencies are required to develop individualized treatment plans based on the specific needs of these inmates. The plans then guide the provision of tailored interventions, including mental health care, life education, occupational training, medical care, and family support.

Gradual Reduction of the Use of the Death Penalty

46. In recent years, some cases where the final verdict given is a death sentence were weighed in court with reference to the Covenant. The Covenant has gained traction and compliance in practice. In 2019, the Judicial Yuan amended regulations including Article 289 of the Code of Criminal Procedure on the weighing of sentences and deliberation procedure. Before the amendment was completed, in accordance with the legal procedures for protecting the basic right of the accused to file an appeal, for cases where a death sentence can be handed down according to the law, it was clearly indicated in the verdict of the Supreme Court that the presiding judge shall inform both the prosecutor and the defender that the evidence used for sentencing will be deliberated over once again in accordance with Article 288, Paragraph 4 of the Code of Criminal Procedure, before the collegiate panel determines a suitable sentence. In addition, the Judicial Yuan also established the Reference Guidelines for Weighing and Executing Criminal Case Sentences in 2018 and forwarded the General comment No. 36 of the United Nations Human Rights Committee to all courts as reference for judges in ruling cases.
47. Between 2020 and 2024, district courts handed down 12 death sentences, high courts 13, and the Supreme Court one. Between 2020 and 2024, the High Court overturned a total of 28 death sentences from courts of first instance, with annual figures of five, nine, three, six, and five, respectively. Table 1 shows the death sentences by courts of second instance and overturned by the Supreme Court from 2020 to 2024.

Table 1 Supreme Court Criminal Appeals: Overturned Death Penalty Judgments from

Courts of Second Instance²

Unit: cases

Year \ Item	Total	Original verdict is overturned			
		Remanded for retrial		Supreme Court issued its own judgment	
		All	Partial	All	Partial
2020	5	5	0	0	0
2021	4	3	0	1	0
2022	2	2	0	0	0
2023	3	1	1	0	1
2024	0	0	0	0	0

Source: Judicial Yuan

48. The government has taken a number of initiatives at different stages to reduce the use of the death penalty, as follows:

- (1) All crimes that used to carry a mandatory death penalty are now punishable by alternative sentences.
- (2) After the amendment restricted the type of individuals punishable by death penalty in July 1, 2006, persons under the age of 18 can no longer be given the death penalty or lifetime imprisonment.
- (3) Parole criteria for people who have been sentenced to lifetime imprisonment have become more stringent, and increased maximum sentences have been allowed for multiple convictions, thereby giving judges more incentives to select lifetime imprisonment over the death penalty.
- (4) Recommendations have been made to prosecutors to avoid requesting the death penalty whenever possible.
- (5) Death penalties are now issued only for the most severe of crimes and to prevent and punish mass atrocities, thereby greatly reducing the scope of offenses punishable by death penalty. Article 347, Paragraph 1 of the Criminal Code was amended in 2014 to exclude attempted 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 rebellion (Article 101, Paragraph 1), collusion with an enemy state (Article 103, Paragraph 1), collusion resulting in loss of territory (Article 104, Paragraph 1), armed defiance against the nation (Article 105,

² Data shown in this Table includes concluded criminal appeal cases for which the original verdict was overturned by the Supreme Court (including entire or partial overturning) and the defendant was sentenced to the death penalty for any crime in the court of second instance.

Paragraph 1), aggravated aid to an enemy state (Article 107, Paragraph 1), abandonment of defense (Article 120), hijacking (Article 185-1, Paragraph 1), robbery combined with another serious offense (Article 332, Paragraph 2), act of piracy (Article 333), piracy combined with another serious offense (Article 334), and kidnapping for ransom combined with another serious offense (Article 348). However, there have been no cases in recent years with death penalties handed down for crimes that did not involve the violation of the right to life.

49. For the one person executed between 2020 and 2024, it took 41 months to conclude a death sentence from the day the crime was committed; 9 months passed from the finalization of the verdict to the execution of the death penalty.
50. The number of death sentences and executions from 2009 to 2024 is shown in Table 2. On average, there were only three death sentences and 2.1 executions per year. Compared to the past four years, there have been no new finalized death sentences or executions. Although the substantive laws in Taiwan still contain provisions regarding the death penalty, the rendering of death penalty verdicts and the number of executed death penalties have decreased drastically in recent years and they were handed down for crimes that deprived others of their right to life with cruel measures, meeting the definitions for the most serious crimes specified in Article 6 of the Covenant.

Table 2 Death Sentences and Executions

Unit: persons		
Year	Number of people	Number of executions
2009	13	0
2010	4	4
2011	16	5
2012	7	6
2013	3	6
2014	1	5
2015	0	6
2016	2	1
2017	1	0
2018	0	1
2019	1	0
2020	0	1
2021	0	0
2022	0	0
2023	0	0
2024	0	0

Source: Ministry of Justice

51. Regarding the gradual elimination of the death penalty, refer to Notes 119 to 125 of the Response to the Concluding Observations and Recommendations on the third national reports on the two covenants.

Additional Rights of People on Death Row to Request Amnesty or Reduced Sentence

52. According to Taiwan's Amnesty Act, anyone may plead for pardon and there are no eligibility requirements on those who seek pardon or reduced sentences, including those who have been sentenced to death.
53. Although the General comment No. 36 of the United Nations Human Rights Committee requires related regulations in domestic laws for pardon procedures, it does not prescribe specific procedures for seeking pardon or reduced sentences. Therefore, the signatories retain their discretion when establishing related procedures. According to the Constitution of the Republic of China, pardon is an exclusive right of the President. Under the current constitutional system, a pardon is essentially an act of clemency instead of judicial remedy. Whether an inmate may receive a pardon is entirely up to the President, who is required to consider all circumstances before making a decision and bear the political liabilities. Regarding the amendment of the pardon procedures under the Amnesty Act, in accordance with Articles 460 and 461 of the current Code of Criminal Procedure, once a death sentence is finalized, the prosecutor must promptly submit the case file to the highest judicial administrative authority. After an order for execution is issued, the sentence is generally carried out within three days. However, if the executing prosecutor believes there are grounds for a retrial or extraordinary appeal, they may electronically request the aforementioned authority to conduct a further review within three days. Furthermore, Article 465 of the same Act explicitly stipulates the procedures for suspending the execution of individuals sentenced to death. If the Amnesty Act were to separately specify that the President may order such a suspension, it could raise constitutional concerns regarding the respective powers of the President, the executive branch, and the judicial branch. Additionally, a pardon might indirectly delay execution if an applicant files an administrative remedy in response to the President's denial of the pardon request. To prevent pardon procedures from becoming judicialized, which could infringe upon the core of judicial reviews, and to ensure the thorough consideration of the relevant articles of the Code of Criminal Procedure, related procedural reforms remain under discussion.

Protection of the Right to Life in Pregnancy

54. See Note 31 of the common core document of the fourth national reports on the two covenants for information on the number of deaths of pregnant women.
55. According to the Genetic Health Act, the administering of induced abortion must be based on a diagnosis or proof of a medical reason, pregnancy due to sexual assault, or the likelihood that the pregnancy or childbirth will adversely affect the woman's mental health or family life. To ensure the safety of women in induced abortion surgeries, the surgery must be performed within 24 weeks of the pregnancy (except when induced abortion is performed as a medical necessity). In addition, the doctor performing the induced abortion surgery must be an obstetrician and gynecologist or a doctor legally registered in obstetrics and gynecology. The doctor is required to provide suitable consulting services before and after the surgery. To help people obtain affordable birth control devices, the government uses common supply contracts for condoms to assist public health bureaus of local governments in providing affordable condoms to people in need. Regarding health education and promotion, information on family planning and contraception is included in the *Maternal Health Education Handbook* and the *Dad's Pregnancy and Parenting Health Handbook* for pregnant women and families. Furthermore, educational materials for oral contraceptives and condoms are provided in different languages (Chinese, English, Indonesian, Vietnamese, Khmer, and Thai), and provided for labor authorities in conducting health education campaigns for migrant workers.

Protection of the Right to Life in the Face of Climate Change

56. In response to global climate change, Taiwan amended and promulgated the Climate Change Response Act on February 15, 2023. This legislation incorporates the 2050 net-zero emissions target and establishes five-year phased control targets to progressively achieve the nation's long-term greenhouse gas reduction goals. Additionally, the Act introduces a dedicated chapter on climate change adaptation. This mandates central government agencies responsible for specific industries to formulate four-year adaptation action plans for their respective domains that are vulnerable to climate change impacts. These plans are then submitted to the central competent authority for integration and the formulation of a national climate change adaptation action plan, which will then be implemented. This aims to mitigate impacts on people's lives and property and safeguard the nation's sustainable development. For more information on climate change, see Notes 202 to 203 of the fourth national report on the ICESCR.

Article 7 Prohibition of Torture or Inhumane Treatment

Torture

57. The draft Enforcement Act of the Convention Against Torture, along with the Convention and its Optional Protocol, passed review by the Executive Yuan in February 2024 and will be forwarded to the Legislative Yuan for deliberation. Taiwan already has laws that prohibit crimes similar to what is described as torture in Article 7 of the Covenant and Article 1 of the United Nations Convention against Torture (UNCAT). Meanwhile, the Ministry of Justice's 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. Currently, when confronted with asylum claims, the government addresses each case individually. After a comprehensive review of international norms and domestic laws, appropriate assistance is provided to the claimant. Inter-agency discussions are held to devise suitable care plans, and ongoing communication is maintained with human rights organizations to refine these assistance measures. To date, no claimant has ever been repatriated to a country or region where they might face torture or inhuman treatment. Refer to Notes 126 and 127 of the Response to the Concluding Observations and Recommendations on the third national reports on the two covenants for laws regarding the prohibition of torture.
58. The Guidelines for Police Questioning of Criminal Suspects: All officers are required to conduct audio recording throughout the entire questioning process. When necessary, continuous video recording must also be carried out. Between 2020 and 2024, the National Police Agency under the Ministry of the Interior identified two cases in which citizens were allegedly harmed by police officers due to improper law enforcement during criminal investigations. Both cases of misconduct were subject to official investigation by the Control Yuan.
59. If a criminal suspect is subjected to torture during the police investigation process, he or she may file a complaint with the police administrative authorities. A criminal defendant may assign a defense counsel at any time to prevent against interrogation under torture. Torture victims may file a criminal charge or information with the prosecutor, submit a petition, or report cruel treatment to the prosecutor or judge. Inmates in prisons and detention institutions may meet privately with their appointed defense counsel. Those subjected to torture may file complaints with either the prison, the detention institution itself, or its

- supervisory authority. From 2020 to 2024, a total of 5,847 complaints were filed by inmates.
60. Training for personnel at detention institutions includes courses on the two covenants and human rights-related issues. A draft amendment of the Detention Act was prepared and promulgated in accordance with the principles of the Covenant in 2020. See Notes 107 and 112 to 114 of this report.
 61. The Control Yuan has the authority to investigate, correct, impeach, and censure government agencies and their civil servants. It is also empowered under the Control Act and Regulations Governing Circuit Supervision by the Control Yuan to inspect central and local government agencies and their work facilities. The Control Yuan sets up standing committees including the Committee on Judicial and Prison Administration Affairs, Committee on Domestic and Ethnic Affairs, Committee on Social Welfare and Environmental Hygiene Affairs, Committee on Financial and Economic Affairs, Committee on Foreign and National Defense Affairs, and Committee on Educational and Cultural Affairs. They may conduct regular or occasional inspections, as a means of preventive supervision, on correctional institutions under the jurisdiction of the Ministry of Justice, detention centers and immigrant shelters under the jurisdiction of the Ministry of the Interior, accommodations and healthcare institutions under the jurisdiction of the Ministry of Health and Welfare, foreign fishermen shore-based accommodation facilities under the jurisdiction of the Ministry of Agriculture, penal institutions of military units under the jurisdiction of the Ministry of National Defense, halfway houses under the jurisdiction of the Ministry of Education, and any other government facilities where personal freedom is most likely to be infringed. Once an investigation is launched, members of the Control Yuan may also visit the above locations to investigate the facts onsite to uncover the facts and fulfil its role as the national preventive mechanism.
 62. Between 2020 and 2024, the Control Yuan's related standing committees inspected government facilities where personal freedom is most likely to be infringed. These included eight inspections on central authorities (10 facilities in total), during which the members of the Control Yuan raised 133 opinions. The circuit supervision by the Control Yuan on central authorities regarding the deprivation of personal freedom from 2021 to 2024 is provided in Table 3. Among the cases in which investigation reports were concluded by the Control Yuan, 15 cases involved the right to freedom from torture. The Control Yuan demanded corrections in 7 cases (47% of such investigation cases) and filed a censure in one case

(9%). Related cases are summarized in Table 4.

Table 3 Circuit Supervision by the Control Yuan on Central Authorities Regarding the Deprivation of Personal Freedom³

Unit: occurrences; days; units; participants; item

Year	Related standing committees	No. of inspections	No. of inspection days	No. of facilities inspected	No. of participating members	No. of inspection opinions proposed by members	Names of facilities inspected
	Total	8	10.5	10	115	133	
2021	Committee on Judicial and Prison Administration Affairs	1	1	1	15	6	Zihsiang Minimum-Security Prison, Agency of Corrections, Ministry of Justice
2022	Committee on Domestic and Ethnic Affairs	1	0.5	1	17	31	Taipei Detention Center, National Immigration Agency, Ministry of the Interior
	Committee on Social Welfare and Environmental Hygiene Affairs	1	1	1	10	18	Tsao-tun Psychiatric Center
	Committee on Judicial and Prison Administration Affairs	1	2	2	11	18	Taichung Prison and Attached Pei Teh Hospital, Taichung Drug Abuser Treatment Center, Agency of Corrections, Ministry of Justice
2023	Committee on Social Welfare and Environmental Hygiene Affairs	1	1	1	16	9	Taipei Veterans General Hospital Yuli Branch
	Committee on Judicial and Prison Administration Affairs	3	5	4	46	51	Penghu Prison, Taoyuan Women's Prison and Drug Abuser Treatment Center, Bade Minimum-Security Prison, Wuling Minimum-Security Prison, Agency of Corrections, Ministry of Justice

Source: Control Yuan

Table 4 Summary of Control Yuan Investigations, Corrections, and Impeachment Involving Freedom from Torture Cases

Control Yuan case (case no.)	Date of review	Date of closure	Findings and progress
It was found that Chiayi Prison, under the Agency of Corrections, Ministry of Justice, to cooperate with ethics offices, improperly subjected inmates involved in the case to prolonged solitary confinement, detention, and investigation. This conduct violated fundamental rights protected by the Constitution. (Case No. 110-Si-Diao-0029)	2021.08.11	2023.02.15	1. The Chiayi Prison, under the Agency of Corrections, Ministry of Justice, was reprimanded. 2. The Agency of Corrections, Ministry of Justice was requested to review and implement improvements. 3. The Agency of Corrections, Ministry of Justice was requested to review

³ The number of inspected facilities and institutions shown in this Table is based on the number of sites under the jurisdiction of government authorities that can be inspected by related standing committees of the Control Yuan.

Control Yuan case (case no.)	Date of review	Date of closure	Findings and progress
and 110-Si-Zheng-0003)			disciplinary measures for the then-warden of Chiayi Prison and other relevant personnel.
In 2019, Dun Pin High School experienced an incident involving the maltreatment of five students in residence. In 2020, another incident occurred involving a mass brawl among students, which resulted in injuries to multiple students in residence and supervisors. (Case No. 110-Si-Diao-0031 and 110-Si-Zheng-0004)	2021.08.11	Ongoing	1. The Agency of Corrections, Ministry of Justice and its subordinate Dun Pin High School were reprimanded and requested to penalize wrongdoers. 2. An official letter was sent to the Executive Yuan, requesting it to oversee its subordinate agencies in conducting a review and implementing improvements. 3. The Control Yuan is following up on improvements made by the agencies.
Yuli Hospital, under the Ministry of Health and Welfare, employed disproportionate means, repeatedly imposing prolonged preventive isolation measures under extremely poor sanitary conditions. This conduct violated the provisions of the two covenants and the Convention on the Rights of Persons with Disabilities. (Case No. 112-She-Diao-0002, 112-She-Zheng-0002, and 112-Jiu-No. 1)	2023.1.18	Ongoing	1. Superintendent Tso-Jen Wang of Yuli Hospital, under the Ministry of Health and Welfare, was censured. 2. Yuli Hospital, under the Ministry of Health and Welfare, was reprimanded. 3. An official letter was sent to the Ministry of Health and Welfare, requesting it to oversee its subordinate agencies in conducting a review and implementing improvements.
Foreign crew members and fishermen were sentenced for being exploited by drug trafficking rings to transport narcotics into Taiwan. (Case No. 112-Nei-Diao-0016)	2023.03.21	Ongoing	1. An official letter was sent to the Executive Yuan, urging it to oversee its subordinate agencies in conducting a review and implementing improvements. 2. An official letter was sent to the Judicial Yuan for its reference. 3. The investigation report's findings and recommendations were translated into English and sent to the Ministry of Foreign Affairs for transfer to the representative offices of Indonesia, the Philippines, Thailand, and Vietnam in Taiwan for their reference. 4. The Control Yuan is following up on improvements made by the agencies.
Torture was inflicted upon inmates by management personnel at Taipei Prison, under the Agency of Corrections, Ministry of Justice. (Case No. 112-Si-Diao-0017 and 112-Si-Zheng-0003)	2023.09.13	Ongoing	1. Taipei Prison, under the Agency of Corrections, Ministry of Justice, was reprimanded. 2. An official letter was sent to the Ministry of Justice, directing it to oversee its subordinate agencies in conducting a review and implementing improvements, and to report back on the results. 3. The Control Yuan is following up on the improvements of the agencies.

Source: Control Yuan

63. Pursuant to Article 5 of the draft Enforcement Act of the Convention Against Torture and its

Optional Protocol, the National Human Rights Commission, under the Control Yuan, shall establish a dedicated torture prevention mechanism. Once the legislation is passed, the torture prevention mechanism shall undertake the following: regularly visiting places where individuals are deprived of personal freedom or are at risk of being deprived of personal freedom due to an order, instigation, consent, acquiescence, or complicity of public authorities; making recommendations to relevant agencies in accordance with the United Nations norms; offering suggestions or opinions on existing and draft legislation; and compiling an annual report on torture prevention, among other measures, all to fulfill its preventive oversight function.

64. Police officers are required to comply with the Police Power Exercise Act, Act Governing the Use of Police Weapons, and Precautions on the Use of High-Pressure Water Jets by Police Officers when performing their duties and using police weapons. They may only exercise such powers to the extent necessary to achieve the intended purpose, and only in a manner that causes the least damage to people's rights. They are also required to use high-pressure water jets in a careful and reasonable manner.
65. Amendments to certain articles of the Act Governing the Use of Police Weapons were promulgated and implemented on October 19, 2022. Taking into account that police officers may encounter dangerous, urgent, and unforeseeable emergencies while performing their duties, Article 4 was amended to add provisions stating that when police officers cannot effectively use standard police weapons, they may utilize other objects capable of achieving the intended purpose. Such objects shall be deemed police weapons during their use. Furthermore, it specifies circumstances under which police officers may directly discharge firearms when performing their duties. This ensures the proper exercise of the lawful functions of police weapons and prevents officers from delaying judgment in the appropriate use of firearms, which could otherwise lead to ineffective protection of public safety and unnecessary casualties. In addition, two sub-laws, namely the Regulations for the Organization and Operation of the Investigation Panel on the Use of Police Weapons and the Regulations Governing the Compensation for Losses Resulting on the Use of Police Weapons, were promulgated and implemented on April 19, 2023. The Investigation Panel on the Use of Police Weapons, under the Ministry of the Interior, was established on April 19, 2023.

Procedures for Processing and Investigating Deaths of Inmates in Correctional Institutions

Fu-Kang Huang Case

66. On October 17, 2023, at approximately 5:38 AM, Fu-Kang Huang, a death row inmate at Taipei Detention Center, was discovered by his cellmate to be exhibiting unusual behavior. Upon closer observation, the cellmate found Mr. Huang to be semi-conscious and immediately reported this to the duty officer, who promptly notified the operations center via two-way radio. After backup police entered the cell to check on Mr. Huang, he was immediately transported by stretcher to the central station, where cardiopulmonary resuscitation was administered as part of emergency first aid. Mr. Huang was then urgently escorted to Far Eastern Memorial Hospital emergency room for medical care. Following intubation, cardiopulmonary resuscitation, and emergency medication, Mr. Huang's condition did not improve, and at 6:44 AM on the same day, he was pronounced dead by the physician. On the same day, personnel from the Taiwan New Taipei District Prosecutors Office completed the investigation and autopsy. The forensic pathologist stated that Mr. Huang's body showed no obvious external injuries, ruling out external force as the cause, and concluded that his death was likely due to an underlying medical condition. His family raised no objections regarding the cause of death. The Taipei Detention Center processed the case in accordance with related standard operating procedures promulgated by the Agency of Corrections, Ministry of Justice, and cooperated with public prosecutors offices in the investigations on the death of the inmate. The Agency of Corrections, Ministry of Justice and affiliated institutions do all they can to prevent the deaths of inmates. All such cases are processed in accordance with standard operating procedures and reporting mechanisms. They also cooperate with public prosecutors offices in fair and independent third-party examinations and investigations.

Wen-Tung Cheng Case

67. On April 20, 2020, Wen-Tung Cheng, a death row inmate at Taipei Detention Center, was escorted to the Taipei Hospital, Ministry of Health and Welfare emergency room due to lowerextremity edema, and was admitted to a guarded ward. On May 4, Mr. Cheng was transferred to Far Eastern Memorial Hospital for hospitalization due to suspected cancer. A lung tumor was discovered during an examination on May 6, and on May 12, he was diagnosed with colorectal cancer. On May 14, doctors informed Mr. Cheng that he had renal failure and would require long-term dialysis. He underwent cardiac catheterization on May

15. On May 16, he was diagnosed with liver cancer, followed by chemotherapy on May 20, and the commencement of radiation therapy on May 21. On June 7, Mr. Cheng's consciousness deteriorated, leading to a comatose state. By June 9, his condition worsened, prompting the physician to request the Taipei Detention Center to notify his family to come to the hospital for a medical explanation. Upon their arrival that same day, his family signed a Do Not Resuscitate order. On June 13, at 4:34 AM, Mr. Cheng was found to have no heartbeat or respiration and was pronounced dead by the physician. On the same day, personnel from the Taiwan New Taipei District Prosecutors Office completed the investigation and autopsy. The prosecutor informed the family that Mr. Cheng's cause of death was septic shock, complicated by acute renal failure with urinary tract infection, and a malignant colon tumor. His family raised no objections regarding the cause of death. The Taipei Detention Center processed the case in accordance with related standard operating procedures promulgated by the Agency of Corrections, Ministry of Justice, and cooperated with public prosecutors offices in the investigations on the death of the inmate. The Agency of Corrections, Ministry of Justice and affiliated institutions do all they can to prevent the deaths of inmates. All such cases are processed in accordance with standard operating procedures and reporting mechanisms. They also cooperate with public prosecutors offices in fair and independent third-party examinations and investigations.

Prohibition of Corporal Punishment

68. Under the Fundamental Act of Education, the state is required to protect students' rights, including those to learning, education, physical autonomy, and personality development. Furthermore, the Act explicitly prohibits any physical punishment or bullying that could harm their physical and mental well-being. The Teachers' Act also lists corporal punishment or bullying of students by teachers as grounds for dismissal. The government also established related regulations on the investigations and punishment mechanisms for corporal punishment in special education schools. Where investigations reveal a violation of laws, the competent authority of education will supervise the school to organize a teacher's performance evaluation meeting and impose suitable punishments on the teacher in violation of regulations. Where such cases cause severe physical or mental damage to students, the competent authority shall supervise the convening of the Teachers Review Committee meeting to determine the dismissal, suspension, or denial of future employment of the teacher involved.

Medical Treatment and Human Trials

69. In order to protect the rights of persons with mental illness, the Mental Health Act has specified procedures concerning mandatory hospitalization that restricts personal freedom and requires necessary treatment and protection to be provided to persons with mental illness during the approved period of mandatory hospitalization (i.e., emergency placement). The Mental Health Act requires regular assessments concerning mental patients' health if a psychiatric institution decides to utilize protection measures that restrain or restrict a patient's freedom of movement because of emergency treatment or prevention of violence, accidents, suicide, or self-mutilation. The mandatory hospitalization of persons with mental illness, as well as any restraint or seclusion required for their treatment, shall be all carried out in accordance with legal provisions.
70. There were no cases of casualties as a result of mandatory hospitalization from 2020 to 2024. In addition, the general operation regulations on whether psychiatric hospitals impose restrictions on movement (seclusion or restraint) are included in the basis for the accreditation of psychiatric hospital standards of the Ministry of Health and Welfare. Patients under restraint require at least one visit every 15 minutes and patients must be provided with care for their physiological needs. Hospitals must pay attention to their breathing and circulation of their limbs while preventing the occurrence of accidents. Records must also be retained. During the same evaluation cycle (2017 to 2023), the aforementioned evaluation criteria resulted in an 89.1% achievement rate across 46 on-site evaluations.
71. The Medical Care Act, Human Subjects Research Act, Regulations on Human Trials, Good Clinical Practice Guidelines, and the Regulations on the Acquisition of the Consent of Indigenous Peoples for Research Programs Involving Human Subjects and Agreement on Commercial Interests and Applications have outlined in detail the review mechanisms and extent of consent to be obtained in a human trial (covering such areas as acknowledgment of potential risks, damage compensation, and insurance), and put forward stipulations on the recruitment of trial subjects, publication of results, protection of the socially disadvantaged, and reporting of adverse effects in order to protect the rights of the human subjects. The Regulations on the Acquisition of the Consent of Indigenous Peoples for Research Programs Involving Human Subjects and Agreement on Commercial Interests and Applications have been implemented since 2016. For research projects, based on the nature of the application,

the implementation areas are submitted to the Central Advisory Committee, township (town, city, district) councils, and tribal councils, respectively, for cultural risk assessment and review of their content. As of 2024, 125 cases were reviewed by the Central Advisory Committee, 28 cases by township (town, city, district) advisory committees, and four cases by tribal councils, all to ensure and safeguard the rights and interests of indigenous peoples. The National Science and Technology Council (NSTC) has clearly defined administrative regulations for project subsidies for research projects involving human trials, collection of human specimens, embryos, or stem cells, namely that they must include approval documents from the Institutional Review Board (IRB) or Research Ethic Committee (REC).

Article 8 Prohibition of Slavery and Forced Labor

Legislation and Related Amendments on the Prevention of Human Trafficking

72. The Coordination Meeting for Prevention of Human Trafficking of the Executive Yuan was established in February 2007. Meetings are convened regularly to promote various tasks for preventing human trafficking. The Human Trafficking Prevention Act was promulgated in June 2009 and it expressly provides criminal penal provisions for the offense of human trafficking. The amendments to the Human Trafficking Prevention Act, promulgated by the President in June 2023 and effective in January 2024, represent a significant milestone in Taiwan's efforts to combat human trafficking. To align with the amendments to the Human Trafficking Prevention Act, related sub-laws have been concurrently added, revised, or repealed. Notably, prosecutors are no longer the primary authority for identifying human trafficking victims. Consequently, the Ministry of the Interior has re-established the Principles for Identifying Human Trafficking Victims and the Reference Indicators for Identifying Human Trafficking Victims to ensure the proper identification procedures and safeguard the related rights and interests of victims.

73. Taiwan has been actively assisting the international fight against human trafficking and signed MOUs or agreements on immigration affairs and human trafficking prevention with 23 countries, including the United States, Japan, Vietnam, Indonesia, and Australia.

Investigations and Indictments Concerning Human Trafficking

74. The majority of human trafficking victims originate from Southeast Asian countries, including Indonesia, Vietnam, Thailand, and the Philippines, with Vietnamese victims being the most numerous, followed by Indonesian victims. From 2020 to 2024, law enforcement

agencies referred a total of 700 cases, comprising 229 cases of labor exploitation, 464 cases of sexual exploitation, and seven cases of attempted organ removal.

Protection of Human Trafficking Victims

75. In accordance with the Human Trafficking Prevention Act, 11 types of assistance must be provided to both confirmed and suspected human trafficking victims. These include personal safety protection, necessary medical assistance, interpretation services, legal assistance, psychological counseling and consultation services, accompaniment during interviews or interrogations, rental subsidies for external housing and other necessary financial assistance, consultation and referral for welfare service resources, employment skills and educational training, placement services, and other necessary assistance. Furthermore, in accordance with the Regulations Governing Subsidy for Victims of Human Trafficking, human trafficking victims may submit an application form and a Human Trafficking Victim Identification Notice to the competent authority to apply for related subsidies. These include solatium, job-seeking allowance, re-entry airfare or accommodation expenses, and transportation expenses to their country/place of origin, thereby ensuring comprehensive protection of human trafficking victims' rights and interests. To enhance public awareness and identification of human trafficking, relevant training courses continue to be implemented, public awareness videos are produced, international workshops are organized, and various channels across agencies serve to disseminate information and raise awareness about human trafficking issues.
76. The government works with private organizations to establish shelters and provides subsidies to private organizations to set up units for providing accommodations. Statistics of foreign victims or suspected victims of human trafficking offered shelter, categorized by nationality and gender, from 2020 to 2024 are provided in Table 5. Among these, the predominant type of exploitation was labor exploitation (64 in 2020, 70 in 2021, 32 in 2022, 77 in 2023, and 65 in 2024), followed by sexual exploitation (38 in 2020, 36 in 2021, 16 in 2022, 17 in 2023, and 26 in 2024). There were also cases of dual exploitation (6 in 2020, 15 in 2021, one in 2022, 15 in 2023, and zero in 2024), with no instances of exploitation in the form of organ harvesting. From 2020 to 2024, work permits were issued for 69, 80, 35, 84 and 80 people, respectively.

Table 5 Sheltered Victims or Suspected Victims of Human Trafficking by Nationality and Gender

Unit: persons

Year \ Nationality	Total	Indonesia		Thailand		Philippines		Vietnam		Others	
		Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
Total	387	23	105	5	33	7	10	109	79	8	8
2020	108	5	36	0	23	3	7	24	10	0	0
2021	121	13	49	0	0	1	0	37	21	0	0
2022	49	3	8	0	3	2	3	4	10	8	8
2023	109	2	12	5	7	1	0	44	38	0	0
2024	91	11	8	3	27	9	0	14	11	4	4

Source: Ministry of the Interior

77. The Executive Yuan has established the Human Rights Promotion Task Force and Coordination Conference for the Prevention of Human Trafficking. This platform facilitates communication among government agencies to protect the rights and interests of migrant fishers. Migrant fishers are reminded not to be lured by human traffickers through activities such as free medical consultations and free haircutting services or the distribution of educational materials. Media outlets, such as magazines, are also used to increase awareness of anti-human trafficking regulations. Taiwan conducts timely interviews with migrant fishers using questionnaires when fishing boats enter ports or are boarded for inspections on the high sea. Suspected cases of human trafficking are reported in accordance with the Guidelines and Standard Operating Procedures for Reporting Disputed Information on Alleged Violations of Human Trafficking Prevention Regulations by Offshore Fishing Vessels with Foreign Fishermen and Subsequent Processing, and are transferred to judicial authorities for further investigation. From 2020 to 2024, a total of 27 cases of suspected human trafficking were referred to relevant authorities.

Prohibition Against Forced Labor

78. If there is an employment relationship between a business entity and a worker, and it falls within a statutory or designated industry or occupation, the Labor Standards Act applies, irrespective of whether the worker is a Taiwan national or a foreign national. The Labor Standards Act prohibits employers from forcing workers to engage in labor. Its legislative intent is based on the International Labor Organization's Abolition of Forced Labour Convention, which seeks to prevent employers from using unlawful methods to compel

workers to work. The Ministry of Labor has also compiled a reference manual on prohibiting forced labor, based on the 11 forced labor indicators of the International Labor Organization, and distributed it to relevant agencies for their reference. An employer shall not compel a worker to accept work beyond regular working hours if the worker is unable to do so on account of poor health or other justifiable reasons. In addition, female workers who are pregnant or breastfeeding are prohibited from working at night. Salary must be paid as normal during maternity leave. Pregnant workers may request reassignment to lighter duties, and time must be allocated for breastfeeding (or milk expression), to prohibit forced or coerced labor. Furthermore, the Employment Service Act stipulates that employers hiring foreign nationals to work in Taiwan shall not commit acts of forced labor as specified in Article 57, Subparagraph 7 of the Employment Service Act, regardless of whether the Labor Standards Act applies.

79. Regarding the protection of working conditions for migrant workers, refer to Notes 73, 75 to 81, 84, and 85 of the fourth national report on the ICESCR, and Notes 72 to 74 of the Response to the Concluding Observations and Recommendations on the third national reports on the two covenants.
80. The Occupational Safety and Health Act explicitly requires employers to plan and adopt necessary health measures for the prevention of illnesses associated with prolonged and unconventional work activities (overwork prevention clause). The number of people who received labor insurance occupational disease benefits due to occupationally-induced cerebrovascular and cardiovascular diseases decreased from an average of 78 per year between 2015 and 2017 to an average of 58 per year between 2020 and 2024. This shows a gradual decline, indicating that the various strategies promoted in Taiwan for overwork prevention have begun to deliver initial results.
81. Taiwan began organizing international courses with industry-academia collaboration in accordance with the New Southbound Policy in 2017 to recruit students from Southeast Asia to attend school in Taiwan and cultivate talents needed by local industries. To protect the rights of foreign students in off-campus internships and their rights as student workers, intermediary recruitment is prohibited. The inspection (visit) mechanisms and labor inspections for courses have also been enhanced to protect the quality of learning for all foreign students. Where a school undergoing inspection is discovered to have conducted illegal recruitment, the school will be subject to a reduction of subsidies, suspension of

program admissions, or listed as needing special assistance. Where criminal liabilities are involved, the case shall be transferred to prosecutorial or judicial authorities for investigations. To improve the off-campus internships organized by junior colleges and universities and protect the rights of interns, the Ministry of Education has formulated the draft of the Act for Off-Campus Internship Education for Junior Colleges and Institutions of Higher Education. The Act stipulates regulations on mechanisms for organizing off-campus internships, criteria for internship collaboration institutions, criteria for determining the identity of interns, and their rights and interests in the internship. Related penal provisions are also established to strengthen the responsibilities of the school and the internship institution.

82. See Notes 116 to 119 of this report for the work of inmates in correctional institutions.

83. See Notes 300 to 304 of this report for information regarding child labor.

Article 9 Personal Freedom and Arrest Procedures

Protection of Personal Freedom

84. The conditions under which the Code of Criminal Procedure allows for the deprivation of personal freedom include arrest with a warrant, arrest without a warrant, apprehension, detention, and detention for expert examination. According to the Juvenile Justice Act, a juvenile defendant shall not be detained unless there are no alternatives. The Narcotics Hazard Prevention Act provides for observation, detention, and rehabilitation, or a deferred prosecution for first-time narcotics users, and imposes compulsory rehabilitation on those with a tendency for continued use. The Mental Health Act allows psychiatric institutions to administer emergency placement or mandatory hospitalization in accordance with prescribed procedures to individuals who are assessed to meet the criteria for mandatory hospitalization. The Communicable Disease Control Act allows competent authorities to isolate and treat patients with communicable diseases in accordance with legal procedures. The Immigration Act provides temporary shelter to foreigners under specific conditions. The government does not enforce mandatory accommodation for the homeless. The Child and Youth Sexual Exploitation Prevention Act allows for emergency placement of children or youths who are victims of sexual exploitation. The Social Order Maintenance Act allows courts to impose detention for certain violations of social order.

85. The current Mental Health Act has measures to protect the rights of patients suffering from

mental illnesses. If a patient or his or her guardian deems that the mental health care institution infringes upon his or her rights, he or she may file a complaint in writing to the local public health department. From 2020 to 2024, the number of applications by psychiatric institutions for mandatory hospitalization was 604, 534, 469, 528, and 488, respectively, while the number of approved applications totaled 545, 502, 432, 504, and 460, respectively. With regard to the accreditation of psychiatric hospitals, regulations have been established to require regular assessments for the necessity of restraining patients' bodies or restricting their freedom of activity.

86. Considering that mandatory hospitalization involves restrictions on personal freedom, the 2022 amendment to the Mental Health Act has changed the permission of mandatory hospitalization for individuals with mental illness, which should now be decided by the court. Furthermore, during the period of emergency placement for mandatorily hospitalized patients, the designated psychiatric institution shall notify the central competent authority to provide necessary legal aid to safeguard their rights and interests.
87. The Constitution stipulates that when a person is arrested or detained on suspicion of having committed a crime, the organ making the arrest or detention shall transfer the person to a court for trial within 24 hours. The individual or another person may petition the court to conduct a habeas corpus review of the organ making the arrest or detention within 24 hours. When any person is arrested or detained, pursuant to regulations in the Habeas Corpus Act, he or she may file a petition for habeas corpus with the court, whether in writing or orally. If the court finds the petition to be justified, it shall, within 24 hours of the submission of a petition, issue a writ of habeas corpus to the organ that made the arrest or detention, which in turn shall deliver the person under arrest or detention within 24 hours upon receiving the writ of habeas corpus. Upon determining that the arrest or detention lacks a legal basis following an interrogation, the court shall immediately order the release of the person in question. The outcomes of habeas corpus cases in district courts from 2020 to 2024 are shown in Table 6.

Table 6 District Court Habeas Corpus Case Outcomes - By Case Type⁴

Unit: cases

Case type	Total	Inappropriate arrest/detention, i.e., immediate release	Dismissed	Submission of original files and documents to court	Partial release Partial dismissal	Withdrawn	Others
Total	3,744	210	2,273	14	2	1,240	5
Civil	1	0	1	0	0	0	0
Family	369	5	325	8	0	29	2
Criminal	3,229	197	1,823	3	2	1,201	3
Juvenile	6	3	2	0	0	1	0
Administrative litigation	139	5	122	3	0	9	0

Source: Judicial Yuan

88. Article 95 of the Code of Criminal Procedure requires defendants or crime suspects to be informed of related charges, the right to remain silent, the right to a defense attorney, and the right to investigate evidence that favors their defense. To further protect defendants' rights, Article 89 of the Code of Criminal Procedure, as amended in 2020, requires defendants or crime suspects to be informed of the reasons for their arrest, along with the matters set forth in Article 95 of the Code of Criminal Procedure, at the time the arrest takes place. According to the Code of Criminal Procedure, an arrest warrant shall consist of two copies, and in making an arrest one copy shall be presented to the accused or a family member. The Code of Criminal Procedure also requires prosecutors or judicial police officers to inform crime suspects or family members of their right to retain a defense attorney when an arrest is carried out in accordance with the prescribed procedures.

Custody and Detention

89. Pretrial detention of an accused shall be requested by prosecutors at court, with a maximum of two months, as well as one extension if necessary. Detention shall be ended when there is no longer sufficient cause. Defendants, defense attorneys, and defendants' assistants are all entitled to apply to the court for the suspension of detention of the accused on bail. Prosecutors may also apply to the court to end detention or to release the accused on bail.

90. Tables 7 and 8 show the number of detention requests filed by prosecutors during investigations and decisions of district courts and high courts and their branches between 2020 and 2024.

⁴ Administrative litigation cases in the district courts shown in this table were transferred to the High Administrative Court from August 15, 2023.

Table 7 District Court Decisions on Detention Requests Filed By Prosecutors During Investigations

Unit: persons; %

Year \ Final status		Total	Request approved	Detained because of inability to post bail or impose limitations on residence	Dismissed	Mandated bail	Mandated release to the custody of another	Mandated imposition of limitations on residence	Prohibited from exiting the country (or its territorial waters)	Mandated bail and imposition of limitations on residence	Mandated release to the custody of another and imposition of limitations on residence	Others
2020	No. of people	7,837	5,858	23	516	513	6	259	8	648	2	4
	Ratio	100.00	74.75	0.29	6.58	6.55	0.08	3.30	0.10	8.27	0.03	0.05
2021	No. of people	7,580	5,537	8	555	512	8	233	1	710	7	9
	Ratio	100.00	73.05	0.11	7.32	6.75	0.11	3.07	0.01	9.37	0.09	0.12
2022	No. of people	7,701	5,480	9	658	545	9	265	2	728	3	2
	Ratio	100.00	71.16	0.12	8.54	7.08	0.12	3.44	0.03	9.45	0.04	0.03
2023	No. of people	9,481	7,103	14	670	544	7	274	8	850	7	4
	Ratio	100.00	74.92	0.15	7.07	5.74	0.07	2.89	0.08	8.97	0.07	0.04
2024	No. of people	11,749	9,083	14	602	573	7	447	7	1,000	8	8
	Ratio	100.00	77.31	0.12	5.12	4.88	0.06	3.80	0.06	8.51	0.07	0.07

Source: Judicial Yuan

Table 8 High Courts and Their Branches' Decisions on Detention Requests Filed by Prosecutors during Investigations

Unit: persons; %

Year \ Final status		Total	Request approved	Dismissed	Mandated bail and imposition of limitations on residence
2020	No. of people	2	2	0	0
	Ratio	100.00	100.00	0	0
2021	No. of people	3	3	0	0
	Ratio	100.00	100.00	0	0
2022	No. of people	0	0	0	0
	Ratio	--	--	--	--
2023	No. of people	8	8	0	0
	Ratio	100.00	100.00	0	0
2024	No. of people	16	13	2	1
	Ratio	100.00	81.25	12.50	6.25

Source: Judicial Yuan

91. The Administrative Litigation Act stipulates the procedures for detention requests, types of detention requests, governing court, and review procedures. The prerequisites of a detention request 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. Persons who have been subjected to expulsion/deportation and meet any one of the detention criteria, where the detention is refutable according to law, will be detained only if all other alternative means to detention have been exhausted and expulsion/deportation is impractical or difficult without detention. This means that detention is the last resort.
92. For the past five years, the large-scale detention centers of the National Immigration Agency of the Ministry of the Interior experienced an increase in the alternatives to detention rate, peaking at approximately 7% in 2022 due to the COVID-19 pandemic and border closures. Following the pandemic, this rate decreased to 2%. Detained individuals who do not meet the criteria for alternatives to detention are repatriated within the statutory detention period. However, out of humanitarian considerations, accelerated repatriation measures have been implemented to reduce the length of detention. To prevent overcrowding and alleviate pressure on detention centers, capacity has been expanded to 1,713 beds. This dual approach of increasing capacity while accelerating repatriation safeguards the rights and interests of detained individuals.
93. The average length of stay in large-scale detention centers of the National Immigration Agency, under the Ministry of the Interior, from 2020 to 2024 was 36, 44, 36, 30, and 28 days, respectively. While the average length of stay was higher during the pandemic due to border closures, it has steadily decreased year by year since the pandemic ended. In 2024, the National Immigration Agency, under the Ministry of the Interior, sought continued detention for 98% of all detained individuals held during that period. During the same period, applications for extended detention by the National Immigration Agency accounted for 0.01% of the total detained individuals.
94. Regarding the detention of foreign nationals, the Immigration Act provides a system of alternatives to detention to uphold humanitarian considerations and address the unique needs of individual cases. Foreign nationals are eligible for non-detention or alternatives to detention if they meet specific criteria. This includes individuals with mental disabilities, those whose health conditions impact treatment or pose a life threat, pregnant individuals

over five months along or less than two months postpartum/post-miscarriage, children under 12 years old, those with statutory infectious diseases, individuals unable to care for themselves due to aging or physical/mental disabilities, and those restricted from exiting the country by judicial or other authorities.

95. The National Immigration Agency, under the Ministry of the Interior, is responsible for reviewing the necessity of temporary detention or alternatives to detention, and for assessing the specific circumstances and necessity of detention for each individual case. Based on the review outcome, foreign nationals who have been mandatorily deported may not be detained and instead are subject to alternatives to detention. The bond for alternatives to detention ranges from NT\$25,000 to NT\$60,000. The specific amount is determined by individual circumstances, including the financial capacity of the person involved, the background of the guarantor, and whether the individual is implicated in criminal cases or other unlawful activities. This measure aims to balance immigration management with humanitarian considerations, ensuring that individual cases receive fair review and handling.

Prevention against Solitary Confinement

96. See Notes 107 to 111 of this report for the imprisonment of inmates.
97. Table 9 explains how prosecutors supervise restriction of personal freedom by judicial police officers. Detention is carried out and managed by several institutions. Detained individuals' information is protected by the Personal Data Protection Act, and any public requests for such information are fulfilled to the extent deemed appropriate under the principles of legal compliance and convenient service to citizens.

Table 9 Prosecutors' Supervision over Restriction of Personal Freedom by Judicial Police

Officers			
Judicial police officers may take forcible measures			
Category	Situation		Outcome of prosecutor not approving forcible measures
Arrest with a warrant	Crime suspect has been informed in accordance with the law but fails to appear without a valid reason (Article 71-1, Paragraph 1 of the Code of Criminal Procedure)		Petition the public prosecutor to issue an arrest warrant ex ante No arrest permitted
	Arrest without a warrant	Urgent arrest (Article 88-1, Paragraph 1 of the Code of Criminal Procedure)	When the situation is not urgent, petition the public prosecutor to issue an arrest warrant ex ante No arrest permitted
			When the situation is time-critical, petition the public prosecutor to issue an arrest Release the detained individual

Judicial police officers may take forcible measures			Public prosecutor supervisory mechanism	Outcome of prosecutor not approving forcible measures
Category	Situation			
			warrant ex post	
		The defendant is wanted (Article 87, Paragraph 1 of the Code of Criminal Procedure)	The arrest warrant is signed by the public prosecutor during investigation	
Arrest	Crime in progress (Article 88, Paragraphs 1 and 2 of the Code of Criminal Procedure)		Send the criminal under guard to the public prosecutor for questioning	
	Suspected crime in progress (Article 88, Paragraphs 1 and 3 of the Code of Criminal Procedure)			
	The defendant is wanted (Article 85, Paragraph 3 of the Code of Criminal Procedure)		The arrest warrant must be signed by the Prosecutor-General during investigation	

Source: Ministry of Justice

Criminal Compensation

98. A total of 899 criminal compensation cases were adjudicated and concluded by a court of first instance between 2020 and 2024; compensation was granted in 257 cases. Out of a total of 237 criminal compensation cases adjudicated and finalized by a court of second instance, compensation was granted in 142 cases.

Records of Criminal Compensation by Military Judicial Agencies

99. Between 2020 and 2024, the Ministry of National Defense's military courts and prosecutors offices at all levels accepted 35 compensation cases, concluded 35, and approved zero.

Article 10 Treatment of Persons Deprived of Their Liberty and the Accused

Treatment of Detained Subjects

100. The main regulations regarding the treatment of detained subjects include the Code of Criminal Procedure, the Prison Act, the Detention Act, the Mental Health Act, the Juvenile Justice Act, the Statute on the Establishment of Juvenile Detention Houses, and Rules Governing the Establishment and Administration of Detention Centers. In July 2020, the Prison Act and the Enforcement Rules of the Detention Act were amended with reference to the Nelson Mandela Rules, the two covenants, and the Convention on the Rights of Persons with Disabilities. Key amendments include the explicit stipulation that prison and detention institution personnel's exercise of penal authority must comply with the principle of proportionality and be non-discriminatory. Prisons and detention institutions must also

protect the rights of inmates with disabilities and make reasonable adjustments. Prisons may not place inmates under long periods of solitary confinement. Independent external inspection teams must be set up for prisons and detention institutions. The criteria, procedures, and maximum periods for prisons and detention institutions to impose isolation for protection, use restraining instruments, apply fixed restraints, or accommodate inmates in a protective cell are all clearly defined. Furthermore, the requirements, types, methods, and adherence to the principle of proportionality for the use of instruments by personnel in prisons and detention institutions on inmates are explicitly clarified. Provisions were added to require prisons and detention centers to appoint medical personnel within the scope permitted by resources and determine whether to escort an inmate to medical services outside the prison in the night or on holidays. No medical or scientific experiment that may damage the health of inmates may be conducted on an inmate. Furthermore, the requirements and procedures for prisons and detention institutions to monitor or review the video and audio recordings of visits by inmates are explicitly stipulated. The types of disciplinary measures, such as the suspension of visits and outdoor activities, have been removed. Methods for checking the correspondence of inmates are listed in accordance with Judicial Yuan Interpretation No. 756 to verify whether contraband items are included in the correspondence. The circumstances under which the contents of inmates' correspondence can be read or deleted are also listed to protect the inmates' rights to correspondence and submission of articles, clarify the rights and obligations of the prisons and detention institutions and the inmates, and protect the human rights of inmates. For other amendments key points, please refer to Note 60, Notes 104 to 106, Notes 108 to 111, Note 114, Note 115, Note 119, Notes 121 to 133, and Note 143 of this report.

101. Regarding the detention management of foreign nationals, the Immigration Act stipulates that appropriate facilities must be established or designated. To effectively safeguard the rights and interests of detained foreign nationals during detention, the National Immigration Agency, under the Ministry of the Interior, has established Regulations Governing the Detention of the Aliens. These regulations address the handling of illnesses among foreign detainees and allow for outdoor activities, external communication, and visits from family, friends, and lawyers. All these provisions consider the needs of detainees to maintain their physical and mental well-being. Detainees are not required to perform labor services, nor are they prohibited from making phone calls or meeting visitors unless such restrictions are

mandated for a prosecutor's investigation. If an individual is in a single-person cell for monitoring, it is primarily for epidemic prevention measures.

102. The National Immigration Agency, under the Ministry of the Interior, maintains security and order in the procedures for the deportation and detention of foreign nationals. Law enforcement officers are authorized to use restraints in specific circumstances, such as when detained individuals are at risk of resistance, attack, escape, or self-harm. The use of restraints must adhere strictly to the extent necessary and must cease immediately once the cause for their application no longer exists.

103. The large-scale detention centers of the National Immigration Agency, under the Ministry of the Interior, have a maximum capacity of 1,713 beds, comprising 1,096 beds for males and 617 beds for females. By 2024, large-scale detention centers had 230 personnel members. All centers have established appropriate security posts based on their environment and leverage technology and security equipment to bolster safety in supervised areas. Additionally, 141 security personnel have been assigned to assist with the detention centers' security and repatriation duties.

Correctional Facility Supervision and Complaints

104. The supervision mechanisms in detention institutions are subject to internal control mechanisms as well as external supervision of the Control Yuan. The Agency of Corrections, under the Ministry of Justice, assembled the Correctional Policy Advisory Committee, and invited private associations, experts, and scholars with human rights expertise to conduct visits and regularly review reforms. Improvements have been published on the official website for external entities to improve the transparency of prison administration and management. To implement the transparency principle and protect the rights and interests of inmates, Taiwan amended and promulgated the Detention Act and Prison Act in 2020. These Acts now clearly stipulate that correctional agencies must establish an independent external inspection team. This team shall conduct quarterly inspections and submit reports on matters concerning correctional institution operations and inmates' rights and interests. These reports will then be submitted by the supervisory authority to the Ministry of Justice for record, and publicly disclosed through appropriate means, so that relevant competent authorities can respond and take action.

105. During the reception investigation, each inmate is handed a manual that explains complaint rules in details. Inmates are entitled to raise complaints to the head of the institution or

inspectors if they disagree with the decisions or treatment of the correctional institution. Where they disagree with the complaint decision, they may seek litigation relief from a court. Correctional institutions are required to issue written documents when administering punishment to inmates who have violated disciplinary regulations. 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 institution. The Detention Act and Prison Act were amended and promulgated in 2020 to help inmates understand their rights and obligations. Important regulations, administrative rules, and interpretations of laws related to the rights and obligations of inmates in prisons and detention institutions should be published in an appropriate manner to help inmates understand their rights and obligations. Additionally, it is explicitly stipulated that before imposing any disciplinary measure, prisons and detention institutions must provide the detained individual an opportunity to present their views and inform them of the facts constituting the violation and the sanction to be imposed. Furthermore, during the complaint review process, the appellant, their appointed representative, and assistant must be notified to attend and present their views. The prison or detention institution may not impose discriminatory treatment or unreasonable punishment in response to the inmate's petition, complaint, or application for litigation relief.

106. Pursuant to Judicial Yuan Interpretations No. 653 and 720, detained defendants can seek assistance from the court that ordered their detention for any decisions made in regards to their complaints. Furthermore, according to Judicial Yuan Interpretation No. 755, inmates may, at their discretion, file administrative suits to the district court at the place of the prison to request litigation assistance. New provisions regarding “petitions, complaints, and litigation” were added to both the Detention Act and the Prison Act when they were amended and promulgated in 2020. They specify the individuals that may file complaints, the processing authority, duration, establishment of a complaint review team, its tenure, format of complaint, review procedures, duration for decision, approval or rejection, and measures to filing for litigation relief from a court if the inmate disagrees with a complaint decision. These regulations are implemented to protect the rights of defendants and inmates for filing complaints and applying for litigation relief. Between 2020 and 2024, correctional institutions received a total of 5,847 complaints from inmates. During the same period,

inmates initiated 1,895 administrative litigation cases, with 27 cases still under judicial review. Statistics on complaints and administrative litigation cases filed by inmates in correctional institutions during this period are presented in Table 10.

Table 10 Statistics on Complaints and Administrative Litigation Cases Filed by Inmates in Correctional Institutions

Year	No. of complaints	No. of litigation cases	Unit: cases
			No. of litigation cases in progress
July 14, 2020	157	6	4
July 15 to December 31, 2020	653	8	6
2021	1,199	163	14
2022	1,702	946	34
2023	1,367	721	60
2024	769	51	27

Source: Agency of Corrections, Ministry of Justice

Imprisonment

107. The Agency of Corrections comprehensively reviews whether relevant laws and measures comply with the Nelson Mandela Rules, the United Nations Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, and the United Nations Code of Conduct for Law Enforcement Officials. Correctional institutions widely install monitoring equipment and regularly review its coverage and operational functionality to ensure security and prevent illegal incidents. The Agency also reviews whether relevant laws and measures comply with the Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules).

108. Defendants in criminal cases that must be detained shall be detained in detention centers. Juvenile defendants shall be detained in juvenile detention centers; they shall be transferred to detention centers when they reach 20 years of age. Detention centers must strictly divide detained defendants based on their gender. A juvenile inmate under 18 years of age shall be accommodated in a correctional school. Accommodated juveniles and detained juvenile criminal defendants shall be separated. Female juveniles shall also be separated from male

juveniles. These regulations shall also apply to those under observation or rehabilitation. Inmates are held either in a single-person cell or a group cell. Group confinement is the preferred method whenever possible, unless there are legal reasons and reporting procedures have been implemented in accordance with regulations, in which case they are put in solitary confinement. Solitary confinement should be avoided to prevent damaging the physical and mental health of the inmates. Where inmates comprise diverse genders, wardens shall arrange separate cells to accommodate their physical and mental needs.

109. The phrase “single custody” was reconsidered in the Detention Act and Prison Act amended and promulgated in 2020, as it may be mistaken for the solitary confinement which is restricted by the United Nations’ correctional code. The phrase “group custody” has negative connotations and an amendment was made to refer to the cells as single-person cells and group cells. After an inmate enters a prison or detention institution, he or she shall, as a principle, be allocated to a group cell. The prison or detention institution may also assign cells in accordance with its management requirements. If the defendant is not suitable to live with others due to old age, an illness, or physical or mental disability, he or she may be placed in a patient ward. For gender-diverse individuals, accommodation arrangements are appropriately made based on their individual needs and safety considerations to prevent exclusion or discrimination. If an inmate must be placed in a single-person cell due to epidemic prevention, isolation, or other special circumstances, which may result in solitary confinement, this arrangement shall be subject to a legal time limit and may not exceed 15 days. Furthermore, medical personnel must continuously monitor his or her physical and mental health. If an assessment determines that solitary confinement is no longer appropriate, the measure will be immediately terminated.

110. By 2024, the total authorized capacity for correctional institutions nationwide was 60,552 individuals, with an actual inmate population of 59,805 individuals, indicating no overall overcrowding. Of these inmates, 53,728 were serving sentences, whereas 3,997 were defendants. The correctional institutions also held juveniles, patients undergoing rehabilitation, and other types of inmates. In an attempt to resolve the prolonged overcrowding of detention facilities, the Tainan Second Prison, Bade Minimum-Security Prison, and minimum-security sections of Taichung Prison, Pingtung Prison, and Taitung Prison were established with the additional capacity of 2,142 inmates. Additionally, the new construction (expansion) project of Taipei Prison and the expansion project of Yilan Prison

have commenced operations. The new construction (expansion) projects for two institutions currently under development—Bade Minimum-Security Prison and Yunlin Second Prison—along with the relocation project of Changhua Detention Center, will collectively increase capacity by 7,243 inmates. It is estimated that the overall overcrowding rate will decrease to 0.28% starting from 2025. Meanwhile, the Ministry of Justice is trying to reduce the number of inmates by applying controls upstream (such as the use of probation, deferred prosecution, and fines/labor in lieu of imprisonment) to reduce the number of inmates entering prison, and downstream policies such as relaxing parole criteria, digital processes, and shortened release procedures. The Ministry also referenced the Nelson Mandela Rules and the United Nations' 2016 Technical Guidance for Prison Planning to formulate regulations for specifying an area of at least 3.4 square meters (excluding bathroom space) for each inmate in group cells. The area is slightly larger than 1 ping and is much more spacious than the current 0.7 ping requirement. The design also incorporates living facilities such as one bed per person, individual desk and chair space, storage platforms, and bookshelves, thereby enhancing the living environment and quality for inmates.

111. The Prison Act was amended and promulgated in 2020; the amended articles now require the supervisory authority to implement and transfer inmates as required when the number of inmates in prisons severely exceeds the maximum amount permitted. It also allows prisons to report to the supervisory authority for permission to transfer inmates to designated prisons and authorizes the Ministry of Justice to establish regulations on the procedures and criteria for prison transfers, review criteria for inmates transferred to designated prisons, review procedures for the transfer, methods of implementation, and other matters. The Ministry of Justice established the Regulations Governing the Transfer of Prisoners in July 2020.

Security

112. Correctional personnel are given proper training and guidance, including on the human rights principles conveyed in the two covenants. A set of guidelines has been established concerning the actions of management personnel at correctional institutions, thereby ensuring that inmates do not receive punishment above and beyond that imposed on them by the law, and that they are treated in a humane manner that does not undermine their dignity. To enhance the professional knowledge required for managing inmates with mental illnesses, newly appointed prison officers and detention center administrators receive pre-service training on basic psychiatry. Additionally, security management personnel

responsible for inmates with mental illnesses receive regular annual training, where they learn techniques for handling the unique behaviors of mentally ill inmates to reduce security incidents.

113. The procedures and methods for correctional personnel to use restraints while performing their duties must comply with the Regulations Governing the Management of Use of Guard Instruments, Protective Restraints and Placement in Protective Cell in Prisons and the Regulations Governing the Management of Use of Guard instruments, Protective Restraints and Placement in Protective Cell in Detention Centers. The Ministry of Justice has also enacted the Guidelines for the Use of Restraints in Prisons and Detention Centers to ensure correctional personnel adhere to these principles when performing their duties, thereby safeguarding the rights and interests of detained individuals. Police batons and firearms must be used in accordance with related regulations, and their use must conform to the principle of proportionality and least possible damage.
114. The Detention Act and Prison Act, amended and promulgated in 2020, now explicitly define the circumstances for using restraining instruments, applying fixed restraints, or accommodating inmates in a protective cell. This is because these measures significantly restrict an inmate's personal liberty and profoundly affect their rights. Consequently, medical personnel must be assigned to assess an inmate's physical and mental condition and provide appropriate assistance. To further clarify the requirements for correctional personnel to use batons, knives, firearms, and other instruments approved by the Ministry of Justice, the specific circumstances for their use are explicitly defined. The Ministry of Justice has enacted the Regulations Governing the Use of Weapons in Prisons and Detention Centers and the Reference Guidelines for the Use and Management of Instruments by Correctional Personnel of the Agency of Corrections, Ministry of Justice. These regulations ensure the legitimacy of law enforcement while safeguarding the safety and rights of both correctional personnel and detained individuals.
115. According to the Prison Act and related laws, inmates shall be allowed visits and communication with relatives, family members, or other visitors. Since March 2015, if an applicant provides documentation clarifying their status as the same-sex partner of an inmate, or since May 2019, if an applicant provides documentation clarifying their same-sex marital relationship with an inmate (or, if unable to legally marry due to existing laws, provides documentation clarifying their same-sex partnership), correctional institutions may

permit them to conduct visits and correspondence, as well as to send money, food, and essential items. Inmates who exhibit good behavior and satisfy the necessary legal requirements may be granted short home visits or allowed to live with their spouse or direct blood relatives at a designated location for a specified duration. Regarding methods for inmates to receive visits, the Regulations for Conducting Visits via Communication Devices in Prisons and Detention Centers were enacted on July 15, 2020. Correctional institutions may establish remote communication equipment (e.g., for telephone visits, remote video visits, and mobile device visits) to provide more convenient options for next of kin and family members residing far away who are unable to travel to the institution to visit inmates.

Work

116. The purpose of labor for inmates in prison is to impart vocational skills, foster diligent habits, and cultivate their physical and mental well-being. Unless they are ill, undergoing initial intake assessment, pose a security risk, or are otherwise exempted by law or regulations, inmates must participate in work assignments. Detention centers may permit detained defendants to participate in work assignments according to their wishes. 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. If an inmate meets any of the following conditions, correctional institutions, based on humanitarian considerations and in accordance with relevant laws and regulations, may permit them to engage in light work assignments, taking into account their interests and physical and mental health. The labor remuneration they receive monthly may be freely used: where an inmate suffers from a disease and requires long-term care in accordance with a doctor's certificate of diagnosis; where there are objective facts sufficient to demonstrate that the inmate's physical or mental condition results in a lack of discernment capacity, rendering them unable to manage their own affairs, or that their discernment capacity is significantly diminished; where the inmate suffers from old age, physical or mental disabilities, or mobility impairments, or cannot take care of himself or herself; where the inmate is pregnant or within two months after childbirth; other cases deemed necessary after investigation.

117. Correctional institutions arrange for inmates to participate in vocational training. Inmates can enroll in practical livelihood courses like welding, refrigeration and air conditioning, baking, and Chinese-style cooking, based on their interests, and also participate in

certification exams. Additionally, there are arts and humanities courses available, including pottery, lacquerware, woodworking, and stone carving. Correctional institutions refer to the National Development Council's industry-specific labor demand reports, the Ministry of Labor's TaiwanJobs website, and other resources to assess employment demands. They directly collaborate with local branches of the Workforce Development Agency to offer cooperative vocational training, adjusting training content as needed. This also includes providing employment transition services for inmates upon release, matching them with relevant job opportunities. Between 2021 and 2024, a survey found that the employment and vocational training-related job placement rate for inmates upon release was 59%. This figure is higher than the rate at which general university or vocational college graduates apply their learned knowledge. Work assignments for inmates reference the labor conditions of the general public, stipulating that daily work hours shall not exceed eight hours, and work is suspended on national holidays and under special circumstances. Correctional institutions undertake contract work that includes processing various products such as electronics, screws, and paper bags. Additionally, inmates are assigned to work outside the institutions in factories or farms. The daily workload for these assignments is determined based on the average work capacity of the general population, and all relevant work assignments consider the inmate's physical and mental health and allow for individual adjustments.

118. In accordance with the Prison Act, individuals who participate in work assignments must be paid wages for their work. The calculation and payment of wages shall involve a proportional allocation from the total amount of wages, with the specific amount granted calculated based on the inmate's actual work hours and labor efficiency. In 2020, the Prison Act was amended to increase the allocation ratio of wages to 60% of the work surplus. By 2024, the average monthly wages for inmates in correctional institutions totaled approximately NT\$765, representing a 60% increase compared to before the amendment.

119. From the work surplus of correctional institutions, an additional 10% is allocated as compensation for crime victims, and 10% is used for inmates' food allowances. The Correctional Institution Operational Fund subsidizes the cost of skills training for inmates, the cost of fuel needed for bathing and cooking for inmates, compensation for inmate work, medical expenses for inmates suffering from poverty and diseases, improvement of inmate medical facilities, and improvement of inmate living facilities every year. To address the immediate needs of newly admitted inmates, the Fund also subsidizes correctional

institutions to provide not only public winter and summer uniforms, clothing, and bedding, but also daily necessities such as underwear, toothbrushes, toothpaste, toilet paper, towels, and soap to newly admitted inmates. For a small number of inmates who lack family financial support and are in poverty, correctional institutions also cover the cost of their daily necessities, thereby enhancing their quality of life. The Correctional Institution Operational Fund added provisions stipulating that, for inmate work, prisons must consider inmates' sentence term, health, and other relevant conditions, and after discussions with the inmate, determine suitable work tasks within their individual correctional programs. It also clearly prescribes provisions for the granting of labor wages and the issuance of compensation, thereby strengthening the protection of inmates.

Correctional Education

120. Individual correctional education programs have been developed based on inmates' age, health status, education, and the nature of the crime committed. Apart from the counseling and educational matters implemented in accordance with laws and regulations, important rehabilitative measures promoted in recent years include organizing art and cultural activities, reading clubs, book fairs, family visitation events, family support courses, and religious instruction. During the COVID-19 pandemic, to safeguard the health and safety of inmates and prevent outbreaks within correctional institutions, various activities were temporarily suspended. These included cultural and recreational events, family visitation events, and some group courses. Other group courses shifted to video instruction. These adjustments were adjusted and managed on a rolling basis depending on the local epidemic situation, aiming to enhance the quality of counseling and education and provide inmates with more comprehensive guidance resources. In addition, correctional institutions organize occupational safety education and training sessions for social workers to enhance their safety awareness and professional competence.

121. Correctional institutions assess the care needs of inmates' children, conduct surveys on care needs, assist in referrals to social welfare agencies, and provide educational subsidies for the children. During the pre-release assessment phase for inmates, those identified through a needs assessment as requiring social welfare status will be contacted and referred to relevant social welfare agencies based on their wishes. Necessary assistance will be provided as appropriate to facilitate their successful reintegration into society. Additionally, in conjunction with labor administration employment transition services, the number of

individuals receiving employment referral services from 2020 to 2024 was 1,705, 1,530, 1,480, 1,413, and 1,546, respectively.

Child Accompaniment in Prison

122. The existing correction laws allow female inmates to bring children under 3 years of age into prison. Inmates who bring children into prison are given proper care and assistance as required by law, while every effort is made to improve the condition of the nursery room, quality of parental courses, and healthcare. For female inmates with more than six months of remaining sentence, prisons shall notify the Social and Family Affairs Administration, under the Ministry of Health and Welfare, to request the competent authority of social welfare of the municipality or county/city government at the location of the children's household registration to provide evaluation services on the placement for children in the prison/detention center with the mother. The prison shall also actively communicate with social welfare institutions to organize subsequent placement or other social welfare services before the children leave the prison/detention center.

123. To align with the Convention on the Rights of the Child's emphasis on prioritizing the best interests of children and maximizing the use of available resources, the Detention Act and Prison Act were amended and promulgated in 2020. These amendments consider the needs of female inmates for breastfeeding and evaluate inmates' offenses by gender and the correctional institution's accommodation conditions. Provisions were added to stipulate that a female inmate entering or already in a prison or detention institution who requests to bring in children must undergo evaluation by the competent social welfare authority of the municipality or county/city government at the location of the children's household registration. Regulations were also added concerning the temporary accommodation, referral for placement, and extension of placement of young children. Furthermore, prisons and detention institutions are now explicitly required to plan activity spaces and provide necessary facilities or equipment. The competent social welfare authority of the municipality or county/city government at the location of the children's household registration shall provide necessary assistance for the care and accommodation of children in prisons and detention institutions. Female inmates may bring in or have outsiders send in food, clothing, and other necessities for their children. Correctional institutions may arrange for female inmates to engage in outdoor activities with their children at appropriate times, to facilitate the healthy physical and mental development of the young children. For information on the

referral of care needs for detained inmates' children in correctional institutions and assessments of cases involving children accompanied by their mothers in prison, please refer to Notes 296 and 297 of this report.

Meals

124. The competent authority of the detention institution is responsible for resolving specific issues encountered by the detention institution, such as overcrowding, maintenance and repairs for the infrastructure and equipment of the buildings, sanitation conditions, diseases, food and nutrition, and violent assaults. It is also required to offer medical services in collaboration with medical institutions, provide regular disinfection and cleaning services and hot water services, increasing supply fees, and taking samples of food for examination. The cost of three daily meals for inmates is covered by the national budget. As of January 1, 2025, the monthly food allowance standard per adult inmate is: For the main island of Taiwan, the amount is NT\$2,700 (including NT\$400 for personal expenses). For the Penghu, Kinmen, and Green Island areas, it is NT\$3,100 (including NT\$500 for personal expenses). For the Matsu area, it is NT\$4,000 (including NT\$600 for personal expenses). Since July 1, 2023, the monthly food allowance standard for each juvenile inmate (including those in outlying island areas) was adjusted to NT\$4,200 (including NT\$300 for personal expenses). Additionally, considering the necessity of inmate healthcare, new inmates and those unable to afford their living necessities are provided with appropriate living supplies.

125. In winter (December 1 to end of February), inmates can access hot showers every working day. Between March 1 and November 30, inmates can access hot showers twice per week or on working days when the temperature drops below 20°C. Juvenile inmates, female inmates, inmates aged 65 or older, inmates housed in medical wards, and other inmates with special healthcare needs must be provided with hot water for bathing every day throughout the year. The required funding of NT\$100 million per year is paid from the Prison Operational Fund.

126. Since 2019, correctional institutions have gradually replaced outdated boiler facilities and equipment and installed tap water equipment. The aim is to meet environmental protection regulations and standards, enhance environmental awareness, and improve the living environment and quality for inmates. Furthermore, to promote the complete conversion of correctional institutions to tap water, a comprehensive review was conducted for the tap

water improvement plans of 51 correctional institutions. As of 2024, 48 institutions had fully switched to tap water. However, due to water supply issues with Taiwan Water Corporation, three institutions have faced difficulties in switching entirely to tap water. The physical cleanliness of inmates is closely related to their health. Based on requirements for environmental cleanliness for group life in correctional institutions and protection of their personal health, the Detention Act and Prison Act were amended and promulgated in 2020 to stipulate that the inmates' cells, work areas, and other areas must be provided with necessary space, light, and ventilation for health. They must also be provided with bathroom facilities necessary for their daily use, and prisons and detention institutions shall provide cold and hot water and water for cleaning based on the season.

Healthcare and Medicine

127. Since inmates were included in the National Health Insurance in 2013, National Health Insurance funds have been allocated as follows for 2020 to 2024, respectively: NT\$1,263,439,000, NT\$1,259,860,000, NT\$1,117,567,000, NT\$1,245,275,000, and NT\$1,434,074,000. These funds are managed by insurance medical service institutions to provide health insurance medical services across various correctional institutions. In 2020 and 2022, respectively, 34 teams comprising 113 and 117 healthcare institutions provided medical services to 51 correctional institutions and three branch prisons, serving approximately 57,000 inmates. In 2023, 34 teams comprising 115 healthcare institutions provided medical services to approximately 50,000 inmates across 51 correctional institutions and three branch prisons. In 2024, 34 teams made up of 119 healthcare institutions delivered medical services to approximately 60,000 inmates across the same 51 correctional institutions and three branch prisons. Furthermore, outpatient clinics within correctional institutions can now be adjusted based on inmate needs, resulting in significant improvements in the quality of medical services, the availability of specialized consultations, the number of outpatient visits, and accessibility of healthcare services. Table 11 shows use of medical services by inmates between 2020 and 2024.

Table 11 Use of Medical Services by Inmates

Year	Unit: Persons		
	Prison outpatient clinic	Escorted outpatient clinic	Escorted hospitalization
2020	848,603	31,164	7,190
2021	711,811	21,232	6,296
2022	819,174	20,028	6,724

2023	881,258	25,370	8,118
2024	952,053	34,020	6,891

Source: Agency of Corrections, Ministry of Justice

128. As of 2024, correctional institutions accommodated 58,970 inmates including 2,954 inmates with disabilities: 1,392 inmates had certificates for type 1 disabilities, 210 inmates had certificates for type 2 disabilities, 70 inmates had certificates for type 3 disabilities, 117 inmates had certificates for type 4 disabilities, 45 inmates had certificates for type 5 disabilities, 117 inmates had certificates for type 6 disabilities, 1,076 inmates had certificates for type 7 disabilities, and 39 inmates had certificates for type 8 disabilities. The Agency of Corrections, under the Ministry of Justice, has established a system interface with the Ministry of Health and Welfare to gather real-time information on inmates holding disability certificates. This ensures that correctional institutions can provide appropriate medical care and tailored treatment for these inmates. If an inmate with a disability requires a re-evaluation for their disability status, correctional institutions will provide all necessary assistance to safeguard their rights and interests.

129. In addition, restraining instruments may be exempted for inmates with severe physical disabilities when they are escorted to medical facilities. They should be accompanied by personnel of the institution throughout the process to ensure that people with disabilities can receive medical services smoothly. Correctional institutions are required to plan accessibility facilities or provide auxiliary devices based on the conditions of accommodations, or accommodate such inmates in the medical ward or cell on a lower floor to make mobility more convenient. Correctional institutions shall also assign inmates to the cell housing the inmate with disabilities based on the statements of the inmate, his or her physical appearance, interactions with others, and related investigation or inspection data to prevent bullying or discrimination due to their difficulties in mobility or expression.

130. To prevent discriminatory treatment due to the unique identity of inmates, the Detention Act and Prison Act were amended and promulgated in 2020, stipulating that correctional institutions may not discriminate against inmates based on their physical or mental disabilities or other identity. Correctional institutions must protect the accessibility rights of inmates with disabilities in prisons and make reasonable adjustments. In 2020, the Guidelines for Reasonable Accommodation for Inmates with Disabilities at Corrective Agencies were established, providing examples for all correctional institutions to follow in

this regard. Additionally, the Treatment Plan for Inmates with Disabilities in Correctional Institutions was announced in 2021. This Plan specifies reasonable adjustment measures across various aspects of treatment and outlines relevant regulations for referral and placement prior to release, as to safeguard the rights and interests of inmates with disabilities.

131.If, through initial intake assessment or daily in-custody evaluations, a correctional institution learns that an inmate has a disability, or if an inmate receives a re-evaluation notice from a social welfare unit, the correctional institution will inform the inmate of the application procedures. The inmate may also proactively apply, and the correctional institution will assist with the relevant application and assessment procedures.

132.Inmates who exhibit changes in their mental state or mental disorders go on regular psychiatric outpatient clinic visits and follow-ups. They are medicated regularly as prescribed by physicians, and may be referred to professional counseling if deemed necessary. Inmates who cannot receive proper treatment at the correctional institution may be referred to the nearest medical institution and given treatment under guard. Use of psychological wards for recovery (treatment in separate phases including intensive observation, general observation, and stabilization periods are administered on inmates) and treatment offsite under guard shall be subject to approval by the Agency of Corrections of the Ministry of Justice. If an inmate experiences an urgent medical condition, or if a physician determines it is necessary after diagnosis, the prison can escort them to a medical institution or a medical ward for treatment. If, after employing the aforementioned medical treatment, appropriate care remains unfeasible or impossible, the prison may request approval from the Agency of Corrections, Ministry of Justice, to approve medical treatment on bail after considering the physician's recommendations. In emergency situations, the prison may first grant medical treatment on bail and then report it to the Agency of Corrections, Ministry of Justice, for recordkeeping. The follow-up status of medical treatment on bail for inmates in correctional institutions from 2020 to 2024 is shown in Table 12.

Table 12 Follow-Up Status of Medical Treatment On Bail for Inmates in Correctional Institutions⁵

Unit: persons

Year	Number of inmates still on bail for medical treatment on bail	Reason for the termination of the inmate's medical treatment on bail											
		Return to prison after medical treatment on bail			Death during medical treatment on bail			Abscondment while on medical treatment on bail			Others		
		Subtotal	Male	Female	Subtotal	Male	Female	Subtotal	Male	Female	Subtotal	Male	Female
2020	486	84	69	15	143	134	9	16	5	11	31	20	11
2021	495	81	69	12	179	161	18	15	8	7	8	4	4
2022	475	98	76	22	169	158	11	26	15	11	15	12	3
2023	504	129	118	11	167	155	12	33	21	12	10	8	2
2024	512	106	88	18	190	176	14	39	26	13	7	7	0

Source: Agency of Corrections, Ministry of Justice

133. To ensure inmates in correctional institutions receive addiction treatment services comparable to those available to the general public, the Agency of Corrections, under the Ministry of Justice, has promoted an evidence-based treatment model for drug offenders since 2018. Additionally, in collaboration with the Ministry of Health and Welfare, it launched the Integrated Drug Addiction Treatment Service and Quality Improvement Plan for Correctional Institutions in 2019. By 2024, the Ministry of Health and Welfare collaborated with 15 medical institutions to establish and provide evidence-based integrated addiction medical services within 17 correctional institutions, thereby gradually expanding the coverage of addiction treatment services within correctional institutions.

Parole

134. In addition to satisfying all legal requirements, the Ministry of Justice reviews parole requests based on the crime committed, the inmate's behavior, and chances of reoffending before giving final approval. All parole decisions are in no way related to inmates' race, skin color, gender, language, religion, or social status. The Prison Act was amended and promulgated in 2020, stipulating that the parole review shall include the review of the

⁵ Correctional institutions in this table shall first consider the inmates' medical requirements when reviewing medical parole and take into account the safety requirements for society. The number of inmates on medical parole has increased in recent years. Although the number of inmates granted medical parole was approximately 134 to 161, most did not pass away in the same year they were released.

inmate's crime, behavior in prison, criminal records, effectiveness of the edification or correctional treatment, after-care plan, and other related matters to determine the inmate's repentance. The Ministry of Justice is also required to establish reference standards for reviewing parole applications in accordance with the contents of the preceding paragraph and publish the standards in a suitable manner. In line with the aforementioned regulations and the National Conference on Judicial Reform's aim for parole transparency, the Ministry of Justice jointly established parole review and assessment criteria for inmates. Such criteria came into effect officially and were put into practice in February 2024, following a trial period.

135. Given that intentionally committing a new crime during parole, regardless of its severity or the original sentence, could lead to the revocation of parole—potentially causing individuals who were gradually reintegrating into society to have a significant parole revoked due to a minor offense, Article 78 of the Criminal Code was amended on January 12, 2022. This amendment, consistent with the Judicial Yuan Interpretation No. 796, introduced discretionary parole revocation. Now, for those who intentionally re-offend and receive a suspended sentence or a prison term of six months or less, the competent authority can, based on individual circumstances, decide whether to revoke parole, thus better facilitating rehabilitation. In addition, the current Criminal Code's provision, which stipulated that for inmates serving life imprisonment only detention days exceeding one year could be counted towards the period eligible for parole application, is in the process of being amended. This amendment, in accordance with the Judicial Yuan Interpretation No. 801, proposes to ensure that the number of days of detention prior to the final judgment, whether for life imprisonment or fixed-term imprisonment, are counted towards the time served for parole eligibility, thereby aligning with the principle of equality. The Executive Yuan has already passed the draft amendment, which is currently under joint review at the Judicial Yuan. Recently, in accordance with the Constitutional Judgment No. 2 of 2024 by the Constitutional Court, the Criminal Code's provisions concerning the remaining sentence for inmates serving life imprisonment after parole revocation will be amended in accordance with the judgment. This amendment will properly balance the appropriate remaining sentence execution period and the criteria for granting parole. The draft amendment is currently under review by the Executive Yuan. Additionally, the Prison Act, amended and promulgated in 2020, established a parole remedy mechanism. If an inmate disputes the

denial of parole or its revocation under judicial remedy provisions, they can file an appeal with the Agency of Corrections, under the Ministry of Justice. Should they remain dissatisfied with the appeal decision, the matter will proceed under the administrative litigation expedited procedure and handled by the court located in the jurisdiction of the prison and the place where protective supervision is enforced, thereby ensuring the inmate's right to assistance. From July 2020 to 2024, the following assistance cases were accepted: 1,962 appeals and 282 administrative litigations.

Correctional Personnel Review

136. By 2024, correctional institutions had 6,076 security personnel, including 175 contract employees, though this number will gradually decrease to 169 in line with the Executive Yuan's Directorate-General of Personnel Administration policy. This results in a security personnel-to-inmate ratio of approximately 1:9.7, significantly higher than in the United States (1:4.5), South Korea (1:3.0), Japan (1:2.3), and Singapore (1:6.5). This personnel shortage, compounded by the demands of day and night shifts and the nature of duty posts, sometimes means a single security officer must oversee hundreds of inmates. Consequently, responding effectively to emergencies such as inmate illnesses or riots can become challenging.

137. Correctional institutions employ a total of 437 educational personnel, which is equivalent to one person for every 135.1 inmates. In addition to providing regular services such as individual guidance, education, parole, and cultural activities, educational personnel are also responsible for organizing skills training, arts/cultural shows, seminars, and counseling. A shortage of human resources has over-burdened existing personnel, and detracted from their effectiveness.

138. In 2015, the Ministry of Justice proposed a plan to increase the number of educational personnel at correctional institutions. The Executive Yuan approved 300 additional personnel (150 full-time employees and 150 contract employees). The Ministry of Justice requested additional manpower in 2017 and received budgetary approval for 400 employees. In 2022, the budgeted personnel quota was increased by 390 to accommodate the new and expansion construction projects at Yunlin Second Prison and Bade Minimum-Security Prison. However, the current manpower distribution still falls short of the target of 3,041 people stated in the 2015 report (one security personnel per eight inmates and one educational personnel member per 100 inmates). The Ministry of Justice will continue to

pursue these goals in accordance with related correctional policies.

139. Since 2019, the Agency of Corrections, Ministry of Justice has been supplementing its professional personnel through labor contracting, and continues to strive for additional psychological counseling and social work professionals. As of 2024, correctional institutions employed a total of 322 psychological counseling and social workers. Of these, only 109 were permanent, budgeted positions. The remaining 213 personnel consisted of 145 contracted through labor services, 43 hired on specific contracts, and 25 engaged as temporary staff. Additionally, the Agency of Corrections, Ministry of Justice has been promoting a pilot program for psychological counseling and social work professionals in correctional institutions from 2021 to 2025.

Treatment of Death Row Inmates

140. The Prison Act, amended and promulgated in 2020, explicitly states that provisions concerning visits and correspondence now apply *mutatis mutandis* to death row inmates. Furthermore, prisons may appropriately relax measures related to visits and correspondence for such inmates. Death row inmates are allowed visits and correspondence with relatives and friends twice a week. However, where the visits and correspondence are requested by relatives or family members, the number of applications shall not be limited. Visits are limited to 30 minutes per session and may be extended where necessary. Death row inmates are allowed time with relatives by phone, video chat, mobile device, or appointment, and all visits and correspondence are, as a general rule, approved in favor of the inmates.

141. For educational and correctional treatment, in addition to scheduling outdoor activities and promoting diverse arts, cultural, and educational programs, correctional educators or counselors regularly provide individual guidance. This helps them understand inmates' adaptation to prison life and allows for timely assistance. Emphasis is also placed on life education, mental health, and suicide prevention to alleviate psychological stress. When necessary, inmates are referred to psychologists and other professional counselors for in-depth psychological counseling services. During Lunar New Year, Mother's Day, and Mid-Autumn Festival, death row inmates are granted face-to-face visits and phone conversations with relatives. Out of respect towards their religious beliefs, death row inmates are accompanied by religious personnel or volunteers to help moderate their emotions. Furthermore, volunteers and social associations with legal background are invited to offer legal counseling and assistance to inmates.

142. In terms of medical treatment, all death row inmates are already covered by the National Health Insurance scheme, which provides them with the same medical treatment, procedures, and quality as other inmates in general. As for mental health, correctional institutions may use a simplified health scorecard to evaluate inmates' mental state upon entry, every six months, or where necessary, and provide emotional support and counseling or refer medical services based on results.
143. Under the Prison Act, death row inmates are offered opportunities to work, should they wish to. If a death row inmate volunteers for work, the correctional institution will determine the work assignments based on their physical and mental condition, emotional disposition, ability to adapt to groups, security considerations, and overall living management. Additionally, it is expressly stipulated that the provisions of the said Act concerning custody, work, educational and recreational activities, supplies, hygiene and medical services, visits and correspondence, safekeeping of personal belongings, petitions, complaints, and litigation relief shall apply *mutatis mutandis* to inmates on death row.

Juvenile Law

144. Juvenile matters are to be dealt with by juvenile courts. Where a juvenile crime is subject to military trial in accordance with laws, it may also be processed by a juvenile court in accordance with the Juvenile Justice Act. The protection and rights of the defendant in legal proceedings shall not vary based on the defendant's age. 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 practice is adopted in Taiwan to divert juvenile offenders away from the judicial system and into the social welfare system. The number of people referred by court decisions to the social welfare system through this approach was 115, 106, 131, 105, and 50 between 2020 and 2024, respectively.
145. By law, juvenile correctional institutions are used to accommodate juveniles who are under protective custody, detained observation, criminal investigation, or correctional education, as well as those who have been found guilty of a crime and convicted. Education and skills training are offered to such people according to their needs to help them develop conventional living habits. Before leaving the correctional institution, juvenile inmates are connected with resources for educational and employment transition services, and are subsequently tracked and provided with follow-up care. 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 correctional institution or to the supervising authority.

146. On August 1, 2021, reform schools were officially re-designated as reformatory schools. They have since fully adopted the curriculum guidelines of 12-year basic education for their educational programs. These have also connected with and leveraged learning support resources provided by the Ministry of Education to deliver tailored instruction for elementary, junior high, and senior high school-aged inmates, along with offering remedial classes, skills training, and assessments.

Rehabilitation/Protection System and Progress

147. The Ministry of Justice oversees the collaboration between after-care associations and systems related to religion, public health, and social welfare, forming a protection and support network for inmates after their release. This collaboration provides services such as placement guidance, skills training, employment assistance, education and medical assistance, emergency relief, visits and care, travel expense subsidies, medical expense subsidies, assistance with returning home or to other locations, and interest-free business start-up loans. To bolster family support for rehabilitated individuals, the scope of protection services has been expanded to their families, fostering acceptance of rehabilitated individuals.
148. The key points for assistance provided to inmates include promoting family relationships before release, introducing them to employment market orientations, guiding them to recognize their own expertise, and providing information on housing, vocational training, and employment services. After inmates are released from prison, the Taiwan After-Care Association provides subsequent follow-up tracking and care. It also connects governmental or private-sector resources to offer the aforementioned protective services, based on the rehabilitated individuals' personal willingness and diverse needs. From 2020 to 2024, the annual service outcomes were 13,012, 12,984, 16,217, 17,320, and 17,555 individuals, respectively. Among these, employment counseling was provided to 1,783, 1,805, 1,949, 1,945, and 1,926 individuals, respectively; education counseling was provided to 236, 260, 276, 213 and 189 individuals, respectively; emergency assistance was delivered to 546, 1,432, 1,575, 1,466, and 1,680 individuals, respectively; and 308, 305, 343, 393 and 367

individuals, respectively, were provided with short-term placement services.

149. Subsidies have been used for private associations to provide rehabilitation and services for former drug abusers. Services include counseling after entering correctional institutions as well as employment and educational assistance, employment education and adaptation, support aimed at gaining independence, connecting with families, referral to medical services for drug abusers, psychological counseling, and visits by social workers after leaving the correctional institutions. From 2020 to 2024, 1,166, 1,450, 1,725, 1,501 and 1,314 individuals, respectively, received these services per year.

Long-Term Care and Nursing Institutions for the Elderly

150. The Senior Citizens Welfare Act contains related regulations on the establishment, management, supervision, and assistance for senior citizen welfare institutions and it also imposes administrative liabilities for implementing audits, assistance, supervision, inspections, and evaluation. To enhance the active fire extinguishing capacity of institutions with inherent weaknesses in facilitating evacuations and the efficiency for reporting fires, the amendment of the Standard for Installation of Fire Safety Devices based on Use and Occupancy were introduced in 2018 to require long-term care service facilities to set up automatic water spraying equipment and 119 fire reporting devices, as to improve fire safety regardless of their floor space. In addition, to strengthen the emergency response procedures and mechanisms of senior citizen welfare institutions, emergency disaster response plans and operating procedures must be established based on the characteristics and needs of institutions. They must also regularly implement disaster response drills to help improve public safety in senior citizen welfare institutions. In addition, the competent authorities are responsible for supervising the management of public safety in institutions under their jurisdiction, and shall conduct at least one unannounced joint inspection of senior welfare institutions each year. As of 2024, there were 1,048 senior citizen welfare institutions, providing 59,831 beds with 50,446 individuals actually residing in them, reflecting a utilization rate of 84.31%.

151. According to the Senior Citizens Welfare Act, if a senior citizen's life, body, health, or freedom is endangered due to neglect, abuse, or abandonment by their spouse, lineal blood relatives, or a person obligated to provide care under a contract, or due to a lack of support, the special municipality, county, or city competent authority may provide appropriate protection and placement based on the senior citizen's application or its own authority.

When a social worker reviews a case and finds the physical or mental abuse of a senior citizen is severe and threatens their personal safety, the negligence of the person contracted to provide support is severe and threatens the survival of the senior citizen, a senior citizen is abandoned and has no place to live, or a senior citizen is not cared for and their inability to care for themselves is extreme, the competent authority shall provide related protection and shelter services in accordance with its authority. Between 2020 and 2024, shelter services were provided to a total of 10,529 people.

152.To protect the rights of the recipients of services in institutions, the competent authorities implement unannounced counseling inspections and assessment mechanisms for institutions. Children's residential care facilities, welfare institutions for senior citizens and people with disabilities, and mental health care institutions are prohibited from abusing their residents or conducting inappropriate actions that affect their physical or mental health or restrict their freedoms. Related complaint mechanisms are also established. Where an institution is suspected of abuse, affecting the residents' physical or mental health, or restricting their freedoms and such violations are verified by the competent authority in its investigations, it shall be punished accordingly; where it fails to implement improvements, it may be penalized consecutively for each violation. Where criminal liabilities are involved, the case shall be transferred to prosecutorial or judicial authorities for investigation.

153.To enhance the professional knowledge of workers at institutions and organize on-the-job training for service personnel, such individuals are required to attend at least 20 hours of on-the-job training each year. This training includes courses on concepts of elder protection, prevention of elder abuse in institutions, reporting and handling of protection cases for people with disabilities, overall concepts of the child and youth protection system, and special care issues for children and youth, actively promoting the prohibition of inappropriate treatment. Between 2020 and 2024, there were 16 reported cases of abuse or neglect involving individuals with disabilities in welfare institutions. In these cases, service personnel were found to have engaged in improper conduct towards persons with disabilities, resulting in penalties imposed by the competent authority in accordance with the People with Disabilities Rights Protection Act. Additionally, to reinforce the reporting obligations of welfare institutions for individuals with disabilities and safeguard the rights of those they serve, Taiwan's government announced a draft amendment to the People with Disabilities Rights Protection Act on August 7, 2024. This amendment introduces new

provisions, including disqualifications for institutional personnel and staff, expanded reporting responsibilities, stiffer penalties for serious incidents such as improper treatment, the public disclosure of names of responsible persons, and the authority to order suspension or revocation of operations. These measures aim to further protect the rights and interests of persons with disabilities.

154. Among the elderly protection cases reported from 2020 to 2024, the number of cases where the perpetrator was institutional employee—including personnel from elderly welfare institutions, welfare institutions for persons with disabilities, long-term care service institutions, veterans' homes, nursing homes, and mental health care institutions— was 29, 23, 29, and 60, respectively, for each year.

Psychiatric Institutions

155. Judicial Yuan Interpretation No. 799 states that individuals subjected to post-sentence compulsory treatment are to be regarded as “patients” receiving treatment aimed at effectively mitigating their risk of recidivism. This is not to be construed as a criminal punishment for such individuals. Therefore, the Ministry of Justice must implement effective adjustments and improvements to the execution of compulsory treatment to align with the constitutional requirement for a clear distinction from criminal enforcement. In 2023, the Ministry of Justice successfully identified medical institutions willing to undertake post-sentence compulsory treatment services and completed the establishment of dedicated facilities. This initiative ensures the implementation of the spirit and intent of Article 91-1 of the Criminal Code and Judicial Yuan Interpretation No. 799. See Notes 85 and 86 of this report and Notes 153 (4) and 247 of the fourth national report on the ICESCR.

Article 11 Incarceration for Inability to Fulfill Contractual Obligations

156. Taiwan had no cases where personal freedoms were infringed upon for a failure to service private debt obligations connected to private contracts.

Article 12 Freedom of Movement and Choice of Residence

Freedom of Relocation in Taiwan

157. According to Article 10 of the Constitution, the people shall have the freedom of residence and relocation. Furthermore, according to Articles 16, 17, and 26 of the Household Registration Act, a moving-out registration shall be made if a person moves out of the

original jurisdictional area (township, city, district) for more than three months. However, the relocation need not be registered in circumstances where the law has stipulated otherwise, or because of military service, domestic education, or admission into a correctional institution, long-term care facility, or similar places. The same Act also requires people to register their relocation when moving into a new area (township, city, or district) for more than 3 months. Residents are required to register their relocation at the Household Registration Office in the vicinity of their new place of abode. According to Supreme Administrative Court Judgment No. 60 of 1967, household registration relocation is a factual act, and therefore registration of relocation should also be based on facts. According to the above-mentioned regulations of the Constitution and the Household Registration Act, as well as the intent of the Supreme Administrative Court Judgment, the Act does not restrict people from having to register before moving into a specific area, but rather respects the parties' willingness to relocate, and only after they have lived in a specific area for three full months does it prescribe that relocation registration must be handled. According to the Immigration Act, nationals without household registration in Taiwan (NWOHR) are required to apply for approval from the National Immigration Agency of the Ministry of the Interior when entering the country. When a citizen without household registration applies to the National Immigration Agency to stay in Taiwan, he or she may stay for three months; where necessary, one extension may be provided for a maximum stay of six months after the individual enters the country.

158. Furthermore, to enhance the rights and protections of nationals without household registration (NWOHR), certain amended articles of the Immigration Act took effect on January 1, 2024. These amendments liberalize the requirements for NWOHR holding valid R.O.C. passports, allowing them to enter the country without applying for an entry permit in advance, or to apply for an entry permit upon arrival. The permitted period of stay upon entry is three months, thereby increasing the convenience for NWOHR to visit Taiwan. The period required for NWOHR to apply for permanent residency and household registration in Taiwan has been shortened. NWOHR holding valid R.O.C. passports who have obtained resident status in Taiwan on grounds of family reunification, naturalization, investment, or employment, may apply for permanent residency if, while still meeting their original resident conditions, they have resided in Taiwan for at least one full year with a minimum of 335 days of physical presence; continuously resided for at least two full years with a

minimum of 270 days of physical presence annually; or continuously resided for at least five full years with a minimum of 183 days of physical presence annually. Furthermore, NWOHR who meet the conditions for permanent residency by being born abroad to a parent who was a national with household registration (NWHR) residing in the Taiwan Area at the time of their birth, may also directly apply for permanent residency and household registration.

Immigration Freedom

159. Citizens who have existing household registration in Taiwan may not be denied entry into the country. Article 6 of the Immigration Act is the main regulation used to prohibit citizens from leaving the country. The Act employs restrictions for criminal cases as the primary measure and probation as the secondary measure. The main types of prohibited exit involving citizens from 2020 to 2024 are specified in Table 13. Article 18 of the Immigration Act and the Alien Entry Prohibition Operation Directions are the main regulations for the prohibition of entry by foreign nationals. The immigration case review meeting was established in accordance with Article 88 of the Immigration Act to review conditions specified in Article 18, Paragraph 1, Subparagraph 13 (foreign nationals believed to endanger national interests, public security, or public order of Taiwan) and Subparagraph 15 (foreign nationals believed to engage in terrorist activities) of the same Act. The conditions specified in Article 5, Paragraph 1 of the Alien Entry Prohibition Operation Directions are also referenced. Table 14 lists cases of foreign nationals denied entry between 2020 and 2024. Statistics show that the primary reason was a record of previous overstay and illegal employment, and the secondary reason was a criminal record.

Table 13 Cases of Prohibited Exits Involving Citizens

Unit: persons

Year	Item Gender	Total	Criminal case restriction	Probation restriction	Financial and taxation control	Administrative enforcement	Military service control
2020	Male	38,441	27,423	10,630	198	149	41
	Female	4,908	3,155	1,267	77	409	0
	Subtotal	43,349	30,578	11,897	275	558	41
2021	Male	29,993	19,350	10,118	231	263	31
	Female	3,424	2,081	1,188	75	80	0
	Subtotal	33,417	21,431	11,306	306	343	31
2022	Male	29,769	21,313	8,022	211	205	18
	Female	3,527	2,242	1,183	43	59	0
	Subtotal	33,296	23,555	9,205	254	264	18
2023	Male	31,383	23,975	6,791	246	274	97
	Female	3,737	2,637	974	46	80	0

	Subtotal	35,120	26,612	7,765	292	354	97
	Male	34,458	28,268	5,455	263	335	137
2024	Female	4,202	3,318	694	68	122	0
	Subtotal	38,660	31,586	6,149	331	457	137

Source: Ministry of the Interior

Table 14 Cases of Prohibited Entry Involving Foreign Nationals

Unit: persons

Year	Item Gender	Total	Previous record of overdue stay and illegal work	Criminal history	Communicable disease	Illegitimate acquisition, forgery, or misuse of passport; or visa application using a 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
2020	Male	6,619	5,787	689	84	43	0	10	6
	Female	7,609	7,115	120	106	88	1	179	0
	Subtotal	14,228	12,902	809	190	131	1	189	6
2021	Male	4,432	3,832	545	27	20	0	3	5
	Female	5,628	5,265	81	45	73	0	164	0
	Subtotal	10,060	9,097	626	72	93	0	167	5
2022	Male	12,638	11,611	940	33	37	0	17	0
	Female	7,899	7,605	173	24	94	3	0	0
	Subtotal	20,537	19,216	1,113	57	131	3	17	0
2023	Male	16,980	15,733	1,074	46	88	17	18	4
	Female	9,914	9,056	231	40	198	0	389	0
	Subtotal	26,894	24,789	1,305	86	286	17	407	4
2024	Male	20,791	19,430	1,161	55	77	22	26	20
	Female	13,069	12,077	171	46	222	1	549	3
	Subtotal	33,860	31,507	1,332	101	299	23	575	23

Source: Ministry of the Interior

Disaster Evacuation and Shelter

160. According to the Disaster Prevention and Protection Act, in the event of a disaster, the governments at all levels are required to establish a disaster response center, and according to their powers, create a perimeter around the area where the disaster has occurred to restrict or prohibit public entry or order their departure, and implement necessary control measures. The control measures must be implemented based on actual needs and meet the principle of proportionality. Local governments are required to prioritize the evacuation of vulnerable people such as people with disabilities. Furthermore, post-disaster off-site reconstruction in indigenous land is undertaken by the central and local governments in accordance with

relevant laws and regulations, adhering to the principle of “evacuation from disaster-prone areas without abandoning ancestral villages.” For instance, during various typhoon, heavy rain, or earthquake disasters from 2020 to 2024, a total of 51,921 individuals were evacuated or relocated from the 55 villages, townships, and districts within indigenous land. All these individuals returned home after the disaster, ensuring that no forced relocation occurred against the will of the people due to a disaster. As another example, the Maibgah tribe reconstruction project undertaken in Miaoli County in 2022 serves as a model for post-disaster reconstruction of indigenous communities. This project involved rebuilding within Zhongxing Village, Tai’an Township, which was the original location of the affected tribe.

Article 13 Expulsion of Foreigner Nationals

Issuance of Visas

161. The issuance, rejection, revocation, invalidation, and cancellation of visas are processed in accordance with the Statute Governing Issuance of R.O.C. Visas in Foreign Passports, the Enforcement Rules for the Issuance of R.O.C. Visas to Foreign-Passport Holders, and the Operation Directions for Ministry of Foreign Affairs and R.O.C. Embassy or Mission Abroad Processing Interviews with Foreigners Applying for Entry to Taiwan for Marriage to R.O.C. Citizens.

162. When processing visa applications, the Ministry of Foreign Affairs and R.O.C. overseas missions shall take into consideration national interests, the individual status of applicants, and the relations between the resident countries of the applicants and the R.O.C. Where the applicant is subject to one of the conditions specified in Article 12 of the Statute Governing Issuance of R.O.C. Visas in Foreign Passports, the Ministry of Foreign Affairs or its overseas missions may refuse to issue visas without giving a reason or revoke or invalidate a visa. Table 15 shows the number of R.O.C. visas issued, rejected, and canceled between 2020 and 2024.

Table 15 Number of Visas Issued, Rejected, and Canceled⁶

Unit: cases

Year	Issued	Rejected	Canceled (including revocation or invalidation)
2020	189,714	3,605	11,808
2021	107,662	2,015	8,375
2022	338,977	5,714	8,972
2023	448,244	19,974	8,518
2024	485,069	16,729	6,017

Source: Ministry of Foreign Affairs

163.As of 2024, there are 34 asylum seekers awaiting ad-hoc case review. This total includes 32 individuals of Myanmar nationality, one of Malian nationality, and one of Haitian nationality. There are currently no regulations for asylum seekers. For the issuance of visas to foreign nationals, according to the Statute Governing Issuance of R.O.C. Visas in Foreign Passports and its Enforcement Rules, seeking asylum is not a prescribed reason for applying for a visa. Regarding the legislative timeline of the Refugees Act, please refer to Notes 6, 128, and 129 of the Response to the Concluding Observations and Recommendations on the third national reports on the two covenants.

164.R.O.C. passport holders are given privileges such as visa waivers, visas upon arrival, and electronic visas by 172 countries or regions as of 2024.

Deportation of Non-R.O.C. Citizens

165.If a foreign national qualified for legal residency meets the conditions for deportation specified in the Immigration Act, the government may still deliver a legal decision to the party concerned through legal procedures pursuant to criteria specified in the Immigration Act, Administrative Procedure Act, and Administrative Execution Act and allow the original authority responsible for imposing the penalty to deport the individual. In the event that the foreign national disagrees with the deportation decision, he or she may file an administrative appeal in accordance with the Administrative Appeal Act and Administrative Litigation Act. In practice, to safeguard the administrative remedy rights of foreign nationals, the National Immigration Agency of the Ministry of the Interior will process an appeal by a foreign national based on the outcome of the administrative remedy procedures once they have concluded.

⁶ This table shows the main reasons for revocation or invalidation: (1) The applicant violated laws or regulations of Taiwan or engaged in activities in Taiwan that do not meet the purpose specified in the visa. (2) The reason for the visa having been granted no longer applied.

166. When a foreign national is sentenced to fixed-term imprisonment or a more severe penalty under the Criminal Code and the court orders his or her deportation, he or she may be deported following the completion of his or her sentence or after receiving a pardon. Alternatively, if a foreign national exhibits circumstances such as entering the country without inspection or temporary entry without permission, as stipulated in Article 36, Paragraph 1 of the Immigration Act, the National Immigration Agency, under the Ministry of the Interior, shall compulsorily deport them from the country.
167. Where a foreign national meets the following criteria: (1) having entered Taiwan and later found to be banned from entry into Taiwan; (2) having failed to comply with requirements regarding documents, certificates, and periods/place of visits; (3) having violated the provisions stated by leaving the designated overnight lodging facility without permission; (4) engaging in employment or activities that are inconsistent with the purpose of visit or residence indicated in their application materials; (5) failing to comply with restrictions on their residence and activities; (6) failing to apply for extension of stay or residence prior to the expiration date of their visitor or residence permit; (7) the reason for residence is no longer valid, resulting in the cancellation of their residence permit and Alien Resident Certificate; (8) in the event of the cancellation of the alien's residence permit and revocation of the Alien Resident Certificate (ARC) or the alien's permanent residence permit and revocation of the Alien Permanent Resident Certificate (APRC), the foreign national may be subject to forcible deportation or ordered to leave within 10 days. Such foreign nationals must be given the opportunity to state an opinion prior to expulsion, and the decision must be issued in writing using a language that is understandable to them. From 2020 to 2024, the number of people subject to forcible deportation were 6,195, 3,459, 8,581, 15,077 and 18,553, respectively.
168. Foreign nationals who are currently being investigated by or have a pending case with a judicial authority for violations may still be expelled from the country, provided that they are not being detained, under arrest, being held in custody, or restricted from leaving the country, and that a 10-day notice is served by the National Immigration Agency, Ministry of the Interior to the judicial authority prior to the forcible deportation. The Agency does not immediately detain foreign nationals who have been assigned from another judicial authority. Instead, the Agency must first evaluate whether the foreign nationals satisfy the detention requirements listed in Article 38 of the Immigration Act and then detain or take

alternative measures if absolutely necessary. According to the Regulations Governing the Detention of the Aliens, all detained individuals must be provided a detention decision in writing. Furthermore, the Agency assigns detained foreign nationals to different facilities based on the expected time of their repatriation. Those who can leave in a relatively short timeframe are placed in temporary detention centers operated by the National Immigration Agency's Specialized Operation Brigades, with the others being placed in large-scale detention centers of the Agency. From 2020 to 2024, the number of foreign nationals detained at large-scale detention centers was 10,844, 7,785, 9,736, 15,713, and 19,701, respectively. To help detained individuals understand living regulations and their rights, admission instructions are printed in multiple languages (including Chinese, English, Vietnamese, Thai, and Indonesian). These are distributed upon entry to inform them immediately of their rights and obligations and to safeguard their interests.

169.Regulations are specified in the Act Governing Relations between the People of the Taiwan Area and the Mainland Area and Laws and Regulations Regarding Hong Kong & Macao Affairs concerning the forcible deportation of citizens of mainland China, Hong Kong, and Macao. Before conducting forcible deportation of individuals from mainland China, Hong Kong, or Macao upon entry, such individuals must be given an opportunity to present their views. For individuals who already possess an ARC or an APRC, a review meeting must also be held before forcible deportation. In addition, related procedural regulations have been stipulated for the temporary detention, continued detention, extended detention, revocation of temporary detention orders, and termination of detention for individuals from mainland China, Hong Kong, and Macao.

170.According to the Legal Aid Act, individuals eligible to apply for legal aid include citizens of the R.O.C. and people legally residing in Taiwan, subject to the availability of limited legal aid resources and the international principle of reciprocity. Therefore, foreign nationals with legal residency in Taiwan may also apply for legal aid. To help protect vulnerable people, foreign nationals who come to Taiwan in accordance with the Employment Service Act, and citizens' spouses who are financially disadvantaged and have not been naturalized, or who have been naturalized but are not enrolled in household registration, are presumed indigent with the support of an affidavit and are eligible to apply for legal aid. Foreign nationals who are to be deported and lack legal residency in Taiwan are not eligible for aid as stated in the Legal Aid Act.

Article 14 Right to a Fair Trial

Court Organization

171. See Notes 42 to 45 in the common core document of the fourth national reports on the two covenants for information on court organization.

172. Prior to the 2013 amendments to the Military Trial, the Ministry of National Defense had district military courts, the High Military Court, and the Supreme Military Court operating under its supervision. Pursuant to the Military Trial, these courts were used only to try active military personnel who violated the Criminal Code of the Armed Forces or special regulations thereof. Defendants were tried in one of two tiers, depending on their rank and status. Those who disagreed with the second tier judgement were entitled to appeal to the judicial authority for trial at the third tier. Following amendments to the Military Trial in 2013, all active soldiers who commit violations against the Criminal Code of the Armed Forces or other relevant regulations during peacetime are now indicted and punished under the Code of Criminal Procedure.

Appointment of Judges

173. There are two ways to become a judge: (1) To pass the national judicial exam and complete two years of theoretical and practical training at the Judicial Yuan's Judges Academy. At the Academy, judges and prosecutors conduct classes on trials and drafting documents for district courts or district prosecutors offices. Candidates must pass all relevant exams. Candidates may choose to become judges or prosecutors based on their performance at the academy and their goals. (2) Lawyers, academics, and public defenders who apply to become judges are selected by the Judicial Yuan's Judge Selection Committee based on the results of their oral examinations. After the candidates complete preparatory courses at the Judges Academy, the Judge Selection Committee will select qualified candidates. These candidates will then be reviewed by the Judicial Yuan's Personnel Review Committee before being appointed as judges. The Civil Service Special Examination for Judges and Prosecutors is implemented in three stages. According to the regulations on the exam for judges, individuals may not take part in the third stage of the exam under certain circumstances: the corrected vision of their better eye is less than 0.1; hearing loss of the corrected hearing of their better ear is greater than 90 decibels; where there are objective facts sufficient to establish that their physical or mental condition renders them unable to perform their duties; they have a positive tuberculosis sputum test result; or they suffer from

a severe, incurable illness that makes them unable to fulfill their duties.

174. As of 2024, there were 1,041 male judges and 1,150 female judges, with no significant disparity in the number of male or female judges.

Assurance of Judges' Position and Performance Evaluation

175. Articles 80 and 81 of the Constitution require that judges be non-partisan and, in accordance with law, respect judicial independence and act free from any interference. Judges hold office for life. No judge may be removed from office unless they have been found guilty of a criminal offense, or subject to a disciplinary sanction or interdiction. No judge shall, except in accordance with laws, be suspended from duty or transferred among different personnel systems or have their salary cut. An amendment of the Judges Act was promulgated on July 17, 2019. The Disciplinary Chamber of the Judiciary was transferred to the Disciplinary Court and changed to a one-level and two-instance system for litigation. In addition, to give first-instance decisions of the Disciplinary Chamber of the Judiciary more diverse perspectives and improve the credibility of the Disciplinary Chamber of the Judiciary, the amendments require the formulation of a panel with two expert lay judges and three professional judges, thus making the judgments of the Disciplinary Chamber of the Judiciary more open and transparent.

176. From 2020 to 2024, in a total of five cases, judges have been subject to a penalty of supervision of duties by the President of the Judicial Yuan. There were also 26 cases that were transferred for disciplinary penalties. Among these, the Judicial Yuan immediately transferred 11 cases to the Control Yuan. The Judicial Evaluation Committee decided to transfer one case to the Control Yuan for review via the Judicial Yuan (from January 1, 2020, to July 16, 2020); the Committee transferred ten cases to the Disciplinary Chamber of the Judiciary for review via the Judicial Yuan (from July 17, 2020, to December 31, 2024). In the remaining four cases, the Control Yuan actively sought impeachment of the judges in accordance with related regulations.

177. Article 39, Paragraph 1 of the Judges Act, was amended and promulgated on July 17, 2019, and became effective on July 17, 2020. It revised the prior system whereby cases deemed by the Judicial Evaluation Committee to warrant disciplinary action were required to be forwarded by the Judicial Yuan and submitted to the Control Yuan for review. This has been amended so that such cases are now to be forwarded by the Judicial Yuan and submitted to the Disciplinary Chamber of the Judiciary for review, thereby eliminating the need for

further referral to the Control Yuan for review. Specifically, the amendment to the Judges Act concerning the referral system for disciplinary action based on judge's evaluations came into force on July 17, 2020. That date has been used as the demarcation point for separately calculating the number of individuals referred for disciplinary action under the new and old systems based on requests from the Judicial Evaluation Committee.

178. From 2020 to 2024, there were a total of 25 instances where prosecutors received an administrative supervision disposition from the Ministry of Justice. Among these, 22 instances were reported by their respective agencies and then submitted to the Ministry of Justice for an administrative supervision disposition. Additionally, three instances were evaluated by the Prosecutor Evaluation Committee and then forwarded to the Ministry of Justice for an administrative supervision disposition. Regarding prosecutors transferred for disciplinary action who subsequently received a confirmed disciplinary penalty by judgment, there were a total of nine instances. Of these, one instance was directly transferred by the Ministry of Justice to the Control Yuan. Five instances were decided by the Prosecutor Evaluation Committee and reported by the Ministry of Justice for transfer to the Disciplinary Chamber. Finally, three instances involved the Control Yuan actively initiating impeachment in accordance with the law.

Bar Associations

179. Taiwan currently has 16 local bar associations and one national bar organization—the Taiwan Bar Association. In 2024, there are 12,562 practicing lawyers in Taiwan, with a gender ratio of 61.73% male to 38.27% female. A total of 173 lawyers were subject to disciplinary actions from 2020 to 2024.

Public Judicial Proceeding and Presumption of Innocence

180. In principle, the oral argument and pronouncement of a judgment shall be conducted through a public court session. However, the court may decide not to make proceedings public in cases involving national security, public order or good morals, juveniles, family cases (such as marriage cases and civil protection orders), sexual assault, business or trade secrets, interrogation before a private criminal prosecution case, cases where the privacy of the party concerned or third parties or business or trade secrets must be protected, or cases involving conditions specified in Article 69 of the Protection of Children and Youth Welfare and Rights Act. Except where disclosure is prohibited by law, judgements shall be made public through publication in official gazettes or other suitable methods and made accessible for

free online inquiries. To fully enforce Article 69 of the Protection of Children and Youths Welfare and Rights Act and ensure the best interests of children and privacy protection principles specified in the Convention on the Rights of the Child, the Judicial Yuan has revised the Operating Guidelines for News Publications of the Judicial Yuan and Subordinate Agencies, specifying that to protect the best interests and privacy of children and juveniles, agencies shall not disclose information sufficient for identifying children or juveniles in press releases or related information provided to journalists.

181. Court transcripts have been fully digitalized, and courtrooms are now equipped with advanced technology for trial proceedings. Each party's seat includes a computer monitor that displays transcript content and case file materials, with the option to adjust the page size of the case files as needed. Additionally, courtroom computers offer voice narration capabilities. Utilizing their built-in functions, they can read text aloud, effectively providing audio broadcasts of transcripts and electronic case file content. Beginning in February 2024, courts at all levels may provide voice narration during court proceedings, thereby facilitating access to justice for visually impaired individuals. Operating instructions for voice narration of transcripts are also available for reference.

182. The presumption of innocence is a basic principle of the Code of Criminal Procedure. Before the final judgment is rendered in a trial, a defendant is to be presumed innocent. The facts of an offense must be established by evidence, that is, the facts of an offense shall not be established in the absence of evidence. A public prosecutor shall bear the burden of proof as to the facts of a crime charged against an accused. Although the defendant has the right to prove himself or herself innocent by law, he or she is not obligated to do so. A defendant's refusing to make a statement or choosing to remain silent in situations where he/she has made no confession and where no evidence been provided shall not lead to a presumption of guilt. A public functionary who conducts criminal proceedings must give equal attention to circumstances both favorable and unfavorable to a defendant with regard to that case. A defendant may request that the public functionary specified above take necessary measures favorable to the defendant. Physical restraints shall not be placed on the defendant when in court so as to avoid causing presumption of guilt, but the defendant may be placed under guard. The same applies to military trial proceedings.

183. The Code of Criminal Procedure stipulates that a suspect under investigation by judicial police officers or judicial policemen may retain defense attorneys at any time. The police are

required to inform crime suspects of this right, which must also be recorded in the police transcript. The defense attorney may interview and correspond with the detained defendant, this right shall not be restricted unless there is sufficient evidence to support that the defendant is likely to destroy, forge, or alter evidence or conspire with another suspect or witness. In addition, a petition for a restriction filed by a prosecutor must be signed and approved by a judge. Both citizens and foreign nationals enjoy the aforementioned rights. A summons for the first trial date must be served at least seven days beforehand, and for minor offenses or those committed under circumstances warranting leniency specified in Article 61 of the Criminal Code, the summons must be served at least five days prior to the first trial date. The court must provide sufficient time for the defendant to prepare his or her defense before the trial date. The same applies to military trial proceedings.

Private Investigation

184. The nondisclosure of investigations is a principle of the Code of Criminal Procedure. It is an important system that allows the state to correctly and effectively exercise the right to impose penalties and protect the constitutional rights of criminal suspects and related parties. The Judicial Yuan and Executive Yuan amended the Regulations Governing Non-Disclosure of Investigations. The amendments only allow the appropriate publication or disclosure of investigation procedures or content in exceptional cases where information is disclosed in accordance with the law, or where it is necessary to protect legal rights. The Ministry of National Defense, Ministry of the Interior, Ministry of Justice, and Ocean Affairs Council have each separately established relevant guidelines for handling news pertaining to criminal investigations, thereby ensuring the implementation of the principle of nondisclosure of investigations. The Military Police Command, Ministry of National Defense has established relevant guidelines for handling news concerning criminal investigations. The National Police Agency, Ministry of the Interior has issued directives for police agencies regarding the investigation of criminal cases and news handling, emphasizing adherence to the principle of nondisclosure of investigations. The Investigation Bureau, Ministry of Justice has promulgated a Press Release Review Form. The Agency Against Corruption, Ministry of Justice has established both the Operating Guidelines for Implementing the Principle of Non-Disclosure in Criminal Cases Handled by the Agency Against Corruption, Ministry of Justice and the Guidelines for News Handling and Liaison Operations of the Agency Against Corruption, Ministry of Justice.

185. The National Police Agency, Ministry of the Interior has rigorously stipulated procedures for the review and approval of news releases. It has also clearly established mechanisms such as a news spokesperson system, regular reviews, and the publication of review reports, all designed to regulate police agencies' handling of criminal case news. Furthermore, the Agency continues to investigate and address instances where police agencies violate the principle of nondisclosure of investigations. From 2021 to 2024, the National Police Agency, Ministry of the Interior referred a total of 207 suspected cases to police departments for investigation concerning breaches of confidentiality in criminal investigations. Among these, in 120 cases (57.97%), violations of relevant regulations were found, resulting in disciplinary action taken against 153 individuals. The Investigation Bureau, Ministry of Justice has implemented the Press Release Review Form for all press release issuances. This form mandates that its operational units strictly adhere to the provisions of the Regulations Governing Nondisclosure of Investigations. Additionally, the Bureau convenes quarterly review meetings with its Task Force on Nondisclosure of Investigations. It also publishes the implementation status of these measures on its official website every six months, thereby ensuring the consistent application of the principle of nondisclosure of investigations.
186. On May 30, 2024, the Ministry of Justice convened a consultation meeting to enhance the principle of nondisclosure of investigations. It was decided at this meeting to readjust the Review Task Force on Nondisclosure of Investigations, as well as the format and procedures for public announcements. If the Review Task Force determines there's a risk of public disclosure or revelation in violation of the Regulations Governing Nondisclosure of Investigations, the prosecutorial agency will either conduct an investigation itself or request the investigative assistance agency to do so. This investigation aims to ascertain whether investigative personnel or investigative assistance personnel have indeed violated regulations. For cases where, after investigation, a determination of "no violation established" or "no disciplinary action" is made, a concise explanation of the reasons must also be publicly announced. It further mandates that the District Prosecutors Office's Review Task Force on Nondisclosure of Investigations must diligently track and manage "cases requiring investigation." These are cases identified by the Review Task Force as potentially involving unauthorized public disclosure or revelation, in violation of the Regulations Governing Nondisclosure of Investigations, and which are investigated either by the prosecutorial agency itself or through a request to an investigative assistance agency. Such

cases must remain on a controlled list until a definitive outcome of either disciplinary action or no disciplinary action is reached, at which point they may be removed from the list.

Compulsory Defense

187. To protect the right to defense of defendants with mental disorders or other mental deficiencies, regulations on compulsory defense in Article 31 of the Code of Criminal Procedure were amended and promulgated in 2015. What was previously described in Paragraph 1, Subparagraph 3 and Paragraph 5 of said article as “where the defendant has an intellectual disability and is unable to provide full statements” was changed to “where the defendant is unable to make a complete statement due to a mental disorder or other mental deficiencies.” The amendment aims to ensure that persons suffering from autism, psychiatric disorders, dementia, or other mental disabilities are also protected by the compulsory defense regulations and receive adequate assistance during the criminal proceedings. To protect the right to compulsory defense of defendants who are economically disadvantaged, the Code of Criminal Procedure also 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 must appoint a public defender or attorney to represent the defendant. The stipulations of the Precautionary Matters on Handling Criminal Procedure with regard to compulsory defense (Note 6), assistant ad litem (Note 7), and interrogation under detention for which the court needs to inform and wait for defense lawyers (Note 34) help protect the right to defense of defendants with mental disorders or other mental deficiencies and defendants who are economically disadvantaged. Furthermore, the amendments to Articles 27, 31, 35, and 93-1 of the Code of Criminal Procedure, promulgated in 2023, significantly enhance the care in criminal proceedings provided to defendants or criminal suspects who are unable to make complete statements due to physical or mental disabilities. These amendments provide for proper notification for the appointment of defense attorneys, compulsory defense, the accompaniment of assistants ad litem, and adequate waiting periods.

188. The Judicial Yuan continues to plan the employment of contracted personnel to make up for the vacancies of the current public defenders, maintain the current diverse system for the coexistence of public defenders, contracted defenders, voluntary defenders, and legal aid defenders, facilitate positive competition and complementary functions, minimize the gap in current criminal defense resources between urban and rural areas, and provide basic protection of people’s right to defense.

189. The Legal Aid Foundation was established pursuant to the Legal Aid Act. It provides necessary legal aid to people who are indigent or unable to receive proper legal protections for other reasons. It currently has 22 branches. If defendants meet the criteria for indigence or other reasons specified in the Legal Aid Act, and are unable to receive proper legal protections, they may request branches of the Legal Aid Foundation to send legal aid lawyers to accompany them during their interrogations or defend them in court. In addition, the Legal Aid Program for People with Disabilities has been established to provide necessary legal aid to people with physical or mental disabilities.

190. For the number of applications filed by criminal defendants to obtain legal aid from 2020 to 2024, please refer to Note 78 of the common core document of the 4th national reports on the two covenants. The male-to-female gender ratio data for approved legal aid cases is as shown in Table 16.

Table 16 Gender Data of Criminal Defendants Granted Legal Aid by the Legal Aid Foundation in General Cases

Unit: cases; %

Year	Male (A)	Percentage (%) = (A) / (C)	Female (B)	Percentage (%) = (B) / (C)	Subtotal (C) = (A) + (B)
2020	17,756	74.28	6,147	25.72	23,903
2021	15,932	71.72	6,281	28.28	22,213
2022	17,165	70.31	7,247	29.69	24,412
2023	15,435	67.86	7,310	32.14	22,743
2024	15,712	68.19	7,329	31.81	23,041

Source: Legal Aid Foundation's work report and Board of Directors' data

191. Table 17 presents relevant data, including the number of compulsory defense general cases granted legal aid from 2020 to 2024 (including cases of indigenous legal aid grantees), as well as the number of such cases involving foreign nationals.

Table 17 Compulsory Defense General Cases Granted Legal Aid by the Legal Aid Foundation

Unit: cases

Year	No. of compulsory defense general cases granted legal aid	Number of compulsory defense general cases with indigenous legal aid grantees	Number of general cases with foreign legal aid grantees
2020	16,327	4,853	1,699
2021	15,488	4,754	1,740
2022	17,206	5,815	1,740
2023	17,876	6,585	1,595
2024	18,757	7,305	2,010

Source: Legal Aid Foundation's work report and Board of Directors' data

192. To ensure defendants' right to defense, Article 31-1 of the Code of Criminal Procedure was amended and promulgated in 2017. This amendment stipulates that if a defendant has not appointed a defense attorney during the detention review proceedings in the investigation stage, the presiding judge must designate a public defender or attorney to represent him or her.

Protection of Judicial Rights of Indigenous People

193. The Ministry of Justice designates dedicated sections or dedicated prosecutors in the 21 district prosecutors' offices to handle cases involving indigenous peoples. It also provides training courses on the protection of indigenous rights and litigation case studies during the training period of judicial personnel in accordance with the Indigenous Peoples Basic Law. It also organizes seminars for cases involving indigenous people each year and makes special arrangements for participants to gain field experience in indigenous communities. These measures help prosecutors gain a deeper understanding of the traditional customs and cultures of indigenous peoples and help protect their legal rights.

194. The Ministry of Justice's Judges Academy arranged for students of its 64th class of judges to visit several administrative agencies. From March 11 to April 7, 2024, these participants were dispatched in two phases to the Council of Indigenous Peoples for visits and study. During this period, special arrangements were made for the participating students to gain practical experience by visiting indigenous communities. This initiative aims to enhance the prospective judges' understanding of indigenous peoples' traditional customs and culture, thereby facilitating the protection of their judicial rights and interests.

195. The Judicial Yuan has established 25 indigenous peoples' special divisions/units dedicated to hearing cases involving indigenous peoples. Each year, these judges and prosecutors receive on-the-job training on the customs of indigenous peoples.
196. The Council of Indigenous Peoples compiles and edits publications containing major judgments involving indigenous peoples and analyzes their practical legal implications. The Council of Indigenous Peoples has also developed a set of Notes on Legal Aid, which appoint the Legal Aid Foundation to assist with nationwide legal consultation services for indigenous people, including administrative litigation, brief drafting, and legal dispute resolution, free of charge. Legal aid was approved for a total of 10,456 cases between 2020 and 2024.

Protection of Judicial Rights of Disadvantaged Groups

197. Parties who are unable to receive proper legal protections and for whom legal assistance is necessary, including indigent individuals, persons with physical or mental disabilities, women, children, migrant workers, other disadvantaged individuals, or those in need for other reasons, may apply for legal aid from the Legal Aid Foundation in accordance with relevant regulations. With regard to the litigation system, a witness shall not be ordered to sign an affidavit if he or she is under 16 years of age or if he or she is unable to understand the meaning and effect of an affidavit due to a mental disability.
198. Local governments have established Domestic Violence Service Offices and City/County Government Family Cases Service Centers in courts to provide counseling and assistance, including accompaniment, to domestic violence victims, disadvantaged individuals, and new immigrants. In addition, the Family Act allows social workers or other qualified personnel to be present when statements are given or when a guardian ad litem is appointed to assist in court proceedings. If a party does not understand Mandarin, an interpreter will be assigned to create a friendly judicial environment.

Interpretation Services in Judicial Proceedings

199. Interpreters are provided free of charge in court proceedings. If a participant is hearing challenged or verbally challenged, the court may appoint an interpreter, use written messages to ask questions, or allow the participant to provide statements in writing. The courts of the Judicial Yuan employed 27 interpreters as of 2024. The accredited freelance interpreters system is also brought in to provide interpretation services and to recruit specialists in sign language, Hakka, indigenous languages, Southeast Asian languages,

English, and European languages. The Taiwan High Court and its branch courts have established a list of accredited freelance interpreters for 23 different languages to assist with trial proceedings. The number of accredited freelance interpreters from 2020 to 2024 was 220, 252, 253, 263, and 281 respectively. Among these, the number of interpreters for indigenous languages was 23, 20, 18, 30, and 23, respectively. In addition, to ensure the rights of communication for disadvantaged parties in legal proceedings, the Judicial Yuan has adopted simultaneous transcription services during court proceedings. Individuals who are hearing or verbally challenged and unable to understand general sign language may submit applications to the courts for this service, thereby protecting their right to litigation.

200. According to the Court Organization Act, litigation papers shall be written in Mandarin. However, as the number of new immigrants from Southeast Asia has increased in recent years, when a party deems it necessary to translate a court judgment into their mother language or another language they understand, the party may request the court to do so. Likewise, when a court in Taiwan requests that a civil judgment be delivered to Vietnam, the judgment is translated into Vietnamese or English for delivery. To protect the rights of people with disadvantages in languages, foreign nationals, and new immigrants to access legal resources, the Judicial Yuan has translated relevant documents on administrative litigation and family affairs into various foreign languages and published them on the Judicial Yuan's website for use by the courts.

201. The Ministry of Justice currently implements its interpreting system in accordance with regulations such as the Directions for Prosecutorial Agencies on the Use of Interpreters in Criminal Cases. The Taiwan High Prosecutors Office and its branch offices recruit and appoint accredited freelance interpreters based on their respective jurisdictions, with each appointment lasting two years. In 2024, 323 accredited freelance interpreters were hired. This includes 40 indigenous language interpreters (covering languages such as Amis, Bunun, Truku, Puyuma, Paiwan, Rukai, and Saisiyat), along with interpreters for Southeast Asian languages, Japanese, English, Spanish, German, French, Russian, and other international languages. Regarding the education and training for accredited freelance interpreters, prosecutors offices must conduct training sessions for prospective interpreters. These sessions comprise a total of 15 hours, with four hours dedicated to foundational courses and 11 hours to specialized courses. If an accredited freelance interpreter is found to be unsuitable for the job, his or her contract may be revoked at any time. The quality of

interpretation should improve through the education, training, testing, and practice of accredited freelance interpreters. Additionally, prosecutors, prosecutor investigators, defendants, complainants, and other parties involved in the legal proceedings should complete a service feedback form after interpretation, which will further enhance quality.

202. The Ministry of Justice's prosecutorial agencies have compiled statistics on the use of interpreters by defendants in criminal cases: from 2020 to 2024, the number of defendants utilizing interpreters was 6,453, 6,367, 7,531, 9,358, and 11,577, respectively. Statistics on the use of interpreters by complainants are as follows: From 2020 to 2024, the number of complainants utilizing interpreters was 569, 423, 584, 720, and 698, respectively. Regarding the use of interpreters by other relevant parties: From 2020 to 2024, the number of such individuals utilizing interpreters was 536, 512, 631, 892, and 831, respectively.

203. If a foreign national encounters a language barrier during an investigation by the National Immigration Agency, Ministry of the Interior, the Agency must, in accordance with regulations, inquire whether an interpreter's presence is required on site. Furthermore, before issuing an order for deportation or restricted departure from the country, the individual concerned must first be informed of his or her right to appoint legal counsel and an interpreter. The same procedure applies prior to a review by the Deportation Review Committee. Both the National Immigration Agency, under the Ministry of the Interior, and individual police agencies under the National Police Agency have established databases of interpreters to provide assistance in cases as required by law. The National Police Agency's interpreter database alone includes 1,992 interpreters covering 26 foreign languages. This resource ensures that when police agencies at all levels handle cases involving foreign nationals where circumstances meet the criteria of Article 99 of the Code of Criminal Procedure, interpreters can be promptly arrive on site to assist in preparing official records, thereby safeguarding the rights and interests of the foreign parties involved.

Right of File Review

204. The Code of Criminal Procedure was amended in 2019 to allow defense attorneys to review case files and evidence during trial and copy, reproduce, or take photos/videos of such items. The defendant may pay a fee in advance to request the delivery of photocopies of case files or evidence used in a trial. However, if the contents of certain court documents or evidence are unrelated to the facts charged against the defendant, may affect investigations in another case, or involve the privacy or business secrets of another party, the court may limit the

defendant's access to such materials.

Cross-Examination Procedures

205. When the Code of Criminal Procedure was amended in 2003, American-style cross-examination rules were adopted in certain circumstances. Presiding judges are to confirm the witness's identity and then allow for direct cross-examination by the litigant, agents ad litem, and defender. The party who requested the summoning of the witness is to conduct a direct examination, after which is the cross-examination by the opposing party, then re-examination and additional cross-examination.

Appeal System

206. The Code of Criminal Procedure states that a prosecutor or defendant who disagrees with the judgment of a lower court may file an appeal to a higher court. Where a complainant or victim disagrees with the judgment of a lower court, he or she may request the prosecutor to appeal with reasons set forth. A prosecutor may also file an appeal based on the best interests of the defendant. The court of second instance shall not impose a criminal sentence greater than the original judgment on a case appealed by the defendant or appealed for the benefit of the defendant. However, this provision does not apply to cases where the original judgment is revoked due to erroneous application of the law. To meet the requirements for the tiered system and protect the people's constitutional litigation rights, Article 376 of the Code of Criminal Procedure was amended and promulgated on November 16, 2017. Cases which previously could not be appealed to the court of third instance may now be appealed if the judgment of the court of first instance was not guilty, dismissal, or jurisdictional error, and the court of second instance revoked the original judgment and issued a guilty verdict.

207. Second instance trials follow a de novo trial system, meaning that cases are completely re-examined by the second instance court. Tables 18, 19, and 20 show the number of cases with rights of appeal denied during criminal proceedings, the rate of criminal cases that could be appealed to a higher court, and the subduing rate for criminal cases in high courts and district courts between 2020 and 2024, respectively.

Table 18 Cases with Right of Appeal Denied during Criminal Proceedings

Unit: cases; %

Year	Category	Rate of plea bargains in district court criminal cases			Rate of high court second-instance trials denied appeal in accordance with Article 376 of the Code of Criminal Procedure		
		Plea bargain cases	No. of public prosecution cases	Rate	Appeal-denied cases	Second instance	Rate
					Closed cases	Closed cases	
2020		4,107	202,226	2.03	6,527	20,430	31.95
2021		2,092	163,398	1.28	5,176	16,699	31.00
2022		2,326	196,533	1.18	5,014	17,974	27.90
2023		2,092	211,640	0.99	4,938	20,022	24.66
2024		1,518	227,460	0.67	5,563	21,976	25.31

Source: Judicial Yuan

Table 19 Rate of Criminal Cases Granted Appeal at a Higher Court

Unit: cases; %

Year	Category	District courts			High courts		
		No. of cases granted appeal	No. of cases denied appeal	Rate	No. of cases granted appeal	No. of cases denied appeal	Rate
		(A)	(B)	$A/(A+B)*100$	(C)	(D)	$C/(C+D)*100$
2020		174,396.00	5,732.50	96.82	11,396.50	6,937.50	62.16
2021		138,547.50	4,762.00	96.68	9,683.00	5,430.50	64.07
2022		164,562.50	6,015.50	96.47	11,222.50	5,312.50	67.87
2023		175,444.50	7,049.50	96.14	13,121.50	5,373.50	70.95
2024		186,279.00	6,986.50	96.39	14,517.00	5,800.00	71.45

Source: Judicial Yuan

Table 20 Subduing Rate for Criminal Cases in High Courts and District Courts⁷

Unit: cases; %

Year	District courts				High courts			
	No. of appeals withdrawn	No. of cases granted appeal	No. of appeals filed	Judgment subduing rate	No. of appeals withdrawn	No. of cases granted appeal	No. of appeals filed	Judgment subduing rate
2020	4,246.50	174,396.00	25,880.50	87.59	67.50	11,396.50	4,668.50	59.63
2021	3,097.00	138,547.50	20,391.00	87.52	51.00	9,683.00	3,891.50	60.34
2022	3,000.00	164,562.50	24,999.00	86.63	21.50	11,222.50	4,317.00	61.72
2023	3,596.00	175,444.50	24,213.50	88.25	21.00	13,121.50	4,745.50	63.99
2024	3,785.50	186,279.00	25,420.00	88.39	30.00	14,517.00	4,972.00	65.96

Source: Judicial Yuan

Retrial System

208. To provide remedies for gross factual errors in judgments, the Code of Criminal Procedure allows for retrials as part of the special remedy system and specifies regulations regarding their grounds (which are based on the retrial decision's potential advantages and disadvantages to the petitioner), petitioning procedures, and time limit for filing. In addition, to carry out the right to litigation protected by the Constitution, regulations in the Code of Criminal Procedure were amended in 2019. The amendments covered the protection of retrial procedures, the right to access documents and right to express opinions of the retrial petitioner, and the right to simultaneously submit a petition to a judge to review evidence for a retrial. In response to the re-examination of past convictions on the basis of new evidence, including new DNA evidence, as specified in Section 43 in General comment No. 36 of the United Nations Human Rights Committee, Taiwan promulgated the Post-Conviction DNA Testing Act on November 16, 2016. The Act aims to ensure the validity of criminal judgments and protect innocent people from wrongful convictions. The status of concluded criminal retrial cases in high courts and district courts is shown in Table 21.

⁷ Subduing rate = [No. of cases eligible for appeal - (No. of appeals filed - No. of withdrawn appeals)] / No. of cases eligible for appeal × 100

Table 21 Status of Concluded Criminal Retrial Cases in High Courts and District Courts⁸

Unit: cases

Court Type and Data Period		Total	Withdrawn	Dismissed	Retrial started	Others
High courts	Before the implementation of amendments to the Code of Criminal Procedure concerning retrial procedures in 2020 ⁹	4,862	21	4,786	48	7
	After the implementation of amendments to the Code of Criminal Procedure concerning retrial procedures in 2020 ¹⁰	5,413	153	5,192	58	10
District courts	Before the implementation of amendments to the Code of Criminal Procedure concerning retrial procedures in 2020	2,213	38	2,085	78	12
	After the implementation of amendments to the Code of Criminal Procedure concerning retrial procedures in 2020	2,473	185	2,172	87	29

Source: Judicial Yuan

Compensation for Wrongful Convictions or Wrongful Imprisonment

209. According to the Criminal Compensation Act, where a criminal judgment of a court infringes on human rights, the victim may seek state compensation pursuant to the act. The State Compensation Law states that if a public functionary infringes on the freedoms or rights of persons while acting within the scope of their office or employment and they are found to have committed a crime when performing trial or prosecution duties, the provisions of this law will apply. The State Compensation Law also calls for the state to provide financial compensation when legally bound to compensate for damages. However, restoration of the prior condition may be an alternative remedy in cases where it is more suitable in the event that such an application is received from the claimant.

210. For the Chiang Kuo-ching Case, the Ministry of National Defense's Northern District Military Court paid a criminal compensation of NT\$103,185,000 in 2011. The court also filed a civil suit against five individuals including Chen Chao-min in the Taiwan Taipei

⁸ This table covers data on criminal retrial cases filed with the high courts and district courts, specifically those identified as "petition for retrial."

⁹ For this table, "Before the implementation of amendments to the Code of Criminal Procedure concerning retrial procedures in 2020" refers to cases finalized between January 10, 2016 and January 9, 2020.

¹⁰ For this table, "After the implementation of amendments to the Code of Criminal Procedure concerning retrial procedures in 2020" refers to cases finalized between January 10, 2020 and January 9, 2024.

District Court in 2012. The judgment required all remaining parties to pay a total of NT\$59,577,053 and an appeal was filed and revoked by the Supreme Court on February 15, 2019. From 2012 to 2024, the Ministry of National Defense has recovered a total of NT\$45,726,894 from this case, and compulsory enforcement for further recovery is still underway.

Article 15 Prohibition of Retroactive Application of Criminal Punishments

Principle of Legality

211. The principle of legality is a fundamental principle of criminal law. Article 1 of the Criminal Code states that a conduct is punishable only when expressly so provided by the law at the time of its commission. This also applies to rehabilitative measures that restrict personal freedom. There are no provisions for application by analogy or invoked analogy. In addition, the principle of legality in the Criminal Code also applies *mutatis mutandis* to the Criminal Code of the Armed Forces. Therefore, the principle of legality is applicable based on the Criminal Code and Criminal Code of the Armed Forces in times of peace and war without exception.

Applicability of New and Old Laws

212. The principle of retroactivity of the more lenient law is applicable during investigations and trial proceedings. The Criminal Code specifies that, when a law is amended after the commission of a related offense, the law in force during its commission will apply. However, when an amended law is favorable to the offender, the version more beneficial must be used. Therefore, if a law is amended after a crime has been committed and the new mandated sentence is more lenient, the principle of retroactivity of the more lenient law shall apply.

Article 16 Recognition of Legal Personhood

Attaining Legal Personhood

213. According to the Constitution and the Civil Code, R.O.C. citizens obtain equal legal moral status upon birth without discrimination. An unborn child is still considered born with regard to its interests, unless it ends up being stillborn.

214. Foreign nationals or stateless persons who live in R.O.C. territory may apply for naturalization in accordance with the Nationality Act. Between 1982 and 2024, a total of

131,650 individuals have obtained the nationality of the Republic of China through naturalization.

Birth Registration System

215. Taiwan recognizes nationality primarily based on the *jus sanguinis* principle. However, according to the Nationality Act, children born in the R.O.C. to parents of unknown or no nationality may be granted R.O.C. citizenship. Likewise, children born in the R.O.C. whose parents apply for and are granted naturalization may also be granted R.O.C. citizenship.

Children Who Are Not R.O.C. Citizens

216. The government puts great priority on helping foreign and stateless children and juveniles attain nationality, household registration, a residence permit, or other kinds of identity. Until identity is attained, these children/juveniles must be provided vaccinations, education, and medical attention by the local authority. They must be provided with economic subsidies, placement in foster families and institutions, medical subsidies, and other social welfare services to protect their rights and interests. They are also to be assisted with the search of their birth parents and applications to obtain resident certificates. Likewise, assistance should be provided, as appropriate, to help them return home to be with relatives or become declared stateless, apply for guardianship by the director of a social welfare agency/institution, apply for R.O.C. naturalization, and handle adoption and fostering and other guidance matters. Children adopted by a citizen or granted guardianship by a social welfare agency/institution may apply for naturalization. As of 2024, a total of 24 individuals have been recognized as stateless persons by the Ministry of the Interior. Additionally, 19 other individuals have successfully acquired the R.O.C. nationality through naturalization. Since December 1, 2017, infants of foreign nationals (including stateless persons) born in Taiwan and provided Alien Resident Certificates are to be enrolled in the National Health Insurance upon birth.

217. As of 2024, local governments have assisted a total of 478 children and adolescents who are not R.O.C. nationals. Among these cases, 411 have been closed. The remaining 67 individuals are accounted for as follows: 14 are placed in children's education institutions, four are in foster homes, 12 are cared for by legal guardians (including care providers), and 37 reside with their birth parents or relatives. Issues concerning their residency and the search for their parents still require resolution. In addition, the government has been assisting children with an unknown father and a foreign mother whose whereabouts in

Taiwan is unknown in resolving their identity and residency issues. During the period of searching for their birth mothers, a total of 59 children have been granted Alien Resident Certificates based on the nationality of their birth mothers, 19 have been deemed stateless and given Alien Resident Certificates for stateless foreign nationals, nine have had their applications for guardianship by a director of a social welfare agency/institution approved by a court, and five have become adopted.

Article 17 Protection Against Interference and Assault

Protection of Private Life

218. The Criminal Code, Code of Criminal Procedure, the Social Order Maintenance Act, the Communication Security and Surveillance Act, and the Police Power Exercise Act contain provisions that protect the private life and communication freedom of citizens. When notifying an individual that communication surveillance has concluded, the notification must also specify the available remedies. In addition, all illegal surveillance is subject to civil and criminal liabilities, and evidence gathered illegally is not admissible in court.

219. Starting from December 2007, interception warrants for cases under investigation must be issued by judges. As of 2024, 72.90% of communication surveillance requests filed by prosecutors with courts were approved; and 72.89% of the lines requested were approved.

220. To issue a communication surveillance warrant, the National Security Bureau (NSB) is required to conduct stringent preliminary and secondary reviews, which must be verified twice by the Director-General of the NSB, and then seek approval from a high court judge. There have been no instances of abuse of power or arbitrary action that have infringed on the private lives of others.

Search

221. When necessary during an investigation, a judicial police officer may seek permission from a prosecutor to apply for a search warrant from the court concerned. A search must be conducted in accordance with the location and scope specified by the related search warrant. The defendant, criminal suspect, or a third party may only be searched when necessary or when there is probable cause. During an investigation, an application for a search warrant must be kept confidential and not be made available in the public case file and shall not be shared with the defense attorney for reference. The judge is required to review the application carefully and swiftly and make a timely decision. As a search could tarnish the

reputation of the individual concerned and presumption of their innocence, so the search must be kept confidential.

222. When a law enforcement agency seeks access to online personal data, such access must be confined to the investigation of a crime in accordance with the Code of Criminal Procedure. The law enforcement agency must also specify the reason for the search and access information in accordance with related procedures and regulations established by the competent authority and the Ministry of Justice.

Protection of Personal Information

223. The Personal Data Protection Act protects people's right to data privacy. It specifies that the collection, processing, and use of personal data by government agencies and non-government agencies must meet the criteria for specific purposes, criteria specified in laws, and the principle of proportionality. The subjects of the personal data must also be granted related rights, such as: the right to inquire, review, correct, and erase data.

224. To implement Constitutional Court Judgment No. 13 of 2022, an independent supervisory mechanism for personal data protection must be established by August 2025. To that end, the Preparatory Office of the Personal Data Protection Commission was set up on December 5, 2023, to facilitate the establishment of an independent, dedicated agency for personal data protection.

225. The key amendments to the Personal Data Protection Act made in May 2023 are as follows: (1) The penalties and their amounts for non-government agencies that violate data security obligations were revised, shifting to direct imposition of penalties concurrently with an order for rectification, and increasing the upper limit of fines to strengthen non-government agencies' measures for personal data security and protection; (2) the Personal Data Protection Commission shall serve as the competent authority for the Personal Data Protection Act (these added provisions have not taken effect yet).

226. The government plans to reissue digital IDs, allowing all citizens to enjoy the convenient services they offer without any associated fees. The small-scale trial for digital IDs was originally set to begin in 2021. However, due to cybersecurity concerns, the Executive Yuan decided to postpone their issuance on January 21, 2021. The further promotion of digital IDs will await the establishment of the Personal Data Protection Commission, after which cross-ministerial opinions will be gathered.

227. Public security surveillance cameras installed at key locations are to be installed in

accordance with Article 10 of the Police Power Exercise Act. As the purpose of installation, usage, and actual implementation of such systems are local police administration or security concerns, they are planned and used by local governments. As different areas have different security concerns and regional characteristics, the municipality and county/city governments must establish their own management regulations on such issues as video recording and surveillance system management, target scope, installation procedures, inspections, application procedures for access, file retention period, and video reproduction and use.

Personal Information Database

228. The contents of DNA databases may be divided into two main categories: (1) DNA type of the individual for which file creation is required in accordance with laws and his or her basic information; (2) DNA type taken from evidence of criminal cases and its basic information for the main purpose of criminal investigations and file creation for comparison in accordance with laws.

229. There are 39 institutions that have been permitted to establish biobanks. According to the Human Biobank Management Act, participants have the right to request changes to identifiable personal information stored in a biobank. When a participant requests to exit a biobank program, the operator must destroy all specimens, documents, and information provided by the participant.

230. To fully implement the intent of the Constitutional Court Judgment 111-Hsien-Pan-13 (2022), which addressed ambiguities concerning the application of the National Health Insurance Research Database and the Personal Data Protection Act, the Ministry of Health and Welfare has drafted a special act. This draft aims to perfect the regulations governing the utilization and management of National Health Insurance information for purposes other than the original specific collection purposes, as stipulated in the National Health Insurance Act. It further seeks to explicitly define the matters concerning requests to cease data utilization, as well as exceptions where such cessation is not permissible. This endeavor is to ensure compliance with Article 22 of the Constitution, which guarantees people's right to informational privacy and autonomy, thereby enhancing the security of National Health Insurance data application and promoting the public interest of data sharing.

231. Between 2020 and 2024, there were 25 violations of financial confidentiality (including the Personal Data Protection Act or related financial regulations) by financial services enterprises (17 involving banking enterprises, three involving securities and futures

enterprises, and five involving insurance enterprises), for which the Financial Supervisory Commission issued fines totaling NT\$17,275,000.

Protection of Personal Reputation

232. Articles 184 and 195 of the Civil Code; Article 309 (on public insults), Article 310 (on defamation), Article 312 (on insults against deceased persons), and Article 313 (on damage to credibility) of the Criminal Code; Article 104 of the Public Officials Election and Recall Act; and Article 90 of the Presidential and Vice Presidential Election and Recall Act aim to protect personal reputation and credibility.

233. For violations of Article 104 of the Public Officials Election and Recall Act, 20 cases against 28 individuals were indicted in 2020, two cases against two individuals in 2021, 12 cases against 12 individuals in 2022, 31 cases against 34 individuals in 2023, and 14 cases against 30 individuals in 2024. From 2020 to 2024, the total number of individuals whose convictions were finalized by judgment was 62. Indictments for violations of Article 90 of the Presidential and Vice Presidential Election and Recall Act totaled seven cases against seven individuals from 2020 to 2024, and two individuals were convicted.

Article 18 Freedom of Thought, Conscience and Religion

Religious Freedom, Categories and Protection

234. Taiwan has no state religion. While the government does not investigate people's religious beliefs, it does record the number of followers voluntarily reported by religious organizations. Statistics are prepared only on religious groups that have been officially registered. Taiwan's 22 main religions include Buddhism, Taoism, Judaism, Catholicism, Protestantism, Islam, Eastern Orthodoxy, Xiaism, Zailiism, I-Kuan Tao, Pre Cosmic Salvationism, Tiende, Xuanyuan, Tiandao, The Church of Jesus Christ of Latter-day Saints (Mormons), Tenrikyo, Baha'i, Unification Church, Scientology, Mahikari Bunmeikyodan, Maitreya Great Tao, and T'ienti. As of December 2023, the number of registered temples, religious shrines, and churches totaled 15,196.

235. Religious freedom is guaranteed by the Constitution. All religions may apply for temple registration in accordance with the Act Governing the Supervision of a Temple; apply for the establishment of legal person churches/associations in accordance with related regulations in the Civil Code; or apply for the establishment of religious associations in accordance with the Civil Associations Act. Based on the constitutional guarantee of religious freedom, the

regulation of religious groups adheres to the principle of upholding significant public interests related to religion while maintaining restrictions to the minimum necessary extent. To promote religious equality, safeguard religious freedom, and appropriately regulate issues concerning the personnel organization, financial management, and land and buildings of religious groups, the Ministry of the Interior will engage in timely communication and exchange of opinions with various religious groups. Legislative work will then be advanced once a consensus has been reached.

236. Taiwan fully respects religious freedom. Religious groups and their authorized personnel may deliver public speeches to propagate their doctrines or conduct religious studies for specific individuals. They can also publish books or produce CD-ROMs to expound on their religious doctrines, or engage in religion promotion activities through television, radio, or the Internet. Furthermore, they may apply to the relevant competent authorities to borrow public venues or roads for organizing prayer ceremonies, religious rituals, or deity processions, in accordance with regulations. Furthermore, the government supports religious exchanges both domestically and internationally that are devoid of political implications. However, it does not condone or permit exchange activities pursued under the guise of religion for political purposes, and relevant penalties are prescribed for such actions. The Criminal Code already stipulates regulations for offenses such as desecrating religious buildings and obstructing religious rituals.

237. Religious associations that meet related requirements in the Income Tax Act, Stamp Tax Act, Land Tax Act, and House Tax Act may enjoy certain tax deductions and exemptions.

238. To uphold both the freedom of religious belief and the obligation to perform military service, a conscript who has practiced a religion for more than two years, whose religious organization is officially registered with the government, and whose psychological condition renders him unsuitable for regular military service, may apply to perform substitute service. For those who, due to religious factors, are prohibited from handling firearms or receiving military-related training, their reporting location for enlistment must differ from that of regular servicemen. In 2000, the president granted a special pardon to 19 prisoners of conscience who had refused to perform military service due to religious factors. From 2000 to 2024, a total of 1,119 conscripts were approved to perform substitute service due to religious factors, and all were assigned to organizations served to carry out social service-related duties. Starting in 2024, in response to the restructuring of the all-out defense

force, male conscripts born after 2005 may still apply to perform substitute service based on religious factors, thereby upholding the protection of religious belief as a fundamental human right.

239. As religion neutrality applies mainly to public schools, private schools may organize religious activities that conform to the purpose of their establishment or the nature of their teachings. However, they must respect the willingness of their administrative staff, teachers, and students and refrain from discriminating against them in any way for not participating in such events. The establishment of religious academies remains governed by the Private School Act.

240. With regard to religious education for underage children, the Fundamental Act of Education states that parents have the responsibility to provide guidance to their children while their children are of the age to receive national compulsory education. They also have the right to select the form and content of their children's education and participate in the educational affairs of their children's schools so as to ensure their well-being in accordance with relevant laws and regulations.

Article 19 Freedom of Expression

Ensuring the Right to Personal Opinion

241. Freedom of speech is a fundamental right protected by the Constitution. Judicial Yuan Interpretation No. 509 held the opinion that, to protect personal reputation, privacy, and public interest, laws may be imposed to limit freedom of speech to a reasonable extent. Judicial Yuan Interpretation No. 689 also verified that the freedom of press must be guaranteed by the Constitution. However, the freedom to have a press interview is not absolute. The state may, within the scope permitted by Article 23 of the Constitution, impose suitable restrictions in the form of orders as authorized by specific laws and regulations. Judgments concerning Article 140 of the Criminal Code (offenses of insulting public officials and their duties), Article 309 (public insults), and Article 310 (defamation)¹¹ have

¹¹ Constitutional Court Judgment No. 8 of 2023 held that Article 310, Paragraph 3 of the Criminal Code states: "A person who can prove the truth of the defamatory fact shall not be punished for the offense of defamation unless the fact concerns private life and is of no public concern." Where the defamatory fact is of public interest, even if the person making the statement cannot prove the truth of his or her statement, he or she shall not be punished if, prior to the statement's publication, he or she has genuinely undertaken a reasonable verification process and, based on the evidence obtained, could objectively and reasonably believe the content of the statement to be true. This fulfills the requirements for non-punishment as stipulated in the preceding paragraph. Even if the evidence obtained by the person making the statement through a reasonable verification process is in fact not true, he or she shall still not be punished if his or her reliance on such untrue evidence was not based on actual malice, that is,

been successively issued. While the offense of insults concerning a public official's discharge of legal duties was deemed unconstitutional, the remaining articles were found to be constitutional. These judgments meticulously expound on the elements constituting each crime, holding significant implications for balancing freedom of speech with the right to reputation, and ensuring the current law better aligns with the spirit of relevant international conventions.

Laws Restricting Freedom of Speech

242.Regulations and their underlying rationale concerning restrictions on freedom of speech within the Criminal Code, the Public Officials Election and Recall Act, and the Presidential and Vice Presidential Election and Recall Act are provided in Table 22. Current practices meet the requirements set forth in the Covenant.

Table 22 Regulations and Their Underlying Rationale Concerning Restrictions on Freedom of Speech within the Criminal Code, the Public Officials Election and Recall Act, and the Presidential and Vice Presidential Election and Recall Act

No.	Title of legislation	Number of article	Crime	Reason for regulation
1	Criminal Code	Article 140	Insulting a public official	Protect national sovereignty, operations and public power of government agencies, and authority of

knowing it to be false or acting with gross recklessness. Whether the person making the statement has met the requirements for reasonable verification shall be determined by fully considering the constitutional intent to protect the right to reputation and freedom of speech, and by appropriately balancing these interests based on the circumstances of the individual case.

Constitutional Court Judgment No. 3 of 2024 held that Article 309, Paragraph 1 of the Criminal Code states: "A person who publicly insults another shall be sentenced to short-term imprisonment or a fine of not more than nine thousand New Taiwan Dollars." The publicly insulting act subject to punishment refers to a situation where, in the context of the specific expression, the person making the statement intentionally makes remarks that publicly demean another's reputation, exceeding the scope of what a regular person can reasonably tolerate. This determination is made after weighing the impact of such remarks on the other person's right to reputation and considering whether, within its expressive context, the statement is beneficial to public discourse, constitutes a form of literary or artistic expression, or possesses positive value in academic or professional fields. In such an individual case, it must be sufficiently established that the other person's right to reputation should be protected in precedence over the freedom of speech of the person making the statement.

Constitutional Court Judgment No. 5 of 2024 held that Article 140 of the Criminal Code states: "A person who insults a public official during the discharge of his legal duties or publicly make insults about his discharge of such legal duties shall be sentenced to imprisonment for not more than one year, short-term imprisonment, or a fine of not more than one hundred thousand New Taiwan Dollars." Regarding the offense of insulting a public official, it shall be limited to situations where the offender's on-the-spot insulting act toward a public official is based on the subjective intent to obstruct public duties, and is sufficient to affect the public official in the performance of his or her duties. Within this scope, it is consistent with the intent of Article 11 of the Constitution to protect freedom of speech. The aforementioned provision, concerning the offense of insulting official duties, is inconsistent with the intent of Article 11 of the Constitution to protect freedom of speech, and shall cease to be effective from the date of the pronouncement of this judgment.

No.	Title of legislation	Number of article	Crime	Reason for regulation
				the government
2	Criminal Code	Article 153	Incite a crime or violation of the law	Maintain social order
3	Criminal Code	Article 155	Incite a person in the armed services to commit treason	Maintain national security and social order
4	Criminal Code	Article 157	Instigate litigation against others	Prevent harm to public order
5	Criminal Code	Article 160, Paragraph 1	Dishonor R.O.C. emblems or the flag	Protect national dignity and social order
		Article 160, Paragraph 2	Insult founder of the R.O.C., Dr. Sun Yat-sen	Uphold respect for the R.O.C. founder
6	Criminal Code	Article 234	Engage in exhibitionism or commit obscenity	Protect good morals and privacy of personal sexual acts
7	Criminal Code	Article 235	Commit obscenity	Protect good social morals
8	Criminal Code	Article 246, Paragraph 1	Desecrate religious buildings or memorials	Protect religious freedom and good morals
9	Criminal Code	Article 309	Commit insult publicly	Protect personal reputation from unlawful damage
10	Criminal Code	Article 310	Commit slander	Protect personal reputation and privacy from unlawful damage
11	Criminal Code	Article 312	Insult a deceased person	Protect families, descendants, the reputation of the deceased, or the respect of the descendants and community of the deceased
12	Criminal Code	Article 313	Injure the credit of another	Protect the credit of the victim
13	Public Officials Election and Recall Act	Article 104	Disseminate rumors or falsehoods	Protect national security, social order, justice, and fairness of elections
14	Presidential and Vice Presidential Election and Recall Act	Article 90	Disseminate rumors or falsehoods	Protect national security, social order, justice, and fairness of elections

Source: Ministry of Justice

Media License Control and Exchange of Information

243. The application for and approval, rejection, replacement, and revocation of licenses for broadcast television, cable television, and satellite television stations are stipulated in the Radio and Television Act, Cable Radio and Television Act, and Satellite Broadcasting Act.

The number of radio and television businesses and channels active in 2024 is presented in Table 23, with 116 domestic licensed satellite television stations and 21 foreign licensed satellite television stations in operation, with 216 domestic and 84 foreign channels. Additionally, there were no domestically licensed live satellite television broadcast service providers. Three were operating from overseas. As of 2024, the numbers for print media are 177 newspapers, 29 news agencies, and 1,060 magazines.

Table 23 Radio/TV Businesses and Channels

Unit: businesses; channels

Category	Businesses/Channels
Radio stations	186
TV stations	5
Community antenna television stations	1
Satellite television broadcasting (Live satellite TV broadcast service providers)	3
Satellite television broadcasting (Satellite TV program providers)	132/300 ¹²
Cable TV system operators	63

Source: National Communications Commission

244. Amendments were made to the Motion Picture Act to remove many restrictions, such as on the education and factors for disqualification of film business heads, licensing of film business, registration of film workers, prohibitions against speech or behavior detrimental to the state or the film industry, import and export reviews of films, film inspections and censorship, and prior reviews of film commercials and promotional materials.

News Interviews and Exchange of Information

245. According to the Regulations Governing Distribution, Display and Exhibition of Mainland Chinese Films and Programs in Taiwan, films and TV programs of mainland Chinese origin can be distributed, sold, produced, aired, shown, or exhibited in Taiwan once reviewed and approved by the competent authority. From 2020 to 2024, the number of mainland Chinese films approved for distribution or display was six, seven, ten, seven, and 11, respectively. In the same period, the number of radio and television programs approved for broadcasting was 698, 646, 658, 644, and 565, respectively.

246. Foreign and domestic journalists enjoy equal rights and freedom of speech. In addition,

¹² 132 refers to the total number of businesses, where five operate both domestic and foreign satellite services, calculated as 116 (domestic) + 21 (foreign) - 5 (overlapping) = 132. The figure 300 refers to the total number of channels, calculated as 216 (domestic) + 84 (foreign) = 300.

when government agencies organize press conferences or distribute news reports, foreign journalists enjoy the same access to interviews and information as domestic journalists.

Balance between Freedom of the Press and Police Authority

247. The police agencies are required to perform their duties when handling public assemblies and demonstrations, such as ensuring the security of the press area, camera platform, and satellite newsgathering vehicles. Police agencies are also to maintain close communication with the media beforehand and make arrangements to assist with their coverage. If action must be taken due to illegal activities or danger during an event, the police need to advise and communicate with the attending media staff in order to counsel them and provide them with necessary assistance so as to allow them to continue covering the event in other ways. In addition, Judicial Yuan Interpretation No. 689 specifies that even when the newsgatherer has stalked the subject in order to gather news information, once the stalking reaches an intensive degree so as to threaten the physical and mental safety or the freedom of movement for the stalker without a legitimate cause, Article 89, Subparagraph 2 of the Social Order Maintenance Act authorizes the police to intervene and stop the act in time, hence it is not a violation of the freedom of newsgathering protected by the Constitution. There is no information on penalties imposed for violations of Article 89, Subparagraph 2 of the Social Order Maintenance Act from 2020 to 2024.

Prevention of Dissemination of Disinformation

248. Disinformation disrupts people's daily lives and may even undermine the integrity of democratic elections. According to the Executive Yuan, legal action may be taken only when disinformation is maliciously intended, falsified or fabricated, or poses a threat to public safety. Competent authorities are required to promptly and publicly clarify such controversial (false) information, while the police are also required to investigate reported cases and take legal action if the information is proved to be false. In addition, the Satellite Broadcasting Act and the Radio and Television Act specify that news reports must adhere to fact-checking principles and avoid harming the public interest. When stakeholders deem the content of a program to be false, they may request that corrections be made or the opportunity to respond to protect their interests. From 2021 to 2024, police departments handled a total of 1,037 cases involving disinformation. Of these, 552 cases were related to the COVID-19 pandemic, 334 involved elections, and the remaining 151 concerned other topics such as food safety and terrorism.

Article 20 Prohibition on the Advocacy of War and Incitement to Discrimination

249. Taiwan's current criminal law is not entirely devoid of provisions concerning the advocacy of war and the incitement to ethnic, racial, or religious hatred or violence. Regarding current regulations and the progress of legislative amendments, please refer to Note 154 of the Concluding Observations and Recommendations in response to the third national reports on the two covenants.

Article 21 Right of Assembly

250. The freedom of assembly is one of the basic rights protected by the Constitution. Judicial Yuan Interpretation No. 718 declared unconstitutional the provisions in the Assembly and Parade Act that require permits for outdoor assemblies and parades, specifically those which failed to exclude urgent and incidental assemblies and parades, and the requirements for prior approval for urgent assemblies and parades. A draft amendment was prepared and submitted to the Legislative Yuan for deliberation. The draft was subsequently returned after the expiration of the review period without renewal, and has now been resubmitted to the Ministry of the Interior for completion of its review. Prior to the amendment and implementation of the Assembly and Parade Act, and to provide police agencies and the general public with a basis for the handling and determination of incidental and urgent assemblies and parades, the Principles for the Handling and Determination of Incidental and Urgent Assemblies and Parades were promulgated on December 29, 2014. In response to the practical enforcement needs before the statutory amendment, these Principles explicitly stipulate that incidental assemblies and parades do not require prior application for a permit, and that applications for urgent assemblies and parades shall be immediately reviewed, thereby safeguarding the public's freedom of assembly and parade. In addition, when on-site commanders execute police powers in accordance with the law, their actions must be proportional to the event and effective. They must also choose the least-damaging actions and execute them cautiously. On October 7, 2013, the National Police Agency, Ministry of the Interior issued a directive to all police agencies, requesting adherence to the principle of proportionality when managing assemblies and parades. Subsequently, on April 8, 2015, the Agency promulgated the Notes on the Use of High-pressure Water Jets by Police Officers. Where an employee of the government, through deliberate action or negligence, infringes

upon the rights of people in peaceful assemblies or unarmed demonstrations, the people may claim compensation from the state. From 2020 to 2024, the total number of public assemblies and parades nationwide was 57,791. Of these, 31,433 were approved, 21 were denied, and 26,337 proceeded without prior application. During this period, there were no claims for state compensation arising from public assembly and parade incidents.

251. From 2015 to 2020, the number of defendants in district court criminal judgments found guilty of violating the Assembly and Parade Act saw a decrease, with all sentences consisting of detention or fines. Subsequently, from 2021 to 2024, there were no district court criminal judgments where defendants were convicted of violating the Assembly and Parade Act.

Article 22 Freedom of Association

Establishment of Civil Associations

252. See Notes 85 and 86 in the common core document of the fourth national reports on the two covenants for information on civil associations.

253. The establishment of civil associations in the R.O.C. is subject to government approval. To establish a civil association, the initiators, who must comprise at least 30 people, are required to apply for a permit from the authorities. Once the permit is granted, the initiators must assemble a preparation committee. After all preparation procedures are completed, the association can be formally established by convening a founding meeting and reporting to the competent authority for approval and accreditation. According to the Regulations for Registration of Social Entities, the authorities can take approximately two to four months from the day of application receipt to grant the permit. Once the permit is granted, the applicant will be notified to prepare and establish the association within six months, which can be further extended up to three months with the authority's approval.

254. The competent authority, in processing applications for the establishment of civil associations, acts in an auxiliary capacity, providing guidance to the initiators of the organization and formation of such associations. When reviewing application or registration documents submitted by civil associations and international non-governmental organizations (INGOs) in accordance with the law, the competent authority actively guides them to rectify any errors, omissions, or missing items, and no applications for the establishment of associations are rejected. From 2020 to 2024, the number of newly registered nationwide civil associations was 1,477, 1,195, 1,219, 1,140, and 1,081, respectively. Additionally, the

number of INGOs approved for registration under the Directions Governing Application for the Establishment of International Non-governmental Organizations was one, four, one, one, and two for the aforementioned years, respectively. Furthermore, INGOs approved for registration under the Directions for Foreign Civil Institutions and Organizations to Apply to Set up and Register Offices in the Republic of China (Taiwan) for the same years were six, seven, nine, one, and seven, respectively.

255. Taiwan's civil associations (including social associations and occupational associations) conduct their affairs in accordance with the Civil Associations Act, the Regulations on Election and Recall in Civil Associations, the Regulations for Guidance on Civil Associations Affairs, and the Regulations for the Security and Maintenance of Personal Information Files in Cooperative & Civil Associations-related Non-government Agencies. Regarding the establishment, financial operations, and personnel employment of social associations, these are governed by regulations such as the Regulations for Registration of Social Entities, the Regulations on Disposal of the Financial Affairs of Social Associations, and the Regulations on Management of the Staff in Social Associations. The establishment and affairs implementation of occupational associations depend on their specific industry. These associations operate under the Industrial Group Act, the Commercial Group Act, Enforcement Rules on the Implementation of the Commercial Group Act, Enforcement Rules on the Implementation of the Industrial Group Act, or relevant special laws enacted by the target business competent authorities for specific industries. Their financial operations and personnel employment are governed by regulations like the Regulations of Financial Treatment of Industrial and Commercial Groups and the Supervisory Regulations of Meeting Affairs Staff of Industrial and Commercial Groups. The various aspects of management and operational affairs for civil associations, including regulations concerning membership numbers and age, are comprehensively stipulated within a comprehensive framework of laws and administrative regulations.

256. In 2011, the Ministry of Labor established a labor administration system to record union registration information. A total of 1,440 new unions were registered from the establishment of the system to 2024.

Amendment of Laws Concerning Civil Associations

257. Judicial Yuan Interpretation No. 733 held that provisions in the Civil Associations Act stipulating that a chairperson shall be elected by the directors from among the standing

directors, or by the directors themselves if no standing directors are established, unduly restricted the autonomy of occupational associations in determining their internal organization and affairs. This was found to violate the constitutional principle of proportionality and the intent to safeguard the people's freedom of association, and was therefore declared unconstitutional. These provisions have subsequently lost their effect.

258. The Civil Associations Act and amendments to certain articles of the Industrial Group Act have been drafted. Notably, the draft Social Associations Act proposes to transition the system for establishing associations from the current approval system to a registration-based system. It also deletes the restrictive qualifications stipulated in Article 8 of the current Civil Associations Act, such as the requirement that initiators not be under guardianship with such declaration unrevoked. Consequently, the application procedures for establishment and limitations on the qualifications of initiators will no longer apply. Regarding membership qualifications, there are no additional regulations imposed; these are determined by the association itself within its constitution. Therefore, the aforementioned draft amendments have removed relevant restrictions concerning whether members, directors, and supervisors are under guardianship. This change fully respects the self-governance of associations and the results of related elections, thereby safeguarding the rights and interests of individuals with disabilities. The draft amendments were previously sent to the Legislative Yuan for deliberation. However, due to the expiration of the Legislative Yuan's term without continued review, the Ministry of the Interior has resubmitted the draft to the Executive Yuan.

259. Legislation involving the people's freedom of association, such as the Civil Associations Act, the Commercial Group Act, the Educational Association Act, and the Political Parties Act, have been promulgated and implemented. To further implement a high degree of autonomy for civil associations, certain articles of the Civil Associations Act and the Regulations on Election and Recall in Civil Associations were amended and promulgated between 2020 and 2024. These amendments added provisions allowing for meetings, other than the election and recall of directors and supervisors which must still be conducted in person as legally required, to be held via video conference if stipulated in the association's constitution. These changes also establish a legal foundation for open and transparent elections and recalls. To meet practical operational needs, provisions were added to permit electronic voting for civil association elections and recalls. However, to ensure voting

security and accuracy, as well as to prevent electoral disputes, other than postal voting, non-assembly elections and recalls are not yet permitted.

Unions

260. For measures concerning the protection and restriction of the right to organize and join unions, the number of unions, and the right to strike, please refer to Notes 104 to 109 and Notes 114 to 116 of the fourth national report on the ICESCR.

Civil Servant Associations

261. 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 major role in mediation and dispute resolution.

262. There are two tiers of civil servant associations: the national level (National Civil Servant Association) and agency level. Those at the agency level can be further distinguished between central and local government associations. The National Civil Servant Association comprises agency-level associations as members, including 20 at the central government level and 15 at the local government level. To better align with the evolving landscape of public sector labor relations and bolster the right to association and right to negotiation for civil servants, a draft amendment to certain articles of the Civil Servants Association Act has been prepared. This draft was jointly submitted to the Legislative Yuan for deliberation by the Examination Yuan and the Executive Yuan on July 12, 2024, and awaits the completion of the legislative process by the Legislative Yuan.

Article 23 Protection for the Family

Definition of Family

263. According to the Civil Code, a house is a community of relatives who live in the same household with the object of maintaining the common living permanently. Persons belong to the same house are, except the head of the house, the members of the house, including relatives and persons who are not relatives but who live in the same household. All members of a house are eligible for electing or being elected as the head of the house. House members that are relatives or persons who are not relatives may live in the same household permanently and have a mutual obligation to provide for one another. However, as house members and relatives have different meanings, their marriage, property, insurance, medical care, inheritance, and other legal rights and protection thereof are not the same.

Legal Requirements and Implications of Marriage

264.The Civil Code stipulates that the minimum marriage age for men and women is 18.

265.The Act for Implementation of J.Y. Interpretation No. 748 promulgated on May 24, 2019, already specifies that two persons of the same sex over the age of 18 may form a permanent union of intimate and exclusive nature for the purpose of living a common life. They may also register their marriage at a household registration office.

266.For information regarding cross-border same-sex marriage, please refer to Notes 155 to 161 of the Response to the Concluding Observations and Recommendations on the third national reports on the two covenants.

Rights and Obligations of Spouses

267.A husband and wife are obligated to cohabit, unless there are extenuating circumstances. Regarding daily household matters, they act as agents for each other. Household living expenses are to be shared according to each party's economic ability, household labor, or other matters unless otherwise provided for by law or mutual agreement.

268.The married couple property system must follow statutory and contractual regimes. The contractual regime is further divided into the community of property regime and separation of property regime. The husband and the wife may, before or after getting married, adopt by contract the management, use, collection of fruits from, disposal, and distribution of property and choose to adopt the community of property regime or separation of property regime. This choice must be registered in court. If not registered, the statutory regime will apply.

269.Parents must agree in writing whether a child is to assume the father's or mother's surname. From 2020 to 2024, the percentage of children registered with the father's surname decreased from 94.72% to 94.33%, with the percentage of children given the mother's surname increasing from 5.21% to 5.61%. In addition, a small percentage of children were registered with traditional indigenous names.

270.In terms of the exercise of parental powers, parents are required to exercise the rights and assume the duties of protection and support with regard to their minor children. Parents are the statutory agents of their minor children. Parents are to jointly exercise their rights and assume their duties with regard to their minor children, unless otherwise provided by law. If one of them cannot exercise such rights, the rights are to be exercised by the other party. If parents cannot assume the duties jointly, the duties will be assumed by the parent who has

the ability. If there is inconsistency between the parents in the exercise of rights with regard to a grave issue involving a minor child, they may apply to the court for a decision in accordance with the best interests of the child. Before reaching such a decision, the court must conduct a hearing with the minor child, the authorities concerned, or the social welfare institution involved.

271. In the event of a divorce, the court is required to take into consideration all relevant factors and award parental rights in accordance with the children's best interests. In addition to relying on visit reports made by social workers or family affairs investigation officers, courts may also base their decisions on the findings of police agencies, tax authorities, financial institutions, schools or other government agencies, groups, or appropriate people who possess relevant expertise. If the parents do not divorce and do not continue their cohabitation for more than a certain period of time, regulations for divorce apply *mutatis mutandis* to the exercise of the rights or assumption of duties with respect to the minor.

272. Each spouse has the right to inherit the property of the other, and his or her entitled portion when inheriting the estate with blood relatives is determined according to the difference in the order of all the coheirs, as stated in the Civil Code.

Rights of Same-Sex Marriages

273. Since May 24, 2019, same-sex marriage registration became available, allowing R.O.C. nationals to register their same-sex marriage in Taiwan with another R.O.C. national or a national from a country that recognizes same-sex marriage. Subsequently, on January 19, 2023, same-sex marriage registration in Taiwan became available to R.O.C. nationals marrying individuals from countries that do not recognize same-sex marriage (including residents of Hong Kong and Macao). Therefore, applications for same-sex partnership registration are no longer accepted. If a same-sex couple had a prior partnership registration, it shall be deleted upon their registration of a same-sex marriage. As of 2024, the number of same-sex marriages totaled 16,063 couples, comprising 4,898 male couples and 11,165 female couples. As of September 19, 2024, cross-strait same-sex couples who have legally married in a third jurisdiction that recognizes same-sex marriage may apply for marriage registration in Taiwan. They must submit their marriage certificate, authenticated by a R.O.C. (Taiwan) overseas mission, along with other required documents. Following a successful interview and approval by the relevant authorities, they can then register their marriage at any household registration office. For information regarding the rights of

cross-strait same-sex marriages, please refer to Note 158 of the Response to the Concluding Observations and Recommendations on the third national reports on the two covenants.

274. The Act for Implementation of J.Y. Interpretation No. 748 specifies that parties entering a same-sex marriage may not have certain types of kinship or guardianship relations, or engage in bigamy or polygamy. In addition, they must register their marriage at a household registration office. The parties are also obligated to cohabit and act as agents for each other in daily household matters. The living expenses of the household will be shared by the parties according to each party's economic ability, household labor, or other conditions, unless otherwise provided for by law or mutual agreement. The parties to a same-sex marriage owe each other a duty of support and are each other's statutory heirs. One party may adopt the child of the other party or they may jointly adopt. The provisions of the Civil Code and other laws concerning the rights and obligations between parents and children shall apply. With the exception of affines, the formation of a marriage engagement, the scope of prohibited degrees of kinship for marriage, the grounds for annulment of marriage (impotence), prefixing a surname, grounds for termination by court judgment, presumption of legitimacy and legitimization by subsequent marriage, the provisions on marriage in the Civil Code shall apply *mutatis mutandis* to all other matters.

Divorce System

275. The three systems for the termination of marriage in the Civil Code include divorce by agreement (divorce by mutual consent), divorce by judgment, and divorce by court mediation or settlement. The Act for Implementation of J.Y. Interpretation No. 748 specifies that the methods of terminating the relationship are the same as those specified for marriage in the Civil Code. However, either party may petition for a juridical decree of termination upon the occurrence of any gross event that renders it difficult to maintain the union, thus realizing the principle of breakdown of marriage.

Exercise of Parental Rights after Divorce

276. In family matters proceedings, the court must, considering a child's age, discernment capacity, and other physical and mental conditions, inform them, whether inside or outside the court, of the implications of the judgment and give them opportunities to express their intentions or opinions. Therefore, to gather the opinions of minor children and understand their true intent, the court may have them attend court to give a statement or seek to indirectly learn about their true intent through visits by social workers, investigations by

family matters investigation officers, or interviews with the guardian ad litem. When minor children are required to testify in court and share their opinions, the Family Act permits a private court with a friendly environment for the proceedings to protect their privacy and safety. To protect the rights of children and youths to express their opinions, the Act also permits social workers to accompany children; separate sessions should be arranged for parties to present their cases; the guardian ad litem, experts in child or adolescent psychology, and other professionals to provide assistance; and several other assurance and protection systems are to be provided.

277. The statistics on the exercise of rights and obligations with respect to underage children by divorced parents from 2020 to 2024 are provided in Table 24.

Table 24 Exercise of Rights and Obligations with Respect to Underage Children by Divorced Parents¹³

Unit: persons; %

Year	Total	Father		Mother		Joint custody	
		No. of people	Ratio	No. of people	Ratio	No. of people	Ratio
2020	56,002	20,050	35.80	21,123	37.72	14,829	26.48
2021	51,436	17,956	34.91	19,345	37.60	14,135	27.49
2022	52,901	17,393	32.88	19,892	37.60	15,616	29.52
2023	50,425	15,913	31.56	19,161	38.00	15,351	30.44
2024	50,818	15,838	31.17	19,086	37.56	15,894	31.28

Source: Ministry of the Interior

Family Court

278. The Taiwan Kaohsiung Juvenile and Family Court was established in 2012 specifically to conduct first-instance trials of all family matters. In areas without a dedicated juvenile and family court, all related cases are processed by the family tribunal of the district court. As of 2024, there were a total of 146 judges specializing in or concurrently handling domestic affairs cases across district courts nationwide (excluding courts in outlying islands). Judges who specialize in such cases are required to complete more than 12 hours of relevant training annually. The Judicial Yuan offers specialized training programs for both newly appointed and transferred family court judges and regularly organizes professional on-the-job training courses on family affairs. To encourage judges to enhance their professional skills and serve longer terms in their roles, judges may apply for the issuance or

¹³ This table has been organized according to registration dates.

reissuance of professional family affairs certificates. These certificates are valid for three years. Once a judge obtains professional certification, they can receive priority in handling family affairs cases.

279. See Notes 199 to 203 of this report for information on interpretation services and translation of litigation documents in trial procedures of family affairs cases.

Naturalization of Foreign Spouses

280. According to the regulations of the Nationality Act, after an individual is naturalized as an R.O.C. citizen, the naturalization may be revoked in accordance with the Act, and the Ministry of the Interior may revoke approval within two years of discovering any circumstances that are not in conformity with the Act. However, naturalization may not be revoked if five or more years have passed since it took effect. From 2012 to 2024, a total of 51,617 individuals acquired the R.O.C. nationality through naturalization. Of these, 47,527 (92.08%) were female and 4,090 (7.92%) were male. An analysis of the reasons for naturalization reveals that being a spouse of an R.O.C. national accounts for the highest number, at 46,099 individuals (89.31%), with females constituting the majority. By original nationality, Vietnamese nationals account for the largest proportion of the total naturalized individuals, at 71.73%, followed sequentially by individuals from Indonesia, the Philippines, Thailand, and Myanmar.

Residency of Mainland Chinese Spouses

281. From 2020 to 2024, the number of mainland Chinese spouses granted residency in Taiwan annually was: 482, 471, 665, 1,827, and 1,574 for males, respectively; and 4,990, 4,422, 4,734, 12,720, and 8,522 for females, respectively.

Rights to Family Reunion

282. The privilege of residing in Taiwan is governed by the relevant provisions of the Statute Governing the Issuance of R.O.C. Visas in Foreign Passports, the Immigration Act, and the Regulations Governing Visiting, Residency, and Permanent Residency of Aliens. Before entering Taiwan, applicants are required to apply for and obtain a visa first from an overseas mission of the R.O.C. An applicant who holds a resident visa or a visitor visa permitting a stay of 60 days or longer and whose visa bears no such remark as “no extension will be granted” or any other restriction imposed by the visa-issuing authority may apply for an Alien Resident Certificate by presenting a valid passport and the said visa to the service center of the National Immigration Agency that has jurisdiction over the area of his or her

residence within 30 days of entry. If the application is approved, the Ministry of the Interior's National Immigration Agency will issue to the applicant an Alien Resident Certificate, allowing him or her to legally take up residency in Taiwan. The residency of mainland Chinese spouses in Taiwan is divided into four stages, namely, reunion, dependent residency, long-term residency, and permanent residency. Once an applicant applies for reunion in Taiwan with proper legal documents, passes the interview, and obtains approval to enter Taiwan, the applicant may register his or her marriage at a household registration office and apply for dependent residency with the National Immigration Agency, Ministry of the Interior. He or she may apply for long-term and permanent residency after residing in Taiwan after the appropriate specified periods of time.

283. Foreign nationals who have acquired R.O.C. nationality or have been granted permission to reside in the country may also apply for residence permits for their spouse and underage children who do not hold R.O.C. nationality. From 2020 to 2024, a total of 14,442 Alien Resident Certificates were issued to children of immigrants and foreign workers (including those whose sponsoring relatives are already R.O.C. citizens). Among these, 2,213 cases involved residency applications for the children of migrant workers. Migrant workers refer to individuals employed in Taiwan to perform work as specified in Article 46, Paragraph 1, Subparagraphs 8 to 11 of the Employment Service Act. According to Articles 18 to 22 of the Regulations Governing Dependent, Long-term and Permanent Residency of Mainland Residents in Taiwan, qualified mainland Chinese residents in Taiwan may also apply for long-term residency for their underage children.

284. To ensure the security of Taiwan's borders, safeguard the legitimate rights and interests of both parties in cross-border marriages, and prevent human trafficking, the Ministry of Foreign Affairs conducts marriage-based immigration interviews abroad for individuals from certain designated countries. Since August 2019, the Ministry of Foreign Affairs has refined its existing "single channel, comprehensive processing" mechanism, aiming to streamline administration and better serve the public. This enhancement strengthens the factual basis for the approval or denial of interviews conducted by overseas missions, while simultaneously upholding the rights to family reunion and shared life for R.O.C. nationals and their foreign spouses. The list of designated countries requiring marriage-based immigration interviews includes 16 nations: Thailand, Indonesia, Vietnam, the Philippines, Myanmar, Senegal, Nigeria, Cameroon, Ghana, Gambia, Pakistan, India, Nepal, Bhutan, Sri

Lanka, and Bangladesh. In conjunction with the Ministry of the Interior's relaxation of regulations allowing foreign nationals from countries that do not recognize same-sex marriage to register their marriage in Taiwan with Taiwanese same-sex partners in January 2023, the Ministry of Foreign Affairs revised the Operation Directions for Ministry of Foreign Affairs and R.O.C. Embassy or Mission Abroad Processing Interviews with Foreigners Applying for Entry to Taiwan for Marriage to R.O.C. Citizens in March 2023. As of 2024, a total of 204 marriage-based immigration interview cases for R.O.C. nationals and their same-sex spouses from specified countries were processed. Of these, six cases are pending supplementary documentation or review, two cases were denied, and four cases are awaiting interview, with all remaining cases receiving approval. The inquiries made during marriage-based immigration interviews are solely based on the factual aspects of the parties' shared life and interactions. They are unrelated to gender identity, ensuring equitable treatment for both same-sex and opposite-sex marriages.

285.Children who are not R.O.C. citizens but were born in Taiwan and whose father or mother holds a valid Alien Resident Certificate (ARC) or Alien Permanent Resident Certificate (APRC) may apply for an ARC with the National Immigration Agency. In 2017, the government also issued an official letter promulgating related standard operating procedures to assist children who are not R.O.C. citizens and whose fathers are unknown and whose foreign mothers' whereabouts are unknown. While efforts are made to locate the biological mothers, social service units are responsible for providing temporary accommodation, and the National Immigration Agency is tasked with issuing ARCs based on the nationality of the biological mothers. If the search for the biological mothers is unsuccessful and the Ministry of the Interior determines that the children are stateless, they become eligible for adoption and naturalization. All related rights and interests are protected.

286.Tibetan spouses are accorded the same rights as foreign spouses of R.O.C. citizens and may apply to change their visitor visa to an Alien Resident Certificate in accordance with the Immigration Act. They may also apply for review and approval with the National Immigration Agency, Ministry of the Interior in accordance with the Regulations Governing Visiting, Residency, and Permanent Residency of Aliens to obtain residency in Taiwan. In addition, minor children of Tibetan people may apply for residency with the procedures accorded R.O.C. citizens' minor children in accordance with Immigration Act regulations.

287.Mainland Chinese spouses who have been granted long-term residency or permanent

residency may apply for special long-term residency for their underage biological children to come to Taiwan for long-term visits. Eligibility requires residency in Taiwan continuously for four full years, with legal stays exceeding 183 days annually. This special long-term residency is subject to an annual quota of 60 individuals. Mainland Chinese spouses with registered identity in Taiwan may apply for the long-term residency of their underage children. The number is capped at 300 individuals per year. A total of 1,800 applications for such individuals were approved from 2020 to 2024.

Article 24 Children's Rights

Protection of Children

288. Citizens are required to register new births at the household registration office within 60 days after their child is born, recording his or her official Mandarin Chinese name. Household registration offices must remind people who fail to register the child birth by the deadline to make the registration, and may proceed to register and name the newborn child at their discretion, if all reminders are ignored.

289. The Child and Youth Sexual Exploitation Prevention Act was amended in 2017 and 2018 to further stress the legal status of such victims, improve measures for the prevention of related cybercrimes, strengthen the diversity of treatment services for victims, expand the scope of individuals responsible for submitting reports, and make criminal penalties more severe. The Child and Youth Sexual Exploitation Prevention Act was also amended in 2023 and 2024 to enhance protection services for victims of child and youth sexual image exploitation. These amendments specifically stipulate a mechanism for the removal and delisting of sexual images, requiring Internet platform operators to restrict access to and remove relevant webpages containing child and youth sexual images within 24 hours. Furthermore, these operators are obligated to retain the unlawful webpages and data for 180 days to facilitate investigations by prosecutorial, law enforcement, and judicial agencies. Additionally, the criminal penalties for individuals who film, distribute, or possess child and youth sexual images have been increased, and the proceeds of such crimes are subject to confiscation. The Protection of Children and Youth Welfare and Rights Act was amended in 2019. The amendment added judicial and early-intervention investigation procedures for cases requiring the protection of children and youths. It established records on penalties imposed on perpetrators of crimes against children and youths and mechanisms for the retrospective

analyses of the deaths of children. It also increased penalties for inappropriate behavior toward children and youths and added regulations for putting perpetrators of crimes against children and youths under protective measures.

290.Regarding the number of penalties imposed on perpetrators in child and youth protection cases, from 2020 to 2023, the figures were as follows: 188 penalties (89 announced names), 156 penalties (70 announced names), 285 penalties (135 announced names), and 316 penalties (123 announced names), respectively. From 2020 to 2024, the child and youth population was 3,615,967, 3,517,700, 3,432,173, 3,404,197, and 3,342,385, respectively. During the same period, the number of child and youth fatalities due to abuse was 22 (including 11 child homicides followed by suicide), 21 (including eight child homicides followed by suicide), 13 (including four child homicides followed by suicide), 22 (including eight child homicides followed by suicide), and 33 (including 12 child homicides followed by suicide), respectively. Notably, approximately 30% of these fatalities involved children or youth with prior child protection reporting records, while the remaining 70% had no such records. To bolster preventive measures for cases of abuse-related fatalities that occur before entering the child protection system, efforts have been intensified through the Social Safety Net Strengthening Program. This includes reinforcing community violence prevention advocacy, establishing 156 social welfare centers to offer support services to vulnerable families, and implementing proactive care programs for vulnerable children under the age of six.

Special Judicial Protections for Children

291.The Juvenile Justice Act was amended in accordance with opinions in Judicial Yuan Interpretation No. 664, the Act to Implement the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, the Implementation Act of the Convention on the Rights of the Child, and insights from various sectors of society. The amendments were enacted in 2019. They called for the abolition of the delinquency system; on July 1, 2023, pilot mechanisms for administrative assistance for at-risk juveniles were established; provisions were added to ensure respect for the moral rights and right to protective procedures of juveniles; alternative treatment measures were introduced; restorative mechanisms for juveniles were implemented; and the identification functions for accommodations in juvenile detention centers were restored.

292.The Juvenile Justice Act was amended on June 21, 2023. These amendments specifically

added provisions for due process concerning compulsory measures imposed by judicial police officers or judicial police on juveniles before juvenile delinquency cases are referred to the juvenile court. Furthermore, the amendments established the principle of not using restraint tools. To enhance the effectiveness of juvenile court protective supervision and improve coordination with relevant administrative agencies, a pilot program for juvenile protective supervision risk management began in February 2024. This program was launched across seven juvenile courts/divisions within Taiwan's six special municipalities and will progressively expand to all juvenile courts/divisions nationwide.

293. According to the Convention on the Rights of the Child and the Concluding Observations and Recommendations on the initial national reports for the Convention, juvenile criminal cases are to be processed in accordance with the Protection of Children and Youth Welfare and Rights Act instead of the Juvenile Justice Act. Therefore, based on the new system implemented after the amendment, such cases will no longer be processed in accordance with the regulations of the Juvenile Justice Act starting from June 19, 2020. Instead, their cases will be managed through the 12-year compulsory education program and student counseling system. In August 2020, the Ministry of Education issued official documents to schools outlining the counseling road maps for students aged seven to under 12 exhibiting deviant behaviors. These documents also included individualized needs assessment, counseling intervention, and effectiveness evaluation checklists for the same age group, alongside an implementation plan for the prevention and counseling of students aged seven to under 12 with deviant behaviors. These resources provide schools with clear guidelines for launching the three-tiered counseling mechanism.

294. When a juvenile court decides that a juvenile needs placement and guidance, the Ministry of Health and Welfare is to provide judicial diversion treatment through institutional placement and guidance. Based on the requirements of each case, the juvenile protection officer and the placement institution are to jointly formulate a treatment plan; provide guidance with respect to the juvenile's education, employment, and psychological needs; and conduct follow-up work after the youth leaves the institution. The number of placement and guidance cases from 2020 to 2024 was as follows: 103 (80 males and 23 females), 80 (61 males and 19 females), 74 (55 males and 19 females), 52 (33 males and 19 females), and 64 (37 males and 27 females), respectively.

Protections for Children Lacking Normal Family Life

295. Children and juveniles who encounter major changes that deprive them of a normal family life may be sheltered or counseled by the local government at the parent's or guardian's request. When arranging shelter, local governments are required to seek accommodation with relatives, foster families, children's residential care facilities, and other placement institutions (in this order). Table 25 shows the conditions of placement at children's residential care facilities and foster families between 2020 and 2024.

Table 25 Placement at Children Residential Care Facilities and Foster Families ¹⁴

Unit: cases; persons

Year	No. of facilities	Total beds	Those sheltered in facilities		Households (no. of foster families)	Those sheltered in foster families	
			Male	Female		Male	Female
2020	118	4,873	1,336	1,326	1,343	782	799
2021	113	4,493	1,230	1,315	1,319	846	787
2022	114	4,464	1,179	1,190	1,348	816	766
2023	113	4,095	1,098	1,099	1,342	812	775
2024	106	3,757	1,060	996	1,319	839	765

Source: Ministry of Health and Welfare

296. Upon admission, correctional institutions help assess the care needs of inmates' minor children. During intake investigations, they ascertain family backgrounds, and for inmates with family issues such as child care concerns, referrals are made to special municipal and county/city governments. These governments then conduct relevant assessments and provide support, including home visits, counseling, financial aid, foster care, or placement services. Table 26 details the referrals made by correctional institutions to social service units for assessing the child care needs of inmates from 2020 to 2024.

Table 26 Table of Referrals by Correctional Institutions to Social Service Units for Assessing Inmate Child Care Needs

Unit: persons

Year	No. of individuals without care assistance needs	No. of individuals with confirmed child care needs referred to social service units
2020	490,711	341
2021	450,406	248
2022	460,208	176

¹⁴ Each foster family in this table may accommodate approximately two children.

2023	465,202	193
2024	475,284	271

Source: Agency of Corrections, Ministry of Justice

297. For instances where women who are imprisoned or entering prison, with remaining sentences exceeding two months, request to bring their children under two years of age into prison, local governments, upon notification from the correctional institution, will conduct visits to assess the suitability of the child's admission and provide recommendations. Table 27 presents statistics on the assessment reports completed by local governments for children accompanying mothers in correctional institutions from 2020 to 2024.

Table 27 Statistics on the Assessments by Taiwan's Local Governments for Children Accompanying Mothers in Correctional Institutions

Unit: cases

Year	Accompanied mother into the correctional institution	Care delegated to relatives or friends	Placement by local government	Subtotal	Other ¹⁵
2020	45	5	5	55	0
2021	35	3	1	40	1
2022	58	13	5	96	20
2023	53	4	1	77	19
2024	53	19	2	74	15

Source: Ministry of Health and Welfare

Protection of Stateless Children

298. Regarding the protection of stateless children, please refer to Notes 216 to 217 and 285 of this report.

Prevention of Child Trafficking

299. The government has drafted an antislavery plan to combat human trafficking. Police agencies across the country have been instructed to strengthen their anti-human trafficking efforts with the aim of arresting key suspects, sponsoring spouses, and other suspects of related crimes to deter such practices. From 2020 to 2024, a total of 372 human trafficking cases involving the exploitation of children and juveniles were identified, the majority of which were related to sexual exploitation. The Human Trafficking Prevention Act covers

¹⁵ This table's "Other" category includes cases such as returning home with no need for care assistance, merged or duplicate cases, referrals to other municipalities or counties/cities, and transfers between correctional institutions.

adults over the age of 18, as well as children and youths under the age of 18. However, to provide more comprehensive protections for children and youths, the Act specifies that at first consideration should be given to human trafficking cases involving children and youths in accordance with the Child and Youth Sexual Exploitation Prevention Act. To provide children and youths who are sexually exploited or at risk of sexual exploitation with channels to seek assistance and services, social workers must accompany such children and youths during interrogations and provide emergency shelter after interrogations so as to protect them from human traffickers. Social workers must also petition to court rulings to extend the shelter service within 72 hours. If extended shelter is deemed necessary, the children and youths are then placed in halfway houses or educational institutions to help them complete their education or acquire skills that are required to live independently. Local governments should conduct at least one year of counseling and intervention to children and youths after their placement period has ended, so as to prevent them from falling victim to sexual exploitation once more.

Protection of Child Labor

300. The Labor Standards Act defines child labor as that performed by an employee over 15 but below 16 years of age. Employers are not allowed to subject a child worker to more than eight hours of work per day for a total of 40 hours per week, and he or she may not work during regular leave or at night. In addition, a child worker and individuals over 16 and under 18 years of age may not engage in dangerous or hazardous work. Employers must also keep age certificates and letters of consent from the legal guardian of employees less than 18 years of age. The Occupational Safety and Health Act also expressly prohibits employers from assigning workers under 18 years of age dangerous or hazardous tasks.

301. Should employers or labor service recipients intend to engage an individual under 15 years of age to provide labor, they must submit an application to the local labor administrative authority. This application must include details such as the work content, work duration, and insurance coverage, employer certification, worker's insurance documents, school consent letter, and the legal guardian's consent letter. Only upon receiving approval from the local labor administrative authority may the individual commence work. The local labor administrative authority shall, on a case-by-case basis, review the nature and duration of the work to safeguard the individual's labor rights. Furthermore, such individuals' labor conditions shall be governed *mutatis mutandis* by the Labor Standards Act's provisions

concerning the protection of child workers. Employers who violate the above laws may be sentenced to a maximum of six months of imprisonment, detained, or fined a concurrent maximum amount of NT\$300,000. From 2020 to 2024, the number of applications for permits for the employment of workers under the age of 15 was 943, 809, 830, 561, and 402, respectively.

302. The Labor Occupational Accident Insurance and Protection Act came into effect on May 1, 2022. Under this Act, workers employed by duly registered business entities must enroll in the Labor Occupational Accident Insurance through their employer as the insured unit. Additionally, Article 10 of the Labor Occupational Accident Insurance and Protection Act stipulates that individuals under 15 years of age, as defined in Article 45, Paragraph 4 of the Labor Standards Act, may be enrolled in the Labor Occupational Accident Insurance by the labor service recipient. As of the end of each year from 2022 to 2024, the number of individuals under the age of 18 covered by the Labor Occupational Accident Insurance (excluding students participating in cooperative education programs, individuals attending training in vocational training institutions, those continuing insurance during parental leave without pay, and non-nationals; individuals insured in two or more units are counted as one) was 24,852 and 25,696, respectively: (1) the number of those under the age of 15 was 39, 58, and 33, respectively; (2) the number of those aged 15 and above but under 16 years old was 1,661, 1,569, and 1,525, respectively; (3) and the number of those aged 16 and above but under 18 was 23,152, 24,336, and 24,138, respectively.

303. When conducting labor inspections, government agencies shall intensify their oversight in accordance with the Principles for Inspections of Labor Conditions of Child Labor and Youths. In 2020, a total of 58,869 labor conditions inspections were conducted, which included 21 cases involving complaints of violations related to child workers. During these inspections, seven instances of non-compliance with child worker regulations were identified. In 2021, a total of 57,405 labor conditions inspections were conducted, which included 20 cases involving complaints of violations related to child workers. During these inspections, ten instances of non-compliance with child worker regulations were identified. In 2022, a total of 62,029 labor conditions inspections were conducted, which included 12 cases involving complaints of violations related to child workers. During these inspections, 14 instances of non-compliance with child worker regulations were identified. In 2023, a total of 63,122 labor conditions supervisory inspections were conducted, which included 28

cases involving complaints of violations related to child workers. During these inspections, 19 instances of non-compliance with child worker regulations were identified. In 2024, a total of 61,645 labor conditions supervisory inspections were conducted, which included 13 cases involving complaints of violations related to child workers. During these inspections, ten instances of non-compliance with child worker regulations were identified. Violations were found in such industries as the accommodations/food and beverage services industry, wholesale and retail trade industry, arts, entertainment, and recreational services industry, and manufacturing industry. In addition, the Ministry of Labor provides related safety and health education, training, awareness campaigns, and assistance for students of domestic high schools/vocational high schools, junior colleges, and universities, as well as enterprises. The Ministry also enhanced collaboration between different government agencies to better protect youths' labor rights.

304. To safeguard the labor rights of youths and deter unlawful corporate practices, the Ministry of Labor has directed various labor inspection agencies to ramp up safety and health inspections at businesses frequently employing youth, such as gas stations, convenience stores, and restaurants. Between 2020 and 2024, a total of 8,752 such inspections were conducted.

Article 25 Suffrage Rights

Right of Participation in Political Affairs

305. R.O.C. citizens, except where otherwise provided in the Constitution or those under guardianship with the declaration unrevoked, are entitled to vote in referendums when they reach 18 years of age. They are also entitled to vote in elections when they reach 20 years of age. Individuals who have the right to vote in elections and referendums must reside in their electoral district continuously for 4 months or 6 months, respectively, to be entitled to vote in elections or referendums. In 2007 and 2023, respectively, provisions disqualifying individuals whose civil rights had been deprived and not yet restored, and those under guardianship with the declaration unrevoked, from exercising the right to vote were repealed. Citizens aged 40 and above may register as presidential or vice presidential candidates. Citizens aged 23 and above may register as candidates for other public offices at the area in which they are entitled to vote. This restriction does not include elections for special municipality mayors, county magistrates, and city mayors, for which a candidate

must be at least 30 years of age, and township mayor elections, for which a candidate must be at least 26 years of age. Individuals over 18 years of age may take civil service examinations. Adult individuals may apply to the competent authority for approval to set up a civil association. The Referendum Act states that referendums include national referendums and local referendums. Permanent residents or foreign spouses who have not obtained R.O.C. citizenship do not enjoy the right to vote in an election, the right to be a candidate in an election, the right to vote in a referendum, or the right to take civil servant exams.

306. Considering that naturalized citizens may have limited knowledge of the national conditions of the R.O.C. when they renounce their original nationality and obtain R.O.C. nationality, the Nationality Act prohibits foreigners from assuming senior public official positions (e.g., president, vice president, deputy minister or above, and elected public officials at the central or local government level) within 10 years of naturalization. The Public Officials Election and Recall Act allows persons who have adopted R.O.C. nationality to register as candidates only after 10 years of naturalization. In addition, given the differences in the understanding of what constitutes a free, democratic constitutional system by people of mainland Chinese origin, the time needed to adapt to Taiwan society, as well as the legal relationship between an individual and the state and the need for loyalty established once employed, the Act Governing Relations between the People of the Taiwan Area and the Mainland Area specifically stipulates that only persons who have had household registration in Taiwan area for at least 10 years are allowed to register as candidates. However, to protect the rights to work of mainland Chinese spouses, the government has relaxed regulations to allow mainland Chinese residents with dependent residency, long-term residency, or household registration to be hired as contract workers in government agencies/institutions and schools.

Regular Elections

307. Certain public officials, such as the president, vice president and legislators are elected on a nationwide basis, whereas other local public positions, such as mayors, village chiefs, and local representatives, are elected on a regional basis. All the above officials serve a term of four years, and such elections occur once every four years. Following the promulgation of the Additional Articles of the Constitution, all legislators have been directly elected by the people through direct ballot since 1992, and the president and vice president since 1996. These elections are conducted regularly according to statutory cycles, and the same applies

to the elections of local public officials.

Other Restrictions on Suffrage Rights

308. The election deposit 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. Deposits for the presidential and vice presidential candidate endorsement and registration are set according to the Presidential and Vice Presidential Election and Recall Act, whereas deposits for public official elections are set by the Central Election Commission. Deposits of major elections that took place between 2012 and 2024 were set at NT\$15,000,000 for the presidential and vice presidential elections, respectively. For elections of legislators, county/city magistrates, and special municipality councilors, the deposit was set at NT\$200,000 in 2014. For special municipality mayor elections, the deposit was set at NT\$2,000,000 in 2018 and NT\$1,500,000 in 2022; and NT\$120,000 for county/city councilor elections.

309. To broadly solicit public input, the Central Election Commission convened public hearings to determine the amounts of public official candidate registration deposits before setting them for the 10th Legislative Yuan election in 2020, the 2022 Local Public Official Election, and the 11th Legislative Yuan election in 2024, respectively. In 2024, the Central Election Commission especially commissioned Academia Sinica to conduct a study analyzing the amount of candidate registration deposits for public official elections. The study specifically focused on whether the deposit amount should be reduced and the potential impact of such a reduction on the participation of women, indigenous peoples, persons with disabilities, and other vulnerable groups in elections. It also involved the formulation of criteria for calculating the deposit amount.

310. As of 2024, there were 57,699 people accommodated in correctional institutions who had the right to vote but were unable to do so.

Voting Rights for Persons with a Physical or Mental Disability

311. The Central Election Commission has introduced a number of accessibility and assistance measures for the convenience of voters with physical or mental disabilities. In addition to recording audio versions of electoral bulletins, arranging sign language services for electoral public forums, producing easy-to-read voting guide handbooks, 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 with their consent, the Central Election Commission has also established an accessibility section on its website and added Chinese subtitles to videos to facilitate voters' access to electoral information. The Central Election Commission also requires special municipality/county/city election commissions to enhance accessibility inspections and increase the number of assistants at local polling stations to proactively assist elderly and disabled voters. The Central Election Commission has also invited scholars and experts to provide accessibility courses in its election affairs training programs and organized a series of seminars on suffrage rights of disabled persons. It also added notes on assistance for disabled persons to training materials. Regarding the promotion of absentee voting in national referendums for electors with disabilities, the National Referendum Absentee Voting Act, drafted by the Central Election Commission, proposes conducting such absentee voting via transfer voting. This Act was formally submitted to the Executive Yuan on February 5, 2024, and subsequently approved and referred to the Legislative Yuan for deliberation on February 22, 2024.

312.To bolster the rights of candidates with disabilities to participate in publicly sponsored political forums, the Central Election Commission amended Article 3 of the Regulations Governing Public Policy Presentations for Public Officials Elections in 2024. This amendment added a provision requiring election commissions to offer reasonable accommodations tailored to the actual needs of candidates with disabilities, with associated costs covered by the respective election budget. Concurrently, the Central Election Commission issued the Guidelines for Reasonable Accommodations for Candidates with Disabilities in Public Policy Presentations.

313.In order to protect the basic rights of those under guardianship to enjoy civil rights and implement the spirit of the Convention on the Rights of Persons with Disabilities, the Public Officials Election and Recall Act and the Presidential and Vice Presidential Election and Recall Act deleted provisions stating that those under guardianship with the declaration unrevoked have no right to vote on June 9, 2023. The 16th Presidential and Vice Presidential Election and the 11th Legislative Yuan Election, held on January 13, 2024, applied the aforementioned amended provisions.

Election Annulment

314.According to the Constitution, an elected person may be recalled by his or her constituency.

The Presidential and Vice Presidential Election and Recall Act and the Public Officials

Election and Recall Act both stipulate the criteria and procedures for recalls and for filing election invalidation lawsuits and election annulment lawsuits. Article 79 of the Local Government Act empowers the government to dismiss the power or duty of any local public official who has been annulled of their elected roles.

Right to Take Civil Servant Examinations

315. To ensure the people's right to take civil service examinations and hold public office, the Ministry of Examination has lifted or relaxed restrictions related to age, compulsory military service status, physical fitness, and gender for national exam takers. However, some restrictions remain in effect. Currently, age limits apply for 10 exams, including the Special Examination for Intelligence Personnel. Compulsory military service requirements apply to three exams, including the Special Examination for Investigative Agents. Physical fitness examinations are required for 15 examinations, including Level 3 Senior Examinations and Junior Examinations for Aviation Pilots and Aircraft Maintenance, Special Examination for Investigative Agents, Special Examination for Intelligence Personnel, Special Examination for Police Officers, Special Examination for General Police Officers, Special Examination for Civil Aviation Personnel, Special Examination for Customs Personnel, Special Civil Service Examination for Coast Guards, Special Civil Service Examination for Indigenous Peoples (for judicial police and correctional facility custodial personnel), Special Examination for Consular and Diplomatic Personnel, Special Examination for International Trade Personnel, Special Examination for Judges and Prosecutors, Special Examination for Immigration Personnel, and certain categories of the Special Examination for Judicial Personnel. Only one examination currently has gender restrictions: the Special Examination for Judicial Personnel (prison warden, judicial police, and correctional facility custodial personnel).

Right of People with Disabilities to Work in the Civil Service

316. The Special Examination for People with Disabilities is held at venues that accommodate the needs of exam takers. During basic training for admitted individuals, necessary assistive devices and support services are provided. Efforts have been made to improve software and hardware infrastructure to create a training environment that meets the learning needs of people with disabilities and protects their rights. Between 2020 and 2024, a total of 739 people passed the exams, of whom, with 678 people reporting for training. Among these, 43 had their training qualifications revoked (meaning they did not complete training), mostly

due to personal reasons where they voluntarily gave up their training qualifications. The completion of training and appointment rate reached 91.45%. Table 28 presents the statistics on the proportion of civil servants with disabilities from December 2020 to September 2024, categorized by gender ratio and level of service.

Table 28 Civil Servants with Disabilities by Gender Ratio and Proportion of Various Grades¹⁶

Unit: Persons; %

Year \ Item	Total no. of people	Gender ratio (%)		Proportion of Various Grades (%)		
		Male	Female	Senior (detailed)	Junior (detailed)	Basic (detailed)
2020	6,996	62.46	37.54	2.24	36.79	36.09
2021	6,988	62.66	37.34	2.18	36.96	36.23
2022	6,940	62.39	37.61	2.25	37.52	35.68
2023	6,928	62.12	37.88	2.30	37.59	35.90
January to September 2024	6,453	61.38	38.62	2.12	38.23	36.96

Source: Ministry of Civil Service

317. According to the People with Disabilities Rights Protection Act, when the total number of employees at a government agency, public school, or state-run enterprise or organization at all levels exceeds a certain number, they are required to appoint a certain ratio of disabled persons possessing employment qualifications. The government has established the Guidelines for the Recruitment of People with Disabilities. Government agencies/institutions and schools can plan their overall manpower allocation and recruit employees in response to the resignation of other employees with disabilities in accordance with the specified recruitment regulations. Government agencies/institutions and schools that fail to recruit a sufficient number of employees with disabilities are required to submit improvement plans and work with local governments to provide assistance with such issues as employment services and redesign of job responsibilities to help match manpower needs with eligible disabled people. From 2020 to 2024, the number of government agencies/institutions and schools that failed to employ the required quota of individuals with

¹⁶ The Proportion of Various Grades segment of this table refers to the ratio of the number of individuals at each rank to the total number of civil servants with disabilities.

disabilities was 43, 28, 23, 27, 27, and 13, respectively. The number of shortfalls in the recruitment of people with disabilities for those years was 65, 32, 32, 29, and 17, respectively.

Discipline, Penalties and Remedies of Public Functionaries

318. To protect the litigation procedures of public functionaries, a disciplinary case regarding a public functionary must be adjudicated by collegiate bench. There are several kinds of disciplinary dispositions that could be taken against public functionaries, including removal from civil servant duties, dismissal from office, deprivation or reduction of pension/retirement allowance/maintenance payment to military officials, suspension, demotion, salary cut, fines, recording of demerits, and reprimands. The removal from civil servant duties would discharge the person from all his or her current duties and render the public functionary unable to assume any government employment in the future, creating a withdrawal mechanism. Under Article 64 of the Public Functionaries Discipline Act, a party who disagrees with a final judgment rendered by the disciplinary court at first instance can appeal to the disciplinary court at second instance, within the statutory period. Pursuant to Articles 85 to 87 of the same Act, if there exist statutory grounds for retrial, a party may, within the statutory period, file an action for retrial with the original disciplinary court that rendered the judgment, in order to seek remedy. Public functionaries may submit an application to the Civil Service Protection and Training Commission to request the 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 deliberation procedure, they may file an administrative lawsuit with the administrative court to seek remedy. From 2020 to 2024, the civil servant status of one dismissed civil servant was reinstated after expiration of the suspension-of-employment period.

319. The Armed Forces Punishment Act was amended and promulgated in 2024, categorizing military disciplinary actions into three types, namely personnel disciplinary actions: removal from office, termination of service initiation, reduction in rank, demerit, and reprimand; property disciplinary actions: deprivation or reduction of retirement benefits, demotion, salary cut, and fines; and disciplinary sanctions: atonement, detention, restriction to quarters, punishment duty, and standing at attention. The Servicemember Relief Act, enacted and promulgated in 2024, established a remedy system for military personnel, including review, appeal, re-appeal, and administrative litigation. Should a service member be dissatisfied

with a review or re-appeal decision, he or she may file a first-instance administrative lawsuit with the duty court established under the High Military Court. Should he or she remain dissatisfied, the service member may then appeal to the High Administrative Court. The specific implementation date for this act will be announced by the Executive Yuan.

Assurance of Women's Suffrage Rights

320. According to the Additional Articles of the Constitution and the Public Officials Election and Recall Act, at least one half of elected legislators of each party in at-large and overseas compatriot legislator elections must be female. Article 33 of the Local Government Act also requires that at least one female be elected in elections for councilors of special municipalities and counties/cities and for councilors of rural townships (urban townships and cities) for every four seats available; and that at least one female be elected in elections for councilors of special municipalities and counties/cities representing mountain and plains indigenous districts for every four seats available. For indigenous councilors elected in cities and counties without mountain indigenous townships, one female shall be elected for every four seats. For plains indigenous councilors elected in townships other than mountain indigenous rural townships (urban townships and cities), one female shall be elected for every four seats.

321. Statistics from the 2022 Local Elections show the proportion of elected women was 39.79% for special municipality councilors, 36.02% for county/city councilors, and 26.15% for rural township (urban township, city, district) councilors. Among these, four female special municipality and county/city councilors and 17 female rural township (urban township, city, district) councilors were elected under the quota provisions for women in the Local Government Act. Among the 215 councilor electoral districts, 154 districts saw the election of female councilors, while 61 districts did not have any female councilors elected. Among the 681 rural township (urban township, city, district) councilor electoral districts, 366 districts saw the election of female councilors, while 315 districts did not have any female councilors elected. Additionally, among the 204 rural township (urban township, city, district) councils, 194 councils had elected female councilors, while ten councils did not have any female councilors elected.

322. The number and ratio of female candidates in Legislative Yuan elections between 2020 and 2024 are provided in Table 29. The number and ratio of female candidates in elections for special municipality mayor, county magistrate/city mayor, special municipality councilor,

and county/city councilor held in 2022 are provided in Table 30.

Table 29 Ratio of Female Candidates in Legislative Yuan Elections

Unit: persons; %

Year	Type of election	Total	Male	Female	Percentage of female candidates
2020	At-large and overseas compatriot legislator elections	216	107	109	50.46
	Regional constituent legislator elections	410	283	127	30.98
	Indigenous legislator elections	21	12	9	42.86
	Total	647	402	245	37.88
2024	At-large and overseas compatriot legislator elections	177	83	94	53.11
	Regional constituent legislator elections	309	203	106	34.3
	Indigenous legislator elections	19	12	7	36.84
	Total	505	298	207	40.99

Source: Central Election Commission

Table 30 Percentage of Female Candidates in Local Elections

Unit: persons; %

Year	Type of election	Total	Male	Female	Percentage of female candidates
2022	Special municipal/county/city mayor/magistrate election	94	70	24	25.53
	Special municipal/county/city councilor election	1677	1136	541	32.26

Source: Central Election Commission

Assurance of Suffrage Rights of Indigenous Peoples

323. The Additional Articles of the Constitution stipulate that the state must safeguard indigenous peoples' social status and right to political participation. In indigenous legislator elections, three members must be elected from both the plains and the mountain indigenous districts. The electorate is divided into two separate electoral districts, the plains and mountain indigenous districts, each with three seats in accordance with the Public Officials Election and Recall Act. Article 33 of the Local Government Act stipulates that in special municipalities where the plains and mountain indigenous population exceeds 2,000, there must be councilors elected from the plains and mountain indigenous population. Where

there were mountain indigenous townships prior to the change of an area into a special municipality, there must be councilors elected by the mountain indigenous population. Counties/Cities with a mountain indigenous population of 1,500 or more, or those that include mountain indigenous townships, shall have councilor seats designated for election by mountain indigenous people. Counties/Cities without mountain indigenous townships, where the population of both mountain indigenous people and plains indigenous people is individually less than 1,500, but their combined population is 2,000 or more, shall have councilor seats designated for election by indigenous people.

324. The Indigenous Peoples Employment Rights Protection Act stipulates regulations on the ratio of indigenous employees. Of the total number of personnel hired by each level of government, public schools, and state-owned businesses in non-indigenous regions, except for those located outside of Penghu, Kinmen, and Lienchiang Counties, there must be one indigenous individual for each 100 workers among the total workers not requiring the qualifications of civil servants. For workers not requiring the qualifications of civil servants hired by each level of government, public schools, and state-owned businesses, indigenous employees must account for at least one third of such workers. For workers requiring the qualifications of civil servants, the number of indigenous employees hired may not be lower than 2% of the current number of civil servants hired. Between 2020 and 2024, a total of 467 people were recruited through the Special Examination for Indigenous Peoples. Table 31 shows the number of indigenous employees hired by the public sector from 2020 to 2024.

Table 31 Number of Indigenous Employees Hired by the Public Sector¹⁷

Unit: persons

Year	Civil servants	Personnel of five categories	Total
2020	6,624	3,861	10,485
2021	6,569	3,974	10,543
2022	6,541	4,068	10,609
2023	6,564	4,114	10,678
2024	6,516	4,111	10,627

Source: Council of Indigenous Peoples

¹⁷ The legal definitions for the five categories of personnel in this table are: contract workers; stationed security guards; technicians, drivers, caretakers, and cleaners; toll collectors; other non-civil servants and non-technical roles.

Article 27 Minority Rights

Respect and Preservation of Minorities

325.Of Taiwan's minority ethnic groups, there are 16 indigenous peoples recognized by the government, including the Amis, Atayal, Paiwan, Bunun, Beinan, Rukai, Tsou, Saisiyat, Yami/Tao, Thao, Kavalan, Truku, Sakizaya, Seediq, Hla'alua, and Kanakanavu, as well as Mongolians and Tibetans. There are also several language minority groups in Taiwan, including new immigrants (foreign spouses); migrant workers from Indonesia, the Philippines, Thailand and Vietnam; indigenous peoples; Mongolians; Tibetans; and Hakka people. As of 2024, the total population of all 16 indigenous peoples recognized by the government was 600,730, accounting for approximately 2.6% of the nationwide total population. Among them, 312,601 have migrated to urban areas, accounting for 51.11% of the total indigenous population.

326.The Constitutional Court Judgment No. 17 of 2022 affirmed that the indigenous peoples protected by the Additional Articles of the Constitution, in addition to mountain indigenous peoples and plains indigenous peoples, shall include other indigenous peoples of Austronesian origin existing in Taiwan. It further requires relevant agencies to legally safeguard their ethnic status in accordance with the intent of the judgment, within three years from the date of its pronouncement. The Council of Indigenous Peoples has drafted the Plains Indigenous Peoples Status Act and submitted it to the Executive Yuan for review.

327.In accordance with the Implementation Regulations on Memorial Days and Holidays, indigenous peoples' traditional annual ceremonies are designated as a one-day holiday. This constitutes a statutory holiday for workers of the respective indigenous peoples, and employers shall grant leave and pay in accordance with the law.

328.Taiwan has established the Council of Indigenous Peoples and the Indigenous Peoples Cultural Foundation, which operate the Taiwan Indigenous Television and Alian radio FM 96.3. On March 19, 2024, the Executive Yuan approved the construction plan for the National Indigenous Peoples Museum. The total budget for phase 1 of the project is NT\$5.859 billion, with the project scheduled to run from 2024 to 2031.

329.On May 29, 2024, the Name Act was amended to newly stipulate that indigenous names may be listed solely using indigenous characters. Furthermore, the Council of Indigenous Peoples shall investigate and confirm the traditional naming customs of indigenous peoples, after which the Ministry of the Interior, in conjunction with the Council of Indigenous

Peoples, shall prescribe relevant guidelines. The Council of Indigenous Peoples held a nationwide consultation symposium on the traditional names and cultural customs of Taiwan's 16 indigenous ethnic groups in September and October 2024, soliciting opinions from various indigenous individuals and providing the preliminary survey results to the Ministry of the Interior as a reference for formulating guidelines on the writing of traditional indigenous names.

330. The Indigenous Languages Development Act explicitly stipulates that indigenous languages are national languages, and it comprehensively safeguards the rights related to the preservation, research, transmission, promotion, and development of indigenous languages.

331. The Hakka Basic Act officially designates the Hakka language as a national language. Areas with higher concentrations of Hakka population are listed as key areas for the development of Hakka culture and the promotion of the Hakka language as a common language. The government offers subsidies to government agencies, their affiliated facilities, public and private hospitals, financial institutions, and public transportation services. These subsidies support the broadcasting of information and the provision of services in the Hakka language, including Hakka broadcasts and voice announcements in elevators and on service hotlines, as well as Hakka counter services. Additionally, the government trains Hakka interpreters proficient in multiple languages to provide simultaneous and consecutive interpretation services, thereby promoting the return of Hakka to the public domain and managing Hakka language proficiency certifications. The government also organizes regular nationwide Hakka conferences and has established a platform and integrated system for communicating with and obtaining opinions of the participants with respect to policy-making so as to discuss, coordinate, and promote national Hakka initiatives.

332. Regarding the promotion of the Mongolian and Tibetan languages and cultures, the Ministry of Culture organizes courses on a regular basis, traditional festivals and memorial ceremonies annually, and other activities to protect the traditional languages, writing, and customs of the Mongolian and Tibetan peoples, help the public learn more about their culture, and pass on their traditional cultures. The Ministry of Culture also continues to engage in contact and mentoring work with Mongolians and Tibetans residing in Taiwan and assists Mongolian and Tibetan youths to access education, helping preserve their culture and customs.

333. Taiwan adopted the United Nations' International Migrants Day as its own Immigrants Day.

In 2020, the government organized multicultural activities for Migrants Day, including the “Connecting Newcomers, Exploring Sea and Mountains Together” event; the “Southeast Asian Nations Flourishing Together, Moving Forward Hand-in-Hand” event in 2021; the “Cultivating New National Strength, Immigrants’ New Home” event in 2022; the “Immigrant New Power, Shining Taichung” event in 2023; and the “Creating Home from the Heart, Writing a New Cultural Chapter” event in 2024.

334. Elementary and junior high school students are required to study at least one national language that is at risk of extinction. An electronic dictionary featuring standardized spelling, pronunciation, and phrases for native languages has been developed. In addition, a Native Language Day was introduced to promote the study of native languages.



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