

JUNE 2025

Response to **the Third National Report on** **the Two Covenants Concluding Observations** **and Recommendations**

Fourth Report on the ICCPR and ICESCR

 Republic of China (Taiwan)



**ICCPR &
ICESCR**

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on the Two Covenants
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Note 15 (Incorporation of CAT, ICMW, and ICPPED into Domestic Law)

Note 15

In this spirit, the Review Committee again wishes to encourage the Government to accelerate its efforts to also accept the remaining three core human rights treaties: the Convention against Torture including its Optional Protocol (CAT, OPCAT), the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families (CMW) and the Convention for the Protection of all Persons from Enforced Disappearance (CED). This will ensure full coverage of the core international human rights framework.

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (hereinafter referred to as “CAT”)

1. The Enforcement Act of Convention and Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment drafted by the Ministry of the Interior had been reviewed by the Executive Yuan at a discussion meeting held on February 5, 2024, and will be submitted to the Legislative Yuan for deliberation.

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (hereinafter referred to as “ICMW”)

2. Since 2017, the Ministry of Labor has organized workshops, brought together experts and scholars, and held inter-agency meetings to discuss gaps between the ICMW and domestic laws. A proposal to join the convention was submitted to the Executive Yuan on July 5, 2021, pursuant to the Conclusion of Treaties Act. On August 11, 2021, the Executive Yuan held a pre-meeting discussion on reservation clauses and the declaration of interpretations to clarify disputed points. The Ministry of Labor continued to review the relevant laws and administrative measures in conjunction with relevant ministries and commissions, and subsequently sent a written request to the Executive Yuan on June 27, 2022, for the accession process to the Convention to be reviewed. The Executive Yuan held meetings to discuss the issue on August 22, 2022, and February 22, 2024. As the convention covers a broad scope and needs to be comprehensively considered in response to social changes and industry needs, the Ministry of Labor proposed withdrawing it on May 29, 2024, and the Executive Yuan agreed to the withdrawal on June 17, 2024. The Ministry of Labor plans to compile the opinions of relevant ministries and commissions and submit a second report. In addition, regarding the drafting of an implementation act of this convention as proposed by

legislators, the Ministry of Labor will adopt the provisions of the Conclusion of Treaties Act, taking into consideration the process for incorporating conventions into domestic law and following the instructions of the Meeting to Study the Schedule for Incorporating the Nine Core United Nations Human Rights Conventions in Domestic Law held by the Presidential Office Human Rights Consultative Committee on December 23, 2016. Furthermore, taking into consideration the reservation clauses in this convention regarding the issue of migrant workers being able to freely change jobs, the Ministry of Labor has commissioned experts and scholars to conduct research on related international practices, as well as its feasibility and impact. Going forward, the Ministry of Labor will further discuss the bill with the Legislative Yuan, provide reports in a timely manner on the progress of incorporating this convention in domestic law, and submit this convention to the Executive Yuan for review as soon as possible.

International Convention for the Protection of All Persons from Enforced Disappearance

3. The Ministry of Justice submitted the proposal for the ICCPED to the Executive Yuan on October 31, 2023. On December 11, 2023 and January 10, 2024, it invited scholars, experts, and various agencies to meetings to jointly discuss and verify the traditional Chinese version of the Convention and whether there are any reservation clauses. The Executive Yuan held two review meetings on November 27, 2023 and January 29, 2024, and it was sent to the Legislative Yuan for deliberation on February 22, 2024. On March 1, 2024, the Legislative Yuan forwarded the proposal to the Foreign Affairs and National Defense Committee and the Judiciary and Organic Laws and Statutes Committee for review.

Note 16 (Precedence of the Two Covenants)

Note 16

With regard to the two Covenants, the Review Committee wishes to commend the ongoing efforts of the Executive Yuan, the Legislative Yuan, the Judicial Yuan and the Control Yuan to bring domestic law into compliance with the respective rights and obligations. However, the Committee notes the importance of greater clarity about the status of the Covenants to the extent that there are conflicts with either pre-existing or subsequent legislation. It stresses the priority that should be given to the Covenants as the two most important human rights treaties of the United Nations. The Committee reiterates its recommendation that the Covenants be deemed part of the Constitution of

Taiwan. It further encourages the Government to strengthen the process of domestic implementation of the Covenants and the other core UN human rights treaties.

4. The Act to Implement the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights is a law enacted through the third reading procedure of the Legislative Yuan of Taiwan. In order to align with international standards, the Act to Implement the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights also clearly stipulates that the two covenants have domestic legal force. Although they do not have constitutional force, the Taiwanese government attaches great importance to human rights and often cites the provisions of the two conventions in constitutional interpretations. Article 8 of the Act to Implement the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights clearly stipulates that all laws, regulations, directions, and administrative measures incompatible with the two Covenants should be amended within two years after the Act enters into force. Although this was completed more than two years ago, they remain action items under management, which shows that the two covenants have indeed been given priority consideration. Compared with the CRPD, the provisions of the two covenants are very extensive and contain many human rights principles. However, the provisions on the requirements, effects, and time limits for exercising rights are less specific. In addition, since they involve the planning and implementation of national finances and budgets, it remains unclear whether they can directly serve as the basis for claims. To push forward the process, the Ministry of Justice sent letters to government agencies and the competent authorities of the Act to Implement the Convention on the Rights of Persons with Disabilities in September 2023 to learn about the concerns of government agencies, and invited scholars to a Research Meeting on the Prioritized Application of the Act to Implement the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights on April 29, 2024. To avoid practical obstacles, the Ministry of Justice continues to study feasible solutions and will implement the review work stipulated in Article 8 of the aforementioned Act to protect human rights.
5. To continue planning courses related to the two covenants and human rights and enhancing judicial personnel's understanding and knowledge of human rights issues, the Judges Academy organizes a special class, the Two Covenants and Human Rights Protection

Seminar, every year, and arranges relevant courses in various seminars as appropriate. The implementation status is as follows:

- (1) 2020: 53 sessions with 2,069 trainees.
- (2) 2021: 54 sessions with 3,047 trainees.
- (3) 2022: 44 sessions with 2,454 trainees.
- (4) 2023: 44 sessions with 2,038 trainees.
- (5) 2024: 56 sessions with 3,250 trainees.

Note 17 (Preparation for the Implementation of Other Conventions)

Note 17

In addition to the core UN human rights treaties, Taiwan should also consider the ratification of other universal human rights treaties, such as the 1951 Convention on the Status of Refugees and its Protocol. The Committee also recommends that Taiwan recognise the jurisdiction of the International Criminal Court by making a declaration in accordance with article 12(3) of the Rome Statute of the International Criminal Court that applies retroactively to 1 July 2002 and that is without temporal limit for the future.

Convention and Protocol Relating to the Status of Refugees

6. The issue of refugees is connected to a wide range of factors, and each country has its own specific law or a dedicated chapter in its legislation to improve relevant support measures. Furthermore, due to Taiwan's position in the international community, the refugee issue sometimes touches upon politically sensitive matters involving Taiwan-China relations . The topic is highly sensitive and controversial and requires proper planning for relevant support mechanisms. The Ministry of the Interior continues to recommend enacting a special law as a more appropriate approach than ratifying international conventions. From 2023 to 2024, the Ministry of the Interior collected information on refugee protection measures and related legislation from advanced countries to understand the benefits and challenges of accepting refugees in different contexts and consulted with experts and scholars. It held two inter-agency meetings to discuss the content of the draft Refugee Act, with the aim of gradually building a comprehensive system for protecting refugees. However, due to recent changes in refugee policies of many countries and unpredictable geopolitical developments in the Indo-Pacific region, there remain too many uncontrollable factors that need to be considered. Whether to proceed with the enactment of the Refugee Act still requires careful evaluation. Currently, the government handles asylum-seeking

cases on a case-by-case basis. Inter-agency meetings have been held to jointly discuss the possibility of providing proper assistance and appropriate care plans for applicants. The government will continue to communicate with human rights groups to improve support mechanisms. So far, no individual has been returned to a country or region where they might be subjected to torture or inhumane treatment.

The Rome Statute of the International Criminal Court

7. In October 2023, the Department of Human Rights and Transitional Justice of the Executive Yuan invited scholars and experts in criminal law and international law, as well as relevant agencies, to an expert advisory meeting so that they may express their opinions on the procedures and requirements for Taiwan to lodge a declaration in accordance with Article 12, Paragraph 3 of the Rome Statute (e.g., in whose name it should be made and whether it should be approved by the Legislative Yuan), as well as the content of the declaration. As this case involves the harmonization of Taiwan's legal system with the Rome Statute, national security, international politics, and foreign relations, it remains to be assessed whether and how to lodge a declaration in accordance with Article 12, Paragraph 3, of the Rome Statute of the International Criminal Court to recognize the jurisdiction of the International Criminal Court.

Notes 18 to 20 (National Human Rights Action Plan)

Note 18

The Review Committee commends the Government for the adoption of the first National Human Rights Action Plan from 2022 to 2024, providing guidelines and proposing specific goals and actions to implement the human rights obligations under the two Covenants and previous recommendations of the Review Committee. Some of the human rights concerns highlighted in the previous Concluding Observations and Recommendations are taken into consideration in the National Action Plan, including a commitment to strengthen the human rights protection system, human rights education, equality and non-discrimination, the right to life, housing justice, and refugee rights protection.

Note 19

While commending the Government for adopting the National Action Plan on 1 May 2022, the Committee is concerned about information it received that consultations were not adequate, and in particular, that there was not enough representation of human rights NGOs or of various disadvantaged and

marginalised social groups. The Committee is also concerned that the section on implementation, monitoring and evaluation of the Plan is only aspirational and not concrete.

Note 20

The Committee recommends that the consultation process for future National Action Plans be inclusive, transparent and participatory for all sectors of society, including in particular human rights NGOs and disadvantaged and marginalised groups. The Committee also recommends that the Government adopt a concrete annual plan to implement, monitor and evaluate the National Action Plan, with the full and equal participation of civil society.

8. Taiwan's first National Human Rights Action Plan (2022-2024) was announced on May 5, 2022. In order to implement various actions and key performance indicators, the Executive Yuan promulgated the Mechanism for Monitoring and Evaluating the implementation of the National Human Rights Action Plan on September 22, 2022, to review the progress reports and implement the supervision and evaluation mechanism.
9. Three rounds of implementation reviews of the National Human Rights Action Plan have been conducted: from January to February 2023, January to February 2024, and October to November 2024, respectively. They were co-chaired by the Executive Yuan's Minister without Portfolio in charge of human rights convention affairs and health and welfare affairs. To promote broader and more inclusive engagement, representatives from the National Human Rights Action Plan Consultative Committee, the Human Rights Protection and Promotion Task Force, the Control Yuan's National Human Rights Commission, youth representatives, and various civil society organizations collaboratively review the progress reports. This process has also fostered civic dialogue and transparency. The first review round was held in three sessions with a total of 323 participants, the second round was held in three sessions with a total of 280 participants, and the third round was held in three sessions with a total of 231 participants. A total of nine review sessions were held with 834 participants. Following each review, detailed documentation, including meeting minutes, comments on the progress reports, participants' feedback summaries, and the revised progress reports, was published on the Executive Yuan's Human Rights Information Portal, ensuring public access to the government's progress in advancing human rights protections.
10. The National Human Rights Action Plan includes eight major issues, 154 actions, and 267 key performance indicators. After three rounds of review, 43 indicators were found to require further improvement. It was recommended that they continue to undergo

monitoring and possibly be included in the next action plan. Of the indicators, 141 were self-tracking and 83 were exempted from tracking. In total, 83.9% of the key performance indicators achieved their designated targets.

11. The first National Human Rights Action Plan expired at the end of 2024 and the Executive Yuan is currently working on drafting a new version of the National Human Rights Action Plan. During the formulation process, the Executive Yuan will adhere to the principle of information disclosure and enhance the transparency of related operations to promote understanding of, trust in, and oversight of the National Human Rights Action Plan by all sectors of society. Through various mechanisms such as opinion-gathering meetings and briefings, the Executive Yuan will facilitate public participation in the formulation and monitoring of the implementation of the National Human Rights Action Plan. Their participation strengthens the communication and dialogue with civil society and ensures citizen participation.

Notes 22 and 23 (Development Cooperation)

Note 22

While congratulating Taiwan for progressing from a recipient country to a donor country in a short period of time, the Review Committee is concerned that Taiwanese Official Development Assistance (ODA) is below the internationally committed level of 0.7% of gross national income.

Note 23

The Review Committee recommends that the Government develop an annual plan to increase its ODA to meet the international commitment. The Committee also recommends that human rights impact assessments be conducted more systematically before ODA is granted.

12. Every year, the Ministry of Foreign Affairs entrusts Taiwan's professional foreign aid agency, the International Cooperation and Development Fund, to implement international technical cooperation plans and projects. All cooperation projects align with the United Nations Sustainable Development Goals (SDGs), and the content and purpose of the 17 indicators of the SDGs are consistent with the spirit and essential implementation of human rights in advanced countries. All plans and projects planned and implemented by the International Cooperation and Development Fund are studied in advance by Taiwan's embassies in diplomatic allies and discussed with partner countries. They are based on partner countries' own priorities and national key development policies, and introduce

SDGs based on human rights. The overall effectiveness and sustainability of the plans and the actual benefits that can be improved for the recipient countries are carefully evaluated. The Ministry of Foreign Affairs will also conduct regular management and supervision during and after the implementation of the plan, such as quarterly evaluation of work reports, rolling adjustments to responses and improvements, and on-site inspections of overseas technical missions. After the completion of a plan, a closing report is submitted to the Board of Directors for review. To respond to the needs of diplomatic allies and other friendly countries for assistance programs, Taiwan has incorporated new assistance projects, including disaster prevention technologies. The Ministry of Foreign Affairs will also strengthen cooperation with other agencies in related affairs, and will increase its budget for international cooperation and development, gradually increase the proportion of Taiwan's official development assistance (ODA) to gross national income (GNI), and achieve common prosperity with diplomatic allies and friendly countries. In addition, the Ministry of Foreign Affairs will follow the schedule of Taiwan's human rights impact assessment drafted by the Department of Human Rights and Transitional Justice of the Executive Yuan and refer to the relevant assessment checklists developed by the Department to ensure the feasibility of ex-ante human rights impact assessment indicators for international cooperation and development affairs.

Notes 24 and 25 (Business and Human Rights)

Note 24

While welcoming the adoption of the National Action Plan on Business and Human Rights, the Review Committee is concerned that there is no legislation that requires business entities to abide by international human rights standards. In addition, despite the Regulations Governing the Management of Corporate Foreign Investments, in the case of massive water pollution in 2016 in Central Vietnam by Formosa Ha Tinh Steel Corporation, the Vietnamese victims are still not compensated at all.

Note 25

The Review Committee recommends that the Government enact legislation which regulates the activities of all business companies, operating at home and abroad, as well as foreign businesses in Taiwan, abide by human rights obligations throughout their supply chains, including redress and remedies. The Committee recommends that the Government undertake wide, open and

participatory consultations with all stakeholders including civil society and human rights and environmental NGOs in this process of developing and adopting legislation on business and human rights. The Committee also recommends that the Government immediately establish a national contact point and make it accessible to all victims whose rights have been violated by Taiwanese businesses operating at home and abroad, as well as foreign businesses in Taiwan. The Committee further recommends that the Government seek ways to ensure that the victims of violations by Formosa Ha Tinh Steel Corporation are adequately compensated.

Drafting Taiwan's Supply Chain Enterprise Human Rights Guidelines

13. To encourage enterprises to comply with international human rights standards, Taiwan completed and announced the first National Action Plan on Business and Human Rights in December 2020, and is currently drafting the National Action Plan on Business and Human Rights 2.0. In accordance with the instructions of the Executive Yuan, the Ministry of Economic Affairs has drafted the Supply Chain Enterprise Human Rights Guidelines with reference to the UN Guiding Principles on Business and Human Rights (UNGPs). On April 1, 2024, a public consultation meeting for stakeholders was held, compiling a total of 58 opinions from various stakeholder groups. On May 10 of the same year, the report was submitted to the 47th meeting of the Executive Yuan Task Force on Human Rights Protection. Based on the resolution of the meeting, a letter was sent to the Executive Yuan Task Force on Human Rights Protection on August 30 of the same year to conduct a review. The report has been submitted to the Executive Yuan and will be announced to the public after approval by the Executive Yuan for reference by enterprises. We also referenced the EU's Corporate Sustainability Due Diligence Directive (CSDDD) and the legal systems of other countries to review the implementation of Taiwan's corporate due diligence legal system, and the government will continue to assess international developments and implement adjustments on a rolling basis. The Ministry of Economic Affairs is currently evaluating the establishment of a National Contact Point.

14. The Ministry of Economic Affairs also held a seminar on "Corporate Sustainability and Human Rights Trends in Business Opportunities – Cross-Sector Dialogue" in Taipei on October 23, 2023, inviting representatives of public and private sector stakeholders to participate in an extensive discussion on the impact of international corporate and human rights norms on Taiwan and the response strategies of Taiwan's enterprises, which will serve as a reference for Taiwan's future development of relevant legislation. On

September 30, 2024, an international seminar on “Corporate Sustainability and Human Rights and Business Opportunities in the Supply Chain” was held in Tainan, and top companies from different industries were invited to share practical cases of human rights management. The aim was to gradually strengthen companies’ response to increasingly stringent international human rights standards, help companies to balance operational profits and supply chain human rights protection, and enhance the international competitiveness of the industry.

Establishing companies’ foreign investment assessment process

15. The Ministry of Economic Affairs has established the Regulations Governing Foreign Investments by Companies. If a company violates international obligations, the competent authority may refuse to approve the company’s overseas investment in accordance with the law. If an investor violates international obligations, the competent authority will also include the previous violation in its assessment for the approval of the next capital increase or overseas investment.
16. The Ministry of Economic Affairs, in accordance with the recommendations of the UN Guiding Principles on Business and Human Rights, continues to initiate discussions on the administrative management of businesses’ cross-border investments related to human rights. At the same time, through the Overseas Investment Review List, investors are asked to prepare and submit a sustainability report and to certify that they understand the environmental protection and labor laws of the country in which their investments are located. Before a company invests overseas, if it is part of an industry with high pollution or uses coal or fossil fuel as a source of electricity, it must also submit the application materials to the competent authority of the target industry for review. The application materials provided by the company must show no environmental or other concerns to ensure that the investment does not violate international human rights norms and standards.
17. In addition to issues involving theoretical and executive policies, foreign investments by companies must also be subject to consultation with government agencies. Modification and adjustment of discussion results and forming a consensus are necessary procedures to effectively improve the feasibility and effectiveness of law enforcement, ensure policy stability, and achieve a balance between encouraging overseas investment by companies and protecting human rights.

Improving the regulatory awareness of SMEs

18. With regard to matters pertaining to general laws, regulations, and consumer protection legislation, the government collaborates with designated legal advisors (“honorary attorneys”), local industry associations, and other relevant stakeholders to help SMEs strengthen their legal literacy through lectures on business-related regulations and informational seminars on the Consumer Protection Act. Between 2020 and 2024, a total of 30 lectures on SME-related regulations and 25 seminars on the Consumer Protection Act were conducted. In addition, the government has established a legal support mechanism through its network of honorary attorneys, enabling SMEs to access a range of legal consultation services. These services are designed to assist SMEs with limited resources in addressing regulatory compliance issues and resolving legal disputes. From 2020 to 2024, SMEs made use of these legal consultation services on 7,331 occasions.
19. The capital market helps companies fulfill their social responsibilities through information disclosure. It is up to the competent authorities to determine whether corporate social responsibilities should be elevated to statutory responsibilities (such as environmental protection and labor rights protection) based on their mandates. The disclosure standards related to human rights issues are mainly set out in Appendix 2-2-2 of the Regulations Governing Information to be Published in Annual Reports of Public Companies. Companies must state whether they have established policies and specific management plans to protect human rights in accordance with laws and international human rights conventions, and the relevant laws and international human rights conventions on which they are based, and whether they have established supplier management policies (including specific requirements for labor human rights). In addition, the Rules Governing the Preparation and Filing of Sustainability Reports by TWSE-/TPEX-Listed Companies require TWSE-/TPEX-listed companies to prepare sustainability reports in accordance with the GRI standards, such as GRI 2-24, as to incorporate the policy commitment of “responsible business practices” (including commitment to respect human rights) into their activities and business relationships. The Financial Supervisory Commission has asked the Taiwan Stock Exchange and the Taipei Exchange to strengthen the scope and intensity of their review of the annual reports and sustainability reports of TWSE-/TPEX-listed companies. If the annual report contains false information or conceals any information, the company will be held criminally liable in accordance with Article 174, Paragraph 1, Subparagraph 5 of the Securities and Exchange Act. If relevant disclosure

content in the sustainability report is missing, the Taiwan Stock Exchange and the Taipei Exchange will ask the company to make corrections or impose penalties for breach of contract.

Note 26, Note 28, and the first part of Note 29 (Equality and Non-Discrimination)

Note 26

There does not seem to have been much progress on the enactment of a comprehensive anti-discrimination law since the previous review, nor is there evidence of a draft law. There has not been consultation with NGOs but hearings on the law are being held. Current anti-discrimination provisions can be found scattered through laws on employment, gender equality and disability. The Government has not made efforts to harmonise or coordinate how different sectors deal with discrimination. In addition, the current provisions do not impose strong obligations on the Government and the private sector, fail to demand positive measures and are lacking remedial procedures.

Note 28

The Review Committee is concerned that the existing legislation on equality does not cover all social groups who are victims of discrimination in their enjoyment of economic, social and cultural rights, including married immigrants, migrant workers, HIV/AIDS-infected persons and intersex persons. Although LGBTI persons enjoy some protection from the Gender Equity Education Act and the Gender Equality Employment Act in schools and workplaces, these are not applied in other contexts. The Committee expresses its concern that anti-discrimination clauses are still scattered in several acts, and that there is no comprehensive anti-discrimination legislation covering all grounds of discrimination in all contexts.

First part of Note 29

The Review Committee recommends the enactment of a comprehensive anti-discrimination law without further delay and within a definite timeline. The law should bind both private and public sectors and private individuals. There should be a clear definition that includes direct and indirect discrimination and imposes the implementation of positive measures to eliminate neutrality in the law that may have the effect of discriminating against disadvantaged groups, including women. The anti-discrimination law must also further address dimensions of gender equality and provide the mandate for positive measures

for gender mainstreaming and gender budgeting.

20. Taiwan's first National Human Rights Action Plan (2022-2024) lists the formulation of a comprehensive equality act (anti-discrimination act) as an important action. The Department of Human Rights and Transitional Justice of the Executive Yuan, inaugurated on June 27, 2022, is responsible for drafting the legislation .
21. The Department of Human Rights and Transitional Justice of the Executive Yuan held the Executive Yuan 2022 Human Rights Day Conference in December 2022. The conference focused on the international perspective and legislative prospects of Taiwan's proposed equality act (anti-discrimination act). Through theme-based seminars, it drew on the norms, mechanisms, and development experience of the United States, Germany, and France on prohibition of discrimination and equality protection. In addition, the event also invited scholars, NGOs, lawyers, judges, and members of the National Human Rights Commission of the Control Yuan to gather diverse legal perspectives on the topic for reference.
22. To fully understand the definitions of discrimination, the scope of prohibited discrimination, and the mechanisms for handling discrimination disputes in other countries, the government translated legislation governing equality or anti-discrimination of countries such as the United Kingdom, Sweden, Canada, and Germany in 2023. The insights gained from these laws and international human rights standards were used to develop a draft of Taiwan's anti-discrimination act. Two public hearings were held in April 2023 to solicit opinions from all sectors on the principles of the proposed legislation. Building on research of existing laws, foreign anti-discrimination laws, and international human rights norms, Taiwan developed discussion outlines for six major topics for the public hearings, including the characteristics and areas of prohibited discrimination, the definitions of discrimination, the exceptions that should be specified, relief measures, and measures that the government should take to promote equality.
23. In 2024, the Executive Yuan convened meetings to discuss the major issues of anti-discrimination legislation. The key participants included the Judicial Yuan, the National Human Rights Commission of the Control Yuan, and various government departments. The Executive Yuan also consulted scholars in constitutional law, international public law, administrative law, civil law, insurance law, and labor law. In addition, scholars and experts that specialize in the rights of indigenous peoples, new immigrants, gender, children, people with disabilities, and religion contributed opinions. A draft version was

later proposed and a preview procedure was carried out from May 2 to July 1, 2024 to gather opinions from all sectors.

24. In addition, the Department of Human Rights and Transitional Justice of the Executive Yuan held three opinion exchange meetings during the notice period of the draft of the Anti-Discrimination Act, and held a total of four public hearings in Taipei, Taichung, Kaohsiung, and Hualien to listen to the opinions of the general public and NGOs. It also sent letters to government agencies to provide opinions, and asked relevant agencies to assist in consulting and collecting opinions from stakeholder groups or businesses of target industries involved in the draft. From September to December 2024, we held five deliberation and consultation meetings on relevant disputes based on the collected opinions with relevant experts and scholars from home and abroad, the Judicial Yuan, the National Human Rights Commission, and relevant agencies/units of the Executive Yuan. The Executive Yuan will invite relevant agencies to hold review meetings. Once the review is completed and approved by the Executive Yuan, the draft Anti-Discrimination Act will be submitted to the Legislative Yuan for deliberation.

Note 27 and the latter part of Note 29 (Equality and Non-Discrimination)

Note 27

The Review Committee is also concerned that administrative agencies and judges often do not have an adequate understanding of various forms of discrimination and the approaches for their elimination.

The latter part of Note 29

In parallel, the Government should take steps to ensure that there is capacity building of all agencies to have an adequate understanding of direct and indirect discrimination according to the interpretation of the relevant treaty bodies.

Anti-discrimination legislation in the administrative system

25. The draft Anti-Discrimination Act, which was announced by the Department of Human Rights and Transitional Justice of the Executive Yuan for the public notice procedure on May 2, 2024, has taken into account foreign legislation and relevant conventions and regulations. It clearly sets the definitions of discrimination (including direct and indirect discrimination) and relevant regulations prohibiting discrimination.

Anti-discrimination education in the administrative system

26. In 2024, the Civil Service Development Institute of the Directorate-General of Personnel Administration under the Executive Yuan organized the Equality and Non-Discrimination —Human Rights Protection Workshop to enhance civil servants' understanding of various forms of discrimination and methods to eliminate discrimination, improve their professional knowledge and sensitivity, and create a friendly environment.
27. From 2021 to 2024, education and training for specialists on the two covenants were conducted every six months in accordance with the education, training, and promotion plan for the two covenants. Experts and scholars were invited to provide human rights awareness courses on equality and non-discrimination, and specialists from government agencies under the Executive Yuan attended the courses.
28. In 2020, the five main branches of the government jointly promoted the CEDAW education training and promotion program (2020 to 2023). Starting from 2024, the CEDAW training program was integrated into the gender equality training program of each agency. In addition to expanding the executive agencies and targets, different training methods were planned for different targets. All employees of central and local government agencies receive at least two hours of course training each year, while gender equality personnel and sexual harassment prevention personnel receive at least six hours of training in advanced courses each year. The course content incorporates the meanings of direct and indirect discrimination and substantive equality into advanced courses. All agencies conduct training courses according to the training plan and annual planning schedule to ensure that there is a full understanding of direct and indirect discrimination. The Executive Yuan regularly conducts gender equality counseling for, as well as assessments (rewards) of, agencies so as to supervise and understand their training progress.
29. The Ministry of Health and Welfare, in collaboration with persons with disabilities and their representative organizations, hosted 12 demonstration CRPD training courses for central and local governments from 2020 to 2024. The courses covered such topics as the characteristics and needs of persons with disabilities, non-discrimination principles, accessibility, equal rights, and social inclusion. These aim to help government agencies organize related courses for key implementers of CRPD affairs and raise the knowledge of government agencies with respect to equality and non-discrimination.

30. The Ministry of Health and Welfare has formulated a plan for the implementation of CRC education and training as well as effectiveness evaluation, and regularly surveys the participation of personnel in charge of child and youth affairs in central and local government agencies, with at least 60% cumulative training coverage rate of child and youth affairs-related professionals between 2020 and 2026 as a key performance indicator. The training participation rate from 2020 to 2023 was 80.28%.
31. To help school educators understand the spirit and meaning of the anti-discrimination principle of the CRC, the K-12 Education Administration under the Ministry of Education continues to conduct CRC education training for school educators and develop related teaching materials and lesson plans. It guides schools to realize the philosophy of prohibiting discrimination on campus. The implementation status is as follows: (1) Subsidize senior high schools and local governments to implement the CRC Implementation Plan: In 2022, a total of 19 local governments and 40 schools received subsidies; In 2023, a total of 19 local governments and 47 schools received subsidies; In 2024, a total of 20 local governments and 76 schools received subsidies. (2) Related implementation plans to be included in the central government's evaluation indicators for general subsidies to local governments: Since 2019, the Promoting Human Rights and CRC Program for school-run educators has been included in the central government's evaluation indicators for general subsidies to local governments, and statistics are collected annually on the educational training for CRC in schools under the jurisdiction of local governments (including senior high schools, junior high schools, and elementary schools). Since 2021, the participation rate of teachers in all local governments has reached more than 70%, and the participation rate of principals has reached more than 90%. (3) Entrust the National Experimental High School at Hsinchu Science Park to carry out the CRC Educator Empowerment Medium-Term Plan: Phase 1 (2018 to 2022) has been completed, and Phase 2 (2023 to 2026) is still entrusted. Since 2019, at least one CRC lesson plan development workshop has been held regularly every year, and lesson plans related to the principle of anti-discrimination have been continuously produced and accumulated, such as: "CRC in Visual Literature - 'ADHD Is Necessary' Case Study", "Discrimination (Sports Exclusion) and Inclusion (Sports Integration) in Physical Education Curriculum Design", "Design to Avoid Discrimination from the Perspective of Beverage Consumption", and "Discussing Tattoos from the Perspective of the Anti-Discrimination Principle in the CRC".

32. The Ministry of the Interior has organized educational training sessions on the Convention against Torture, incorporating anti-discrimination case studies as instructional materials. These case studies enable participants to better understand the spirit and principles of the Convention through practical scenario-based learning. Through open Q&A sessions and surveys, the practical needs of and challenges faced by frontline law enforcement personnel were identified.
33. In 2024, the ICERD clause-by-clause interpretation course was made compulsory in education and training programs. By 2024, the education and training coverage rate had reached 100%, and employees were continuously encouraged to participate in ongoing training. In 2023, an animated video on ICERD was launched in three versions: an eight-minute full version, a one-minute advertisement, and a three-minute highlight version. The videos were produced in both Chinese and English with subtitles. They are available on the ICERD section of the website of the National Immigration Agency under the Ministry of the Interior and on the NIA's YouTube channel to enhance public understanding of ICERD. In addition, in April 2024, a letter was sent to all government agencies requesting that they strengthen education and training efforts and carry out joint promotional activities.

Anti-discrimination education in the judicial system

34. The Academy for the Judiciary under the Ministry of Justice offers human rights education courses in its pre-service training programs for judicial personnel. The curriculum emphasizes the two Covenants and relevant General Comments, focusing on various types of discrimination and methods for eliminating them, in order to enhance awareness of gender equality and continuously improve human rights education for judicial personnel.
35. The Judges Academy plans courses on anti-discrimination, elimination of discrimination, judicial accessibility, and other related subjects, and includes them in routine education and training, such as courses related to CRPD, CEDAW, ICERD, and gender mainstreaming to strengthen judges' understanding of methods to eliminate discrimination. It continues to provide interpretations and accumulate cases through the Judicial Ethics Advisory Committee, and allocates funds in a timely manner to compile a collection of judicial ethics case studies for reference by judges across the country, enhance judges' awareness of equal rights, and prevent all forms of discrimination.

Notes 30 and 31 (Gender Terminology and Translation)

Note 30

The Review Committee expresses its concern that confusion is created by the incorrect translations of certain terms from English to Chinese and Chinese to English, such as equality and gender diversity. In particular, the Committee is concerned that the Chinese term ‘平等’ is translated as both equality and equity, as shown in the Gender Equality Employment Act and the Gender Equity Education Act. Also, the Committee is concerned that gender diversity is translated as ‘multiple sex’, which is not correctly conveying the meaning of diverse gender.

Note 31

The Committee recommends that the Government solve this problem by only using the term ‘equality’, changing the English title of the Gender Equity Education Act by replacing ‘equity’ with ‘equality’ and applying the correct translation for gender diversity and other terminology involving gender. The Committee recommends that the correct terms and their meanings are commonly understood by government agencies, media and the general public.

36. In 2020, the Gender Equality Committee of the Executive Yuan published a Chinese-English Terminology Comparison Table Involving “Sex” and “Gender” for public reference on its website, and sent a letter to government agencies to review the English contents of legislations under their jurisdiction. After reviews and responses, the government agencies reported that English terms in 66 legislations and regulations and five appendices/items must be revised. The review results of government agencies have been confirmed by an advisory group of experts and scholars, and all government agencies had completed the revisions in 2021.
37. The gender defined in the Gender Equity Education Act not only includes the biological sex and gender issues under the CEDAW framework, but also directly incorporates gender identity and sexual orientation, other identities, or intersectional factors enshrined in international human rights conventions. The Gender Equity Education Act emphasizes means and measures. The purpose of legislation is to achieve substantive equality, namely “equity”. The education system and fieldwork should focus on fairness in methods and processes, and adopt measures tailored to different needs to correct and reduce the existing gaps between different groups. This will make it possible for everyone to break free from the negative impact of unfair discrimination and fully develop their personal

potential, which creates true equality in education. Gender equality is also the goal that education wants to achieve. In the field of education, “gender equity education” is especially used to refer to the measures of redistributing and adjusting the teaching curriculum, environment, and mechanisms to promote the equality of opportunities, resources, and rights of students of all gender identities, emphasizing the importance of dynamics and processes, rather than replacing gender equality. These seemingly unequal measures are the means to truly achieve substantive gender equality, which is the original legislative intent of the Gender Equity Education Act of Taiwan, and is also in line with common academic and practical language practices in the education field. The term “gender” in the Gender Equity Education Act already directly covers gender diverse groups (LGBTI+) without using other identities, which is more inclusive and forward-looking than the terms used in international human rights conventions. Therefore, in the English translation of the Gender Equity Education Act, we adopted the position of the 4th International Review Conference on National Reports for CEDAW and did not replace “equity” with “equality”.

Note 32 (Domestic Violence Prevention)

Note 32

In its 2017 review, the Committee had recommended that while there were several initiatives to address domestic violence in Taiwan, it was necessary to have a comprehensive national action plan consolidating the various initiatives. The Committee strongly reiterates its previous recommendation to develop a comprehensive national action plan on domestic violence based on an impact assessment of the various existing initiatives and adopting a multidisciplinary and multi-sectoral approach.

38. The Ministry of Health and Welfare held five meetings of the Domestic Violence and Sexual Assault Prevention and Control Task Force in 2023 and 2024, and collected statistical data and implementation results related to domestic violence prevention and control from the Judiciary Yuan, the Ministry of Justice, the Ministry of the Interior, the Ministry of Education, the Ministry of Labor, and other government agencies. It invited representatives from government agencies, experts and scholars, and representatives from municipalities to jointly review the implementation of domestic violence prevention and control work and formulate annual promotion measures. It will also continue with relevant consultation meetings and is expected to complete the National Action Plan for

Domestic Violence Prevention and Control by the end of 2025.

Notes 33 and 34 (Digital and Online Sex and Gender-Based Crimes)

Note 33

While acknowledging the National Human Rights Commission's recognition of the seriousness of digital and online sex and gender-based crimes and other human rights violations, and the Government's plan to amend the related laws to increase the levels of punishment and protection, the Review Committee is concerned that illegal sexual audio-visual material and hate crimes are not easily eliminated from the digital or cyberspace, and victims continue to suffer.

Note 34

The Review Committee recommends that the Government expedite its efforts to take all necessary legislative, administrative, financial, educational and other measures to effectively deal with digital and online sex and gender-based human rights violations. The Committee also recommends that victims are provided with adequate compensation and prompt redress, including the complete deletion of audio-visual material from the digital or cyberspace to prevent repeated violations.

Strengthening the legal framework for digital gender-based violence

39. In March 2022, the Executive Yuan proposed amendments to four legislations including the Criminal Code, the Crime Victim Rights Protection Act, the Sexual Assault Crime Prevention Act, and the Child and Youth Sexual Exploitation Prevention Act. In November 2023, it proposed an amendment to the Domestic Violence Prevention Act to build a legal system to prevent digital gender-based violence rooted in criminal punishment, victim protection, and perpetrator treatment. The above amendments were promulgated by the President and implemented in 2023. The relevant amendments are as follows:

- (1) In view of the development and application of digital information technology and artificial intelligence, the use of computer-generated imagery or other technologies (such as deepfake technology) to create false images seriously infringes on the privacy and reputation of others and shall be punished. Acts such as recording sexual images without the consent of others or through violence or coercion, or distributing sexual images without the consent of others create even more indelible harm to the

victims, and relevant punishment provisions shall also be strengthened. Therefore, the Criminal Code was amended to add Chapter 28-1, “Offense against Sexual Privacy and Synthetic Sexual Videos”, and related crimes to highlight the protection of sexual privacy and personal rights. The key points of the amendment are as follows:

- ① It added a provision stating that a person who takes sexual photos or videos of victims without consent shall be sentenced to an imprisonment of not more than three years. A person who distributes such content shall be sentenced to an imprisonment for not less than six months but not more than five years. A person who distributes such content with the intention of making a profit shall be sentenced to an imprisonment for not less than nine months but not more than seven years and six months.
 - ② It added a provision stating that a person who takes sexual photos or videos by means of violence or coercion against the will of the victims shall be sentenced to an imprisonment of not more than five years. A person who distributes such content shall be sentenced to an imprisonment for not less than one year but not more than seven years. A person who distributes such content with the intention of making a profit shall be sentenced to an imprisonment for not less than one year and six months but not more than ten years and six months.
 - ③ It added a provision stating that a person who distributes photos or videos of sexual images of the victims without consent shall be sentenced to an imprisonment of not more than five years.
 - ④ It added a provision stating that a person who produces or distributes false images of others (deepfakes) shall be sentenced to an imprisonment of not more than five years. A person who commits this crime with the intention of making a profit shall be sentenced to an imprisonment for not more than seven years.
- (2) On February 8, 2023, the Crime Victim Protection Act was amended and promulgated, and renamed the Crime Victim Rights Protection Act. The new law establishes the crime victim protective order system. For cases involving sexual autonomy violations and digital and online sexual crimes, the new law empowers prosecutors and courts to issue protective orders for crime victims during the investigation and trial of the case, depending on its circumstances and taking into account the opinions of the crime victims or their families. The order may prohibit the defendant from endangering, intimidating, harassing, contacting, stalking, or

approaching the victim and their family. It is prohibited to reproduce, distribute, or otherwise make sexual images of the victim available for viewing. The order may need to request that the defendant submit or deliver sexual images of themselves and require that internet operators remove or delete uploaded sexual images of the victim. If the defendant violates the crime victim protective order without a legitimate reason, they may be sentenced to up to three years in prison. The protective order and the accompanying penalties strengthen the safety of the victims and their families.

- (3) The Sexual Assault Crime Prevention Act and the Child and Youth Sexual Exploitation Prevention Act were amended and promulgated on February 15, 2023, and the Enforcement Rules for the Sexual Assault Crime Prevention Act and Enforcement Rules of the Child and Youth Sexual Exploitation Prevention Act were completed and promulgated on August 16, 2023, stipulating that if the competent authorities of the relevant industries receive information on suspects who violate the Criminal Act or the Child and Youth Sexual Exploitation Prevention Act, they should immediately issue written orders to Internet operators to restrict browsing or remove webpage materials related to the crime. Sexual images of children and minors and images involving sexual assault crimes shall be removed within 24 hours, and sexual images of adults shall be removed within 72 hours. The Sexual Image Abuse Reporting Center was established to provide 24/7 online assistance for complaints, assist local authorities in notifying Internet platform operators to restrict browsing or remove sexual images, implement government power, and hold regular consultation meetings on the prevention of sexual exploitation of children and teenagers.

Digital/Cyber Gender Violence Education

40. From 2022 to 2025, the Executive Yuan promoted major gender equality issues, such as preventing and controlling digital/cyber gender violence, with goals including improving laws and administrative measures and their related effectiveness, increasing public awareness and government agencies' awareness of digital/cyber gender violence, and comprehensively building digital/cyber gender violence survey statistics. It will develop a number of strategies to guide the competent authorities to handle cases related to the distribution or dissemination of intimate images without consent in accordance with the law, improve the education and publicity mechanism, strengthen the prevention and control knowledge of law enforcement personnel, produce survey statistics, systematically build statistical data, and incorporate various tasks into the gender equality

promotion plan of the competent authorities to collaborate and eliminate digital/cyber gender violence.

41. The Ministry of Education has held regular consultation meetings on the Inter-Agency Education Resources to Promote Digital/Internet Gender Violence Prevention project since 2021. It works with the Ministry of Health and Welfare, the Ministry of the Interior, the Ministry of Justice, the Ministry of Labor, the Ministry of Culture, the Ministry of Labor, the National Communications Commission, the Ministry of Digital Affairs, the Council of Indigenous Peoples, the Hakka Affairs Council, and other agencies to coordinate the inter-agency digital/cyber gender violence prevention and education mechanisms. The education mechanisms already include advocacy actions for active protection of victims, including organizing theme-based awareness activities, establishing and releasing relevant information, building resource platforms, compiling promotional materials or teaching materials, and organizing personnel training courses or mechanisms. As of 2024, eight project consultation meetings have been held.

Internet and media platform management and protection mechanisms

42. To prevent children from being exposed to online content that is harmful to their physical and psychological development, the National Communications Commission commissioned civil society groups to establish the Institute of Watch Internet Network (iWIN). It acted in accordance with Article 46 of the Protection of Children and Youths Welfare and Rights Act and in conjunction with the Ministry of the Interior, the Ministry of Culture, the Ministry of Education, the Ministry of Digital Affairs, the Ministry of Health and Welfare, and other relevant government agencies. iWIN's primary function is to accept complaints pertaining to online content that is harmful to the physical and psychological health of children and adolescents. The Ministry of Health and Welfare established the Sexual Image Abuse Reporting Center on August 15, 2023, as a platform for accepting requests from the public for help in removing sexual images and assisting in referring victims for protection and assistance, as well as coordinating the removal of such content. Furthermore, the Child and Youth Sexual Exploitation Prevention Act added Article 3, Paragraph 5 in 2024, which stipulates: "In order to help victims with the restrict browsing or removal of sexual images or videos, the central competent authority may, on its own or via a private organization, establish a sexual image abuse reporting center and delegate dedicated personnel to handle the following matters: 1. Acceptance of the complaint, consultation and inspection against sexual images or videos. 2. Notification to

the internet platform provider, internet application service provider or internet access service provider (hereinafter referred to as the internet service providers collectively) to restrict the browsing of, or remove, the sexual images or videos of a child or a youth. 3. Other sexual images or videos prevention matters.” When iWIN receives any cases related to sexual images of people, they are transferred to the center for unified processing. iWIN continues to accept complaints regarding online content that is harmful to the physical and psychological health of children and teenagers other than sexual images in violation of Article 46 of the Protection of Children and Youths Welfare and Rights Act, as well as related complaints under the Child and Youth Sexual Exploitation Prevention Act. The National Communications Commission continues to encourage iWIN to strengthen its ties and cooperation with the Sexual Image Abuse Reporting Center and continue to push forth media literacy courses to educate the public on self-protection awareness. It also organizes training courses on gender-based violence prevention for digital platform professionals to enhance their awareness of the issue of online gender-based violence. The statistics of cases involving intimate images of children and teenagers received by iWIN from 2019 to August 2023 for alleged violations of children and youth protection laws and regulations are shown in Table 1.

Table 1 Statistics on cases involving intimate images of children and teenagers processed by iWIN¹

Unit: cases

Year	Total no. of appeals	No. of failed cases	Domestic platforms			Foreign platforms		
			No. of valid cases	No. of removals	No. of failed removals	No. of valid cases	No. of removals	No. of failed removals
2019	16	0	0	0	0	16	16	0
2020	109	47	0	0	0	62	62	0
2021	303	118	1	1	0	184	184	0
2022	285	116	2	2	0	167	167	0
January to August 2023	371	179	3	3	0	189	154	35
Total	1,084	460	6	6	0	618	583	35

Source: National Communications Commission

¹ 1. The number of items removed from the Internet in this table refer to valid successful removals.

2. Total no. of appeals = no. of failed cases + no. of successful cases on domestic platforms + no. of successful cases on foreign platforms.

3. On August 15, 2023, the Ministry of Health and Welfare established the Sexual Image Abuse Reporting Center. It has since processed complaints involving cases of intimate images of children and teenagers.

43. The National Communications Commission (NCC) requires that online media platforms exhibit self-discipline. It also requests that telecommunications companies, in accordance with the law, cease providing services to online media platforms that refuse to comply with repeated warnings. Signers of mobile broadband service contracts, circuit rental service contracts, and internet access service contracts of telecommunications companies are all considered telecommunications service users. If such users are suspected of violating the law or disrupting public order and have been notified thereof by the relevant authorities, the telecommunications service provider may suspend or terminate their contracts. Telecommunications companies are also requested to cooperate by informing parents of relevant regulations when selling mobile phones if they know that the user is a minor. The NCC has also produced consumer protection educational electronic materials such as the Mobile Phone Number Application Manual for Persons with Disabilities, the Use of Telecommunications Services by Seniors, and the Use of Telecommunications Services by Minors and Consumer Protection Education. It also requires telecommunications companies to assist in conveying and disseminating them.

Note 35 (Gender Pay Gap)

Note 35

The Review Committee recommends that the Government increase its efforts to provide accurate data on the gender pay gap based upon International Labour Organization (ILO) standards. The Committee is concerned about the gender stereotyping and the vertical and horizontal job segregation at the root of the gender pay gap. The Government should further reduce and close the gender pay gap, by eliminating the horizontal and vertical job segregation by gender and by recognising equal pay for work of equal value.

44. In 2023, the Ministry of Labor formulated the Equal Pay for Equal Work in Enterprises Checklist and published it on the Ministry of Labor and the Employment Equality websites. It was also shared with local labor administrative authorities, requesting them to strengthen public awareness, implement gender regulations on equal pay for equal work, and promote workplace equality through self-examination and improvements by public institutions. To implement the relevant laws on equal pay for equal work, the Ministry of Labor not only organizes seminars on workplace equal rights legislation with local labor administrative authorities every year, but also continues to enhance the knowledge and understanding of relevant laws in enterprises through various channels, such as websites,

Facebook, and leaflets, to create a friendly workplace environment.

45. From 2022 to 2025, the Executive Yuan promoted important gender equality issues, such as enhancing women's economic power and eliminating gender stereotypes, prejudice, and discrimination, and formulated a number of strategies and performance indicators, such as improving horizontal and vertical gender segregation in the workplace and narrowing the gender pay gap and improving gender segregation in specialty choices. It oversaw various agencies' efforts in accordance with the implementation plan to eliminate occupational gender segregation caused by gender stereotypes and effectively reduced the gender pay gap.
46. Due to the impact of the COVID-19 pandemic in Taiwan in 2021 and 2022, the gender wage gap was 15.8%. By 2023, the hourly wage increase for women was higher than that for men, causing the gender wage gap to narrow to 14.7%, gradually returning to the pre-pandemic level. In addition, the proportion of women graduating from science, technology, engineering and mathematics (STEM) specialties in Taiwan's higher education institutions in 2023 was 26.16%, an increase of 0.57% from 25.59% in 2020.
47. The definition and scope of salary statistics of the *Employees' Earnings Survey* of the Directorate-General of Budget, Accounting and Statistics of the Executive Yuan are consistent with those of the International Labor Organization (ILO). A monthly survey is conducted among 11,000 establishments. The Directorate General of Budget, Accounting and Statistics collects sex-disaggregated data on employees and their salaries. The results are published each month, and annual gender analysis reports are provided to the National Development Council, the Ministry of Labor, and other competent authorities for their analysis and use.

Notes 36 and 37 (Consultation with and Approval from Indigenous Peoples, Lanyu Nuclear Waste Removal, and Other Issues)

Note 36

The Review Committee is concerned that land grabbing of indigenous land without free, prior and informed consent continues to take place in Taiwan. Reports from Indigenous Peoples' organisations and NGOs show the absence of adequate and inclusive procedures in obtaining free, prior and informed consent. This violates the right to self-determination under article 1 of both Covenants, as well as the UN Declaration on the Rights of Indigenous Peoples (UNDRIP). Without further delay, the Government should review and revise, in cooperation

with Indigenous Peoples, the existing mechanisms to obtain free, prior and informed consent in the conceptualising and planning phases of development projects and programmes that affect them. The mechanisms shall include procedures to ensure reparation and return of the land to Indigenous Peoples where necessary.

Note 37

The Review Committee calls on the Government to provide remedies for Indigenous Peoples affected by the storage or disposal of nuclear waste and other hazardous materials on Indigenous Peoples' lands or territories, in compliance with article 29 UNDRIP. A remedy should also be provided to the Tao Peoples in Lanyu with a concrete timetable for the complete removal of nuclear waste and rehabilitation of the environment.

Progress in the revision of legislation on the consultation and consent mechanisms

48. The Council of Indigenous Peoples has already initiated the revision of legislation on the consultation and consent mechanisms. In October 2022, a legislative revision working group was established, which commissioned experts and scholars to conduct legal analysis, comprehensively review the practical operation overview, and compile cases from across the years in which consultation and consent were difficult to implement, which procedural costs were too high, or which were significantly inconsistent with the current situation of indigenous peoples. It also referred to the consultation and consent laws of other countries and invited scholars and experts for discussions. At present, six legislative revision taskforce meetings have been completed and two meetings have been held with experts and scholars to comprehensively review the Regulations for Consulting with Indigenous Peoples or Tribes to Obtain Their Consent and Participation. At the same time, plans are being made to elevate the consultation and consent system to legislation in the future. A draft amendment will be proposed in the near future in order to strengthen the protection of indigenous peoples' rights to use land and natural resources and implement the intent of the Indigenous Peoples Basic Law.

Land management and compensation mechanisms in traditional areas of indigenous peoples

49. The draft bill on the Restoration of Rights and Management and Utilization of Indigenous Reservations was submitted to the Legislative Yuan for review on March 17, 2022. Since the term of the 10th Legislative Yuan legislators expired on February 1, 2024, the bill has not been reviewed again. In addition, since the indigenous members of the Legislative

Yuan have all proposed relevant versions of the bill, the Council of Indigenous Peoples has carried out work, such as research and communication on the content of the bill, and submitted it to the Executive Yuan for review on January 9, 2025. After approval, it will be submitted to the Legislative Yuan for review. In addition, the Council of Indigenous Peoples has drafted the Measures for Compensation for Losses Caused by Restrictions on Indigenous Lands. The draft was revised again in August 2022 based on the conclusions of the meeting. The Council of Indigenous Peoples has held several discussion meetings on the draft compensation measures for losses caused by restrictions on indigenous lands and natural resources, reviewed the draft content and adjusted it, and re-drafted all articles and clauses. To improve the preparatory work before the enactment of this draft, in 2024, the Commission invited scholars and experts to organize and analyze the title and general description of the draft compensation measures, comprehensively review the overview of practical disputes involved in judicial decisions, and put forward review suggestions. It also presented foreign indigenous laws and submitted analysis reports on similar practices of protecting indigenous land rights and interests. Internal discussion meetings, inter-agency discussion meetings, local consultation meetings, and legislative work will be carried out to provide compensation and establish a communication mechanism when losses are caused by restrictions on indigenous peoples' use of land and natural resources by the government or laws.

Compensation for losses incurred by the Lanyu nuclear waste storage site

50. Based on the conclusions of the “Truth Investigation Report on the Establishment of the Lanyu Nuclear Waste Storage Site”, the government recommended compensation for Lanyu, also known as Orchid Island. On October 18, 2019, it established the key points of compensation for losses incurred by the use of indigenous reservations by the Lanyu Nuclear Waste Storage Site to facilitate actual compensation, which includes two types of compensation for losses: retroactive compensation and land lease renewal compensation.
51. On January 8, 2022, the Ministry of Economic Affairs established the Compensation Foundation for the Loss of the Yami (Tao) Indigenous Reservation Land Occupied by the Lanyu Nuclear Waste Storage Site, which is supported by the Backend Operation Fund for Nuclear Power Generation, and has provided NT\$2.55 billion in compensation specifically for the Yami (Tao) people on Lanyu. In addition, when the lease is renewed every three years, the Lanyu Township Office will receive a land renewal package of NT\$220 million.

52. According to the Ministry of Economic Affairs' Backend Operation Fund for Nuclear Power Generation Feedback Points before the Completion of Radioactive Waste Storage and Nuclear Power Plant Decommissioning, Lanyu Township can receive approximately NT\$20.05 million in storage repayment each year for local construction and public affairs.

Compensating the indigenous people of Lanyu

53. Since the Nuclear Safety Commission (formerly the Atomic Energy Commission) of the Executive Yuan started operations of the Lanyu storage site in 1982 (Taiwan Power Company was ordered to take over in 1990), in order to take care of the Yami (Tao) people in Lanyu, the government has waived electricity charges for residential electricity use in the Lanyu area since April 2002, fully subsidized the Lanyu community master construction plan with a total amount of NT\$205 million in 2003, and has approved three project subsidies totaling NT\$105 million since 2012, as well as approximately NT\$5 million in emergency relief, scholarships, and local activities each year.

Plans for the relocation and restoration of the Lanyu nuclear waste storage site

54. The resolution passed in the fifth meeting of the Indigenous Historical Justice and Transitional Justice Committee under the Office of the President on March 29, 2018 included matters to be implemented following the investigations of the facts in the establishment of the nuclear waste storage facility on Lanyu. The government is required to implement the relocation of the storage facility as quickly as possible.
55. The remediation measures for the Lanyu storage site, the removal of nuclear waste to restore the environment, and other related operations are jointly planned and handled by the Ministry of Economic Affairs, the Nuclear Safety Council, and Taiwan Power Company. The implementation progress is managed by the Task Force for the Promotion of a Nuclear-Free Homeland of the National Council for Sustainable Development of the Executive Yuan.
56. After discussion by the Task Force, there are three options for the relocation of nuclear waste from Lanyu:
- (1) Return to the place of origin: Due to public opposition from the local governments where the nuclear power plants are located (New Taipei City Government and Pingtung County Government), the implementation of the plan has been suspended.
 - (2) Interim storage: The Task Force has reached a consensus on pushing forth an interim storage facility and has instructed to prioritize social communication and social

consensus building.

- (3) Final disposal: On July 3, 2012, two candidate sites for the final disposal of low-level nuclear waste were announced (Wuqiu, Kinmen and Daren, Taitung). However, the local governments declined to hold a local referendum to determine a candidate site, so the relocation of the Lanyu Low-Level Storage Site could not proceed. There is no reversal mechanism in the current site selection procedure and Taiwan Power Company continues to communicate with the public and governments.

57. The key points for the relocation of nuclear waste from Lanyu are as follows:

- (1) Prioritize strengthening and promoting social communication: In addition to handling communication with local authorities, Taiwan Power Company has also continued to work with National Chengchi University since 2019 to implement a communication plan for nuclear waste facility site selection, hoping to first establish social consensus.
- (2) Preparation work before relocation: The government improved storage safety and Taiwan Power Company completed the waste storage modification program of the Lanyu Low-Level Storage Site in October 2021, placing all nuclear waste drums in thick hot-dip galvanized containers to improve storage safety and carry out packaging preparation before relocation. On June 22, 2022, the Radiation Safety Specifications for Marine Transport of Low-Level Radioactive Waste were announced as guidelines for the design of Lanyu nuclear waste transport vessels. In October 2023, Taiwan Power Company's Lanyu Low-Level Storage Site Longmen Wharf Renovation Plan was submitted for review. The wharf renovation and structural reinforcement operations were carried out based on the Plan to ensure the normal operation of the facility.
- (3) Establishment of a radioactive waste disposal office: To facilitate the final disposal of high- and low-level radioactive waste in Taiwan, the Ministry of Economic Affairs formulated the Ministry of Economic Affairs Guidelines for the Establishment of the Radioactive Waste Disposal Office on May 10, 2024, and established a project office to carry out high-level radioactive waste law enactment and low-level radioactive waste legislation amendments.

58. In March 2017, the Nuclear Safety Commission revised the Guidelines for Restriction Areas of Low-level Radioactive Waste Final Disposal Facilities and stated that candidate sites located in indigenous peoples' regions must comply with Article 31 of the

Indigenous Peoples Basic Law. It states that, “the government may not store toxic materials in indigenous peoples’ regions in contrary to the will of indigenous peoples.” This means that the government must obtain the approval of indigenous peoples before proceeding with development in their areas. This aims to protect their rights and interests.

59. The Nuclear Safety Committee holds a Discussion Meeting on Follow-up of Investigation into the Truth of the Lanyu Nuclear Waste Storage Site and Related Relocation and Compensation Matters every six months to track the progress of the handling process. It urges Taiwan Power Company to submit a “Progress Report on the Relocation of the Lanyu Nuclear Waste Storage Site” every quarter to the Task Force for the Promotion of a Nuclear-Free Homeland for follow-up and management, and actively handles related preparations, such as social communication, for the relocation of the Lanyu nuclear waste site.

Note 38 (Indigenous Ethnic Identity)

Note 38

The Review Committee remains concerned about the delay in recognition of the status of the Ping Pu Peoples. The current classification of Indigenous Peoples into three categories, of mountain peoples, plain peoples and Ping Pu Peoples, partly a legacy of the Japanese colonial period, does not correspond to the present situation of the 16 recognised Indigenous Peoples. Indigenous Peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. They have the right to determine their own identity in accordance with the Covenants and UNDRIP.

60. Regarding the ethnic and indigenous identity recognition of the Siraya and other plains indigenous (Ping Pu) peoples, the Council of Indigenous Peoples has accepted applications from the Siraya and the Pazeh and continues to encourage other ethnic groups to apply for recognition. During the legislative drafting process, relevant opinion solicitation measures are simultaneously planned and implemented. Two plains indigenous opinion leader focus seminars were held in November 2023, and four sessions were held for recognized indigenous peoples and five sessions were held for plains indigenous peoples in August 2024, totaling nine opinion solicitation meetings. A draft notice was released on August 7 and experts and scholars were invited to carry out consultations on September 5. A Plains Indigenous Affairs Promotion Taskforce

discussion meeting was held on September 13 to collect relevant opinions, and an inter-agency review meeting was held on September 24. Subsequently, on October 4, a letter was sent to the Executive Yuan for review on the draft Plains Indigenous Peoples Status Act. The Council of Indigenous Peoples completed legislation or amendments within the time limit required by the Constitutional Court's 2022 Constitutional Decision No. 17 to implement the protection of the identity rights of indigenous peoples enshrined in the Constitution.

61. The discussion on whether the distinction between mountain indigenous peoples and plains indigenous peoples complies with the right to self-determination will be comprehensively reviewed together with the subsequent legal progress of the Constitutional Court's 2022 Constitutional Judgment No. 17 to ensure the appropriateness and comprehensiveness of the legal system.

Note 39 (Representation of Indigenous Peoples)

Note 39

The Review Committee notes the establishment of the Council of Indigenous Peoples, but urges the Government to ensure genuine representation of all Indigenous Peoples based on transparent nomination and selection procedures which respect Indigenous Peoples' decision-making processes.

62. The Council of Indigenous Peoples will conduct the selection of contract committee members before February 13, 2024. Currently, all self-recommendations or recommendations from representatives, ethnic councils, and indigenous community joint meetings have been recorded for reference in future selection and the acceptance rate is 100%. According to Article 4, Paragraph 1 of the Organization Act of the Council of Indigenous Peoples, the Council shall be composed of 19 to 29 members. At least one representative of each of the indigenous peoples of Taiwan shall be appointed to the Council in accordance with the Regulations on the Employment of Personnel, and the term of office shall be scheduled with the change of the Chairperson. According to Point 3 of the Guidelines for the Selection of Members of the Council of Indigenous Peoples, the selected members should be of indigenous identity, meet the specialized knowledge and skills requirements stipulated in the Regulations on the Employment of Personnel, and have a reputation for being enthusiastic about ethnic community services or well versed in indigenous affairs. Based on this, the Council of Indigenous Peoples does not restrict the

recommendation of candidates by any sector, and all recommended candidates have files for reference in the selection process. However, the Legislative Yuan passed the third reading of the amendment to the Organization Act of the Council of Indigenous Peoples at the 13th meeting of the 2nd session on December 13, 2024, changing the contract members to unpaid positions. Contract members will no longer be employed in accordance with the Regulations on the Employment of Personnel. Taking into account the needs of the development of indigenous policies, the Council of Indigenous Peoples will change the existing 16 contract members of each indigenous nation to contract part-time members representing each ethnic group, and their term of office will be two years from the date of the Presidential promulgation of the amendment to the Organization Act of the Council of Indigenous Peoples.

Note 40 (Indigenous Peoples Policy)

Note 40

The Review Committee recommends the amendment of the Constitution and the Indigenous Peoples Basic Law in line with the two Covenants and UNDRIP. As part of this process, the Government should conduct a national inquiry leading to the development of a National Strategy on Indigenous Peoples in cooperation with them. In addition, the participation of non-recognised peoples, such as the Ping Pu, should be ensured.

63. From October 2021 to January 2022, the Council of Indigenous Peoples held 71 policy forums across the country and collected 1,660 opinions. After comprehensive analysis, indigenous peoples' top five issues of concern were as follows: The Council of Indigenous Peoples has properly dealt with all opinions regarding education and culture (22%), indigenous reservations (21.4%), construction of public facilities (21.3%), social welfare (12%), and economic development (6.8%). Matters that do not fall under the jurisdiction of the Council of Indigenous Peoples have also been transferred via letter to relevant agencies and units for handling.
64. In order to implement the specific policy recommendations collected at the policy forums, the above-mentioned issues of concern were submitted to the 15th and 16th Executive Yuan Indigenous Peoples Basic Law Promotion Meetings for coordination and review by the committee members. Regarding the indigenous reservations, the Council of Indigenous Peoples, the Ministry of Finance, and the Ministry of Agriculture have been

requested to continue to carry out the additional demarcation and cooperation in reviewing relevant regulations. To improve the overall education and culture of indigenous peoples, the Council of Indigenous Peoples and relevant agencies such as the Ministry of Education, the National Science and Technology Council, the Ministry of Culture, and Academia Sinica are requested to continue to actively promote the Medium- and Long-Term Plan for the Construction of an Indigenous Education and Cultural Knowledge System. To address the shortage of medical, social welfare, and long-term care resources in indigenous areas, the Ministry of Health and Welfare is requested to increase the deployment rate and accessibility of long-term care resources, such as day care centers, family care, and home services. For some areas where the amount of long-term care resources remains at zero, long-term care resources should be deployed as a priority. The Council of Indigenous Peoples is also requested to continue to establish cultural and health stations in places in need.

65. In addition to the centralized seminars held in response to this indicator, the Human Rights Working Group of the Council of Indigenous Peoples resolved at its 3rd meeting that related seminars must be held on a regular basis, depending on the nature of policies and issues. They could also be included to strengthen and reinforce the work that the Review Committee hopes to achieve.

Note 41 (Indigenous Culture and Language)

Note 41

The Review Committee recognises the efforts that have been made in preserving the culture and languages of the Indigenous Peoples of Taiwan. It encourages the Government to further strengthen the policies, strategies and programmes aimed at promoting and protecting the culture and languages of the Indigenous Peoples.

66. Actions taken to protect indigenous languages as of 2024:

- (1) Corpus preservation: In conjunction with language promoters nationwide and indigenous language promotion organizations, we have collected corpus data, interviewed 1,500 people, and collected a total of 2,200 pieces of data.
- (2) Indigenous language certification: We continue to organize five levels of certification exams, namely elementary, intermediate, intermediate-advanced, advanced, and superior. A total of 177,255 people have been certified.

- (3) Promotional activities: 500 indigenous language churches are incentivized to promote indigenous language activities, with 42,000 people participating in indigenous language development work every week. In addition, commendation activities for model mothers and fathers were held in indigenous languages on Mother's Day and Father's Day, with commendations for 100 people each year.
 - (4) Friendly environment: Subsidies were provided to five townships for the construction of simultaneous interpretation environments for indigenous languages, four townships for the implementation of demonstration projects for the common language used in townships and urban areas, 34 townships for the promotion of indigenous language signage projects, and 28 townships for the bilingual official document project.
 - (5) Teaching in indigenous languages: Subsidies are provided to five key universities for the training of teachers of indigenous languages to promote the Excellent Indigenous Language Teacher Program, with the goal of helping 100 teachers to obtain advanced certification.
 - (6) Indigenous language research and development: The implementation of the national survey on indigenous language proficiency and usage was completed in December 2024 and a report on the results was compiled and published.
 - (7) Indigenous language programs: The proportion of shows in indigenous languages of Taiwan Indigenous TV reached 59%, and the government continues to subsidize Taiwan Indigenous TV to produce animations, dramas, and other shows in indigenous languages.
67. Preservation and promotion of indigenous cultural assets: Every year, subsidies are provided to local governments for the Preliminary Investigation, Research and Evaluation Project on the Creation of Indigenous Cultural Assets and Traditional Wisdom of Indigenous Peoples, with subsidies for 10 local governments in a total of 43 projects.
68. Inter-agency cooperation mechanisms:
- (1) To ensure that government resources go to the development of indigenous culture and produce concrete results, the Council of Indigenous Peoples and the Ministry of Culture established a cooperation platform on May 7, 2014 and set up six project groups based on development orientations, namely "Indigenous Community Cultural Development", "Arts and Culture Development", "Cultural and Creative Development", "Cultural Asset Preservation", "Film and Television and Popular

Music Industry Development”, and “Language Development”. Through the specific cooperation methods of the plan, full communication, coordination, integration, and experience sharing will be carried out to accelerate the advancement of indigenous cultural affairs and related projects, and ensure the exchange and sharing of resources. The Indigenous Culture Cooperation Platform recently held meetings in January and July 2024.

- (2) To actively implement the legislative spirit of Articles 27, 29, and 43 of the Education Act for Indigenous Peoples and achieve the goal of universal indigenous education, the Council of Indigenous Peoples and the Ministry of Education jointly held an indigenous education policy meeting on August 21 and December 24, 2024. They discussed the adjustment of the qualifications of indigenous language teachers, the system of indigenous publicly funded teacher trainees, indigenous school planning suggestions, the enhancement of the rights of teachers and childcare staff in affiliated kindergartens of schools in indigenous areas, and the formulation of tuition and miscellaneous fee subsidies for indigenous college students.
69. Subsidies for indigenous villages for traditional rituals: Since 2007, the Council of Indigenous Peoples has implemented the Guidelines on Subsidies for Indigenous Education and Culture, expanding subsidies for individuals, indigenous groups, schools, and local governments at all levels nationwide to organize important traditional indigenous rituals and cultural and festival activities. The Council of Indigenous Peoples provides subsidies for an average of 247 cases nationwide each year, with a total subsidy amount of NT\$30.63 million per year. They include about 70 to 80 cases in urban areas each year, with an annual subsidy of about NT\$2 million. In addition to continuing the spirit of traditional cultural rituals, it also aims to help people in urban areas carry on the spirit of indigenous rituals, thereby enhancing the value of indigenous cultural industries. In 2024, subsidies were provided to indigenous communities for 145 traditional rituals and cultural activities.
70. Training indigenous cultural talents: The Indigenous Cultural Talent Development Program has been implemented for six years. The planned course areas include cultural administration, cultural assets, cultural preservation, cultural equality, cultural and creative industries, community building and village culture, traditional cultural translation and innovation, mother tongue revitalization and rooting, music and dance performances, artistic creation, local cultural and economic transformation, unique cultural and creative

development, creation of ethnic living environments, and development of tribal economic industries. As of December 2023, 26 sessions of the Indigenous Cultural Talent Training Program have been completed.

71. Promoting ethnic culture and history research: To enhance the depth and breadth of the history of indigenous peoples and to leverage government administrative resources, the Council of Indigenous Peoples and Taiwan Historica of Academia Historica have collaborated to jointly promote research on issues related to indigenous peoples. From 2004 to 2013, the two parties formulated two Project for Special Topics on the History of Taiwanese Indigenous Peoples, and relevant results have been published. Since 2014, Academia Historica has joined this research project and continues to implement the fourth phase of the project to enhance the research results. It plans to publish two books before June 2025, including “A Study on the History of the Bahuan Tribe of the Bunun People” and “A Study on the History of the Fakong Tribe of the Amis People” were published. In addition, the Investigation and Research Publication Project on Historical Events of Indigenous Peoples has published “Investigation and Research on Transportation Development and Major Events in Hualien and Taitung” and “The Rover Incident: The Beginning of Modern World Expansion and the Restriction of Local Life” before June 2024.

Notes 42 to 44 (Protection of Foreign Domestic Workers)

Note 42

In the 2017 Concluding Observations and Recommendations, the Review Committee requested a ‘detailed account of the progress achieved’ on the passage of the Domestic Workers Protection Act. The Committee notes, however, that no progress has been achieved on the legislation and that it is the position of the Government that such legislation is not required. Instead, the Government reported at the review on some incremental steps taken to better protect household foreign workers from exploitation and abuse. The Committee acknowledges the improvements that have been made but they fall well short of ensuring equality of treatment between foreign and national household workers.

Note 43

Both the National Human Rights Commission and NGOs expressed serious concerns about the continuing vulnerability of household foreign workers to human rights violations and the ongoing discrimination they face. The

Committee does not agree with the Government's claim that the Labour Standards Act regulations are not applicable due to the nature of their work.

Note 44

The Review Committee recommends that the Government incorporate ILO Convention No. 189 on Domestic Workers into domestic law to provide robust legal protections for domestic workers; take immediate steps to close the pay gap between national and foreign household workers, including by subsidising those families or individuals for whom home-based caregiving is essential; and include foreign domestic care workers in the development of the Government's promised long-term care plan.

72. As the wages of live-in migrant workers had not been adjusted for many years, and employers took the initiative to raise wages due to labor shortages during the COVID-19 pandemic, the Ministry of Labor increased the monthly salary of live-in migrant workers who had been newly recruited or had had their employment contract renewed or transferred after August 10, 2022, from NT\$17,000 to NT\$20,000, thereby stabilizing labor resources. To take into account the economic burden on employers and reduce the impact of low wages on such families, a wage subsidy of NT\$3,000 per month was provided to low-income households and lower-middle-income employers who hire care workers who have a wage increase, for a maximum of three years. Other employers were provided with a monthly subsidy of NT\$1,500 before 2022, for a maximum of four months. The Ministry of Labor will consider the reasonable economic burden of employers in Taiwan and the reasonable wages and benefits of live-in migrant workers and continue to discuss and adjust the wages of live-in migrant workers in a timely manner.
73. To protect migrant workers from physical assault and safeguard their right to health, anyone who is physically assaulted can apply to change their employer or job, and will be provided with emergency accommodation, consent to switch to an employer in another industry (i.e., regardless of job), financial assistance, psychological counseling with social and administrative resources, litigation fee subsidies, and referrals to legal aid resources. If a migrant worker is sexually harassed and the violation is verified, the Ministry of Labor shall handle the perpetrator in accordance with the law and prohibit that person from applying to hire a migrant worker for two years. From 2021 to 2024, the Ministry of Labor provided funding to Taoyuan City, Changhua County, and Kaohsiung City governments for the establishment of Foreign Maternal and Child Health Consultation

Service Centers to provide cross-regional services such as consultation and education on migrant worker childbirth and work rights, supportive companionship, emergency placement, job continuity, and job transfers. In addition, migrant workers hired to work in Taiwan are included in the same National Health Insurance program as local workers during their employment to protect their medical rights.

74. To protect the rights and interests of live-in migrant workers in Taiwan, the Ministry of Labor has established a comprehensive protection system as follows:

- (1) The Ministry of Labor produced a pre-employment training video for employers to ensure that those who hire live-in migrant care workers or helpers for the first time receive adequate family and psychological preparation and reduce illegal behavior. From 2020 to 2024, 213,658 people completed the training. It also produced pre-job orientation training videos for migrant workers to help them adapt to life in Taiwan. It then requested that Taiwan's overseas missions in migrant worker source countries forward these to the country's vocational training centers for broadcast and promotion during migrant worker pre-service orientation training classes before they leave to work in Taiwan.
- (2) Setting up airport service stations for migrant workers: Since 2023, migrant worker airport service stations have been set up at Taoyuan and Kaohsiung International Airports to provide migrant workers with entry pick-up services, legal education seminars, consultation and grievance channels, and information on the protection of their rights and interests. Regulatory awareness seminars were suspended from 2021 to 2022 due to the COVID-19 pandemic. From 2020 to 2024, a total of 25,751 regulatory awareness seminars were held for 316,020 participants.
- (3) One-stop immigration training service for migrant workers: Starting in 2023, for newly hired live-in workers who have not undertaken entry training within the past five years, employers can apply to complete the five statutory entry requirements for migrant workers through a one-stop service. This provides live-in migrant workers with training regarding their rights and interests upon arrival in Taiwan to enhance their relevant knowledge. From 2023 to 2024, a total of 87,070 trainees received this service.
- (4) Setting up the 1955 Consultation and Complaint Hotline: The Ministry of Labor established the 1955 Hotline in 2009 to provide 24/7 toll-free bilingual consultation and complaint services, quickly handle migrant worker complaints, immediately transfer cases to local labor authorities for investigation and handling, and follow up

- on cases, thereby further protecting the rights and interests of migrant workers. From 2021 to 2024, there were 1,170,561 reported cases.
- (5) Payment of subsidies to local governments for the establishment of migrant workers consultation service centers: These centers answer migrant worker questions about laws and regulations, psychological counseling, daily life issues, adaption to work, disputes over wages, financial assistance for lawsuits, and referral assistance. From 2021 to 2024, a total of 1,406,116 consultation services were provided and dispute cases accepted.
 - (6) Continue to strengthen awareness: The government uses multiple public channels, such as LINE@1955mw_tw, the Foreign National Labor Rights Portal, and multi-language radio shows to enhance migrant workers' understanding of the law and safeguard their personal safety and work rights. From 2020 to 2024, the Foreign National Labor Rights Portal received 16,028,418 visits, Chinese and foreign language radio broadcasts received 23,863,590 visits, and the number of LINE@1955mw_tw subscribers totaled 730,223.
 - (7) Termination verification mechanisms: To prevent migrant workers from being inappropriately repatriated, employers and employed migrant workers who agree to terminate their employment relationship before the expiration of the employment contract are required to visit the local competent authority to verify the true intent of both parties in terminating the contract. From 2020 to 2024, there were 276,302 cases.
 - (8) Providing complaints-submission service to migrant workers at the airport: If migrant workers have complaints when leaving the country, they can visit the airport migrant worker service center to file a complaint and protect their rights.
75. The government has been implementing the Long-Term Care Plan 2.0 (a 10-year plan) since 2017. This assists people whose long-term care need level has been assessed as Level 2 to Level 8 by a local Long-Term Care Management Center, as well as their family caregivers. Those who are eligible to hire a migrant caregiver may use various long-term care services such as related professional services, transportation services, assistive devices obtainment, transformation of homes into barrier-free environments, and respite care service. They may also visit a long-term care station or a Support Center for People with Dementia and their Families (SPDF) in their vicinity to obtain meals, participate in courses on prevention and delay of disability/dementia, and enhance their social

participation. Except for the care services, all other services are equally available to those who have not hired migrant caregivers. In addition, families who employ migrant caregivers and whose recipients of care services meet the long-term care needs of level 2 or above may still obtain long-term care benefits and payments when their migrant caregiver absconds, breaks off contact, transfers, leaves the country at the end of the contract, or takes leave to return to their home country. In such circumstances, families must provide relevant supporting documents. These measures alleviate the pressure of the migrant caregiver during their absence. The long-term care system under the Ministry of Health and Welfare is a “community-based” long-term care service system, which combines separate care services into a community-wide care model and offers statutory services regulated by the Long-term Care Services Act, which is protected by the Labor Standards Act. Live-in migrant caregivers introduced by the Ministry of Labor in accordance with the Employment Service Act are hired by individual employers in accordance with the law. Both parties agree that the caregiver will live in the home of the recipient and provide living and care work according to the needs of the recipient. They are not yet covered by the protections provided by the Labor Standards Act. The integration of the two systems involves overall policy planning. The Ministry of Labor will continue to collaborate with the Ministry of Health and Welfare in the planning and implementation of the long-term care system.

Notes 45 and 46 (Foreign Fishers in Taiwanese Fishing Vessels)

Note 45

The Review Committee acknowledges the work that is being done to investigate and improve the working conditions of foreign fishers on vessels flying the Taiwanese flag. In the context of conflicting reports, however, it is difficult to determine the actual working conditions and what improvements, if any, have been made.

Note 46

The Review Committee recommends that the Government closely monitor the situation and urgently adopt and implement effective measures such as those contained in the Action Plan developed by the Fisheries Agency.

76. The Labor Standards Act is a domestic law. Workers must establish an employment relationship within the national territory and be employed by a business entity that is subject to the Labor Standards Act for the provisions in this Act to apply. Foreign crew

members of distant-water fishing vessels who are hired locally in another country, work overseas, are terminated overseas, and are directly sent back to the local country after the work is completed are not governed by the Labor Standards Act.

77. Current laws and regulations adopt a separate management approach with respect to the labor rights and interests of fishermen. Domestic employment (of coastal and offshore fishing vessels) is governed by the Labor Standards Act. The licensing and management of domestic employment of foreign fishermen is regulated by the Employment Service Act and its subsidiary legislation, which fall under the jurisdiction of the Ministry of Labor. For those who hire overseas (distant-water fishing vessels), the Fisheries Agency of the Ministry of Agriculture was authorized to formulate the Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members in accordance with the Act for Distant Water Fisheries. The Ministry of Agriculture is responsible for regulating their rights and interests, such as contract content, monthly wages, and rest hours, and conducts administrative supervision and management. The Ministry of Labor will continue to assist the Ministry of Agriculture and review the current fisherman protection standards with reference to standards set forth in international conventions.
78. The Ministry of Agriculture has developed the Action Plan for Fisheries and Human Rights, which has been approved by the Executive Yuan. It takes into account United Nations' international conventions, Taiwan's national human rights action plan, the norms of major market countries, and reports from international organizations and domestic and foreign non-governmental organizations. By implementing strategies such as strengthening living conditions and social security, enhancing intermediary management, and promoting positive partnerships, it will improve the rights of foreign fishermen across government agencies in all aspects systematically. The aim is to effectively improve Taiwan's fishery human rights and labor rights. The Ministry of Labor is actively implementing the above-mentioned action plan, including providing consolation money to foreign seafarers employed domestically who suffer personal injuries or occupational accidents and become unable to work. It has also established multiple channels for seafarers to file complaints and increased the frequency of inspections of labor brokerage agencies established under the Employment Service Act. To protect the rights of foreign fishermen employed domestically to participate in labor insurance and labor occupational accident insurance, the Ministry of Labor not only strengthened public awareness and

actively handled insurance urging and auditing operations, but also followed the Action Plan for Fisheries and Human Rights to set key indicators and establish a target of 92% labor insurance coverage rate by 2024 (equivalent to the coverage rate of local employees). The coverage rate by 2024 was 97.61%.

79. To strengthen the central government agencies' efforts to prevent human trafficking and support the Ministry of the Interior's Enhanced Cooperation Mechanism for Combating Maritime Human Trafficking, the Ministry of Labor conducted 15 anti-human trafficking education and training sessions for labor inspectors from 2021 to 2024 to strengthen labor inspectors' ability to identify human trafficking cases and enhance their understanding of the 11 indicators of forced labor proposed by the International Labor Organization. This facilitates the acceptance of complaints or discoveries during actual labor inspections, so that suspected labor exploitation cases can be identified immediately, and the judicial police authorities can be notified to intervene in the investigation. These mechanisms will continue in the future.
80. To protect the work conditions of foreign fishermen employed by Taiwanese fishing vessels, the Ministry of Labor plans special inspections of work conditions on fishing vessels throughout the year to strengthen the intensity and capacity of supervision and inspection of fisheries operators. In addition, some sessions have included mechanisms for experts and scholars to participate together in the inspections, in order to improve the efficiency of violation investigation and supervise that operators comply with labor laws. From 2020 to 2024, 270 special inspections on labor conditions in the fishery industry were carried out, of which 34 were conducted with the participation of experts and scholars.

Implementation of the Action Plan for Fisheries and Human Rights

81. To comprehensively improve the rights of migrant fishers and enhance the image of Taiwan and the industry, the Executive Yuan approved the four-year Action Plan for Fisheries and Human Rights (2022-2025) on May 20, 2022. By improving the implementation of laws and plans, the rights of migrant fishers will be more comprehensively protected. Among them, the monitoring and management mechanisms for improving the working conditions of migrant fishers were as follows:
- (1) Strengthening law enforcement personnel: 60 additional fishery labor inspectors have been hired since 2022. Starting from September 26, 2022, the inspectors have been involved in the inspections of the working conditions of distant-water fishing

vessels, investigations of complaints and grievances, and promotions for the rights and interests of migrant fishers. More than 550 distant-water fishing vessels (about 50%) were inspected each year. The inspection results from September 26, 2022, to December 2024 are shown in Table 2:

Table 2. Inspection of work conditions on distant-water fishing vessels

Fishing vessels (no. of voyages)	Unit: no. of voyages; %				
	Salaries are compliant and paid in full	No overtime work	Adequate food	Sufficient and clean drinking water	No inappropriate treatment
No. of discrepancies	94	211	57	40	28
No. of qualified cases	1,479	1,362	1,516	1,533	1,545
Qualification rate (%)	94%	86%	96%	97%	98%

Source: Ministry of Agriculture

- (2) CCTV monitoring and third-party verification: To monitor the working conditions of fishers at sea, maintain records, and protect the rights and interests of fishers, the Regulations on the Installation and Management of Ship Video Recording Systems for Distant-Water Fishing Vessels were formulated and promulgated on October 4, 2023. The regulations adopted a three-phase approach to require the installation of ship video recording systems on all distant-water fishing vessels before June 30, 2025. By 2024, 682 vessels had completed the installation. Starting from 2023, an impartial third-party organization has been commissioned to conduct inspections on the working conditions of distant-water fishing vessels in foreign ports, thereby improving the supervision of distant-water fishing vessels moored in foreign ports.

Notes 47 and 48 (Social Security)

Note 47

While recognising the information from the Government that at the end of 2021, 9.21% of the total population in Taiwan were given cash benefits, the Review Committee is concerned that the system is based on household registration and might create a vacuum where a person in need is not properly registered. The Committee is also concerned that the social assistance system is not providing adequate long-term care for persons with disabilities, putting an unduly heavy burden on families, in particular on the women.

Note 48

The Review Committee recommends that all persons in need, in particular those who do not have the household registration at the place of residence, are provided with adequate social assistance. The Committee also recommends that the Government provides increased personal assistance services for the long-term care for persons with disabilities.

82. The Ministry of Health and Welfare started the process to revise the Public Assistance Act in January 2023. By 2024, it had invited relevant agencies, municipal and county/city governments, non-governmental organizations, and experts and scholars to hold a total of six meetings to discuss amendments to the Public Assistance Act. It also had staff attend four public hearings held by the Legislative Yuan and five focus groups. These efforts aimed to build consensus. The proposed amendments, *inter alia*, relaxed the requirement that applications must be made only when the person resides in their registered domicile; reviewed and adjusted the lowest living index and the scope of the members living in the household to be calculated; relaxed the stipulations on recognition of work capacity and employment income for those in disadvantaged employment situations; and enhanced welfare buffer period mechanisms, creating new in-kind benefits and strengthening counseling for the homeless. Before drafting the relevant amendments, the opinions of experts, scholars, non-governmental organizations, and local governments were collected. In addition, the Ministry of Health and Welfare is also actively urging county and city governments to develop and expand social welfare service resources, and to provide social welfare-related services to vulnerable groups at their place of residence based on the principle of administrative assistance. In 2024, an inventory of current social welfare service measures was compiled to provide a list of services for vulnerable groups at their place of residence for reference.

Notes 49 and 50 (Family Protection and Assistance)

Note 49

The Review Committee is concerned about the information that women spend three times more time on carrying out family responsibilities than men. In addition, the Committee is concerned that although both parents can take parental leave, only a small percentage of fathers do so.

Note 50

The Review Committee recommends that the Government take measures to create a workplace structure and environment for both men and women to

balance their work-family life, with a view to eliminating gender stereotypes. The Committee further recommends that the Government consider the option of additional parental leave reserved exclusively for fathers. The Committee recommends that the Government take all necessary measures to eliminate gender stereotypes and to encourage equal sharing of responsibilities between men and women in the family and in society.

83. The Executive Yuan pushes forth important gender equality issues such as enhancing women's economic power and eliminating gender stereotypes, prejudice, and discrimination. It has developed a number of strategies to guide relevant government agencies to promote flexible work hours and locations, create a friendly workplace for gender equality, eliminate gender discrimination in the workplace, promote gender equality in division of household labor, and use media channels for advocacy.
84. The Executive Yuan supervises the implementation by government agencies through the three-tiered meeting mechanism of the Gender Equality Committee. It also carries out gender equality counseling assessment (reward) operations, continuously supervises and monitors the implementation status of government agencies and local governments, and conducts regular public opinion surveys to monitor changes in people's ideas of division of household chores.
85. In July 2021, the government increased the rate of allowances for unpaid parental leave and relaxed the flexibility of the application period. There were approximately 96,000 initial payments of parental leave allowance in 2023, of which 24,787 were for men, accounting for 25.6%. Compared with 2021 (17,503 male applications, accounting for 19.7%), the number of male applications increased significantly by 41.6%.
86. In terms of applications for unpaid parental leave, in addition to relaxing the requirement for both parents to apply for parental leave at the same time, the flexibility of applying for parental leave has also been relaxed. The period can be less than six months (not less than 30 days), making it easier for both parents to apply for unpaid parental leave and increasing men's willingness to apply for unpaid parental leave.
87. Since the application threshold was lowered, the number of workers applying for unpaid parental leave from July 2021 to December 2024 increased by 9% for women and 64% for men compared to the same 42-month period prior to the amendment. The number of applications for short-term unpaid parental leave (less than six months) increased by 35% for females and 156% for males. To meet the demands of employed workers for greater flexibility, the Ministry of Labor has adopted the approach of first establishing the

Flexible Unpaid Parental Leave Trial Principles to conduct a trial of flexible unpaid parental leave with a low threshold of five or seven days, as a reference for future policies.

88. The Ministry continues to hold seminars on workplace equality laws every year, and promotes them through multiple channels such as websites and leaflets. The Ministry strengthens the implementation of relevant regulations governing such issues as pregnancy checkups, pregnancy checkup accompaniment and paternity leave, and parental leave, so that workers understand their rights and interests. It also urges employers to strictly comply with legal regulations to create a friendly workplace.
89. The central and local governments are encouraged to carry out measures such as promotion of housework division and planning and surveys on women's living conditions to promote the sharing of housework. The Ministry of Health and Welfare conducts a regular survey on women's living conditions every five years. The "2024 Survey on the Living Conditions of Women Aged 15-64" was conducted from August to November 2024, and the survey results are expected to be released in August 2025 for reference by all sectors or for reference in relevant policy formulation. Regarding actions for promoting the division of household chores, the Department of Gender Equality of the Executive Yuan encourages government agencies and local governments to implement gender awareness training at all levels and guide the public to recognize that family members should share household chores. The Executive Yuan regularly conducts gender equality counseling and assessment work to understand the status of central government agencies and local governments. In addition, the Department of Social Affairs and Family Affairs of the Ministry of Health and Welfare organizes awareness campaigns in conjunction with NGOs every year to promote gender equality within the family, break down the traditional gender role division of housework and care responsibilities, and reduce the attribution of care responsibilities to women.

Notes 51 and 52 (Right to Housing and Land)

Note 51

Secure, healthy, affordable and accessible housing is central to the right to an adequate standard of living. In 2017, the Review Committee expressed grave concern about adequacy of supply, evictions and land dispossession. It recommended a series of actions to better provide for the right to adequate

housing in line with international human rights commitments, including a focus on ensuring security of tenure and protection against displacement and evictions. The Committee reiterates the significance of those recommendations.

Note 52

The Review Committee is appreciative of the detailed report from the Government on its actions to increase social housing supply by 200,000 units over eight years; and other policies to support disadvantaged families in accessing housing. While welcoming the social housing programme, the Committee remains concerned that there is no comprehensive database that establishes the number of people who are informal settlers or homeless, making it difficult to assess the impact of the 200,000 units in reducing homelessness and deficient housing. The Committee recommends the establishment of an effective database providing reliable population figures on informal settlements on central and local government and private land.

90. In March 2019, the Ministry of the Interior conducted a study on the differences between Taiwan's laws and the United Nations' Basic Principles and Guidelines on Development-based Evictions and Displacement. Based on the results of the study, the Ministry of the Interior has continuously reviewed and revised relevant policies and regulations including the implementation of due process of law, strengthened disclosure and transparency of information related to land expropriation, and expanded public participation and resettlement plans. To further explore the degree of public participation in the land acquisition process, National Taipei University was commissioned to select benchmark cases in December 2023, analyze them from the perspective of transparent governance strategies, and communicate with the parties and groups affected by the policy. The report examined the current level of information and data disclosure by the central and local governments in the policy formation process, and proposed recommendations for related systems in current practical operations. The report recommended: (1) Improve the public participation process and establish the role of agents or assistants to help the public better understand relevant information and enhance their ability to effectively interpret information. (2) It is advisable to have appraisers act as an impartial and objective third party and serve as consultants at the agreed purchase price meeting to assist landowners and the government in price negotiations. (3) It is advisable to increase the diversity of resettlement options, such as resettlement housing and construction of project-based housing or social housing, and explain them at public hearings to provide opportunities

for public participation. The Ministry of the Interior has considered the above results and issues of concern to society, and invited experts and scholars to hold two meetings for discussion. It will promote the revision of the Land Expropriation Act to implement the protection of the housing rights of the people whose land is expropriated.

91. In order to promote the overall housing policy, the Ministry of the Interior has achieved the direct construction of 40,000 housing units in the first phase (2017 to 2020) of the social housing construction plan. It expects that 80,000 housing units will be directly built in the second phase (2021 to 2024) and that at least 40% of the units will be rented out to the economically or socially disadvantaged. By 2024, the number of housing units directly built had reached 119,552 (including 6,208 existing units, 26,776 newly completed units, 53,306 units under construction, and 33,262 units with winning bids and waiting to start construction), and 10,719 households for the economically and socially disadvantaged had been provided, accounting for about 47.2% of the number of tenants. In the future, the goal of supplying 250,000 housing units will be achieved through diverse social housing land supply measures. In addition, social housing charges are taken into consideration with the spirit of affordability. Detailed tiered rates are set for priority households, and the income ceilings of low-income households and lower-middle-income households are taken into consideration to establish the principles of tiered social housing rent and their adjustment mechanisms.

92. In 2024, applications for housing subsidies continued to be accepted. Rent subsidies were provided to 500,000 households following 981,983 applications; subsidies for home mortgage interest payments were provided to 4,000 households following 20,969 applications; and subsidies for renovation loan interest payments were provided to 2,000 households following 2,022 applications. The Ministry continues to promote the social housing leasing and management program, using existing private housing as social housing and combining it with professional rental management services from leasing and management companies to help those with incomes below a certain level or the socially or economically disadvantaged to rent housing. Of the 142,591 households matched by 2024, more than 40% are economically or socially disadvantaged persons as defined in Article 4, Paragraph 2 of the Housing Act.

Handling of occupied national real estate

93. To protect people's right to adequate housing, the Ministry of Finance has revised the Directions for Disposal of Occupied National Public Use Real Estate Managed by

Administration Authorities and the Disposal Directions for Occupied National Non-public Use Real Estate. It has also communicated in relevant meetings and training sessions that when handling occupied national real estate, the causes of occupation should be understood, classified, and handled, and assistance in resettlement should be strengthened for users who occupy the property for residential purposes, with attention paid to avoiding causing the displacement of people.

94. Regarding national public use real estate, the Ministry of Finance investigates cases where administration authorities have assisted in the resettlement of residential users that occupied national public use real estate. It selected those with positive actions and proposed them to government agencies for reference in 2023. The Ministry of Finance asks agencies to consider social welfare measures based on the needs of occupants, and offer comprehensive assistance to the occupants through resource sharing and cooperation among agencies.

Related Data on Occupation of National Real Estate

95. Since 2018, the occupation data of national public use real estate has been investigated every year, including the occupied area, and the area occupied for residential use as shown in Table 3.

Table 3 National public use real estate occupied for residential use and administration authorities' assistance to the occupier²

Unit: hectares; cases; persons

Year	Total occupied area		Total area occupied for residential use		Civil lawsuits filed due to occupation for residential use				Assisted in applying for resettlement with the competent authority or private institution in accordance with the law (regardless of whether the resettlement was completed)		Assisted in applying for financial assistance, allowances, or subsidies from the competent authority of the relevant industry in accordance with the law (regardless of whether it was approved)	
	Land	Building	Land	Building	Cases	No. of people	Land	Building	Cases	No. of people	Cases	No. of people
2020	3,688	3.06	274	2.88	128	404	3.90	0.42	155	552	63	119
2021	3,312	2.83	239	2.58	127	372	4.76	0.34	104	215	39	90
2022	3,043	2.48	87	2.18	109	348	3.35	0.25	87	158	38	75

² The data in this table “Civil lawsuits filed due to occupation for residential use” are requests from agencies to eliminate infringements.

2023	3,000	2.48	76	1.90	71	253	3.24	0.12	70	129	49	109
2024	3,804	2.46	80	1.82	73	212	3.60	0.14	61	123	54	114

Source: Ministry of Finance

96. Since 2021, the occupation data of national non-public use real estate has been investigated every year, including the occupied area, and the area occupied for residential use as shown in Table 4.

Table 4 National non-public use real estate occupied for residential use and administration authorities' assistance to the occupier³

Year	Unit: hectares; cases; persons											
	Total occupied area		Total area occupied for residential use		Civil lawsuits filed due to occupation for residential use		Assisted in applying for resettlement with the competent authority or private institution in accordance with the law (regardless of whether the resettlement was completed)		Assisted in applying for financial assistance, allowances, or subsidies from the competent authority of the relevant industry in accordance with the law (regardless of whether it was approved)			
	Land	Building	Land	Building	Cases	No. of people	Land	Building	Cases	No. of people	Cases	No. of people
2021	18,806	7.63	670	4.55	97	166	6.54	0.14	13	10	4	2
2023	15,937	8.02	615	5.37	104	158	7.80	0.12	15	6	7	5
2024	16,105	8.14	608	5.11	110	157	8.07	0.25	18	9	8	6

Source: Ministry of Finance

97. As of September 2024, 532,044 homeless people have been provided with care services such as meals, supplies, showers, personal hygiene supplies, referral to welfare services and shelter, and resettlement services. In March 2024, the Taiwan Association of Social Workers was commissioned to conduct a “Survey on the Living Conditions of Homeless People” in Taiwan. The survey is expected to be completed and the research results will be released in April 2025 for reference in subsequent plans for Taiwan’s homeless policies.

³ 1. The data in this table are compiled from 2021; there is no survey data from 2022.

2. The data in this table “Civil lawsuits filed due to occupation for residential use” are requests from agencies to eliminate infringements and unjust enrichment.

Notes 54 to 56 (Mental Health)**Note 54**

The Review Committee is concerned that in Taiwan mental health issues have been treated primarily with a psycho-medical approach, focusing on suicide prevention and interventions in persons with mental conditions.

Note 55

The Review Committee recommends that a more comprehensive approach be taken, such as health promotion through education on mental health, based on the World Health Organization (WHO) guidelines and reports of the UN Special Rapporteur on the right to health.

Note 56

The Review Committee also recommends the development of indicators and benchmarks to measure the realisation of the right to mental health. It recommends that additional statistical data besides diagnoses and hospitalisation of mental illnesses be developed, disaggregated by sex, age, ethnicity and other relevant criteria, on an annual basis, so that improvements or failings can be assessed and evaluated more clearly.

98. Regarding Taiwan's mental health policy, the Ministry of Health and Welfare has collaborated with 13 government institutions to formulate the Whole-of-society Mental Health Resilience Plan (2025-2030), which will strengthen front-end prevention and continuously deploy mental health service resources to improve service accessibility. To promote mental health knowledge and improve people's mental health literacy, the Wellbeing mental health learning platform has been established to provide health education materials on different mental health topics. In 2024, the platform reached 441,547 page views with effective retention. In terms of mental health resources, 55 community mental health centers have been built nationwide by 2024. From August 2023 to July 2024, the Mental Health Support Program for Young People Aged 15-30 was implemented to encourage young people to seek help, understand psychological counseling, and strengthen medical referrals for high-risk cases, serving a total of 31,446 people. Since August 2024, the service scope has been expanded to the Mental Health Support Program for Young Adults Aged 15-45. As of December of the same year, 34,403 people had received services. In addition, a suicide prevention center has been commissioned to be set up and a survey on public mental health (such as the 9-item Concise Mental Health Checklist (CMHC-9), the 5-item Brief Symptom Rating Scale

(BSRS-5), and the Suicide Crisis Scale) has been conducted. The long-term goal is to establish regular mental health surveys.

Note 57 (Health of Indigenous Peoples)

Note 57

The Review Committee encourages the Government to expedite the adoption of the Draft Health of Indigenous Peoples Act, and to ensure equal access to healthcare and medical resources for Indigenous Peoples. The Committee refers the Government to the CESCR General Comment No. 21 and UNDRIP.

99. Continue to protect indigenous peoples' health and deliver medical care

- (1) The Indigenous Peoples Health Act was promulgated and implemented on June 21, 2023. The Ministry of Health and Welfare formulated the Regulations Governing Training, Recruitment and Retention of Indigenous Healthcare Workers in accordance with the law, and promulgated and implemented them on October 4, 2024 to improve the healthcare capacity in indigenous areas.
- (2) In 2024, 24 public medical personnel of indigenous origin were recruited and trained, and the retention rate after completing the service period exceeded 70%. In 2024, the subsidy for medical transportation costs for indigenous people in indigenous areas served 21,748 people. The government rewards medical personnel for opening clinics in indigenous areas, with 16 clinics subsidized from 2020 to 2024. By 2024, 38 telemedicine clinics were set up in health centers in indigenous areas, serving 16,257 people. By November 2024, the proportion of long-term care institutions in indigenous administrative areas reached 89.1%.
- (3) The government plans to implement the Project of Holistic Physicians for Young Children to achieve 100% coverage in the 12 counties and cities with indigenous ethnic groups across Taiwan by 2024.
- (4) The government will continue to implement the National Health Insurance Integrated Delivery System Program in Mountain and Offshore Island Areas (hereinafter referred to as the "IDS Program") to encourage medical institutions to provide specialized medical services, designated outpatient clinics, mobile medical services, and other medical services in mountain and offshore areas, as well as improve the accessibility of medical care for local insured persons. By 2024, all 50 mountain and offshore island areas across Taiwan will be included in the IDS Program's implementation areas

(100% coverage), providing approximately 1,800 specialist consultations per month.

100. Regarding the Indigenous Peoples Health Act:

- (1) Pursuant to Article 11, Paragraph 1 of the Indigenous Peoples Health Act, the Ministry of Education shall encourage colleges and universities to integrate teaching or learning activities related to cultural safety of indigenous peoples' health affairs into their curriculum content of health care-related departments. Paragraph 3 of the same article provides that the guidelines governing the cultural safety courses referred to in Paragraph 1 shall be formulated by the Council of Indigenous Peoples and the Ministry of Education.
- (2) The Council of Indigenous Peoples held two meetings on December 4, 2023 and February 5, 2024 to discuss the draft measures, and invited representatives from the Ministry of Education, the Ministry of Health and Welfare, and the Indigenous Students Resource Center of Fu Jen Catholic University as well as experts and scholars to participate in the discussion. A preliminary consensus was reached on the content of the draft, and on July 8, 2024, the Council of Indigenous Peoples jointly formulated and announced the Enforcement Regulations Governing Indigenous Safety and Cultural Courses on Health Affairs for Health Care Related Departments of Colleges and Universities.

101. 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.

Notes 58 to 60 (COVID-19 Pandemic)

Note 58

The Review Committee appreciates the considerable efforts that Taiwan has taken to combat the COVID-19 pandemic and the Omicron variant. It notes that the necessary health safety aspect for all must be balanced against human rights and freedoms of individuals and groups, as guaranteed in both Covenants.

In this process, states should consider a more careful application of the principle of proportionality and the standard of reasonableness.

Note 59

The Committee recommends that the Government undertake a review of the extent to which decisions taken during this COVID-19 pandemic appropriately applied the principle of proportionality and the standard of reasonableness when making decisions that impacted human rights and freedoms of individuals and groups.

Note 60

The Committee suggests that the Government identify any groups adversely and disproportionately affected by those decisions and put in place measures to ensure that the disadvantages are properly compensated and do not persist.

102. In response to the COVID-19 pandemic, Taiwan's Central Epidemic Command Center enacted the Special Act for Prevention, Relief and Revitalization Measures for Severe Pneumonia with Novel Pathogens to balance the essential needs of health and safety with the human rights and freedom protected by the ICCPR and ICESCR and to apply the principle of proportionality and reasonableness standards when making decisions that affect the human rights and freedom of individuals and groups. However, the Special Act was a sunset provision that expired on June 30, 2023. Regarding the right to health, the Ministry of Health and Welfare has formulated policies and response strategies governing infection control within medical institutions, with revisions made according to the pandemic development. Directives tailored to operational contexts and the practical needs of individual medical institutions have been issued to strengthen the implementation of infection control measures, such as patient diversion, continuous provision of routine medical care, utilization of personal protective equipment, hand hygiene maintenance, and environmental disinfection. These measures constituted fundamental safeguards against the spread of infectious diseases, ensuring patient safety. Accordingly, no infection control measure pertaining to medical care discriminates or treats patients differently based on their identity or nationality. In response to the expiration of the Special Act, the Ministry of Health and Welfare has conducted comprehensive reviews and made appropriate amendments to the Communicable Disease Control Act, with reference to the provisions in the Special Act that improve epidemic prevention measures. The Ministry also integrated the response strategies, operational practices, and opinions from various agencies involved in the prevention and

control of COVID-19 to draft an amendment to the Communicable Disease Control Act. The draft amendment was opened for public comments from March 25, 2024, and was submitted to the Executive Yuan for review on September 2, 2024.

Note 61 (Education for Young Mothers, Sex Education, and Relationship Education)

Note 61

The Review Committee is concerned about the phenomenon of teenage pregnancies, including a trend of decreasing age of the mothers. It recommends that the Government take all appropriate measures to ensure that teenage mothers continue their education. The Committee further recommends that sex and relationship education, which is evidence-based, scientifically correct and age-appropriate, is provided for all adolescents and the general public.

103. The Ministry of Education has established key points for protecting the right to education and providing counseling and assistance to pregnant students. Eligible recipients include students who are pregnant, have been pregnant, or have children; and students whose spouse or partner is pregnant or has been pregnant and thus needs protection of their right to education, counseling, and assistance. To protect the right to education of the above-mentioned students, schools are required to provide flexible leaves, flexible handling of grade assessments, retention of admission qualifications, extension of the period of study, and application for leave of absence without counting the years of leave of absence. If the pregnant student is a minor or an adult who needs assistance from different administrations from the school, the school should form a working group. The tasks of the working group include integrating the resources of education, social affairs, household registration, labor, healthcare, and police departments according to the needs of eligible students, and providing eligible students with counseling, referral, placement, healthcare, employment, family support, economic security, legal assistance, and diverse adaptive education. Before providing assistance to students, schools will ask students to fill out the Student Pregnancy Status and Needs Survey to learn about their needs in terms of schoolwork, facilities and equipment, counseling, and medical care, and use school resources to provide appropriate assistance. If students need assistance from resources outside the school, they should fill out the Case Service Referral Form for Pregnant Girls Under 20 and Their Parents of the Social and Family Affairs Administration, Ministry of Health and Welfare to refer and utilize relevant social

welfare resources such as crisis management, financial assistance, adoption, placement, and career planning.

104. In response to the dropping age of teenage pregnancy, the K-12 Education Administration of the Ministry of Education has achieved prevention and counseling results in terms protecting the right of pregnant students to receive education and raising issues related to gender education in schools. To implement the key points in the Ministry of Education's Guidelines for Protection of the Right to Education and Support for Pregnant Students, the Ministry of Education continues to strengthen public awareness in local governments' school gender affairs liaison meetings held quarterly. It also supervises the competent schools at all levels to ensure that they follow the relevant regulations. In view of the needs of pregnant students and their families, schools should hold assessment meetings for individualized education needs; integrate the resources of school departments, social affairs, and health services; and protect their rights to education. The Ministry also provides online consultation channels on social affairs and health affairs for schools at all levels under the jurisdiction of the Ministry of Education, so that teachers and students with relevant needs can obtain correct information and necessary assistance. In addition, the K-12 Education Administration of the Ministry of Education organizes an annual Empowerment Training on Protecting the Right of Pregnant Students to Education, Counseling, and Assistance and arranges courses such as "Contents and Implementation of Comprehensive Sexuality Education" and "Teaching and Counseling of Emotional Education" to enhance the relevant education and counseling knowledge of managing teachers of the Ministry of Education and organizers in local government. The Gender Equality Education Resource Center for Senior High Schools of the Ministry of Education's K-12 Education Administration continues to develop teaching demonstration projects for issues related to student pregnancy and publishes them on the Gender Equality Education Resource Center website (<https://friendlycampus.k12ea.gov.tw/Gender>) for use in teachers' education work.

105. Pursuant to Article 19 of the School Health Act and Article 14 of the Enforcement Rules of the School Health Act, activities such as health promotion and the establishment of healthy lifestyles include sex education. To enhance the effectiveness of sex education instruction and cultivate students' appropriate sexual attitudes and values, a series of teacher empowerment workshops, titled Comprehensive Sexuality Education

Curriculum Design and Teaching Strategy Empowerment Workshops, were held in 2023. These workshops aimed to provide educators with up-to-date sexual knowledge and appropriate perspectives, enabling them to deliver accurate and effective sex education to students. In 2024, a series of campus-based sex education programs—including ones for AIDS prevention and control—were implemented as part of comprehensive sexuality education (CSE). These programs aimed to promote the principles of CSE, strengthen teachers' relevant teaching skills, improve students' sex education and AIDS prevention knowledge, and enhance comprehensive sex education resources. In 2025, Taiwan will continue to organize CSE workshops and training activities to enhance teachers' professional knowledge and instructional competence with respect to sex education.

106. The Curriculum Guidelines of 12-Year Basic Education have been progressively implemented across different educational stages since the 2019 academic year. In accordance with the General Guidelines thereof, curricula are required to incorporate gender equality issues. Accordingly, topics related to biological sex have been adapted and integrated into the Health and Physical Education domain. This domain also covers such topics as personal hygiene and sex education.
107. Current elementary and junior high school textbooks are compiled based on the curriculum outlines mentioned above by legally registered book publishing companies. An application is then submitted to the National Academy for Educational Research for approval. The Academy is responsible for the approval procedures. Therefore, health education textbooks for elementary and junior high schools have included content related to sex education, and students of all genders must acquire relevant knowledge. Teachers should also bring their professional teaching skills into full play, understand each child's learning situation and assess their individual needs, and provide curriculum content suitable for students.
108. The Ministry of Education has listed sexuality education (including AIDS prevention and control) as a designated health promotion project for colleges and universities. To date, the number of colleges and universities that have provided sexuality education (including AIDS prevention and control) has reached 100%. They have enhanced college students' essential knowledge and skills in terms of sexuality education. In addition, the Health Promotion in Schools—School Health Guidelines (sixth edition) released on March 27, 2024, contain the topics and practical sections on sexuality education and health education for pregnant students. It serves as reference for schools at all levels in

- promoting sexuality education and health education for pregnant students.
109. The Ministry of Education also continues to supervise that colleges and universities organize sexuality education-related empowerment training, courses, lectures and promotional activities for faculty, staff, and students; cultivates sexual health counselors, volunteers, or related associations to provide sexual health consultation, referral, and other health services; and continues to promote sexuality education through various channels such as setting up special columns and promotional posters. In addition, the Ministry of Education organizes sexual health promotion training for college and university staff across Taiwan every year. From 2020 to 2024, six sessions were held for 1,207 participants.
110. The Ministry of Health and Welfare continues to update the relevant health education materials in the Youth Health Center of the Health Promotion Administration's Health 99+ website for public reference and use. In 2024, it planned two training courses on youth sexual health promotion and the application of related teaching materials for a total of 113 participants. It also published four press releases on the theme of promoting youth sexual health and held one press conference to enhance public knowledge and awareness of sexual health.

Notes 62 and 63 (Inclusive Education)

Note 62

While acknowledging the Government's policies and initiatives to ensure children and young people with disabilities enjoy their equal right to education; and noting the Government's statement that there is still more to be done to achieve substantive equality for them, the Review Committee is concerned that resource constraints are the main barrier to more inclusive education.

Note 63

The Committee recommends that while maintaining a range of options to meet the educational needs of children and young people with disabilities, the priority should be on greater resourcing to progressively enable more children and young people with disabilities to have access to inclusive education.

111. To promote inclusive education for students with and without disabilities, the Ministry of Education has adopted a medium-term special education plan with diverse participation and effective inclusion as the main objective. It invited people with disabilities and related groups to participate in the development and promotion of various measures,

increase relevant resources and funds, and regularly review the implementation results.

112. On September 7, 2023, the Executive Yuan approved the Ministry of Education's Plan to Improve the Service Quality of K-12 Special Education Student Assistants. In order to improve the working conditions of special education student assistants, one of the implementation strategies of the aforementioned plan consists of increasing the hourly salary of experienced workers. The current hourly wage system for special education assistants is calculated based on the hourly basic wage set by the Ministry of Labor, which does not attract professional and experienced staff to provide services. To avoid high turnover rates and retain experienced employees, the hourly wage was adjusted based on service experience, so that experienced special education student assistants with good service quality will be more willing to stay.
113. The K-12 Education Administration under the Ministry of Education continues to review and evaluate the teacher allocation of special education resource classes and itinerant support classes for people with disabilities in all counties and cities. On May 3, 2024, the Regulations Governing the Setting Up of Special Education Classes and Specific Units in Charge of Special Education in Preschools and Elementary and Secondary Schools and the Employment of Personnel were issued, stipulating that the student-teacher ratio of resource rooms for students with disabilities at the national education stage shall be 10:1 for elementary schools and 8:1 for junior high schools by August 1, 2028. It also stipulated that after August 1, 2029, the student-teacher ratio of elementary school resource rooms should be continuously reviewed and improved based on the number of special education teachers trained, the number of special education students, teachers' workload, and the results achieved by each school.
114. The Ministry of Education is in charge of the budget (including the administrations) for education of people with disabilities. Every year, the budget for special education is reasonably expanded and increased based on the number of students with disabilities and their needs. The 2024 budget for education for people with disabilities was NT\$14.782 billion, an increase of NT\$2.081 billion from 2023.

Notes 64 and 65 (Human Rights Education in Schools)

Note 64

Despite the fact that detailed attention has been given to human rights education in schools, problems remain. Presently there is no well-planned

curriculum that would differentiate the development of human rights education, beginning from the lower levels to high school to collegiate level.

Note 65

The Committee strongly recommends a more systematic approach be devoted to curriculum planning for human rights education. For example, the Universal Declaration of Human Rights and both Covenants should be the starting point of all human rights education curricula.

115. The Curriculum Guidelines of 12-Year Basic Education were developed in separate phases including opinion collection, public discussion, and professional review. After being reviewed and finalized by the Ministry of Education's K-12 Curriculum Review Committee, the Guidelines were released in November 2014. The course categories include Ministry of Education-mandated curricula and school-developed curricula, clearly stating 19 issues that span human rights education. In addition, the syllabus for each field/subject of the K-12 national education curriculum includes Appendix 2: Appropriate Integration of Issues into Curriculum Guidelines for Domains, which includes the learning themes and substantive content of human rights education, as well as examples of learning points appropriately integrated into the Guidelines. Appendix 2 also covers the Universal Declaration of Human Rights and the two covenants. The systematic design of Appendix 2 can be used in combination with different disciplines as needed. Moreover, human rights education is an important learning focus of the Curriculum Guidelines of 12-Year Basic Education for Social Science Courses. The essential content of human rights education has been largely stated in the learning focuses of the social domain. Human rights education can be developed and conducted under the three dimensions of learning performance: understanding and thinking, attitude and values, and practice and participation. Example: The elementary school curriculum includes a project on the theme "power, rules, and human rights"; the civics course includes a chapter on the theme "human dignity and universal human rights"; and the history course also has ample discussions on the development of human rights in Taiwan and the world.

116. The National Academy for Educational Research has completed the inventory of the contents related to human rights education in the Curriculum Guidelines of 12-Year Basic Education, and has compiled the chapter titles of textbooks compiled by textbook publishers based on the same Guidelines and the key points related to human rights education. The Academy will continue to organize and review these as a reference for

future curriculum development.

117. To implement and promote human rights education, the Ministry of Education has formulated a human rights and civic education promotion program, implementing strategies such as “creating an atmosphere of respect for human rights and a friendly campus environment for citizen participation”, “developing and implementing human rights and civic education curriculum and teaching materials”, “strengthening teachers’ professional ethics and human rights and civic legal literacy”, and “popularizing the concepts and practical actions of human rights and civic education”. It encourages colleges and universities to offer courses on human rights and communicates the initiatives through a variety of channels.
118. The Ministry of Education also continues to hold the National College and University Presidents Conference and the Joint Conference of University and College Academic Affairs and School Management Directors every year to communicate human rights ideas to all schools. It clearly lists the keywords of “Universal Declaration of Human Rights”, “International Covenant on Civil and Political Rights”, and “International Covenant on Economic, Social and Cultural Rights”, and encourages colleges and universities to actively offer human rights courses, establish teacher research communities, develop teaching materials or teaching methods, and strengthen the promotion of human rights.

Notes 67 to 73 (Death Penalty)

Note 67

Since the review process began in 2013, the number of death sentences and executions has declined. This development mirrors similar changes in several other countries that retain use of the death penalty and is consistent with a global trend.

Note 68

Nevertheless, it is profoundly unsatisfactory that the Government has yet to impose an official moratorium on the death penalty. The Review Committee is extremely disappointed at the failure of the Government to take this step, despite the Committee’s recommendations in 2013 and 2017. Taiwan has the potential to become the Asian standard bearer in the recognition and enforcement of international human rights, but it will never achieve this as long as capital punishment remains an element of its criminal justice system.

Note 69

In December 2020, reiterating declarations that it had made for more than a decade, the United Nations General Assembly called upon all states to establish a moratorium on executions with a view to abolishing the death penalty. The explanations that were provided to the Committee for the failure to establish a moratorium are inadequate and unconvincing. The Government suggested that changes in public opinion were required yet it provided no evidence of any efforts to promote such changes

Note 70

While public opinion should not be ignored, it cannot serve as an obstacle to changes in law and practice that are dictated by the protection of human dignity and the rights set out in articles 6 and 7 of the ICCPR. In this respect, the Committee recalls General Comment No. 36 of the Human Rights Committee, adopted in 2018, that points to the growing recognition that capital punishment constitutes a form of cruel, inhuman or degrading punishment.

Note 71

The Government also claimed that studies of alternatives to the death penalty were necessary before it could proceed with abolition. The Committee considers this to be a feeble rationale for the Government's inaction. The alternatives are well known and have already been thoroughly studied by specialists.

Note 72

The Committee strongly recommends that the Executive Yuan immediately declare a moratorium on executions. The Minister of Justice should no longer sign execution orders. All death sentences should be commuted immediately. Prosecutors should no longer seek the death penalty in ongoing and future prosecutions. The President should refuse to authorise executions and, where appropriate in cases where convictions in capital cases are unsafe, for example because there is evidence that confessions and other evidence has been obtained through torture, exercise the prerogative of pardon. In particular, pardon should be granted to Chiou Ho-shun who has served 33 years on death row.

Note 73

The Committee also calls upon Taiwan to complete its commitment to the International Bill of Rights by incorporating the Second Optional Protocol to the ICCPR, aiming at the abolition of the death penalty within its national legal order in the same manner as the two Covenants.

119. Taiwan's current death penalty policy is "reduced use of the death penalty" and "prudent execution of the death penalty". The government will continue to take measures such as "abolishing all absolute death penalty measures", "reducing relative death penalty

measures”, “rigorous investigation and trial procedures for the death penalty”, and “exhausting all relief procedures” to prudently use the death penalty in order to balance social justice and human rights protection.

120. Taiwan’s laws still include provisions for the death penalty. Furthermore, Taiwan is a country ruled by law. Administration according to law is the basic principle of a country with the rule of law, and it is also the consistent position and basic policy principle of the Ministry of Justice. Therefore, at this stage, after exhausting all relief procedures and conducting a detailed review of whether there are any statutory grounds for suspension of execution, the death penalty is executed prudently in order to balance social justice and human rights protection.
121. “Whether to execute the death penalty” and “policy on whether to abolish the death penalty” are issues on different levels. Article 6, Paragraph 2 of the ICCPR provides: “In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide.”
122. As the execution of a death penalty invariably results in the loss of a life that cannot be recovered, Taiwan 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 relief measures are exhausted. Since the death penalty carried out on April 1, 2020, Taiwan had not carried out any death penalty for more than 4 years by 2024. As of 2024, there had been no final death penalty case in nearly 5 years. These objective data show that Taiwan has gradually implemented the part of the ICCPR that protects the right to life in judicial practice.
123. On September 20, 2024, the Constitutional Court of the Judiciary Yuan issued the 2024 Constitutional Judgment No. 8, declaring that the death penalty is constitutional only in the most severe cases of intentional homicide and the procedure complies with the most stringent due process of law. This constitutional interpretation has binding effect on all agencies and people in Taiwan. The Ministry of Justice shall conduct administration according to law and abide by the intent of the constitutional judgments. Finalized death penalty cases that comply with the intent of the Constitution will be handled in accordance with the law only after excluding obstacles to execution such as those who lack the capacity to stand punishment, pregnant women before recovery or childbirth,

and judicial relief procedures, so as to balance human rights protection and social justice. The Supreme Prosecutors Office is currently conducting a rigorous review of the 37 finalized death penalty cases in accordance with Constitutional Judgment No. 8 of 2024 to see if there are any substantive or procedural grounds for extraordinary appeal.

124. Taiwan's decision on the death penalty policy should take into account complex factors such as national politics, society, history, culture, and public opinion. According to numerous public opinion surveys in past years, 80% of the public believe that the death penalty system should be maintained. This public opinion is an important reference for the government's policy. The issues of protecting the right to life and whether to abolish the death penalty bear great importance and require serious consideration in Taiwan's legal system. The government must work hard to communicate with all sectors of society. In terms of legal system, the result of the constitutional interpretation has declared the death penalty conditionally constitutional. In terms of policy, the abolition of the death penalty must still be based on consensus in the society. If there is no consensus among all sectors of society on the abolition of the death penalty, a cautious assessment should be made.
125. In response to different approaches to future death penalty policies, the Ministry of Justice carried out a feasibility study on alternatives to the death penalty in 2023, commissioning experts and scholars to study foreign countries that have abolished the death penalty or do not execute the death penalty, and carefully formulate appropriate and feasible alternatives to the death penalty. In 2024, it conducted a public opinion survey on the abolition of the death penalty in Taiwan to explore the attitudes of domestic public opinion on the abolition of the death penalty and alternatives, which serves as a reference for future policy formulation.

Notes 74 to 76 (Prohibition of Torture, Cruel, Inhuman or Degrading Treatment or Punishment)

Note 74

In 2013 and 2017, the Review Committee recommended that the Government insert the crime of torture (as defined in article 1 of the UN Convention Against Torture) as a separate crime with adequate penalties in its Criminal Code. The Committee notes with regret that although ten years have passed this recommendation has not been implemented. The Government repeatedly and wrongly asserted that the different provisions in the Criminal

Code (articles 125 and 134) would cumulatively constitute a special crime of torture. Torture, as defined in international law, i.e. the deliberate infliction of severe pain or suffering, whether physical or mental, on a powerless individual for a specific purpose, is one of the most severe international crimes. This abhorrent practice can only be eradicated if torture is established as a separate crime with severe penalties, irrespective of whether this practice leads to physical injury or even death of the victim. Since fighting impunity is one of the most effective means to eradicate torture and other forms of ill-treatment, the Committee, in the strongest terms, reiterates its earlier recommendations to incorporate, without further delay, a separate and specific crime of torture with adequate penalties into the Criminal Code.

Note 75

The Review Committee has also repeatedly recommended that all allegations or suspicions of torture shall be thoroughly and promptly investigated by an independent and impartial body with full criminal investigation powers with a view to bringing the perpetrators to justice with adequate punishment. Because there does not exist a special crime of torture in the Criminal Code of Taiwan, it cannot be properly investigated. For this reason, the Government is also not in a position to provide accurate statistics about allegations, investigations, prosecutions and judicial convictions relating to torture. The information provided by the Government clearly shows that there are many allegations of torture against law enforcement officials in Taiwan, which unfortunately are not properly recorded and only lead to disciplinary action rather than criminal prosecution. The few criminal convictions cited by the Government relate to cases of homicide rather than torture. In other words, the crime of torture in Taiwan goes unpunished. The Committee regrets that no progress has been achieved in implementing its earlier recommendations aimed at fighting impunity for torture.

Note 76

The Committee, in the strongest terms, reiterates its earlier recommendations that the Government ensure that all allegations of torture are promptly investigated by a special body, which is independent from all law enforcement bodies (above all the police and the prosecutors), but which is vested with full criminal investigation powers.

126. The necessity and feasibility of adding the crime of torture to criminal law

- (1) The laws in Taiwan that explicitly prohibit torture are Articles 125, 126, and 134 of the Criminal Code, Articles 44 and 45 of the Criminal Code of the Armed Forces, Article 4 of the Detention Act, and Article 6 of the Prison Act. Taiwan already has

laws that prohibit crimes similarly to what is described as torture in Article 7 of the Covenant and Article 1 of the United Nations Convention against Torture (CAT). 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.

- (2) Prosecutors are independent and impartial judicial authorities responsible for criminal investigations. Article 228, Paragraph 1 of the Code of Criminal Procedure states that if a public prosecutor, because of complaint, report, voluntary surrender, or other reason, knows there is a suspicion of an offense having been committed, he or she shall immediately begin an investigation. The person responsible for the investigation and prosecution of crimes in Taiwan is the prosecutor. According to Judicial Yuan Interpretations No. 13, 325, 392, and 729, as well as the legislative intent of Article 86 of the Judges Act, prosecutorial rights in Taiwan are part of the judicial rights of the state. Prosecutors are by law judiciary officers and enjoy the same protection accorded judges under the Constitution. Prosecutorial agencies in Taiwan can investigate and prosecute crimes independently and impartially without interference.
- (3) The Ministry of Justice attended the International Seminar and Symposium Against Torture hosted by the Executive Yuan on June 26, 2023, and held the 24th International Symposium on the Implementation of the Convention against Torture in Domestic Law and the Human Rights Working Group of the Ministry of Justice on June 27, 2023. In the form of a special discussion, Jens Modvig, former Chairman of the United Nations Convention against Torture Committee, was invited to share international experience, and members of the Criminal Law Research and Revision Task Force of the Ministry of Justice were invited to attend the symposium and exchange views.
- (4) The Ministry of Justice has commissioned a research project on the necessity and feasibility of adding the crime of torture to Taiwan's criminal laws. It held a mid-term report review meeting on the commissioned research project on March 11, 2024, and a final report review meeting on June 26, 2024.
- (5) The proposed directions for the above plan are as follows: ① With reference to the terminology of the Convention against Torture, it added Article 126-1 on the crime of torture in the Criminal Code; ② With reference to the concept of the inviolability of the person in German law, it added new behavior patterns for the crime of injury in

Article 277 of the Criminal Code; ③ The Ministry of Justice is actively considering three legislative amendments, including continuing to protect human dignity and adding Article 296-2 of the Criminal Code on the crime of torture.

127. While the Ministry of Justice is assessing the establishment of the crime of torture, the National Police Agency under the Ministry of the Interior has invited experts and scholars to discuss relevant issues in the domestic context and will continue to cooperate and participate in related consultations in the future.

Notes 77 and 78 (Principle of Non-Refoulement and the Refugee Act)

Note 77

Some submissions during the review process contended that Taiwan has no legislation prohibiting refoulement. The Convention on the Status of Refugees, the Convention Against Torture and the Convention Against Enforced Disappearance all contain provisions preventing states parties from forcibly returning a person to a country where they would be subject to violations of some rights that are protected by those instruments. However, these instruments have not yet been incorporated into the laws of Taiwan. The Review Committee observes that although there is no explicit non-refoulement provision in the ICCPR, the Human Rights Committee has held that states parties to the Covenant may not return a person to a country where they would be subject to violations of the right to life and the prohibition of torture or cruel, inhuman or degrading treatment or punishment. This view has enjoyed broad endorsement from states parties. The prohibition of refoulement may also extend to other rights enshrined in the two Covenants. The Committee was very pleased to learn of judicial decisions by the courts of Taiwan that have recognised the principle of non-refoulement, relying upon the domestic legislation that has implemented the ICCPR. Although it would be desirable that legislation governing the status of refugees include provisions on non-refoulement, the Committee considers that the principle of non-refoulement is already incorporated into the laws of Taiwan as a direct consequence of the ICCPR.

Note 78

In 2013 and 2017, the Review Committee recommended the speedy adoption of a Refugee Act, which should also include the principle of non-refoulement. Despite certain efforts undertaken in this respect, the Committee notes with concern that after almost ten years no such act has been adopted. This has led to the return of asylum seekers to their countries of origin, despite the risk of being subjected to torture or other forms of ill treatment, including

capital punishment. The Committee reiterates its previous recommendation to adopt a Refugee Act and regularise the legal status of asylum seekers.

128. The Ministry of the Interior has collected relevant information on legislation from various countries, solicited opinions from experts and scholars, and held two inter-agency consultation meetings to discuss the draft Refugees Act. As in many other countries, promoting a Refugees Act requires careful consideration of issues related to human rights, the economy, society, culture, and national security. Building national consensus is essential to establish comprehensive supporting measures. However, due to recent changes in refugee policies of many countries and unpredictable geopolitical developments in the Indo-Pacific region, there remain many uncontrollable factors that need to be considered. Whether to proceed with the enactment of the Refugee Act still requires careful evaluation. Currently, the government handles asylum-seeking cases on a case-by-case basis. Inter-agency meetings have been held to jointly discuss the possibility of providing proper assistance and care plans for applicants. So far, no individual has been returned to a country or region where they might be subjected to torture or inhumane treatment.

129. Pursuant to Article 17 of the Act Governing Relations between the People of the Taiwan Area and the Mainland Area, Mainland Chinese people may apply for long-term residence in Taiwan under special circumstances for political reasons. To improve the asylum system, the government drafted an amendment to Article 17 of the Act Governing Relations between the People of the Taiwan Area and the Mainland Area in 2016 in conjunction with the draft Refugees Act, but the legislative process has not been completed. In 2024, the Ministry of the Interior has studied and amended relevant provisions of the Act Governing Relations between the People of the Taiwan Area and the Mainland Area in accordance with the legislative process of the draft Refugees Act. The National Immigration Agency under the Ministry of the Interior, which is the governing competent agency, is consulting with relevant agencies and reviewing cases of assistance seekers in accordance with the current political considerations and special long-term residence regulations, as well as the spirit of international conventions. In addition, for Hong Kong residents entering Taiwan to seek humanitarian assistance, the government has established relevant processing guidelines and reviewed reference standards in accordance with Article 18 of the Act Governing Relations with Hong Kong and Macau and Article 25 of the Enforcement Rules. The government will make

appropriate decisions based on the degree of emergency threats to safety and freedom in individual cases, and handle them appropriately in accordance with humanitarian principles and relevant laws and regulations. For those who have been permitted to stay or reside in Taiwan, if they petition for assistance from the government, the Taiwan-Hong Kong Service Exchange Office will provide special assistance (e.g., placement and general care) depending on their needs, with the goal of guiding the individuals to study or find employment in Taiwan smoothly and helping them to live independently in Taiwan. If there are cases that fail to pass the review, the government will also adopt the principle of continuous assistance to help them transit to a third country according to their wishes, or help them to reside in Taiwan for studying or employment.

Notes 79 to 81 (Right to Personal Liberty)

Note 79

The Review Committee is concerned about the high number of children detained in juvenile detention houses and reformatory schools. Article 37(b) of the Convention on the Rights of the Child provides that the detention of children ‘shall be used only as a measure of last resort and for the shortest appropriate period of time. This means that the detention of children should be an exceptional measure to be applied only if there are no alternatives available. The Committee recommends that the Government increase its efforts to transfer children in conflict with the law from the justice system to the child welfare system, thereby applying methods of diversion.

Note 80

Deprivation of liberty of children should also be reduced in the context of migration detention. Where children are kept in temporary detention under the Immigration Act, the Committee urges that language support and counselling is available for these young people.

Note 81

The Committee also recommends the improvement of healthcare services for children in detention, and that further interdisciplinary research and trial projects be set up, involving medical, psychosocial, educational and other professionals, embracing broader, more holistic social determinants of health.

130. According to the Juvenile Justice Act revised and promulgated in 2019, children who break the law will no longer be subject to the provisions of the Juvenile Justice Act starting from June 19, 2020. Instead, the education system and social welfare system will provide counseling and protective measures to children engaging in delinquent behavior.

In other words, children aged 7 to 12 will not be subject to judicial intervention or deprivation of freedom.

131. The Juvenile Justice Act aims to ensure the healthy development of juveniles, improve their environment, and correct inappropriate behavior. Pursuant to Article 26, Paragraph 1, Clause 2 of the Juvenile Justice Act, if a juvenile cannot be ordered for custody or an order for custody is clearly inappropriate so that detention is necessary, the juvenile court may order a juvenile to be placed in a juvenile detention center for assessment of physical and psychological conditions and behavioral observation. This is done by comprehensively utilizing specialized knowledge and techniques from the fields of psychology, medicine, education, and sociology to conduct physical and mental evaluation and behavioral observations of the juvenile and provide the juvenile court with recommendations for appropriate treatment. Therefore, the purpose of placing juveniles in juvenile detention centers is to assist the juvenile court in providing references for treatment assessments that meet the juveniles' needs.
132. According to the CRC and the concluding observations of Taiwan's Second National Report, the Judicial Yuan is also evaluating whether the relevant detention and reformatory education penalties should be limited to juveniles over the age of 14 who bear criminal liabilities.
133. Prevention is better than cure. Considering that health examinations are a necessary step in health management, they can help us understand the growth and developmental status of students and teenagers, discover diseases early, and arrange medical treatment, thereby improving learning efficiency and laying the foundation for national health. Therefore, the Agency of Corrections under the Ministry of Justice has added health examination regulations to the relevant treatment regulations, requiring students to undergo health examinations regularly or when necessary so as to promote health and nurture healthy habits. It can also entrust professional organizations such as hospitals, clinics, and local medical associations to assist in the process to improve health care services and reduce negative social determinants of health (SDOH).
134. Strengthen family support services for teenagers in judicial correction and safeguard the rights and interests of placed children and teenagers
 - (1) The Ministry of Health and Welfare has promoted family support services for juveniles in the correction system since 2022. This service plan is provided to the correctional school after it assesses the needs of the teenager to provide juvenile and

family support services. After receiving the referral from the school, a social worker will contact the teenager's family and offer services according to actual needs. After the teenager leaves the correctional school, he will continue to follow up and provide counseling to enhance the emotional connection and relationship repair between the juvenile and the family. At the same time, an overall functional assessment of the family is conducted to enhance the parental function and family supportive integrated services to facilitate family stability support, assist the growth and recovery of juveniles, and effectively implement protection services throughout the process. In 2022, 2023 and 2024, 436, 419, and 385 cases were referred, respectively, and services were provided in 436, 419, and 385 cases, with a service rate of 100%.

- (2) Taiwan has 106 children residential care facilities. To ensure the quality of their services and ensure that the children and youth receive proper care, the Social and Family Affairs Administration of the Ministry of Health and Welfare and local governments conduct irregular, unannounced counseling inspections at children residential care facilities. As of 2024, there were 338 counseling inspections, and at least two counseling inspections have been completed for each facility. In 2023, a counseling audit and joint evaluation of such facilities were conducted so as to comprehensively review their services over the past four years. The evaluation results were announced in March 2024. The competent authorities for such facilities will plan relevant counseling measures based on their deficiencies and areas needing improvement.
- (3) In view of the increasingly diverse and complex needs of children and adolescents in placement, the Social and Family Affairs Administration of the Ministry of Health and Welfare has guided local governments to form interdisciplinary local assessment teams to evaluate the special needs of children and adolescents in placement institutions and connect them with medical, rehabilitation, treatment, or education services. The required expenses will be subsidized by the funds of Phase 2 of the Enhanced Social Safety Net Plan. The subsidy funds in 2024 exceeded NT\$18.02 million.

135. According to the legislative intent of Article 38 of the Immigration Act, detention is a measure of last resort to ensure the enforcement of compulsory deportation. In addition, Article 38-1, Paragraph 1 of the Act clearly states that children under the age of 12 may

not be temporarily detained. Therefore, in practice, when the National Immigration Agency under the Ministry of the Interior processes a child subject to compulsory deportation, it applies an Alternatives to Detention (ATD) measure (i.e., bail) in accordance with Article 38-1, Paragraph 2 of the Act. Children are not subjected to detention under current practice.

136. In addition, if individuals detained by the National Immigration Agency under the Ministry of the Interior need legal assistance during the detention period, they will be referred to the Legal Aid Foundation . If medical services are required, they will be sent to a hospital for treatment. These practices help protect the rights of the detainees .

Note 82 (Judge Recusal System)

Note 82

According to the jurisprudence of domestic courts, judges who have participated in criminal court proceedings at various levels are considered to lack impartiality only if they have decided the case at an earlier level of the proceedings. However, under international fair trial standards judges should not participate in a case if previously they have participated in the pretrial proceedings under such circumstances that the required impartiality to decide the case may give rise to reasonable doubt, in particular due to the number and character of investigative measures. The Committee therefore recommends the Government to ensure that domestic law is in accordance with the requirements of Article 14(1) of the ICCPR.

137. Regarding whether a judge who has participated in the criminal proceedings of a specific case should recuse himself when he participates in the trial again in a subsequent procedure, the Constitutional Court has already provided a constitutional interpretation (TCC Judgment 112-Hsien-Pan-14 (2023)), and there is no need to amend the relevant legal norms.

Note 83 (Legal Review of DNA as Evidence in Criminal Proceedings)

Note 83

The use and storage of DNA samples taken in connection with criminal proceedings are regulated in the Post-Conviction Testing Act and various administrative rules. In a report of 3 August 2020, the Control Yuan has found that there are a number of deficiencies in the present regulations. Taking into account the importance of DNA as evidence in criminal proceedings, the

Committee recommends that the Government establish an adequate legal framework.

138. When the competent authority for the DNA sampling regulations (the Ministry of the Interior) amends relevant laws, the Judicial Yuan cooperates with discussions on whether to amend the Code of Criminal Procedure or the Post-Conviction DNA Testing Act.
139. Regarding the supervision of evidence, Taiwan currently has regulations in Articles 139 to 143 of the Code of Criminal Procedure. However, these provisions mainly regulate the disposal, valuation, return, and cancellation of seizure of evidence, as well as the application of the provisions *mutatis mutandis* on seized evidence to retained evidence that has not been seized. There are no principles and framework regulations for compliance by all agencies to strengthen the continuity and uniformity of evidence supervision. In practice, the supervision of evidence by various judicial police agencies, prosecutor's offices, and courts is mostly detailed in the form of administrative rules or operating manuals. Since there is no complete superior regulation to follow, the evidence supervision procedures set by various agencies are inevitably inconsistent and difficult to connect. To strengthen the uniformity of evidence supervision and establish a tiered legal system, an amendment to Article 140, Paragraph 1 of the Code of Criminal Procedure is proposed to highlight the basic principle of custody of seized property. Article 140, Paragraph 4 is also added to use the authorization in the Code of Criminal Procedure for competent authorities to formulate regulations and orders to provide minimum framework regulations for the procedures for taking custody of seized property at each stage of investigation and trial. According to the provisions of Article 143 of the Code of Criminal Procedure, the relevant regulations on the custody and handling of seized property shall also apply to items retained in accordance with the law. This provides guidance to lower-level agencies when they formulate relevant administrative rules to properly connect the laws and administrative rules and improve regulations. Currently, the draft amendment has been submitted to the Executive Yuan for review on October 11, 2022.
140. In response to the implementation of the Post-Conviction DNA Testing Act, and in accordance with the resolution of the Meeting to Discuss the Preservation Period of DNA Specimens, Samples and Identification Materials held by the Ministry of Justice on July 28, 2020, the specimens, samples, and identification materials of current criminal evidence sent for DNA identification shall, in principle, be returned to the original

submitting agency and transferred to the prosecutorial authority in accordance with relevant regulations. Regarding DNA samples and forensic data derived from evidence, the Criminal Investigation Bureau of the National Police Agency under the Ministry of the Interior notified the DNA identification laboratories of all police departments on August 11, 2020, stating that in cases involving death or life imprisonment sentences, the related DNA samples and forensic data must be permanently preserved. In addition, pursuant to the resolution of the Conference on the Establishment of Uniform Standards for the Preservation of Evidence convened by the Ministry of Justice on December 7, 2016, the Criminal Investigation Bureau of the National Police Agency under the Ministry of the Interior issued a notification on January 20, 2017, to all police-affiliated DNA testing laboratories, requiring that the DNA samples be preserved for a period of 10 years following completion of case identification for possible use in future identification applications. The DNA Laboratory Standard Operating Procedures of the National Police Agency under the Ministry of the Interior were issued on July 28, 2023, for implementation by the police departments of all municipal governments. A provision regarding the storage period of DNA samples was added in Article 9, Paragraph 4.

Notes 84 and 90 (Birth Registration and Children Rights)

Note 84

The attention of the Government is drawn to the challenges of birth registration of children whose parents do not have a regular immigration status. The Independent Opinion of the National Human Rights Commission points out that the scale of the problem has been understated and charges that the Executive Yuan has ‘negligently delayed in the improvement and maintenance’ of the basic rights of such children. Clearly, this issue requires more attention than it currently receives. Creative solutions must be found in order to ensure that every child born in Taiwan is properly registered.

Note 90

The Review Committee is concerned about the high number of stateless children in Taiwan. Article 24 ICCPR stipulates that every child has the right to acquire a nationality. This entails a government obligation to provide Taiwanese citizenship to all children who are born on the territory of Taiwan and who would otherwise be stateless. The Committee recommends that the Government should provide stateless children born in Taiwan with citizenship.

141. According to Article 2 of the Nationality Act, children born in Taiwan who are not of

R.O.C. (Taiwan) nationality and have no support are considered to have R.O.C. (Taiwan) nationality if their biological parents are unknown or if their biological father with R.O.C. (Taiwan) nationality has acknowledged them. In accordance with Article 4 of the same Act, unmarried foreigners or stateless persons under the age of 18 who are currently adopted by R.O.C. (Taiwan) nationals or currently under the guardianship of social welfare authorities or institutions may also apply for naturalization. To address the issue of identity verification for non-Taiwanese children and teenagers in helpless situations, the Ministry of the Interior issued a letter in 2017 outlining the procedure for non-Taiwanese children and teenagers born in Taiwan to apply for identification as stateless persons. Children may be recognized as stateless persons if their biological father is unknown and their biological mother is a foreigner whose whereabouts are unknown; and if after a search is conducted for the biological mother (three months abroad or six months domestically) and the government of the biological mother's country of origin has been contacted, it is confirmed that the child or youth does not possess that nationality or no response is received for more than three months. In such cases, in accordance with Article 4 of the Nationality Act e, a social welfare agency/institution or the adoptive parents (if one or both are R.O.C. (Taiwan) nationals) may apply for such a child's naturalization. These measures aim to fully safeguard the right to identity of such children.

142. As of 2024, the National Immigration Agency under the Ministry of the Interior had issued residence permits to a total of 113 non-Taiwanese children and teenagers in helpless situations, and another 24 people have been identified as stateless persons by the Ministry of the Interior (Department of Household Registration).
143. The protection of the basic rights and interests of children and teenagers without R.O.C. (Taiwan) nationality in Taiwan who are in helpless situations involves cross-agency coordination among the Ministry of the Interior, the Ministry of Labor, the Ministry of Health and Welfare, the Ministry of Education, the Ministry of Foreign Affairs, and the Ministry of Justice. Each government agency continues to address and discuss related supporting measures under its jurisdiction concerning placement methods, the issuance of residence status, nationality determination, schooling, adoption, and health insurance in order to fully protect the basic rights and interests of helpless children and teenagers without R.O.C. (Taiwan) nationality in Taiwan.
144. The Ministry of Health and Welfare maintains records on the handling of the cases of

local governments that have requested assistance from social affairs agencies to provide case counseling or welfare services. From 2013 to 2024, it assisted 478 children and youth without R.O.C. (Taiwan) nationality, all of whom received case counseling or welfare services, resulting in a 100% service coverage rate.

Note 85 (Increase Transparency in the Use of Facial Recognition Technology)

Note 85

The Review Committee recommends that the Government improve transparency in the use of facial recognition technology, including its legal basis, purpose, and methods of storage. Safeguards against abuse by government agencies and third parties should be put in place.

145. The National Development Council and the Ministry of Digital Affairs jointly work to enhance the transparency of the use of facial recognition technology by government agencies. In accordance with a resolution of the 45th committee meeting of the Executive Yuan's Task Force on Human Rights Protection on July 25, 2023, a Survey Form on the Use of Facial Recognition Technology by Government Agencies was drafted on August 8, 2023, requiring relevant central agencies and municipal governments to complete and submit it before August 31 of the same year. The survey results showed that there was still room for improvement in the legal and technical frameworks related to government agencies' use of facial recognition technology. The National Development Council and the Ministry of Digital Affairs held a consultation meeting on October 31, 2023, to discuss improving transparency. Based on its technical support role, the Ministry of Digital Affairs made six technical suggestions on November 9, 2023.

146. Since January 1, 2024, the Preparatory Office of the Personal Data Protection Commission has taken over the relevant operations and, in consultation with the technical advice of the Ministry of Digital Affairs, has drafted the draft Guidelines for the Use of Facial Recognition by Government Agencies. To ensure the integrity and legality of the guidelines, the Preparatory Office invited central government agencies and municipal governments that use facial recognition technology, as well as the Legal Affairs Committee and the Department of Human Rights and Transitional Justice of the Executive Yuan on February 29, 2024 to jointly discuss the issue. In August and September 2024, the Preparatory Office invited the Ministry of Digital Affairs, the

Ministry of the Interior, and the Ministry of Justice to discuss the current status of government agencies' use of facial recognition technology for reference in the drafting of the bill. It is committed to establishing a management mechanism that takes into account both human rights protection and technology application.

Note 86 (Gender Change)

Note 86

The Review Committee was concerned to learn about the requirement of compulsory gender affirmation surgery as a precondition for a change of gender classification. This practice should be abolished with immediate effect.

147. To support international human rights initiatives, the Executive Yuan held a meeting in 2020 to discuss the Policies for the Legalization of Gender Change Recognition Requirements. It was decided that the Executive Yuan, Ministry of the Interior, Ministry of Justice, Ministry of Education, Ministry of Health and Welfare, and other government agencies would jointly pool the funds to commission research and complete the Legalization of Gender Change Requirements and Legislative Suggestions research project (including legalization suggestions and draft) in 2022. The Executive Yuan has held six meetings since June 2022 to discuss matters such as the legalization of gender change registration requirements and supporting measures, and will continue to invite relevant government agencies to hold meetings for detailed and prudent discussions to actively protect the rights and interests of transgender people.

148. The Executive Yuan has also strengthened transgender rights and supporting measures, including subsidies provided by the Ministry of Environment to local governments to follow the Reference Guidelines for the Installation of Gender Friendly Toilets during the planning and design stage for building or renovating public toilets. By 2024, there were 623 gender-friendly toilets among Taiwan's listed public toilets (excluding colleges and universities), and the number will increase year by year. The Ministry of Education has revised the regulations on funding and subsidies for public and private colleges and universities, adding a new indicator to "provide necessary administrative assistance to meet the needs of transgender students in accordance with the Principles of Gender-Friendly Treatment of College and University Students Living in Dormitories". In 2024, the Ministry of Health and Welfare issued the Reference Guidelines for Medical Care for LGBT+ People to assist LGBT+ people in meeting their diverse medical care needs.

149. The Ministry of Environment has subsidized the establishment of 224 gender-friendly

toilets from 2019 to 2024, accounting for 35.9% of the 623 gender-friendly toilets nationwide. A Gender-Friendly Toilet Doubling Action Plan has also been formulated to increase the number of gender-friendly toilets nationwide from the current 623 to 1,246 between 2024 and 2029.

150. In current practice, the courts have already made rulings on national ID gender change without surgery, totaling six cases as of 2024. According to the Supreme Administrative Court Judgment No. 558 of 2021 dated September 21, 2023, based on the legislation of the United Kingdom and Spain and the practical opinions of the German courts, those who apply for a change of gender registration due to gender identity should provide more than one appraisal report or diagnosis certificate issued by a practicing physician specializing in gender dysphoria and transgender, or experts and scholars in psychiatry and psychology. The objective is to prove that the applicant has gender dysphoria, anxiety, or other condition because their physiological characteristics are inconsistent with the gender they identify with, this condition has existed for a long time (at least two or three years), and the applicant continues to receive hormone treatment, which can be used as a reference for gender change registration applications. In the registration of gender change, the focus of the review should be on whether the apparent gender displayed by the applicant based on their self-cognition is sufficiently continuous and the gender identification may be considered stable and highly unlikely to change again. Most lawsuits regarding gender changes are adjudicated based on the opinions of the aforementioned Supreme Administrative Court Judgment of September 21, 2023. Regarding the issue of gender change, the Executive Yuan held several Policy Meetings on the Legislation of Gender Change Recognition Requirements from 2022 to 2024 to discuss the legislative work and supporting measures related to the gender change recognition requirements. It will continue to hold meetings for detailed and prudent deliberations in the future. Since household registration is a local administrative procedure, the Ministry of the Interior will support the Executive Yuan's legislation process for gender change registration.
151. The Ministry of Health and Welfare continues to support and participate in the Executive Yuan's meetings to discuss the "policies for the legislation of gender change recognition requirements", and provides opinions on medical, psychological, and mental issues.

Note 87 (Article 63 of the Social Order Maintenance Act)**Note 87**

The documentation provided by the Government indicated a significant number of prosecutions and convictions for an offence of ‘spreading rumours sufficient to affect public tranquility, in accordance with article 63 of the Social Order Maintenance Act, concerning measures taken to address the COVID-19 pandemic. Taiwan’s efforts to deal with COVID-19 appear to have been very effective but they have nevertheless resulted in the infringement of a range of human rights. Given the extensive scope of the measures taken, it is especially important that there be unfettered public discussion and debate. That this may be discouraged by the threat of prosecution is a matter of concern. The Government was unable to provide convincing examples to show that the application of this penal provision adequately balanced the restriction on freedom of expression with the protection of national security or of public order (*ordre public*), or of public health or morals, as required by article 19(3) ICCPR. Clearly, article 63 of the Social Order Maintenance Act lacks the precision required by criminal law.

152. The Police Agency under the Ministry of the Interior has compiled and distributed judicial interpretations from court rulings to police departments nationwide on a monthly basis so as to enhance police legal awareness. As of 2024, a total of 41 cases had been issued. As a result, the number of cases referred by police departments under Article 63 of the Social Order Maintenance Act has significantly declined. According to statistics, the annual number of such referrals from 2020 to 2024 were 320, 99, 34, 30, and 41, respectively.
153. Over the years, courts and police departments have interpreted and applied the stipulations of Article 63, Paragraph 1, Subparagraph 5 of the Social Order Maintenance Act (regarding the spread of rumors that undermine public order and peace). They have developed a clear and consistent legal interpretation of and standard for such crimes: “the intentional dissemination or spread of a rumor or a statement or information that should reasonably be suspected to be false and verifiable, thereby causing the general public to mistakenly believe it as true and experience fear, panic, or unease.” In addition, an amendment was incorporated into the comprehensive draft revision of the Act, which was submitted to the Executive Yuan for review on February 18, 2021. Since then, the Executive Yuan has convened several meetings to review the overall amendment framework and contents of the proposed amendments and has continued to advance a thorough review and revision process. In August 2024, the Executive Yuan instructed the

Ministry of the Interior to reexamine the draft. The revised version will be submitted to the Executive Yuan for review upon completion of the reexamination.

Note 88 (Prohibition on War Propaganda and Hate Speech)

Note 88

Article 20 imposes obligations with respect to limitations on freedom of expression. States are required to ‘prohibit by law’ propaganda for war and incitement of national, racial or religious hatred or violence. The fact that the existing national legislation does not properly address the requirements of article 20 does not seem to be disputed. The Review Committee recommends that the Government implement its obligations under article 20 by appropriate amendments to the Criminal Code.

154. Provisions for acts of advocating war propaganda and inciting ethnic, racial, or religious hatred or violence are not absent in Taiwan’s current criminal law. However, in order to ensure the comprehensiveness and completeness of the regulations, the Ministry of Justice also discussed at the Criminal Law Research and Revision Task Force meeting on April 2, 2024 in accordance with the resolution of the 45th meeting of the Executive Yuan’s Human Rights Protection Promotion Group. With regard to whether such provisions should be included in criminal law or whether to provide tiered penalty regulations in relevant laws, implementation and response to the concluding opinions and suggestions of the international review were provided:

- (1) In Taiwan’s Criminal Code, Article 100 regarding the offense of sedition, Article 101 regarding the offense of overthrowing the government, and Article 103 regarding the offense of colluding with a foreign state with intent to start a war include penalties for attempted and preparatory crimes. In addition, Article 153 lists the act of “inciting others to commit crimes” as a criminal act. Therefore, inciting others to commit the overthrow of the government or conspiracy to start a war can be punished according to Article 153 of the Criminal Code. In addition, Article 3 of Taiwan’s Genocide Act also prescribes clear penalties for inciting others to commit genocide defined as committing specific acts with the intention of destroying all or certain ethnic, racial, or religious group in Article 2 of the Act. This shows that Taiwan imposes regulations on actions of advocating war propaganda and inciting ethnic, racial, or religious hatred or violence.
- (2) At the Criminal Law Research and Revision Task Force meeting of the Ministry of

Justice on April 2, 2024, all the participating members agreed that on the premises of ensuring freedom of speech, the preventative regulations for discriminatory hate speech must include definitions of the behaviors of discriminatory hate speech, the scope of protected characteristics, and corresponding tiered penalties, such as administrative control measures for removing inappropriate hate speech, administrative penalties, civil liability for damages and criminal penalties, or imposing administrative penalties first and criminal penalties later. These measures make the legislation more complete and comprehensive, and more aligned with the legislative intent than regulating such crimes as a single crime in the Criminal Code. As for the prohibition of advocating war propaganda, if the definition of civil strife in the Criminal Code is not sufficient to cover all types of war as some scholars argue, it is advisable to include it in the discussion for a more complete and comprehensive approach.

- (3) Regarding the prevention of hate speech, the Executive Yuan held the 47th Coordination Meeting on the Prevention of Human Trafficking and the Elimination of Racial Discrimination on August 2, 2024 and resolved to ask the Ministry of Justice to study whether additional clauses should be added to the Criminal Code or whether a special law should be enacted.

Note 89 (Discrimination Against Same-sex Marriage)

Note 89

It is highly commendable that same sex-marriages can be legally registered in Taiwan. The Review Committee is however concerned that there is discrimination in the law, which excludes spouses from countries which do not allow same-sex marriages. If the couple then chooses to live together, their rights within marriage are not protected. The Committee is also concerned that married same-sex couples are prevented from adopting children. It recommends that both types of discrimination in the law be eliminated without delay.

Legal system as a tool to eliminate discrimination

155. Regarding the issue of Taiwanese citizens being unable to marry same-sex partners from Mainland China in Taiwan, the Executive Yuan continues to hold discussion meetings to carefully evaluate and handle cross-strait same-sex marriage issues to ensure that same-sex couples on both sides of the strait enjoy equal rights to marriage.

156. When a citizen marries a foreigner, since foreign elements are involved, the applicable

law should be selected in accordance with the provisions of the Act Governing the Choice of Law in Civil Matters Involving Foreign Elements. On January 19, 2023, the Ministry of the Interior issued Letter Tai-Nei-Hu No. 1120240466 to establish a unified case handling mechanism for same-sex marriages between Taiwanese citizens and people from countries that do not recognize same-sex marriage. In accordance with Article 8 of the Act Governing the Choice of Law in Civil Matters Involving Foreign Elements, the exception no longer applies to the provisions of the laws of the country where the parties do not recognize same-sex marriage. A relationship under Article 2 of the Act for Implementation of J.Y. Interpretation No. 748 can be established in Taiwan, and marriage registration can be handled with the household registration agency in accordance with Article 4 of the same law.

157. In addition, the Ministry of the Interior issued a letter in January 2023 instructing domestic household registration agencies to accept marriage registration applications from foreign nationals from countries that do not recognize same-sex marriage and same-sex Taiwanese citizens in Taiwan. Based on the above regulations, the Ministry of Foreign Affairs revised the Operation Directions for Ministry of Foreign Affairs and ROC Embassy or Mission Abroad Processing Interviews with Foreigners Applying for Entry to Taiwan for Marriage to ROC Citizens in March 2023, explicitly relaxing the regulations to allow same-sex foreign citizens from certain countries to use a foreign celibacy certificate to replace marriage certificates, so as to facilitate R.O.C. (Taiwan) citizens and same-sex partners from other countries that do not recognize same-sex marriage to apply for interviews and register their marriage. In addition, the Ministry of Foreign Affairs has repeatedly instructed all designated offices and reminded interviewers at various educational and training sessions about important matters related to the guidelines of interviews and the principles of visa issuance. These instructions emphasize that interviewers should take into consideration gender equality, avoid gender discrimination, and protect the privacy of the parties involved. All designated offices have accepted applications for marriage interviews from Taiwanese and same-sex marriage partners from the specified countries.
158. The Ministry of the Interior has explained in a letter on January 19, 2023 that authorities may not deny the establishment of a permanent union with intimacy and exclusivity for the purpose of living together between two persons of the same sex, which has become part of the public order of Taiwan. Therefore, Taiwanese citizens and foreigners from

countries that do not recognize same-sex marriage can also enter into a same-sex marriage in Taiwan and register their marriage. The same interpretation applies to same-sex marriages between Taiwanese nationals and residents of Hong Kong and Macao. As for the legal amendments related to cross-strait same-sex marriage, the Mainland Affairs Council has previously drafted amendments to parts of the Act Governing Relations between the People of the Taiwan Area and the Mainland Area. However, certain sectors of society have provided many different opinions through various channels. Therefore, the government is currently continuing to collect information and conduct prudent assessments, and continues to exchange views with NGOs and cross-strait same-sex couples on matters related to cross-strait same-sex marriage. The aim is to build consensus, tolerance, and understanding among groups with different opinions. The Ministry of the Interior issued a letter of explanation on September 19, 2024. It stated that same-sex couples from both sides of the Taiwan Strait who have had their marriages validated in a third place that recognizes same-sex marriages may, in accordance with the current relevant regulations for heterosexual marriages between the two sides of the Taiwan Strait in a third jurisdiction, provide relevant documents and, after an interview and approval, apply for marriage registration at the household registration agency. Before the legislative amendment is completed, the Mainland Affairs Council will continue to communicate with government agencies and NGOs on relevant issues and continue to collect opinions from all sectors of society.

159. To respond to the legal application of transnational same-sex marriage, the Judicial Yuan has previously drafted amendments to Articles 46 and 63 of the Act Governing the Choice of Law in Civil Matters Involving Foreign Elements, and sent it to the Executive Yuan for consultation on February 8, 2021. The Executive Yuan responded to the Judicial Yuan on February 6, 2023, stating that, “The Ministry of the Interior’s January 19, 2023 letter of explanation has resolved the issue of failure to recognize same-sex marriages between Taiwanese and people from countries that do not recognize same-sex marriages. Therefore, there is no need to amend Articles 46 and 63 of the Act Governing the Choice of Law in Civil Matters Involving Foreign Elements.” The draft letter of consultation for the revised draft was also reviewed and submitted. In light of the Executive Yuan’s letter of opinion, the Judicial Yuan will continue to observe the issue of marriage equality and examine whether there is a need to amend the current provisions of the Act Governing the Choice of Law in Civil Matters Involving Foreign Elements to

protect the marriage rights of same-sex couples.

Same-sex couples may jointly adopt children

160. To protect the equal rights of citizens in marriage, in accordance with the Ministry of the Interior's letter dated January 19, 2023 and the Ministry of Foreign Affairs' revised Operation Directions for Ministry of Foreign Affairs and ROC Embassy or Mission Abroad Processing Interviews with Foreigners Applying for Entry to Taiwan for Marriage to ROC Citizens, R.O.C. citizens may register their marriage in Taiwan with foreigners from countries that do not recognize same-sex marriage and same-sex residents of Hong Kong and Macao. According to the letter issued by the Ministry of the Interior on 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 in Taiwan. To protect the rights of same-sex spouses of adopting children, in conjunction with the revised and promulgated Implementation Act of the Judicial Yuan Interpretation No. 748 on June 9, 2023, the Ministry added that same-sex spouses can jointly adopt children of a third party. The provisions of Civil Code concerning adoption shall apply *mutatis mutandis*, and the relevant columns for same-sex adoption registration in the Household Registration Information System have been adjusted.

161. Article 20 of the Act for Implementation of J.Y. Interpretation No. 748, which came into effect on May 24, 2019, states, "In the event where one party to the union as stated in Article 2 adopts the biological child of the other party, the provisions of Civil Code concerning adoption shall apply *mutatis mutandis*." This meant that spouses in the same marriage could only adopt their spouse's biological children and not their spouse's adopted children. Moreover, they could not jointly adopt non-biological children. However, this article was subsequently amended on June 9, 2023, and will come into force on the date of promulgation. The amended article provides, "In the event where one party to the union as stated in Article 2 adopts the child of the other party or the two parties co-adopt, the provisions of Civil Code concerning adoption shall apply *mutatis mutandis*." It relaxed the restrictions on same-sex couples' eligibility to adopt non-biological children, including one party adopting the other party's adopted children and co-adopting a third party's children, so that same-sex couples and heterosexual couples

have the same rights to adopt children.

Note 91 (Voting System Review)

Note 91

The Review Committee is concerned that thousands of prisoners and pre-trial detainees, who have the right to vote under Taiwanese law are, in fact, unable to exercise this right, as stated in para. 262 of the Third Report. Article 25 ICCPR clearly stipulates that every citizen shall have the right ‘and the opportunity’, without any discrimination, to vote in genuine periodic elections. This means that the Government has an obligation to provide prisoners and detainees with a realistic opportunity, by such means as absentee voting, postal ballots or installing polling booths in prisons, other detention facilities and institutions where people are deprived of liberty or their mobility is restricted, to exercise this important political right. The Committee recommends that an effective opportunity to exercise the right to vote shall be established without further delay for all elections and referenda.

162. According to the two current election and recall laws, voters must vote at the polling station in their registered place of residence. Because of restrictions on their freedom of movement, detainees in correctional institutions can only vote within the correctional institution. The question of whether to allow detainees in correctional institutions to vote outside their registered place of residence is a matter of concern as there are still different opinions from all sectors on whether detainees in correctional institutions can fairly obtain relevant information during elections. In addition, a consensus must be reached in the society regarding the resulting controversies, such as security management, polling station establishment, and whether voting and counting can be conducted under public supervision. At present, the implementation of absentee voting in Taiwan will start with a national referendum that does not involve voting on candidates. The Central Election Commission has drafted a bill on absentee voting for national referendums. Absentee voting will be cautiously promoted after the national referendum is steadily implemented.

163. The progress of the study on legal support and supporting measures for inmates in prisons to absentee voting in referendums is as follows:

- (1) Pursuant to the relevant provisions of the Presidential and Vice Presidential Election and Recall Act, Public Officials Election and Recall Act, and the Referendum Act, inmates in prisons who meet the requirements for electoral and

voting qualifications shall have the right to vote in the presidential and vice-presidential elections, public official elections, and referendums, and shall exercise their election (voting) rights at the polling station in their place of residence. Article 25 of the Referendum Act stipulates that a national referendum may be conducted by absentee voting. The methods for conducting a national referendum by absentee voting shall be prescribed by separate law. Regarding the referendum absentee voting system, the draft National Referendum Absentee Voting Act drafted by the Central Election Commission was reported to the Executive Yuan for review on September 30, 2021. It was reviewed by the Internal Administration Committee of the Legislative Yuan twice on October 20 and November 17, 2021, and was reviewed together with other members' proposals. The Legislative Yuan parliamentary group negotiated on April 1, 2022. In response to the non-renewal legislative reviews of the 10th Legislative Yuan, to complete the review of the previous draft as soon as possible during the 1st session of the 11th Legislative Yuan, the Central Election Commission resubmitted the original version submitted to the Legislative Yuan for review to the Executive Yuan on February 5, 2024, and the Executive Yuan forwarded it to the Legislative Yuan for review on February 22, 2024.

- (2) Regarding inmates in prisons whose registered residence has been transferred to the prison, possible options for them to vote at the polling station in their registered residence include having the prison escort the inmates registered in the prison to vote at the polling station in the prison's location or setting up a polling station in the prison. This involves issues related to social trust and security. On May 8, October 16, and November 2, 2023, the Central Election Commission visited the Taipei Detention Center and Taipei Prison of the Agency of Corrections, Ministry of Justice, as well as the Ministry of Justice to solicit opinions from the correctional agencies on issues related to setting up polling stations in prisons. However, no specific consensus was reached. Before a new measure can be put into practice, the specific methods for its implementation must be formally established through the process of creating and passing new legislation.

Note 92 (Voting System Review)**Note 92**

The existing administrative division of Indigenous Peoples rooted in the classification by the Constitution and the Basic Indigenous Peoples Law has prevented them from enjoying the right to participate in decision-making, including legislative elections. Indigenous voters often lack the means to participate due to geographical challenges, especially those who do not live in the indigenous territories where they are registered to vote. The division into mountain and plain peoples limits the opportunity for indigenous legislators to be elected. The organisation of elections also creates unfair competition among different Indigenous Peoples. The Committee urges a remedy for effective political participation of Indigenous Peoples, including by means of absentee voting.

164. Regarding the implementation of absentee voting in the election of indigenous legislators, there is currently a lack of consensus in the society on the types and subjects of elections suitable for absentee voting, and a consensus is yet to be reached. The Central Election Commission has drafted a national referendum absentee voting law and submitted it to the Legislative Yuan for review. The law will apply to referendum voters who are registered in mountainous areas, outlying islands, or other remote areas, and will also take indigenous people into consideration. To ensure the successful implementation of the absentee voting policy and avoid social concerns, absentee voting in elections will be cautiously implemented after smooth progression in nationwide referendums.
165. The measures to promote effective political participation of indigenous peoples are described below:
- (1) According to Article 13 of the Presidential and Vice Presidential Election and Recall Act and Article 17 of the Public Officials Election and Recall Act, which apply *mutatis mutandis* to Article 24 of the Referendum Act, qualified voters shall cast their vote at the polling station for the location where their domicile is registered unless otherwise specified. The “otherwise specified” means that voters who return to the country to exercise their right to vote for president or vice president may vote at the polling station in their original place of residence before they last moved abroad, and polling station staff may vote at the polling station in their place of work. All other voters shall vote at the polling station in their place of residence.

- (2) The adoption of absentee voting in the election must be coordinated with the amendment of the Presidential and Vice Presidential Election and Recall Act and the Public Officials Election and Recall Act. The competent authority for these two Acts is the Ministry of the Interior. Furthermore, Article 2, Paragraph 1 of the Additional Articles of the Constitution of the Republic of China clearly states that citizens residing overseas may return to exercise their electoral rights for president and vice president. Regarding the voting method, applicable election types, and subjects of absentee voting in the presidential and vice presidential elections and the public official elections, there are currently different views from different sectors of the society. It is still necessary for all sectors of the society to reach a consensus and cooperate in amending the Presidential and Vice Presidential Election and Recall Act and Public Officials Election and Recall Act.

166. The Council on Indigenous Peoples will work with the Ministry of the Interior on the overall review schedule and assist in soliciting opinions from indigenous peoples.



行政院
Executive Yuan