

Taiwan International Review Process

List of Issues

ICCPR & ICESCR

15 December 2025

Documents received by the International Review Committee:

Government Reports:

- Common Core Document Forming Part of the Reports, Fourth Report on the ICCPR and ICESCR (referred to as *Common Core Document*)
- Implementation of the International Covenant on Civil and Political Rights, Fourth Report on the ICCPR and ICESCR (referred to as *Fourth ICCPR Report*)
- Implementation of the International Covenant on Economic, Social and Cultural Rights, Fourth Report on the ICCPR and ICESCR (referred to as *Fourth ICESCR Report*)
- Response to the Third National Report on the two Covenants Concluding Observations and Recommendations, Fourth Report on the ICCPR and ICESCR (referred to as *Response Report*)

NHRI Reports:

- Independent Opinion on the Fourth National Report on the Implementation of the International Covenant on Civil and Political Rights, National Human Rights Commission (referred to as *NHRC ICCPR Opinion*)
- Independent Opinion on the Fourth National Report on the Implementation of the International Covenant on Economic, Social and Cultural Rights, National Human Rights Commission (referred to as *NHRC ICESCR Opinion*)
- Response to the Concluding Observations and Recommendations on the Third National Report on the Two Covenants, National Human Rights Commission (referred to as *NHRC Response*)

25 Parallel Reports from Civil Society:

- Association of World Citizens (Taiwan), Financial and Economic Research Center at National Chung Cheng University, Research Center of Criminal Law at the Department of Law at Aletheia University, Taiwan Association for Financial Criminal Law Study, Bitter Winter, Tax and Legal Reform League
- Taipei Women's Rescue Foundation
- Yung Hsin Law Firm, Chen Syun Law Firm, Chu Li Cheng Law Firm
- Asia-Pacific Association of Jehovah's Witnesses, The European Association of Jehovah's Witnesses
- National Association of Equality for Life Taiwan (NAELT)

- Taiwan United Religions Organization (including Buddhist Association of the Republic of China, Taiwan United Religions Organization, Taiwan Buddhist Association)
- The League for Persons with Disabilities R.O.C. (Taiwan)
- Prison Watch
- National Alliance of Women and Children Organization (including Taiwan Mothers Shield Alliance, Pro Femina Taiwan, Women for Life Taiwan, Taiwan Parents Protect Women and Children Association, International Association for Advancement of Children Rights (IAACR), Keelung Joyful Family Caring Association, St. Gianna Pro-Life Center, The Guardian-National Association for Children and Family, The Non-Monastic Chinese Mahayana Buddhist Precepts, Promotion and Conservation Association (BPPCA), Ray of Hope Christian Registered Charitable Organization, Children Education Association Concerns of Tainan (CEACT), The Commission for Laity, Family and Life of CRBC, Family First Taiwan Association)
- Taiwan Alliance to Promote Civil Partnership Rights (TAPCPR)
- Taiwan Sex Industry and Workers' Rights Association (including Taiwan Relationships Education Association, Taiwan Gender Queer Rights Advocacy Alliance, Taiwan Mad Alliance, Taipei Entertainment Worker and Hostess Union, Taiwan Non-binary Queer Sluts)
- Taiwan Mothers Shield Alliance
- Taiwan Association of Gender/Sexuality Rights Protection, R.O.C. Association of HIV/AIDS and Child Care
- Taiwan Association for Human Rights (TAHR)
- Mental Health Association in Taiwan
- Amnesty International Taiwan
- Respect for Life Alliance
- Taiwan Parents Protect Women and Children Association
- Kaohsiung City Parents' Alliance
- The Non-Monastic Chinese Mahayana Buddhist Precepts, Promotion and Conservation Association
- Pro Femina Taiwan
- Covenants Watch (coordinator, with Alliance to Reform Public Assistance Act, Association for Taiwanese Indigenous Peoples', Covenants Watch, Do you a flavor, Environmental Jurists Association (EJA), Homeless Taiwan Association, Humanistic Education Foundation, Independent Living Taiwan, Indigenous Youth Front, International Association for Integration Dignity and Economics Advancement Taiwan (IDEA), Judicial Reform Foundation, Li-kang Khiow Taiwanese Foundation, New Vitality Independent Living, Pacific Alliance For Autonomous Traditions, Indigenous Sovereignty (PAFATIS), Taipei Tai5-gi2 Association, Taiwan Alliance for Advancement of Youth Rights and Welfare, Taiwan Alliance to End the Death Penalty, Taiwan Association for Human Rights, Taiwan Civic Participation Association (TCPA), Taiwan Community Practice Association, Taiwan Criminal Defense Attorney Association, Taiwan Education Association, Taiwan Equality Campaign, Taiwan Gender Equity Education Association, Taiwan Indigenous Youth Public Participation Association, Taiwan Innocence Project, Taiwan International Medical Alliance (TIMA), Taiwan International Workers Association (TIWA), Taiwan Labor Front, Taiwan LGBT Family Rights Advocacy, Taiwan Tai-gi-loo Association, Taiwan Tongzhi (LGBTQ+) Hotline Association, Youth Jurist Association of Taiwan)
- Taiwan Mad Alliance (TMA)
- Corporation Aggregate of The Resurrection Food Bank Holistic Care Association
- Taiwan Alliance for a Free Palestine

General Issues

1. The government's *Response Report* provides information on the steps taken so far in the process towards ratification and implementation of the three outstanding human rights treaties (on migrant workers, torture and enforced disappearances, pp. 1-2). Please provide updated information if any further progress has been made.
2. According to the Parallel Reports by various NGOs coordinated by Covenants Watch, "the Constitutional Court has been unable to operate for 280 days" because of a "structural paralysis", a result of legislative amendments increasing the quorum to ten judges coupled with a failure to appoint judges beyond the eight currently sitting. Can you please explain this situation and which measures have been taken or will be taken to solve this stalemate?
3. Para. 41 of the *Common Core Document* states that constitutional amendments must first be passed by the Legislative Yuan before they are put to national referendums. Does this mean that every amendment of the Constitution must be adopted by a referendum?
4. Para. 104 of the *Common Core Document* cites at the end the total number of judgments which cited the two Covenants. Why are most of these cases relating to juvenile justice?
5. Para. 129(1) of the *Common Core Document* states that human rights education is a major topic in the curriculum of elementary and junior high schools. How many hours are dedicated to human rights education per week? Which education and training do teachers in elementary and junior high schools receive in order to be able to provide human rights education to children? Which materials do they use for human rights education?

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

A. Issues relating to the general provisions of the Covenant (Arts. 1–5)

National Human Rights Commission (Arts. 1-5)

6. While recognizing the 2022 Review Committee's recommendation on the National Human Rights Commission (General Issues, para. 12) and the NHRC's detailed explanation on its implementation of the recommendation, the civil society organisations, in particular Amnesty International (Section 3, paras 3.1 to 3.4) and Covenants Watch (Section II, para 3 & responses to COR points 12, 53, 66, paras 63-66) raise concerns about limited effectiveness of the NHRC, which are attributed to: (1) Significant cuts in NHRC budget; (2) Absence of empowering legislation and enforcement powers; and (3) Lack of legally guaranteed independence within the Control Yuan. Under these circumstances, please provide information to the following:
 - (a) Please provide examples of when the Executive Yuan has acted on the recommendations of the NHRC;
 - (b) What was the justification for so severely cutting the budget of the NHRC?
 - (c) Please provide information on the absence of enabling legislation to strengthen the mandate of the NHRC by guaranteeing its independence within the Control Yuan and specifying its powers to deal with serious systemic human rights violations as well as effectively promote human rights across all sectors of society.

Indigenous peoples (Arts. 1-2)

7. With reference to the *Pingpu Indigenous Peoples Status Act*, please clarify why the *Pingpu* peoples were recognized separately from other Indigenous groups by adopting a new law instead of amending the existing one, and how the Government will ensure they enjoy equal economic, social and cultural rights, including land rights, political participation and self-governance. Is additional legislation planned to align their rights with those of other recognized Indigenous peoples and to prevent the creation of a legal hierarchy among Indigenous groups?
8. Please describe how the Government is complying with the principle of free, prior and informed consent from Indigenous peoples, including the procedures and mechanisms involved, in particular in the context of development projects on Indigenous land. Please specify how the government has reacted to court rulings, such as the one in the *Kanaluvang* Solar Energy Case.

Business and human rights (Art. 2(1))

9. Which measures, if any, were adopted in order to implement the 2011 Guiding Principles on Business and Human Rights (as endorsed by Human Rights Council Res. 17/4 of 16 June 2011), taking into account General Comment No. 24 (2017) on State obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business activities? In particular, is there legislation imposing on corporations a duty to assess human rights impacts in the supply chain (see General Comment No. 24 (2017), para. 16)?

Dedication of maximum available resources to the progressive realization of economic, social and cultural rights (Art. 2(1))

10. Please provide information on the evolution, since 2005, of the following:
 - (a) the ratio of taxation to gross domestic product;
 - (b) the revenue derived from individual and corporate income taxes, and from consumption taxes, including value added tax;
 - (c) the overall distributional impact and the tax burden on different income groups, women and disadvantaged groups;
 - (d) the benefits and impact of various tax exemptions, including those related to natural resources (see the Statement on Tax Policy and the International Covenant on Economic, Social and Cultural Rights, adopted by the Committee on Economic, Social and Cultural Rights on 17 March 2025 (E/C.12/2025/1), para.; and
 - (e) information on the evolution, in both absolute terms (evolution in real terms) and relative to the GDP, of the spending on education, healthcare, social housing and social protection, since 2005.

Women's equal enjoyment of economic, social and cultural rights (Art. 3)

11. Despite the government efforts such as legislation prohibiting discrimination, gender mainstreaming and gender impact assessment, the number of complaint and confirmed cases of gender discrimination have been increasing – from 137 and 29 in 2020 to 250 and 56 in 2024 respectively (*Fourth ICESCR Report*, para. 16, and *Fourth ICCPR Report*, para. 22). What are the forms of gender discrimination in the workplace? Please provide analyses of the root causes of gender discrimination in Taiwan and measures to eliminate them.
12. The Report also mentions penalties imposed upon employers for the confirmed cases of gender discrimination (*Fourth ICCPR Report*, para. 22), but there is no mention of measures for the complainants, whether reinstated, compensated, or other measures. Please provide information on remedies for the victims of the confirmed cases of gender discrimination.
13. As of 2024, there were still three regulations that have not been amended and continue to be listed (*Fourth ICESCR Report*, para. 17). What are these three regulations, and what is the government's plan to amend them?
14. The government promises to enhance the representation of marginalized and disadvantaged groups of women – such as Indigenous women, new immigrants, the elderly, women with disabilities, working women and women in rural and remote areas – to the governance mechanism for gender equality of each government agency (*Fourth ICESCR Report*, para. 19). Please provide detailed information on how to implement it and the timeline.

B. Issues relating to the specific provisions of the Covenant (Arts. 6–15)

Domestic workers (Arts. 6-7)

15. In view of the continued exclusion of domestic workers from the *Labour Standards Act* and the lack of progress on the long-discussed *Domestic Workers Protection Act*, please provide concrete information on:
 - (a) any legislation enacted or under preparation to ensure full and equivalent legal protection for domestic workers, and
 - (b) the reasons for the absence of tangible progress to date.
16. Please clarify why wage adjustments for live-in migrant domestic workers (*Response Report*, para. 72) remain separate from and significantly below the national minimum wage and whether a minimum wage exists for non-live-in domestic workers.
17. With reference to Taiwan’s decision not to incorporate the standards set out in *ILO Convention No. 189 on Domestic Workers*, please explain the considerations behind this position and indicate whether Taiwan intends to adopt the Convention’s standards or align domestic legislation with its protections in the future.
18. Regarding the protection of migrant domestic workers from abuse (*Response Report*, para. 73), please provide:
 - (a) detailed information on the eligibility criteria, evidentiary requirements and procedures for workers applying to change employers due to physical assault;
 - (b) clarification of the verification process used to determine cases of sexual assault;
 - (c) statistical data on reported cases of physical and sexual assault, including outcomes such as criminal convictions and administrative sanctions, and
 - (d) detailed information on measures to prevent debt bondage among migrant domestic workers, including: regulatory reforms; licensing or registration requirements for recruitment agencies (both domestic and foreign); monitoring and due-diligence mechanisms; sanctions against agencies engaging in exploitative recruitment practices and against employers who use such agencies; conditioning visas on lawful recruitment; and bilateral or multilateral agreements with origin countries to ensure no-fee and ethical recruitment.

Distant-water fishing industry (Art. 7)

19. In view of the limited transparency associated with vessels operating under flags of convenience (FOC) and reports of labour abuses, please provide detailed information on measures taken or planned to prevent Taiwanese owned vessels from using FOC to circumvent labour protection laws.
20. With reference to paras. 76–77 of the *Response Report* and the *Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members*, please explain why fishers employed on Taiwanese-flagged vessels abroad are governed by separate regulations rather than the *Labour Standards Act*. Given that the Regulations set a fixed minimum monthly

wage of USD 550 (significantly below the domestic minimum), do not guarantee key protections regarding working hours, overtime pay, severance, occupational safety, or other core labour rights, and rely on weaker enforcement despite reports of abuse, forced labour, and debt bondage — to what extent does the Government consider this legal distinction justified?

21. With reference to Taiwan’s *Action Plan for Fisheries and Human Rights* and noting that labour-rights inspections have resulted in administrative sanctions in only one case in 2024, please explain why the Government is not effectively enforcing the existing requirement—set out in the *Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members*—for comprehensive, accurate and up-to-date documentation of all fishers, especially migrant fishers. Please also indicate whether other measures are being taken to prevent and detect human trafficking and other forms of exploitation in the distant-water fishing sector.
22. Please provide information on measures to protect migrant fishers and prevent abuse at sea, including:
 - (a) providing a reliable means of communication for all crew members while they are at sea and preventing employers from monitoring or interfering with the crews’ communications,
 - (b) protecting visa-tied fishers from retaliation, dismissal, or deportation for reporting abuses, and
 - (c) preventing debt bondage, including banning recruitment fees for fishers and enforcing sanctions against recruitment agencies operating domestically or abroad, as well as against non-compliant employers.

Working students from overseas (Art. 7)

23. Please provide detailed information on the legal framework protecting the educational and labour rights of overseas students admitted to Taiwan through industry academia cooperation programs and if governmental oversight mechanisms exist.

Trade union rights (Art. 8)

24. The *Collective Agreement Act*, in its Article 10, provides that “collective agreements in public enterprises and schools must be approved by the superior competent authority,” and “without approval, they are invalid” (Covenant Watch, para. 429). Please provide information on how many cases of collective agreements negotiated between employers and labour unions became nullified due to disapproval by the superior authority for the last five years. Please also provide information whether repeal of Art. 10 is being considered.

Social security (Art. 9)

25. The 2022 Review Committee expressed concern that in order to receive cash benefits, a person in need must be registered to and living in the household where registered. It also noted the need for increased personal services for people with disabilities requiring long-term care. In

response to those recommendations, the Government stated that the Ministry of Health and Welfare began review of the *Public Assistance Act* in 2023, with a series of consultations and that the Legislative Yuan has held public hearings on the proposed amendments. The amendments are wide-ranging and among other issues, would relax the requirement that the beneficiary be reside in their registered domicile. In this context, please provide answers to the following questions:

- (a) Does the State recognize its primary responsibility for providing for people in poverty?
- (b) Does it now provide for assistance regardless of the applicant's actual place of residence?
- (c) What is the timetable for enactment and implementation of amendments to the *Public Assistance Act*?
- (d) To what extent will the changes be based on the applicant's actual income and restrict the assessment of household income to immediate family members co-habiting?
- (e) How will it provide for immigrants in poverty without citizenship?

Assistance to family (Art. 10)

26. The Gender Equality in Employment Act provides female employees a maternity leave before and after childbirth for a combined period of eight weeks (*Fourth ICESCR Report*, para. 167), while the ILO standard for paid maternity leave is 14 weeks. At the same time, their spouses are entitled of seven days of pregnancy checkup accompaniment and paternity leave. Although the proportion of men taking parental leave has been increasing with improved policies of relaxing the requirements, it was still only 25.6% in 2023 (*Response Report*, para. 85). The proportion of men taking parental leave under the Civil Servant and Teacher Insurance was even less, only 14.5% during 2020-2024 (*Fourth ICESCR Report*, para. 172). Only seven days of paid parental leave for men is far too short for caring the spouse and learning housework and childcare, and the still low percentage of men's taking parental leave shows the strong gender role stereotypes. Please provide information if there are measures being contemplated to bring changes to further improve the situation, including:

- (f) extended period for paid maternity leave;
- (g) extended period for paid paternity leave;
- (h) special measures to increase the percentage of men taking parental leave, including an exclusive period of parental leave for fathers;
- (i) increased childcare services during nighttime for the working parents at night; and
- (j) any other measures to bring changes in the gender role stereotypes.

27. Marriage migrants (new immigrants) to Taiwan are playing an important role as caregivers for the family and in the society. The NGO information says that “of Taiwan's 600,000 new residents, about 30% lack a national ID card due to nationality rules, and even after decades of residence, they cannot apply for government long-term care services” (*Covenants Watch*, para. 444). In this context, please provide information on:

- (a) reasons for the high rates of denial for naturalization for the new immigrants from the

Southeast Asian countries;

- (b) administrative, financial or other necessary measures the government will take for the new immigrants so that they can acquire Taiwanese nationality more easily; and
- (c) whether there is any consideration to amend the *Public Assistance Act* to allow the marriage migrants who have resided in Taiwan for a long period but have not yet gained the Taiwanese citizenship to get access to long-term care services.

28. There is not much information on older persons except the number of reported cases of abuse and neglect for 2020-2024 (*Fourth ICESCR Report*, para. 193). Considering that Taiwan is rapidly becoming an aging society, please provide more information on the situation of economic, social and cultural rights of older persons.

Right to housing (Art. 11)

29. The 2022 Review Committee recommended the establishment of a data base on the number of informal settlers and the homeless people. There is still no national systematic process to collect accurate data on the extent of homelessness, evictions and forced resettlement. Also, the NHRC and NGO reports reveal that consultations with the affected persons are inadequate and that accessible accommodation for people with disabilities is lacking. Please provide information on the following:

- (a) Acknowledging the numbers of housing units built or under construction, how many of those are fully accessible to people with disabilities? What specific accessibility standards for accessibility are required of all new social housing units?
- (b) Please provide details of the proposed reforms to the *Public Assistance Act* and a timeline for its enactment.
- (c) Given the uncertainty of the numbers of people living in poverty and those who are homeless, is the Ministry of the Interior planning to undertake a nationwide survey to provide an accurate baseline and establish a national data base to be able to monitor the impact of policies on the numbers affected?
- (d) How many forced evictions have there been since 2022, and how many of those affected were resettled to their satisfaction?

Environment (Art. 11)

30. The human right to a clean, healthy and sustainable environment has recently been recognized by the Human Rights Council (A/RES/48/13), General Assembly (A/76/300), International Court of Justice (Advisory Opinion on Climate Change), Conferences of the Parties to the UN Framework Convention on Climate Change (e.g. Global Mutirao from COP30) and UN Convention on Biodiversity (Kunming-Montreal Global Biodiversity Framework), UN Committee on Economic, Social and Cultural Rights (General Comment 27) and UN Committee on the Rights of the Child (General Comment 26). Please explain what steps have been taken by the Government to legally recognize and implement this fundamental human right?

Climate change (Art. 11)

31. The International Court of Justice recently clarified State obligations in the context of climate change, which the Court described as “an existential problem of planetary proportions that imperils all forms of life and the very health of our planet” (*Advisory Opinion on Climate Change*, para. 456). The Court confirmed that Nationally Determined Contributions must reflect a State’s “highest possible ambition” (para. 242) and a fair share of collectively “achieving the temperature goal of limiting global warming to 1.5°C above pre-industrial levels” (para. 245). Please explain how the recently published Taiwan Nationally Determined Contribution, establishing a target of “a 26–30% reduction in net emissions by 2030 and a 36–40% reduction by 2035, both relative to 2005 levels”, meets the legal requirements articulated by the ICJ?
32. How are the rights of Indigenous peoples being respected in formulating and implementing climate laws and policies? (Covenants Watch, pp. 24-25)
33. Healthy biodiversity and ecosystems provide the life support system for humans and all species. In the 2022 Kunming-Montreal Global Biodiversity Framework, more than 190 State parties to the *UN Convention on Biodiversity* committed to protecting 30 percent of land and marine territories by 2030 through rights-based action and in partnership with Indigenous peoples. Could the Government please confirm that it shares this vital commitment, and if so whether there is a plan for achieving the 30 percent target by 2030?

Water and Sanitation (Art. 11)

34. The Review Committee on the Third Review of Taiwan’s implementation of ICESCR raised concerns on water and sanitation. Please provide more detailed information on the prioritisation of water resources for domestic and public use under the *Water Act*, in particular including measures regarding the previous situation that 470,000 households did not have access to tap water in 2019. What progress has been achieved since then? Please also provide information on the number of households lacking access to adequately managed sanitation.

Environment and health (Art. 12)

35. Climate change is contributing to increased air pollution, heat stress and the spread of some diseases (e.g. dengue fever). Please explain how the government is addressing these health challenges.
36. International reports estimate 14,500 premature deaths in Taiwan annually because of air pollution (2023 data from <https://www.stateofglobalair.org/data/#/air/plot>). Please provide information about whether air quality standards reflect the latest guidance from the World Health Organization (2021) and what measures are in place to achieve those standards and reduce the burden of disease attributable to air pollution. Also, what actions are being taken to address the disproportionate burden of air pollution experienced by socio-economically vulnerable populations?
37. Information received indicates Taiwan is making good progress in reducing or eliminating the domestic use of many toxic substances, including highly hazardous pesticides. However,

Taiwan appears to permit the export of toxic substances, including highly hazardous pesticides such as paraquat, to developing nations where these substances pose a serious risk to human health, human rights, and the environment. Please address whether the government intends to address this double standard in the near future, and if not, explain how this ongoing situation is consistent with its international human rights obligations?

38. Please provide updated information on the process of removing nuclear waste from Lanyu (Orchid Island), including a concrete timeline for removal and details about the compensation paid to affected Indigenous people. Where is other nuclear waste currently being stored in Taiwan?

Mental health (Art. 12)

39. Regarding mental health, the government formulated the *Whole-of-society Mental Health Resilience Plan* (2025-2030) in collaboration with 13 government institutions, and built 55 community mental health centers nationwide by 2024 (*Response Report*, para. 98). Please provide further information on how the government ensures AAAQ (availability, accessibility, acceptability and quality) in implementing the Plan and in operating the Centers for all population, including the Indigenous peoples, people with disabilities, LGBTI persons, new immigrants with cultural and language diversities, and those living in remote areas. Please also provide information on how the government is going to monitor and evaluate the implementation of the Plan and the performance of the Centers.

Sexual and reproductive health (Art. 12)

40. According to the Statistics on Communicable Diseases (*Common Core Document*, Table 19), syphilis and gonorrhea have steadily increased from 2020 to 2023, while HIV infection and AIDS have been effectively controlled and decreased steadily for the same period. Please provide information on measures taken against the increasing STI, including more proactive sexual health education for the affected population while keeping privacy, as well as for the general public.
41. Taiwan was the first country in the region to allow same-sex marriage. Under the *Artificial Reproduction Act*, however, the benefits of the assisted reproduction are not available for same-sex couples or single women. Please provide information whether there is any consideration to expand the benefits of assisted reproduction to the same-sex couples and single women.

Education for disadvantaged children (Arts. 13-14)

42. The *Primary and Junior High School Act*, amended and promulgated on June 21, 2023, provides that elementary and junior high school students do not have to pay school tuition. The local authorities are to provide books for financially disadvantaged students, who are exempt from fees prescribed in other ordinances. However, the 2024 survey conducted by the Taiwan Fund for Children and Families found that 45% of adolescents in vulnerable families have considered giving up further education, primarily due to economic hardship (*Covenants Watch*, para. 592). Educational instability is found to be related to housing insecurity, low family

incomes and poverty, as well as other specific factors affecting Indigenous students and those with disabilities. In this context, please provide replies to the following:

- (a) Please elaborate on how the Ministry of Education and local authorities ensure disadvantaged families receive all the support required so that their children can and do regularly attend school.
- (b) Are disadvantaged families with school age children prioritised in the provision of social housing so that the children can attend school?

Human Rights Education (Arts. 13-14)

43. Regarding human rights education, please provide information on the following questions:

- (a) What plans are there to integrate human rights education into the national civil service examinations as an essential professional competency?
- (b) How does the state measure the effectiveness of the current human rights education in government agencies?

Cultural life (Art. 15)

44. Please provide information on measures taken to safeguard traditional Indigenous practices and to ensure that laws such as the *Wildlife Conservation Act* and the *Controlling Guns, Ammunition and Knives Act* do not leave Indigenous peoples vulnerable to sanctions when hunting, farming or performing ceremonies.

Benefits of scientific progress (Art. 15)

45. In the current era of digital transformation and AI based technological changes, there are social benefits as well as negative impacts and danger of human rights violations. Please provide information on the situation on:

- (a) Digital divide by generation, regions, gender and economic class;
- (b) How AI is being utilized while attention is paid to potential human rights violations.

International Covenant on Civil and Political Rights (ICCPR)

Article 1

1. Could you explain in more detail if any improvements have been made as regards the implementation of adequate and inclusive procedures in obtaining free, prior and informed consent for infrastructure projects on Indigenous lands? Have existing mechanisms been reviewed in cooperation with Indigenous peoples, as recommended in the last Concluding Observations and Recommendations? Do the mechanisms include reparation and return provisions? These questions can be answered in conjunction with the points raised under Arts. 1-2 ICESCR above.
2. The information on the protection of the rights of Indigenous peoples in Taiwan under the ICCPR are scattered throughout the reports. If possible, please provide them in a consolidated manner.

Article 3

3. Paras. 13–15 of the *Fourth ICCPR Report* describe gender and human rights impact assessments. How have these strengthened women’s equal enjoyment of civil and political rights? Please provide examples where proposed legislation or policies were modified as a result.
4. Para. 17 of the *Fourth ICCPR Report* notes seven discriminatory laws or regulations remain unamended. Please list these provisions, and provide a timeline for repeal or amendment.
5. Please provide sex-disaggregated data on women’s representation in elected office, the senior civil service, judiciary, law enforcement, and regulatory bodies, and indicate measures to address underrepresentation.
6. What judicial or administrative mechanisms exist to challenge violations of Article 3? Please provide data from the last five years on complaints, outcomes, and available remedies.
7. Para. 19 of the *Fourth ICCPR Report* outlines measures to prevent sexual violence. How does the Government ensure that survivors—particularly women—can effectively exercise civil and political rights? Please provide updated data on reporting, prosecution, and convictions.
8. Para. 19 of the *Fourth ICCPR Report* refers to groups such as indigenous women, new immigrants, elderly women, women with disabilities, rural women, and LGBTI+ people. What measures ensure their equal enjoyment of civil and political rights? Please provide disaggregated data.
9. What systems exist to collect sex-disaggregated data across ICCPR-protected domains, including policing, detention, political participation, freedom of expression cases, and access to remedies?

Article 6

10. In the Concluding Observations issued in 2022, the Review Committee said the failure to proclaim a moratorium on capital punishment was ‘profoundly unsatisfactory’. At the time, the Government had contended that studies of alternatives to the death penalty were necessary before it could proceed with abolition. Para. 43 of the *Fourth ICCPR Report* states that the Ministry of Justice (MOJ) conducted research into alternatives to the death penalty in 2023 and a public opinion survey in 2024. Can you please provide details: What were the questions included in the survey? To whom was the survey sent? How many people responded to the survey? What was the outcome of the research into alternatives to the death penalty? Please provide information about this and any possible further studies, conducted since the previous review.
11. In para. 9 of its *Opinion on the ICCPR*, the NHRC considers that the MoJ has shown a clear lack of proactive and systematic policy planning to enhance public understanding of death penalty issues and that the *Research Task Force on the Gradual Abolition of the Death Penalty* established under the MoJ has held only seven meetings since its relaunch in 2017. Why did the MoJ fail to establish clear policy timelines and objectives relating to the abolition of the death penalty as recommended by the NHRC and consecutive concluding observations and recommendations of the International Review Committee?
12. Para. 47 of the *Fourth ICCPR Report* states that between 2020 and 2024, a total of 26 death sentences were handed down by district courts, high courts and the Supreme Court. However, in para. 50, Table 2 indicates that there were no death sentences handed down between 2020 and 2024. Can you explain this discrepancy?
13. What measures have been taken to give effect to Constitutional Court Judgment No. 8 of 2024 regarding death penalty policy and legislation? New regulations governing the death penalty have been issued since the Constitutional Court judgment. These appear to facilitate capital punishment rather than to limit it and suggest a government policy that is inconsistent with progress towards abolition.
14. In the Parallel Reports of various NGOs coordinated by Covenants Watch, these civil society organizations express their concern about an escalation and regressive tendency of the death penalty debate. By rapidly amending the *Rules Governing the Execution of Death Sentences*, the MoJ was “narrowing the scope of protection for death row prisoners”. They also criticize a trend of extreme sentencing in legislation. How can you explain these retrogressive trends in light of Taiwan’s obligations under the ICCPR and the various recommendations of the Review Committee since 2013?
15. On the issue of judicial and administrative review in death penalty cases, is it correct that the execution of Huang Lin-kai in January 2025 took place while legal challenges on his behalf were still pending? Please provide information about the status of reviews of the evidence in the cases of Chiu Ho-shun and Wang Hsin-fu, who were sentenced to death decades ago and who continue to assert their evidence.

Article 7

16. Why was the *United Nations Convention against Torture* (CAT) and its *Optional Protocol* (OPCAT) not yet ratified and implemented, contrary to the recommendations of the International Review Committee and the NHRC (paras. 1-2 of its *ICCPR Opinion*)?
17. Why did Taiwan fail again to include the crime of torture (as defined in Article 1 CAT) as a separate crime with adequate penalties in its Criminal Code, contrary to the respective clear recommendations of the Review Committee in 2013, 2017 and 2021 and to the recommendation of the NHRC (paras. 3-5 of its *ICCPR Opinion*)?
18. Para. 62 of the *Fourth ICCPR Report* states that the Control Yuan has concluded investigation reports in 15 cases involving the right to freedom from torture. Table 4 (Summary of Control Yuan Investigations, Corrections and Impeachment Involving Freedom from Torture Cases), e.g., lists a case in which “Torture was inflicted upon inmates by management personnel at Taipei Prison”. Has this case led to criminal investigations and convictions of the persons responsible for this crime? If so, what were the sentences? If not, why not?
19. Para. 68 of the *Fourth ICCPR Report* states that in cases where corporal punishment in schools “cause[s] severe physical or mental damage to students, the competent authority shall supervise the convening of the Teachers Review Committee meeting to determine the dismissal, suspension, or denial of future employment of the teacher involved”. Why do such cases of severe corporal punishment not lead to criminal investigations and convictions of the teachers involved?
20. The International Review Committee has repeatedly recommended that the Government of Taiwan ensure that “all allegations or suspicions of torture shall be thoroughly and promptly investigated by an independent and impartial body with full criminal investigative powers with a view to bringing the perpetrators to justice with adequate punishment” (Note 75). The NHRC criticizes that “the investigative system generally lacks independence, proactive intervention, and effective accountability mechanisms” (para. 6 of its *ICCPR Opinion*). Why has the Government of Taiwan again failed to implement this important recommendation?
21. Para. 100 of the *Fourth ICCPR Report* states: “No medical or scientific experiment that may damage the health of inmates may be conducted on an inmate.” Does this mean that medical or scientific experiments that do not damage the health of inmates may be conducted by prison staff? If so, why are these experiments conducted? Are they conducted with the free consent of the inmate? How do you reconcile this with the 2nd sentence of Article 7 ICCPR?

Article 8

22. The *Fourth ICCPR Report* (para. 78) describes legal provisions aimed at preventing forced labour. Nevertheless, there are reports of protests with respect to the use of forced labour of migrant workers in various industries, including textile and bicycle-making. There are also allegations of the use of forced labour in the fishery industry. Please provide information about the complaints that have been made and the treatment they have received, including the actual practice in addressing the phenomenon.
23. The Human Trafficking Prevention Act entered into force in January 2024. Please provide information about its implementation.

Article 9

24. Para. 89 of the *Fourth ICCPR Report* states that pretrial detention can be imposed for a “maximum of two months, as well as one extension if necessary. Detention shall be ended when there is no longer sufficient cause.” Does this mean that four months of pretrial detention is the absolute maximum or can it be further extended if there is sufficient cause? Please explain clearly whether pretrial detention may be extended beyond four months and provide cases.
25. Para. 92 of the *Fourth ICCPR Report* states that the capacity of large-scale detention centers of the National Immigration Agency of the Ministry of the Interior has been expanded to 1,713 beds to avoid overcrowding. Have there been more than 1,713 immigrants detained at the same time during 2024 and 2025?
26. According to para. 94 of the *Fourth ICCPR Report*, “the Immigration Act provides a system of alternatives to detention to uphold humanitarian considerations”. Can you explain what these “alternatives to detention” for foreign nationals are? In the same paragraph, it is stated that “children under 12 years age” fall into the category of foreign nationals to whom alternatives to detention apply. What are these alternatives for children under 12 years of age? Does this mean that children between 12 and 18 years of age can be detained for purely immigration-related reasons? Does this also apply to unaccompanied migrant or refugee children?
27. Para. 95 of the *Fourth ICCPR Report* states that the “bond for alternatives to detention ranges from NT\$25,000 to NT\$60,000”. Is this a system similar to bail for pretrial detention as indicated in para. 135 of the *Response Report*? Does it also mean that migrants and refugees without adequate financial means are not eligible for alternatives to detention?
28. In its *Response Report* to Notes 79 to 81 (Right to Personal Liberty), the Government uses the following terms for non-adults: children, juveniles, teenagers and adolescents. Can you please explain the legal meaning of these different terms? What is the minimum age of criminal responsibility and the minimum age for children’s deprivation of liberty? When detaining children, does the Government take Article 37(b) of the *UN Convention on the Rights of the Child* (CRC) into account according to which deprivation of liberty of children (up to 18 years of age) shall only be used as a measure of last resort and for the shortest appropriate period of time (see also the *UN Global Study on Children Deprived of Liberty* of 2019)?
29. Para. 130 of the *Response Report* states that “children aged 7 to 12 will not be subject to judicial intervention or deprivation of freedom”. Does this mean that the minimum age of criminal responsibility and of detention is fixed at the age of 12? What happens to children below the age of 12 who are in conflict with the law?
30. Para. 131 of the *Response Report* states that “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”. For which period may juveniles be placed in juvenile detention centers? How many juveniles have been placed in juvenile detention centers in 2024 and 2025?
31. According to para. 132 of the *Response Report*, the Judicial Yuan is evaluating whether the relevant detention and reformatory educational penalties should be limited to juveniles over the age of 14 who bear criminal liabilities”. What is the outcome of this evaluation?
32. What is the minimum age of children placed in correctional schools (para. 134 of the *Response Report*)? Are they deprived of liberty in correctional schools? If so, what is the maximum length

of deprivation of liberty? How many children have been placed on correctional schools in 2024 and 2025?

33. Para. 108 of the *Fourth ICCPR Report* states that a “juvenile inmate under 18 years of age shall be accommodated in a correctional school”. What is the difference between juvenile detention centers and correctional schools?
34. According to para. 134(2) of the *Response Report*, “Taiwan has 106 children residential care facilities”. Are children deprived of liberty in these facilities? If so, what is the maximum length of deprivation of liberty? How many children have been placed in these facilities in 2024 and 2025? How big are these facilities?

Article 10

35. Para. 106 of the *Fourth ICCPR Report* states that between 2020 and 2024, “correctional institutions received a total of 5,847 complaints from inmates” (see also Table 10). Have any criminal investigations been initiated against prison staff implicated by these complaints? If so, how many prison staff have been convicted and for which crimes?
36. The statistics provided in para. 110 of the *Fourth ICCPR Report* indicate that the situation of overcrowding in prisons has not improved despite the fact that there was a significant decrease in homicides, rape and other violent crimes between 2020 and 2024 (see paras. 68-71 *CCD*). Why was there not more progress?
37. Prison Watch criticizes a “pervasive lack of transparency in prison administration” as the “most pressing issue”. Can you provide more information about the conditions in the 51 correctional institutions across Taiwan, including four correctional schools, as indicated by Prison Watch?
38. Prison Watch also states that the “Taiwanese legislature and executive branch are currently advancing legislation that would establish life imprisonment without the possibility of parole”. Is this correct? If so, could you please explain how you would reconcile this retrogressive legislation with Taiwan’s obligation under the ICCPR, above all Articles 7 and 10?
39. Para. 100 of the *Fourth ICCPR Report* states that prisons “may not place inmates under long periods of solitary confinement”. What is the maximum period of solitary confinement in prisons? Can children or persons with disabilities be placed under solitary confinement?

Article 12

40. As per para. 159 of the *Fourth ICCPR Report*, citizens can be prohibited from leaving the country on the basis of Article 6 of the *Immigration Act*, with such restrictions principally being imposed due to criminal cases, probation or financial and taxation control. Could you explain the procedural safeguards which apply before and after such restrictions are imposed and, in particular, whether an exit ban is subject to an effective control by a judge or other independent authority, who can assess the lawfulness and proportionality of the impugned restriction. Clarification is particularly welcome in relation to financial and taxation controls which may not involve a judicial authority and in relation to which questions of due process may arise.

Article 13

41. Para. 162 of the *Fourth ICCPR Report* permits visa refusals “without giving a reason.” How does this comply with Article 13, which requires an opportunity to submit reasons against the decision? Under what circumstances are reasons withheld, and what safeguards prevent arbitrariness?
42. What review or appeal mechanisms exist for rejected, revoked, or invalidated visas (Table 15)? How many appeals were filed during the reporting period, and what were the outcomes?
43. Para. 163 of the *Fourth ICCPR Report* notes the absence of asylum procedures. How are Article 13 procedural guarantees ensured for individuals expressing fear of persecution who face denial of entry or expulsion?
44. Para. 167 of the *Fourth ICCPR Report* documents 6,195; 3,459; 8,581; 15,077; and 18,553 deportations (2020–2024). Please provide disaggregated data by nationality, gender, grounds for deportation, and procedural objections lodged.
45. Para. 168 of the *Fourth ICCPR Report* allows expulsion with 10-day notice for persons under investigation. How is the right to challenge expulsion before removal ensured? How many cases were reviewed, and how many resulted in suspension of deportation?
46. Paras. 169–170 of the *Fourth ICCPR Report* outline separate procedural guarantees for persons from Mainland China, Hong Kong and Macau. What safeguards ensure compliance with Article 13, including the right to submit reasons, legal representation, review, and non-arbitrary decision-making? How many review meetings took place, and what were the outcomes?
47. Para. 170 of the *Fourth ICCPR Report* states that only certain foreign nationals with legal residency qualify for legal aid. How does the exclusion of undocumented or deportable individuals comply with Article 13’s guarantee of representation? What measures ensure access to legal assistance for vulnerable persons?
48. Paras. 165–168 of the *Fourth ICCPR Report* permit deportation within short timeframes. How is adequate time ensured for individuals to prepare arguments, obtain representation, and seek review?

Article 14

49. The 2022 Concluding Observations on the Third Report recommended that Taiwan recognize the jurisdiction of the International Criminal Court (see para. 17). The *Fourth ICCPR Report* does not address this proposal. Has the Government given any consideration to the proposal? Also, what is the position of the Government with respect to the draft treaty on crimes against humanity currently being examined by the Preparatory Committee of the General Assembly?
50. Under the new system whereby ‘citizen judges’ participate in criminal trials, an exception is made to a rule of unanimity in death penalty cases. Please clarify the situation and explain the rationale for this exception, and how it can be deemed consistent with the high degree of certainty required where the State deprives a person of life.

Article 17

51. In its concluding observations and recommendations adopted in 2022, the Review Committee recommended the Government to improve transparency as regards the use of facial recognition technology (including its legal basis, purpose and methods of storage) and safeguard against abusive use by government agencies or third parties. The *Fourth ICCPR Report* contains no reference to the current legal framework in relation to facial recognition technology and developments since 2022. In the *Response Report*, reference is made to ongoing discussion on the preparation of *guidelines* for the use of facial recognition technology by government agencies. However, no detail is provided regarding the legal basis for and legally binding nature of the measures proposed or of the type of procedural and substantive safeguards envisaged. As such, could greater detail be provided, it being understood that the measures to be adopted are still under review?
52. Could you also indicate how facial recognition technology is being used in correctional facilities, the legal basis for that use and specific safeguards required given the particular context.
53. The *Fourth ICCPR Report* does not touch on the regulatory framework applicable to social media platforms and makes no mention of online discriminatory and hate speech despite indications from civil society actors that both issues are problematic. On the first point, what rules regulate the Government's access to the data of platform users, ex-post notification and remedies for users?
54. On the second point, reference is made to the prevention of hate speech in the *Response Report* but, despite the passage of time, the focus appears to be exploratory, without concrete legal provisions being envisaged at this time. Could you outline the legal position in relation to regulation of social media platforms, describe the current climate in Taiwan in relation to online discourse and explain the concrete nature of measures envisaged to respond to any increased recourse to discriminatory and hate speech?
55. It appears that judicial authorization is required for interception warrants, which, according to annual statistics, compose about 3.5 % of cases, while data production orders do not require judicial intervention but make up about 96.4 % of cases. If judicial authorization does not feature in the vast majority of cases, could you explain what alternative safeguards are provided by law?
56. Can you explain the consequences of the Supreme Court finding in Constitutional Judgment no. 9 of 2023 that parts of the Code of Criminal Procedure are unconstitutional in so far as they relate to documents produced in the exercise of communication between a lawyer and an accused?
57. What procedural safeguards, if any, apply to searches and seizures conducted in law firms following this ruling?
58. In 2022 the Constitutional Court issued judgment no. 13 finding that the NHI database lacked a clear legal basis and regulatory framework.
59. Can you provide an update on the creation of an oversight mechanism – which was required by August 2025 – as well as information regarding the independence of the persons who will provide the oversight?

60. In addition, please explain how the proposed legislation provides for public authorities to be held accountable for data breaches, for the prevention of continued unlawful gathering of data or for the deletion of illegally obtained data.
61. Have the amendments to the Personal Data Protection Act referenced in paras. 224-225 of the *Fourth ICCPR Report* been adopted and are they now in force?
62. As regards remedies, does the provision of fines in relation to data protection breaches correspond to fines normally applicable to public authorities under other comparable provisions of Taiwanese law?
63. Para. 150 of the *Fourth ICCPR Report* references the judgment of the Supreme Administrative Court of September 2023 and several other court rulings in 2024 which address gender classification without the requirement of compulsory gender affirmation surgery. Can you confirm whether, as a matter of statutory law, this requirement has now been abandoned and whether the new practice of the courts, which appears to eschew this requirement, has been or is being harmonized across all levels of jurisdiction since the aforementioned 2023 ruling?

Article 18

64. Paras. 234–235 of the *Fourth ICCPR Report* describe registration requirements for religious organizations. Is registration voluntary or mandatory? What rights or activities depend on registration, and how is compliance with Article 18 ensured?
65. What criteria govern approval or denial of registration? How many applications were rejected, and what remedies exist?
66. Para. 235 of the *Fourth ICCPR Report* mentions oversight of personnel, finances, land and buildings. What limits prevent interference with religious autonomy?
67. Para. 236 of the *Fourth ICCPR Report* requires applications for public religious activities. How many were refused in the last five years, and on what grounds? Are any content-based restrictions applied?
68. Para. 236 of the *Fourth ICCPR Report* provides penalties for using religion for political purposes. How is this defined, and how does the Government ensure consistency with Articles 18 and 19?
69. Para. 237 of the *Fourth ICCPR Report* states that only qualifying associations receive tax benefits. What eligibility criteria apply, and are smaller or minority groups disproportionately denied?
70. Paras. 238–239 of the *Fourth ICCPR Report* require conscientious objectors to belong to an “officially registered” religion and in some cases undergo psychological evaluation. How is non-discrimination ensured in line with Article 18 and General Comment No. 22?
71. Are limitations on duties or assignments of conscientious objectors consistent with Article 18? What options exist for ethical or non-religious objectors?
72. Para. 239 of the *Fourth ICCPR Report* permits religious activities in private schools. What monitoring mechanisms ensure genuinely voluntary participation?

73. How is parental guidance (para. 240 *Fourth ICCPR Report*) balanced with the child's independent right to freedom of religion under Article 18(4)?
74. Para. 234 of the *Fourth ICCPR Report* refers to the collection of follower numbers. Is any individual-level data collected? What safeguards protect privacy and prevent surveillance (Article 17)?

Article 19

75. Para. 241 of the *Fourth ICCPR Report* notes that “the offense of insults concerning a public official’s discharge of legal duties [Article 140 of the Criminal Code] was deemed unconstitutional” by the Constitutional Court. Footnote 11 accompanying the text clarifies that the Court found that the offense “shall be limited to situations where the offender’s on-the-spot insulting act toward a public official is based on the subjective intent to obstruct public duties and is sufficient to affect the public official in the performance of his or her duties”. Footnote 11 further states that “[t]he aforementioned provision, concerning the offense of insulting official duties, is inconsistent with the intent of Article 11 of the Constitution to protect freedom of speech, and shall cease to be effective from the date of the pronouncement of this [Constitutional Court] judgment”. This is unclear. Does *any* provision related to insult of public officials – whether as a criminal or civil offense – remain effective under the law? To what extent has the Government responded to this Constitutional Court judgment?
76. Para. 241 of the *Fourth ICCPR Report* also notes that articles pertaining to “public insults” and defamation were deemed constitutional. How does the Court judgement explain its holding in light of international standards widely finding *criminal* defamation and insult – and especially imprisonment for such offenses – to be inconsistent with the ICCPR? (See, e.g., para. 47 of the Human Rights Committee’s General Comment No. 34.) How does the law ensure that such an offense is retained only for the most serious of cases? What position did the Government take in the Court’s evaluation of these offenses?
77. Table 22 of the *Fourth ICCPR Report* lists a significant number of offenses that raise concerns under the law governing freedom of expression (including those noted above). What guidelines, if any, are provided to prosecutors and the public in order to clarify the limits on these offenses? How does the Government ensure that prosecutions are consistent with the grounds of legitimacy and that penalties are consistent with the standards of necessity and proportionality found in Article 19(3)? How many cases have been brought under the provisions identified in Table 22 during the reporting period?
78. Related to the previous question, paras. 152 and 153 of the *Response Report* indicates that the Government has taken action to reduce the number of cases under Article 63 of the *Social Order Maintenance Act* (spreading rumours affecting public tranquillity), which the Third Review found concerning. It also indicated that the Executive Yuan has instructed the Ministry of the Interior to “reexamine” a draft revision of the Act. It appears to have been pending for several years. Could the Government explain where the revision process stands and the extent to which the draft amendments would ensure that Article 63 of the Act is consistent with the freedom of expression under the ICCPR?
79. Also related to the offenses noted in Table 22 and the *Social Order Maintenance Act*, among other provisions, para. 40 of the *NHRC ICCPR Opinion* notes the persistence of “abstract

clauses such as ‘endangering national security’ or ‘likely to undermine social stability’.” What guidelines does the Government have in place to ensure that such broad language, facially inconsistent with standards of legality under Article 19(3), is appropriately constrained? Has the Government engaged in any process to review whether such language could be modified to meet Article 19(3) standards?

80. Para. 42 of the *NHRC ICCPR Opinion* notes concerns dealing with speech involving “hostile external forces” and, in para. 43, recommends a “tiered response mechanism” to address such speech. To what extent has the Government, or is the Government, considering such approaches to ensure that the law is consistent with Article 19?
81. Paras. 243 and 244 of the *Fourth ICCPR Report* indicate basic data concerning broadcasting outlets. During the reporting period, has the Government taken any action to condition or limit licensing on grounds related to the content of programming by such outlets? Would it consider taking such action in the future, and under what provisions of the various broadcasting acts?
82. Para. 245 of the *Fourth ICCPR Report* indicates *Regulations Governing Distribution, Display and Exhibition of Mainland Chinese Films and Programs in Taiwan*. What rules guide the authorities’ evaluation of such programming? The Report indicates that several films and hundreds of radio/tv programs were approved; how many were disapproved, and on what grounds?
83. The International Review Committee in its Review of the Implementation of Children’s Rights (2022) concluded as follows: “The Committee recommends that when implementing its plans with respect to digital human rights, the Government: (a) takes into account the CRC Committee’s General Comment no. 25 on Children’s Rights in the Digital Environment; and (b) consistent with article 12 of the CRC.” These recommendations also pertain to the guarantees under Article 19 of the ICCPR. To what extent has the Government implemented or considered implementing these recommendations?
84. The International Review Committee (2022) in its review of the *Convention on the Rights of Persons with Disabilities*, para. 89 and para. 90, indicated concerns with respect to access to information of persons with disabilities. These recommendations also pertain to the guarantees under Article 19 of the ICCPR. To what extent has the Government implemented or considered implementing these recommendations?

Article 20

85. The Third Review (Note 88) recommended implementation of the obligations to prohibit by law propaganda for war and advocacy of national, racial or religious hatred that constitutes incitement to hostility, discrimination or violence. As of now, it seems that these obligations have not been implemented in law. The *Response Report* (para. 154) indicates that “conspiracy to start a war can be punished according to Article 153 of the Criminal Code,” but this is not clear from the text of the Code nor is it clear that such an offense is an implementation of the obligation to prohibit propaganda for war. Similarly, Taiwan’s *Genocide Act* seems limited to genocide, not “war” in the context of Article 20. Is the Government’s review thus considering express implementation of the Article 20(1) obligation to prohibit propaganda for war?

86. In connection with the previous paragraph, the *Response Report* also indicates that the Government was studying whether provisions were required to implement the obligations to address incitement to discrimination, hatred and violence under Article 20(2). Paras. 44-45 of the *NHRC ICCPR Opinion* details several gaps in the way the Ministry of Justice is considering new “hate speech” legislation and the “inconsistent enforcement” of incitement through several pieces of legislation. Does the Government anticipate preparing a plan of action or drafting legislation to implement expressly its Article 20(2) obligations (especially to define prohibitions on incitement), in keeping with the comments shared by the NHRC?
87. Does the Government document or otherwise maintain statistics on cases of incitement as defined in Article 20(2)?

Article 21

88. Para. 250 of the *Fourth ICCPR Report* notes that twenty-one assemblies were denied between 2020 and 2024. Could the Government provide information concerning the grounds for denial in each of those cases? In other cases that were permitted, did the Government impose conditions or restrictions in the context of the permits, or were some of them originally denied (and if so, on what grounds)? Could the Government provide information concerning such conditions or restrictions?
89. Para. 49 of the *NHRC ICCPR Opinion* notes that the Government’s language of “prohibited zone” and “security distance” tends to restrict assemblies and parades “around courts, government buildings, and other important public places,” inconsistent with “the spirit of Article 21 of the ICCPR and General Comment No. 37.” On what grounds does the Government impose broad prohibitions on such assemblies?
90. Para. 51 of the *NHRC ICCPR Opinion* notes a concern that on-site enforcement of rules pertaining to public assemblies varies according to “the personal judgment of commanding officers and lacks clear and consistent standards of discretion.” What standards apply, and what guidelines are disseminated to law enforcement, to ensure consistency of enforcement and consistency with international standards, including those in General Comment No. 37 and other standards, such as those identified in the OSCE/Venice Commission Guidelines on Freedom of Peaceful Assembly (3rd Ed. 2020) and the 2016 Joint Report of Special Rapporteurs on the proper management of peaceful assemblies (UN Doc. A/HRC/31/66)?
91. Paras. 53-56 of the *NHRC ICCPR Opinion* indicates concerns about the Government’s collection of data related to (1) enforcement of rules related to the *Assembly and Parade Act* and (2) incidents involving improper law enforcement action in the context of assemblies. How does the Government maintain such statistics, if it does at all? Could the Government share its extant statistics pertaining to both kinds of data for the period under review? Could the Government also share materials related to how it trains law enforcement officers in the context of managing peaceful assemblies?

Article 22

92. Para. 258 of the *Fourth ICCPR Report* indicates the existence of draft legislation providing for a move from the present system of Government approval of associations to a registration

system. Can you provide further details regarding how the new system is intended to operate, what essential thresholds and registration requirements are envisaged and the timeline for the adoption and implementation of the proposed legislation?

Article 23

93. Para. 278 of the *Fourth ICCPR Report* outlines the broad jurisdiction of the family courts and details the number of judges currently handling “domestic affairs” cases. Given concerns raised regarding the average length of time it takes to dispose of family law cases – which is significantly higher than civil law cases excluding family affairs - could you highlight whether expedited procedures exist to fast-track time-sensitive family law cases and whether the number of family court judges at first instance corresponds to the workload of those courts?
94. As per paras. 155-159 of the *Response Report*, it is highly commendable that several developments have taken place, facilitating the registration of same-sex marriages in Taiwan. However, the extent to which registration is possible for spouses from countries that do not recognize same-sex marriage remains unclear (see para. 273 of the *Fourth ICCPR Report* and paras. 158-159 of the *Response Report* in particular). Could you confirm that, following the 2023 Executive Yuan proposal, Taiwanese law now provides protection for the rights within marriage of married same-sex couples who choose to live together, regardless of whether their marriage is recognized by their country of origin?
95. As regards cross-strait same-sex marriages, could you explain the consequences of the Ministry of the Interior’s administrative directive from September 2024, which permits registration of such marriages provided a marriage certificate is provided in a third country? In particular, could you explain on what basis any differential treatment of such couples could be justified and considered proportionate given the facilities available in Taiwan to ensure the bona fides of such marriages and given the treatment of other heterosexual and same-sex couples?
96. In 2022 the Committee expressed concern that married same-sex couples are prevented from adopting children. It is highly commendable that, as per para. 160 of the *Response Report*, further accommodation of this right has been made. Could you provide information on the number of applications by same-sex couples for adoption since the changes introduced in 2023-2024 and the number of adoptions to same-sex couples which have been granted?
97. Could you indicate whether same-sex couples can have access to assisted reproductive technology in Taiwan on a similar basis to heterosexual couples?
98. As regards same-sex couples who have children conceived through assisted reproductive technology abroad could you explain how Taiwanese nationality and registration is achieved? In particular, is the only route for the non-gestational spouse to establish parental status via adoption and, after adoption, can the child in question be recognized as having Taiwanese nationality?

Article 24

99. Para. 288 of the *Fourth ICCPR Report* allows authorities to name children if parents fail to register births. How often does this occur, and what safeguards protect the child's right to a chosen name?
100. Related to the *Child and Youth Sexual Exploitation Prevention Act*, please provide data on investigations, prosecutions, convictions, psychosocial support, reparations, and evaluations of amendments.
101. In response to online sexual exploitation, how many takedown requests were issued, contested, or not complied with? What privacy safeguards exist for children?
102. In relation to increased penalties for crimes against children, has the Government assessed proportionality, preventive effect, and consistency with rehabilitation principles?
103. Para. 291 of the *Fourth ICCPR Report* notes that 30% of fatalities involved children previously known to authorities. What systemic shortcomings have been identified and addressed?
104. Please provide disaggregated data on beneficiaries of *Social Safety Net 2.0*, as well as types of assistance, outcomes, and programme evaluations.
105. In the context of the *Juvenile Justice Act* reforms, please clarify use of compulsory measures, access to legal representation, complaint mechanisms, and enforcement of non-restraint principles.
106. Please provide criteria for juvenile placement, duration, access to services, ability to challenge decisions, and post-discharge outcomes.
107. Clarify quality standards for residential and foster care, inspection frequency, complaint mechanisms, family reunification practices, and child participation in decisions.
108. In relation to infants living with incarcerated mothers, how many requests were approved or refused, on what grounds, and under what best-interests criteria?
109. Please provide updated data on stateless children, including:
 - (a) numbers and disaggregation;
 - (b) whether Taiwan plans to grant citizenship to children who would otherwise be stateless;
 - (c) reforms to prevent new cases of statelessness;
 - (d) access to education, healthcare, and services.
110. Concerning child trafficking, please provide data on investigations, prosecutions, convictions, penalties, victim support, detention of child victims, and implementation of the non-punishment principle.
111. How often are emergency shelter extensions requested and granted? Are children heard and represented? What safeguards prevent unnecessary institutionalization?
112. In relation to child labour enforcement, please provide data on prosecutions, deterrent effect of penalties, mechanisms to ensure schooling, repeat offenders, and monitoring of informal labour.
113. For youth workers (15–18), please clarify contract requirements, protections against exploitation, monitoring of compliance, and any reported cases of harm.

114. What mechanisms ensure that children can express their views and participate meaningfully in proceedings affecting them, as required by Article 24 and CRC Article 12?

Article 25

115. In the 2022 observations and recommendations, the Review Committee expressed concern about the absence of provision for absentee voting, postal ballots or polling booths in prisons and correctional facilities. In the absence of such measures, persons in detention are denied the exercise of their voting rights *de facto*, albeit not *de jure*. As detailed in para. 310 of the *Fourth ICCPR Report*, in 2024 57,699 persons accommodated in correctional facilities were unable to vote. What continued legal obstacles, if any, exist in Taiwan to the adoption of legislation providing for polling in correctional facilities or to the amendment of legislation requiring in-person voting?

116. What practical obstacles exist to the provision of correctional polling booths being installed? As regards any difficulties which prisoners may have obtaining relevant information during elections (para. 162 of the *Response Report*), could you provide information regarding the normal information channels open to prisoners when detained?

117. The *Fourth ICCPR Report* references the absence of a “specific consensus” following the prison visits in 2023 of the Central Election Commission but does not address the fact that Taiwanese citizens who are entitled, by national law, to vote, are denied from doing so as a result of a lack of State provision.

118. In 2022 the Committee recommended consideration of absentee voting for Indigenous peoples to ensure their effective political participation. Could you provide more detailed information regarding the draft law submitted by the Central Election Commission which might provide for the possibility of absentee voting for Indigenous peoples? What is the timeline for consideration of this draft legislation and, although absentee voting is a subject under review generally, what are the chances of this law being adopted relatively soon to respond to the concrete difficulties which affect the political participation of Indigenous peoples?

119. It is reported that, in December 2024, the *Act of the Council of Indigenous Peoples* was amended, providing that the Chair of the Council will alternate between highland and lowland indigenous peoples. In addition, it appears that changes have been made to how candidates are appointed (with recommendations made by indigenous peoples but appointment being decided by the Chair) and to the terms of the role of indigenous representatives (unpaid). Given the crucial role played by the Council, as emphasized in para. 166 of the *Response Report*, can you explain how these changes respect the self-determination of the Indigenous Peoples and facilitate the dialogue and legal changes necessary to ensure their effective political participation?